REGULAR MEETING AGENDA – AMENDED
Date: 10/27/2020
Time: 5:00 p.m.
Regular Meeting Location: Joinwebinar.com – ID# 269-218-723

This amended agenda includes an update to the title for item G4.

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

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online: menlopark.org/publiccommentOctober27*
  - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-5071*
  - Access the regular meeting real-time online at: joinwebinar.com – Regular Meeting ID 269-218-723
  - Access the regular meeting real-time via telephone (listen only mode) at: (914) 614-3221 Regular Meeting ID 601-741-509 (# – no audio pin)
    *Written and recorded public comments and call-back requests are accepted up to 1-hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
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may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Regular Meeting (Joinwebinar.com – ID# 269-218-723)

A. Call To Order

B. Roll Call

C. Public Comment

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

D. Report from Closed Session

E. Consent Calendar

E1. Accept the City Council meeting minutes for September 8, 15, 22 and October 16, 2020 (Attachment)

E2. Receive and file the investment portfolio review as of September 30, 2020 (Staff Report #20-236-CC)

F. Public Hearing

F1. Consider the Planning Commission's recommendation to approve the initial study and mitigated negative declaration, architectural control, use permit, vesting tentative map, and abandonment of Alto Lane, and consider the Planning Commission and Housing Commission's recommendation to approve the below market rate housing agreement, for the project at 201 – 211 El Camino Real and 612 Cambridge Avenue (Staff Report #20-240-CC) (Applicant Presentation) (Staff Presentation)

Web form public comment on item F1.

G. Regular Business

G1. Authorize the city manager to enter into a memorandum of understanding and drainage easement agreement for the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project (Staff Report #20-234-CC) (Presentation)

G2. Authorize the city manager to enter into an agreement to amend and restate the terms of an existing storm drain easement with Cargill (Staff Report #20-235-CC) (Presentation)

G3. Receive and file the preliminary year-end close for the fiscal year ended June 30, 2020, the budgetary update for the quarter ended September 30, 2020, the quarterly update of the City Council priorities and work plan, and service adaptation update for library and community services (Staff Report #20-233-CC) (Presentation)

G4. Provide direction on in-depth analysis of four policy options requiring a percentage of electric vehicle charging spaces at existing multifamily properties (Staff Report #20-239-CC)

H. Informational Items

H1. City Council agenda topics: November 2020 to December 2020 (Staff Report #20-231-CC)

H2. Update on draft changes to City Council procedures (Staff Report #20-232-CC)

H3. Acceptance into the Federal Emergency Management Agency community rating system (Staff Report #20-237-CC)

H4. Applications for community funding grants available through November 13, 2020 (Staff Report #20-238-CC)

I. City Manager's Report

J. Councilmember Reports

K. Adjournment

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

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

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.
Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/22/2020)

REGULAR MEETING MINUTES – DRAFT
Date: 9/8/2020
Time: 5:00 p.m.
Regular Meeting Location: Joinwebinar.com – ID# 368-932-883

Regular Meeting (Joinwebinar.com – ID# 368-932-883)

A. Call To Order

Mayor Taylor called the meeting to order at 5:12 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor (excused at 9:27 p.m.)
Absent: None
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Public Comment

- Thomas Wong commented on concerns regarding water bill charges.
- Heyward Robinson spoke in support of the ordinance banning gas-powered leaf blowers on spare-the-air days.

Web form public comment received on item C (Attachment).

D. Presentations and Proclamations

D1. Proclamation: National Preparedness Month September (Attachment)

- Lynne Bramlett spoke in support of national preparedness month.

Mayor Taylor read the proclamation (Attachment).

D2. Proclamation: National Suicide Prevention Awareness Month (Attachment)

Mayor Taylor read the proclamation (Attachment).

D3. Presentation: Fiscal year 2020-21 budget update

Assistant Administrative Services Director Dan Jacobson made the presentation (Attachment).

The City Council received clarification on City property, former redevelopment agencies, transient occupancy taxes and grants for childcare.

E. Study Session

E1. Receive an update on Menlo Park Municipal Water operations including revenues, rates, capital projects and billing services; provide direction on water rates (Staff Report #20-198-CC)

Assistant Public Works Director Chris Lamm made the presentation (Attachment).

- Victoria Robledo spoke on concerns regarding water billing discrepancies.
- Thomas Wong requested clarification on water meter charges, billing overages, and determination of tiers.
- Pamela Jones spoke on concerns related to the determination of tiers.

The City Council received clarification on outstanding payment amount totals, meter reading processes, tier applications, and the new water meter project installation. The City Council discussed the sale of the Menlo Park Municipal Water to Cal Water and how the proceeds of the sale could be utilized. The City Council received further clarification on the effects of the low-income program on the rate study and how it is funded. The City Council directed staff to proceed with rate study, researching low income programs and potential fund sources.

The City Council took a break at 7:40 p.m.

The City Council reconvened at 8:07 p.m.

F. Consent Calendar

F1. Accept the City Council meeting minutes for August 11 and 13, 2020 (Attachment)

ACTION: Motion and second (Nash/ Carlton) to approve the consent calendar, passed unanimously.

G. Regular Business – no staff presentations

G1. Approve Resolution No. 6549 updating the City's conflict of interest code (Staff Report #20-188-CC)

G2. Authorize the Mayor to sign a comment letter on the California High Speed Rail Authority draft environmental impact report/environmental impact statement for the San Jose-San Francisco project section (Staff Report #20-189-CC)

Web form public comment received on item G2 (Attachment).

- Marcey Abramowitz spoke in opposition of the of the project before the grade separation environmental impact report is completed.

G3. Adopt Resolution No. 6583 authorizing submittal of a Bureau of Reclamation water and energy efficiency grant application for the automated meter infrastructure project; authorize the public works director to execute the financial assistance agreement if awarded a grant (Staff Report #20-191-CC)

G4. Adopt Resolution No. 6584 supporting the Middle Avenue Pedestrian and bicycle rail crossing project and submitting an application for Measures A and W pedestrian and bicycle program funding (Staff Report #20-192-CC)

Web form public comment received on item G4 (Attachment).

- Jen Wolosin spoke in support of the Middle Avenue Pedestrian and bicycle rail crossing project.
- Adina Levin spoke in support of the Middle Avenue Pedestrian and bicycle rail crossing project.
- Katie Behroozi spoke in support of the Middle Avenue Pedestrian and bicycle rail crossing project.

G5. Authorize the city manager to execute funding agreements with the Metropolitan Transportation Commission for grant funding for the Bedwell Bayfront Park entrance improvements project (Staff Report #20-193-CC)

ACTION: Motion and second (Nash/ Carlton) to approve items G1. through G5., passed unanimously.

H. Regular Business

H1. Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program (Staff Report #20-196-CC)

Web form public comment received on item H1 (Attachment).

Assistant Community Development Director Deanna Chow made the presentation (Attachment).

- George Paplos spoke in support of options nos. 1 and 2.
- Katie Behroozi requested that the students traveling by bicycle in the area be taken into consideration.
- Adina Levin spoke in support of a street closure that assists the businesses and to consider children and multimodal transportation options.
- Fran Dehn spoke in support of the street closure and temporary outdoor use permits.
- Alex Beltramo spoke in support of the use of parklets and in opposition to the street closure.

The City Council discussed their experiences Downtown, suggested various alternatives for the street closure, expressed a desire to continue to support businesses with the permit process and provide barriers/barricades to merchants for their parklets.

Mayor Taylor exited the meeting.

ACTION: Motion and second (Carlton/ Combs) to adopt modified urgency ordinance to open the Northside (left side) of street to vehicular traffic, continue the street closure between Curtis Street and Doyle Street and Evelyn Street to Crane Street (Southside or right side), install temporary detour signage for bicycle traffic from Curtis Street to Doyle Street on Fridays from 4 p.m. through Sundays at 11:59 p.m., and to continue these changes and the outdoor use permit program through the end of February 2021, and to direct staff to work with businesses to create parklets and timing of commitment as needed, to complete the new configuration by October 1, 2020, and to return with bicycle traffic options, passed 4-0-1 (Taylor absent).

H2. Adopt Resolution No. 6585 authorizing the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc., to extend the term of the Belle Haven pool operations (Staff Report #20-194-CC)

The City Council received clarification on service dates.

ACTION: By acclamation, the City Council continued item H2., passed 4-0-1 (Taylor absent).

H3. Provide clarification on air quality monitoring sensor purchase, installation, and communication with SMCLabs (Staff Report #20-197-CC)

Assistant City Manager Nick Pegueros made the presentation.

- Katie Behroozi spoke in support of purchasing Purple Air air quality monitors.

The City Council discussed the vendors, Clarity and Purple Air, air monitors. The City Council directed staff cancel the purchase of the Purple Air monitors and withdraw the request of sending County a letter regarding the Clarity air monitor installation project.

ACTION: By acclamation, the City Council continued item H3. to a future meeting, passed 4-0-1 (Taylor absent).

ACTION: By acclamation, the City Council continued the meeting past 11 p.m., passed 4-0-1 (Taylor absent).

H4. Review and adopt the updated City Council procedures (Staff Report #20-195-CC)

The City Council received clarification on what activates the opening of a cooling center. The City Council directed staff to gather and utilize County Health's input.

- Pamela Jones spoke in support of the cooling centers activation procedure decreasing the 105-degree to 100-degree activation and increase communication with residents.

I. Informational Items

I1. City Council agenda topics: September 2020 to November 2020 (Staff Report #20-190-CC)

J. City Manager's Report

None.

K. City Councilmember Reports

City Councilmember Nash reported out on the Local Policy Group and Stanford Community Resource Group meetings.

City Councilmember Carlton reported on the Menlo Park Outdoor Art festival at Menlo College.

Vice Mayor Combs reported out on the Hometown Hero's event.

K1. Confirm voting delegate for the League of California Cities annual conference (Attachment)

ACTION: By acclamation, the City Council selected Mayor Taylor as the voting delegate and City Councilmember Carlton as the alternate, passed 4-0-1 (Taylor absent).

L. City Councilmember Requests

L1. Refocus City Council 2020-21 priorities and direct specific land use planning work (Staff Report #20-199-CC)

ACTION: By acclamation, the City Council continued item L1., passed 4-0-1 (Taylor absent).

M. Adjournment

Vice Mayor Combs adjourned the meeting at 11:30 p.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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- How to participate in the meeting
  - Submit a written comment online: menlopark.org/publiccommentSeptember8*
  - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-5071*
  - Access the regular meeting real-time online at: joinwebinar.com – Regular Meeting ID 368-932-883
  - Access the regular meeting real-time via telephone (listen only mode) at: (631) 992-3221 Regular Meeting ID 450-642-829 (# – no audio pin)
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SPECIAL MEETING MINUTES – DRAFT
Date: 9/15/2020
Time: 5:00 p.m.
Special Meeting Location: Joinwebinar.com – ID# 250-784-227

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Special Meeting (Joinwebinar.com – ID# 250-784-227)

A. Call To Order

Mayor Taylor called the meeting to order at 5:08 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Presentations and Proclamations

C1. Community land trusts

Executive Director of the Valley Community Land Trust (VCLT) Pam Dorr and Partner with Burlington Associates and consulting with VCLT Devika Goetschius (Attachment).

- Kevin Gallagher spoke in support of future discussion of community land trusts.

The City Council received clarification on the VCLT board appointments, comparison of below market rate (BMR) programs, and the relationship between the City and VCLT.

D. Regular Business

D1. Adopt Resolution No. 6585 authorizing the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc., to extend the term of the Belle Haven pool operations (Staff Report #20-202-CC) **– updated from the September 8, 2020 City Council meeting**

Library and Community Services Director Sean Reinhart made the presentation (Attachment).

- Julie Shanson spoke on concerns with the smart phone application reservation system.

The City Council received confirmation that the reservation mobile application issues had been resolved and that the baseline maintenance at pools is the City's responsibility. The City Council

discussed ways to prioritize access for residents, comprehensive outreach to residents, and signage to encourage usage. Tim Sheeper clarified hours of operation at both pools and the City Council discussed prioritized access for residents and a comprehensive outreach in Belle Haven neighborhood to be included in the amendment.

ACTION: Motion and second (Combs/ Nash) adopt Resolution No. 6585 authorizing the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc., to extend the term of the Belle Haven pool operations, direct staff to conduct outreach in the Belle Haven community for the Belle Haven pool, and for staff to explore resident preference, passed unanimously.

D2. Consider the term sheet, conceptual design and project review process of Facebook's offer to rebuild community facilities located at 100-110 Terminal Avenue (Staff Report #20-201-CC Informe de Personal #20-201-CC)

Web form public comment received for item D2 (Attachment).

Vice Mayor Combs was recused because Facebook is his employer and exited the meeting at 6:24 p.m.

Deputy City Manager Justin Murphy made the presentation (Attachment).

Facebook representative Fergus O'Shea, Facebook and Hart Howerton representative Eron Ashley made a presentation (Attachment).

- Pastor Terirrah McNair requested that notification to residents be sent further in advance.
- Julie Shanson spoke in support of the replacement of the Belle Haven pool and on concerns related to its location.

The City Council received clarification on the occupancy of each proposed building and rooms and pool funding. The City Council received confirmation that there is still room for expansion in the future and discussed the usage and prioritization of the pool by Menlo Park residents and investing in the facility as a Red Cross shelter.

ACTION: Motion and second (Carlton/ Taylor) approve the term sheet, conceptual design and project review process of Facebook's offer to rebuild community facilities located at 100-110 Terminal Avenue, explore adding the pool to the community amenities list, removal of the pool, adding secure facility for bicycles, and exploring a fossil fuel free facility, passed 4-0-1 (Combs recused).

The City Council took a break at 7:45 p.m.

The City Council reconvened at 8:17 p.m.

Vice Mayor Combs rejoined the meeting at 8:17 p.m.

D3. Review financial feasibility analysis of the City of Menlo Park's below market rate inclusionary rental housing requirements and adopt Resolution No. 6586 implementing below market rate in-lieu fee for rental housing (Staff Report #20-203-CC)

Deputy Community Development Director Rhonda and BAE representative Stephanie Hagar made the presentation (Attachment).

- Karen Grove spoke in support of using the study in conjunction with the housing element and in-lieu fee.
- Dennis Martin, representing the Building Industry Association, requested that action be deferred on the increased inclusionary percentages.

The City Council received clarification on point of indifference recalculations post-COVID-19 and the necessity and feasibility of completing those calculations. The City Council discussed projects effected by SB330, current projects under the specific plan, and impacts to BMR housing.

ACTION: Motion and second (Nash/ Carlton) adopt Resolution No. 6586 implementing below market rate in-lieu fee for rental housing, passed unanimously.

D4. Consider an update on the housing innovation fund and confirm use of the housing inventory and local supply study (Staff Report #20-204-CC)

ACTION: By acclamation, the City Council continued item D4., passed unanimously.

D5. Adopt Resolution No. 6587 to supersede Resolution No. 6490 to increase a loan to MidPen Housing from $6.7 million up to $9.331 million for an affordable housing development at 1317-1385 Willow Road (Staff Report #20-205-CC)

Deputy Community Development Director Rhonda Coffman and MidPen Manager made the presentation (Attachment).

- Karen Grove spoke in support of increasing the loan to MidPen for affordable housing development.
- Kevin Gallagher spoke in support of exploring low income housing ownership programs.

The City Council discussed prioritizing housing for people who work and live in Menlo Park and received clarification on how people working in Menlo Park have preference with the funding.

ACTION: Motion and second (Mueller/ Carlton) to adopt Resolution No. 6587 to supersede Resolution No. 6490 to increase a loan to MidPen Housing from $6.7 million up to $9.331 million for an affordable housing development at 1317-1385 Willow Road including prioritizing people who work and live in Menlo Park, passed unanimously.

D6. Approval of a retired annuitant employment agreement for the position of interim chief of police to carry out the duties and responsibilities of chief of police to work in a vacant position during the recruitment to permanently fill the vacancy and during an emergency to prevent stoppage of public business (Staff Report #20-206-CC)

Assistant City Manager Nick Pegueros introduced the item.

The City Council received clarification on the term of the agreement.

ACTION: Motion and second (Carlton/ Nash) to approve the retired annuitant employment agreement for the position of interim chief of police to carry out the duties and responsibilities of chief of police to work in a vacant position during the recruitment to permanently fill the vacancy and during an emergency to prevent stoppage of public business, passed unanimously.

E. City Council Initiated Items

E1. Refocus City Council 2020-21 priorities and direct specific land use planning work (Staff Report #20-199-CC) **– continued from the September 8, 2020 City Council meeting**

ACTION: By acclamation, the City Council continued item E1., passed unanimously.

~~E2. Purchase, install, and maintain picnic tables on closed sections of Santa Cruz Avenue (Staff Report #20-200-CC)~~

F. Adjournment

Mayor Taylor adjourned the meeting at 10:05 p.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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- How to participate in the meeting
  - Submit a written comment online: menlopark.org/publiccommentSeptember15*
  - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-5071*
  - Access the special meeting real-time online at: joinwebinar.com – Special Meeting ID 250-784-227

  Access the special meeting real-time via telephone (listen only mode) at:
  (415) 930-5321
  Special Meeting ID 862-669-295 (# – no audio pin)
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REGULAR MEETING MINUTES – DRAFT
Date: 9/22/2020
Time: 5:00 p.m.
Regular Meeting Location: Joinwebinar.com – ID# 824-212-843

Regular Meeting (Joinwebinar.com – ID# 824-212-843)

A. Call To Order

Mayor Taylor called the meeting to order at 5:05 p.m.

B. Roll Call

Present: Carlton, Combs (arrived at 5:18), Nash, Mueller, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Public Comment

None.

D. Presentations and Proclamations

D1. Certificate of Recognition: John Butler (Attachment)

Mayor Taylor read the certificate of recognition (Attachment).

John Butler accepted and made a presentation.

E. Consent Calendar

E1. Accept the City Council meeting minutes for August 18 and 25, 2020 (Attachment)

The City Council updated the language on the August 25, 2020 minutes, item F10., to include "…approved finance and audit committee workplan and not the parking lot items".

ACTION: Motion and second (Carlton/ Nash), to approve the consent calendar including the update to the August 25, 2020 minutes, passed unanimously.

F. Regular Business – no staff presentations

F1. Adopt Resolution No. 6588 to approve amendments to the salary schedule as of September 19, 2020 (Staff Report #20-209-CC)

The City Council received clarification on bargaining units and pensions.

ACTION: Motion and second (Nash/ Combs), to adopt Resolution No. 6588 to approve amendments to the

salary schedule as of September 19, 2020, passed unanimously.

F2. Adopt Resolution No. 6589 to amend the fiscal year 2020-21 budget to allocate carried over capital funds to capital improvement plan projects (Staff Report #20-215-CC)

ACTION: Motion and second (Carlton/ Combs), to adopt Resolution No. 6588 to amend the fiscal year 2020-21 budget to allocate carried over capital funds to capital improvement plan projects, passed unanimously.

F3. Review and confirm the need for continuing the local emergency (Staff Report #20-216-CC)

The City Council received clarification on the continuation of the declaration for funding.

ACTION: Motion and second (Nash/ Combs), to confirm the need for continuing the local emergency, passed unanimously.

F4. Amend the agreement with Black & Veatch Management Consulting to develop the 2021 Water rate study for Menlo Park Municipal Water (Staff Report #20-210-CC)

ACTION: Motion and second (Carlton/ Combs), to amend the agreement with Black & Veatch Management Consulting to develop the 2021 water rate study for Menlo Park Municipal Water, passed unanimously.

F5. Adopt Resolution No. 6590 proposing to abandon Alto Lane public right-of-way adjacent to 201 El Camino Real (Staff Report #20-217-CC)

Web form public comment on item F5 (Attachment).

- Steve Atkinson spoke in support of the abandonment.

The City Council discussed the value of property and the easement for public use to be abandoned. The City Council inquired about the proposed redevelopment project at 201 El Camino Real, including pedestrian access through the site and the public benefit proposed as part of the project. The City Council received clarification on the conditions and necessary approvals of an abandonment, with the project and action on the abandonment scheduled to return to the City Council on October 27, 2020, following Planning Commission review on October 5, 2020.

ACTION: Motion and second (Mueller/ Carlton), to adopt Resolution No. 6590 proposing to abandon Alto Lane public right-of-way adjacent to 201 El Camino Real, passed 4-0-1 (Combs abstaining).

F6. Appoint a new alternate representative to the County of Santa Clara Community Resources Group for Stanford University (Staff Report #20-211-CC)

ACTION: Motion and second (Mueller/ Carlton), to appoint Mayor Taylor as the alternate representative to the County of Santa Clara Community Resources Group for Stanford University, passed unanimously.

F7. Adopt Resolution No. 6591 authorizing the city manager to accept the MTC OneBayArea Grant in the amount of $647,000 and execute program supplement agreement No. 017-F with Caltrans and subsequent amendments necessary for the construction of the Santa Cruz and Middle Avenues street rehabilitation project (Staff Report #20-218-CC)

ACTION: Motion and second (Mueller/ Nash), to adopt Resolution No. 6591 authorizing the city manager to accept the MTC OneBayArea Grant in the amount of $647,000 and execute program supplement agreement No. 017-F with Caltrans and subsequent amendments necessary for the construction of the Santa Cruz and Middle Avenues street rehabilitation project, passed unanimously.

F8. Service adaptation update - childcare services (Staff Report #20-214-CC)

- Heather Hopkins spoke on the budget and advertisement opportunities for childcare.

The City Council received clarification on providers and childcare program enrollment. The City Council discussed the budget, surplus and deficit, for childcare services and reviewed table 2 in the staff report. The City Council directed staff to add Menlo Children's Center to the 4Cs (Child Care Coordinating Council).

The City Council took a break at 6:41 p.m.

The City Council reconvened at 7:12 p.m.

G. Regular Business

G1. Waive formal bid requirements and authorize the city manager to enter into a five-year agreement with OpenGov for financial accounting software-as-a-service for a total of $814,700 and appropriate funds (Staff Report #20-212-CC) (Presentation)

City Councilmember Mueller was recused because of a professional relationship with OpenGov and exited the meeting at 7:23 p.m.

Assistant Administrative Services Director Dan Jacobson made the presentation (Attachment).

The City Council received confirmation on subscription length and cost.

ACTION: Motion and second (Carlton/ Nash), to waive formal bid requirements and authorize the city manager to enter into a five-year agreement with OpenGov for financial accounting software-as-a-service for a total of $814,700 and appropriate funds, passed 4-0-1 (Mueller recused).

City Councilmember Mueller rejoined the meeting at 7:29 p.m.

G2. Reaffirm prior direction to acquire and install three air quality monitoring sensors and provide direction on use of data collected (Staff Report #20-208-CC)

Assistant City Manager Nick Pegueros made the presentation.

- Julie Shanson spoke in support of purchasing Purple Air air quality monitors.

The City Council discussed the differences between Purple Air and Clarity air monitors, reporting availability, consumer use on each website, and locations within the City for installation. The City Council also discussed the implementation of individual district budgets for similar projects in the future.

ACTION: Motion and second (Taylor/ Combs), to cancel the Purple Air air monitor order, passed unanimously.

The City Council took a break at 8:45 p.m.

The City Council reconvened at 8:52 p.m.

H. Informational Items

H1. Summary of options for forming re-districting commission following release of 2020 census information (Staff Report #20-207-CC)

- Helen Greico spoke in support of an independent commission.
- Jen Wolosin spoke in support of an independent commission.
- Adina Levin spoke in support of an independent commission.
- Pamela Jones spoke in support of an independent commission.
- Lynne Bramlett spoke in support of an independent commission.

The City Council received clarification on pending litigation regarding the Census deadline. The City Council discussed the options of advisory, independent, and hybrid commissions.

H2. City Council agenda topics: October 2020 to November 2020 (Staff Report #20-213-CC)

I. City Manager's Report

City Manager Starla Jerome-Robison reported out on the updated COVID-19 status of San Mateo County as level red.

I1. Update on Santa Cruz Avenue closure (Presentation)

- Fran Dehn spoke in support of time restrictions on Santa Cruz Avenue for bicycles.
- Adina Levin requested that multimodal transportation be considered.

The City Council received clarification on actions and direction City Council can take under this item. The City Council discussed alternatives to the closure approved on September 8, 2020 City Council meeting. The City Council directed staff to implement temporary “walk your bike” signs at Evelyn Street, Crane Street, Doyle Street, and Curtis Street, return with an ordinance amendment on October 6, 2020, and to implement by mid-October.

J. City Councilmember Reports

City Councilmember Mueller reported on a panel meeting for CalOES fire chief retirement September 22 (Zoom meeting ID 886-725-46392).

Mayor Taylor reported out on the Task Force on Homeless Encampment on Bayfront meeting in August.

City Councilmember Nash reported out on the District Sea Level Rise Group.

K. Adjournment

Mayor Taylor adjourned the meeting at 10:03 p.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online: menlopark.org/publiccommentSeptember22*
  - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-5071*
  - Access the regular meeting real-time online at: joinwebinar.com – Regular Meeting ID 824-212-843
  - Access the regular meeting real-time via telephone (listen only mode) at: (415) 655-0060
    Regular Meeting ID 449-349-599 (# – no audio pin)
    *Written and recorded public comments and call-back requests are accepted up to 1-hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
  - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto: Channel 26
  - Online: menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

SPECIAL MEETING MEETING - DRAFT
Date: 10/16/2020
Time: 2:45 p.m.
Special Meeting Location: Joinwebinar.com – ID# 284-115-803
Closed Session: Teleconference

Special Meeting (Joinwebinar.com – ID# 284-115-803)

A. Call To Order

Mayor Taylor called the meeting to order at 2:51 p.m.

B. Roll Call

Present: Carlton, Combs, Mueller, Taylor
Absent: Nash
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, Deputy City Clerk Neetu Salwan

C. Regular Business – no staff presentation

C1. Authorize the city manager to enter into a contract with Dudek to prepare an environmental impact report and housing needs analysis for the proposed mixed-use project at 123 Independence Drive for the amount of $251,701 and future augments as may be necessary to complete the environmental review and housing needs assessment for the proposed project (Staff Report #20-226-CC) **– continued from 10/13**

Senior Planner Tom Smith introduced the item.

ACTION: Motion and second (Combs/ Carlton), to authorize the city manager to enter into a contract with Dudek to prepare an environmental impact report and housing needs analysis for the proposed mixed-use project at 123 Independence Drive for the amount of $251,701 and future augments as may be necessary to complete the environmental review and housing needs assessment for the proposed project, passed 4-0-1 (Nash absent).

Mayor Taylor adjourned the regular meeting at 3:01 p.m. and called the closed session to order.

D. Closed Session

D1. Public employment (Gov. Code section 54957.) City attorney recruitment

E. Adjournment

Neetu Salwan, Deputy City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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- How to participate in the meeting •
    - Submit a written comment online: menlopark.org/publiccommentOctober16*

- Record a comment or request a call-back when an agenda topic is under consideration:
  Dial 650-474-5071*
  *Written and recorded public comments and call-back requests are accepted up to 1-hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Access the special meeting real-time online at:
  joinwebinar.com – Special Meeting ID # 284-115-803

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CITY OF MENLO PARK

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-236-CC**

Consent Calendar: **Receive and file the investment portfolio review as of September 30, 2020**

Recommendation

Staff recommends receipt and filing of the City's investment portfolio review as of September 30, 2020.

Policy Issues

The City and the Successor Agency funds are invested in full compliance with the City's investment policy and State law, which emphasize safety, liquidity and yield.

Background

The City's investment policy requires a quarterly investment report to the City Council, which includes all financial investments of the City and provides information on the investment type, value and yield for all securities.

Analysis

Investment portfolio as of September 30, 2020

The City's investment portfolio as of September 30, 2020, totaled $162,183,172. As shown below in Table 1, the City's investments by type are measured by the amortized cost as well as the fair value as of September 30, 2020. The Local Agency Investment Fund (LAIF) is considered a safe investment as it provides the liquidity of a money market fund. The majority of the remaining securities are prudent and secure short- and medium-term investments (1-5 years), bearing a higher interest rate than LAIF, and/or provide investment diversification.

Table 1: Recap of investments held as of September 30, 2020

Security	Amortized cost basis	Fair value basis	% of portfolio
LAIF	$ 74,999,557	$ 74,999,557	46.2%
Securities portfolio			
Corporate bonds	37,565,502	38,422,037	23.7%
Government agencies	35,766,006	36,803,687	22.7%
Government bonds	11,526,349	11,957,891	7.4%
Total	**$ 159,857,414**	**$ 162,183,172**	**100.0%**

As shown in Table 1, the fair value of the City's securities was $2,325,758 greater than the amortized cost as of September 30, 2020. The difference between amortized cost and fair value is referred to as an unrealized loss or gain, and is due to market values fluctuating from one period to another. It is important to note that any unrealized loss or gain does not represent an actual cash transaction to the City, as the City generally holds securities to maturity to avoid market risk.

The consolidated portfolio report for the quarter ending September 30, 2020, is included as Attachment A and each component is described in greater detail below.

LAIF

As previously shown in Table 1, 46 percent of the portfolio resides in the City's account at the LAIF, a liquid fund managed by the California State Treasurer, yielding 0.68 percent for the quarter ended September 30, 2020. In recent years, LAIF yields had been rising, but the shock of the pandemic resulted in rapidly dropping rates in recent months. Due to the liquidity of LAIF and based on uncertainty surrounding rates for longer-term securities, the City has kept a large number of funds in LAIF in recent years. However, the City does invest excess funds in other types of securities in an effort to provide diversification and guarantee rates from longer-duration investments.

Securities portfolio

As of September 30, 2020, the City held a number of securities in corporate bonds, government agency notes and government bonds and reflect a diversified mix in terms of type but all at low risk. Insight Investment serves as the City's financial adviser on security investments and makes recommended trades of securities, purchase and sale that align market conditions to the City Council adopted investment policy to the greatest extent possible. The Insight Investments quarterly statement for the period ended June 30, 2020, is provided in Attachment B. As shown on the quarterly statement, the return for the period ended September 30, 2020, on an amortized cost basis, was 0.49 percent. The positions the City held as of September 30, 2020, are included in Attachment C and summarized by industry in Attachment D.

Performance comparison

As specified in the City's investment policy, the performance of the portfolio is measured against the benchmark of a similar-length treasury bond. In the quarter ending September 30, 2020, the City's portfolio returned a weighted average of 1.34 percent with non-LAIF funds having a weighted average maturity of 2.04 years. The trailing 18-month period for a two-year treasury note saw a yield of 0.71 percent, or 0.63 percent lower than the City's portfolio performance.

Impact on City Resources

Due to the liquidity of LAIF accounts, the City has more than sufficient funds available to meet its expenditure requirements for the next six months.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. Insight Investments consolidated portfolio report for the quarter ended September 30, 2020
B. Hyperlink – Insight Investments advised funds quarterly report for the quarter ended September 30, 2020: menlopark.org/DocumentCenter/View/26515/Att-B-City-of-Menlo-Park-quarterly-investment-as-of-20200930
C. Hyperlink – Securities positions held by the City of Menlo Park as of September 30, 2020: menlopark.org/DocumentCenter/View/26513/Att-C-City-of-Menlo-Park-investment-positions-as-of-20200930
D. Hyperlink – Industry allocation report for securities positions held as of September 30, 2020: menlopark.org/DocumentCenter/View/26514/Att-D-Corporate-Industry-Allocation-Report---9-20xls

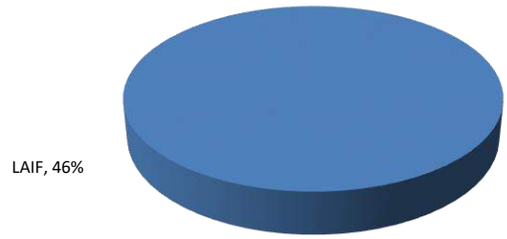
Report prepared by:
Dan Jacobson, Assistant Administrative Services Director

City of Menlo Park

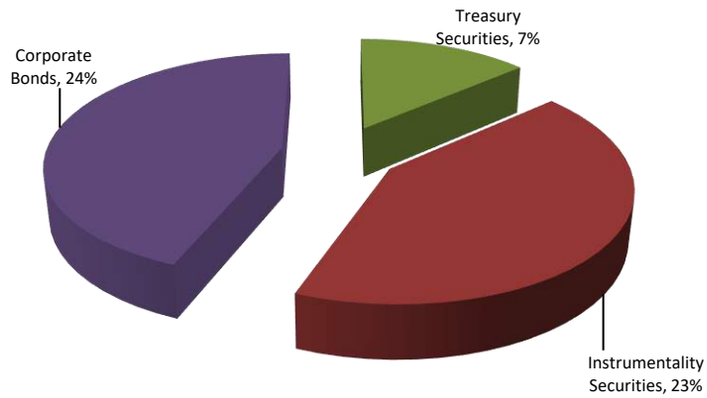
Quarterly Consolidated Portfolio Report

September 30, 2020

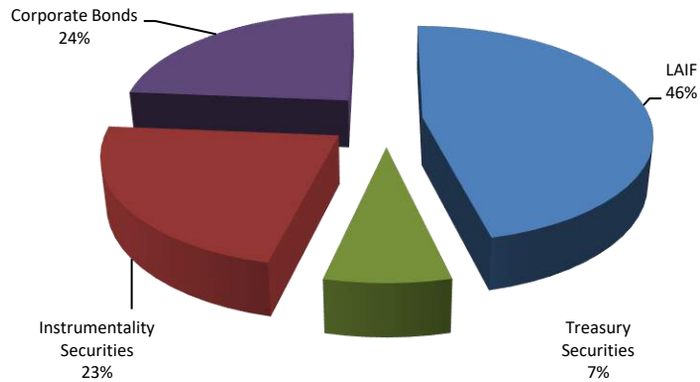
City Managed Assets			%	Return
LAIF	$	74,999,557	46%	0.68%
Total Internally Managed	**$**	**74,999,557**	46%	
Weighted Average Yield		**0.68%**		
			Days	
Effective Average Duration - Internal			1	
Weighted Average Maturity - Internal			1	



Advisor Managed Assets			%	Return
Treasury Securities	$	11,957,891	7%	1.89%
Instrumentality Securities	$	36,803,687	23%	1.88%
Corporate Bonds	$	38,422,038	24%	1.93%
Total Externally Managed	**$**	**87,183,615**	54%	
Weighted Average Yield		**1.90%**		
			Years	
Effective Average Duration - External			1.80	
Weighted Average Maturity - External			2.04	



Total Portfolio Assets			%	Return
LAIF	$	74,999,557	46%	0.68%
Treasury Securities	$	11,957,891	7%	1.89%
Instrumentality Securities	$	36,803,687	23%	1.88%
Corporate Bonds	$	38,422,038	24%	1.93%
Total Portfolio Assets	**$**	**162,183,172**		
Weighted Average Yield		**1.34%**		
			Years	
Effective Average Duration - Total			0.97	
Weighted Average Maturity - Total			1.10	



Portfolio Change		
Beginning Balance	$	154,633,500
Ending Balance	$	162,183,172

Yield Comparison	**2-Year Treasury**	**2-Year Treasury (18 Month Trailing)**
	0.15%	**0.71%**

* Note: All data for external assets was provided by the client and is believed to be accurate.
Insight Investment does not manage the external assets and this report is provided for the client's use.
Market values are presented.

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-240-CC**

Public Hearing: **Consider the Planning Commission's recommendation to approve the initial study and mitigated negative declaration, architectural control, use permit, vesting tentative map and abandonment of Alto Lane, and consider the Planning Commission and Housing Commission's recommendation to approve the below market rate housing agreement, for the project at 201 – 211 El Camino Real and 612 Cambridge Avenue**

Recommendation

The Planning Commission, Housing Commission, and staff recommend that the City Council make the necessary findings and take actions for approval of the project located at 201 – 211 El Camino Real and 612 Cambridge Avenue, as outlined in Attachment A. The specific entitlements and environmental review components are as follows:

1. Initial study and mitigated negative declaration (hereafter referred to as the MND) to analyze the potential environmental impacts of the proposed project, along with an associated mitigation, monitoring and reporting program (Attachment B);
2. Architectural control for compliance with specific plan standards and guidelines, including determination of a public benefit bonus to exceed the base level floor area ratio (FAR), density and number of units, for a three-story, mixed-use development consisting of retail and restaurant uses on the first floor and 12 residential units on the second and third floors, with a below-grade parking structure, in the SP-ECR/D (El Camino Real/Downtown specific plan) zoning district (Attachment C);
3. Use permit to demolish an existing one-story, four-unit residential development and construct two detached townhouses on a substandard lot with respect to lot width in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue (Attachment C);
4. Vesting tentative map to merge the existing SP-ECR/D lots, a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot;
5. Abandonment of Alto Lane, adjacent to the 201 – 211 El Camino Real and 239 – 251 El Camino Real properties (Attachment D); and
6. Below market rate (BMR) housing agreement for compliance with the City's BMR Housing program (Attachment E.)

Policy Issues

The proposed project requires the City Council to consider the merits of the project, including project consistency with the El Camino Real/Downtown specific plan and whether the proposed community benefits justify a public benefit bonus. As part of the project review, the City Council will need to make findings that adopt the initial study and mitigated negative declaration and a mitigation, monitoring and reporting program. Additionally, the City Council will need to consider requests for architectural control, a use permit, a vesting tentative map, and abandonment findings. Lastly, a resolution regarding the BMR housing agreement for the project will need to be considered. The policy issues summarized here are discussed in greater detail throughout the staff report.

Background

Site location

For purposes of this staff report, El Camino Real (California State Route 82) is considered to have a north-south orientation, and all compass directions referenced will use this orientation. The project site is located at the Northwest corner of El Camino Real and Cambridge Avenue, and is bounded by Cambridge Avenue to the south and El Camino Real to the east. The project site consists of two legal parcels that are located within the El Camino Real/Downtown Specific Plan area, zoned SP-ECR/D, a portion of Alto Lane to be abandoned between these two parcels, and a third legal parcel that is located outside the specific plan area and zoned R-3. A location map is provided as Attachment F. Table 1 summarizes the various areas of land that comprise the subject property.

Table 1: Project parcels

Address (current use/name)	Assessor parcel number	Area name	Existing zoning	Proposed zoning	Area
201 – 211 El Camino Real	**071-431-200**	**Lots 71/72**	**SP-ECR/D**	**SP-ECR/D**	**7,462 SF**
Surface parking lot	071-413-370	Lot 70	SP-ECR/D	SP-ECR/D	7,909 SF
Alto Lane (alley)	--	Alto Lane	No Zoning	SP-ECR/D	1,931 SF*
Total SP-ECR/D square footage	--	--	--	--	17,302 SF
612 Partridge Avenue	**071-413-380**	**Lot 69**	**R-3**	**R-3**	**7,923 SF**
Total site area	--	--	--	--	25,225 SF

* Alto Lane has a total area, between Cambridge and Partridge Avenues, of 2,431 square feet. Following the abandonment of Alto Lane, 500 square feet would be annexed to the adjacent property to the north, 239 – 251 El Camino Real, and the remaining 1,931 square feet would be annexed by the subject property.

The 201 – 211 El Camino Real property has a lot area of approximately 7,462 square feet, and is currently developed with a one-story (six-unit) commercial building that is approximately 6,032 square feet in size. Three of the commercial units are currently vacant, two of the units are occupied by non-medical offices, and a restaurant occupies one unit. The SP-ECR/D parcel to the west of Alto Lane is currently used as a private parking lot for the commercial building at 201 – 211 El Camino Real, with four spaces reserved for the 612 Cambridge Avenue property through a parking agreement. The project site also includes an approximately 7,923-square-foot parcel that is zoned R-3, with a one-story, four-unit residential building

and a detached accessory building. Combined, the project site is 25,225 square feet, and the existing buildings and site improvements would all be demolished as part of the proposed redevelopment of the project site.

The R-3 parcel located at 612 Cambridge Avenue would remain a separate parcel while the two SP-ECR/D parcels would be merged, along with a portion of Alto Lane. The R-3 parcel, hereafter referred to as 612 Cambridge Avenue, along with the merged parcels and portion of Alto Lane, hereafter referred to as 201 El Camino Real, would adhere to the respective zoning district regulations (setbacks, floor area ratio [FAR], etc.), although the proposed project would represent a unified proposal, with easements or similar mechanisms used to link certain elements, such as parking and access. In addition to merging the existing SP-ECR/D lots and abandoning a portion of Alto Lane, the vesting tentative map would create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot at 201 El Camino Real, and two townhouses on the second lot at 612 Cambridge Avenue.

Previous commission review

On July 22, 2019, the Planning Commission held a study session to provide feedback on the initial project proposal and the public benefit proposal. More details on the Planning Commission's feedback and how the comments have been addressed are summarized in the Planning Commission's October 5, 2020 staff report (Attachment G.)

On January 8, 2020, the Housing Commission considered a draft BMR housing agreement term sheet associated with the proposed project. At that time, the applicant was proposing to address the BMR requirement for 1.4 BMR units by providing two low-income rental units in the mixed-use building (including the 0.6 units proposed as the public benefit.) The Housing Commission voted unanimously to recommend approval (6-0-1, Commissioner McPherson absent) of the term sheet at this meeting.

On October 5, 2020, the Planning Commission unanimously recommended approval (4-0-1-2, Commissioner Kennedy recused and Commissioners DeCardy and Tate absent) of the MND, architectural control, use permit, vesting tentative map, and a revised BMR housing agreement to accommodate the applicant's updated proposal. In particular, the revised draft BMR housing agreement requires the two BMR units to be set aside for low-income households, whether rental or for-sale, and includes tenant protection measures, such as a right of first refusal and tenant relocation assistance, upon conversion to for-sale condominiums. The Planning Commission also unanimously determined (4-0-1-2, Commissioner Kennedy recused and Commissioners DeCardy and Tate absent) that the proposed public right-of-way vacation of Alto Lane adjacent to a portion of the site is consistent with the general plan. One person provided written and spoken comments at the Planning Commission meeting, expressing concern with the removal of a heritage coast redwood tree along the Cambridge Avenue frontage (tree No. 1.) A second written comment was read aloud related to the MND, from Caltrans District 4. This letter provided advisory comments about stormwater management practices and encroachment permit requirements for any proposed work occurring within Caltrans jurisdiction. The conditions of approval include requirements for stormwater best management practices, a stormwater operations and management agreement, and an encroachment permit for work in the El Camino Real right-of-way. The draft minutes of this meeting are included as Attachment H.

On October 7, 2020, the Housing Commission voted unanimously to recommend approval of the revised draft BMR agreement to the City Council for the two on-site BMR units. The staff report for this Housing Commission meeting is included as Attachment I. The applicant affirmed that the BMR units would be located in units 3 and 5, which would be two comparably sized units relative to the mixed-use building's unit stock. In addition, staff clarified the process for granting the right of first refusal to the BMR tenants, followed by choosing a low income tenant from the BMR ownership interest list, and then allowing the City to purchase the two BMR units if there are no prospective buyers.

Analysis

The City Council will be the final decision-making body on the MND, architectural control, use permit, vesting tentative map, BMR agreement, and abandonment of Alto Lane. The following sections discuss the various aspects of the proposed project. More detailed analysis of the project attributes can be found in the Planning Commission's October 5 staff report (Attachment G.) A data table for the project is provided in Attachment J, the project plans are provided in Attachment K, and the project description letter is provided in Attachment L.

The applicant is proposing a bonus level project. Table 2 includes a breakdown of land uses by square footage.

Table 2: Project breakdown

Component	Square feet	% of Overall project
Residential square footage (14 units)	20,929.3	72.5%
Restaurant use (one unit)	1,200.0	4.1%
Retail uses (up to three units)*	5,875.6	20.4%
Stair and common areas	841.6	3.0%
Total	**28,846.5**	**100.0%**

* Per the vesting tentative map, the applicant reserves the right to create between one and three retail units.

Restaurant and retail uses, along with residential units, are permitted uses in the El Camino Real mixed use land use designation.

Design and materials

The specific plan includes a detailed set of design standards and guidelines. Compliance with the standards and guidelines is evaluated in the standards and guidelines project compliance worksheet (Attachment O.) The following discussion highlights topics addressed in the standards and guidelines project compliance worksheet, and a more detailed discussion can be reviewed in the Planning Commission's October 5 staff report. As specified by the specific plan, the development would be required to achieve LEED (Leadership in Energy and Environmental Design) silver certification (condition 7b.)

Design program and concept

The project would be comprised of two components. The first component would be at the 201 El Camino Real property and include a 25,282-square-foot, three-story mixed-use building over a two-level underground garage with 59 parking spaces.

The ground floor of the mixed-use building would have 7,076 square feet of commercial use space (restaurant and retail spaces), a residential lobby fronting Cambridge Avenue, a shared circulation area, and some service spaces (e.g., a trash and recycling room.) The commercial spaces would include a 5,876-square-foot retail space that would front both El Camino Real and Cambridge Avenue and a 1,200-square-foot restaurant space that would face the rear of the lot and the right side of the 612 Cambridge Avenue property.

The upper two levels of the mixed-use building would have 12 residential units (six on each level and all single story.) Six units would be one-bedroom and six would be two-bedroom units. The cumulative residential floor area on all levels would be 17,365 square feet, exclusive of circulation space shared with commercial uses.

The second project component would be at 612 Cambridge Avenue. The right property line of this 7,923-square-foot property abuts 201 El Camino Real's rear lot line. This property would have two free-standing townhouses, one set behind the other, as seen from Cambridge Avenue, with a total of 3,564 square feet of total gross floor area. The development on this parcel would adhere to the standard R-3 zoning district requirements, with a 0.45 maximum FAR and a parcel-size-based limit of two dwelling units. The two residences would be distinct visually, and would serve as a visual transition between the denser mixed-use building and the lower density, mostly one-story single-family residences along Cambridge Avenue. Four parking spaces are required to serve the two townhouses, and be located in the underground garage of 201 El Camino Real.

Architectural character, materials, and detailing

The mixed-use building's architectural character would be inspired by Spanish revival, but with a somewhat more modern treatment to some elements. Roofline color and form differences would be used to the west side of the building break to make the structure look less like one large building. Overall, the proposal would be responsive to requirements of the specific plan and result in a building that would be well-scaled for a structure transitioning between the El Camino Real arterial and the residential Allied Arts neighborhood that adjoins it. The forms, roof edges, windows, balconies, and other details would support the Spanish revival style of the buildings and would have some modern treatments that appear cohesively blended with stylistic detailing. All sides of the buildings have been given a design treatment, so there would not be blank walls or other unsightly conditions. The building materials would be high quality with appropriate finishes and a careful use of color.

Additionally, the parking garage would be underground, and the car entry point would be as far back on Cambridge Avenue as possible, to accommodate the preservation of the adjacent heritage redwood tree. The storefronts and wall architecture at the street level would establish a pleasant pedestrian experience. The open space areas have been integrated into the project as useful outdoor space and the landscaping adds to both the site usage and building walls (e.g., with the green-screen wall treatment.)

Parking and circulation

Vehicular

The two-level underground garage on the 201 El Camino Real site would provide all of the required off-street parking for the linked development. As part of the covenants, conditions, and restrictions (CC&Rs) for the proposed project, easements or similar mechanisms, such as agreements with posted signage, would ensure that the residents of 612 Cambridge Avenue would retain rights for parking and access, even if the properties are subsequently sold. Covered parking and associated circulation (elevators/stairs) is exempt from the FAR calculations.

The garage would be accessed by a single driveway near the center of the overall project site. The development would provide parking at the following minimum ratios, as required by the specific plan and the zoning ordinance, and as shown in Table 3:

Table 3: Parking

	201 El Camino Real	612 Cambridge Avenue
Residential	1.85 spaces per unit (23)	2 spaces per unit (4)
Retail	4.0 spaces per 1,000 square feet of gross floor area (24)	n/a
Restaurant	6.0 spaces per 1,000 square feet of gross floor area (8)	n/a

A total of 59 parking spaces would be provided in the underground garage, with a total of 10 electric vehicle charging stations for the project.

Bicycle

The project would provide required bicycle parking for the 201 El Camino Real uses, in both short-term and long-term configurations. The 612 Cambridge Avenue parcel does not have any bicycle parking requirements. Short-term bicycle parking would be provided via racks in two locations: 14 spaces would be provided in the landscaped walkway on the 612 Cambridge Avenue property, near Cambridge Avenue, and six spaces would be provided along the right side of the mixed-use building, closer to the proposed restaurant space. Long-term bicycle parking, comprising 18 lockers, would be located in the lower garage level.

Pedestrian

For the 201 El Camino Real property, the specific plan specifies that the El Camino Real sidewalk should have a 12-foot total width, made up of a four-foot furnishings zone and an eight-foot clear walking zone. As shown on the site plan and landscape plan, trees and bicycle racks would be located in the improved furnishings zone, and a minimum of eight feet (and up to 12 feet, at times) of unobstructed sidewalk width would be provided on the interior side of the furnishings zone. The project also includes a 12-foot sidewalk along the Cambridge Avenue frontage. Additionally, as shown in the proposed site plan, the applicant is proposing a raised crosswalk extending across Cambridge Avenue and providing an ADA-compliant (Americans with Disabilities Act) crosswalk.

Open space, trees and landscaping

The 201 El Camino Real portion of the project would exceed the ECR SW minimum open space requirement of 30 percent of the lot, with 47 percent proposed. Most of the open space would be common space at ground level, generally wrapping around the perimeter of the mixed-use building, along with various landscaped and walkway areas. Private residential balconies for each of the 12 units within the mixed-use building would also count toward this requirement, as they would provide usable open space.

The 612 Cambridge Avenue portion of the project would likewise exceed the R-3 requirement of 45 percent landscaping, with 72 percent proposed. This parcel's open space would benefit from the landscaped walkway, which is a public service easement (PSE) that would preserve more open space along the right side of the property. The two units at 612 Cambridge Avenue would each have ground level private patio and yard space as well.

As part of the project, two on-site heritage trees and three non-heritage trees would be removed, including two street trees located on the existing sidewalk of El Camino Real. Although in good health, the removal of tree #1 (redwood tree) along Cambridge Avenue allows the footprint of the proposed underground parking garage. However, the applicant has worked with the city arborist to preserve another heritage coast redwood tree, tree No. 2, which requires a rerouting of the parking garage driveway around the tree and its root system. The second heritage redwood tree (tree #5) proposed for removal is located near the center of project site. The city arborist approved the heritage tree removal permits for the removal of the two redwood heritage trees. A 15-day appeal period lasted from June 25, 2020 to July 10, 2020, and no appeals were filed.

The project plans include a landscape plan, which shows several new street trees along the El Camino Real and Cambridge Avenue frontages. In particular, two Columbia sycamore street trees would be planted along El Camino Real and seven Chinese pistache street trees would be planted along Cambridge Avenue. In addition, several trees would be planted along both sides of the 612 Cambridge Avenue property to complement the remaining trees, for added privacy, in addition to landscaping along the public walkway. Many of the existing trees would remain and enhance the aesthetic features and overall landscaping quality for the site, in addition to providing privacy screening throughout the site. Additional landscaping would also be added around the perimeter of the mixed-use building. All new on-site trees would be a minimum 24-inch box size, and the new street trees would be a 36-inch box size. All landscaping on the site would be required to meet the City's water-efficient landscaping requirements. All existing trees would be protected by implementing measures identified in the arborist report (Attachment P) for the project.

Public benefit bonus

The specific plan establishes two tiers of development:

- Base: Intended to inherently address community goals, such as: encourage redevelopment of underutilized parcels, activate train station area and increase transit use, and enhance downtown vibrancy and retail sales.
- Public benefit bonus: Absolute maximums subject to provision of a negotiated public benefit. In particular, a public study session is required prior to a full application, and has to be informed by appropriate fiscal/economic analysis.

Past public benefit bonus approvals include the hotel conversion project at 555 Glenwood Avenue, the office project at 1010-1026 Alma Street, the Park James hotel at 1400 El Camino Real, and the mixed-use Station 1300 project with office, residential, and community-serving uses.

The proposed development at the 201 El Camino Real property would be at 1.46 FAR at the public benefit bonus level, and would exceed the base level density/intensity standards of 1.10 FAR. Table 5 provides information of the maximum FAR and density at the base and bonus levels, as compared with the proposed project.

Table 5: Base and bonus development potential			
	Base level	Proposed project	Bonus level
Maximum FAR	19,032.2 SF (1.1 FAR)	25,282.5 SF (1.46 FAR)	25,953.0 SF (1.5 FAR)
Maximum density	25 du/ac	31 du/ac	40 du/ac

The applicant is proposing to provide two full BMR housing units, with 0.6 of those units representing the public benefit, as only 1.4 BMR units are required based on current BMR regulations.

A public benefit analysis (Attachment M) was prepared for the Planning Commission's July 2019 study session. The analysis evaluates different scenarios at the base and bonus level, and identified that development at the base level was generally infeasible. Depending on the bonus level scenarios, the increase in residual project value attributable to the public benefit ranges from approximately $868,000 for to $1.7 million. The proforma analysis indicates that none of the development scenarios evaluated as part of this analysis provide significant excess developer profit to support additional community benefits contributions beyond the fractional BMR unit that the project applicant has proposed.

Staff believes the public benefit proposal to provide the additional 0.6 BMR units would help address the Commission's stated desire to see more affordable housing in this area. The Specific Plan lists "affordable residential units" as one potential public benefit. Further, the applicant is ensuring in the BMR Housing Agreement that when the BMR units transition from rental to for-sale, the for-sale units would remain reserved for low income households, which is more restrictive than the City's BMR guidelines requirements.

With the change in the BMR housing agreement to accommodate a change from rental to for-sale condominiums, along with the sale of the BMR units to low-income households, the public benefit of 0.6 BMR units was again analyzed in September 2020 (Attachment N.) It was determined that these changes, along with the changes in land use, would not materially affect the findings from the earlier study. This memo does clarify, however, that it does not account for such changes as rental rates, sales prices, or construction costs that may have occurred since the 2019 analysis.

Abandonment of Alto Lane

The applicant is also requesting that the City abandon the Alto Lane public right-of-way adjacent to the 201 – 211 El Camino Real property, and neighboring 239 – 251 El Camino Real property (site of the former Oasis restaurant) to accommodate the proposed mixed use development. Alto Lane is a public

right-of-way that runs parallel to El Camino Real along certain blocks between Middle Avenue and Creek Drive. This particular portion of Alto Lane is approximately 2,431 square feet, is not a through street and ends midblock, where it currently terminates facing the parking lot for the 239 – 251 El Camino Real property. The City's public street easement for Alto Lane was acquired through dedication of an easement during the Stanford Park subdivision in 1913. The City does not own Alto Lane in fee, and the City did not pay to acquire the easement. The underlying property owner retains title, subject to the public right-of-way easement. Streets and Highways Code Section 8351 provides that where the city owns only an easement, which is the case with Alto Lane, upon vacation, title to the property is free from the easement. The City Council approved a similar abandonment of a portion of Alto Lane between College Avenue and Partridge Avenue in 2013 as part of the 389 El Camino Real residential project. There is no prospective use for the easement given the proposed project intends to relocate utilities and establish a new PSE.

A new PSE would be dedicated within the project site to accommodate public utilities and public access. The applicant will be relocating the existing public utilities on Alto Lane, which include the following:

- A stormwater line,
- A Calwater water line, and
- A West Bay Sanitation District sewer line.

The utility companies have no objection to the Alto Lane abandonment as long as their utilities are relocated to the new PSE. All existing utilities on Alto Lane will be relocated to the new PSE as part of the development of the 201 El Camino Real project, at the applicant's expense. The owner of the adjacent 239 – 251 El Camino Real property does not object to the proposed abandonment and that small part of Alto Lane adjacent to 239 – 251 El Camino Real would also become free of the public right-of-way easement.

Abandonment procedure

The applicable abandonment procedure is a three-step process that first requires that the City Council adopt a Resolution of Intent to abandon the public right-of-way and easements. At the Sept. 22, 2020 City Council meeting, the City Council adopted a resolution to initiate the abandonment process. As stated earlier, at its October 5, 2020 meeting, the Planning Commission made a determination that the proposed abandonment would be compatible with the general plan. The City Council's final action is to review and decide whether to adopt the proposed resolution to abandon a portion of Alto Lane (Attachment D.) This resolution states that, prior to the abandonment of Alto Lane, all existing utilities would be required to be relocated, explicitly requiring a new public service easement on site to maintain all utilities displaced by the abandonment.

Vesting tentative map

The applicant is requesting approval of a vesting tentative map for a major subdivision to merge the two existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot. The 201 El Camino Real parcel, portion of Alto Lane, and the associated parking lot would be merged so that the proposed improvements would not cross any property lines. The potential condominium subdivision would allow the individual residential units to be bought or sold independently. A lot line adjustment between the subject property and the adjacent property at 239-251 El Camino Real would also occur, but there would be no change in overall square footage.

State law outlines factors that the City Council may consider in reviewing the request for subdivisions like this vesting tentative map. Specifically, there are five factors for the City Council to consider.

The first consideration is whether the proposed vesting tentative map is in conformance with the City's general plan. The general plan land use designation for the subject property is split between the El Camino Real/Downtown specific plan for the 201 El Camino Real property and medium density residential (RM) for the 612 Cambridge Avenue property. The proposed subdivision would comply with the zoning ordinance and subdivision ordinance and would not conflict with general plan goals and policies, including, but not limited to the following:

- 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 (Policy LU-2.9.)
- Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors (Goal LU-3.)
- 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 (Policy LU-5.2.)

The second factor to consider is whether the site of the subdivision is physically suitable for the proposed type or density of the development. The proposed subdivision would meet all applicable regulations of the subdivision ordinance as well as all development regulations pertaining to the plan and R-3 district within the zoning ordinance.

The third and fourth factors are concerned with whether the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or serious public health problems. The proposed subdivision is located within a fully developed neighborhood and all necessary utilities are readily available. In addition, the development of the properties would need to adhere to specific conditions of the engineering division, all applicable building codes, and requirements of other agencies such as the Sanitary District, Menlo Park Fire Protection District, and other utility companies. Adherence to the recommended conditions of approval and all applicable codes would eliminate substantial or serious environmental or public health impacts. Lastly, the project would be required to complete the mitigation measures provided in the mitigation, monitoring, and reporting program (MMRP), and these measures would minimize all potential environmental impacts to a less-than-significant level.

The final factor to consider is whether the proposed vesting tentative map would conflict with any public access easements. The project is required to provide a PSE to contain all utilities for the proposed development, prior to final map approval and per condition 7h(iii) of Attachment C.

Staff has reviewed the vesting tentative map and has found the map to be in compliance with State and City regulations subject to the conditions outlined in Attachment A. All standard and project specific conditions of approval would need to be complied with prior to recordation of the final map. The applicant would need to apply for the final map within two years of the approval date of the vesting tentative map. In order to deny the proposed subdivision, the City Council would need to make specific findings that would identify conditions or requirements of the State law or the City's ordinance that have not been satisfied.

Below market rate (BMR) housing

The applicant is required to comply with Chapter 16.96 of City's Municipal Code ("BMR Ordinance"), and with the BMR housing program guidelines adopted by the City Council to implement the BMR ordinance ("BMR Guidelines") as the project would include five or more residential units.

To comply with the City's BMR requirement, the applicant is proposing 1.4 BMR units on site or 10 percent of the total number of units. When a requirement involves fractional units, the payment of the in-lieu fee for that portion of the requirement may be appropriate. The applicant has proposed to provide two BMR units on site, instead of one unit and the payment of the in-lieu fee for the fractional units. Both of these units are proposed to be low income, which would be for households earning up to 80 percent of the area median income (AMI.) The BMR guidelines require rental units to be affordable to low-income households but allows for-sale units to be affordable to moderate-income households. The applicant is proposing that the two units be affordable to low-income households whether rented or sold. The applicant is seeking to have the additional 0.6 BMR units above the 1.4 required units be counted as their public benefit.

The 14 residential units would initially be rented, with an option to convert the project to a for-sale condominium development at some point in the future. In the event of the conversion from rental to for-sale residential units, the BMR housing agreement (Attachment Q) states that the two BMR units would remain reserved for low income households to purchase. The BMR housing agreement also provides for a right of first refusal for the low-income rental tenants and relocation assistance. The Planning Commission and Housing Commission both recommended approval of the BMR housing agreement to include a provision for rental and for-sale scenarios for the two BMR units at their October 5, 2020 and October 7, 2020 meetings, respectively.

Correspondence

As of the preparation of this staff report, staff has received one letter of correspondence (Attachment R) since the most recent Planning Commission meeting. This letter seeks to appeal the Planning Commission recommendations from the October 5 meeting, specifically expressing concerns with the proposed removal of a heritage coast redwood tree (tree No. 1.) It is not possible to appeal Planning Commission recommendations, but this comment can be reviewed as part of the City Council's deliberation on the item. In particular, the comment letter requests that the building footprint be reduced or shifted away from the tree by 16 inches, to potentially allow for the preservation of tree No. 1.

Conclusion

Staff believes that the proposal would produce a visually refined architectural style, with Spanish/Monterey facades that feature a modern connection. Material variation and landscaping would supplement the development of the forms. Underground parking would have a positive impact on the overall character of the site development. The abandonment of Alto Lane provides the site with flexibility to create a cohesive project. The proposal would adhere to the extensive standards and guidelines established by the specific plan, as verified in detail in the standards and guidelines compliance worksheet (Attachment O.)

Vehicular and bicycle parking requirements would be met, and the development would also provide a positive pedestrian experience. New trees and landscaping would be planted throughout the site, and the open space for both parcels would exceed the minimum standards. The provision of two BMR units, as

low income through the rental and for-sale phases of the project, would exceed the minimum BMR requirements, and staff believes this would be a public benefit. Staff and the Housing and Planning Commissions recommend that the City Council approve the project per the conditions outlined in Attachment A.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the City's master fee schedule, to fully cover the cost of staff time spent on the review of the project. In addition, the proposed development would be subject to payment of transportation impact fee (TIF), the recreation in-lieu fee, building construction street impact fee, and the specific plan preparation fee.

Environmental Review

An initial study and mitigated negative declaration, collectively referred to as the MND, have been prepared and circulated for public review in compliance with the California Environmental Quality Act (CEQA.) The public review period began on September 3, 2020 and ended on October 2, 2020. The MND is included as Attachment S. As stated in the correspondence section, one question pertaining to the MND was received from Caltrans District 4, along with one additional comment regarding a matter of clarification, and staff addressed the matter.

The MND analyzes the potential environmental impacts of the project across a wide range of impact areas. In general, the MND determines that the development on the 201 El Camino Real property (which is entirely zoned within the El Camino Real/Downtown specific plan) is consistent with the program environmental impact report (EIR) that was prepared for the specific plan and the program EIR for the general plan update, and that the development on 612 Cambridge Avenue (which is in the R-3 zoning district) represents a minimal change since the removal of the four onsite units would result in two residential units that would comply with all R-3 zoning regulations. Additionally, the project would yield 10 net new residential units across the two properties as a whole.

Relevant mitigation measures from the specific plan environmental impact report (SP EIR) and general plan environmental impact report (GP EIR) have been applied and would be adopted as part of the MMRP, which is to be included with the project's discretionary actions (Attachment B.) Full compliance with the MMRP would be ensured through the conditions of approval. Mitigations include construction-related best practices regarding air quality and noise, air filtration for the residential units, payment of transportation impact-related fees (condition 7i(i)), protection of biological and archeological resources, preparation of a Phase I site assessment and implementation of a transportation demand management (TDM) program. The MMRP also includes two fully completed mitigation measures relating to cultural resources. For SP EIR Mitigation Measure CUL-1: due to the age of the structures being greater than 50 years, a historic resource evaluation was conducted by a qualified architectural historian and concluded that the structures located at 201 El Camino Real and 612 Cambridge Avenue are not historic resources. For SP EIR Mitigation Measure CUL-2a: a cultural resources study was performed by a qualified archaeologist/cultural resources professional and it determined that the proposed project would have no impact on cultural resources. All studies and documents are available for review upon request. No new significant impacts have been identified for the proposed project.

Specific plan maximum allowable development

Per Section G.3, the specific plan establishes the maximum allowable net new development as follows:

Residential uses: 680 units; and

Non-residential uses, including retail, office and hotel: 474,000 square feet.

These totals are intended to reflect likely development throughout the specific plan area. As noted in the Plan, development in excess of these thresholds would require amending the specific plan and conducting additional environmental review.

If the project is approved and implemented, the specific plan maximum allowable development would be revised to account for the net changes on the 201 El Camino Real parcel as follows in Table 6:

Table 6: Specific plan maximum allowable development

	Dwelling units	Commercial square footage
Existing	0	6,000 sf
Proposed	12	7,076 sf
Net change	12	+1,076 sf
% of maximum allowable development	1.8%	0.2%
Available units and commercial SF in SP if project is approved	171	63,050 sf
Available units and commercial SF in SP if all pending projects in SP are approved	162	51,245 sf

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property. For the abandonment of Alto Lane, public works staff posted three conspicuous notices no more than 300 feet from a minimum of three locations. An affidavit of posting was filed with the city clerk by the engineering division following the posting. For the heritage tree removal permit, the city arborist also posted a conspicuous notice on site and provided notification by mail of owners and occupants within a 300-foot radius of the subject property.

Attachments

A. Recommended actions
B. Draft Resolution No. 6594 adopting findings required by the California Environmental Quality Act, a mitigation, monitoring, and reporting program, and the initial study and mitigated negative declaration
C. Draft Resolution No. 6595 approving the findings and conditions for architectural control, use permit, and vesting tentative map
D. Draft Resolution No. 6596 approving the abandonment of Alto Lane

E. Draft Resolution No. 6597 approving the BMR agreement
F. Location map
G. Hyperlink: Planning Commission Staff Report, October 5, 2020 – https://www.menlopark.org/DocumentCenter/View/22385
H. Planning Commission excerpt minutes, October 5, 2020
I. Hyperlink: Housing Commission Staff Report, October 7, 2020 – https://www.menlopark.org/DocumentCenter/View/26280/D3-20-006-HC---201-ECR---Staff-Report
J. Data table
K. Project plans
L. Project description letter
M. Analysis of proposed public benefit for July 2019
N. Public benefit analysis memo for September 2020
O. Specific plan standards and guidelines compliance worksheet
P. Arborist report
Q. Draft BMR housing agreement
R. Correspondence
S. Hyperlink: 201 El Camino Real and 612 Cambridge Avenue initial study and mitigated negative declaration – https://menlopark.org/DocumentCenter/View/26064

Disclaimer

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

Exhibits to Be Provided at Meeting

None.

Report prepared by:
Matt Pruter, Associate Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director

Attachment A
Recommended Actions
201-211 El Camino Real and 612 Cambridge Avenue Project

Environmental Review

1. Adopt a Resolution of the City Council of the City of Menlo Park Adopting Findings Required by the California Environmental Quality Act, the Initial Study and Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment B).

Architectural Control, Use Permit, Vesting Tentative Map, and Abandonment of Alto Lane

2. Adopt a Resolution of the City Council of the City of Menlo Park Approving Findings and Conditions for the Architectural Control, a Use Permit, and a Vesting Tentative Map for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment C).
3. Adopt a Resolution of the City Council of the City of Menlo Park Ordering the Vacation and Abandonment of Alto Lane, Public Right-Of-Way Adjacent to the Property at 201-211 El Camino Real and 239-251 El Camino Real (Attachment D).

Below Market Rate (BMR) Housing Agreement

4. Adopt a Resolution of the City Council of the City of Menlo Park Approving the Below Market Rate Housing Agreement and Declaration of Restrictive Covenants between the City of Menlo Park and HuHan Two, LLC for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment E).

DRAFT – RESOLUTION NO. 6593

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT LOCATED AT 201-211 EL CAMINO REAL AND 612 CAMBRIDGE AVENUE

WHEREAS, HuHan Two, LLC ("Applicant") submitted an application to construct a project of approximately 28,847 square feet (sf) of mixed uses within three buildings (the "Project") in the City of Menlo Park ("City"); and

WHEREAS, the City released an Initial Study and Mitigated Negative Declaration for the Project on September 3, 2020 for a 30-day public review period, which ended on October 2, 2020; and

WHEREAS, the California Environmental Quality Act ("CEQA", Pub. Resources Code Section §21000 et seq.) and CEQA Guidelines (Cal. Code of Regulations, Title 14, §15000 et seq.) require analysis and a determination regarding the Project's environmental impacts and mitigation measures; and

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

WHEREAS, a duly and properly noticed public hearing was held before the City Planning Commission on October 5, 2020; and

WHEREAS, the City Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend to the City Council to make the findings and take the actions required by CEQA with respect to the Initial Study and Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program; and

WHEREAS, the City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to make the findings and take the actions required by CEQA with respect to the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby makes the following findings and takes the following actions with respect to the Initial Study and Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program prepared for the Project:

I. INTRODUCTION

The Project site consists of adjacent properties located at 201-211 El Camino Real, 612 Cambridge Avenue and a portion of Alto Lane. The property located at 201-211 El Camino Real is located in the El Camino Real/Downtown Specific Plan (Specific Plan) area and is zoned within the Specific Plan as ECR-SW (El Camino Real South West). The property located at 612 Cambridge Avenue is not located in the Specific Plan area; it is located in the R-3 (Apartment District) zoning district.

The Project would demolish an existing one-story commercial building, and a four-unit, one-story residential building, and construct a new, approximately 25,283-square-foot, three-story, 38-foot tall, mixed-use development over two levels of subterranean parking on 201-211 El Camino Real and two detached townhouses on 612 Cambridge Avenue. The mixed-use building would include 12 residential units (totaling approximately 17,951 square feet, including allocated common area), two of which would be below market rate (BMR) units. The two detached townhouses would total approximately 3,564 square feet and would be market rate. The ground level of the mixed-use building would be developed with approximately 7,331 square feet of space dedicated to accommodating a mix of restaurant and retail uses and a small residential lobby. A total of 59 parking spaces, including mechanical lift parking, would be provided in the two-level subterranean parking garage, accessible from Cambridge Avenue, which would satisfy the City's parking requirement.

To accommodate the Project, the Applicant is requesting abandonment of Alto Lane, the public right-of-way that currently serves as an alley that separates the two parcels comprising 201-211 El Camino Real and which dead ends into the property to the north, 239-251 El Camino Real. The parcels would be merged so that the proposed improvements would not cross any property lines

The Project requires the following City approvals:

- Environmental Review. Adoption of the environmental review and mitigation monitoring and reporting program (MMRP) included in the Initial Study and Mitigated Negative Declaration (Exhibit A).

- Approval of the Public Benefit Bonus. Approval of the proposed public benefits as sufficient for development at the Public Benefit Bonus level.

- Architectural Control Review. Design review for compliance with Specific Plan standards and guidelines.

- Use Permit. Approval of a conditional use permit to demolish an existing one-story, four-unit residential development and construct two detached townhouses on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue.

- Below Market Rate Housing Agreement. Approval of a Below Market Rate Housing Agreement in compliance with the City's Below Market Rate Housing Program, as outlined in Chapter 16.96 of the Municipal Code.

- Vesting Tentative Map. Approval of a vesting tentative map to merge existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant and no more than three retail spaces on one lot, and two townhouses on the second lot.

II. FINDINGS AND ADOPTION

The Initial Study and Mitigated Negative Declaration (IS/MND) was prepared based on substantial evidence analyzing the potential environmental impacts of the Project.

The IS/MND was made available for public and agency review on September 3, 2020. Copies of the Notice of Availability (NOA) of the IS/MND were mailed to public agencies (including the State

Clearinghouse (SCH #2020090058)), organizations, and individuals likely to be interested in the Project and its potential impacts. In addition, an electronic copy of the IS/MND was distributed to the State Clearinghouse. Copies of the IS/MND were made available upon request, and on the City's website.

The CEQA-mandated 30-day public comment period for the IS/MND ended on October 2, 2020. All comments on the IS/MND concerning environmental issues received during the public comment period were evaluated. None of the comments received resulted in substantive modifications to the IS/MND; however, staff identified and made a clerical correction to the IS/MND to include the use permit in the list of entitlements necessary for the Project.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of Menlo Park October 5, 2020, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to find that the IS/MND was prepared in compliance with CEQA, there is no substantial evidence that the Project will have a significant effect on the environment and that the IS/MND reflects the City's independent judgement and analysis. The Planning Commission further recommended that the City Council make the findings as required by CEQA and adopt the IS/MND and the Mitigation Monitoring and Reporting Program.

A duly and properly noticed public hearing was scheduled before the City Council of the City of Menlo Park on October 27, 2020, and all persons interested and expressing a desire to comment were heard. The City Council having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to make the following findings: The IS/MND was prepared in compliance with CEQA. There is no substantial evidence that the Project will have a significant effect on the environment. The IS/MND reflects the City's independent judgement and analysis.

The City Council adopts the IS/MND and the Mitigation Monitoring and Reporting Program for the Project. The MMRP is expressly incorporated into the Project.

III. RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and this Resolution, the record of proceedings consists of the following documents and testimony:

(a) All comments submitted by agencies or members of the public during the public comment period on the IS/MND;

(b) The IS/MND for the Project, including comments received, responses to those comments, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between September 3, 2020 and October 2, 2020;

(c) The Mitigation Monitoring and Reporting Program for the Project;

(d) 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;

(e) 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, up through the close of the public hearing on October 27, 2020;

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

(i) All matters of common knowledge to the Commission and Council, including, but not limited to:

(i) The Menlo Park General Plan and other applicable policies;
(ii) The Menlo Park Zoning Ordinance and other applicable ordinances;
(iii) Information regarding the City's fiscal status; and
(iv) Applicable City policies and regulations; and

(j) Any other materials required for the record of proceedings by Public Resources Code 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, CA 94025. Electronic copies of these documents are available at the following website: https://menlopark.org/1383/201-El-Camino-Real. The custodian of these documents is the Community Development Director or his/her designee.

IV. SEVERABILITY

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

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-seventh day of October, 2020, 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 twenty-seventh day of October, 2020.

_____
Judi A. Herren, City Clerk

EXHIBIT A

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
AIR QUALITY				
IMPACT BEING ADDRESSED: Specific Plan EIR Impact AIR-1: Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. (Significant)				
Mitigation Measure AIR-1a: During construction of individual projects under the Specific Plan, project applicants shall require the construction contractor(s) to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic dust control procedures required for construction sites. For projects for which construction emissions exceed one or more of the applicable BAAQMD thresholds, additional measures shall be required as indicated in the list following the Basic Controls.		Measures shown on plans, construction documents and on-going during demolition, excavation and construction.	Project sponsor(s) and contractor(s)	PW/CDD
Basic Controls that Apply to All Construction Sites				
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.	Exposed surfaces shall be watered twice daily.			
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.	Trucks carrying demolition debris shall be covered.			
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.	Dirt carried from construction areas shall be cleaned daily.			
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.	Speed limit on unpaved roads shall be 15 mph.			
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	Roadways, driveways, sidewalks and building pads shall be laid as soon as possible after grading.			
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Idling times shall be minimized to 5 minutes or less; Signage posted at all access points.			

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	Construction equipment shall be properly tuned and maintained.			
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	Signage will be posted with the appropriate contact information regarding dust complaints.			
Additional Measures for Development Projects that Exceed Significance Criteria				
1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.	Water exposed surfaces to maintain minimum soil moisture of 12 percent.			
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.	Halt excavation, grading and demolition when wind is over 20 mph.			
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.	Install wind breaks on the windward side(s) of disturbed construction areas.			
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.	Vegetative ground cover shall be planted in disturbed areas as soon as possible.			
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	Ground-disturbing construction activities shall not occur simultaneously.			
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.	Trucks and equipment shall be washed before exiting the site.			
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.	Cover site access roads.			

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.	Erosion control measures shall be used.			
9. Minimizing the idling time of diesel powered construction equipment to two minutes.	Idling time of diesel powered equipment will not exceed two minutes.			
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent nitrogen oxides reduction and 45 percent particulate matter reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.	Plan developed that demonstrates emissions from use of off-road equipment during construction will be reduced as specified.			
11. Use low volatile organic compound (VOC) (i.e., reactive organic gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).	Low VOC coatings shall be used.			
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of nitrogen oxides and particulate matter.	Require Best Available Control Technology for all construction equipment, diesel trucks, and generators.			
13. Requiring all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.	Equipment shall meet standards for off-road heavy duty diesel engines.			
Specific Plan EIR Impact AIR-2: Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants from increased vehicle traffic and on-site area sources that would contribute substantially to an air quality violation. (Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure AIR-2: Mitigation Measure TR-2 of Section 4.13, Transportation, Circulation and Parking, identifies Transportation Demand Management (TDM) strategies to be implemented by individual project applicants, although the precise effectiveness of a TDM program cannot be guaranteed. As the transportation demand management strategies included in Mitigation Measure TR-2 represent the majority of available measures with which to reduce VMT, no further mitigation measures are available and this impact is considered to be significant and unavoidable.	See Mitigation Measure TR-2.			
Specific Plan EIR Impact AIR-5: Implementation of the Specific Plan would locate sensitive receptors in an area of elevated concentrations of toxic air contaminants associated with roadway traffic which may lead to considerable adverse health effects. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure AIR-5: The Mitigation Monitoring and Reporting Program shall require that all developments that include sensitive receptors such as residential units that would be located within 200 feet of the edge of El Camino Real or within 100 feet of the edge of Ravenswood Avenue, Oak Grove Avenue east of El Camino Real, or Santa Cruz Avenue west of University Avenue shall undergo, prior to project approval, a screening-level health risk analysis to determine if cancer risk, hazard index, and/or $PM_{2.5}$ concentration would exceed BAAQMD thresholds. If one or more thresholds would be exceeded at the site of the subsequent project, the project (or portion of the project containing sensitive receptors, in the case of a mixed-use project) shall be equipped with filtration systems with a Minimum Efficiency Reporting Value (MERV) rating of 14 or higher. The ventilation system shall be designed by an engineer certified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, who shall provide a written report documenting that the system reduces interior health risks to less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD or the City for health risks. The project sponsor shall present a plan to ensure ongoing maintenance of ventilation and filtration systems and shall ensure the disclosure to buyers and/or renters regarding the findings of the analysis and inform occupants as to proper use of any installed air filtration. Alternatively, if the project applicant can prove at the time of development that health risks at new residences due to DPM (and other TACs, if applicable) would be less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD for health risks, or that alternative mitigation measures reduce health risks below any other City-adopted threshold of significance, such filtration shall not be required.	A health risk analysis shall be prepared. If one or more thresholds are exceeded, a filtration system shall be installed; Certified engineer to provide report documenting that system reduces health risks	Simultaneous with a building permit submittal	Project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
	Plan developed for ongoing maintenance and disclosure to buyers and/renters.			
General Plan Impact AIR-2: Implementation of the proposed project could violate an air quality standard, contribute substantially to an existing or projected air quality violation, and would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). (Significant)				
Mitigation Measure AIR-2b1: Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines.	Demonstrate compliance with the current BAAQMD basic control measures for reducing construction emissions of PM10.	During the building permit and site development review process and prior to permit issuance.	Project applicant	CDD
General Plan EIR Impact AIR-3: Implementation of the proposed project would expose sensitive receptors to substantial concentrations of air pollutions). (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure AIR-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: -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.	A health risk analysis shall be prepared. If one or more thresholds are exceeded, a filtration system shall be installed; Certified engineer to provide report documenting that system reduces health risks.	During the building permit and site development review process and prior to permit issuance	Project applicant	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
	Plan developed for ongoing maintenance and disclosure to buyers and/renters.			
Mitigation Measure AIR-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 sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City'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 buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.	A health risk analysis shall be prepared.	During the building permit and site development review process and prior to permit issuance	Project applicant	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
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.				
BIOLOGICAL RESOURCES				
Specific Plan EIR Impact BIO-1: The Specific Plan could result in the take of special-status birds or their nests. (Potentially Significant)				
Mitigation Measure BIO-1a: Pre-Construction Special-Status Avian Surveys. No more than two weeks in advance of any tree or shrub pruning, removal, or ground-disturbing activity that will commence during the breeding season (February 1 through August 31), a qualified wildlife biologist will conduct pre-construction surveys of all potential special-status bird nesting habitat in the vicinity of the planned activity. Pre-construction surveys are not required for construction activities scheduled to occur during the non-breeding season (August 31 through January 31). Construction activities commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any breeding birds taking up nests would be acclimated to project-related activities already under way). Nests initiated during construction activities would be presumed to be unaffected by the activity, and a buffer zone around such nests would not be necessary. However, a nest initiated during construction cannot be moved or altered. ***If pre-construction surveys indicate that no nests of special-status birds are present or that nests are inactive or potential habitat is unoccupied:*** no further mitigation is required. ***If active nests of special-status birds are found during the surveys:*** implement Mitigation Measure BIO-1b.	A nesting bird survey shall be prepared if tree or shrub pruning, removal or ground-disturbing activity will commence between February 1 through August 31.	Prior to tree or shrub pruning or removal, any ground disturbing activity and/or issuance of demolition, grading or building permits.	Qualified wildlife biologist retained by project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure BIO-1b: Avoidance of active nests. If active nests of special-status birds or other birds are found during surveys, the results of the surveys would be discussed with the California Department of Fish and Game and avoidance procedures will be adopted, if necessary, on a case-by- case basis. In the event that a special-status bird or protected nest is found, construction would be stopped until either the bird leaves the area or avoidance measures are adopted. Avoidance measures can include construction buffer areas (up to several hundred feet in the case of raptors), relocation of birds, or seasonal avoidance. If buffers are created, a no disturbance zone will be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted will take into account factors such as the following: 1. Noise and human disturbance levels at the Plan area and the nesting site at the time of the survey and the noise and disturbance expected during the construction activity; 2. Distance and amount of vegetation or other screening between the Plan area and the nest; and 3. Sensitivity of individual nesting species and behaviors of the nesting birds.	If active nests are found during survey, the results will be discussed with the California Department of Fish and Game and avoidance procedures adopted. Halt construction if a special-status bird or protected nest is found until the bird leaves the area or avoidance measures are adopted.	Prior to tree or shrub pruning or removal, any ground-disturbing activities and/or issuance of demolition, grading or building permits.	Project sponsor(s) and contractor(s)	CDD
Specific Plan EIR Impact BIO-3: Impacts to migratory or breeding special-status birds and other special-status species due to lighting conditions. (Potentially Significant)				
Mitigation Measure BIO-3a: Reduce building lighting from exterior sources. a. Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid uplighting of rooftop antennae and other tall equipment, as well as of any decorative features; b. Installing motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour; c. Utilize minimum wattage fixtures to achieve required lighting levels;	Reduce building lighting from exterior sources.	Prior to building permit issuance and ongoing.	Project sponsor(s) and contractor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
d. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting; e. Use cutoff shields on streetlight and external lights to prevent upwards lighting.				
Mitigation Measure BIO-3b: Reduce building lighting from interior sources. a. Dim lights in lobbies, perimeter circulation areas, and atria; b. Turn off all unnecessary lighting by 11pm thorough sunrise, especially during peak migration periods (mid-March to early June and late August through late October); c. Use gradual or staggered switching to progressively turn on building lights at sunrise. d. Utilize automatic controls (motion sensors, photosensors, etc.) to shut off lights in the evening when no one is present; e. Encourage the use of localized task lighting to reduce the need for more extensive overhead lighting; f. Schedule nightly maintenance to conclude by 11 p.m.; g. Educate building users about the dangers of night lighting to birds.	Reduce building lighting from interior sources.	Prior to building permit issuance and ongoing.	Project sponsor(s) and contractor(s)	CDD
Specific Plan EIR Impact BIO-5: The Specific Plan could result in the take of special-status bat species. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure BIO-5a: Preconstruction surveys. Potential direct and indirect disturbances to special-status bats will be identified by locating colonies and instituting protective measures prior to construction of any subsequent development project. No more than two weeks in advance of tree removal or structural alterations to buildings with closed areas such as attics, a qualified bat biologist (e.g., a biologist holding a California Department of Fish and Game collection permit and a Memorandum of Understanding with the California Department of Fish and Game allowing the biologist to handle and collect bats) shall conduct pre-construction surveys for potential bats in the vicinity of the planned activity. A qualified biologist will survey buildings and trees (over 12 inches in diameter at 4.5-foot height) scheduled for demolition to assess whether these structures are occupied by bats. No activities that would result in disturbance to active roosts will proceed prior to the completed surveys. If bats are discovered during construction, any and all construction activities that threaten individuals, roosts, or hibernacula will be stopped until surveys can be completed by a qualified bat biologist and proper mitigation measures implemented. ***If no active roosts present:*** no further action is warranted. ***If roosts or hibernacula are present:*** implement Mitigation Measures BIO-5b and 5c.	Retain a qualified bat biologist to conduct pre-construction survey for bats and potential roosting sites in vicinity of planned activity. Halt construction if bats are discovered during construction until surveys can be completed and proper mitigation measures implemented.	Prior to tree pruning or removal or issuance of demolition, grading or building permits.	Qualified bat biologist retained by project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure BIO-5b: Avoidance. If any active nursery or maternity roosts or hibernacula of special-status bats are located, the subsequent development project may be redesigned to avoid impacts. Demolition of that tree or structure will commence after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies forms the following year (i.e., prior to March 1). For hibernacula, any subsequent development project shall only commence after bats have left the hibernacula. No-disturbance buffer zones acceptable to the California Department of Fish and Game will be observed during the maternity roost season (March 1 through July 31) and during the winter for hibernacula (October 15 through February 15). Also, a no-disturbance buffer acceptable in size to the California Department of Fish and Game will be created around any roosts in the Project vicinity (roosts that will not be destroyed by the Project but are within the Plan area) during the breeding season (April 15 through August 15), and around hibernacula during winter (October 15 through February 15). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, the “take” of individuals is prohibited.	If any active nursery or maternity roosts or hibernacula are located, no disturbance buffer zones shall be established during the maternity roost and breeding seasons and hibernacula.	Prior to tree removal or pruning or issuance of demolition, grading or building permits	Qualified bat biologist retained by project sponsor(s)	CDD
Mitigation Measure BIO-5c: Safely evict non-breeding roosts. Non-breeding roosts of special-status bats shall be evicted under the direction of a qualified bat biologist. This will be done by opening the roosting area to allow airflow through the cavity. Demolition will then follow no sooner or later than the following day. There should not be less than one night between initial disturbance with airflow and demolition. This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed should first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. However, the “take” of individuals is prohibited.	A qualified bat biologist shall direct the eviction of non-breeding roosts.	Prior to tree removal or pruning or issuance of demolition, grading or building permits.	Qualified bat biologist retained by project sponsor(s)	CDD
CULTURAL RESOURCES				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Specific Plan EIR Impact CUL-1: The proposed Specific Plan could have a significant impact on historic architectural resources. (Potentially Significant)				
Mitigation Measure CUL-1: Site Specific Evaluations and Treatment in Accordance with the Secretary of the Interior's Standards: ***Site-Specific Evaluations:*** In order to adequately address the level of potential impacts for an individual project and thereby design appropriate mitigation measures, the City shall require project sponsors to complete site-specific evaluations at the time that individual projects are proposed at or adjacent to buildings that are at least 50 years old. The project sponsor shall be required to complete a site-specific historic resources study performed by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, 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 evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.	A qualified architectural historian shall complete a site-specific historic resources study. For structures found to be historic, specify treating conforming to Secretary of the Interior's standards, as applicable.	Simultaneously with a project application submittal.	Qualified architectural historian retained by the Project sponsor(s).	CDD STATUS COMPLETE: The historic resource evaluations, prepared by Urban Programmers and dated January 11, 2019 for 201 El Camino Real, and dated January 30, 2019 for 612 Cambridge Avenue, conclude the commercial buildings were found not to be historically significant.

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Treatment in Accordance with the Secretary of the Interior's Standards. Any future proposed project in the Plan Area that would affect previously recorded historic resources, or those identified as a result of site-specific surveys and evaluations, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995). The Standards 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.				
Specific Plan EIR Impact CUL-2: The proposed Specific Plan could impact currently unknown archaeological resources. (Potentially Significant)				
Mitigation Measure CUL-2a: When specific projects are proposed that involve ground disturbing activity, a site-specific cultural resources study shall be performed by a qualified archaeologist or equivalent cultural resources professional that will include an updated records search, pedestrian survey of the project area, development of a historic context, sensitivity assessment for buried prehistoric and historic-period deposits, and preparation of a technical report that meets federal and state requirements. If historic or unique resources are identified and cannot be avoided, treatment plans will be developed in consultation with the City and Native American representatives to mitigate potential impacts to less than significant based on either the Secretary of the Interior's Standards described in Mitigation Measure CUL-1 (if the site is historic) or the provisions of Public Resources Code Section 21083.2 (if a unique archaeological site).	A qualified archeologist shall complete a site-specific cultural resources study. If resources are identified and cannot be avoided, treatment plans will be developed to mitigate impacts to less than significant, as specified.	Simultaneously with a project application submittal.	Qualified archaeologist retained by the project sponsor(s).	CDD STATUS COMPLETE: The archeological resource evaluaton, prepared by Basin Research Associates, dated April 19, 2019, concludes that the proposed project will have a low to moderate impact on cultural resources.

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure CUL-2b: Should any archaeological artifacts be found during construction, all construction activities within 50 feet shall immediately halt and the City must be notified. A qualified archaeologist shall inspect the findings within 24 hours of the discovery. If the resource is determined to be a historical resource or unique resource, the archaeologist shall prepare a plan to identify, record, report, evaluate, and recover the resources as necessary, which shall be implemented by the developer. Construction within the area of the find shall not recommence until impacts on the historical or unique archaeological resource are mitigated as described in Mitigation Measure CUL-2a above. Additionally, Public Resources Code Section 5097.993 stipulates that a project sponsor must inform project personnel that collection of any Native American artifact is prohibited by law.	If any archaeological artifacts are discovered during demolition/construction, all ground disturbing activity within 50 feet shall be halted immediately, and the City of Menlo Park Community Development Department shall be notified within 24 hours. A qualified archaeologist shall inspect any archaeological artifacts found during construction and if determined to be a resource shall prepare a plan meeting the specified standards which shall be implemented by the project sponsor(s).	Ongoing during construction.	Qualified archaeologist retained by the project sponsor(s).	CDD
Specific Plan EIR Impact CUL-3: The proposed Specific Plan may adversely affect unidentifiable paleontological resources. (Potentially Significant)				
Mitigation Measure CUL-3: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance. Training on paleontological resources will also be provided to all other construction workers, but may involve using a videotape of the initial training and/or written materials rather than in-person training by a paleontologist. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards. (SVP, 1996)	A qualified paleontologist shall conduct training for all construction personnel and field supervisors. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards.	Prior to issuance of grading or building permits that include subsurface excavations and ongoing through subsurface excavation.	Qualified archaeologist retained by the project sponsor(s).	CDD
Specific Plan EIR Impact CUL-4: Implementation of the Plan may cause disturbance of human remains including those interred outside of formal cemeteries. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure CUL-4: If human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) shall be followed, which is as follows: * In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a) The San Mateo County coroner must be contacted to determine that no investigation of the cause of death is required; and b) If the coroner determines the remains to be Native American: 1. The coroner shall contact the Native American Heritage Commission within 24 hours; 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American; 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.	If human remains are discovered during any construction activities, all ground-disturbing activity within the site or any nearby area shall be halted immediately, and the County coroner must be contacted immediately and other specified procedures must be followed as applicable.	On-going during construction	Qualified archeologist retained by the project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the Commission. b) The descendant identified fails to make a recommendation; or c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.				
General Plan EIR Impact CUL-2: The proposed Specific Plan could impact currently unknown archaeological resources. (Potentially Significant)				
Mitigation Measure CUL-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.	If any archaeological artifacts are discovered during demolition/construction, all ground disturbing activity within 100 feet shall be halted immediately. A qualified archaeologist shall inspect any archaeological artifacts found during construction and if determined to be a resource shall prepare a plan meeting the specified standards which shall be implemented by the project sponsor(s).	Ongoing during construction	Qualified archaeologist retained by the project sponsor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
General Plan EIR Impact CUL-3: The proposed Specific Plan may adversely affect unidentifiable paleontological resources. (Potentially Significant)				
Mitigation Measure CUL-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.	If any fossils or fossil bearing deposits are discovered during demolition/construction, all ground disturbing activity within 50 feet shall be halted immediately. A qualified paleontologist shall inspect any paleontological artifacts found during construction and if determined to be a resource shall prepare an excavation plan meeting the specified standards which shall be implemented by the project sponsor(s). If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards.	Ongoing during construction	Qualified paleontologist retained by the project sponsor(s).	CDD
General Plan EIR Impact CUL-4: Implementation of the Plan may cause disturbance of human remains including those interred outside of formal cemeteries. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure CUL-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.	If human remains are discovered during any construction activities, all ground-disturbing activity within the site or any nearby area shall be halted immediately, and the County coroner must be contacted immediately and other specified procedures must be followed as applicable.	Ongoing during construction	Qualified archaeologist retained by the project sponsor(s)	CDD
GREENHOUSE GASES AND CLIMATE CHANGE				
Specific Plan EIR Impact GHG-1: The Specific Plan would generate GHG emissions, both directly and indirectly, that would have a significant impact on the environment. (Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure GHG-1: Implement feasible BAAQMD-identified GHG Mitigation Measures and Proposed City CALGreen Amendments. BAAQMD has identified a menu of over 100 available mitigation measures for the purposes of addressing significant air quality impacts, including GHG impacts that arise from implementation of plans including Specific Plans. Many of the GHG reduction measures are already part of the proposed Specific Plan and discussed in the Project Description. Several BAAQMD identified mitigation measures are not applicable to a Specific Plan as they are correlated to specific elements of a general plan. As an example, Table 4.6-5 presents the mitigation measures contained in the BAAQMD CEQA Guidelines related to Land Use elements and either correlates each to a specific element of the project, explains why it is inapplicable to the proposed project or identifies it as a mitigation measure to be implemented by the proposed project. This method was used in consideration of all BAAQMD identified GHG mitigation measures for plans to develop the following list of available mitigation measures (with BAAQMD-identified category) for the proposed Specific Plan: * Facilitate lot consolidation that promotes integrated development with improved pedestrian and vehicular access (Land Use Element: Compact Development). The Specific Plan's increased intensities encourage lot consolidation for developers wishing to maximize efficiencies and new standards and guidelines will result in improved pedestrian (Section E.5) and vehicular (Section E.3.7) access. * Ensure that new development finances the full cost of expanding public infrastructure and services to provide an economic incentive for incremental expansion (Land Use Element: Compact Development). Specific Plan Section E.3.1 describes a process for public benefit negotiation to obtain additional financing for public infrastructure beyond required payments for impact fees such as park dedication and Transportation Fees.	For project-specific actions: Implement feasible BAAQMD-identified GHG Mitigation Measures. Measures relating to City policies have been incorporated into Specific Plan or otherwise adopted by City (see explanation below regarding applicable measures).	Simultaneous with project application submittal and/or on-going during construction Adopt as part of Specific Plan; verify project compliance simultaneously with project application.	Project sponsor(s) City Council (Plan adoption)	PW/CDD CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
* Ensure new construction complies with California Green Building Code Standards and local green building ordinances (Land Use Element: Sustainable Development). The City currently requires compliance with both California Green Building Code Standards and locally-adopted amendments citywide. Standard E.3.8.01 states that all citywide sustainability codes or requirements shall apply to the Plan area, unless the Plan area is explicitly exempted, which it is not. * Provide permitting incentives for energy efficient and solar building projects (Land Use Element: Sustainable Development). Section E.3.8 of the Specific Plan provides specific standards and guidelines for sustainable practices. Section E.3.1 would allow for the consideration of public benefit bonus intensity or height if a project were to exceed the standards stated Section E.3.8. * Support the use of electric vehicles; where appropriate. Provide electric recharging facilities (Circulation Element: Local Circulation; see also Mitigation Measure GHG-2 below). Mitigation Measure GHG-2a (below) has been incorporated into the Specific Plan. * Allow developers to reach agreements with auto-oriented shopping center owners to use commercial parking lots as park-and-ride lots and multi-modal transfer sites (Circulation Element: Regional Circulation). The intent of the Specific Plan is to preserve and enhance community life, character and vitality through public space improvements, mixed use infill projects sensitive to the small town character of Menlo Park and improved connectivity. Auto oriented shopping centers are not envisioned in the Plan area.				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
* Eliminate [or reduce] parking requirements for new development in the Specific Plan area (Circulation Element: Parking). The Final Specific Plan has been modified to provide for lower parking rates in the station area and station area sphere of influence. ? Encourage developers to agree to parking sharing between different land uses (Circulation Element: Parking). This is permitted by existing City policies and reinforced in the Specific Plan through allowed shared parking reductions (Section F.8). * Require developers to provide preferential parking for low emissions and carpool vehicles (Circulation Element: Parking). These are included as strategies that may be included in a Transportation Demand Management (TDM) program (Section F.10). * Minimize impervious surfaces in new development and reuse project in the Specific Plan area (Conservation Element: Water Conservation). Section 4.8, Hydrology and Water Quality, of this EIR includes a discussion of existing grading, drainage and hydrology requirements and Specific Plan guidelines to limit impervious surfaces in the Plan area. * Require fireplaces installed in residential development to be energy efficient in lieu of open hearth. Prohibit the installation of wood burning devices (Conservation Element: Energy Conservation). The City of Menlo Park Municipal Code includes Section 12.52, Wood Burning Appliances, to control the use of wood burning devises.				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
* Sealing of HVAC ducts. This is a project level BAAQMD measure that requires the developer to obtain third party HVAC commissioning to ensure proper sealing of ducts and optimal heating and cooling efficiencies. BAAQMD estimated that this measure reduces air conditioning electrical demand by 30 percent. The California Energy commission estimates that air conditioning electrical demand represents approximately 20 percent of total demand for a single family residence and this measure would reduce electrical-related GHG emissions by approximately 100 metric tons/year of CO2e. The City currently requires testing of heating and cooling ducts for all newly constructed buildings.				
Specific Plan EIR Impact GHG-2: The Specific Plan could conflict with applicable plans, policies or regulations of an agency with jurisdiction over the Specific Plan adopted for the purpose of reducing the emissions of GHGs. (Significant)				
Mitigation Measure GHG-2a: All residential and/or mixed use developments of sufficient size to require LEED certification under the Specific Plan shall install one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces provided. Per the Climate Action Plan the complying applicant could receive incentives, such as streamlined permit processing, fee discounts, or design templates.	Install one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces	Simultaneous with project application submittal	Project sponsor(s)	CDD
HAZARDOUS MATERIALS				
Specific Plan EIR Impact HAZ-1: Disturbance and release of contaminated soil during demolition and construction phases of the project, or transportation of excavated material, or contaminated groundwater could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure HAZ-1: Prior to issuance of any building permit for sites where ground breaking activities would occur, all proposed development sites shall have a Phase I site assessment performed by a qualified environmental consulting firm in accordance with the industry required standard known as ASTM E 1527-05. The City may waive the requirement for a Phase I site assessment for sites under current and recent regulatory oversight with respect to hazardous materials contamination. If the Phase I assessment shows the potential for hazardous releases, then Phase II site assessments or other appropriate analyses shall be conducted to determine the extent of the contamination and the process for remediation. All proposed development in the Plan area where previous hazardous materials releases have occurred shall require remediation and cleanup to levels established by the overseeing regulatory agency (San Mateo County Environmental Health (SMCEH), Regional Water Quality Control Board (RWQCB) or Department of Toxic Substances Control (DTSC) appropriate for the proposed new use of the site. All proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional in accordance with Cal/OHSA regulations (contained in Title 8 of the California Code of Regulations) and approved by SMCEH prior to the commencement of groundbreaking.	Prepare a Phase I site assessment. If assessment shows potential for hazardous releases, then a Phase II site assessment shall be conducted. Remediation shall be conducted according to standards of overseeing regulatory agency where previous hazardous releases have occurred. Groundbreaking activities where there is identified or suspected contamination shall be conducted according to a site-specific health and safety plan.	Prior to issuance of any grading or building permit for sites with groundbreaking activity.	Qualified environmental consulting firm and licensed professionals hired by project sponsor(s)	CDD
Specific Plan EIR Impact HAZ-3: Hazardous materials used on any individual site during construction activities (i.e., fuels, lubricants, solvents) could be released to the environment through improper handling or storage. (Potentially Significant)				
Mitigation Measure HAZ-3: All development and redevelopment shall require the use of construction Best Management Practices (BMPs) to control handling of hazardous materials during construction to minimize the potential negative effects from accidental release to groundwater and soils. For projects that disturb less than one acre, a list of BMPs to be implemented shall be part of building specifications and approved of by the City Building Department prior to issuance of a building permit.	Implement best management practices to reduce the release of hazardous materials during construction.	Prior to building permit issuance for sites disturbing less than one acre and on-going during construction for all project sites	Project sponsor(s) and contractor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
NOISE				
Specific Plan EIR Impact NOI-1: Construction activities associated with implementation of the Specific Plan would result in substantial temporary or periodic increases in ambient noise levels in the Specific Plan area above levels existing without the Specific Plan and in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Potentially Significant)				
Mitigation Measure NOI-1a: Construction contractors for subsequent development projects within the Specific Plan area shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, etc.) when within 400 feet of sensitive receptor locations. Prior to demolition, grading or building permit issuance, a construction noise control plan that identifies the best available noise control techniques to be implemented, shall be prepared by the construction contractor and submitted to the City for review and approval. The plan shall include, but not be limited to, the following noise control elements: * Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler shall achieve lower noise levels from the exhaust by approximately 10 dBA. External jackets on the tools themselves shall be used where feasible in order to achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; * Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible; and	A construction noise control plan shall be prepared and submitted to the City for review. Implement noise control techniques to reduce ambient noise levels.	Prior to demolition, grading or building permit issuance Measures shown on plans, construction documents and specification and ongoing through construction	Project sponsor(s) and contractor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
* When construction occurs near residents, affected parties within 400 feet of the construction area shall be notified of the construction schedule prior to demolition, grading or building permit issuance. Notices sent to residents shall include a project hotline where residents would be able to call and issue complaints. A Project Construction Complaint and Enforcement Manager shall be designated to receive complaints and notify the appropriate City staff of such complaints. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and day and evening contact numbers, both for the construction contractor and City representative(s), in the event of problems.				
Mitigation Measure NOI-1b: Noise Control Measures for Pile Driving: Should pile-driving be necessary for a subsequently proposed development project, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving. Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses.	If pile-driving is necessary for project, predrill holes to minimize noise and vibration and limit activity to result in the least disturbance to neighboring uses.	Measures shown on plans, construction documents and specifications and ongoing during construction	Project sponsor(s) and contractor(s)	CDD
Mitigation Measure NOI-1c: The City shall condition approval of projects near receptors sensitive to construction noise, such as residences and schools, such that, in the event of a justified complaint regarding construction noise, the City would have the ability to require changes in the construction control noise plan to address complaints.	Condition projects such that if justified complaints from adjacent sensitive receptors are received, City may require changes in construction noise control plan.	Condition shown on plans, construction documents and specifications. When justified complaint received by City.	Project sponsor(s) and contractor(s) for revisions to construction noise control plan.	CDD
Specific Plan EIR Impact NOI-3: The Specific Plan would introduce sensitive receptors to a noise environment with noise levels in excess of standards considered acceptable under the City of Menlo Park Municipal Code. (Potentially Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure NOI-3: Interior noise exposure within homes proposed for the Specific Plan area shall be assessed by a qualified acoustical engineer to determine if sound rated walls and windows would be required to meet the Title 24 interior noise level standard of 45 dBA, Ldn. The results of each study shall be submitted to the City showing conceptual window and wall assemblies with Sound Transmission Class (STC) ratings necessary to achieve the noise reductions for the project to satisfy the interior noise criteria within the noise environment of the Plan area.	Interior noise exposure assessed by qualified acoustical engineer and results submitted to City showing conceptual window and wall assemblies necessary to meet City standards.	Simultaneous with submittal for a building permit.	Project sponsors(s) and contractor(s)	CDD
General Plan EIR Impact NOI-1: Construction activities associated with implementation of the Specific Plan would result in substantial temporary or periodic increases in ambient noise levels in the Specific Plan area above levels existing without the Specific Plan and in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Potentially Significant)				
Mitigation Measure NOI-1a: To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or Ldn at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.	Interior noise exposure assessed by qualified acoustical engineer and results submitted to City showing conceptual window and wall assemblies necessary to meet City standards.	Prior to the issuance of construction permits	Project sponsors(s) and contractor(s)	CDD

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure NOI-1b: Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Prior to the issuance of construction permits	Project sponsors(s) and contractor(s)	CDD
General Plan EIR Impact NOI-2: Future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. (Potentially Significant)				
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.	A noise and vibration analysis shall be prepared to assess and mitigate potential noise and vibration impacts. A vibration study shall also be required for vibration-intensive activities occurring within 200 feet of sensitive receptors, to further evaluate vibration-related impacts. All vibration activities shall be required to not exceed specified vibration annoyance levels.	Prior to the issuance of construction permits	Project sponsors(s) and contractor(s)	CDD
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 during the project's approval process and by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in preparing technical assessments in acoustics and/or groundborne vibrations. The study shall be submitted to and approved by the City prior to issuance of building permits.				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
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 mediumsized bulldozers, etc.). Vibration reduction measures shall be incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.				
Mitigation Measure NOI-1b: Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Prior to the issuance of construction permits	Project sponsors(s) and contractor(s)	CDD
TRANSPORTATION, CIRCULATION AND PARKING				
Specific Plan EIR Impact TR-1: Traffic from future development in the Plan area would adversely affect operation of area intersections. (Significant)				
Mitigation Measures TR-1a through TR-1d: (see EIR for details)	Payment of fair share funding.	Prior to building permit issuance.	Project sponsor(s)	PW/CDD
Specific Plan EIR Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)				

Mitigation Monitoring and Reporting Program				
Mitigation Measure	**Action**	**Timing**	**Implementing Party**	**Monitoring Party**
Mitigation Measure TR-2: New developments within the Specific Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable: * Commute alternative information; * Bicycle storage facilities; * Showers and changing rooms; * Pedestrian and bicycle subsidies; * Operating dedicated shuttle service (or buying into a shuttle consortium); * Subsidizing transit tickets; * Preferential parking for carpoolers; * Provide child care services and convenience shopping within * Van pool programs; * Guaranteed ride home program for those who use alternative * Parking cashout programs and discounts for persons who carpool, vanpool, bicycle or use public transit; * Imposing charges for parking rather than providing free parking; * Providing shuttles for customers and visitors; and/or * Car share programs.	Develop a Transportation Demand Management program.	Submit draft TDM program with building permit. City approval required before permit issuance. Implementation prior to project occupancy.	Project sponsor(s)	PW/CDD - STATUS: IN PROGRESS - An intial draft TDM plan has been submitted, but needs to be revised concurrent with the building permit.

DRAFT – RESOLUTION NO. 6596

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING FINDINGS AND CONDITIONS FOR ARCHITECTURAL CONTROL, A USE PERMIT, AND A VESTING TENTATIVE MAP FOR THE PROJECT LOCATED AT 201-211 EL CAMINO REAL AND 612 CAMBRIDGE AVENUE

WHEREAS, the City of Menlo Park ("City") has received an application from HuHan Two, LLC ("Applicant"), for architectural control, use permit and a vesting tentative map to merge existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant and no more than three retail spaces on one lot, and two townhouses on the second lot by constructing on the property located at 201-211 El Camino Real and 612 Cambridge Avenue ("Project"); and

WHEREAS, the findings and conditions for the Architectural Control, Use Permit, and Vesting Tentative Map would ensure that all City requirements are applied consistently and correctly as part of the project's implementation; and

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

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 5, 2020 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to approve the findings and conditions for Architectural Control, Use Permit, and Vesting Tentative Map; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on October 27, 2020 whereat all persons interested therein might appear and be heard; and

WHEREAS, the City Council reviewed the project on October 27, 2020, and found the project to be within the scope of the project covered by an Initial Study and Mitigated Negative Declaration (IS/MND), which was circulated for public review between September 3, 2020 and October 2, 2020; and

WHEREAS, the City Council of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to approve the findings and conditions for Architectural Control, Use Permit, and Vesting Tentative Map.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby approves the Architectural Control, Use Permit, and Vesting Tentative Map for the Project and the findings and conditions attached hereto as Exhibit A and incorporated herein by this reference.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-seventh day of October, 2020, 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 twenty-seventh day of October, 2020.

_____
Judi A. Herren, City Clerk

EXHIBIT A

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

LOCATION: 201-211 El Camino Real and 612 Cambridge Avenue	**PROJECT NUMBER:** PLN2018-00061	**APPLICANT:** Steve Atkinson	**OWNER:** HuHan Two, LLC

PROPOSAL: Request for architectural control, a use permit, a vesting tentative map, a below market rate (BMR) housing agreement, and environmental review for demolition of an existing commercial building and a multifamily residential building and the construction of a new three-story, mixed-use building with a below-ground parking structure and two townhouses. The mixed-use building would consist of retail and restaurant uses on the first floor and 12 residential units on the second and third floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district, at 201-211 El Camino Real. The two townhouses would be constructed on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue. A vesting tentative map is requested to merge the existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of rounding up a fractional BMR unit requirement to a full BMR unit for a total of two on-site BMR units. The project also requires Planning Commission review for consistency with the General Plan related to the proposed vacation of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real. A portion of the abandoned public right-of-way would go to the adjacent property owners at 201-211 El Camino Real and 239-251 El Camino Real. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA).

DECISION ENTITY: City Council	**DATE:** October 27, 2020	**ACTION:** TBD

VOTE: TBD (Carlton, Combs, Mueller, Nash, Taylor)

ACTION:

1. Make the following findings relative to the environmental review of the proposal and adopt the Mitigated Negative Declaration:

    a. A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;

    b. The Planning Commission has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period;

    c. Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment; and

    d. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program, which is approved as part of this finding.

2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:

    a. The general appearance of the structure is in keeping with the character of the neighborhood. The proposed exterior materials and finishes would be high quality in nature and would reinforce the neighborhood compatibility. The scale variation enables a smooth and cohesive transition from the denser and taller mixed use building to the shorter townhouses and lower density neighborhood along Cambridge Avenue.

    b. The development will not be detrimental to the harmonious and orderly growth of the City. The construction and ongoing occupation of the site would proceed in accordance with all applicable City requirements and procedures, as verified in these conditions of approval. The

LOCATION: 201-211 El Camino Real and 612 Cambridge Avenue	**PROJECT NUMBER:** PLN2018-00061	**APPLICANT:** Steve Atkinson	**OWNER:** HuHan Two, LLC

PROPOSAL: Request for architectural control, a use permit, a vesting tentative map, a below market rate (BMR) housing agreement, and environmental review for demolition of an existing commercial building and a multifamily residential building and the construction of a new three-story, mixed-use building with a below-ground parking structure and two townhouses. The mixed-use building would consist of retail and restaurant uses on the first floor and 12 residential units on the second and third floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district, at 201-211 El Camino Real. The two townhouses would be constructed on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue. A vesting tentative map is requested to merge the existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of rounding up a fractional BMR unit requirement to a full BMR unit for a total of two on-site BMR units. The project also requires Planning Commission review for consistency with the General Plan related to the proposed vacation of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real. A portion of the abandoned public right-of-way would go to the adjacent property owners at 201-211 El Camino Real and 239-251 El Camino Real. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA).

DECISION ENTITY: City Council	**DATE:** October 27, 2020	**ACTION:** TBD

VOTE: TBD (Carlton, Combs, Mueller, Nash, Taylor)

ACTION:

sequencing of the public service easement at the start of the project would ensure that all development occurs with appropriate reference to the required utility relocations.

c. The development will not impair the desirability of investment or occupation in the neighborhood. The project shall provide retail and restaurant components to retain some of the existing commercial uses on site.

d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking. Parking agreements shall be arranged to ensure both properties are granted the required parking for each component of the project.

e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet.

3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

4. Make findings that the proposed major subdivision is technically correct and in compliance with all applicable State regulations, City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.

5. Approve the Below Market Rate Rental Housing Agreement.

6. Approve the architectural control, use permit, and vesting tentative map subject to the following ***standard*** conditions:

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

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ACTION:

a. The applicant shall be required to apply for a building permit within one year from the date of approval (by October 27, 2021) for the use permit to remain in effect.

b. Development of the project shall be substantially in conformance with the plans prepared by EID Architects, consisting of 81 plan sheets, dated received on September 30, 2020, and recommended for approval by the City Council on October 27, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

c. Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved Architectural Control and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval. A public meeting could be called regarding such changes if deemed necessary by the Planning Commission.

d. Minor modifications where the Community Development Director determines the modifications are more substantive than the changes outlined in 7c. may be approved by the Community Development Director, provided the modifications are determined to be consistent with the building and design elements of the approved project, subject to notification of the Planning Commission. A member of the Planning Commission may request to discuss these modifications on the next agenda.

e. Major modifications to the development plan which involve material changes, or expansion or intensification of development may be allowed subject to obtaining an architectural control permit from the Planning Commission.

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

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ACTION:

f. Prior to building permit issuance, the applicant shall comply with all Sanitary District, California Water Company, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

g. Prior to Final Map approval, the applicant shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.

h. Prior to building permit issuance, the applicant shall submit plans for construction related parking management, construction staging, material storage and Traffic Control Handling Plan (TCHP) to be reviewed and approved by the City. The applicant shall secure adequate parking for any and all construction trades, until the parking podium is available on the project site. The plan shall include construction phasing and anticipated method of traffic handling for each phase.

i. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Advanced Tree Care, dated received August 10, 2020.

j. Prior to Final Map approval, the applicant shall submit an updated Storm Water Management plan with review of third party engineer’s certification.

k. Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality, in accordance with the approved Stormwater Pollution Prevention Plans.

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

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ACTION:

l. Prior to issuance of a building permit, the final, signed BMR agreement shall be recorded with the County of San Mateo and a conformed copy shall be submitted to the Planning Division.

7. Approve the architectural control, use permit and vesting tentative map subject to the following ***project-specific*** conditions:

   a. The applicant shall address all Mitigation, Monitoring, and Reporting Program (MMRP) requirements as specified in the MMRP. Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.

   b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP shall submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.

   c. Covenants, Conditions & Restrictions (CC&Rs) will be required for the development as a whole (two properties), addressing overlapping topics such as shared parking and access, stormwater treatment areas, and storm drains. CC&R's need to be submitted, reviewed by Planning, Public Works, and the City Attorney prior to final map approval or building permit issuance. Easements, deed restrictions, or other alternate mechanisms may be used for these requirements, as specified by the City Attorney. The CC&R shall be recorded prior to final inspection.

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

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ACTION:

d. The parking garage gates shall remain open while businesses are in operation hours, in order to limit the potential for vehicles blocking the sidewalk while waiting for the gate to open. The Transportation Manager may adjust these times if requested in the future, provided that the applicant demonstrates that pedestrian safety will not be compromised.

e. Dedication of Public Service Easements will be required prior to final occupancy as part of the Final Map or separate instrument to accommodate a 12-foot wide sidewalk along the El Camino Real and Cambridge Avenue frontages.

f. One parking stacker in the parking garage, comprising two parking spaces, shall be dedicated specifically for the use of an owner or employee of the respective commercial use.

g. Prior to issuance of building permit, the applicant shall submit the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at $1.13/square foot for all net new development. For the subject proposal, the fee is estimated at $1,215.88 ($1.13 x 1,076 net new square feet).

h. Engineering-specific Conditions, subject to review and approval of the Engineering Division except as otherwise noted:

   i. Within two years from the date of approval of the vesting tentative map, the applicant shall submit a Final Map for City approval.

   ii. The applicant shall adhere to the Subdivision Map Act and Chapter 15 of the City's Municipal Code.

   iii. Prior to Final Map approval, the new public service easement (PSE) shall be dedicated and all utilities from Alto Lane shall be relocated to the new PSE to the satisfaction of City and utility companies.

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ACTION:

iv. Prior to Final Map approval, the Alto Lane public right-of-way shall be vacated.

v. Prior to Final Map approval, the applicant shall submit engineered off-site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, showing the infrastructure necessary to serve the project. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, pump/lift stations, street lightings, common area landscaping and other project improvements. All public improvements shall be designed and constructed to the satisfaction of the Engineering Division. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval. The Off-Site Improvement plans shall include removal and replacement of any damaged and significantly worn sections of frontage improvements. The sidewalk along the project frontages on El Camino Real and Cambridge Avenue shall be City standard concrete sidewalk.

vi. A Caltrans encroachment permit for work along El Camino Real is required. This permit must be secured prior to City of Menlo Park issuance of encroachment permit for public improvements.

vii. Prior to Final Map approval, the applicant shall submit a Grading and Drainage Plan for review and approval. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be five percent minimum for pervious surfaces and two percent minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3.

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ACTION:

Discharges from the garage ramp and underground parking areas are not allowed into the storm drain system. Discharge must be treated with an oil/water separator and must connect to the sanitary sewer system. This will require a permit from West Bay Sanitary District.

viii. Prior to Final Map approval, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

ix. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.

x. Prior to Final Map approval, the applicant shall submit a heritage street tree preservation plan, detailing the location of and methods for all tree protection measures.

xi. Prior to Final Map approval, the applicant shall pay all applicable engineering fees, including Recreation-in-lieu fee of $940,800.00 ($78,400.00 per residential unit) in accordance with City requirements and the latest approved Master Fee Schedule.

xii. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.

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ACTION:

xiii. Prior to Final Map approval, the applicant shall submit plans for street light design per City standards, at locations approved by the City. All street lights along the project frontages shall be painted Mesa Brown and upgraded with LED fixtures compliant with PG&E standards.

xiv. Prior to Final Map approval, the applicant shall enter into a Subdivision Improvement Agreement and provide a performance bond for the completion of the off-site improvements as shown on the approved project improvement plans. The applicant shall obtain an encroachment permit, from the appropriate reviewing jurisdiction, prior to commencing any work within the right-of-way (ROW) or public easements.

xv. All agreements shall run with the land and shall be recorded with the San Mateo County Recorder's Office prior to building permit final inspection.

xvi. Street trees shall be from the City-approved street tree species or to the satisfaction of City Arborist. Irrigation within public right of way shall comply with City Standard Details LS-1 through LS-19.

xvii. Prior to Final Map approval, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44).

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

xix. Prior to final inspection, the applicant shall submit a landscape audit report.

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

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ACTION:

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

xxi. Prior to Final Map approval, the applicant shall submit a draft “Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement” with the City subject to review and approval by the Engineering Division. The property owner will be responsible for the operation and maintenance of stormwater treatment measures for the project.

xxii. Prior to issuance of the building permit, the owner/applicant shall submit design to demonstrate the proposed shoring tie-back/soil nails system does not adversely affect any existing or future utilities and/or any other City infrastructure, to the satisfaction of the Engineering Division. I-beams and appurtenances associated with the shoring plan, other than tie-back cables/soil nails, cannot be placed in the ROW.

xxiii. Prior to issuance of the building permit, the owner/applicant shall enter into a Tie-Back Agreement with the City and pay the associated fees for the tie-backs encroaching and remaining into the right of way associated with the project in a form approved by the City Attorney, which agreement shall be recorded and shall be binding on future owners of the property. Notarized agreements will be required between the project and the adjacent property owners if the project plans to tie-back encroaching into a private property.

xxiv. Prior to issuance of the building permit, the applicant shall install reference elevation/benchmarks to monitor ground movement in the vicinity of the shoring system at the existing curbs of El Camino Real and Cambridge Avenue before, during and after excavations. The benchmarks shall be surveyed by a licensed surveyor and tied to an existing city monument or benchmark. The benchmarks shall be monitored

201-211 El Camino Real and 612 Cambridge Avenue – Attachment C; Exhibit A – Recommended Actions

LOCATION: 201-211 El Camino Real and 612 Cambridge Avenue	**PROJECT NUMBER:** PLN2018-00061	**APPLICANT:** Steve Atkinson	**OWNER:** HuHan Two, LLC

PROPOSAL: Request for architectural control, a use permit, a vesting tentative map, a below market rate (BMR) housing agreement, and environmental review for demolition of an existing commercial building and a multifamily residential building and the construction of a new three-story, mixed-use building with a below-ground parking structure and two townhouses. The mixed-use building would consist of retail and restaurant uses on the first floor and 12 residential units on the second and third floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district, at 201-211 El Camino Real. The two townhouses would be constructed on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue. A vesting tentative map is requested to merge the existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes, with 12 residential units, one restaurant space and no more than three retail spaces on one lot, and two townhouses on the second lot. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of rounding up a fractional BMR unit requirement to a full BMR unit for a total of two on-site BMR units. The project also requires Planning Commission review for consistency with the General Plan related to the proposed vacation of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real. A portion of the abandoned public right-of-way would go to the adjacent property owners at 201-211 El Camino Real and 239-251 El Camino Real. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA).

DECISION ENTITY: City Council	**DATE:** October 27, 2020	**ACTION:** TBD

VOTE: TBD (Carlton, Combs, Mueller, Nash, Taylor)

ACTION:

for horizontal and vertical displacement of public improvements. Tie-back system shall comply with the City's Tie-Back Guidelines.

xxv. The streets adjoining the project shall receive an asphalt concrete overlay at the completion of improvements as shown on the vesting tentative map. Existing striping, markings, and legends shall be replaced in kind, or as modified by the City Engineer.

xxvi. Prior to final inspection, the applicant shall submit a maintenance agreement for non-standard improvements within the public right-of-way.

xxvii. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.

i. Transportation-specific Conditions, subject to review and approval of the Transportation Division except as otherwise noted:

i. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. The TIF is estimated to be $71,314.50. This is calculated by subtracting the existing TIF value of $101,728.34 from the proposed TIF value of $173,042.84. Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.

DRAFT – RESOLUTION NO. 6596

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ORDERING THE VACATION AND ABANDONMENT OF ALTO LANE, PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY AT 201-211 EL CAMINO REAL AND 239-251 EL CAMINO REAL

WHEREAS, the developer of 201-211 El Camino Real and 612 Cambridge Avenue has submitted to the City of Menlo Park a development project referred to as 201 El Camino Real which includes the abandonment of Alto Lane, public right-of-way; and

WHEREAS, on September 22, 2020, the City Council of the City of Menlo Park adopted Council Resolution No. 6590 declaring the intention of said City Council to abandon the Alto Lane public right-of-way adjacent to the property at 201-211 El Camino Real and 239-251 El Camino Real in the City of Menlo Park; and

WHEREAS, the Planning Commission of the City of Menlo Park held a Public Hearing on 201 El Camino Real project on October 5, 2020, which included aforementioned proposed abandonment and has reported to the City Council that said proposed development including abandonments conforms with the City's General Plan; and

WHEREAS, notice of said Public Hearing was duly made by publication, mailing, and posting as required by law, and proof thereof is on file with the City Clerk of the City of Menlo Park; and

WHEREAS, there are existing utilities in Alto Lane that will be required to be relocated prior to abandonment; and these existing utilities will be either reconfigured or abandoned and, where necessary, a new easement created to accommodate the new disposition of these utilities; and

WHEREAS, pedestrian access through the site would be provided by a public service easement proposed as part of the project; and

IT APPEARING to the City Council of the City of Menlo Park that Alto Lane, public right-of-way should be abandoned for the reason that the existing utilities will be relocated or abandoned and they are no longer needed as a result of the proposed 201 El Camino Real project, thereby removing these unneeded easement encumbrance, and that public convenience, necessity, and the best interests of the citizens of Menlo Park will be served by such abandonment.

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

BE IT AND IT IS HEREBY RESOLVED by the City of Menlo Park

A) that said City Council does hereby abandon, to the full extent permitted by law, Alto Lane, the public right-of-way adjacent to the property at 201-211 El Camino Real and 239-251 El Camino Real described on the legal plats, Exhibit A, attached hereto and by the legal description of said public right-of way on file in the Engineering Division, and said exhibits and legal descriptions are incorporated herein and made a part hereof; and

B) that said City Council does hereby acknowledge that prior to abandoning Alto Lane, the public right-of-way adjacent to the property at 201-211 El Camino Real and 239-251 El Camino

Real, all existing utilities will be required to be relocated; and a new public service easement created; and

C) that said abandonment is consistent with the General Plan; and

D) that said abandonment is exempt under current California Environmental Quality Act Guidelines.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-seventh day of October, 2020, 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 twenty-seventh day of October, 2020.

_____
Judi A. Herren, City Clerk

EXHIBIT A

LEGAL
DESCRIPTION APN:
060-321-220

ALTO LANE VACATION

THAT PORTION OF ALTO LANE AS SHOWN ON THAT CERTAIN MAP TITLED "MAP No. 2 STANFORD PARK" RECORDED IN MAP BOOK 8 AT PAGE 46, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, NORTH OF LOT 70 AND SOUTH OF LOTS 71, 72, 73 AND 74, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 71 AS SHOWN ON SAID MAP;

THENCE SOUTH 34°12'53" WEST, 20.00 FEET TO THE MOST EASTERLY CORNER OF LOT 70, AS SHOWN ON SAID MAP;

THEN ALONG THE NORTHEASTERLY LINE OF LOT 70, NORTH 55°47'07" WEST, 121.57 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 70;

THENCE NORTH 34°24'20" EAST, 20.00 FEET TO THE MOST WESTERLY CORNER OF LOT 74 AS SHOWN ON SAID MAP;

THENCE ALONG THE SOUTHWESTERLY LINES OF LOTS 74, 73, 72 AND 71 AS SHOWN ON SAID MAP, SOUTH 55°47'07" EAST, 121.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2431 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION AND ACCOMPANIED EXHIBIT "B" HAS BEEN PREPARED AT MARK THOMAS, BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



TRAVIS TIMOTHY BOHAN LS. 8965

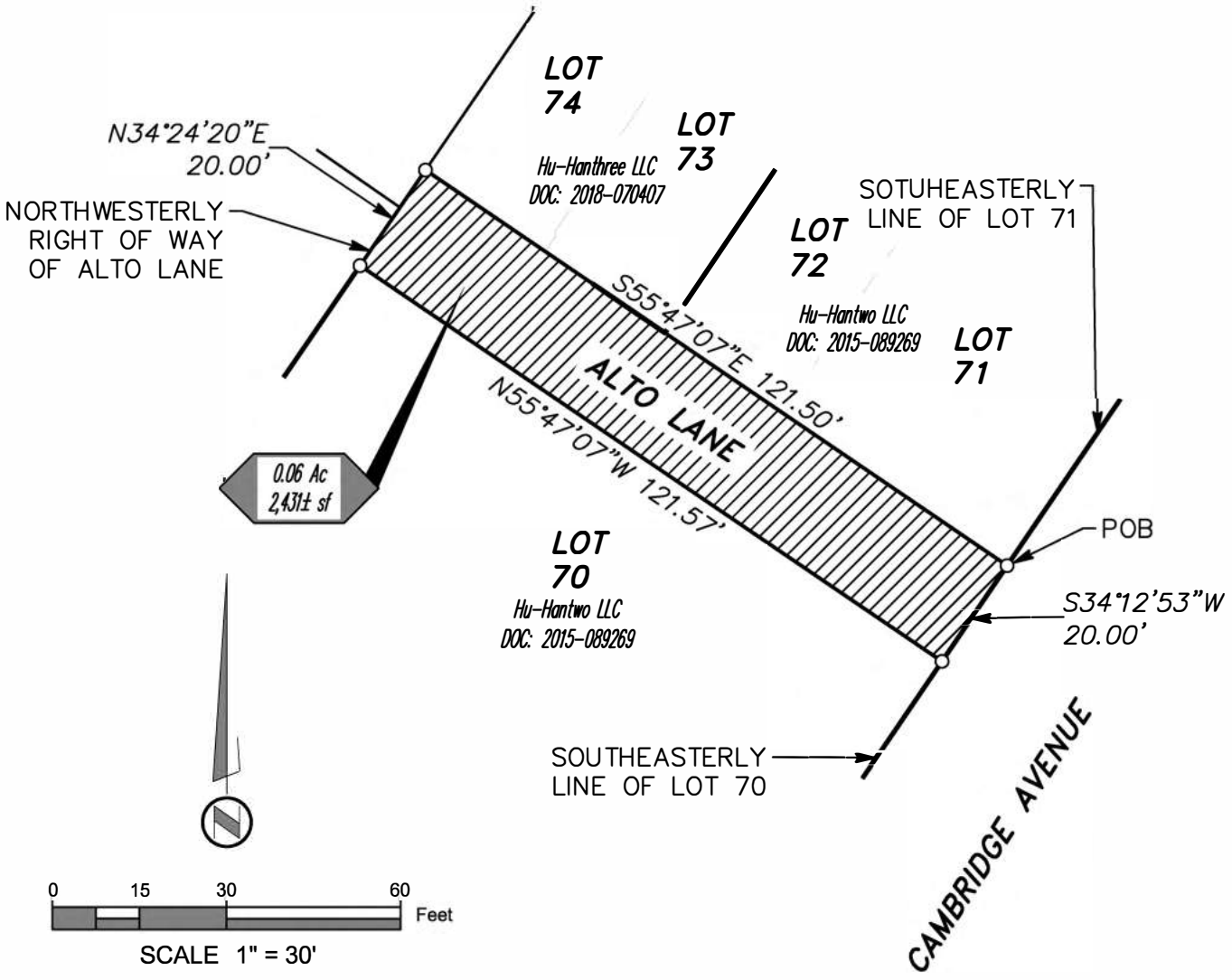
07/07/2020
DATE

PAGE 1 OF 1

LEGEND

POB POINT OF BEGINNING
o DIMENSION POINT
ALTO LANE, TO BE VACATED

LICENSED LAND SURVEYOR
TRAVIS TIMOTHY BOHAN
No. 8965
STATE OF CALIFORNIA



MARK THOMAS

Scale: 1" = 30'
Date JULY 2020
Drawn By ADB
Checked By

ALTO LANE VACATION

Plat to Accompany Legal Description
In the City of Menlo Park
San Mateo County, California

\\WCFILE01\PROJECTS\SDE- 201 EL CAMINO MENLO PARK\SURVEY\PRODUCTION FILES\LEGAL DESCRIPTIONS & PLATS\VACATION\ALL AREA BEING VACATED\201-EL-CAMINO_VAC-ALL.DWG
2020-07-06 ABRENT

DRAFT – RESOLUTION NO. 6597

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING THE BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS BETWEEN THE CITY OF MENLO PARK AND HUHAN TWO, LLC, FOR THE PROJECT LOCATED AT 201-211 EL CAMINO REAL AND 612 CAMBRIDGE AVENUE

WHEREAS, the City of Menlo Park ("City") has received an application from HuHan Two, LLC ("Applicant"), to demolish the existing buildings on-site and redevelop the property located at 201-211 El Camino Real and 612 Cambridge Avenue ("Project Site"), with the subsequent construction of one mixed-use building containing two floors of underground parking, retail and restaurant uses on the ground floor, and 12 residential units on the second and third floors, and two detached townhouses, with a total floor area of approximately 28,847 square feet; and

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

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for the Project and adopted by the City Council on October 27, 2020, in accordance with the provisions of the California Environmental Quality Act and CEQA Guidelines; and

WHEREAS, after notice having been lawfully given, a public meeting was scheduled and held before the Housing Commission of the City of Menlo Park on October 7, 2020 to review the initial draft Below Market Rate Housing Agreement and Declaration of Restrictive Covenants ("BMR Agreement") for the provision of two on-site BMR units, affordable to low-income households whether for rent or for-sale, whereat all persons interested therein might appear and be heard; and

WHEREAS, the Housing Commission of the City of Menlo Park having fully reviewed, and considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend the City Council of the City of Menlo Park to approve the BMR Agreement attached hereto as Exhibit A has been structured accordingly; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the Planning Commission of the City of Menlo Park on October 5, 2020 whereat all persons interested therein might appear and be heard; and

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

WHEREAS, after notice having been lawfully given, a public hearing was scheduled and held before the City Council of the City of Menlo Park on October 27, 2020 whereat all persons interested therein might appear and be heard; and

WHEREAS, on October 27, 2020 the City Council of the City of Menlo Park has read and considered that certain BMR Agreement between the City and the Applicant that satisfies the requirement that Developer comply with Chapter 16.96 of the City's Municipal Code and with the Below Market Rate Housing Program Guidelines.

NOW, THEREFORE, the City Council of the City does RESOLVE as follows:

1. Public interest and convenience require the City to enter into the Agreement described above and incorporated herein as Exhibit A.

2. The City of Menlo Park hereby approves the Agreement and the City Manager is hereby authorized on behalf of the City to execute the Agreement

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-seventh day of October, 2020, 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 twenty-seventh day of October, 2020.

_____
Judi A. Herren, City Clerk

EXHIBIT A

This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
City of Menlo Park
Attn: City Clerk
701 Laurel Street
Menlo Park, CA 94025

BELOW MARKET RATE HOUSING AGREEMENT

AND

DECLARATION OF RESTRICTIVE COVENANTS

(201-211 El Camino Real and 612 Cambridge Avenue Project)

THIS BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS ("**Agreement**") is entered into as of _____, 2020 ("**Effective Date**"), by and between the City of Menlo Park, a California municipal corporation ("**City**"), and HuHan Two, LLC, a limited liability company ("**Owner**"). City and Owner may be referred to individually as a "**Party**" or collectively as the "**Parties**" in this Agreement.

RECITALS

A. Owner is the owner of those certain parcels of real property having current addresses at 201-211 El Camino Real (APN 071-431-200), 612 Cambridge Avenue (APN 071-413-380) and an unaddressed property (APN 071-413-370), in the City of Menlo Park, California (collectively, the "**Property**"), as more particularly described in Exhibit A attached hereto. The Property is commonly known as 201 El Camino Real.

B. Owner applied to demolish approximately 6,032 square feet of existing commercial space and 2,892 square feet of existing residential space on the Property and to develop a three-story, mixed-use development consisting of approximately 7,076 square feet of retail and restaurant uses on the first floor and 12 multi-family residential units on the second and third floors, with a below-grade parking structure, and two detached townhouses, along with associated site improvements. ("**Project**").

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program ("**BMR Ordinance**"), and the Below Market Rate Housing Program Guidelines ("**Guidelines**") require the Owner to provide 10 percent or 1.4 units as affordable to below

market rate ("**BMR**") households. The Owner is seeking to develop at the public benefit bonus level and has proposed 0.6 additional BMR units as the public benefit for a total of two on-site BMR units for low income households.

D. On October 27, 2020, after a duly noticed public hearing, and on the recommendation of the Planning Commission, the City Council granted architectural control, conditional use permit, major subdivision map, public right-of-way vacation, and environmental review approvals for the Project ("**Project Approvals**"). Because the Project Approvals include a subdivision map, the housing units could be sold as condominiums; however, the Owner has indicated that the residential units will be rental for an indefinite period.

E. The Project Approvals require the Owner to provide two BMR units affordable to low-income households, whether the units are rented or sold ("**Low Income Units**"). In accordance with the BMR Ordinance and Guidelines, Owner is required to execute and record an approved Below Market Rate Housing Agreement as a condition precedent to the issuance of a building permit for the Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. **CONSTRUCTION OF THE IMPROVEMENTS**

1.1 **Construction of the Project**. Owner agrees to construct the Project in accordance with the City Municipal Code, the Guidelines, the Project Approvals, and all other applicable state and local building codes, development standards, ordinances and zoning codes and to meet the following conditions in accordance with the Project Approvals:

(a) Prior to issuance of any building permit to construct any portion of the Project, Owner shall execute, acknowledge and deliver this Agreement to the City, which shall be recorded.

(b) No portion of any residential unit may be approved for occupancy until the Owner has completed and designated two Low Income Units in the Project, the City has approved the Low Income Units for occupancy, and the terms of Section 2 or Section 3 have been otherwise complied with.

(c) The exterior materials used in the construction of the Low Income Units Units will be similar and indistinguishable from those of the market rate units. The interior finishes of the Low Income Units shall be similar to those of the market rate units.

1.2 **City and Other Governmental Permits**. Before commencement of the Project, the Owner shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; the staff of the City will, without incurring liability or expense therefor, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the City Code, and all other applicable laws and regulations.

1.3 **Compliance with Laws**. The Owner shall carry out the acquisition, design, construction and operation of the Project in conformity with all applicable laws, including all

applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code. The Owner shall also ensure that the Project is constructed and operated in compliance with all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

2. OPERATION OF RENTAL HOUSING

2.1 **Low Income Units**. Owner agrees to make available, restrict occupancy, and lease two of the 12 multi-family residential units on the Property exclusively to Low Income Households at an Affordable Low Income Rent. The Low Income Units shall be of a quality and size comparable to all of the other multi-family residential units in the Project. Prior to occupancy of the first residential unit in the Project, including the townhouses, the Owner shall notify the City and the City shall approve of the locations of the Low Income Units within the multi-family residential building. The location of the two Low Income Units are shown on Exhibit B attached hereto. The floor plan showing the size and layout of the BMR Units are shown on Exhibit C attached hereto.

2.2 **Maximum Affordable Rent, Low Income**. The maximum Monthly Rent chargeable for the Low Income Units and actually paid by a Low Income Household shall not exceed 30 percent of the Low Income Limits, adjusted for the assumed household size for the unit based on the number of bedrooms contained in the unit ("**Affordable Low Income Rent**"). Monthly Rent for the Low Income Units shall include the right to use at least one parking space in the residential buildings' parking garage.

(a) For purposes of this Agreement, "**Low Income Households**" shall mean those households with incomes that do not exceed the low income limits for San Mateo County, adjusted for household size, as set forth in the Guidelines, and as established and amended from time to time in accordance with the low income limits for San Mateo County established by the State of California in the California Code of Regulations, Title 25, Section 6932 or successor provision ("**Low Income Limits**").

(b) For purposes of this Agreement, "**Monthly Rent**" means the total of monthly payments actually made by the household for (a) use and occupancy of a Low Income Unit and land and facilities associated therewith, (b) any separately charged fees or service charges mandatorily assessed by the Owner which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the Owner, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, cable, and internet service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Owner.

2.3 **Selection of Tenants**. Each Low Income Unit shall be leased to tenant(s) selected by the Owner who meet all of the requirements provided herein, and, to the extent permitted by law, with priority given to those eligible households as identified in Section 7 of the Guidelines. The City may, from time to time, provide to the Owner names of persons who have expressed interest in renting Low Income Units for the purposes of adding such interested persons to Owner's waiting list to be processed in accordance with Owner's

customary policies. The Owner shall not refuse to lease to a holder of a certificate or a rental voucher under the Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.

2.4 **Income Certification**. On or before July 1 of each year, commencing with the calendar year that the first unit in the Project is rented to a tenant, and annually thereafter, the Owner shall obtain from each household occupying a Low Income Unit and submit to the City a completed income computation and certification form, which shall certify that the income of the household is truthfully set forth in the income certification form, on a form proposed by Owner and approved by the City's Deputy Community Development Director or his/her designee ("**Deputy Director**"). The Owner shall certify that each household leasing a Low Income Unit meets the income and eligibility restrictions for the Low Income Units. A qualified Low Income Household shall continue to qualify unless at the time of recertification, for two consecutive years, the household's income exceeds the Low Income Limits, then the tenant shall no longer be qualified. Upon the Owner's determination that any such household is no longer qualified, Owner will provide the City and tenant with not less than 60 days notice of the need to vacate the Low Income Unit and will take such other actions, as specified in Section 11.1.7 of the Guidelines, as may be necessary to ensure that the total required number of units are rented to Low Income Households.

2.5 **Lease Requirements**. At least 90 days prior to occupancy of any residential unit in the Project, the Owner shall submit a standard lease form for approval by the Deputy Director. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required by the Guidelines. Owner shall enter into a written lease, in the form approved by the City, with each new tenant of a Low Income Unit upon such tenant's rental of the Low Income Unit. Each lease shall be for an initial term of not less than one year, and shall not contain any of the provisions which are prohibited by the Guidelines.

2.6. **Maintenance**. The Owner shall maintain or cause to be maintained the interior and exterior of the residential buildings at the Property in a decent, safe and sanitary manner, and consistent with the standard of maintenance of first class condominium projects within San Mateo County, California of the age of the Property improvements. If at any time Owner fails to maintain the Property in accordance with this Agreement and such condition is not corrected within five days after written notice from the City with respect to graffiti, debris, waste material, and general maintenance, or 30 days after written notice from the City with respect to landscaping and building improvements, then the City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Property and perform all acts and work necessary to protect, maintain, and preserve the Property, and to attach a lien upon the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by the City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Owner to the City upon demand.

2.7 **Affordability Period.** Unless sooner terminated pursuant to the terms of this Agreement, or sold to a qualified low-income purchaser with a 55-year deed restriction pursuant to Section 3, the Property shall be subject to the requirements of this Agreement from the date of recordation of this Agreement until the 55th anniversary of the date that the Low Income Units in the Project are available for occupancy by a Low Income Household. For purposes of this Agreement, the duration of this requirement shall be known as the "**Affordability Period**." The requirement to provide two Low Income Units on the Property shall apply as of the effective date, and this Agreement shall not be released from the property

until the owner has provided the two Low Income Units on the Property for the Affordability Period.

2.8 **Monitoring and Recordkeeping**. Throughout the Affordability Period, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines and shall annually complete and submit to the City by July 1st an Annual Report, as defined in the Guidelines. Representatives of the City shall be entitled to enter the Property, upon at least 24 hour notice, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the Low Income Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Owner agrees to cooperate with the City in making the Property available for such inspection or audit. If for any reason the City is unable to obtain the Owner's consent to such an inspection or audit, the Owner understands and agrees that the City may obtain at Owner's expense an administrative inspection warrant or other appropriate legal order to obtain access to and search the Property. Owner agrees to maintain records in businesslike manner, and to maintain such records for the Affordability Period.

2.9 **Expiration of Affordability Period; Release of Property from Agreement**.

(a) Prior to the expiration of the Affordability Period, Owner shall provide all notifications required by Government Code Sections 65863.10 and 65863.11 or successor provisions and any other notification required by any state, federal, or local law. In addition, at least six months prior to the expiration of the Affordability Period, the Owner shall provide a notice by first-class mail, postage prepaid, to all tenants in the Low Income Units. The notice shall contain (i) the anticipated date of the expiration of the Affordability Period and (ii) any anticipated Monthly Rent increase upon the expiration of the Affordability Period. The Owner shall file a copy of the above-described notice with the Deputy Director.

(b) Upon the expiration of the Affordability Period for the Low Income Units, the City shall execute and record a release of the Project, the Property, and each unit in the Project from the burdens of this Agreement within 30 days following written notice from the Owner, if at the time the Owner is in compliance with all terms of this Agreement, including without limitation the provisions of this section regarding notice of the expiration of the Affordability Period.

2.10 **Non-Discrimination Covenants**. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall Owner itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property.

3. OPERATION OF FOR-SALE HOUSING

3.1 **Low Income Units**. Owner agrees that upon conversion of any of the 12 multi-family residential units from a rental to for-sale condominium, Owner will make two Low Income Units on the Property available for sale to qualified Low-Income Households in accordance with the Guidelines, including but not limited to the 55 year deed restriction required by Section 5.5 of the Guidelines. The Low Income Units shall be of a quality and size

comparable to all of the other multi-family residential units in the Project. If not previously identified and approved pursuant to Paragraph 2.1 of this Agreement, prior to the sale of the first multi-family residential unit in the Project, the Owner shall notify the City and the City shall approve of the locations of the Low Income Units within the multi-family residential building.

3.2 **Notice, First Refusal and Relocation Assistance.** Owner agrees to provide at least a six months advance written notice to the City and any tenant of a Low Income Unit if the multi-family residential building in the Project will convert from rental to for sale condominiums. The notice will include a right of first refusal for the tenant of the Low Income Unit to purchase the Low Income Unit. If the current tenant does not exercise their right to purchase the Low Income Unit within 90 days of the notice, Owner will notify the City so that the City can offer the purchase opportunity to other qualified Low Income Households on the City's BMR ownership interest list or for purchase by the City in accordance with Guidelines Section 8.1.16, attached hereto as Exhibit D. Provided all the criteria in 8.1.16 are satisfied, the developer shall be free to sell the unit without restriction. In addition, if the tenant does not exercise their right to purchase the Low Income Unit, Owner will provide relocation assistance in accordance with Menlo Park Municipal Code Section 8.56.050, including but not limited to the cash equivalent of three months rent.

3.3 **Sale to Low Income Households.** The two Low Income Units are to be sold in accordance with the BMR Ordinance and the Guidelines. Each Low Income Unit shall be affordable to households which are low income as defined in Section 50093 of the California Health and Safety Code, as described in the Guidelines, and are of the smallest household size eligible for the Low Income Units on the BMR waiting list maintained by the City on the date that the Sales Prices are set, as more particularly described below. The Sales Price shall be calculated according to the following formula by reference to the definitions and standards set forth below: the **"Sales Price"** shall be calculated by adding the cash down payment, to the Maximum Mortgage Amount, less lender and escrow fees and costs incurred by the buyer. The Sales Price shall be set before the commencement of the sale process for the Low Income Units.

(a) The **"Smallest Household Size"** means the household with the smallest number of persons eligible for the Low Income Units, as shown in Section 14, Table C (Occupancy Standards) of the Guidelines.

(b) The current **"Maximum Eligible Income"** shall be the most current State Income Limit for San Mateo County, Low Income category, as published by the State of California Department of Housing and Community Development, for the Smallest Household Size.

(c) The **"Maximum Allowable Monthly Housing Expenses"** is calculated by multiplying the Maximum Eligible Income by 33 percent and dividing by 12.

(d) The **"Actual Monthly Housing Expenses"** are calculated by adding the following costs associated with a particular Low Income Unit and dividing by 12: (i) any loan fees, escrow fees and other closing costs (amortized over 360 months) and/or private mortgage insurance associated therewith; (ii) property taxes and assessments; (iii) fire, casualty insurance and flood insurance, if required; (iv) property maintenance and repairs, deemed to be Two Hundred Dollars ($200) per month; (v) a reasonable allowance for utilities as set forth in the Guidelines, not including telephones, and (vi) homeowners association fees, if applicable, but

less the amount of such homeowners association fees allocated for any costs attributable to (iii), (iv) or (v) above.

(e) The **"Maximum Monthly Mortgage Payment Amount"** is calculated by subtracting the Actual Monthly Housing Expenses from the Maximum Allowable Monthly Housing Expenses.

(f) The **"Maximum Mortgage Amount"** is established by determining the amount of mortgage that a lender would loan, based upon the Maximum Monthly Mortgage Payment Amount and based upon the down payment found to be the lowest that lenders are willing to accept in a survey of lenders as described below. Survey and take the average of at least three local lenders who regularly make home loans at a typical housing expense ratio to first-time buyers in the price range of the BMR home on the day that the price is set. The mortgage amount shall be for a 30-year fixed rate mortgage with standard fees, closing costs and no points, and shall be less than or equal to the Maximum Monthly Mortgage Amount.

3.4 **Additional Sales Price Factors.** The calculation of the Sales Price shall be based upon the factors defined below. These definitions conform to the eligibility and underwriting standards established by the major secondary mortgage market investors, such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(a) **Mortgage Interest Rate.** The mean average of contract interest rates on the date that the Sales Price is set, for fixed rate, 30-year "Conforming" mortgages (presently $765,600 or less, as such amount may be adjusted from time to time as the maximum amount of FHA Conforming mortgages), or for jumbo mortgages if applicable; as quoted by three local retail lenders. The three local retail lenders shall be selected at random by the City from the list of lenders certified by San Mateo County to make first mortgage loans with Mortgage Credit Certificates.

(b) **Points.** The mean average of points quoted by three local lenders that make mortgage loans to first time home buyers in the City of Menlo Park on the date that the Sales Price is set for fixed rate, 30 year mortgages of $765,600 or less, or for jumbo mortgages if applicable, which lenders are selected on a random basis by the City. Points are a one-time fee paid to a lender for making a loan. One point is equal to one percent of the loan amount.

(c) **Lender/Escrow Fees.** The mean average of fees charged by three local lenders that make mortgage loans to homebuyers, which lenders are selected on a random basis by the City, plus escrow company fees, for such items as title insurance, appraisal, escrow fees, document preparation and recording fees.

(d) **Loan to Value Ratio.** The maximum ratio of the dollar amount of a conforming mortgage to the sales price of a home which a lender is willing to approve at a given point in time. For purposes of this Agreement, the loan to value ratio shall be calculated as the mean average of the maximum loan to value ratios as quoted by three

local lenders selected on a random basis by the City from a list of lenders who actively make loans to homebuyers and who participate in the Mortgage Credit Certificate program.

(e) **Housing Expense Ratio.** The mean average of the housing expense ratio as reported on the date that the sales price is set, for fixed rate, 30-year mortgages of $765,600 or less, or for jumbo mortgages if applicable, by three local lenders that make mortgage loans to homebuyers in the City of Menlo Park, which lenders are selected on a random basis by the City. Housing expense is defined as the sum of the annual mortgage payment (including principal and interest), and annual payments for taxes, homeowners association dues, insurance, property maintenance and repairs, a reasonable allowance for utilities according to the San Mateo County Housing Authority Utility Financial Allowance Chart which is periodically updated and amended, and any secondary financing (but excluding any portion of the aforementioned expenses covered by homeowners association dues). To determine the ratio, this sum is divided by gross annual income.

(f) **Homeowners Insurance.** Calculated as the mean average of the annual cost of insurance quoted by two or three local brokers, based on their experience, for a housing unit of the price, room configuration, location, construction material and structure type of the subject Low Income Unit. Flood insurance costs, if required, shall be calculated by this same method.

(g) **Private Mortgage Insurance.** The mean average of the annual cost of private mortgage insurance quoted by two or three local lenders, based on their experience, for a housing unit of the price, location, and structure type of the subject Low Income Unit.

(h) **Taxes.** The tax rate as reported by the San Mateo County Assessor's Office.

(i) **Homewoner's Dues.** Reported by the Owner and as set forth in the Public Report issued by the California Department of Real Estate for the project.

(j) **Down Payment.** Cash portion paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed. For the purpose of calculating the Sales Price, the down payment will be defined as the mean average of the smallest down payment required by the two or three local lenders surveyed.

3.5 **Price Determination for Project with Condominium Maps that Will Rent for an Indefinite Period of Time**. Guidelines Section 5.4.1 provides that projects with a condomium subdivision map that will rent BMR units for an indefinite period shall have basic sales prices established at the outset for such BMR units in accordance with the Guidelines. Such initial sales prices shall be adjusted for the period between the month of completion of the BMR units and the month of notification of intent to sell the units, with further adjustments for improvements and deterioration per the Guidelines. The adjustments shall be based on one-third of the increase in the Consumer Price Index ("CPI"), All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments. The Sales Price shall be agreed upon in writing by Owner and the Deputy Director no later than 30 days from the date the Owner notifies the City

of its intent to convert to for-sale condominiums. In no case shall the Sales Price exceed 75% of the market rate unit sales prices.

3.6 **Presale.** If there is a standard pre-sale requirement by the BMR applicant's lender for a certain percentage of units in the Project to be sold before the BMR applicant's lender will close escrow on the loan, then the time for the City's purchase or the buyer's purchase will be extended until that requisite number of units has closed.

3.7 **Term.** Any and all obligations or responsibilities of Owner under this Agreement shall terminate upon the recording of the grant deeds conveying the Low Income Units to qualified third party purchasers in accordance with the terms and provisions of this Agreement, the recording of the deed restrictions in compliance with the Guidelines against such Low Income Units.

3.8 **Third Party Purchasers.** The execution and delivery of this Agreement shall not be deemed to be for the benefit of the third party purchasers of the Low Income Unit or any other third party and any and all obligations and responsibilities of Owner under this Agreement are to the City for whose benefit this Agreement has been entered into. No third party purchaser of a Low Income Unit or market rate unit, homeowners' association or any other third party shall obtain any rights or standing to complain that the Low Income Unit was not constructed, designed, sold or conveyed in accordance with this Agreement, or the BMR Ordinance and the Guidelines as a result of this Agreement. Furthermore, the acceptance of this Agreement by the City, the acceptance of the interior specifications for the Low Income Units and the conveyance of the Low Income Units to qualified third parties shall conclusively indicate that Owner has complied with this Agreement and the BMR Ordinance and the Guidelines.

4 DEFAULT AND REMEDIES

4.1 **Events of Default**. The following shall constitute an "**Event of Default**" by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of 30 days after written notice thereof to the defaulting Party without the defaulting Party curing such breach, or if such breach cannot reasonably be cured within such 30 day period, commencing the cure of such breach within such 30 day period and thereafter diligently proceeding to cure such breach within 90 days, unless a longer period is granted by the City; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.

4.2 **Remedies**.

(a) The occurrence of any Event of Default shall give the non-defaulting Party the right to proceed with an action in law or equity to require the defaulting Party to specifically perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

(b) City and Owner acknowledge that the purpose of this Agreement is to allow the Owner to satisfy the requirements of the BMR Ordinance and Guidelines as set forth in the recitals. City and Owner agree that to determine a sum of money which would adequately compensate either Party for nonperformance of this Agreement is not

possible and that damages would not be an adequate remedy. Therefore, City and Owner agree that in no event shall a Party, or its boards, commissions, officers, agents, or employees, be liable in damages for an Event of Default under this Agreement. This exclusion on damages shall not preclude actions by a Party to enforce payments of monies or fees due or the performance of obligations requiring the expenditures of money under the terms of this Agreement.

4.3 **Obligations Personal to Owner**. The liability of the Owner under this Agreement to any person or entity is limited to the Owner's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of the Owner under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing the Owner's obligations under this Agreement), shall be rendered against the Owner, the assets of the Owner (other than the Owner's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the obligations of the Owner under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent owner of the Project shall be liable or obligated for the breach or default of any obligations of the Owner under this Agreement on the part of any prior Owner. Such obligations are personal to the person who was the Owner at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Owner. Each Owner shall comply with and be fully liable for all obligations of an "owner" hereunder during its period of ownership.

4.4 **Force Majeure**. Subject to the Party's compliance with the notice requirements, performance by either Party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the Party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other Party, or acts or failures to act of any public or governmental entity. An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the Party claiming such extension is sent to the other Party within 30 days of the commencement of the cause.

4.5 **Attorneys' Fees**. In addition to any other remedies provided hereunder or available pursuant to law, if either Party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing Party shall be entitled to recover from the other Party its costs of suit and reasonable attorneys' fees.

4.6 **Remedies Cumulative**. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

4.7 **Waiver of Terms and Conditions**. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

4.8 **Non-Liability of City Officials and Employees**. No member, official, employee or agent of the City shall be personally liable to the Owner or any occupant of any Low Income Unit, or any successor in interest, in the event of any default or breach by the City or failure to enforce any provision hereof, or for any amount which may become due to the Owner or its successors, or on any obligations under the terms of this Agreement.

5. GENERAL PROVISIONS

5.1 **Guidelines**. This Agreement incorporates by reference the Guidelines as of the date of this Agreement and any successor Guidelines that may be amended from time to time and expresses the entire obligations and duties of Owner with respect to the Owner's obligations under the Guidelines. No other requirements or obligations under the Guidelines shall apply to Owner except as expressly provided for in this Agreement. In the event of any conflict or ambiguity between this Agreement, the Project Approvals, the requirements of state and federal fair housing laws, and the Guidelines, the terms and conditions of this Agreement, the Project Approvals, and the requirements of state and federal fair housing laws shall control. In the event of any conflict or ambiguity between this Agreement and the Project Approvals, the Project Approvals shall control.

5.2 **Protest.** Owner acknowledges and agrees that the Project Approvals provided adequate and proper notice pursuant to Government Code Section 66020 of Owner's right to protest any requirements for fees, dedications, reservations, and other exactions as may be included in this Agreement, that no protest in compliance with Section 66020 was made within 90 days of the date that notice was given, and that the period has expired in which Owner may protest any and all fees, dedications, reservations, and other exactions as may be included in this Agreement.

5.3 **Time**. Time is of the essence in this Agreement.

5.4 **Notices**. Any notice requirement set forth herein shall be deemed to be satisfied three days after mailing of the notice first-class United States certified mail, postage prepaid, or by personal delivery, addressed to the appropriate Party as follows:

Owner: HuHan Two, LLC
86 Michaels Way
Atherton, CA 94027
Attn: Yihan Hu

With a copy to:
Arent Fox
55 2nd Street, 21st Floor
San Francisco, CA 94105
Attn: Steve Atkinson

City: City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483
Attention: City Manager

With a copy to:
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483
Attention: City Attorney

Such addresses may be changed by notice to the other Party given in the same manner as provided above.

5.5 **Covenants Running with the Land; Successors and Assigns**. The City and Owner hereby declare their express intent that the covenants and restrictions set forth in this Agreement shall apply to and bind Owner and its heirs, executors, administrators, successors, transferees, and assignees having or acquiring any right, title or interest in or to any part of the Property and shall run with and burden the Property. Until all or portions of the Property are expressly released from the burdens of this Agreement, each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof shall be held conclusively to have been executed, delivered, and accepted subject to such covenants and restrictions, regardless of whether such covenants or restrictions are set forth in such contract, deed or other instrument. In the event of foreclosure or transfer by deed-in-lieu of all or any portion of the Property, title to all or any portion of the Property shall be taken subject to this Agreement. Owner acknowledges that compliance with this Agreement is a land use requirement and a requirement of the Project Approvals, and that no event of foreclosure or trustee's sale may remove these requirements from the Property. Whenever the term "Owner" is used in this Agreement, such term shall include any other permitted successors and assigns as herein provided.

5.6 **Subordination**. At Owner's request, this Agreement may be subordinated to liens, including a deed of trust (in each case a "**Senior Loan**"), which secure the financing used to acquire, construct, operate, or refinance the Project, but only if all of the following conditions are satisfied:

(a) The Owner shall submit to the City an appraisal of the Property, completed or updated within 90 days of the proposed closing of the Senior Loan, demonstrating that the amount of all proposed Senior Loans does not exceed 80 percent of the appraised fair market value of the Property.

(b) The proposed lender of the Senior Loan (the "**Senior Lender**") must not be an Affiliated Party. For the purposes of this Section, an "**Affiliated Party**" is any corporation, limited liability company, partnership, or other entity which is controlling of, or controlled by, or under common control with the Owner, and "control," for purposes of this definition, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such entity, whether through the ownership of voting securities, by contract, or otherwise. The terms "controlling" and "controlled" have the meanings correlative to "control."

(c) Any subordination agreement shall provide that the Low Income Units described in this Agreement unconditionally shall continue to be provided as required by the Project Approvals and this Agreement, provided that any successor in interest to Owner as owner of the Property claiming through the foreclosure or sale under any deed of trust shall not be liable for any violations of the Agreement which occurred prior to such successor taking title. In addition, any subordination agreement shall provide that such successor shall, within 90 days after taking title to the Property, execute a new BMR agreement approved by the City and consistent with the provisions of this Agreement, evidencing the obligation to continue to provide the Low Income Units.

(d) No subordination agreement may limit the effect of this Agreement before a foreclosure, nor require consent of the Senior Lender or assignee to exercise of any remedies by the City under this Agreement or the Project Approvals.

(e) The subordination described herein may be effective only during the original term of the loan of the Senior Lender and not during any extension of its term or refinancing, unless otherwise approved in writing by the City Manager, which approval shall not be unreasonably withheld or delayed, provided that the conditions in this paragraph are met.

(f) Owner shall submit adequate documentation to City so that City may determine that a proposed Senior Loan conforms with the provisions of this section. Upon a determination by the City Manager that the conditions in this section have been satisfied, the City Manager is authorized to execute the approved subordination agreement.

5.7 **Intended Beneficiaries**. The City is the intended beneficiary of this Agreement, and shall have the sole and exclusive power to enforce this Agreement. It is intended that the City may enforce this Agreement in order to satisfy its obligations to improve, increase and preserve affordable housing within the City, as required by the Guidelines, and to provide that a certain percentage of new housing is made available at affordable housing cost to persons and families of low income, as required by the Guidelines, and to implement the provisions of the Project Approvals. No other person or persons, other than the City and the Owner and their assigns and successors, shall have any right of action hereon.

5.8 **Partial Invalidity**. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

5.9 **Governing Law**. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.

5.10 **Each Party's Role in Drafting the Agreement**. Each Party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither Party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

5.11 **Amendment**. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

5.12 **Approvals**. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date and year set forth above.

OWNER:

HuHan Two, LLC

By:_____
Yihan Hu

Date:_____

CITY:

CITY OF MENLO PARK,
a California municipal corporation

By:_____
Starla Jerome-Robinson, City Manager

Date:_____

[Notarial Acknowledgements to be added for recording purposes]

List of Exhibits:
Exhibit A: Property Description
Exhibit B: Low-Income Unit Location
Exhibit C: Floor Plan
Exhibit D: Guidelines

Exhibit A

Property Description

Exhibit B

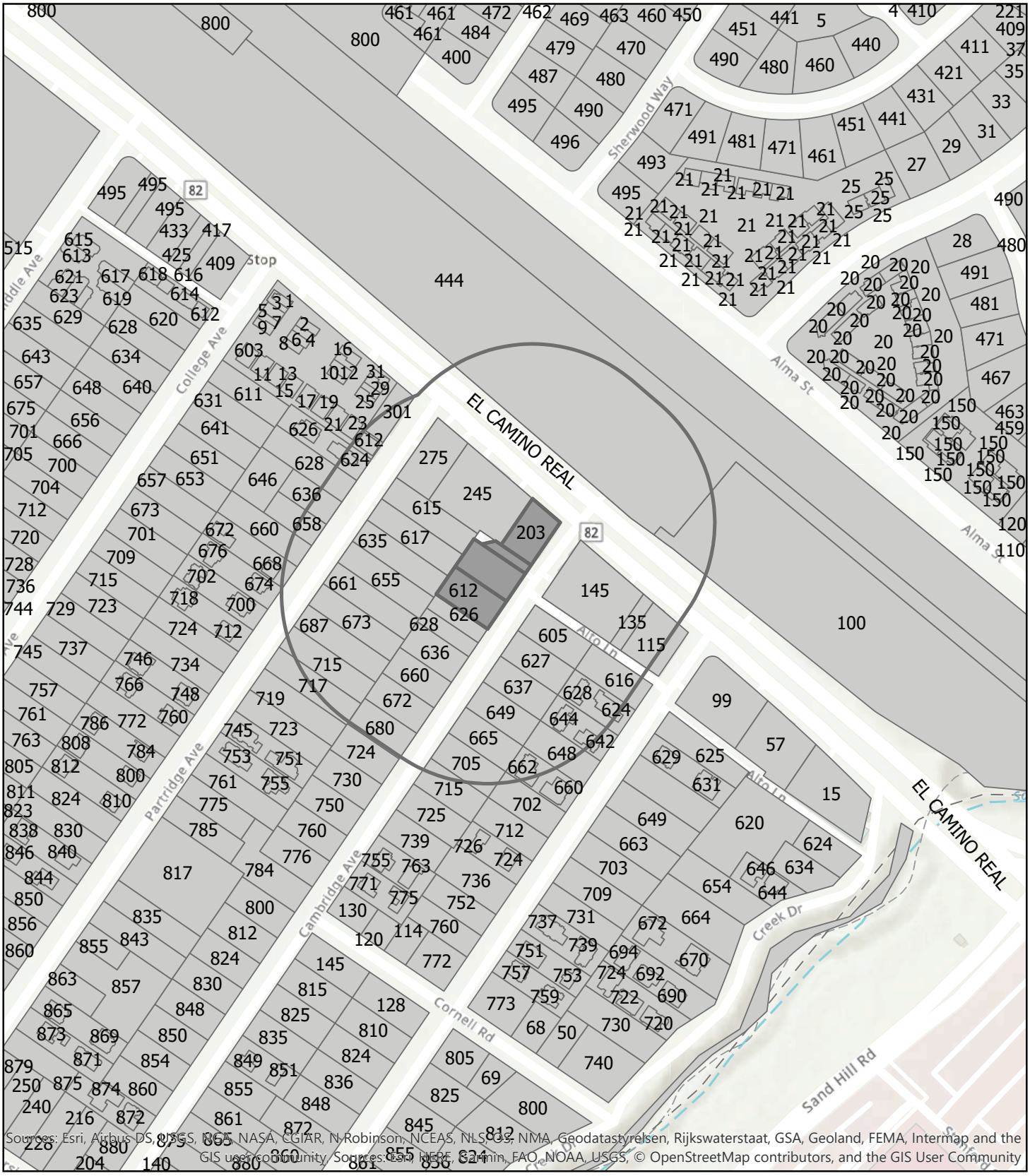
Low-Income Unit Location

Exhibit C

Floor Plan

Exhibit D

Guidelines



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CITY OF MENLO PARK

LOCATION MAP

201-211 El Camino Real and 612 Cambridge Avenue

Scale: 1:3,000 Drawn By: MAP Checked By: CDS Date: 10/27/2020

N

REGULAR MEETING EXCERPT MINUTES - DRAFT

Date: 10/05/2020
Time: 7:00 p.m.
GoToWebinar.com – ID #800-055-467

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (left the meeting during Item F2), Michael Doran (Vice Chair), Larry Kahle, Camille Kennedy (recused for item F2), Henry Riggs (Chair)

Absent: Michele Tate

Staff: Leigh Prince, Assistant to City Attorney; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Ebby Sohrabi, Senior Civil Engineer; Chris Turner, Assistant Planner

Commissioner Kennedy recused herself from consideration of item F2 due to a potential conflict of interest.

Chair Riggs indicated that for item F2, participating Commissioners were Barnes, Doran, Kahle and Riggs. He said Commissioner DeCardy would be in attendance for part of the item.

F2. Request for architectural control, a use permit, a vesting tentative map, a below market rate (BMR) housing agreement, and environmental review for demolition of an existing commercial building and a multifamily residential building and the construction of a new three-story, mixed-use building with a below-ground parking structure and two townhouses. The mixed-use building would consist of retail and restaurant uses on the first floor and 12 residential units on the second and third floors in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district, at 201-211 El Camino Real. The two townhouses would be constructed on a substandard lot with respect to lot width located in the R-3 (Apartment) zoning district, at 612 Cambridge Avenue. In addition, a lot merger is proposed to combine the SP-ECR/D lots and abandon a portion of Alto Lane. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of rounding up a fractional BMR unit requirement to a full BMR unit for a total of two on-site BMR units. The project also requires Planning Commission review for consistency with the General Plan related to the proposed vacation of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real. A portion of the abandoned public right-of-way would go to the adjacent property owners at 201-211 El Camino Real and 239-251 El Camino Real. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA). (Staff Report #20-042-PC)

Staff Comment: Associate Planner Matt Pruter said in the middle of page 13 of the staff report reference was made to a main gate and a buzzer system as well as location for mailboxes, which

information was provided erroneously. He apologized for the error. He said staff had received two comment letters pertaining to the project after publication of the staff report. He said those had been forwarded to the Commission and applicant team, and he would read those into the record under public comment.

Planner Pruter said the Commission was asked to make recommendations to the City Council on the Initial Study and Mitigated Negative Declaration, architectural control and determination of a public benefit, use permit, vesting tentative map, Below Market Rate (BMR) Housing Agreement, and make a determination that the abandonment of Alto Lane, a public right-of-way that cuts through the project site and located adjacent to the properties located at 201-211 El Camino Real and the neighboring 239-251 El Camino Real, was consistent with the General Plan.

Planner Pruter said the project was a 25,283 square foot mixed use building with 12 residential units above with units 3 and 5 proposed as BMR units, and restaurant and retail space on the ground floor on one lot and two detached townhouses on the second lot. He said the latter lot was an R-3 zoning district. He said the mixed-use project would have two floors of underground parking containing all of the 59 parking spaces required for the development. He said a paseo was also offered for public access and for the record the paseo itself was located on a public service easement that was technically within the R-3 lot along the right side of the townhouses that then traveled to the rear of the houses and then right toward the former terminus of Alto Lane.

Planner Pruter said in the El Camino Real/Downtown Specific Plan (Specific Plan) that bonus level development allowed for an exceedance of maximum gross floor area and density if a public benefit were provided. He said the project was required to provide 10 percent of the 14 residential units as BMR, or 1.4 units. He said the project was proposing two BMR units and that the 0.6 BMR increase was the proposed public benefit, and the BMR units would be reserved for low income households during the rental and for sale states. He provided a detailed drawing of how the Alto Lane abandonment would be divided between the subject property and the neighboring property located at 239-251 El Camino Real.

Planner Pruter said staff was recommending that the Commission make a recommendation of approval to the City Council noting the project provided a visually refined architectural style of a modern connection to Spanish/Monterey facades, would have the aesthetic advantage of having all parking below ground, would meet requirements for vehicular and bicycle parking, and would have adequate public benefit with the two BMR units to be rented or sold as low income. He said staff also recommended that the Commission make a determination that the Alto Lane abandonment would be consistent with the General Plan. He noted that other staff available this evening for this project were Ebby Sohrabi, Engineering Division, Leigh Prince, City Attorney's office, and consultant Arnold Mammarella.

Questions of Staff: Commissioner Doran indicated he had a question but experienced technical difficulties. Planning Technician Tapia said he would work offline with Commissioner Doran to assist in resolving the issue.

Replying to Chair Riggs, Planner Pruter confirmed that Chair Riggs was referring to the slide showing the portion of Alto Lane that would go with the former Oasis site lot. He said historically that area was used as part of the alley and people could drive their vehicles through the alley and access the Oasis property for parking purposes from Cambridge Avenue. He said it was also a terminating point for a public right-of-way and that triangular section of the end of the lane when abandoned was

what would go to the neighboring property. Answering Chair Riggs further, Planner Pruter said any access it provided would only be with the adjacent property and it would not be for public access.

Commissioner Kahle said he had not been on the Commission when this project was studied. He asked if any part of the discussion had been to use the former Oasis parking lot for the proposed project noting that lot faced the subject project's entry. Planner Pruter said the proposed project restaurant was close to that location in terms of the parking lot but had no relationship with it for parking.

Commissioner Kahle said he was looking at a comparison drawing of the previous application to this one and noted in particular the change to the upper level. He asked if Mr. Mammarella had a position on how that worked in terms of the modern Spanish/Monterey style and the rest of the project. Mr. Mammarella said he thought the design team was responding to some of the Commission's comments from the prior study session on the project some of which was split on the Spanish design. He said some wanted more of a modern approach and another comment was that the upper floor looked disconnected or disengaged. He said he thought this was the architect's approach to resolving that and making the upper floor visually recede and more simplified.

Replying to Commissioner Doran, Planner Pruter said the BMR agreement presented this evening stated that the units were reserved for low income both for rental and sale phases. He said the renters with low income would have first opportunity to purchase in the sale phase and those units were reserved for low income. He said low income range was 80% of AMI area median income for San Mateo County.

Applicant Presentation: Yihan Hu said her parents owned the property but were unable to attend the meeting. She said the architect team would present and their land use attorney was Steve Atkinson, who would talk about the BMR agreement at the end of the presentation.

Stuart Welte, principal architect with EID Architects, Palo Alto, said the project's primary objective was to complement the revitalization of the southern end of El Camino Real. He provided a visual presentation of the project. He said they would be replacing the nondescript commercial building and adjacent surface parking lot and retaining several existing redwoods and oaks. He said existing utilities would be upgraded and undergrounded and the new building facades would be configured to allow a greatly widened, fully landscaped, tree lined pedestrian shopping promenade to wrap around the corner with greater visibility, connectivity and ADA accessibility to El Camino Real.

Mr. Welte said the project had benefitted from addressing pertinent comments from the Planning Commission, public and neighbors. He said the architectural style transitioned from the formality of the Mediterranean and Spanish neighbors across El Camino Real to a more residentially scaled project along Cambridge Avenue. He said the design was consistent with the Plan's guiding principles by enhancing public space, generating vibrancy, sustaining Menlo Park's village character, enhancing connectivity, and promoting healthy living and sustainability. He said they would reach LEED gold with a willingness to reach LEED platinum but preferred the latter be a goal and not a mandate. He said the highly efficient ZE (zero energy) design was a natural fit for the project as they would transition most of the gas meters to focus on more easily renewable electric power and solar photovoltaic generation. He said rooftop gardens and plentiful biofilters would recharge the site and underlying aquifers with clean storm water. He said all but two redwood trees would be retained and designed prominently into the native, drought tolerant landscaping and open space promenade.

Mr. Welte said they listened carefully to neighbors during their community get-togethers and respected the current pedestrian pathways while working to enhance the walkable routes with greater safety, comfort and experience via the paseo, patios, terraces and individual and group rest areas. He said they had expanded on the existing neighborhood's entry monuments by linking the paseo to a new, speed reducing crosswalk adjacent to these homes and new landscaping so that this more tranquil community path could continue as an alternate to traversing directly along El Camino Real. He introduced Mark Womack, Director of Architecture, EID Architects.

Mr. Womack noted changes to the southern end of El Camino Real in Menlo Park by the scale of the Stanford project and creation of a predominant architectural style of Spanish revival. He said the intention of their project was to enhance that emerging El Camino Real streetscape and consequently for their project were drawing from the Spanish revival precedence. He said their project also needed to create a transformation from the scale and intensity of El Camino Real down to the residential character of Cambridge Avenue. He said in their design the Spanish revival architecture was expressed in massing, fenestration and detailing that had been developed to reflect a more human scale. He said this could be seen most clearly in the pattern and rhythm of the façade on Cambridge Avenue.

Mr. Womack said the project would combine three separate parcels with Alto Lane into a more cohesive design. He said Alto Lane currently primarily functioned as a vehicular route to access parking but was also used as a pedestrian path and was unattractive and featureless. He said it served a purpose but lacked safe and accessible sidewalks and it did not provide a continuing path to travel beyond the end of it. He said the ground floor retail was designed for flexibility by fronting on both El Camino Real and Cambridge Avenue and would offer good visibility for prospective tenants through glazing that opened on both streets. He said numerous entrances offered flexibility for the retail space to be subdivided if desirable. He said the primary entrance on El Camino Real was accentuated with a two story gable that was the dominant feature. He said that was flanked by large storefront windows. He said two entrances on Cambridge Avenue were nestled under large overhanging balconies and were contained within deep and wide alcoves to emphasize the entries. He said in the building break another entry provided access from Cambridge Avenue through the building to areas beyond. He said past this element a second commercial element was located toward the rear of the mixed use building. He said they envisioned this space could accommodate a small restaurant or deli. He said this commercial space also opened out on the opposite side to an inviting public plaza. He said the plaza was connected to an attractive and safe pedestrian paseo that would run through the project. He said it was southwest of the current location of Alto Lane to align with a new raised, concrete walkway that accentuated the existing Cambridge Avenue pilasters to announce the entrance into the Allied Arts neighborhood. He said the paseo always visually connected to the interior of the space and that would encourage the community to come into and through the site.

Mr. Womack said two townhomes to be located at the rear would provide a buffer between the commercial buildings and the Allied Arts neighborhood. He said the homes had been designed and detailed to reflect the character and size of the homes beyond while the Spanish revival detailing created continuity with the mixed-use project. He showed an overview of the project and how it was designed to nestle between the heritage trees and provide an attractive public space around the entire project. He said there were no blank walls facing any neighbors and high quality materials would be used.

Steve Atkinson, Land Use Attorney for the applicant, said they had not had time to review the BMR agreement before it was included in the staff report packet. He said they were nearly completely in agreement with the document as drafted with one exception. He said the BMR agreement as presented by staff indicated that the BMR units would not only be low income at the rental stage but also at low income at the selling phase. He said their understanding of the City's standard policy was that when BMRs were sold that they could be sold at the moderate income level. He said they discussed this with staff today and believed there was a useful compromise to consider. He said that was when the project was going to be converted to sale that the low income renters in the property would be given an opportunity to purchase the units at a low income price. He said if the low income residents chose not to purchase the units, then the property owner would have the opportunity to sell those units at a moderate income price. He said they discussed this with staff this morning and did not get a negative response. He said this issue was still under discussion and not fully resolved.

Commissioner Barnes asked if the BMR units had to be put up for purchase at some point or whether they could continue as rentals even if the other units were sold. Planner Pruter said his understanding was that eventually a full conversion of the residential units would be for purchase, including the BMR units.

Leigh Prince, Assistant to the City Attorney, said the project included a condo map that allowed all of the units including rental units to be sold when the property owner decided they would like to sell them. She said it would be difficult for the City to require that the BMR units remain as rentals noting as well the matter of administration if the property owner was trying to sell all of the units to a third party.

Replying further to Commissioner Barnes, Ms. Prince said it was correct that the BMR Guidelines allowed for-sale affordable units to be sold at the moderate income level whereas rental affordable units were specifically required to be at the low income level. She said this had been looked at from the perspective of a proposal for the community bonus development and the great difficulty for a low income rental tenant even if given the right of first refusal to purchase a moderate income unit. She said they had considered consistency and equity She said another consideration from the City's perspective was RHNA (Regionals Housing Needs Allocation) and whether units were a low income or moderate income towards its RHNA requirements. She said it was far simpler for the City for RHNA calculations if it was low income rental and low income for-sale as opposed to low income rental and moderate income for-sale.

Commissioner Kahle asked if the clay roof tile was one or two-piece noting it was shown differently in the details and materials board. Mr. Welte said they were keeping their options open with this noting either version would work well. He said their intent was for the scale of the tile to be smaller and look handmade.

Commissioner Kahle asked about the upper level and why they went in the direction they had. Mr. Womack said direction from the Commission on their previous proposal was that the upper floor competed too much with the dominance of the two-story façade on the front elevation and that they needed to simplify and reduce the detailing on the upper floor in an effort to make that element recede visually. Commissioner Kahle asked about the reason for the metal roof. Mr. Womack said the choice they made there was to keep the edge and line work on the upper story crisper and cleaner and to contrast it from the structure below it. He said they could have a tile roof there with the effect that the elements would blend and would have less of a distinction between those two elements.

Chair Riggs opened the public hearing.

Public Comment:

- Peter Edmonds, District 3, said his colleague Ms. Judy Roccio was also online and donating her three minutes of speaking time to him. He noted he had made a written submission that was out of date already. He said he would try to summarize a shorter version. He said he was advocating for a small change to the position of the mixed-use building along Cambridge Avenue that would preserve redwood tree #1 currently on Cambridge Avenue and scheduled for removal. He said this was not a formal appeal and he knew that process had closed. He said instead he was bringing to the Commission's attention the consequence that the applicant's current plans had for heritage tree #1 that is removal as it pertained to the Heritage Tree Ordinance that became effective July 1st. He said his second paragraph in his written letter excerpted a number of very significant phrases and criteria from the current Heritage Tree Ordinance. He said he wanted to point out that the emphasis was very strongly on preserving heritage trees with very specific criteria on allowing exceptions. He said he thought the attitude of many applicants was provided they went through the motions the heritage tree preservation requirements could be evaded and he thought that was the case with this application. He said approaching the situation from the premise that the heritage tree stayed then it would be necessary to make provisions for its root structure also.

Chair Riggs confirmed that Ms. Roccio was online and allocated her three minutes to Mr. Edmonds.

Mr. Edmonds said he claimed that there were one or more financially feasible and reasonable design alternatives for preserving heritage tree #1 and such an alternative existed. He said it was to optimize the position of the building in relation to the tree and its root structure, which was immovable and represented by a cylindrical space 24-feet, eight-inches in diameter, which was a root protection zone, and with a depth which he would like the Commission to assume for purpose of this discussion was the depth of the first parking level below grade. He said that as he believed redwood trees have a shallow root structure and no taproot and therefore only the first below grade level would be affected. He said what was needed was to optimize the position of the underground structure's parking and the ramp that served it to minimize the impact on loss of parking spaces or clearance in the approach. He said he had not done that in detail but he had considered one specific change, which would be to locate the center line of the entrance to the building on Cambridge Avenue in line with the present position of tree #1. He said he believed that would entail moving the building 16-inches west along Cambridge Avenue. He said in addition the entrance patio would need to be broadened in width by 10 feet to encompass the diameter of the root zone and move the foundations outside that protection zone. He said of course there would be other consequences and irrigation of the roots would be necessary and root control essential. He said the other consequences as written in his submission held pretty well as presented.

Planner Pruter read into the record two comment letters received after publication of the staff report noting the first was from a representative of Caltrans, District IV, in response to the CEQA document sent to them for review and the second was the comment letter referred to by Peter Edmonds.

- Dear Matthew Pruter:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 201 El Camino Real and 612 Cambridge Avenue Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2020 IS/MND.

Project Understanding
The proposed project would construct a new, approximately 25,283-square-foot, three-story, 38-foot tall, mixed-use development over two levels of subterranean parking on 201 El Camino Real and two detached townhouses on 612 Cambridge Avenue. The mixed-use building would include 12 residential units (totaling approximately 17,951 square feet, including allocated common area), two of which would be below market rate (BMR) units.

Hydrology
Any increase in storm water needs to be treated and contained on the project site to have no impact on State drainage systems. Please ensure that any runoff to State Facilities shall be metered to pre-construction levels.

Transportation Demand Management
Caltrans commends the Lead Agency in developing the Transportation Demand Management (TDM) Plan to reduce project-generated VMT, therefore working towards meeting the State's goal of a 15-percent reduction. Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans if the Lead Agency would like further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at: http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf.

Permits
Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at laurel.sears@dot.ca.gov.

Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,
Mark Leong District Branch Chief
Local Development - Intergovernmental Review

cc: State Clearinghouse

- Good evening, Chair Riggs and Commissioners, Oct. 5, 2020

  I am Peter Edmonds, a resident of District 3. I expect you remember me from last year's appeal against the destruction of 7 Heritage redwood trees at 1000 El Camino Real (ECR). This evening I'm advocating for changes to the mixed-use building at 201 ECR now under review, which would preserve Heritage redwood tree #01 on Cambridge Ave. Of course, you are all aware that the appeal period from 6/25/2020 to 7/10/2020 has closed but that is not relevant. I am seeking no formal appeal. Instead, I am bringing to your particular attention your obligation, which I have no doubt you always respect, to consider this evening the consequences that the Applicant's current plans have for Heritage Tree (HT) #01, as they pertain to the new Heritage Tree Ordinance (HTO), #1060.

  In its opening para. 13.4.010, Intent and Purpose, the HTO lists numerous community benefits of mature trees, ranging from "(1) shade" to "(12) enhancement of property values." [Who doesn't like that one?] In para. 13.4.030 (a) property owners are obligated to "use reasonable effort to maintain & PRESERVE" existing HTs in good health; in (b) construction work ..."shall not threaten the health or viability OR CAUSE REMOVAL" of HTs, except in emergency or as permitted under para.13.4.050, including subpara. (5) "FOR GOOD CAUSE" related to proposed Development and when "there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property." For 201 ECR, the property owners have a permit but the Planning Commission is now exercising its authority to review the record, I believe. Both the letter and intent of the HTO apply.

  I submit that a "financially feasible and reasonable design alternative that would permit preservation ..." etc. of HT#01 does exist. It is to move the entrance on Cambridge Ave. of the mixed-use building 1' 4" to the west, i.e., away from ECR, and to broaden the entrance patio by 10'. Doing so would align the midline of the entrance with HT#01, where it would become a feature of the property and ensure that the foundations of the entrance patio walls lie outside the 24'8"-diameter Root Protection Zone (RTZ).

  Of course, there will be other consequences:
  An extended roof of the entrance patio could embrace the trunk of HT#01, from which any lower branches would be removed; thus, the trunk would emerge through that roof (another feature). A waterproof seal at the patio roof is not required; a small central earthen bed at its base should suffice for confining and absorbing rainwater trickling down the trunk.
  Irrigation of HT#01 root system will be essential.
  The second floor might need a set-back to accommodate branches of appropriate length to the north.

On the first level above grade, the Residents' Lounge would become 1'4" narrower and the double doors of the entrance would no longer be aligned with the double doors on the north side of the lobby.

The RPZ would define a cylindrical space, possibly extending no deeper than the roofline of the second parking level below grade, which would probably eliminate 2 parking spaces on the first level below grade and restrict 1 space opposite some stairs to a mini-space, suitable for a Fiat 500 EV.

Parking spaces lost on the first level below grade could be compensated on the second level by providing 17 (instead of 14) stacked spaces. By "tunneling" to full height under the RPZ, no parking spaces should be lost on the second level.

All the above are "reasonable" changes within the letter and intent of the HTO, I submit. "Financially feasible" should be determined by comparing the estimated costs of redeveloping the property from its existing status to (i) the Applicants' currently proposed configuration with (ii) the final configuration I am now proposing, NOT by figuratively converting from the current status to (i) and then to (ii).

I rest my hasty case and will be very interested in your assessment of this submittal.

Thank you.
Peter Edmonds

Chair Riggs asked Planner Pruter to show Heritage Tree #1 on the site plan. Planner Pruter began a search for that site plan and the civil drawings.

Chair Riggs closed the public hearing.

Commission Comment: Replying to Chair Riggs, Planner Pruter said that Heritage Tree #1 was not clear on the civil drawings and displayed the site plan that showed the location of the referenced tree. Chair Riggs confirmed that the planting strip on the outside and sidewalk on the inside was consistent with the Specific Plan. Planner Pruter said the Specific Plan had a 12-foot overall sidewalk width that included four feet for tree wells for street trees and a minimum of eight feet for sidewalk access. He said at every interval where a street tree was proposed the sidewalk narrowed to eight feet and elsewhere it was 12 feet along the frontages of El Camino Real and Cambridge Avenue for the project.

Chair Riggs asked if some of the London Plane (Sycamore) trees on El Camino Real were proposed for removal. Planner Pruter said in agreement with the City Arborist two street trees would be removed and replanted in the appropriate sequence of the setback and at a more appropriate distance and three street trees would remain. Planner Pruter noted street tree #16 to be replaced was currently a 2.8-inch diameter Sycamore.

Commissioner Doran referred to the architectural question raised by Commissioner Kahle. He said he recalled the study session and Commissioner Riggs' concern about the tile roof floating above the tile roof below and how awkward that looked. He said he had not seen that as strongly on the side street but on the El Camino Real side it was very noticeable when it was pointed out by Commissioner Riggs. He said he thought the revised design worked very well from that perspective and that it fixed the problem of the roof floating above the other roof and made it appear lighter.

Chair Riggs said he agreed with Commissioner Doran. He said he thought the architects had solved the roof concern and that made the project look nicer with detailing that really enhanced. He said the project was well done.

Commissioner Kahle said the proposal was a great improvement for the area and he liked the mixed use with the residential and retail space. He said the paseo worked very well and he liked the added sidewalk next to the existing brick pilasters. He said the two BMRs were great and he thought a third BMR would have been a much more approvable public benefit. He said he was surprised that in the staff report a note said that BAE (Bay Area Economics) concluded that none of the other scenarios provided additional profit for the developer. He said the two non-street elevations were very successful, the ones facing the paseo and the former Oasis side. He said his point of view was that the two-piece clay tile was much more authentic looking tile than the one piece. He said he appreciated Commissioners Doran and Riggs' input on the third floor. He said it seemed like a disconnect at first with the metal roof. He said it was much improved over the previous elevation noting before it looked somewhat like a hotel. He said it was the metal roof that was throwing him off the most as he did not know if that worked with the Spanish Monterey style but other Commissioners thought it did. He said he thought all of the elements of the recommendations were supportable to the City Council.

Commissioner Barnes said he recalled the study session and expressing his disappointment that the design was not more innovative and was just another Mediterranean Spanish building. He said the efforts put into the different elevations, into the back paseo and use of the space now were a wonderful use of Spanish Revival. He said it had really clean lines that worked very well for the project. He asked whether the architect team would have preferred a tile roof on the upper floor.

Replying to Chair Riggs, Mr. Welte said Mr. Womack and he had strong opinions about that element. He said Commissioner Riggs' comments spurred them forward after the study session to find a way to make the building honor the neo-traditional elements and bring it into the 21st century and create clean lines. He said in bringing in a bit of modern flavor, they realized the metal roof had a lower profile. He said there was also precedence in Spanish, French and even some Italian architecture, particularly more modern Italian, where there was a juxtaposition of the traditional older buildings that had been renovated and the new additions utilized a lot more glass and metal. He said they thought that worked as long as it was not overdone and if it was colored in a way that allowed it to recede and not become too powerful of an element. He said they were very happy with the metal roof. He said they would not be ashamed if they had to put a tile roof on it either but he personally really liked the metal roof's lightness and airiness that it conveyed and the ability for it to recede.

Mr. Womack said with the simplification of all the other design elements on the third floor that reverting back to a tile roof would just dilute the concept of contrasting the upper floor from the main body of the building.

Commissioner Barnes referred to the elevation showing the facade going south on El Camino Real and . the use of the different color palette, the darker brown, on the third floor. He asked it that worked well in terms of what they were saying. Mr. Womack said he thought some differentiation in color as needed to differentiate between the two elements more strongly.

Commissioner Barnes said in regard to the five areas requested for the Commission's recommendations to the City Council that the Initial Study and Mitigated Negative Declaration was fine. He said regarding Architectural Control Review for compliance with Specific Plan standards and

guidelines that was predicated on Consultant Mammarella's review and the project seemed to conform with that. He said regarding architectural review that he thought the project worked well. He said regarding the use permit request he recommended its approval. He said the Vesting Tentative Map to merge the existing SP-ECR/D lots, abandon a portion of Alto Lane, and create a two-lot subdivision for condominium purposes was fine. He said the Below Market Rate (BMR) Housing Agreement for compliance with the City's Below Market Rate Housing Program was fine with him. He said he would support the project and recommending its approval to the City Council.

Commissioner Barnes said he would move to make the recommendations to approve to the City Council as per the staff report. Commissioner Kahle seconded the motion.

Planner Sandmeier asked if the motion included the finding that the abandonment of Alto Lane was consistent with the General Plan. Commissioner Barnes said that was correct.

ACTION: Motion and second (Barnes/Kahle) to make the following recommendations to the City Council as outlined in Attachment A of the staff report; passes 4-0 with Commissioner Kennedy recused and Commissioners DeCardy and Tate absent.

A. Adopt a Resolution of the Planning Commission of the City of Menlo Park Determining that Abandonment of Alto Lane Adjacent to the Property at 201-211 El Camino Real and 239-251 El Camino Real is Consistent with the General Plan (Attachment E).

B. Make recommendations to the City Council regarding the following:

Environmental Review

1. Adopt a Resolution of the City Council of the City of Menlo Park Adopting Findings Required by the California Environmental Quality Act, the Initial Study and Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program, and Adopting for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment B).

Architectural Control, Use Permit, and Vesting Tentative Map

2. Adopt a Resolution of the City Council of the City of Menlo Park Approving Findings and Conditions for the Architectural Control, Use Permit, and Vesting Tentative Map for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment C).

Below Market Rate (BMR) Housing Agreement

3. Adopt a Resolution of the City Council of the City of Menlo Park Approving the Below Market Rate Housing Agreement and Declaration of Restrictive Covenants between the City of Menlo Park and HuHan Two, LLC for the Project Located at 201-211 El Camino Real and 612 Cambridge Avenue (Attachment D).

End of Draft Excerpt Minutes for F2 – 201 ECR

201-211 EL CAMINO REAL

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	17,302 sf	17,302 sf	n/a sf min.
Setbacks			
Front	7.0 ft.	0 ft.	7-12 ft. min.-max.
Rear	20.0 ft.	19.7 ft.	20 ft. min.
Side (Interior)	5.0 ft.	0 ft.	5-25 ft. min.-max.
Side (Corner)	8.0 ft.	0 ft.	5-8 ft. min.-max.
Density*	12 du 30 du/acre	0 du 0.0 du/acre	20 du max. 40.0 du/acre max.
FAR (Floor Area Ratio)*	25,282.5 sf 146 %	6,032.0 sf 34.9 %	25,953.0 sf max. 150.0 % max.
Square footage by use			25,953.0 sf max.
Residential	17,365.3 sf	sf	
Restaurant	1,200.0 sf	1,500.0 sf	
Retail	5,875.6 sf	sf	
Non-medical Office		1,650.0 sf	
Open Space	8,057.5 sf 46.6 %	not available sf %	5,190.6 sf min. 30.0 % min.
Building height	38.0 ft.	13.0 ft.	38.0 ft. max.
Parking			
Residential	23 spaces	n/a	1.85 spaces per du min.
Commercial	32 spaces	31 spaces	4.0 spaces per 1,000 sf min. (retail) 6.0 spaces per 1,000 sf min. (restaurant)
	Note: Areas shown highlighted indicate a nonconforming or substandard situation. *Density and FAR are proposed at the Public Benefit Bonus level		

612 CAMBRIDGE AVENUE

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	7,923 sf	7,923 sf	7,000 sf min.
Setbacks			
Front	20.0 ft.	21.3 ft.	20 ft. min.
Rear	18.0 ft.	26.7 ft.	15 ft. min.
Side (left)	10.0 ft.	3.9 ft.	10 ft. min.
Side (right)	15.0 ft.	13.1 ft.	10 ft. min.
Density	2 du	4 du	2 du max.
FAR (Floor Area Ratio)	3,564.0 sf 45.0 %	2,892.0 sf 36.5 %	3,565.4 sf max. 45 % max.
Open Space	5,711.0 sf 72.1 %	not available sf %	3,961.5 sf min. 50.0 % min.
Building height	25.5 ft.	13.0 ft.	35.0 ft. max.
Parking	4 spaces (201 El Camino Real)	4 spaces (201 El Camino Real)	2 spaces per du min.
	Note: Areas shown highlighted indicate a nonconforming or substandard situation.		

TREES – COMBINED SITE

Heritage trees	13	Non-Heritage trees	7**	New Trees	28
Heritage trees proposed for removal	2*	Non-Heritage trees proposed for removal	3***	Total Number of Trees	43
*The City Arborist has already issued the heritage tree removal permit for the removal of these two on-site heritage trees **Includes three street trees ***Includes two street trees.					

201 EL CAMINO REAL & 612 CAMBRIDGE AVENUE

MENLO PARK, CA 94025



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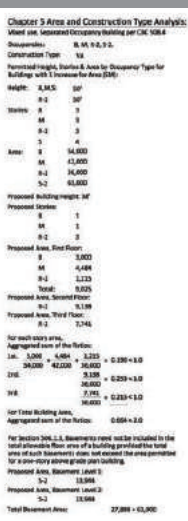
T-2	ARBORIST REPORT & TREE PROTECTION SPECIFICATIONS
T-3	TREE PROTECTION SPECIFICATIONS

Total Sheets: 81



Planning Permit #: PLN2018-00061

APN/Parcel ID: 071-413-200, 370, 380

General Notes:
The project is subject to the California Building Standards Code at the time of Building permit application.
The project is subject to the California Green Building Standards Code (Cal Green) in effect at the time of Building permit submittal and any local amendments to the Code. Other forms of green building checklist will not be accepted in-lieu of the Cal Green requirements.
All deferred submittals other than trusses are to be approved by the Building Official prior to Building Permit application.

MEP Notes:
All sanitary sewer lines shall have a slope of 2% unless otherwise approved by the Building Official.
All sanitary sewer lines will gravity feed to the sewer mains in the public right of way unless otherwise approved by the Building Official.
HVAC equipment Shall not exceed the threshold levels as established in Chapter 8.06 of the City of Menlo Park Municipal Code.
Do not run condensate water run into the storm drain systems.

Parking Calculations:

Pure Floor Area by use:

1st Floor			2nd Floor			3rd Floor	
Residential	393.1		Residential	8,646.6	sf	Residential	7,179.0	sf
Retail	5,875.6	sf					
Restaurant	1,200.0	sf					

Total Pure Square Footage by use:			Percentage of Pure Floor Area:
Pure Res SF	16,218.7	sf	69.63%
Pure Retail SF	5,875.6	sf	25.22%
Pure Restaurant	1,200.0	sf	5.15%
Total Pure SF	23,294.3	sf	

Shared Common Area, including Staircase 1, Elevator, Common Circulation and Common Lobby		
Shared Common	841.6	sf

Allocation of Shared Common Area as a Percentage of Pure Floor Area

Residential	586.0	sf
Retail	212.3	sf
Restaurant	43.4	sf

Total area for parking calculation, Pure floor area plus allocation of common area.

Use:			Ratio:		Required Parking:	
Retail	6,087.9	sf	4/1000	24.35		
Restaurant	1,243.4	sf	6/1000	7.46		
				31.81	Rounded up ->	32.0
Residential	12	Units	1.85/Unit	22.20	Rounded up ->	23.0
612 Cambridge	2	Townhomes	2 per unit	4.00	Rounded up ->	4.0
					Required Parking:	**59.0**

201 El Camino Real, Menlo Park, CA
Zoning Analysis

Zoning:	201 El Camino Real		ECR SW			Proposed Use: Retail, Restaurant, Residential	
Site Area:	17,302	sf*					
PERMITTED DEVELOPMENT INTENSITY						PROPOSED INTENSITY	
	BASE ZONING		PERMITTED WITH PUBLIC BENEFIT			PROPOSED CONSTRUCTION:	
						Proposed Gross Floor Area:	25,282.5 s.f.
Max FAR for all Uses:	1.1		1.5			Proposed Total FAR:	1.46 <1.5
Permitted Floor Area:	19,032.2	s.f.	25,953.0	s.f.		Proposed Res. Units:	12 Units
						Proposed Density:	30.00 Units/acre
						Proposed Floor Areas:	
						Restaurant:	1,200.0 s.f.
Permitted Density:	25	Units/acre	40	Units/acre		Retail:	5,875.6 s.f.
# Res. Units:	9	Units	15	Units		Common Circulation:	841.6 s.f.
						Residential Floor Area:	17,365.3 s.f.
BMR Housing:							
BMR requirement:	1 or in-lieu fee		1.5			BMR Units Proposed:	2 Units

* The lot area of the R-3 zoned 612 Cambridge parcel is not included in the lot area for these calculations.
** Residential Floor Area includes floor area on all three levels.

Setbacks:	Front	7'				Front	7'
	Right Side	5'				Right Side	5'
	Left Side	7'				Left Side	7'
	Rear:	20'				Rear:	20'
Height Limit:	Building height	38'				Building height:	38'
	Parapet height	42'				Parapet Height:	39' -5.25"
	Elevator/ Stairs	52'				Elevator/ Stairs	46'-2.5"

Open Space Minimum:		30%				Private Open Space	1,457.6 s.f.
						Common Open Space	6,599.9 s.f.
Minimum Required		5,190.6	s.f.			Total Provided:	8,057.5 s.f.

Required Vehicle Parking:		**Proposed Vehicle Parking:**			
Refer to Parking Calculation table on this sheet for a detailed analysis of required parking for each use.		Level 1:	21	cars, standard stalls	*Includes Common Circulation area allocated as a percentage by use
		Level 2:	10	cars, standard stalls	
		Level 2:	28	cars, stacker units	
Total parking required:	59 Cars	Total:	59		
ADA Parking Required:				EV Charging Station Requirements:	
Commercial: 2 Spaces Required				Of Commercial Parking, 32 Space:	
1 Van Accessible				EVSE Installed (10%) 4 Required	
1 Standard Accessible				EV Spaces Ready (15%) 5 Required	
Residential: 1 Space Required:					
1 Van Accessible				Residential: 1 EV Space per unit. 14 Total Required	
				Of which 15% to be EVCS Installed: 3 Required	
				Balance of EV Spaces Ready: 11 required	

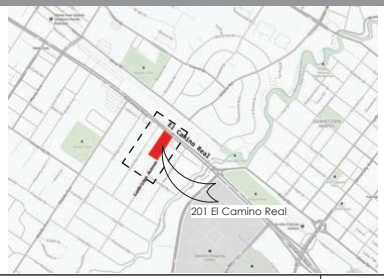
Required Bike Parking:				Req.		
Restaurant	Long Term; 1 per 12,000 sf:		(min. 2)	2	Total Required	Total Proposed
	Short Term; 1 per 2,000 sf:		(min. 2)	6	18 Long Term	18 Long Term
Retail	Long Term; 1 per 12,000 sf		(min. 2)	2	10 Short Term	20 Short Term
	Short Term; 1 per 5,000 sf:		(min. 2)	2		
Residential, Multi Family:	Long Term; 1 per unit:			14		
	Short Term; 1 per 10 units:			2		

612 Cambridge Ave, Menlo Park, CA
Zoning Analysis

Zoning:	612 Cambridge		R-3			Proposed Used: 2 Residential Townhomes	
Site Area:	7923	sf					
PERMITTED DEVELOPMENT INTENSITY						PROPOSED INTENSITY	
Max Density:	2	units				Proposed Density:	2 units
Maximum FAR	0.45					Proposed FAR	0.450
Maximum Floor Area:	3,565	sf				Proposed Floor Area:	3,564.0 44.98%
Maximum Lot Coverage	2,377	sf				Proposed Lot Coverage	2,211.8 27.92%
Min. Required Open Space:	3,962	sf				Open Space Provided:	5,711 72.08%
Maximum Height:	35	ft				Proposed Height:	25' - 6"
Parking requirement:	2	Per Unit					
Total Parking Required:	4					Parking provided:	4 ***

***Townhouse parking provided in garage at 201 El Camino Real

VICINITY MAP



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DATE 09/11/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE: COVER SHEET

SHEET NUMBER: A-0.0

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Menlo Park Fire Protection District
Fire Prevention Bureau
170 Middlefield Road
Menlo Park, CA 94025
Website: www.menlofire.org

Date: February 26, 2020

Applicant: HuIlan Two LLC
Name: Yihan Hu
Phone: (650) 504-5368

Project: New Mixed-Use Building & Two New SFD's
Address: 201 ECR & 612 Partridge Ave
City: Menlo Park

Accepted _X_ W/Conditions — Fire PC #: MPR20-0091

Reviewed by: Stuart Blakesley (650) 688-8425 — Scope: Planning-Site Review

Proposed is construction of a new Commercial mixed-use building. The application shows a El Camino Real address for this building however the Fire Marshal shall require this address (currently 201 El Camino Real) be changed to a Partridge Ave address. The project is to comply with the 2016 CA Building / Fire Codes and local amendments. The following plan review comments are applicable to this submittal:

Access:
Fire Apparatus Access is to be provided along Partridge Ave these to meet public access for covered and open parking. Aerial Ladder Access to be established along Partridge Ave where overhead electrical wiring is not located, The aerial ladder placement shall meet the prescriptive distance requirements outlined in CFC Appendix D105. The following are general Access requirements that apply to subject project:

1. **Overhead Electrical Obstruction – Overhead Electrical Utility power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.**
2. Fire apparatus roadways, including public and private streets and in some cases driveways used for vehicle access, shall be capable of supporting the imposed weight of a 75,000 pound (34,050 kg) fire apparatus and shall be provided with an all weather driving surface. Only paved or concrete surfaces are considered to be all weather driving surfaces. CFC 2016, Appendix D.
3. NOTE ON FIELD PLAN: All curbing located within the complex that has not been assigned as onsite parking shall be designated as "No Parking Fire Lane". All fire lanes to comply with MPFD standard for "Designation and Marking of Fire Lane"; since there are only two points of access to the complex "Entrance Sign B" may be used at each point of access to complex. Provide a complete no parking-fire lane stripping plan with no parking signage in accordance to MPFD standard on subsequent submittal:
   a. Roadway width for project illustrated at __ feet and shall require curb stripping with no parking signage as per MPFD Standard.
   b. Required no parking signage installed at an approved location at entrances.
4. NOTE ON FIELD PLAN: Fire apparatus roadways, including public or private streets or roads used for vehicle access shall be installed and in service prior to construction. Fire protection water serving all hydrants shall be provided as soon as combustible material arrives on the site:

   a. PRIOR TO COMBUSTIBLE MATERIAL ARRIVING ON THE SITE, CONTACT THE MENLO PARK FIRE PROTECTION DISTRICT TO SCHEDULE AN INSPECTION OF ROADWAYS AND FIRE HYDRANTS. CFC 2016.
5. For buildings 30 feet (9144 mm) and over in height above natural grade, the required fire apparatus access roadway shall be a minimum of 26 feet (7925 mm) in width, and shall be positioned parallel to at least one entire side of the building, and the fire lane shall be located within a minimum of 15feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building. CFC 2016, Appendix D105:
   a. Fire District staging areas to be located along Partridge Ave.
6. Traffic Opticom Signal Preemption System required for all traffic intersections controlled with a traffic signal. An encroachment permit shall accompany these installations.

Water Supply:
1. Applicant to provide fire flow information through a separate engineered plan showing how this is to be achieved. This document shall be submitted to Menlo Park Fire Protection District for review and approval prior to issuance of grading and building permits. CFC 2016, Sec. 507.5.1 Appendix B Section 105.2 & Table 105.1
2. The fire flow requirements for this project is calculated as follows:
   a. Type VA Construction for 1st, 2nd & 3rd Levels equaling 34,603 square feet, Type 1A Construction for two sublevel parking garage equaling 27,888 square feet. Total building area equals 62,491 square feet. The construction percentage for Type VA Construction portion totals 55.3% and the construction percentage for Type IA Construction portion totals 44.6%. The adjusted fire flow for this building is established at 3,706 gpm at a residual pressure at 20psi, at a flow duration of 3 hours.
   b. The MPFD Fire Marshal may permit a reduction of the fire flow but at no time that reduction shall not exceed **50%.** The applicant shall request in writing any reduction request in writing submitted to and approved by MPFD Fire Marshal. Fire Flow to meet CFC Section 507 and Appendix B. Building Fire Flow criteria.
3. A Public hydrant is required at a minimum of 300 foot distance from hydrant to hydrant. Two new public fire hydrants shall be required for this project. All hydrants to comply to the following:
   a. All fire hydrants shall be wet barrel standard steamer type with 1-4 1/2" (114.3 mm) and 2-2 1/2" (63.5 mm) outlets. MPFPD CFC Sec. 507.5.1 Appendix C
   b. Provide one new public fire hydrant near column lines 8/C on El Camino Real, and the second public fire hydrant at column lines 1/G on Cambridge Ave West of the underground parking ramp.
4. Fire hydrants and fire appliances (fire department connections and post indicator valves) shall be clearly accessible and free from obstruction.

Two New SFD's proposed on Partridge:
1. Install a NFPA 13-D fire sprinkler system in each new residential unit with attached garage. Each unit shall have its own separate fire sprinkler permit submittal. A separate plan review fee will be collected upon review of these plans. Automatic fire sprinkler protection shall be designed as follows:
   a. Less than 3,600 sq. ft. = 2 Head Calculation
   b. 3,600 sq. ft. or larger = 4 Head Calculation
   c. Fire sprinkler system to comply with Menlo Park Fire Protection District Standards.
2. Residential fire sprinkler shall have an interior alarm on each level, activated by the flow switch that is audible in all sleeping areas.
3. Fire flow data from the water purveyor shall be provided at time of deferred submittal for the fire suppression system.
4. Install smoke detectors in each sleeping area, the area outside sleeping areas and on each level of the house *(2019 CBC 907.2.11.2).* Install carbon monoxide detector outside the sleeping areas and on each level of the house *(2019 CBC Sec. 420).* Smoke and carbon monoxide detectors shall be inter-connected

for alarm.
5. The applicant shall provide at least 4 inch tall with ½ inch stroke illuminated address numbers on a monument located in front of the property. The address shall be visible from the street and contrasting to its background. The applicant shall also provide at least 4 inch tall with ½ inch stroke illuminated address numbers on each individual residence:
   a. Addresses for the two new SFD's shall be positioned on Cambridge Ave fronting subject property.
6. Approved plans and approval letter must be on site at the time of inspection.
7. Final acceptance of this project is subject to field inspection.

Commercial mixed use Building:
2. An approved Combination Fire Sprinkler/Class I Standpipe System shall be installed throughout this structure. Systems in new office buildings shall include a safety factor in the piping system, and plugged branch line piping allowing for future modifications. In new office mercantile building shell the sprinkler system shall be designed to .18 gpm/ 3,000 square foot of coverage area plus hose stream allowance. In new garage area the automatic fire sprinkler system shall be designed to .18 gpm/ 3,000 square feet of coverage area plus hose stream allowance. The design density for that area of the parking garage where car stackers are to be installed shall be increased beyond the .18gpm/3000 square feet in area. The residential units fire sprinkler system shall be designed to .15gpm/1500 square feet in area plus hose stream allowance. Fire sprinkler system to comply with NFPA 13 2016 edition and Menlo Park Fire Protection District Standards. A separate plan review fee will be collected upon review of these plans:
   a. Each floor level shall have a dedicated sprinkler riser assembly installed enabling fire department personnel direct access. The buildings 1st 2nd sublevels and 1st, 2nd, & 3rd floors sprinkler riser assembly to be located in stairwell #1. A 2-1/2" Standpipe Outlet required in stairwell #3.
   b. The Standpipe Outlet shall be located on main floor landing and shall reach all portions of the floor served at a 200 foot distance from the Outlet.
   c. Roof access shall be located at the top of stairwell #1 and have a two standpipe outlets, and most remote standpipe shall be calculated at 500gpm, Include in fire flow calculation.
3. An approved fire alarm system is required. A minimum of two sets of plans, specifications and other information pertinent to the system must be submitted to the Menlo Park Fire Protection District for review and approval prior to installation. A separate plan review fee will be collected upon review of these plans:
   a. The Fire alarm system shall be a waterflow monitoring system, and a single notification device shall be installed in each business located on the ground level, with additional notification devices for the upstairs common areas.
   b. Fire alarm systems shall be U.L. Certificated, Certificate of Completion and other documentation listed the National Fire Alarm Code shall be provided for all new fire alarm system installations.
4. A wet chemical extinguisher shall be provided for protection of all commercial cooking equipment and the Type I Hood Exhaust System in conjunction with UL 300 (wet) pre-engineered systems and shall be installed within 30 feet (9,144 mm) of commercial food heat-processing equipment, as measured along an unobstructed path of travel:
   a. Automatic fire extinguishing systems protecting commercial cooking equipment shall be interconnected to the fuel and electrical supply for the cooking operation, and arranged to automatically shut off all gas and electric equipment under the hood when the system is actuated. Shutoff valves or switches shall be of a type that require manual operation to reset. Automatic fire extinguishing systems shall be connected to the fire alarm system and zoned accordingly. Deep Fat Fryer require a Type K Extinguisher.
5. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Individual suite numbers shall be permanently posted on the main entrance doors of tenant spaces. If rear outside doors to tenant spaces are installed, they shall include the installation of

numerical address numbers corresponding to front addressing. Numbers on new occupancies shall comply with the following:
   a. Structures up to 50 feet (15240 mm) in height shall have addresses with a min. 1 inch (25.4 mm) stroke wide by min. 8 inches (203.2 mm) high.
   b. Addresses for the two new SFD's shall be positioned on Cambridge Ave.
6. **Address markers.** All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. Permanent addresses on new construction and substantial remodels shall be internally or externally illumined from dusk to dawn. Addresses shall be posted at the beginning of construction and shall be maintained thereafter. The address shall be visible and legible from the road on which the address is located. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction:
   a. **El Camino Real address shall be changed to a Partridge Ave address.**
7. **CFC Section 510, Emergency Responder Radio Coverage.** When required by the fire code official, all new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems within MPFD at the exterior of the building. This section shall not require improvements of the existing public safety communication systems.
   Exceptions:
   a. Where it is determined by the fire code official that the radio coverage system is not needed. MPFD requires a construction permit for the installation or modification to emergency responder radio coverage system as provisioned in CFC Section 105.7.5. A separate plan review fee will be collected upon review of these plans.
8. Elevators shall conform to the provisions of listed in Section 607 of the CFC 2016. At least one elevator shall be of a size that will accommodate one gurney (max 24 inches by 84 inches [610 mm by 2134 mm]) and three attendants.
9. Provide an emergency power disconnect (EPO) at the building main entrance actuated by a "Knox Key Switch", location of the EPO to be positioned adjacent to the required Knox Box.
10. A minimum 2A 10BC rated fire extinguisher shall be located at or near exits and shall be placed so that the travel distance to a fire extinguisher shall not to exceed 75 feet. Verify with Fire Inspector at time of rough inspection to assist with placement of extinguisher(s).
11. Exit signs, emergency lighting, address posting, fire lane, marking, fire extinguishers and Knox Box location to be field verified by Fire Inspector.
12. Means of egress components to include exit pathway throughout use, exit stairwells, exit enclosure providing access to exit doors, door hardware, exit signs, exit illumination and emergency lighting shall comply to CFC/CBC Chapter Ten:
   a. Exit door at the bottom of stairwell #2 shall open in the direction of egress travel.
13. The single man door providing direct access to the Sprinkler Riser Assembly (for each building) shall require signage on the door accessing riser stating- "Riser Room" or agreed upon language.
14. Approved plans and approval letter must be on site at the time of inspection.
15. Final acceptance of this project is subject to field inspection.

Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call with any questions.

1 CONDITIONS OF APPROVAL - FIRE
1/4" = 1'-0"

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DATE 08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE: CONDITIONS OF APPROVAL

SHEET NUMBER: A-0.1a

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EXISTING NEIGHBORHOOD HOUSE - 776 CAMBRIDGE | 9.



EXISTING NEIGHBORHOOD HOUSE - 730/ 724 CAMBRIDGE | 6.



EXISTING NEIGHBORHOOD HOUSE - 680 CAMBRIDGE | 3.



EXISTING NEIGHBORHOOD HOUSE - 649/ 665 CAMBRIDGE | 8.



EXISTING NEIGHBORHOOD HOUSE - 715 CAMBRIDGE | 5.



EXISTING NEIGHBORHOOD HOUSE - 739 CAMBRIDGE | 2.



EXISTING NEIGHBORHOOD HOUSE - 628/ 626/ 612 CAMBRIDGE | 7.



EXISTING NEIGHBORHOOD COMMERCIAL - 145 EL CAMINO | 4.



EXISTING NEIGHBORHOOD - 605 CAMBRIDGE | 1.

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08/10/2020

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MENLO PARK, CALIFORNIA 94025

SHEET TITLE
EXISTING STREET VIEWS OF NEIGHBORHOOD

SHEET NUMBER
A-0.1b

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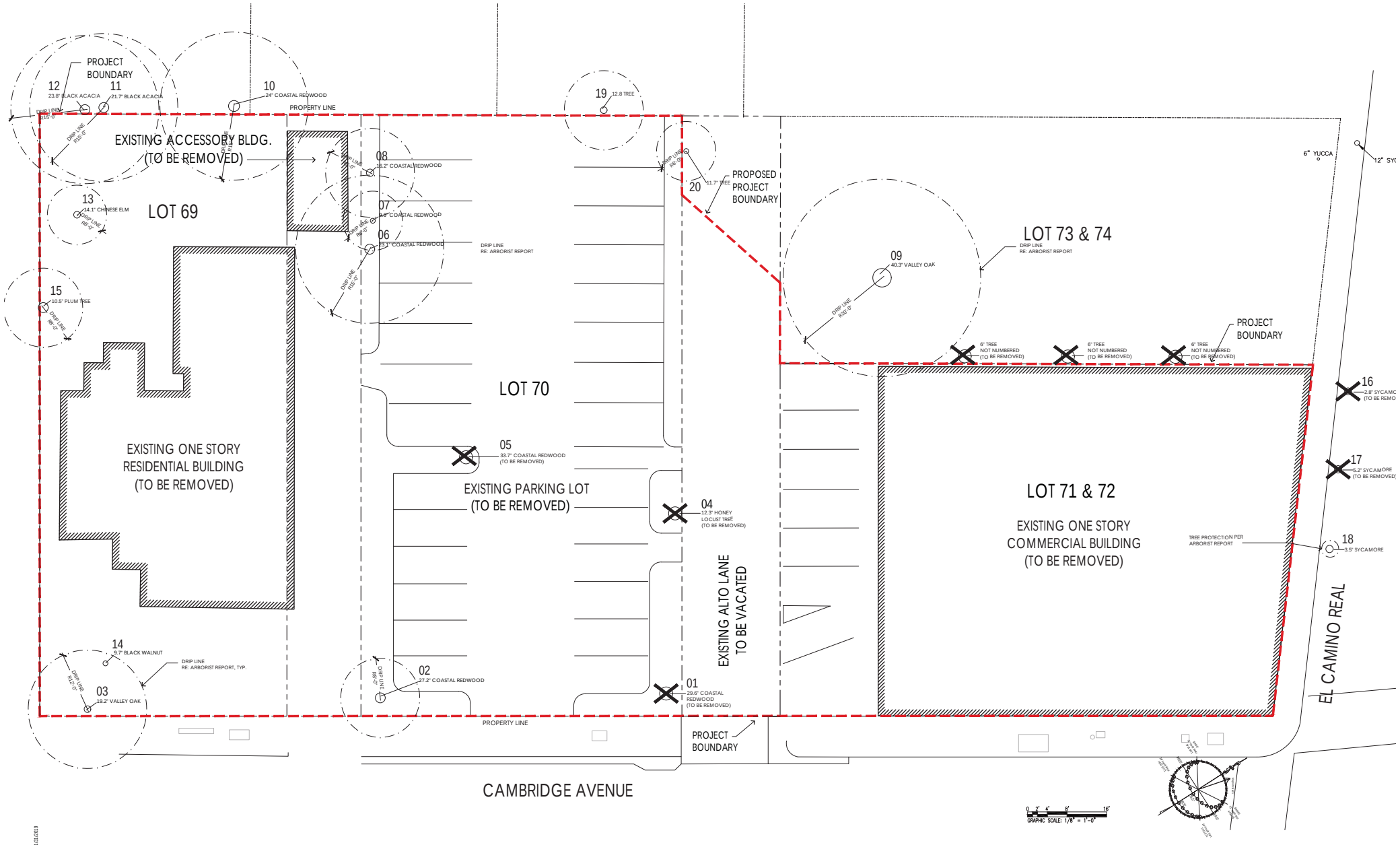

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DATE
08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
EXISTING/DEMO
SITE PLAN

SHEET NUMBER
A-0.2a

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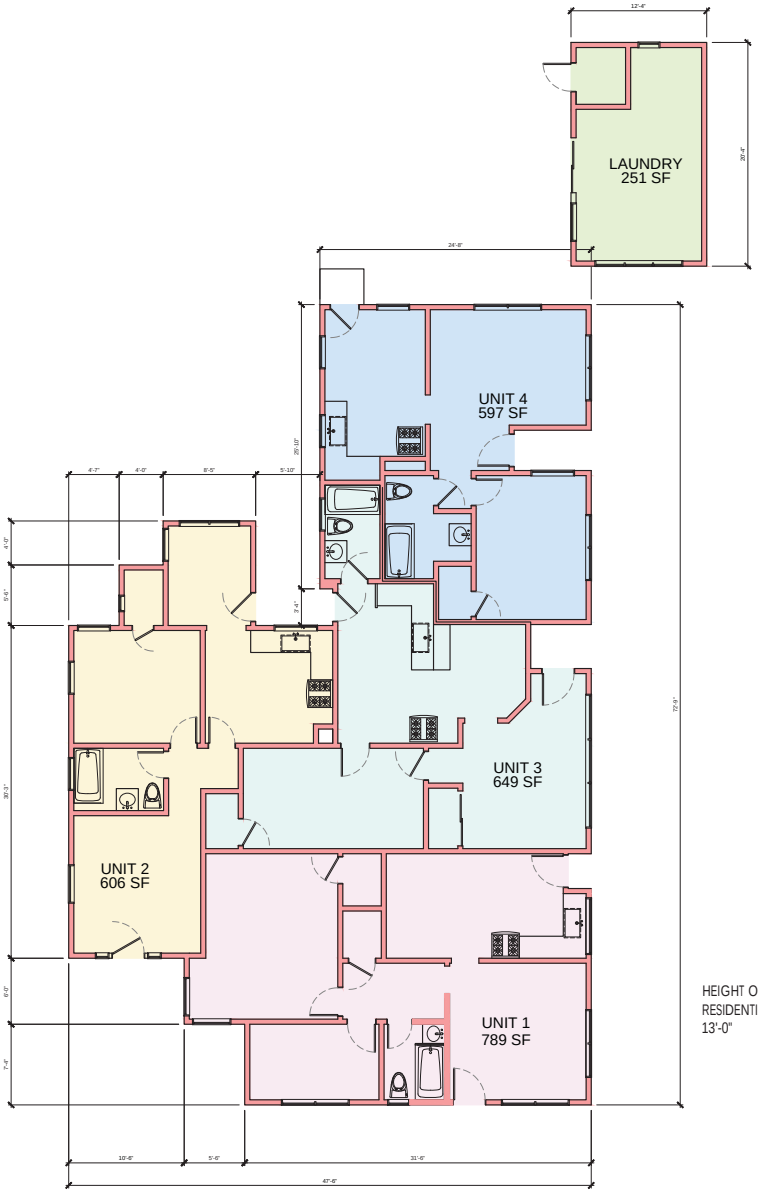

612 Cambridge Avenue

Existing Square Footage

Main Residence	2653	sf
Unit 1	789	sf
Unit 2	606	sf
Unit 3	649	sf
Unit 4	597	sf
Laundry	251	sf

GRAPHIC SCALE: 3/16"=1'-0"



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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

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SHEET TITLE
EXISTINGFLOOR PLAN
612 CAMBRIDGE

SHEET NUMBER
A-0.2b

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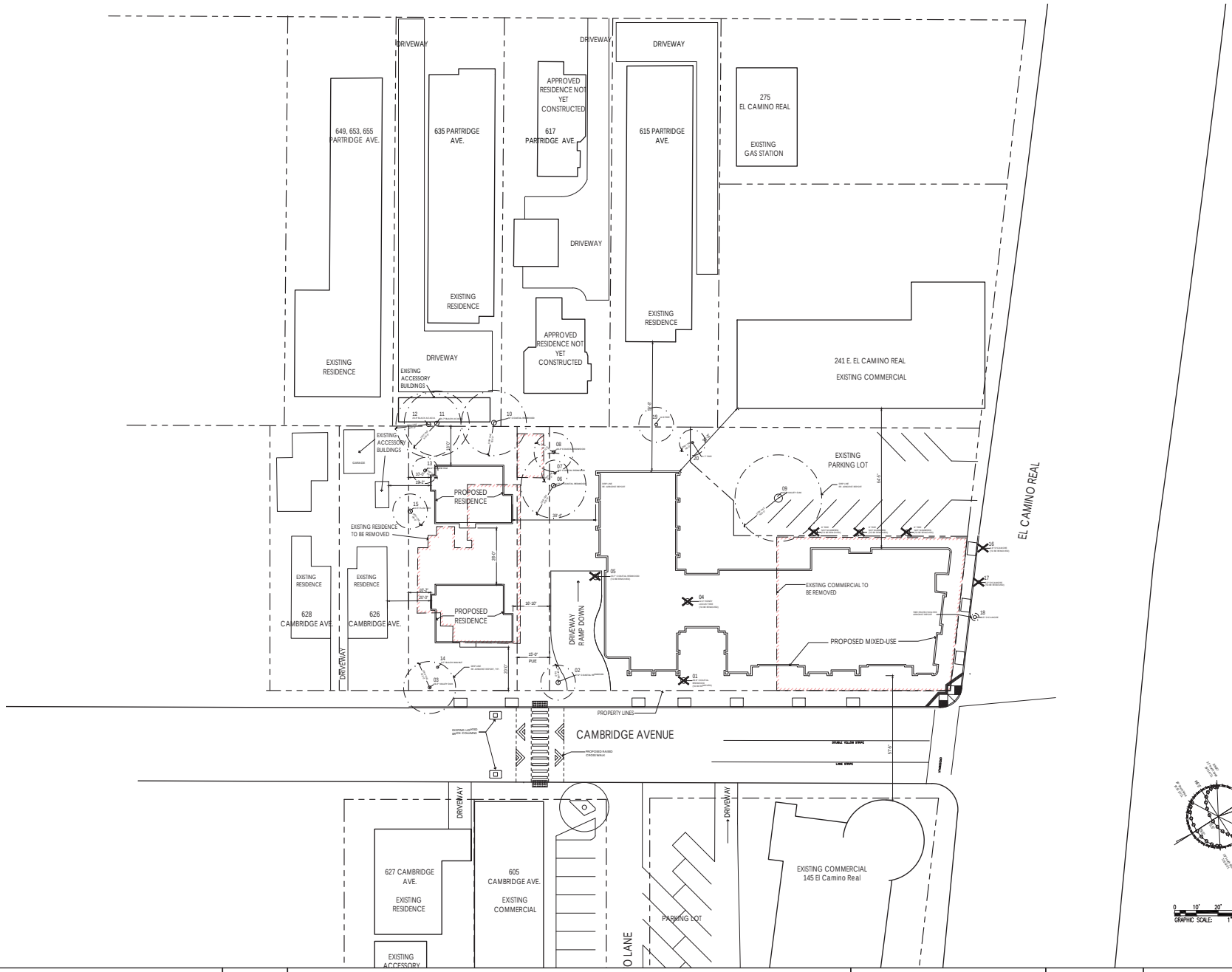

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DATE
08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
VICINITY SITE PLAN

SHEET NUMBER
A-1.0

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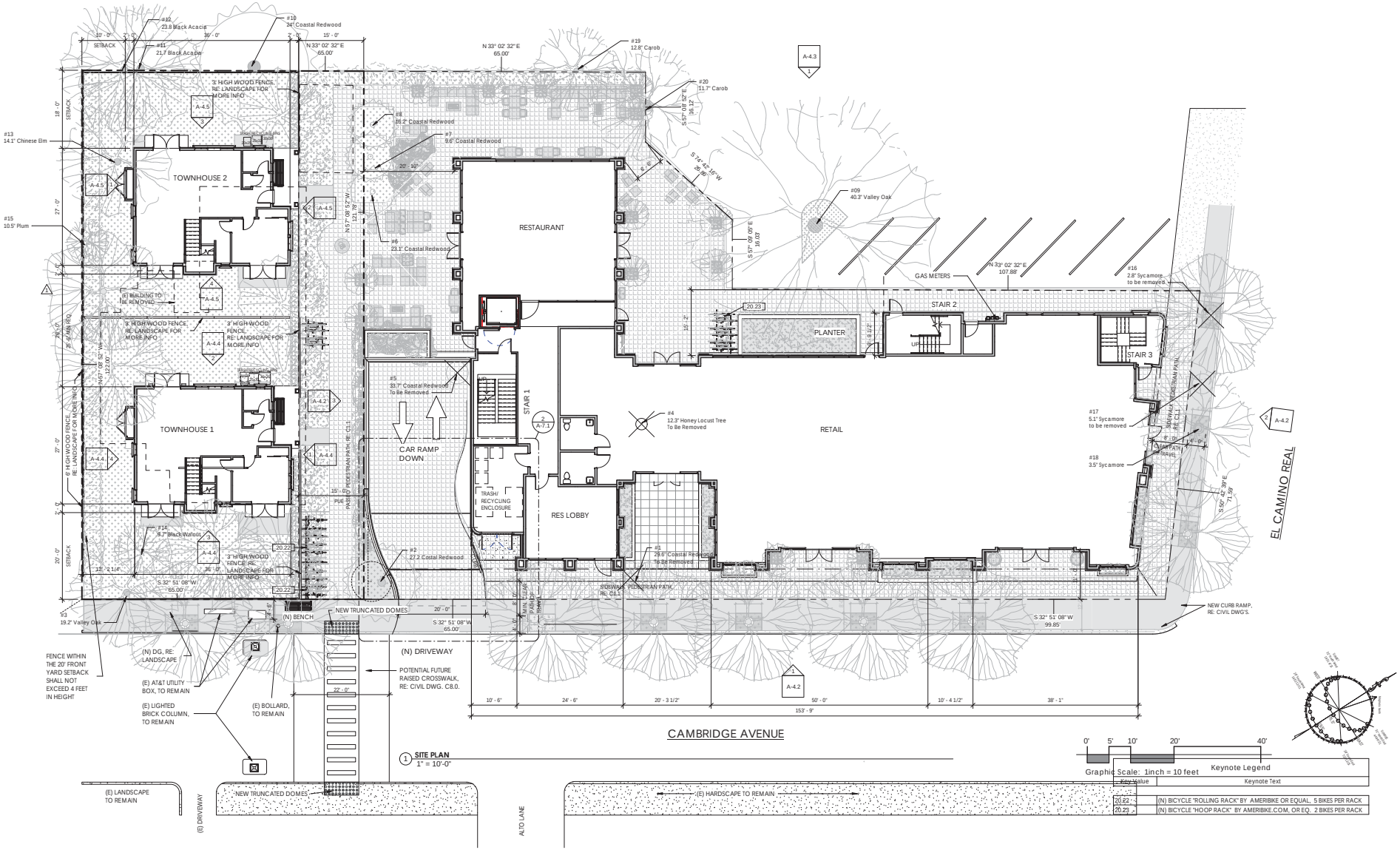

1 SITE PLAN
1" = 10'-0"

Keynote Legend	
Key Value	Keynote Text
20.22	(N) BICYCLE "ROLLING RACK" BY AMERIBIKE OR EQUAL, 5 BIKES PER RACK
20.23	(N) BICYCLE "HOOP RACK" BY AMERIBIKE.COM, OR EQ. 2 BIKES PER RACK

9/30/2020 11:53:13 AM

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DATE
09/11/2020

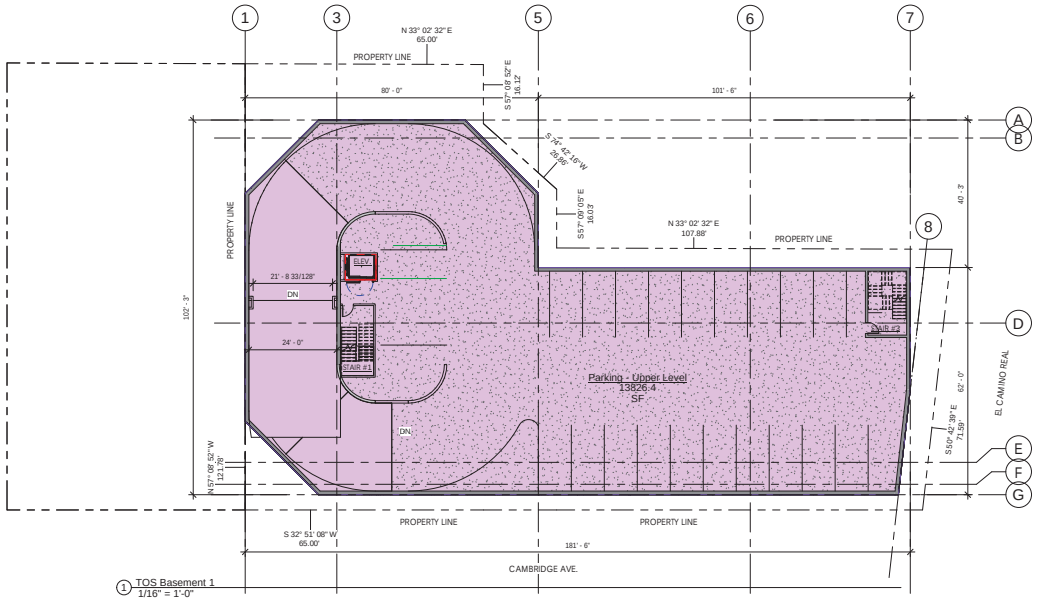
201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
A-1.1

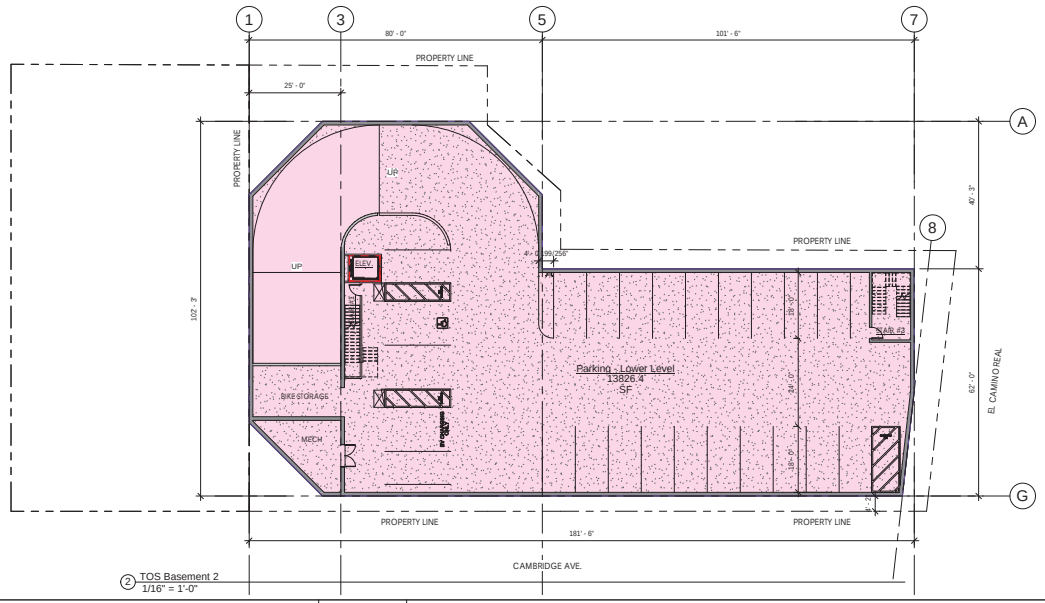
ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM



1 TOS Basement 1
1/16" = 1'-0"

Building Area Legend

Parking - Upper Level



2 TOS Basement 2
1/16" = 1'-0"

Building Area Legend

Parking - Lower Level

201 El Camino Real
Floor Area Calculation:

Parking	
TOS Basement 2	
Parking - Lower Level	13826.4 SF
TOS Basement 1	
Parking - Upper Level	13826.4 SF
TOSF 1st	
Stair 3, Com	178.6 SF
	27831.4 SF
Floor Area Total	27831.4 SF

0' 8' 16' 32' 64'

Graphic Scale: 1 /16 inch = 1 foot

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DATE
08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA PLAN - UNDERGROUND

SHEET NUMBER
A-1.2

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM

Building Area Legend

- Common Circulation
- Common Open Space
- Post/Pilaster
- Res Lobby
- Restaurant
- Retail
- Stair 2, Res
- Stair 3, Com
- Trash
- Utlity

Open Space Calculation:

TOSF 2nd	
Private Open Space	83.0 SF
Private Open Space	83.3 SF
Private Open Space	83.2 SF
Private Open Space	83.2 SF
Private Open Space	82.7 SF
Private Open Space	93.7 SF
TOSF 3rd	
Private Open Space	419.0 SF
Private Open Space	189.3 SF
Private Open Space	86.2 SF
Private Open Space	86.2 SF
Private Open Space	83.9 SF
Private Open Space	83.9 SF
	1457.6 SF

Common Open Space Calculation:

TOSF 1st	
Common Open Space	6599.9 SF
	6599.9 SF

Column and Pilaster Area:

Floor Area exempt per MPMC 16.04.325 (C) (1)
Total by level:

TOSF 1st	
Post/Pilaster	75.8 SF
TOSF 2nd	
Post/Pilaster	29.1 SF
TOSF 3rd	
Post/Pilaster	25.4 SF
38' Height Limit	
Post/Pilaster	16.7 SF
Floor Area Total	147.0 SF

Pure Residential Square Footage

Residential	
TOSF 1st	
Res Lobby	393.1 SF
	393.1 SF
TOSF 2nd	
Elev.	67.0 SF
Hall	386.2 SF
Hall	227.8 SF
Unit 1	1439.4 SF
Unit 2	1575.9 SF
Unit 3	1298.8 SF
Unit 4	1059.1 SF
Unit 5	1013.1 SF
Unit 6	1579.3 SF
	8646.6 SF
TOSF 3rd	
Elev.	73.9 SF
Hall	339.8 SF
Hall	227.8 SF
Unit 7	1054.0 SF
Unit 8	1396.0 SF
Unit 9	1140.2 SF
Unit 10	899.7 SF
Unit 11	910.9 SF
Unit 12	1136.6 SF
	7179.0 SF
Floor Area Total	16218.7 SF

Floor Area Calculation Residential Use Areas:

TOSF 1st	
Res Lobby	393.1 SF
Stair 2, Res	179.5 SF
	572.6 SF
TOSF 2nd	
Elev.	67.0 SF
Hall	386.2 SF
Hall	227.8 SF
Stair 1	196.9 SF
Stair 2	181.8 SF
Unit 1	1,439.4 SF
Unit 2	1,575.9 SF
Unit 3	1,298.8 SF
Unit 4	1,059.1 SF
Unit 5	1,013.1 SF
Unit 6	1,579.3 SF
	9,025.3 SF
TOSF 3rd	
Elev.	73.9 SF
Hall	339.8 SF
Hall	227.8 SF
Stair 1, Res	201.5 SF
Stair 2, Res	181.8 SF
Unit 7	1,054.0 SF
Unit 8	1,396.0 SF
Unit 9	1,140.2 SF
Unit 10	899.7 SF
Unit 11	910.9 SF
Unit 12	1,136.6 SF
	7,562.3 SF
38' Height Limit	
Stair 1, Res	205.1 SF
	205.1 SF
Residential Floor Area Total	17,365.3 SF

Floor Area Calculation Commercial Use Areas:

TOSF 1st	
Restaurant	1,200.0 SF
Retail	5,875.6 SF
Commercial Floor Area Total	7,075.6 SF

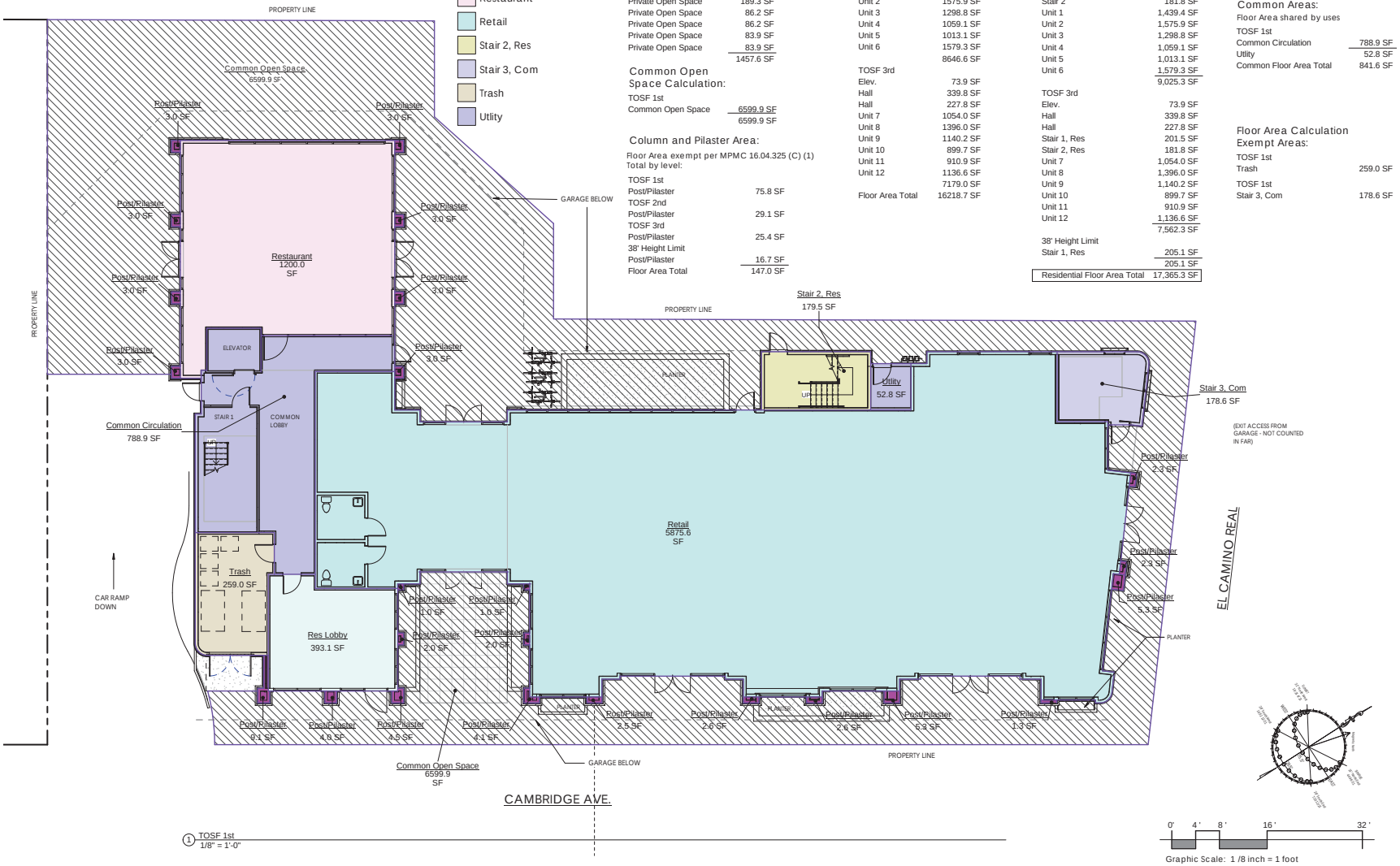
Floor Area Calculation Common Areas:

Floor Area shared by uses

TOSF 1st	
Common Circulation	788.9 SF
Utlity	52.8 SF
Common Floor Area Total	841.6 SF

Floor Area Calculation Exempt Areas:

TOSF 1st	
Trash	259.0 SF
TOSF 1st	
Stair 3, Com	178.6 SF



1 TOSF 1st
1/8" = 1'-0"

0' 4' 8' 16' 32'

Graphic Scale: 1 /8 inch = 1 foot

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DATE
08/10/2020

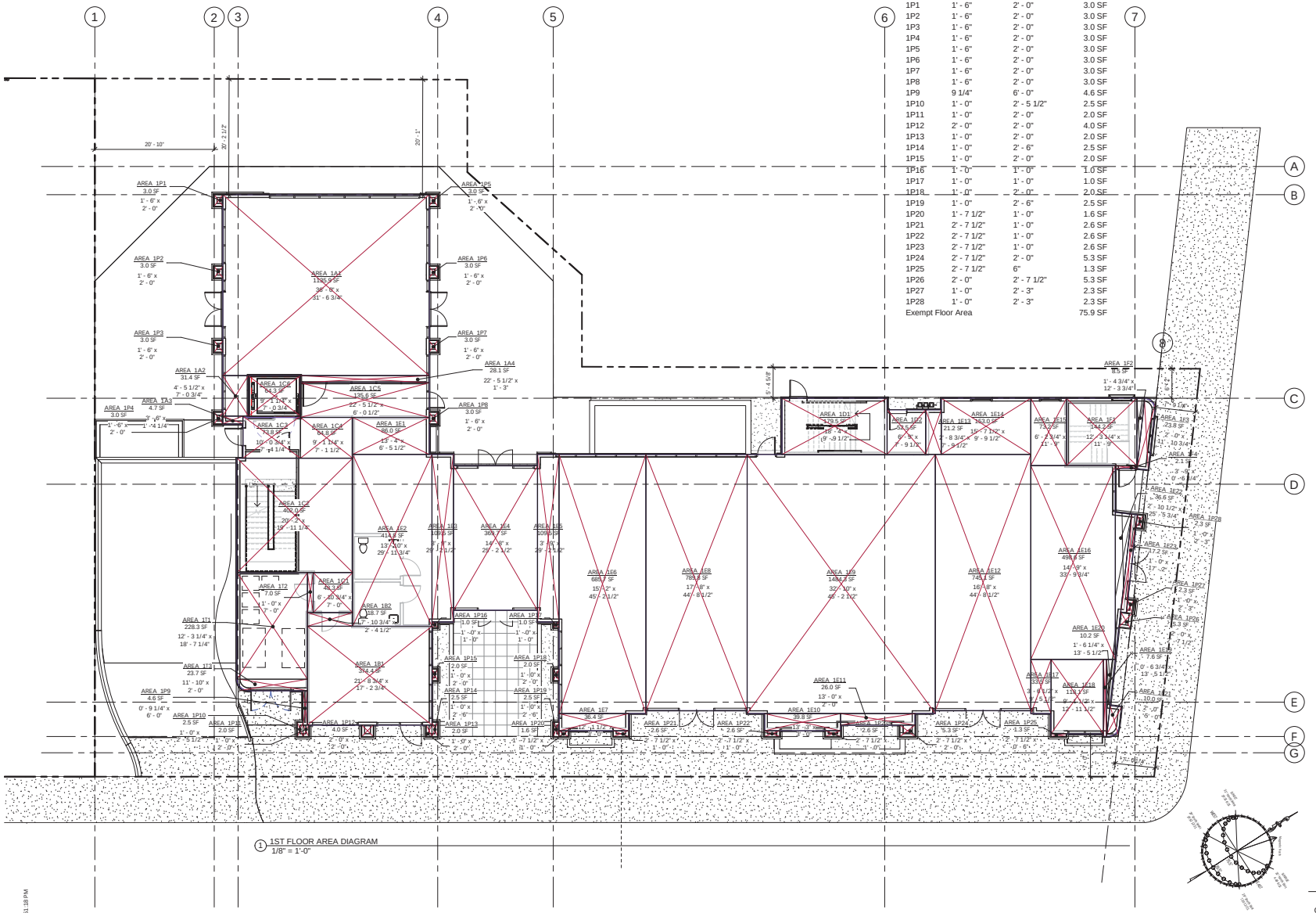
201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA PLAN & COVERAGE - 1ST FLOOR

SHEET NUMBER
A-1.3a

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM



1 1ST FLOOR AREA DIAGRAM
1/8" = 1'-0"

0' 4' 8' 16' 32'

Graphic Scale: 1 /8 inch = 1 foot

1ST Floor Exempt Floor Area

Area mark	Width	Length	Area
1P1	1' - 6"	2' - 0"	3.0 SF
1P2	1' - 6"	2' - 0"	3.0 SF
1P3	1' - 6"	2' - 0"	3.0 SF
1P4	1' - 6"	2' - 0"	3.0 SF
1P5	1' - 6"	2' - 0"	3.0 SF
1P6	1' - 6"	2' - 0"	3.0 SF
1P7	1' - 6"	2' - 0"	3.0 SF
1P8	1' - 6"	2' - 0"	3.0 SF
1P9	9 1/4"	6' - 0"	4.6 SF
1P10	1' - 0"	2' - 5 1/2"	2.5 SF
1P11	1' - 0"	2' - 0"	2.0 SF
1P12	2' - 0"	2' - 0"	4.0 SF
1P13	1' - 0"	2' - 0"	2.0 SF
1P14	1' - 0"	2' - 6"	2.5 SF
1P15	1' - 0"	2' - 0"	2.0 SF
1P16	1' - 0"	1' - 0"	1.0 SF
1P17	1' - 0"	1' - 0"	1.0 SF
1P18	1' - 0"	2' - 0"	2.0 SF
1P19	1' - 0"	2' - 6"	2.5 SF
1P20	1' - 7 1/2"	1' - 0"	1.6 SF
1P21	2' - 7 1/2"	1' - 0"	2.6 SF
1P22	2' - 7 1/2"	1' - 0"	2.6 SF
1P23	2' - 7 1/2"	1' - 0"	2.6 SF
1P24	2' - 7 1/2"	2' - 0"	5.3 SF
1P25	2' - 7 1/2"	6"	1.3 SF
1P26	2' - 0"	2' - 7 1/2"	5.3 SF
1P27	1' - 0"	2' - 3"	2.3 SF
1P28	1' - 0"	2' - 3"	2.3 SF
Exempt Floor Area			75.9 SF

1ST Floor Restaurant

Area mark	Width	Height	Area
1A1	36' - 0"		1,135.9 SF
1A2	4' - 5 3/8"		31.4 SF
1A3	3' - 6"		4.7 SF
1A4	22' - 5 3/8"		28.1 SF
Restaurant FAR			1,200.1 SF

1ST Floor Res Lobby

Area mark	Width	Height	Area
1B1	21' - 8 3/4"		374.4 SF
1B2	7' - 10 3/4"		18.7 SF
Res Lobby FAR			393.1 SF

1ST Floor Common Circulation

Area mark	Width	Height	Area
1C1	6' - 10 3/4"		48.3 SF
1C2	20' - 2"		402.0 SF
1C3	10' - 0 5/8"		73.8 SF
1C4	9' - 1 3/8"		64.8 SF
1C5	22' - 5 3/8"		135.6 SF
1C6	9' - 1 1/4"		64.3 SF
1st Floor Common Circulation FAR			788.9 SF

1ST Floor Stair 2, Res

Area mark	Width	Height	Area
1D1	18' - 4"		179.5 SF
1D2	6' - 8 7/8"		52.5 SF
Stair2, Res FAR			232.0 SF

1ST Floor Retail

	Width	Length	Area
1E1	13' - 4"	6' - 5 3/8"	86.0 SF
1E2	13' - 10"	29' - 11 3/4"	414.8 SF
1E3	3' - 9"	29' - 2 1/2"	109.5 SF
1E4	14' - 8"	25' - 2 1/2"	369.7 SF
1E5	3' - 9"	29' - 2 1/2"	109.5 SF
1E6	15' - 2"	45' - 2 1/2"	685.7 SF
1E7	12' - 1 1/2"	3' - 0"	36.4 SF
1E8	17' - 8"	44' - 8 1/2"	789.8 SF
1E9	32' - 10"	45' - 2 1/2"	1,484.3 SF
1E10	13' - 3"	3' - 0"	39.8 SF
1E11	13' - 0"	2' - 0"	26.0 SF
1E12	16' - 8"	44' - 8 1/2"	745.1 SF
1E13	2' - 8 5/8"	7' - 9 1/2"	21.2 SF
1E14	15' - 7 1/2"	9' - 9 1/2"	153.0 SF
1E15	6' - 2 3/4"	11' - 9"	73.2 SF
1E16	14' - 9"	33' - 9 5/8"	498.6 SF
1E17	3' - 6 1/2"	9' - 5 3/8"	33.5 SF
1E18	9' - 1 1/2"	12' - 11 3/8"	118.1 SF
1E19	6 3/4"	13' - 5 3/8"	7.6 SF
1E20	1' - 6 1/4"	13' - 5 3/8"	10.2 SF
1E21	2' - 0"	5' - 0"	10.0 SF
1E22	2' - 10 1/2"	25' - 5 3/4"	36.6 SF
1E23	1' - 0"	17' - 2"	17.2 SF
Retail FAR			5,875.8 SF

1ST Floor Stair 3, Com

Area mark	Width	Height	Area
1F1	12' - 3 1/4"		144.2 SF
1F2	1' - 4 5/8"		8.5 SF
1F3	2' - 0"		23.8 SF
1F4	3' - 9"		2.1 SF
Stair 3, Com FAR			178.6 SF

1ST Floor Trash

Area mark	Width	Height	Area
1T1	12' - 3 1/4"		228.3 SF
1T2	1' - 0"		7.0 SF
1T3	11' - 10"		23.7 SF
Trash Floor Area			259.0 SF

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08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA POLYGON DIAGRAM - 1ST FLOOR

SHEET NUMBER
A-1.3b

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM

Building Area Legend

- Elev.
- Hall
- Post/Pilaster
- Private Open Space
- Stair 1
- Stair 2
- Unit 1
- Unit 2
- Unit 3
- Unit 4
- Unit 5
- Unit 6

Open Space Calulation:

TOSF 2nd	
Private Open Space	83.0 SF
Private Open Space	83.3 SF
Private Open Space	83.2 SF
Private Open Space	83.2 SF
Private Open Space	82.7 SF
Private Open Space	93.7 SF
TOSF 3rd	
Private Open Space	419.0 SF
Private Open Space	189.3 SF
Private Open Space	86.2 SF
Private Open Space	86.2 SF
Private Open Space	83.9 SF
Private Open Space	83.9 SF
	1457.6 SF

Column and Pilaster Area:

Floor Area exempt per MPMC 16.04.325 (C) (1)

Total by level:	
TOSF 1st	
Post/Pilaster	75.8 SF
TOSF 2nd	
Post/Pilaster	29.1 SF
TOSF 3rd	
Post/Pilaster	25.4 SF
38' Height Limit	
Post/Pilaster	16.7 SF
Floor Area Total	147.0 SF

Floor Area Calculation Residential Use Areas:

TOSF 1st	
Res Lobby	393.1 SF
Stair 2, Res	179.5 SF
	572.6 SF
TOSF 2nd	
Elev.	67.0 SF
Hall	386.2 SF
Hall	227.8 SF
Stair 1	196.9 SF
Stair 2	181.8 SF
Unit 1	1,439.4 SF
Unit 2	1,575.9 SF
Unit 3	1,298.8 SF
Unit 4	1,059.1 SF
Unit 5	1,013.1 SF
Unit 6	1,579.3 SF
	9,025.3 SF
TOSF 3rd	
Elev.	73.9 SF
Hall	339.8 SF
Hall	227.8 SF
Stair 1, Res	201.5 SF
Stair 2, Res	181.8 SF
Unit 7	1,054.0 SF
Unit 8	1,396.0 SF
Unit 9	1,140.2 SF
Unit 10	899.7 SF
Unit 11	910.9 SF
Unit 12	1,136.6 SF
	7,562.3 SF
38' Height Limit	
Stair 1, Res	205.1 SF
	205.1 SF
Residential Floor Area Total	17,365.3 SF

Floor Area Calculation Comercial Use Areas:

TOSF 1st	
Restaurant	1,200.0 SF
Retail	5,875.6 SF
Commercial Floor Area Total	7,075.6 SF

Floor Area Calculation Common Areas:

Floor Area shaired by uses

TOSF 1st	
Common Circulation	788.9 SF
Utility	52.8 SF
Common Floor Area Total	841.6 SF





1 TOSF 2nd
1/8" = 1'-0"

0' 4' 8' 16' 32'

Graphic Scale: 1 /8 inch = 1 foot

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE: AREA PLAN - 2ND FLOOR

SHEET NUMBER: A-1.4a

ENVIRONMENTAL INNOVATIONS IN DESIGN
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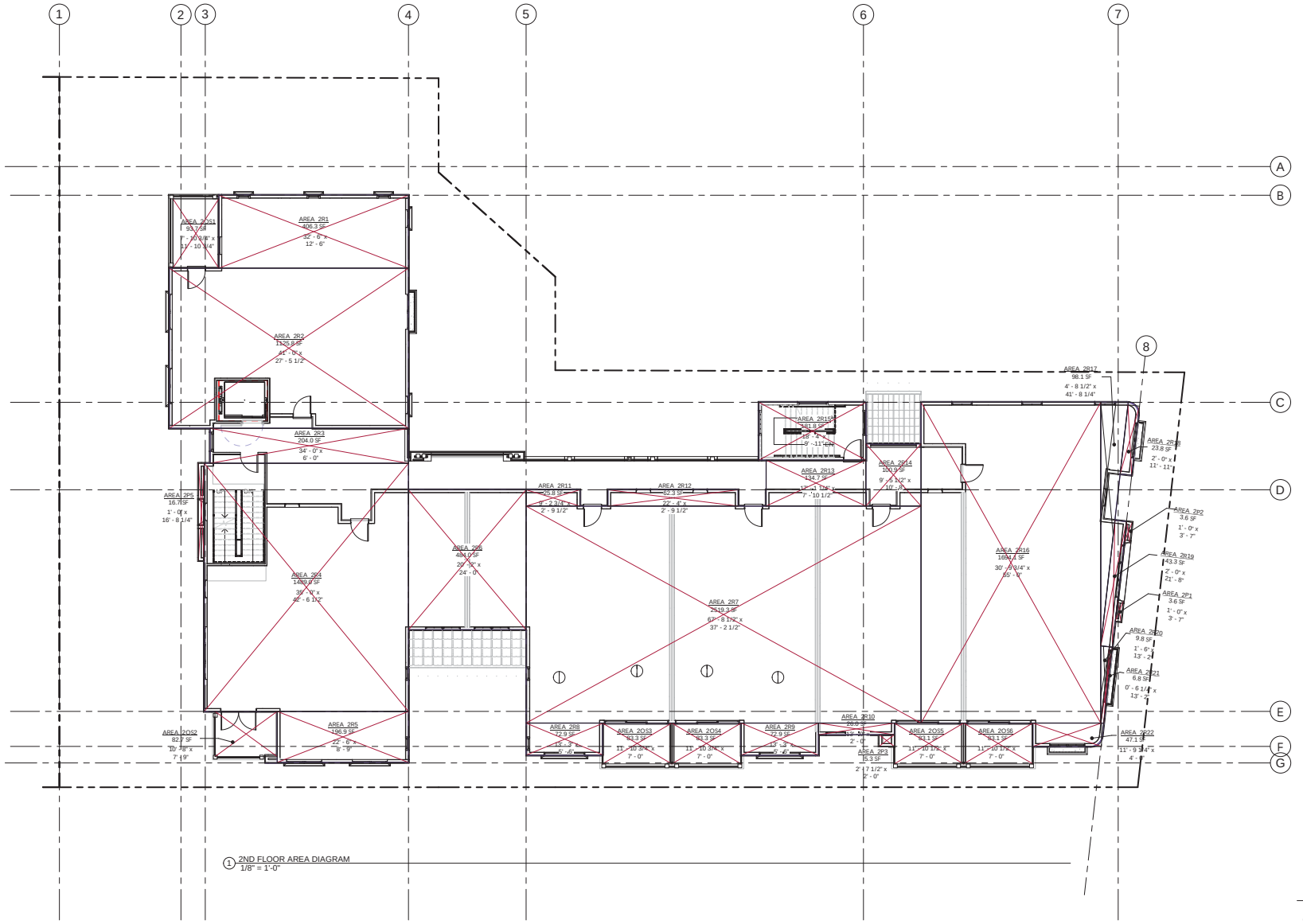


1 2ND FLOOR AREA DIAGRAM
1/8" = 1'-0"

2ND Floor Residential

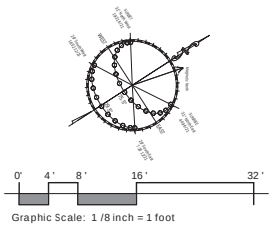
Area mark	Width	Length	Area
2R1	32' - 6"	12' - 6"	406.3 SF
2R2	41' - 0"	27' - 5 1/2"	1,125.8 SF
2R3	34' - 0"	6' - 0"	204.0 SF
2R4	35' - 0"	42' - 6 1/2"	1,489.0 SF
2R5	22' - 6"	8' - 9"	196.9 SF
2R6	20' - 2"	24' - 0"	484.0 SF
2R7	67' - 8 1/2"	37' - 2 1/2"	2,519.3 SF
2R8	13' - 3"	5' - 6"	72.9 SF
2R9	13' - 3"	5' - 6"	72.9 SF
2R10	13' - 0"	2' - 0"	26.0 SF
2R11	9' - 2 3/4"	2' - 9 1/2"	25.8 SF
2R12	22' - 4"	2' - 9 1/2"	62.3 SF
2R13	17' - 1 1/4"	7' - 10 1/2"	134.7 SF
2R14	9' - 5 1/2"	10' - 8"	100.9 SF
2R15	18' - 4"	9' - 11"	181.8 SF
2R16	30' - 9 5/8"	55' - 0"	1,694.1 SF
2R17	4' - 8 1/2"	41' - 8 1/8"	98.1 SF
2R18	2' - 0"	11' - 11"	23.8 SF
2R19	2' - 0"	21' - 8"	43.3 SF
2R20	1' - 5 7/8"	13' - 1 7/8"	9.8 SF
2R21	6 1/4"	13' - 1 7/8"	6.8 SF
2R22	11' - 9 1/4"	4' - 0"	47.1 SF
Residential FAR			9,025.5 SF

2ND Floor Open Space

Area mark	Width	Length	Area
2OS1	7' - 10 5/8"	11' - 10 5/8"	93.7 SF
2OS2	10' - 8"	7' - 9"	82.7 SF
2OS3	11' - 10 3/4"	7' - 0"	83.3 SF
2OS4	11' - 10 3/4"	7' - 0"	83.3 SF
2OS5	11' - 10 1/2"	7' - 0"	83.1 SF
2OS6	11' - 10 1/2"	7' - 0"	83.1 SF
Private Open Space			509.2 SF

2ND Floor Exempt Floor Area

Area mark	Width	Length	Area
2P1	1' - 0"	3' - 7"	3.6 SF
2P2	1' - 0"	3' - 7"	3.6 SF
2P3	2' - 7 1/2"	2' - 0"	5.3 SF
2P5	1' - 0"	16' - 8 1/4"	16.7 SF
Exempt Floor Area			29.1 SF



Graphic Scale: 1 /8 inch = 1 foot

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DATE
08/10/2020

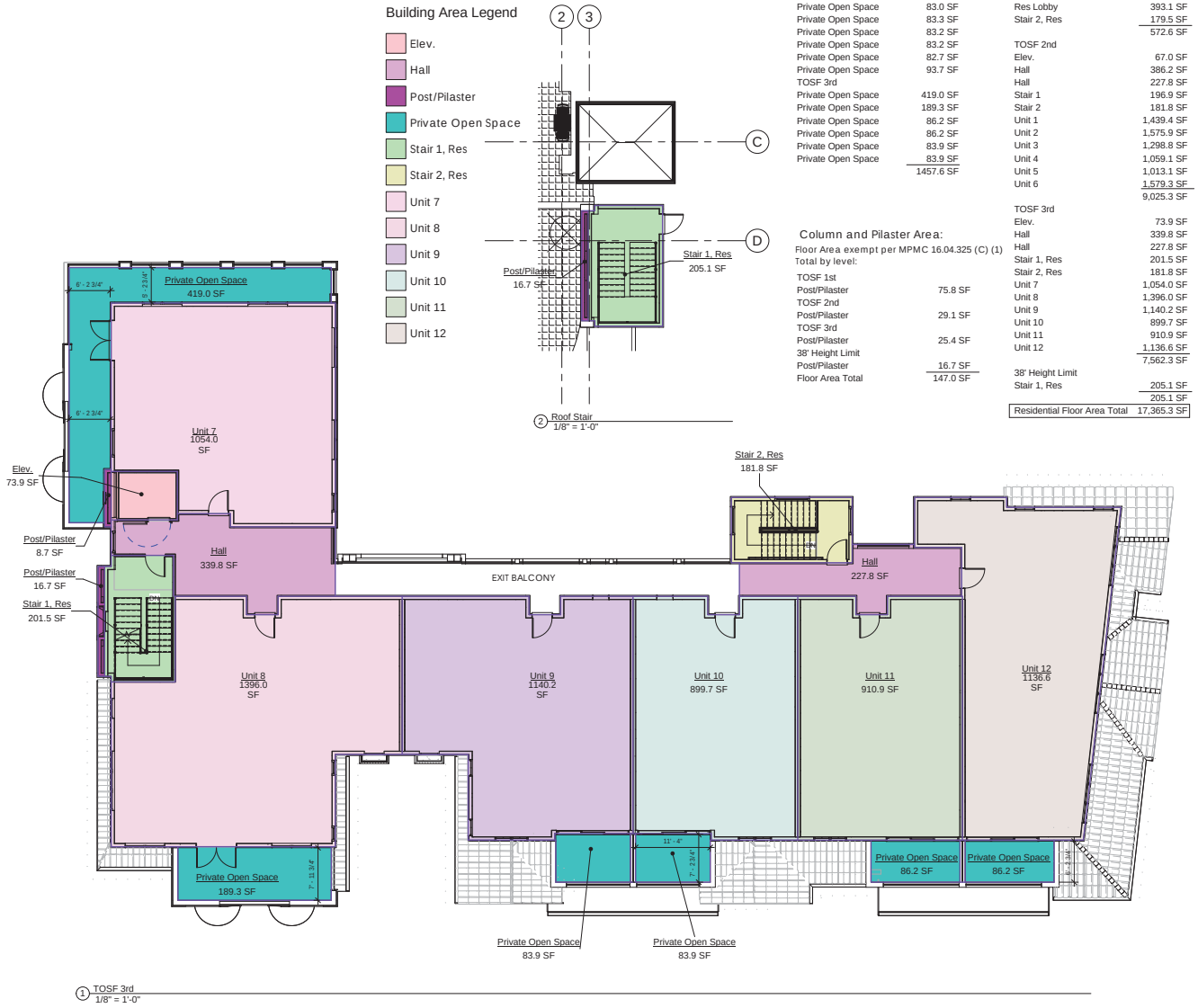
201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA POLYGON DIAGRAM - 2ND FLOOR

SHEET NUMBER
A-1.4b

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM



Open Space Calulation:

TOSF 2nd	
Private Open Space	83.0 SF
Private Open Space	83.3 SF
Private Open Space	83.2 SF
Private Open Space	83.2 SF
Private Open Space	82.7 SF
Private Open Space	93.7 SF
TOSF 3rd	
Private Open Space	419.0 SF
Private Open Space	189.3 SF
Private Open Space	86.2 SF
Private Open Space	86.2 SF
Private Open Space	83.9 SF
Private Open Space	83.9 SF
	1457.6 SF

Column and Pilaster Area:

Floor Area exempt per MPMC 16.04.325 (C) (1)
Total by level:

TOSF 1st	
Post/Pilaster	75.8 SF
TOSF 2nd	
Post/Pilaster	29.1 SF
TOSF 3rd	
Post/Pilaster	25.4 SF
38' Height Limit	
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Floor Area Total	147.0 SF

Floor Area Calculation Residential Use Areas:

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Stair 2, Res	179.5 SF
	572.6 SF
TOSF 2nd	
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Hall	227.8 SF
Stair 1	196.9 SF
Stair 2	181.8 SF
Unit 1	1,439.4 SF
Unit 2	1,575.9 SF
Unit 3	1,298.8 SF
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Unit 5	1,013.1 SF
Unit 6	1,579.3 SF
	9,025.3 SF
TOSF 3rd	
Elev.	73.9 SF
Hall	339.8 SF
Hall	227.8 SF
Stair 1, Res	201.5 SF
Stair 2, Res	181.8 SF
Unit 7	1,054.0 SF
Unit 8	1,396.0 SF
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Unit 10	899.7 SF
Unit 11	910.9 SF
Unit 12	1,136.6 SF
	7,562.3 SF
38' Height Limit	
Stair 1, Res	205.1 SF
	205.1 SF
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Floor Area Calculation Comercial Use Areas:

TOSF 1st	
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Retail	5,875.6 SF
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Floor Area Calculation Common Areas:

Floor Area shaired by uses

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Utility	52.8 SF
Common Floor Area Total	841.6 SF

Graphic Scale: 1 /8 inch = 1 foot

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DATE
08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA PLAN - 3RD FLOOR

SHEET NUMBER
A-1.5a

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
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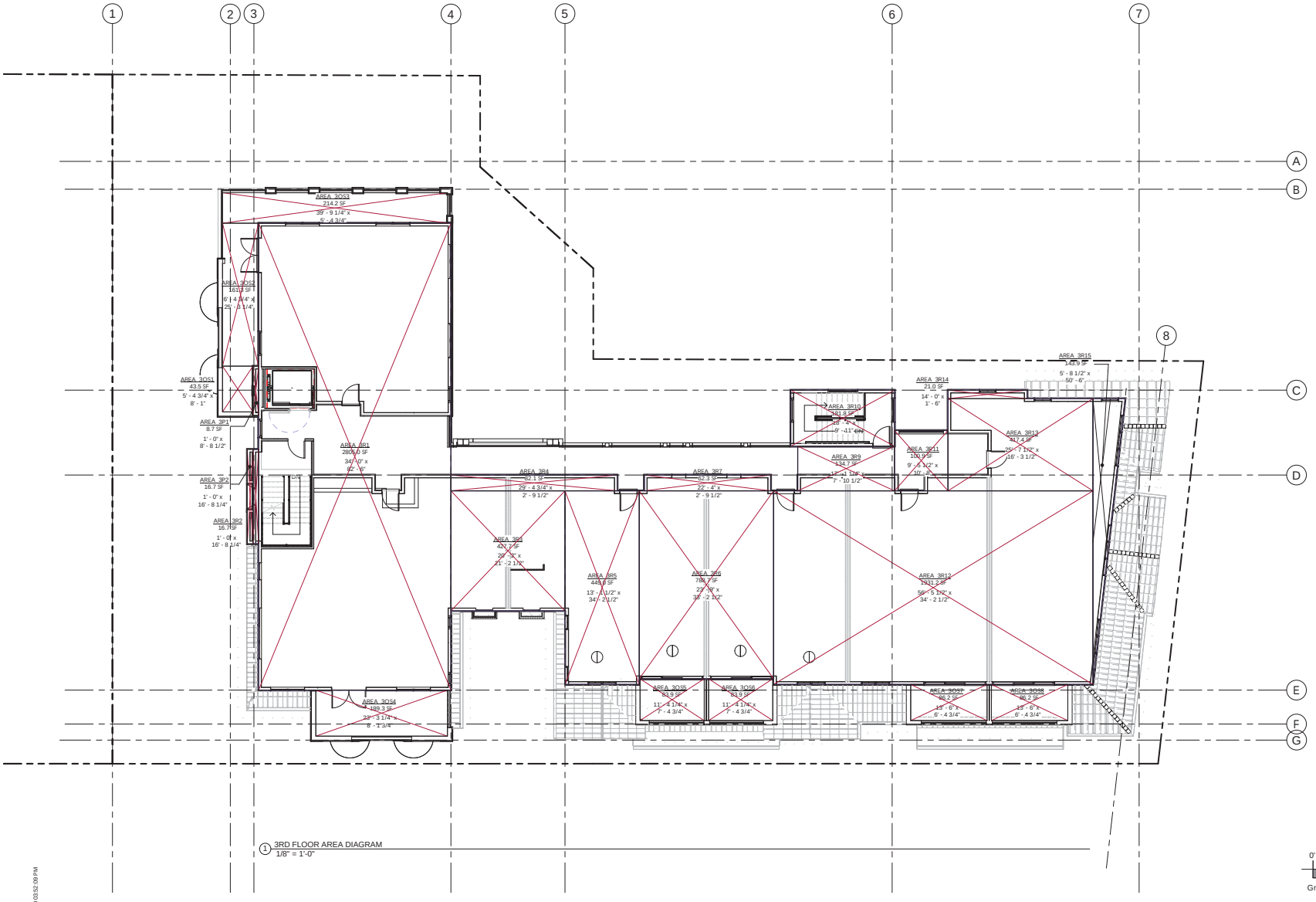


1 3RD FLOOR AREA DIAGRAM
1/8" = 1'-0"

3RD Floor Residential

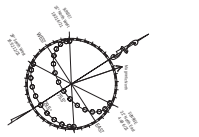
Area mark	Width	Length	Area
3R1	34' - 0"	82' - 6"	2,805.0 SF
3R2	1' - 0"	16' - 8 1/4"	16.7 SF
3R3	20' - 2"	21' - 2 1/2"	427.7 SF
3R4	29' - 4 3/4"	2' - 9 1/2"	82.1 SF
3R5	13' - 1 1/2"	34' - 2 1/2"	449.0 SF
3R6	23' - 9"	33' - 2 1/2"	788.7 SF
3R7	22' - 4"	2' - 9 1/2"	62.3 SF
3R9	17' - 1 1/4"	7' - 10 1/2"	134.7 SF
3R10	18' - 4"	9' - 11"	181.8 SF
3R11	9' - 5 1/2"	10' - 8"	100.9 SF
3R12	56' - 5 1/2"	34' - 2 1/2"	1,931.2 SF
3R13	25' - 7 1/2"	16' - 3 1/2"	417.4 SF
3R14	13' - 11 7/8"	1' - 6"	21.0 SF
3R15	5' - 8 3/8"	50' - 6"	143.9 SF
Residential FAR			7,562.4 SF

3RD Floor Open Space

Area mark	Width	Length	Area
3OS1	5' - 4 5/8"	8' - 1"	43.5 SF
3OS2	6' - 4 5/8"	25' - 3 1/8"	161.3 SF
3OS3	39' - 9 1/4"	5' - 4 5/8"	214.2 SF
3OS4	23' - 3 1/4"	8' - 1 5/8"	189.3 SF
3OS5	11' - 4 1/4"	7' - 4 5/8"	83.9 SF
3OS6	11' - 4 1/4"	7' - 4 5/8"	83.9 SF
3OS7	13' - 6"	6' - 4 5/8"	86.2 SF
3OS8	13' - 6"	6' - 4 5/8"	86.2 SF
Residential FAR			948.4 SF

3RD Floor Exempt Floor Area

Area mark	Width	Area	Length
3P1	1' - 0"	8.7 SF	8' - 8 3/8"
3P2	1' - 0"	16.7 SF	16' - 8 1/4"
Exempt Floor Area		25.4 SF	



0' 4' 8' 16' 32'

Graphic Scale: 1 /8 inch = 1 foot

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08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA POLYGON DIAGRAM - 3RD FLOOR

SHEET NUMBER
A-1.5b

ENVIRONMENTAL INNOVATIONS IN DESIGN
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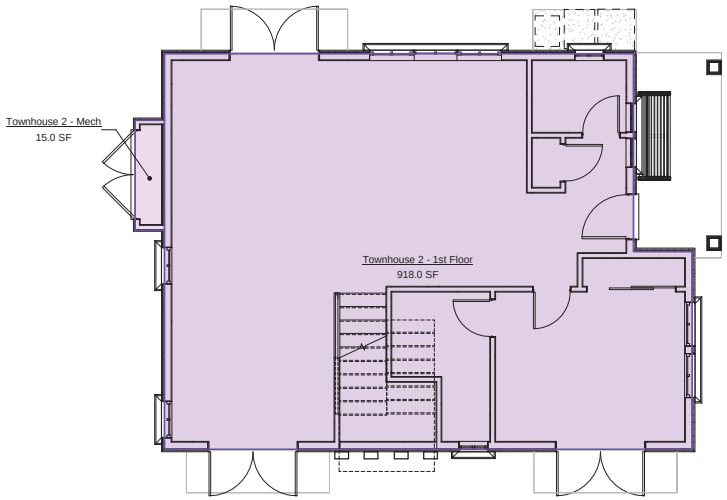
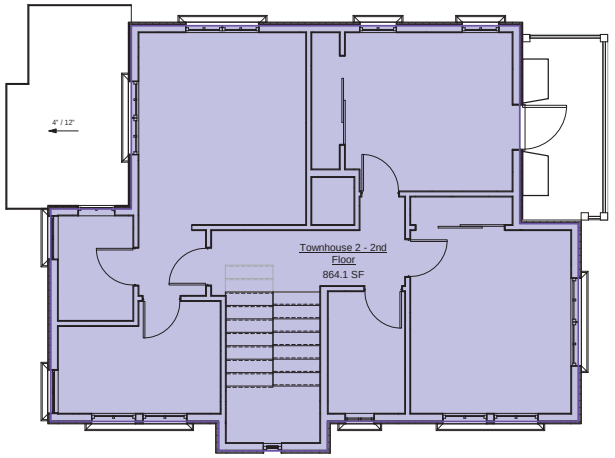


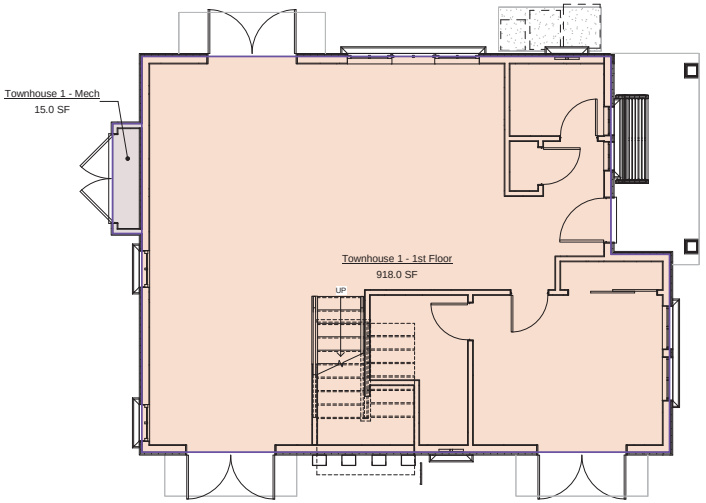
3 TOWNHOUSE2 1ST FLOOR
1/4" = 1'-0"



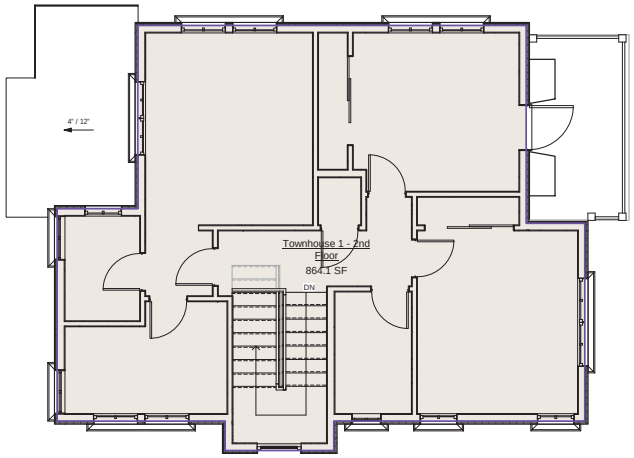
4 TOWNHOUSE2 2ND FLOOR
1/4" = 1'-0"

612 Cambridge
Floor Area Calculation:

Townhouse 1		
TOSF 1st	918 SF	Townhouse 1
TOSF 2nd	864 SF	Townhouse 1
	1,782 SF	
Townhouse 2		
TOSF 1st	918 SF	Townhouse 2
TOSF 2nd	864 SF	Townhouse 2
	1,782 SF	
Floor Area Total	3,564 SF	



1 TOWNHOUSE1 1ST FLOOR
1/4" = 1'-0"



2 TOWNHOUSE1 2ND FLOOR
1/4" = 1'-0"



0' 2' 4' 8' 16'

Graphic Scale: 1 /4 inch = 1 foot

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA PLAN TOWNHOUSE

SHEET NUMBER
A-1.6a

ENVIRONMENTAL INNOVATIONS IN DESIGN
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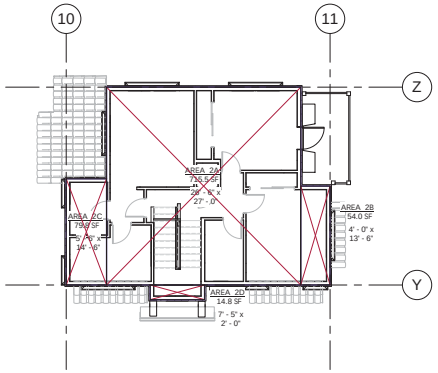
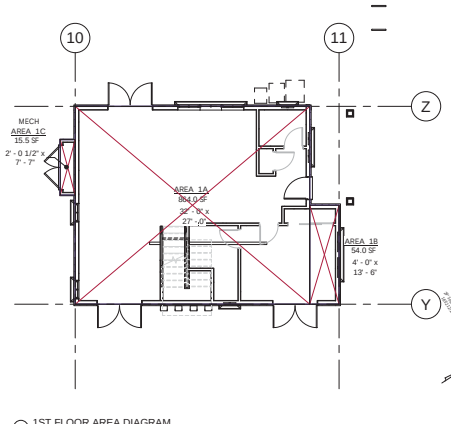
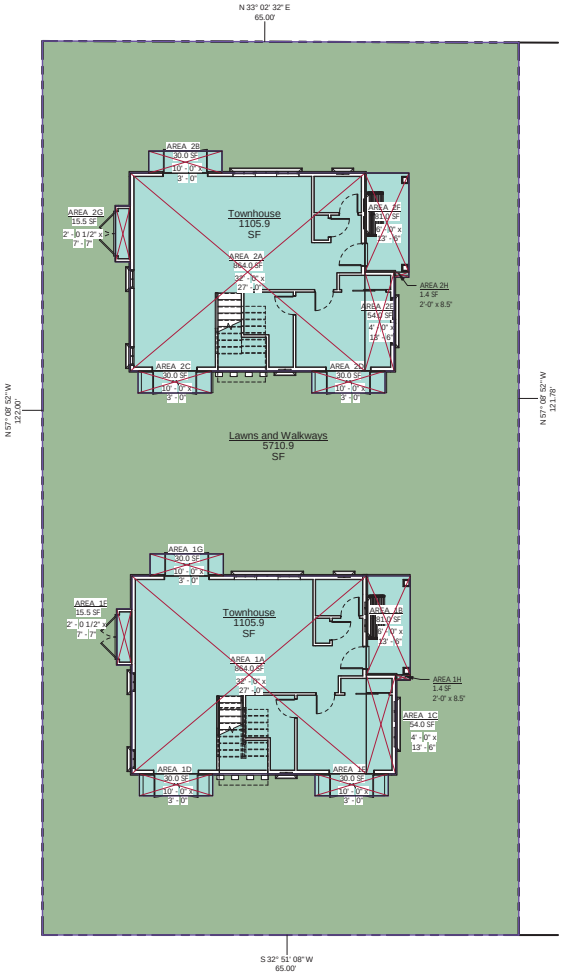


2 2ND FLOOR AREA DIAGRAM
1/8" = 1'-0"



1 1ST FLOOR AREA DIAGRAM
1/8" = 1'-0"

Townhouse Schedule - Area			
Area mark	Width	Length	Area
1A	32' - 0"	27' - 0"	864.0 SF
1B	4' - 0"	13' - 6"	54.0 SF
FAR-Townhouse 1st Fl.			918.0 SF
2A	26' - 6"	27' - 0"	715.5 SF
2B	4' - 0"	13' - 6"	54.0 SF
2C	5' - 6"	14' - 6"	79.8 SF
2D	7' - 5"	2' - 0"	14.8 SF
FAR-Townhouse 2nd Fl.			864.1 SF
Grand total			1,782.1 SF



3 OPEN SPACE/ LOT COVERAGE DIAGRAM
1/8" = 1'-0"

Schema 1 Legend

- Lawns and Walkways
- Townhouse

612 Cambridge Lot area: 7,923 s.f.

Area Schedule (Lot Coverage)

Name	Comments	Area	Percent
Lawns and Walkways	Open Space	5710.9 SF	72.1%
Townhouse	Building Coverage	2211.8 SF	27.9%

Townhouse Schedule - Coverage			
Area mark	Width	Length	Area
1A	32' - 0"	27' - 0"	864.0 SF
1B	6' - 0"	13' - 6"	81.0 SF
1C	4' - 0"	13' - 6"	54.0 SF
1D	10' - 0"	3' - 0"	30.0 SF
1E	10' - 0"	3' - 0"	30.0 SF
1F	2' - 0 1/2"	7' - 7"	15.5 SF
1G	10' - 0"	3' - 0"	30.0 SF
1H	2' - 0"	8 1/2"	1.4 SF
Coverage-Townhouse 1 1st Fl.			1,105.9 SF
2A	32' - 0"	27' - 0"	864.0 SF
2B	10' - 0"	3' - 0"	30.0 SF
2C	10' - 0"	3' - 0"	30.0 SF
2D	10' - 0"	3' - 0"	30.0 SF
2E	4' - 0"	13' - 6"	54.0 SF
2F	6' - 0"	13' - 6"	81.0 SF
2G	2' - 0 1/2"	7' - 7"	15.5 SF
2H	2' - 0"	8 1/2"	1.4 SF
Coverage-Townhouse 2 1st Fl.			1,105.9 SF
Grand total			2,211.8 SF

0' 2' 4' 8' 16'

Graphic Scale: 1 /4 inch = 1 foot

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
AREA POLYGON DIAGRAM & LOT COVERAGE - TOWNHOUSE

SHEET NUMBER
A-1.6b

ENVIRONMENTAL INNOVATIONS IN DESIGN
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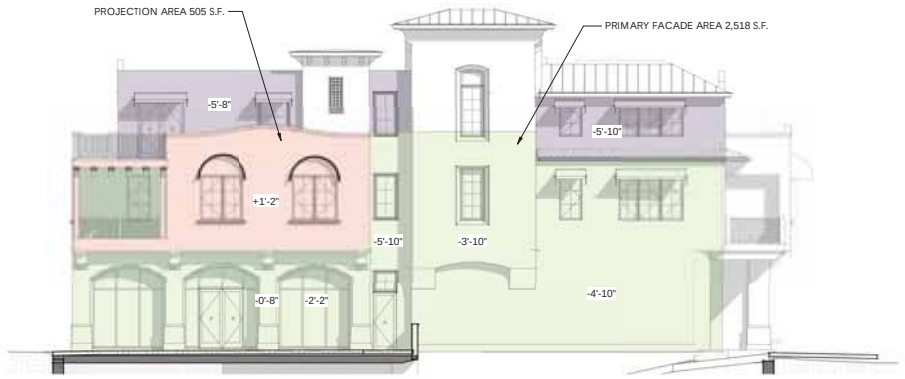
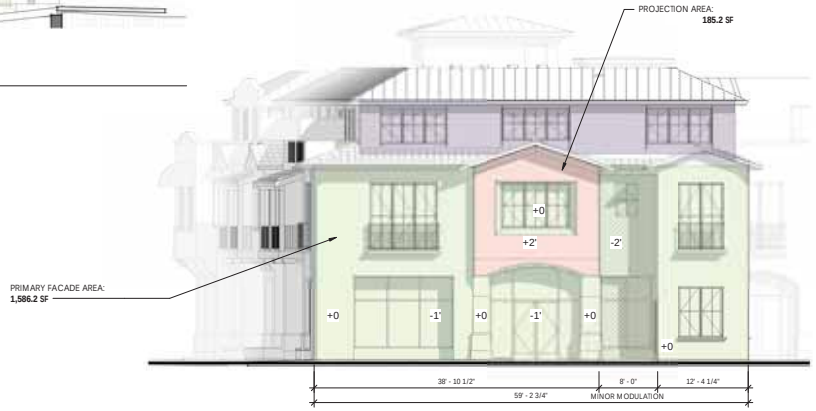


5 PASEO FACADE MODULATION
1/8" = 1'-0"

PRIMARY FACADE — PRIMARY FACADE AREA = 2,518 SF
FACADE PROJECTIONS — PROJECTION AREA = 504 SF
THIRD FLOOR SETBACKS — PERCENT OF PRIMARY FACADE = 20 %
ELEVATOR - STAIR PROJECTION



1 EL CAMINO FACADE MODULATION
1/8" = 1'-0"

PRIMARY FACADE — PRIMARY FACADE AREA = 1,586.2 SF
MINOR BUILDING FACADE MODULATION
FACADE PROJECTIONS — PROJECTION AREA = 185.2 SF
THIRD FLOOR SETBACKS — PERCENT OF PRIMARY FACADE = 12 %
PARAPET BEYOND



4 CAMBRIDGE FACADE MODULATION
1/8" = 1'-0"

PRIMARY FACADE — PRIMARY FACADE AREA = 3,845.07 SF
MINOR BUILDING FACADE MODULATION
FACADE PROJECTIONS — PROJECTION AREA = 1,176.81 SF — PERCENT OF PRIMARY FACADE = 31%
THIRD FLOOR SETBACKS
BUILDING BREAKS
PARAPET BEYOND

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE: BUILDING FACADE MODULATIONS

SHEET NUMBER: A-1.7

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
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201 El Camino Real				
Area of Elevation	774.04	sf	59'-6.5" x 13'-0"	
Min area of glazing:	387.02	sf		
Windows	135	sf	13'-6" x 10'-0"	
	153.55	sf	12'-4.25" x 13'-0"	Arch top
	70	sf	7'-0" x 10'-0"	
	35	sf	6'-0" x 7'-0"	
	393.55	sf		
Cambridge Average				
Area of Elevation:	1862	sf	143'-3" x 13'-0"	
Min area of glazing:	931	sf		
windows	89.18	sf	8'-0" x 11'-9"	Arch top
	89.18	sf	8'-0" x 11'-9"	Arch top
	177.84	sf	14'-4.25" x 13'-0"	Arch top
	72.83	sf	7'-8" x 9'-6"	
	190.9	sf	17'-4.25" x 11'-0"	
	72.83	sf	7'-8" x 9'-6"	
	72.83	sf	7'-8" x 9'-6"	
	190.9	sf	17'-4.25" x 11'-0"	
	57	sf	6'-0" x 9'-6"	
Glazing Provided:	1013.49	sf		

1 GLAZING CALCULATION
1/8" = 1'-0"

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
STOREFRONT AREA CALCULATION

SHEET NUMBER
A-1.7a

ENVIRONMENTAL INNOVATIONS IN DESIGN
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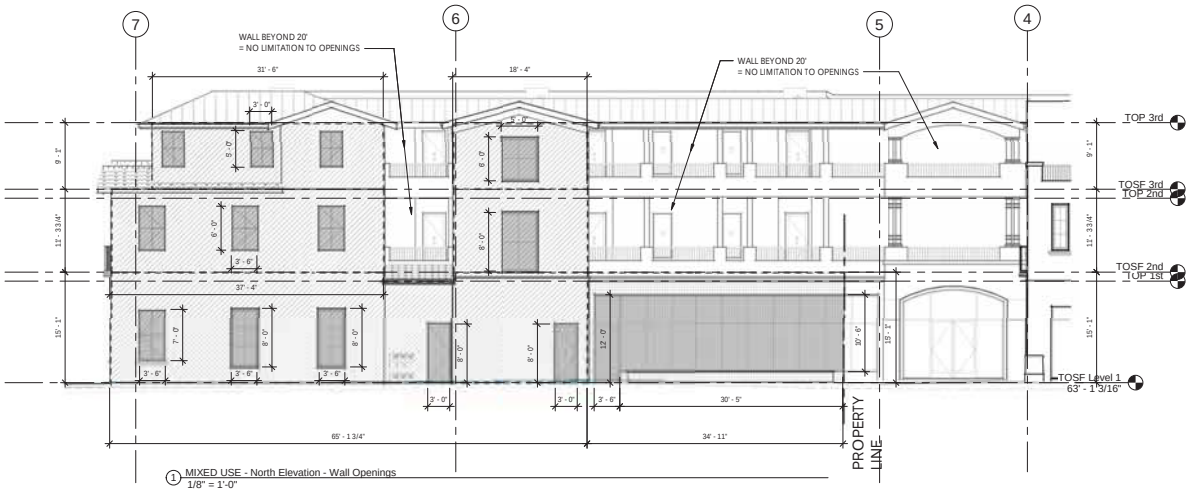
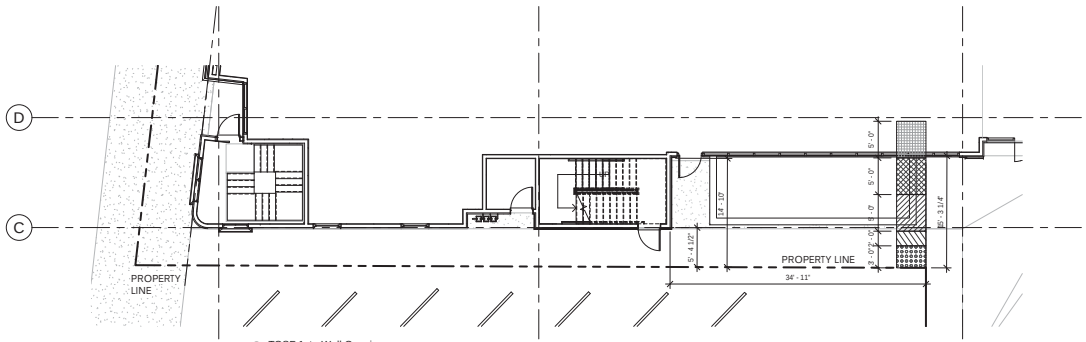
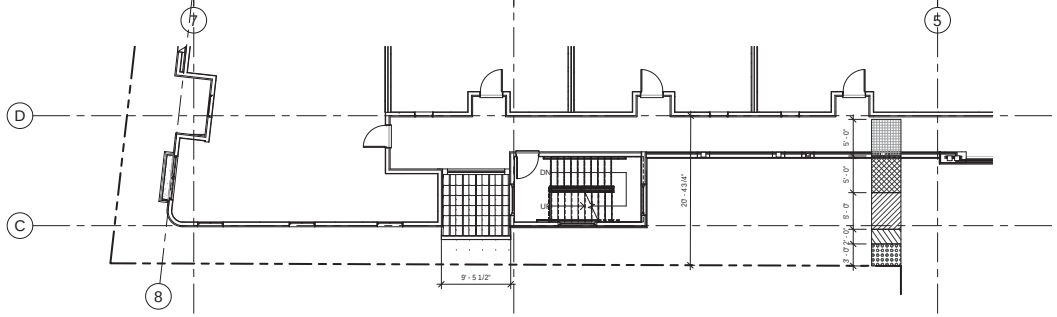


1 MIXED USE - North Elevation - Wall Openings
1/8" = 1'-0"



2 TOSF 1st - Wall Openings
1/8" = 1'-0"



4 TOSF 2nd - Wall Openings
1/8" = 1'-0"

AREA OF EXTERIOR WALL OPENINGS:

UNPROTECTED SPRINKLERED OPEN AREAS, PER TABLE 705.8

NORTH ELEVATION

	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR
WALLS BETWEEN 0' - 3' FROM PROPERTY LINE = NO OPENINGS PERMITTED	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %
WALLS BETWEEN 3' - 5' FROM PROPERTY LINE = 15% OPENINGS PERMITTED	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %
WALLS BETWEEN 5' - 10' FROM PROPERTY LINE = 25% OPENINGS PERMITTED	WALL AREA = 971 SF OPENING AREA = 128.5 SF PERCENT = 13.2 %	WALL AREA = 630 SF OPENING AREA = 103 SF PERCENT = 16.3 %	WALL AREA = 453 SF OPENING AREA = 75 SF PERCENT = 16.6 %
WALLS BETWEEN 10' - 15' FROM PROPERTY LINE = 45% OPENINGS PERMITTED	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %
WALLS BETWEEN 15' - 20' FROM PROPERTY LINE = 75% OPENINGS PERMITTED	WALL AREA = 526 SF OPENING AREA = 361.4 SF PERCENT = 68.7 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %	WALL AREA = 0 SF OPENING AREA = 0 SF PERCENT = 0 %
WALLS GREATER THAN 20' = NO LIMIT OF OPENINGS			

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MENLO PARK, CALIFORNIA 94025

SHEET TITLE
FIRE ANALYSIS - UNPROTECTED OPENINGS

SHEET NUMBER
A-1.8

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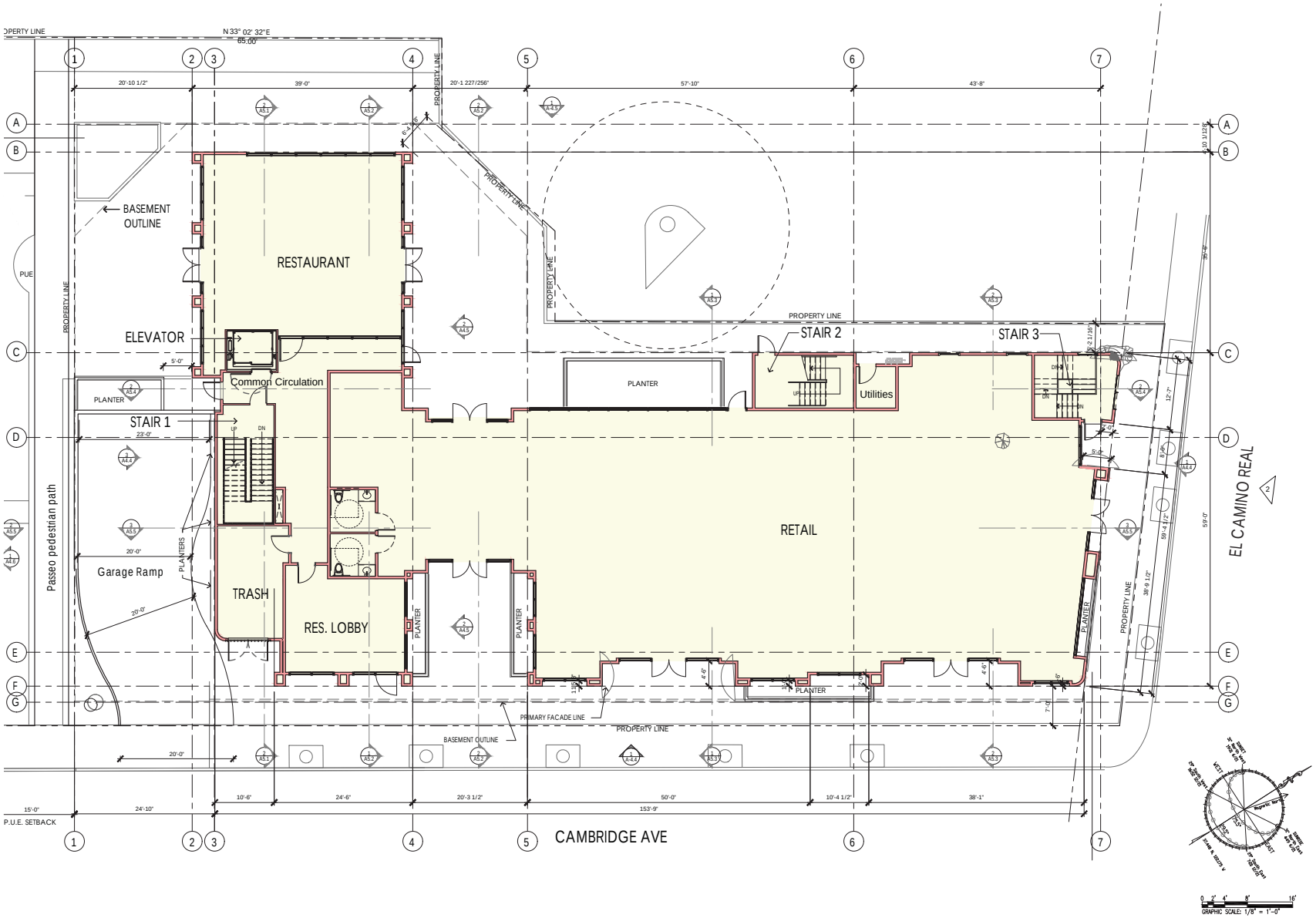

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
FIRST FLOOR PLAN - MIXED-USE

SHEET NUMBER
A-3.1

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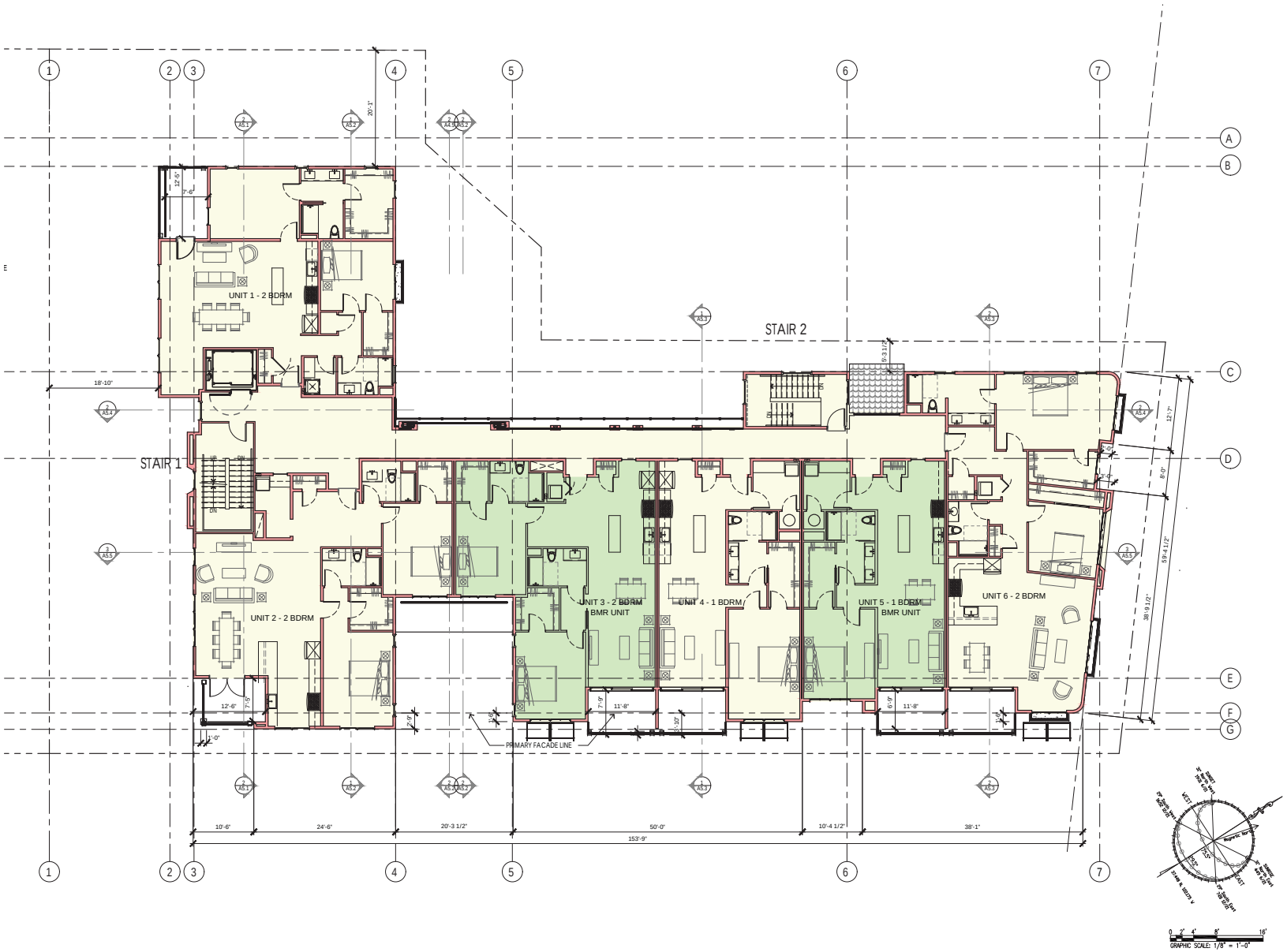

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
SECOND FLOOR PLAN - MIXED-USE

SHEET NUMBER
A-3.2

ENVIRONMENTAL INNOVATIONS IN DESIGN
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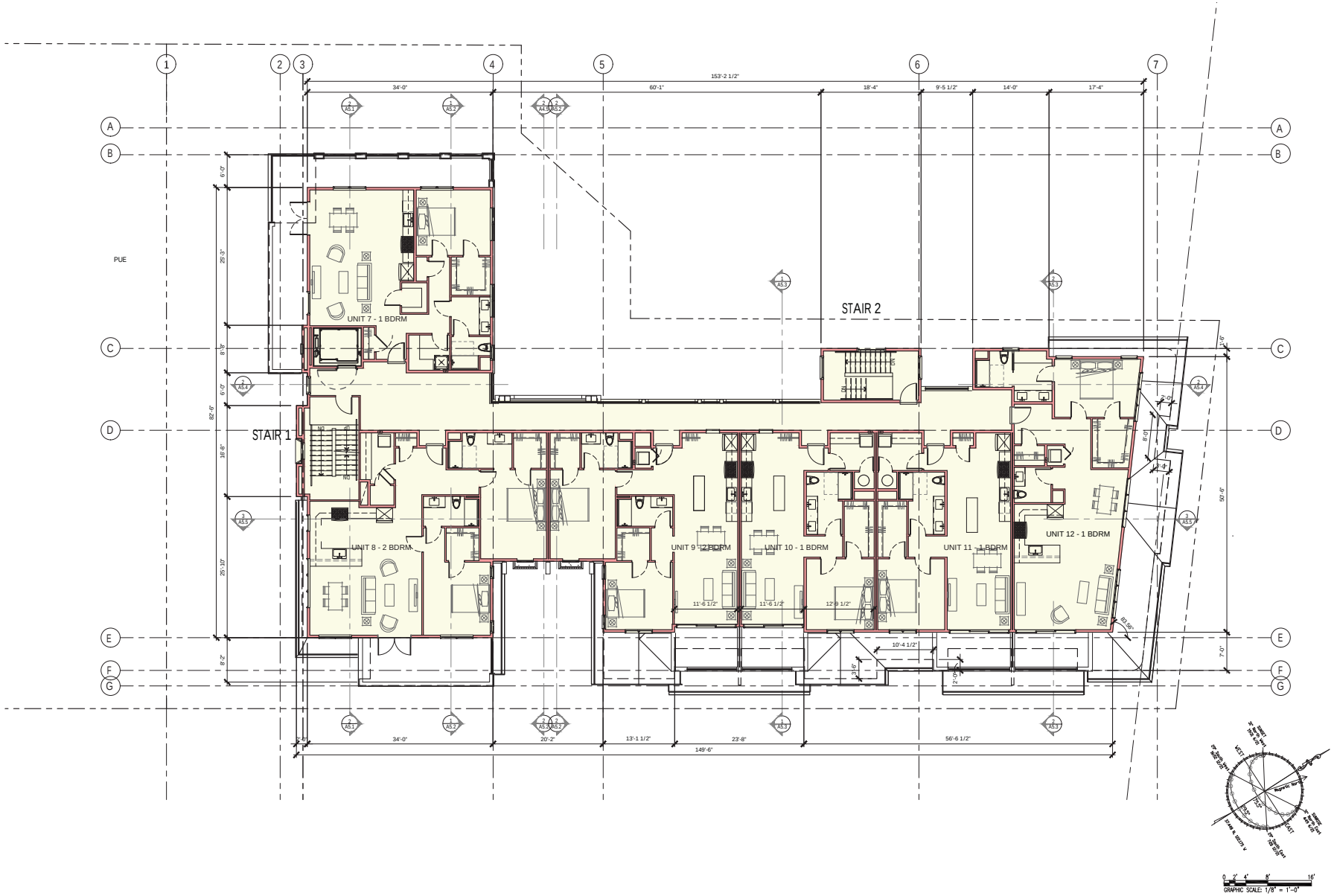

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
THIRD FLOOR PLAN-
MIXED-USE

SHEET NUMBER
A-3.3

ENVIRONMENTAL INNOVATIONS IN DESIGN
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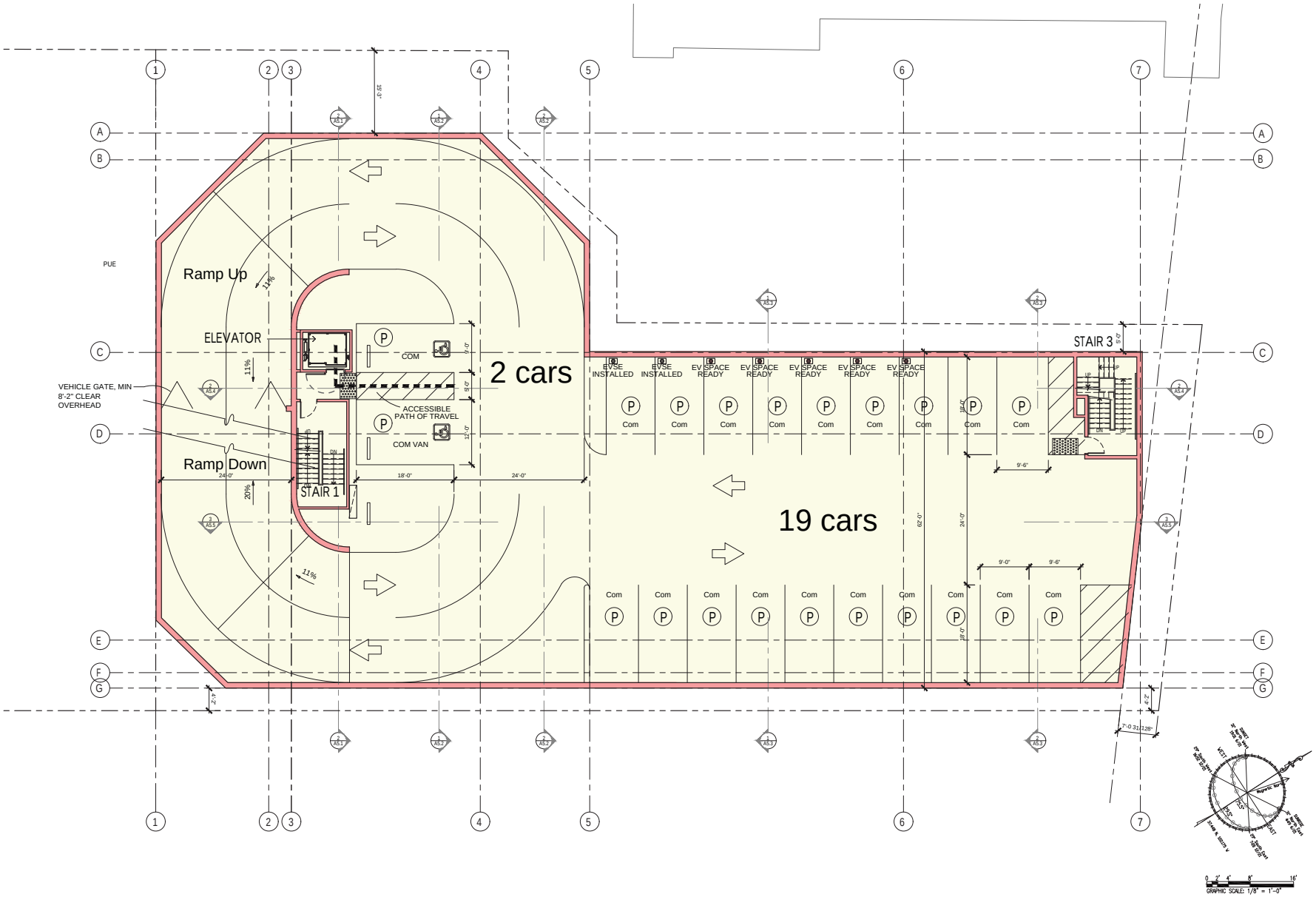

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DATE
09/11/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
GARAGE LEVEL 1

SHEET NUMBER
A-3.4

ENVIRONMENTAL INNOVATIONS IN DESIGN
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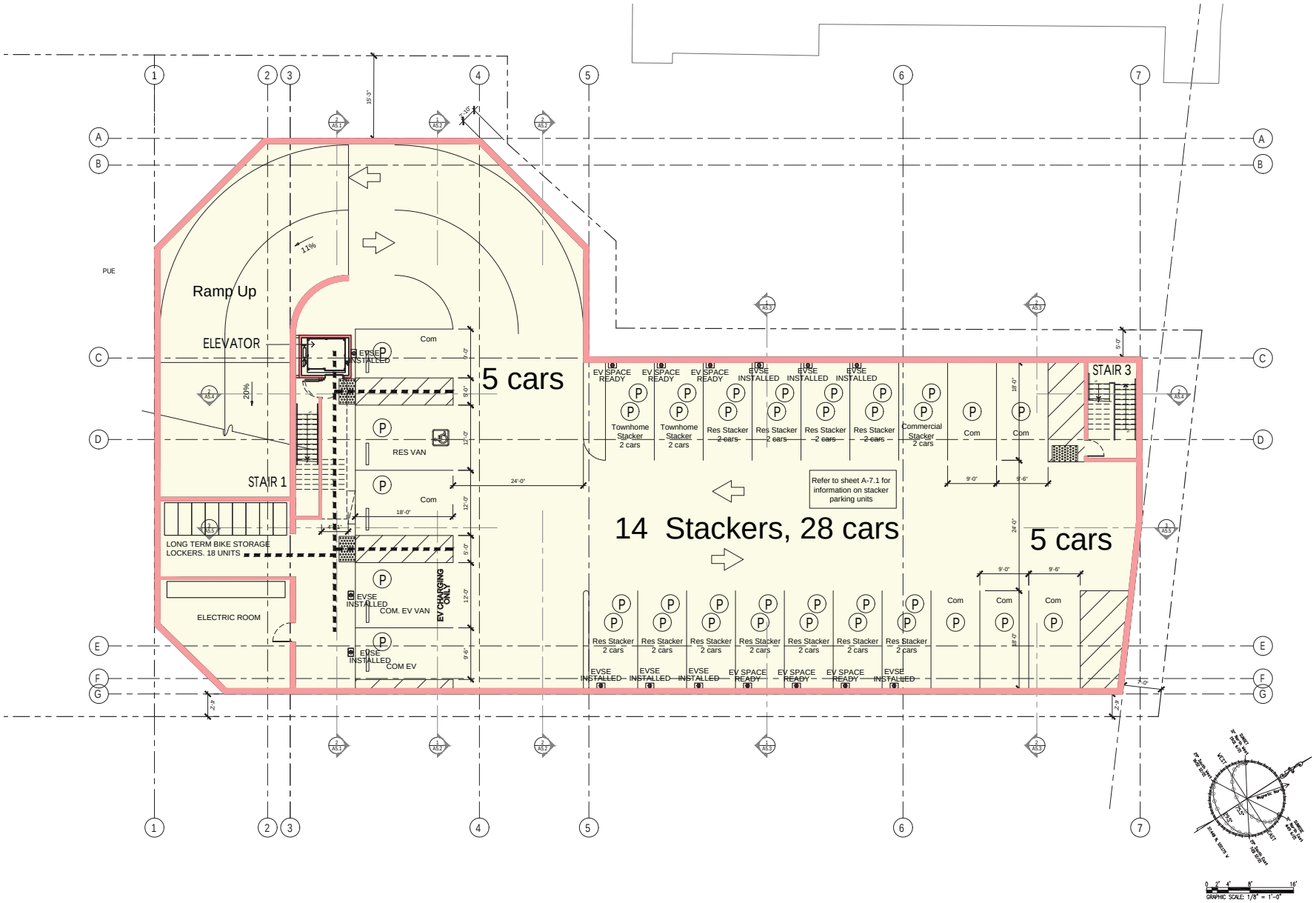
PRINT DATE: 1/31/2019



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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

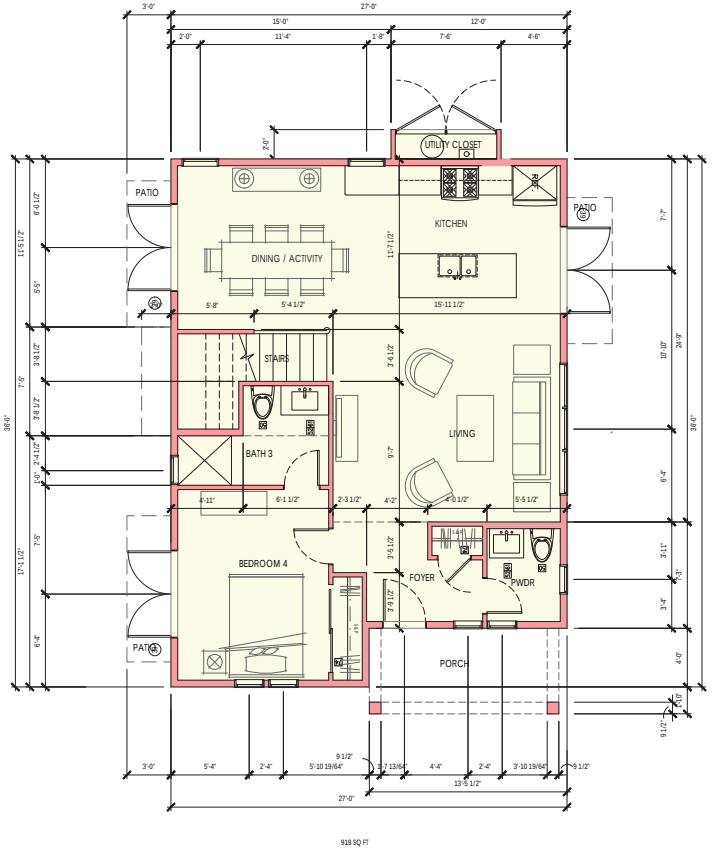
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
GARAGE LEVEL 2

SHEET NUMBER
A-3.5

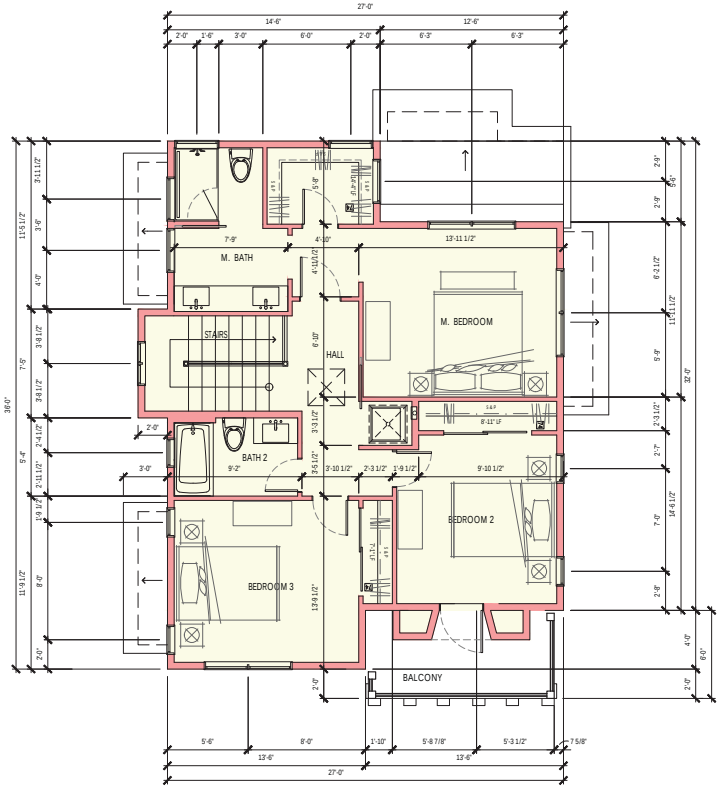
ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM

PRINT DATE: 1/31/2019



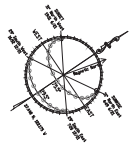
918 SQ FT

FIRST FLOOR PLAN



864.5 SQ FT

SECOND FLOOR PLAN



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

PRINT DATE: 1/31/2019

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
TOWNHOUSE #1
FLOOR PLANS

SHEET NUMBER
A-3.6

ENVIRONMENTAL INNOVATIONS IN DESIGN
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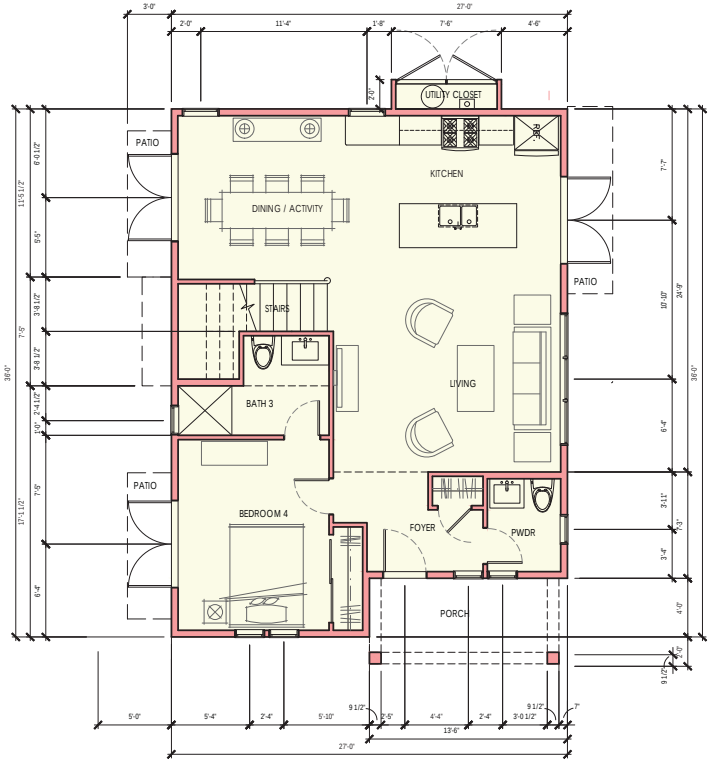
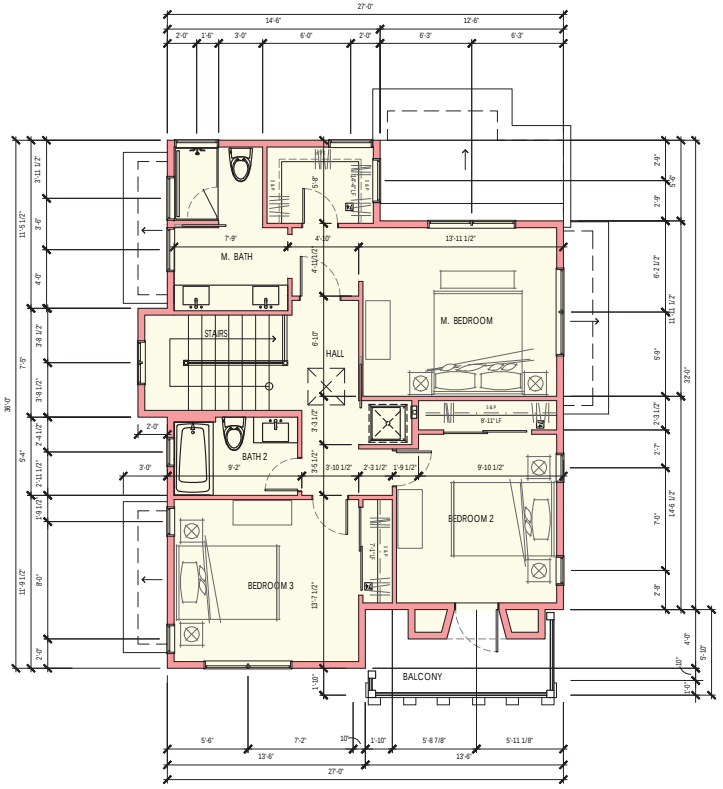
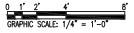


FIRST FLOOR PLAN



SECOND FLOOR PLAN





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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
TOWNHOUSE #2
FLOOR PLANS

SHEET NUMBER
A-3.7

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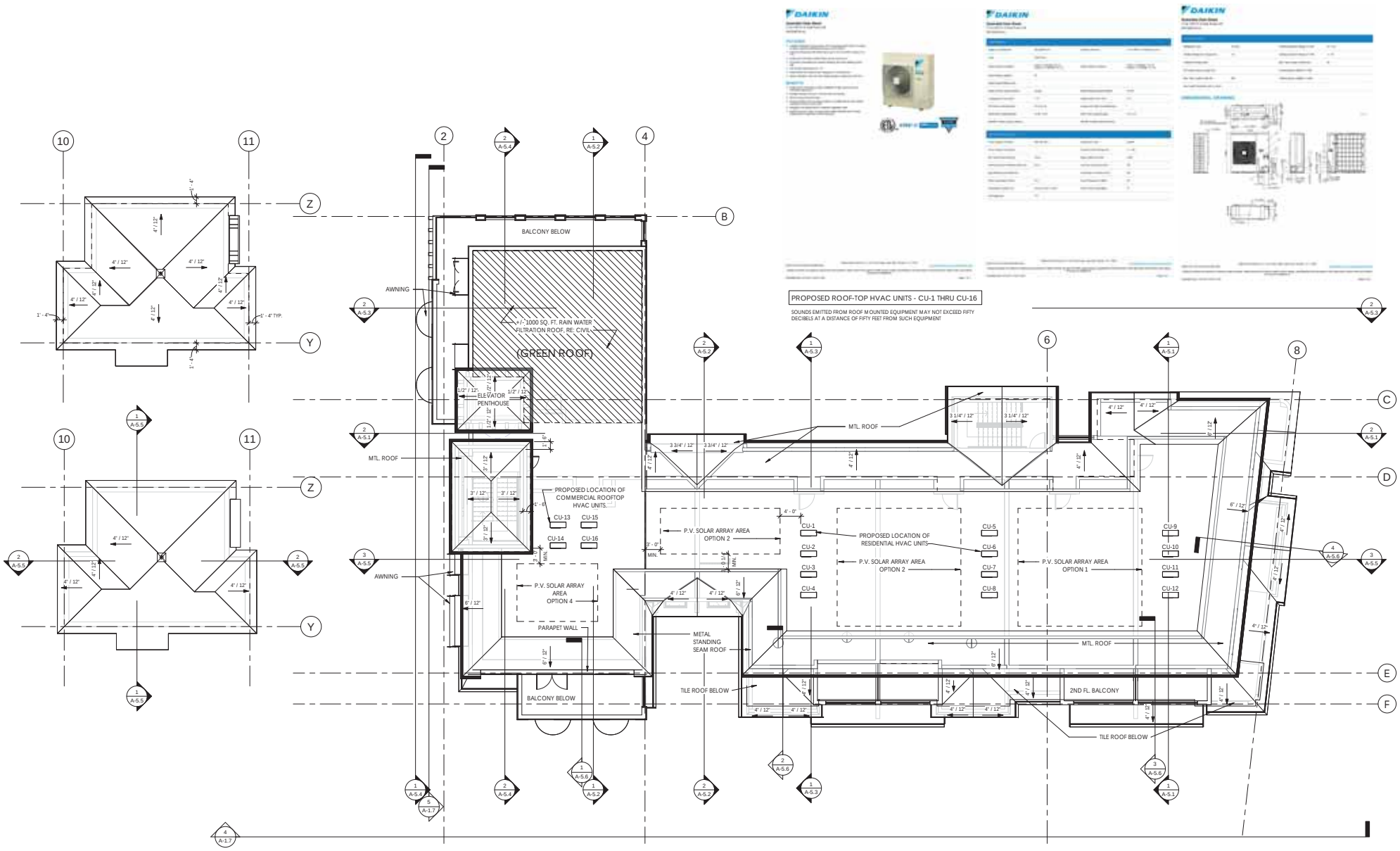

1 Roof
1/8" = 1'-0"

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
ROOF PLAN

SHEET NUMBER
A-3.8

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② CAMBRIDGE STREETSCAPE
12" = 1'-0"



① EL CAMINO STREETSCAPE
12" = 1'-0"

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
PROPOSED STREET SCAPE VIEWS

SHEET NUMBER
A-4.1

ENVIRONMENTAL INNOVATIONS IN DESIGN
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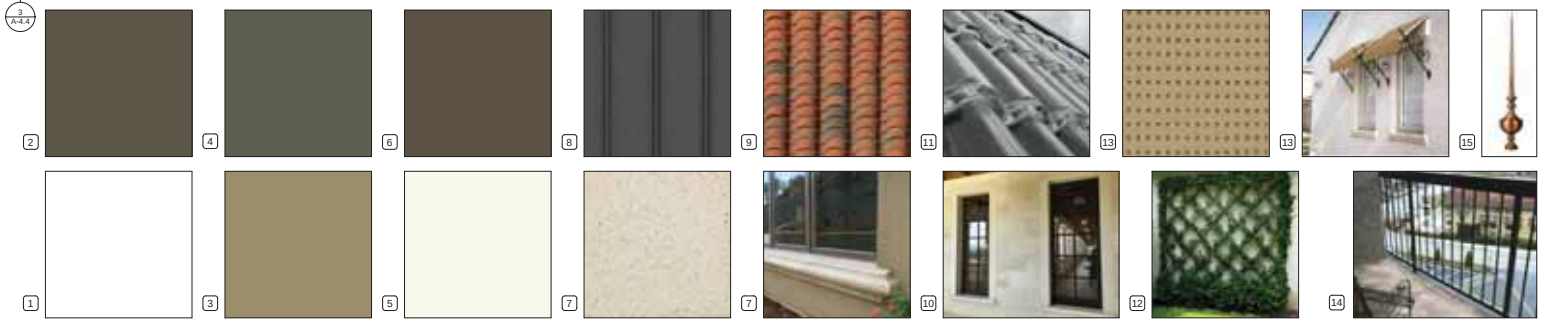
3 MIXED USE - SouthWest Elevation
1/8" = 1'-0"

2 MIXED USE - NorhtEast Elevation (El Camino Real)
1/8" = 1'-0"

1 MIXED USE - SouthEast Elevation (Cambridge Ave)
1/8" = 1'-0"



KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KMW44 - PEARLY WHITE or EQ.
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4568-5 - TEA CHEST or EQ.
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-3 - RODEO ROUNDUP or EQ.
4. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4811-5 - HAYDEN VALLEY or EQ.
5. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY or EQ.
6. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4925 - WILD TRUFFLE or EQ.
7. TRIMS, MEDALLIONS, & CORBELS - CAST STONE: RED LEAF STONE OR EQ. - PACIFIC BEACH ACID ETCH
8. METAL STANDING SEAM ROOF - CUSTOM BILT OR EQ. , STORM GRAY
9. BARREL TILE ROOF - CLAY: REDLAND CLAY TILE OR EQ.
10. HIGH PERFORMANCE GLAZING WITH WOOD & ALUMINUM MULLIONS - COLOR: BRONZE
11. BARREL TILE ROOF - GLASS: TEJAS BORJA OR EQ.
12. PLANTED WALL: TRELLIS OR 'GREENSCREEN' OR EQ.
13. AWNING - FABRIC W/ WROUGHT IRON & ANODIZED ALUMINUM FRAMES - SERGE FERRARI, SOLTIS MESH FABRIC OR EQ. - COLOR: PEPPER
14. RAILING - WROUGHT IRON
15. LIGHTNING ROD - ROOF RIDGE CAP, COPPER: CLASSIC LIGHTNING PROTECTION INC., OR EQ.

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE: ELEVATIONS - MIXED-USE

SHEET NUMBER: A-4.2

ENVIRONMENTAL INNOVATIONS IN DESIGN
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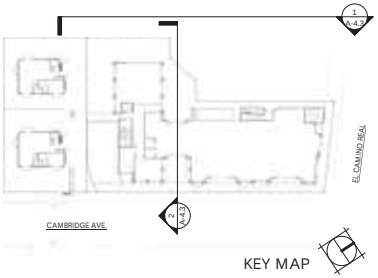
1 MIXED USE - North Elevation
1/8" = 1'-0"



2 MIXED USE - Elevation/ Section
1/8" = 1'-0"



KEY MAP



KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KMW44 - PEARLY WHITE or EQ.
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4568-5 - TEA CHEST or EQ.
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-3 - RODEO ROUNDUP or EQ.
4. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4811-5 - HAYDEN VALLEY or EQ.
5. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY or EQ.
6. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4925 - WILD TRUFFLE or EQ.
7. TRIMS, MEDALLIONS, & CORBELS - CAST STONE: RED LEAF STONE OR EQ. - PACIFIC BEACH ACID ETCH
8. METAL STANDING SEAM ROOF - CUSTOM BILT OR EQ. , STORM GRAY
9. BARREL TILE ROOF - CLAY: REDLAND CLAY TILE OR EQ.
10. HIGH PERFORMANCE GLAZING WITH WOOD & ALUMINUM MULLIONS - COLOR: BRONZE
11. BARREL TILE ROOF - GLASS: TEJAS BORJA OR EQ.
12. PLANTED WALL: TRELLIS OR 'GREENSCREEN' OR EQ.
13. AWNING - FABRIC W/ WROUGHT IRON & ANODIZED ALUMINUM FRAMES - SERGE FERRARI, SOLTIS MESH FABRIC OR EQ. - COLOR: PEPPER
14. RAILING - WROUGHT IRON
15. LIGHTNING ROD - ROOF RIDGE CAP, COPPER: CLASSIC LIGHTNING PROTECTION INC., OR EQ.

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

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SHEET TITLE: ELEVATIONS - MIXED-USE

SHEET NUMBER: A-4.3

ENVIRONMENTAL INNOVATIONS IN DESIGN
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1 TOWNHOUSE 1- NORTHEAST ELEVATION
1/4" = 1'-0"



2 TOWNHOUSE 1 - NORTHWEST ELEVATION
1/4" = 1'-0"



4 TOWNHOUSE 1- SOUTHWEST ELEVATION
1/4" = 1'-0"



3 TOWNHOUSE 1 -SOUTHEAST ELEVATION
1/4" = 1'-0"



KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KMW44 - PEARLY WHITE or EQ.
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4568-5 - TEA CHEST or EQ.
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-3 - RODEO ROUNDUP or EQ.
4. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4811-5 - HAYDEN VALLEY or EQ.
5. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY or EQ.
6. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4925 - WILD TRUFFLE or EQ.
7. TRIMS, MEDALLIONS, & CORBELS - CAST STONE: RED LEAF STONE OR EQ. - PACIFIC BEACH ACID ETCH
8. METAL STANDING SEAM ROOF - CUSTOM BILT OR EQ. , STORM GRAY
9. BARREL TILE ROOF - CLAY: REDLAND CLAY TILE OR EQ.
10. HIGH PERFORMANCE GLAZING WITH WOOD & ALUMINUM MULLIONS - COLOR: BRONZE
11. BARREL TILE ROOF - GLASS: TEJAS BORJA OR EQ.
12. PLANTED WALL: TRELLIS OR 'GREENSCREEN' OR EQ.
13. AWNING - FABRIC W/ WROUGHT IRON & ANODIZED ALUMINUM FRAMES - SERGE FERRARI, SOLTIS MESH FABRIC OR EQ. - COLOR: PEPPER
14. RAILING - WROUGHT IRON
15. LIGHTNING ROD - ROOF RIDGE CAP, COPPER: CLASSIC LIGHTNING PROTECTION INC., OR EQ.

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
ELEVATIONS - TOWNHOUSE 1

SHEET NUMBER
A-4.4

ENVIRONMENTAL INNOVATIONS IN DESIGN
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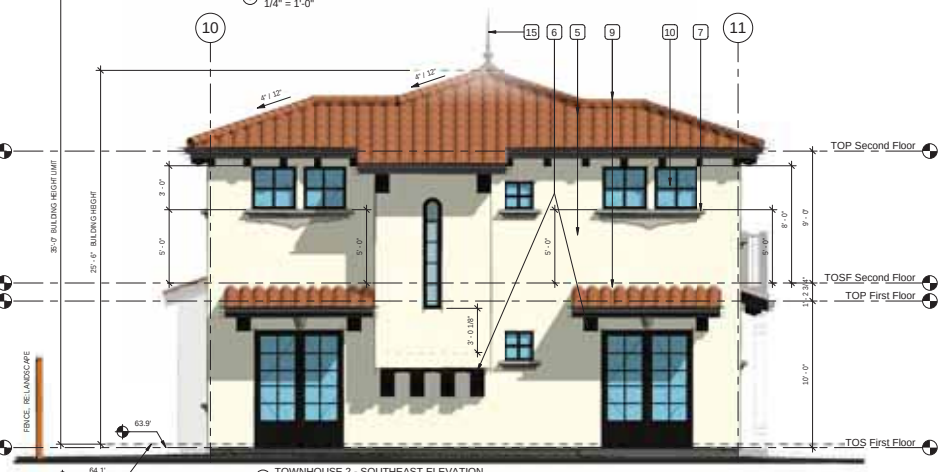
1 TOWNHOUSE 2- SOUTHWEST ELEVATION
1/4" = 1'-0"



3 TOWNHOUSE 2- NORTHWEST ELEVATION
1/4" = 1'-0"



2 TOWNHOUSE 2 -NORTHEAST ELEVATION
1/4" = 1'-0"



4 TOWNHOUSE 2 - SOUTHEAST ELEVATION
1/4" = 1'-0"



KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KMW44 - PEARLY WHITE or EQ.
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4568-5 - TEA CHEST or EQ.
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-3 - RODEO ROUNDUP or EQ.
4. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM4811-5 - HAYDEN VALLEY or EQ.
5. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY or EQ.
6. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4925 - WILD TRUFFLE or EQ.
7. TRIMS, MEDALLIONS, & CORBELS - CAST STONE: RED LEAF STONE OR EQ. - PACIFIC BEACH ACID ETCH
8. METAL STANDING SEAM ROOF - CUSTOM BILT OR EQ. , STORM GRAY
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12. PLANTED WALL: TRELLIS OR 'GREENSCREEN' OR EQ.
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14. RAILING - WROUGHT IRON
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MENLO PARK, CALIFORNIA 94025

SHEET TITLE
ELEVATIONS - TOWNHOUSE 2

SHEET NUMBER
A-4.5

ENVIRONMENTAL INNOVATIONS IN DESIGN
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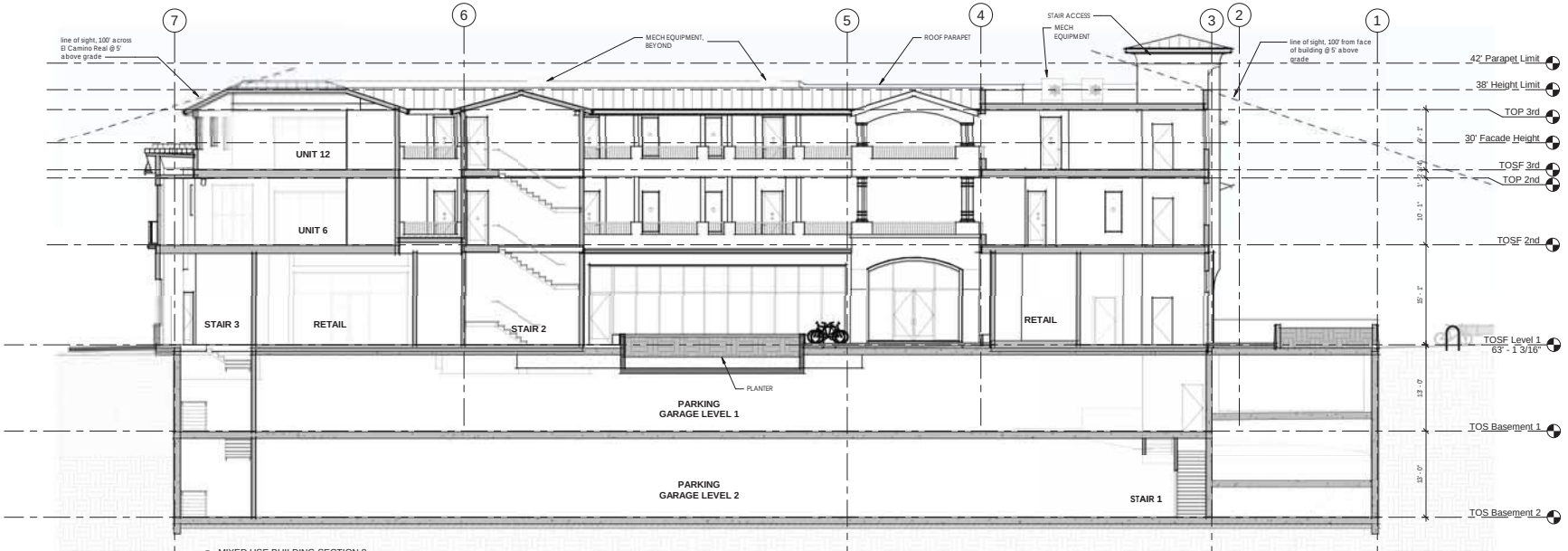
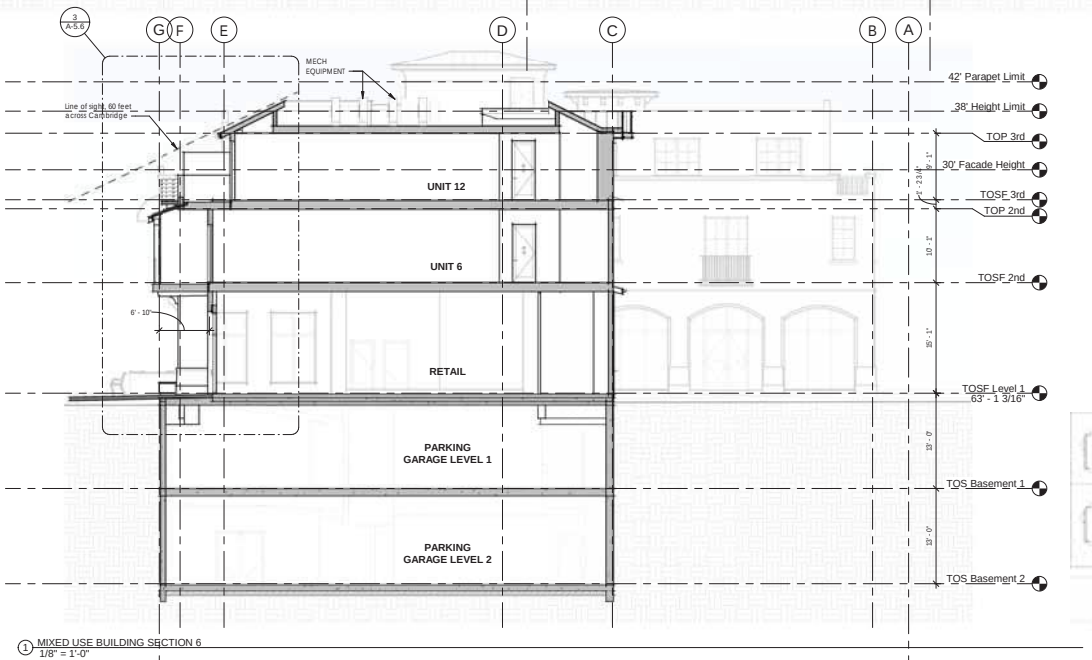
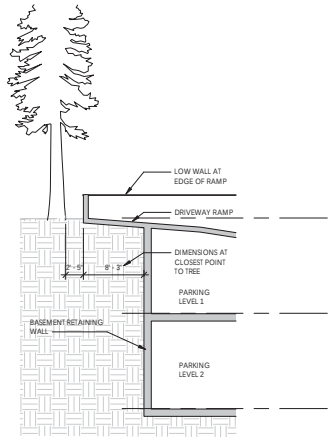


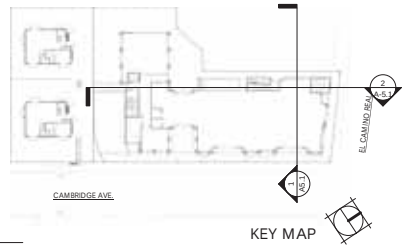
2 MIXED USE BUILDING SECTION 8
1/8" = 1'-0"



1 MIXED USE BUILDING SECTION 6
1/8" = 1'-0"



3 Driveway retaining wall
1/8" = 1'-0"



KEY MAP

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BUILDING SECTIONS

SHEET NUMBER
A-5.1

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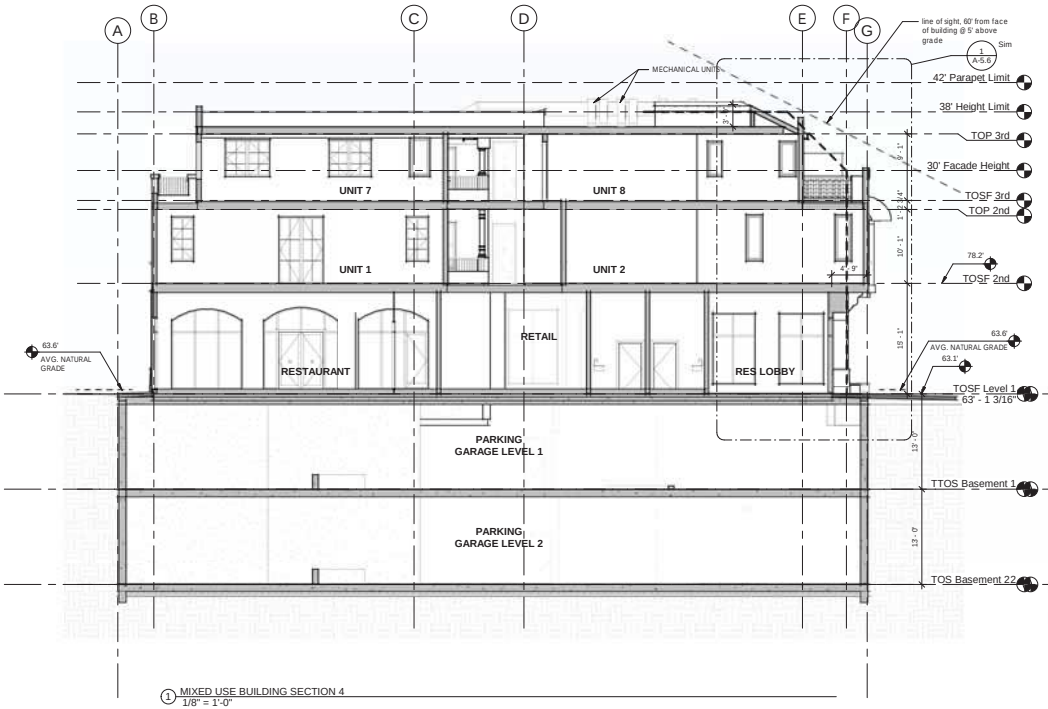
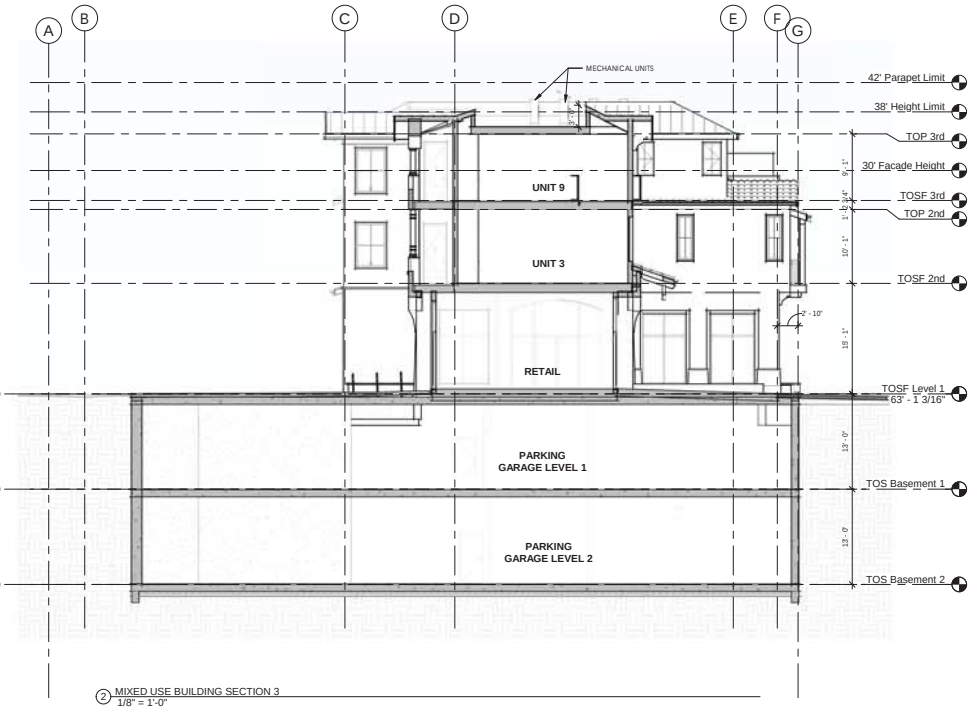
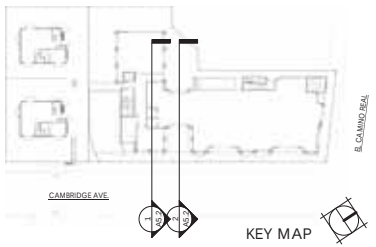


1 MIXED USE BUILDING SECTION 4
1/8" = 1'-0"



2 MIXED USE BUILDING SECTION 3
1/8" = 1'-0"



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MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BUILDING SECTIONS

SHEET NUMBER
A-5.2

ENVIRONMENTAL INNOVATIONS IN DESIGN
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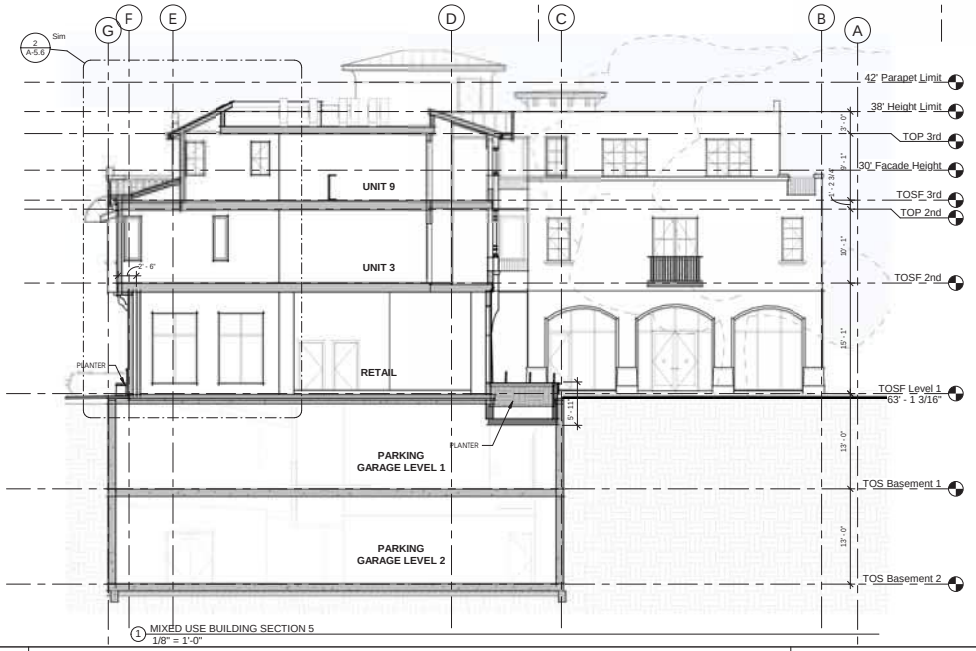
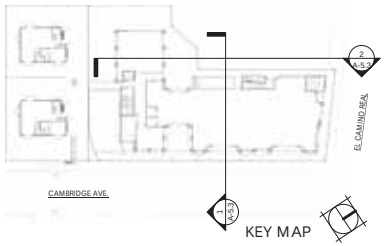
2 MIXED USE BUILDING SECTION 7
1/8" = 1'-0"



1 MIXED USE BUILDING SECTION 5
1/8" = 1'-0"



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SHEET TITLE
BUILDING SECTIONS

SHEET NUMBER
A-5.3

ENVIRONMENTAL INNOVATIONS IN DESIGN
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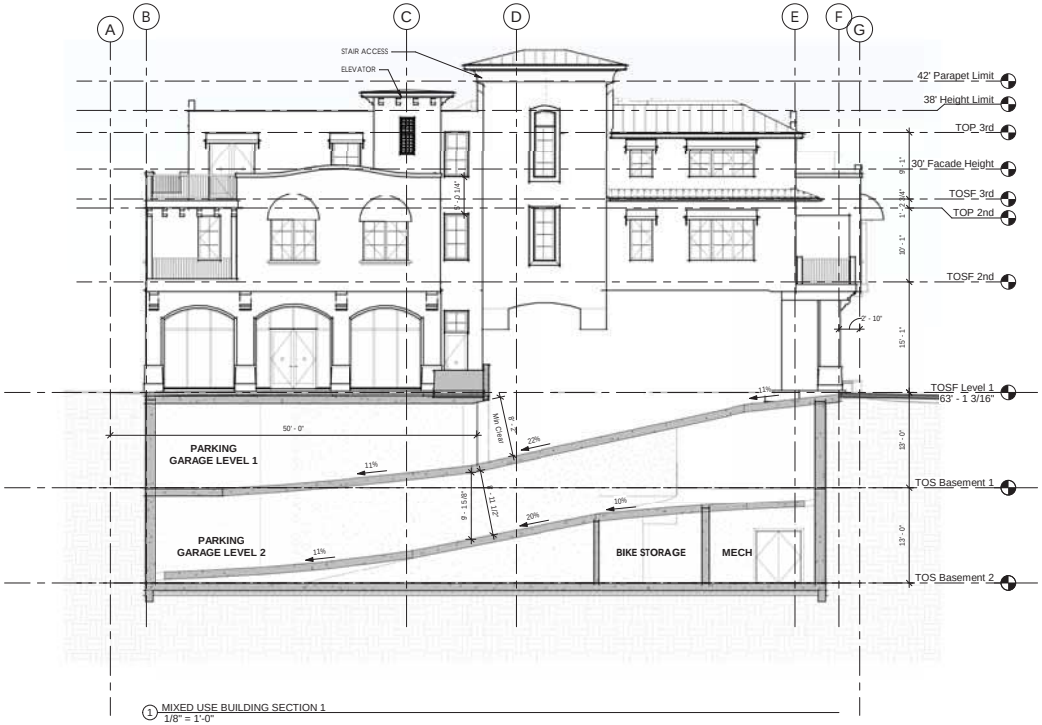
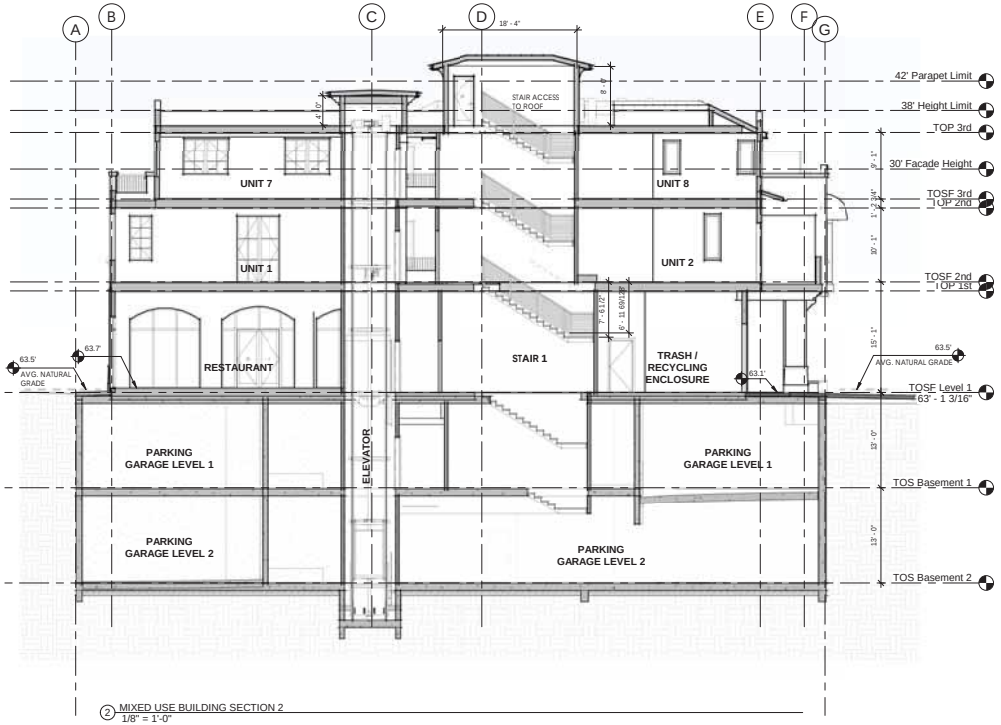
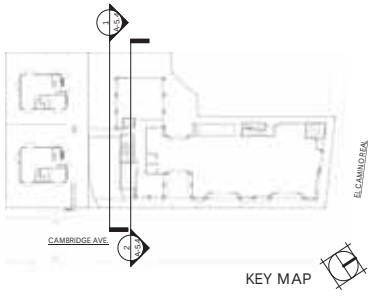


1 MIXED USE BUILDING SECTION 1
1/8" = 1'-0"



2 MIXED USE BUILDING SECTION 2
1/8" = 1'-0"



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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

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SHEET TITLE
BUILDING SECTIONS

SHEET NUMBER
A-5.4

ENVIRONMENTAL INNOVATIONS IN DESIGN
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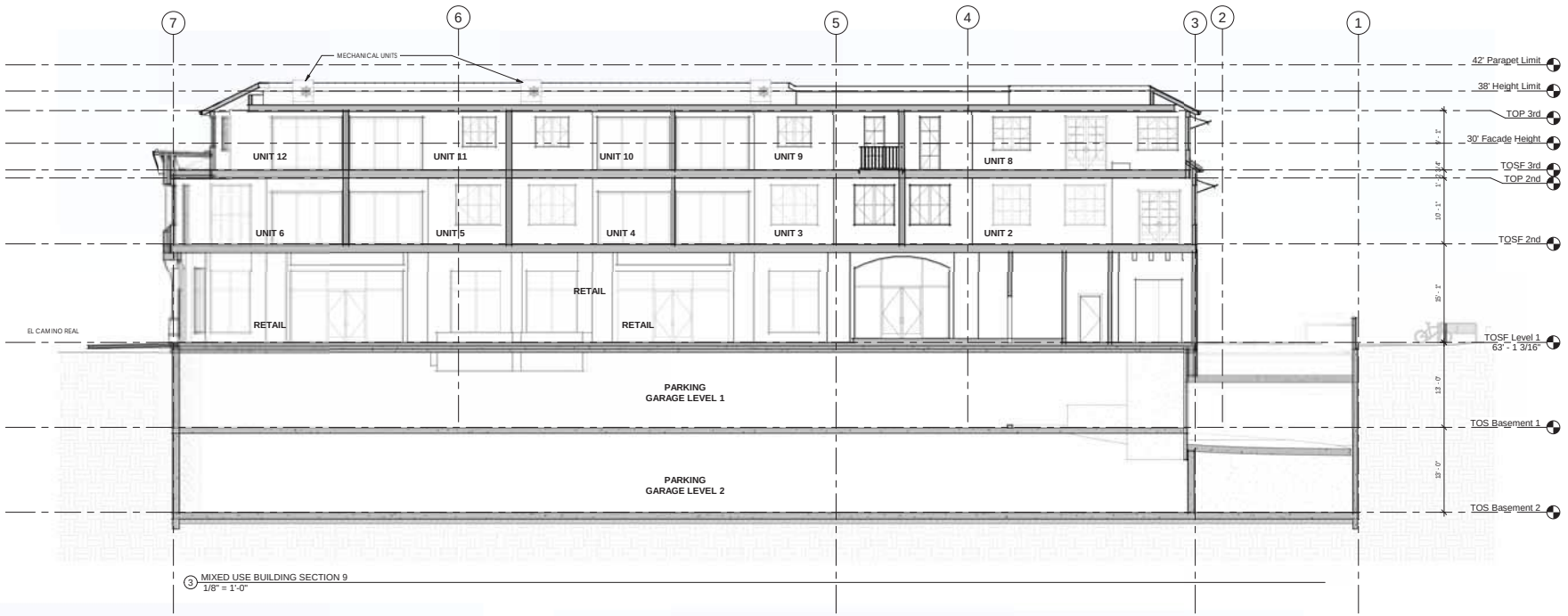
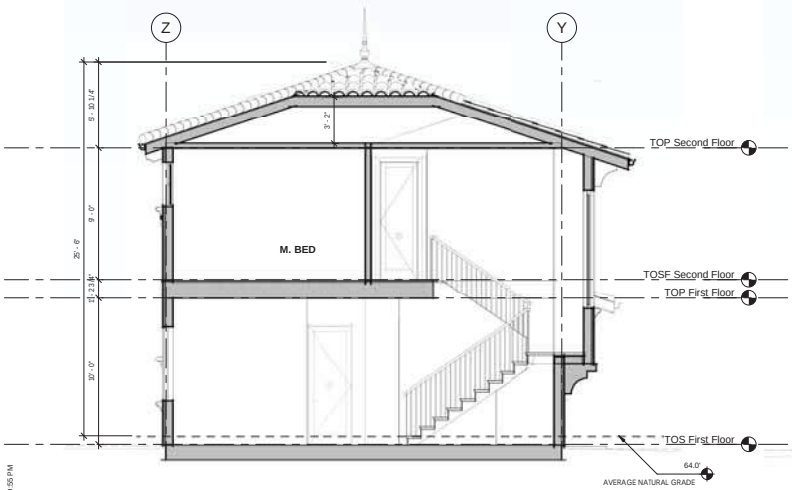
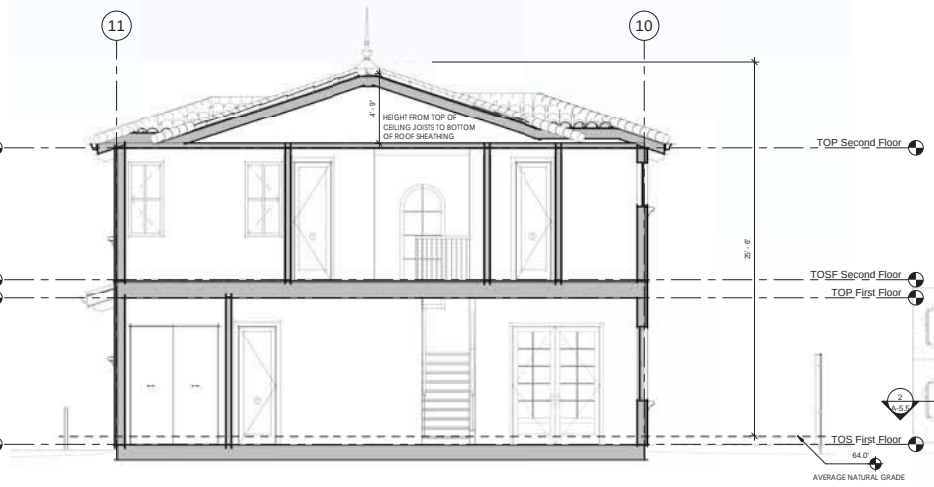


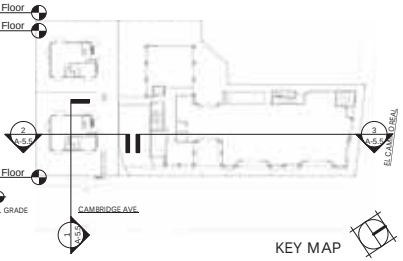
3 MIXED USE BUILDING SECTION 9
1/8" = 1'-0"



1 TOWNHOUSE BUILDING SECTION 1
1/4" = 1'-0"



2 TOWNHOUSE BUILDING SECTION 2
1/4" = 1'-0"



KEY MAP

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BUILDING SECTIONS

SHEET NUMBER
A-5.5

ENVIRONMENTAL INNOVATIONS IN DESIGN
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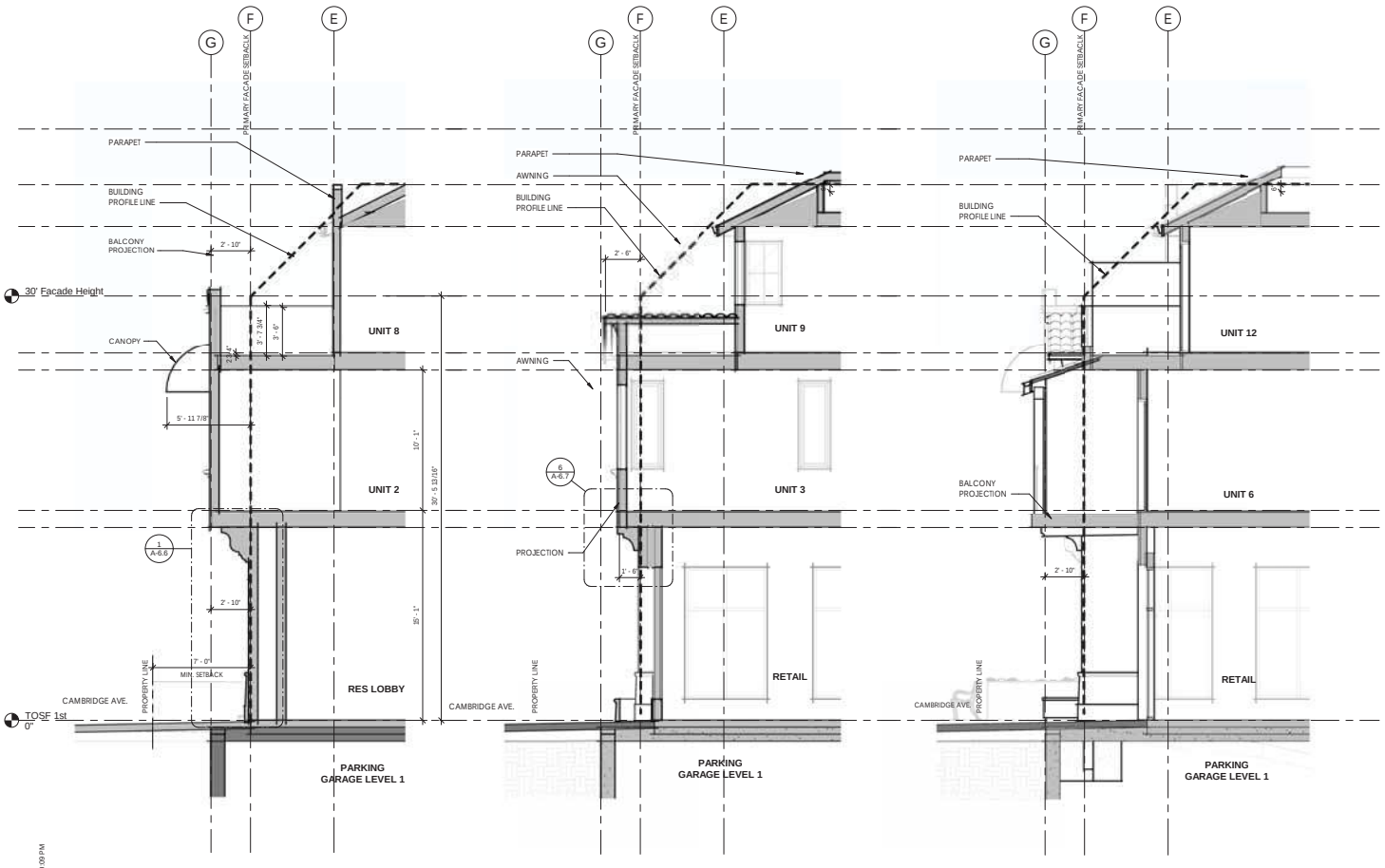
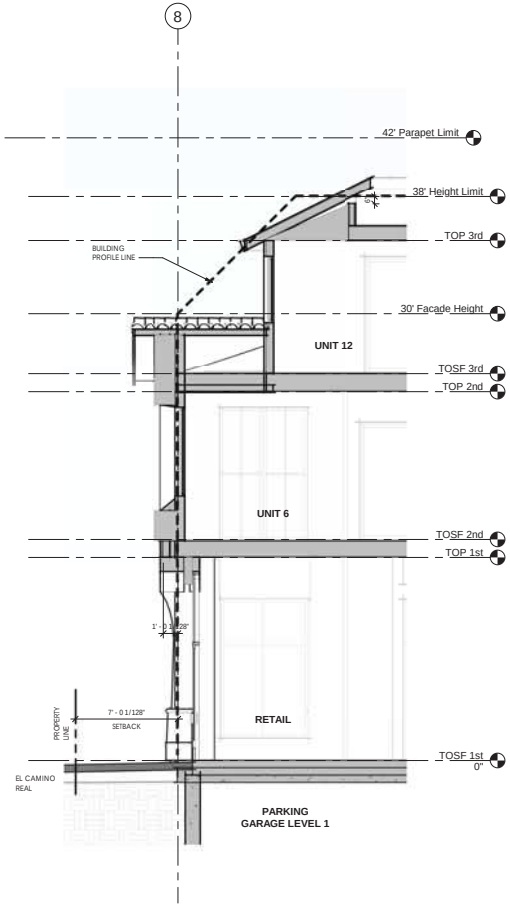


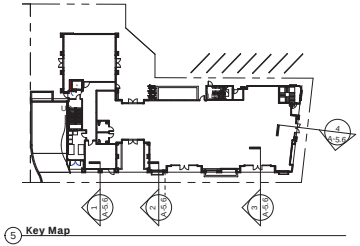
1 MIXED USE BUILDING SECTION 4 - Callout 1
1/4" = 1'-0"

2 MIXED USE BUILDING SECTION 5 - Callout 1
1/4" = 1'-0"

3 MIXED USE BUILDING SECTION 6 - Callout 1
1/4" = 1'-0"



4 MIXED USE BUILDING SECTION 9 - Callout 1
1/4" = 1'-0"



5 Key Map

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DATE
08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BUILDING PROFILE

SHEET NUMBER
A-5.6

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3 3D View - Townhouse Front



1 3D View - Cambridge Ave. 1



2 3D View - Cambridge Ave. 2

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SHEET TITLE
3D VIEWS 1

SHEET NUMBER
A-6.0

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3 3D View - Mixed Use Side View



1 3D View - Mixed Use on El Camino 2



4 3D View - Mixed Use Rear View



2 3D View - Mixed Use on El Camino 1

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SHEET TITLE
3D VIEWS 2

SHEET NUMBER
A-6.1

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
RENDERED STREET VIEW OF EL CAMINO REAL & CAMBRIDGE FRONTAGES

SHEET NUMBER
A-6.2

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
RENDERED STREET VIEW OF PROPOSED CAMBRIDE AVE. FRONTAGE

SHEET NUMBER
A-6.3

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SHEET TITLE
RENDERED STREET VIEW OF PROPOSED ENTRY

SHEET NUMBER
A-6.4

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KM "HAYDEN VALLEY"



BALCONY TILE



STANDING SEAM METAL ROOF

KM "TEA CHEST"

SUNBRELLA CANVAS
SILICA BARLEY



GLASS ROOF TILES



CLAY TILE ROOF

KM "RODEO ROUNDUP"



GRASSCRETE



WALNUT WOOD INTEIOR FLOORING

SMOOTH STUCCO
KM "PEARLY WHITE"



PATIO FLOOR TILES

FLICKERING FIREFLY



WALL CAP

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
COLORS AND MATERIALS

SHEET NUMBER
A-6.5

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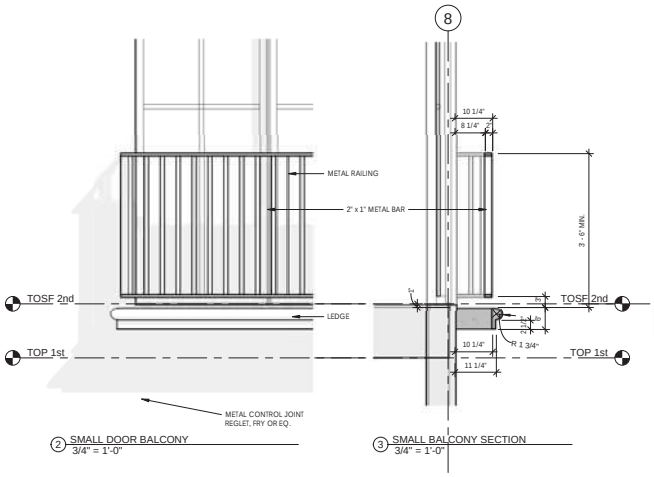
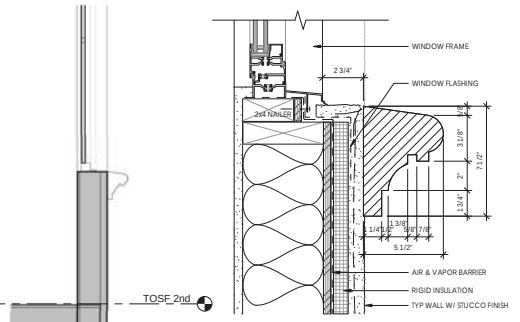
DARK RECESSED WINDOWS W/ MULLIONS. SMALL BALCONY WITH DOOR



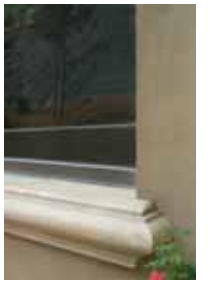
2 SMALL DOOR BALCONY
3/4" = 1'-0"

3 SMALL BALCONY SECTION
3/4" = 1'-0"



4 RECESSED WINDOW SILL
3/4" = 1'-0"

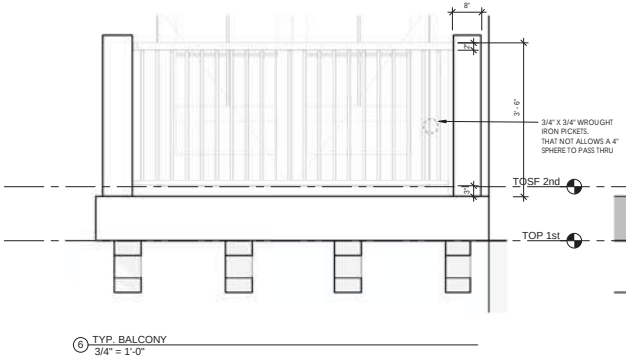
5 RECESSED WINDOW SILL W/ TRIM AT STUCCO WALL
3" = 1'-0"



CAST STONE WINDOW SILL

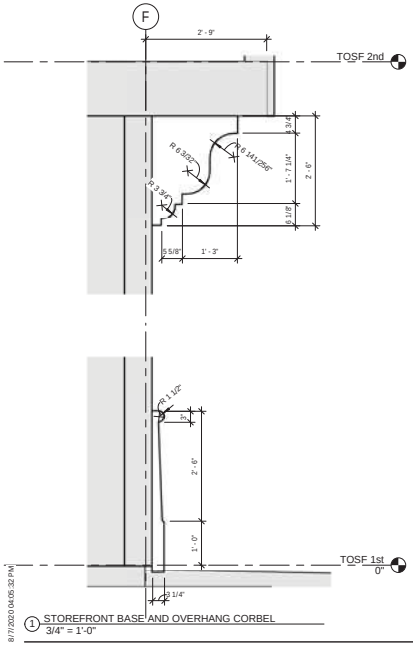


ARCHED STOREFRONT GLAZING



6 TYP. BALCONY
3/4" = 1'-0"

7 TYP. BALCONY W/ CORBELS
3/4" = 1'-0"



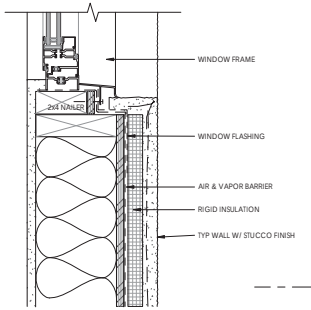
1 STOREFRONT BASE AND OVERHANG CORBEL
3/4" = 1'-0"



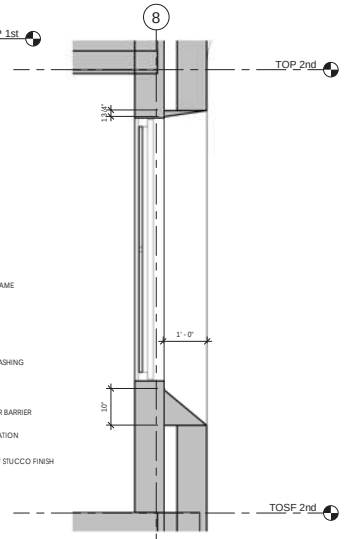
STOREFRONT BASE



TYP. BALCONY



8 TYP. RECESSED WINDOW SILL AT STUCCO WALL
3" = 1'-0"



9 FLARED WINDOW
3/4" = 1'-0"

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SHEET TITLE: MATERIALS AND DETAILS

SHEET NUMBER: A-6.6

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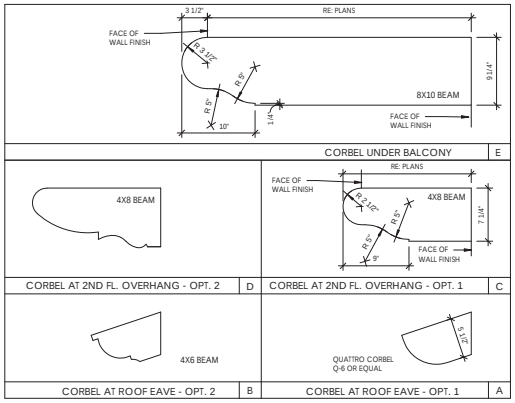
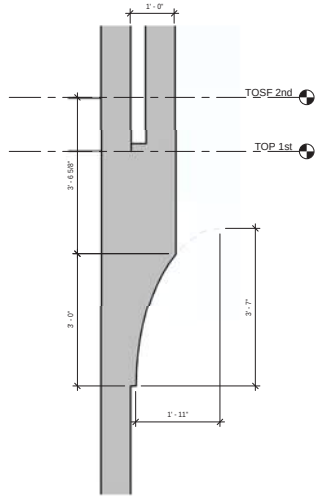
BALCONY W/ CORBELS



1 CORBEL PROFILES
1 1/2" = 1'-0"



LIVING WALL



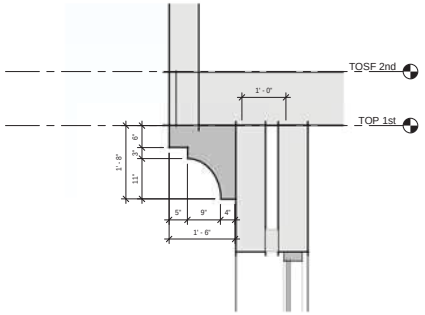
3 CURVE AT BASE OF STAIR TOWER
3/4" = 1'-0"



RAIN WATER SCUPPER & LEADER



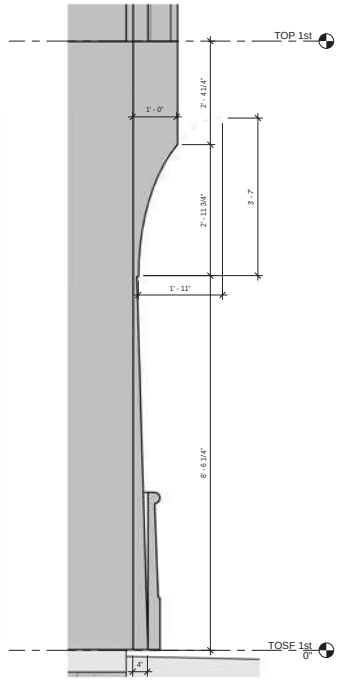
CORBELS AT OVERHANG



6 OVERHANG CORBEL
3/4" = 1'-0"



ENTRY PILLARS



4 ENTRY PILLAR
3/4" = 1'-0"



PLANTER BOX



ENTRY RETAIL

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
MATERIALS AND DETAILS

SHEET NUMBER
A-6.7

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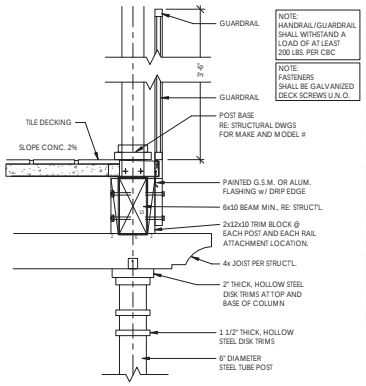
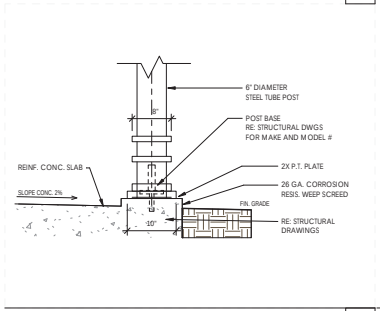
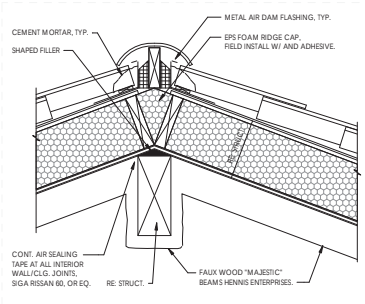


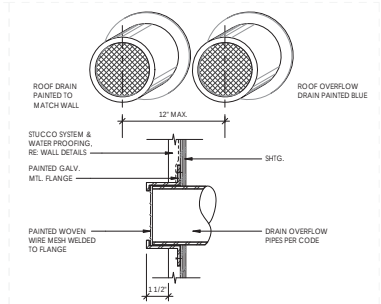
COLUMN AT DECK 1" = 1'-0" 13



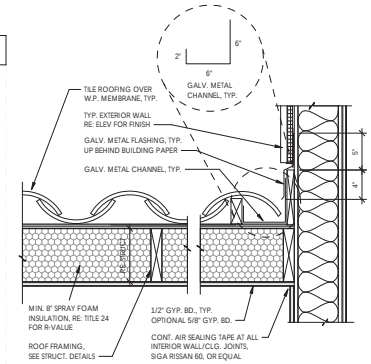
COLUMN BASE 1" = 1'-0" 12



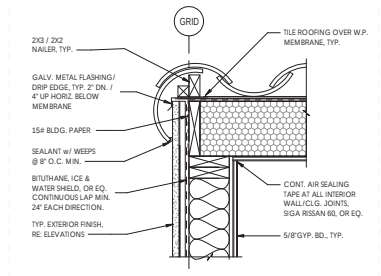
ROOF RIDGE 1 1/2" = 1'-0" 10



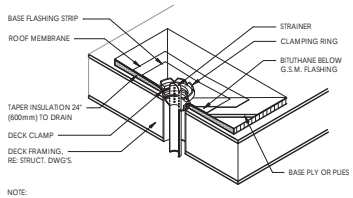
ROOF DRAINAGE PIPES 7



ROOF AT WALL 1 1/2" = 1'-0" 9

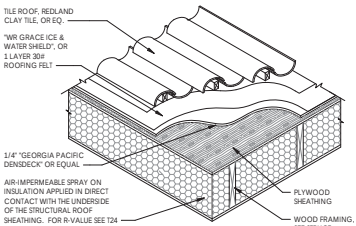


ROOF RAKE EDGE 1 1/2" = 1'-0" 6



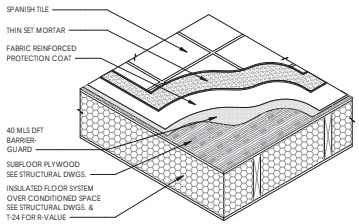
NOTE:
1. MINIMUM 30" (750mm) SQUARE, BITUTHANE BELOW G.S.M. FLASHING. FLANGE MUST BE PRIMED WITH PRIOR TO STRIPPING.
2. MEMBRANE PLIES, METAL FLASHING, AND FLASH IN PLIES EXTEND UNDER CLAMPING RING. STRIPPING MEMBRANE EXTENDS 4" (100mm) BEYOND EDGE OF FLASHING SHEET, BUT NOT BEYOND EDGE OF SUMP.
3. INSTALL OVERFLOW DRAIN PER CODE.

DECK DRAINAGE 4



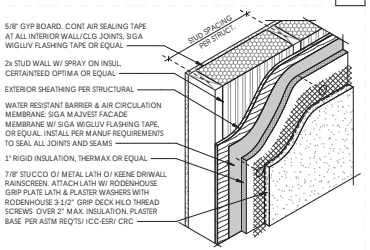
ROOF SYSTEM NOTES:
1. PROVIDE HIGH WIND ANCHORS AS REQ'D AT ALL ROOF INSTALLATIONS.
2. AT AREAS NOT RECEIVING THE FASCIA GUTTERS, PROVIDE GALV. M'TL. DRIP FLASHING CONTINUOUS AT EDGE OF ROOF. INSTALL PER N.R.C.A RECOMMENDATIONS.
3. REFER TO PLANS FOR OVERHANG TREATMENTS.
4. SEE ATTACHED ICC-ER & UL REPORTS FOR ADDITIONAL INFORMATION.

TILE ROOF 3



DECK NOTES:
1. AT AREAS NOT RECEIVING THE FASCIA GUTTERS, PROVIDE GALV. M'TL. DRIP FLASHING CONTINUOUS AT EDGE OF DECK. INSTALL PER N.R.C.A. RECOMMENDATIONS.
2. REFER TO PLANS FOR OVERHANG TREATMENTS.

TILE DECK 2

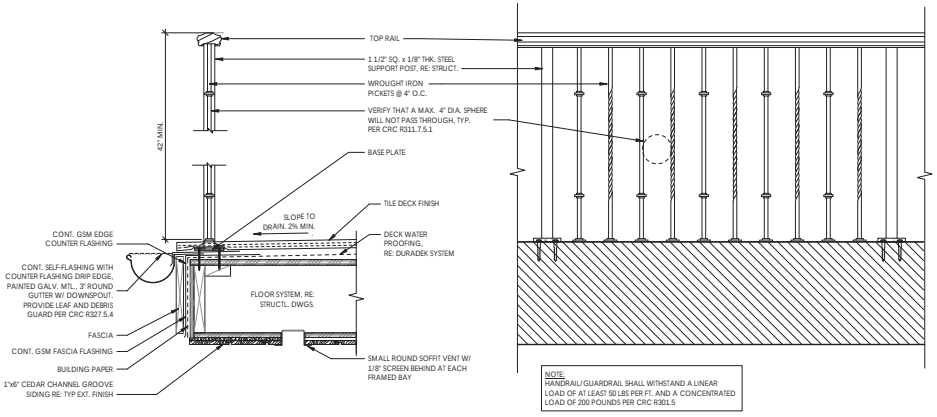


NOTE: OSB SHALL BE EXEMPT FROM FORMALDEHYDE REGULATIONS, PER C.A.R.B.

NOTE: APPLY PER MANUFACTURER'S SPEC'S, CRC SECTION R703, ASTM REQ'TS & ICC-ESR

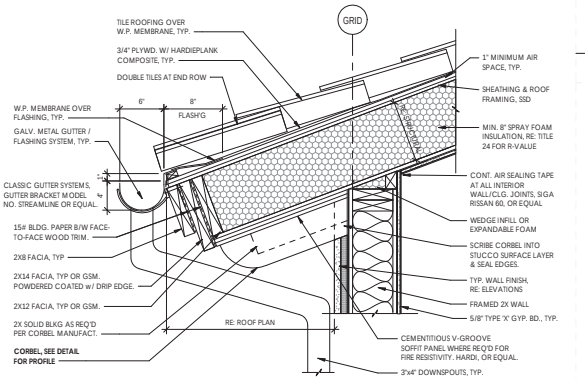
NOTE: WATER RESISTIVE BARRIER AT ALL WOOD BASE SHEATHING PER CRC R703.7.3

TYP. EXTERIOR WALL SYSTEM - STUCCO 1



NOTE:
HANDRAIL/ GUARDRAIL SHALL WITHSTAND A LINEAR LOAD OF AT LEAST 50 LBS PER FT. AND A CONCENTRATED LOAD OF 200 POUNDS PER CRC R301.5

DECK RAILING 1 1/2" = 1'-0" 11



ROOF EAVE 1 1/2" = 1'-0" 5

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE: DETAILS

SHEET NUMBER: A-6.7b

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SUBMITTAL DATA: CHILLER SERIES SCM036/060

SD-CH96-0513

Reverse Cyce Heat Pump

STANDARD FEATURES

- Dual System Programmable Compressor (Two Separate Refrigerant Circuits)
- Simple Piping & Plumbing
- Easily Zoned
- 30% Larger Condenser Coil than Traditional Units
- Self Diagnostic Control – Carel Factory Programmd – Field Adjustable
- Low Current (AMP Requirements
- Simplified Installation & Ease of Service
- Quiet Operation – "Soft Start" Package
- Highest R-410A CIP and EER
- No Refrigerant Hadling
- Refrigerant Stays fuiside the Building
- Low Ambient Antifreeze Protection
- 30% Less Refrigerant than Conventional Spit System
- Durable Baked Enamel Finish
- Low Ambient Cooling Enables
- Automatic Lead/Lag between Compressors
- Easy Service Access

☐ **MODEL:** SCM036A4 Qty ____

HEATING CAPACITY:
KW - 10.4
BTuI – 35,500

COP:
3.70

COOLING CAPACITY:
KW - 11.3
BTuI – 38,500

EER:
9.2

VOLTAGE:
230V1Ø60Hz

COMPRESSOR:
Rotary x 2

☐ **MODEL:** SCM060A4 Qty ____

HEATING CAPACITY:
KW – 17.6
BTuh – 60,250

COP:
3.55

COOLING CAPACITY:
KW – 18.0
BTuh – 61,500

EER:
9.7

VOLTAGE:
230V1Ø60Hz

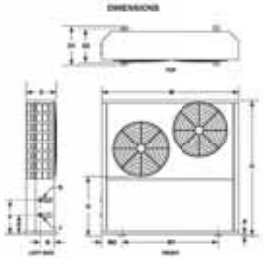
COMPRESSOR:
Rotary x 2

SPACE PAK

PROJECT: _____ DATE: _____
LOCATION: _____
CUSTOMER: _____
ENGINEER: _____
SUBMITTED BY: _____
FOR: ☐ Reference ☐ Approval ☐ Construction
UNIT DESIGNATION: _____
SCHEDULE NUMBER: _____

SUBMITTAL DATA: CHILLER SERIES SCM036/060

DIMENSIONS



Model	A	B	D	D1	D2	E	F	G	H	J	K	W	W1	W2
	Leg height	Front to return	Overall depth	Mounting leg to front	Mounting leg to return	Front to supply air center line	Return to supply air center line	Overall height	Return air center line	Supply air center line	Overall width	Mounting leg to center	Leg spread to edge
SCM-036	1	19	31½	17½	19½	9½	19½	35	10	7" NPT	7" NPT	40½	27½	31½
SCM-060	1	19	31½	17½	19½	9½	19½	35	10	7" NPT	7" NPT	40½	27½	31½

PERFORMANCE

Cooling Operation - 47°F water

Ambient Temp °F	Capacity BTUh	Chiller Power Watts	Chiller COP	Chiller EER
3 Ton SpacePak Chiller				
80	38,000	2,631	4.47	15.26
90	36,000	2,872	3.95	13.47
100	33,000	3,172	3.40	11.61
5 Ton SpacePak Chiller				
80	61,000	4,222	4.47	15.26
90	58,000	4,611	3.95	13.47
100	53,000	5,092	3.40	11.61

Heating Operation

Ambient Temp °F	Capacity BTUh	Chiller Power Watts	Chiller COP	Water Supply Temp
3 Ton SpacePak Chiller				
40	35,000	3,005	3.19	110
50	38,000	3,263	3.55	110
60	41,000	3,520	3.91	110
5 Ton SpacePak Chiller				
40	56,000	4,808	3.19	110
50	61,000	5,237	3.55	110
60	66,000	5,666	3.91	110

SPACE PAK

Section 2: Specifications and ratings

Figure 1 Model SCM rating data

Item	Units	SCM-036	SCM-060	Item	Units	SCM-036	SCM-060
Cooling capacity (Note 2)	Btuh / KW	34,000 / 10.0	46,000 / 13.5	Supply voltage	VAC	230/1/60	230/1/60
Heating capacity (Note 3)	Btuh / KW	44,000 / 13.0	60,000 / 17.5	Running current, cooling (Note 1)	Amps	11.0	18.1
Fan speed	RPM	850	850	Running current, heating (Note 1)	Amps	11.0	21.3
Noise level	dB(A)	56	56	MCA (Note 1)	Amps	11.0	18.1
Water volume	Gallons	2	2.5				
Supply connection	Inches NPT	1	1	Return connection	Inches NPT	1	1
Minimum supply temperature	°F	36	36	Maximum supply temperature	°F	100	100
Minimum flow	GPM	7	10	Maximum flow	GPM	9	13
Pressure drop at minimum flow	Feet WC	8	17	Pressure drop at maximum flow	Feet WC	2	3
Net weight	Lbs	337	386	Operating weight	Lbs	341	401
Shipping weight	Lbs	346	395	Shipping dimensions	Inches	47 x 31 x 35	47 x 31 x 35

Note 1: Electrical ratings DO NOT include water pump amp draw. This pump is supplied by the installer. Add the same to the values listed above. Adjust MMCA accordingly.
Note 2: Performance at 80° ambient temperature, 47° water
Note 3: Performance at 40° ambient temperature, 110° water

Figure 2 Model SCM coding

Typical model	S	C	M	0	6	0	A	4
Position	1	2	3	4	5	6	7	8
Designation	Unit Type			Capacity			Series	Refrigerant type
Values	**SCM** = SpacePak Heat Pump/Chiller Module			**036** = 3 ton nominal **060** = 5 ton nominal			**A** = Series "A"	**4** = R-410A
Examples	**SCM-036-A-4** = 3 ton nominal, series A, using R410A refrigerant, SpacePak Heat Pump/Chiller Module **SCM-060-A-4** = 5 ton nominal, series A, using R410A refrigerant, SpacePak Heat Pump/Chiller Module							

Standard equipment

- Heat pump/chiller, including two refrigeration systems, factory-programmed controller, fans and all required internal components
- Powder-coated enclosure
- Auxiliary electric immersion heater (3 KW, 230V/1/60) — requires separate electrical power circuit, 15-amp minimum breaker

Additional components required

- Pump and piping by others
- Expansion tank, properly sized for system volume
- SpacePak Chiller Interface Module

Section 4: LOCATION & MOUNTING

⚠ WARNING Failure to comply with all of the guidelines IN THE FOLLOWING could result n death, serious injury or substantial property damage.

NOTICE The installation must comply with all applicable local codes.

Prepare the unit

- Inspect the unit for shipping damage. DO NOT use if there is a risk that the damage could affect unit operation.
- Make sure all required components are available.
- Install optional immersion heater, if used. See instructions provided with the heater.

Location

- DO NOT locate where the unit could be sprayed b sprinklers.
- DO NOT locate near swimming pools, spas or ony location that could cause chlorine or other contaminant s enter the unit.
- DO NOT locate where water run-off from adjacent structures could impinge on the unit.
- Maintain the clearances shown in Figure 5.
- LOW AMBIENT conditions — Contact SpacePak Technical Support to obtain low ambient adjustment instructions if cooling operation below 55°F is required.
- CORROSIVE ENVIRONMENTS — Do not install the unit in an area subject to sea air or other potentil corrosive contaminants.
- INDOOR INSTALLATION — If the unit is installed inside a building, the building must be equipped with air openings sufficient to ensure free discharge of heated (or cooled) air generated by the heat pump/chiller. All clearances must be maintained to ensure free air flow into and out of the enclosure. Make sure no other equipment located in the space will be affected by the unit's air flow.

Handling

- See Figure 4.
- Place padding at pressure points to prevent damage to the enclosure.
- Use caution when handling. The unit is heavy and could cause severe injury or damage if dropped or handled incorrectly.

Figure 4 Handling with cables

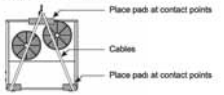


Figure 5 Maintain clearances below



Minimum clearances (inches)			
S	T	U	V
20	59	40	20

Mounting pad

- The SpacePak heat pump/chiller must be mounted on a level corrosion- and weather-resistant mounting surface, preferably concrete. The structural support must be suitable for the operating weight of the unit and all related components, its mounting pad, snow loading and any other expected loads.
- The mounting pad must not be attached rigidly to a structure where noise transmission would be objectionable.
- Vibration isolators supplied with the chiller may be installed when desired to reduce transmitted vibration.
- The unit must be bolted securely to the pad. Where required by local jurisdiction, the mounting must also be analyzed for seismic loading capability.
- The mounting must ensure that there will be no debris accumulation which might block air flow through the enclosure openings. ***The lower edge of the lower fan opening must be above the typical snow line, including allowance for drifting.***
- There must be no accumulation of water that could reach the bottom of the unit's enclosure.

6. AC CHILLER SPECS AND NOISE LEVELS



5. BIKE RACK



4. BIKE LOCKERS



2. PERPENDICULAR SIGN - OPT. A

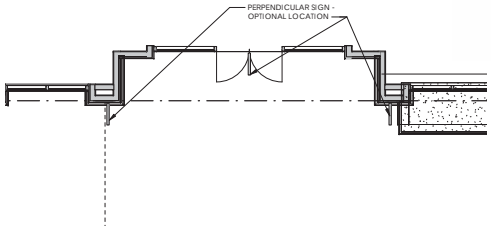


2. PERPENDICULAR SIGN - OPT. B



1. LED ADDRESS/ COMMERCIAL SIGNAGE

RETAIL



A **TYP. ENTRY SIGNAGE PLAN**



B **TYP. ENTRY SIGNAGE ELEVATION**

3. MASTER SIGN PLAN

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
AC CONDENSER SPECS & SIGNAGE

SHEET NUMBER
A-6.8

ENVIRONMENTAL INNOVATIONS IN DESIGN
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INTERIOR VIEW OF FRENCH DOOR



EXTERIOR FRENCH DOOR



DARK DIVIDED WINDOW



WOOD WINDOW



INTERIOR SIDE
SHOWING HARDWARE



IN SWING CASEMENT



EXTERIOR SIDE

DOUBLE CASEMENT WOOD WINDOW BY COORITALIA



CLOSE UP OF HANDLE
AND OBSCURE WINDOW



TOP VIEW OF CASEMENT
COMING TOGETHER

FABBIO

Falegrameria Fabbio was founded in San Biagio di Callalta (TV) in 1957 by Gino Fabbio as an artisan wood shop with focus on manufacturing high quality windows and doors.
The business has been run since then with creativity and passion; in 1980 Luigino Fabbio enters the family business and starts developing an old world window model that is the perfect replacement in the many renovations of historical buildings in the Veneto area. The historical line is still built today as it was once by using old dove tail techniques, original architectural design, antiquing processes and natural oils and wax.
Thank to Luigino's knowledge and passion for history and details over the years Fabbio has developed various lines of product that are used in restoration of buildings from the XVII-XVIII-XIX century.

In 2005 the new Fabbio Design is born with the intent of completing the historical line with a contemporary line more suitable for today's modern architecture. The new innovative Extrema has a frameless design with a "clean" look and is a perfect match for modern design. Fabbio Design has grown over the years adding new lines like the "Fly" that maintains all the quality details of a Fabbio Design product in today's competitive market or the "Museo" which has been developed for a custom project and with its unique bronze exterior clad represent a top of the line product.
To manufacture a great window you must start with high quality wood; Fabbio Design uses only the best woods sourced from Forest Stewardship Council (FSC) sources, as well as being FSC certified themselves. The finishing oils, stains, waxes are chosen for both their high quality and eco-friendly characteristics.

In pursuing the philosophy of innovation and on-going commitment to provide a better service to the customer in 2013 Fabbio Design inaugurated the new headquarters in San Biagio di Callalta near Venice – Italy, with over 32,000 sf of manufacturing capabilities, including state of the art CNC machines, and the new Fabbio USA LLC with headquarters in San Francisco, CA

Flexibility is the essence of Fabbio Design. No project is too big or too small, weather our customers want something simple or something highly customized, something antique or something modern we are here to help and we can do it with a quality of craftsmanship that is second to none.

HISTORY OF FABBIO DESIGN

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
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SHEET TITLE
WINDOW & DOOR IMAGES

SHEET NUMBER
A-6.9

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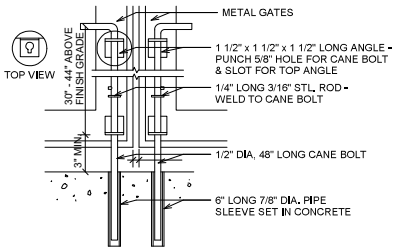
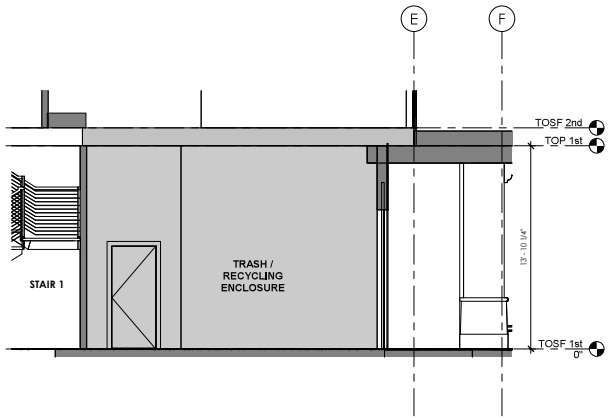


5 LOCKING MECHANISM
3/8" = 1'-0"

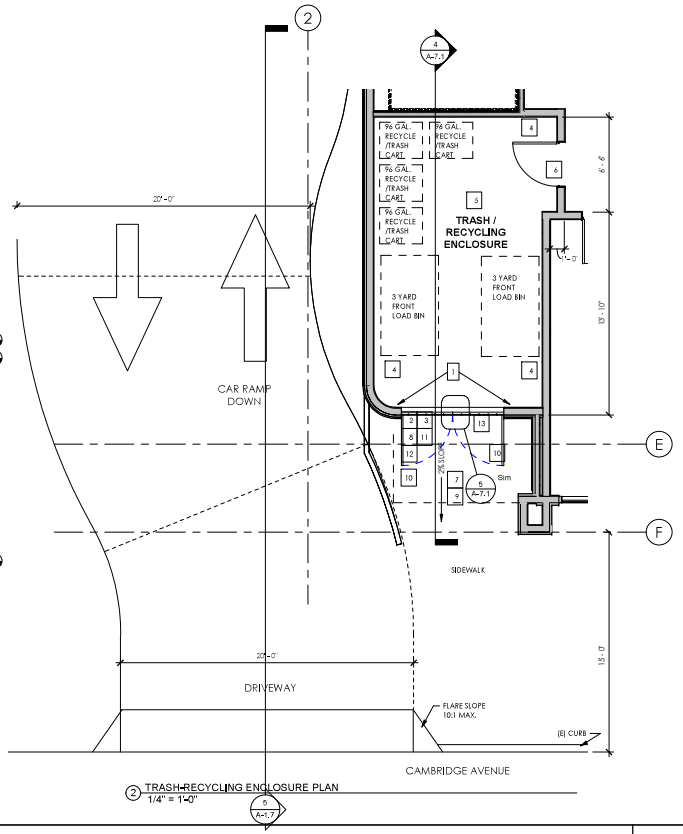
NOTES

1. HSS 4x4x1/4 STEEL POST @ HINGE SIDE OF GATE, CONC. FILLED. PRIMED AND PAINTED TO MATCH WALLS.
2. 18 GAUGE METAL FRAME TUBE STEEL.
3. GALVANIZED STEEL HARDWARE & FASTENERS.
4. RE: STRUCTURAL DRWGS FOR CONC. SLAB, REINFORCEMENT & WALLS.
5. MOTION ACTIVATED, WALL-MOUNTED LED LIGHTING, VANDAL RESISTANT.
6. 3'-0" DOOR TO BE EASILY ACCESSIBLE FOR RESIDENTS TRASH / RECYCLING ACCESS.
7. STRESS PAD TO WITHSTAND MIN. WEIGHT OF 56,000 LBS COLLECTION TRUCK.
8. GATES TO BE PAINTED TO MATCH BLDG ACCENT FEATURES.
9. DESIGN, ENGINEERING, AND CONSTRUCTION NOT SPECIFICALLY NOTED SHALL BE IN ACCORDANCE WITH ACCEPTED INDUSTRY STANDARDS AND OF FIRST QUALITY
10. SECONDARY CANE BOLT RETAINER TO BE PLACED FOR EACH GATE SUCH THAT GATE IS HELD IN A POSITION 90° TO THE CLOSED POSITION.
11. 20 GAUGE VERTICAL CORRUGATED METAL PANEL AND/OR - VERTICAL RUSTICATED WOOD PLANK.
12. ANGLE IRON REINFORCED FASTENING ALONG EDGE OF CORRUGATED PANEL AND METAL TUBE FRAME, WHERE APPLICABLE.
13. 1/2" DIA. STOCK SLIDE BARREL BOLT (LOCKABLE).

3 TRASH / RECYCLING NOTES
N.T.S.



4 TRASH-RECYCLING ENCLOSURE ELEVATION
1/4" = 1'-0"



2 TRASH-RECYCLING ENCLOSURE PLAN
1/4" = 1'-0"

HD-9STX

BendPak

Four-Post Lifts
SKU# 5175862
9,000-lb. Capacity, Four-Post Lift / Narrow Width / High Lift

Questions? Contact BendPak's Sales Team
sales@bendpak.com | 1-800-253-2363
Monday - Friday: 7AM to 4:30PM PST

More Height and Narrow Body

The HD-9STX is your 9,000-lb. rugged four post lift solution for when you need get something heavy and high, but you don't have room to spare on the sides. Perfect for vehicle storage and service in shops and garages with higher ceilings. Whether you're a service professional or a DIYer, BendPak's got the right lift for you. This model is available with optional casters, drip-trays, jack platform and more.



HD-9 Series Lifts

SKU#	Model	Description
5175859	HD-9XL	Standard Width / Extended Length
5175860	HD-9ST	Narrow Width
5175861	HD-9	Standard Width
5175863	HD-9XW	Standard Width / High Lift

Features

- CE Approved and Certified. Meets or exceeds the standards prescribed by European Standard EN-1493
- Freestanding design
- Perfect for parking, storage and service
- Runways accommodate narrow and standard vehicles
- Runways include rail-kit for optional accessories
- Single hydraulic cylinder mounted underneath runway
- Fully enclosed lifting cables, safety locks and sheaves
- Internal anti-sway slider blocks in each column
- Oversized self-lubricating cable rollers
- Heavy-duty 3/8" aircraft cable and 1.25" roller axles
- Runways feature non-skid surface
- Push-button pneumatic safety release
- Independent backup slack cable safety latches
- Customizable power unit location
- Removable approach ramps
- Longer approach ramps for low-clearance vehicles
- Optional drive-thru ramps available
- Optional drip trays available
- Optional solid deck available to increase storage capacity
- Optional 4,500-lb. air / hydraulic rolling jacks available
- ETL Approved

Dual-heb cable sheaves
Dual-hub cable sheaves are more expensive to manufacture, but it's not a cost we push back onto you. They're necessary to prevent axles, sheaves and cables from burning out before they should. Our philosophy is that your car lift should be the last thing you worry about first thing in the morning.

Multi-level locking positions
Unique service technicians require unique servicing positions; with the HD-9, you can safely lock your four-post car lift at varied heights, so you're never crouching or reaching uncomfortably to perform auto maintenance. If you're raising the lift for parking purposes, that variation is going to come in handy, depending on how you stack your vehicles.

Heavy-duty aircraft cable
Each four-post lift comes with four lifting cables made from superior-grade stainless steel. Each individual cable is rated to handle 14,400 lbs. This makes their combined rating over 640% of the total capacity. These cables are hidden within the post columns for both the safety and overall streamlined look of the lift.

Note: An air supply (minimum 30 psi / 3 CFM) is required for the safety-lock mechanisms to disengage. It is solely the responsibility of the end-user to provide, install and maintain their air supply.

*Not all BendPak lift models meet the standards as prescribed by ANSI/ALI ALCTV-2017 or ANSI/UL 201. Consult www.autolift.org for a complete list or contact BendPak via contact@bendpak.com.

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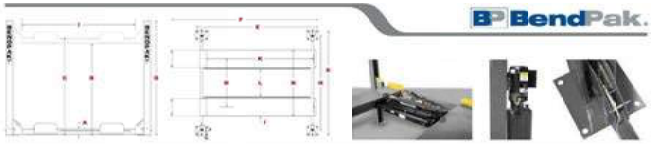

Model	HD-9XL	HD-9ST	HD-9	HD-9STX	HD-9XW
Style	Standard Width / Ext. Length	Narrow Width	Standard Width	Narrow / High Lift	Standard Width / High Lift
SKU#	5175859	5175860	5175861	5175862	5175863
Lifting Capacity	9,000 lbs. (4,082 kg)	9,000 lbs. (4,082 kg)	9,000 lbs. (4,082 kg)	9,000 lbs. (4,082 kg)	9,000 lbs. (4,082 kg)
A - Min. Runway Height	4.5" (114 mm)	4.5" (114 mm)	4.5" (114 mm)	4.5" (114 mm)	4.5" (114 mm)
B - Max. Rise	70" (1,778 mm)	70" (1,778 mm)	70" (1,778 mm)	82" (2,083 mm)	82" (2,083 mm)
C - Max. Lifting Height	74.5" (1,892 mm)	74.5" (1,892 mm)	74.5" (1,892 mm)	86.5" (2,197 mm)	86.5" (2,197 mm)
D - Overall Width	110.25" (2,800 mm)	100.25" (2,546 mm)	110.25" (2,800 mm)	100.25" (2,546 mm)	110.25" (2,800 mm)
E - Outside Length	198" (5,029 mm)	174" (4,420 mm)	174" (4,420 mm)	196" (5,029 mm)	196" (5,029 mm)
F - Overall Length	224" (5,690 mm)	202" (5,080 mm)	202" (5,080 mm)	224" (5,690 mm)	224" (5,690 mm)
G - Height of Columns	88" (2,235 mm)	86" (2,235 mm)	88" (2,235 mm)	100" (2,540 mm)	100" (2,540 mm)
H - Width Between Columns	100.25" (2,555 mm)	89.75" (2,280 mm)	100.25" (2,555 mm)	89.75" (2,280 mm)	100.25" (2,555 mm)
I - Drive-Thru Clearance	86.5" (2,197 mm)	75.5" (1,943 mm)	86.5" (2,197 mm)	76.5" (1,943 mm)	86.5" (2,197 mm)
J - Runway Width	19" (483 mm)	19" (483 mm)	19" (483 mm)	19" (483 mm)	19" (483 mm)
K - Length of Runways	188" (4,775 mm)	166" (4,165 mm)	166" (4,166 mm)	188" (4,775 mm)	188" (4,775 mm)
L - Width Between Runways	37.5" (952 mm) - 44-3/8" (1,127 mm)	37.5" (952 mm)	37.5" (952 mm) - 44-3/8" (1,127 mm)	37.5" (952 mm)	37.5" (952 mm) - 44-3/8" (1,127 mm)
M - Runway Centerline	56.5" (1,435 mm) - 63-3/8" (1,610 mm)	56.5" (1,435 mm)	56.5" (1,435 mm) - 63-3/8" (1,616 mm)	56.5" (1,435 mm)	56.5" (1,435 mm) - 63-3/8" (1,610 mm)
N - Outside Edge of Runways	75.5" (1,918 mm) - 82-3/8" (2,092 mm)	75.5" (1,918 mm)	75.5" (1,918 mm) - 82-3/8" (2,092 mm)	75.5" (1,918 mm)	75.5" (1,918 mm) - 82-3/8" (2,092 mm)
Min Wheelbase @ Capacity	135" (3,429 mm)	115" (2,921 mm)	115" (2,921 mm)	135" (3,429 mm)	135" (3,429 mm)
Min Wheelbase @ 75%	113" (2,921 mm)	102" (2,540 mm)	102" (2,540 mm)	113" (2,921 mm)	113" (2,921 mm)
Min Wheelbase @ 50%	95" (2413 mm)	85" (2,159 mm)	85" (2,159 mm)	95" (2,413 mm)	95" (2413 mm)
Min Wheelbase @ 25%	80" (2032 mm)	70" (1,778 mm)	70" (1,778 mm)	80" (2,032 mm)	80" (2,032 mm)
Time to Full Rise	50 seconds	50 seconds	50 seconds	50 seconds	50 seconds
Locking Positions	every 4" (102 mm)	every 4" (102 mm)	every 4" (102 mm)	every 4" (102 mm)	every 4" (102 mm)
Lock Spacing	15	12	12	15	12
Motor	220 VAC / 60 Hz / 1 Ph	220 VAC / 60 Hz / 1 Ph	220 VAC / 60 Hz / 1 Ph	220 VAC / 60 Hz / 1 Ph	220 VAC / 60 Hz / 1 Ph

1645 Jennmwood Drive, Santa Paula, CA 93060 USA • **Toll-free** 1-800-253-2363 • **Fax** 1-805-933-9160
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1 CAR STACKER SPECS
3/4" = 1'-0"

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08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
TRASH-RECYCLING ENCLOSURE AND CAR STACKERS

SHEET NUMBER
A-7.1

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
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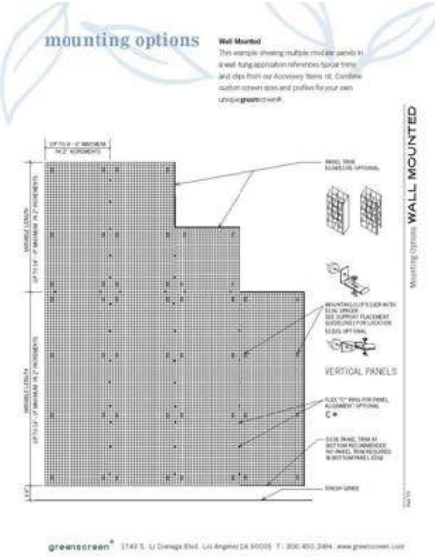
DIAMOND PATTERN SS316
STAINLESS STEEL PLANT WALL TRELLIS.JPG











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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
COLOR & MATERIAL BOARD - GREENSCREEN WALL

SHEET NUMBER
A-7.2

ENVIRONMENTAL INNOVATIONS IN DESIGN
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Beyond Efficiency

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P.O. Box 9079, Jackson, WY 83002 • team@beyondefficiency.us

PROJECT NARRATIVE: Enduring Human-Centered Building

This project is intended to 1) enhance occupants' well-being and quality of life, 2) minimize long-term operations and maintenance costs, and 3) support a healthy natural environment. This narrative outlines overarching goals for the project and is intended to provide high-level guidance to the ownership, design and construction team on best practices and performance goals. Specific methods, systems, materials, and products will be specified in design development and construction documents.

Integrated Design Approach

The team will invest in an integrated design process throughout the entire project lifecycle to facilitate communication and collaborative problem-solving. This approach requires the project team to consider the whole building as an integrated collection of its systems, considering how each decision impacts other disciplines and overall project goals. To support this approach, we will schedule a design charrette during the conceptual design phase. A charrette is an interdisciplinary session involving all key disciplines and can help facilitate efficient, common-sense, achievable strategies for optimizing a project's environmental performance.

Site integration and community activation

Native drought-tolerant landscaping that integrates rain gardens and bioswales create an attractive, environmentally responsible, integrated storm water management system for the site. Attractive streetscapes, seating, pedestrian-scale landscaping, decorative light fixtures, awnings and trellises, public art, and other features create an inviting, lively sidewalk experience. Convenient and plentiful short-term and long-term bicycle parking, gear storage areas, strong connections to sidewalks and bike lanes, and other design features encourage biking, walking and other outdoor activities.

Space and material efficiency

A compact, efficient building layout maximizes residential density while providing inviting homes and community gathering spaces. Prefabricated building components, resource-efficient design approaches, careful material takeoffs, and reuse of waste materials where appropriate minimize on-site construction waste. Prefabricated components could also significantly reduce construction time, reducing carrying costs and allowing residents to move into their homes months earlier.

Energy efficiency

Passive design strategies including above-code levels of insulation, highly airtight enclosures verified with blower door testing, heat-recovery ventilation, and high-performance windows are prioritized. Optimizing efficiency of the building envelope minimizes heat loss in winter and heat gain in summer and maximizes comfort while

Beyond Efficiency

significantly reducing peak heating and cooling loads. This allows the mechanical system to be downsized greatly reducing energy use for the lifetime of the building.

Windows are optimized for daylight penetration deep into spaces, and external window shading provides effective sun control on south and west façades to minimize overheating and the need for active cooling. Ceiling fans in common rooms, living areas and bedrooms provide low-tech comfort. 100% LED lighting, occupancy sensors, and ENERGY STAR appliances round out the energy efficiency strategy.

Whole-building energy modeling will be performed to assess proper levels of investment in the building envelope and equipment efficiency. Analyses will reveal projected performance of various options with regard to heating and cooling loads, energy usage, and utility costs.

Electricity monitoring systems will be integrated to allow for troubleshooting of problem equipment, controls or management practices; and supports ongoing understanding of energy usage for continuous feedback and improvement.

Renewables and zero energy

With a passive design approach, a zero energy goal may be within reach. We are interested in exploring opportunities to design the project to be "zero energy ready" or integrate solar photovoltaic (PV) panels or solar thermal water heating to achieve zero energy.

Water quality and conservation

Native drought-tolerant landscaping that integrates rain gardens and bioswales create an attractive, environmentally responsible, integrated storm water management system for the site. High-efficiency toilets, low-flow showerheads, on-demand hot water circulation, and drip irrigation with weather-based controllers will conserve water and save money for owners.

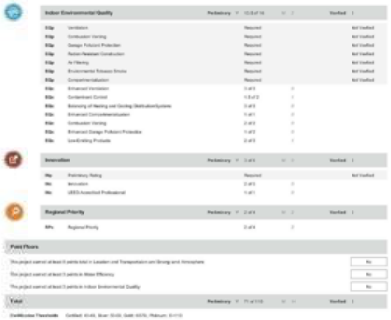
Certification Programs

Certification Programs are a tool to help a project team create a building that has a positive impact on the users and the environment, rather than focus on achieving a certain level or number of points the project aims to use the program to support the holistic building goals. Programs that may be a good fit for the project include:

- LEED – Healthy, highly efficiency and cost savings green buildings
- Living Building Challenge – Rigorous proven performance standard based on regenerative design framework
- WELL – Advancing health and well-being
- Fitwel – Optimizes buildings to support health
- GPR – Healthy, comfortable, durable and resource efficient homes



201 El Camino Real & 612 Cambridge Avenue Scorecard (ID: TEST ID)



PROJECT NARRATIVE



- **Soil Depth:** Approximately 6"
- **Module Size (plastic):** 1' x 2' x 3-¼"
- **Saturated Weight:** Approximately 40-50 lbs per square foot
- **Dry Weight:** Approximately 30 pounds per square foot*

WHAT IT IS.

The Deep System is used for biodiverse green roofs. With 6 inch soil depth it becomes possible to support a broad array of non-succulent plants. One can literally create a prairie or shade garden on the roof. Naturally the weight is greater, aspx. 40-50 pounds per square foot, depending upon soil and plants, but the weight is not so heavy as to greatly drive up the cost of the supporting structure.

WHAT IT DOES.

It is primarily used for biodiversity, prairies and garden-like perennial plantings. It also allows for food growing and shade planting, on roofs that are too shady for succulent plants. The Deep System is excellent for saving energy, good for storm water management, and easily meets most green space requirements.

Because it can support a broad array of plants, it can provide habitat and food for pollinators such as butterflies and honeybees and various bird species. Plantings can be random and naturalistic as well as patterned. The Deep System also seamlessly transitions to the Standard or Maxx System without need for edging in between.

WHAT PLANTS WORK.

we are strong proponents of having a built-in irrigation system. It's cheap insurance and by watering occasionally, once per week with 1 inch of water, you can keep your plants thick and lush even through drought and heat—this makes maintenance easy and it looks nice. What's more, if you keep some moisture in the soil, you will optimize evaporative cooling and save substantially on cooling costs. In any geographic area that has access to irrigation water, this is a win-win scenario, in respect to energy and resource savings.

Other than that, soil fertility should be managed attentively; typically one application of high quality sulfur coated fertilizer each spring is sufficient. LiveRoof's Smart Weeding™ method should be followed regardless of geography (this is where the maintenance person takes a short "weed walk" every two weeks during the growing season—thus preventing the few baby weeds from growing up and having offspring).

HOW IT'S GROWN.

The base succulent plants are usually started from an assortment of cuttings that are mixed together, applied to the soil surface, and grows to maturity in the nursery setting. Occasionally, particularly if the designer is looking for something unique, the plant palette can be started from a combination of Sedum cuttings and plugs. Accent plants are typically planted from plugs or divisions.

In any event, each Standard System project is delivered fully grown (a process that typically takes 8 to 12 weeks depending upon climate and plant selections).

COMPARATIVE COST.

The Standard System is economical and will vary somewhat with the plant selections. It usually grows quickly, and installs very easily and quickly as well.

LiveRoof Deep

The Standard System is the workhorse, used on 80% or more of LiveRoof projects. At 4.25 inches of soil, it is the popular choice for most new construction projects and many retrofits. With saturated weight of 27-29 lbs/sq ft, it is the perfect convergence of functional merits, cost and versatility.

WHAT IT DOES.

It provides exceptional storm water management, significant energy savings—even more if irrigated during the warm season. It is commonly used to meet green space requirements, provides modest biodiversity, supporting pollinators such as butterflies and honeybees, and will grow a palette of beautiful low maintenance plants—broad enough for both simple and relatively intricate designs. On top of this, the Standard System can seamlessly transition to the Deep and Maxx Systems without need for edging in between.

WHAT PLANTS WORK.

The type of plants used in the Standard System include a full array of low to tall growing sedums—from fine to very coarse-textured, green, yellow, blue, maroon and multi-colored. Flowers range from white, yellow, pink or purple. Alliums of all sizes are compatible and with regular irrigation a few a low-growing grasses such as little bluestem or prairie dropseed are possible, as are a few broad leaved non-succulent perennials.

HOW IT LOOKS.

Because Sedum plants range from fine- to very coarse-textured, and very short to quite tall, the look can vary according to the needs of the project. If one wants a fine-textured moss-like look it can be accomplished easily. But, course-textured and prairie-like are doable as well. Broad expanses are often planted, and more intricate patterns are done as well.

WHAT IT NEEDS.

With 4 ¼ inches of soil, the Standard System has pretty good water holding capacity, at least for succulent plants. But, when the summers are hot, it can dry down to the point where even Sedums need irrigation. And, given that climates everywhere are warming, we recommend irrigation as an inexpensive insurance policy—at least on moderate to large roofs. And, while many Standard Systems are installed without built-in irrigation,

tightly in place, from parapet to parapet or surrounded by RoofEdge or RoofStone.

Elevators are removed for a seamless, instantly mature green roof.

settle any loose soil and get the LiveRoof system off to a great start.

Four Options for the Perfect Match

We offer the unique, patented LiveRoof hybrid module in four soil depths to accommodate a broad array of green roof design objectives and climatic challenges.



LiveRoof Standard



- **Soil Depth:** Approximately 4 ¼"
- **Module Size (plastic):** 1' x 2' x 3-¼"
- **Saturated Weight:** Approximately 29 lbs per square foot
- **Dry Weight:** Approximately 20 pounds per square foot*

WHAT IT IS.

LIVING ROOF SPECIFICATION SHEETS

8/7/2020 04:06:48 PM

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DATE 08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE: LEED BUILDING INFO

SHEET NUMBER: LEED-1.0

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
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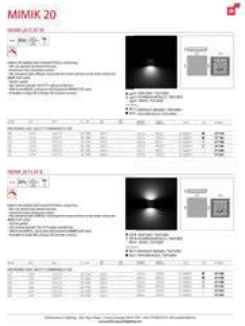



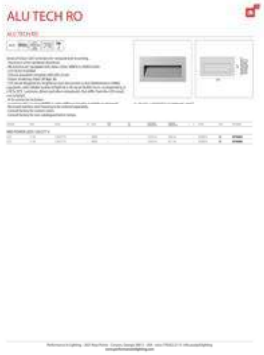

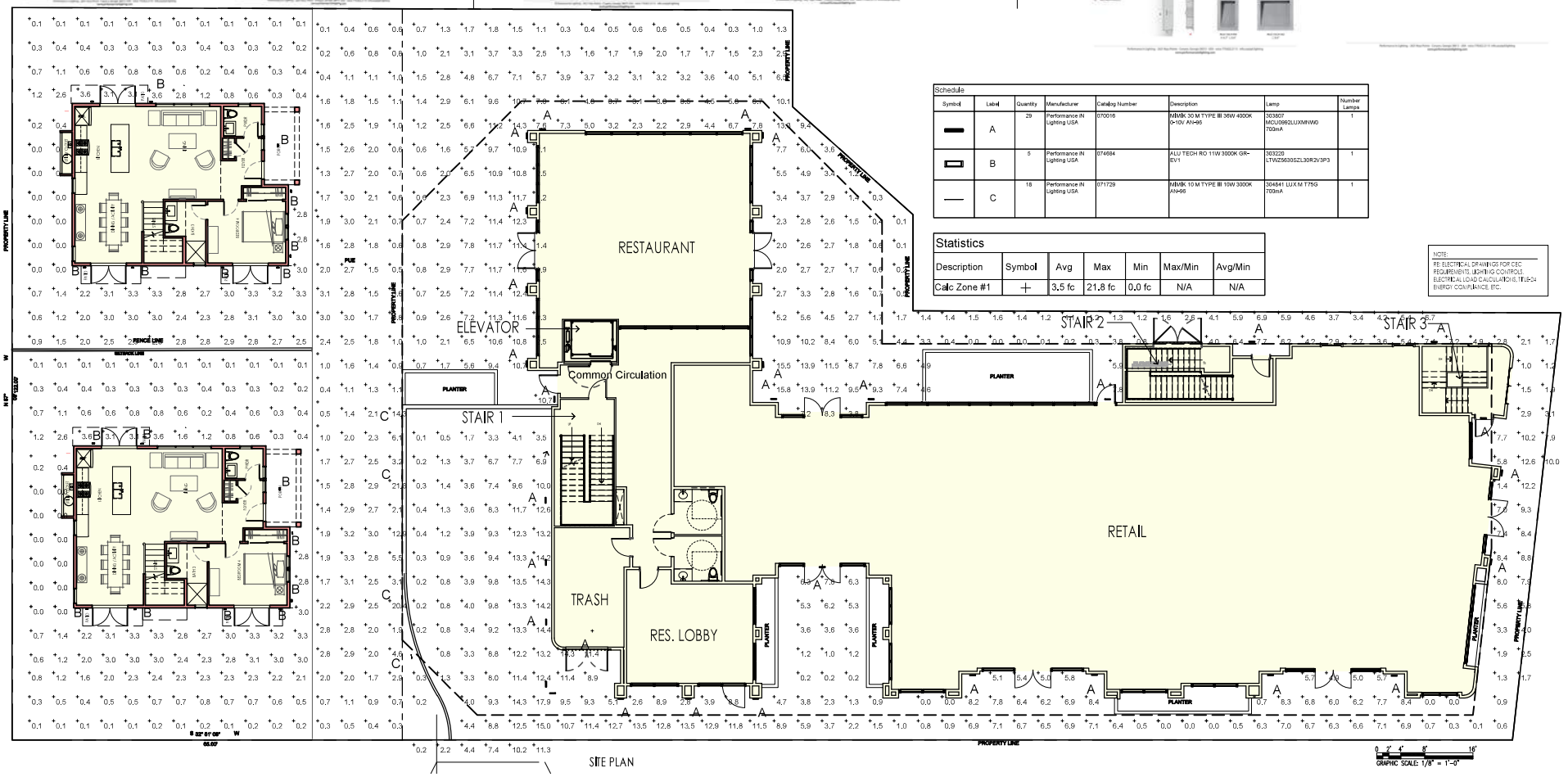

Schedule

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	B	5	Performance IN Lighting USA	074684	ALU TECH RO 11W 3000K GR-EV1	303220 LTWZ5630SZL30R2V3P3	1
	C	18	Performance IN Lighting USA	071729	MIMIK 10 M TYPE III 10W 3000K AH-96	304641 LUX M T75G 700mA	1

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	3.5 fc	21.8 fc	0.0 fc	N/A	N/A

NOTE:
RE: ELECTRICAL DRAWINGS FOR CEC REQUIREMENTS, LIGHTING CONTROLS, ELECTRICAL LOAD CALCULATIONS, TITLE-24 ENERGY COMPLIANCE, ETC.

PRINT DATE: 1/31/2019

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08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE
SITE PLAN
LIGHTING PHOTOMETRIC

SHEET NUMBER
RCP-1.1

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-329-8770 WWW.EIDARCHITECTS.COM

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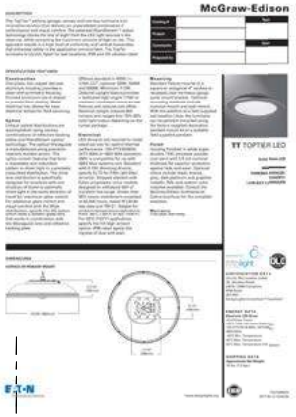

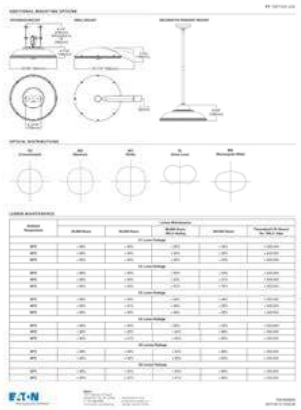

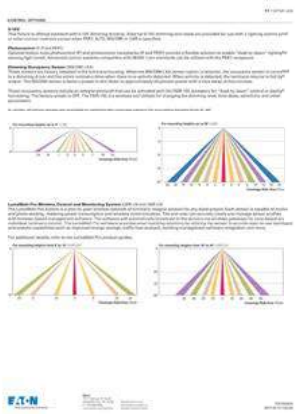

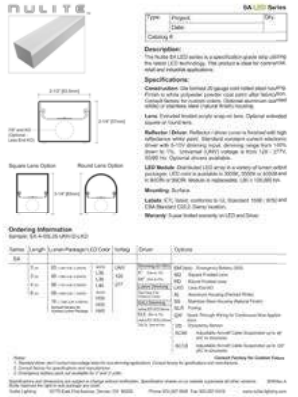



Schedule							
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—	E	5	Nulite Lighting	SA Series #SA-4-09-L40-UNV-D	Stairwell Areas	303220 LTWZ5630SZL30R2V3P3	1

Statistics						
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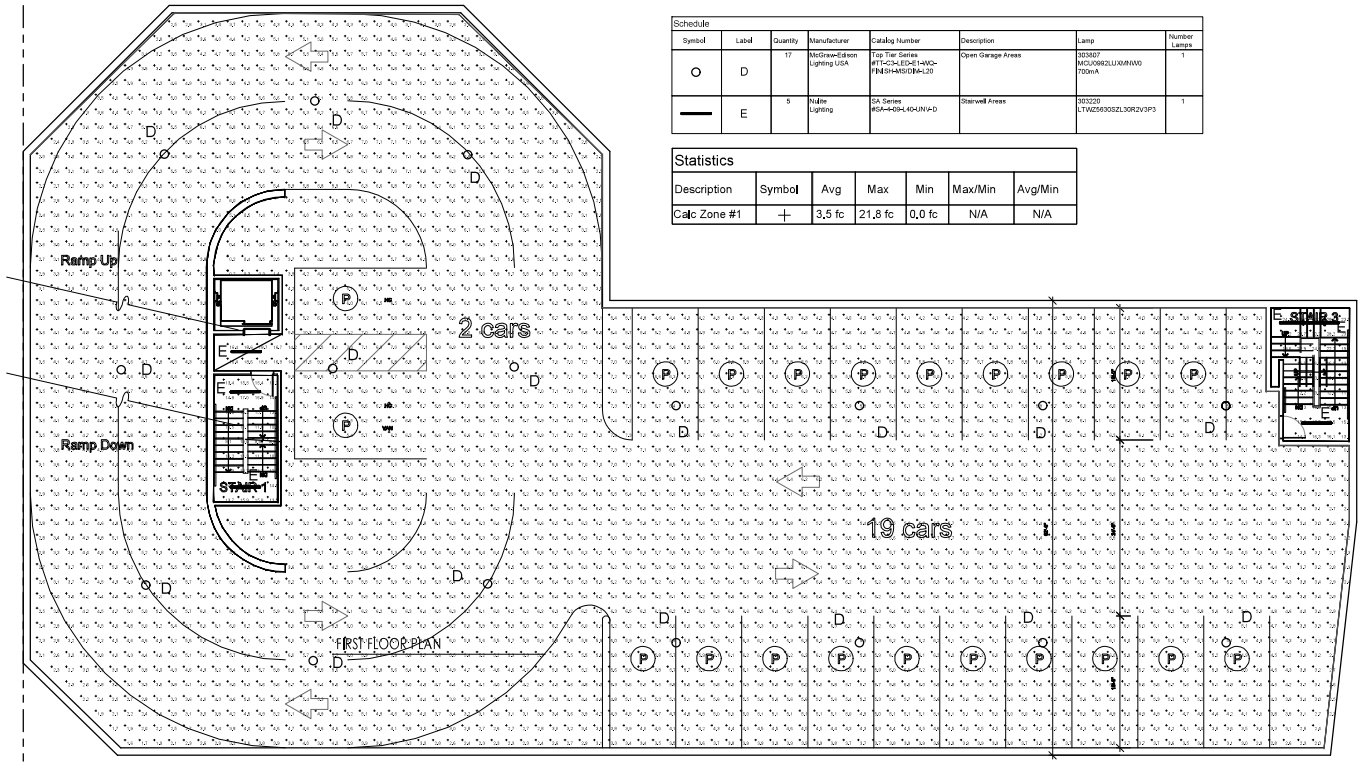

PARKING GARAGE LEVEL 1

NOTE:
RE: ELECTRICAL DRAWINGS FOR CEC REQUIREMENTS, LIGHTING CONTROLS, ELECTRICAL LOAD CALCULATIONS, TITLE-24 ENERGY COMPLIANCE, ETC.

0 2' 4' 8' 16'
GRAPHIC SCALE: 1/8" = 1'-0"

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SHEET TITLE
PARKING GARAGE - LEVEL 1
LIGHTING PHOTOMETRIC

SHEET NUMBER
RCP-1.2

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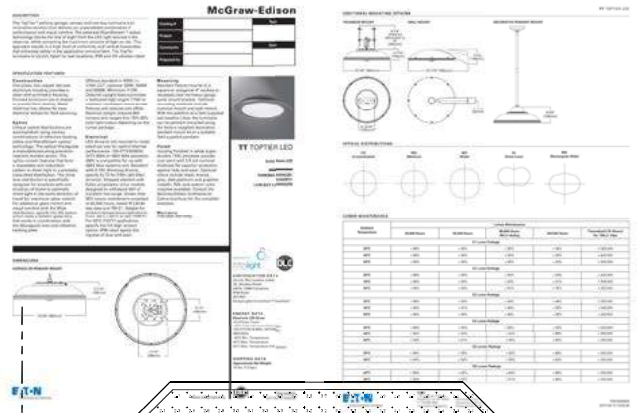

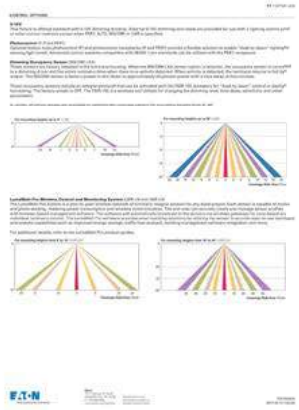

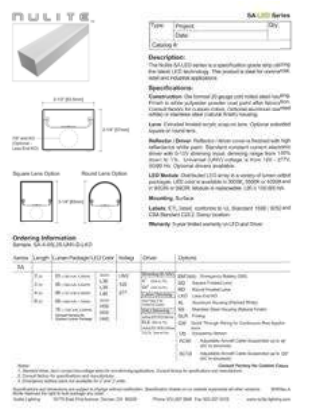

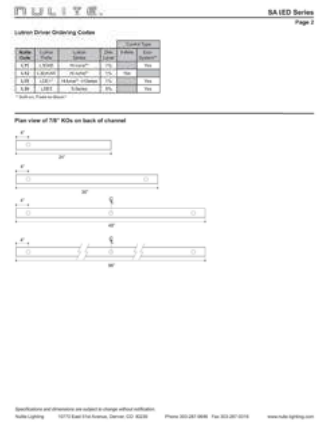

Schedule							
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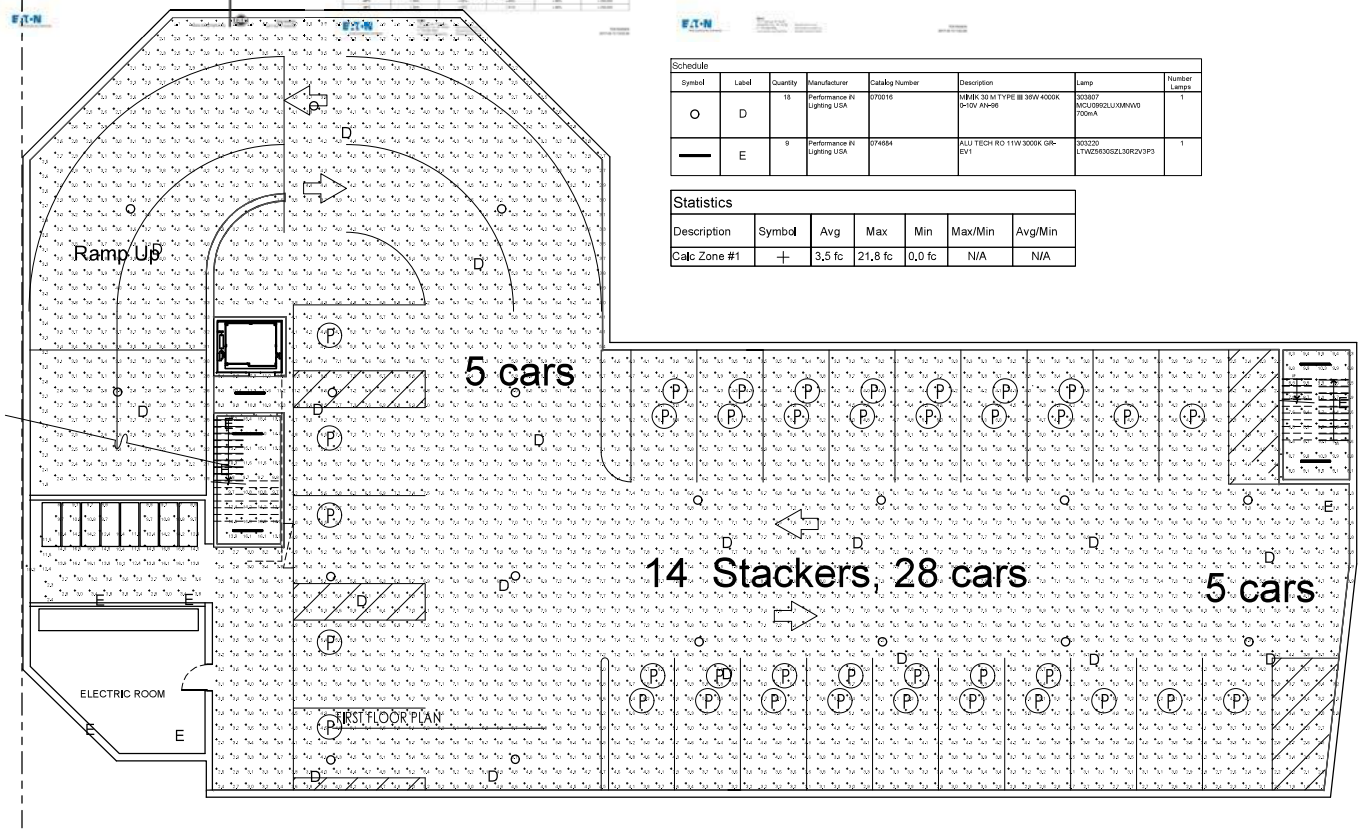
—	E	9	Performance IN Lighting USA	074684	ALU TECH RO 11W 3000K GR-EV1	303220 LTWZ5630SZL30R2V3P3	1

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	3.5 fc	21.8 fc	0.0 fc	N/A	N/A



NOTE:
RE: ELECTRICAL DRAWINGS FOR CEC REQUIREMENTS, LIGHTING CONTROLS, ELECTRICAL LOAD CALCULATIONS, TITLE-24 ENERGY COMPLIANCE, ETC.

PARKING GARAGE LEVEL 2

0 2' 4' 8' 16'
GRAPHIC SCALE: 1/8" = 1'-0"

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SHEET TITLE
PARKING GARAGE - LEVEL 2
LIGHTING PHOTOMETRIC

SHEET NUMBER
RCP-1.3

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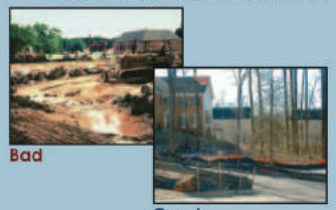
Stormwater and the Construction Industry

Protect Natural Features



Bad

Good

Minimize clearing.

Minimize the amount of exposed soil.

Identify and protect areas where existing vegetation, such as trees, will not be disturbed by construction activity.

Protect streams, stream buffers, wild woodlands, wetlands, or other sensitive areas from any disturbance or construction activity by fencing or otherwise clearly marking these areas.

Construction Phasing



Bad

Good

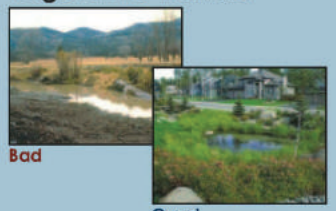
Sequence construction activities so that the soil is not exposed for long periods of time.

Schedule or limit grading to small areas.

Install key sediment control practices before site grading begins.

Schedule site stabilization activities, such as landscaping, to be completed immediately after the land has been graded to its final contour.

Vegetative Buffers



Bad

Good

Protect and install vegetative buffers along waterbodies to slow and filter stormwater runoff.

Maintain buffers by mowing or replanting periodically to ensure their effectiveness.

Silt Fencing



Bad

Good

Inspect and maintain silt fences after each rainstorm.

Make sure the bottom of the silt fence is buried in the ground.

Securely attach the material to the stakes.

Don't place silt fences in the middle of a waterway or use them as a check dam.

Make sure stormwater is not flowing around the silt fence.

Maintain your BMPs!

Site Stabilization



Bad

Good

Vegetate, mulch, or otherwise stabilize all exposed areas as soon as land alterations have been completed.

SAN MATEO COUNTYWIDE STORMWATER POLLUTION PREVENTION PROGRAM (STOPPP)
A program of C/CAG
www.flowstobay.org

Construction Entrances



Bad

Good

Remove mud and dirt from the tires of construction vehicles before they enter a paved roadway.

Properly size entrance BMPs for all anticipated vehicles.

Make sure that the construction entrance does not become buried in soil.

Slopes



Bad

Good

Rough grade or terrace slopes.

Break up long slopes with sediment barriers, or under drain, or divert stormwater away from slopes.

Dirt Stockpiles



Bad

Good

Cover or seed all dirt stockpiles.

Storm Drain Inlet Protection



Bad

Good

Use rock or other appropriate material to cover the storm drain inlet to filter out trash and debris.

Make sure the rock size is appropriate (usually 1 to 2 inches in diameter).

If you use inlet filters, maintain them regularly.

Source: www.epa.gov/npdes/menuofbmps

8/7/2020 04:06:32 PM

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201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BEST MANAGEMENT PRACTICES - STORMWATER

SHEET NUMBER
BMP-1

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-226-8770 WWW.EIDARCHITECTS.COM

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Stormwater and the Construction Industry

Planning and Implementing Erosion and Sediment Control Practices

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands, and oceans. Through the use of best management practices (BMPs), construction site operators are the key defense against erosion and sedimentation.

As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. High volumes of stormwater can also cause stream bank erosion, and destroy downstream aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed BMPs, and mitigate damage to other people's property or to natural resources.

Best Management Practice (BMP)
A BMP is a method used to prevent or control stormwater runoff and the discharge of pollutants, including sediment, into local waterbodies. Silt fences, inlet protection, and site-stabilization techniques are typical BMPs on a construction site.

Operator
An operator is someone who has control over and the ability to modify construction plans and specifications (e.g. owner, general contractor)

or

someone who has control over the day-to-day operations at a site (e.g., owner, general contractor) that are necessary to ensure compliance with the permit requirements. It is the responsibility of a construction site owner or operator to obtain stormwater runoff and prevent erosion during **all** stages of a project.

There may be more than one person at a site who meets these definitions and must apply for permit coverage. (States may have different definitions of the term "operator.")

So what's being done about polluted runoff?

The Clean Water Act includes the National Pollutant Discharge Elimination System (NPDES) permitting program. As of January 2003, 44 states and territories are authorized to issue NPDES stormwater permits. If your state isn't authorized to operate the NPDES stormwater permit program, EPA issues the permits. Permits vary from state to state, so contact your state or EPA for specific information. Your permitting authority has specific information on your state's NPDES stormwater permit program. In general, construction permits require construction operators to do all of the following:

- Develop and implement a stormwater pollution prevention plan
- Submit a permit application or notice of intent (NOI)
- Comply with the permit, including maintaining BMPs and inspecting the site

Under the NPDES program, construction activities that disturb 1 or more acres are required to obtain stormwater permit coverage. States have different names for the plans that construction operators must develop, such as

- Stormwater pollution prevention plan
- Erosion and sediment control plan
- Erosion control and stormwater management plan
- Stormwater management plan
- Water pollution control plan
- Pollution prevention plan

This document uses the term *"Plan."*

I think I need a permit... Where do I start?

All land-disturbing activities, including clearing, grading, and excavation, that disturb **1 or more acres** are required to be covered under a state or EPA-issued NPDES construction stormwater permit **prior to land disturbance.** Permit requirements vary by state. Begin by researching the specific requirements in your state. You might already be subject to local erosion and sediment control requirements, but that doesn't release you from the requirements of the NPDES program at the state or EPA level. Although you must comply with both sets of requirements, in most cases they have been designed to be complementary. Contact your permitting authority to find out exactly what you need to do. A good place to start your search is the Construction Industry Compliance Assistance web site at http://www.envcap.org/cica.

The NPDES permit requirements include small construction activities that are part of a larger common plan of development or sale, such as a single lot within a larger subdivision. For developments with multiple operators, all operators must have permit coverage for their individual parts of the larger development, no matter how large or small each operation happens to be. When there are multiple operators at one site, they're encouraged to develop and share one comprehensive Plan and obtain permit coverage as co-permittees.

The **owner or operator** of the construction site is responsible for complying with the requirements of the permit. Responsibilities include developing a Plan, obtaining permit coverage, implementing BMPs, and stabilizing the site at the end of the construction activity.

Construction sites that discharge unpermitted stormwater are in violation of the Clean Water Act and may be subject to fines of up to $27,500 a day per violation.

Determine your eligibility

All construction activity that disturbs 1 or more acres of land, as well as activity that disturbs less than 1 acre but is part of a larger common plan of development, must obtain permit coverage.

Read and understand your stormwater permit requirements

Get a copy of the permit for construction activities and a permit application (or notice of intent form) from your state or EPA permitting authority.

Develop a Plan

Most states do not require you to submit your Plan. However, you do need to keep the Plan on site. If that's impractical, you may post a notice that tells where the Plan is kept so it can be accessed by the permitting authority and other interested parties.

You'll need to post a copy of your completed application on site. Put it in a place where the public can see it so they'll know your site is covered by an NPDES permit!

Apply for permit coverage

Once you understand your permit requirements and have developed a Plan, you can submit a stormwater permit application (or notice of intent) to your permitting authority. This must be done before beginning any land disturbance on the site. Some states require a few days of lead time, so check with your permitting authority. Once you've submitted the application, you must satisfy the conditions of the permit.

Implement the Plan

Be prepared to implement the BMPs in your Plan before construction begins. Ensure that BMPs are properly maintained, and upgrade and repair them as necessary.

Developing and Implementing a Plan

You must have a Plan that includes erosion and sediment control and pollution prevention BMPs. These Plans require

- Advance planning and training to ensure proper implementation of the BMPs
- Erosion and sediment control BMPs in place until the area is permanently stabilized
- Pollution prevention BMPs to keep the construction site "clean"
- Regular inspection of the construction site to ensure proper installation and maintenance of BMPs

Fortunately, the practices and measures that must be included in your Plan are already part of the standard operating procedures at many construction sites.

Six steps are associated with developing and implementing a stormwater Plan. There's a wealth of information available on developing pollution prevention plans. Please contact your permitting authority for help in finding additional guidance materials, or visit www.epa.gov/npdes/stormwater. A sample construction plan is available at www.epa.gov/npdes/pubs/sample_swppp.pdf.

1. Site Evaluation and Design Development

- Collect site information
- Develop site plan design
- Prepare pollution prevention site map

The first step in preparing a Plan is to define the characteristics of the site and the type of construction that will occur. This involves collecting site information, identifying natural features that should be protected, developing a site plan design, describing the nature of the construction activity, and preparing a pollution prevention site map.

2. Assessment

- Measure the site area
- Determine the drainage areas
- Calculate the runoff coefficient

The next step in assessing the impact the project will have on stormwater runoff. Determine the drainage areas and estimate the runoff amounts and velocities. For more information on calculating the runoff coefficient, go to www.epa.gov/npdes/pubs/chap02_cmguide.pdf, page 11.

3. Control Selection and Plan Design

- Review and incorporate state or local requirements
- Select erosion and sediment controls
- Select other controls
- Select stormwater management controls
- Indicate the location of controls on the site map
- Prepare an inspection and maintenance plan
- Coordinate controls with construction activity
- Prepare sequence of major activities

In the third step you'll actually document your procedures to prevent and control polluted stormwater runoff. You must delineate areas that will not be disturbed, including critical natural areas like streamside areas, floodplains, and trees. You must also identify the measures (or BMPs) you'll use to protect these areas.

Phasing your project to minimize the amount of exposed soil at any given time is a highly effective way to prevent erosion. Erosion control measures designed to prevent soil from being mobilized include diversions to route stormwater away from exposed soils and stabilization with vegetation, mulch, and geotextiles. Sedimentation control measures designed to remove sediment from stormwater or prevent it from leaving the site include silt fences, sediment traps, and diversions.

You'll need to select erosion and sediment controls—including stabilization measures for protecting disturbed areas and structural controls for diverting run-off and removing sediment—that are appropriate for your particular site. The appropriateness of the control measures will depend on several factors, but will be influenced most directly by the site characteristics. Some stabilization measures you might consider are temporary seeding, permanent seeding, and mulching. Structural control measures include earth dikes, silt fences, and sediment traps. No single BMP will meet all of the erosion and sedimentation control needs of a construction site. A combination of BMPs is necessary. For more information on the types of BMPs appropriate for your construction site, see the BMP fact sheet series available at www.epa.gov/npdes/menuofbmps.

Soil erosion control tips...

- Design the site to infiltrate stormwater into the ground and to keep it out of storm drains. Eliminate or minimize the use of stormwater collection and conveyance systems while maximizing the use of stormwater infiltration and bioretention techniques.
- Minimize the amount of exposed soil on site.
  - To the extent possible, plan the project in stages to minimize the amount of area that is bare and subject to erosion. The less soil exposed, the easier and cheaper it will be to control erosion.
  - Vegetate disturbed areas with permanent or temporary seeding immediately upon reaching final grade.
  - Vegetate or cover mulch piles that will not be used immediately.
- Reduce the velocity of stormwater both onto and away from the project area.
  - Interceptor, diversion, vegetated buffers, and check dams are a few of the BMPs that can be used to slow down stormwater as it travels across and away from the project site.
  - Diversion structures can also be used to direct flow away from exposed areas toward stable portions of the site.
  - Silt fences and other types of perimeter filters should never be used to reduce the velocity of runoff.
- Protect defined channels immediately with measures adequate to handle the storm flows expected.
  - Sod, geotextile, natural fibers, riprap, or other stabilization measures should be used to allow the channels to carry water without causing erosion. Use softer measures like grass-lined or vegetation where possible to prevent downstream impacts.
- Keep sediment on site.
  - Place aggregate or stone at construction site vehicle exits to accommodate at least two tire revolutions of large construction vehicles. Much of the dirt on the tires will fall off before the vehicle gets to the street.
  - Regular street sweeping at the construction entrance will prevent dirt from entering storm drains. Do not hose paved areas.
  - Sediment traps and basins are temporary structures and should be used in conjunction with other measures to reduce the amount of erosion.
- Maintaining all BMPs is critical to ensure their effectiveness during the life of the project.
  - Regularly remove collected sediment from silt fences, berms, traps, and other BMPs.
  - Ensure that geotextiles and mulch remain in place until vegetation is well established.
  - Maintain fences that protect sensitive areas, silt fences, diversion structures, and other BMPs.

Other BMPs and Activities to Control Polluted Runoff

You'll need to select other controls to address potential pollutant sources on your site. Construction materials, debris, trash, fuel, paint, and toxic pollutants become pollution sources when it rains. Basic pollution prevention practices can significantly reduce the amount of pollution leaving construction sites. The following are some simple practices that should be included in the Plan and implemented on site:

- Keep potential sources of pollution out of the rain as practicable (e.g., inside a building, covered with plastic sheeting, or sealed tightly in a leak-proof container).
- Clearly identify a protected, lined area for concrete truck washouts. This area should be located away from streams, storm drain inlets, or ditches and should be cleaned out periodically.
- Park, refuel, and maintain vehicles and equipment in one area of the site to minimize the area exposed to possible spills and fuel storage. This area should be well away from streams, storm drain inlets, or ditches. Keep spill kits close by and clean up any spills or leaks immediately, including spills on pavement or earthen surfaces.
- Practice good housekeeping. Keep the construction site free of litter, construction debris, and leaking containers. Keep all waste in one area to minimize cleaning.
- Sweep loose dirt on paved surfaces to clean dust, debris, or trash. This water could wash directly into storm drains or streams. Sweep up materials and dispose of them in the trash. Never hose trash or debris!
- Dispose of hazardous materials properly.

4. Certification and Notification

- Certify the Plan
- Submit permit application or notice of intent

Once the Plan has been developed, an authorized representative must sign it. Now is the time to submit the permit application or notice of intent. Your permit might require that the Plan be kept on site, so be sure to keep it available for the staff implementing the Plan.

Erosion and sedimentation control practices are only as good as their installation and maintenance.

5. Implementing and Maintaining a Plan

- Implement controls
- Inspect and maintain controls
- Update/change the Plan
- Report releases of hazardous materials

A Plan describes the practices and activities you'll use to prevent stormwater contamination and meet the NPDES permit requirements. Make sure that the Plan is implemented and that the Plan is updated as necessary to reflect changes on the site.

Erosion and sedimentation control practices are only as good as their installation and maintenance. Train the contractors that will install the BMPs and inspect immediately to ensure that the BMPs have been installed correctly.

Regularly inspect the BMPs (especially before and after rain events) and perform any necessary repairs or maintenance immediately. Many BMPs are designed to handle a limited amount of sediment. If not maintained, they'll become ineffective and a source of sediment pollution.

It's also important to keep records of BMP installation, implementation, and maintenance. Keep track of major grading activities that occur on the site, when construction activities cease (temporarily or permanently), and when a site is temporarily or permanently stabilized.

If construction plans change at any time, or if more appropriate BMPs are chosen for the site, update the Plan accordingly.

6. Completing the Project: Final Stabilization and Termination of the Permit

- Final stabilization
- Notice of Termination
- Record retention

Many states and EPA require a Notice of Termination (NOT) or other notification signifying that the construction activity is completed. An NOT is required when

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible.
- Another operator has assumed control over all areas of the site that have not been finally stabilized. That operator would need to submit a new permit application to the permitting authority.
- For residential construction only, temporary stabilization of a lot has been completed prior to transference of ownership to the homeowner, with the homeowner being made aware of the need to perform final stabilization.

Permittees must keep a copy of their permit application and their Plan for at least 3 years following final stabilization. This period maybe longer depending on state and local requirements.

Preconstruction Checklist

- A site description, including
  - Nature of the activity
  - Intended sequence of major construction activities
  - Total area of the site
  - Existing soil type and rainfall runoff data
  - A site map with:
    - Drainage patterns
    - Approximate slopes after major grading
    - Area of soil disturbance
    - Outline of areas which will not be disturbed
    - Location of major structural and nonstructural soil erosion controls
    - Areas where stabilization practices are expected to occur
    - Surface waters
    - Stormwater discharge locations
  - Name of the receiving water(s)
- A description of controls:
  - Erosion and sediment controls, including
    - Stabilization practices for all areas disturbed by construction
    - Structural practices for all drainage/discharge locations
  - Stormwater management controls, including
    - Measures used to control pollutants occurring in stormwater discharges after construction activities are complete
    - Velocity dissipation devices to provide nonerosive flow conditions from the discharge point along the length of any outfall channel
  - Other controls, including
    - Waste disposal practices that prevent discharge of solid materials
    - Measures to minimize offsite tracking of sediments by construction vehicles
    - Measures to ensure compliance with state or local waste disposal, sanitary sewer, or septic system regulations
  - Description of the timing during the construction when measures will be implemented
- State or local requirements incorporated into the Plan
- Inspection and maintenance procedures for control measures identified in the Plan
- Contractor certification and Plan certification

Implementation Checklist

- Maintain records of construction activities, including:
  - Dates when major grading activities occur
  - Dates when construction activities temporarily cease on the site or a portion of the site
  - Dates when construction activities permanently cease on the site or a portion of the site
  - Dates when stabilization measures are completed on the site
- Prepare inspection reports summarizing
  - Name of person conducting BMP inspections
  - Qualifications of person conducting BMP inspections
  - BMPs/areas inspected
  - Observed conditions
  - Necessary changes to the Plan
- Report releases of reportable quantities of oil or hazardous materials
  - Notify the National Response Center at 800-424-8802 immediately
  - Report releases to your permitting authority immediately, or as specified in your permit. You must also provide a written report within 14 days.
  - Modify the Plan to include
    - The date of release
    - Circumstances leading to the release
    - Steps taken to prevent reoccurrence of the release
- Modify Plan as necessary
  - Incorporate requests of the permitting authority to bring the Plan into compliance
  - Address changes in design, construction operation, or maintenance that affect the potential for discharge of pollutants

An ounce of prevention is worth a pound of cure! It's far more efficient and cost-effective to prevent pollution than it is to try to correct problems later. Installing and maintaining simple BMPs and pollution prevention techniques on site can greatly reduce the potential for stormwater pollution and can also save you money!

EPA United States Environmental Protection Agency
EPA 833-H-04-001
April 2005

Visit www.epa.gov/npdes/stormwater for more information.

8/7/2020 10:40:35 PM

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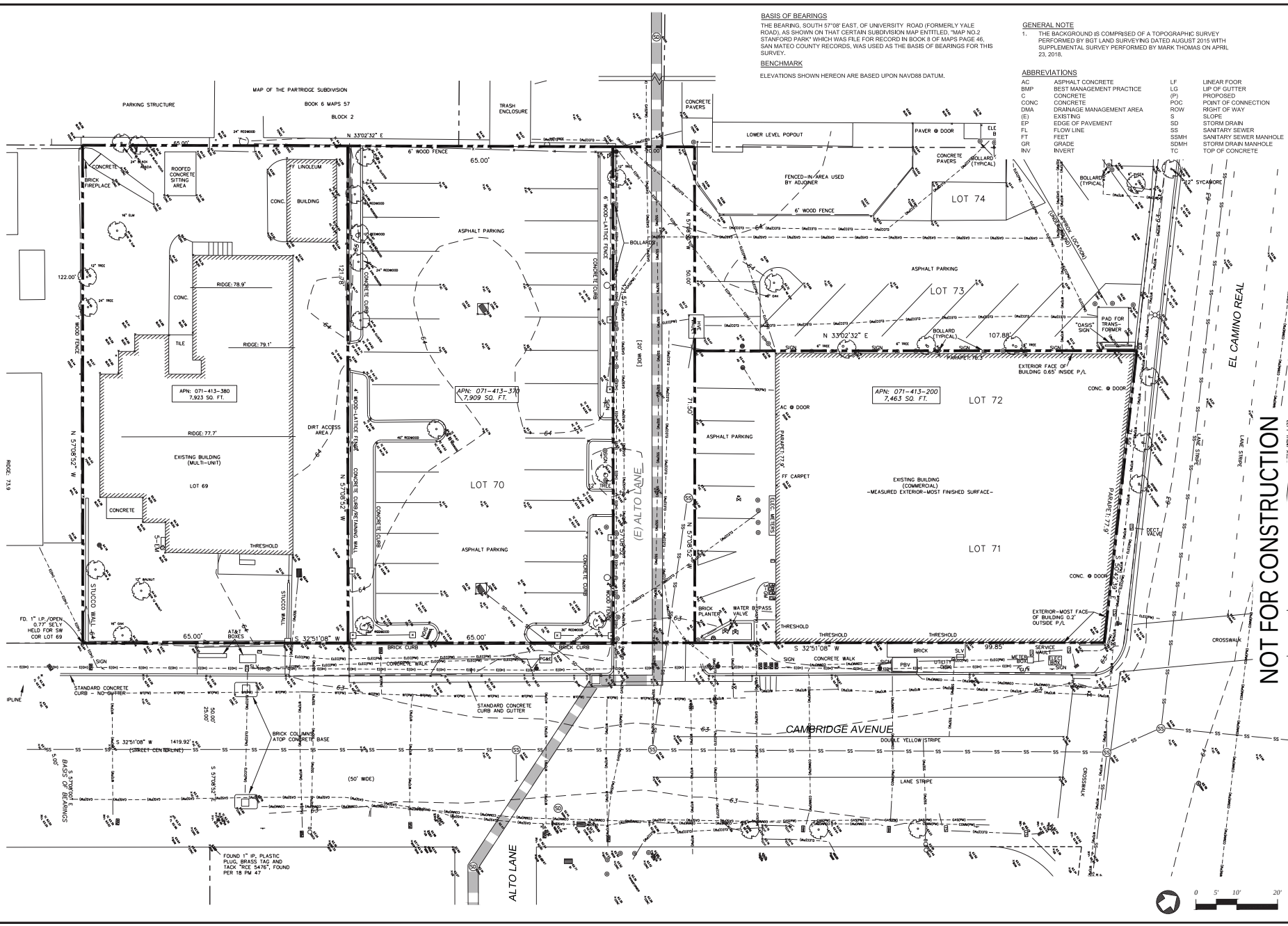
DATE 08/10/2020

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
BEST MANAGEMENT PRACTICES - EROSION CONTROL

SHEET NUMBER
BMP-2

ENVIRONMENTAL INNOVATIONS IN DESIGN
412 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650.226.8770 WWW.EIDARCHITECTS.COM
EID ARCHITECTS



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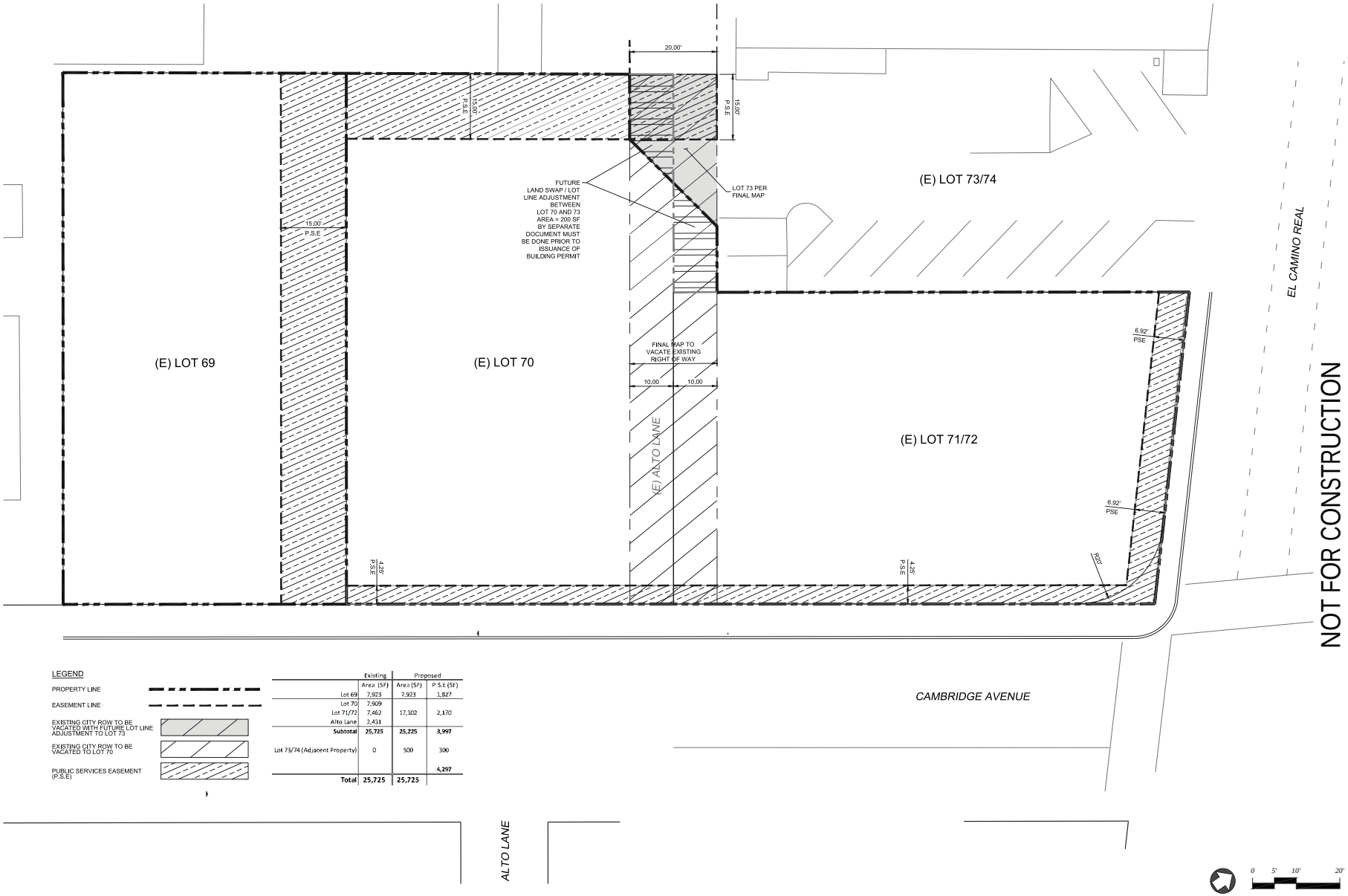
2548 Mission Street
San Francisco, CA 94110
www.sherwooddesignengineers.com

201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
TOPOGRAPHICAL BOUNDARY SURVEY

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020
PROJ NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK
SHEET NO.: C0.1



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- EXISTING CITY ROW TO BE VACATED WITH FUTURE LOT LINE ADJUSTMENT TO LOT 73
- EXISTING CITY ROW TO BE VACATED TO LOT 70
- PUBLIC SERVICES EASEMENT (P.S.E)

	Existing	Proposed	
	Area (SF)	Area (SF)	P.S.E (SF)
Lot 69	7,923	7,923	1,827
Lot 70	7,909		
Lot 71/73	7,462	17,302	2,170
Alto Lane	2,431		
Subtotal	**25,725**	**25,225**	**3,997**
Lot 73/74 (Adjacent Property)	0	500	300
			4,297
Total	**25,725**	**25,725**	

NOT FOR CONSTRUCTION

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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
PARCEL PLAN

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ.NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C1.0



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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

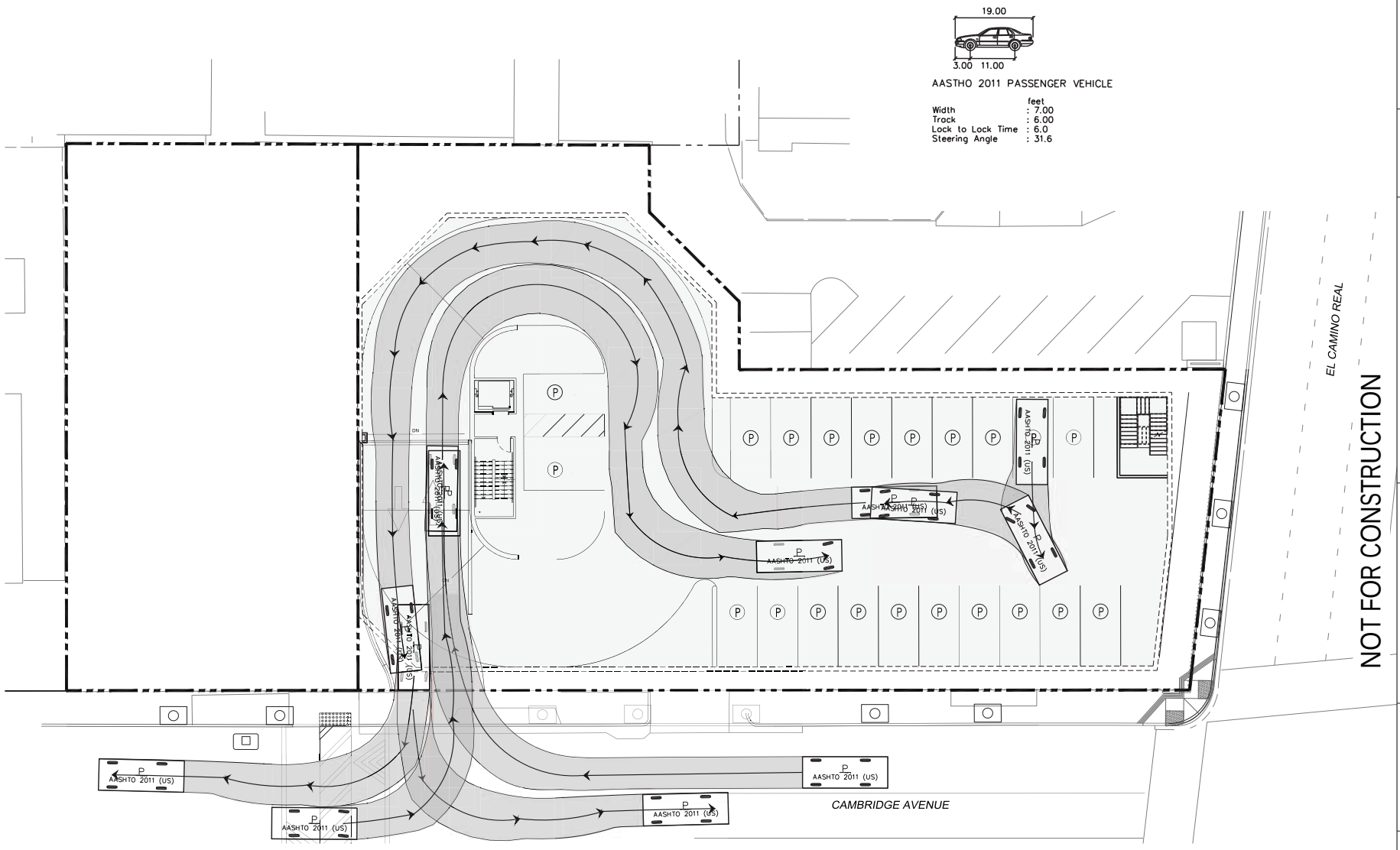
SHEET TITLE:
CIRCULATION PLAN

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 20'
DRAWN BY: AK

SHEET NO.
C2.0



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San Francisco, CA 94110
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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
GARAGE
VEHICLE TURNING

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

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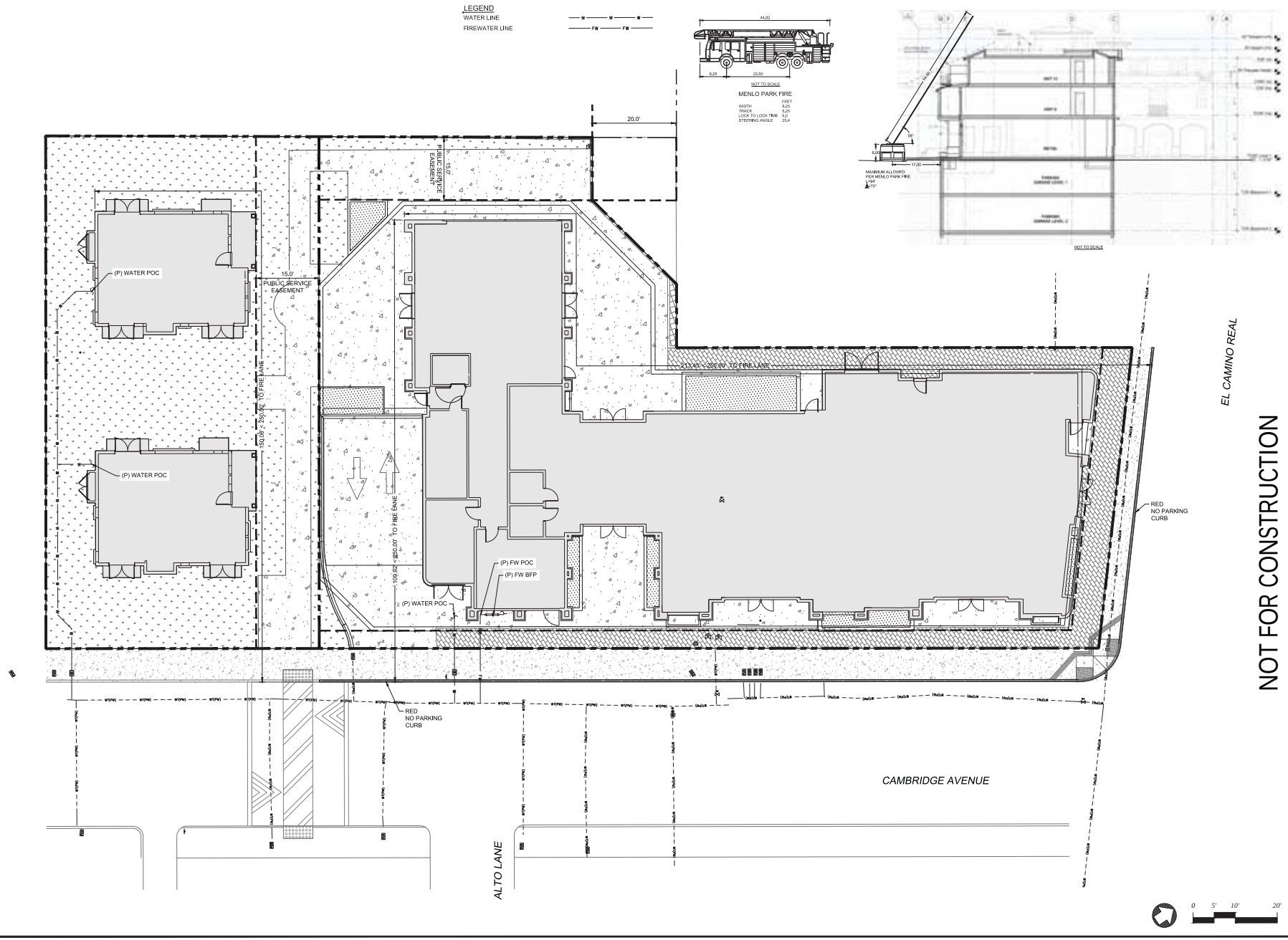

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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
FIRE ACCESS PLAN

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
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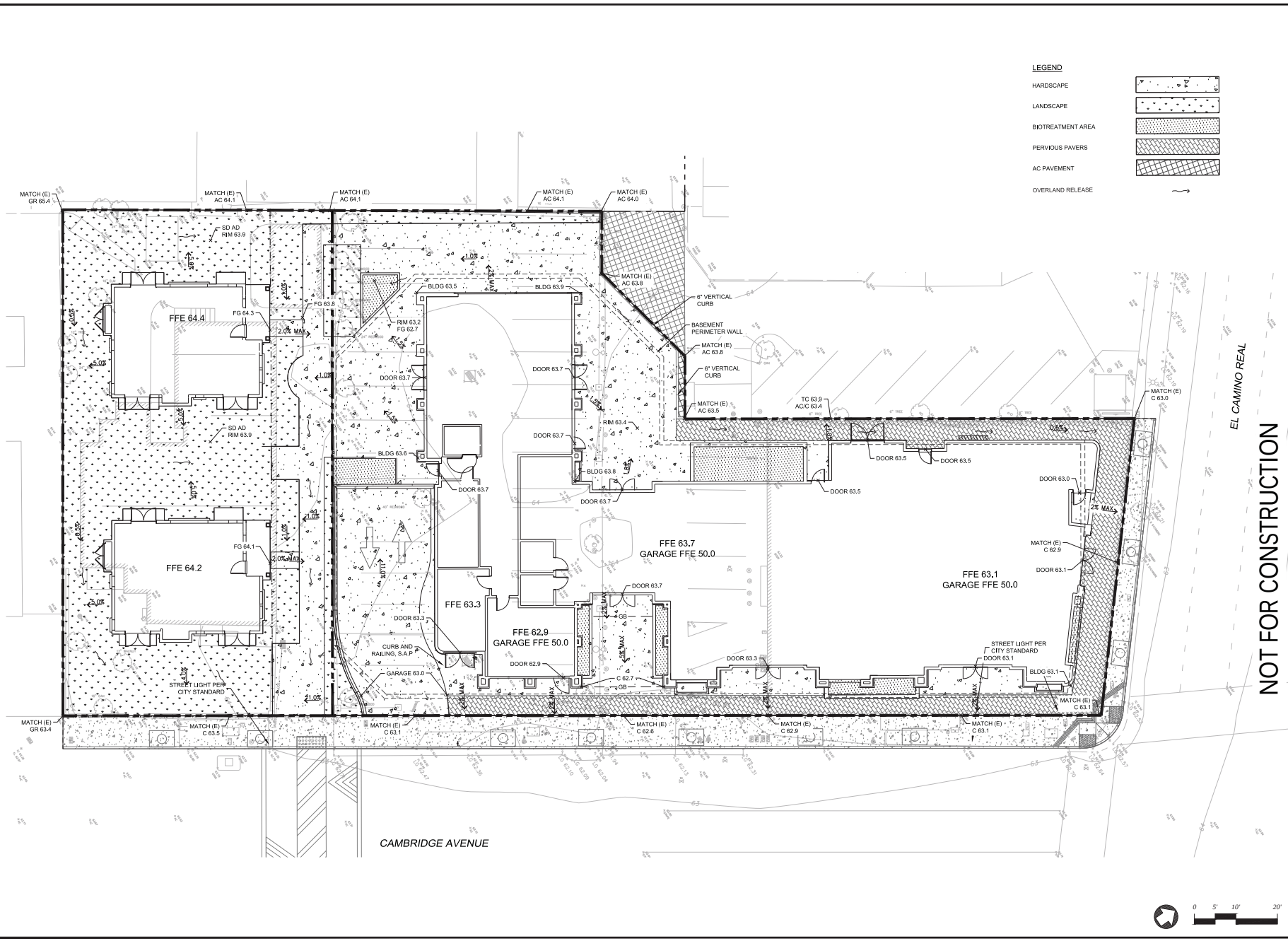

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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

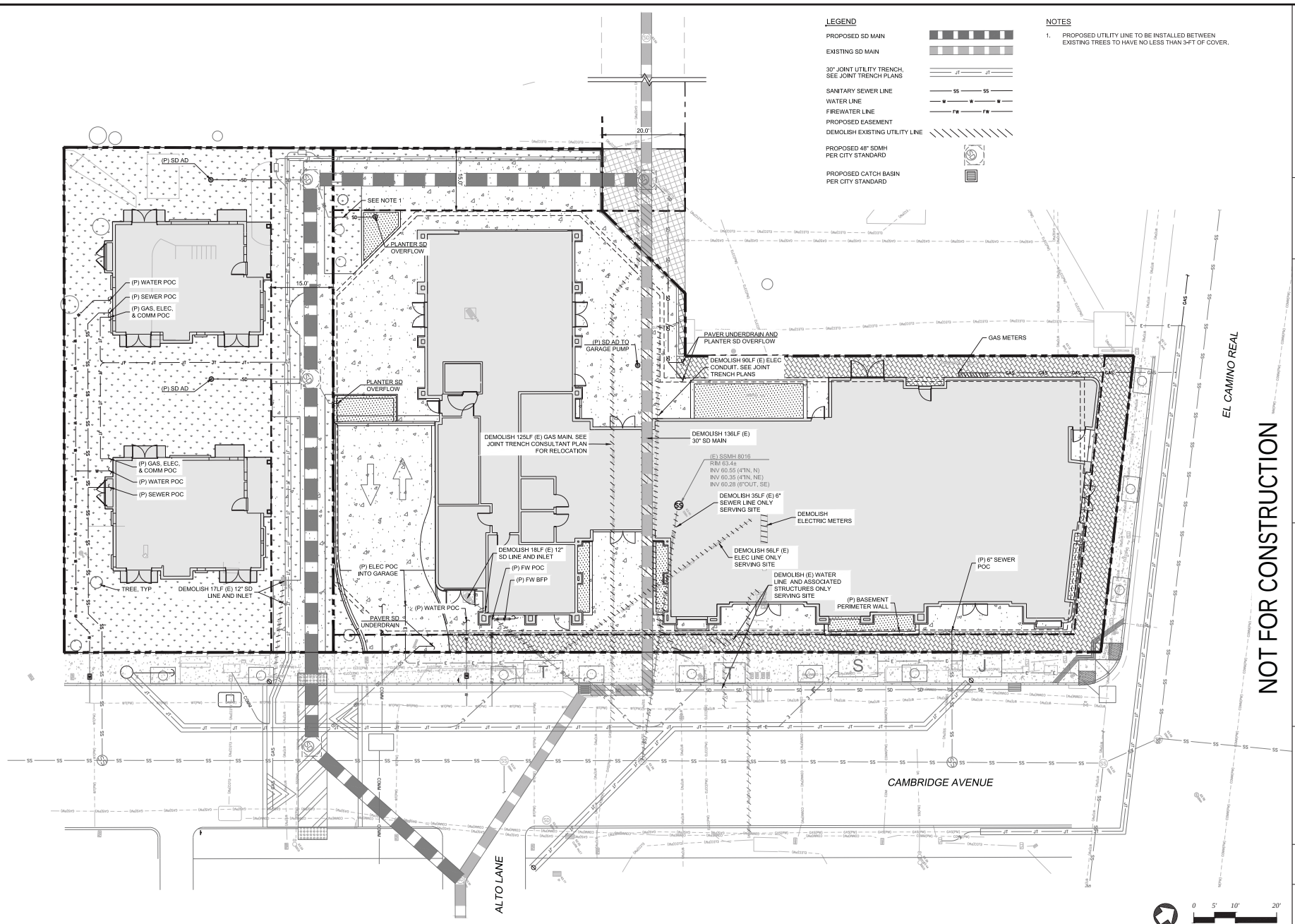
SHEET TITLE
SITE & GRADING PLAN
PRIVATE AND ONSITE

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C3.0



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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

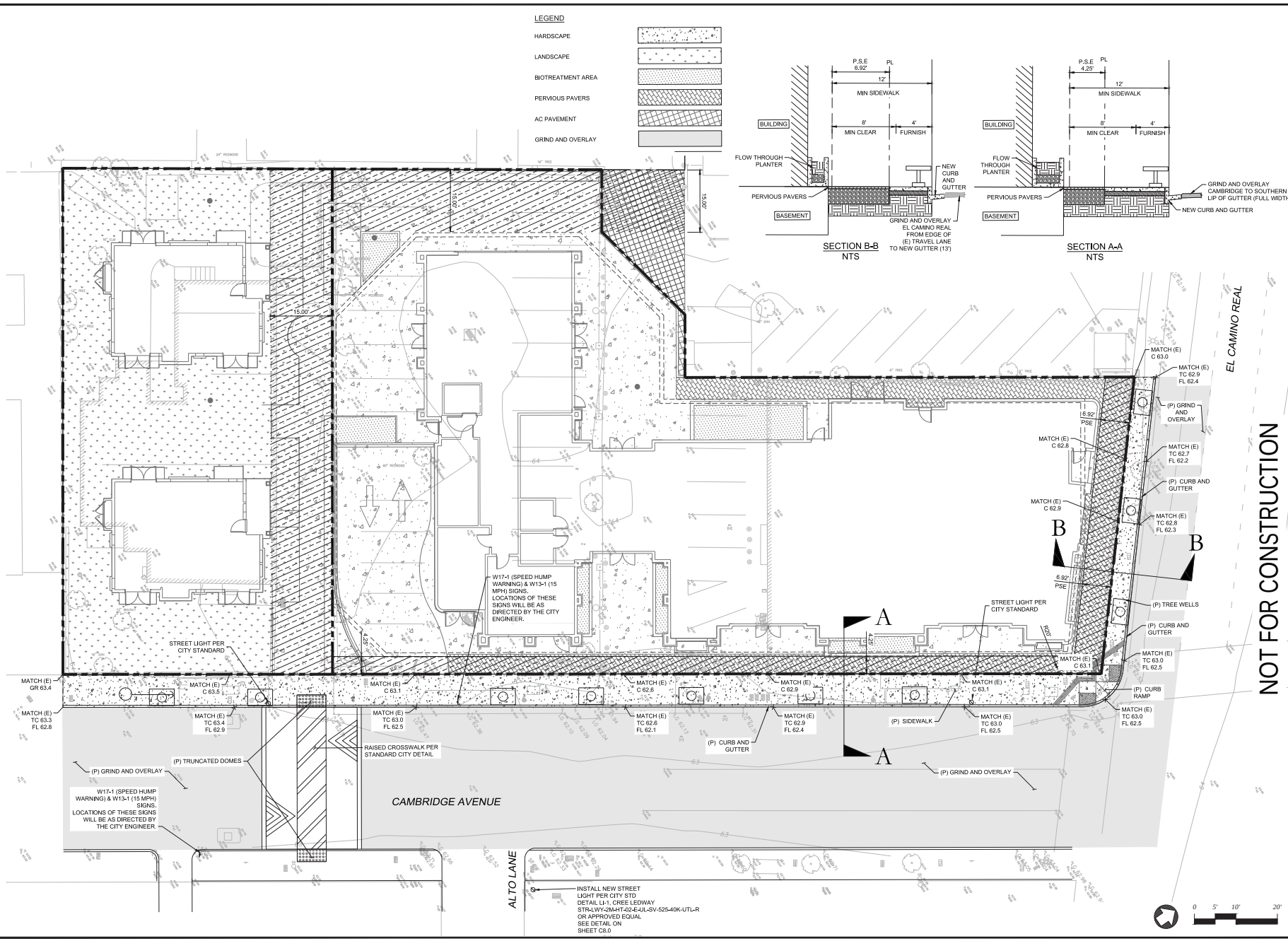
SHEET TITLE
UTILITY AND RELOCATION PLAN
PRIVATE AND ONSITE

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C3.1



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San Francisco, CA 94110
www.silverwoodengineers.com

201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

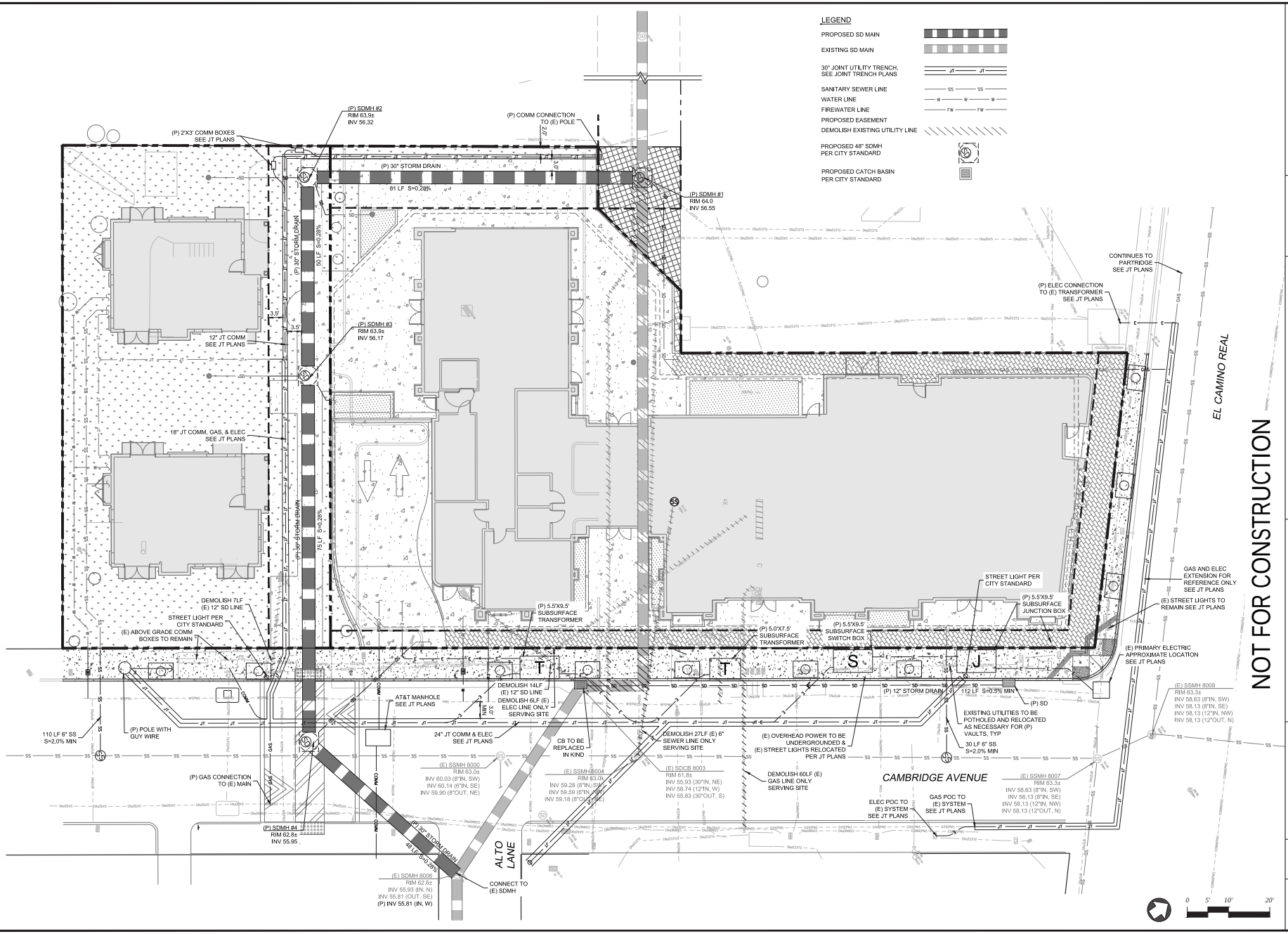
SHEET TITLE
SITE AND GRADING PLAN
PUBLIC AND OFFSITE

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C4.0



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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

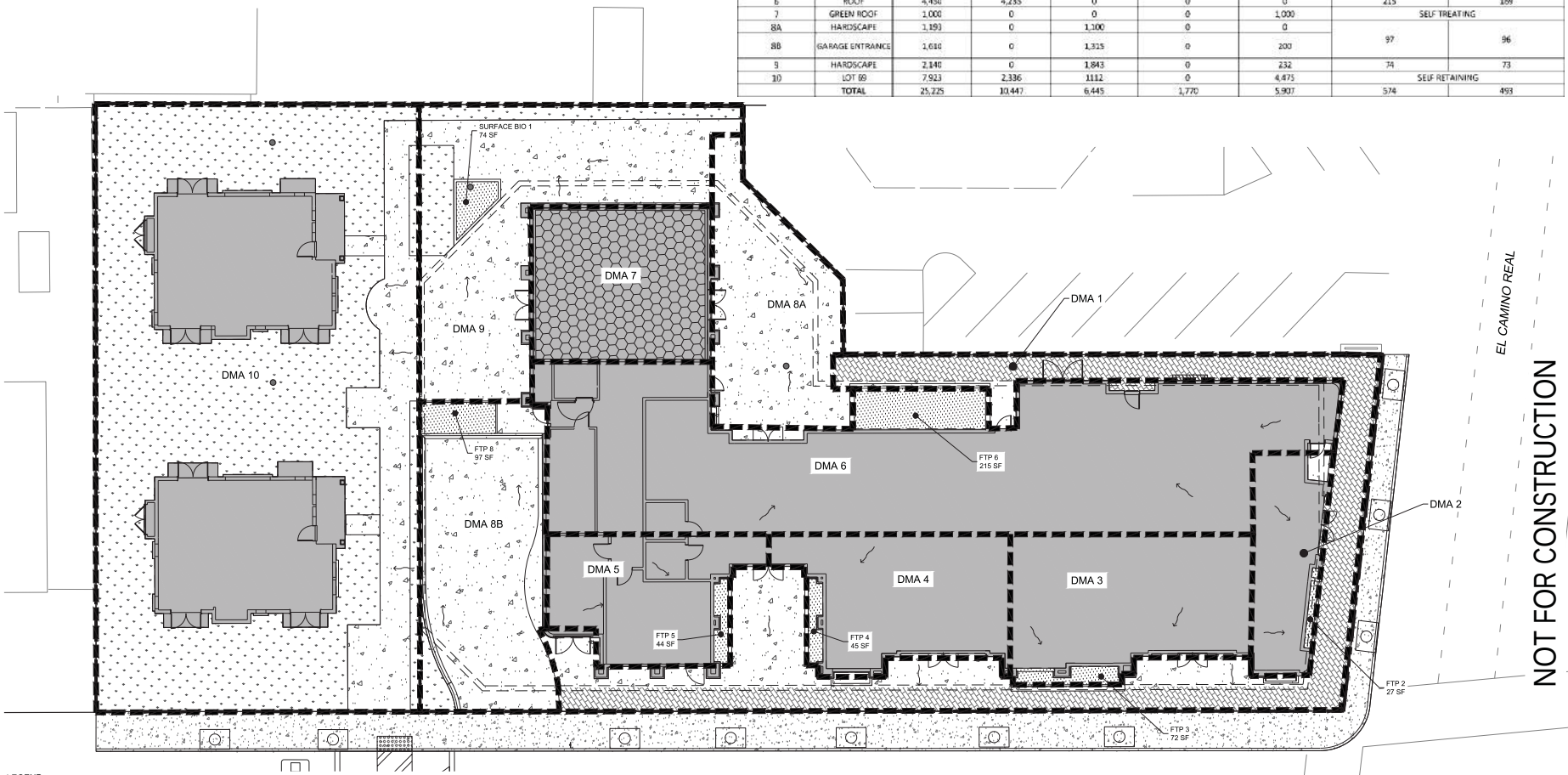
SHEET TITLE
UTILITY AND RELOCATION PLAN
PUBLIC AND OFFSITE

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020
PROJ NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C4.1

DRAINAGE MANAGEMENT AREA #	DESCRIPTION	DMA AREA (SQUARE FEET)	ROOF AREA (SQUARE FEET)	HARDSCAPE AREA (SQUARE FEET)	PERVIOUS PAVER AREA (SQUARE FEET)	LANDSCAPING AREA (SQUARE FEET)	TREATMENT AREA PROVIDED (SQUARE FEET)	TREATMENT AREA REQUIRED (SQUARE FEET)
1	PAVERS	2,845	0	1,075	1,770	0	SELF RETAINING	
2	ROOF	650	623	0	0	0	27	25
3	ROOF	1,330	1,258	0	0	0	72	50
4	ROOF	1,124	1,079	0	0	0	45	43
5	ROOF	960	916	0	0	0	44	37
6	ROOF	4,450	4,235	0	0	0	215	168
7	GREEN ROOF	1,000	0	0	0	1,000	SELF TREATING	
8A	HARDSCAPE	1,193	0	1,100	0	0	97	96
8B	GARAGE ENTRANCE	1,610	0	1,315	0	200		
9	HARDSCAPE	2,140	0	1,843	0	232	74	73
10	LOT 69	7,923	2,336	1112	0	4,475	SELF RETAINING	
	TOTAL	25,225	10,447	6,445	1,770	5,907	574	493



NOT FOR CONSTRUCTION

LEGEND

- HARDSCAPE
- GREEN ROOF
- LANDSCAPE
- BIOTREATMENT AREA
- PERVIOUS PAVERS
- DRAINAGE DIRECTION
- DRAINAGE MANAGEMENT AREA BOUNDRY

NOTES

1. BMP AREAS ARE SIZED USING SAN MATEO COUNTY C.3 REQUIREMENTS.
2. WORK IN RIGHT OF WAY OF EL CAMINO REAL AND CAMBRIDGE ROAD ARE EXEMPT PER COUNTY C.3 PROVISIONS.

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
SF	SQUARE FOOT
BMP	BEST MANAGEMENT PRACTICE
FTP	FLOW THROUGH PLANTER
BIO	BIO-TREATMENT AREA

0 5' 10' 20'

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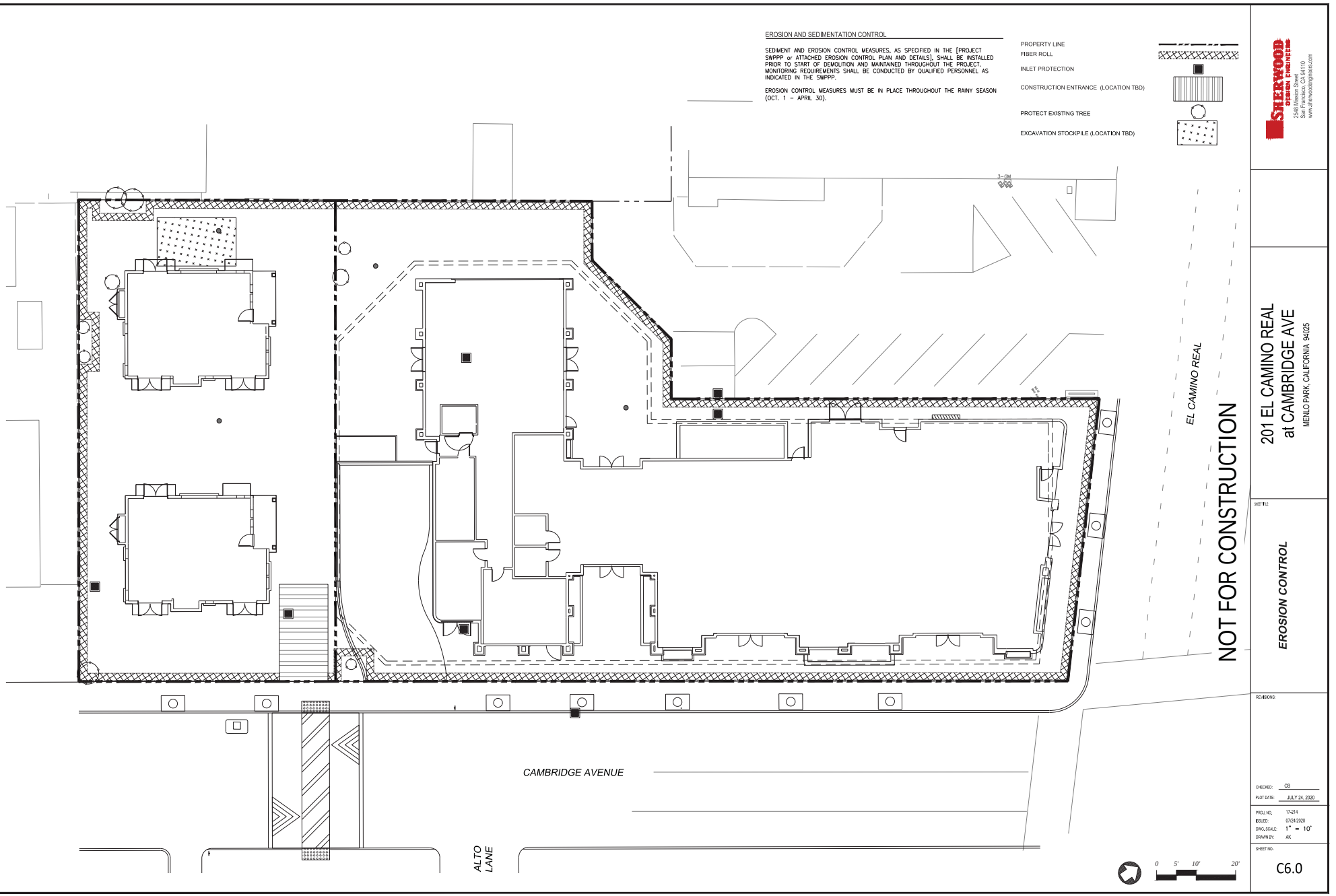
201 EL CAMINO REAL at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
STORM WATER MANAGEMENT PLAN

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020
PROJ. NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C5.0



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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

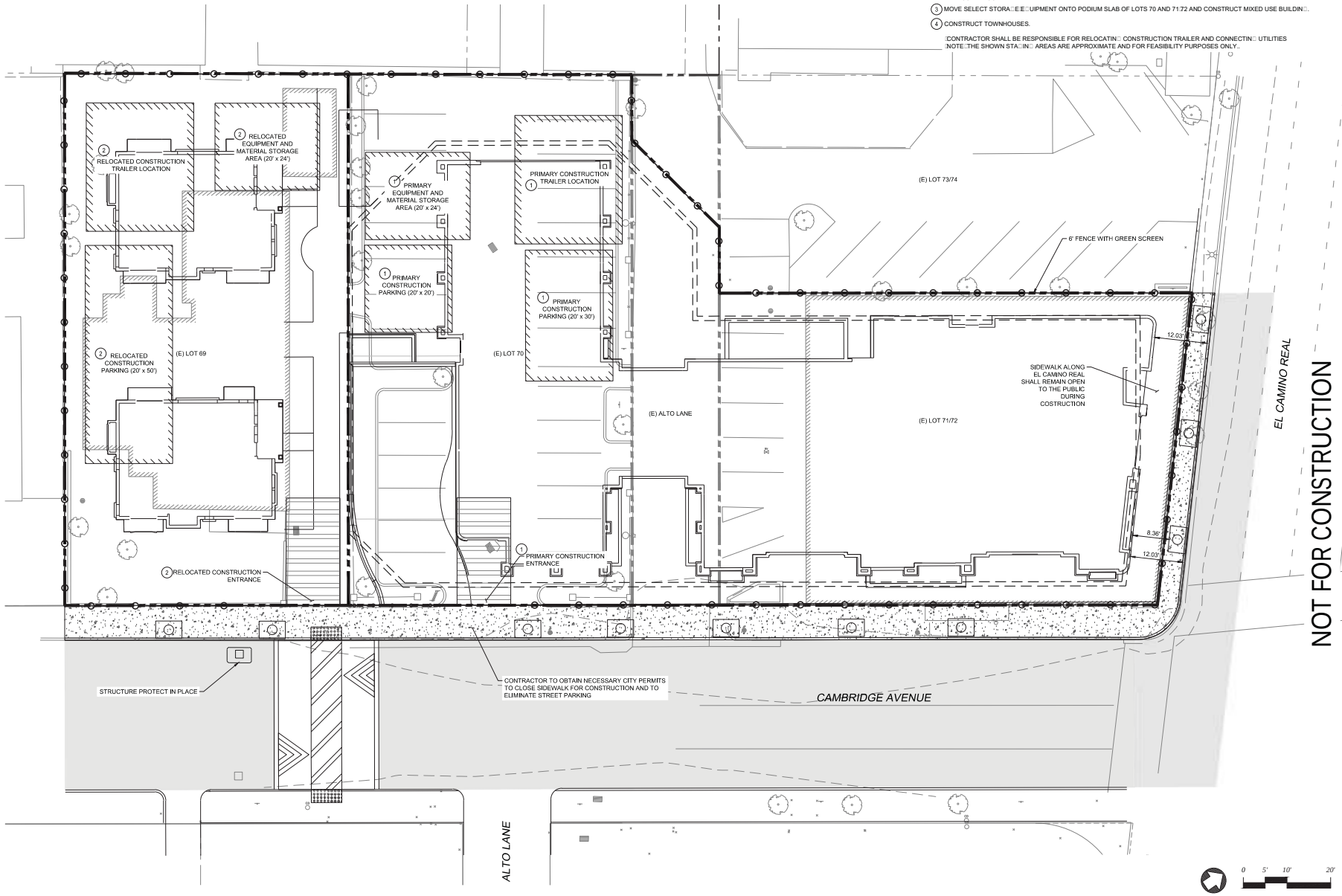
SHEET TITLE
EROSION CONTROL

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ. NO. 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK

SHEET NO.
C6.0



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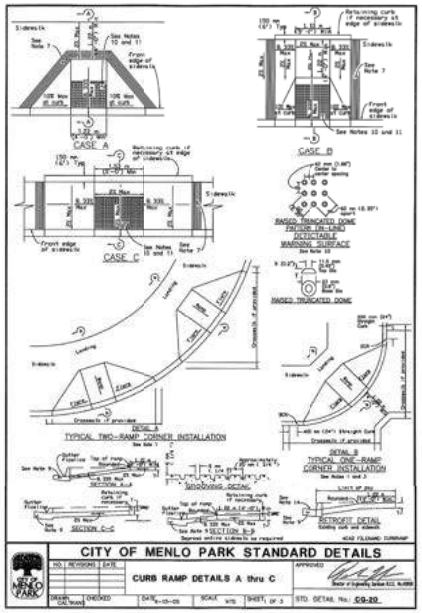
San Francisco, CA 94110
www.sierradesignengineers.com

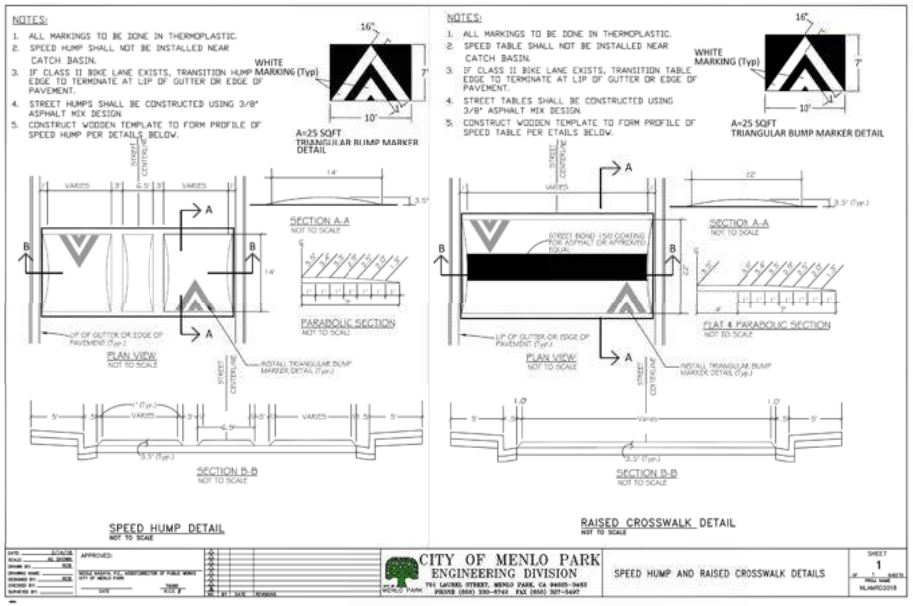
201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

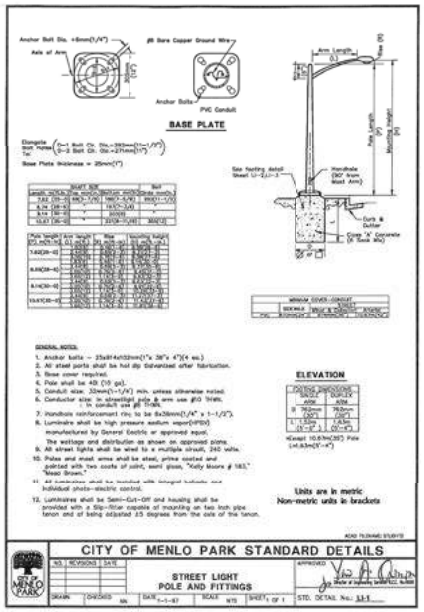
SHEET TITLE
CONSTRUCTION PHASING PLAN

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020
PROJ.NO.: 17-214
ISSUED: 07/24/2020
DWG. SCALE: 1" = 10'
DRAWN BY: AK
SHEET NO.
C7.0







NOT FOR CONSTRUCTION

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San Francisco, CA 94110
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201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

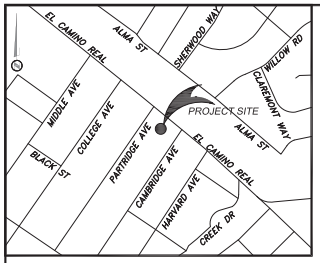
SHEET TITLE
CITY DETAILS

REVISIONS:

CHECKED: CB
PLOT DATE: JULY 24, 2020

PROJ.NO.: 17-214
ISSUED: 07/24/2020
DWG.SCALE: NTS
DRAWN BY: AK

SHEET NO.
C8.0



VICINITY MAP
NOT TO SCALE

SERVICE PROVIDERS

PARKS & RECREATION DISTRICT
CITY OF MENLO PARK (650) 330-2267

SCHOOL DISTRICT
LAS LOMITAS ELEMENTARY SCHOOL DISTRICT
(650) 854-6311
MENLO PARK CITY SCHOOL DISTRICT
(650) 321-7140
REDWOOD CITY SCHOOL DISTRICT
(650) 482-2200
SEQUOIA UNION HIGH SCHOOL DISTRICT
(650) 369-1411
MENLO SCHOOL
(650) 330-2001
MENLO COLLEGE
(800) 556-3656

WATER
CAL WATER (650) 561-9709

SANITARY SEWER
WEST BAY SANITARY DISTRICT
(650) 321-0384

STORM DRAIN
SFPUC WATER (650) 872-5900

UTILITY
STANFORD UNIVERSITY UTILITY
(650) 444-9203

SOLID WASTE
RECOLOGY SAN MATEO COUNTY (650) 595-3900

GAS
PG&E (800) 743-5000

ELECTRIC
PG&E (800) 743-5000

POLICE DEPARTMENT
MENLO PARK POLICE (650) 330-6300

FIRE DEPARTMENT
MENLO PARK FIRE DISTRICT-STATION 3
(650) 688-8400

COMMUNICATIONS
AT&T (800) 241-3624
COMCAST (888) 824-8399
LEVEL3COMM (877) 366-8344 EX: 3
MCI WORLDCOMM (800) 624-9675
SPRINT (800) 521-0579
QWEST COMM (800) 283-4237
TELEPORT COMM (800) 241-3624
TPX COMMUNICATIONS (925) 726-5974
WAVE BROADBAND (888) 317-0488
ZAYO GROUP (888) 267-1063

201 EL CAMINO REAL

ASSESSOR'S PARCEL NUMBER
APN: 071-413-380
APN: 071-413-370
APN: 071-413-200

PROPERTY OWNER/DEVELOPER
HU-HANTWO LLC
86 MICHAELS WAY
ATHERTON, CA 94027

CIVIL ENGINEER
SHERWOOD DESIGN ENGINEERS
58 MAIDEN LANE, 3RD FLOOR
SAN FRANCISCO, CA 94108
415-677-7300

SURVEYOR
MARK THOMAS
3000 OAK ROAD, SUITE 650
WALNUT CREEK, CA 94597
ATTN: TRAVIS BOHAN
TBOHAN@MARKTHOMAS.COM

LOT AREA
TOTAL(GROSS): 0.59± AC

NUMBER OF PARCELS
3 EXISTING PARCELS

EXISTING ZONING
R3, SP-ECR-D

FLOOD ZONING
ZONE X (AREA OF MINIMAL FLOOD HAZARD)
PER FEMA MAP NO. 06081C0308E
EFFECTIVE DATE 10/16/2012

EXISTING LAND USE
GENERAL PLAN
DESIGNATION
CC, PR

PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOTS 69, 70, 71 AND 72, BLOCK 7, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED "MAP NO. 2 STANFORD PARK MENLO PARK, SAN MATEO COUNTY, CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON APRIL 2, 1913 IN BOOK 8 OF MAPS, AT PAGE 46.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES BY DEED RECORDED FEBRUARY 4, 1930 IN BOOK 452, PAGE 399, OFFICIAL RECORDS.

ALSO THAT PORTION OF ALTO LANE (20 FOOT WIDE) WITHIN ABOVE SAID BLOCK 7, LYING ADJOINING AND BETWEEN LOT 70 AND LOTS 71-74 INCLUSIVE. (TO BE VACATED PER SEPARATE DOCUMENT)

PROJECT DESCRIPTION

THE PURPOSE OF THIS PROJECT IS TO CREATE A 2-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES. THE FIRST SHALL INCLUDE 12 RESIDENTIAL UNITS, 1 RESTAURANT, AND NO MORE THAN 3 RETAIL SPACES. THE SECOND SHALL HAVE 2 TOWNHOUSES.

SHEET INDEX

C0.0 TENTATIVE MAP COVER SHEET
C0.1 PARCEL PLAN
C0.2 PROPOSED LOT LINE ADJUSTMENT
C0.3 TOPOGRAPHICAL BOUNDARY SURVEY
C1.0 PROPOSED SITE PLAN
C1.1 AREA PLAN - UNDERGROUND
C1.2 AREA PLAN - 1ST FLOOR
C1.3 AREA PLAN - 2ND FLOOR
C1.4 AREA PLAN - 3RD FLOOR
C1.5 AREA PLAN - TOWNHOUSE
C1.6 FIRST FLOOR PLAN - MIXED-USE
C1.7 SECOND FLOOR PLAN - MIXED-USE
C1.8 THIRD FLOOR PLAN - MIXED-USE
C1.9 GARAGE LEVEL 1
C1.10 GARAGE LEVEL 2
C1.11 TOWNHOUSE #1 FLOOR PLANS
C1.12 TOWNHOUSE #2 FLOOR PLANS
C1.13 BUILDING SECTIONS
C1.14 BUILDING SECTIONS
C1.14 BUILDING SECTIONS
C1.16 BUILDING SECTIONS
C1.17 BUILDING SECTIONS
C2.0 CIRCULATION PLAN
C2.1 GARAGE VEHICLE TURNING
C2.2 FIRE ACCESS PLAN
C3.0 SITE AND GRADING PLAN - PRIVATE AND ONSITE
C3.1 UTILITY AND RELOCATION - PRIVATE AND ONSITE
C4.0 SITE AND GRADING PLAN - PUBLIC AND OFFSITE
C4.1 UTILITY AND RELOCATION - PUBLIC AND OFFSITE
C5.0 STORMWATER MANAGEMENT PLAN
C6.0 EROSION CONTROL PLAN
JT1 JOINT TRENCH CONCEPTUAL COMPOSITE
L1.0 LANDSCAPE PLAN
L2.0 PLANT LIST AND IMAGES
L3.0 WATER USE CALCULATIONS

BASIS OF BEARINGS

THE BEARINGS SHOWN ARE BASED ON NAD83 GRID BEARINGS AS ESTABLISHED FOR THE CENTERLINE OF CAMBRIDGE ROAD. TO MATCH THE RECORD BEARINGS OF N32°52'E, PER STANFORD PARK MAP NO. 2, FILED IN BOOK 8 OF MAPS, PAGE 46, SAN MATEO COUNTY RECORDS, ROTATE THE BEARINGS 1°20'53" COUNTER-CLOCKWISE.

NOTES

1. MARK THOMAS RELIED UPON CHICAGO TITLE COMPANY PRELIMINARY TITLE REPORT, ORDER NO. FWTO-4071400065-JJ, DATED MARCH 14, 2014, AS TITLE REFERENCE. EASEMENTS REFERENCED WITHIN SAID REPORT MAY AFFECT PROPERTY.

2. UTILITIES SHOWN HEREON TAKEN FROM VISUAL SURFACE EVIDENCE AND SHOULD BE CONSIDERED AS APPROXIMATE ONLY. ACTUAL LOCATIONS OF UTILITIES MAY VARY. TRUE LOCATION OF UTILITIES CAN ONLY BE OBTAINED BY EXPOSED UTILITY.

3. TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT, AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE. LOCATIONS AND SIZE OF TREE TRUNKS CAN ONLY BE CONSIDERED AS APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP. TREES WITH TRUNK DIAMETER SIZES OF 6 INCHES OR GREATER WERE LOCATED BY THE FIELD CREW.

4. THIS TENTATIVE PARCEL MAP MERGES & RESUBDIVIDES EXISTING PARCELS OWNED BY HU-HANTWO LLC.

5. PARCEL DIMENSIONS AND ACREAGES ARE APPROXIMATE.

6. PARCEL LINES AND AREAS MAY BE ADJUSTED AT THE TIME OF THE FINAL PARCEL MAP PROVIDED NO NEW ADDITIONAL PARCELS ARE CREATED, SUBJECT TO THE APPROVAL OF THE CITY OF MENLO PARK.

7. PURSUANT TO GOVERNMENT CODE SECTION 66456.1. THE SUBDIVIDER MAY FILE MULTIPLE FINAL MAPS BASED UPON THIS TENTATIVE PARCEL MAP. THE FILING OF A FINAL MAP ON A PORTION OF THIS TENTATIVE MAP SHALL NO INVALIDATE ANY PART OF THIS TENTATIVE PARCEL MAP.

8. EASEMENTS TO ACCOMMODATE NEW PUBLIC UTILITY IMPROVEMENTS, ACCESS REQUIRED FOR PARCEL DEVELOPMENT, OR OTHER SIMILAR MAPPING REQUIREMENTS NEEDED TO ACCOMPLISH THE FINAL DESIGN MAY BE ADDED PRIOR TO EACH FINAL MAP BASED ON THIS TENTATIVE PARCEL MAP.

9. ALL EXISTING RIGHT OF WAYS SHOWN WITHIN THE PROJECT LIMIT BOUNDARY ARE TO BE VACATED PER GOVERNMENT SECTION 66499.20, UNLESS OTHERWISE NOTED.

10. ALL STREET SIGNAGE AND STRIPING TO BE REPLACED TO THE SATISFACTION OF THE TRANSPORTATION MANAGER OF CITY OF MENLO PARK.

11. PER INSTRUMENT NUMBER 84083442 (TITLE REPORT EXCEPTION NUMBER 4), LOT 70 IS SUBJECT TO A PARKING EASEMENT TO BENEFIT LOT 69. EASEMENT WILL TERMINATE IF BUILDING ON LOT 69 IS REMOVED.

LEGEND

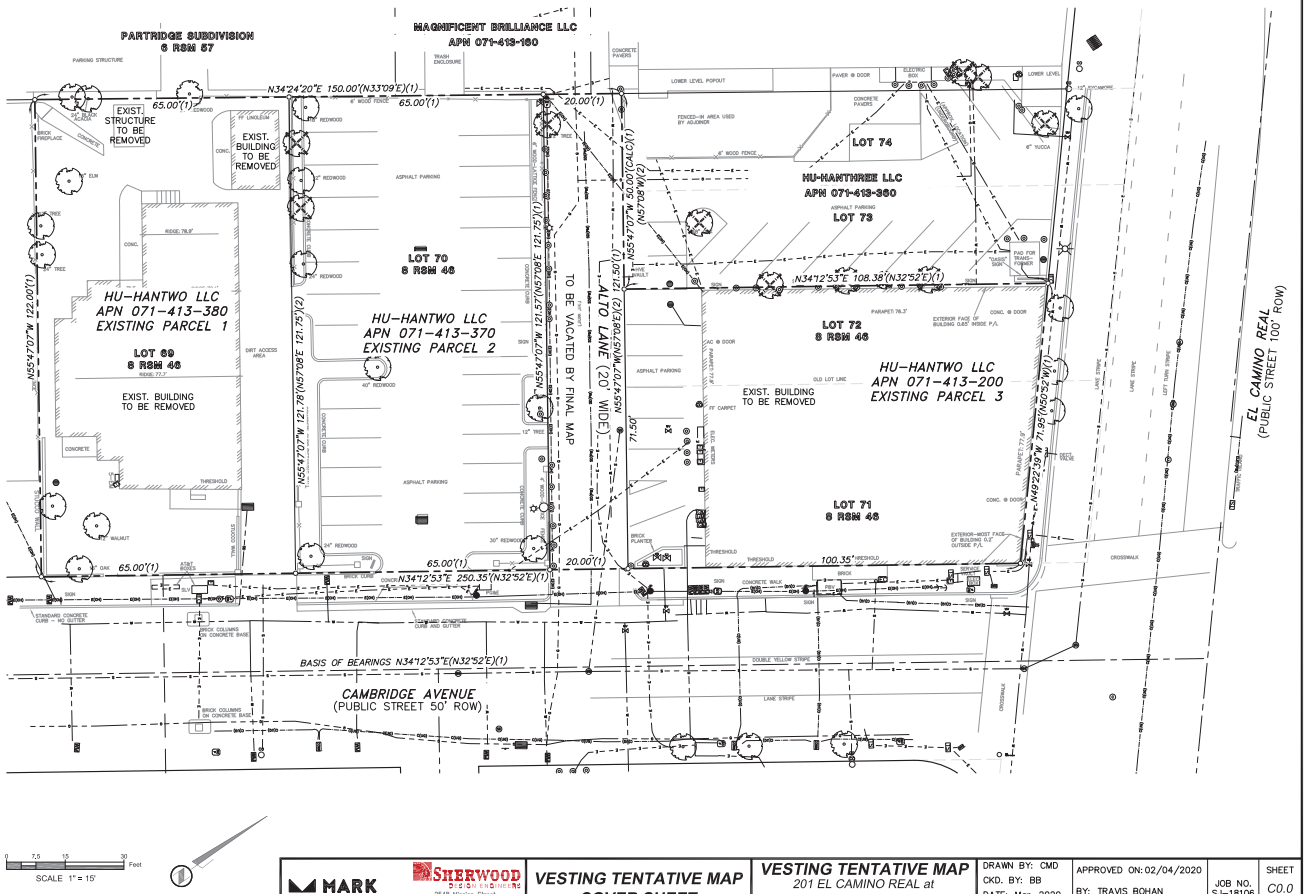
- AREA DRAIN
- BACKFLOW ASSEMBLY
- BOLLARD
- COMMUNICATIONS BOX
- COMMUNICATIONS MANHOLE
- DIMENSION POINT, NOTHING FOUND OR SET
- ELECTRICAL BOX
- ELECTRICAL METER
- ELECTROLIER
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- GAS METER
- GUY ANCHOR
- HANDICAP PARKING SIGN
- JOINT POLE
- LIGHT POLE
- NO PARKING SIGN
- POWER POLE
- SEWER CLEANOUT
- SEWER MANHOLE
- SIGN
- SPEED LIMIT SIGN
- STORM DRAIN INLET
- STORM DRAIN MANHOLE
- TRAFFIC SIGNAL
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL AND ELECTROLIER
- TREE
- TREE TO BE REMOVED
- WATER METER
- WATER VALVE
- (1) STANFORD PARK, 8 MAPS, PAGE 46

LEGEND

- BUILDING FOOT PRINT (EXISTING)
- COMMUNICATIONS LINE UNDERGROUND
- TOP FACE OF CURB
- TOP BACK OF CURB
- ELECTRIC LINE OVER HEAD
- ELECTRIC LINE UNDERGROUND
- FENCE
- GAS LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- STRIPING
- WATER LINE
- PROJECT LIMITS
- RIGHT OF WAY
- PROPERTY LINE
- CENTERLINE
- CONCRETE EDGE
- EDGE OF PAVEMENT
- WALL
- LIP OF GUTTER

ABBREVIATIONS

AC	ASPHALTIC CONCRETE
CONC	CONCRETE
FF	FINISHED FLOOR
OH	OVERHEAD ELECTRICAL
PBV	PACIFIC BELL VAULT
ROW	RIGHT OF WAY
SLV	SIGNAL VAULT



SURVEYOR'S STATEMENT

THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT IN NOVEMBER, 2018

LICENSED LAND SURVEYOR
TRAVIS TIMOTHY BOHAN
No. 8965
STATE OF CALIFORNIA

MARK THOMAS
3000 OAK ROAD, SUITE 650
WALNUT CREEK, CA 94597

TRAVIS TIMOTHY BOHAN LS 8965

11/12/19
DATE

MARK THOMAS
SHERWOOD DESIGN ENGINEERS
2548 Mission Street
San Francisco, CA 94110
www.sherwoodengineers.com

VESTING TENTATIVE MAP COVER SHEET

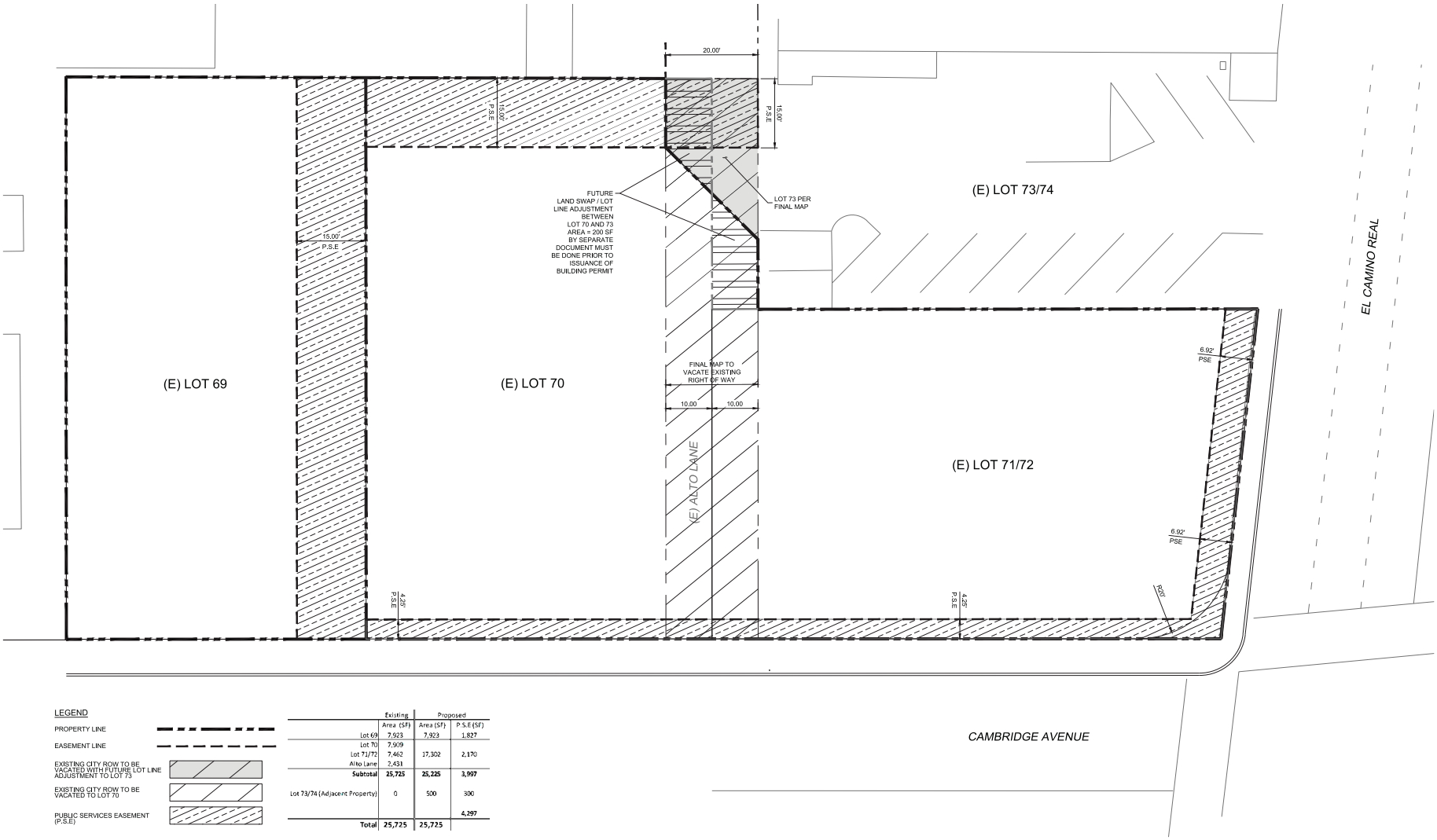
VESTING TENTATIVE MAP
201 EL CAMINO REAL at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

DRAWN BY: CMD
CKD. BY: BB
DATE: Mar. 2020
SCALE: 1"=15'

APPROVED ON: 02/04/2020
BY: TRAVIS BOHAN
L.S. NO. 8965

JOB NO. SJ-18106

SHEET C0.0



LEGEND

PROPERTY LINE

EASEMENT LINE

EXISTING CITY ROW TO BE VACATED WITH FUTURE LOT LINE ADJUSTMENT TO LOT 73

EXISTING CITY ROW TO BE VACATED TO LOT 70

PUBLIC SERVICES EASEMENT (P.S.E)

	Existing	Proposed	
	Area (SF)	Area (SF)	P.S.E (SF)
Lot 69	7,923	7,923	1,827
Lot 70	7,909		
Lot 71/72	7,462	17,302	2,170
Alto Lane	2,431		
Subtotal	**25,725**	**25,225**	**3,997**
Lot 73/74 (Adjacent Property)	0	500	300
			4,297
Total	**25,725**	**25,725**	

NOT FOR CONSTRUCTION

0 5' 10' 20'

MARK THOMAS

SHERWOOD Design Engineers
2540 Mission Street
San Francisco, CA 94110
www.sherwoodengineers.com

PARCEL PLAN

VESTING TENTATIVE MAP
201 EL CAMINO REAL at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

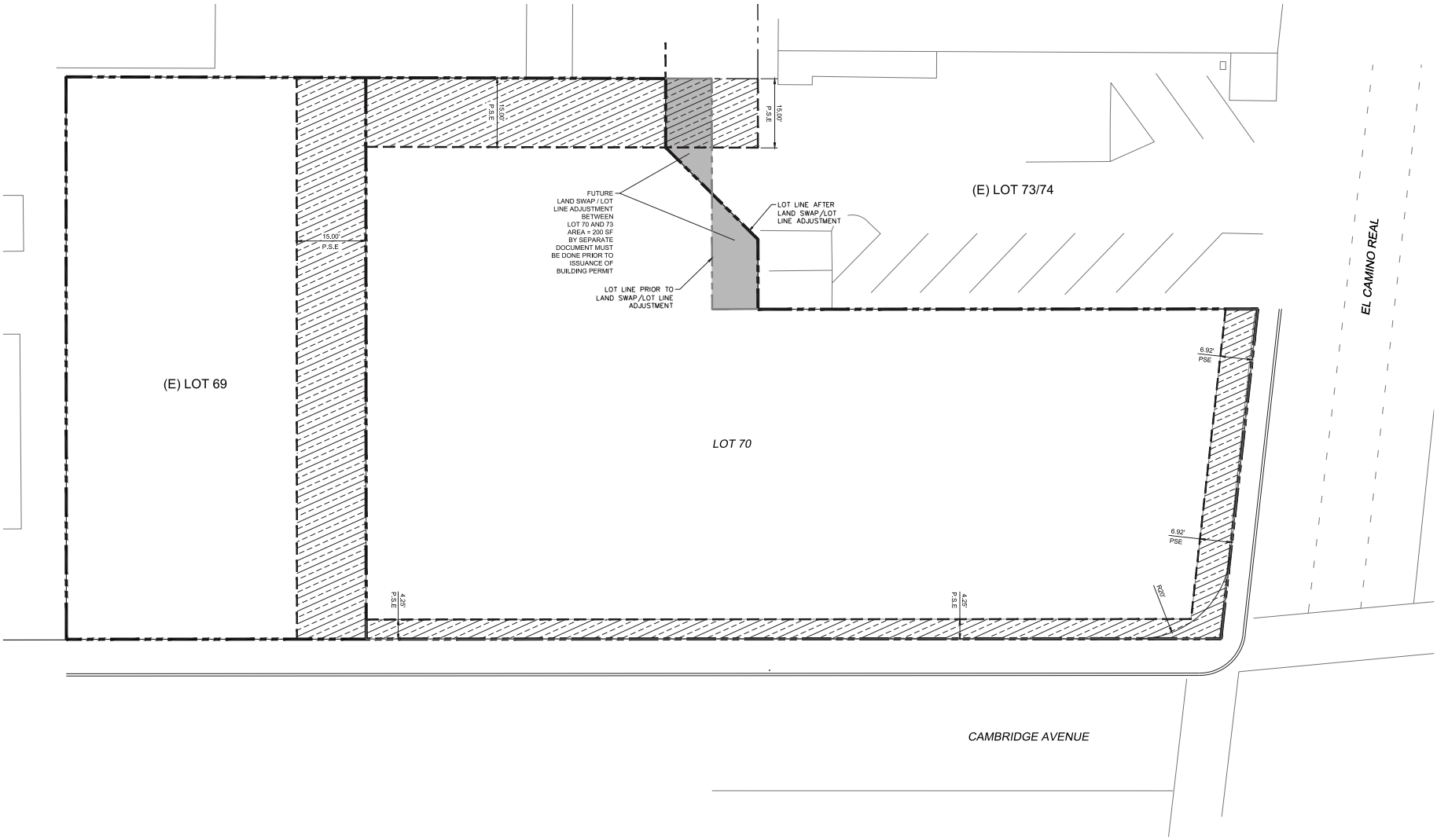
DRAWN BY: AK/TS
CKD. BY: CB
DATE: MARCH 2020
SCALE: 1" = 10'

APPROVED ON:
BY: JOHN LEYS
P.E. NO. C-72828

JOB NO. 17-214

SHEET C0.1

P:\2017\17-214_201_Camino\04_Design\01_CAD\05_SD\C\C0107 ARC.dwg,C0.1 PARCEL PLAN, Tina Simpson, 3/30/2020 4:23:58 PM,ARCH expand D (36.00 x 24.00 Inches),1:1



MARK THOMAS

SHERWOOD Design Engineers
2540 Mariposa Street
San Francisco, CA 94110
www.sherwoodengineers.com

LOT LINE ADJUSTMENT

VESTING TENTATIVE MAP
201 EL CAMINO REAL at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

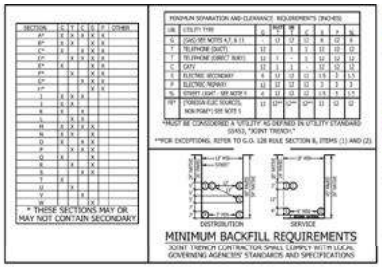
DRAWN BY: AK/TS
CKD. BY: CB
DATE: MARCH 2020
SCALE: 1" = 10'

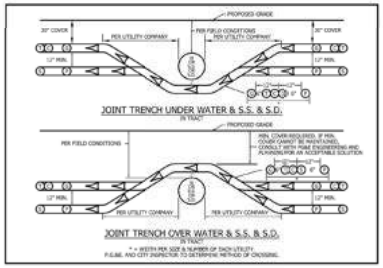
APPROVED ON:
BY: JOHN LEYS
P.E. NO. C-72828

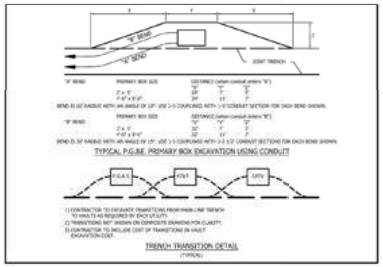
JOB NO. 17-214

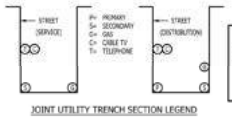
SHEET C0.2

P:\2017\17214_201_Camino\04_Design\01_CAD\05_SD\C020 LOT LINE ADJUST.dwg,C0.2 LOT LINE ADJUST,Tina Stimson,3/25/2020 2:23:06 PM,ARCH expand D (36.00 x 24.00 Inches),1:1:1

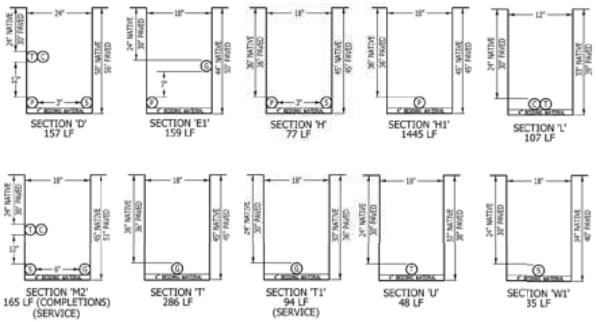


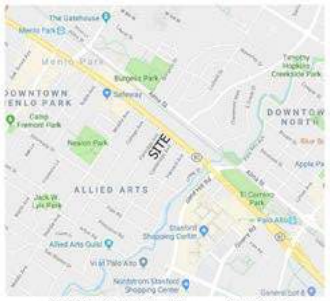






NOTE:
TRENCH SECTIONS SHOW UTILITY OCCUPANCY ONLY.
SIZE AND QUANTITY OF CONDUITS NOT SHOWN.

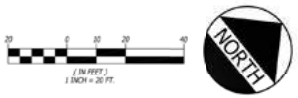


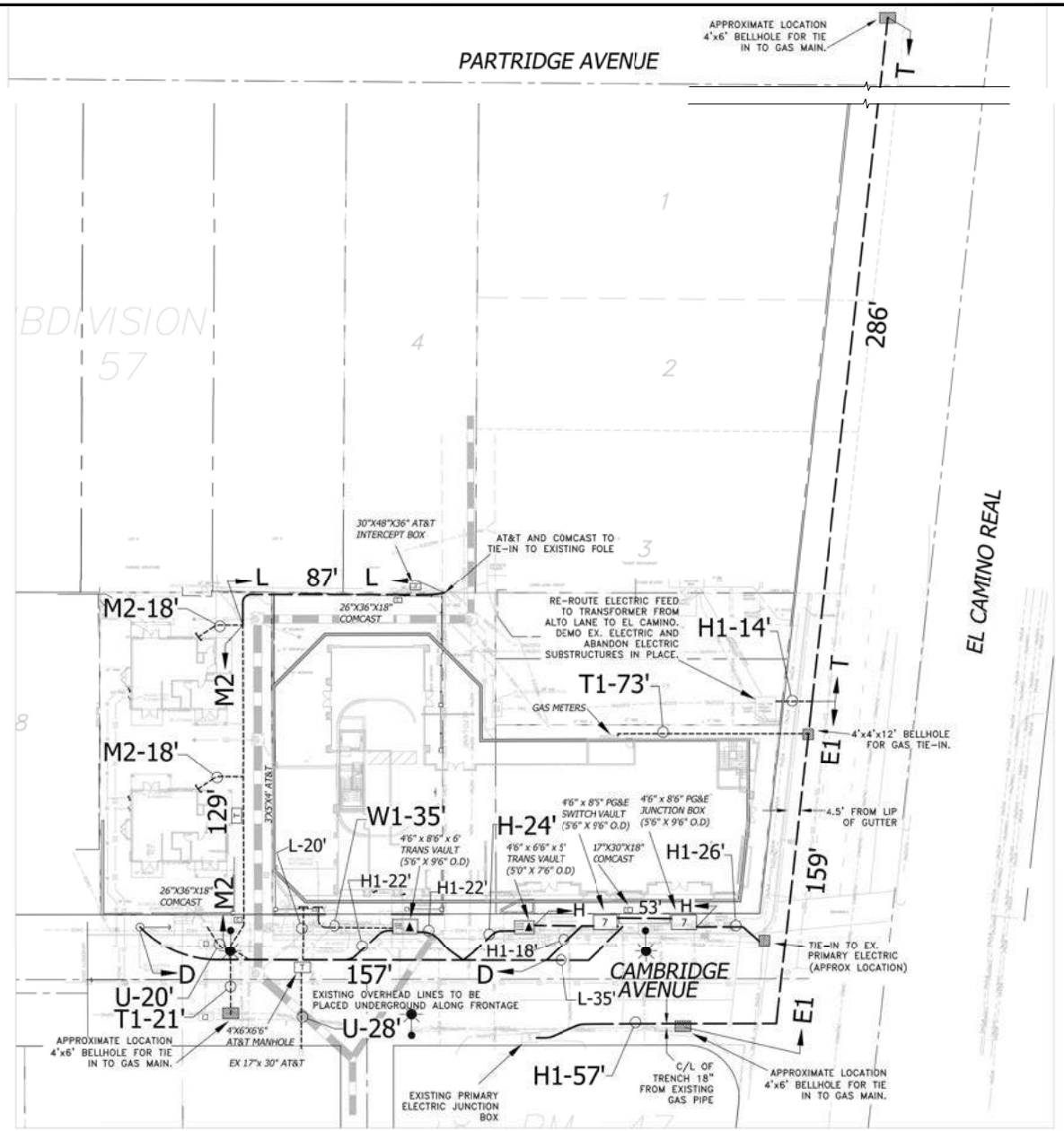


VICINITY MAP - NOT TO SCALE

NOTE:
-PRELIMINARY PLANS-
NOT FOR CONSTRUCTION

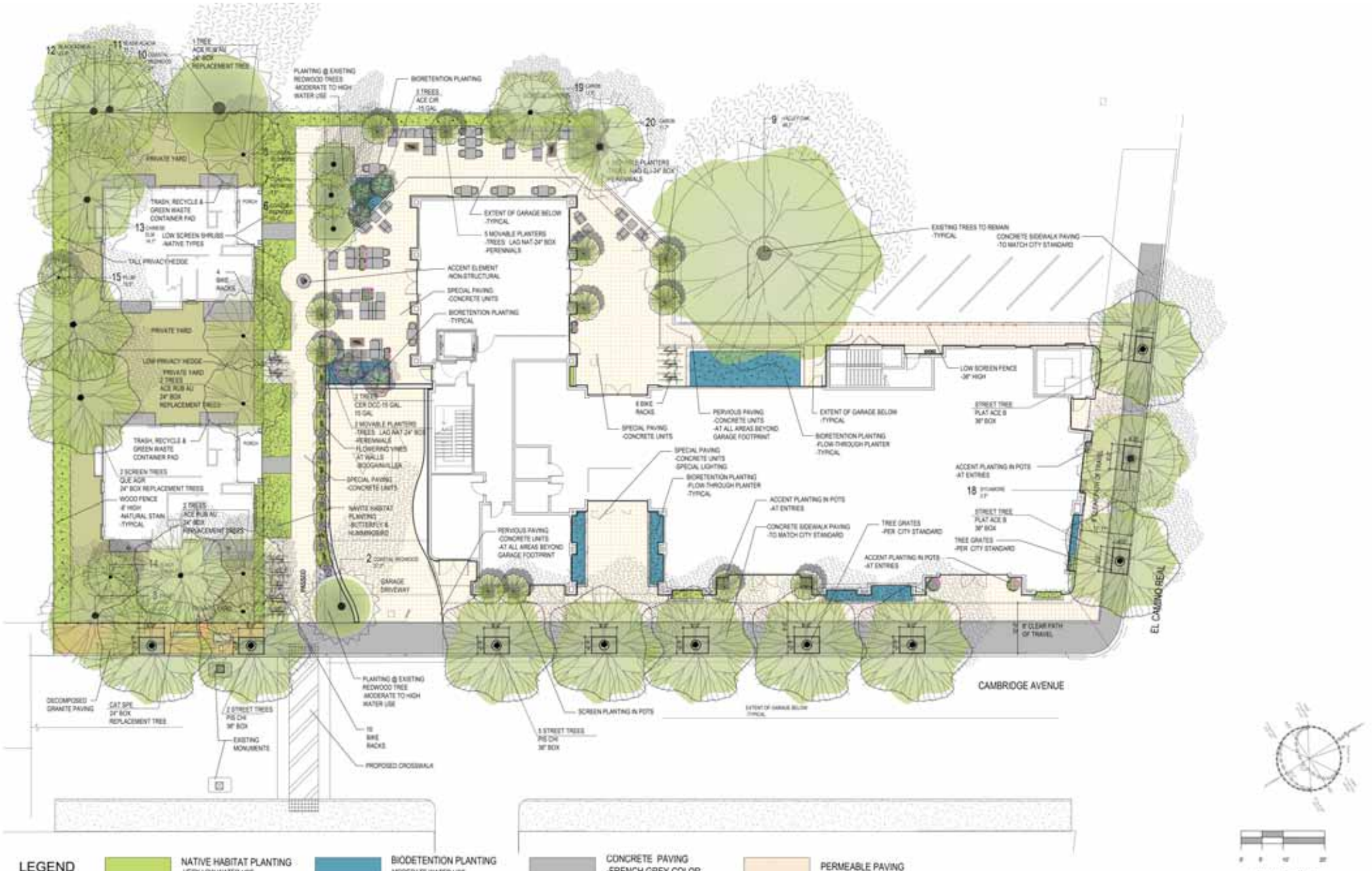
NOTE:
PLEASE VERIFY THE SERVICE POINTS ON THIS PLAN MATCH YOUR CURRENT DESIGN. IF THERE ARE DISCREPANCIES, PLEASE CONTACT THE PROJECT MANAGER IN OUR OFFICE @ 925-820-8502





NOT FOR CONSTRUCTION

MILLENNIUM DESIGN & CONSULTING, INC.	MARK THOMAS	SHERWOOD DESIGN ENGINEERS	JOINT TRENCH CONCEPTUAL COMPOSITE	VESTING TENTATIVE MAP 201 EL CAMINO REAL at CAMBRIDGE AVE MENLO PARK, CALIFORNIA 94025	DRAWN BY: AK/TS CKD. BY: CB DATE: MARCH 2020 SCALE: 1" = 20'	APPROVED ON: BY: JOHN LEYS P.E. NO. C-72828	JOB NO. 17-214	SHEET JT1



LEGEND

- NATIVE HABITAT PLANTING — VERY LOW WATER USE — HYDROZONE 1
- REDWOOD PLANTING — HYIGH WATER USE — HYDROZONE 3
- BIODETENTION PLANTING — MODERATE WATER USE — HYDROZONE 4
- PRIVATE YARD — VERY LOW WATER USE — HYDROZONE 5
- CONCRETE PAVING -FRENCH GREY COLOR
- DECOMPOSED GRANITE PAVING -TAN COLOR
- PERMEABLE PAVING -CONCRETE UNITS
- SPECIAL PAVING -CONCRETE UNITS

SCALE: 1"=10'

DATE		SHEET TITLE	SHEET NUMBER
09-11-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	LANDSCAPE PLAN	L1.0

VINES AT BUILDING













WOOD FENCIN□



PLANTER POT





CAFE TERRACE

DATE		SHEET TITLE	SHEET NUMBER	
09-11-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	LANDSCAPE CONCEPT IMA□ES	L1.1	ZAC Landscape Architects, Inc. 140 Keller Street Petaluma, California 94952 (707) 696-2967 www.zaclandscape.com ar@zaclandscape.com

WATER TREATMENT PLANT LIST



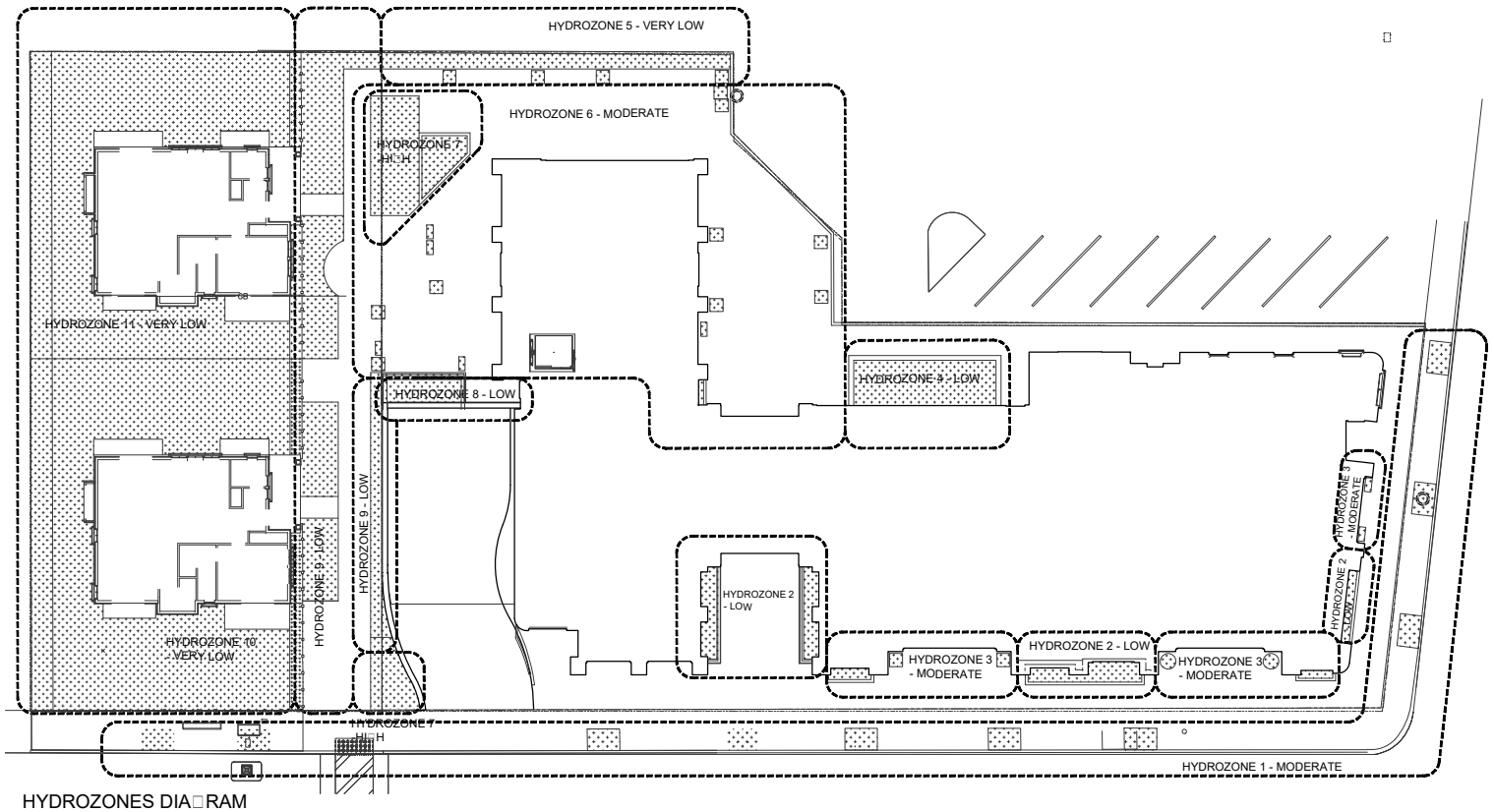
SITE PLANT LIST



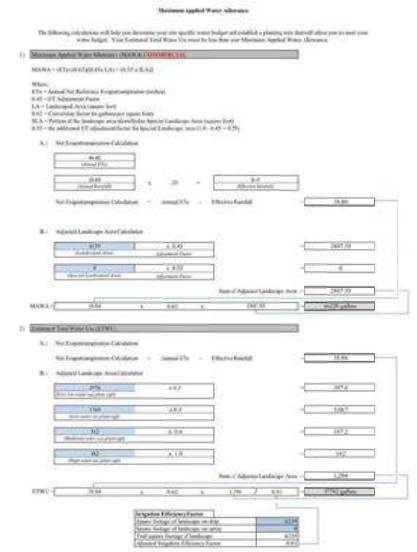


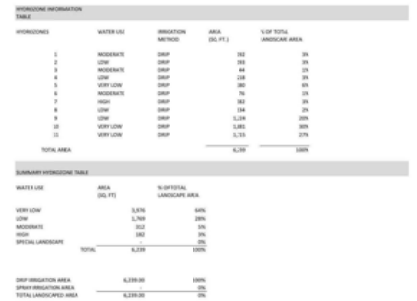


DATE		SHEET TITLE	SHEET NUMBER	
07-28-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	PLANT LIST AND IMA□ES	L2.0	ZAC Landscape Architects, Inc. 140 Keller Street Petaluma, California 94952 (707) 696-2967 www.zaclandscape.com sr@zaclandscape.com

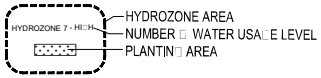


HYDROZONES DIA□RAM





LE□END

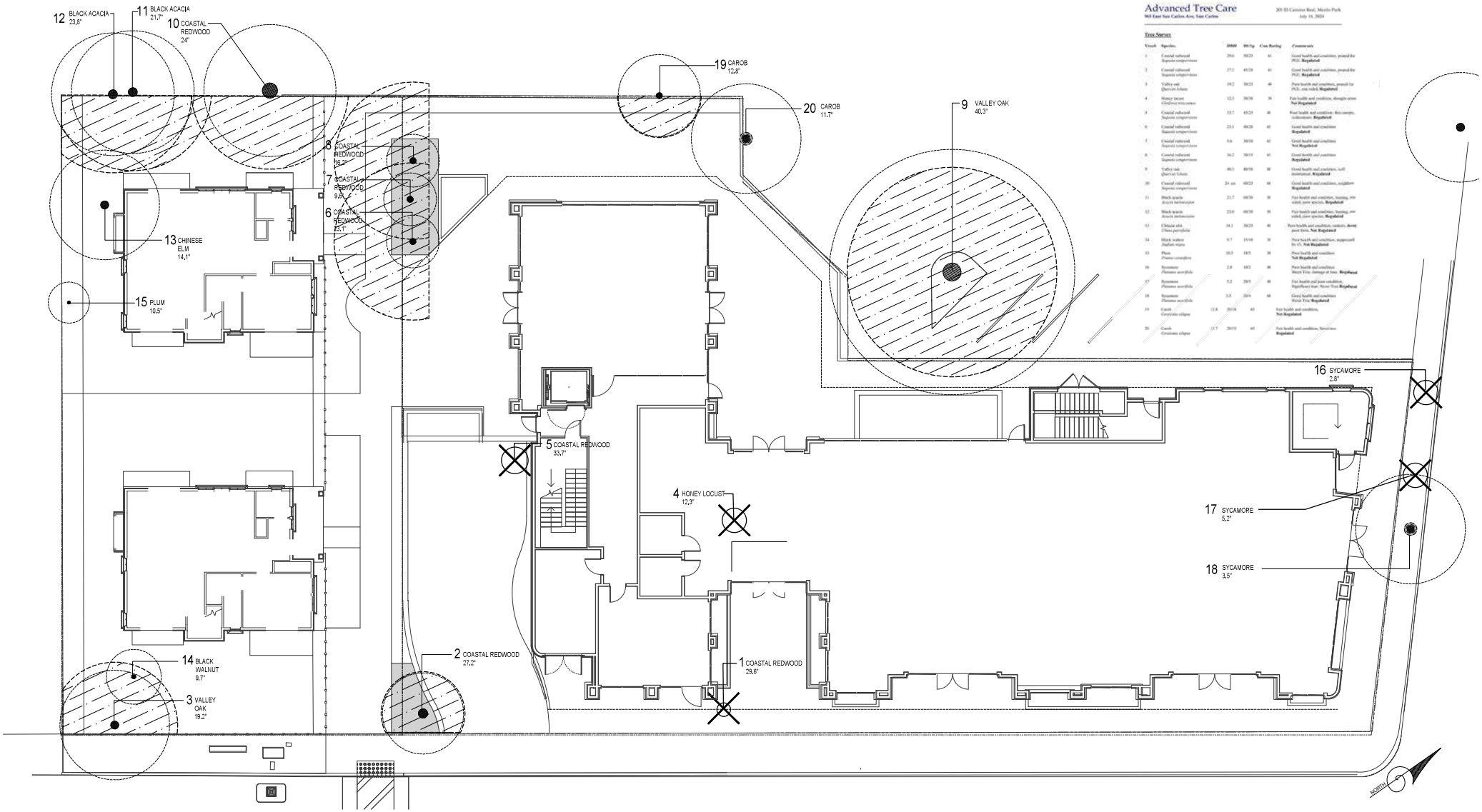


SCALE□3/32"□1□0"

0□ 4□ 8□ 16□

PRO□ECT DATA

CONTACT INFORMATION□	SANDRA REED LANDSCAPE ARCHITECT ZAC LANDSCAPE ARCHITECTS (707) 696-2967 sr@zaclandscape.com
TOTAL LANDSCAPE AREA□	6,239 SF
PRO□ECT TYPE□	REHABILITATED PRIVATE RESIDENCE
WATER SUPPLY TYPE□	POTABLE WATER
STATEMENT□	I HAVE TO COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE AND IRRI□ATION DESI□N PLAN. SI□NED:□□□



Advanced Tree Care

201 El Camino Real, Menlo Park

965 East San Carlos Ave; San Carlos

July 18, 2020

Tree Survey

Tree#	Species	DBH	HtxSp	Con Rating	Comments
1	Coastal redwood Sequoia sempervirens	29.6	50/25	85	Good health and condition, pruned for PUE, Regulated
2	Coastal redwood Sequoia sempervirens	27.2	45/20	85	Good health and condition, pruned for PUE, Regulated
3	Valley oak Quercus lobata	19.2	30/25	40	Poor health and condition, pruned for PUE, one sided, Regulated
4	Honey locust Gleditsia triacanthos	12.3	30/30	70	Fair health and condition, drought stress Not Regulated
5	Coastal redwood Sequoia sempervirens	33.7	45/25	80	Poor health and condition, fire canopy, codominant, Regulated
6	Coastal redwood Sequoia sempervirens	23.1	40/20	85	Good health and condition Regulated
7	Coastal redwood Sequoia sempervirens	9.6	30/10	85	Good health and condition Not Regulated
8	Coastal redwood Sequoia sempervirens	18.2	30/15	85	Good health and condition Regulated
9	Valley oak Quercus lobata	40.3	40/50	80	Good health and condition, well maintained, Regulated
10	Coastal redwood Sequoia sempervirens	24 est	60/25	80	Good health and condition, neighbor Regulated
11	Black acacia Acacia melanoxylon	21.7	60/30	70	Fair health and condition, leaning, one sided, poor species, Regulated
12	Black acacia Acacia melanoxylon	23.8	60/30	70	Fair health and condition, leaning, one sided, poor species, Regulated
13	Chinese elm Ulmus parvifolia	14.1	30/25	40	Poor health and condition, rodents, decay poor form, Not Regulated
14	Black walnut Juglans nigra	9.7	15/10	30	Poor health and condition, suppressed by #3, Not Regulated
15	Plum Prunus cerasifera	10.5	18/5	30	Poor health and condition Not Regulated
16	Sycamore Platanus acerifolia	2.8	10/2	40	Poor health and condition Street Tree, damage at base, Regulated
17	Sycamore Platanus acerifolia	5.2	20/5	40	Fair health and poor condition, Significant Acer Tree Regulated
18	Sycamore Platanus acerifolia	3.5	20/4	60	Good health and condition Street Tree Regulated
19	Carob Ceratonia siliqua	12.8	20/10	65	Fair health and condition, Not Regulated
20	Carob Ceratonia siliqua	11.7	20/15	65	Fair health and condition, Street tree Regulated

LEGEND

TRUNK WRAP PROTECTION

3 VALLEY OAK 19.2" — EXISTING TREE TO REMAIN
TREE NUMBER AND CALIPER SIZE
TREE PROTECTION FENCE

6 COASTAL REDWOOD 23.1" — EXISTING TREE TO BE REMOVED
TREE NUMBER AND CALIPER SIZE

PLANTING AT REDWOOD TREES
-HIGH WATER USE

SCALE 1/8"=1'-0"
0 4 8 16

NOTES

1. SEE ARBORIST REPORT, by ADVANCED TREE CARE SHEETS T2 & T3

DATE		SHEET TITLE	SHEET NUMBER		
07-28-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	TREE DISPOSITION PLAN	T1	Advanced Tree Care Certified Arborist WE 1939a P.O. BOX 5326 Redwood City, California 94063	ZAC Landscape Architects, Inc. 140 Keller Street Petaluma, California 94952 (707) 696-2967 www.zaclandscape.com ac@zaclandscape.com

Advanced Tree Care
965 East San Carlos Ave, San Carlos

201 El Camino Real, Menlo Park
July 18, 2020

Hu: Haritwo LLC
86 Michaels Way
Atherton, CA 94027

Site: 201 El Camino Real, Menlo Park

Dear Hu,

At your request I visited the above site for the purpose of inspecting and commenting on the Regulated trees around the property. A development is planned, prompting the need for this tree protection report.

Method:
Menlo Park requests that all trees within the property or within 8 feet of the property lines be included on the report if the trunk diameter at standard height is greater than 6 inches. The location of the trees on this site can be found on the plan provided by you. Each tree is given an identification number. The trees are measured at 54 inches above ground level (DBH or Diameter at Breast Height). A condition rating of 1 to 100 is assigned to each tree representing form and vitality on the following scale:

1 to 29	Very Poor
30 to 49	Poor
50 to 69	Fair
70 to 89	Good
90 to 100	Excellent

The height and spread of each tree is estimated. A Comments section is provided for any significant observations affecting the condition rating of the tree.

A Summary and Tree Protection Plan are at the end of the end of the survey providing recommendations for maintaining the health and condition of the trees during and after construction. There is an Addenda at the end of the report for specific details required through planning and construction.

If you have any questions, please don't hesitate to call.

Sincerely

Robert Weatherill
Certified Arborist WE 1936A

Advanced Tree Care
965 East San Carlos Ave, San Carlos

201 El Camino Real, Menlo Park
July 18, 2020

Tree Survey:

Tree#	Species	DBH	Ht/Sp	Con Rating	Comments
1	Coastal redwood *Sequoia sempervirens*	29.6	30/25	65	Good health and condition, pruned for PGE, **Regulated**
2	Coastal redwood *Sequoia sempervirens*	27.2	45/20	65	Good health and condition, pruned for PGE, **Regulated**
3	Valley oak *Quercus lobata*	19.2	30/25	80	Poor health and condition, pruned for PGE, one sided, **Regulated**
4	Honey locust *Gleditsia triacanthos*	12.3	30/30	50	Fair health and condition, drought stress **Not Regulated**
5	Coastal redwood *Sequoia sempervirens*	13.7	45/25	40	Poor health and condition, thin canopy, codominant, **Regulated**
6	Coastal redwood *Sequoia sempervirens*	23.1	40/20	65	Good health and condition **Regulated**
7	Coastal redwood *Sequoia sempervirens*	9.6	30/10	65	Good health and condition **Not Regulated**
8	Coastal redwood *Sequoia sempervirens*	16.2	30/15	65	Good health and condition **Regulated**
9	Valley oak *Quercus lobata*	40.3	40/50	80	Good health and condition, well maintained, **Regulated**
10	Coastal redwood *Sequoia sempervirens*	24 est	60/25	60	Good health and condition, neighbors **Regulated**
11	Black acacia *Acacia melanoxylon*	21.7	60/30	50	Fair health and condition, leaning, one sided, poor species, **Regulated**
12	Black acacia *Acacia melanoxylon*	23.4	60/30	50	Fair health and condition, leaning, one sided, poor species, **Regulated**
13	Chinese elm *Ulmus parvifolia*	14.1	30/25	40	Poor health and condition, cankers, **decay** poor form, **Not Regulated**
14	Black walnut *Juglans nigra*	9.7	15/10	30	Poor health and condition, suppressed by #5, **Not Regulated**
15	Plum *Prunus cerasifera*	10.5	18/5	30	Poor health and condition **Not Regulated**
16	Sycamore *Platanus acerifolia*	2.8	10/2	40	Poor health and condition Street Tree, damage at base, **Regulated**
17	Sycamore *Platanus acerifolia*	3.2	20/5	40	Fair health and poor condition, Significant lean. Street Tree **Regulated**
18	Sycamore *Platanus acerifolia*	3.3	20/4	60	Good health and condition Street Tree **Regulated**

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Tree#	Species	DBH	Ht/Sp	Con Rating	Comments
19	Carob *Ceratonia siliqua*	12.8	20/10	45	Fair health and condition, **Not Regulated**
20	Carob *Ceratonia siliqua*	11.7	20/15	45	Fair health and condition, Street tree **Regulated**

Summary:
The trees on the site are a variety of natives and non-natives.
There are 10 Regulated trees of which 1 is on a neighbor's property.
Tree # 1 is a Regulated trees in good health and condition and has been requested for removal since it is within the proposed construction.
Tree # 5 is a Regulated tree in poor health and condition and should be removed.
Tree #s 2, 3, 6, 8, 9, 10, 11 and 12 are Regulated trees that should be protected during construction.
Tree #s 4, 7, 13, 14 and 15 are not Regulated trees and can be removed if desired.
Tree #s 16, 17, 18 are street trees along El Camino Real. Tree #s 16 and 17 are in fair health and poor condition and should be removed. Tree # 18 should be protected during construction.
Tree # 19 is a Non Regulated tree on the neighbor's property that should be protected during construction.
Tree # 20 is a tree in the public right of way and should also be protected during construction.

Tree Protection Plan

1. The Tree Protection Zone (TPZ) should be defined with protective fencing. This should be cyclone or chain link fencing on 1½ or 2 posts driven at least 2 feet in to the ground standing at least 6 feet tall. Normally a TPZ is defined by the dripline of the tree. I recommend the TPZ's as follows:-

Tree # 2: TPZ should be at 8 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [4]

Tree # 3: TPZ should be at 12 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [4].

Tree #s 6, 8, 10, 11 and 12: TPZ should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [4] The tree protection for Tree #s 6 and 8 can be reduced to accommodate excavation for the parking garage but should be no closer than 3 feet from the trunk.

Tree #s 9: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [4]. This can be reduced to no less than 15 feet to accommodate the excavation of the parking garage.

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Tree # 19: TPZ should be at 8 feet from the trunk closing on the fence in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [4]

Tree #s 18 and 20: The trunks should be wrapped with 4 layers of orange snow fencing and 2 inch thick wooden slats to a height of 10 feet above finished grade with Type III Tree Protection as outlined and illustrated in image 2.15-4 [4]

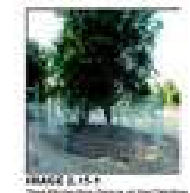

IMAGE 2.15-1
Tree Protection Fence at the Dripline



IMAGE 2.15-2
Tree Protection Fence at the Dripline

- Type I Tree Protection
The fences shall enclose the entire area under the **canopy dripline or TPZ** of the tree(s) to be saved throughout the life of the project, or until final improvement work within the area is required, typically near the end of the project (see Images 2.15-1 and 2.15-2). Parking Areas: If the fencing must be located on paving or sidewalk that will not be demolished, the posts may be supported by an appropriate grade level concrete base.



IMAGE 2.15-4
Trunk Wrap Protection

- Type III Tree Protection
Trees situated in a small tree well or **sidewalk planter pit**, shall be wrapped with 2-inches of orange plastic fencing as padding from the ground to the first branch with 2-inch thick wooden slats bound securely on the outside. During installation of the wood slats, caution shall be used to avoid damaging any bark or branches. Major scaffold limbs may also require plastic fencing as directed by the City Arborist. (see Image 2.15-4)

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2. Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel**. No limbs greater than 4 in diameter shall be removed.

3. All trees should be deep root fertilized prior to construction. Supplemental irrigation may be required during the period of construction.

4. Any excavation in ground where there is a potential to damage roots of 1 or more in diameter should be carefully hand dug. Where possible, roots should be dug around rather than cut.[2]

5. If roots are broken, every effort should be made to remove the damaged area and cut it back to its closest lateral root. A clean cut should be made with a saw or pruners. This will prevent any infection from damaged roots spreading throughout the root system and into the tree.[2]

6. **Do Not:**[4]
a. Allow run off or spillage of damaging materials into the area below any tree canopy.
b. Store materials, stockpile soil, park or drive vehicles within the TPZ of the tree.
c. Cut, break, skin or bruise roots, branches or trunk without first obtaining permission from the city arborist.
d. Allow fires under any adjacent trees.
e. Discharge exhaust into foliage.
f. Secure cable, chain or rope to trees or shrubs.
g. Apply soil sterilants under pavement near existing trees.

7. Where roots are exposed, they should be kept covered with the native soil or four layers of wetted, untreated burlap. Roots will dry out and die if left exposed to the air for too long.[4]

8. Route pipes into alternate locations to avoid conflict with roots.[4]

9. Where it is not possible to reroute pipes or trenches, the contractor is to bore beneath the dripline of the tree. The boring shall take place no less than 3 feet below the surface of the soil in order to avoid encountering feeder roots.[4]

10. Compaction of the soil within the dripline shall be kept to a minimum.[2]

11. Any damage due to construction activities shall be reported to the project arborist or city arborist within 6 hours so that remedial action can be taken.

12. Ensure upon completion of the project that the original ground level is restored

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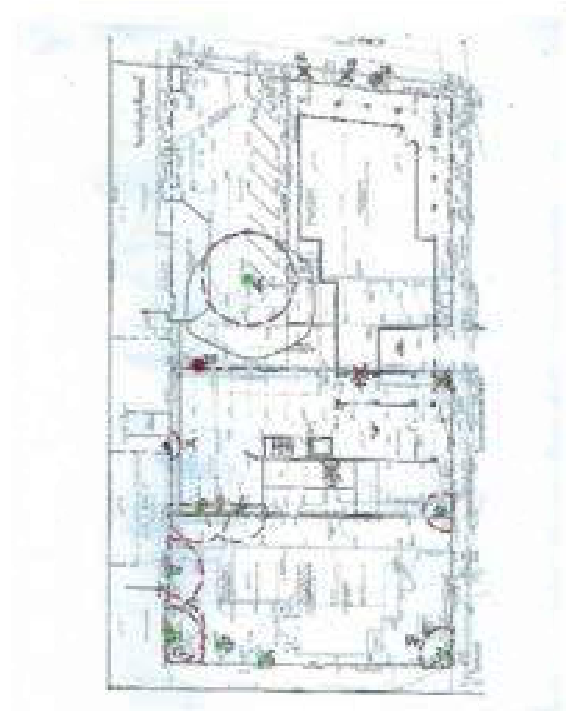

Location of existing buildings and parking area, protected trees and their Tree Protection Zones.

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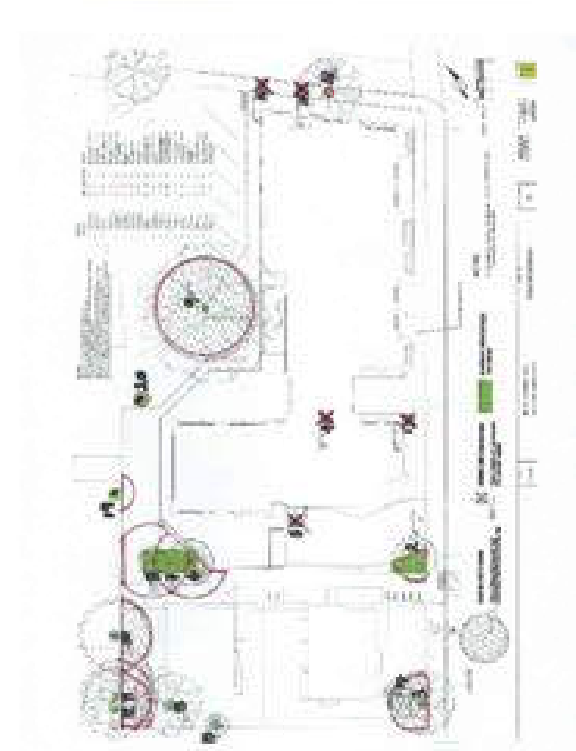

Location of proposed construction, protected trees and their Tree Protection Zones

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July 18, 2020

Glossary

Canopy	The part of the crown composed of leaves and small twigs.[2]
Cavities	An open wound, characterized by the presence of extensive decay and resulting in a hollow.[1]
Decay	Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin[1]
Dripline	The width of the crown as measured by the lateral extent of the foliage.[1]
Genus	A classification of plants showing similar characteristics.
Root crown	The point at which the trunk flares out at the base of the tree to become the root system.
Species	A Classification that identifies a particular plant.
Standard height	Height at which the girth of the tree is measured. Typically 4 1/2 feet above ground level

References

(1) Matheny, N.P., and Clark, J.P. Evaluation of Hazard Trees in Urban Areas. International Society of Arboriculture, 1994.

(2) Harris, R.W., Matheny, N.P. and Clark, J.R.. Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines. Prentice Hall, 1999.

(3) Carlson, Russell E. Paulownia on The Green: An Assessment of Tree Health and Structural Condition. Tree Tech Consulting, 1998.

(4) Extracted from a copy of Tree Protection guidelines. Anon

(5) T. D. Sydnor, Arboricultural Glossary. School of Natural Resources, 2000

(6) D Dockter, Tree Technical Manual. City of Palo Alto, June, 2001

Advanced Tree Care
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Certification of Performance[3]

I, Robert Weatherill certify:

* That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms and Conditions;

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

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

* That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;

* That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

* That no one provided significant professional assistance to the consultant, except as indicated within the report.

I further certify that I am a member of the International Society of Arboriculture and a Certified Arborist. I have been involved in the practice of arboriculture and the care and study of trees for over 15 years.

Signed

Robert Weatherill
Certified Arborist WE 1936a
Date: 7/18/20

Advanced Tree Care
965 East San Carlos Ave, San Carlos

201 El Camino Real, Menlo Park
July 18, 2020

Terms and Conditions[3]
The following terms and conditions apply to all oral and written reports and correspondence pertaining to consultations, inspections and activities of Advanced Tree Care.
1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either verbally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Advanced Tree Care, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded.
3. All reports and other correspondence are confidential, and are the property of Advanced Tree Care and it's named clients and their assignees or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Advanced Tree Care and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report. No warranty or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.
7. Advanced Tree Care has no warranties, either expressed or implied, as to the suitability of the information contained in the reports for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultants, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphic material or the work product of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by Advanced Tree Care or the consultant as to the sufficiency or accuracy of that information.

DATE		SHEET TITLE	SHEET NUMBER		
07-27-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	ARBORIST REPORT □ TREE PROTECTION SPECIFICATIONS	T2	Advanced Tree Care Certified Arborist WE 1936a P.O. BOX 5326 Redwood City, California 94063	ZAC Landscape Architects, Inc. 145 Keller Street Petaluma, California 94952 (707) 696-2967 www.zaclandscape.com sr@zaclandscape.com

Addenda

Specific Construction Impacts on Tree #s 2, 3, 6, 8 and 9

Coast redwood #2

TPZ should be at 8 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [16]. This can be free standing, temporary fencing whilst the asphalt and driveway is intact. Demolition of existing brickwork pillars, curbs and asphalt should be done by hand within the TPZ. When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

Excavation for the ramp down to the garage and its retaining wall within the TPZ should be done by hand or machine carefully reaching into the TPZ. If roots are encountered greater than 2 inches in diameter, they should be left intact and inspected by the Site Arborist. Roots should be worked around where possible.

The joint trench to convert existing overhead electric, telephone and CATV will be located in the sidewalk of Cambridge Ave. This should be hand dug. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #2 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

Redwoods are quite tolerant to construction impacts but as a precaution to ensure that the health and vigor of the tree is maintained during construction, the tree should be deep root fertilized prior to construction. Supplemental irrigation should be applied between the months of May and August, twice a month during construction to ensure the health and vigor of the tree is maintained during construction.

The landscape around Tree #2 should be moderate to high water use. No plantings or irrigation within 5 feet of the trunk of the tree.

Valley oak #3

TPZ should be at 12 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [16]. This can be free standing, temporary fencing whilst the driveway is intact. Demolition of existing driveway, walls, curbs and asphalt should be done by hand within the TPZ. When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

The joint trench to convert existing overhead electric, telephone and CATV will be located in the sidewalk of Cambridge Ave. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #3 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

A new water line and sewer will pass through the TPZ of this tree. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #3 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

Coast redwood #s 6 and 8

TPZs should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [16]. This can be free standing, temporary fencing whilst the asphalt and driveway is intact. Demolition of existing asphalt should be done by hand within the TPZs.

When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

Excavation for the garage and its retaining wall within the TPZs will be minimized using shoring techniques, this will ensure that there is no unnecessary over-dig. The first 3 feet in depth of the excavation within the TPZ should be done by hand to determine what roots may be impacted. All roots should be retained and inspected by the Site Arborist. **No roots greater than 2 inches in diameter should be damaged or cut without Arborist Supervision.**

Redwoods are quite tolerant to construction impacts but as a precaution to ensure that the health and vigor of the tree is maintained during construction, the tree should be deep root fertilized prior to construction. Supplemental irrigation should be applied between the months of May and August, twice a month during construction to ensure the health and vigor of the tree is maintained during construction.

A storm drain is proposed between Tree #s 6 and 8. There will be a high density of important roots within this area, consequently this drain should be bored beneath the trees no less than 3 feet below the surface.

The landscape around Tree #s 6 and 8 should be moderate to high water use. No plantings or irrigation within 5 feet of the trunk of the tree.

Valley oak #9

TPZ should be at 20 feet from the trunk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [16]. This can be reduced to no less than 15 feet to accommodate the excavation of the parking garage. This can be free standing, temporary fencing whilst the existing parking lot is intact. Demolition of existing parking lot should be done by machine reaching into the TPZ. After removal of the asphalt, no machinery should track through the TPZ unless the root zone is protected with steel plates or plywood laid on 4 inches of wood chips. When demolition is complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

Currently, the existing parking lot is constructed with asphalt. The future parking lot will also be asphalt. The new finished level of the asphalt must slope away from the tree. There should be no standing water along the curb line by the tree. There should be minimum preparation necessary for the new asphalt as compaction of existing substrates has already been achieved. Preparation for parking lot construction should be kept to a minimum if possible. The TPZ fencing will have to be removed when preparing the parking lot. After removal of the fencing, the trunk should be wrapped with 4 layers of orange snow fencing and 2 inch thick wooden slats to a height of 10 feet above finished grade as outlined below, Type III Tree Protection.



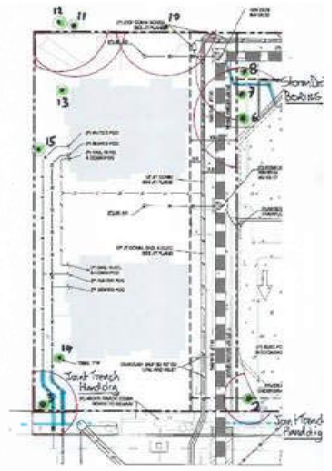
IMAGE 2.15.4
Trunk Wrap Protection

Type III Tree Protection
Trees situated in a small tree well or **sidewalk planter pit**, shall be wrapped with 2-inches of orange plastic fencing as padding from the ground to the first branch with 2-inch thick wooden slats bound securely on the outside. During installation of the wood slats, caution shall be used to avoid damaging any bark or branches. Major scaffold limbs may also require plastic fencing as directed by the City Arborist. (see Image 2.15-4)

A new curb line will be constructed around the base of the tree. This should be no closer than 2 feet from the trunk of the tree. The excavation for the foundation of the curb should be done by hand, no roots greater than 2 inches should be cut. After installation of the curb, a root crown excavation should be performed by an arborist. Once the root crown has been exposed, this area should be covered with a 2 inch layer of mulch. There should be no plantings or irrigation within 5 feet of the trunk of the tree.

Construction of the bio treatment area and permeable pavers within the TPZ should be done by hand. No roots greater than 2 in diameter shall be cut.

Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel.** No limbs greater than 4 in diameter shall be removed. From a visual inspection, it appears that no more than 10% of the canopy will need to be pruned to accommodate the new construction.



Locations of hand dig and boring for storm drains and utilities

Further Specific Construction Impacts on Tree # 2

Coast redwood #2

Please refer to drawing and photographs overleaf.

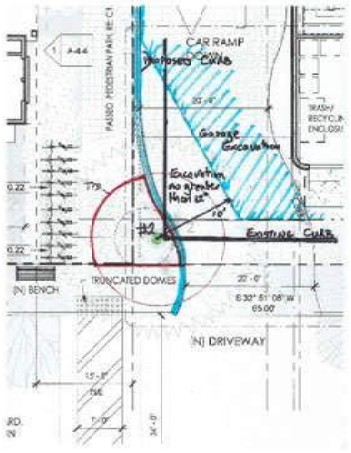
It can be seen from the drawing and attached photograph that the existing curb line is very close to Tree #2. This curb will be removed and replaced with a new curb which is shown in white on the photograph and blue on the drawing. Excavation for the garage will not be any closer than 10 feet from the trunk of the tree. Excavation between the proposed new curb and edge of excavation for the garage will not exceed 12 inches in depth and all precautions protecting roots greater than 2 in diameter will be adhered to. The excavation of the proposed entry into the garage from the street to the edge of garage dig will not exceed 12 in depth and will be replaced with porous paving material.



Proposed new curb and edge of garage excavation close to Tree # 2



Proposed new curb and edge of garage excavation close to Tree # 2



Proposed new curb and garage excavation close to Tree # 2

Site Monitoring Activities

There will be monthly site visits for the duration of the project to ensure tree protection is all in place and to monitor the health and condition of the trees during construction. Monthly reports will be submitted to direckland@menlopark.org.

The following specific activities should be monitored by the Site Arborist:

Set up of initial Tree Protection Fencing prior to demolition

Pruning of Tree # 9 for construction clearances

Adjustment of Tree Protection Fencing for excavation and construction

Excavation of ramp and retaining wall close to Tree # 2

Excavation of Joint Utilities Trench close to Tree #s 2 and 3

Excavation and shoring within the TPZs of Tree #s 6 and 8

Excavation for storm drain boring beneath Tree #s 6 and 8

Root crown excavation of Tree # 9

DATE		SHEET TITLE	SHEET NUMBER		
07-28-2020	201 EL CAMINO REAL MENLO PARK, CALIFORNIA 94025	TREE PROTECTION SPECIFICATIONS	T3	Advanced Tree Care Certified Arborist WE 1026a P.O. BOX 5326 Redwood City, California 94063	ZAC Landscape Architects, Inc. 140 Keller Street Petaluma, California 94952 (707) 696-2967 www.zaclandscape.com ar@zaclandscape.com

201 El Camino Real & 612 Cambridge Avenue Project

Revised Project Description – Updated 9/30/2020

I. Introduction

The property owner and Project Sponsor is Hu-HanTwo, LLC, which is owned by Dr. Bo (Paul) Hu, and his wife, Dr. Han Xiaohong. Their daughter, Yihan Hu, who was recently a graduate student at Stanford University, serves as the Project's representative.

The primary goal of this Project is to complement the revitalization of the southern end of El Camino Real in Menlo Park by replacing the existing nondescript commercial building and adjacent surface parking lot with two residential levels over ground-level commercial space, providing neighborhood serving retail/personal services and restaurant uses. The provision of residential units, including BMR units, as the primary use would facilitate the City's efforts to address its housing needs, while respecting the character of the Allied Arts area in the vicinity of the Project. The Project will be consistent with the El Camino Real / Downtown Specific Plan's guiding principles by (i) enhancing public space, (ii) generating vibrancy, (iii) sustaining Menlo Park's village character, (iv) enhancing connectivity, and (v) promoting healthy living and sustainability.

II. Project Overview

The 201 El Camino Real/612 Cambridge Project will provide a broad range of benefits to the community, including:

- 14 residential units (a net increase of 10 residential units) including a range of housing types (1 and 2-bedroom apartments, and two four-bedroom townhouses).
- Two below market rate ("BMR") housing units.
- Elimination of existing surface parking lot (which will be replaced by a two-level underground garage, accessible from Cambridge Avenue).
- Replacement of an unattractive, functionally obsolete, 6,000 square foot commercial building with an attractive, primarily residential building featuring a Spanish Revival design.
- Consolidation of three curb cuts on Cambridge Avenue into a single curb cut (accessing the garage).
- Widened sidewalks on both the El Camino Real and Cambridge Avenue frontages.
- Elimination of a dead-end segment of Alto Lane and instead providing a landscaped paseo which provides a visual separation between the three-story mixed-use building and the two townhouses, as well as safer public access from Cambridge Ave. to the rear of the 239 – 251 El Camino Real building.

- Enhanced ground-level commercial area, providing space for neighborhood serving retail/personal service/restaurant space.

All of these elements of the Project are described more specifically below.

The proposed Project would demolish an existing one-level commercial building located at 201 El Camino Real ("ECR"), a small surface parking lot, which serves the 201 ECR building, as well as a small residential structure on the 612 Cambridge Ave. lot.

On the site of 201 ECR, plus the parking lot, the Project would construct a new, approximately 25,283 square foot, three-story, 38 foot tall structure, containing 12 residential units, two of which would be offered at below market rate to low-income households, as well as replacement of the existing ground floor commercial space. The two upper floors would include a mix of one bedroom and two bedroom units, totaling about 17,365 square feet. The ground floor would include approximately 7,076 square feet of neighborhood serving space, including space for retail/personal service and restaurant uses. A small residential lobby would also occupy part of the ground level. Two levels of underground parking would be accessible from Cambridge Ave., with a total of 59 parking spaces (meeting the City's requirements) consisting of a mixture of spaces and parking stackers.

As shown on the plans, the parking garage entry will include a full gate that will be closed before and after business hours. When the gate is closed, residents and employees with authorized access to the garage will use a security card/fob to enter the garage. During business hours, when the gate is open, a simple parking arm will control vehicular entry. Residential units will be assigned to a specific stacker. Access to the stackers will be controlled by a security key/card that will only allow the stacker to be operated by a resident or building personnel. Each townhouse will be assigned its own stacker, and would similarly access that stacker using a security key or card. The single stacker assigned to non-residential uses will be assigned to a specific tenant business, which will control access. We presume that the stacker could then be used for employee parking, although it is possible that the business owner could provide a means for customers to use one or both spaces.

The proposed mixed-use building is entirely located on the 201 ECR parcel, associated parking lot, and what is now Alto Lane. On the 612 Cambridge Ave. parcel, which is zoned R-3, the existing residential structure would be demolished, allowing for the construction of two new four bedroom townhouses, which help provide a transition between the 201 ECR building and the adjacent Allied Arts neighborhood. The parking for the 612 Cambridge Ave. townhouses would be provided in the underground parking garage on 201 ECR.

III. Existing Conditions

The Project site consists of two parcels located at 201 ECR / 610 Cambridge Ave., a portion of Alto Lane, and one parcel located at 612 Cambridge Ave. The 201 ECR parcels are zoned SP-ECR/SW, and are improved with an existing one-story, approximately 6,000 square foot commercial building, currently occupied by 3 commercial tenants, (3 commercial spaces are currently vacant) and a surface parking lot. The existing building is separated from its 28 space non-conforming surface parking lot by a public right-of-way designated as Alto Lane, which

dead ends into the property to the north. The 612 Cambridge Ave. parcel is zoned R-3, and is improved with an existing one-story residential building apparently constructed in 1917 and subsequently enlarged, which includes four small rental units. This residential building has no on-site parking, and utilizes four of the 28 spaces in the parking lot associated with 201 ECR for parking pursuant to a parking agreement. None of the buildings on the site have any historical or architectural character.

The Project site is bounded by ECR to the east, Cambridge Ave. to the south, the Allied Arts neighborhood to the west, and commercial uses on the 239 – 251 ECR parcel and two other residential parcels facing Partridge Ave. to the north. The surrounding area consists of one and two-story structures, with commercial uses along ECR and residential uses to the west. Stanford's Middle Plaza project will be on the opposite (eastern) side of ECR from the Project site.

IV. Vacation of Alto Lane

To accommodate the Project, the Project Sponsor is requesting that the City abandon Alto Lane, the public right-of-way which currently separates the 201 ECR parcel from its associated surface parking lot. City staff has confirmed that Alto Lane is a City right-of-way, so the City can relinquish its interest in the area upon request. Further, City staff has confirmed that once the abandonment is approved, half of the right-of-way would be transferred to the properties on either side of the right-of-way. The new owner of the 239 – 251 ECR property does not object to the proposed abandonment, and a small part of Alto Lane adjacent to 239 – 251 ECR would be transferred to that lot. (239 – 251 ECR would continue to be served by two existing driveways from ECR.) The 201 ECR parcel, portion of Alto Lane, and associated parking lot would be merged so that the proposed improvements would not cross any property lines.

The Project site currently has three curb cuts on Cambridge Ave., including Alto Lane, the parking lot entry, and the 612 Cambridge Ave. driveway. These will be replaced with a single curb cut providing access to the subsurface parking garage.

The vacation of Alto Lane could affect up to two substandard parking spaces located on the 239 – 251 ECR property. The parking spaces back into Alto Lane, and due to the realignment of the property line after Alto Lane is abandoned, will need to be adjusted 90 degrees in order to be accessible to cars utilizing the existing drive aisle off of ECR. As a result, it is likely that one of the spaces will be removed. The owner of 239 – 251 ECR is aware of the situation and does not object to the reconfiguration of the parking, or potential loss of a parking space.

V. Design Concept

The Project's three-story mixed-use component complies with all of the ECR and Downtown Specific Plan's Design Guidelines. The structure is oriented toward the ECR / Cambridge Ave. corner, consistent with the goal of enhancing commercial vitality along ECR. This design includes a number of features to both promote a sense of community and respect the residential character of the surrounding neighborhood, such as providing new retail space, below grade parking, and ecologically-balanced landscaping, and two detached residences on the 612 Cambridge Ave. parcel.

The proposed architectural style utilizes Spanish Revival forms. Details are rendered in clean, bright, modern, and eco-functional manners, which are compatible with, and sensitive to, the surrounding environment, solar orientation, neighboring residences, and adjacent ECR businesses. A publicly accessible landscaped "paseo" will separate the townhouses from the mixed-use building to provide open space and help reinforce the transition from the commercial / multi-family building at 201 ECR to the surrounding Allied Arts neighborhood.

VI. Proposed Uses

A. Residential

The proposed Project will be primarily residential, with 12 units (a mix of 6 one-bedroom and 6 two-bedroom units) on the 2nd and 3rd levels of the mixed-use building, and two, two-story, four-bedroom townhouses on the 612 Cambridge Ave. parcel. Overall, approximately 70% of the Project's area would consist of residential use. Of the 12 units in the main building, unit 3 (approximately 1,299 square feet and two-bedroom) and unit 5 (approximately 1,013 square feet and one-bedroom) on the second floor will be BMR units. In accordance with the City's BMR Housing Guidelines, the BMR units are proportionate in size to the market-rate units, which range from approximately 900 square feet to 1,579 square feet. In addition, the BMR units are comparable to the total average unit size which is approximately 1,209 square feet, unit 5 is comparable to the average size of the one-bedroom units which is approximately 1,012 square feet, and unit 3 is comparable to the average size of the two-bedroom units which is approximately 1,405 square feet. Further, the BMR units and are indistinguishable from the market-rate units when viewed from the exterior. All of the Project's units will be mapped as condominiums, but are anticipated to be initially rented.

B. Ground Floor: Retail/ Personal Services / Restaurant

Overall, the Project's ground floor spaces would represent only a modest increase in commercial space as compared to the existing building, with approximately 7,076 square feet as compared to 6,000 square feet in the existing building. As noted on the plans, the Project's ground floor area would include spaces that could accommodate a variety of retail or personal services, and restaurant uses. (Areas indicated on plans and tables as retail means some mixture of retail and personal services with no fixed allocation between those categories.) The current vision is to provide approximately 7,076 square feet of retail/personal services area, which would include up to 1,200 square feet of restaurant area, as follows:

1. Retail/ Personal Services Uses

   At this stage in the project development process, we are unable to clearly define what retail/personal services uses might occur. The intent is that retail uses would neighborhood-serving. One possible retail/personal service use could include a salon such as the one that operated at the site through mid-2020.

2. Restaurant

In response to the community's feedback, the Project will provide approximately 1,200 square feet of restaurant space. No restaurant tenant has been secured at this time, although a variety of restaurant types would be considered.

VII. Public Benefit Proposal

The Project Sponsor requests a public benefit bonus for the mixed-use component in order to allow for a building with an FAR of 1.46 (as compared to the maximum base FAR of 1.1), and an increase in permitted residential density to allow approximately 30 units per acre (i.e., 12 units) versus the base density of 25 units per acre (i.e., 9 units plus a BMR unit). The primary purpose of the Public Benefit Bonus would be to expand the number of residential units and residential area, since the commercial areas of the Project could be built under the existing base zoning rules. Based on the site area of 17,302 square feet (which does not include the R-3 zoned parcel at 612 Cambridge Ave.), the proposed bonus level FAR would allow for approximately 6,250 additional square feet (the difference between 25,282.5 square feet at the proposed 1.46 FAR bonus level and 19,032.2 square feet at the base level (1.1 FAR) plus additional area based on the inclusion of a BMR unit) and 12 residential units (as compared to a maximum of 9 market rate units at the base residential density plus one BMR unit). As mentioned above, of the 12 units in the mixed-use building, units 3 and 5 located on the second floor are proposed as BMRs, totaling approximately 2,312 square feet (1,299 and 1,013 square feet respectively). The two townhouses on 612 Cambridge Ave. are consistent with the R-3 district's zoning requirements and are not dependent on the public benefit bonus.

The Project Sponsor has developed a conceptual "base project" for purposes of evaluating the public benefit bonus.[1] Below is a rough overview of the base project that was utilized in the City's analysis of the proposed public benefit:

- 201 El Camino Real

Lot Area	17,250 sq. ft.
Base FAR	1.1
Maximum Gross Floor Area (1.1 FAR)	18,975 sq. ft.
Gross Floor Area (including BMR units)	19,889 sq. ft. (includes the BMR unit)
Non-residential Uses	6,960 sq. ft. (3,000 sq. ft. medical; 3,960 sq. ft. retail/personal services)
Residential	11,965 sq. ft. total (10,923 sq. ft. market-rate; 1,042 sq. ft.

[1] The base project was developed to facilitate the City's analysis of the proposed public benefit, which was presented to the Planning Commission at the study session on July 22, 2019. The Project has been further refined since the study session, including the elimination of the medical office use, resulting in minor changes that should not affect the conclusions of the public benefit analysis.

	BMR)
Parking	59 parking spaces in an underground parking structure

- 612 Cambridge Ave.[2]

Lot Area	7,925.1 sq. ft.
FAR (same for Base and Proposed Project)	0.45
Maximum Gross Floor Area	3,566 sq. ft.
Proposed Gross Floor Area	3,564.5 sq. ft.
Parking	4 spaces in the underground parking structure on 201 ECR

The Project at the bonus level would have several advantages as compared to a base level project. For example, it would provide two more residential units than any base level project, and an even larger proportionate increase in residential square footage. In addition, a base level project with no more than 5-9 residential units would require only one BMR unit, while the Project at the bonus level would provide two BMR units. (If a combination of the 201 ECR sites becomes infeasible at the base level FAR, the base level project could be even smaller, potentially resulting in a project providing no BMR units.) Also, the Project's reliance on underground parking, which may only be feasible if the site is developed at the bonus level, has a positive impact on the overall character of the Project and adjacent neighborhood since it avoids the need for surface parking.

With respect to the financial benefits of the Project (at the bonus level) as compared to a base level project, as is stated in the Analysis of Proposed Public Benefit from a Proposed Project at 201 ECR and 612 Cambridge Avenue, Menlo Park, prepared by BAE, dated May 29, 2019, neither the base nor bonus projects would provide a feasible development opportunity for a typical developer. The public benefit project would be financially feasible only if, in a build-to-suit case, the applicant can achieve much higher rents for the non-residential portion of the bonus project. As a result, BAE concludes that "none of the development scenarios evaluated as part of this analysis provide excess developer profit to support additional community benefit contribution beyond the fractional unit that the project applicant has proposed."

VIII. Subdivision

As outlined in Section 3, the Project site consists of two parcels located at 201 ECR / 610 Cambridge Ave., which are separated by a portion of Alto Lane, and one parcel located at 612 Cambridge Ave. The Project will merge the 201 ECR / 610 Cambridge Ave. parcels and the vacated portion of Alto Lane into one parcel for the development of the 3-story mixed-use structure, and the remaining parcel (612 Cambridge Ave.) will be reserved for the two townhouses. This will be accomplished in four steps. First, a Vesting Tentative Map will exhibit the abandonment of Alto Lane, the merger of Alto Lane with the two parcels on either side, the parcel for the townhouses, and the dedication of a public services easement. Second, the City Council will approve the abandonment of Alto Lane and relocation of the utilities. Third, the

[2] The 612 Cambridge Ave. portion of the base project is the same as for the proposed project.

City will approve a Final Map to document the abandonment of Alto Lane along with the newly created utility easements to accommodate the relocation of the utilities. The Final Map will also show a parking easement in the basement of the 3-story structure in favor of the townhouses. Finally, after the Final Map is approved and recorded and building plans are substantially complete, an airspace condominium map will be prepared to subdivide the residential units.

IX. Sustainability

The Project will include numerous green and sustainable building features that are designed to reduce energy consumption and waste. A sample list of those features is provided below. In addition to those features, the Project will also address the localized flooding issue at the corner of ECR and Cambridge Ave. This requires upgrading the stormwater management system and significantly reducing runoff from the property by decreasing the existing impervious area (approximately 78% of the area) through the use of infiltration, bioretention areas, landscaping, and pervious pavements.

- LEED Silver
- LED lighting
- Advanced framing
- Reduced thermal bridging assemblies
- Low fly-ash concrete
- Recycled rebar
- Hydrophobic U-stucco, with superior thermal, fire, water, acoustic properties
- Translucent roofing
- High quality, LOW-E, low glare, fenestration
- Rainwater filtration roofing assembly
- PV solar arrays
- Sun Shading devices on South and West fenestration
- High percentage of Heritage Tree sustainability
- Enhanced pedestrian and cyclist paths
- Increased connectivity of neighborhood paths, plazas, and bicycle parking away from El Camino Real
- Potential raised crosswalk for traffic calming on Cambridge Ave.

- Comfortable streetscape promenade experience to reduce vehicular travel
- Permeable paving
- Drought tolerant landscaping
- Eco-balanced vegetation and soil mixtures to foster pollinating birds, animals, and insects

X. Neighborhood Outreach

Although Drs. Hu and Han are not residents of the Bay Area, they are frequent visitors and appreciate the special nature of both Menlo Park and the Allied Arts neighborhood. Their daughter, Yihan, recently attended Stanford University as a graduate student and currently resides nearby. All efforts have been expended to develop the Project in such a way as to respect the neighborhood's characteristic charm, peace, and tranquility.

As an initial introduction, the Project team held two open house meetings on March 15th and 16th 2019 at the Stanford Park Hotel. A total of 120 households were invited to attend either the March 15th evening open house (from 6 p.m. to 8 p.m.) or the March 16th morning open house from (10 a.m. to 12 p.m.) at their convenience, with most of the invitations delivered to residents by hand and a few by mail. Notice was provided to households outside of the City's standard 300 foot radius, including homes on Cambridge Ave. from ECR to Cornell Rd., and homes on Partridge Ave. and Harvard Ave. that are located about 3/4 of the way to Cornell Rd. from ECR. Further, efforts were made to invite those community members who had submitted comments on the initial proposal in summer 2018. With respect to the event, refreshments were provided and members of the Project team, including the architects and land use counsel, were available to answer the community's questions. Approximately 25 – 30 community members attended.

On July 22, 2019, the Planning Commission held a study session to review and provide feedback on the Project. The public was also provided an opportunity comment. In general, the Planning Commission was in favor of the proposal and site layout, although some Commissioners suggested revisiting the architectural style and enhancing the articulation between the second and third floors to provide a more significant transition between the two floors, among other things. In response to the Commission's comments, the architectural design has been revised to create a more austere interpretation of Spanish Revival rather than the previously proposed Monterey Spanish style. Other key changes include de-emphasizing the third floor by removing the gables and simplifying the roofline, as well as utilizing a dark stucco body color. Also, on the ECR frontage, two of the three projecting elements were eliminated, with the remaining gable framing the primary retail entry.

In response to initial input from neighbors and interested parties, the open space area and surface parking on the 612 Cambridge Ave. lot was replaced with two townhouses which should provide an attractive buffer to the adjacent homes along Cambridge Ave. In addition, since the study session, the medical space has been removed entirely, and there will be more commercial space to serve the neighborhood's needs. The Project will also include space for a possible restaurant to serve the community, although no specific tenant has been identified at this stage in the process.

In addition, a letter dated August 31, 2020 was mailed to neighbors within 300 feet of the Project site and sent via email to many of those who attended the open houses in March 2019, which provides a status update and notifies the neighbors of the publication of the City's environmental analysis in compliance with CEQA, as well as the proposed schedule for the public hearings. And while no further in-person events or one-on-one meetings with neighbors are planned due to the ongoing COVID-19 pandemic, and as of September 23rd we have not received any further comments or questions, the Project team will respond to any additional comments in a timely manner.

Steve Atkinson
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September 30, 2020

Henry Riggs,Chair
and Planning Commissioners
City of Menlo Park
Planning Commission
701 Laurel Street
Menlo Park, CA 94025

Re: 201 El Camino Real / 612 Cambridge Ave. Mixed-Use Project

Dear Chair Riggs and Members of the Planning Commission:

We represent Hu-Hantwo LLC, the property owner and applicant for the 201 El Camino Real / 612 Cambridge Ave. project (the "Project"), which has been under review by the City since mid-2018. The Project, if approved, would replace an old, unattractive, and functionally obsolete commercial building and surface parking located at 201 El Camino Real, as well as four residential units (which do not have any historical or architectural significance), with new buildings that would provide 14 residential units (including two affordable units), and approximately 7,100 square feet of commercial space, all served by an underground parking garage located entirely within the 201 El Camino Real parcel.

As is explained in detail in the staff report, the Project complies with the detailed requirements of the El Camino Real and Downtown Specific Plan ("Specific Plan") and, where applicable, the requirements of the R-3 zoning district. The purpose of this letter however is to address two topics that were raised at prior public hearings: (i) how the Project meets the requirements for a bonus FAR based on the "public benefits" it provides, and (ii) why the proposed abandonment of Alto Lane is appropriate and should receive the Commission's support.

1. **The Project Provides a Full Second BMR Unit to Justify the Public Benefit Bonus and It Would Be Infeasible to Provide Three BMR Units.**

As you know, the Specific Plan provides a Base level density standard of 1.1 FAR in the ECR SW sub-district and an FAR of up to 1.5 if a project provides a public benefit.[1] The Specific Plan also permits an increase in residential density (units per acre) on the same basis. The Project's FAR is

[1] Note that the bonus FAR only impacts the portion of the Project in the Specific Plan area; it does not affect 612 Cambridge Ave. and its two townhouses, which are in the R-3 district.

1.48, which therefore triggers the public benefit requirement. The Project is also subject to the City's Below Market Rate ("BMR") Housing Program, which, due to the number of residential units that are proposed, requires the provision of 1.4 BMR units. The BMR requirement could be satisfied by providing one BMR unit and paying an in-lieu fee for the remaining 0.4 fraction of a unit; however, in implementing the Specific Plan, the City has recognized that the provision of additional affordable housing can be an appropriate public benefit. Accordingly, the proposed public benefit is to provide a second BMR unit on site, for a total of two BMR units (a one bedroom unit and a two bedroom unit), which would be reserved for low-income residents.

In our discussions with staff and as expressed by the Commission during the study session, the concept of providing an additional BMR unit onsite as the public benefit was widely supported. However, at the study session, a Commissioner suggested that the applicant consider increasing the number of BMR units from two to three. Our client thoroughly considered the idea and respectfully requests that the City accept the proposed benefit of one additional full BMR unit – not two – because the inclusion of three BMR units would impose such a sizable financial burden that it would be economically infeasible to move forward with the Project.

This is a modest project. The approximately 7,100 square feet of retail/restaurant space only results in a minor increase over the existing commercial space. In order to accommodate the proposed commercial space and residential units on this relatively small site, it is necessary to construct a very costly underground garage.

As proposed, the Project is already going to be challenging to finance. That is part of the reason why the City's public benefit financial analysis from 2019 shows that the Project with two BMR units would result in a *negative* financial return and a negative residual land value. The report concludes:

> "The proforma analysis indicates that none of the development scenarios evaluated as part of this analysis provide significant excess developer profit to support additional community benefits contributions beyond the fractional BMR unit that the project applicant has proposed."

Notably, that analysis was also conducted when medical office space was proposed; thereafter, the applicant elected to remove that component from the Project and instead provide a restaurant space in response to community input, despite the further negative impact on the Project's economics. The analysis was also conducted before the COVID-19 emergency, which likely will have negative impacts on retail and residential returns for years in the future as well as on the ability to obtain construction financing, all of which further diminish the Project's near-term estimated returns.

Finally, in a broader sense, many elements of the Project, including a net increase of 10 residential units, two BMR units where none exist now, a much more attractive building, greatly improved retail space, and public access improvements are all important public benefits and should be considered as such.

2. The Abandonment of Alto Lane is Essential to the Project and Would Improve Public Access

With respect to the abandonment of Alto Lane, which is a critical component of the Project, there are two issues that we would like to address. The first issue relates to a public comment made at a recent City Council hearing, and the second relates to some questions raised by two City Council members about the abandonment process itself.

First, at a recent City Council hearing, a resident on Partridge Ave. asserted that Alto Lane provides an important north-south pedestrian and bicycle route which, if abandoned, should be replaced in some fashion. We think that Alto Lane provides little or no benefit to the community because it is merely 100 feet of pavement that dead ends into the rear of the parking for the building to the north (239 – 251 El Camino Real) and essentially serves as an alternative means of ingress from Cambridge Ave. to the private parking lot.[2] Any person using Alto Lane for pedestrian or bicycle access would therefore need to share the road with vehicles and also cross through the parking lot of that adjacent property, for which there is no public easement – both of which are not ideal from a liability or planning perspective. The more direct route is to go north or south on El Camino Real using the sidewalk in front of 201 El Camino Real, which will be improved and substantially widened as part of the Project. Further, the Project would provide a replacement route that runs along the rear and side perimeter of the new mixed-use building, which would be more attractive and safer than the current Alto Lane configuration. The end result is therefore a substantial improvement over the existing access condition.

Second, at the same City Council hearing, some City Council members suggested that the City require compensation for the abandonment of Alto. We believe staff did a great job addressing the Council's questions regarding this topic, but would like to offer the following additional observations:

- First, the City does not own Alto Lane in fee, but only has an easement over the paved area (i.e., a public right-of-way). The City did not pay to acquire the easement as it was dedicated to the City when the area was subdivided early last century.

[2] The owner of 239 – 251 El Camino Real, which has ingress and egress from El Camino Real, supports the abandonment.

- Second, the City apparently has never before sought compensation when abandoning a road easement.[3]

- Third, it questionable whether the easement has any value. As previously noted, Alto Lane is a short road that crosses our client's property and dead ends into a private parking lot, so it has limited usefulness to the City or the public. As it stands now, it would more properly be considered a liability since the City is presumably obligated to maintain the road.

- Fourth, in connection with the abandonment of Alto Lane, the City is requiring the Project to dedicate a new utility easement of similar area and relocate the utilities. For the City to both require a new easement, and require compensation for the original easement, seems unreasonable. (It is unclear whether the City Council members were aware of this factor.)

- Finally, any compensation required in connection with the abandonment of Alto Lane will further endanger the Project's feasibility.

There is no project without the abandonment of Alto Lane. Alto Lane currently separates the one story 201 El Camino Real building from its surface parking lot. If Alto Lane remains, it would be essentially impossible to build an underground parking garage, which would drastically limit the development potential of the site and likely render redevelopment unjustifiable from an economic perspective. Under that scenario, there would almost certainly be many fewer residential units and no BMR units.

For all these reasons, we will urge the City Council not to impose a further financial obligation in connection with the abandonment of Alto Lane. Your strong support for the approval of the Project may help the City Council realize that requiring compensation for the abandonment of Alto Lane is not good policy.

3. **Conclusion**

As explained in detail in the staff report, the Project is fully consistent with the requirements set forth in the Specific Plan and the R-3 district. The Project will add attractive new commercial space and a net increase of 10 much-needed residential units, including two dedicated BMR units, which are substantial benefits to the City and community compared to the existing conditions. The Project's proposed public benefit, rounding up the 0.4 fraction of a unit to provide a second onsite BMR unit, is reasonable and appropriate given the small size of the Project and its high development costs and marginal economic feasibility.

[3] In my nearly 40 years of practicing land use, I have never encountered a situation where a jurisdiction has demanded compensation in connection with abandoning a right-of-way easement.

The proposed abandonment of Alto Lane is also an essential component of the Project. To the extent that Alto Lane now provides a secondary means of bike and pedestrian access through a small portion of this block, the Project would improve that access by providing a new publicly accessible pathway, as well as by substantially widening the sidewalk along El Camino Real. The easement that the City now holds over Alto Lane will be replaced by a similar-sized new easement providing for utilities and public access.

For these reasons, and the other benefits and improvements outlined in the staff report, we respectfully request that the Planning Commission recommend approval of the Project as proposed.

Sincerely,



Steve Atkinson

bae urban economics

Memorandum

To: Matthew Pruter, City of Menlo Park

From: Stephanie Hagar and Chelsea Guerrero

Date: May 29, 2019

Re: Analysis of Proposed Public Benefit from a Proposed Project at 201 El Camino Real and 612 Cambridge Avenue, Menlo Park

Introduction and Purpose

This memorandum presents the findings of a static proforma analysis that BAE conducted to estimate the project profit from the proposed redevelopment of 201 El Camino Real and 612 Cambridge Avenue in Menlo Park. The proforma analysis compares the project profit of the proposed project, which is seeking a density bonus under the City's public benefit program for the El Camino Real/Downtown Specific Plan, to the potential project profit from an alternative project developed at the base level density for the site.

The proposed project consists of a mixed-use building at 201 El Camino Real, with approximately 3,000 square feet of medical office and 4,300 square feet of retail space on the ground floor and 12 residential units on the upper floors, along with two townhomes on the 612 Cambridge Avenue portion of the site. The proposed project includes two levels of underground parking that would serve the residential and non-residential uses.

The developer is proposing to satisfy the project's obligations under the City's Below Market Rate (BMR) Housing Program through the provision of two BMR units within the mixed-use building on the ECR SW parcel. Since the Bonus Project would have a BMR requirement of 1.4 BMR units, the proposed public benefit provided as part of this project would be 0.6 BMR units (i.e., the difference between the number of units in the project and the number of units required under the City's BMR ordinance).

Key Findings

Key findings from BAE's analysis of the proposed public benefit include:

- Both the public benefit project and the base zoning project result in negative residual project values in a speculative development scenario (i.e., a scenario in which the project applicant has not identified an end-user for the space), meaning that the cost

to develop these projects would exceed the project value at stabilization. The shortfall between the value of the completed project and the total development costs is significant, totaling approximately $5.8 million for the Base Project and $4.7 million for the Bonus Project, after accounting for site acquisition costs. These findings suggest that, under current development conditions, both the bonus project and the base project would not represent a feasible development opportunity for a typical developer that is pursuing development on a speculative basis. A project applicant might pursue entitlements for a project that is infeasible under current development conditions in order to have the entitlements in place when conditions change or to sell the entitled site to a developer that will construct the project once conditions change.

- An alternative scenario in which the residential units are sold as condominiums rather than rented would also result in an infeasible project with a negative residual project value after accounting for site acquisition costs.
- Several factors contribute to the infeasibility of the proposed project, most notably: 1) the high cost of underground parking; and 2) large residential unit sizes and a low residential efficiency/net rentable factor, which results in a relatively low level of rental revenue per square foot of built residential space from the proposed project.
- Since the analysis is primarily based on information provided by the developer for the proposed public benefit bonus project, the analysis does not include a full evaluation of all potential alternatives for the base project or the bonus project. It is possible that an alternative development program could result in a more profitable project. Additional design and financial analyses would be needed to determine if alternative designs or development program configurations could provide more favorable economics.
- The public benefit project would be financially feasible if the rental income from the non-residential portion of the project averages $120 per square foot per year, triple net. Although this is a relatively high rental rate, the project applicant could potentially expect to achieve these rents in a build-to-suit scenario in which the applicant constructs the space for specific tenants according to the tenants' specifications. This scenario demonstrates a possible outcome from a build-to-suit scenario in which the project applicant identifies the commercial tenants by the time the proposed project is constructed, and the occupants of the medical office and retail space are willing to pay a premium to locate within the project in order to obtain space in their desired location that would be built to their specifications.
- In the build-to-suit scenario, the increase in project value attributable to the public benefit bonus totals approximately $1.4 million, the entire residual project value of the proposed project. Using the same income assumptions as in the bonus project, the base project is not financially feasible, with a slight negative residual project value. This indicates that the property owner would not pursue development of the project at the base level density in the current development environment and that the residual

value of the base level project is effectively zero. Therefore, the entire residual project value associated with the bonus level project is attributable to the public benefit bonus.

- In all scenarios evaluated for this analysis, the bonus level project results in an increase in project value compared to the base level project. The increase in residual project value attributable to the public benefit ranges from approximately $868,000 for the to $1.7 million, depending on the scenario.
- The Project applicant has proposed including two BMR units in the project, thereby exceeding the BMR requirements for the proposed project by 0.6 units, and the additional 0.6 of a BMR unit constitutes the proposed public benefit from the Project. City policy does not specify the methodology that the City should use to quantify the value of the public benefit, and therefore this analysis quantifies the value of the public benefit based on two different methodologies:
    1) The City could choose to value the proposed public benefit based on the in-lieu fee equivalent to providing 0.6 BMR units, based on the City's BMR in-lieu fee formula. Based on the formula that the City uses to calculate BMR in-lieu fees, the additional 0.6 units would be equivalent to approximately $1.02 million in in-lieu fees (0.6 x estimated fee rate of $1.70 million per BMR unit).
    2) Alternatively, the City could choose to value the proposed public benefit based on the difference in residual project value between the proposed project and a hypothetical version of the project that pays an in-lieu fee for the fractional 0.4-unit requirement. If the project applicant were to satisfy the City's BMR requirements by providing one BMR unit in the project and paying an in-lieu fee for the remaining requirement for 0.4 BMR units, the residual project value from the project would be approximately $228,000 higher than the residual project value associated with the proposed project. In other words, the effect of rounding up the BMR requirements to provide two BMR units, rather than one BMR unit and a partial in-lieu fee, is to reduce the overall residual project value by $228,000. This figure captures the cost to the property owner – in the form of total project value at stabilization – to provide the proposed public benefit, relative to meeting the minimum standards required by the City's BMR ordinance.
- The proforma analysis indicates that none of the development scenarios evaluated as part of this analysis provide significant excess developer profit to support additional community benefits contributions beyond the fractional BMR unit that the project applicant has proposed. The proposed project is infeasible in the speculative development scenario and requires fairly high commercial rents to achieve feasibility in the build-to-suit scenario. Providing the additional BMR unit has a relatively small impact on overall residual project value compared to payment of a BMR in-lieu fee,

and therefore the proposed public benefit represents a benefit that the project can provide with a minimal impact on feasibility.

- To fully evaluate the proposed public benefit, the City may consider the tradeoffs between the creation of BMR units in the project and the demolition of the existing residential rental units on the project site. Development of the proposed project will require demolition of four existing residential rental units on the 612 Cambridge Avenue portion of the site. These units are currently vacant but were rented at rates that were affordable to moderate-income households when the project applicant purchased the property in 2015. The proposed project would replace these four units with 12 units that would not be affordable to households with moderate or lower incomes and two units that would be affordable to low-income households. Unlike the existing units on the project site, the BMR units in the proposed project would be deed-restricted to remain affordable for 55 years and would be means-tested to ensure that the units are reserved for low-income households.

The results of the public benefit analysis are summarized in Table 1 and Table 2 below.

Table 1: Summary of Proforma Analysis for Public Benefit Project and Base Project at 201 El Camino Real and 612 Cambridge Avenue, Speculative Development Scenario

	Rental Residential Scenario			Condominium Scenario	
Development Program	**Base Project**	**Public Benefit Bonus Project as Proposed**	**Public Benefit Bonus Project w/ BMR In-Lieu Fee (a)**	**Base Project**	**Public Benefit Bonus Project**
Residential Units	12	14	14	12	14
BMR Unit Requirement	1.2	1.4	1.4	1.2	1.4
BMR Units Provided	1	2	1	1	2
Medical Office sq. ft.	3,000	3,000	3,000	3,000	3,000
Other Commercial sq. ft.	3,960	4,322	4,322	3,960	4,322
Parking Spaces	54	60	60	54	60
Development costs					
Hard Costs	$15,448,418	$17,832,079	$17,832,079	$15,448,418	$17,832,079
Soft Costs	$3,089,684	$3,566,416	$3,566,416	$3,089,684	$3,566,416
Impact Fees	$194,814	$241,565	$241,565	$194,814	$241,565
BMR In-Lieu Fee	$328,742	$0	$679,812	$328,742	$0
Contingency	$926,905	$1,069,925	$1,069,925	$926,905	$1,069,925
Developer Fee	$741,524	$855,940	$855,940	$741,524	$855,940
Financing Costs	$757,943.84	$861,629	$886,485	$757,944	$861,629
Total Development Costs (b)	**$21,488,032**	**$24,427,553**	**$25,132,221**	**$21,488,032**	**$24,427,553**
Value Analysis					
Capitalized Value	$24,761,522	$29,152,388	$30,155,153	$25,679,119	$29,780,506
Less Development Costs (b)	($21,488,032)	($24,427,553)	($25,132,221)	($21,488,032)	($24,427,553)
Less Developer Profit	($2,148,803)	($2,442,755)	($2,513,222)	($2,148,803)	($2,442,755)
Residual Project Value (Shortfall), excl. Land Cost	**$1,124,688**	**$2,282,079**	**$2,509,711**	**$2,042,284**	**$2,910,197**
Less Site Acquisition Costs	($6,950,000)	($6,950,000)	($6,950,000)	($6,950,000)	($6,950,000)
Residual Project Value (Shortfall), incl. Land Cost	**($5,825,312)**	**($4,667,921)**	**($4,440,289)**	**($4,907,716)**	**($4,039,803)**

Notes:
(a) The figures in the "Public Benefit Bonus Project w/ BMR In-Lieu Fee column show findings for a project that is the same as the proposed project, except that the developer would meet the City's BMR requirements by providing one BMR unit and paying an in-lieu fee to satisfy the requirement for an additional 0.4 BMR units.
(b) Development costs exclude costs associated with land acquisition.

Sources: BAE, 2019.

Table 2: Summary of Proforma Analysis for Public Benefit Project and Base Project at 201 El Camino Real and 612 Cambridge Avenue, Possible Build-to-Suit Scenario

	Rental Residential Scenario			Condominium Scenario	
Development Program	**Base Project**	**Public Benefit Bonus Project as Proposed**	**Public Benefit Bonus Project w/ BMR In-Lieu Fee (a)**	**Base Project**	**Public Benefit Bonus Project**
Residential Units	12	14	14	12	14
BMR Unit Requirement	1.2	1.4	1.4	1.2	1.4
BMR Units Provided	1	2	1	1	2
Medical Office sq. ft.	3,000	3,000	3,000	3,000	3,000
Other Commercial sq. ft.	3,960	4,322	4,322	3,960	4,322
Parking Spaces	54	60	60	54	60
Development costs					
Hard Costs	$15,448,418	$17,832,079	$17,832,079	$15,448,418	$17,832,079
Soft Costs	$3,089,684	$3,566,416	$3,566,416	$3,089,684	$3,566,416
Impact Fees	$194,814	$241,565	$241,565	$194,814	$241,565
BMR In-Lieu Fee	$328,742	$0	$679,812	$328,742	$0
Contingency	$926,905	$1,069,925	$1,069,925	$926,905	$1,069,925
Developer Fee	$741,524	$855,940	$855,940	$741,524	$855,940
Financing Costs	$757,943.84	$861,629	$886,485	$757,944	$861,629
Total Development Costs (b)	**$21,488,032**	**$24,427,553**	**$25,132,221**	**$21,488,032**	**$24,427,553**
Value Analysis					
Capitalized Value	$30,540,624	$35,268,371	$36,271,137	$31,458,221	$35,896,489
Less Development Costs (b)	($21,488,032)	($24,427,553)	($25,132,221)	($21,488,032)	($24,427,553)
Less Developer Profit	($2,148,803)	($2,442,755)	($2,513,222)	($2,148,803)	($2,442,755)
Residual Project Value (Shortfall), excl. Land Cost	**$6,903,790**	**$8,398,063**	**$8,625,694**	**$7,821,386**	**$9,026,181**
Less Site Acquisition Costs	($6,950,000)	($6,950,000)	($6,950,000)	($6,950,000)	($6,950,000)
Residual Project Value (Shortfall), incl. Land Cost	**($46,210)**	**$1,448,063**	**$1,675,694**	**$871,386**	**$2,076,181**

Notes:
(a) The figures in the "Public Benefit Bonus Project w/ BMR In-Lieu Fee column show findings for a project that is the same as the proposed project, except that the developer would meet the City's BMR requirements by providing one BMR unit and paying an in-lieu fee to satisfy the requirement for an additional 0.4 BMR units.
(b) Development costs exclude costs associated with land acquisition.

Sources: BAE, 2019.

Overview of Proposed Project

The developer has proposed construction of a mixed-use project with residential, retail, and medical office uses on the site. The project site consists of three adjacent parcels, two of which are located within the El Camino Real/Downtown Specific Plan El Camino Real South-West (ECR SW) area. The third parcel is located outside of the Specific Plan area in the R-3 zoning district ("R-3 parcel"). As part of the project, the two ECR-SW parcels would be merged into a single parcel ("ECR SW parcel") and the R-3 parcel would remain a standalone parcel.

Public Benefit Bonus Project

The proposed public benefit bonus project (Bonus Project) would consist of two four-bedroom townhome units and a three-story mixed-use building with 12 residential rental units, approximately 7,300 square feet of retail and medical office space, and two levels of underground parking. The 12 residential units in the mixed-use building would consist of six one-bedroom units and six two-bedroom units and the project applicant has indicated that it is anticipated that all 14 units will initially operate as rental units. A total of 60 parking spaces (32 standard and 28 mechanical stacker spaces) would be provided in the underground parking garage, which would be located underneath the mixed-use building and have approximately the same footprint. The mixed-use building would contain approximately 25,920 square feet of gross building area and would be located on the ECR SW parcel. The two units on the R-3 parcel would be two-story, four-bedroom detached townhomes.

The City's Below Market Rate (BMR) Housing Program requires that ten percent of the units in the proposed project (1.4 units) will be reserved for and affordable to lower-income households. The BMR program requires that the project provide at least one BMR unit on site to fulfill the requirement for a full BMR unit, but provides the option for the applicant to satisfy the requirement for an additional 0.4 BMR units by paying an in-lieu fee, equal to 0.4 of the in-lieu fee associated with one full BMR unit. The project applicant has proposed providing two BMR units in the mixed-use building on the ECR SW parcel rather than providing one BMR unit and a partial in-lieu fee. The additional 0.6 BMR units that the proposed project would provide (i.e., the difference between the required 1.4 BMR units and the proposed two full BMR units) constitutes the proposed public benefit from the project.

Construction of either the Bonus or the Base Project would require demolition of an existing commercial building on the ECR SW parcel as well as four existing residential units on the R-3 parcel.

Base Zoning Project

Although the developer has not prepared plans for a project that would conform to the existing base zoning (i.e. without the public benefit bonus), the Project sponsor has indicated that the Base Project on the ECR SW parcel would consist of 10 rental units (five one-bedroom units and five two-bedroom units), approximately 7,000 square feet of retail/medical office space, and two levels of underground parking. A total of 54 parking spaces (38 standard and 16

mechanical stacker spaces) would be provided in the underground garage in the Base Project. As in the Bonus Project, the parking garage would be located underneath the mixed-use building and in approximately the same footprint. Although the four-bedroom townhome units would be the same in the Base Project and the Bonus Project, the average unit size on the ECR SW parcel would be considerably smaller in the Base Project than in the Bonus Project.

The Base Project would have a BMR requirement of 1.2 BMR units. To satisfy the requirements of the City's BMR Housing Program in the Base Project, one of the one-bedroom units on the ECR SW parcel would be a BMR unit and the developer would pay an in-lieu fee for the remaining 0.2 BMR units.

As noted above, construction of the either the Bonus or the Base Project would require demolition an existing commercial building and four existing residential units.

Methodology for the Financial Analysis

This analysis involved preparation of a static proforma financial feasibility models for each development program. The static proforma models represent a simplified form of financial feasibility analysis that developers often use at a conceptual level of planning for a development project, as an initial test of financial feasibility for a development concept, to screen for viability. This analysis uses a financial proforma model structured on the assumption that the developer of the proposed project is pursuing each element of the project on a speculative basis, rather than for a specific end-user.

BAE formulated assumptions for the proforma analysis using information provided by the developer as well as BAE's own research of development costs and market conditions. The developer provided a detailed contractor estimate for the Bonus Project, which was broken out by major component. BAE reorganized the detailed cost information to prepare a project proforma model for both the Base Project and the Bonus Project. The proforma models are set up to calculate project value as a residual value. The calculation for residual project value starts with the market value of the completed project at stabilization and then deducts total development costs and developer profit in order to obtain a residual land value that would be supported by each project. The residual project value is then determined by measuring the difference between the land value supported by each project and the actual price paid by the developer for the land in 2015. The residual project value for the Bonus Project, less the residual project value for the Base Project, represents the theoretical "increase" in value attributable to the public benefit bonus.

Key Assumptions

The attached proformas detail the assumptions that were used in the analysis. The following is an overview of key assumptions:

- The developer's plans for the Bonus Project show an average of 1,508 square feet per residential unit in the mixed-use building on the ECR SW portion of the site, including residential common areas. Net of common areas, the average unit size in the mixed-use building on the ECR SW portion of the site is 1,237 square feet, an 82-percent efficiency factor (i.e., 82 percent of the residential square footage is net rentable space). The townhouse units average 1,782 square feet per unit. These unit sizes are considerably larger than is typical in other market-rate developments in the area and may be more consistent with a luxury rental property or a condominium property than a typical multifamily rental development. The mixed-use building also has a fairly low residential efficiency factor, which further increases the average gross square footage per residential unit compared to a more typical building.
- Residential unit sizes in the Base Project average 1,251 square feet per unit in the mixed-use building on the ECR SW portion of the site, including residential common areas. While lower than the in the Bonus Project, the gross square footage per unit in the Base Project is relatively large compared to other recent multifamily rental projects in the area. On a net rentable basis, the average unit sizes in the Base Project are more similar to other recent projects in Menlo Park. The average unit sizes of the four-bedroom townhome units are the same in both the Bonus Project and the Base project and reflect the maximum buildable square footage on the R-3 parcel.
- The project applicant estimates that residential monthly rents in the Bonus Project will average $4.00 per square foot per month. This is significantly lower than the average per-square-foot rents for other recently-constructed multifamily rental properties in Menlo Park, which generally range from $4.50 and $5.00 per square foot per month for one-bedroom and two-bedroom units. However, because the unit sizes in the proposed project would be larger than the units in other recently constructed projects, it is reasonable to anticipate a lower residential rent per square foot from the project. The project applicant's assumption of $4.00 per square foot per month results in higher rental rates per unit than in other recently-constructed multifamily rental properties in Menlo Park, which is consistent with the larger unit sizes that the proposed project would offer. The attached proformas use the project applicant's assumption that residential rents will average $4.00 per square foot per month across the project. Based on this assumption, market-rate monthly rents in the Bonus Project would average $4,175 for a one-bedroom unit, $5,719 for a two-bedroom unit, and $7,130 for a four-bedroom townhouse. In addition to rental income from the residential units, the proforma includes $125 per month in parking revenue from all parking spaces that serve the residential units (assuming a five percent vacancy factor).
- Because the one-bedroom and two-bedroom units in the Base Project would be relatively similar to other recent multifamily rental projects in Menlo Park in terms of net rentable square footage, the proforma for the Base Project assumes that rental rates for the one-bedroom and two-bedroom units would be similar to rents for units

other new multifamily rental developments in Menlo Park. The monthly rent assumptions for the four-bedroom townhome units are the same in both the Base Project and the Bonus Project. The proforma shows market-rate monthly rents in the Base Project averaging $3,850 for a one-bedroom unit, $4,600 for a two-bedroom unit, and $7,130 for the four-bedroom townhome units. As in the proforma for the Bonus Project, the proforma for the Base Project includes $125 per month from all parking spaces that serve the residential units.

- Per the requirements of the City's BMR Housing Program, the monthly rents for the one-bedroom BMR unit that would be included in both the Base project and the Bonus project is $2,200. The monthly rent for the two-bedroom BMR unit that would be included in the Bonus Project is $2,640.
- This analysis assumes that, in a speculative development scenario, the retail space will rent for $72 per square foot per year, triple net. This is consistent with the project applicant's projected rental income from the retail space. Data from CoStar on retail space rents in Menlo Park and Palo Alto indicate that this is a reasonable rental rate assumption for high-quality retail space located outside of a primary retail node.
- This analysis assumes that, in a speculative development scenario, the medical office space will rent for $84 per square foot per year, triple net, which is higher than the project applicant's projected rental income from the medical office space ($72 per square foot per year) and slightly higher than the rent for recent office leases in the area. The supply of existing medical office space is extremely limited in the local area; according to CoStar, there is no vacant medical office space in Menlo Park and there is a low 2.8-percent vacancy rate among medical office space in Palo Alto. Due to the low medical office vacancy rate, data on medical office lease rates is relatively limited. This analysis assumes a rental rate that is slightly higher than the lease rates for recent medical office leases reported by CoStar on the basis that the proposed project will provide new, high-quality medical office space in a market with strong demand and limited supply.
- In addition to the speculative development scenario, BAE prepared a set of development proformas to demonstrate a potential build-to-suit scenario. The owner of the LLC that owns the project site and serves as the project sponsor is a doctor and a member of a network of medical professionals that includes medical professionals in Silicon Valley. While the project description indicates that no final decision has been made regarding the occupant of the medical office space, it is reasonable to expect that the one of the medical professionals affiliated with the project sponsor will occupy the medical office space in the proposed project and will be identified prior to completion of the project. Similarly, while the project description indicates that no final decision has been made regarding the occupant of the retail space, the applicant has previously proposed specific tenants for the space that would complement the medical office use, and may identify a tenant for this space prior to completion of the project.

The build-to-suit scenario demonstrates a possible scenario in which the future tenants of the non-residential space pay a premium in order to obtain space that is built to their specifications in a market with limited available supply, which is equal to the cost necessary to make the project financially feasible. To determine the rent necessary to make the project financially feasible, BAE adjusted the non-residential rent assumption to identify the rent that the tenants would have to pay to result in a yield on cost from the project that is equal to the 50 basis points more than the overall project cap rate. As shown in the attached proformas, this results in a relatively high assumed rental rate of $120 per square foot per year, triple-net.

- Using the contractor estimate prepared for the developer for the Bonus Project, BAE reclassified hard construction costs into the following categories: (1) onsite costs for demolition, underground utilities, landscaping and sitework; (2) hard construction costs for the shell and core building for the commercial space, townhomes, and apartments; and (3) hard construction costs for underground parking and mechanical parking lifts. Adjustments were made to remove the construction cost contingency of ten percent included in the contractor estimate to avoid duplication of contingency costs (discussed below). With the exception of costs for underground parking and the townhouse units, the hard costs provided by the developer are generally consistent with other small projects with similar levels of architectural detail and high-quality finishes. After making the adjustments described above, the analysis used the contractor's hard construction cost estimates for demolition, underground utilities, landscaping and sitework ($41 per site square foot); commercial space ($384 per square foot); and multifamily residential space ($374 per square foot).
- BAE reviewed recent hard cost estimates for underground parking in other projects, including projects in Menlo Park, and adjusted the construction hard cost estimate for the proposed project downward to $180 per square foot of garage space, plus $17,000 for each of the 14 mechanical parking lifts. The hard construction cost figures that the contractor provided for the underground parking garage totaled $308 per square foot of garage, or $143,000 per space, after making the hard cost adjustments described above, plus $17,000 for each of the 14 mechanical parking lifts. This figure is significantly higher than is typical for underground parking, both on a per-square-foot and a per-parking-space basis.
- BAE adjusted the construction hard cost estimate for the townhouse units downward to $374 per square foot, the same construction hard cost as the multifamily rental units and lower than the $448 per square foot hard cost estimate provided by the contractor. Townhouse hard construction costs can vary substantially based on the quality of interior and exterior finishes, but are generally lower than hard construction costs for multifamily units of a similar quality. Compared to multifamily rental units, townhouse units have a lower ratio of high-cost kitchen and bathroom space as a share of overall unit square footage, which tends to reduce the overall cost per square foot for townhouses relative to smaller multifamily units. This analysis used the same

cost for all residential units to reflect that the townhouse units may include higher-quality finishes than the condominium units, which would partially offset the per-square-foot cost differential between the unit types.

- BAE added a tenant improvement allowance of $60 per square foot of commercial space in both the Base Project and the Bonus Project.
- Soft costs are estimated at 20 percent of total hard costs, plus impact fees, developer profit, financing costs, and contingency. Soft costs total $6.6 million for the Bonus Project and $6.0 million for the Base Project.
- BAE assumed a developer profit equal to ten percent of hard and soft costs. This results in approximately $2.4 million in profit to the developer under the Bonus Project and approximately $2.1 million under the Base Project.
- BAE assumed a developer fee equal to four percent of hard and soft costs to cover the developer's overhead and management costs. This fee is separate from the developer's profit and equals roughly $856,000 for the Bonus Project and $742,000 for the Base Project.
- BAE assumed a contingency cost equal to 5 percent of hard and soft costs.
- Construction financing assumptions are based on current market rates and assume a construction loan interest rate of 5.5 percent and a loan fee equal to 1.5 percent.
- This analysis uses a commercial capitalization rate of 4.9 percent and a residential capitalization rate of 3.5 percent to value the finished projects.
- This analysis includes estimates of the BMR in-lieu fees in order to estimate the partial in-lieu fee that the developer would pay for the Base Project as well as to value the 0.6 BMR units that the developer has proposed to provide as a public benefit in the Bonus Project. The City's BMR Housing Program Guidelines for the in-lieu fee state:

  > *The fee shall be based on the cost to develop, design, construct, and maintain a standard one-bedroom unit in Menlo Park. The fee shall also include the proportionate costs of associated common area as well as land acquisition costs. The fee shall be adjusted on a project-by-project basis depending on size, location and other factors relevant to cost.*

  Based on the above guidelines and input from Menlo Park City staff and the City Attorney, BAE estimated the in-lieu fee as the sum of: 1) total hard and soft costs per square foot for the multifamily portion of each project, multiplied by the gross square footage for a one-bedroom unit in each project; 2) the net present value of the operating costs for a single unit over a 55-year period; and 3) the developer's purchase price for the land ($6.95 million), allocated to a one-bedroom unit based on the average one-bedroom unit's share of overall gross project square footage. Table 3 shows this in-lieu fee calculation for the Base Project and the Bonus Project, as derived for this analysis. These figures represent the fee equivalent to providing one

BMR unit, and would be pro-rated based on the portion of a unit for which the developer would pay fractional in-lieu fee. The figures in this table provide a fee estimate for the purpose of this public benefit analysis and could vary from any actual in-lieu fees that would apply to a project on the subject site or elsewhere in Menlo Park.

Table 3: Estimated BMR In-Lieu Fee for the Base Project, 201 El Camino Real/612 Cambridge Ave, Menlo Park

	Bonus Project	Base Project
Total Development Cost per Gross Residential Sq. Ft. (a)	$725	$809
Average One-Bedroom Unit Size w/ Common Area (b)	1,272	1,055
Average One-Bedroom Unit Development Cost	$922,738	$854,083
One-Bedroom Unit 55-year Operating Cost (c)	$476,876	$476,876
One-Bedroom Unit Land Costs (d)	$299,916	$312,753
Total BMR In-Lieu Fee (per whole unit)	**$1,699,530**	**$1,643,712**

Notes:
(a) Equal to all hard and soft costs for the multifamily residential portion of the project, excluding land and BMR in-lieu fees, divided by the gross multifamily residential square footage.
(b) Represents the average gross residential area for a one-bedroom unit. Figure is based on the overall residential efficiency ratio for units in the 201 ECR building and the estimated average net residential square footage for each development program.
(c) NPV of operating costs for a one-bedroom unit over a 55-year period.
Annual operating costs in year 1 (per unit): $13,000
Annual rate of operating cost inflation: 2.5%
Discount rate for NPV analysis: 4.0%
(d) The Developer purchased the project site for $6,950,000, or approximately $282 per site square foot, in August 2015. This analysis estimates the land cost for a one-bedroom unit based on the share of overall project square footage that an average one-bedroom unit in the project would account for.

Source: BAE, 2019.

Alternative Condominium Scenario

The applicant plans to file a condominium map for the proposed project, which would enable the property owner to sell the residential units as condominiums. City staff requested that BAE evaluate the Bonus Project and Base Project as condominium developments, assuming a sale of the multifamily units in the mixed-use building as well as the townhouse units, to determine the increase in value from the Bonus Project compared to the Base Project in a scenario in which the units are sold rather than rented.

The analysis of the alternative condominium scenario generally used the same assumptions and methodology as the analysis of the rental residential scenario described above, except that the condominium scenario uses residential sale price assumptions, rather than rental income and a capitalization rate, to value the residential units. The assumptions used for the condominium scenario are as follows:

- For the Bonus Project, this analysis uses an average market-rate sale price estimate of $1.205 million for the one-bedroom units and $1.606 million for the two-bedroom units. Estimated market-rate sale prices for the one- and two-bedroom units are

slightly lower in the Base Project due to the smaller average unit size in the Base Project, averaging $1.00 million for the one-bedroom units and $1.332 million for the two-bedroom units. The analysis uses an estimated sale price of $2.536 million for the four-bedroom townhouse units in both the Base Project and the Bonus Project. The sale price estimates for the one-bedroom units are based on the median price per square foot for existing one-bedroom condominium units in Menlo Park and Palo Alto that sold in the past year, while the sale price estimates for the two-bedroom units are based on the median price per square foot for existing two-bedroom condominium units in Menlo Park and Palo Alto that sold in the past year. BAE multiplied the median sale prices per square foot for each unit type by the square footage of each unit. BAE then cross-checked the resulting per-unit sale price estimates with the per-unit sale price among recent sales, giving a higher weighting to units with a similar square footage and units that are relatively close to downtown Menlo Park or Downtown Palo Alto, to verify that the estimates are reasonable. The sale price estimate for the four-bedroom townhomes is based on the price per square foot among three-bedroom townhomes that are relatively close to downtown Menlo Park or downtown Palo Alto and sold within the past year. The methodology for the townhouse units focused on units near one of the two cities' downtowns because the cost per square foot for townhouse units showed wide variation between units that are near one of the two downtowns and those that are not. This analysis used per-square-foot sale prices for three-bedroom units due to a lack of recent sales of comparable four-bedroom units in Menlo Park and Palo Alto.

- For both the Bonus Project and the Base Project, this analysis uses a sale price of $337,019 for a one-bedroom BMR unit and $390,331 for a two-bedroom BMR unit. These sale prices represent the affordable sale price for a household with an income equal to 110 percent of the Area Median Income, assuming a two-person household in the one-bedroom BMR unit and a four-person household in the two-bedroom BMR unit. The affordable sale price is based on the monthly affordable payment, assuming 33 percent of gross household income is spent on maintenance, principal, interest, insurance, utilities, property tax, and homeowners' association fees.

This analysis uses the same BMR in-lieu fees as in the rental scenario, as the applicant has indicated that the residential units will initially be rental units and City staff have indicated that the rental in-lieu will apply to the project.

Limiting Conditions

The above analysis is based on cost and valuation factors provided by the potential developer, as well as research conducted by BAE during the first quarter of 2019. The project is in pre-development, and as design and development work proceeds, it is possible that changes in design, building code requirements, construction costs, market conditions, interest rates, or other factors may result in significant changes in costs, profits, and development feasibility.

Proforma for Base-Level Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Speculative Development Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		23,454
Built Project FAR		0.93
Dwelling units per acre		21
Residential		
Gross residential area (sf)		16,070
Multifamily gross residential area (sf)		12,505
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		12
1 bedroom		4
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,384
Net retail area (sf)		3,960
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		54
Standard parking spaces		38
Stacker spaces		16
Mechanical parking lifts		8
Residential parking spaces		23

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$95,479
General Development Costs			
Impact fees (c)			$194,814
BMR in-lieu fee			$328,742
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Office rental rate, sf/yr, NNN			$84.00
Retail rental rate, sf/yr, NNN			$72.00
Residential rental rate, per du/mo			
1 bedroom			$3,850
1 bedroom BMR			$2,200
2 bedroom			$4,600
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.5%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$20,730,088

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$2,837,707	$1,332,912	$4,675,473	$8,846,092
Tenant improvements	$417,600	$0	$0	$417,600
Underground garage costs	$2,881,760	$371,840	$1,766,240	$5,019,840
Mechanical parking lift costs	$0	$0	$136,000	$136,000
Demolition and site prep costs	$323,923	$156,390	$548,573	$1,028,886
Subtotal, Hard Costs	**$6,460,990**	**$1,861,142**	**$7,126,286**	**$15,448,418**
Soft costs (d)	$1,292,198	$372,228	$1,425,257	$3,089,684
Impact fees	$69,908	$12,887	$112,019	$194,814
BMR in-lieu fee	$0	$0	$328,742	$328,742
Contingency	$387,659	$111,669	$427,577	$926,905
Developer fee (e)	$310,128	$89,335	$342,062	$741,524
Construction financing - interest	$228,466	$65,617	$261,742	$555,825
Construction financing - loan fees	$83,079	$23,861	$95,179	$202,118
Subtotal, Soft Costs	**$2,371,438**	**$675,597**	**$2,992,578**	**$6,039,613**
Total Hard & Soft Costs	**$8,832,428**	**$2,536,739**	**$10,118,864**	**$21,488,032**
Total Costs per Unit	n/a	$1,268,370	$1,011,886	$1,790,669
Total Costs per sf	$1,196	$712	$809	$916

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$510,264	$162,564	$462,840	$1,135,668
Gross annual parking rent	0	$5,700	$27,075	$32,775
Less operating expenses	$0	($26,000)	($130,000)	($156,000)
Net Operating Income (NOI)	$510,264	$142,264	$359,915	$1,012,443
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.1%
Capitalized Value	$10,413,551	$4,064,686	$10,283,286	$24,761,522

Residual Project Value

Residual Value	
Total Capitalized Value	$24,761,522
Less Hard and Soft Costs	($21,488,032)
Less Developer Profit	($2,148,803)
Residual Land Value	**$1,124,688**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**($5,825,312)**
Yield as % of Total Development Cost (f)	3.56%

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Proforma for Proposed Public Benefit Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Speculative Development Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		1
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/ Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Medical office rental rate, sf/yr, NNN			$84.00
Retail rental rate, sf/yr, NNN			$72.00
Residential rental rate, per du/mo			
1 bedroom			$4,175
1 bedroom BMR			$2,200
2 bedroom			$5,719
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.50%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$23,565,924

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee (e)	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$339,353	$631,861
Construction financing - loan fee	$83,390	$22,976	$123,401	$229,768
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$3,561,733**	**$6,595,475**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,119,287**	**$24,427,553**
Total Costs per Unit	n/a	$1,221,362	$1,093,274	$1,744,825
Total Costs per sf	$1,132	$685	$725	$828

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$535,025	$162,564	$619,134	$1,316,723
Gross annual parking rent	$0	$5,700	$32,775	$38,475
Less operating expenses	$0	($26,000)	($156,000)	($182,000)
Net Operating Income (NOI)	$535,025	$142,264	$495,909	$1,173,198
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.02%
Capitalized Value	$10,918,873	$4,064,686	$14,168,829	$29,152,388

Residual Project Value

Residual Value	
Total Capitalized Value	$29,152,388
Less Hard and Soft Costs	($24,427,553)
Less Developer Profit	($2,442,755)
Residual Land Value	**$2,282,079**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**($4,667,921)**
Yield as % of Total Development Cost (f)	3.74%

Proforma for Public Benefit Level Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Partial BMR In-Lieu Fee, Speculative Development Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		6
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
BMR in-lieu fee			$679,812
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Office rental rate, sf/yr, NNN			$84.00
Retail rental rate, sf/yr, NNN			$72.00
Residential rental rate, per du/mo			
1 bedroom			$4,175
1 bedroom BMR			$2,200
2 bedroom			$5,719
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.5%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$24,245,736

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
BMR in-lieu fee	$0	$0	$679,812	$679,812
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee (e)	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$357,581	$650,089
Construction financing - loan fees	$83,390	$22,976	$130,029	$236,396
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$4,266,400**	**$7,300,142**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,823,954**	**$25,132,221**
Total Costs per Unit	n/a	$1,221,362	$1,151,996	$1,795,159
Total Costs per sf	$1,132	$685	$764	$852

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$535,025	$162,564	$654,231	$1,351,820
Gross annual parking rent	$0	$5,700	$32,775	$38,475
Less operating expenses	$0	($26,000)	($156,000)	($182,000)
Net Operating Income (NOI)	$535,025	$142,264	$531,006	$1,208,295
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.01%
Capitalized Value	$10,918,873	$4,064,686	$15,171,594	$30,155,153

Residual Project Value

Residual Value	
Total Capitalized Value	$30,155,153
Less Hard and Soft Costs	($25,132,221)
Less Developer Profit	($2,513,222)
Residual Land Value	**$2,509,711**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**($4,440,289)**
Yield as % of Total Development Cost (f)	3.77%

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Pro Forma for Base-Level Condominium Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Speculative Development Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		23,454
Built Project FAR		0.93
Dwelling units per acre		21
Residential		
Gross residential area (sf)		16,070
Multifamily gross residential area (sf)		12,505
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		12
1 bedroom		4
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,384
Net retail area (sf)		3,960
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		54
Standard parking spaces		38
Stacker spaces		16
Mechanical parking lifts		8
Residential parking spaces		23

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$95,479
General Development Costs			
Impact fees (c)			$194,814
BMR in-lieu fee			$328,742
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%

Revenue and Sales Assumptions	Avg. Unit SF	Price/SF	Price/Unit
Office rental rate, sf/yr, NNN			$84.00
Retail rental rate, sf/yr, NNN			$72.00
Average sale price per unit			
1 bedroom	866	$1,154	$1,000,000
1 bedroom BMR		N/A	$337,019
2 bedroom	1,186	$1,123	$1,332,000
2 bedroom BMR		N/A	$390,331
4 bedroom townhouse	1,783	$1,423	$2,536,000
Marketing costs as % of sales revenue			5%
Vacancy rate - residential / commercial		n/a	5%

Construction Financing	
Construction loan to cost ratio	65%
Loan fee (points)	1.5%
Interest rate	5.5%
Loan period (months)	18
Drawdown factor	50%
Total construction costs (excl. land & financing costs)	$20,730,088

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
Source: BAE, 2019.

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction cos	$2,837,707	$1,332,912	$4,675,473	$8,846,092
Tenant improvements	$417,600	$0	$0	$417,600
Underground garage costs	$2,881,760	$371,840	$1,766,240	$5,019,840
Mechanical parking lift costs	$0	$0	$136,000	$136,000
Demolition and site prep costs	$323,923	$156,390	$548,573	$1,028,886
Subtotal, Hard Costs	**$6,460,990**	**$1,861,142**	**$7,126,286**	**$15,448,418**
Soft costs (d)	$1,292,198	$372,228	$1,425,257	$3,089,684
Impact fees	$69,908	$12,887	$112,019	$194,814
BMR in-lieu fee	$0	$0	$328,742	$328,742
Contingency	$387,659	$111,669	$427,577	$926,905
Developer fee	$310,128	$89,335	$342,062	$741,524
Construction financing - intere	$228,466	$65,617	$261,742	$555,825
Construction financing - loan f	$83,079	$23,861	$95,179	$202,118
Subtotal, Soft Costs	**$2,371,438**	**$675,597**	**$2,992,578**	**$6,039,613**
Total Hard & Soft Costs	**$8,832,428**	**$2,536,739**	**$10,118,864**	**$21,488,032**
Total Costs per Unit	n/a	$1,268,370	$1,011,886	$1,790,669
Total Costs per sf	$1,196	$712	$809	$916

Income and Sales Revenue

	Commercial	Townhome	Multifamily	Total
Gross Sales Revenue	-	$5,072,000	$10,997,019	$16,069,019
Less Marketing Costs	-	($253,600)	($549,851)	($803,451)
Net Sales Revenue	-	$4,818,400	$10,447,168	$15,265,568
Gross Annual Rent	$510,264	-	-	$510,264
Less operating expenses	0	-	-	-
Net Operating Income (NOI	$510,264	-	-	$510,264
Capitalization Rate	4.9%	-	-	-
Capitalized Value	$10,413,551	-	-	$10,413,551

Residual Project Value

Project Value	$10,413,551	$4,818,400	$10,447,168	$25,679,119
Less Hard and Soft Costs	($8,832,428)	($2,536,739)	($10,118,864)	($21,488,032)
Less Developer Profit	($883,243)	($253,674)	($1,011,886)	($2,148,803)
Residual Land Value	**$697,880**	**$2,027,987**	**($683,582)**	**$2,042,284**
Actual Land Sale Price (2015)				($6,950,000)
Residual Project Value				**($4,907,716)**

Pro Forma for Public Benefit Level Condominium Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Speculative Development Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		1
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Revenue and Sales Assumptions			
Office rental rate, sf/yr, NNN			$84.00
Retail rental rate, sf/yr, NNN			$72.00
Average sale price	**Avg. Unit SF**	**Price/SF**	**Price/Unit**
1 bedroom	1,044	$1,154	$1,205,000
1 bedroom BMR		N/A	$337,019
2 bedroom	1,430	$1,123	$1,606,000
2 bedroom BMR		N/A	$390,331
4 bedroom townhouse	1,783	$1,423	$2,536,000
Marketing costs as % of sales revenue			5%
Vacancy rate - residential / commercial		n/a	5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.50%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$23,565,924

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$339,353	$631,861
Construction financing - loan fees	$83,390	$22,976	$123,401	$229,768
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$3,561,733**	**$6,595,475**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,119,287**	**$24,427,553**
Total Costs per Unit	n/a	$1,221,362	$1,093,274	$1,744,825
Total Costs per sf	$1,132	$685	$725	$828

Income and Sales Revenue

	Commercial	Townhome	Multifamily	Total
Gross Sales Revenue	-	$5,072,000	$14,782,350	$19,854,350
Less Marketing Costs	-	($253,600)	($739,117)	($992,717)
Net Sales Revenue	-	$4,818,400	$14,043,232	$18,861,632
Gross Annual Rent	$535,025	-	-	$535,025
Less operating expenses	-	-	-	-
Net Operating Income (NOI)	$535,025	-	-	$535,025
Capitalization Rate	4.9%	-	-	-
Capitalized Value	$10,918,873	-	-	$10,918,873

Residual Project Value

Project Value	$10,918,873	$4,818,400	$14,043,232	$29,780,506
Less Hard and Soft Costs	($8,865,543)	($2,442,724)	($13,119,287)	($24,427,553)
Less Developer Profit	($886,554)	($244,272)	($1,311,929)	($2,442,755)
Residual Land Value	**$1,166,776**	**$2,131,404**	**($387,983)**	**$2,910,197**
Actual Land Sale Price (2015)				($6,950,000)
Residual Project Value				**($4,039,803)**

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
Source: BAE, 2019.

Proforma for Base-Level Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Possible Build-to-Suit Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		23,454
Built Project FAR		0.93
Dwelling units per acre		21
Residential		
Gross residential area (sf)		16,070
Multifamily gross residential area (sf)		12,505
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		12
1 bedroom		4
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,384
Net retail area (sf)		3,960
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		54
Standard parking spaces		38
Stacker spaces		16
Mechanical parking lifts		8
Residential parking spaces		23

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$95,479
General Development Costs			
Impact fees (c)			$194,814
BMR in-lieu fee			$328,742
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Office rental rate, sf/yr, NNN			$120.00
Retail rental rate, sf/yr, NNN			$120.00
Residential rental rate, per du/mo			
1 bedroom			$3,850
1 bedroom BMR			$2,200
2 bedroom			$4,600
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.5%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$20,730,088

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$2,837,707	$1,332,912	$4,675,473	$8,846,092
Tenant improvements	$417,600	$0	$0	$417,600
Underground garage costs	$2,881,760	$371,840	$1,766,240	$5,019,840
Mechanical parking lift costs	$0	$0	$136,000	$136,000
Demolition and site prep costs	$323,923	$156,390	$548,573	$1,028,886
Subtotal, Hard Costs	**$6,460,990**	**$1,861,142**	**$7,126,286**	**$15,448,418**
Soft costs (d)	$1,292,198	$372,228	$1,425,257	$3,089,684
Impact fees	$69,908	$12,887	$112,019	$194,814
BMR in-lieu fee	$0	$0	$328,742	$328,742
Contingency	$387,659	$111,669	$427,577	$926,905
Developer fee (e)	$310,128	$89,335	$342,062	$741,524
Construction financing - interest	$228,466	$65,617	$261,742	$555,825
Construction financing - loan fees	$83,079	$23,861	$95,179	$202,118
Subtotal, Soft Costs	**$2,371,438**	**$675,597**	**$2,992,578**	**$6,039,613**
Total Hard & Soft Costs	**$8,832,428**	**$2,536,739**	**$10,118,864**	**$21,488,032**
Total Costs per Unit	n/a	$1,268,370	$1,011,886	$1,790,669
Total Costs per sf	$1,196	$712	$809	$916

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$793,440	$162,564	$462,840	$1,418,844
Gross annual parking rent	0	$5,700	$27,075	$32,775
Less operating expenses	$0	($26,000)	($130,000)	($156,000)
Net Operating Income (NOI)	$793,440	$142,264	$359,915	$1,295,619
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.2%
Capitalized Value	$16,192,653	$4,064,686	$10,283,286	$30,540,624

Residual Project Value

Residual Value	
Total Capitalized Value	$30,540,624
Less Hard and Soft Costs	($21,488,032)
Less Developer Profit	($2,148,803)
Residual Land Value	**$6,903,790**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**($46,210)**
Yield as % of Total Development Cost (f)	4.56%

Proforma for Proposed Public Benefit Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Possible Build-to-Suit Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		1
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Medical office rental rate, sf/yr, NNN			$120.00
Retail rental rate, sf/yr, NNN			$120.00
Residential rental rate, per du/mo			
1 bedroom			$4,175
1 bedroom BMR			$2,200
2 bedroom			$5,719
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.50%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$23,565,924

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee (e)	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$339,353	$631,861
Construction financing - loan fee	$83,390	$22,976	$123,401	$229,768
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$3,561,733**	**$6,595,475**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,119,287**	**$24,427,553**
Total Costs per Unit	n/a	$1,221,362	$1,093,274	$1,744,825
Total Costs per sf	$1,132	$685	$725	$828

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$834,708	$162,564	$619,134	$1,616,406
Gross annual parking rent	$0	$5,700	$32,775	$38,475
Less operating expenses	$0	($26,000)	($156,000)	($182,000)
Net Operating Income (NOI)	$834,708	$142,264	$495,909	$1,472,881
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.18%
Capitalized Value	$17,034,857	$4,064,686	$14,168,829	$35,268,371

Residual Project Value

Residual Value	
Total Capitalized Value	$35,268,371
Less Hard and Soft Costs	($24,427,553)
Less Developer Profit	($2,442,755)
Residual Land Value	**$8,398,063**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**$1,448,063**
Yield as % of Total Development Cost (f)	4.69%

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/ Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Proforma for Public Benefit Level Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Partial BMR In-Lieu Fee, Possible Build-to-Suit Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		6
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
BMR in-lieu fee			$679,812
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee as % of hard and soft costs (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Operating Revenues and Expenses			
Office rental rate, sf/yr, NNN			$120.00
Retail rental rate, sf/yr, NNN			$120.00
Residential rental rate, per du/mo			
1 bedroom			$4,175
1 bedroom BMR			$2,200
2 bedroom			$5,719
2 bedroom BMR			$2,640
4 bedroom townhouse			$7,130
Annual operating cost, per du			$13,000
Vacancy rate - residential / commercial	5%		5%
Residential parking rent, per mo			$125
Vacancy rate - residential parking			5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.5%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$24,245,736

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
BMR in-lieu fee	$0	$0	$679,812	$679,812
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee (e)	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$357,581	$650,089
Construction financing - loan fees	$83,390	$22,976	$130,029	$236,396
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$4,266,400**	**$7,300,142**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,823,954**	**$25,132,221**
Total Costs per Unit	n/a	$1,221,362	$1,151,996	$1,795,159
Total Costs per sf	$1,132	$685	$764	$852

Income Capitalization

Projected Income	Commercial	Townhome	Multifamily	Total
Gross annual rents	$834,708	$162,564	$654,231	$1,651,503
Gross annual parking rent	$0	$5,700	$32,775	$38,475
Less operating expenses	$0	($26,000)	($156,000)	($182,000)
Net Operating Income (NOI)	$834,708	$142,264	$531,006	$1,507,978
Capitalized Value				
Capitalization Rate	4.9%	3.5%	3.5%	4.16%
Capitalized Value	$17,034,857	$4,064,686	$15,171,594	$36,271,137

Residual Project Value

Residual Value	
Total Capitalized Value	$36,271,137
Less Hard and Soft Costs	($25,132,221)
Less Developer Profit	($2,513,222)
Residual Land Value	**$8,625,694**
Actual Land Sale Price (2015)	($6,950,000)
Residual Project Value	**$1,675,694**
Yield as % of Total Development Cost (f)	4.70%

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, developer fee, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
(f) Yield = NOI / (Total Hard Costs & Soft Costs + Actual Land Sale Price)
Source: BAE, 2019.

Pro Forma for Base-Level Condominium Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Possible Build-to-Suit Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		23,454
Built Project FAR		0.93
Dwelling units per acre		21
Residential		
Gross residential area (sf)		16,070
Multifamily gross residential area (sf)		12,505
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		12
1 bedroom		4
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		0
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,384
Net retail area (sf)		3,960
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		54
Standard parking spaces		38
Stacker spaces		16
Mechanical parking lifts		8
Residential parking spaces		23

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (excl. lifts) (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$95,479
General Development Costs			
Impact fees (c)			$194,814
BMR in-lieu fee			$328,742
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%

Revenue and Sales Assumptions	Avg. Unit SF	Price/SF	Price/Unit
Office rental rate, sf/yr, NNN			$120.00
Retail rental rate, sf/yr, NNN			$120.00
Average sale price per unit			
1 bedroom	866	$1,154	$1,000,000
1 bedroom BMR		N/A	$337,019
2 bedroom	1,186	$1,123	$1,332,000
2 bedroom BMR		N/A	$390,331
4 bedroom townhouse	1,783	$1,423	$2,536,000
Marketing costs as % of sales revenue			5%
Vacancy rate - residential / commercial		n/a	5%

Construction Financing	
Construction loan to cost ratio	65%
Loan fee (points)	1.5%
Interest rate	5.5%
Loan period (months)	18
Drawdown factor	50%
Total construction costs (excl. land & financing costs)	$20,730,088

Development Costs (excluding land)

Development Costs	Commercial	Townhome	Multifamily	Total
Building hard construction cos	$2,837,707	$1,332,912	$4,675,473	$8,846,092
Tenant improvements	$417,600	$0	$0	$417,600
Underground garage costs	$2,881,760	$371,840	$1,766,240	$5,019,840
Mechanical parking lift costs	$0	$0	$136,000	$136,000
Demolition and site prep costs	$323,923	$156,390	$548,573	$1,028,886
Subtotal, Hard Costs	**$6,460,990**	**$1,861,142**	**$7,126,286**	**$15,448,418**
Soft costs (d)	$1,292,198	$372,228	$1,425,257	$3,089,684
Impact fees	$69,908	$12,887	$112,019	$194,814
BMR in-lieu fee	$0	$0	$328,742	$328,742
Contingency	$387,659	$111,669	$427,577	$926,905
Developer fee	$310,128	$89,335	$342,062	$741,524
Construction financing - intere	$228,466	$65,617	$261,742	$555,825
Construction financing - loan f	$83,079	$23,861	$95,179	$202,118
Subtotal, Soft Costs	**$2,371,438**	**$675,597**	**$2,992,578**	**$6,039,613**
Total Hard & Soft Costs	**$8,832,428**	**$2,536,739**	**$10,118,864**	**$21,488,032**
Total Costs per Unit	n/a	$1,268,370	$1,011,886	$1,790,669
Total Costs per sf	$1,196	$712	$809	$916

Income and Sales Revenue

	Commercial	Townhome	Multifamily	Total
Gross Sales Revenue	-	$5,072,000	$10,997,019	$16,069,019
Less Marketing Costs	-	($253,600)	($549,851)	($803,451)
Net Sales Revenue	-	$4,818,400	$10,447,168	$15,265,568
Gross Annual Rent	$793,440	-	-	$793,440
Less operating expenses	0	-	-	-
Net Operating Income (NOI	$793,440	-	-	$793,440
Capitalization Rate	4.9%	-	-	-
Capitalized Value	$16,192,653	-	-	$16,192,653

Residual Project Value

Project Value	$16,192,653	$4,818,400	$10,447,168	$31,458,221
Less Hard and Soft Costs	($8,832,428)	($2,536,739)	($10,118,864)	($21,488,032)
Less Developer Profit	($883,243)	($253,674)	($1,011,886)	($2,148,803)
Residual Land Value	**$6,476,982**	**$2,027,987**	**($683,582)**	**$7,821,386**
Actual Land Sale Price (2015)				($6,950,000)
Residual Project Value				**$871,386**

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
Source: BAE, 2019.

Pro Forma for Public Benefit Level Condominium Project at 201 El Camino Real & 612 Cambridge Ave., Menlo Park, CA, Possible Build-to-Suit Scenario

Development Program Assumptions

Project Characteristics		
Site area - acres / square feet (sf)	0.58	25,170
Gross building area (sf)		29,486
Built Project FAR		1.17
Dwelling units per acre		24
Residential		
Gross residential area (sf)		21,656
Multifamily gross residential area (sf)		18,091
Townhouse gross residential area (sf)		3,565
Dwelling units (du) - number		14
1 bedroom		5
1 bedroom BMR unit		1
2 bedroom		5
2 bedroom BMR unit		1
3 bedroom townhouse		2
Commercial		
Gross commercial area (sf)		7,830
Net retail area (sf)		4,322
Net medical office area (sf)		3,000
Parking		
Below grade parking garage (sf)		27,888
Below grade parking spaces		60
Standard parking spaces		32
Stacker spaces		28
Mechanical parking lifts		14
Residential parking spaces		27

Cost and Income Assumptions

Development Costs	Commercial	Residential Townhome	Residential Multifamily
Construction hard costs, per sf (a)	$384	$374	$374
TI allowance, per rentable sf (b)	$60		
Parking			
Underground garage hard costs per sf (a)			$180
Mechanical parking lifts, per lift (a)			$17,000
Underground garage hard costs per space (incl. lifts) (a)			$87,631
General Development Costs			
Impact fees (c)			$241,565
Demolition/underground utilities/site cost, per site sf			$40.88
Soft costs as % of hard costs (d)			20%
Developer fee (e)			4%
Contingency as % of hard and soft costs			5%
Developer profit as % of hard and soft costs			10%
Revenue and Sales Assumptions			
Office rental rate, sf/yr, NNN			$120.00
Retail rental rate, sf/yr, NNN			$120.00
Average sale price	**Avg. Unit SF**	**Price/SF**	**Price/Unit**
1 bedroom	1,044	$1,154	$1,205,000
1 bedroom BMR		N/A	$337,019
2 bedroom	1,430	$1,123	$1,606,000
2 bedroom BMR		N/A	$390,331
4 bedroom townhouse	1,783	$1,423	$2,536,000
Marketing costs as % of sales revenue			5%
Vacancy rate - residential / commercial		n/a	5%
Construction Financing			
Construction loan to cost ratio			65%
Loan fee (points)			1.50%
Interest rate			5.5%
Loan period (months)			18
Drawdown factor			50%
Total construction costs (excl. land & financing costs)			$23,565,924

Development Costs (excluding land)

Development Costs	**Commercial**	**Townhome**	**Multifamily**	**Total**
Building hard construction costs	$3,009,107	$1,332,912	$6,764,014	$11,106,033
Tenant improvements	$439,320	$0	$0	$439,320
Underground garage costs	$2,760,912	$334,656	$1,924,272	$5,019,840
Mechanical parking lift costs	$0	$0	$238,000	$238,000
Demolition and site prep costs	$273,220	$124,397	$631,268	$1,028,886
Subtotal, Hard Costs	**$6,482,560**	**$1,791,965**	**$9,557,554**	**$17,832,079**
Soft costs (d)	$1,296,512	$358,393	$1,911,511	$3,566,416
Impact fees	$73,642	$12,672	$155,252	$241,565
Contingency	$388,954	$107,518	$573,453	$1,069,925
Developer fee	$311,163	$86,014	$458,763	$855,940
Construction financing - interest	$229,323	$63,185	$339,353	$631,861
Construction financing - loan fees	$83,390	$22,976	$123,401	$229,768
Subtotal, Soft Costs	**$2,382,983**	**$650,759**	**$3,561,733**	**$6,595,475**
Total Hard & Soft Costs	**$8,865,543**	**$2,442,724**	**$13,119,287**	**$24,427,553**
Total Costs per Unit	n/a	$1,221,362	$1,093,274	$1,744,825
Total Costs per sf	$1,132	$685	$725	$828

Income and Sales Revenue

	Commercial	**Townhome**	**Multifamily**	**Total**
Gross Sales Revenue	-	$5,072,000	$14,782,350	$19,854,350
Less Marketing Costs	-	($253,600)	($739,117)	($992,717)
Net Sales Revenue	-	$4,818,400	$14,043,232	$18,861,632
Gross Annual Rent	$834,708	-	-	$834,708
Less operating expenses	-	-	-	-
Net Operating Income (NOI)	$834,708	-	-	$834,708
Capitalization Rate	4.9%	-	-	-
Capitalized Value	$17,034,857	-	-	$17,034,857

Residual Project Value

Project Value	$17,034,857	$4,818,400	$14,043,232	$35,896,489
Less Hard and Soft Costs	($8,865,543)	($2,442,724)	($13,119,287)	($24,427,553)
Less Developer Profit	($886,554)	($244,272)	($1,311,929)	($2,442,755)
Residual Land Value	**$7,282,760**	**$2,131,404**	**($387,983)**	**$9,026,181**
Actual Land Sale Price (2015)				($6,950,000)
Residual Project Value				**$2,076,181**

Notes:
(a) Construction costs provided by Project sponsor were supported by contractor detail and reorganized by BAE for this proforma.
(b) Includes landlord share of tenant improvement costs.
(c) Includes the following FY 2017-18 development impact fees: Building Construction Road Impact Fee; Traffic Impact Fee; Supplemental Traffic Impact Fee; ECR/Downtown Specific Plan Prep Fee; Menlo Park City School District/Sequoia Union High School District Impact Fees. Excludes sewer connection fees, water capital facilities charges, and storm drainage connection fees, pending City calculations. Figures are net of existing uses to be demolished.
(d) Developer soft costs exclude impact fees, financing costs, contingency, and other line items in this proforma.
(e) A developer fee is included to cover the costs of managing development of project; the developer fee does not represent profit.
Source: BAE, 2019.

bae urban economics

September 29, 2020

Matthew Pruter
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Dear Mr. Pruter:

The purpose of this letter is to summarize BAE's assessment of recent revisions to the project proposal for a mixed-use project at 201 El Camino Real and 612 Cambridge Avenue in Menlo Park, to the degree that the changes to the proposed project might affect the findings presented in the public benefits analysis for the project that BAE completed in May 2019.

Summary of 2019 Public Benefit Analysis

In 2019, the City of Menlo Park commissioned BAE to complete an analysis of the proposed mixed-use project at 201 El Camino Real and 612 Cambridge Avenue in Menlo Park (the Project) in order to determine the value of a potential public benefit bonus for the Project. The proposed Project consisted of a mixed-use building at 201 El Camino Real, with approximately 3,000 square feet of medical office and 4,300 square feet of retail space on the ground floor and 12 residential units on the upper floors, along with two townhomes at 612 Cambridge Avenue. At the time of the 2019 analysis, the applicant planned to operate the development as a rental project. The proposed Project would receive a public benefit bonus in accordance with the Downtown/El Camino Real Specific Plan public benefit program.

The City's Below Market Rate (BMR) Housing Program requires that the project provide 1.4 BMR units, with the option to satisfy the requirement for the fractional 0.4 BMR unit by paying an in-lieu fee. In exchange for receiving a public benefit bonus for the project, the applicant proposed rounding up the BMR requirement to provide two BMR units rather than paying the in-lieu fee, providing a benefit equal to 0.6 BMR units (i.e., the difference between the 0.4 fractional BMR unit requirement and the full additional BMR unit to be provided).

For the 2019 analysis, BAE prepared a static financial pro forma analysis to assess the value of the public benefit bonus upon Project completion and stabilization, compared to the value of the project with no public benefit bonus. In accordance with the City's BMR Housing Program, the 2019 analysis assumed that the BMR units would be rented at prices affordable to households with incomes equal to 80 percent of the Area Median Income (AMI). In addition to evaluating the rental scenario that the applicant had proposed, the 2019 analysis also evaluated a hypothetical scenario that estimated the value of the public benefit bonus if the project were to be sold as condominiums upon completion of the Project. In the condominium

scenario, the 2019 analysis assumed that the BMR units would be sold at prices affordable to households with incomes equal to 110 percent of AMI.

A static pro forma model estimates the value of the Project at a single point in time, once the Project is complete and stabilized, and does not evaluate the ongoing cash flow from revenues and expenses from Project operations over time. In contrast to the static pro forma approach, a cash flow approach would have required additional information that was not available at the time of the 2019 analysis, including the length of time that the applicant planned to hold the property, the manner in which the applicant planned to dispose of the property, and the applicant's expectations related to the increase in project value over the holding period. The static pro forma approach is consistent with the methodology that BAE has used to prepare prior public benefits analyses for other projects in the El Camino Real/Downtown Specific Plan area.

In all scenarios evaluated, the analysis found that the public benefit bonus increased the value of the project relative to a project built at the base level density. However, the analysis found that the bonus level project was unlikely to generate sufficient profit to enable the developer to provide public benefits in excess of the proposed contribution of 0.6 of a BMR unit.

Subsequent Changes to the Proposed Project

Subsequent to the completion of the 2019 public benefit analysis, the Project Sponsor revised the proposed development program and provided additional information about the applicant's longer-term plans for the sites, as follows:

Changes to the Non-Residential Mix: The current proposal includes 1,200 square feet of restaurant uses and 5,876 square feet of retail uses on the ground floor of the mixed-use building, excluding the medical office space that was included in the 2019 analysis and replacing most of that square footage with restaurant and retail uses. Restaurant and retail uses typically achieve lower rental rates than medical office space, thereby potentially reducing the value of the project upon completion relative to the value shown in the 2019 analysis. As a result, the change from medical office to restaurant and retail uses would be unlikely to generate additional project value that could be used to support additional public benefits, relative to the value shown in the 2019 analysis.

Plans to Sell the Project as Condominiums: BAE understands that the applicant has expressed that they intend to operate the Project as a rental project upon completion but plan to sell the units as condominiums at some point in the future. This scenario differs from the condominium scenario evaluated in the 2019 analysis, in that the condominium scenario evaluated in the 2019 analysis assumed that the Project would be sold as condominiums upon completion, rather than being operated initially as a rental project. Analysis of the eventual sale of the project as condominiums after an initial rental period would require a cash flow analysis to evaluate the impacts of all operating costs and revenues during the

applicant's holding period. Such an analysis would be inconsistent with the static pro forma approach used in the 2019 analysis for the Project as well as the approach used to conduct prior public benefits analyses for projects in the El Camino Real/Downtown Specific Plan area. In addition, a cash flow analysis would require additional information that is not yet available regarding when the applicant plans to sell the project and the applicant's expectations related to increases in value during the holding period. The applicant's plan to sell the project as condominiums at some point in the future would not affect the baseline analysis presented in the 2019 memorandum, which in effect analyzed the initial rental phase of the Project upon completion and stabilization.

City staff have indicated that, when the Project is sold as condominiums, the two BMR units in the Project would be sold at prices affordable to households with incomes equal to 80 percent of AMI. In the 2019 analysis, the condominium scenario reflected an assumption that any BMR units would be priced to be affordable to households with incomes equal to 110 percent of AMI. This change in the income targeting would not affect the primary finding from the 2019 analysis, in part because this change would affect the condominium phase of the project and therefore would not impact findings from the initial rental phase as analyzed in the static pro forma model. In addition, any reduction in the income level targeting for the BMR units in the project would reduce revenues from the Project and therefore would not generate additional profit that could be used to support additional community benefits.

Summary of Impact on Public Benefit Analysis Findings

The changes to the proposed Project as outlined above would not change the primary finding from the 2019 analysis, namely that the Project is unlikely generate sufficient profit to enable a community benefit contribution that significantly exceeds the proposed contribution of 0.6 of a BMR unit. It should be noted that, with the exception of the above-described changes to the Project, the discussion provided above does not account of other changes that have occurred since the completion of the 2019 analysis, such as changes in rental rates, sales prices, or construction costs.

We hope that this assessment is useful in your consideration of the revised project proposal. Please do not hesitate to contact me if you would like further information.

Sincerely,



Stephanie Hagar, MCP
Associate Principal

Menlo Park El Camino Real/Downtown Specific Plan
Standards and Guidelines: Project Compliance Worksheet

201 ECR (9/11/20 submittal with supplemental information 9/22/20): ECR SW Zone
Staff Review – September 23, 2020

Section	Standard or Guideline	Requirement	Evaluation
E.3.1 Development Intensity			
E.3.1.01	Standard	Business and Professional office (inclusive of medical and dental office) shall not exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable.	**N/A:** No Business or Professional offices are proposed.
E.3.1.02	Standard	Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable.	**N/A:** No Medical or Dental offices are proposed.
E.3.2 Height			
E.3.2.01	Standard	Roof-mounted mechanical equipment, solar panels, and similar equipment may exceed the maximum building height, but shall be screened from view from publicly-accessible spaces.	**Complies:** Mechanical equipment (rooftop heat pumps approx. 5' tall (roof surface at approx. 36'). 3'-6" high parapets are provided. Per applicant: mechanical equipment will be placed appropriately as to be screened from publicly accessible spaces. See section sheets A5.3 and A3.8 (roof plan) for HVAC location.
E.3.2.02	Standard	Vertical building projections such as parapets and balcony railings may extend up to 4 feet beyond the maximum façade height or the maximum building height and shall be integrated into the design of the building.	**Complies:** Roof parapets extend three feet and six inches above the roof slab; 1-6" above height limit and are integrated into the design of the building. See section sheets A5.2, A5.3.
E.3.2.03	Standard	Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed 14 feet beyond the maximum building height. Such rooftop elements shall be integrated into the design of the building.	**Complies**: Stair tower ridge at 46'-2.5" (height limit 38'); elevator tower at approx. 41'. Rooftop elements are integrated into the design of the building. See rear/southwest elevation, A4.2.
E.3.3 Setbacks and Projections within Setbacks			
E.3.3.01	Standard	Front setback areas shall be developed with sidewalks, plazas, and/or landscaping as appropriate.	**Complies:** Front setback is a sidewalk with planters and landscaping. See landscape plans.
E.3.3.02	Standard	Parking shall not be permitted in front setback areas.	**Complies:** No parking is proposed in the front setback area
E.3.3.03	Standard	In areas where no or a minimal setback is required, limited setback for store or lobby entry recesses shall not exceed a maximum of 4-foot depth and a maximum of 6-foot width.	**N/A:** Does not apply to the ECR SW zone.
E.3.3.04	Standard	In areas where no or a minimal setback is required, building projections, such as balconies, bay windows and dormer windows, shall not project beyond a maximum of 3 feet from the building face into the sidewalk clear walking zone, public right-of-way or public spaces, provided they have a minimum 8-foot vertical clearance above the sidewalk clear walking zone, public right-of-way or public space.	**N/A:** Does not apply to the ECR SW zone.

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Section	Standard or Guideline	Requirement	Evaluation
E.3.3.05	Standard	In areas where setbacks are required, building projections, such as balconies, bay windows and dormer windows, at or above the second habitable floor shall not project beyond a maximum of 5 feet from the building face into the setback area.	**Complies:** Building projections project up to three feet and six inches (at balconies) into the minimum 7' setback as shown on wall sections sheet A5.6.
E.3.3.06	Standard	The total area of all building projections shall not exceed 35% of the primary building façade area. Primary building façade is the façade built at the property or setback line.	**Complies:** Building projections on all sides comply: El Camino Real: 12% Cambridge Ave: 31% Rear Property Line: 20% See sheet A1.7
E.3.3.07	Standard	Architectural projections like canopies, awnings and signage shall not project beyond a maximum of 6 feet horizontally from the building face at the property line or at the minimum setback line. There shall be a minimum of 8-foot vertical clearance above the sidewalk, public right-of-way or public space.	**Complies:** Awnings Cambridge Ave project three feet beyond the building face. This building face is a three-foot projection from the primary façade plane at the 7' setback line. This complies with the maximum 6' projection from the setback line. The bottom of the awning is 23'-7" above the sidewalk. See sheet A5.6.
E.3.3.08	Standard	No development activities may take place within the San Francisquito Creek bed, below the creek bank, or in the riparian corridor.	**N/A:** No development activities associated with this permit will take place in the San Francisquito Creek bed, creek bank, or riparian corridor.
E.3.4 Massing and Modulation			
E.3.4.1 Building Breaks			
E.3.4.1.01	Standard	The total of all building breaks shall not exceed 25 percent of the primary façade plane in a development.	**Complies:** The total building breaks are 13 percent of the primary facade plane on Cambridge Ave. (153.75 / 20.25). See A1.7
E.3.4.1.02	Standard	Building breaks shall be located at ground level and extend the entire building height.	**Complies:** The building break extends for the height of the building. See A1.7
E.3.4.1.03	Standard	In all districts except the ECR-SE zoning district, recesses that function as building breaks shall have minimum dimensions of 20 feet in width and depth and a maximum dimension of 50 feet in width. For the ECR-SE zoning district, recesses that function as building breaks shall have a minimum dimension of 60 feet in width and 40 feet in depth.	**Complies:** The building break does not exceed 50 feet. See A1.7
E.3.4.1.04	Standard	Building breaks shall be accompanied with a major change in fenestration pattern, material and color to have a distinct treatment for each volume.	**Complies:** The buildings on either side of the building break utilize different fenestration colors and detailing. The roof form is differentiated at building break and Juliet balconies used at wall plane at building break on the third floor. See A1.7 and A4.2
E.3.4.1.05	Standard	In all districts except the ECR-SE zoning district, building breaks shall be required as shown in Table E3.	Complies: The building breaks are required at 100 feet on center and are provided on Cambridge Avenue. See A1.7, A3.1

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Section	Standard or Guideline	Requirement	Evaluation
E.3.4.1.06	Standard	In the ECR-SE zoning district, and consistent with Table E4 the building breaks shall: • Comply with Figure E9; • Be a minimum of 60 feet in width, except where noted on Figure E9; • Be a minimum of 120 feet in width at Middle Avenue; • Align with intersecting streets, except for the area between Roble Avenue and Middle Avenue; • Be provided at least every 350 feet in the area between Roble Avenue and Middle Avenue; where properties under different ownership coincide with this measurement, the standard side setbacks (10 to 25 feet) shall be applied, resulting in an effective break of between 20 to 50 feet. • Extend through the entire building height and depth at Live Oak Avenue, Roble Avenue, Middle Avenue, Partridge Avenue and Harvard Avenue; and • Include two publicly-accessible building breaks at Middle Avenue and Roble Avenue.	**N/A:** The subject property is not located within the ECR SE sub-district.
E.3.4.1.07	Standard	In the ECR-SE zoning district, the Middle Avenue break shall include vehicular access; publicly-accessible open space with seating, landscaping and shade; retail and restaurant uses activating the open space; and a pedestrian/bicycle connection to Alma Street and Burgess Park. The Roble Avenue break shall include publicly-accessible open space with seating, landscaping and shade.	**N/A:** The subject property is not located within the ECR SE sub-district.
E.3.4.1.08	Guideline	In the ECR-SE zoning district, the breaks at Live Oak, Roble, Middle, Partridge and Harvard Avenues may provide vehicular access.	**N/A:** The subject property is not located within the ECR SE sub-district.
E.3.4.2 Façade Modulation and Treatment			
E.3.4.2.01	Standard	Building façades facing public rights-of-way or public open spaces shall not exceed 50 feet in length without a minor building façade modulation. At a minimum of every 50' façade length, the **minor vertical façade modulation** shall be a minimum 2 feet deep by 5 feet wide recess or a minimum 2 foot setback of the building plane from the primary building façade.	**Complies:** Based on the building massing with building break location, one minor modulation is required and provided on ECR and one is provided on Cambridge Avenue. See A1.7.

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Staff Review – September 23, 2020

Section	Standard or Guideline	Requirement	Evaluation
E.3.4.2.02	Standard	Building façades facing public rights-of-way or public open spaces shall not exceed 100 feet in length without a major building modulation. At a minimum of every 100 feet of façade length, a **major vertical façade modulation** shall be a minimum of 6 feet deep by 20 feet wide recess or a minimum of 6 feet setback of building plane from primary building façade for the full height of the building. This standard applies to all districts except ECR NE-L and ECR SW since those two districts are required to provide a building break at every 100 feet.	**N/A:** This standard does not apply in the ECR SW district.
E.3.4.2.03	Standard	In addition, the major building façade modulation shall be accompanied with a 4-foot minimum height modulation and a major change in fenestration pattern, material and/or color.	**N/A:** This standard does not apply in the ECR SW district.
E.3.4.2.04	Guideline	Minor façade modulation may be accompanied with a change in fenestration pattern, and/or material, and/or color, and/or height.	**Complies:** On the Cambridge side, color variation is used. On the ECR side there is some minor fenestration variation but mostly the variation is due to the gable forms flanking the modulation on each side. See sheet A4.2
E.3.4.2.05	Guideline	Buildings should consider sun shading mechanisms, like overhangs, *bris soleils* and clerestory lighting, as façade articulation strategies.	**Complies:** The building employs overhangs and awnings for façade articulation. See sheet A4.2.
E.3.4.3 Building Profile			
E.3.4.3.01	Standard	The 45-degree building profile shall be set at the minimum setback line to allow for flexibility and variation in building façade height within a district.	**Complies:** See profiles on sheet A5.6. Note: No building profile line is provided along the rear building side but plan information on sheets A1.7, A3.3. and other locations suggest the standard would be met.
E.3.4.3.02	Standard	Horizontal building and architectural projections, like balconies, bay windows, dormer windows, canopies, awnings, and signage, beyond the 45-degree building profile shall comply with the standards for Building Setbacks & Projection within Setbacks (E.3.3.04 to E.3.3.07) and shall be integrated into the design of the building.	**Complies:** Projections would be integrated with design. See sheets A5.6 and A4.2.
E.3.4.3.03	Standard	Vertical building projections like parapets and balcony railings shall not extend 4 feet beyond the 45-degree building profile and shall be integrated into the design of the building.	**Complies:** The vertical projections extend, at most, two feet above building profile line. See sheet A5.6.

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Section	Standard or Guideline	Requirement	Evaluation
E.3.4.3.04	Standard	Rooftop elements that may need to extend beyond the 45-degree building profile due to their function, such as stair and elevator towers, shall be integrated into the design of the building.	**Complies:** The stair and elevator projections are integrated into the building design. See A4.2.
E.3.4.4 Upper Story Façade Length			
E.3.4.4.01	Standard	Building stories above the 38-foot façade height shall have a maximum allowable façade length of 175 feet along a public right-of-way or public open space.	**N/A:** There is no building story above 38' in height.
E.3.5 Ground Floor Treatment, Entry and Commercial Frontage			
Ground Floor Treatment			
E.3.5.01	Standard	The retail or commercial ground floor shall be a minimum 15-foot floor-to-floor height to allow natural light into the space**.**	**Complies:** The floor-to-floor height exceeds 15 feet by two inches. See building sections A5.1 to A5.6.
E.3.5.02	Standard	Ground floor commercial buildings shall have a minimum of 50% transparency (i.e., clear-glass windows) for retail uses, office uses and lobbies to enhance the visual experience from the sidewalk and street. Heavily tinted or mirrored glass shall not be permitted.	**Complies:** Ground floor glazing diagrams and calculations and clear glazing image and material note meet this requirement, as shown on sheet A1.7a.
E.3.5.03	Guideline	Buildings should orient ground-floor retail uses, entries and direct-access residential units to the street.	**Complies:** Retail accesses are oriented towards the street
E.3.5.04	Guideline	Buildings should activate the street by providing visually interesting and active uses, such as retail and personal service uses, in ground floors that face the street. If office and residential uses are provided, they should be enhanced with landscaping and interesting building design and materials.	**Complies:** Retail is the primary activity along both the El Camino Real and Cambridge Avenue frontages.
E.3.5.05	Guideline	For buildings where ground floor retail, commercial or residential uses are not desired or viable, other project-related uses, such as a community room, fitness center, daycare facility or sales center, should be located at the ground floor to activate the street.	**N/A:** The ground floor will accommodate retail and restaurant uses, which are designed to activate the street. The residential lobby includes large windows to create a light and inviting environment. No other project related uses are proposed.
E.3.5.06	Guideline	Blank walls at ground floor are discouraged and should be minimized. When unavoidable, continuous lengths of blank wall at the street should use other appropriate measures such as landscaping or artistic intervention, such as murals.	**Complies:** Walls that are not accommodated with openings for practical reasons have been designed to complement the architectural style and employ elements like plant trellises, green screen walls, thickened wall bases, and planter walls

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Section	Standard or Guideline	Requirement	Evaluation
E.3.5.07	Guideline	Residential units located at ground level should have their floors elevated a minimum of 2 feet to a maximum of 4 feet above the finished grade sidewalk for better transition and privacy, provided that accessibility codes are met.	**N/A:** There are no residential units on the ground level
E.3.5.08	Guideline	Architectural projections like canopies and awnings should be integrated with the ground floor and overall building design to break up building mass, to add visual interest to the building and provide shelter and shade.	**Complies:** The building design includes a great deal of mass articulation to create a visually interesting building. Balconies and awnings add additional interest.
Building Entries			
E.3.5.09	Standard	Building entries shall be oriented to a public street or other public space. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street. From the street, these entries and courtyards provide additional visual interest, orientation and a sense of invitation.	**Complies:** Main retail entries are oriented to a public street. These entries are emphasized by the surrounding design: the gable on El Camino Real and the balconies on Cambridge Avenue. The residential lobby is less prominent than the retail entries but opens to Cambridge Avenue.
E.3.5.10	Guideline	Entries should be prominent and visually distinctive from the rest of the façade with creative use of scale, materials, glazing, projecting or recessed forms, architectural details, color, and/or awnings.	**Complies:** The elevations are organized to place major architectural emphasis at each of the three retail entries. Further, the pattern and rhythm of the façade focuses attention on the entries.
E.3.5.11	Guideline	Multiple entries at street level are encouraged where appropriate.	**Complies:** The building has multiple street level entrances. See A3.1 and A4.2
E.3.5.12	Guideline	Ground floor residential units are encouraged to have their entrance from the street.	**N/A:** No ground floor residential units
E.3.5.13	Guideline	Stoops and entry steps from the street are encouraged for individual unit entries when compliant with applicable accessibility codes. Stoops associated with landscaping create inviting, usable and visually attractive transitions from private spaces to the street.	**N/A:** There are no stoops or entry steps.
E.3.5.14	Guideline	Building entries are allowed to be recessed from the primary building façade.	**Complies:** The building entries are recessed from primary building facades. See A3.1
Commercial Frontage			
E.3.5.15	Standard	Commercial windows/storefronts shall be recessed from the primary building façade a minimum of 6 inches	**Complies:** See sheet A3.1. The recesses vary considerably and are a minimum of 6” deep.
E.3.5.16	Standard	Retail frontage, whether ground floor or upper floor, shall have a minimum 50% of the façade area transparent with clear vision glass, not heavily tinted or highly mirrored glass.	**Complies:** Ground floor glazing diagrams and calculations and clear glazing image and material note meet this requirement as shown on sheet A1.7a.

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Section	Standard or Guideline	Requirement	Evaluation
E.3.5.17	Guideline	Storefront design should be consistent with the building's overall design and contribute to establishing a well-defined ground floor for the façade along streets.	**Complies:** The storefront windows are sized to relate to the residential windows above.
E.3.5.18	Guideline	The distinction between individual storefronts, entire building façades and adjacent properties should be maintained.	**Complies:** Facade contrasts with the adjacent building to the north and does not copy the building across the street.
E.3.5.19	Guideline	Storefront elements such as windows, entrances and signage should provide clarity and lend interest to the façade.	**Complies:** Storefronts define retail character. Per applicant: Period signage can be coordinated to match the style of the building.
E.3.5.20	Guideline	Individual storefronts should have clearly defined bays. These bays should be no greater than 20 feet in length. Architectural elements, such as piers, recesses and projections help articulate bays.	**Complies:** The design and placement of storefront bays comply. See building elevations.
E.3.5.21	Guideline	All individual retail uses should have direct access from the public sidewalk. For larger retail tenants, entries should occur at lengths at a maximum at every 50 feet, consistent with the typical lot size in downtown.	**Complies:** Entries are on public sidewalk side and occur, at the most, 50 feet apart.
E.3.5.22	Guideline	Recessed doorways for retail uses should be a minimum of two feet in depth. Recessed doorways provide cover or shade, help identify the location of store entrances, provide a clear area for out-swinging doors and offer the opportunity for interesting paving patterns, signage and displays.	**Complies:** Retail doorways are recessed by at least two feet at all retail entrances. See A3.1
E.3.5.23	Guideline	Storefronts should remain un-shuttered at night and provide clear views of interior spaces lit from within. If storefronts must be shuttered for security reasons, the shutters should be located on the inside of the store windows and allow for maximum visibility of the interior.	**Complies:** Per applicant: No shutters are proposed.
E.3.5.24	Guideline	Storefronts should not be completely obscured with display cases that prevent customers and pedestrians from seeing inside.	**Complies:** The project owners will assure compliance by retail tenants.
E.3.5.25	Guideline	Signage should not be attached to storefront windows.	**Complies**: Signage will be above or to the side of the storefront windows. See master sign plan sheet A-6.8.
E.3.6 Open Space			

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Section	Standard or Guideline	Requirement	Evaluation
E.3.6.01	Standard	Residential developments or Mixed Use developments with residential use shall have a minimum of 100 square feet of open space per unit created as common open space or a minimum of 80 square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of 6 feet by 6 feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to 1.25 square feet for each one square foot of private open space that is not provided.	**Complies:** The private open space requirement for the project is met by providing private balconies for each unit. Each of these spaces exceed the 80 square foot minimum area and dimensional requirements for private balconies. See A1.5a and A1.5b
E.3.6.02	Standard	Residential open space (whether in common or private areas) and accessible open space above parking podiums up to 16 feet high shall count towards the minimum open space requirement for the development.	**Complies:** 30 percent is the minimum open space required. 1,458 square feet of private open space may contribute to the required open space of 5,191 square feet. 6,600 square feet of common open space is provided at ground level. See A1.3a.
E.3.6.03	Guideline	Private and/or common open spaces are encouraged in all developments as part of building modulation and articulation to enhance building façade.	**Complies:** Two balconies jut out on the Cambridge Avenue side as part of facade articulation
E.3.6.04	Guideline	Private development should provide accessible and usable common open space for building occupants and/or the general public.	**Complies:** The project includes a great deal of usable common open space that is designed to invite and encourage use. The paseo connects this space to Cambridge Avenue and encourages pedestrian traffic through the site. See A1.1
E.3.6.05	Guideline	For residential developments, private open space should be designed as an extension of the indoor living area, providing an area that is usable and has some degree of privacy.	**Complies:** Private open spaces are presented as balconies set back into the building to allow privacy. See A1.4a and A1.5a
E.3.6.06	Guideline	Landscaping in setback areas should define and enhance pedestrian and open space areas. It should provide visual interest to streets and sidewalks, particularly where building façades are long.	**Complies:** The landscaping enhances public areas and open space. See Landscape plans.
E.3.6.07	Guideline	Landscaping of private open spaces should be attractive, durable and drought-resistant.	**Complies:** The Landscaping is attractive, durable, and drought friendly. See Landscape plans.
E.3.7 Parking, Service and Utilities			
General Parking and Service Access			
E.3.7.01	Guideline	The location, number and width of parking and service entrances should be limited to minimize breaks in building design, sidewalk curb cuts and potential conflicts with streetscape elements.	**Complies:** The trash room is directly adjacent to the down ramp for the garage. Location, number, and width of parking and service entrances is arranged to prevent breaks in design, interference with sidewalks, and streetscape conflicts. See A1.1

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Section	Standard or Guideline	Requirement	Evaluation
E.3.7.02	Guideline	In order to minimize curb cuts, shared entrances for both retail and residential use are encouraged. In shared entrance conditions, secure access for residential parking should be provided.	**Complies:** Residential and commercial uses share access to below grade parking accessed through a single curb cut.
E.3.7.03	Guideline	When feasible, service access and loading docks should be located on secondary streets or alleys and to the rear of the building.	**Complies:** Service access and loading are located on Cambridge Ave.
E.3.7.04	Guideline	The size and pattern of loading dock entrances and doors should be integrated with the overall building design.	**Complies:** A loading dock is not required due to the size of the commercial uses.
E.3.7.05	Guideline	Loading docks should be screened from public ways and adjacent properties to the greatest extent possible. In particular, buildings that directly adjoin residential properties should limit the potential for loading-related impacts, such as noise. Where possible, loading docks should be internal to the building envelope and equipped with closable doors. For all locations, loading areas should be kept clean.	**Complies:** No loading docks are proposed. Loading will occur curbside on Cambridge Avenue, where parking is restricted.
E.3.7.06	Guideline	Surface parking should be visually attractive, address security and safety concerns, retain existing mature trees and incorporate canopy trees for shade. See Section D.5 for more compete guidelines regarding landscaping in parking areas.	**N/A:** Parking is underground.
Utilities			
E.3.7.07	Guideline	All utilities in conjunction with new residential and commercial development should be placed underground.	**Complies:** All utilities are placed underground.
E.3.7.08	Guideline	Above ground meters, boxes and other utility equipment should be screened from public view through use of landscaping or by integrating into the overall building design.	**Complies:** Above ground meters, boxes, and other equipment are placed in a mechanical enclosure at the rear of the building. The backflow preventer is located on Cambridge Avenue. All equipment not contained within enclosures will be painted to match the door and window frames. Landscaping Planter Boxes and/or low fencing have been provided to screen these items from view. See sheets L1.0, L1.1, C3.1.
Parking Garages			

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Section	Standard or Guideline	Requirement	Evaluation
E.3.7.09	Standard	To promote the use of bicycles, secure bicycle parking shall be provided at the street level of public parking garages. Bicycle parking is also discussed in more detail in Section F.5 "Bicycle Storage Standards and Guidelines."	**Complies**: Short term bicycle parking is provided at street level, arranged around the site and long term storage is in the garage level where lockers have been provided.
E.3.7.10	Guideline	Parking garages on downtown parking plazas should avoid monolithic massing by employing change in façade rhythm, materials and/or color.	**N/A:** A parking garage is not proposed.
E.3.7.11	Guideline	To minimize or eliminate their visibility and impact from the street and other significant public spaces, parking garages should be underground, wrapped by other uses (i.e. parking podium within a development) and/or screened from view through architectural and/or landscape treatment.	**Complies:** The parking garage is underground.
E.3.7.12	Guideline	Whether free-standing or incorporated into overall building design, garage façades should be designed with a modulated system of vertical openings and pilasters, with design attention to an overall building façade that fits comfortably and compatibly into the pattern, articulation, scale and massing of surrounding building character.	**Complies:** The parking garage is underground.
E.3.7.13	Guideline	Shared parking is encouraged where feasible to minimize space needs, and it is effectively codified through the plan's off-street parking standards and allowance for shared parking studies.	**Complies:** Underground parking will accommodate all uses on site with commercial largely on the first level and residential on the second level.
E.3.7.14	Guideline	A parking garage roof should be approached as a usable surface and an opportunity for sustainable strategies, such as installment of a green roof, solar panels or other measures that minimize the heat island effect.	**Complies:** Parking garage roof is the first level's floor slab.
E.3.8 Sustainable Practices			
Overall Standards			
E.3.8.01	Standard	Unless the Specific Plan area is explicitly exempted, all citywide sustainability codes or requirements shall apply.	**Tentatively complies:** Per applicant:: All citywide sustainability codes to be met.
Overall Guidelines			

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Section	Standard or Guideline	Requirement	Evaluation
E.3.8.02	Guideline	Because green building standards are constantly evolving, the requirements in this section should be reviewed and updated on a regular basis of at least every two years.	**Tentatively complies:** Requirements will be reviewed accordingly.
Leadership in Energy and Environmental Design (LEED) Standards			

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E.3.8.03	Standard	Development shall achieve LEED certification, at Silver level or higher, or a LEED Silver equivalent standard for the project types listed below. For LEED certification, the applicable standards include LEED New Construction; LEED Core and Shell; LEED New Homes; LEED Schools; and LEED Commercial Interiors. Attainment shall be achieved through LEED certification or through a City-approved outside auditor for those projects pursing a LEED equivalent standard. The requirements, process and applicable fees for an outside auditor program shall be established by the City and shall be reviewed and updated on a regular basis. LEED certification or equivalent standard, at a Silver lever or higher, shall be required for: • Newly constructed residential buildings of Group R (single-family, duplex and multi-family); • Newly constructed commercial buildings of Group B (occupancies including among others office, professional and service type transactions) and Group M (occupancies including among others display or sale of merchandise such as department stores, retail stores, wholesale stores, markets and sales rooms) that are 5,000 gross square feet or more; • New first-time build-outs of commercial interiors that are 20,000 gross square feet or more in buildings of Group B and M occupancies; and • Major alterations that are 20,000 gross square feet or more in existing buildings of Group B, M and R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed. All residential and/or mixed use developments of sufficient size to require LEED certification or equivalent standard under the Specific Plan shall install one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces provided. Per the Climate Action Plan the complying applicant could receive incentives, such as streamlined permit processing, fee discounts, or design templates.	**Tentatively Complies:** Per applicant: Building is a mixed-use Group R and Group M building. The building is intended to be LEED Silver Equivalent and NZE; Net Zero Energy as a goal. Electric vehicle plug-in stations are provided in the garage level
Leadership in Energy and Environmental Design (LEED) Guidelines			

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Section	Standard or Guideline	Requirement	Evaluation
E.3.8.04	Guideline	The development of larger projects allows for more comprehensive sustainability planning and design, such as efficiency in water use, stormwater management, renewable energy sources and carbon reduction features. A larger development project is defined as one with two or more buildings on a lot one acre or larger in size. Such development projects should have sustainability requirements and GHG reduction targets that address neighborhood planning, in addition to the sustainability requirements for individual buildings (See Standard E.3.8.03 above). These should include being certified or equivalently verified at a LEED-ND (neighborhood development), Silver level or higher, and mandating a phased reduction of GHG emissions over a period of time as prescribed in the 2030 Challenge. The sustainable guidelines listed below are also relevant to the project area. They relate to but do not replace LEED certification or equivalent standard rating requirements.	**N/A:** The site is too small to have to conform to LEED ND Silver standards. However, the project will address localized flooding issue at the corner of El Camino and Cambridge, and will upgrade the stormwater management system and significantly reduce runoff from the property by managing infiltration and increasing pervious area with bioretention, landscaping, and pervious pavements.
Building Design Guidelines			
E.3.8.05	Guideline	Buildings should incorporate narrow floor plates to allow natural light deeper into the interior.	**Complies:** The floor plates are narrow.
E.3.8.06	Guideline	Buildings should reduce use of daytime artificial lighting through design elements, such as bigger wall openings, light shelves, clerestory lighting, skylights, and translucent wall materials.	**Complies:** The building has large windows to allow for increased natural lighting.
E.3.8.07	Guideline	Buildings should allow for flexibility to regulate the amount of direct sunlight into the interiors. Louvered wall openings or shading devices like *bris soleils* help control solar gain and check overheating. *Bris soleils*, which are permanent sun-shading elements, extend from the sun-facing façade of a building, in the form of horizontal or vertical projections depending on sun orientation, to cut out the sun's direct rays, help protect windows from excessive solar light and heat and reduce glare within.	**Complies:** The awnings and sun shades can be placed into the building without compromising the building's Spanish/Monterey style.
E.3.8.08	Guideline	Where appropriate, buildings should incorporate arcades, trellis and appropriate tree planting to screen and mitigate south and west sun exposure during summer. This guideline would not apply to downtown, the station area and the west side of El Camino Real where buildings have a narrower setback and street trees provide shade.	**N/A:** The subject property is located on the west side of El Camino Real.

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Section	Standard or Guideline	Requirement	Evaluation
E.3.8.09	Guideline	Operable windows are encouraged in new buildings for natural ventilation.	**Complies:** The residential windows are operable.
E.3.8.10	Guideline	To maximize use of solar energy, buildings should consider integrating photovoltaic panels on roofs.	**Complies:** Refer to sheet A-3.8 for rooftop Photovoltaic panel locations.
E.3.8.11	Guideline	Inclusion of recycling centers in kitchen facilities of commercial and residential buildings shall be encouraged. The minimum size of recycling centers in commercial buildings should be 20 cubic feet (48 inches wide x 30 inches deep x 24 inches high) to provide for garbage and recyclable materials.	**Complies:** Trash and recycling room available on the first floor width dimensions of 16' by 16' and an area of 256 square feet.
Stormwater and Wastewater Management Guidelines			
E.3.8.12	Guideline	Buildings should incorporate intensive or extensive green roofs in their design. Green roofs harvest rain water that can be recycled for plant irrigation or for some domestic uses. Green roofs are also effective in cutting-back on the cooling load of the air-conditioning system of the building and reducing the heat island effect from the roof surface.	**Complies:** Refer to sheet A-3.8 for green roof area. Also see C5.0, Stormwater Management Plan has been added to the submittal set which delineates the green roof as “DMA 7” and lists all its treatment stats. Sheet LEED-1.0 now includes specifications for the green roof assembly.
E.3.8.13	Guideline	Projects should use porous material on driveways and parking lots to minimize stormwater run-off from paved surfaces.	**Complies:** The project uses porous materials to minimize stormwater run-off from paved surfaces. See L1.0.
Landscaping Guidelines			
E.3.8.14	Guideline	Planting plans should support passive heating and cooling of buildings and outdoor spaces.	**Complies:** Plan embellishes plant-scape to the west and additional trees to the South with native species types. See Landscaping plan L1.2.
E.3.8.15	Guideline	Regional native and drought resistant plant species are encouraged as planting material.	**Complies:** Reference attached landscape planting plan L1.2.
E.3.8.16	Guideline	Provision of efficient irrigation system is recommended, consistent with the City's Municipal Code Chapter 12.44 "Water-Efficient Landscaping".	**Complies:** See Landscape plans.
Lighting Standards			
E.3.8.17	Standard	Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.	**Complies:** Exterior lighting complies with this requirement. See RCP-1.4.
E.3.8.18	Standard	Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.	**Complies:** The parking garage is under ground. The lighting in the parking garage is designed to ensure adequate lighting. See photometric lighting sheets RCP-1.2 and RCP-1.3.
Lighting Guidelines			
E.3.8.19	Guideline	Energy-efficient and color-balanced outdoor lighting, at the lowest lighting levels possible, are encouraged to provide for safe pedestrian and auto circulation.	**Complies:** The site lighting would be efficient and color-balanced. See photometric lighting sheets - RCP-1.1, RCP-1.2 and RCP-1.3.

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Section	Standard or Guideline	Requirement	Evaluation
E.3.8.20	Guideline	Improvements should use ENERGY STAR-qualified fixtures to reduce a building's energy consumption.	**Complies:** Lighting should be Energy Star qualified. All site lighting would utilize LED and are Energy Star compliant. See photometric lighting sheets RCP-1.1, RCP-1.2 and RCP-1.3.
E.3.8.21	Guideline	Installation of high-efficiency lighting systems with advanced lighting control, including motion sensors tied to dimmable lighting controls or lighting controlled by timers set to turn off at the earliest practicable hour, are recommended.	**Complies:** Lighting would be coordinated with the style of the building.
Green Building Material Guidelines			
E.3.8.22	Guideline	The reuse and recycle of construction and demolition materials is recommended. The use of demolition materials as a base course for a parking lot keeps materials out of landfills and reduces costs.	**Tentatively Complies:** Per applicant: Materials would be reused to the extent that demolition materials can be reused or recycled.
E.3.8.23	Guideline	The use of products with identifiable recycled content, including post-industrial content with a preference for post-consumer content, are encouraged.	**Tentatively Complies:** Per applicant: Recycled content would be used to the extend possible as required by LEED
E.3.8.24	Guideline	Building materials, components, and systems found locally or regionally should be used, thereby saving energy and resources in transportation.	**Tentatively Complies:** Per applicant: Locally found materials would be used.
E.3.8.25	Guideline	A design with adequate space to facilitate recycling collection and to incorporate a solid waste management program, preventing waste generation, is recommended.	**Complies:** The building has adequate space for garbage and recycling collection.
E.3.8.26	Guideline	The use of material from renewable sources is encouraged.	**Tentatively Complies:** Per applicant: Material from renewable sources will be used.

Advanced Tree Care
965 East San Carlos Ave, San Carlos

201 El Camino Real, Menlo Park
July 18, 2020

Hu – Hantwo LLC
86 Michaels Way
Atherton, CA 94027

Site: 201 El Camino Real, Menlo Park

Dear Hu,

At your request I visited the above site for the purpose of inspecting and commenting on the Regulated trees around the property. A development is planned, prompting the need for this tree protection report.

Method:
Menlo Park requests that all trees within the property or within 8 feet of the property lines be included on the report if the trunk diameter at standard height is greater than 6 inches. The location of the trees on this site can be found on the plan provided by you. Each tree is given an identification number. The trees are measured at 54 inches above ground level (DBH or Diameter at Breast Height). A condition rating of 1 to 100 is assigned to each tree representing form and vitality on the following scale:

1 to 29	Very Poor
30 to 49	Poor
50 to 69	Fair
70 to 89	Good
90 to 100	Excellent

The height and spread of each tree is estimated. A Comments section is provided for any significant observations affecting the condition rating of the tree.

A Summary and Tree Protection Plan are at the end of the end of the survey providing recommendations for maintaining the health and condition of the trees during and after construction. There is an Addenda at the end of the report for specific details required through planning and construction.

If you have any questions, please don't hesitate to call.

Sincerely



Robert Weatherill
Certified Arborist WE 1936A

Tree Survey

Tree#	Species	DBH	Ht/Sp	Con Rating	Comments
1	Coastal redwood *Sequoia sempervirens*	29.6”	50/25	65	Good health and condition, pruned for PGE, **Regulated**
2	Coastal redwood *Sequoia sempervirens*	27.2”	45/20	65	Good health and condition, pruned for PGE, **Regulated**
3	Valley oak *Quercus lobata*	19.2”	30/25	40	Poor health and condition, pruned for PGE, one sided, **Regulated**
4	Honey locust *Gleditsia triacanthos*	12.3”	30/30	50	Fair health and condition, drought stress **Not Regulated**
5	Coastal redwood *Sequoia sempervirens*	33.7”	45/25	40	Poor health and condition, thin canopy, codominant, **Regulated**
6	Coastal redwood *Sequoia sempervirens*	23.1”	40/20	65	Good health and condition **Regulated**
7	Coastal redwood *Sequoia sempervirens*	9.6”	30/10	65	Good health and condition **Not Regulated**
8	Coastal redwood *Sequoia sempervirens*	16.2”	30/15	65	Good health and condition **Regulated**
9	Valley oak *Quercus lobata*	40.3”	40/50	80	Good health and condition, well maintained, **Regulated**
10	Coastal redwood *Sequoia sempervirens*	24”est	60/25	60	Good health and condition, neighbors **Regulated**
11	Black acacia *Acacia melonoxylon*	21.7”	60/30	50	Fair health and condition, leaning, one sided, poor species, **Regulated**
12	Black acacia *Acacia melonoxylon*	23.8”	60/30	50	Fair health and condition, leaning, one sided, poor species, **Regulated**
13	Chinese elm *Ulmus parvifolia*	14.1”	30/25	40	Poor health and condition, cankers, **decay** poor form, **Not Regulated**
14	Black walnut *Juglans nigra*	9.7”	15/10	30	Poor health and condition, suppressed by #3, **Not Regulated**
15	Plum *Prunus cerasifera*	10.5”	18/5	30	Poor health and condition **Not Regulated**
16	Sycamore *Platanus acerifolia*	2.8”	10/2	40	Poor health and condition Street Tree, damage at base. **Regulated**
17	Sycamore *Platanus acerifolia*	5.2”	20/5	40	Fair health and poor condition, Significant lean. Street Tree **Regulated**
18	Sycamore *Platanus acerifolia*	3.5”	20/4	60	Good health and condition Street Tree **Regulated**

Tree#	Species	DBH	Ht/Sp	Con Rating	Comments
19	Carob *Ceratonia siliqua*	12.8”	20/18	65	Fair health and condition, **Not Regulated**
20	Carob *Ceratonia siliqua*	11.7”	20/15	65	Fair health and condition, Street tree **Regulated**

Summary:
The trees on the site are a variety of natives and non-natives.
There are 10 Regulated trees of which 1 is on a neighbor’s property.
Tree # 1 is a Regulated trees in good health and condition and has been requested for removal since it is within the proposed construction.
Tree # 5 is a Regulated tree in poor health and condition and should be removed.
Tree #s 2, 3, 6, 8, 9, 10, 11 and 12 are Regulated trees that should be protected during construction.
Tree #s 4, 7, 13, 14 and 15 are not Regulated trees and can be removed if desired.
Tree #s 16, 17, 18 are street trees along El Camino Real. Tree #s 16 and 17 are in fair health and poor condition and should be removed. Tree # 18 should be protected during construction.
Tree # 19 is a Non Regulated tree on the neighbor’s property that should be protected during construction.
Tree # 20 is a tree in the public right of way and should also be protected during construction.

Tree Protection Plan

1. The Tree Protection Zone (TPZ) should be defined with protective fencing. This should be cyclone or chain link fencing on $1^1/_2$” or 2” posts driven at least 2 feet in to the ground standing at least 6 feet tall. Normally a TPZ is defined by the dripline of the tree. I recommend the TPZ’s as follows:-

Tree # 2: TPZ should be at 8 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6)

Tree # 3: TPZ should be at 12 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6).

Tree #s 6, 8, 10, 11 and 12: TPZ should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6) The tree protection for Tree #s 6 and 8 can be reduced to accommodate excavation for the parking garage but should be no closer than 3 feet from the trunk.

Tree #s 9: TPZ should be at 20 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6) . This can be reduced to no less than 15 feet to accommodate the excavation of the parking garage.

Tree # 19: TPZ should be at 8 feet from the trunk closing on the fence in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6)

Tree #s 18 and 20: The trunks should be wrapped with 4 layers of orange snow fencing and 2 inch thick wooden slats to a height of 10 feet above finished grade with Type III Tree Protection as outlined and illustrated in image 2.15-4 (6)



IMAGE 2.15-1
Tree Protection Fence at the Dripline



IMAGE 2.15-2
Tree Protection Fence at the Dripline

• Type I Tree Protection
The fences shall enclose the entire area under the **canopy dripline or TPZ** of the tree(s) to be saved throughout the life of the project, or until final improvement work within the area is required, typically near the end of the project (*see Images 2.15-1 and 2.15-2*). Parking Areas: If the fencing must be located on paving or sidewalk that will not be demolished, the posts may be supported by an appropriate grade level concrete base.



IMAGE 2.15-4
Trunk Wrap Protection

• Type III Tree Protection
Trees situated in a small tree well or **sidewalk planter pit**, shall be wrapped with 2-inches of orange plastic fencing as padding from the ground to the first branch with 2-inch thick wooden slats bound securely on the outside. During installation of the wood slats, caution shall be used to avoid damaging any bark or branches. Major scaffold limbs may also require plastic fencing as directed by the *City Arborist*. (*see Image 2.15-4*)

2. Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel**. No limbs greater than 4" in diameter shall be removed.

3. All trees should be deep root fertilized prior to construction. Supplemental irrigation may be required during the period of construction.

4. Any excavation in ground where there is a potential to damage roots of 1" or more in diameter should be carefully hand dug. Where possible, roots should be dug around rather than cut.*(2)*

5. If roots are broken, every effort should be made to remove the damaged area and cut it back to its closest lateral root. A clean cut should be made with a saw or pruners. This will prevent any infection from damaged roots spreading throughout the root system and into the tree.*(2)*

6. **Do Not**:.*(4)*

a. Allow run off or spillage of damaging materials into the area below any tree canopy.
b. Store materials, stockpile soil, park or drive vehicles within the TPZ of the tree.
c. Cut, break, skin or bruise roots, branches or trunk without first obtaining permission from the city arborist.
d. Allow fires under any adjacent trees.
e. Discharge exhaust into foliage.
f. Secure cable, chain or rope to trees or shrubs.
g. Apply soil sterilants under pavement near existing trees.

7. Where roots are exposed, they should be kept covered with the native soil or four layers of wetted, untreated burlap. Roots will dry out and die if left exposed to the air for too long.*(4)*

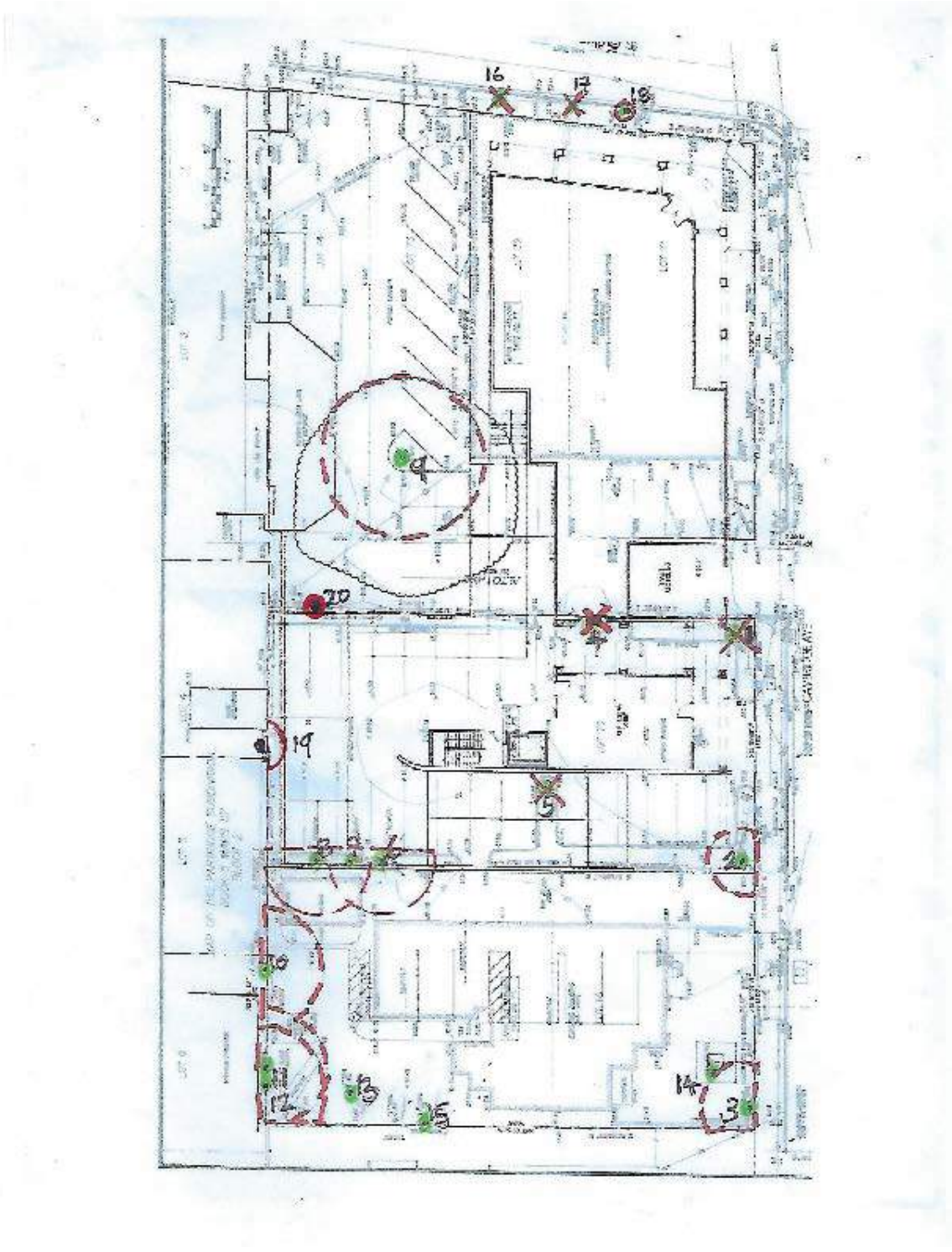
8. Route pipes into alternate locations to avoid conflict with roots.*(4)*

9. Where it is not possible to reroute pipes or trenches, the contractor is to bore beneath the dripline of the tree. The boring shall take place no less than 3 feet below the surface of the soil in order to avoid encountering "feeder" roots.*(4)*

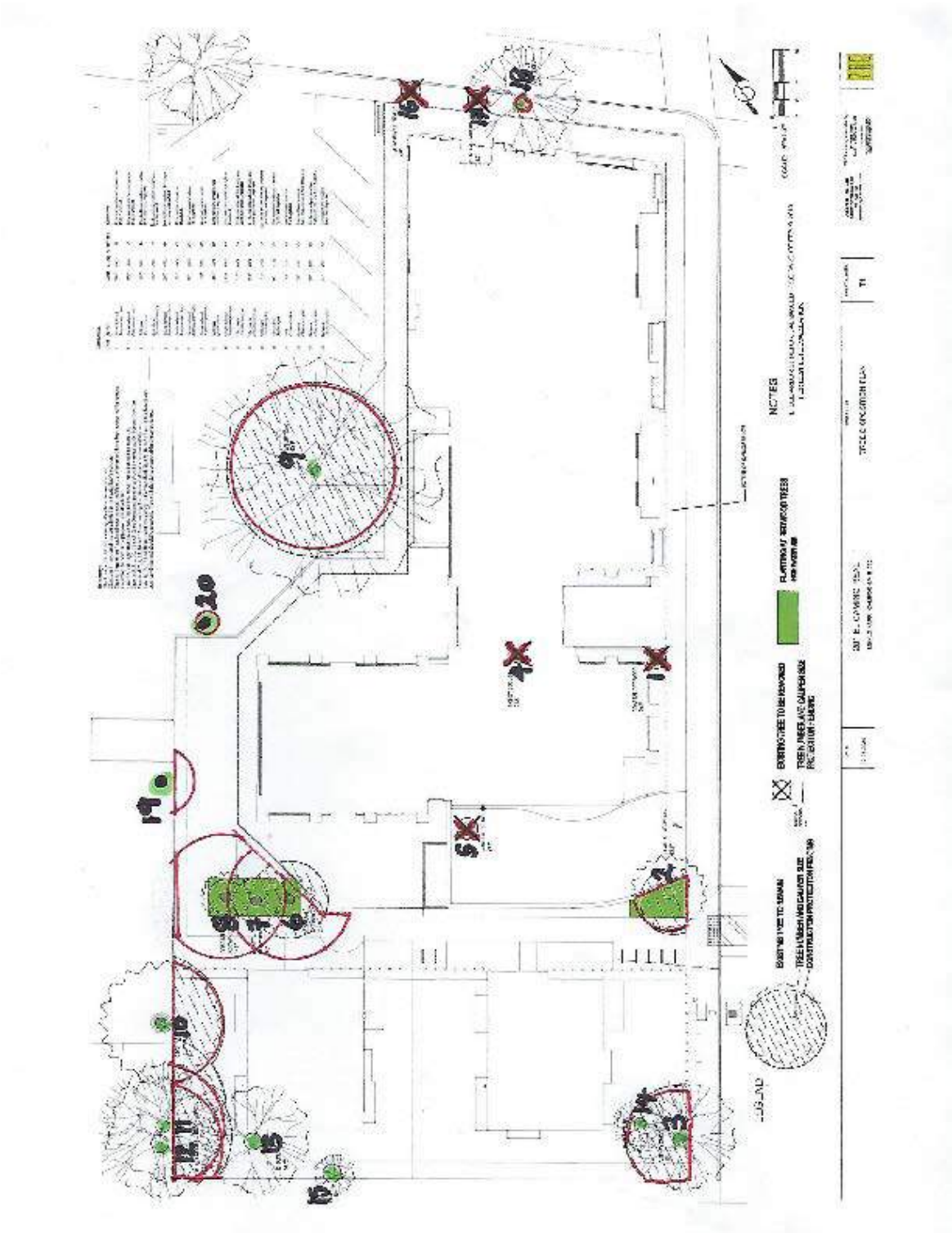
10. Compaction of the soil within the dripline shall be kept to a minimum.*(2)*

11. Any damage due to construction activities shall be reported to the project arborist or city arborist within 6 hours so that remedial action can be taken.

12. Ensure upon completion of the project that the original ground level is restored



Location of existing buildings and parking area,
protected trees and their Tree Protection Zones



Location of proposed construction, protected trees and their Tree Protection Zones

Glossary

Canopy The part of the crown composed of leaves and small twigs.(2)

Cavities An open wound, characterized by the presence of extensive decay and resulting in a hollow.(1)

Decay Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin(1)

Dripline The width of the crown as measured by the lateral extent of the foliage.(1)

Genus A classification of plants showing similar characteristics.

Root crown The point at which the trunk flares out at the base of the tree to become the root system.

Species A Classification that identifies a particular plant.

Standard height Height at which the girth of the tree is measured. Typically 4 1/2 feet above ground level

References

(1) Matheny, N.P., and Clark, J.P. Evaluation of Hazard Trees in Urban Areas. International Society of Arboriculture,1994.

(2) Harris, R.W., Matheny, N.P. and Clark, J.R.. Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines. Prentice Hall, 1999.

(3) Carlson, Russell E. Paulownia on The Green: An Assessment of Tree Health and Structural Condition. Tree Tech Consulting, 1998.

(4) Extracted from a copy of Tree Protection guidelines. Anon

(5) T. D. Sydnor, Arboricultural Glossary. School of Natural Resources, 2000

(6) D Dockter, Tree Technical Manual. City of Palo Alto, June, 2001

***Certification of Performance*[(3)]**

I, Robert Weatherill certify:

* That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms and Conditions;

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

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

* That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;

* That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

* That no one provided significant professional assistance to the consultant, except as indicated within the report.

I further certify that I am a member of the International Society of Arboriculture and a Certified Arborist. I have been involved in the practice of arboriculture and the care and study of trees for over 15 years.

Signed



Robert Weatherill
Certified Arborist WE 1936a
Date: 7/18/20

Terms and Conditions(3)

The following terms and conditions apply to all oral and written reports and correspondence pertaining to consultations, inspections and activities of Advanced Tree Care :

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either verbally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Advanced Tree Care, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded.
3. All reports and other correspondence are confidential, and are the property of Advanced Tree Care and it's named clients and their assignees or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Advanced Tree Care and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report. No warrantee or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.
7. Advanced Tree Care has no warrantee, either expressed or implied, as to the suitability of the information contained in the reports for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultants, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphs material or the work product of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by Advanced Tree Care or the consultant as to the sufficiency or accuracy of that information.

Addenda

Specific Construction Impacts on Tree #s 2, 3, 6, 8 and 9

Coast redwood #2

TPZ should be at 8 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [(6)]. This can be free standing, temporary fencing whilst the asphalt and driveway is intact. Demolition of existing brickwork pillars, curbs and asphalt should be done by hand within the TPZ. When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

Excavation for the ramp down to the garage and its retaining wall within the TPZ should be done by hand or machine carefully reaching into the TPZ. If roots are encountered greater than 2 inches in diameter, they should be left intact and inspected by the Site Arborist. Roots should be worked around where possible.

The joint trench to convert existing overhead electric, telephone and CATV will be located in the sidewalk of Cambridge Ave. This should be hand dug. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #2 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

Redwoods are quite tolerant to construction impacts but as a precaution to ensure that the health and vigor of the tree is maintained during construction, the tree should be deep root fertilized prior to construction. Supplemental irrigation should be applied between the months of May and August, twice a month during construction to ensure the health and vigor of the tree is maintained during construction.

The landscape around Tree #2 should be moderate to high water use. No plantings or irrigation within 5 feet of the trunk of the tree.

Valley oak #3

TPZ should be at 12 feet from the trunk closing on the sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 [(6)]. This can be free standing, temporary fencing whilst the driveway is intact. Demolition of existing driveway, walls, curbs and asphalt should be done by hand within the TPZ. When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.

The joint trench to convert existing overhead electric, telephone and CATV will be located in the sidewalk of Cambridge Ave. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #3 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

A new water line and sewer will pass through the TPZ of this tree. Excavation of the first 2 feet depth of the trench within the TPZ of Tree #3 should be done by hand (marked in blue on drawing). No roots greater than 2 inches in diameter should be cut.

Coast redwood #s 6 and 8

TPZs should be at 15 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6). This can be free standing, temporary fencing whilst the asphalt and driveway is intact. Demolition of existing asphalt should be done by hand within the TPZs.

When complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.
Excavation for the garage and its retaining wall within the TPZs will be minimized using shoring techniques, this will ensure that there is no unnecessary over-dig. The first 3 feet in depth of the excavation within the TPZ should be done by hand to determine what roots may be impacted. All roots should be retained and inspected by the Site Arborist. **No roots greater than 2 inches in diameter should be damaged or cut without Arborist Supervision.**
Redwoods are quite tolerant to construction impacts but as a precaution to ensure that the health and vigor of the tree is maintained during construction, the tree should be deep root fertilized prior to construction. Supplemental irrigation should be applied between the months of May and August, twice a month during construction to ensure the health and vigor of the tree is maintained during construction.
A storm drain is proposed between Tree #s 6 and 8. There will be a high density of important roots within this area, consequently this drain shored be bored beneath the trees no less than 3 feet below the surface.
The landscape around Tree #s 6 and 8 should be moderate to high water use. No plantings or irrigation within 5 feet of the trunk of the tree.

Valley oak #9

TPZ should be at 20 feet from the trunk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 (6) . This can be reduced to no less than 15 feet to accommodate the excavation of the parking garage. This can be free standing, temporary fencing whilst the existing parking lot is intact. Demolition of existing parking lot should be done by machine reaching into the TPZ. After removal of the asphalt, no machinery should track through the TPZ unless the root zone is protected with steel plates or plywood laid on 4 inches of wood chips. When demolition is complete, the fencing should be moved to its permanent location on posts driven into the ground for the duration of construction. No roots greater than 2 inches in diameter shall be cut.
Currently, the existing parking lot is constructed with asphalt. The future parking lot will also be asphalt. The new finished level of the asphalt must slope away from the tree. There should be no standing water along the curb line by the tree. There should be minimum preparation necessary for the new asphalt as compaction of existing substrates has already been achieved. Preparation for parking lot construction should be kept to a minimum if possible. The TPZ fencing will have to be removed when preparing the parking lot. After removal of the fencing, the trunk should be wrapped with 4 layers of orange snow fencing and 2 inch thick wooden slats to a height of 10 feet above finished grade as outlined below, Type III Tree Protection.



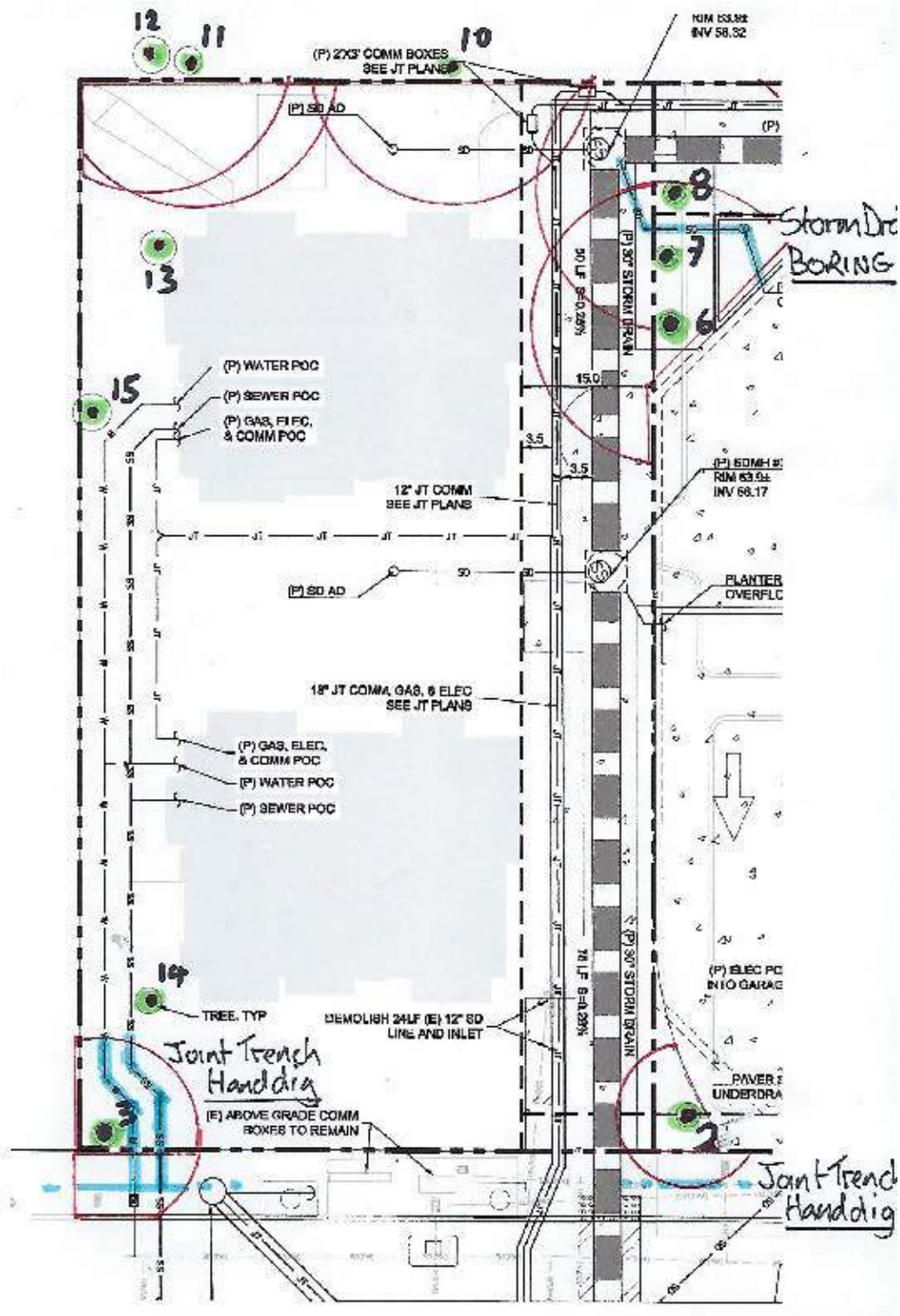
IMAGE 2.15-4
Trunk Wrap Protection

• Type III Tree Protection
Trees situated in a small tree well or **sidewalk planter pit**, shall be wrapped with 2-inches of orange plastic fencing as padding from the ground to the first branch with 2-inch thick wooden slats bound securely on the outside. During installation of the wood slats, caution shall be used to avoid damaging any bark or branches. Major scaffold limbs may also require plastic fencing as directed by the *City Arborist*. (*see Image 2.15-4*)

A new curb line will be constructed around the base of the tree. This should be no closer than 2 feet from the trunk of the tree. The excavation for the foundation of the curb should be done by hand, no roots greater than 2 inches should be cut. After installation of the curb, a root crown excavation should be performed by an arborist. Once the root crown has been exposed, this area should be covered with a 2 inch layer of mulch. There should be no plantings or irrigation within 5 feet of the trunk of the tree.

Construction of the bio treatment area and permeable pavers within the TPZ should be done by hand. No roots greater than 2" in diameter shall be cut.

Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel**. No limbs greater than 4" in diameter shall be removed. From a visual inspection, it appears that no more than 10% of the canopy will need to be pruned to accommodate the new construction.



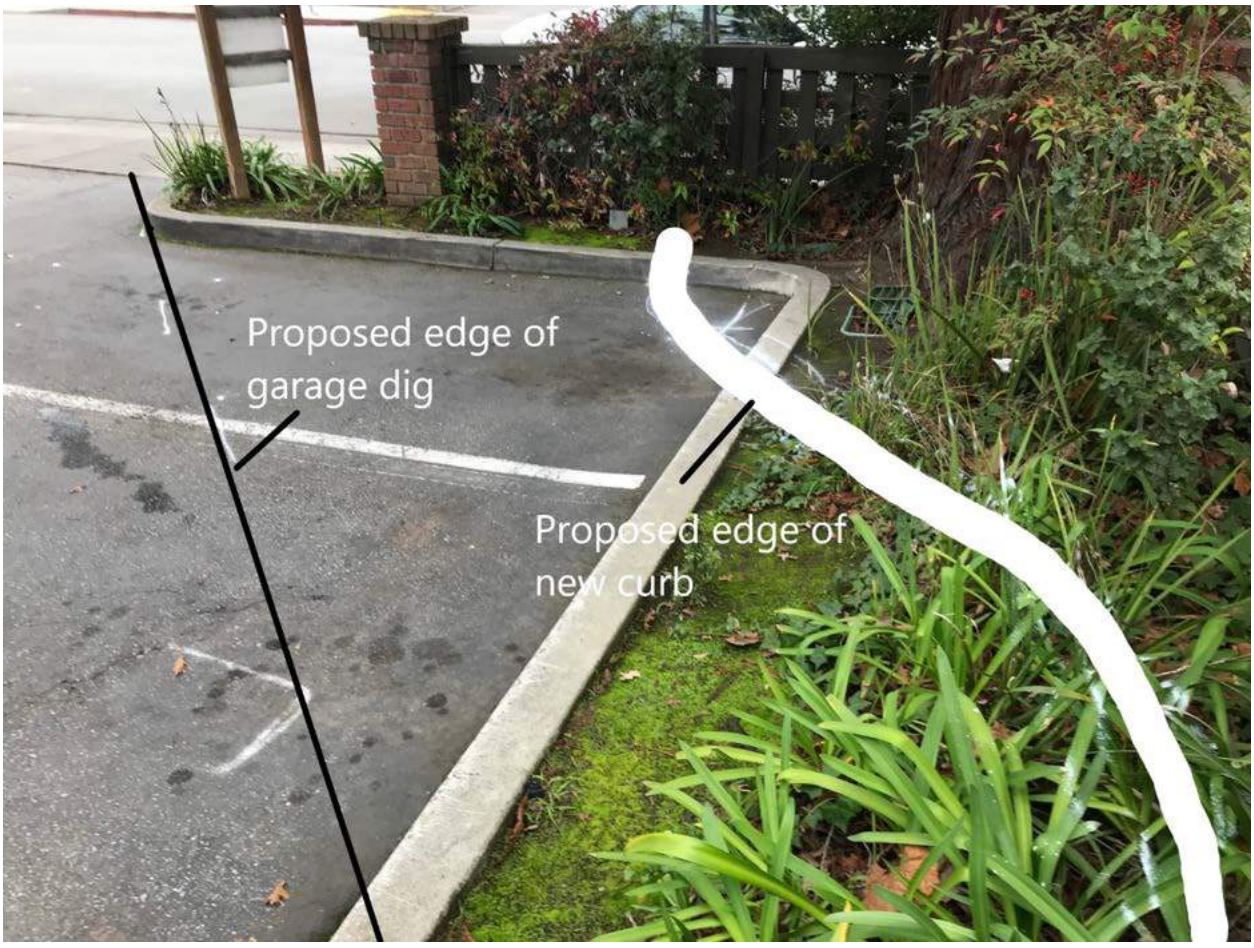
Locations of hand dig and boring for storm drains and utilities

Further Specific Construction Impacts on Tree # 2

Coast redwood #2

Please refer to drawing and photographs overleaf.

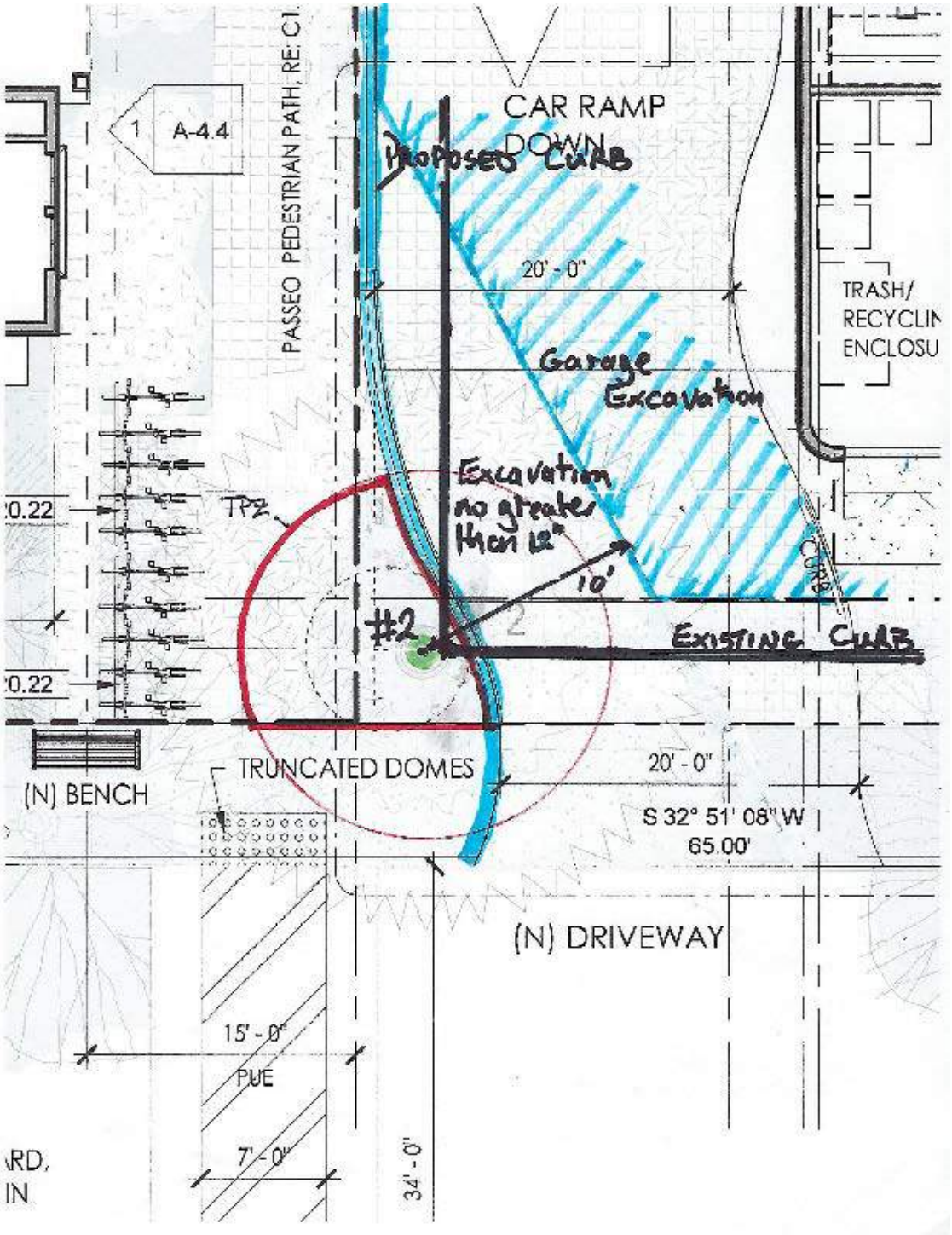
It can be seen from the drawing and attached photograph that the existing curb line is very close to Tree # 2. This curb will be removed and replaced with a new curb which is shown in white on the photograph and blue on the drawing. Excavation for the garage will not be any closer than 10 feet from the trunk of the tree. Excavation between the proposed new curb and edge of excavation for the garage will not exceed 12 inches in depth and all precautions protecting roots greater than 2" in diameter will be adhered to. The excavation of the proposed entry into the garage from the street to the edge of garage dig will not exceed 12" in depth and will be replaced with porous paving material.



Proposed new curb and edge of garage excavation close to Tree # 2



Proposed new curb and edge of garage excavation close to Tree # 2



Proposed new curb and garage excavation close to Tree # 2

Site Monitoring Activities

There will be monthly site visits for the duration of the project to ensure tree protection is all in place and to monitor the health and condition of the trees during construction. Monthly reports will be submitted to dmecklund@menlopark.org.

The following specific activities should be monitored by the Site Arborist:

Set up of initial Tree Protection Fencing prior to demolition

Pruning of Tree # 9 for construction clearances

Adjustment of Tree Protection Fencing for excavation and construction

Excavation of ramp and retaining wall close to Tree # 2

Excavation of Joint Utilities Trench close to Tree #s 2 and 3

Excavation and shoring within the TPZs of Tree #s 6 and 8

Excavation for storm drain boring beneath Tree #s 6 and 8

Root crown excavation of Tree # 9

This document is recorded for the benefit of the City of Menlo Park and is entitled to be recorded free of charge in accordance with Sections 6103 and 27383 of the Government Code.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
City of Menlo Park
Attn: City Clerk
701 Laurel Street
Menlo Park, CA 94025

BELOW MARKET RATE HOUSING AGREEMENT

AND

DECLARATION OF RESTRICTIVE COVENANTS

(201-211 El Camino Real and 612 Cambridge Avenue Project)

THIS BELOW MARKET RATE HOUSING AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS ("**Agreement**") is entered into as of _____, 2020 ("**Effective Date**"), by and between the City of Menlo Park, a California municipal corporation ("**City**"), and HuHan Two, LLC, a limited liability company ("**Owner**"). City and Owner may be referred to individually as a "**Party**" or collectively as the "**Parties**" in this Agreement.

RECITALS

A. Owner is the owner of those certain parcels of real property having current addresses at 201-211 El Camino Real (APN 071-431-200), 612 Cambridge Avenue (APN 071-413-380) and an unaddressed property (APN 071-413-370), in the City of Menlo Park, California (collectively, the "**Property**"), as more particularly described in Exhibit A attached hereto. The Property is commonly known as 201 El Camino Real.

B. Owner applied to demolish approximately 6,032 square feet of existing commercial space and 2,892 square feet of existing residential space on the Property and to develop a three-story, mixed-use development consisting of approximately 7,076 square feet of retail and restaurant uses on the first floor and 12 multi-family residential units on the second and third floors, with a below-grade parking structure, and two detached townhouses, along with associated site improvements. ("**Project**").

C. Menlo Park Municipal Code Chapter 16.96, the Below Market Rate Housing Program ("**BMR Ordinance**"), and the Below Market Rate Housing Program Guidelines ("**Guidelines**") require the Owner to provide 10 percent or 1.4 units as affordable to below

market rate ("**BMR**") households. The Owner is seeking to develop at the public benefit bonus level and has proposed 0.6 additional BMR units as the public benefit for a total of two on-site BMR units for low income households.

D. On October 27, 2020, after a duly noticed public hearing, and on the recommendation of the Planning Commission, the City Council granted architectural control, conditional use permit, major subdivision map, public right-of-way vacation, and environmental review approvals for the Project ("**Project Approvals**"). Because the Project Approvals include a subdivision map, the housing units could be sold as condominiums; however, the Owner has indicated that the residential units will be rental for an indefinite period.

E. The Project Approvals require the Owner to provide two BMR units affordable to low-income households, whether the units are rented or sold ("**Low Income Units**"). In accordance with the BMR Ordinance and Guidelines, Owner is required to execute and record an approved Below Market Rate Housing Agreement as a condition precedent to the issuance of a building permit for the Project. This Agreement is intended to satisfy that requirement.

NOW, THEREFORE, the Parties hereto agree as follows. The recitals are incorporated into this Agreement by this reference.

1. CONSTRUCTION OF THE IMPROVEMENTS

1.1 **Construction of the Project**. Owner agrees to construct the Project in accordance with the City Municipal Code, the Guidelines, the Project Approvals, and all other applicable state and local building codes, development standards, ordinances and zoning codes and to meet the following conditions in accordance with the Project Approvals:

(a) Prior to issuance of any building permit to construct any portion of the Project, Owner shall execute, acknowledge and deliver this Agreement to the City, which shall be recorded.

(b) No portion of any residential unit may be approved for occupancy until the Owner has completed and designated two Low Income Units in the Project, the City has approved the Low Income Units for occupancy, and the terms of Section 2 or Section 3 have been otherwise complied with.

(c) The exterior materials used in the construction of the Low Income Units Units will be similar and indistinguishable from those of the market rate units. The interior finishes of the Low Income Units shall be similar to those of the market rate units.

1.2 **City and Other Governmental Permits**. Before commencement of the Project, the Owner shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; the staff of the City will, without incurring liability or expense therefor, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the City Code, and all other applicable laws and regulations.

1.3 **Compliance with Laws**. The Owner shall carry out the acquisition, design, construction and operation of the Project in conformity with all applicable laws, including all

applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code. The Owner shall also ensure that the Project is constructed and operated in compliance with all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

2. OPERATION OF RENTAL HOUSING

2.1 **Low Income Units**. Owner agrees to make available, restrict occupancy, and lease two of the 12 multi-family residential units on the Property exclusively to Low Income Households at an Affordable Low Income Rent. The Low Income Units shall be of a quality and size comparable to all of the other multi-family residential units in the Project. Prior to occupancy of the first residential unit in the Project, including the townhouses, the Owner shall notify the City and the City shall approve of the locations of the Low Income Units within the multi-family residential building. The location of the two Low Income Units are shown on Exhibit B attached hereto. The floor plan showing the size and layout of the BMR Units are shown on Exhibit C attached hereto.

2.2 **Maximum Affordable Rent, Low Income**. The maximum Monthly Rent chargeable for the Low Income Units and actually paid by a Low Income Household shall not exceed 30 percent of the Low Income Limits, adjusted for the assumed household size for the unit based on the number of bedrooms contained in the unit ("**Affordable Low Income Rent**"). Monthly Rent for the Low Income Units shall include the right to use at least one parking space in the residential buildings' parking garage.

(a) For purposes of this Agreement, "**Low Income Households**" shall mean those households with incomes that do not exceed the low income limits for San Mateo County, adjusted for household size, as set forth in the Guidelines, and as established and amended from time to time in accordance with the low income limits for San Mateo County established by the State of California in the California Code of Regulations, Title 25, Section 6932 or successor provision ("**Low Income Limits**").

(b) For purposes of this Agreement, "**Monthly Rent**" means the total of monthly payments actually made by the household for (a) use and occupancy of a Low Income Unit and land and facilities associated therewith, (b) any separately charged fees or service charges mandatorily assessed by the Owner which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the Owner, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, cable, and internet service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Owner.

2.3 **Selection of Tenants**. Each Low Income Unit shall be leased to tenant(s) selected by the Owner who meet all of the requirements provided herein, and, to the extent permitted by law, with priority given to those eligible households as identified in Section 7 of the Guidelines. The City may, from time to time, provide to the Owner names of persons who have expressed interest in renting Low Income Units for the purposes of adding such interested persons to Owner's waiting list to be processed in accordance with Owner's

customary policies. The Owner shall not refuse to lease to a holder of a certificate or a rental voucher under the Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.

2.4 **Income Certification**. On or before July 1 of each year, commencing with the calendar year that the first unit in the Project is rented to a tenant, and annually thereafter, the Owner shall obtain from each household occupying a Low Income Unit and submit to the City a completed income computation and certification form, which shall certify that the income of the household is truthfully set forth in the income certification form, on a form proposed by Owner and approved by the City's Deputy Community Development Director or his/her designee ("**Deputy Director**"). The Owner shall certify that each household leasing a Low Income Unit meets the income and eligibility restrictions for the Low Income Units. A qualified Low Income Household shall continue to qualify unless at the time of recertification, for two consecutive years, the household's income exceeds the Low Income Limits, then the tenant shall no longer be qualified. Upon the Owner's determination that any such household is no longer qualified, Owner will provide the City and tenant with not less than 60 days notice of the need to vacate the Low Income Unit and will take such other actions, as specified in Section 11.1.7 of the Guidelines, as may be necessary to ensure that the total required number of units are rented to Low Income Households.

2.5 **Lease Requirements**. At least 90 days prior to occupancy of any residential unit in the Project, the Owner shall submit a standard lease form for approval by the Deputy Director. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required by the Guidelines. Owner shall enter into a written lease, in the form approved by the City, with each new tenant of a Low Income Unit upon such tenant's rental of the Low Income Unit. Each lease shall be for an initial term of not less than one year, and shall not contain any of the provisions which are prohibited by the Guidelines.

2.6. **Maintenance**. The Owner shall maintain or cause to be maintained the interior and exterior of the residential buildings at the Property in a decent, safe and sanitary manner, and consistent with the standard of maintenance of first class condominium projects within San Mateo County, California of the age of the Property improvements. If at any time Owner fails to maintain the Property in accordance with this Agreement and such condition is not corrected within five days after written notice from the City with respect to graffiti, debris, waste material, and general maintenance, or 30 days after written notice from the City with respect to landscaping and building improvements, then the City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Property and perform all acts and work necessary to protect, maintain, and preserve the Property, and to attach a lien upon the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by the City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Owner to the City upon demand.

2.7 **Affordability Period.** Unless sooner terminated pursuant to the terms of this Agreement, or sold to a qualified low-income purchaser with a 55-year deed restriction pursuant to Section 3, the Property shall be subject to the requirements of this Agreement from the date of recordation of this Agreement until the 55th anniversary of the date that the Low Income Units in the Project are available for occupancy by a Low Income Household. For purposes of this Agreement, the duration of this requirement shall be known as the "**Affordability Period**." The requirement to provide two Low Income Units on the Property shall apply as of the effective date, and this Agreement shall not be released from the property

until the owner has provided the two Low Income Units on the Property for the Affordability Period.

2.8 **Monitoring and Recordkeeping**. Throughout the Affordability Period, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines and shall annually complete and submit to the City by July 1st an Annual Report, as defined in the Guidelines. Representatives of the City shall be entitled to enter the Property, upon at least 24 hour notice, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the Low Income Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. Owner agrees to cooperate with the City in making the Property available for such inspection or audit. If for any reason the City is unable to obtain the Owner's consent to such an inspection or audit, the Owner understands and agrees that the City may obtain at Owner's expense an administrative inspection warrant or other appropriate legal order to obtain access to and search the Property. Owner agrees to maintain records in businesslike manner, and to maintain such records for the Affordability Period.

2.9 **Expiration of Affordability Period; Release of Property from Agreement**.

(a) Prior to the expiration of the Affordability Period, Owner shall provide all notifications required by Government Code Sections 65863.10 and 65863.11 or successor provisions and any other notification required by any state, federal, or local law. In addition, at least six months prior to the expiration of the Affordability Period, the Owner shall provide a notice by first-class mail, postage prepaid, to all tenants in the Low Income Units. The notice shall contain (i) the anticipated date of the expiration of the Affordability Period and (ii) any anticipated Monthly Rent increase upon the expiration of the Affordability Period. The Owner shall file a copy of the above-described notice with the Deputy Director.

(b) Upon the expiration of the Affordability Period for the Low Income Units, the City shall execute and record a release of the Project, the Property, and each unit in the Project from the burdens of this Agreement within 30 days following written notice from the Owner, if at the time the Owner is in compliance with all terms of this Agreement, including without limitation the provisions of this section regarding notice of the expiration of the Affordability Period.

2.10 **Non-Discrimination Covenants**. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall Owner itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property.

3. OPERATION OF FOR-SALE HOUSING

3.1 **Low Income Units**. Owner agrees that upon conversion of any of the 12 multi-family residential units from a rental to for-sale condominium, Owner will make two Low Income Units on the Property available for sale to qualified Low-Income Households in accordance with the Guidelines, including but not limited to the 55 year deed restriction required by Section 5.5 of the Guidelines. The Low Income Units shall be of a quality and size

comparable to all of the other multi-family residential units in the Project. If not previously identified and approved pursuant to Paragraph 2.1 of this Agreement, prior to the sale of the first multi-family residential unit in the Project, the Owner shall notify the City and the City shall approve of the locations of the Low Income Units within the multi-family residential building.

3.2 **Notice, First Refusal and Relocation Assistance.** Owner agrees to provide at least a six months advance written notice to the City and any tenant of a Low Income Unit if the multi-family residential building in the Project will convert from rental to for sale condominiums. The notice will include a right of first refusal for the tenant of the Low Income Unit to purchase the Low Income Unit. If the current tenant does not exercise their right to purchase the Low Income Unit within 90 days of the notice, Owner will notify the City so that the City can offer the purchase opportunity to other qualified Low Income Households on the City's BMR ownership interest list or for purchase by the City in accordance with Guidelines Section 8.1.16, attached hereto as Exhibit D. Provided all the criteria in 8.1.16 are satisfied, the developer shall be free to sell the unit without restriction. In addition, if the tenant does not exercise their right to purchase the Low Income Unit, Owner will provide relocation assistance in accordance with Menlo Park Municipal Code Section 8.56.050, including but not limited to the cash equivalent of three months rent.

3.3 **Sale to Low Income Households.** The two Low Income Units are to be sold in accordance with the BMR Ordinance and the Guidelines. Each Low Income Unit shall be affordable to households which are low income as defined in Section 50093 of the California Health and Safety Code, as described in the Guidelines, and are of the smallest household size eligible for the Low Income Units on the BMR waiting list maintained by the City on the date that the Sales Prices are set, as more particularly described below. The Sales Price shall be calculated according to the following formula by reference to the definitions and standards set forth below: the **"Sales Price"** shall be calculated by adding the cash down payment, to the Maximum Mortgage Amount, less lender and escrow fees and costs incurred by the buyer. The Sales Price shall be set before the commencement of the sale process for the Low Income Units.

(a) The **"Smallest Household Size"** means the household with the smallest number of persons eligible for the Low Income Units, as shown in Section 14, Table C (Occupancy Standards) of the Guidelines.

(b) The current **"Maximum Eligible Income"** shall be the most current State Income Limit for San Mateo County, Low Income category, as published by the State of California Department of Housing and Community Development, for the Smallest Household Size.

(c) The **"Maximum Allowable Monthly Housing Expenses"** is calculated by multiplying the Maximum Eligible Income by 33 percent and dividing by 12.

(d) The **"Actual Monthly Housing Expenses"** are calculated by adding the following costs associated with a particular Low Income Unit and dividing by 12: (i) any loan fees, escrow fees and other closing costs (amortized over 360 months) and/or private mortgage insurance associated therewith; (ii) property taxes and assessments; (iii) fire, casualty insurance and flood insurance, if required; (iv) property maintenance and repairs, deemed to be Two Hundred Dollars ($200) per month; (v) a reasonable allowance for utilities as set forth in the Guidelines, not including telephones, and (vi) homeowners association fees, if applicable, but

less the amount of such homeowners association fees allocated for any costs attributable to (iii), (iv) or (v) above.

(e) The **"Maximum Monthly Mortgage Payment Amount"** is calculated by subtracting the Actual Monthly Housing Expenses from the Maximum Allowable Monthly Housing Expenses.

(f) The **"Maximum Mortgage Amount"** is established by determining the amount of mortgage that a lender would loan, based upon the Maximum Monthly Mortgage Payment Amount and based upon the down payment found to be the lowest that lenders are willing to accept in a survey of lenders as described below. Survey and take the average of at least three local lenders who regularly make home loans at a typical housing expense ratio to first-time buyers in the price range of the BMR home on the day that the price is set. The mortgage amount shall be for a 30-year fixed rate mortgage with standard fees, closing costs and no points, and shall be less than or equal to the Maximum Monthly Mortgage Amount.

3.4 **Additional Sales Price Factors.** The calculation of the Sales Price shall be based upon the factors defined below. These definitions conform to the eligibility and underwriting standards established by the major secondary mortgage market investors, such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(a) **Mortgage Interest Rate.** The mean average of contract interest rates on the date that the Sales Price is set, for fixed rate, 30-year "Conforming" mortgages (presently $765,600 or less, as such amount may be adjusted from time to time as the maximum amount of FHA Conforming mortgages), or for jumbo mortgages if applicable; as quoted by three local retail lenders. The three local retail lenders shall be selected at random by the City from the list of lenders certified by San Mateo County to make first mortgage loans with Mortgage Credit Certificates.

(b) **Points.** The mean average of points quoted by three local lenders that make mortgage loans to first time home buyers in the City of Menlo Park on the date that the Sales Price is set for fixed rate, 30 year mortgages of $765,600 or less, or for jumbo mortgages if applicable, which lenders are selected on a random basis by the City. Points are a one-time fee paid to a lender for making a loan. One point is equal to one percent of the loan amount.

(c) **Lender/Escrow Fees.** The mean average of fees charged by three local lenders that make mortgage loans to homebuyers, which lenders are selected on a random basis by the City, plus escrow company fees, for such items as title insurance, appraisal, escrow fees, document preparation and recording fees.

(d) **Loan to Value Ratio.** The maximum ratio of the dollar amount of a conforming mortgage to the sales price of a home which a lender is willing to approve at a given point in time. For purposes of this Agreement, the loan to value ratio shall be calculated as the mean average of the maximum loan to value ratios as quoted by three

local lenders selected on a random basis by the City from a list of lenders who actively make loans to homebuyers and who participate in the Mortgage Credit Certificate program.

(e) **Housing Expense Ratio.** The mean average of the housing expense ratio as reported on the date that the sales price is set, for fixed rate, 30-year mortgages of $765,600 or less, or for jumbo mortgages if applicable, by three local lenders that make mortgage loans to homebuyers in the City of Menlo Park, which lenders are selected on a random basis by the City. Housing expense is defined as the sum of the annual mortgage payment (including principal and interest), and annual payments for taxes, homeowners association dues, insurance, property maintenance and repairs, a reasonable allowance for utilities according to the San Mateo County Housing Authority Utility Financial Allowance Chart which is periodically updated and amended, and any secondary financing (but excluding any portion of the aforementioned expenses covered by homeowners association dues). To determine the ratio, this sum is divided by gross annual income.

(f) **Homeowners Insurance.** Calculated as the mean average of the annual cost of insurance quoted by two or three local brokers, based on their experience, for a housing unit of the price, room configuration, location, construction material and structure type of the subject Low Income Unit. Flood insurance costs, if required, shall be calculated by this same method.

(g) **Private Mortgage Insurance.** The mean average of the annual cost of private mortgage insurance quoted by two or three local lenders, based on their experience, for a housing unit of the price, location, and structure type of the subject Low Income Unit.

(h) **Taxes.** The tax rate as reported by the San Mateo County Assessor's Office.

(i) **Homewoner's Dues.** Reported by the Owner and as set forth in the Public Report issued by the California Department of Real Estate for the project.

(j) **Down Payment.** Cash portion paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed. For the purpose of calculating the Sales Price, the down payment will be defined as the mean average of the smallest down payment required by the two or three local lenders surveyed.

3.5 **Price Determination for Project with Condominium Maps that Will Rent for an Indefinite Period of Time**. Guidelines Section 5.4.1 provides that projects with a condomium subdivision map that will rent BMR units for an indefinite period shall have basic sales prices established at the outset for such BMR units in accordance with the Guidelines. Such initial sales prices shall be adjusted for the period between the month of completion of the BMR units and the month of notification of intent to sell the units, with further adjustments for improvements and deterioration per the Guidelines. The adjustments shall be based on one-third of the increase in the Consumer Price Index ("CPI"), All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments. The Sales Price shall be agreed upon in writing by Owner and the Deputy Director no later than 30 days from the date the Owner notifies the City

of its intent to convert to for-sale condominiums. In no case shall the Sales Price exceed 75% of the market rate unit sales prices.

3.6 **Presale.** If there is a standard pre-sale requirement by the BMR applicant's lender for a certain percentage of units in the Project to be sold before the BMR applicant's lender will close escrow on the loan, then the time for the City's purchase or the buyer's purchase will be extended until that requisite number of units has closed.

3.7 **Term.** Any and all obligations or responsibilities of Owner under this Agreement shall terminate upon the recording of the grant deeds conveying the Low Income Units to qualified third party purchasers in accordance with the terms and provisions of this Agreement, the recording of the deed restrictions in compliance with the Guidelines against such Low Income Units.

3.8 **Third Party Purchasers.** The execution and delivery of this Agreement shall not be deemed to be for the benefit of the third party purchasers of the Low Income Unit or any other third party and any and all obligations and responsibilities of Owner under this Agreement are to the City for whose benefit this Agreement has been entered into. No third party purchaser of a Low Income Unit or market rate unit, homeowners' association or any other third party shall obtain any rights or standing to complain that the Low Income Unit was not constructed, designed, sold or conveyed in accordance with this Agreement, or the BMR Ordinance and the Guidelines as a result of this Agreement. Furthermore, the acceptance of this Agreement by the City, the acceptance of the interior specifications for the Low Income Units and the conveyance of the Low Income Units to qualified third parties shall conclusively indicate that Owner has complied with this Agreement and the BMR Ordinance and the Guidelines.

4 DEFAULT AND REMEDIES

4.1 **Events of Default**. The following shall constitute an "**Event of Default**" by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of 30 days after written notice thereof to the defaulting Party without the defaulting Party curing such breach, or if such breach cannot reasonably be cured within such 30 day period, commencing the cure of such breach within such 30 day period and thereafter diligently proceeding to cure such breach within 90 days, unless a longer period is granted by the City; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.

4.2 **Remedies**.

(a) The occurrence of any Event of Default shall give the non-defaulting Party the right to proceed with an action in law or equity to require the defaulting Party to specifically perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

(b) City and Owner acknowledge that the purpose of this Agreement is to allow the Owner to satisfy the requirements of the BMR Ordinance and Guidelines as set forth in the recitals. City and Owner agree that to determine a sum of money which would adequately compensate either Party for nonperformance of this Agreement is not

possible and that damages would not be an adequate remedy. Therefore, City and Owner agree that in no event shall a Party, or its boards, commissions, officers, agents, or employees, be liable in damages for an Event of Default under this Agreement. This exclusion on damages shall not preclude actions by a Party to enforce payments of monies or fees due or the performance of obligations requiring the expenditures of money under the terms of this Agreement.

4.3 **Obligations Personal to Owner**. The liability of the Owner under this Agreement to any person or entity is limited to the Owner's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of the Owner under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing the Owner's obligations under this Agreement), shall be rendered against the Owner, the assets of the Owner (other than the Owner's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the obligations of the Owner under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent owner of the Project shall be liable or obligated for the breach or default of any obligations of the Owner under this Agreement on the part of any prior Owner. Such obligations are personal to the person who was the Owner at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Owner. Each Owner shall comply with and be fully liable for all obligations of an "owner" hereunder during its period of ownership.

4.4 **Force Majeure**. Subject to the Party's compliance with the notice requirements, performance by either Party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the Party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other Party, or acts or failures to act of any public or governmental entity. An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the Party claiming such extension is sent to the other Party within 30 days of the commencement of the cause.

4.5 **Attorneys' Fees**. In addition to any other remedies provided hereunder or available pursuant to law, if either Party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing Party shall be entitled to recover from the other Party its costs of suit and reasonable attorneys' fees.

4.6 **Remedies Cumulative**. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

4.7 **Waiver of Terms and Conditions**. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

4.8 **Non-Liability of City Officials and Employees**. No member, official, employee or agent of the City shall be personally liable to the Owner or any occupant of any Low Income Unit, or any successor in interest, in the event of any default or breach by the City or failure to enforce any provision hereof, or for any amount which may become due to the Owner or its successors, or on any obligations under the terms of this Agreement.

5. GENERAL PROVISIONS

5.1 **Guidelines**. This Agreement incorporates by reference the Guidelines as of the date of this Agreement and any successor Guidelines that may be amended from time to time and expresses the entire obligations and duties of Owner with respect to the Owner's obligations under the Guidelines. No other requirements or obligations under the Guidelines shall apply to Owner except as expressly provided for in this Agreement. In the event of any conflict or ambiguity between this Agreement, the Project Approvals, the requirements of state and federal fair housing laws, and the Guidelines, the terms and conditions of this Agreement, the Project Approvals, and the requirements of state and federal fair housing laws shall control. In the event of any conflict or ambiguity between this Agreement and the Project Approvals, the Project Approvals shall control.

5.2 **Protest.** Owner acknowledges and agrees that the Project Approvals provided adequate and proper notice pursuant to Government Code Section 66020 of Owner's right to protest any requirements for fees, dedications, reservations, and other exactions as may be included in this Agreement, that no protest in compliance with Section 66020 was made within 90 days of the date that notice was given, and that the period has expired in which Owner may protest any and all fees, dedications, reservations, and other exactions as may be included in this Agreement.

5.3 **Time**. Time is of the essence in this Agreement.

5.4 **Notices**. Any notice requirement set forth herein shall be deemed to be satisfied three days after mailing of the notice first-class United States certified mail, postage prepaid, or by personal delivery, addressed to the appropriate Party as follows:

Owner: HuHan Two, LLC
86 Michaels Way
Atherton, CA 94027
Attn: Yihan Hu

With a copy to:
Arent Fox
55 2nd Street, 21st Floor
San Francisco, CA 94105
Attn: Steve Atkinson

City: City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483
Attention: City Manager

With a copy to:
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025-3483
Attention: City Attorney

Such addresses may be changed by notice to the other Party given in the same manner as provided above.

5.5 **Covenants Running with the Land; Successors and Assigns**. The City and Owner hereby declare their express intent that the covenants and restrictions set forth in this Agreement shall apply to and bind Owner and its heirs, executors, administrators, successors, transferees, and assignees having or acquiring any right, title or interest in or to any part of the Property and shall run with and burden the Property. Until all or portions of the Property are expressly released from the burdens of this Agreement, each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof shall be held conclusively to have been executed, delivered, and accepted subject to such covenants and restrictions, regardless of whether such covenants or restrictions are set forth in such contract, deed or other instrument. In the event of foreclosure or transfer by deed-in-lieu of all or any portion of the Property, title to all or any portion of the Property shall be taken subject to this Agreement. Owner acknowledges that compliance with this Agreement is a land use requirement and a requirement of the Project Approvals, and that no event of foreclosure or trustee's sale may remove these requirements from the Property. Whenever the term "Owner" is used in this Agreement, such term shall include any other permitted successors and assigns as herein provided.

5.6 **Subordination**. At Owner's request, this Agreement may be subordinated to liens, including a deed of trust (in each case a "**Senior Loan**"), which secure the financing used to acquire, construct, operate, or refinance the Project, but only if all of the following conditions are satisfied:

(a) The Owner shall submit to the City an appraisal of the Property, completed or updated within 90 days of the proposed closing of the Senior Loan, demonstrating that the amount of all proposed Senior Loans does not exceed 80 percent of the appraised fair market value of the Property.

(b) The proposed lender of the Senior Loan (the "**Senior Lender**") must not be an Affiliated Party. For the purposes of this Section, an "**Affiliated Party**" is any corporation, limited liability company, partnership, or other entity which is controlling of, or controlled by, or under common control with the Owner, and "control," for purposes of this definition, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such entity, whether through the ownership of voting securities, by contract, or otherwise. The terms "controlling" and "controlled" have the meanings correlative to "control."

(c) Any subordination agreement shall provide that the Low Income Units described in this Agreement unconditionally shall continue to be provided as required by the Project Approvals and this Agreement, provided that any successor in interest to Owner as owner of the Property claiming through the foreclosure or sale under any deed of trust shall not be liable for any violations of the Agreement which occurred prior to such successor taking title. In addition, any subordination agreement shall provide that such successor shall, within 90 days after taking title to the Property, execute a new BMR agreement approved by the City and consistent with the provisions of this Agreement, evidencing the obligation to continue to provide the Low Income Units.

(d) No subordination agreement may limit the effect of this Agreement before a foreclosure, nor require consent of the Senior Lender or assignee to exercise of any remedies by the City under this Agreement or the Project Approvals.

(e) The subordination described herein may be effective only during the original term of the loan of the Senior Lender and not during any extension of its term or refinancing, unless otherwise approved in writing by the City Manager, which approval shall not be unreasonably withheld or delayed, provided that the conditions in this paragraph are met.

(f) Owner shall submit adequate documentation to City so that City may determine that a proposed Senior Loan conforms with the provisions of this section. Upon a determination by the City Manager that the conditions in this section have been satisfied, the City Manager is authorized to execute the approved subordination agreement.

5.7 **Intended Beneficiaries**. The City is the intended beneficiary of this Agreement, and shall have the sole and exclusive power to enforce this Agreement. It is intended that the City may enforce this Agreement in order to satisfy its obligations to improve, increase and preserve affordable housing within the City, as required by the Guidelines, and to provide that a certain percentage of new housing is made available at affordable housing cost to persons and families of low income, as required by the Guidelines, and to implement the provisions of the Project Approvals. No other person or persons, other than the City and the Owner and their assigns and successors, shall have any right of action hereon.

5.8 **Partial Invalidity**. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

5.9 **Governing Law**. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.

5.10 **Each Party's Role in Drafting the Agreement**. Each Party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither Party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

5.11 **Amendment**. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

5.12 **Approvals**. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date and year set forth above.

OWNER:

HuHan Two, LLC

By:_____
Yihan Hu

Date:_____

CITY:

CITY OF MENLO PARK,
a California municipal corporation

By:_____
Starla Jerome-Robinson, City Manager

Date:_____

[Notarial Acknowledgements to be added for recording purposes]

List of Exhibits:

Exhibit A: Property Description
Exhibit B: Low-Income Unit Location
Exhibit C: Floor Plan
Exhibit D: Guidelines

Exhibit A

Property Description

Exhibit B

Low-Income Unit Location

Exhibit C

Floor Plan

Exhibit D

Guidelines

Appeal against a Decision of Menlo Park Planning Committee to approve agenda item F2 at its meeting on October 5, 2020, by reason of inadequate consideration of a design-alternative that would allow preservation of a Heritage Tree, which is a permanent, general objective of a recently amended and promulgated City Ordinance

Whereas, Resolution 6477, COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES, governing Menlo Park Commissions, states on page 9 in reference to development projects that: "The (Planning) Commission is the final decision-making body for these applications, **unless appealed to the City Council**", and

Whereas, Section 16.86 of the Municipal Code of Menlo Park, Section 010 Zoning Appeals Generally, states that: "Any person may appeal to the City Council any order, requirement, decision or determination of the planning commission in the manner provided by this chapter", and Section 020 Method states that "Appeals shall be made in writing and filed with the city clerk within fifteen (15) days after the final action of the planning commission.", and

Whereas, Chapter 13.24 of the Municipal Code of Menlo Park, Section 010 Heritage Trees Intent and Purpose, states that: "This chapter is adopted with the intent and purpose of promoting the **preservation** and development of a healthy, diverse tree canopy in Menlo Park, which is highly valued by the community and is vital to the character and health of the city."

The Heritage Tree Ordinance #1060 is surely intended for just such a situation. Where it is possible to retain a Heritage Tree, then architects and planners should devise means to do so.

"Heritage trees are valued for their many contributions to the environment, public health and quality of life of the Menlo Park community. Examples of those benefits include:

(1) Provide shade;
(2) Enhance resilience to climate change;
(3) Improve air quality;
(4) Provide shelter from wind;
(5) Prevent erosion and landslides;
(6) Protect against flood hazards;
(7) Add to the city's scenic beauty and character;
(8) Recognize historical significance to our city;
(9) Create natural gathering places;
(10) Reduce noise pollution;
(11) Enhance privacy;
(12) Enhance neighborhood property values;

(13) Provide habitat for wildlife.

This chapter establishes regulations for the removal and replacement of heritage trees, promotion of additional heritage tree planting and public education about the planting, maintenance and **preservation** of healthy heritage trees following industry best management practices and, consistent with the purposes of this chapter, the reasonable enjoyment of public and private property, and protection of property rights, all in alignment with the general plan. (Ord. 1060 § 2 (part), 2019)", and

Whereas, Applicants, HuHan Two LLC, do not deny that tree #01 on submitted plans and sheets relating to the redevelopment site at 201 El Camino Real and 612 Cambridge Avenue is a Heritage Tree, and

Whereas, Chapter 13.24 of the Municipal Code of Menlo Park, Section 030 Maintenance and preservation of heritage trees, states that:

"(a) Any person who owns, controls, or has custody or possession of any real property within the city shall use reasonable efforts to maintain and **preserve** all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter.

(b) Any person who conducts any grading, excavation, demolition or construction activity on property shall do so in such a manner as to not threaten the health or viability or **cause the removal** of any heritage tree.

(c) Any work performed within an area ten (10) times the diameter of a heritage tree (i.e., the tree protection zone) shall require submittal and implementation of a tree protection plan for review and approval by the public works director prior to issuance of any permit for grading or construction. The tree protection plan shall be prepared by a city-approved certified arborist and shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The public works director may impose conditions on any city permit to assure compliance with this section. (Ord. 1060 § 2 (part), 2019)", and

Whereas, Chapter 13.24 of the Municipal Code of Menlo Park, Section 050 Permits and decision-making criteria for tree removal, sub-section (a) Permit Requirement and Removal Criteria, provides that:
"Any person desiring to remove one (1) or more heritage trees or perform major pruning as described in Section 13.24.020 shall apply for a permit pursuant to procedures established by the public works director and shall pay a fee established by the city council", and
"The public works director may only issue a permit for the removal or major pruning of a heritage tree if he or she determines **there is good cause** for such action", and
"In determining whether there is good cause, the public works director shall give consideration to the following":
whether "(5) Development "The heritage tree interferes with proposed development, repair, alteration or improvement of a site or the heritage tree is causing/contributing to structural damage to a habitable building (excluding amenities, such as walkways, patios, pools and fire pits); **and there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree** while

achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property using the methodology established in the administrative guidelines", and

Whereas, the Administrative Guidelines pertaining to Section 13.24.050(a)(5) of the Heritage Tree Ordinance #1060 include the statements that: "The following guidance will be used to determine feasibility:

- If the incremental cost of the tree preservation alternative is more than 140% of the appraised value of the tree, the cost will be presumed to be financially infeasible.
- If the incremental cost of the tree preservation alternative is less than 110% of the appraised value of the tree, the cost will be presumed to be financially feasible.
- If the incremental cost of the tree preservation alternative is between 110% and 140% of the appraised value of the tree, public works director or their designee will consider a range of factors, including the value of the improvements, the value of the tree, the location of the tree, the viability of replacement mitigation and other site conditions.

In calculating the incremental cost of the tree preservation alternative, only construction costs will be evaluated. No design fees or other soft costs will be considered", and

Whereas, it is reasonable to suppose that a one-dimensional, 16-inch displacement of the proposed position of the mixed-use building with only minor modifications that do not increase the gross floor area would incur construction costs that fall within the prescribed feasibility limits of the administrative guidelines for Heritage Tree Ordinance section 050(a)(5), then it is also reasonable to expect that the Planning Commission would have given due consideration to the Appellant's proposed design alternative, and

Whereas, if Applicants object to Appellant's proposal to construct the mixed-use building with minor modifications and displaced 16 inches from Applicants' proposed position on grounds of "reasonable economic enjoyment of the property", then the Heritage Tree Ordinance's "intent and purpose of promoting the preservation and development of a healthy, diverse tree canopy in Menlo Park" (lines 18-20) should prevail because of the greater good to the greater number of Menlo Park residents, who would be socially and/or culturally affected by wanton removal of HT#01, and

Whereas, Appellant does not deny that the Applicants obtained such a Heritage-Tree removal permit for HT#01, which was not contested within the specified 15-day period from 6/25/20 to 7/10/20; however, the Appellant did make public comment a year earlier on July 22, 2019, when this project was presented to the Planning Commission in a Study Session, when he requested further consideration by redesign that would preserve HT#01, HT#06 and RW#07 & RW#08, which was verging on attaining HT-status and may now deserve it. Therefore, the Appellant claims prior engagement and status as a stakeholder for th community at large. After the Study Session, the Applicant's architect, Mr. Steve Welty, approached the present Appellant outside the Menlo Park Council Chamber, where the meeting was held, and accepted a copy of the present Appellant's public comments at that time to take under advisement for redesign; two other residents contributed similar remarks as public comments (see minutes, page 8, released on 8/12/2019: Andy Russell, 628 Cambridge Ave. & Peter Colby), and

Whereas, Appellant therefore claims that a stimulus to alternative design was delivered to and accepted by the Applicants' architect, Mr. Steve Welty, on July 22, 2019 and an actual alternative design has been outlined verbally and in writing to the Planning Committee in certain detail fulfilling some conditions of reasonableness and feasibility of Chapter 13.24.050(a)(5) on October 5, 2020, within the customary constraints imposed on public comments, and

Whereas, the only reaction from members of the Planning Committee on October 5, 2020 was a single question from the Chair, asking: "Where is tree#1?", thereby revealing a surprising degree of unfamiliarity with the impact of the submitted plans on the Heritage Trees existing on site. Planning Staffer, Matt Pruter answered in due course by identifying a cross "X" near the entrance patio on page 125 (K7 sheet A-1.1) of Staff Report 20-042-PC. **There was no follow-up;** and

Whereas, Chapter 16.86 of the Municipal Code of Menlo Park, Section 020 Architectural Control, states that "a minor modification is considered one in which there is no increase in gross floor area", then reciprocally for purposes of this Appeal, which proposes a design change that entails no increase in gross floor area, its scope should therefore be considered to be a "minor modification", and

Now, I, Peter Edmonds, a Resident of Menlo Park (District 3), **do hereby appeal to the Menlo Park City Council for a stay or reversal of the Menlo Park Planning Commission's decision on October 5, 2020 to approve the re-development plan for 201 El Camino Real and 612 Cambridge Avenue**, essentially as submitted as agenda item F2, **by reason of insufficient design revisions relative to the designs presented during the Study Session on July 22, 2019 and my present allegation that the Menlo Park Planning Commission accorded insufficient diligence to:**

1) observing and sufficiently implementing provisions of a standing City Ordinance, namely the Heritage Tree Ordinance #1060, adopted by the Menlo Park City Council on November 19, 2019, and

2) establishing that a Heritage Tree removal permit for HT#01 was properly issued after determination that "there is(was) no financially feasible and reasonable design alternative that would permit **preservation** of the heritage tree while achieving the applicant's reasonable development objectives or reasonable economic enjoyment of the property using the methodology established in the administrative guidelines", and that the **Public Works Director** had established **beyond reasonable doubt** that "there is(was) **good cause for such action**", after Appellant had suggested and outlined in sufficient detail that professional architects could readily interpret as a feasible and reasonable alternative design,

Because the Appellant, contributing Public Comment during the 2019 Study Session and at the Planning Commission's meeting on October 5, 2020, advocated verbally that the mixed-use building proposed for construction at 201 El Camino Real **be located 16 inches further westward** along Cambridge Avenue, thereby aligning the center-line of the entrance patio and doors with Heritage redwood Tree #01, where it could be a feature of the site, and proposed in advance in writing (though subsequently superseded) that the entrance of the mixed-use building be located 16 inches further westward and that the entrance patio to broadened by 10 feet.

NOTE: The City Arborist, C R Bonner, neither evidently joined nor participated in the Planning Commission's meeting on October 5, 2020. A thoughtful observer might deduce that he had learned or

been informed that his participation was neither expected nor needed to defend his approval of the HT-removal permit. A Freedom of Information Act request is being submitted essentially simultaneously with this Appeal to obtain all email correspondence between the Applicant and the City Arborist prior to and subsequent to issuance of the HT-removal permit.

Some consequences of the Appellant's proposed design changes, due to a 16-inch shift westward of the mixed-use building and exclusion of structures within a 24' 8"-diameter Root Protection Zone (RPZ), can be described with reference to page 125 (K7 sheet A-1.1) and page 126 (K8 sheet A-1.2) of Staff Report 20-042-PC: The proposed relative locations of HT#01 and the mixed-use building can be envisaged by hypothetically moving HT#01 16 inches eastward and noting consequences: Imagine a circle scaled to represent one 24' 8" in diameter, centered at a point 16 inches east of the intersection of the arms of the "X" locating HT #01. Said center point lies on a north-south line centered in the entrance patio. Said circle representing the RPZ encompasses two corners of the entrance patio and portions of adjacent walls; these structures would lie within the exclusionary RPZ and would need redesign. Also, imagine a scaled pair of north-south lines, one line 16 inches east of the west wall and the other line less than or 16 inches east of the east wall of the mixed-use building. Said lines denote the proposed new limits (excepting the 'Restaurant' structure) of the mixed-use building structure above and below ground. The location of the east wall is optional within the 16" range. Consequences include:

First above-ground floor (K7): Redesign of the entrance patio to eliminate approximately 2 x 30 inches of south-facing walls and approximately 2 x 90 inches of east/west-facing walls at the patio's south end, thereby shifting the 2 corner posts to enlarge their separation by approx. 5 feet (instead of 10 feet mentioned above in line 147); option to retain rectangular design or introduce arcs in plan-view. Truncating west side of building by 16 inches and expanding east side of building by less than or 16 inches with corresponding re-design of functional spaces (stairwell and recycling enclosure) and south-facing wall for aesthetics; option of a larger set-back (with less than or 16-inch shift) of the mixed-use building from El Camino Real. Irrigation of preserved HT#01's root system would be required. Root-growth control by expert pruning would be necessary once during reconstruction and periodically in future.

Underground parking (K8): The cylindrical Root Protection Zone (RPZ) would probably eliminate 4 re-positioned parking spaces on the upper-level parking space south side, which could be compensated on the lower level by providing 18 (instead of 14) stacked spaces. By restricting the depth of the RPZ and allowing tunneling beneath the RPZ to full height of the lower-level parking space, no parking spaces should be lost on the lower level. (Note: Coast redwood trees need no space for a tap root.)

Respectfully submitted by

Peter D. Edmonds 10/20/2020

(Appellant's Signature) Peter Edmonds (650) 328-0859 **(Date)**

Appendix

Valuation of Heritage Trees:

Pruter, Matthew A

From: Pruter, Matthew A
Sent: Thursday, October 22, 2020 9:30 AM
To: Pruter, Matthew A
Subject: FW: Appeal to City Council re: Planning Commission's approval of propsed project at 201 El Camino Real - proofreadibg corrections

Matthew A. Pruter
Associate Planner
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6703
menlopark.org

From: Peter Edmonds [mailto:pde222ca@netscape.net]
Sent: Wednesday, October 21, 2020 11:06 PM
To: nacasados@menlopark.org <nacasados@menlopark.org> <nacasados@menlopark.org <nacasados@menlopark.org>; jaherren@menlopark.org <jaherren@menlopark.org> <jaherren@menlopark.org <jaherren@menlopark.org>; Silver, Cara <ces@jsmf.com>
Subject: Fwd: Appeal to City Council re: Planning Commission's approval of propsed project at 201 El Camino Real - proofreadibg corrections

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

Dear Ms. Casados, Herren and Silver,

With still further reference to my Appeal, filed at 4:45 pm on Oct. 20, 2020, further proof reading induces me to correct my "minor corrections" communicated in the email below, sent at 8:59 pm yesterday:

On line 142: The phrase after the comma should read: "...., after Appellant had suggested such design revision (referring to line 132) and outlined it in sufficient detail that .....";
On line 173: No change, because the "correction" noted below had already been made in the version officially filed.

I hope that text with this grammatical improvement now more clearly expresses what I intended to convey.

Sincerely,

Peter Edmonds
Resident, District 3
(650) 328-0859

-----Original Message-----
From: Peter Edmonds <pde222ca@netscape.net>
To: nacasados@menlopark.org <nacasados@menlopark.org>; jaherren@menlopark.org <jaherren@menlopark.org>
Sent: Tue, Oct 20, 2020 8:59 pm
Subject: Appeal to City Council re: Planning Commission's approval of propsed project at 201 El Camino Real - proofreadibg corrections

Dear Ms. Casados and Ms. Herren,

With further reference to my Appeal, "filed" this afternoon by my personally delivering it to the floor of the Police Dept. lobby, 701 Laurel St. at 4:45 pm and confirmed by my phone call to you at approximately 4:55 pm, proof-reading it this evening revealed the following minor errors, which I hope now to correct:

On line 142: The phrase after the comma should read: "...., after Appellant had suggested such and outlined it in sufficient detail that .....";
On lines 166, 174 & 176: The word "exactly" may be be inserted optionally before the numeral "16", if desired;
On line 173: The cross-reference at the beginning of the line should be to "line 150", not to "line 147".

On lines 187 & 188: It is recognized that no Appendix, entitled "Valuation of Heritage Trees" has been submitted, due to insufficient preparation time before today's deadline for submission. I anticipate that I will have appropriate slides available to show this Appendix material for projection when this Appeal is called for consideration during a future City Council meeting.

Ms. Herren: Assuming that my Appeal is accepted for such consideration, please confirm that I will be granted 10 minutes to present my case, as I understood was customary
last time I found myself in the position of an Appellant.
Secondly, will my submission of this Appeal cause deferral of the project in the City Council's agenda to give the Planning Commission and Applicant sufficient time to prepare responses?

Sincerely,

Peter Edmonds
Resident, District 3
(650) 328-0859

Agenda Item F1
Peter Edmonds, Resident
Page 1 of 4

Good evening Mayor Taylor and City Councilors,

I am Peter Edmonds, a Menlo Park resident in District 3. As a sequel to my attempt to appeal the Planning Commission's decision on Oct. 5, 2020 to endorse staff's recommendations in its Report 20-042-PC, concerning re-development at 201 EL Camino Real, which was not accepted, I thank those who responded to me personally. I'm sorry for my error. Now, here is the lemonade:

I made the mistake of submitting a pseudo-Appeal based on the impression that the only duty of the Planning Commission was that described at the second bullet of pertinent part of Resolution 6477, governing Commissions' Roles & Responsibilities, namely, thinking that it is always a final decision-making body, unless its decisions are appealed to the City Council. I learned 'not always' by discovering the text at the third bullet, i.e. the PC's other duty is to recommend on more complex projects. Then I was also stimulated to offer further comments now on two levels of procedure:

1. <u>Public Comments in General</u>
Public Comments are touted as opportunities for the general public to bring their concerns to your or to Commissioners' attention, ideally for inclusion and addressing as subsequent agenda items. In my brief experience, that ideal is rarely achieved. Intense frustration is much more common, initially because an immediate response is discouraged or prohibited, and later as any initial hopes of a response transform into realization that one's comments are being ignored or have fallen into a crack. Of course, there are exceptions to that generalization.

2. My Public Comments to the Planning Commission concerning 201 El Camino Peal
Since I live outside the 300-foot notification zone, I only learned of the extensive public outreach by the Applicants on this re-development project, dating from early 2019, by reading the staff reports prepared for the Study Session on July 22, 2019 and this meeting.

I attended the July 22, 2019 Study Session and offered public comments, advocating design changes that would allow preservation of all Heritage coast redwood Trees (HTs) situated on the site, particularly the two on the frontage along Cambridge Ave. (image attached: HT#01 & #02). HT#01 is the larger redwood. After the Study Session terminated, the Applicants' architect, Mr. Welty, approached me in a group standing outside the Council Chamber and accepted a copy of my public comments. He left me with the impression that he was receptive to the changes I advocated. I have heard nothing from him since then.

I missed all notifications of the hearings in May-June 2020 and notices on the Heritage Trees scheduled for removal, because of a conflict with an international standards-drafting group, IEC-TC87-WG9, for which I had organizational responsibilities before, during and after its meetings in mid-June 2019. That is no one's fault but my own but it is an explanation.

I received notification of the Planning Commission's meeting on Oct. 5, 2020 by subscribing to the alerting service from city staff and discovered from the staff report 20-042-PC that Heritage redwood Tree #01 on Cambridge Ave. had been approved for removal by the City Arborist and, in absence of timely objection, the removal had not been reviewed by the Environmental Quality Commission.

I attended the Oct. 5 meeting of the Planning Commission and offered public comments, advocating:
a) in writing in advance, moving the main entrance to the residential part of the mixed-use building 16 inches westward along Cambridge Ave. – in order to align the center line of the entrance patio with HT#01, which could become a feature of the re-development, if "minor modifications", as defined in the Municipal Code, Chap. 16.86, Section 020, were made to internal layouts at the first above- and below-ground levels, and irrigation and periodic root pruning of HT#01 were provided. Modifications of parking arrangements on the first below-ground floor were suggested, and

b) verbally, moving the entire mixed-use building 16 inches westward along Cambridge Ave. – for the same reason and purpose, with somewhat different "minor modifications".

2.1 Update

In my pseudo-Appeal of Oct. 20, 2020, I reverted to moving the main entrance to the residential part of the mixed-use building 16 inches westward along Cambridge Ave., as likely to be the less costly and more acceptable design change. I attach some suggested "minor modifications", i.e., those to the first-floor above-ground layout for comparison with the Applicant's layout shown on page 179, Tree Disposition Plan T1 (also attached) of staff report 20-240-CC. I submit that these suggested changes to room layouts are easy to comprehend and do not warrant detailed architectural drawings and elaborate cost estimates that are beyond my resources.

3. General Comments on the Planning Commission and the revised Heritage Tree Ordinance

In my emailed Commentary on my pseudo-Appeal, also dated Oct. 20, I wrote:

"Please be aware that the essence of my Appeal is the failure of the Planning Commission in its consideration of item F2 at its October 5, 2020 meeting to observe, abide by and implement an existing and recently revised City Ordinance. That is fundamental, irrespective of the Ordinance at issue.

The fact that the City Ordinance at issue is the Heritage Tree Ordinance, #1060, and that it is well known that I have a history of concern and action to try to preserve Heritage Trees in Menlo Park, is secondary and should not allow anyone to distract you from the fundamental aspect that everyone is subject to City Ordinances at all times, I hope. Otherwise, what is the purpose of enacting City Ordinances and, in this particular case, expending 2 years of effort by a Task Force and city staff in amending one?

Note: This quoted paragraph is already part of the public record, because I emailed it to your addresses @menlopark.org.

With regard to the revised Heritage Tree Ordinance #1060 itself, I submit that it imposes conditions under Section 050(a)(5) Development, relating to design changes and cost estimates, which are impossible for any prospective Appellant, other than a professional architect or arborist with the necessary resources, to fulfill

within the 15-day period prescribed for submitting an Appeal. I brought this objection to the attention of the Heritage Tree Task Force but got no traction.

4.Suggested Remedies for Deficiencies of current Procedures

a) Notifications: Anyone offering public comment at a public hearing of any kind should be included on the email address list of interested parties for notification of subsequent public hearing of any kind on that topic or project until its final disposition.

b) Heritage-Tree Removals: Permits for removal of Heritage Trees should not be granted until development plans are finally approved, i.e. not on the basis of proposed plans as now, because removal of Heritage Trees is irreversible, while proposed plans can change, possibly making removal unnecessary and therefore premature.

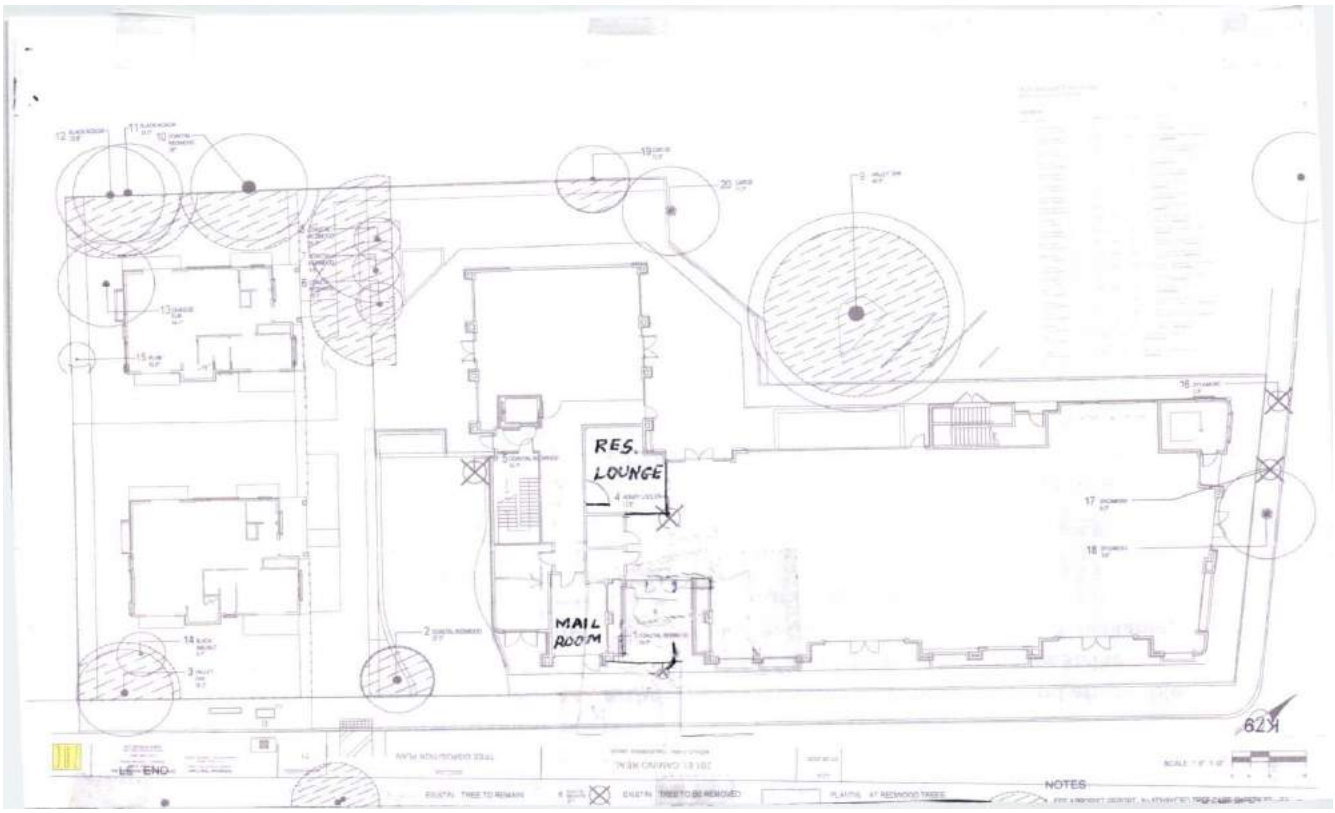
c) Heritage-Tree Appeal Requirements: Requirements for professional-level documentation of alternative designs and cost estimates should be relaxed for non- or other-professional Appellants.

d) Heritage Tree Valuations: Valuations of Heritage Trees, which are crucial for judging whether estimated costs of alternative designs are "reasonable" or "feasible" according to Heritage Tree Ordinance (HTO) #1060 Section 050(a)(5), are far too low, because no value is currently ascribed to "intangible benefits". This topic is a (glacially) moving target as "The Guide for Plant Appraisal", which is the basis for current valuations under HTO #1060 is apparently undergoing review and updating, per: "Overview of the 10th Edition" by Jim Clark, PhD (consultant to city on Heritage Tree removal permit 00223-HTR: Seven Coast Redwoods at 1000 El Camino Real), who has reported: "The 10th edition will also incorporate recent research relevant to tree appraisal, particularly related to contribution of trees to real-estate market value and the value of environmental and ecological benefits provided by trees." – at last!

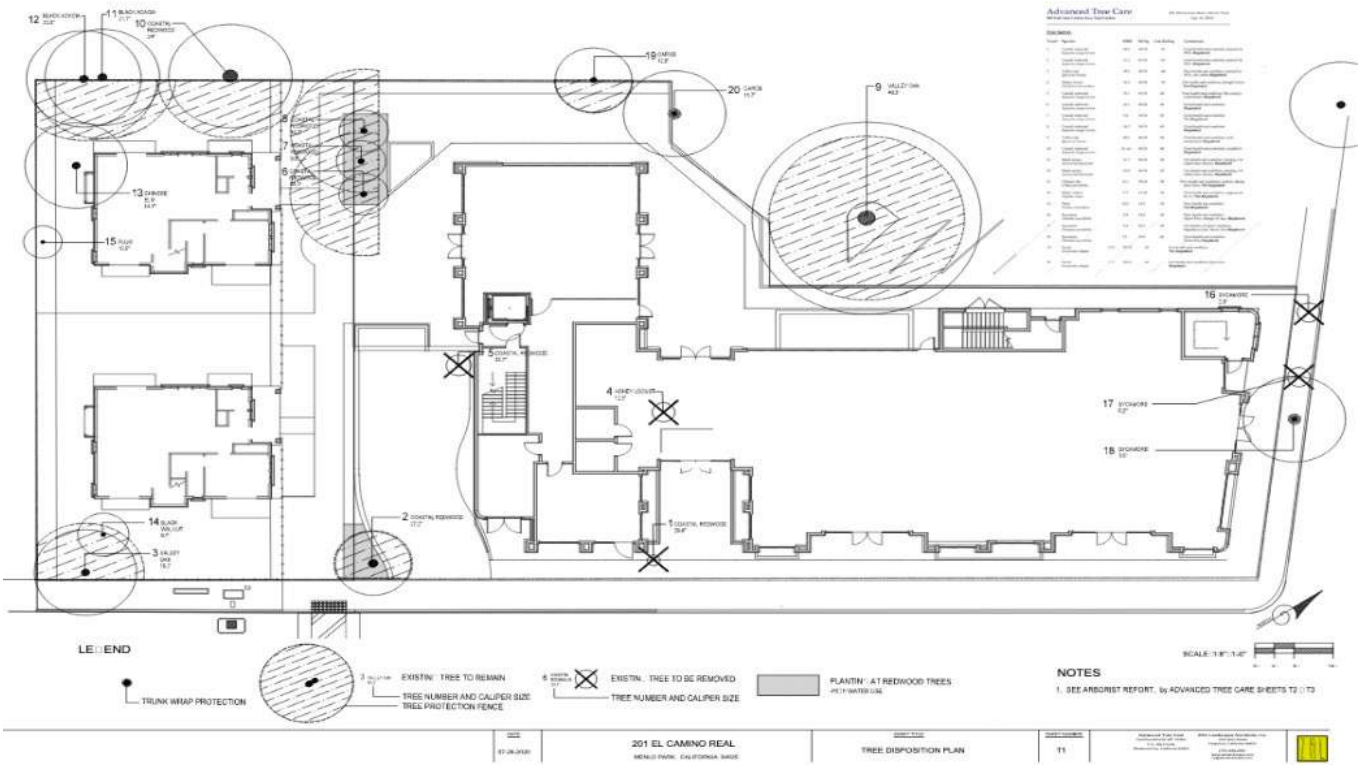
PE, 10/26/20



Appellant's alternative layout of first above-ground floor:



Applicant's layout of first above-ground floor:



Agenda Item F1
Peter Edmonds, Resident

To whom it may concern, Oct. 27, 2020 ~4 am

Do we all agree to the premise that the provisions of Menlo Park ordinances apply to all persons and bodies in Menlo Park at all times? If not, then how are exceptions determined?

By a quirk of procedure involving the recently revised Heritage Tree Ordinance #1060 (HTO), the project to re-develop the building at 201 El Camino Real will be considered for final decision by the City Council this evening under agenda item F1, without a recommendation from the Environmental Quality Commission (EQC). Who then is responsible for ensuring that the Intent and Purpose of the HTO to preserve healthy Heritage Trees threatened by development are respected and removal permits are not granted by default? Until the middle of tonight, I have been blaming the Planning Commission (PC) for insufficient diligence, because I raised this issue twice with the PC in public comment on 7/22/19 and 10/5/20 and they paid little attention. Evidently the PC-chairs on these occasions did not feel responsible.

If I had known about the threat of removal of Heritage Tree #01 on Cambridge Ave. during the notice period from 6/25/20 to 7/10/20, I would have appealed but I did not know and thus community-wide interests in preservation, having no other champion evidently on this occasion, are not being served. EQC is not included in the recommending bodies this evening.

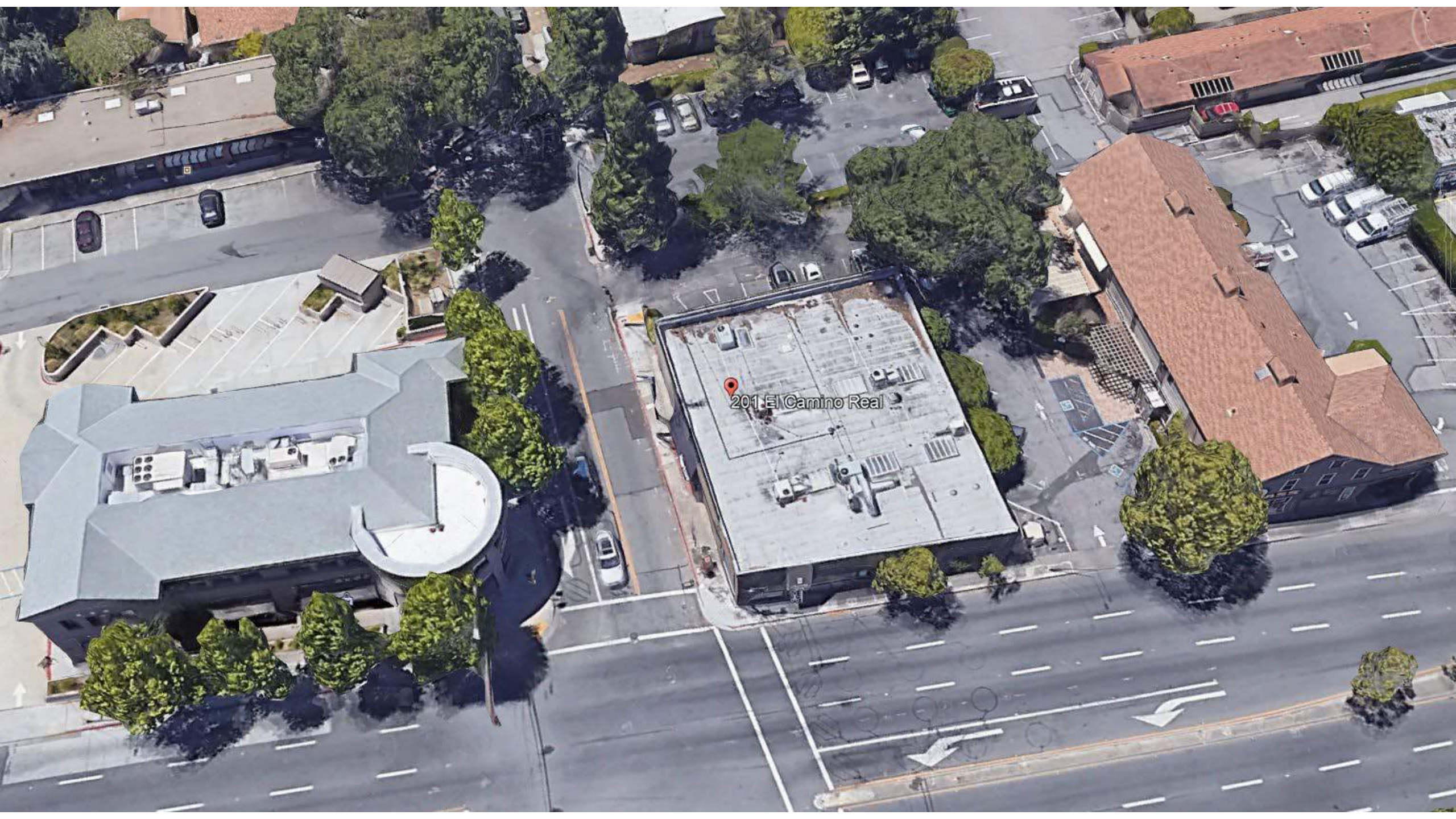
Does the duty to respect the Intent and Purpose of the HTO therefore evolve to the City Council itself and its representative for the EQC?

Does the City Arborist have no duty to alert potential champions of community-wide interests in preservation, who might suggest alternatives to Applicant's plans that threaten healthy Heritage Trees, when such suggestions might be effective?

Sincerely,
Peter Edmonds
Resident, District 3
(650) 328-0859

201 El Camino Real,
612 Cambridge Avenue

EID ARCHITECTS
ECO FUNCTIONAL ARCHITECTURE
412 OLIVE AVE . PALO ALTO . CA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Heartcore
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Kerwin
Salon


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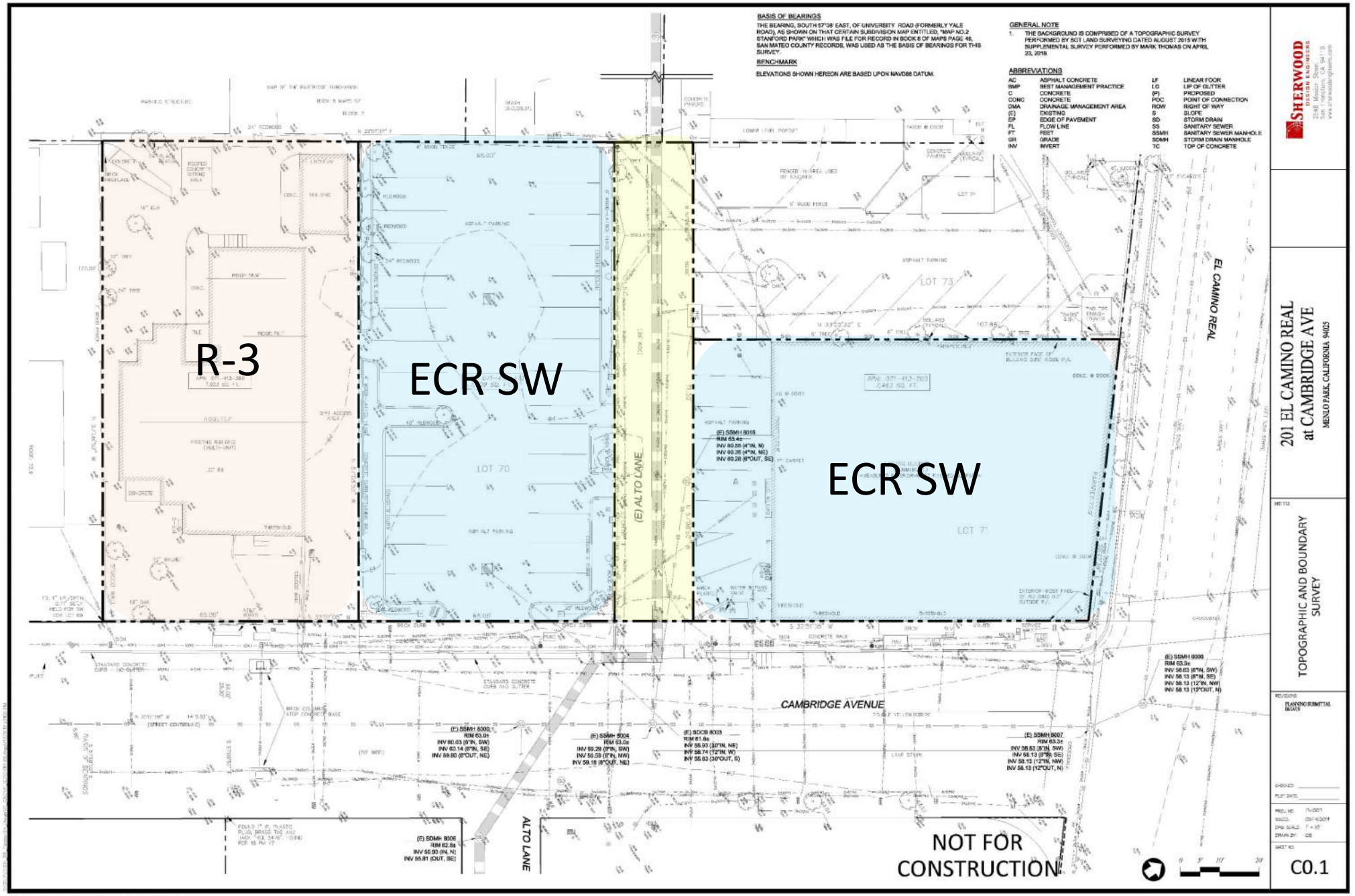

BASIS OF BEARINGS

THE BEARING, SOUTH 57°08' EAST, OF UNIVERSITY ROAD (FORMERLY YALE ROAD), AS SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED, "MAP NO.2 STANFORD PARK" WHICH WAS FILE FOR RECORD IN BOOK 8 OF MAPS PAGE 46, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK

ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD88 DATUM.

GENERAL NOTE

1. THE BACKGROUND IS COMPRISED OF A TOPOGRAPHIC SURVEY PERFORMED BY BGT LAND SURVEYING DATED AUGUST 2015 WITH SUPPLEMENTAL SURVEY PERFORMED BY MARK THOMAS ON APRIL 23, 2018.

ABBREVIATIONS

AC	ASPHALT CONCRETE	LF	LINEAR FOOT
BMP	BEST MANAGEMENT PRACTICE	LG	LIP OF GUTTER
C	CONCRETE	(P)	PROPOSED
CONC	CONCRETE	POC	POINT OF CONNECTION
DMA	DRAINAGE MANAGEMENT AREA	ROW	RIGHT OF WAY
(E)	EXISTING	S	SLOPE
EP	EDGE OF PAVEMENT	SD	STORM DRAIN
FL	FLOW LINE	SS	SANITARY SEWER
FT	FEET	SSMH	SANITARY SEWER MANHOLE
GR	GRADE	SDMH	STORM DRAIN MANHOLE
INV	INVERT	TC	TOP OF CONCRETE

SHERWOOD DESIGN ENGINEERS
2548 Mosser Street
Palo Alto, CA 94306
www.sherwooddesigneers.com

201 EL CAMINO REAL
at CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
TOPOGRAPHIC AND BOUNDARY SURVEY

REVISIONS
PLANNING SUBMITTAL 06/24/19

CHECKED:
PLOT DATE:
PROJ. NO: 17-007
ISSUED: 09/14/2017
DRG. SCALE: 1" = 10'
DRAWN BY: GS
SHEET NO:
C0.1

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Kerwin
associates
13995

BASIS OF BEARINGS

THE BEARING, SOUTH 57°08' EAST, OF UNIVERSITY ROAD (FORMERLY YALE ROAD), AS SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED, "MAP NO.2 STANFORD PARK" WHICH WAS FILE FOR RECORD IN BOOK 8 OF MAPS PAGE 46, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

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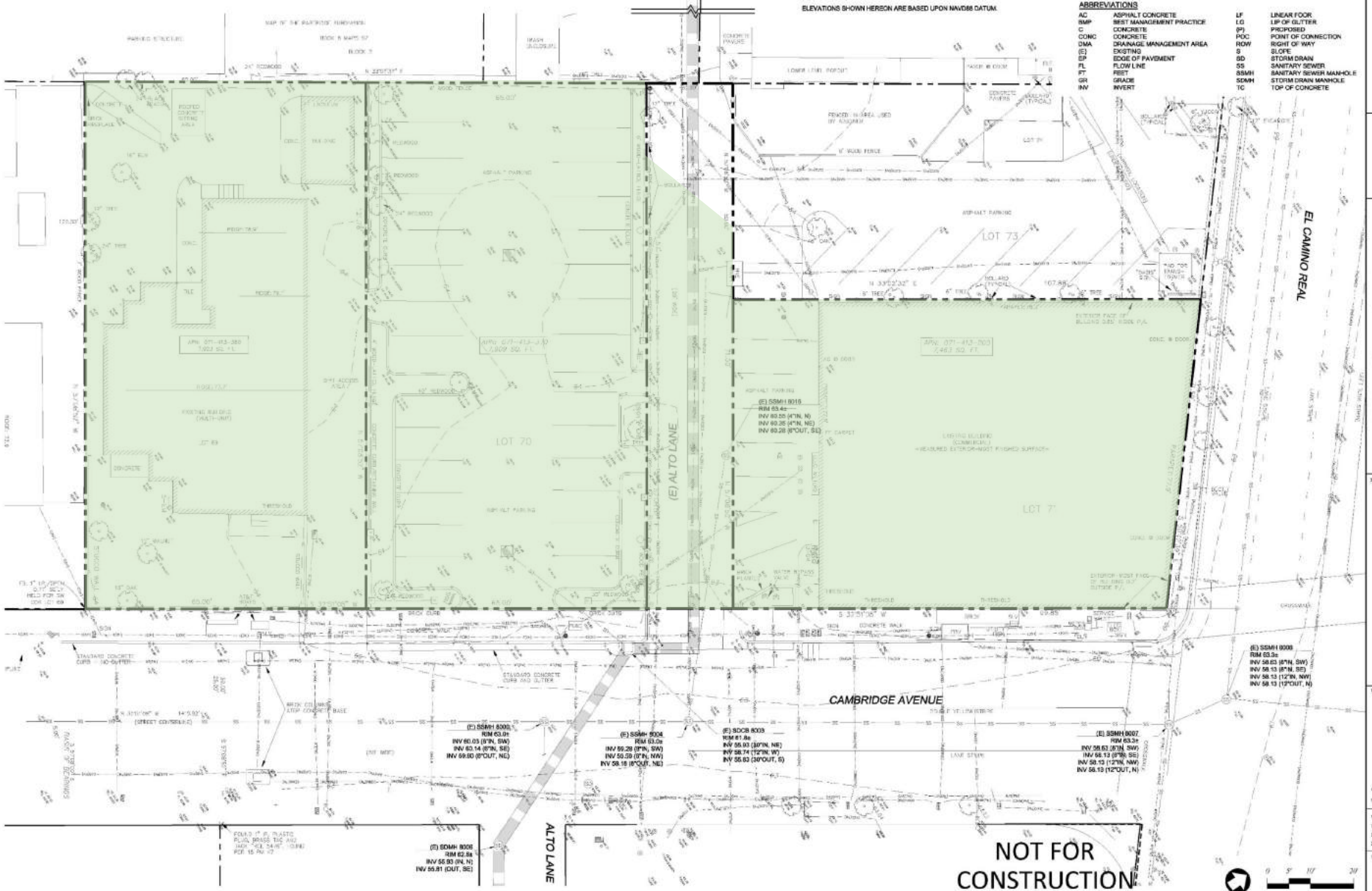
INV	INVERT	TC	TOP OF CONCRETE



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San Francisco, CA 94110
www.sherwoodengineers.com

201 EL CAMINO REAL at CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET 12

TOPOGRAPHIC AND BOUNDARY SURVEY

REVISIONS

PLANNING SUBMITTAL DEGAS

CHECKED:

PLOT DATE:

PROJ. NO: 11-0001
ISSUED: 09/14/2018
DWG SCALE: 1" = 10'
DRAWN BY: GB

SHEET NO:

C0.1

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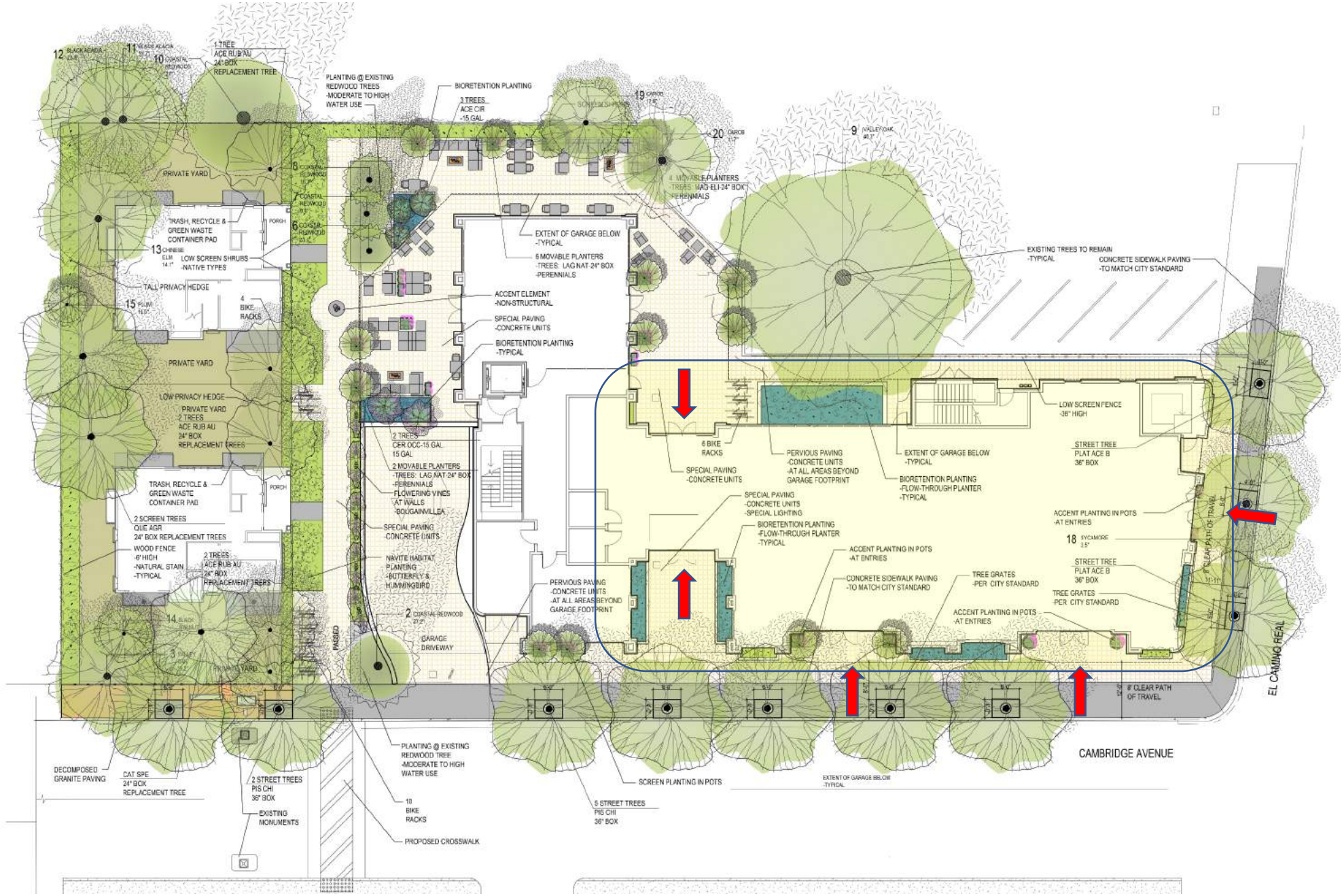
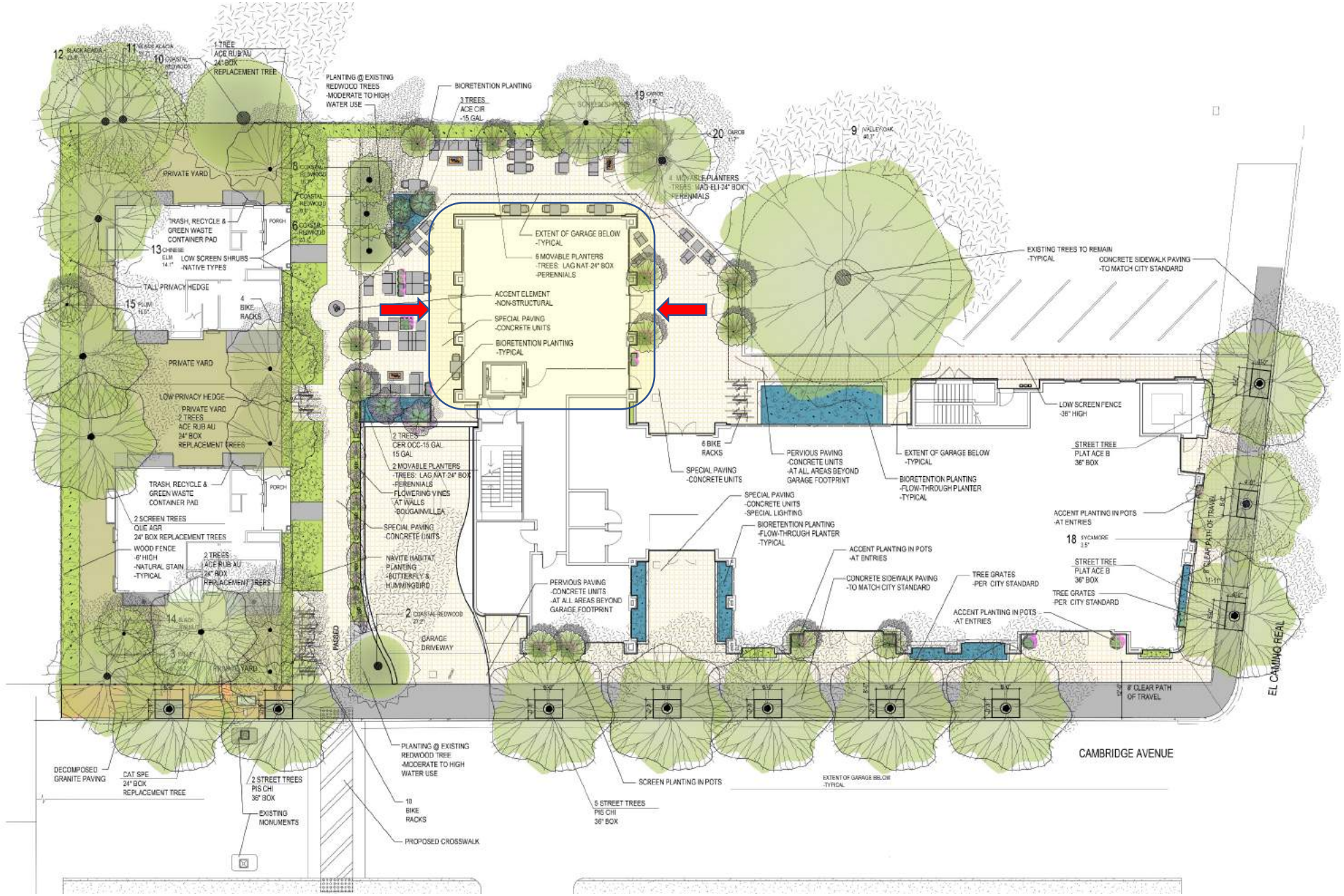

PRIVATE YARD
TRASH, RECYCLE & GREEN WASTE CONTAINER PAD
PORCH
LOW SCREEN SHRUBS -NATIVE TYPES
TALL PRIVACY HEDGE
4 BIKE RACKS
PRIVATE YARD
LOW PRIVACY HEDGE
PRIVATE YARD
2 TREES ACE RUB AU 24" BOX REPLACEMENT TREES
TRASH, RECYCLE & GREEN WASTE CONTAINER PAD
PORCH
2 SCREEN TREES QUE AGR 24" BOX REPLACEMENT TREES
WOOD FENCE -6' HIGH -NATURAL STAIN -TYPICAL
2 TREES ACE RUB AU 24" BOX REPLACEMENT TREES
PRIVATE YARD
1 TREE ACE RUB AU 24" BOX REPLACEMENT TREE
PLANTING @ EXISTING REDWOOD TREES -MODERATE TO HIGH WATER USE
BIORETENTION PLANTING
3 TREES ACE CIR -15 GAL
4 MOVABLE PLANTERS -TREES: LAG-ELI-24" BOX -PERENNIALS
EXTENT OF GARAGE BELOW -TYPICAL
6 MOVABLE PLANTERS -TREES: LAG-NAT-24" BOX -PERENNIALS
ACCENT ELEMENT -NON-STRUCTURAL
SPECIAL PAVING -CONCRETE UNITS
BIORETENTION PLANTING -TYPICAL
2 TREES CER OCC-15 GAL 15 GAL
2 MOVABLE PLANTERS -TREES: LAG-NAT-24" BOX -PERENNIALS -FLOWERING VINES AT WALLS -BOUGAINVILLEA
SPECIAL PAVING -CONCRETE UNITS
NAVITE HABITAT PLANTING -BUTTERFLY & HUMMINGBIRD
2 COASTAL REDWOOD
GARAGE DRIVEWAY
PASSED
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
EXISTING TREES TO REMAIN -TYPICAL
CONCRETE SIDEWALK PAVING -TO MATCH CITY STANDARD
LOW SCREEN FENCE -36" HIGH
6 BIKE RACKS
SPECIAL PAVING -CONCRETE UNITS
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
EXTENT OF GARAGE BELOW -TYPICAL
BIORETENTION PLANTING -FLOW-THROUGH PLANTER -TYPICAL
STREET TREE PLAT ACE B 36" BOX
SPECIAL PAVING -CONCRETE UNITS -SPECIAL LIGHTING
BIORETENTION PLANTING -FLOW-THROUGH PLANTER -TYPICAL
ACCENT PLANTING IN POTS -AT ENTRIES
ACCENT PLANTING IN POTS -AT ENTRIES
18 SYCAMORE
CONCRETE SIDEWALK PAVING -TO MATCH CITY STANDARD
TREE GRATES -PER CITY STANDARD
STREET TREE PLAT ACE B 36" BOX
TREE GRATES -PER CITY STANDARD
ACCENT PLANTING IN POTS -AT ENTRIES
8' CLEAR PATH OF TRAVEL
8' CLEAR PATH OF TRAVEL
EL CAMINO REAL
CAMBRIDGE AVENUE
EXTENT OF GARAGE BELOW -TYPICAL
DECOMPOSED GRANITE PAVING
CAT SPE 24" BOX REPLACEMENT TREE
2 STREET TREES PIS CHI 36" BOX
EXISTING MONUMENTS
PLANTING @ EXISTING REDWOOD TREE -MODERATE TO HIGH WATER USE
10 BIKE RACKS
PROPOSED CROSSWALK
SCREEN PLANTING IN POTS
5 STREET TREES PIS CHI 36" BOX



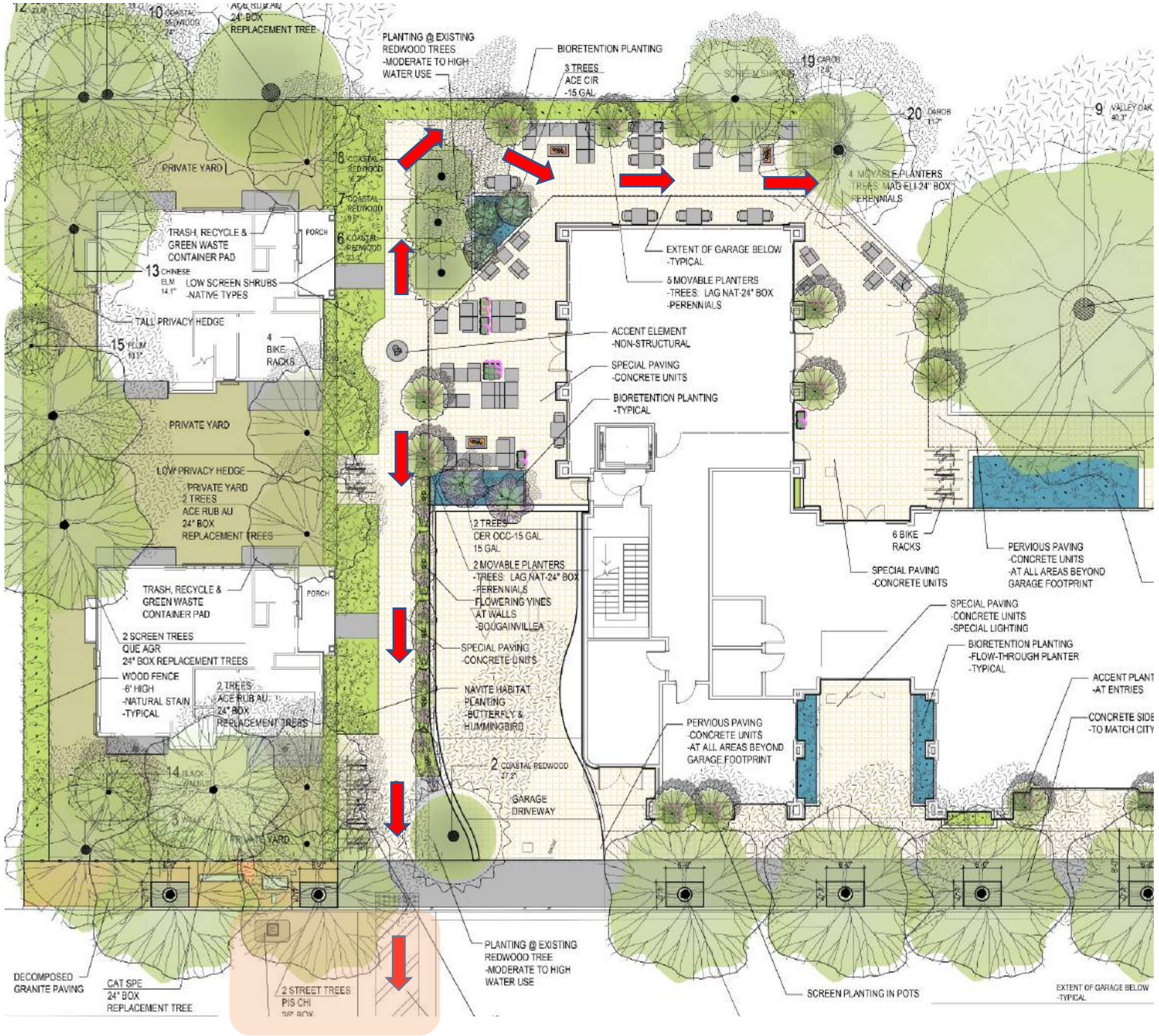


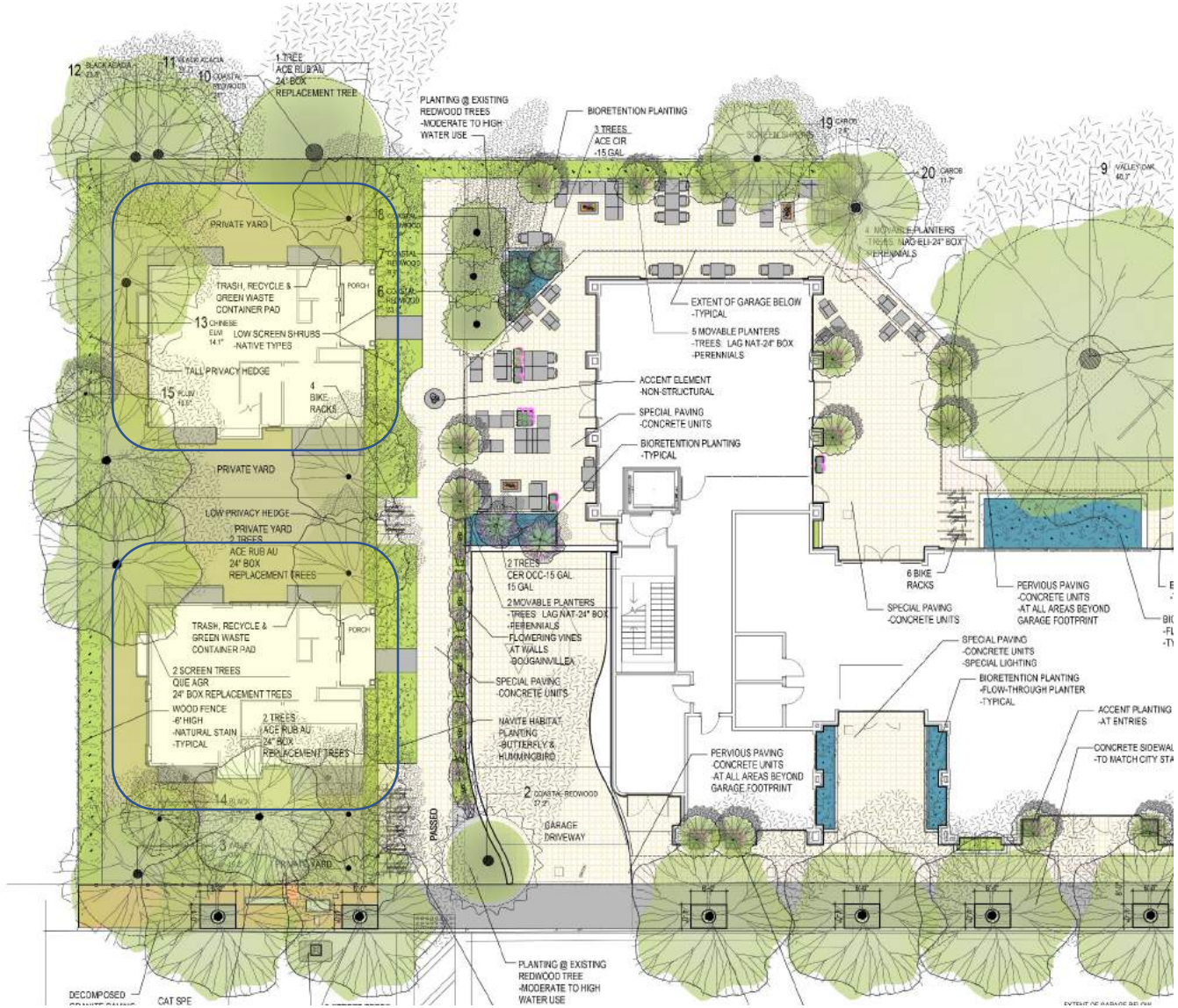



PRIVATE YARD
TRASH, RECYCLE & GREEN WASTE CONTAINER PAD
LOW SCREEN SHRUBS -NATIVE TYPES
TALL PRIVACY HEDGE
4 BIKE RACKS
LOW PRIVACY HEDGE
2 SCREEN TREES QUE AGR 24" BOX REPLACEMENT TREES
WOOD FENCE -6' HIGH -NATURAL STAIN -TYPICAL
2 TREES ACE RUB AU 24" BOX REPLACEMENT TREES
1 TREE ACE RUB AU 24" BOX REPLACEMENT TREE
PLANTING @ EXISTING REDWOOD TREES -MODERATE TO HIGH WATER USE
BIORETENTION PLANTING
3 TREES ACE CIR -15 GAL
4 MOVABLE PLANTERS -TREES: LAG ELI 24" BOX -PERENNIALS
EXTENT OF GARAGE BELOW -TYPICAL
6 MOVABLE PLANTERS -TREES: LAG NAT 24" BOX -PERENNIALS
ACCENT ELEMENT -NON-STRUCTURAL
SPECIAL PAVING -CONCRETE UNITS
BIORETENTION PLANTING -TYPICAL
EXISTING TREES TO REMAIN -TYPICAL
CONCRETE SIDEWALK PAVING -TO MATCH CITY STANDARD
LOW SCREEN FENCE -36" HIGH
STREET TREE PLAT ACE B 36" BOX
2 TREES QER OCC -15 GAL 15 GAL
2 MOVABLE PLANTERS -TREES: LAG NAT 24" BOX -PERENNIALS -FLOWERING VINES AT WALLS -BOUGAINVILLEA
SPECIAL PAVING -CONCRETE UNITS
6 BIKE RACKS
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
EXTENT OF GARAGE BELOW -TYPICAL
BIORETENTION PLANTING -FLOW-THROUGH PLANTER -TYPICAL
SPECIAL PAVING -CONCRETE UNITS -SPECIAL LIGHTING
BIORETENTION PLANTING -FLOW-THROUGH PLANTER -TYPICAL
ACCENT PLANTING IN POTS -AT ENTRIES
NAVITE HABITAT PLANTING -BUTTERFLY & HUMMINGBIRD
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
CONCRETE SIDEWALK PAVING -TO MATCH CITY STANDARD
TREE GRATES -PER CITY STANDARD
ACCENT PLANTING IN POTS -AT ENTRIES
STREET TREE PLAT ACE B 36" BOX
TREE GRATES -PER CITY STANDARD
8' CLEAR PATH OF TRAVEL
EL CAMINO REAL
CAMBRIDGE AVENUE
GARAGE DRIVEWAY
PASSED
DECOMPOSED GRANITE PAVING
CAT SPE 24" BOX REPLACEMENT TREE
2 STREET TREES PIS CHI 36" BOX
EXISTING MONUMENTS
PLANTING @ EXISTING REDWOOD TREE -MODERATE TO HIGH WATER USE
10 BIKE RACKS
PROPOSED CROSSWALK
5 STREET TREES PIS CHI 36" BOX
SCREEN PLANTING IN POTS
EXTENT OF GARAGE BELOW -TYPICAL






10 COASTAL REDWOOD 24"
24" BOX REPLACEMENT TREE
PLANTING @ EXISTING REDWOOD TREES -MODERATE TO HIGH WATER USE
BIORETENTION PLANTING
3 TREES ACE CIR -15 GAL
19 CAROB 12.8"
20 CAROB 11.7"
9 VALLEY OAK 40.3"
8 COASTAL REDWOOD 16.7"
7 COASTAL REDWOOD 9.8"
6 COASTAL REDWOOD 23.3"
PRIVATE YARD
TRASH, RECYCLE & GREEN WASTE CONTAINER PAD
PORCH
13 CHINESE ELM 14.1"
LOW SCREEN SHRUBS -NATIVE TYPES
TALL PRIVACY HEDGE
15 PLUM 10.1"
4 BIKE RACKS
PRIVATE YARD
LOW PRIVACY HEDGE
PRIVATE YARD
2 TREES ACE RUB AU 24" BOX REPLACEMENT TREES
TRASH, RECYCLE & GREEN WASTE CONTAINER PAD
PORCH
2 SCREEN TREES QUE AGR 24" BOX REPLACEMENT TREES
WOOD FENCE -6' HIGH -NATURAL STAIN -TYPICAL
2 TREES ACE RUB AU 24" BOX REPLACEMENT TREES
14 BLACK WALNUT
PRIVATE YARD
EXTENT OF GARAGE BELOW -TYPICAL
5 MOVABLE PLANTERS -TREES: LAG NAT-24" BOX -PERENNIALS
ACCENT ELEMENT -NON-STRUCTURAL
SPECIAL PAVING -CONCRETE UNITS
BIORETENTION PLANTING -TYPICAL
2 TREES CER OCC-15 GAL 15 GAL
2 MOVABLE PLANTERS -TREES: LAG NAT-24" BOX -PERENNIALS FLOWERING VINES AT WALLS -BOUGAINVILLEA
SPECIAL PAVING -CONCRETE UNITS
NAVITE HABITAT PLANTING -BUTTERFLY & HUMMINGBIRD
2 COASTAL REDWOOD 47.2"
GARAGE DRIVEWAY
4 MOVABLE PLANTERS TREES: MAG ELI-24" BOX PERENNIALS
6 BIKE RACKS
SPECIAL PAVING -CONCRETE UNITS
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
SPECIAL PAVING -CONCRETE UNITS -SPECIAL LIGHTING
BIORETENTION PLANTING -FLOW-THROUGH PLANTER -TYPICAL
ACCENT PLANT -AT ENTRIES
CONCRETE SIDE -TO MATCH CITY
PERVIOUS PAVING -CONCRETE UNITS -AT ALL AREAS BEYOND GARAGE FOOTPRINT
DECOMPOSED GRANITE PAVING
CAT SPE 24" BOX REPLACEMENT TREE
2 STREET TREES PIS CHI
PLANTING @ EXISTING REDWOOD TREE -MODERATE TO HIGH WATER USE
SCREEN PLANTING IN POTS
EXTENT OF GARAGE BELOW -TYPICAL


1 TREE
ACE RUB AU
24" BOX
REPLACEMENT TREE
PLANTING @ EXISTING
REDWOOD TREES
-MODERATE TO HIGH
WATER USE
BIORETENTION PLANTING
3 TREES
ACE CIR
-15 GAL
PRIVATE YARD
TRASH, RECYCLE &
GREEN WASTE
CONTAINER PAD
PORCH
LOW SCREEN SHRUBS
-NATIVE TYPES
TALL PRIVACY HEDGE
4
BIKE
RACKS
PRIVATE YARD
LOW PRIVACY HEDGE
PRIVATE YARD
2 TREES
ACE RUB AU
24" BOX
REPLACEMENT TREES
TRASH, RECYCLE &
GREEN WASTE
CONTAINER PAD
PORCH
2 SCREEN TREES
QUE AGR
24" BOX REPLACEMENT TREES
WOOD FENCE
-6' HIGH
-NATURAL STAIN
-TYPICAL
2 TREES
ACE RUB AU
24" BOX
REPLACEMENT TREES
PRIVATE YARD
PASSEO
EXTENT OF GARAGE BELOW
-TYPICAL
5 MOVABLE PLANTERS
-TREES: LAG NAT-24" BOX
-PERENNIALS
ACCENT ELEMENT
-NON-STRUCTURAL
SPECIAL PAVING
-CONCRETE UNITS
BIORETENTION PLANTING
-TYPICAL
2 TREES
CER OCC-15 GAL
15 GAL
2 MOVABLE PLANTERS
-TREES: LAG NAT-24" BOX
-PERENNIALS
FLOWERING VINES
AT WALLS
-BOUGAINVILLEA
SPECIAL PAVING
-CONCRETE UNITS
NAVITE HABITAT
PLANTING
-BUTTERFLY &
HUMMINGBIRD
2 COASTAL REDWOOD
GARAGE
DRIVEWAY
PERVIOUS PAVING
-CONCRETE UNITS
-AT ALL AREAS BEYOND
GARAGE FOOTPRINT
6 BIKE
RACKS
SPECIAL PAVING
-CONCRETE UNITS
PERVIOUS PAVING
-CONCRETE UNITS
-AT ALL AREAS BEYOND
GARAGE FOOTPRINT
SPECIAL PAVING
-CONCRETE UNITS
-SPECIAL LIGHTING
BIORETENTION PLANTING
-FLOW-THROUGH PLANTER
-TYPICAL
ACCENT PLANTING
-AT ENTRIES
-CONCRETE SIDEWAL
-TO MATCH CITY STA
PLANTING @ EXISTING
REDWOOD TREE
-MODERATE TO HIGH
WATER USE
DECOMPOSED



Thank You


EID
ARCHITECTS
ECO FUNCTIONAL ARCHITECTURE
412 OLIVE AVE . PALO ALTO . CA



② CAMBRIDGE STREETSCAPE
1/2" = 1'-0"



① EL CAMINO STREETSCAPE
1/2" = 1'-0"

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DATE
06/13/2019

201 EL CAMINO REAL - 612 CAMBRIDGE AVE
MENLO PARK, CALIFORNIA 94025

SHEET TITLE
PROPOSED STREET SCAPE VIEWS

SHEET NUMBER
A-4.1

ENVIRONMENTAL INNOVATIONS IN DESIGN
410 OLIVE AVE PALO ALTO, CA 94306
PHONE: 650-224-6770 WWW.EIDARCHITECTS.COM

EID ARCHITECTS



3 MIXED USE - SouthWest Elevation
1/8" = 1'-0"

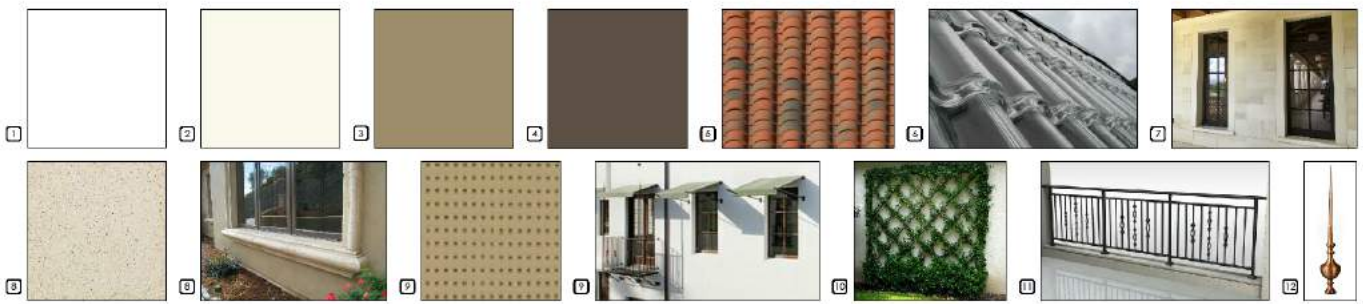


2 MIXED USE - NorthEast Elevation (El Camino Real)
1/8" = 1'-0"





1 MIXED USE - SouthEast Elevation (Cambridge Ave)
1/8" = 1'-0"



KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM944 - PEARLY WHITE
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-5 - RODEO ROUNDUP
4. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4925 - WILD TRUFFLE
5. BARREL TILE ROOF - CLAY: REDLAND CLAY TILE OR EQ.
6. BARREL TILE ROOF - GLASS: TEJAS BORJA OR EQ.
7. HIGH PERFORMANCE GLAZING WITH WOOD & ALUMINUM MULLIONS - COLOR: BRONZE
8. TRIVIS, MEDALLIONS, & CORBELS - CAST STONE: RED LEAF STONE OR EQ. - PACIFIC BEACH ACID ETCH
9. AWNING - FABRIC W/ WROUGHT IRON & ANODIZED ALUMINUM FRAMES - SERGE FERRARI, SOLTIS MESH FABRIC OR EQ. - COLOR: PEPPER
10. PLANTED WALL: TRELLIS OR 'GREENSCREEN' OR EQ.
11. RAILING - WROUGHT IRON
12. LIGHTNING ROD - ROOF RIDGE CAP, COPPER: CLASSIC LIGHTNING PROTECTION INC., OR EQ.

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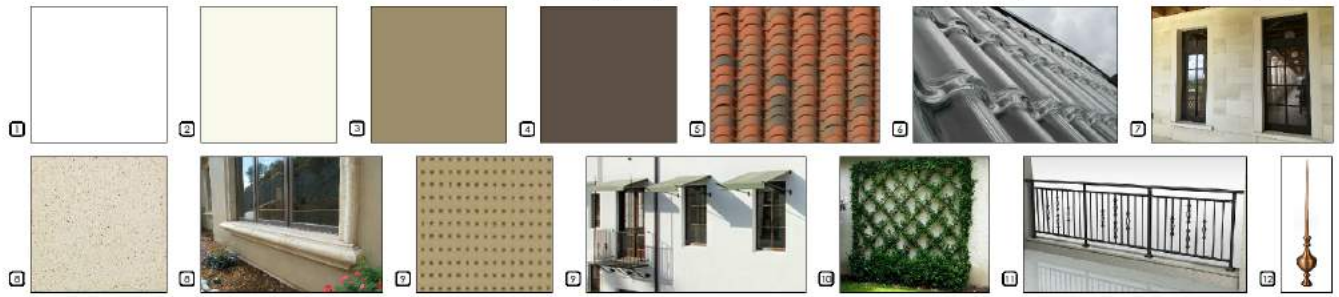
DATE	201 EL CAMINO REAL - 612 CAMBRIDGE AVE	SHEET TITLE	SHEET NUMBER	ENVIRONMENTAL INNOVATIONS IN DESIGN
06/13/2019	MENLO PARK, CALIFORNIA 94025	ELEVATIONS - MIXED-USE	A-4.2	412 OLIVE AVE. PALO ALTO, CA 94306 PHONE: 650-226-5770 WWW.EDARCHITECTS.COM

E D ARCHITECTS







KEY NOTES

1. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM144 - PEARLY WHITE
2. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5220-1 - FLICKERING FIREFLY
3. SMOOTH TROWELLED PLASTER FINISH - COLOR: KELLY MOORE KM5716-3 - RODEO ROUNDUP
4. ROUGH SAWN TIMBER, PAINTED - COLOR: KELLY MOORE KM4905 - WILD TRUFFLE
5. BARRELTILE ROOF - CLAY: REDLAND CLAY TILE OR EQ.
6. BARRELTILE ROOF - GLASS: TEXAS BORSA OR EQ.
7. HIGH PERFORMANCE GLAZING WITH WOOD & ALUMINUM MULLIONS - COLOR: BRONZE
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DATE 06/13/2019

201 EL CAMINO REAL - 612 CAMBRIDGE AVE

MENLO PARK, CALIFORNIA 94025

SHEET TITLE: ELEVATIONS - MIXED-USE

SHEET NUMBER: A-4.3

ENVIRONMENTAL INNOVATIONS IN DESIGN
415 OLIVE AVE. PALO ALTO, CA 94306
PHONE: 650-324-9700 WWW.EIDARCHITECTS.COM
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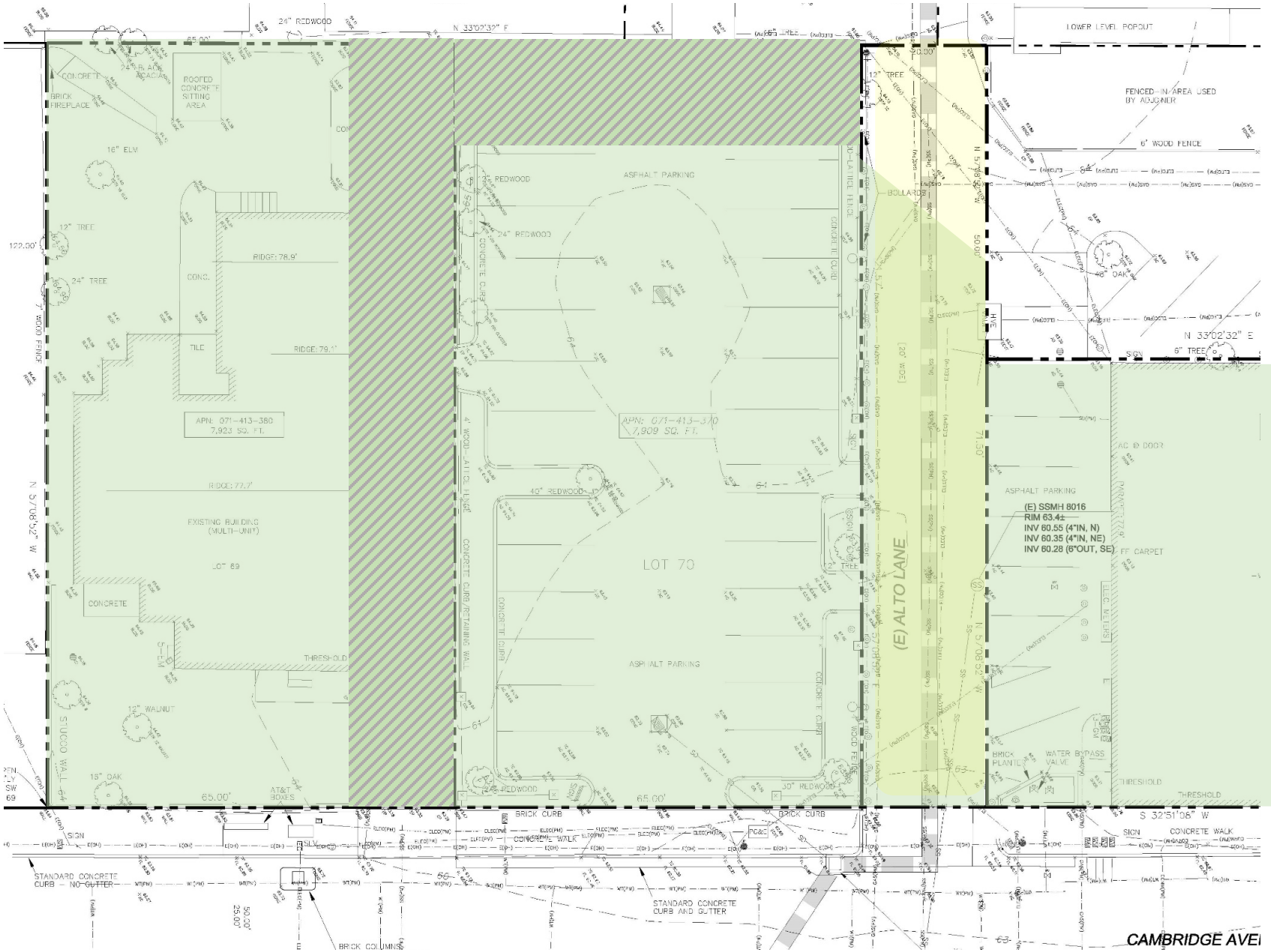
Kerwin
Kerwin
13395
Camden

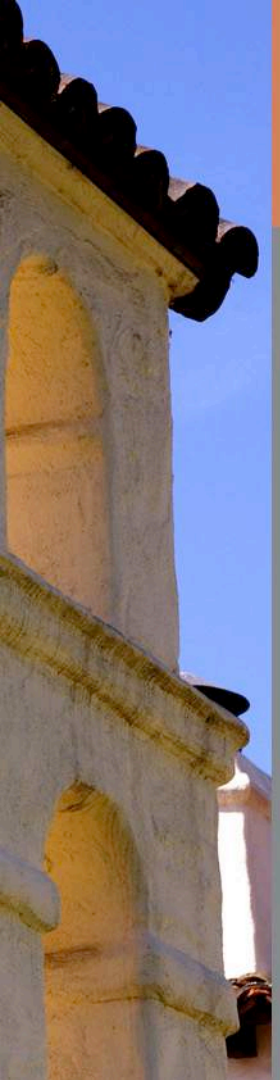

(E) ALTO LANE
CAMBRIDGE AVE
APN: 071-413-380
7,923 SQ. FT.
APN: 071-413-370
7,909 SQ. FT.
LOT 69
LOT 70
EXISTING BUILDING
(MULTI-UNIT)
ROOFED CONCRETE SITTING AREA
BRICK FIREPLACE
CONCRETE
TILE
RIDGE: 78.9'
RIDGE: 79.1'
RIDGE: 77.7'
ASPHALT PARKING
FENCED-IN-AREA USED BY ADJOINER
6' WOOD FENCE
LOWER LEVEL POPOUT
BOLLARD
(E) SSMH 8016
RIM 63.4±
INV 60.55 (4"IN, N)
INV 60.35 (4"IN, NE)
INV 60.28 (6"OUT, SE)
FF CARPET
BRICK PLANTER
WATER BYPASS VALVE
THRESHOLD
STUCCO WALL
CONCRETE CURB/RETAINING WALL
CONCRETE CURB
BRICK CURB
CONCRETE WALK
STANDARD CONCRETE CURB - NO GUTTER
STANDARD CONCRETE CURB AND GUTTER
BRICK COLUMNS
AT&T BOXES
N 33°02'32" E
S 32°51'08" W
N 57°08'52" W
65.00'
122.00'
50.00'
71.50'
24" REDWOOD
40" REDWOOD
30" REDWOOD
24" TREE
12" TREE
16" ELM
18" OAK
12" WALNUT
6" TREE

F1-PRESENTATION



201-211 EL CAMINO REAL & 612 CAMBRIDGE AVENUE

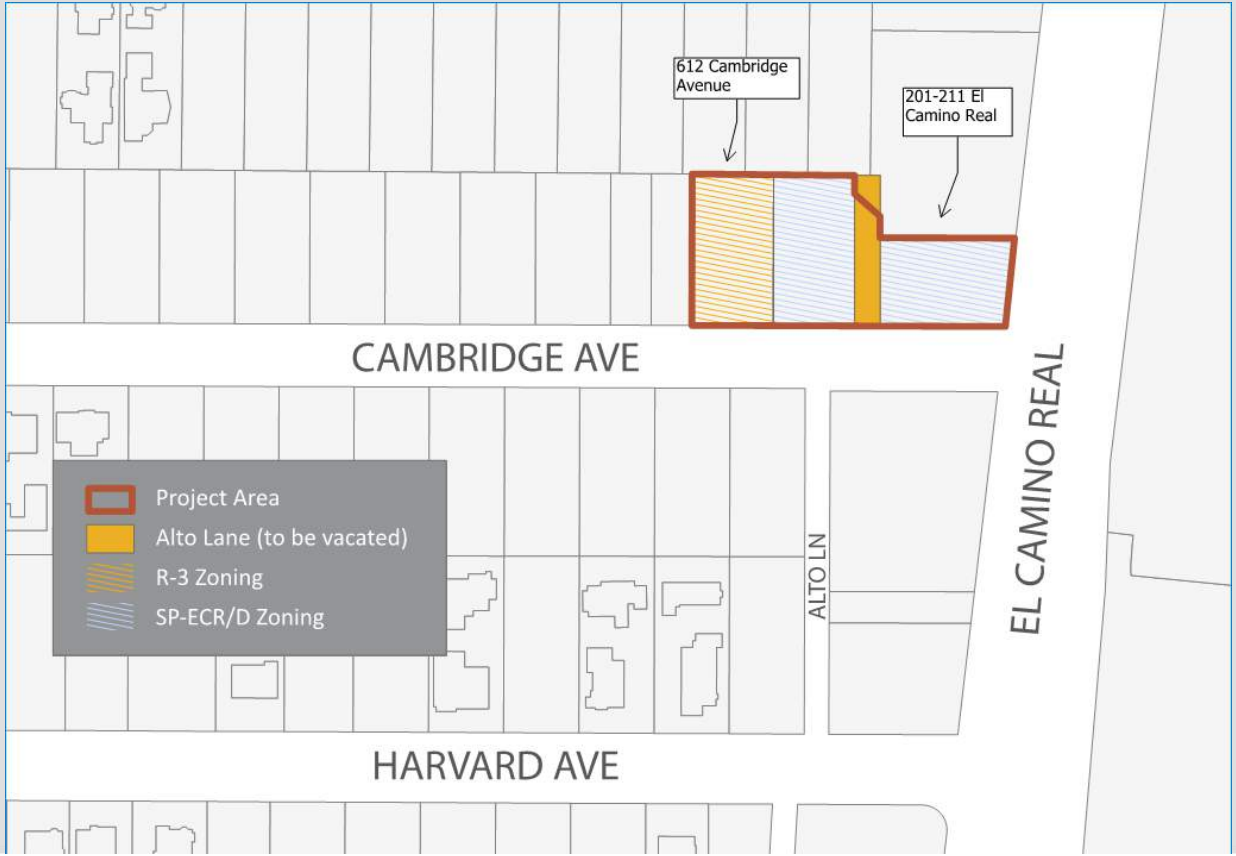
October 27, 2020 City Council Meeting



ACTIONS

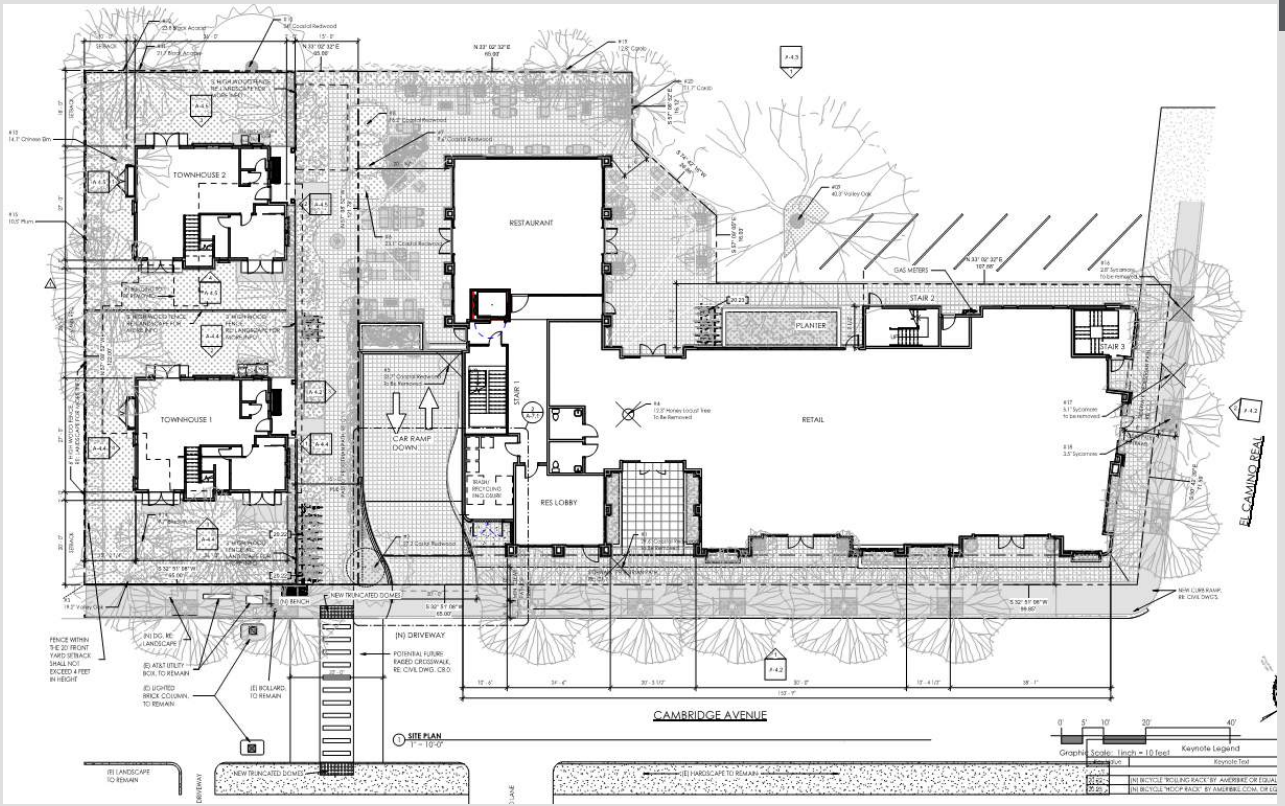
- Final action for the following entitlements and environmental review components:
  - Initial Study and Mitigated Negative Declaration
  - Abandonment of Alto Lane, a public right-of-way adjacent to 201-211 El Camino Real and 239-251 El Camino Real
  - Architectural Control and Determination of a Public Benefit
  - Use Permit
  - Vesting Tentative Map
  - Below Market Rate (BMR) Housing Agreement

PROJECT AREA





PROPOSED PROJECT



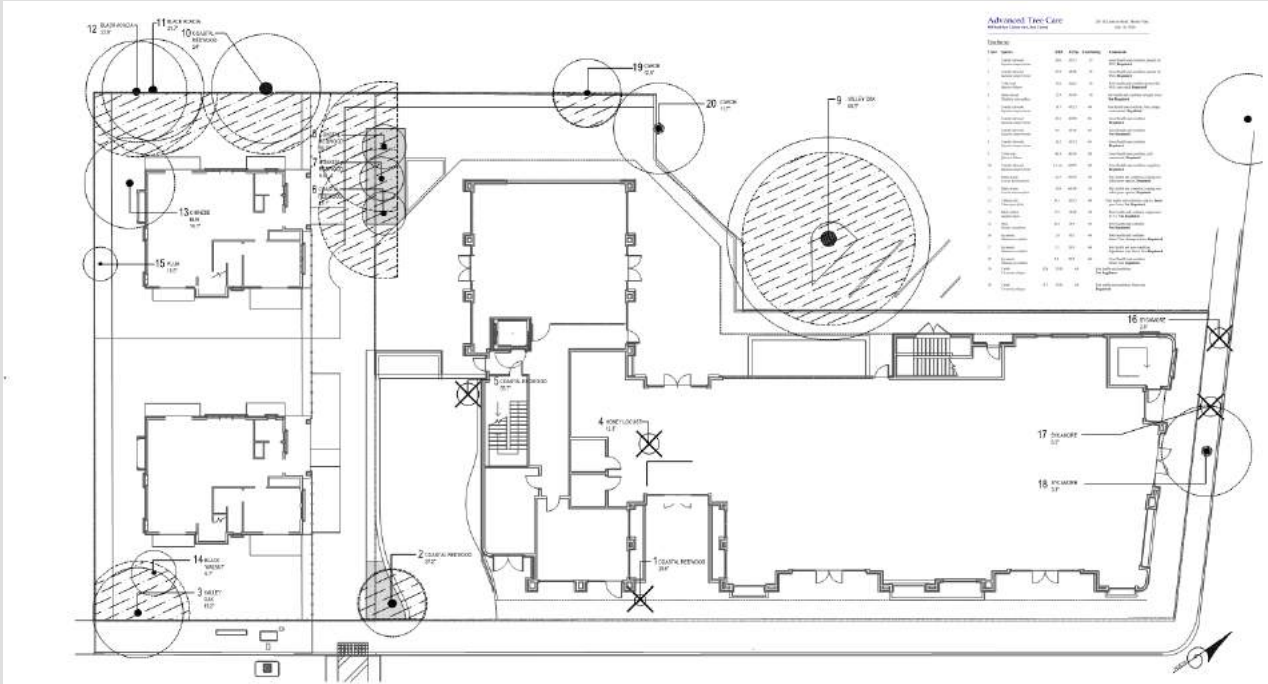
PROPOSED PROJECT – EL CAMINO REAL



PROPOSED PROJECT – CAMBRIDGE AVE



PROPOSED TREE REMOVALS



PROPOSED TREE REMOVALS





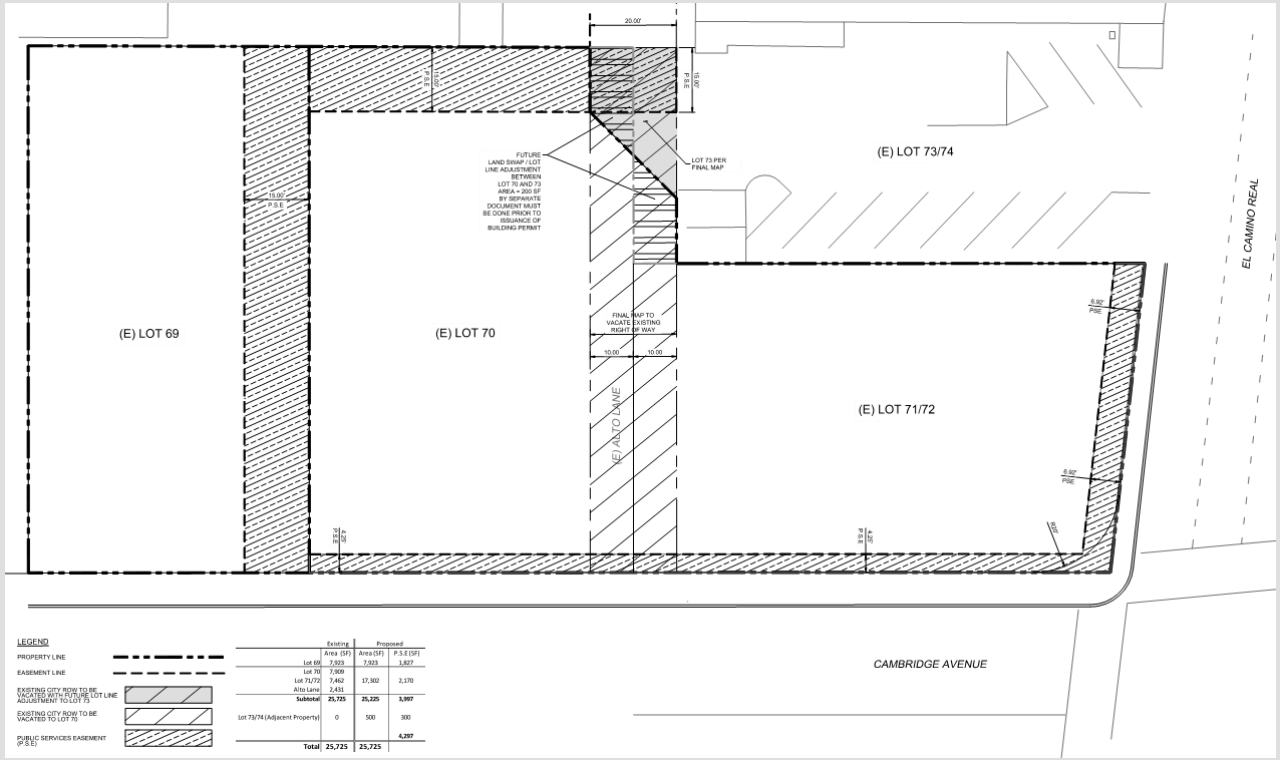
PROPOSED PUBLIC BENEFIT

- In the Specific Plan, Bonus level development allows exceedance of maximum gross floor area and density, if a public benefit is provided

- Proposing 2 BMR units, which is 0.6 more than required

- BMR units would be reserved for low-income households (rental and for-sale options)

ABANDONMENT OF ALTO LANE

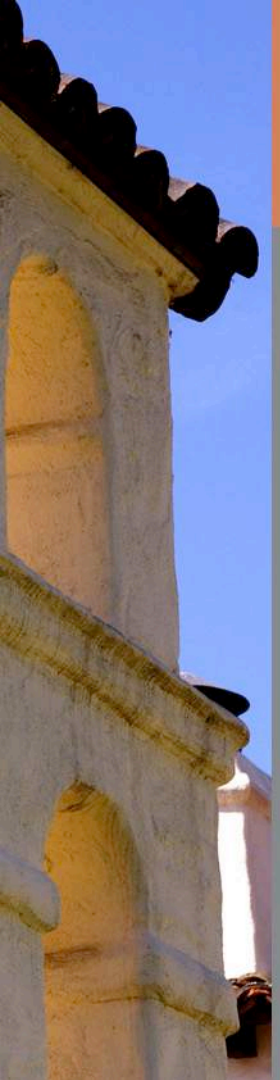


	Existing	Proposed	
	Area (SF)	Area (SF)	P.S.E (SF)
Lot 69	7,923	7,923	1,827
Lot 70	7,909		
Lot 71/72	7,462	17,302	2,170
Alto Lane	2,431		
Subtotal:	**25,725**	**25,225**	**3,997**
Lot 73/74 (Adjacent Property)	0	500	300
			4,297
Total:	**25,725**	**25,725**	



ENTITLEMENT PROCESS

- Planning Commission study session – July 22, 2019
- Housing Commission recommends approval – January 8, 2020
- Heritage Tree Removal permit issued – July 15, 2020
- Public review period for IS/MND – September 3 through October 2, 2020
- City Council initiates Alto Lane abandonment – September 22, 2020
- Planning Commission recommends approval – October 5, 2020
- Housing Commission recommends approval – October 7, 2020
- City Council final action – Tonight's meeting



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THANK YOU

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-234-CC**

Regular Business: **Authorize the city manager to enter into a memorandum of understanding and drainage easement agreement for the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project**

Recommendation

Staff recommends the City Council authorize the city manager to enter into a memorandum of understanding (Attachment A) and to accept a drainage easement from Cargill, in a form acceptable to the interim city attorney, for the construction and maintenance of the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project (Project.)

Policy Issues

The Project is consistent with land use element 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.

The Project is included in the 2020-21 capital improvement plan adopted by the City Council July 28.

Background

Bayfront Canal (Canal) and Atherton Channel (Channel) drain approximately 9.5 square miles that includes sections of the cities of Menlo Park and Redwood City, the towns of Atherton and Woodside, and unincorporated areas of San Mateo County. The combined flows from the Canal and Channel empty into Flood Slough and San Francisco Bay (Bay) through a tide control structure that is maintained and operated by Redwood City, as shown in Attachment B. The tide gates are closed when tide levels in Flood Slough are high to prevent Bay water from filling up the Canal, which also prevents storm flow in the Canal from emptying into Flood Slough.

The drainage areas along the Canal are subject to frequent flooding impacts due to a lack of capacity in the Canal during large storm events and flow restrictions when tide levels in the Bay necessitate closing the tide gates. The flooding impacts residential and commercial properties along East Bayshore Road in Redwood City and along Haven Avenue and Marsh Road in Menlo Park. The flooding typically results in structure damage, as well as road closures that impact access to the affected area. Haven Avenue and Marsh Road were closed due to flooding as recently as February 7, 2017.

In response to the frequent flooding concerns, Menlo Park joined a multiagency collaborative, consisting of Menlo Park, Redwood City, Atherton and San Mateo County to pursue a flood mitigation solution. The Town of Woodside declined to participate in the collaborative effort. The design consists of installing an underground concrete structure to route excess storm flows from the Canal, across the entrance of Bedwell

Bayfront Park, to ponds in the Don Edwards San Francisco Bay National Wildlife Refuge (Attachment C) for temporary storage, which would mitigate flooding impacts for a 25-year storm event.

On October 10, 2017, City Council authorized the city manager to enter into an MOU with the collaborative for the development of design plans and specifications, environmental review and certification, construction permitting, and securing property access rights necessary to initiate construction bidding (Attachment D.)

Effective January 1, the San Mateo County Flood and Sea Level Rise Resiliency District (FSLRR) assumed the role of lead agency for the Project. Menlo Park, along with the others in the collaborative, is a member of FSLRR. The collaborative is continuing the process of acquiring necessary construction permits and access rights in order to close out the planning and design effort and prepare for construction bidding and contract award in late 2020.

On June 9, City Council authorized the city manager to sign a letter committing the City, in conjunction with the other collaborative agencies, to ensuring that the Project is implemented by December 2021 (Attachment E.) This effort was undertaken to preserve a $1.135 million construction grant that was obtained by Redwood City from the California Department of Water Resources. The fiscal year 2020-21 City budget and capital improvement program included the City's contribution of funds for this project.

On October 13, City Council received a presentation by the chief executive officer of FSLRR, including an overview of the need and benefits of this project and other flood and sea level rise protection efforts by the district. Based on City Council feedback from the FSLLR presentation, staff is working to produce a mapping tool to provide the public with information on the various sea level rise and flood protection studies and projects along the Bayfront shoreline.

Analysis

In order to complete project construction by December 2021, a construction contract and access rights need to be secured by the end of 2020. Therefore, an MOU has been developed between Menlo Park, Redwood City, Atherton, San Mateo County and FSLRR to address Project pre-construction, construction, and post-construction responsibilities and funding obligations through a period of five years following the completion of construction. Additionally, a drainage easement is being negotiated with an adjacent private property owner for access, operation, maintenance and repair of the Project improvements.

Memorandum of understanding (MOU)

The principal terms of the MOU include the following:

- Identifies the purpose as establishing terms and conditions for the sharing of costs and responsibilities related to completing final design, environmental clearance, securing all permits and property rights, completing construction and, for five years, conducting operations and maintenance (O&M) of new facilities, and monitoring, maintaining and reporting on mitigation sites;
- Establishes an effective term that expires five years after the completion of construction;
- Establishes that FSLRR will serve as the project's lead agency under California Environmental Quality Act (CEQA) and serve as the contracting and managing agency for all work funded by the MOU, with the exception of O&M;
- Establishes that Redwood City will manage the O&M of new facilities for five-years with costs reimbursed by FSLRR through contributions outlined in the MOU;
- Establishes that FSLRR will own the project improvements;
- Establishes each jurisdictions financial contribution based on:

  - Percentage of water flow contribution into the Canal;
  - A capped contribution from the Town of Atherton of $1,350,000;
  - The residual cost resulting from the Town of Atherton contribution cap will be split among San Mateo County, Redwood City and Menlo Park, based on the ratio of each jurisdictions flow contribution to the Canal;
- Establishes that any excess funds following completion of Project construction shall be applied toward future O&M and mitigation responsibilities beyond the term of the MOU;
- Establishes that any increase in construction costs shall be allocated amongst agencies based on a meet and confer process and good-faith negotiations;
- Establishes that if an agency chooses to withdraw from the MOU, the agency will still be required to pay for its entire share of Project expenses including construction, O&M, and mitigation for the full term of the MOU, except that if the project construction bids are higher than estimated and would result in an increased financial contribution then an agency may withdraw with no future obligation beyond expenses already incurred;
- Following completion of Project construction, establishes a meet and confer requirement to negotiate additional agreements for the continued O&M and mitigation activities, beyond the initial five-year post-construction period. If the parties are not able to agree on how to proceed, the agreement stipulates that the costs will be split four ways, with Atherton excluded from further participation.

The estimated cost of the activities funded by the MOU is anticipated to be $8,590,000. This amount is partially offset by the $1,135,000 Department of Water Resources grant contribution, but the remaining $7,455,000 will need to be shared among the collaborative. The corresponding financial contributions per jurisdiction are presented in Table 1.

Table 1: Jurisdictional flow and financial contributions

Jurisdiction	Watershed area (%)	Flow contribution (%)	Financial contribution ($)	Financial contribution (%)
Town of Atherton	44.00	38.00	1,350,000	18.11
City of Redwood City	13.00	26.00	2,658,000	35.65
San Mateo County	20.00	22.00	2,294,000	30.77
City of Menlo Park	17.00	10.50	1,153,000	15.47
Town of Woodside	6.00	3.50	0	0
Note: Flow contribution is based on the 25-year event, the project design criteria				

Except as noted above, once the terms of the MOU become effective, each agency will be committed to providing the financial contribution noted in Table 1, at a minimum, regardless of final Project costs or potential withdrawal from the MOU. Atherton's contribution is capped at $1,350,000 under all circumstances.

Drainage easement agreement

As noted above, to complete the project, an easement is required from the adjacent private property owner, Cargill. Although the final drainage easement agreement is currently under negotiation, Cargill intends to grant a drainage easement for Project access, operation, maintenance and repair in exchange for an

agreement to amend and restate an existing 1952 drainage easement related to Bayfront Canal. The easement will be jointly owned by FSLRR, Menlo Park, Redwood City and San Mateo County. The drainage easement agreement will establish the rights, obligations, and responsibilities of all parties and establish a communication process with Cargill for planned and emergency construction, maintenance and repairs to Project improvements. Pursuant to authority delegated by City Council Resolution No. 6453 (Attachment F), the city manager will accept dedication of the easement upon completion of the final drainage easement agreement and recommendation of the interim city attorney. Since the proposed action is a multiparty easement, staff believes it is appropriate to bring this item before City Council for approval.

Approval of the amended and restated 1952 drainage easement agreement is addressed as a separate agenda item at the City Council's October 27 meeting.

Next steps

Following approval of the MOU and drainage easement agreement by all parties of the collaborative, the collaborative will continue the process of acquiring necessary construction permits and access rights in order to close-out the planning and design effort and prepare for construction advertisement, bidding and contract award. The Town of Atherton approved the MOU at their October 21 meeting, and Redwood City and San Mateo County are scheduled to consider it in meetings by early November. Construction must be completed by December 2021 to satisfy requirements of the Department of Water Resources grant obtained by the City of Redwood City.

Impact on City Resources

Per the terms of the MOU, the City's minimum contribution to the construction and maintenance effort is anticipated to be $1,153,000. City Council authorized funding in the amount of $1,200,000 from the General Fund CIP in the fiscal year 2020-21 capital improvement program for the Bayfront Canal and Atherton Channel flood protection project. In conjunction with prior year appropriations, the project currently has a balance of $1,365,314 which is anticipated to be sufficient to cover the remaining expenses for the final design and planning effort, construction, maintenance and staff time for coordination.

Environmental Review

An Initial study/mitigated negative declaration (IS/MND), prepared by Horizon Water and Environment, identified potential adverse effects during construction. Those effects will be reduced to less-than-significant levels through the implementation of specific mitigation measures pursuant to Section 21081.6 of the California Public Resources Code as identified in the mitigation monitoring and reporting program. A 30-day public review period from July 29, 2019, to August 27, 2019 was completed in compliance with the provisions of the CEQA. No revisions to the IS/MND were required in response to comments received.

Commencing January 1, FSLRR assumed the role of lead agency and authority to adopt the IS/MND. Notice of intent to adopt the IS/MND was provided and posted February 13. At its regularly scheduled meeting February 24, the FSLRR board of directors approved a resolution certifying the IS/MND.

Public Notice

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

Attachments

A. Memorandum of understanding
B. Project location
C. Bayfront Canal and Atherton Channel Flood protection project layout
D. Hyperlink – October 10, 2017 City Council Staff Report #17-204-CC: menlopark.org/DocumentCenter/View/15710/H4---Bayfront-Canal-Bypass-Agreement
E. Hyperlink – June 9 City Council Staff Report #20-117-CC: menlopark.org/DocumentCenter/View/25277/H5-Letter-of-commitment-Bayfront-Canal
F. Resolution No. 6453

Report prepared by:
Eric Hinkley, Associate Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director
Cara Silver, Interim City Attorney

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

This Memorandum of Understanding ("MOU") is made and entered into this ___ day of _____, 2020 by and among the San Mateo County Flood and Sea Level Rise Resiliency District, an independent special district ("District"), the City of Redwood City ("Redwood City"), the City of Menlo Park ("Menlo Park"), and the Town of Atherton ("Atherton"), municipal corporations of the State of California (collectively, "Cities"), and the County of San Mateo, a political subdivision of the State of California ("County"), collectively referred to as the "Parties" and each of the Parties may be referred to singularly as "Party".

RECITALS

Whereas, on October 27, 2017, the Cities and County entered into a Memorandum of Understanding to establish the terms and conditions for the cost sharing and responsibilities for the design phase of the Bayfront Canal and Atherton Channel Flood Management and Restoration Project (the "Project") (the "Design MOU"); and

Whereas, the Design MOU provided that Project construction, operation, and maintenance responsibilities would be addressed by a future agreement; and

Whereas, since the Design MOU was executed, the County's Flood Control District was renamed as the District, its powers were expanded to include addressing and protecting against the impacts of sea level rise, and, effective January 1, 2020, an independent Board of Directors replaced the County's Board of Supervisors as its governing board; and

Whereas, certain Project tasks identified in the Design MOU—specifically, final environmental compliance, construction permitting, land acquisition, and final design and construction documents—have not yet been completed; and

Whereas, the Parties intend and desire to incorporate those outstanding Project tasks from the Design MOU into this MOU; and

Whereas, the Design MOU was funded with a budget of $1,000,000, and the Parties intend and desire that any funds remaining from the Design MOU will be added to the funds contributed for this MOU.

AGREEMENT

NOW, THEREFORE, in consideration of the facts set forth in the foregoing recitals which are incorporated into this MOU and as though fully set forth herein and the mutual promises contained herein, the Parties agree as follows:

1. Purpose. The purpose of this MOU is to establish the terms and conditions for the sharing of costs and responsibilities among the Parties for the construction, operation and maintenance of the Project, which entails completing Project design; securing all permits not secured under the Design MOU; and securing and assigning all necessary property rights; completing construction; and, for five (5) years following completion of construction, conducting operations and maintenance of the new Project facilities ("Operation and Maintenance Activities"), and monitoring, implementing, and reporting on mitigation actions required by environmental regulatory permits ("Mitigation Activities"), as described in **Exhibit "A"** attached to this MOU and incorporated by this reference ("Scope of Work").

2. Term of MOU and Withdrawal by a Party.

A. Term. This MOU is effective upon the day and date last signed and executed by the duly-authorized representative of each Party ("Effective Date") and shall remain in full force and effect until five (5) years after construction of the Project is completed and accepted ("Term").

B. Withdrawal by Party. Any Party may withdraw from this MOU, with or without cause, at any time during the Term upon 90 days written notice to all other Parties ("Notice of Withdrawal"), and such withdrawal shall take effect 90 days after the date of the Notice of Withdrawal ("Effective Date of Withdrawal"). A withdrawing Party will be responsible for its entire percentage share of all Project expenses through completion of the Project construction, plus its entire share of the cost of Operation and Maintenance Activities and Mitigation Activities for the 5-year period following completion of the Project construction, as provided in Paragraphs 4 (Responsibilities of the Parties) and 5 (Project Costs and Payment Calculations) below; provided, however, that if bids for construction of the Project are higher than estimated, the Parties shall meet and confer to determine how and whether to proceed with the Project. Under this scenario, if any Party withdraws due to the increase in Project costs that would also impact its financial contribution, the Party may withdraw without being responsible for any further payment beyond what has already been incurred before the Effective Date of Withdrawal. As the District is the awarding body for the Project, the District may not withdraw from the MOU before completion and acceptance of construction of the Project, once awarded.

C. Survival. Any Party that withdraws from this MOU shall remain subject to the provisions of this Paragraph 2 and Paragraph 8.A. (Indemnification) with respect to any event or occurrence taking place before the Effective Date of Withdrawal.

3. Authorizations. The Chief Executive Officer of the District, City Managers of the City of Redwood City, City of Menlo Park, and the Town of Atherton, and County Manager of the County of San Mateo, or their respective designees, are authorized to extend the Term, modify due dates, resolve conflicts, or otherwise grant approvals on behalf of their respective agencies, provided such approvals are not vested in the authority of the agency's governing board, and provided that any approval requiring payment of funds in excess of appropriated funds shall require governing board approval of the appropriations of such additional funds. All such requests and approvals shall be in writing.

4. Responsibilities of the Parties.

A. District As Lead Agency. The District will serve as the Lead Agency under CEQA for the purpose of environmental permitting compliance and, unless otherwise agreed by the Parties, will be the contracting agency for all consultants and contractors ("Vendors") to be retained to perform work on the Project as set forth in the Scope of Work. The District will also manage on behalf of the Parties the day-to-day work associated with planning, permitting, design, construction, and mitigation of the Project and communication with the Vendors. All costs associated with District's

activities in this Paragraph 4.A., including costs for Vendors and staff time, will be invoiced pursuant to Paragraph 5.B. (Invoicing) below. The District shall be the owner of the Project improvements. As the District is the awarding body for the Project, the District may not withdraw from the MOU before completion and acceptance of construction of the Project, once awarded. If the District withdraws from the MOU after completion and acceptance of construction of the Project, the remaining Parties will meet and confer to negotiate an agreement regarding ownership, Operations and Maintenance Activities for the Project.

B. Land Rights. The District will facilitate negotiations to secure all temporary and permanent real property easement rights necessary to construct, operate and maintain the Project, with the direct involvement of all parties to each easement agreement. All easements required for the Project shall be jointly held by the District, Redwood City, Menlo Park, and the County, unless otherwise agreed by the Parties. The Parties shall cooperate with one another to grant any necessary easements within their respective jurisdictions. All costs incurred to secure the requisite easements shall be paid from the Parties' contributions under this MOU; and will be invoiced by the District pursuant to Paragraph 5.B. (Invoicing) below.

C. Construction Project Coordination. Staff from each Party will participate in and support the District's management of construction through a working group known as the Project Team, which may meet, as appropriate, to ensure proper Project coordination. A separate Communications Working Group of representatives of the District, Redwood City, Menlo Park, and County will be responsible for coordinating public outreach activities by their respective jurisdictions but will be coordinated through the District so that there is consistent messaging.

D. Operation and Maintenance Activities. For five (5) years following the completion of construction of the Project, Redwood City will be responsible for performing Operation and Maintenance Activities on behalf of the Parties; and the costs of such Operation and Maintenance Activities shall be shared by the Parties as provided in Paragraph 5 (Project Costs and Payment Calculations) below. To ensure sufficient funding to timely pay the costs of Operation and Maintenance Activities, the District will on a quarterly basis invoice the other Parties and pay Redwood City throughout the 5-year post-construction completion period pursuant to Paragraph 5.B. (Invoicing) below according to the Parties' respective percentages of Shared Obligation as set forth in Paragraph 5.A. (Project Costs and Payment Calculations) below. The Parties' obligations to pay their respective percentages of Operation and Maintenance Activities costs for the initial 5-year period shall survive their withdrawal from, and the expiration of, this MOU. If Redwood City withdraws from the MOU, the remaining Parties will meet and confer to negotiate an agreement regarding how Operation and Maintenance Activities will be handled for the remainder of the Term. Redwood City and the District may enter into a separate agreement to address performance of Operation and Maintenance Activities by Redwood City on behalf of the Parties.

E. Mitigation Activities. During the 5-year post-construction period, the District will be responsible for performing the Project's Mitigation Activities on behalf of the Parties and the costs of such Mitigation Activities shall be invoiced by the District on a quarterly basis throughout the 5-year post-construction completion period pursuant to Paragraph 4.A. (District As Lead Agency) and Paragraph 5.B. (Invoicing) according to the Parties' respective percentages of Shared Obligation as set forth in Paragraph 5.A. (Project Costs and Payment Calculations) below. The Parties' obligations to pay their respective percentages of Mitigation Activities costs for the initial 5-year period shall survive their withdrawal from, and the expiration of, this MOU. If the District withdraws from the MOU after the construction and acceptance of Project, the remaining Parties will meet and confer to negotiate an agreement regarding how Mitigation Activities will be handled for the remainder of the Term.

Furthermore, without committing the Parties to financial obligations beyond this Agreement, the Parties agree to meet and confer to discuss possible solutions to regional flooding issues.

F. Meet and Confer regarding Post-MOU Activities. Promptly upon completion of Project construction, if sufficient funds are not available through project savings to fund beyond the five-year post-construction Operation and Maintenance Activities and Mitigation Activities, the Parties will meet and confer to discuss the potential for one or more separate agreement(s) setting forth the Parties' respective obligations for performing and funding Operation and Maintenance Activities and Mitigation Activities and any other Project-related responsibilities beyond the Term of this MOU ("Future Project-Related Responsibilities"). Possible agreements include, by way of example only, the District agreeing to perform and fund Future Project-Related Responsibilities if it has, by that point, secured a dedicated long-term funding source for such activities; or the Parties agreeing to work collaboratively and in good faith to secure additional funding for Future Project-Related Responsibilities, including through grants, developer impact fees, and monetary contributions from private actors and/or other governmental jurisdictions or agencies. However, if after meeting and conferring the Parties are unable to successfully negotiate one or more separate agreement(s) setting forth the Parties' respective obligations regarding Future Project-Related Responsibilities, Redwood City, Menlo Park, the County, and the District shall each be responsible for an equal (one-fourth) share of all remaining unfunded Future Project-Related Responsibilities ("Default Share"). A Party's liability for its Default Share shall survive its withdrawal from this MOU unless all remaining Parties agree to absorb the withdrawing Party's (or Parties') Default Share. However, notwithstanding the foregoing, the District shall not be responsible for its Default Share unless it has secured a long-term funding source.

5. <u>Project Costs and Payment Calculations</u>.

A. Project Cost Estimates. The estimated costs to complete the construction, operation and maintenance and mitigation activities and all related tasks outlined in the Scope of Work total $8,590,000 ("Estimated Amount"). The California Department of Water Resources (DWR) has awarded a grant in the amount of $1,135,000 to the City of Redwood City for the Project (the "Grant"), provided that construction is completed by December 31, 2021, and thereby subjecting the Project to the terms of the Grant, as amended. A copy of the Grant agreement has been provided to the Parties under separate cover. Subtracting this DWR grant amount from the Estimated Amount leaves a residual estimated cost of $7,455,000, which is the amount to be shared by the Cities and County ("Shared Obligation") as follows:

Contributing Jurisdiction	Maximum Contribution and Percentage of Shared Obligation Under this MOU
Town of Atherton	$1,350,000 (18.11%)
City of Menlo Park	$1,153,000 (15.47%)
City of Redwood City	$2,658,000 (35.65%)
County of San Mateo	$2,294,000 (30.77%)
TOTAL	**$7,455,000 (100%)**

Promptly following the District's receipt of construction bids for the Project and then, again, after completion of the Project construction, the Parties shall meet and confer to reassess the Project costs and determine whether any adjustment in the Estimated Amount and Shared Obligation is warranted in light of revised anticipated design, permitting and construction costs and the anticipated costs for Future

Project-Related Responsibilities, as set forth above in Paragraph 4.F. (Meet and Confer Regarding Post-MOU Activities). Subject to Paragraphs 5.A.1. (Updated Estimate Less Than Original Estimate), 5.A.2. (Updated Estimate More than Original Estimate), and 5.B. (Invoicing) below, a Party's obligation to pay its respective Shared Obligation shall survive its withdrawal from, and the expiration or termination of, this MOU; however, Atherton's monetary contribution is capped at $1,350,000, including maintenance, operations, monitoring and mitigation costs, and under no circumstance may exceed that amount.

1. *Updated Estimate Less Than Original Estimate*. In the event that the updated Estimated Amount and Shared Obligation amounts, as determined by the Parties following the completion of construction, are less than the original Estimated Amount and Shared Obligation sums set forth above, and/or that additional funding from a third party source beyond the above-mentioned contribution by DWR is secured for the Project during the Term, any excess funds shall be applied toward Future Project-Related Responsibilities in the manner determined by the Parties after meeting and conferring as set forth above. Said excess funds shall exclude funds provided by DWR to Redwood City in the approximate amount of $103,000 for public outreach activities.

2. *Updated Estimate More Than Original Estimate*. In the event the updated Estimated Amount and Shared Obligation amounts as determined by the Parties following the completion of construction are more than the original Estimated Amount and Shared Obligation sums set forth above, then the Parties, as part of their meet and confer efforts set forth above, will negotiate in good faith to allocate such cost increases among the Parties or identify and secure third party funding sources to pay such additional amounts; however, Atherton's monetary contribution is capped at $1,350,000, including maintenance, operations, monitoring and mitigation costs, and under no circumstance may exceed that amount. Additionally, in the event that the Grant is terminated, or if the Grant amount is reduced, then the parties shall meet and confer as set forth above in order to determine the means by which the funding gap will be closed.

B. Invoicing. In order to ensure the District has sufficient funding to pay initial Vendor invoices, upon the effective date of this Agreement, the District will submit invoices to the Cities and County for an amount equal to 15% of their then-estimated respective contributions, and each jurisdiction, except for Atherton, shall pay its initial invoice within thirty (30) days of receipt. The District will then invoice the Cities and County, except for Atherton, on a quarterly basis throughout the Term according to their respective prorated contributions, including a final invoice once the Scope of Work is complete, and each jurisdiction shall pay all such invoices within 30 days of the receipt. The District will invoice Atherton for its entire contribution upon completion and close of its financing agreement with the County, estimated on December 1, 2021, but in no event later than December 31, 2021, and Atherton shall pay such invoice in full within thirty (30) days, but in no event later than January 31, 2022. All invoices issued by the District pursuant to this Paragraph 5.B. shall incorporate any updated estimates resulting from savings set forth in Paragraph 5.A.1 (Update Estimate Less Than Original Estimate) and any agreed upon cost increases in Paragraph 5.A.2. (Update Estimate More Than Original Estimate). If the Parties agree to terminate this MOU before the end of the Term, the Parties will be invoiced for all costs incurred through the termination date and shall remain liable for all such costs (i.e., costs incurred through the termination date) after termination of the MOU. Once all outstanding invoices for costs incurred through the termination date have been paid, the Parties will be refunded any remaining funds they have contributed *pro rata* according to their respective Shared Obligations. If the District withdraws from this MOU after Project construction and acceptance, the remaining Parties will meet and confer to negotiate an agreement regarding how invoicing will be handled for the remainder of the Term, including the transfer and maintenance of the District's Accounting Records as provided in Paragraph 6 (District's Accounting Records) below.

6. District's Accounting Records. The District shall keep records of all Project work performed and expenses incurred pursuant to this MOU in accordance with government accounting standards board principles consistently applied, and District shall make all records pertaining to the Project and District's and its consultants' and contractors' activities performed pursuant to this MOU available to Cities and County and their respective authorized representatives for inspection during normal business hours. Cities and County shall be allowed to make copies of any of the foregoing records. District shall preserve all such records for a period of five (5) years after completion of the Project.

From time to time prior to the date that is five (5) years after completion of the Project (but not more than once in any 12 month period), and upon ten (10) days' prior written notice to District, one or more of the Cities and/or County may cause an audit to be made of the records relating to the Project, and except as provided in the following paragraph, the costs of such audit shall be paid by the Party or Parties requesting the audit.

If such audit determines that there has been an overcharge to one or more of the Cities and/or County, then such overcharge shall become immediately due and payable by District to the applicable City or Cities and/or County, as applicable. If the aforementioned overcharge is in excess of five percent (5%) of the amount paid by the applicable City or Cities and/or County, as applicable, and the audit further determines such overcharge was the result of the District's gross negligence or wilfulness, the District shall also pay to the applicable City or Cities and/or County, as applicable, the cost of the audit in addition to any refund of overcharges within thirty (30) days. Subject to the withdrawal provision provided above in Paragraph 5.B. (Invoicing), District's obligations under this Section 6 shall survive the expiration or termination of this MOU.

7. <u>City of Redwood City Representations</u>. Redwood City represents and warrants to the other Parties that, as of the effective date of this MOU, Redwood City has no pending plans or current intent to modify the Mobile Home District Zoning Ordinance Article or rezone those certain properties currently operated as the Redwood Mobile Estates and Harbor Village mobile home parks located between Douglas Court and Haven Avenue. Nothing herein shall be deemed to limit or restrict the ability of any future City of Redwood City City Council in the exercise of its land use regulatory police powers.

8. <u>General Provisions</u>.

A. Indemnification. Pursuant to Government Code Section 895.4, each Party agrees to fully indemnify, defend, and hold the other Parties (including its appointed and elected officials, officers, employees, and agents) harmless and free from any damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying Party, its appointed or elected officials, officers, employees, or agents, under or in connection with any work, authority, or jurisdiction delegated to such Party under this MOU. No Party, nor any appointed or elected official, officer, employee, or agent thereof, shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of any other Party, its appointed or elected officials, officers, employees, or agents, under or in connection, with any work, authority, or jurisdiction delegated to such other Party under this MOU. The District, while conducting its activites set forth above in 4.A. (District as Lead Agency), and Redwood City, while conducting its Operation and Maintenance activites set forth above in Paragraph 4.E. (Mitigation Activities), shall each procure, carry, and maintain, in full force and effect, at all applicable times during the term of this MOU, such insurance and bonds to protect the

Parties, inclusive of causing each Vendor to indemnify and defend the Parties and name the Parties as additional insureds in any contracts entered into to effectuate this MOU.

B. Amendments. Any Party may request changes to this MOU. Any changes, modifications, revisions or amendments, including to the contribution limits set forth above in Paragraph 5.A. (Project Cost Estimates), which are mutually agreed upon by and between the Parties, shall be incorporated by written instrument, and effective when executed and signed by all Parties.

C. Severability. If any provision of this MOU shall be held to be invalid, void, or unenforceable, the validity, legality, or enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.

D. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of California. The courts of the State of California shall have jurisdiction over any action arising out of this MOU, with venue in San Mateo County.

E. Notices. Any and all notices required to be given hereunder shall be deemed to have been delivered two (2) days following deposit in the United States mail, postage prepaid, addressed to each Party at the following address or such other address as is provided by such Party in writing:

To: City of Redwood City Melissa Stevenson Diaz City Manager 1017 Middlefield Rd Redwood City, CA 94063	**To:** City of Menlo Park Starla Jerome-Robinson City Manager City Hall, 2nd Floor 701 Laurel St Menlo Park, CA 94025	**To:** Town of Atherton George Rodericks Town Manager 150 Watkins Avenue (Temporary Trailers) Atherton, CA 94027	**To:** County of San Mateo Mike Callagy County Manager 400 County Center, 1st Floor Redwood City, CA 94063	**To:** San Mateo County Flood and Sea Level Rise Resiliency District Len Materman Chief Executive Officer 1700 S. El Camino Real, Ste. 502, San Mateo, CA 94402

F. Entirety of Agreement. This MOU, including Exhibit A, represents the entire and complete agreement among the Parties with respect to the subject matter hereofand supersedes any prior negotiations, representations and agreements, whether written or oral.

G. Debt Limitation. The Parties are subject to laws or policies which limit their ability to incur debt in future years. Nothing in this MOU shall constitute an obligation of future legislative bodies of the Cities or County to appropriate funds for the purpose of this MOU.

H. Conflict of Interest. Each of the Parties shall avoid all conflicts of interest in the performance of this MOU and shall immediately notify the other Parties should a conflict of interest arise that would prohibit or impair its ability to perform under this MOU.

I. Disputes. The Parties agree that, with regard to all disputes or disagreements arising under this MOU that are not resolved informally at the staff level after a good faith attempt, the Parties may, at their sole and mutual discretion, agree to engage in mediation, and the costs of any such mediation shall be divided equally among the Parties involved in the mediation.

J. Non-Discrimination. The Parties will not discriminate, in any way, against any person based on sex, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, gender (including gender identity and gender perception), sexual orientation, use of family medical leave, genetic testing, or any other basis protected by federal or state law. This policy shall apply to all employment practices.

K. Counterparts. This MOU may be executed in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, and all of which, taken together, shall be deemed to be one and the same instrument.

L. Facsimile and Electronic Signatures. Facsimile or electronic signatures may be used in place of original signatures on this MOU. Each Party intends to be bound by the signatures on the facsimile or electronic document, is aware that the other Parties will rely on the facsimile or electronic signatures, and hereby waives any defenses to the enforcement of the terms of this MOU based on the use of a facsimile or electronic signature.

7. Signatures. In witness whereof, the Parties, through their respective duly-authorized representatives, have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this MOU.

[SIGNATURES ON FOLLOWING PAGES]

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have executed this Memorandum of Understanding.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:

San Mateo County Flood and Sea Level Rise Resiliency District

By: _____
Brian E. Kulich
District Legal Counsel

Date: _____

By: _____
Len Materman
Chief Executive Officer

Date: _____

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have executed this Memorandum of Understanding.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:

City of Redwood City, a California Municipal Corporation

By: _____
Veronica Ramirez
City Attorney

Date: _____

By: _____
Melissa Stevenson Diaz
City Manager

Date: _____

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

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Each Party has executed a separate signature page.

APPROVED AS TO FORM:

By: _____
Cara Silver
Interim City Attorney

Date: _____

City of Menlo Park, a California Municipal Corporation

By: _____
Starla Jerome-Robinson
City Manager

Date: _____

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have executed this Memorandum of Understanding.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:

Town of Atherton, a California Municipal Corporation

By: _____
Mona G. Ebrahimi
City Attorney

By: _____
George Rodericks
City Manager

Date: _____

Date: _____

MEMORANDUM OF UNDERSTANDING AMONG THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, CITY OF REDWOOD CITY, CITY OF MENLO PARK, TOWN OF ATHERTON, AND COUNTY OF SAN MATEO TO PLAN, PERMIT, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND ECOSYSTEM RESTORATION PROJECT

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have executed this Memorandum of Understanding.

Each Party has executed a separate signature page.

APPROVED AS TO FORM:

By: _____
Brian Wong
Lead Deputy County Counsel

Date: _____

County of San Mateo, a California Municipal Corporation

By: _____
Mike Callagy
County Manager

Date: _____

OneShoreline
Building Solutions for a Changing Climate

Exhibit A

Bayfront Canal and Atherton Channel Flood Protection and Ecosystem Restoration Project
Scope of Work

The Project generally proposes the installation of two 540-foot long, 8-foot wide by 5-foot tall, underground concrete box culverts below Marsh Road at the entrance of Bedwell Bayfront Park. The culverts are designed to divert stormwater runoff during high tide conditions from the Bayfront Canal into managed ponds, which are a component of the South Bay Salt Ponds Restoration Project (SBSPRP). The connection to the managed ponds essentially increases the capacity of the Bayfront Canal and Atherton Channel to convey stormwater runoff from the Collaborative's respective jurisdictions. This additional capacity helps mitigate the impacts of flooding of residences and businesses in the communities proximate to Bayfront Canal and Atherton Channel from storm events up to a 25-year return interval.

Construction
The Project includes the installation of two 540-foot long, 8-foot wide by 5-foot tall, underground concrete box culverts, a lateral weir diversion structure on the Bayfront Canal; trash rack and service grate; sump pump with a 4-inch drain line to Flood Slough; access shafts to the box culverts; outlet structure with headwall and riprap drainage connection to the Pond S5 Forebay (Forebay); the recontouring and lowering of a berm adjacent to the Forebay; and excavation of the Forebay for increased pond capacity. The proposed facilities are shown in Attachment 1 to this Scope of Work.

Operations and Maintenance Activities
Operations and Maintenance includes all activities required to maintain a fully functioning stormwater diversion facility. This work includes, but is not limited to:

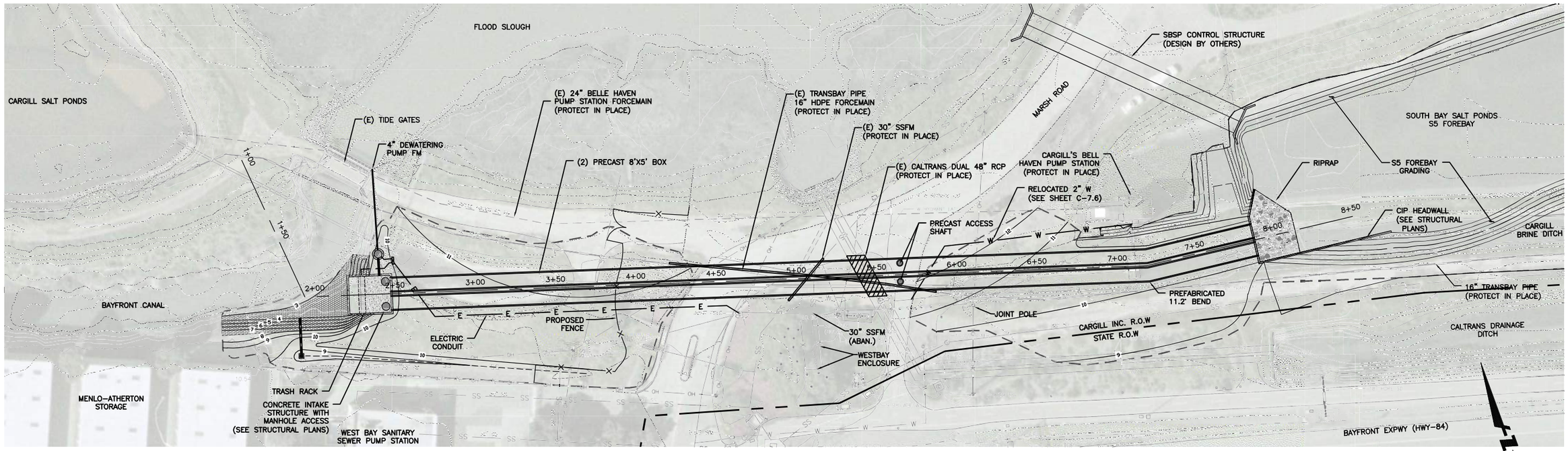
- Regular inspection of the Project area and facilities (quarterly between May and September, monthly between October and April, and before/after each major rain event) ;
- Removal of trash, debris, and sediment from the trash rack, containment bin, sump pump, and outfall structures, as well as addressing of any necessary vandalism and repairs;
- Maintaining the condition of the Project's built facilities including the intake structure, access shafts, outfalls, and riprap;
- Ensuring the proper operation of the Project's built facilities, including the weir, box culverts, culvert gates, trash rack, sump pumps and outfall;
- Providing electrical service to the automatic trash rack and dewatering sump pump and ensuring their proper functioning.
- Coordination with property owners regarding access and activities
- With the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), share operation and maintenance responsibilities of the Refuge's water control structures that manage desired water surface elevations, flows, and water quality in Refuge lands receiving water from Project facilities.

Mitigation Monitoring and Maintenance
All required inspection, monitoring, maintenance, reporting, restoration and replacement required by the project environmental documents and regulatory permits. Work will include, but not be limited to: site inspections, ground-based photo-monitoring, annual reporting to regulatory agencies, maintenance and restoration of planting materials including the temporary irrigation system.

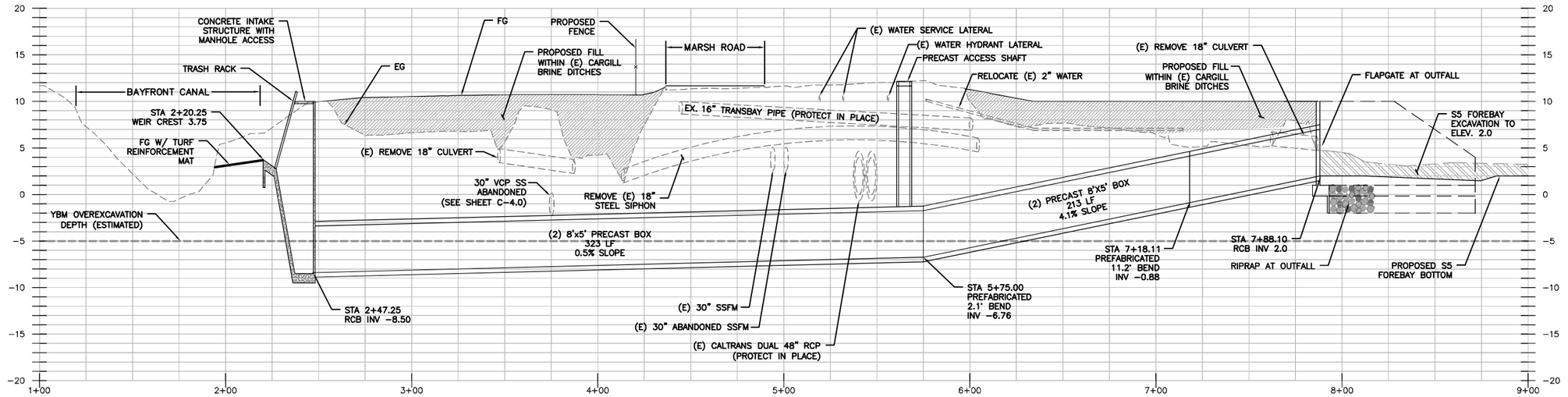
APPROVED:

DATE: _____

JAMES C. PORTER, DIRECTOR OF PUBLIC WORKS
R. C. E. # 48056 / EXPIRES 12-31-2019



PLAN
SCALE: 1"=30'



PROFILE
HOR.: 1"=30'
VER.: 1"=6'

NOTES

1. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE ELEVATION OF MANY EXISTING UTILITIES, INCLUDING UNDERGROUND GAS, ELECTRIC, TELEPHONE AND WATER ARE UNKNOWN. THE LOCATION OF THESE FACILITIES SHOWN IN PROFILE ON THE DRAWINGS ARE SHOWN WITH AN ASSUMPTION OF 3'+/- OF COVER WHICH MAY OR MAY NOT BE ACCURATE. THE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AND AGENCIES AT LEAST TWO WORKING DAYS IN ADVANCE OF CONSTRUCTION TO FIELD LOCATE UTILITIES. CONTRACTOR TO CONTACT UNDERGROUND SERVICE ALERT (USA NORTH 811) EITHER ON-LINE AT USANORTH811.COM OR BY PHONE AT (800) 642-2444 OR DIAL 811. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR.
2. EXCAVATIONS SHALL BE ADEQUATELY SHORED, BRACED AND SHEETED SO THAT THE EXCAVATION WALLS WILL NOT SLIDE OR SETTLE AND SO THAT ALL EXISTING IMPROVEMENTS OF ANY KIND WILL BE FULLY PROTECTED FROM DAMAGE. ANY DAMAGE RESULTING FROM A LACK OF ADEQUATE SHORING, BRACING AND SHEETING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL AFFECT NECESSARY REPAIRS OR RECONSTRUCTION AT CONTRACTORS OWN EXPENSE. WHERE THE EXCAVATION FOR A CONDUIT TRENCH AND/OR STRUCTURE IS FIVE FEET OR MORE IN DEPTH, THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING SHORING AND BRACING OR EQUIVALENT METHOD FOR THE PROTECTION OF LIFE OR LIMB WHICH SHALL CONFORM TO THE APPLICABLE CONSTRUCTION SAFETY ORDERS OF THE DIVISION OF INDUSTRIAL SAFETY OF THE SATE OF CALIFORNIA. THE CONTRACTOR SHALL ALWAYS COMPLY WITH OSHA REQUIREMENTS.
3. CONTRACTOR SHALL USE HAND TOOLS WHEN EXCAVATING NEAR EXISTING UTILITIES INCLUDING BUT NOT LIMITED TO WATER, SEWER, STORM, GAS, ELECTRICAL, COMMUNICATION AND CABLE LINES.

APPROVED DATE:	
SRAVAN PALADUGU, PROJECT MANAGER	
BKF ENGINEERS	
R.C.E. # 74343 / EXPIRES 06-30-2019	

REGISTERED PROFESSIONAL ENGINEER — SRAVAN PALADUGU — No. 74343 — EXP. 06/30/19 — CIVIL — STATE OF CALIFORNIA

BKF 100+ YEARS
ENGINEERS . SURVEYORS . PLANNERS
255 SHORELINE DRIVE, SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300

COUNTY OF SAN MATEO — PUBLIC WORKS

100% SUBMITTAL

REVISION	DATE	DESIGNED BY: SP	BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION AND HABITAT RESTORATION	SCALE: AS SHOWN
		CHECKED BY: BS		DATE: 3/29/2019
		DRAWN BY: EM	PLAN AND PROFILE	FILE NO.: 1/4998
		JAMES C. PORTER, DIRECTOR OF PUBLIC WORKS SAN MATEO COUNTY	555 COUNTY CENTER, 5th FLOOR REDWOOD CITY, CALIFORNIA 94063	
		FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3 4		C-6.0 SHEET 12 OF 30

DRAWING NAME: K:\2017\170054-11_Bayfront_Canal\DWG\SHEETS\C6.0.dwg
PLOT TIME: 04-25-19



Figure 1-1. Project Location Map

MOFFATT & NICHOL

Bayfront Canal and Salt Ponds S5/R5 Feasibility Study

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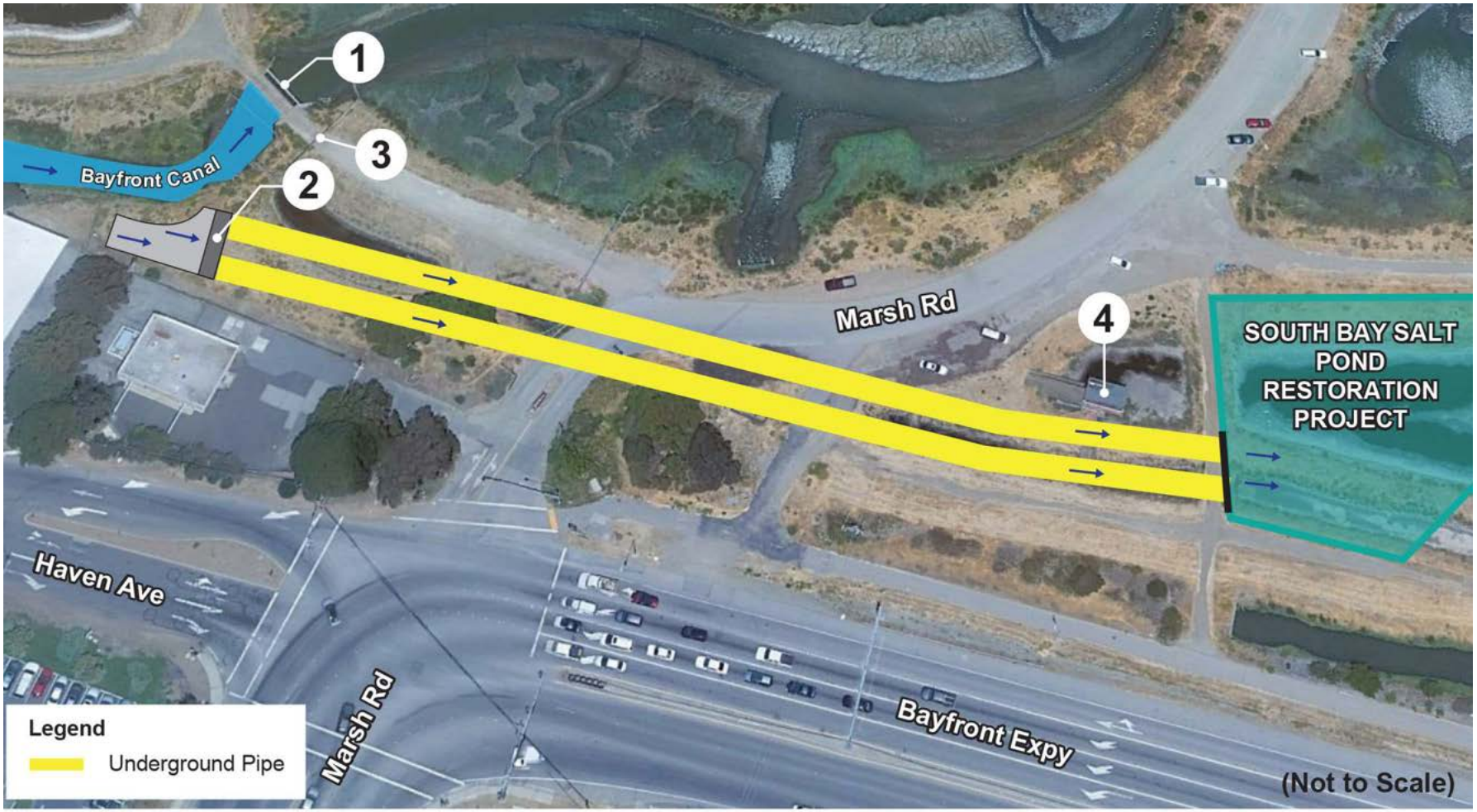
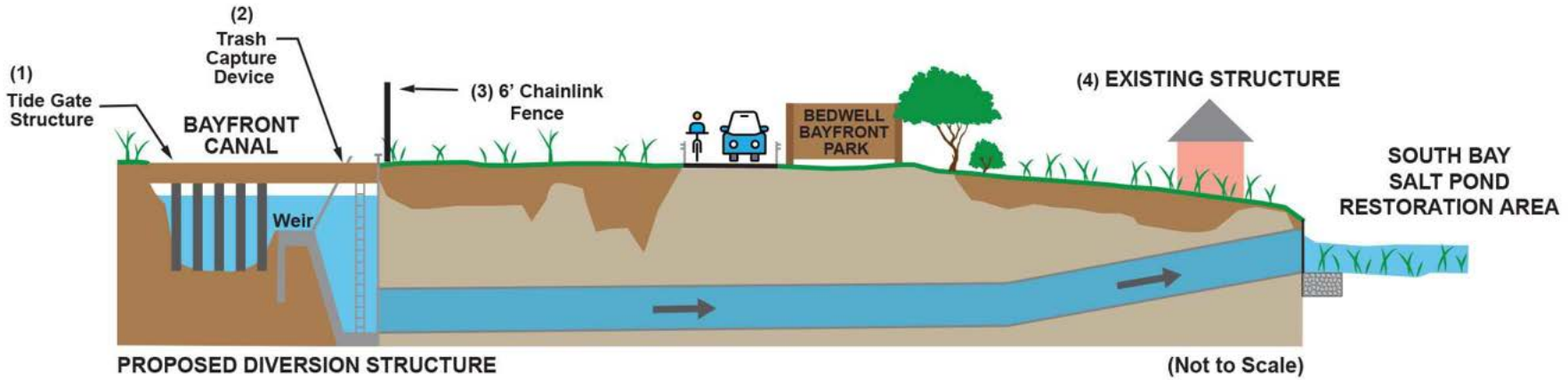

1
2
3
4
Bayfront Canal
Marsh Rd
SOUTH BAY SALT POND RESTORATION PROJECT
Haven Ave
Marsh Rd
Bayfront Expy
(Not to Scale)
Legend
Underground Pipe


(1)
Tide Gate Structure
(2)
Trash Capture Device
BAYFRONT CANAL
(3) 6' Chainlink Fence
BEDWELL BAYFRONT PARK
(4) EXISTING STRUCTURE
SOUTH BAY SALT POND RESTORATION AREA
Weir
PROPOSED DIVERSION STRUCTURE
(Not to Scale)

RESOLUTION NO. 6453

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY MANAGER TO ACCEPT DEDICATIONS FOR RIGHTS OF WAY OR EASEMENTS FOR PUBLIC USE

WHEREAS, pursuing practices that improve efficiency saves the City of Menlo Park valuable resources; and

WHEREAS, currently the City Council of the City of Menlo Park accepts dedications for rights of way or easements for public use on a project-by-project basis; and

WHEREAS, pursuant to Municipal Code Section 2.08.080(15) the City Manager may exercise authority delegated by the City Council; and

WHEREAS, Government Code Section 27281 allows the City Council to authorize one or more officers or agents to accept and consent to deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes; and

WHEREAS, by delegating authority to the City Manager to accept dedications for rights of way or easements for public use, the City Council would improve efficiency, save staff time and have a positive impact on the City's resources.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Menlo Park that public interest and convenience require and that the City Council does hereby authorize the City Manager or his or her designee to accept dedications for rights of way or easements for public use consistent with approved projects.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the sixth day of August, 2018, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixth day of August, 2018.

Judi A. Herren, City Clerk

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-235-CC**

Regular Business: **Authorize the city manager to enter into an agreement to amend and restate the terms of an existing storm drain easement with Cargill**

Recommendation

Staff recommends the City Council authorize the city manager to accept and sign an agreement, in substantially the same form as Attachment A, to amend and restate the terms of an existing easement with Cargill for the purpose of constructing, maintaining and operating storm drainage facilities serving property within the City adjacent to Bayfront Canal and Flood Slough.

Policy Issues

The proposed action is consistent with City Council Resolution No. 6281 (Attachment B) acknowledging that the City of Menlo Park has a non-exclusive easement, related to Bayfront Canal, for the purpose of constructing, maintaining and operating storm drain facilities serving property within the City of Menlo Park and accepting such easement to the extent it relates to Menlo Park's storm drainage facilities.

Resolution No. 6453 (Attachment C) authorizes the city manager to accept dedications of easements for public use on behalf of the City. Since the proposed action is a multiparty easement and memorializes prior rights and obligations that were acquired by operation of law, staff believes it is appropriate to bring this item before City Council for approval.

Background

Bayfront Canal was constructed about 1945 by the Leslie Salt Company. It begins in Redwood City at Douglas Court and extends easterly to Marsh Road, along the rear of properties on the north side of East Bayshore Road in Redwood City and unincorporated San Mateo County and Haven Avenue in the City of Menlo Park. Stormwater flows into Bayfront Canal via storm pipes from sections of the City located along Haven Avenue and Atherton Channel. The combined flow of Bayfront Canal and Atherton Channel is conveyed through a gate control structure maintained and operated by the City of Redwood City and empties into Flood Slough and San Francisco Bay.

In 1952, the Leslie Salt Company granted to Redwood City and San Mateo County (County) an easement for the purpose of constructing, maintaining and operating storm drain facilities. In 1959, the County created the San Mateo County Flood Control District, which assumed the County's rights and obligations under the easement. In or around 1959, portions of Haven Avenue, including portions of the storm drain system flowing into Bayfront Canal, were annexed from the County into Menlo Park. By operation of law pursuant to Government Code Section 57325 and by necessity, Menlo Park became a party to the easement by virtue of such annexation and the existence of the Menlo Park's storm drain facilities flowing within the easement.

In 2015, Cargill, as successor in interest to Leslie Salt Company, requested that the City adopt a resolution acknowledging its responsibility to share the costs of maintaining and operating the Bayfront Canal and Flood Slough. City Council subsequently adopted Resolution No. 6281 (Attachment B) on July 21, 2015.

The San Mateo County Flood and Sea Level Rise Resiliency District (FSLRR) was formed in 2019 and began operation on January 1. By operation of law, FSLRR assumed the rights and obligations under the easement from the San Mateo County Flood Control District.

Analysis

As part of an effort to secure easements for construction and maintenance of the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project across Cargill property at the entrance to Bedwell Bayfront Park, Cargill conditioned approval on a requirement to update the 1952 drainage easement. Cargill began discussions with FSLRR, County, and Redwood City to terminate the original 1952 drainage easement and replace it with an easement agreement that included new project specific elements.

In May 2020, the City became aware of the ongoing discussions and informed involved parties of our existing successor rights to the 1952 easement and our desire that the easement should not be terminated without the City's consent. Subsequently, the City began participating in continued discussions for an agreement to amend and restate the 1952 drainage easement rather than terminate it entirely.

A substantial benefit of the proposed agreement is that Menlo Park is now explicitly identified as a party to the easement and it provides an additional point of access near the entrance to Bedwell Bayfront Park, while substantially retaining the previous rights and obligations under the original 1952 drainage easement. The new agreement stipulates the roles and responsibilities of all parties and establishes a communication process with Cargill for planned and emergency construction, maintenance, and repairs to City storm drain facilities.

As the City more actively participates with FSLRR and other agencies to address flooding and sea level rise issues, acquiring property rights from Cargill and other property owners along the channel is critical. Approval of this easement, along with the easement referenced in the companion agenda item for the Bayfront Canal and Atherton Channel flood protection and ecosystem restoration project, are the first steps in this process.

Impact on City Resources

This action has no immediate impacts on City resources as it generally amends and restates the City's existing rights and obligations under the original easement.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. Restated and amended easement agreement
B. Resolution No. 6281
C. Resolution No. 6453

Report prepared by:
Eric Hinkley, Associate Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director
Cara Silver, Interim City Attorney

Recording Requested By:

Cargill, Incorporated

WHEN RECORDED – RETURN TO:
Cargill, Incorporated
15407 McGinty Road West
Wayzata, Minnesota 55391
Attention: Michael Skoglund, Esq.

(APNs: 054-310-060; 054-310-160; 055-400-590; 055-400-520)

Space Above this Line for Recorder's Use

RESTATED AND AMENDED EASEMENT AGREEMENT

THIS RESTATED AND AMENDED EASEMENT AGREEMENT ("**Agreement**"), is made and entered into this __th day of _____, 2020 (the "**Effective Date**"), by and among CARGILL, INCORPORATED, a Delaware corporation, with a principal place of business at 15407 McGinty Road West, Wayzata, Minnesota 55391 ("**Cargill**"), CARGILL POINT, LLC, a Delaware limited liability company, with a principal place of business at 15407 McGinty Road West, Wayzata, Minnesota 55391 ("**Cargill Point**"), SAN MATEO COUNTY, a political subdivision of the State of California, with a principal place of business at 400 County Center, Redwood City, California 94063 ("**County**"), the CITY OF REDWOOD CITY, a charter city and municipal corporation, with a principal place of business at 1017 Middlefield Road, Redwood City, California 94063 ("**Redwood City**"), the CITY OF MENLO PARK, a municipal corporation, with a principal place of business at 701 Laurel Street, Menlo Park, CA 94025 ("**Menlo Park**"), and the SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, an independent special district, with a principal place of business at 1700 South El Camino, Suite 502, San Mateo, California 94402 ("**District**") (collectively, the "Parties"):

Recitals

A. Cargill Point is the fee owner of certain real property located within, in part, the City of Menlo Park, California and, in part, the City of Redwood City, California, as described in **Exhibit "A"** attached hereto (the "**Cargill Point Property**").

B. Cargill is the fee owner of certain real property located within the City of Menlo Park, California, as described in **Exhibit "B"** attached hereto (the "**Cargill Property**").

C. On June 2, 1952, Leslie Salt Co. ("**Leslie**") granted an easement to the County and Redwood City "for the purpose of constructing, maintaining and operating thereon storm drainage facilities and for no other purpose" over the real property described in **Exhibit "C-1"**

attached hereto and depicted in **Exhibit "D"** attached hereto (the "**Drainage Easement Area**") in an instrument recorded on July 9, 1952 as Instrument No. 14909-K in Book 2264, Page 130 of the Official Records of San Mateo County (the "**1952 Drainage Easement**").

D. The County created and formed the San Mateo County Flood Control District (the "**Flood District**") in 1959 to provide for the construction and operation and maintenance of flood control facilities within San Mateo County. By operation of law, the County's rights and obligations under the 1952 Drainage Easement were assumed by the Flood District upon the Flood District's creation.

E. In 1959, portions of the land encumbered by the 1952 Drainage Easement and portions of the land draining to the Drainage Easement Area were annexed into Menlo Park from the County. Menlo Park claims that it is the successor-in-interest by operation of law to the County's and Flood District's rights and obligations under the 1952 Drainage Easement to the extent of such annexation and adopted a resolution in 2015 to acknowledge and accept the 1952 Drainage Easement.

F. A portion of the land draining to the Drainage Easement Area remains within the unincorporated portion of the County as set forth in **Exhibit "F"** attached hereto.

G. Cargill acquired Leslie in 1978 and therefore became, as of the acquisition of Leslie, the successor-in-interest to Leslie's rights and obligations under the 1952 Drainage Easement with respect to the Cargill Point Property and the Cargill Property.

H. Title to the Cargill Point Property was conveyed by Cargill to Cargill Point in 2016. Cargill Point therefore became the successor-in-interest to Cargill's rights and obligations under the 1952 Drainage Easement as to the Cargill Point Property as of the date of the conveyance.

I. Pursuant to Assembly Bill No. 825 (2019), the Flood District was renamed as the District, its powers were expanded to include addressing and protecting against the impacts of sea level rise, and, effective January 1, 2020, an independent Board of Directors replaced the County's Board of Supervisors as its governing board. Any remaining rights and obligations held by the County and/or Flood District in the 1952 Easement Agreement have been assumed by the District by operation of law.

J. Cargill and Cargill Point desire the County, Menlo Park, Redwood City and the District to enter into this Agreement to restate and amend the terms, rights and obligations of the 1952 Drainage Easement as provided herein. The Parties intend to eliminate the 1952 Drainage Easement prohibition on excavations below the elevation minus three feet mean sea level United State Coast and Geodetic Survey datum.

Now, therefore, for good and valuable consideration as hereinafter set forth, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

Agreement

1. Incorporation of Recitals. Recitals A through J above are incorporated by this reference and made part of the Agreement.

2. 1952 Drainage Easement Restated and Amended. As of the Effective Date and as set forth in this Agreement, for the purpose of and in consideration for separate agreements concerning the transfer of temporary construction easement rights and drainage easement rights from Cargill and Cargill Point to the District to be recorded contemporaneously with this Agreement, the Parties restate and amend the terms, rights and obligations of the 1952 Drainage Easement, which is not extinguished.

3. Drainage Easement. Cargill Point and Cargill hereby grant to Menlo Park, the District and Redwood City (collectively, the "**Grantee Agencies**" and individually, a "**Grantee Agency**") an easement over, along, under and through the Drainage Easement Area for the purpose of constructing, maintaining replacing, operating and improving thereon storm drainage facilities, including the "**Bayfront Canal**" and "**Bayfront Canal Tide Gate**" existing as of the Effective Date, as depicted on **Exhibit "D"** attached hereto, pump station(s) and levees, and protecting past and existing operations (including, without limitation, vegetation and siltation removal, dredging, and off-hauling), (all such facilities are referred to herein as the "**Drainage Facilities**"), and for no other purpose (the "**Drainage Easement**"). The Grantee Agencies, and each of them, shall be solely responsible for all costs, permits and approvals, if any, and compliance with applicable laws that may be associated with the exercise of rights and obligations granted pursuant to the Drainage Easement. Activities undertaken by the Grantee Agencies shall also follow and comply with the "Access Protocols" set forth in Section 6 below. In the event that a Grantee Agency wishes to construct new or substantially modify then existing Drainage Facilities within the Drainage Easement Area, the Grantee Agency shall provide Cargill Point and Cargill with three (3) months' prior written notice of such improvements, with a detailed scope of work and proposed schedule, subject to Cargill Point's and Cargill's approval, not to be unreasonably withheld, conditioned or delayed. Cargill Point and Cargill retain the right to make any use of the Cargill Point Property or the Cargill Property, respectively, or take other action that does not unreasonably interfere with the Grantee Agencies' use and enjoyment of the Drainage Easement, including the right to construct and maintain over, under or across the Drainage Easement Area such bridges, pole lines or other structures and improvements as it may deem desirable, provided that no such structures or improvements shall interfere with the rights granted under this Agreement to the Grantee Agencies or impair the function of the drainage facilities within the Drainage Easement. Notwithstanding the 1952 Drainage Easement, excavations below the elevation minus three feet mean sea level United State Coast and Geodetic Survey datum are permitted.

4. Drainage Access Easement. Cargill Point and Cargill hereby grant to the Grantee Agencies a non-exclusive easement for vehicular and pedestrian access to the Drainage Easement Area over the area described in **Exhibit "C-2"** attached hereto and depicted on **Exhibit "D"** attached hereto (the "**Drainage Access Easement**") for the exercise of those rights granted to the Grantee Agencies under this Agreement. To the extent all or a portion of the Drainage Access Easement area becomes inaccessible to pedestrians and/or vehicles, the Parties shall meet and confer to agree upon modifications to the Drainage Access Easement area to

ensure that Grantee Agencies have reasonably convenient ongoing access to such Drainage Easement Area. All access pursuant to the Drainage Access Easement shall comply with the "Access Protocols" set forth in Section 6 below. The Grantee Agencies, and each of them, shall be solely responsible for all costs, permits, approvals and compliance with applicable laws that may be associated with the exercise of rights and obligations granted pursuant to the Drainage Access Easement. Cargill Point and Cargill retain the right to make any use of the Cargill Point Property or Cargill Property, respectively, or take other actions that do not unreasonably interfere with the Grantee Agencies' use and enjoyment of the Drainage Access Easement.

5. Acknowledgement, The County acknowledges and agrees that any rights and obligations it had under the 1952 Easement Agreement were assumed by operation of law by Menlo Park and/or the District.

6. Access Protocols. The Grantee Agencies each agree to provide written notice to Cargill Point and Cargill for access to either the Cargill Point Property or Cargill Property at least five (5) days prior to accessing either property to initiate any activities authorized by this Agreement and any operations, maintenance, replacement or construction activities; provided, however, that in the event a Grantee Agency requests access to either the Cargill Point Property or the Cargill Property in order to perform emergency operations, maintenance and/or repairs as reasonably determined by the Grantee Agency(ies) requesting access ("Emergency"), the Grantee Agency shall provide the designated contacts for Cargill Point and Cargill with immediate notice by phone, followed by written notice within twenty-four (24) hours thereafter. Access to either the Cargill Point Property or Cargill Property will be permitted only during normal business hours or as otherwise agreed in writing between the Parties, or except in the event of an Emergency as described above, and will not unreasonably interfere with Cargill Point or Cargill operations at the Cargill Point Property or Cargill Property, respectively. Each Grantee Agency agrees to provide Cargill Point and Cargill with a copy of all information, analytical results, final reports and data resulting from any operations, maintenance and report activities authorized by the Drainage Easement upon a written request, provided, however, that a Grantee Agency may withhold any requested records which are subject to the attorney client privilege and/or attorney work product doctrine. Each Grantee Agency agrees that it and its employees, agents, licensees, invitees, and contractors shall present proper credentials when seeking access to either the Cargill Point Property or the Cargill Property for any activity authorized by this Agreement, and shall perform all work on Cargill Point Property and Cargill Property in a professional and workmanlike manner in accordance with all applicable industry standards and safety requirements and environmental laws and regulations for similar work and in compliance with Cargill's safety requirements attached hereto as **Exhibit "E"**, which may be updated in writing by Cargill. Each Grantee Agency further agrees that, except in the case of an Emergency as defined above, Cargill Point or Cargill may stop a Grantee Agency from performing some or all activities authorized by this Agreement on the Cargill Point Property or the Cargill Property and/or limit access to either property to any person in the event of a Grantee Agency's material breach of this Agreement, including the material breach of the requirements of this Section 6, unless and until such material breach has been cured. Notwithstanding anything to the contrary in this Agreement, a Grantee Agency will not permit access to any third party (i.e., other than a Grantee Agency's employees and/or authorized agents, contractors and subcontractors as necessary in connection with activities authorized by this Agreement) to the Cargill Point Property or Cargill Property, except as otherwise agreed to in writing by Cargill

Point or Cargill, respectively. Cargill Point and/or Cargill may establish and impose rules and regulations for the use of the Cargill Point Property or Cargill Property for vehicular and/or pedestrian access from time to time which are reasonably acceptable to Grantee Agencies, including signage, traffic controls and checkpoints, to confirm such use is only for the purposes granted in this Agreement and to prevent use of the Cargill Point Property or Cargill Property by unauthorized Parties. The terms of this Section 6 are collectively referred to in this Agreement as the "**Access Protocols**."

7. Disclaimer. Each Grantee Agency agrees that Cargill Point and Cargill will not be responsible for any loss or theft of, or damage to, any parts, equipment or other property stored or left on the Cargill Point Property or the Cargill Property by a Grantee, its respective agents, employees, representatives, contractors and invitees. Each Grantee Agency further agrees that, except as otherwise provided in this Agreement, Cargill Point and Cargill will not be responsible for any loss or injury to life or person suffered by a Grantee Agency, its respective employees, agents, representatives, contractors, guests and invitees while on or about the Cargill Point Property or Cargill Property, AND AGREES THAT ITS ACCESS, USE AND OCCUPANCY OF THE CARGILL POINT PROPERTY AND CARGILL PROPERTY IS ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" BASIS. CARGILL POINT AND CARGILL MAKE NO WARRANTIES OR REPRESENTATIONS AS TO THE CONDITION OF THE CARGILL POINT PROPERTY OR CARGILL PROPERTY AND EXPRESSLY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS, IMPLIED OR STATUTORY, AS TO THE CONDITION OF THE CARGILL POINT PROPERTY OR CARGILL PROPERTY.

8. Grantee Agencies Operations and Maintenance. Each Grantee Agency shall use commercially reasonable efforts to keep and maintain the Drainage Facilities in good working order and in such a manner as to comply with its obligations under this Agreement and applicable permits, laws and approvals. The Grantee Agencies, and each of them, agree to repair any and all damages to the Drainage Facilities, and to correct any violations of applicable permits, laws and approvals, as necessary for these improvements to perform their intended functions and to comply with such applicable permits, laws and approvals, and should a Grantee Agency fail, neglect, or refuse to repair such damage or correct any such violations after sixty (60) days' written notice from Cargill Point or Cargill of such damage, or if such repairs cannot reasonably be made, or if such repairs or violations cannot reasonably be made or corrected, within sixty (60) days, then within a reasonable time period, in that event Cargill Point or Cargill, without any obligation to do so, may perform such repairs or correct such violations at the Grantee Agencies' expense, which expense the Grantee Agencies, and each of them agree to pay to Cargill Point or Cargill, as applicable, upon demand. Notwithstanding the foregoing, the Parties may enter into a separate agreement or agreements governing operations and maintenance of the Drainage Facilities.

9. Cargill Point and Cargill Operations. Each Grantee Agency understands and acknowledges that Cargill Point and Cargill retain the right to operate, maintain, repair, replace and/or construct facilities related to Cargill Point's and Cargill's operations (the "**Cargill Operations**"), and that nothing in this Agreement shall be interpreted so as to prevent Cargill Point and/or Cargill from conducting Cargill Operations, provided such operations do not materially interfere with the rights granted under this Agreement.

10. Cargill Point and Cargill Property Use. Each Grantee Agency understands and acknowledges that Cargill Point and Cargill retain the right to make any use of the Cargill Point Property and Cargill Property, respectively, provided such use does not materially interfere with a Grantee Agency's use and enjoyment of the rights granted under this Agreement. Each Grantee Agency further acknowledges and agrees that Cargill Point and Cargill, subject to compliance with applicable laws and receipt of necessary permits and entitlements, may construct or cause the construction of new improvements over the Cargill Point Property and Cargill Property, respectively, including roadways for public or private access, bridges and related improvements directly over the Drainage Easement Area provided such improvements do not directly encroach upon the Drainage Facilities or otherwise materially interfere with the Grantee Agencies' use and enjoyment of the rights granted under this Agreement (collectively, "**New Improvements**").

11. Insurance. Prior to entry upon either the Cargill Point Property or the Cargill Property, each Grantee Agency and each contractor or subcontractor of a Grantee Agency shall provide to Cargill Point and Cargill copies of insurance certificates or other acceptable evidence showing that it maintains the following coverages or any higher amounts as may be required by law or regulation:

Type of Insurance	Limits
Workers' Compensation	Statutory
Employer's Liability	$1,000,000 each occurrence
Commercial General Liability (including Contractual Liability)	Bodily injury and death: $1,000,000 combined single limit Property damage: $1,000,000 combined single limit.
Automobile Liability	$1,000,000 each occurrence
Professional Liability	$1,000,000 each occurrence

The certificates of Commercial General Liability and Professional Liability insurance, if applicable shall provide that Cargill Point and Cargill shall be given not less than thirty (30) days written notice before cancellation or any material change in the insurance. The insurance coverage shall be written on an occurrence rather than on a claims-made basis, shall be written by carriers with an A.M. Best Rating of A-:VIII or better or provided by self-insurance as authorized by the California Government Code, and shall remain in effect during the term of this Agreement. Cargill Point and Cargill shall be named as additional insureds on Commercial General Liability insurance or self-insurance coverage required hereunder.

12. Indemnity. Each Grantee Agency agrees to indemnify, defend and hold harmless Cargill Point, Cargill, their respective successors and assigns, and their respective employees, agents, directors, officers, representatives and affiliates (the "**Cargill Parties**") from and against any and all losses, liabilities, damages, claims, suits, fines, penalties, costs or expenses (including but not limited to attorneys' fees) (collectively "**Claims**") for injuries to any persons or property arising out of or resulting from: (i) the acts or omissions of such Grantee Agency, its agents, employees, representatives and contractors; (ii) the use of, occupancy, and/or presence upon the

Cargill Point Property or Cargill Property by such Grantee Agency, its agents, employees, representatives and contractors; (iii) the breach by such Grantee Agency of any obligation or covenant contained in this Agreement; and/or (iv) noncompliance by such Grantee Agency with any permit, approval or applicable law in connection with such Grantee Agency's activities under this Agreement, including the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, the Resource Conservation and Recovery Act of 1976, and similar State of California laws, including the Porter-Cologne Water Quality Control Act and Hazardous Substances Account Act; provided, however, a Grantee Agency shall have no obligation to indemnify any Cargill Parties to the extent such Claims arise from the gross negligence or willful misconduct of one or more Cargill Parties. Each Grantee Agency's obligation under this indemnification provision will survive any termination of this Agreement.

13. Damage to Property. Each Grantee Agency agrees that it will not do nor suffer any waste or damage or injury to either the Cargill Point Property or Cargill Property, and Cargill Point Property and Cargill Point Property each agree that it will not do nor suffer any waste or damage or injury to the Drainage Facilities. Each Grantee Agency agrees that it will make no alternation to either the Cargill Point Property or the Cargill Property except as otherwise expressly permitted in this Agreement or except as otherwise agreed to in writing by Cargill Point and Cargill.

14. Liens. Each Grantee Agency agrees to keep the Cargill Point Property and Cargill Property free of any and all liens which may be filed against the either property due to the actions of (or work performed by) such Grantee Agency. Each Grantee Agency covenants and agrees to hold harmless and indemnify Cargill Point and Cargill from and against any costs, expenses and liabilities from any mechanic's, laborers', materialmen's or other liens, of whatsoever nature, which may be filed against either the Cargill Point Property or the Cargill Property during the term of this Agreement due to the actions of (or work performed by) such Grantee Agency, and to discharge any such liens within thirty days of the filing thereof.

15. Agreement Running with the Land; Successors and Assigns. This Agreement and the Drainage Easement will run with the Cargill Point Property and Cargill Property, and the benefits and burdens of this Agreement and the Drainage Easement and associated access easement will inure to and be binding upon the Parties and their respective heirs, successors and assigns. This Agreement is assignable by a Grantee Agency provided that Cargill Point and Cargill are provided with thirty (30) days' advance notice of such proposed written assignment, such assignment would not materially increase the surface area of land draining to the Drainage Easement Area, such assignment would not result in public access to the Cargill Point Property or the Cargill Property, and Cargill Point and Cargill approve such assignment in writing, such approval not to be unreasonably withheld, conditioned or delayed.

16. Governance. This Agreement will be governed, construed and interpreted in accordance with the laws of the State of California without regard to its conflicts of laws provision.

17. Absence of Waiver. The failure of a party hereto at any time or times to require performance of any provision hereof will in no manner affect its right at a later time to enforce the same. No waiver by a party hereto of the breach of any term or covenant by the other party hereto contained in this Agreement or in any other such instrument, whether by conduct or otherwise, in any one or more instances, will be deemed to be, or construed as, a further or continuing waiver of any breach, or a waiver of the breach of any other term or covenant contained herein.

18. Amendments and Modifications. This Agreement may be amended, superseded, cancelled, renewed, or extended, and their terms or covenants hereof may be waived, only by a written instrument executed by the Parties hereto or in the case of a waiver, by the party waiving compliance. The Parties reserve the right by mutual written consent to amend, modify, supersede, and cancel this Agreement, or waive the terms or conditions hereof, without the consent of any other third party (natural or otherwise).

19. Counterparts. This Agreement may be executed in two or more counterparts, each of which may be deemed an original but together will constitute but one and the same instrument.

20. Mutual Negotiation. This Agreement has been the subject of negotiations by the Parties, and this Agreement will not be construed for or against any party merely because of such party's involvement in its initial preparation and negotiation.

21. Government Officials. Cargill Point and Cargill shall be notified at least twenty-four (24) hours before any building, planning, code compliance, or governmental inspector enters either the Cargill Point Property or Cargill Property on behalf of or at the request of a Grantee Agency for any purpose related to this Agreement in order to allow a representative of Cargill Point and Cargill to be present.

22. Reserved.

23. Severability. Should any one or more provisions of this Agreement be judicially determined invalid or unenforceable, such judgment will not affect, impair or invalidate the remaining provisions of this Agreement, the intent being that the various sections and provisions hereof are severable.

24. Headings. The section headings and titles in this Agreement are for convenience of reference only. Such headings and titles will not be construed as modifying, limiting or expanding in any manner the terms and provisions of this Agreement.

25. Representations and Warranties.

(a) Of Cargill Point and Cargill. Cargill Point and Cargill each warrant that it has full right and lawful authority to enter into this Agreement, to grant the Drainage Easement and associated access easement, and to undertake and perform its obligations under this Agreement.

(b) Of Grantee Agencies. Each Grantee Agency warrants that it has full right and lawful authority to enter into this Agreement and to undertake and perform its obligations under this Agreement.

26. Notices. Any notice, request, demand, instruction or other document (each of which is herein called a "Notice") to be given hereunder shall be in writing and shall be delivered to the person at the appropriate address set forth below by personal service (including express or courier service), by electronic mail, or by certified mail, postage prepaid, return receipt requested, as follows:

If to Cargill:
Cargill, Incorporated
7220 Central Avenue
Newark, California 94560
Attention: Land Resources Manager
Telephone: (510) 790-8182
Email: Ric_Notini@cargill.com

With a copy to:
Cargill, Incorporated
15407 McGinty Road West
Wayzata, Minnesota 55391
Attention: Senior Land Lawyer
Telephone: (952) 742-5185
Email: Michael_Skoglund@cargill.com

If to Cargill Point:
Cargill Point, LLC
7220 Central Avenue
Newark, California 94560
Attention: Land Resources Manager
Telephone: (510) 790-8182
Email: Ric_Notini@cargill.com

With a copy to:
Cargill Point, LLC
15407 McGinty Road West
Wayzata, Minnesota 55391
Attention: Senior Land Lawyer Telephone: (952) 742-5185
Email: Michael_Skoglund@cargill.com

If to the County:

With a copy to: San Mateo County Counsel
400 County Center, 6th Floor
Redwood City, CA 94063
Attn: Brian E. Kulich
bkulich@smcgov.org

If to Menlo Park: City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
Attn: City Manager

With a copy to: City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
Attn: City Attorney

If to the District: San Mateo County Flood and Sea Level Rise Resiliency District
1700 S. El Camino Real Suite 502
San Mateo, CA 94402
Attn: Len Materman, CEO
len@oneshoreline.org

With a copy to: San Mateo County Counsel
400 County Center, 6th Floor
Redwood City, CA 94063
Attn: Brian E. Kulich
bkulich@smcgov.org

If to Redwood City: City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063
Attn: City Manager

With a copy to: City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063
Attn: City Attorney

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the Effective Date.

SAN MATEO COUNTY, a body corporate and politic

By: _____

Name: _____

Title: _____

Date: _____

CARGILL, INCORPORATED, a Delaware corporation

By: _____

Name: _____
Ric Notini
Title: Land Resources Manager

Date: _____

CARGILL POINT, LLC, a Delaware limited liability company

By: _____

Name: _____

Title: _____

Date: _____

CITY OF REDWOOD CITY, a charter city and municipal corporation

By: _____

Name: Melissa Stevenson Diaz

Title: City Manager

Date: _____

CITY OF MENLO PARK, a municipal corporation

By: _____

Name: _____

Title: _____

Date: _____

SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT, an independent special district

By: _____

Name: _____

Title: _____

Date: _____

LIST OF EXHIBITS:

A Legal Description of Cargill Point Property
B Legal Description of Cargill Property
C-1 Legal Description of Drainage Easement Area
C-2 Legal Description of Drainage Access Easement
D Map of Drainage Easement and Drainage Access Easement
E Cargill Safety Rules and Regulations
F County Land Draining to Drainage Easement Area

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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

STATE OF California)SS
COUNTY OF _____)

On _____ before me, _____ , Notary Public, personally appeared

_____

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

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

WITNESS my hand and official seal.

Signature _____

This area for official notarial seal.

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT
CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- ☐ INDIVIDUAL
- ☐ CORPORATE OFFICER(S) TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
- ☐ ATTORNEY-IN-FACT
- ☐ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER

SIGNER IS REPRESENTING:

_____ _____

Name of Person or Entity Name of Person or Entity

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

Reproduced by First American Title Company 11/2007

Exhibit A

Legal Description of Cargill Point Property

(attached)

Exhibit B

Legal Description of Cargill Property

(attached)

Exhibit C-1

Legal Description of Drainage Easement Area

(attached)

Vol 2264 Page 130

1952 ROW Gr...
Leslie (Cargill) to:
① City of RWC
and
② County of San Mateo
1982 - Modified to be Void - Assignable

THIS INDENTURE WITNESSETH :

Leslie Salt Co., a corporation, hereby conveys to the City of Redwood City, a municipal corporation, and to the County of San Mateo, State of California, a right of way over and along each of the following described parcels of real property situate in the County of San Mateo, State of California, for the purpose of constructing, maintaining and operating thereon storm drainage facilities and for no other purpose -

Parcel 1 -

Commencing at a point in the northerly boundary line of the Rancho de las Pulgas where the same is intersected by the quarter section line running north and south through the middle of Section 22, Township 5 South, Range 3 West, Mt. Diablo Base and Meridian, being the southeast corner of that certain 100 foot strip of land described in deed from Geo. H. Rice, et al., to Spring Valley Water Co., dated Nov. 24, 1905 and recorded June 17, 1907, in Book 127 of Deeds at Page 534, San Mateo County; thence North 107.85 feet and North 68° 00' West 1354.7 feet to the true point of beginning of the parcel described herein. From said true point of beginning South 68° 00' East 936.0 feet along the northerly boundary of said lands heretofore conveyed to Spring Valley Water Co. to a point; thence leaving said boundary on the arc of a curve to the left tangent to last named course with a radius of 130 feet through a central angle of 74° 00', 167.90 feet to a point; thence North 38° 00' East 135 feet to a point in an existing dredged channel; thence along the arc of a 250 foot radius curve to the left tangent to a line bearing South 52° 00' East from the last named point, through a central angle of 153° 50 1/2', 671.26 feet; thence North 4000 feet to a point in Westpoint Slough; thence West 50 feet to a point, thence South 4012.16 feet to a point which is 50 feet distant radially from the last mentioned 250 foot radius curve; thence along the arc of a curve concentric with last mentioned curve, with a radius of 200 feet through a central angle of 156° 57', 547.86 feet; thence North 52° West 50 feet; thence South 38° 00' West 185 feet to a point; thence along a curve to the right tangent to last named course

with a radius of 80 feet through a central angle of 74° 00', 103.32 feet to a point; thence North 68° 00' West 945.2 feet; thence North 88° 45' West 4104.0 feet; thence North 74° 00' West 820.62 feet; thence South 6° 15' West 97.80 feet to the lands of Pacific Gas and Electric Co.; thence South 81° 55 1/2' East 400 feet and South 67° 37 1/4' East 316.2 feet along the lands of Pacific Gas and Electric Co. to northerly boundary of aforementioned Spring Valley 100' strip; thence along the northerly boundary of said Spring Valley 100' strip, South 88° 45' East 4204.0 feet to the true point of beginning.

Parcel 2 -

A strip of land 15 feet in width measured 7.5 feet at right angles on each side of the following described line:

Beginning at a point in the northeasterly line of the parcel designated as "Road", distant thereon North 81 degrees 17 minutes West, 42.37 feet from the most northerly corner of Lot 1, Block 2, as said Road, Lot and Block are shown on that certain map of the Friend Industrial Tract, filed for record December 31, 1940 in Book 23 of Maps at page 33, San Mateo County Records.

Thence from said point of beginning, North 10 degrees 31 minutes 45 seconds West, 10.59 feet to a point in the northerly line of the lands of Leslie Salt Company.

void

NOTE

Modified in 1982 to be Assignable

The foregoing conveyances shall not be assignable and are made upon the understanding and condition that no excavation shall be made by the grantees below the elevation minus three feet mean sea level United States Coast and Geodetic Survey datum, and upon the further understanding and condition that the grantor shall have the right to construct and maintain over, under or across the said rights of way and each of them such bridges, pole lines, pipe lines and other structures as it may deem desirable, provided that no such bridge, pole line, pipe line or other structure shall interfere with the use of the said drainage facilities by the grantees.

The grantees agree to use reasonable care in the construction, maintenance and operation of the said drainage facilities.

IN WITNESS WHEREOF the undersigned has caused these presents to be executed by its officers thereunto duly authorized this 2nd day of June, 1952.

LESLIE SALT CO.

By _____ President

and _____ Secretary-Treasurer

STATE OF CALIFORNIA
City and County of San Francisco } ss.

On this 2nd day of June, in the year 1952, before me, Catherine N. Mee, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared FRED B. BAIN, known to me to be the President, and SHELDON ALLEN, known to me to be the Secretary-Treasurer, respectively, of the corporation that executed the within instrument, and acknowledged to me that said corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

Catherine N. Mee
NOTARY PUBLIC
in and for the City and County of
San Francisco, State of California.

MY COMMISSION EXPIRES
MARCH 31, 1954

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14909K

City of Redwood City
JUL 5 11 49 AM 1952

OFFICIAL RECORDS
SAN MATEO COUNTY
Ruth Mirrate
1952

-4-

20L

COPY - - - RESOLUTION AND DEED OF EASEMENT
RECORDED IN VOLUME 2264 OFFICIAL RECORDS AT PAGE 128
SAN MATEO COUNTY RECORDS.

312.010:4

City

RESOLUTION NO. 678

A RESOLUTION AUTHORIZING CITY CLERK TO ACCEPT GRANTS OR DEEDS ON BEHALF OF THE CITY OF RED WOOD CITY

WHEREAS, Section 27281 of the Government Code of the State of California requires that deeds or grants conveying an interest in real property to political corporations must be accepted by the Grantee prior to being recorded; and

WHEREAS said Sec 27281 provides a method whereby an officer or agent may be designated by the political corporation to accept such deeds on its behalf;

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED that RALPH S DODGE, Clerk of the City of Redwood City, be and he hereby is authorized to accept, on behalf of the City of Redwood City, all deeds or grants conveying any interest in or easement upon real estate to the City of Redwood City

Passed and adopted by the Council of the City of Redwood City at a regular meeting thereof held on the 7th day of March, 1949, by the following vote:

AYES, and in favor of the passage and adoption of the foregoing resolution: Councilmen Britschgi, Granger, Holmquist, Morgan, Spillers, Swift and Werder.

NOES, Councilmen: NONE

ABSENT, Councilmen: NONE.

(Signed) W M Werder
Mayor of the City of Redwood City

Attest:

(Signed) Ralph S Dodge
Clerk of the City of Redwood City

* * * * * * * * *

I hereby certify the foregoing to be a true copy of Resolution No. 678 adopted by the City Council at a regular meeting thereof held on the 7th day of March, 1949, at the Council Chambers in the City Hall, Redwood City, California

IN WITNESS WHEREOF I have hereunto set my hand and the seal of said City this 7th day of July, 1952.

Ralph S Dodge
Clerk of the City of Redwood City, and
Ex Officio Clerk of the Council thereof.

* * * *** * * * *

I, RALPH S DODGE, Clerk of the City of Redwood City by virtue of the authority vested in me by Resolution No. 678 duly adopted by the Council of the City of Redwood City on March 7th, 1949, do hereby accept the attached grant or deed on behalf of the City of Redwood City.

Ralph S Dodge
RALPH S DODGE (Seal)

County

IN THE BOARD OF SUPERVISORS,
COUNTY OF SAN MATEO, STATE OF CALIFORNIA.

RESOLUTION NO. 6351

BE IT RESOLVED that the attached DEED OF EASEMENT dated , from LESLIE SALT CO., a corporatio to the COUNTY OF SAN MATEO, be and it is hereby accepted, and that the Recorder of the County of San Mateo, be and he is hereby requested and authorized to place said DEED OF EASEMENT of record.

Regularly passed and adopted by order of the Board of Supervisors this 17th day of , 19 52.

ALVIN S. HATCH
Chairman, Board of Supervisors,
County of San Mateo, State of
California.

ATTEST: (SEAL) JOHN A. BRUNING
Clerk.

STATE OF CALIFORNIA,)
County of San Mateo.) ss.

I, JOHN A. BRUNING, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California, do hereby certify that the foregoing is the true and correct copy of the original resolution as adopted by the Board of Supervisors June 17, 1952, accepting deed of easement from LESLIE SALT CO., a Corporation.

WITNESS my hand and seal this 17th day of June 19 52.

John A Bruning
County Clerk and ex-officio Clerk
of the Board of Supervisors.

(31)

(ENDORSED)
BOARD OF SUPERVISORS
FILED
Page

Exhibit C-2

Legal Description of Drainage Access Easement

(attached)

EXHIBIT A-4
LEGAL DESCRIPTION
FOR
ACCESS EASEMENT
SAN MATEO COUNTY, CALIFRONIA

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, BEING A PORTION OF LANDS OF CARGILL AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED AS VOLUME 32 LLS PAGES 13, SAN MATEO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY BOUNDARY LINE OF THE RANCHO DE LAS PULGAS WHERE THE SAME IS INTERSECTED BY THE QUARTER SECTION LINE RUNNING NORTH AND SOUTH THROUGH THE MIDDLE OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 3 WEST, MT. DIABLO BASE AND MERIDIAN, BEING SOUTHEAST CORNER OF THAT CERTAIN 100 FOOT STRIP OF LAND DESCRIBED IN DEED FROM GEO. H. RICE, AT AL., TO SPRING VALLEY WATER CO.; DATED NOV. 24, 1905 AND RECORDED JUNE 17, 1907, IN BOOK 127 OF DEEDS AT PAGE 534, SAN MATEO COUNTY; THENCE NORTH 1˚07’25” EAST, A DISTANCE OF 107.85 FEET; THENCE NORTH 66˚52’35” WEST, A DISTANCE OF 418.70 FEET TO THE EASEMENT DESCRIBED IN VOLUME 2264 AT PAGE 130, SAN MATEO COUNTY OFFICIAL RECORDS; THENCE ALONG SAID EASEMENT ALONG A CURVE TO THE RIGHT, HAVING A RADIAL BEARING OF NORTH 23˚07’25” EAST, WITH RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 29˚15’36”, AND AN ARC LENGTH OF 66.39 FEET; THENCE ALONG A COMPOUND CURVE WITH A RADUIS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 31˚16’12”, AND AN ARC LENGTH OF 70.95 FEET; THENCE ALONG A COMPOUND CURVE WITH A RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 13˚10’28”, AND AN ARC LENGTH OF 29.89 FEET TO THE **TRUE POINT OF BEGINNING** OF THE EASEMENT DESCRIBED HEREIN; THENCE CONTINUING ALONG A COMPOUND CURVE WITH RADUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 00˚17’44”, AND AN ARC LENGTH OF 0.67 FEET; THENCE NORTH 39˚07’25” EAST, A DISTANCE OF 19.79 FEET; THENCE LEAVING SAID EASEMENT SOUTH 61˚43’07” EAST, A DISTANCE OF 157.39 FEET; THENCE SOUTH 34˚41’38” WEST, A DISTANCE OF 20.13 FEET; THENCE NORTH 61˚45’14” WEST, A DISTANCE OF 158.99 FEET TO THE **TRUE POINT OF BEGINNING.**

SEE EXHIBIT “B-4” TO ACCOMPANY DESCRIPTION, ATTACHED HERETO AND MADE A PART HEREOF.

END OF DESCRIPTION

Area: 3171 SQ FT

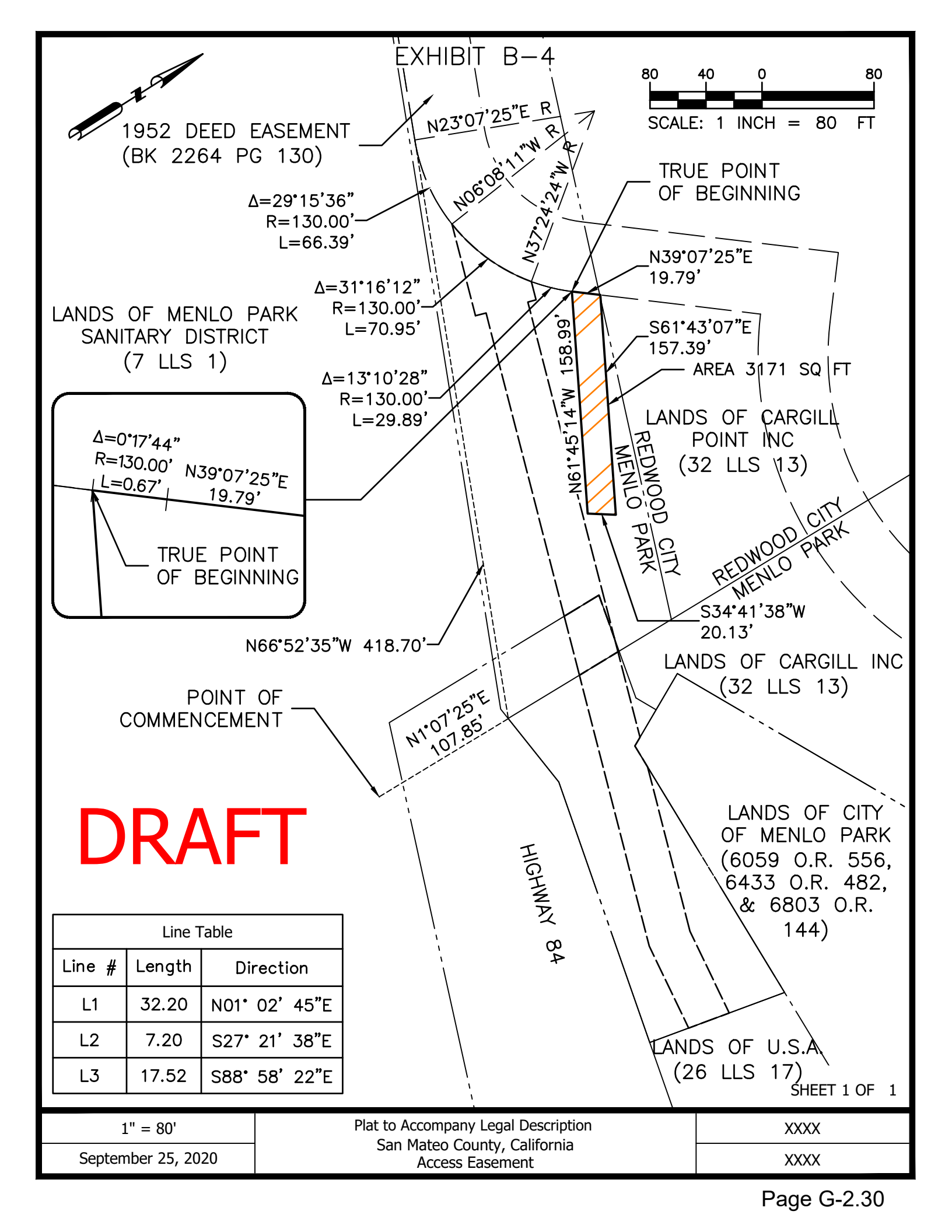
THIS LEGAL DESCRIPTION AND PLAT TO ACCOMPANY HAVE BEEN PREPARED BY ME, OR UNDER MY DIRECTION:

_____ _____

JOHN T. MAY DATE
LICENSED LAND SURVEYOR No. 8570
(EXP. 03/31/21)
STATE OF CALIFORNIA

DRAFT

EXHIBIT B–4



DRAFT

Line Table		
Line #	Length	Direction
L1	32.20	N01° 02' 45"E
L2	7.20	S27° 21' 38"E
L3	17.52	S88° 58' 22"E

SHEET 1 OF 1

1" = 80'	Plat to Accompany Legal Description San Mateo County, California Access Easement	XXXX
September 25, 2020		XXXX

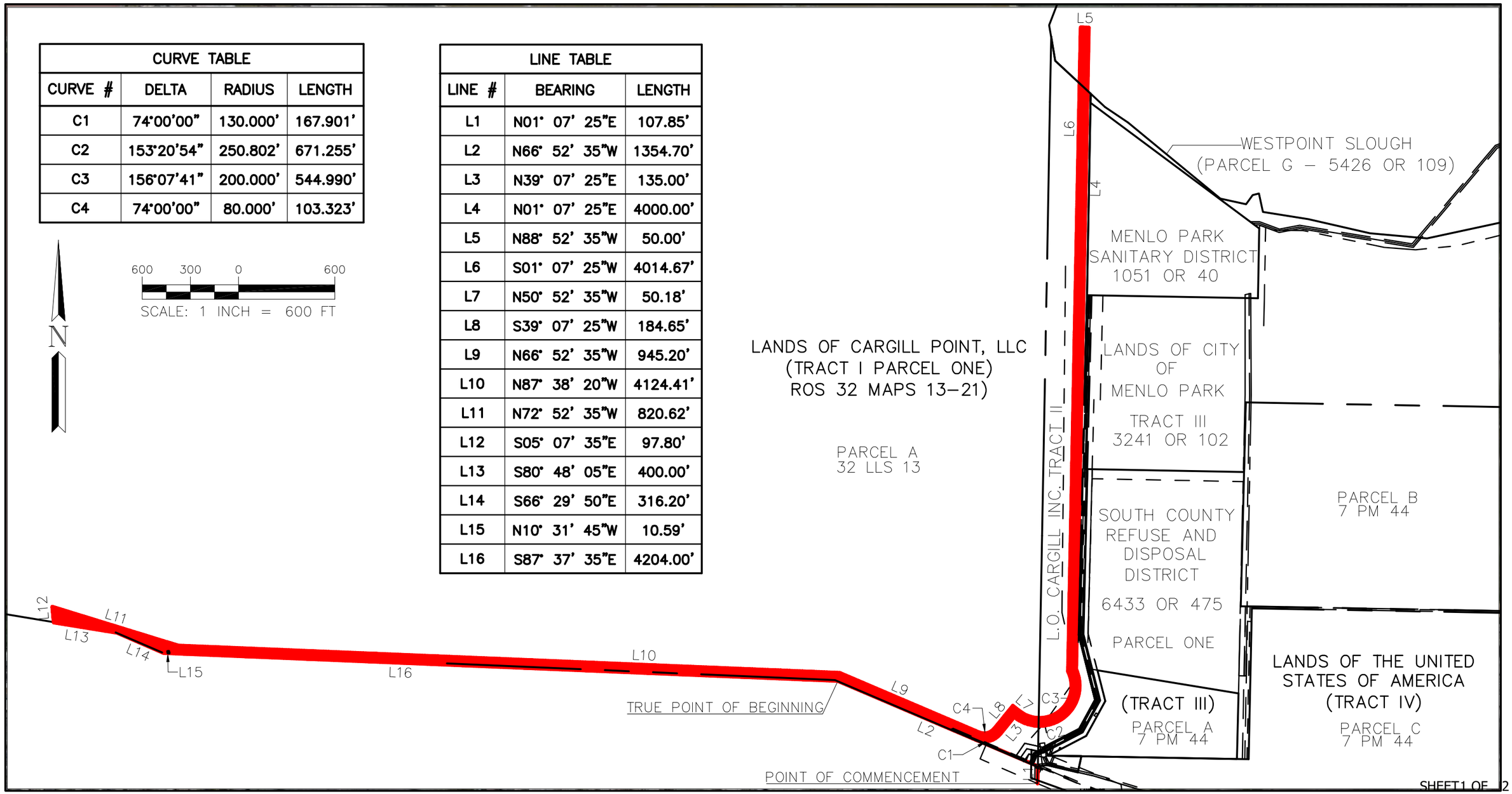
Exhibit D

Map of Drainage Easement and Drainage Access Easement

(attached)

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	74°00'00"	130.000'	167.901'
C2	153°20'54"	250.802'	671.255'
C3	156°07'41"	200.000'	544.990'
C4	74°00'00"	80.000'	103.323'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N01° 07' 25"E	107.85'
L2	N66° 52' 35"W	1354.70'
L3	N39° 07' 25"E	135.00'
L4	N01° 07' 25"E	4000.00'
L5	N88° 52' 35"W	50.00'
L6	S01° 07' 25"W	4014.67'
L7	N50° 52' 35"W	50.18'
L8	S39° 07' 25"W	184.65'
L9	N66° 52' 35"W	945.20'
L10	N87° 38' 20"W	4124.41'
L11	N72° 52' 35"W	820.62'
L12	S05° 07' 35"E	97.80'
L13	S80° 48' 05"E	400.00'
L14	S66° 29' 50"E	316.20'
L15	N10° 31' 45"W	10.59'
L16	S87° 37' 35"E	4204.00'



SHEET 1 OF 2

TOWILL | Surveying, Mapping and GIS Services
2300 Clayton Road, Suite 1200
Concord, CA 94520-2176
(925) 682-6976 - www.towill.com

PREPARED FOR:

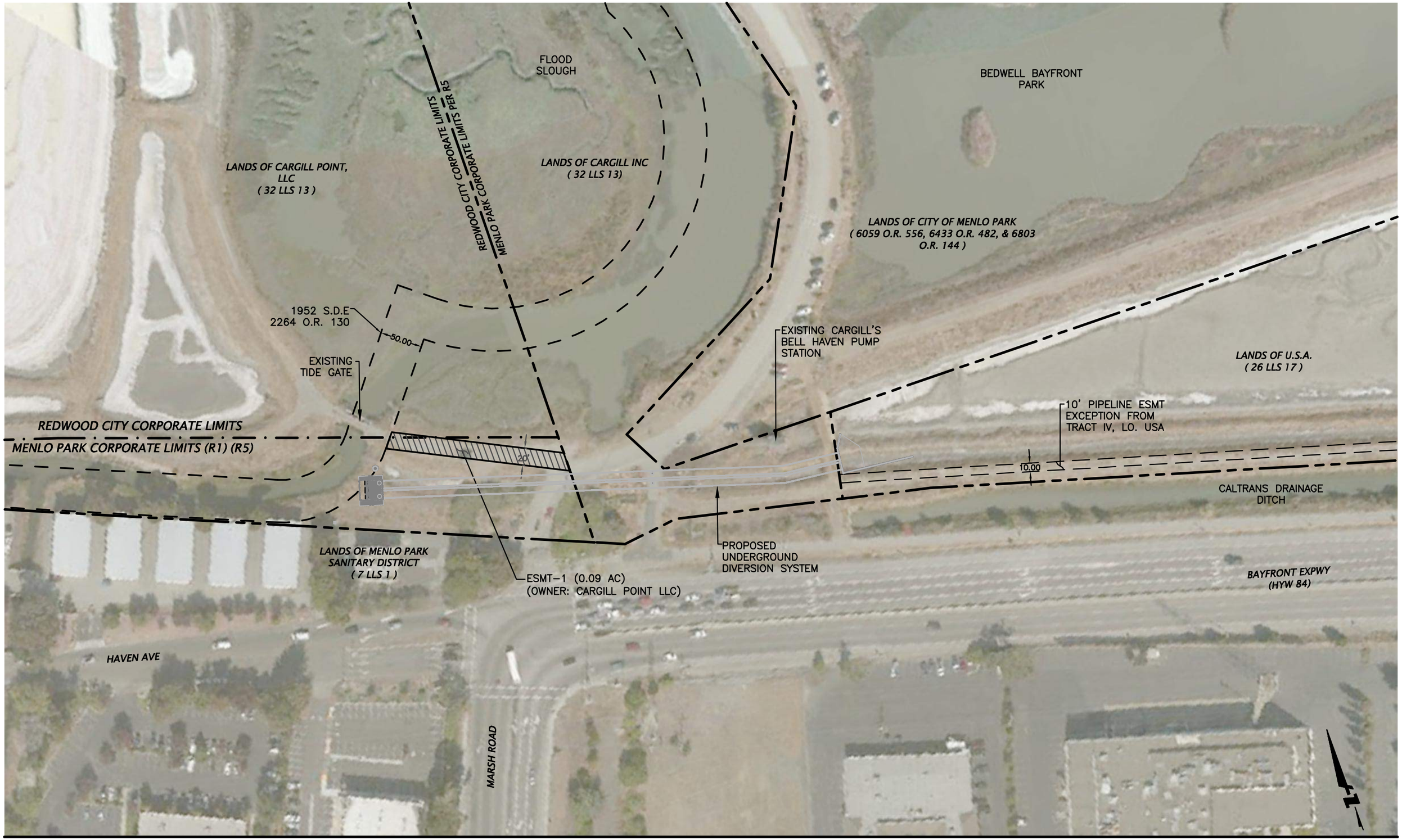
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT

1952 DEED EASEMENT (BK 2264 PG 130), WITH BOUNDARY BASE MAP

SCALE	1" = 600'
DATE SURVEYED	09/03/2020
P.M.	JTM
CALCULATED	DAM
DRAWN	DAM
CHECKED	JTM

ISSUE DATE
09/03/2020

JOB NUMBER
16605



DRAWING NAME: K:\2017\170054-11_Bayfront_Canal\ENG\EXHIBITS\Exhibit-D&C2.dwg
PLOT DATE: 08-20-20
PLOTTED BY: pala

GRAPHIC SCALE
50 0 50 100

LEGEND:

PROPERTY BOUNDARY

EXHIBIT D - 1952 EASEMENT & NEW ACCESS EASEMENT

BAYFRONT CANAL AND ATHERTON CHANNEL
FLOOD PROTECTION AND HABITAT RESTORATION PROJECT

BKF 100+ YEARS
ENGINEERS . SURVEYORS . PLANNERS

Exhibit E

Cargill Safety Rules and Regulations

(attached)

CONTRACTOR EMPLOYEE INFO

Date:_____
Contractor Company Name: _____
Contract Employee Name: _____

PURPOSE

These guidelines are intended as general guidance for contractor and subcontractor activities concerning safety performance while performing work on Cargill Salt property. Contractors, subcontractors, and their employees and agents (hereafter referred to collectively as "contractors") will be required to meet all applicable local, state, and federal laws and regulations which will take precedence over these guidelines in event of a conflict, unless the Cargill guideline is more restrictive.

The contractor employee shall place his/her initials on each line item, as they are reviewed. A copy of the entire document shall be offered to the contractor for reference of Cargill guidelines.

CONTRACTOR RESPONSIBILITIES

1. To ensure that contractor/subcontractor employees and agents on Cargill property are familiar with and follow all guidelines set forth in this document. Each contractor personnel is required to review and understand this checklist their first time on site and annually thereafter.
2. To ensure that all employees and agents of contractors are physically able and properly trained to perform their duties.
3. The contractor supervisor's responsibility to know these rules and ensure they are followed by his/her employees.
4. The contractor is responsible for the safety and conduct of their employees.
5. To report all incidents and hazardous conditions to Cargill immediately. All incidents are to be investigated by the contractor within 24 hours and a copy of the investigation report to be given to Cargill within 48 hours.
6. To maintain and furnish to each of their employees all personal protective equipment required.
7. Stop and consult with Cargill if the nature of the job deviates from original scope, before proceeding.

Non-compliance of any of these rules may result in the removal from company premises.

CONTRACTOR SAFETY RULES AND PROCEDURES

____1. Before beginning any work, each day a pre-job hazard assessment (PJHA) and discussion is recommended with all personnel performing the work.

____2. All contractors must wear hard hats, safety shoes that meet ASTM F 2412-05 and 2413-05 standards, gloves appropriate to the work, safety glasses that meet ANSI Z87.1-2003, long pants and sleeved shirts whenever they are on Cargill property. Hearing protection must be worn in posted areas. Without the proper PPE contractors will not be allowed to work. Knee and body pad use is encouraged to prevent contact stress injuries. Face shields in addition to safety glasses or goggles are required for grinding, blowing with compressed air, and any operation where there is a risk of being struck in the face. Gloves must be worn at all times,

unless job function prohibits or creates a greater risk.

____3. If you discover a fire, immediately call 911 and notify Cargill.

____4. If a contractor employee is injured and requires medical attention, immediately call 911.

____5. Prior to performing any work, contractors must provide a complete list of ALL chemicals or substances they will bring on site and provide an SDS if requested by Cargill. All chemicals should be placed on or within secondary containment.

____6. Any spills of fuel, oil, solvent, brine, chemicals, or any other pollutant must be contained and reported to Cargill immediately. The contractor will be required to participate in the incident investigation and the physical clean-up and will be required to bear the costs of clean-up and proper disposal.

____7. Cargill's buildings and grounds may contain both Lead and Asbestos materials. Only approved and licensed Contractors may disturb Lead and/or Asbestos.

____8. No individual shall lift a weight greater than 60 pounds. If an object weighing more than 60 pounds must be lifted, multiple people will be used or mechanical lifting such as a forklift or crane will be used. If the object is less than 60 lbs. but is awkward for a single person, multiple people or mechanical lifting should be used.

____9. All Cal/OSHA regulations regarding welding and hot work must be followed, including proper eye, face, hand, body, and respiratory protection. Contractors must supply their own fire extinguishers when a fire watch is required. Fire watch must be performed by someone other than the person performing the hot work. After the hot work is completed, a Fire Watch is maintained for 60 minutes.

____10. Underground survey is required prior to core drilling, boring, or trenching work.

____11. Fall protection is required for all work performed at or above **4 feet** (this applies to the individual's feet being greater than 4 ft from the ground). Contractors shall provide all fall protection training and equipment for their employees. Contractors are not allowed to go on any building roof without approval from Cargill and completion of Roofing Checklist. If an individual is within 10 feet from the edge of the roof, fall restraint must be used. Tools and materials cannot be stored within 15 feet of edge. Fall protection must be used in the following scenarios: stepping on a ladder within 6 feet of the guardrail, or leading edge, and any time when 3 points of contact cannot be maintained.

____12. Aerial lift (boom and scissor lifts) operators must be trained. Daily equipment inspections must be performed and available for review. The use of fall protection harnesses and fixed length lanyards or aerial lift designed SRL's are required when working from all aerial lifts. Aerial lifts may not be used as cranes to lift materials. Operators may not stand on lift railings or any other object other than the floor of the basket on a lift.

____13. Contractors are to use proper ladders or scaffolding for the task. Ladders must be inspected prior to every use and must be used in the correct manner. Example, A frame ladders need to be opened and locked and not used as an extension ladder. Scaffold users must have proof of proper training before utilizing scaffolding. Climbing on piping, equipment or structural steel is not allowed.

____14. All scaffolds with a ladder run > 10' without the ability to exit onto a platform, or within 6' of a hand rail or leading edge requires fall protection while ascending/descending the scaffold.

The lanyard on an SRL must be fully retracted when not in use.

____15. Portable tools, equipment, and extension cords MUST be plugged into a portable GFCI. Regardless if the outlet is GFCI protected, the portable GFCI must still be used in conjunction with the portable tool. If an extension cord is being used, the portable GFCI must be placed before the extension cord. The portable GFCI should be tested prior to use.

____16. No contractor is allowed to start or stop any equipment, change process flows, or cut pipes or conduits without prior approval from Cargill.

____17. Face shield must be used over safety glasses while using compressed air. NEVER use compressed air to blow debris or dirt from your body or cloths.

____18. The contractor is expected to keep work areas clean and orderly on a daily basis.

____19. Contractors will be required to furnish all tools needed for the job being performed.

____20. Contractor employees may not be in possession of or under the influence of any mood altering substance as detailed in the policy.

____21. Warning of corrosive conditions: This facility is a salt production facility. Under certain conditions salt can cause corrosion to your equipment. Contractors should take appropriate measures to protect their equipment to minimize salt-induced corrosion. By signing this form contractors acknowledge that they shall be solely responsible for any damage to equipment caused by salt. Contractors shall also notify all subcontractors of the possibility of salt-induced corrosion prior to the beginning of work.

____22. Some endangered or otherwise protected species and associated habitat may be present on Cargill property. Do not disturb wildlife. For example, when driving, be constantly alert for marked and unmarked Snowy Plover nest sites. Immediately report all unmarked Snowy Plover nest sites to Cargill..

____23. Smoking is only allowed in designated smoking areas in the facility. There is NO smoking in vehicles or in the yard. Use of tobacco products such as E-Cigarettes, Vaping and chewing of tobacco also fall under smoking requirements.

____24. Pickleweed or other vegetation must not be disturbed when working on levees, or near sloughs or marshes without prior approval from Cargill.. If mud, rock or other debris inadvertently comes in contact with marsh vegetation, contact Cargill immediately.

____25. Cellular phones cannot be used by a driver when their vehicle or equipment, is in motion regardless of the use of hands-free devices. They must come to a complete stop and take the vehicle out of gear.

____26. Seat belts must be worn at all times on all moving equipment which comes with seatbelts.

____27. Do not sit or lay under heavy equipment when it is not in use.

____28. Compressed gas cylinders must be capped, upright, and properly secured. When being transported, gas cylinders should have the regulator off and the caps on.

____29. Firearms or weapons are not permitted on Cargill Property -- even in personal vehicles or even if you have a permit to carry.

____30. Knife safety - The use of exposed fixed blade and utility knives is prohibited. Only safety cutting tools with shielded blades may be used.

____31. Life jackets must be worn when working on boats or on docks or wooden structures without railings where there is a risk of falling into water.

____32. Contractors must comply with all Covid-19 related requirements applicable to the work.

Contractor Critical Behavior Inventory

_____ 1.1 PREJOB INSPECTION AND PLANNING. It is not enough to identify hazards; we also have to decide how to eliminate identified hazards before starting the job.

_____ 1.2 COMMUNICATION. Considered safe when all workers involved have been notified of any work to be done, and signs or signals are understood by all.

_____ 1.3 BARRIERS AND GUARDS. Open holes are not left unattended, appropriate fencing or hazard tape is placed around the work area, removal of guarding is conducted after de-energizing of hazardous energy, and guarding is reinstalled after the work is complete.

_____ 2.1 LOCKOUT/TAGOUT. Considered safe when all energy sources have been eliminated and verified.

_____ 2.3 ELEVATED WORK. Considered safe when all workers working at a height greater than 4-feet are fully protected from a fall. When the individual is working below 4 feet, the individual maintains three point contact at all times if using a ladder and not tied off. If the individual is working above four feet on a ladder, the individual must be tied off AND the ladder must be tied to something structurally secure

_____ 2.4 EYES ON PATH. Considered safe when worker always looks where they are going, making sure that they avoid or clear away objects in their path that would cause them to trip, fall, or run into something or someone.

_____ 2.5 EYES & MIND ON TASK. Keeps eyes on task, especially when working near pinch points or moving equipment. Does not allow distractions while equipment is running.

_____ 2.6 ASCENDING/DESCENDING. Exercise caution and utilizes handrails when ascending or descending stairs, ladders, ramps and vehicles. Items carried do not prevent person from maintaining contact with structure.

_____ 2.7 ASSISTANCE. Considered safe when physical, verbal, or mechanical assistance is used to complete a task.

_____ 2.8 LINE OF FIRE. Understanding proper body location in reference to possible falling, flying or energy releasing equipment.

_____2.9 BALANCE, TRACTION AND GRIP. Considered safe when the risks of a fall, slip, or trip have been reduced.

_____3.1 HOUSEKEEPING. Considered safe when the work area is in a clean, organized condition – continually, not just on occasion.

_____3.2 EXTREME TEMPERATURE. Considered safe when a worker takes adequate precautions to avoid extreme heat or extreme cold, such as working in >80°F or <40°F temperatures.

_____3.3 OFFICE SAFETY. Considered safe when employees are performing office tasks hazard free.

_____4.1 TOOLS, EQUIPMENT SELECTION AND USE. Considered safe when tools and equipment being used fit the task and are in good condition.

_____4.2 PERSONAL PROTECTIVE EQUIPMENT. Considered safe when personal protective equipment is used to effectively defend against work place hazards.

_____4.3 VEHICLE OPERATION. Considered safe when authorized operators have been trained, they follow

operational procedures, the equipment is in good repair, and the operator is alert and cautious. Seat belts are worn.

_____5.1 AWKWARD WRIST/ARM POSTURE. This behavior is considered safe when the worker maintains the wrist in a neutral position, such as the handshake position.

_____5.2 AWKWARD BACK POSTURE. This behavior is considered safe when the workers maintain the neutral "S" curve of the back. Use good lifting techniques by bending at the knees, lifting with legs, avoid twisting and keep the load close to the body.

_____5.3 AWKWARD HEAD/NECK POSTURE. This behavior is considered safe when the worker ensures the head is facing forward and in a neutral position.

_____5.4 OVER-EXERTION. This behavior is considered safe when arms and feet are anchored in a strength position and not stretched out or over-extended. Such as pulling down on a 36" pipe wrench.

_____5.5 REPETITIVE/STATIC MOTION. This behavior is considered safe when a worker frequently returns their body to the neutral position. Such as opening a valve using a wrench or standing by a machine for an extended period, worker takes repeated rests.

_____5.6 CONTACT STRESS. This behavior is considered safe when the worker avoids prolonged resting, pressing, or bracing against hard edges or surfaces. Such as leaning on piping to open a flange.

_____5.7 LIFTING. This behavior is considered safe when the worker uses correct lifting techniques to minimize stress on their back.

_____5.8 COMPUTER USE. Considered safe when worker has properly adjusted their workstation to fit themselves, and regularly takes mini-breaks, stretches, and/or occasionally changes position.

I have read and understood the above guidelines and agree to follow them..

A copy of the entire document shall be offered to the contractor for reference of Cargill requirements.

PLEASE PRINT CLEARLY

Contractor Company Name: _____

Contractor Employee Signature: _____ Date: _____

Employee Name (Please Print): _____

Exhibit F

County Land Draining to Drainage Easement Area

(attached)

RESOLUTION NO. 6281

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ACKNOWLEGDING AN EASEMENT FOR STORM DRAINAGE

WHEREAS, on June 2, 1952, the Leslie Salt Company (now Cargill) granted to the City of Redwood City and the County of San Mateo a right of way for the purpose of constructing, maintaining and operating storm drain facilities ("Easement"); and

WHEREAS, the Easement, attached hereto as Exhibit A and incorporated herein by this reference, was recorded in the San Mateo County Recorder's Office; and

WHEREAS, in or around 1959, the Haven Avenue area, including portions of the land upon which the Easement is located and portions of the storm drainage system flowing into the storm drain facilities within the Easement, was annexed from the County of San Mateo into the City of Menlo Park; and

WHEREAS, by operation of law pursuant to Government Code Section 57325 and by necessity, the City of Menlo Park became a party to the Easement by virtue of such annexation and the existence of the storm drain facilities flowing into the storm drain facilities within the Easement; and

WHEREAS, the City of Menlo Park and properties located in the City of Menlo Park have openly and continuously discharged storm water into the Easement since the annexation of the Haven Avenue area over 50 years ago; and

WHEREAS, the City of Menlo Park recently approved development projects at 3639 Haven Avenue (Anton Menlo) and 3645 Haven Avenue (Greystar) that have repaired portions of the existing storm drain facilities and will continue to approve development projects in the City of Menlo Park that will discharge storm water into the Easement; and

WHEREAS, Cargill has requested that the City Council of the City of Menlo Park adopt a resolution confirming acceptance of the Easement as it relates to the City of Menlo Park's storm drainage facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park hereby acknowledges that the City of Menlo Park has a non-exclusive easement and by this Resolution does hereby formally accept such easement to the extent it relates to Menlo Park's storm drainage facilities, over the lands of Cargill for the purpose of construction, maintaining and operating storm drain facilities serving property within the City of Menlo Park, as more particularly set forth in Exhibit A.

I, Jelena Harada, Deputy City Clerk of the City 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 twenty-first day of July, 2015, by the following votes:

AYES: Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: Carlton

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-first day of July, 2015.

Jelena Harada
Deputy City Clerk

THIS INDENTURE WITNESSETH :

Leslie Salt Co., a corporation, hereby conveys to the City of Redwood City, a municipal corporation, and to the County of San Mateo, State of California, a right of way over and along each of the following described parcels of real property situate in the County of San Mateo, State of California, for the purpose of constructing, maintaining and operating thereon storm drainage facilities and for no other purpose -

Parcel 1 -

Commencing at a point in the northerly boundary line of the Rancho de las Pulgas where the same is intersected by the quarter section line running north and south through the middle of Section 22, Township 5 South, Range 3 West, Mt. Diablo Base and Meridian, being the southeast corner of that certain 100 foot strip of land described in deed from Geo. H. Rice, et al., to Spring Valley Water Co., dated Nov. 24, 1905 and recorded June 17, 1907, in Book 127 of Deeds at Page 534, San Mateo County; thence North 107.85 feet and North 68° 00' West 1354.7 feet to the true point of beginning of the parcel described herein. From said true point of beginning South 68° 00' East 936.0 feet along the northerly boundary of said lands heretofore conveyed to Spring Valley Water Co. to a point; thence leaving said boundary on the arc of a curve to the left tangent to last named course with a radius of 130 feet through a central angle of 74° 00', 167.90 feet to a point; thence North 38° 00' East 135 feet to a point in an existing dredged channel; thence along the arc of a 250 foot radius curve to the left tangent to a line bearing South 52° 00' East from the last named point, through a central angle of 153° 50 1/2', 671.26 feet; thence North 4000 feet to a point in Westpoint Slough; thence West 50 feet to a point, thence South 4012.16 feet to a point which is 50 feet distant radially from the last mentioned 250 foot radius curve; thence along the arc of a curve concentric with last mentioned curve, with a radius of 200 feet through a central angle of 196° 57', 547.86 feet; thence North 52° West 50 feet; thence South 38° 00' West 185 feet to a point; thence along a curve to the right tangent to last named course

with a radius of 80 feet through a central angle of 74° 00'; 103.32 feet to a point; thence North 68° 00' West 945.2 feet; thence North 88° 45' West 4104.0 feet; thence North 74° 00' West 820.62 feet; thence South 6° 15' West 97.80 feet to the lands of Pacific Gas and Electric Co.; thence South 81° 55 1/2' East 400 feet and South 67° 37 1/4' East 316.2 feet along the lands of Pacific Gas and Electric Co. to northerly boundary of aforementioned Spring Valley 100' strip; thence along the northerly boundary of said Spring Valley 100' strip, South 88° 45' East 4204.0 feet to the true point of beginning.

Parcel 2 -

A strip of land 15 feet in width measured 7.5 feet at right angles on each side of the following described line:

Beginning at a point in the northeasterly line of the parcel designated as "Road", distant thereon North 81 degrees 17 minutes West, 42.37 feet from the most northerly corner of Lot 1, Block 2, as said Road, Lot and Block are shown on that certain map of the Friend Industrial Tract, filed for record December 31, 1940 in Book 23 of Maps at page 33, San Mateo County Records.

Thence from said point of beginning, North 10 degrees 31 minutes 45 seconds West, 10.59 feet to a point in the northerly line of the lands of Leslie Salt Company.

The foregoing conveyances shall not be assignable and are made upon the understanding and condition that no excavation shall be made by the grantees below the elevation minus three feet mean sea level United States Coast and Geodatic Survey datum, and upon the further understanding and condition that the grantor shall have the right to construct and maintain over, under or across the said rights of way and each of them such bridges, pole lines, pipe lines and other structures as it may deem desirable, provided that no such bridge, pole line, pipe line or other structure shall interfere with the use of the said drainage facilities by the grantees.

The grantees agree to use reasonable care in the construction, maintenance and operation of the said drainage facilities.

IN WITNESS WHEREOF the undersigned has caused these presents to be executed by its officers thereunto duly authorized this 2nd day of June, 1952.

LESLIE SALT CO.

By _____
President

and _____
Secretary-Treasurer

RESOLUTION NO. 6453

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY MANAGER TO ACCEPT DEDICATIONS FOR RIGHTS OF WAY OR EASEMENTS FOR PUBLIC USE

WHEREAS, pursuing practices that improve efficiency saves the City of Menlo Park valuable resources; and

WHEREAS, currently the City Council of the City of Menlo Park accepts dedications for rights of way or easements for public use on a project-by-project basis; and

WHEREAS, pursuant to Municipal Code Section 2.08.080(15) the City Manager may exercise authority delegated by the City Council; and

WHEREAS, Government Code Section 27281 allows the City Council to authorize one or more officers or agents to accept and consent to deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes; and

WHEREAS, by delegating authority to the City Manager to accept dedications for rights of way or easements for public use, the City Council would improve efficiency, save staff time and have a positive impact on the City's resources.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Menlo Park that public interest and convenience require and that the City Council does hereby authorize the City Manager or his or her designee to accept dedications for rights of way or easements for public use consistent with approved projects.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the sixth day of August, 2018, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixth day of August, 2018.

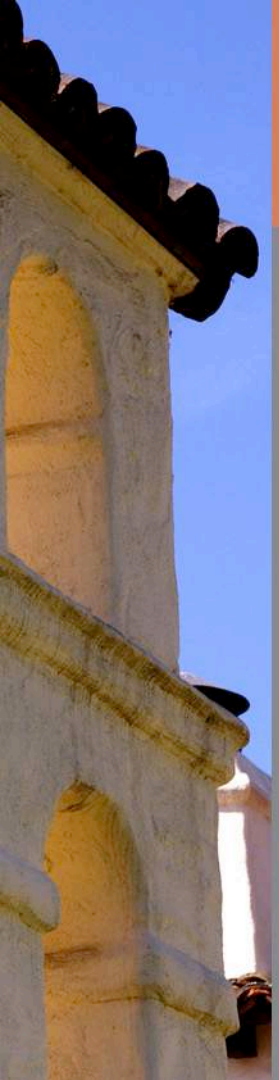
Judi A. Herren, City Clerk

G1-PRESENTATION



BAYFRONT CANAL AND ATHERTON CHANNEL FLOOD PROTECTION PROJECT

Chris Lamm, Assistant Public Works Director



RECOMMENDED COUNCIL ACTION

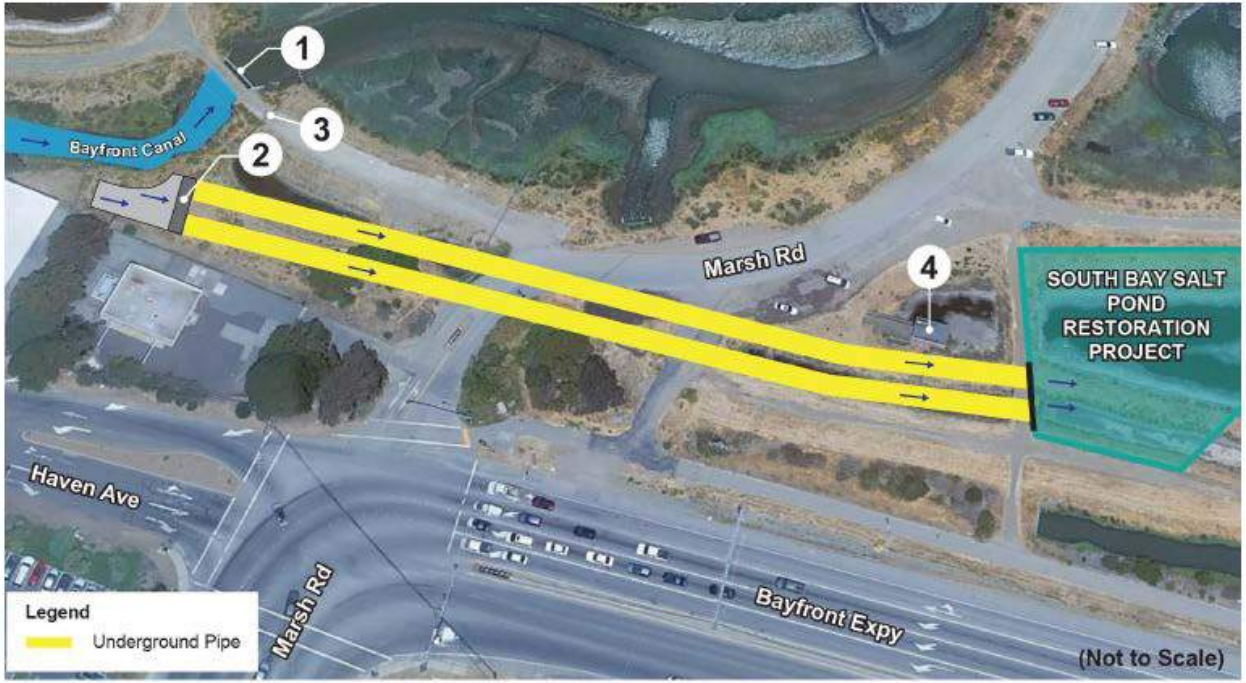
- G.1 Authorize the city manager to enter into a memorandum of understanding (MOU) and easement agreement for the construction and maintenance of the Bayfront Canal and Atherton Channel Flood Protection project.

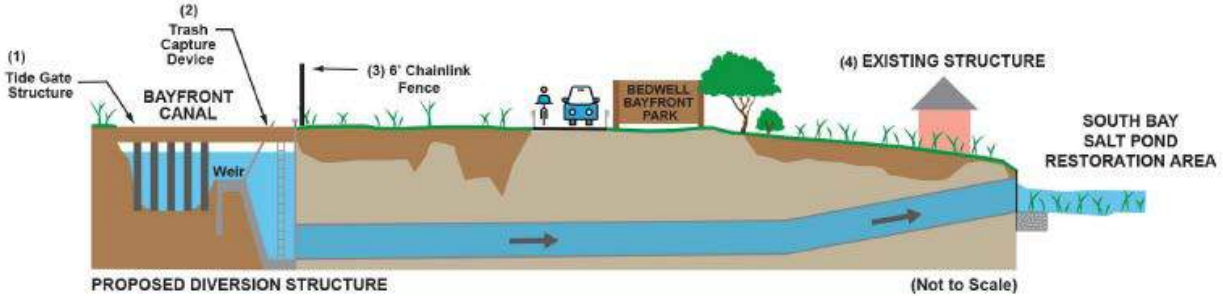
- G.2 Authorize the city manager to enter into an agreement to amend and restate the terms of an existing easement with Cargill for the purpose of constructing, maintaining, and operating storm drainage facilities serving Menlo Park properties adjacent to Bayfront Canal.



BACKGROUND

- Collaboration of Menlo Park, Redwood City, Atherton, San Mateo County, and Flood and Sea Level Rise Resiliency District (FSLRR);
- Diversion structure to mitigate flooding impacts up to 25-year storm event;
- Estimated total project cost is $8.59M;
- $1.2M authorized in FY 2020-21 capital improvement program budget for City share of construction, maintenance and mitigation;
- City committed to construct by December 2021 to preserve $1.135M Department of Water Resources grant funding.
- Cargill (formerly Leslie Salt) granted drainage easement to Redwood City and San Mateo County in 1952;
- In 1959, City became party to the easement, by virtue of annexing portions of land covered by easement from San Mateo County;


1
2
3
4
Bayfront Canal
Marsh Rd
SOUTH BAY SALT POND RESTORATION PROJECT
Haven Ave
Marsh Rd
Bayfront Expy
Legend
Underground Pipe
(Not to Scale)


(1)
Tide Gate Structure
(2)
Trash Capture Device
BAYFRONT CANAL
(3) 6' Chainlink Fence
BEDWELL BAYFRONT PARK
(4) EXISTING STRUCTURE
SOUTH BAY SALT POND RESTORATION AREA
Weir
PROPOSED DIVERSION STRUCTURE
(Not to Scale)



KEY DETAILS

Memorandum of understanding

- Establishes terms and responsibilities for cost-sharing related to construction, operations and maintenance (O&M), and mitigation monitoring;
- Expires five years after completion of construction
- FSLRR will serve as contracting and managing agency for all work funded by MOU, except O&M;
- Redwood City will manage O&M for five years after completion of construction;



KEY DETAILS (cont.)

- Establishes each jurisdictions financial contribution, as follows:
  - A capped contribution from the Town of Atherton of $1.35M;
  - The residual cost resulting from the Town of Atherton contribution cap will be split among San Mateo County, Redwood City and Menlo Park, based on the ratio of each jurisdictions flow contribution to the Canal;
  - Any additional funding and/or reduction in costs will be applied towards future O&M and mitigation responsibilities.

Jurisdictional flow and financial contributions				
Jurisdiction	Watershed area (%)	Flow contribution (%)	Financial contribution (millions)	Financial contribution (%)
Atherton	44.00	38.00	$1.350	18.11
Redwood City	13.00	26.00	$2.658	35.65
San Mateo County	20.00	22.00	$2.294	30.77
Menlo Park	17.00	10.50	$1.153	15.47
Woodside	6.00	3.50	$0	0



KEY DETAILS

Easement

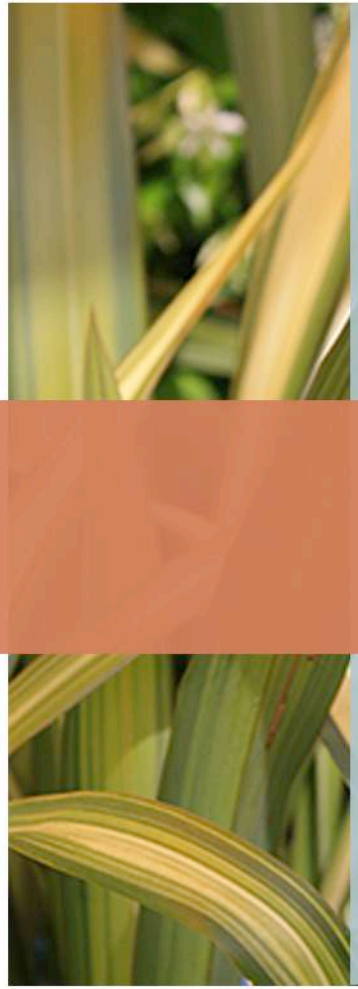
- Update of easement is required by Cargill as a condition for obtaining construction and permanent drainage easements for the Bayfront Canal and Atherton Channel flood protection project;
- Substantially retains the previous rights and obligations under original 1952 easement, with the addition of;
- Menlo Park is now a named party to the easement;
- Provides new defined point of access to the easement from Bedwell Bayfront Park;
- Clarifies the responsibilities of all parties and establishes a communication process with Cargill for planned and emergency construction, maintenance, and repairs.



RECOMMENDED COUNCIL ACTION

G.1 Authorize the city manager to enter into a memorandum of understanding (MOU) and easement agreement for the construction and maintenance of the Bayfront Canal and Atherton Channel Flood Protection project.

G.2 Authorize the city manager to enter into an agreement to amend and restate the terms of an existing easement with Cargill for the purpose of constructing, maintaining, and operating storm drainage facilities serving Menlo Park properties adjacent to Bayfront Canal.



THANK YOU

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-233-CC**

Regular Business: **Receive and file the preliminary year-end close for the fiscal year ended June 30, 2020, the budgetary update for the quarter ended September 30, 2020, the quarterly update of the City Council priorities and work plan, and service adaptation update for library and community services**

Recommendation

City staff recommends that City Council receive and file the preliminary year-end close for the fiscal year ended June 30, 2020, the budgetary update for the quarter ended September 30, 2020, the quarterly update of the City Council priorities and work plan, and service adaptation update for library and community services. City staff provides this information to aid in the City Council's consideration of a proposed budget amendment scheduled for the November 10 City Council meeting.

Policy Issues

City Council adopts an annual budget in advance of each fiscal year, and City staff transmit periodic financial updates on the general fund. For the fiscal year-end, City staff provide an unaudited preliminary fiscal year-end report with audited financial statements sent in December.

Background

At their June 16 meeting, City Council adopted a balanced budget reflecting expenditure reductions totaling $14.08 million compared to the prior year. The adopted budget considered the best information available to City staff at the time and embraced the budgetary principle that Menlo Park must balance its budget for fiscal year 2020-21 the way residents are required to balance their household budgets. City Council authorized minimal use of reserves for economic uncertainty in fiscal year 2020-21. Throughout the budget process, City staff anticipated the need for fiscal year 2020-21 budget amendments to adjust to the latest information available.

Analysis

The City's financial position is detailed in Attachments A and B and summarized below:

- For the fiscal year ended June 30, 2020, the City's financial position was more robust than anticipated, with expenditures decreasing greater than projected and revenues increasing greater than expected. To balance City Council authorized up to $2.9 million of economic stabilization reserves. With the fiscal year-end close, Attachment A, City staff anticipate the use of $1.0 million in economic stabilization reserves. City Council may elect to allocate the unused $1.9 million of economic stabilization reserves for one-time needs in fiscal year 2020-21 and 2020-22 such as unfunded long-range planning projects, including the 2022 Housing element update, City Council priority Ref. #2.

- For the quarter ended September 30, 2020, the City's finances demonstrated a significant decline in revenue compared to the same period in the prior year as anticipated in the budget; Attachment B. Expenditures typically exceed revenues in the first quarter of each fiscal year. Substantial expenditure reductions incorporated in the fiscal year 2020-21 budget offset the revenue reductions experienced in the first quarter.
- For the balance of fiscal year 2020-21, City staff forecast that the adopted budget will remain balanced with no need for economic stabilization reserve funds unless City Council directs additions for work plan items or other operational modifications. The largest recommended amendments are expected in the community development and public works departments to fund City Council priorities and work plan projects. Additionally, City staff anticipate a police department budget proposal to redeploy existing police personnel to adapt to changing service needs resulting from the pandemic.

City Council priorities and identified work plan

Attachment C transmits an update on the City Council's priorities and identified work plan for the quarter ended September 30. At the City Council's November 10 meeting, staff will identify resources necessary to move the priorities and identified work plan projects forward.

Service adaptation report for library and community services

The impacts of the pandemic continue to weigh heavily on the City's public services. Attachment D provides a summary of the pandemic's impacts on the department that has experienced the most significant effects of social distancing, library and community services (LCS.) The LCS team has pivoted its operations to deliver essential and nonessential services to the community. Attachment D documents the team's commendable work and offers a stark contrast to the department's pre-pandemic operations.

Impact on City Resources

No City Council action is required as a result of this report. City staff intend to return to City Council with a recommended budget amendment at the City Council's November 10 meeting.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

Attachments

A. Hyperlink – General fund financial update for the fiscal year ended June 30, 2020: stories.opengov.com/menlopark/published/VTNJK7eqi
B. Hyperlink – General fund financial update for the quarter ended September 30, 2020: stories.opengov.com/menlopark/published/AriGi2eir
C. Quarterly update on City Council priorities and work plan
D. Service adaptation update – library and community services

E. Hyperlink – Service adaptation update – childcare: menlopark.org/DocumentCenter/View/26162/F8-20200922-CC-Child-care-services
F. Aquatics user data

Report prepared by:
Dan Jacobson, Assistant Administrative Services Director
Sean Reinhart, Library and Community Services Director
Nick Pegueros, Assistant City Manager

STAFF REPORT

City Council
Meeting Date: **10/13/2020**
Staff Report Number: **20-224-CC**

Regular Business: **Receive and file the City Council's fiscal year 2020-21 priorities and work plan quarterly update as of September 30**

Recommendation
Staff recommends that the City Council receive and file the City Council's fiscal year 2020-21 priorities and work plan quarterly update as of September 30.

Policy Issues
The City Council adopts annual priorities to direct City resources.

Background
On August 18, the City Council adopted their top five priorities for fiscal year 2020-21, Attachment A. The City Council did not take action on the work plan projects pending additional discussion. This report provides an update for the projects listed on Attachment A.

Analysis
Consistent with past practice, the city manager prioritizes limited resources to progress toward identified milestones for City Council top priority projects. There are currently insufficient resources to advance the 2022 housing element, zoning code update and related work project (Ref #2.) City staff is working on a proposal to secure the services necessary to move this City Council priority forward.

While staff continues work on previously approved work plan projects, sufficient resources do not exist to work on all top priorities and the identified work plan items. City Council has yet to complete its prioritization of identified work plan projects, in large part due to the need for financial information to make an informed decision about allocating limited budgetary resources. At the October 27 City Council meeting, staff intends to provide City Council with a comprehensive financial update. At the November 10 City Council meeting, staff will present budgetary requests for those priorities and work plan items that do not currently have sufficient resources.

The narratives below provide project status as of September 30.

City Council adopted top priorities
The following reflects the City Council's adopted top priorities for fiscal year 2020-21. The designation of a project as a "top priority" clarifies that staff may strategically realign limited resources to achieve the stated milestones for priority projects. The realignment may delay work on other projects or impact services to the public. Projects are listed by department in reverse alphabetical order.

- Transportation master plan (Ref #1.)
  The City Council adopted an updated transportation impact fee program December 10, 2019. The changes to the program went into effect in early February 2020. While work on the plan has continued since the onset of the pandemic, the schedule was delayed by approximately four months. Staff released the draft plan in August, before the ninth Oversight and Outreach Committee meeting held September 15. At that meeting, the Committee voted 6-0-2-3 (Mueller, Nash abstained; DeCardy, Riggs, Strehl absent) to recommend approval of the draft plan and provided additional policy recommendations for implementation for the City Council's consideration. The plan is tentatively scheduled for review by the Complete Streets Commission October 14 and for approval by the City Council November 10.

- 2022 Housing element, zoning code update and related work (e.g., preparation of an environmental justice element, land use element amendments, rezonings, etc.) (Ref #2.)
  As stated above, there are insufficient resources to advance this project in full, but staff is initiating pre-project planning. Attachment B was included in prior staff reports and is being included again for ease of reference and possible discussion. This document provides a potential framework for how to approach various land use planning initiatives of the next two years. Attachment C provides an update on current and upcoming steps related to the housing element.

- Menlo Park community campus (Ref #3.)
  The project continues to move forward on an ambitious timeline with start of construction activities anticipated in summer of 2021. The City Council September 15 approved the term sheet, revised conceptual design and project review process of Facebook's offer to rebuild the community facilities located at 100-110 Terminal Ave. The City Council also approved the illustrative site plan which requires the demolition of the existing Belle Haven pool facilities, to proceed for review. At the same time, the project's working title was changed from "Belle Haven Community Center and Library" to "Menlo Park community campus" to reflect the intent of the new facility to serve residents throughout the city. Next steps in the project include: An October 12 Planning Commission study session review; a November 10 City Council approval of the interim services plan during construction; a December 7 Planning Commission public hearing to make a recommendation on the project; and a January 12, 2021 City Council public hearing on the agreement, project and California Environmental Quality Act (CEQA) determination plus identification of funding to rebuild the pool concurrently with the new building.

- COVID-19 pandemic local emergency response (Ref #4.)
  The community and city organization continue to experience the devastating effects of the COVID-19 pandemic to public health and the local economy. The City Council-adopted local emergency resolution authorizing the city manager to exercise emergency powers to respond to the pandemic has been extended by City Council multiple times, and remains in effect. The vast majority of City facilities remain closed to the public to prevent the spread of the virus and protect the health of City employees and the community, especially those who are most vulnerable to illness and death from COVID-19, and are expected to remain closed or highly restricted through the first half of calendar year 2021. The City organization rapidly adapted to remote work and paperless systems, and approximately 45 percent of City employees are successfully and productively working from remote locations at this time.

  Essential on-site services like public safety, water utility, facility maintenance, and child care continue to be delivered with significant modifications and precautions in compliance with state and local health

orders. Other services that have been partially reactivated with significant modifications include: building inspections, permit issuance, virtual public meetings, landscape maintenance, senior nutrition program, library curbside pickup and outdoor recreation facilities. Additionally, City Council took action to provide an economic lifeline to downtown restaurants located on and near Santa Cruz Avenue by closing portions of the street to vehicle traffic which has allowed outdoor dining to expand onto the street. City staff are in the process of developing a long-term service adaptation strategy to modify and prepare City facilities, operations and personnel for improved resiliency in a post-pandemic environment.

- Information technology master plan implementation, year 2 (Ref #5.)
  City staff continue to make progress on a number of project areas under the umbrella of the information technology master plan (ITMP), with major focus areas on software implementations, infrastructure improvements, and security upgrades for both physical spaces and cyber presence. Accomplishments from the first quarter of fiscal year 2020-21 include a replacement for the City Council inbox (CCIN) and virtual private network (VPN) upgrades. Planned milestones for the second quarter of fiscal year 2020-21 include door code security upgrades and security awareness training. Ongoing upgrades include technology infrastructure such as cloud-based storage.

Identified work plan projects
Work plan projects reflect City Council goals. The distinction between a “top priority” and a “work plan project” is that resources may be shifted away from work plan projects and public services, if necessary, to make progress on top priority projects. The listing below includes previously approved work plan projects and projects discussed by the City Council over the past year. The City Council did not take action August 18 to authorize additions or deletions to work plan projects.

- Transportation management association (TMA) formation (Ref #6.)
  This work effort would prepare a feasibility study with recommendations about how to structure and fund a TMA. The City Council authorized a consultant agreement for this study in July 2019, and data collection occurred in fall 2019 (interviews, in-person ‘drop-in’ chats with small downtown businesses, and sharing a survey link to gather information and opinions about current commute habits.) On February 25, staff prepared an informational update for the City Council transmitting a summary of the data collection efforts for this effort. Staff planned to return in mid-March seeking City Council direction on the next steps for the study, but these efforts were delayed by approximately four months due to the COVID-19 pandemic. On July 16, the City Council directed staff to pursue evaluation of two TMA models – citywide and sub-regional. Staff will also coordinate with representatives of Manzanita Works, which is building on the partnerships created during the Manzanita Talks, on the potential sub-regional model as part of the final evaluation. Staff intends to provide an update on the feasibility study to the City Council in late November, before proceeding to the Complete Streets Commission for recommendation and City Council for approval in early 2021.

- Middle Avenue pedestrian and bicycle rail crossing planning (Ref #7.)
  Staff prepared and submitted applications for approximately $12 million from state and regional active transportation programs and San Mateo County Measure A/W funds, which were submitted in mid-September. Additionally, ongoing and continuing coordination with Caltrain regarding design, construction timing, and utilities that must be relocated for the project (PG&E, telecommunications, etc.) is underway. Ongoing coordination related to property acquisition needed for the project is also underway.

- Short-term rental ordinance (Ref #8.)
  On July 28, 2020, the City Council appropriated $35,000 for a short-term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals with caveat that demands for payment against unregistered short-term rentals be suspended until January 1, 2021. City staff are currently in the process of completing reviews of short term rental compliance vendors in order to select firm to enter into a contract for services.

- Accessory dwelling unit ordinance update (Ref #9.)
  Adoption of urgency ordinance no. 1066 in February 2020, was a first step in furthering ADU production. Since then, staff has worked on enhancing the information on the City's website to assist the public navigate through the changes in state law, and will continue to explore other education materials and tools to aid ADU production as part of an SB2 grant. As a second step, staff proposes to initiate "cleanup" amendments for internal consistency in the Zoning Ordinance for increased clarity for applicants. If the City Council would like staff to work on ADUs, staff would recommend pursuing these cleanup amendments. Work could commence in late 2020 with direction from City Council. A third phase to explore additional modifications could align with work on the upcoming housing element in the latter part of 2021 and 2022. Funds awarded as part of the SB2 grant could help fund these activities that support additional ADU production.

- ConnectMenlo community amenities list update (Ref #10.)
  On October 6, City Council received a recommendation from Mayor Taylor and City Councilmember Nash to form a City Council subcommittee to review the community amenities list and to suggest revisions to the list for consideration by the City Council at a future date. City Council appointed Mayor Taylor and City Councilmember Nash to the subcommittee. City staff in the city manager's office has been assigned to work with the subcommittee. Once the subcommittee completes their recommendation to the City Council, the subcommittee will review geographic information system (GIS) maps that staff is in the process of compiling to reflect known development projects currently in the pipeline for presentation to the City Council at a future date.

- ECR/Downtown specific plan area housing development incentives (Ref #11.)
  No work has yet to commence on establishing incentives and reducing development barriers to creating housing in the specific plan area. Staff anticipates that the work would be limited in scope to focus on housing production, and would neither increase the residential cap nor explore larger policy issues that the City Council contemplated as part of its 2018 and prior specific plan biennial reviews. The project would be partially supported with funding from an SB2 grant and would need to be completed by June 30, 2022. Pending direction from the City Council, staff would return to the City Council with a timeline and scope of work, including potential funding request for consultant resources. Any work that would trigger a general plan amendment, preparation of EIR, or extensive public outreach would require an extended timeline.

- Development and environmental review process education series (Ref #12.)
  The idea for an education series on the development and environmental review processes was an outcome of work done by the City Council subcommittees to help educate the public and interested parties about the City's development review process given the number of large, complex development projects occurring in the City. Work on this effort would be timely as the preparation of multiple

environmental impact reports (EIR) are underway. The first EIR in the Bayfront Area is anticipated to be released in late October/early November. At this time, no work has begun on the education series. However, staff has reached out to the M-Group to gauge availability and interest in working on the project. Staff recommends moving forward with the education series, seeking consultant assistance from the M-Group, and returning to the City Council with a budget augmentation for contract services with the M-Group to produce the series. The education series is anticipated to be three parts, focused on 1) overview of development in the City, 2) the development review process and 3) the California Environmental Quality Act (CEQA) and the various levels of environmental review. The goal would be to kick off the educational series by the beginning of 2021.

- Santa Cruz Avenue closure and economic development initiatives (Ref #13.)
  On June 19, the City Council adopted urgency Ordinance No. 1070 to help respond to the effects of COVID-19 on local businesses. The City developed a pilot program that partially closed Santa Cruz Avenue to vehicle traffic, suspended certain zoning requirements, streamlined permits for the use of outdoor spaces, and waived all fees associated with those permits. Since then, the City Council has continued to express the importance of the program and has sought adjustments in order to respond to business needs and to balance varying interests. The City Council has adopted several modifications through urgency ordinance nos. 1071 and 1072, and most recently adopted ordinance no. 1073 October 6, which require changes to be implemented by mid-October. The permit review process, changes in the field, and liaising with businesses require a tremendous amount of staff resources from multiple departments. The City Council extended the closures through February 2021 and the program through September 2021. Staff anticipates that prioritizing work on the program and street closure could have an impact on staff capacity to work on other items from daily tasks to other work plan items.

- Citywide communication program development (Ref #14.)
  As identified previously, expanding and improving two-way communication with Menlo Park residents would require an increase in staff time, either through reallocating existing staff time or hiring new staff. In fiscal year 2020-21, resources were shifted to move one management analyst into the city manager's office to support communications. This position assists the Public Engagement Manager with implementing communications program tasks and recommendations.

- Climate action plan implementation (Ref #15.)
  The City Council approved a climate action plan (CAP) in July with a bold goal to reach carbon neutrality by 2030. Work will begin this year on three of the six CAP strategies, requiring across department collaboration and intense public engagement to develop innovative, equitable, and practical policies around building electrification and electric vehicle infrastructure for existing buildings.

  Staff is still in the process of resourcing staffing capacity that would form a professional technical team to expedite CAP action items No.1 (existing building electrification) and No. 3 (electric vehicle infrastructure.) The goal is to have the technical formed and meeting by the end of this calendar year to begin preparing a cost effectiveness and policy option analysis.
  For CAP action item No.3 (expand existing electric vehicle infrastructure), staff has completed an electric vehicle (EV) charging infrastructure gap and policy analysis that identifies where charging infrastructure is needed in order to reach carbon neutrality by 2030, and possible policy/program solutions. The initial results were presented to the Environmental Quality Commission at their September meeting, and staff is finalizing the analysis for an upcoming City Council study session item for further City Council direction

on this topic.

- Institutional bias reform (Ref #16.)
  The City Council August 18 received a report on institutional bias reform in which staff recommended defining terms to establish a common language, conducting equity reviews of city departments, and training staff. City Council has not taken action on this item and staff does not plan additional work until directed by City Council.

Newly identified projects
On occasion, new projects present themselves that may result in a strategic benefit to the City. Often these are multiagency or multijurisdictional efforts that are accompanied by funding. On occasion, the City Council will take action midyear to add a work plan project or direct staff to include a new project for consideration in the broader scope of the adopted priorities and work plan.

- Menlo Park SAFER Bay Project, Phase 2 (Ref #17.)
  PG&E recently approached the City about partnering on a FEMA grant opportunity to address sea level rise impacting the Ravenswood Electrical Substation consistent with the SAFER Bay project (Attachment C) and the recently completed Dumbarton Bridge West Approach + Adjacent Communities Resilience Study (Attachment D.) The total project could amount to $40 million with the Federal grant providing $30 million and PG&E providing the local match of $10 million. PG&E, the SFCJPA and the City collaborated on the required documentation for a building resilient infrastructure (BRIC) notice of interest and the full application is due to CalOES December 3.

  The project would design and build an ecotone levee surrounding Pacific Gas and Electric Company's Ravenswood Substation and along portions of State Route 84 (SR 84), which serves as the western approach to the Dumbarton Bridge. The project will provide 100-year tidal flood protection to the substation, portions of SR 84, and surrounding areas. In addition to providing the minimum elevation of 12 feet NAVD88 to achieve 100-year coastal flooding protection, the levee design will incorporate four feet of additional elevation to adapt to 50 years of projected sea level rise. This project will protect critical Community Lifeline infrastructure (notably the Ravenswood Substation and SR 84) from the impacts of coastal flooding and projected sea level rise. Once completed, the project could provide secondary benefits of increased recreational access to the established Menlo Park and East Palo Alto Baylands Priority Conservation Area via designation of the levees as Bay Trail segments, as well as allow for work to commence on restoring natural tidal activity to ponds R1/R2 in the Don Edward San Francisco Bay National Wildlife Refuge. This grant program is a Federal Emergency Management Agency (FEMA) program to support hazard mitigation projects to reduce risks from disasters and natural hazards.

Suspended projects
Suspended projects are those previously approved as work plan projects and are now suspended due to resource constraints. No action on public works or community development projects is anticipated due to an abundance of priority and work plan projects. City manager's office suspended projects may receive attention as resources allow.

- Near-term downtown parking and access strategies (Ref #18.)
  Suspended. No work has occurred in the past quarter and no additional work anticipated until resources allocated to advance this project.

- Ravenswood Avenue Caltrain grade separation study (Ref #19.)
  Suspended. No work has occurred in the past quarter and no additional work anticipated until resources allocated to advance this project.

- Single-family residential design review (Ref #20.)
  Suspended. No work has occurred in the past quarter and no additional work anticipated until resources allocated to advance this project.

- City Council procedures update (Ref #21.)
  City staff transmitted a number of City Council procedures draft updates and additions during the first quarter of fiscal year 2020-21. New procedures, including a teleconference meeting participation and a City Councilmember calendars sunshine/transparency procedure, were included in the September 8 City Council packet. City Council continued the item to a future date.

Impact on City Resources

At the October 27 City Council meeting, staff intends to provide City Council with a comprehensive financial update on the fiscal year ended June 30, and the quarter ended September 30. At the November 10 City Council meeting, staff will present budgetary requests for priorities and work plan projects that do not currently have sufficient resources. Examples of specific projects that require either additional staff or contract services include: 2022 housing element, zoning code update and related work project (Ref #2), Development and environmental review process education series (Ref #12), Santa Cruz Avenue closure and economic development initiatives (Ref #13), climate action plan implementation (Ref. #15.)

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. 2020-21 City Council priorities and work plan September 30 update
B. Memo: planning projects
C. Memo: housing element
D. Hyperlink – SAFER Bay project: sfcjpa.org/safer-bay-project
E. Hyperlink – Dumbarton Bridge West Approach + Adjacent Communities Resilience Study: adaptingtorisingtides.org/wp-content/uploads/2020/06/Dumbarton-Bridge-West-Approach-Adjacent-Communities-Resilience-Study-Final-Report.pdf

Report prepared by:
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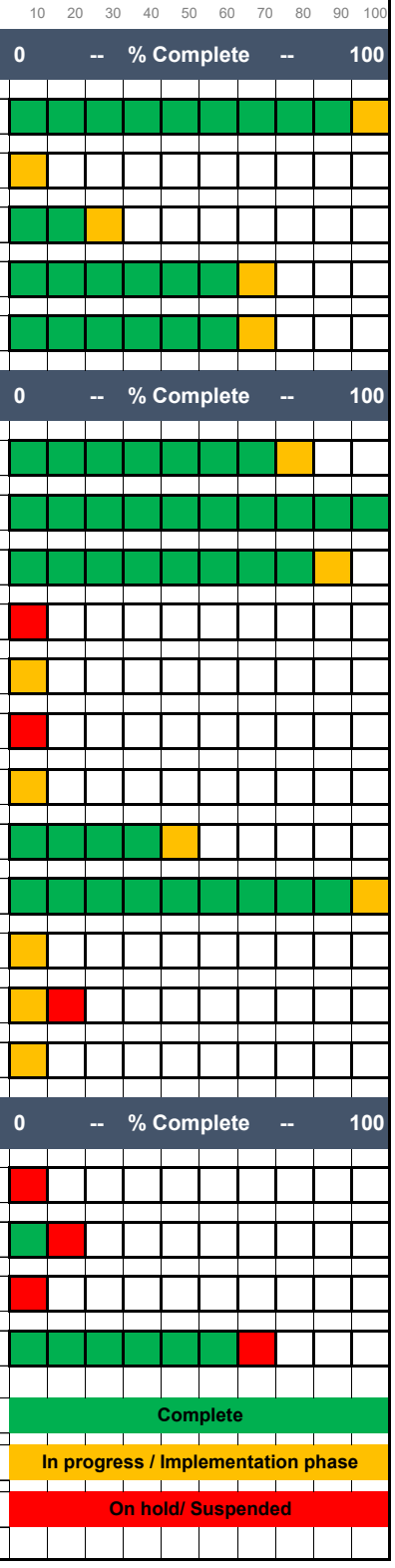
Rhonda Coffman, Deputy Community Development Director - Housing
Dan Jacobson, Assistant Administrative Services Director
Deanna Chow, Assistant Community Development Director – Planning
Sean Reinhart, Director of Library and Community Services
Nikki Nagaya, Public Works Director
Justin Murphy, Deputy City Manager
Nick Pegueros, Assistant City Manager

2020-21 City Council Priorities and Work Plan
As of September 30, 2020

Ref #	Priority projects (Approved August 18, 2020)	Lead Department
1	Transportation master plan (TMP)	Public Works
2	2022 Housing Element, zoning code update and related work	Community Development
3	Menlo Park community campus	City Manager's Office
4	COVID-19 pandemic local emergency response	City Manager's Office
5	Information Technology Master Plan implementation	Administrative Services

Ref #	Work plan projects (No action taken on August 18, 2020)	Lead Department
6	Transportation management association (TMA) formation	Public Works
7	Middle Avenue pedestrian & bicycle rail crossing planning	Public Works
8	Short-term rental ordinance	Community Development
9	Accessory dwelling unit ordinance update	Community Development
10	ConnectMenlo community amenities list update	Community Development
11	ECR/Downtown Specific Plan area housing development incentives	Community Development
12	Development and environmental review process education series	Community Development
13	Santa Cruz Ave closure and economic development initiatives	Community Development
14	Citywide communication program development	City Manager's Office
15	Climate Action Plan implementation	City Manager's Office
16	Institutional bias reform	City Manager's Office
17	Menlo Park SAFER Bay project, phase 2	Public Works

Ref #	Suspended projects (Approved August 18, 2020)	Lead Department
18	Near-term downtown parking and access strategies	Public Works
19	Ravenswood Avenue Caltrain grade separation study	Public Works
20	Single-Family residential design review	Community Development
21	City Council procedures update	City Manager's Office



MEMORANDUM

Date: 9/3/2020
To: Starla Jerome-Robinson, City Manager
From: Deanna Chow, Assistant Community Development Director
Re: City Council Priority and Work Plan – Planning Projects

The City Council is considering a number of land-use related priority projects and work plan items that would require a considerable amount of staffing and consultant resources as well as community, Commission and City Council involvement. As the City Council deliberates over its project priorities and work plan, the attached table has been prepared to provide a little more context for Planning projects to inform the City Council's discussion.

The projects identified in the attached table (Attachment A) are a subset of the full project list containing the 2020-21 City Council priorities and work plan (Attachment A of the August 11 City Council staff report and Attachment B to this memo). These projects are ones that would require the Planning Division to be in the lead or to dedicate staffing to help achieve them. These projects cannot be undertaken concurrently given the complexity of the work and the resources needed to accomplish the projects. However, staff has begun to outline how the projects can be accomplished over the next several years based upon our initial understanding of the work plan items. The table considers several factors for how the projects can be accomplished as noted below:

- Project and Description: Name and brief description of the project.
- Priority Type: The priority type reflects the City Councils discussion at its meeting on August 18.
- CM Nash & Taylor 8.11.20 List, Land Use (Bullet Reference): A reference note indicates alignment between the full City Council's list and the Mayor and City Councilmember Nash's list.
- Sequence: The number in the sequence columns reflects the order in which projects occur.
- Staff Resources: The dollar figure ranges from one to four dollar signs, depending on the level of Planning staffing needed to complete the project. All of the projects would also involve staff from other Departments, which have not been factored into this chart.
- Consultant Resources: Consultant assistance is anticipated for many of the projects and depending on the number of components, complexity, and/or technical skills, resources are needed to augment and support staff in the projects. The dollar signs in the chart range from one to four depending on the anticipated cost for services, but the amount would be determined once a scope of work is finalized.
- Grant Funding: Several of the projects will be supported by partial grant funding.
- Public Engagement Level: The chart provides a spectrum of public participation to help define the public's role in the process. The chart identifies the anticipated level of participation for each of the projects based upon the initial scope of work. A change in the level of participation could affect the timeline and budget of a project.
- Timeline: The chart attempts to identify when a project would be initiated and completed.

Following the City Council's direction to staff on the priority and work plan items, staff can return to the Council with more detailed information regarding needed staffing and consultant resources based upon the information outlined in the chart or as modified by the City Council.

Attachments

A. Draft planning division action plan
B. Hyperlink – Fiscal year 2020-21 City Council priorities and work plan August 11 staff report: menlopark.org/DocumentCenter/View/25905/K2-20200811-CC-City-Council-priorities

Project	Description	Priority Type	CM Nash & Taylor 8.11.2020 List, Land Use (Bullet Reference)	Sequence	Staff Resources	Consultant Resources	Grant Funding
2022 Housing Element, zoning code update and related work (e.g., preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.) (Ref #2.)	The preparation of the Housing Element – Regional Housing Need Allocation (RHNA) Cycle 6 (2023-2031) is critical to addressing local housing needs and for compliance with State law. The housing element process would involve a number of components, including the preparation of an environment justice element, updates to the land use and safety elements, potential zoning ordinance amendments and rezonings, environmental review (anticipated environmental impact report) and extensive public outreach, as well as require additional staff and consultant resources beyond the adopted budget. As new state laws have established stricter standards for site inventories, which will require additional data and analyses, the City will be taking a collaborative approach with other jurisdictions in San Mateo County (as part of 21 elements) to help leverage resources and streamline and strategically target work efforts. On June 30, 2020, following City Council's authorization, staff submitted an application for a Local Early Action Planning (LEAP) grant for $150,000. The funding would be earmarked for work on the housing element, but would only be a small portion of the estimated $1.5 to $2.0 million needed to complete the project. Staff anticipates returning to City Council for review of the scope of work and consultant selection process by the end of the second quarter of fiscal 20-21. Staff anticipates the preparation of the Environmental Justice Element to occur first to help set the policy framework for the Housing Element.	Priority	3rd & 5th Bullet	Overarching	$$$$	$$$$	Partial
Accessory dwelling unit ordinance update (Ref #9.)	On February 25, the City Council adopted urgency Ordinance no. 1066, which amended the Menlo Park Municipal Code to comply with recent State Legislation pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs.) This was the first step in furthering ADU housing production. As a second step, staff will pursue "cleanup" amendments for internal consistency in the zoning ordinance for increased clarity for applicants. In addition, staff applied for and has been subsequently awarded an SB 2 grant. A portion of the funds is anticipated to be used to help fund additional work on ADU regulations and/or educational materials to support ADU production. At this point, staff recommends giving the urgency ordinance time to take effect before considering additional modifications given the recent changes are quite significant. Potential work on ADU regulations could also align with work on the upcoming housing element process.	Work Plan	n.a.	4 (if two phases, then 1 and 5)	$$	$$	Partial
ConnectMenlo community amenities list update (Ref #10.)	As part of the ConnectMenlo General Plan Update in 2016, the City Council adopted Resolution No. 6360, approving the community amenities list developed through the ConnectMenlo process. The list of amenities reflected the community's priority of benefits within the area generally bounded by Highway 101, Marsh Road, Bayfront Expressway and University Avenue, and was developed through an extensive outreach and input process that included a number of different stakeholders. Development projects seeking bonus level development are required to provide a community amenity. Since the adoption of the list, the City Council Subcommittee for District 1 in 2019 considered whether to change the amenities list, which can be done through adoption of a City Council resolution. If the City Council wishes to pursue changes to the community amenities list, they should provide staff with direction to either bring forward a resolution with the updated list previously provided by the Subcommittee (Attachment E) or establish a public engagement process with the community to update the amenities list. Additional funding for staffing and/or consultant resources may be needed to complete the latter effort.	Work Plan	1st Bullet	2	$	N/A	No
ECR/Downtown specific plan area housing development incentives (Ref #11.)	The City Council redirected staff to focus its efforts on establishing incentives and reducing development barriers to creating housing in the Specific Plan Area. These changes would likely include modifications to the development regulations (e.g., density and height,) but would not increase the residential cap. This plan would be focused in its scope and would not incorporate policy items such as allowing hotels to automatically develop at the bonus level, consideration for a mixed-use parking structure, and creation of a parking inlieu fee previously identified by the City Council in its 2018 biennial review. This new focused work is consistent with recommendations made by the City Council Subcommittee for Districts 2 to 5. In April 2020, the City was awarded $160,000 in SB 2 grant funds. Staff proposes to use apportion of the SB 2 grant funding to assist with the preparation of potential specific plan amendments. If the City Council wishes to prioritize this as a work plan item, staff would return to the City Council with a timeline and scope of work, including potential funding request for consultant resources. The work would need to be completed/adopted prior to the end of the grant term June 30, 2022, and is anticipated to commence before the housing element process. The initial scope of work contemplates modification to the Specific Plan that would involve limited public outreach, not trigger an amendment to the general plan or the preparation of an environmental impact report. Any modifications that trigger one of those items would be folded into the housing element update process.	Work Plan	3rd bullet (partial)	3	$$	$$	Partial
Development and environmental review process education series (Ref #12.)	The idea for an education series on the development and environmental review processes was an outcome of work done by the City Council subcommittees to help educate the public and interested parties about the City's development review process given the number of large, complex development projects occurring in the City. Work on this effort would be timely as the preparation of multiple environmental impact reports (EIR) are underway. The first EIR could be released as early as this Fall. If the City Council wishes to prioritize this item, staff would recommend that funding be allocated to this effort, which would allow staff to collaborate with a consultant on how to best present these complex topics. The education series could be three parts, focused on 1) overview of development in the City, 2) the development review process and 3) California Environmental Quality Act (CEQA) and the various levels of environmental review.	Work Plan	n.a.	1	$	$	No
Institutional bias reform (Ref #16.)	The City Council received a report on institutional bias reform at their July 11 meeting. For 2020-21, staff recommends defining terms to establish a common language authorizing equity reviews of city departments, and training staff. A more detailed discussion is provided in Attachment B.	Work Plan	*Revise City policies and practices to promote inclusion and equity*				
Single-family residential design review. Suspended.	Due to competing priorities and staffing resources, work has yet to commence work on this item. The ability to initiate this project will be dependent upon the prioritization of this work in relation to other land use review and/or zoning changes.	Bike Rack	n.a.	TBD	$$$	$$	No
Revise how land use is counted	o Eliminate development 'double-dipping.' Commercial land that is redeveloped for residential use should not be added back as available square footage under the development cap for future commercial use. o Count residential by square footage as well as units. o Count hotel square footage as well as units. Count hotel common space and parking garage. o Count square footage used for parking garages.	New	2nd bullet under heading	TBD	$	$$	No

https://menlopark.org/DocumentCenter/View/25943/G1-20200811-CC-City-Council-priorities

Consultant
$ - less than $25,000
$$ - up to $100,000
$$$ - up to $250,000
$$$$ - over $250,000

Project	Public Engagement Level					2020		2021				2022				*2023*	
	Inform	Consult	Involve	Collaborate	Empower	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
2022 Housing Element, zoning code update and related work (e.g., preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.) (Ref #2.)			X														
Accessory dwelling unit ordinance update (Ref #9.)	X (1st phase)	X (5th phase)					Phase 1				Phase 5						
ConnectMenlo community amenities list update (Ref #10.)	X																
ECR/Downtown specific plan area housing development incentives (Ref #11.)		X															
Development and environmental review process education series (Ref #12.)	X																
Institutional bias reform (Ref #16.)			X														
Single-family residential design review. Suspended.			X														
Revise how land use is counted	X																

https://menlopark.org/DocumentCenter/V

Consultant
$ - less than $25,000
$$ - up to $100,000
$$$ - up to $250,000
$$$$ - over $250,000

MEMORANDUM

Date: 10/13/2020
To: Starla Jerome-Robinson, City Manager
From: Deanna Chow, Assistant Community Development Director
Re: City Council Priority and Work Plan – Housing Element Update

The Council is considering a number of land-use related priority projects and work plan items that would require a considerable amount of staffing and consultant resources as well as community, Commission and Council involvement. On August 18, the Council unanimously supported the initiation of the Housing Element as one of its top five project priorities for fiscal year (FY) 2020-21. Under California law every jurisdiction in the State is required to update the Housing Element of its General Plan every eight years and have it certified by the California Department of Housing and Community Development (HCD). The deadline for the current cycle of updates in the Bay Area is January 2023, with the adopted plan covering the years 2023-2031.

The Housing Element must be consistent with the City's General Plan and updated for compliance with State law and include City policies, strategies, and actions to facilitate the construction of new housing and preservation of existing housing to meet the needs of the population for all income levels during the planning period. The Housing Element must also address the how the City will address its Regional Housing Needs Allocation (RHNA). The draft allocation is anticipated to be released in spring 2021, but the preliminary figures for Menlo Park are estimated at approximately 3,000 units, which is approximately a 370% increase from the previous planning period. The update of the Housing Element will involve multiple components including the preparation of an Environmental Justice Element and updates to the Land Use and Safety Elements, and multiple phases including the following:

- preparing the scope of work,
- consultant selection,
- data collection and analysis,
- community outreach
- document preparation, and
- environmental and fiscal review.

Concurrent with the Housing Element process, implementation of programs such as zoning ordinance amendments and/or rezonings may also occur.

To complete the work by January 2023, work on the Housing Element would need to remain a top priority during the next two years, and additional staff resources and a consultant firm to help lead the project would be needed. Before the end of the calendar year, staff intends to bring a proposal to the City Council to augment staff by reinstating a senior planner position that was eliminated from the FY 2020-21 budget. In early 2021, staff intends to issue a request for proposals (RFP) to firms that would provide expertise in a variety of disciplines to assist in the preparation of the Housing Element and other associated components. Following selection of a consultant, staff would return to the Council for authorization of a contract and budget request for contract services.

Similar to the previous Housing Element cycles, staff will continue to collaborate with other San Mateo County jurisdictions and the County of San Mateo as part of 21 Elements. 21 Elements is an ongoing

collaboration to collectively address our region's housing needs through shared learning, collaboration and coordinated action. The effort has been underway for over a decade and has been recognized statewide as a best practice for housing planning and policy. Since its inception, 21 Elements has provided technical assistance, group facilitation, and communications and shared resources in addition to engaging with the State Housing and Community Development Department (HCD), the region and other partners.

With the upcoming Housing Element cycle, 21 Elements offered a set of optional support services for member jurisdictions. The various tasks have been designed to help participating jurisdictions effectively and efficiently update the Housing Elements to meet State law requirements. Staff has found value and success in collaborating with 21 Elements and will continue its partnership for the upcoming Housing Element. Under the City Manager's signing authority, the City will be entering into a collaboration agreement with the San Mateo County Department of Housing (DOH) for the full package at a cost of $54,500, which would be funded through the State's Local Early Action Planning (LEAP) grant (pending award). DOH would execute an agreement with Baird + Driskell for the provision of these services and the County Board of Supervisors is expected to authorize the contract at its meeting on October 20. The work with 21 Elements will be used to complement the work of the consultant firm selected.

MEMORANDUM

To: City Manager
From: Director of Library and Community Services
Date: 10/27/2020
Subject: Service adaptation update – LCS department

This memorandum contains an overview of current Library and Community Services (LCS) department operations, including descriptions of current staffing levels in the department's major operational areas as they have been adapted and modified during the COVID-19 pandemic.

COVID-19's impacts to the functioning of society continue to be severe, widespread, persistent, and unparalleled in recent history. All of the city's services have been significantly disrupted and changed by the pandemic, possibly forever. The organization's ability to safely deliver services to the Menlo Park community has been restricted by tough but necessary health and safety precautions, hampered by a grave economic downturn, and compounded by the ongoing risk to employees and the general public of potential exposure to COVID-19.

From the outset of the pandemic in March and continuing to the present, the City Council took action to protect public health and safety, modify essential services, support city employees, assist the local economy, and preserve the city's fiscal stability. Now, as the threat of COVID-19 continues into its eighth month with no clear end to the pandemic yet in sight, the city organization finds itself in a functional "new normal" with adapted services now standard operating procedure. With a "third peak" of the virus now evident as winter approaches, expectations are that service adaptations will persist well into 2021 and beyond. The commitment and bravery of city employees who continue to serve the community to the best of their ability under these uniquely challenging circumstances cannot be overstated.

Department service adaptation during COVID-19

One of COVID-19's most significant impacts to LCS department operations has been the extended closures of public facilities including the Arrillaga Family Recreation Center, Arrillaga Family Gymnasium, Arrillaga Gymnastics Center, Main Library, Belle Haven Branch Library, Onetta Harris Community Center, and Menlo Park Senior Center. Some of these facilities have historically relied on heavy use of fees-for-services to subsidize operations, which rendered the department particularly vulnerable to the fiscal devastation the virus has wrought in communities across the state and nation. The extended facilities closures resulted in a projected revenue loss of $1.28 million (26.7%) in fiscal year 2020-21 compared to the previous year.

In addition, the COVID-19 related economic downturn necessitated a reduction of $3.25 million (23%) to the department's operating expenditures in fiscal year 2020-21 including the elimination of 12.0 FTE (17%) benefitted staff positions and 35 non-benefitted part-time temporary positions. The City Council's adopted fiscal year 2020-21 operating budget includes 59.0 full-time equivalent (FTE) benefitted positions in the LCS department, of which 3.75 FTE positions are currently vacant or transferred to other departments, leaving a current functional staffing capacity of 55.25 FTE. The childcare programs account for approximately 45% of the department's staffing. In addition, the adopted fiscal year 2020-21 budget retained a modest appropriation to maintain a small pool of non-benefitted part-time temporary employees who provide critically important support to essential services like childcare and senior meal delivery.

Some department services have been successfully adapted to COVID-19 limitations, including childcare, library curbside pickup, senior nutrition and wellness checks, outdoor recreation, virtual classes and events, and cooling centers, as well as back-of-house functions necessary to support these operations. Other services and programs have been suspended entirely, including gymnastics, indoor recreation, indoor classes, congregate gatherings and events, team and contact sports, indoor fitness and movement, in-person tutoring for adults and children, volunteer programs, indoor library access, and indoor senior center access, among others. The chart in Table 1 shows an overview of current LCS department staffing by major operational areas.

Table 1. Overview of current department staffing by major operational areas

Operational area	Staff hours per week	Staff FTE equivalent	Notes
Childcare - classroom	880.0	22.00	See detail in Attachment E
Childcare - supervisor/office support	150.0	3.75	BHCDC, MCC preschool and afterschool, OHCC Youth Center
Senior center services	158.5	3.96	See detail in Table 2
Classes, rentals, events	105.5	2.64	See detail in Table 3
Library - curbside pickup	334.5	8.36	See detail in Table 4
Library - other (excluding events)	100.0	2.50	E-resources, systems maintenance, seed library, adult literacy
Maintenance	40.0	1.00	Minor repair and upkeep of recreation facilities
General administration	140.0	3.50	Finance, personnel, equipment, supplies, contracts, operations
Commissions / committee support	9.0	0.23	Library Commission, Parks and Rec Commission, Youth Advisory
Operations - other	66.0	1.65	Cooling centers, compliance monitoring
MPCC project support	20.0	0.50	Design, transitional services, community engagement
Subtotal	2,003.5	50.09	
Break / sick / vacation / holiday factor - 18%	360.6	9.02	
Total	**2,364.1**	**59.10**	

Table 1 shows an overview of department staffing including all major operational areas currently in service, and includes a modest 18% factor to account for staff time spent toward required breaks, sick leave, vacation time, and holidays.

- Childcare. See detail provided in Attachment E
- Senior Center. See detail in Table 2
- Classes, rentals, events. See detail in Table 3
- Library curbside pickup. See detail in Table 4
- Library – other. Library operations in all areas other than curbside pickup and events including maintenance of the integrated library system platform of material holdings and patron accounts, automated materials handling system, electronic resources like e-books and online tutoring, seed lending library, adult literacy and English acquisition services
- Maintenance. This operational area includes one full-time maintenance worker who performs necessary upkeep and minor repairs to recreation facilities including the tennis courts, athletic fields, pools, and recreation centers
- General administration. This operational area includes management of the department's finances, personnel, equipment, supplies, contracts, and daily operations
- Commissions/ committee support. Staff time spent to support the activities of the Library Commission, Parks and Recreation Commission, and the Youth Advisory Committee including time spent preparing agendas, minutes and reports, attending meetings, and responding to commission and public inquiries and information requests
- Operations – other. Staff time required to provide COVID-19 protocol compliance monitoring in the City Hall building, and operations of cooling centers
- MPCC project support. This area includes department staff time invested to support and advance the Menlo Park Community Campus project, including design meetings, planning transitional services, and community engagement efforts.

Tables 2 through 4 show additional detail about current staffing and operations in the public-facing

components of the department including senior center, library curbside pickup, outdoor recreation, and virtual classes and events. The childcare programs were previously reviewed in detail by City Council on September 22 (Attachment E). Aquatics programs are operated by a third-party contractor and are discussed in a separate memorandum (Attachment F).

Table 2. Senior center operations

Task	Staff hours per week	Staff FTE equivalent	Output per week	Output description
Pickup prepared meals @ Samaritan House	21.0	0.53	3	# of meal pickup trips per week
Deliver meals to seniors at home	27.0	0.68	545	# of meals delivered
Wellness check phone calls to seniors	21.0	0.53	270	# of calls completed
Assemble distance learning packets for delivery	5.0	0.13	75	# of packets assembled
Set-up/take-down brown bag distribution	11.0	0.28	3	# of set-ups completed
Distribute brown bags bi-weekly	33.5	0.84	200	# of brown bags distributed
Supervisory - scheduling, supplies, logistics	40.0	1.00		
Total	**158.5**	**3.96**		

When the initial shelter-in-place order and facility closures took effect in March, the senior center team converted the congregate meal program to a meal delivery program focused on the most vulnerable seniors who rely on the program for nutritional support. Meals are provided and prepared by local nonprofit organization Samaritan House at no cost to the city, and are home-delivered to local seniors by the senior center team three days per week. Each delivery contains two fully prepared meals. Additionally, the senior center team places wellness check phone calls to local seniors weekly, and provides distance learning materials weekly along with the meal delivery.

Table 3. Classes, events, and rentals

Task	Staff hours per week	Staff FTE equivalent	Output per week	Output description
Paid virtual/outdoor classes	38.0	0.95	12	# of paid classes per week
Field rentals	8.0	0.20	1	# of rentals per week (on average)
Tennis keys	3.5	0.09	15	# of keys processed per week (on average)
Free virtual community events	48.0	1.20	9	# of free community events per week
Weekly e-newsletter	4.0	0.10	1	# of e-newsletters per week
Social media posts	4.0	0.10	15	# of social media posts per week
Total	**105.5**	**2.64**		

With all public facilities subject to extended closure due to COVID-19, the department team adapted classes, events, and rentals to virtual and/or outdoor activities only. Prior to the pandemic and currently, paid classes are primarily delivered by third-party contractors and supported by fees-for-service; field rentals and tennis keys are primarily supported by user fees-for-service; and free community events are primarily delivered by third-party contractors and supported by sponsorships from nonprofit partners like Friends of Menlo Park Library.

Table 4. Library curbside pickup operations				
Task	Staff hours per week	Staff FTE equivalent	Output per week	Output description
Curbside pickup - front counter service - 2 locations - 5 days/ week	95.0	2.38	727	# of pickup appointments served
Retrieve requested items and prepare them for pickup	17.5	0.44	602	# of requested items retrieved and prepared for pickup
Pack / unpack items for shipment to / from other libraries	15.0	0.38	2,392	# of items packed / unpacked for shipment
Check in and sort returned items	26.0	0.65	5,348	# of items checked in and sorted
Re-shelve returned items	29.0	0.73	5,150	# of items re-shelved
Setup / teardown crowd control signage	10.0	0.25	20	# of setup / teardowns completed
Customer technical support - phone/ email/ chat	40.0	1.00	361	# of support calls, emails, and chat sessions completed
Collection maintenance - ordering, processing, cataloging, withdrawing items	56.0	1.40	840	# of items ordered, processed, cataloged, withdrawn
Issue new library cards	6.0	0.15	26	# of new library cards issued
Supervisory - Staff schedules, COVID compliance, supplies, logistics, etc.	40.0	1.00		
Total	**334.5**	**8.36**		

Table 4 details the major tasks and staff hours for the library curbside pickup operation. The service is available to the public by appointment in two locations, the Main Library and the Senior Center, 5 days per week, 6 hours per day. (The Belle Haven Branch Library is located inside Belle Haven School, which remains closed by the school district due to the COVID-19 pandemic.) Currently, the curbside pickup operation circulates approximately 5,000 items per week, primarily at the Main Library which is the larger and busier location by far and fulfills pickup appointments at a rate of up to 42 appointments per hour. The Senior Center location is smaller and less busy with fewer than a dozen pickup appointments in a typical week. Staff assigned to that location perform office support tasks and assist the senior center team in between pickup appointments. In the back-of-house portion of the curbside pickup operation, staff retrieve requested items from the library shelves and prepare them for pickup; pack and unpack items shipped to and from other libraries; check-in, sort and re-shelve returned items; and perform other support tasks directly related to the curbside pickup operation. Additionally, staff provide customer service support via phone, email, and chat lines during the curbside pickup hours of operation.

Timeframe

It remains unclear how long the pandemic-related limitations on operations will remain in effect, however the Governor's Blueprint for a Safe Economy provides some indication of how state-imposed limitations will change according to the county's progress—or lack thereof—toward suppressing community spread of the virus and reducing cases. Staff's best estimate is that most, if not all library and community services programs in San Mateo County will likely remain subject to current restrictions through the end of calendar year 2020 and some restrictions through summer 2021, indicating that department operations will likely continue to operate in the current mode well into the first half of calendar year 2021.

Attachments

E. Service adaptation update – childcare. City Council report, September 22, 2020.
   Hyperlink: https://menlopark.org/DocumentCenter/View/26162/F8-20200922-CC-Child-care-services
F. Aquatics user data. Memorandum, September 24, 2020.

MEMORANDUM

Date: **September 24, 2020**
To: **City Manager**
From: **Library and Community Services Director**
Re: **Aquatics user data**

On June 11, 2020, Burgess Pool and Belle Haven Pool reopened with reduced capacity and significant operational modifications to protect public health and prevent the spread of COVID-19. Third-party operator, Menlo Swim & Sport provides aquatics programming at both pools under contract with the City. The operator provided the user data in this memo. City staff imported the user data to the GIS system to generate maps and analysis of the geographic distribution of pool users.

Table 1. Aquatics facility users, unduplicated

	BURGESS POOL	BELLE HAVEN POOL	USES BOTH POOLS	TOTAL	%
Resident users	383	87	41	511	39%
Non-resident users	502	221	80	803	61%
TOTAL	885	308	121	1314	100%

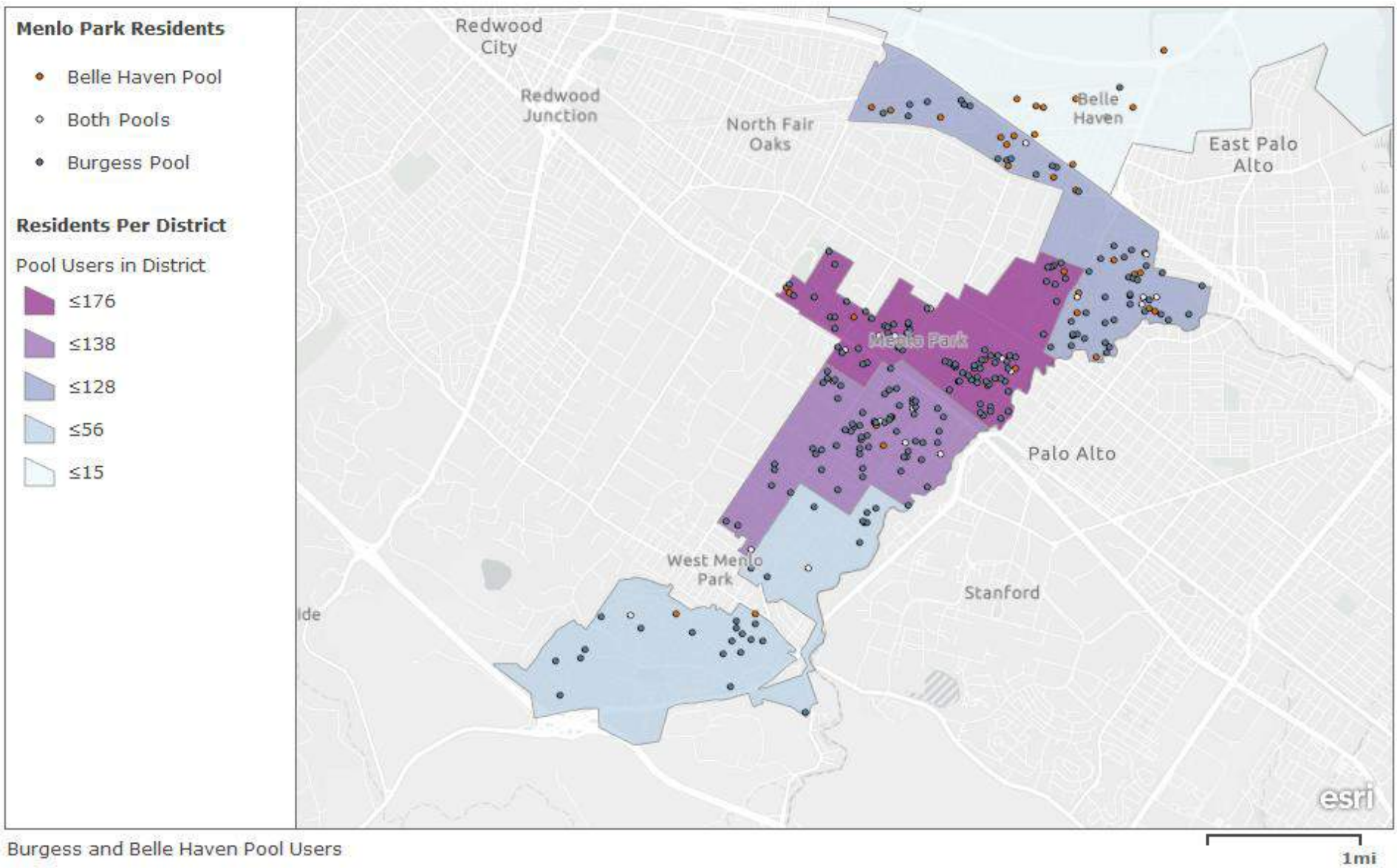
The above table shows the number of unduplicated users of each pool according to their residency or non-residency within City of Menlo Park's municipal boundaries. Users who visited both pools are categorized in the "uses both pools" column. The data include all unduplicated users of Menlo Park's aquatics facilities during the three-week period from July 19 to August 8, 2020. Aquatics facility usage was stable and consistent throughout this period and is representative, as shown in Tables 2 and 3.

The illustrations on the following pages show:

- Map A: Geographic distribution of resident users
- Map B: Geographic distribution of non-resident users
- Table 2: Visits by week – Burgess Pool
- Table 3: Visits by week – Belle Haven Pool

Through the GIS system, City staff was able to generate a detailed picture of the geographic distribution of aquatics facility users. Most non-resident users reside within a 10-mile radius of Menlo Park, primarily in Palo Alto, unincorporated Menlo Park, and Redwood City. Some users come from as far north as San Francisco and as far south as San Jose, with a handful coming from the East Bay. Among Menlo Park residents, most pool users live in the three central districts, with fewer users residing in districts 1 and 5. Residents in all areas of the city appear to be willing to travel to either or both pools, as indicated by the relatively even distribution of pools shown in Map A.

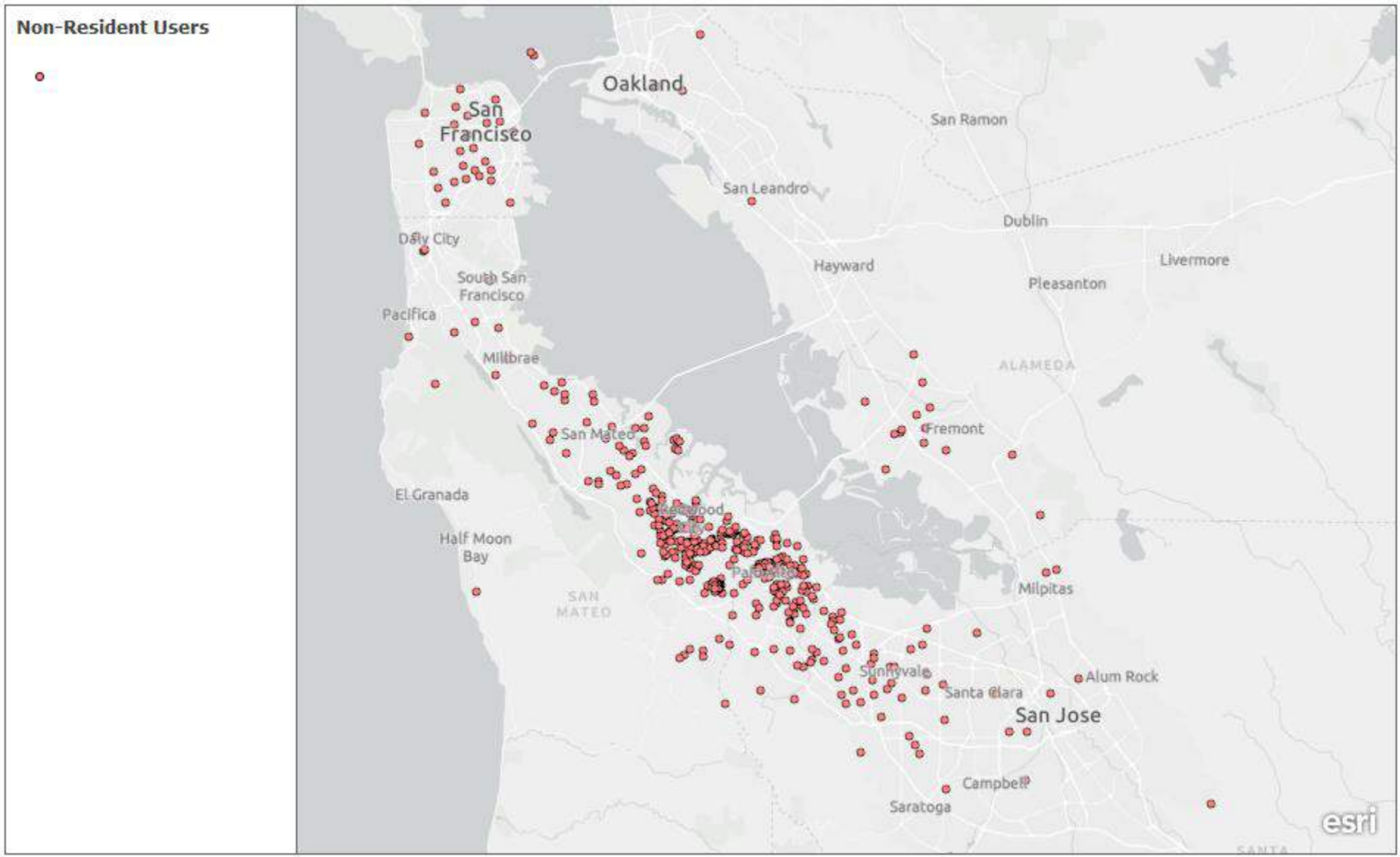
Map A. Geographic distribution of resident users



Burgess and Belle Haven Pool Users

Data provided by Menlo Swim & Sport

Map B: Geographic distribution of non-resident users



Burgess and Belle Haven Pool Users

Data provided by Menlo Swim & Sport

Table 2: Visits by week – Burgess Pool

Burgess Pool

Week of	Lap Swim						Open Swim	Masters		Camp	Swim School	Menlo Aquatics		Triathlon	
	Members	Member Visits	Member No-Shows	Drop-In Visits	Drop-In No-Shows	Total Visits	Family Visits	Members	Visits	Campers	Lessons	Members	Visits	Members	
7-Jun	193	219	17	260	47	479	__	140	10	__	__	0	__	48	Re-opened Jun 11
14-Jun	249	679	36	712	64	1391	__	149	195	82	__	29	__	48	
21-Jun	279	657	45	498	66	1155	__	152	213	82	77	55	155	48	
28-Jun	313	698	32	457	42	1155	__	146	222	82	84	60	161	48	
5-Jul	318	743	41	497	28	1240	__	148	224	100	100	65	161	47	
12-Jul	329	820	38	433	36	1253	__	142	220	100	106	66	161	47	
19-Jul	337	805	25	458	38	1263	__	141	202	100	93	67	162	47	
26-Jul	347	729	29	532	25	1261	__	148	208	48	120	67	163	46	
2-Aug	349	761	33	489	33	1250	__	145	209	48	118	__	__	47	
9-Aug	341	753	35	465	48	1218	__	144	223	48	118	__	__	46	
16-Aug	351	635	31	369	28	1004	__	145	140	44	64	__	__	46	Closures for lightning and air quality
23-Aug	355	469	46	243	19	712	__	147	178	44	22	__	__	45	Closures for air quality
30-Aug	369	855	65	537	42	1392	__	147	207	44	79	__	__	45	Closures for air quality
6-Sep	366	552	40	326	23	878	__	147	161	44	31	__	__	45	Closures for air quality

Data provided by Menlo Swim & Sport

Table 3: Visits by week – Belle Haven Pool

Belle Haven Pool

Week of	Lap Swim						Open Swim	Camp	Swim School	
	Members	Member Visits	Member No-Shows	Drop- In Visits	Drop-In No-Shows	Total Visits	Family Visits	Campers	Lessons	
7-Jun	4	8	0	18	0	26	__	__	__	Re-opened Jun 11
14-Jun	14	56	4	75	5	131	__	__	__	
21-Jun	23	149	7	124	6	273	__	__	1	
28-Jun	26	174	9	157	5	331	4	__	2	
5-Jul	26	198	35	302	44	500	8	__	9	
12-Jul	27	242	20	211	30	453	8	__	8	
19-Jul	28	242	26	261	28	503	8	__	12	
26-Jul	28	253	16	219	26	472	8	__	6	
2-Aug	38	277	21	194	28	471	10	__	7	
9-Aug	36	243	26	216	21	459	12	__	7	
16-Aug	39	212	18	138	35	350	20	__	2	Closures for lightning and air quality
23-Aug	41	147	12	134	12	281	6	__	0	Closure for air quality
30-Aug	41	208	39	187	31	395	21	__	0	Closure for air quality
6-Sep	41	138	21	135	12	273	15	__	1	Closure for air quality

Data provided by Menlo Swim & Sport

G3-PRESENTATION



2020-21 FIRST QUARTER UPDATE

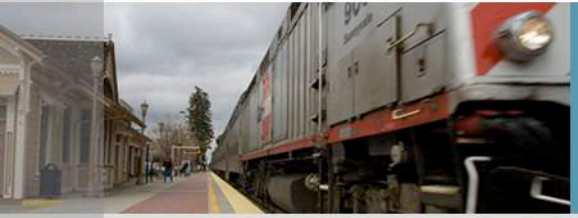
October 27, 2020





AGENDA

- Financial update
  - Fiscal year ended June 30, preliminary close
  - Quarter ended September 30
- November 10 meeting
  - City Council priorities and work plan
  - Operational changes



COVID-19 FINANCIAL CRISIS

Jan. 2020

City Council declares local emergency Mar. 11

82 budget balancing measures = $18.24 mil May 12

Adopted budget with $14.08 mil reductions Jun. 23

Jul. 1

7 City Council open meetings
15 City Council closed sessions

Forecast 2020-21 $3.42 mil surplus

Projected revenue loss of $20.7 mil through 6/30/21



FISCAL YEAR ENDED JUNE 30



FISCAL YEAR ENDED JUNE 30, 2020 REVENUES ($ MILLIONS)

Revenue	Adopted	Estimated Actual	Actual	Actual over/(under) estimate
Property taxes	27.6	28.1	28.3	0.3
Hotel taxes	10.3	6.8	6.5	(0.3)
Sales taxes	6.2	5.2	6.8	1.6
Permits	2.8	2.5	2.3	(0.2)
User fees	8.1	5.6	5.5	(0.0)
Other	15.7	17.7	16.5	(1.3)
Total	**70.6**	**65.8**	**65.8**	**0.0**



FISCAL YEAR ENDED JUNE 30, 2020 EXPENDITURES ($ MILLIONS)

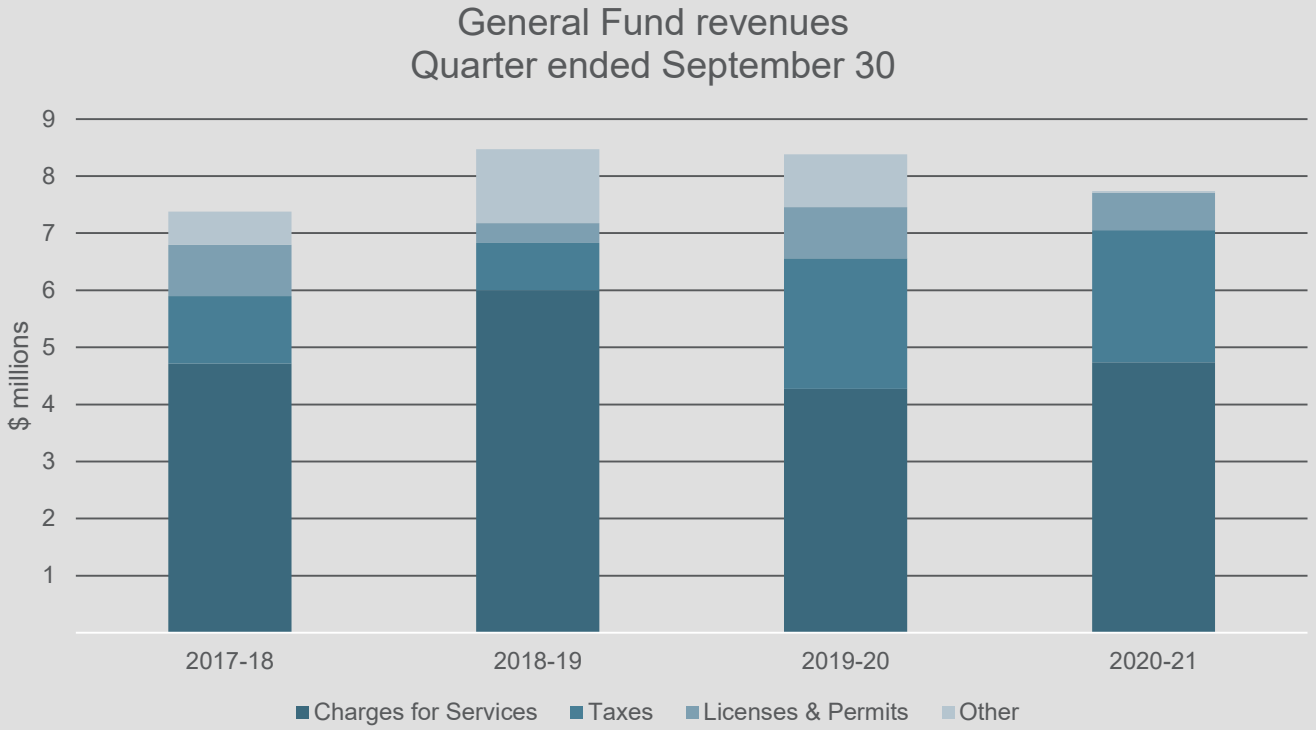
Expenditure	Adopted	Estimated Actual	Actual	Actual over/(under) estimate
Personnel	44.7	42.4	41.9	(0.5)
Contract services	7.5	3.8	3.8	0.1
Operations	7.1	7.9	6.6	(1.4)
Other	11.3	11.7	14.4	2.7
Total	**70.5**	**65.8**	**66.7**	**0.9**



QUARTER ENDED SEPTEMBER 30

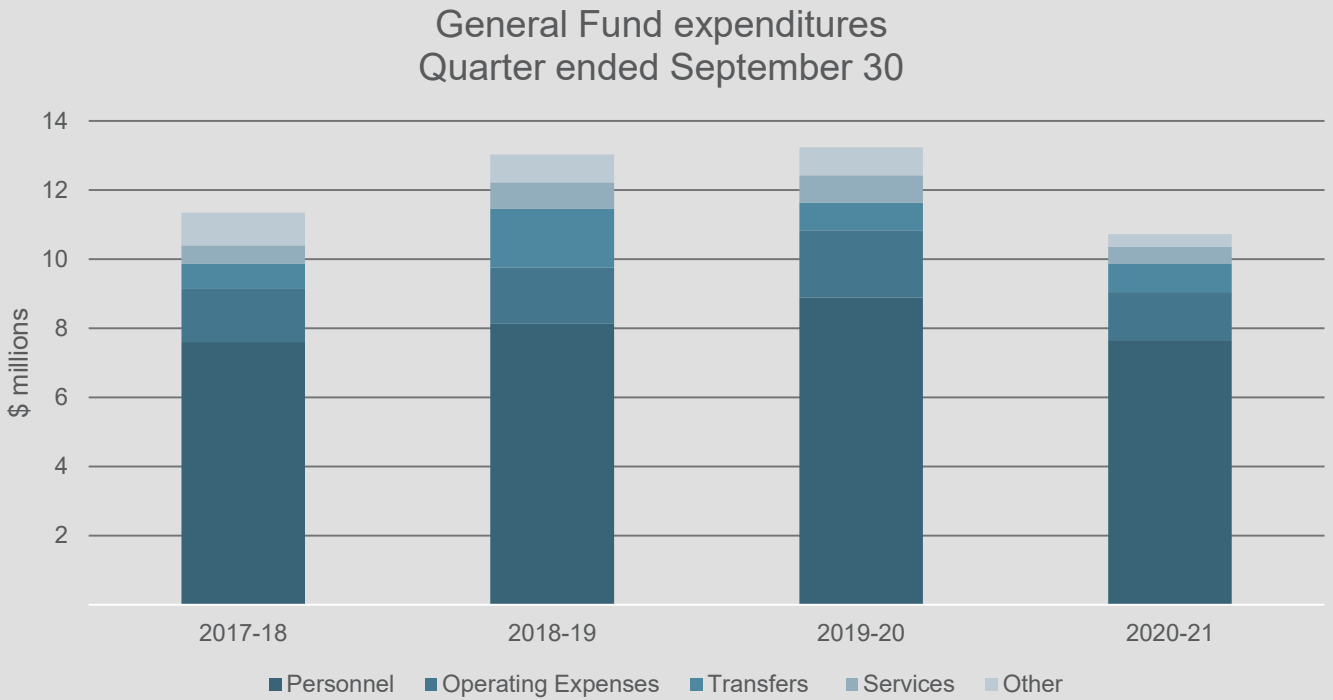


FIRST QUARTER REVENUES





FIRST QUARTER EXPENDITURES



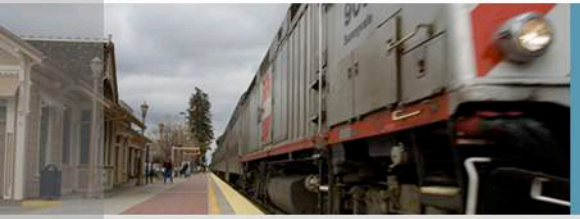


2020-21 OUTLOOK

- Major revenues
  - Property taxes +
  - Sales taxes +/-
  - Hotel taxes –
- Major expenditures
  - Unanticipated personnel vacancies –
  - Funding City Council priorities +
  - Additions to City Council work plan +
  - Non-essential service reactivation +

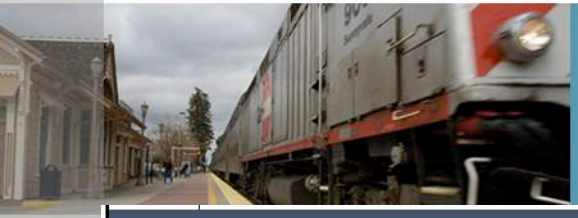


NOVEMBER 10 MEETING



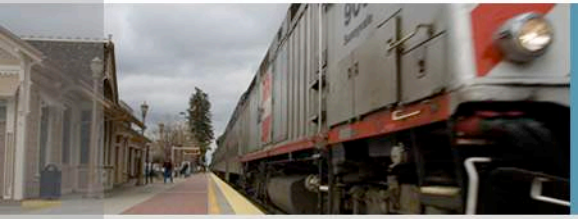
TOP PRIORITIES

Ref #	Priority projects (Approved August 18, 2020)	Lead Department	0 -- % Complete -- 100
1	Transportation master plan (TMP)	Public Works	
2	2022 Housing Element, zoning code update and related work	Community Development	
3	Menlo Park community campus	City Manager's Office	
4	COVID-19 pandemic local emergency response	City Manager's Office	
5	Information Technology Master Plan implementation	Administrative Services	



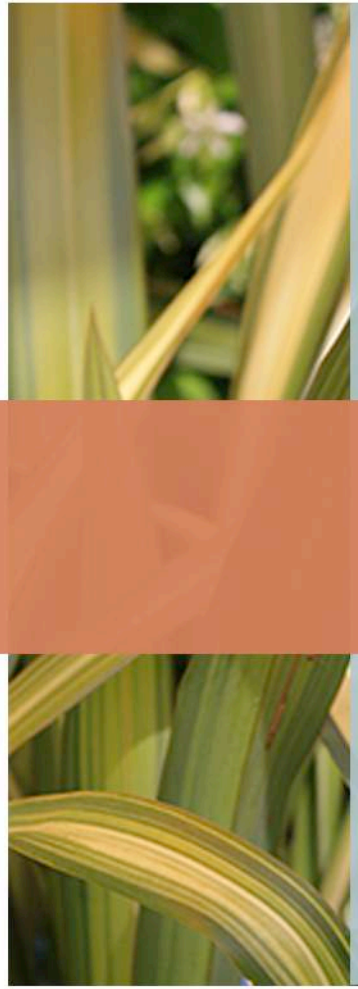
IDENTIFIED WORK PLAN PROJECTS

Ref #	Work plan projects (No action taken on August 18, 2020)	Lead Department	0 -- % Complete -- 100
6	Transportation management association (TMA) formation	Public Works	
7	Middle Avenue pedestrian & bicycle rail crossing planning	Public Works	
8	Short-term rental ordinance	Community Development	
9	Accessory dwelling unit ordinance update	Community Development	
10	ConnectMenlo community amenities list update	Community Development	
11	ECR/Downtown Specific Plan area housing development incentives	Community Development	
12	Development and environmental review process education series	Community Development	
13	Santa Cruz Ave closure and economic development initiatives	Community Development	
14	Citywide communication program development	City Manager's Office	
15	Climate Action Plan implementation	City Manager's Office	
16	Institutional bias reform	City Manager's Office	
17	Menlo Park SAFER Bay project, phase 2	Public Works	



FUTURE UPDATES AND BUDGET DEVELOPMENT

- January 26 – second quarter update
  - Financial update
  - City Council priorities and work plan update
  - Non-essential services reactivation
- January 29 – goal setting
- February 9 – adopt updates to City Council priorities and work plan
- February through April – budget development
- April 27 – third quarter update
- May – final revisions and transmittal of recommended budget
- June 8 – budget public hearing
- June 22 – budget adoption



THANK YOU

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-239-CC**

Regular Business: **Provide direction on in-depth analysis of four policy options requiring a percentage of electric vehicle charging spaces at existing multifamily properties**

Recommendation

City staff seeks City Council direction on in-depth policy analysis with public engagement of four (4) policy options requiring a percentage of electric vehicle (EV) charging spaces at existing multifamily properties:

1. Require a certain percentage of EV charging at existing multifamily properties by a specific date
2. Require installation of EV charging stations at the time of multifamily property sales
3. Alter the city's existing thresholds for requiring EV charging for additions/alterations to apply to multifamily and explore lower square footage thresholds
4. Develop a policy that exceeds the state's requirements regarding tenants' rights to install EV charging

If directed to move forward, staff recommends combining and leveraging resources for building electrification (climate action plan action No. 1) with this climate action plan (CAP) action No. 3 to expanding EV charging for a total budget of $490,000. $290,000 is currently available in the general capital improvement fund under the CAP implementation project.

Policy Issues

In 2019, the City Council declared a climate emergency (Resolution No. 6535) committing to catalyze accelerated climate action implementation. In July 2020, the City adopted a new CAP with the bold goal to reach carbon neutrality (zero emissions) by 2030. The 2030 CAP includes the following strategies to reduce transportation sector emissions by increasing EV adoption rates:

- No. 2: increase EV sales and decrease gasoline sales
- No. 3: expand access to EV charging infrastructure
- No. 4: reduce vehicle miles traveled (VMT)

Background

Since the adoption of Menlo Park's first CAP (2009), gasoline vehicles continue to be the largest contributor (65 percent) of greenhouse gas (GHG) emissions in Menlo Park (Attachment A.) As of 2017, the use of gasoline vehicles represents 158,687 tons of Menlo Park's total emissions, and if not addressed, are predicted to increase to 198,525 tons by 2030.

A primary focus of past CAPs and the current 2030 CAP has been reducing the use and purchase of gasoline vehicles; centering on strategies where local government can spur the adoption of plug-in EVs. For local government, these strategies include the development of a robust EV charging infrastructure in the community to increase consumer confidence in the ability to charge vehicles.

The previous CAP included an action to study the gaps in Menlo Park's EV infrastructure. This strategy has been included in the 2030 CAP under action No. 3 (expand access to EV charging.)

Menlo Park's transition to EV is further enhanced through its enrollment in Peninsula Clean Energy (PCE,) At minimum, 50 percent of the electricity PCE provides to Menlo Park customers comes from renewable sources (e.g., wind, solar) and is 95 percent carbon-free (Attachment B.) All Menlo Park residents are automatically enrolled in PCE service with the ability to opt out or opt up to 100 percent renewable and carbon-free electricity.

Electric vehicle infrastructure gap analysis results

Upon completion of the gap analysis, staff found there is a severe deficiency of on-site EV charging infrastructure for multifamily residents in Menlo Park. This can prevent Menlo Park residents from adopting EVs at the rates needed to achieve carbon neutrality by 2030.

Multifamily properties make up roughly 40 percent of the existing housing stock in Menlo Park. Less than 2.5 percent of these properties currently have EV charging available at- or near (within 0.25 miles) their respective locations. Due to this lack of convenient on-site charging, multifamily residents tend to purchase far fewer plug-in EVs than single-family residents.

This impacts Menlo Park's ability to achieve CAP action No. 2 (decrease gasoline sales and increase EV purchase/use.) It also undermines CAP action No. 4 to reduce VMT as multifamily EV owners would need to make special trips to charge their vehicles or drive to work to charge instead of using an alternative mode of travel (e.g., public transportation, walking, biking, etc.)

Furthermore, the study found that lack of convenient on-site charging lowers equity for residents living in multifamily homes. Multifamily residents are subject to competing for space and paying higher costs to charge at public stations, as well as needing to carve out adequate time to charge their vehicles compared to single-family home residents.

Policy options to be explored

Given the results of the gap analysis, significant financial incentives available, and market trends, further exploration and analysis of four (4) policy options that would require EV charging spaces for existing multifamily properties include:

1. Using the city's police powers to require a certain percentage of EV charging at existing multifamily properties by a certain date (e.g., XX percent installed EV charging spaces by 2027.)
2. Time of sale requirement (e.g., XX percent installed EV charging spaces to transfer title.)
3. Altering the city's existing thresholds for requiring EV charging for additions/alterations to apply to multifamily and explore lower square footage thresholds.
    - The current threshold for the City's EV charging requirements is 10,000 square feet or more of permitted addition/alternation and does not apply to multifamily properties.
4. Developing a policy that exceeds the state's requirements regarding tenants' rights to install EV charging.

The analysis would be conducted in conjunction with public engagement with impacted stakeholders.

Environmental Quality Commission advice

The Environmental Quality Commission (EQC) also advises the City Council to focus on on-site charging for existing multifamily properties to reach carbon neutrality by 2030, and more importantly, to address long term equity issues related to EV charging preference, access and cost. The EQC also advises using a combination of mandates (requirements), education, and incentives with a primary emphasis on access to

Level 1 charging (standard household outlet) and a secondary emphasis on Level 2 charging where feasible.

Next steps if directed to proceed

If the City Council directs staff to proceed, staff will move forward with continuing to resource a technical team and conduct public engagement to further analyze the four (4) policy options above. Work would formally begin in January with some initial cost effectiveness analysis being done between now and December. This would align with work currently underway for building electrification and have the added benefit of holistically examining electrification impacts to existing multifamily property owners.

In addition, PCE has expressed some interest in possibility supporting this effort by providing technical assistance for the policy analysis if further analysis of the four policy options is approved.

The goal would be to return to the City Council with a potential policy or a combination of policies in the summer of 2021 and receive direction to then draft ordinances or associated policies for final City Council adoption in winter of 2021.

Analysis

The EV market is rapidly evolving. Plug-in EVs are very efficient, and most newer models have enough range to meet a typical driver's needs for days without recharging. For most drivers, this means daily energy usage can be met with charging from a standard household outlet. University of California, Davis reports access to home charging as the most influential location to encourage consumers to purchase EVs (Attachment C.) However, this places multifamily residents at a disadvantage.

Unlike private parking available to single family homes (e.g., adjoining driveways or garages), multifamily parking is usually shared/centralized, separated from units by common or public spaces (e.g., sidewalks, roadways, etc.) Multifamily parking spaces also usually lack access to standard household outlets (e.g., Level 1 charging) and intervening common or public spaces do not allow for connection to nearby interior outlets (e.g., connecting an extension cord from a driver's personal unit to an EV.)

Although roughly 40 percent of the current population resides in multifamily properties (e.g., apartment/condominiums, townhome, duplex, triplex, etc.), California clean vehicle rebate project EV consumer survey[1] shows less than 14 percent of San Mateo County residents who purchased or leased an EVs, identified living in a multifamily property (Attachment D.)

Consumer charging location preferences and EV charging behavior

Like all vehicles, purchasing a EV is a large personal investment. In addition to purchase price, potential buyers often consider the lifetime ownership cost including how and where to charge their vehicle. EV charging occurs at four main locations:

- Home, at or near a residence: most common, 50-80 percent charging events
- Work, at workplace or commute locations: 15-25 percent of charging events (for drivers that commute)
- Public, at publicly accessible locations such as grocery stores, parks, etc.: approximately 5 percent of charging events

[1] Data provided by consumers who purchased or leased an eligible clean vehicle between September 1, 2012- May 22, 2015. Over this period of study 3,912 rebates were issued in San Mateo County. A statistically significant 752 recipients provided voluntary responses identifying their housing type. The 14 percent reported reflects 105 recipients who identified living in a multifamily property.

- Destination, travel corridors where drivers stop during long-distance travel: approximately 5 percent of charging events

While workplace charging is a common alternative for drivers without at-home charging, it still promotes driving to work. This may inadvertently promote driving when other even less carbon intensive transportation modes such as walking, biking, or riding public transportation are available. This may also unintentionally maintain the cultural preference for individual vehicle travel and continue to contribute to regional congestion/traffic concerns.

Moreover, a disruption in commuting patterns, such as the COVID-19 shelter-in-place order, may, for some EV drivers, remove convenient and reliable access to charging. This situation can lead to increased competition for space at public and destination charging stations that often cost more and are time limited (e.g., two-hour parking limits.) More importantly, it can disrupt daily routines if a special trip just to charge is required. This can disproportionately impact low income and budget constrained drivers, and drivers with other exceptional circumstances (e.g., drivers who have been laid off or placed on extended furlough, single parents without access to child care, etc.)

Charging time and costs

In addition to being convenient and instilling confidence in drivers, at-home charging is less expensive than public charging. The cost of electricity varies by time of day and season and costs less when demand is lower such as overnight, weekends and holidays. Unlike multifamily residential customers who often share electricity services (e.g., shared meter), single-family residential customers may select time of use plans based on how much energy they use and when they use it. These pricing structures further reduce the lifetime cost, providing more encouragement for single-family residents to purchase EVs and experience financial savings from not using gasoline. Table 1 provides average cost and time to charge based on EV charging type:

Table 1: Average cost and charge time for 100-mile battery EV

EV charging type	Estimated range per hour	Average cost	Total charge time
Level 1 (standard household electrical outlet)	5 miles/hour	$5.00	20 hours
Level 2	13-25 miles/hour	$12.00	8 hours
Direct current fast charging (DCFC)	100+ miles/hour	$13.50	45 minutes

As noted in Table 1, the cost of Level 2 or DC fast charging (typical charging types available at workplace, public and destination charging locations) can be more than twice the price of at-home charging (Level 1.) This increases the lifetime cost for EV drivers that do not have at-home charging. Please note, the cost and time to charge may vary by model and range of vehicle. This means, low income or budget constrained drivers who purchase less expensive or secondhand vehicles with a shorter range may require longer and/or more frequent charging events increasing lifetime costs further.

Current EV infrastructure available to multifamily properties

Staff performed a geospatial analysis of current EV charging infrastructure in areas with multifamily properties and it clearly displays a lack of convenient at- or near home charging. As noted in Table 2, less than 1 percent of multifamily residents citywide have access to EV charging on-site. Moreover, less than 2.5

percent have convenient access (within 0.25 miles) of their residence.

Table 2: Summary EV charging spaces available to multifamily properties by type[2]					
Multifamily property type	Total units	Public EV charging on-site	% living units with EV charging on-site	Public EV charging ≤0.25 miles	% living units with public EV charging ≤0.25 miles
Total	5981	58	0.97%	147	2.46%
Owner-occupied condo	729	0	0.00%	18	2.47%
Non-owner occ condo	340	0	0.00%	12	3.53%
Duplex	364	0	0.00%	18	4.95%
Triplex	180	0	0.00%	12	6.67%
Fourplex	920	0	0.00%	12	1.30%
5-9 units	973	0	0.00%	12	1.23%
10-19 units	644	0	0.00%	12	1.86%
20-49 units	409	2	0.49%	39	9.54%
50+ units	1422	56	3.94%	12	0.84%

Owning and operating an EV without convenient and reliable access to at-home charging requires dedicated planning and lifestyle adjustment. This means, to purchase an EV, roughly 40 percent of community members must plan and adjust where they work, dine, shop, perform recreation activities, and/or devote specific time to charge their vehicle.

Multifamily property owner/manager survey response

Considering the importance of at-home charging, multifamily property owner/managers were surveyed by phone to identify barriers for EV charging infrastructure installation. Multifamily properties, ranging in size from 5 to 400 units were contacted with properties 15 units or greater responding in the highest number. Survey responses do not represent a statistically siginficant sample; 26 multifamily property sites were contacted and only 9 provided responses.

All data received from respondents is regarded as a high-level to provide staff with a sense of property owner/manager attitudes and opinions. Please note, due to time and resources limitations, no multifamily residents/tenants were surveyed. A more advanced survey of property owner/managers and multifamily residents/tenants could be conducted if desired, but based on available studies and data, similar results are anticipated.

Survey respondents identified the following as primary barriers to EV charging infrastructure installation on-site:

- Cost: the installation of electric charging infrastructure requires significant capital investment. Total project costs vary by EV charging equipment type, project size and site-specific conditions.
  - Property owners/managers that provided responses were informed of upcoming incentive

[2] A summary of EV charging spaces available to multifamily properties by location is also available (Attachment E.)

opportunities and encouraged to submit an interest form. Respondents expressed only slight interest when informed incentives will cover only part (up to 75 percent) of project costs.

- Lack of tenant need/request: tenant request are usually received from prospective tenants and early adopters who have committed to purchasing an EV.
  - Tenants of multifamily properties are temporary and/or have a perception that request for upgrades, especially in communal spaces (e.g., shared parking lots), are outside their purview. This leads to a feedback loop: multifamily residents do not purchase EVs because of lack of charging; property owner/managers do not install EV charging because residents do not purchase EVs.
- Parking reduction/lack of space: to maximize charging efficiency, most commercial properties (including multifamily) elect to install faster charging options (e.g., Level 2 or DCFC), creating a dedicated EV charging space. Menlo Park is an established community; multifamily properties are older and on-site parking is so limited that some residents must obtain permits for overnight street parking.
  - This may be addressed by the installation of Level 1 (standard household outlet) in assigned parking spaces. These parking spaces may not require re-designation as EV charging spaces which may prevent loss of total parking spaces.

Unfortunately, no respondents were currently in the process of installing nor reported having interest in installing charging in the near term (<two years), though all confirmed EV charging is a desired amenity. Nearly all respondents expressed interest some time (>two years) in the future if the project was most or fully funded by a third party and all identified charging as an amenity not a necessity.

State policies related to EV charigng infrastructure

The following are relevant regualtions designed to spur EV ownership and identified gaps which make it challenging for multifamily resident adoption:

- Executive Order B-16-2012 directs state agencies to encourage the adoption of zero-emission vehicles (ZEVs), including the following goals:
  - 2020: infrastructure to support 1 million ZEVs (e.g., hydrogen, electric, etc.)
  - 2025: easy access to refueling (e.g., EV charging) infrastructure for 1.5 million ZEVs (e.g., battery EVs)
  - **Gap(s):**
    - There are no requirements for infrastructure development; only encourages development through voluntary installation complemented by incentive programs.
    - Does not explicitly address equity for multifamily property residents.
    - Does not align with Menlo Park's 2030 carbon neutral goal.
- California Assembly Bill 2565 (2014) gives commercial and residential renters rights to install EV charging in the tenant's assigned parking space, at tenant's own cost. This law does not apply to residential properties with less than five parking spaces, properties that are subject to rent control, residential leases where no parking is provided as part of the lease, or residential properties where EV charging stations already account for at least 10 percent of available parking spaces.
  - Gap(s):
    - While this legislation allows renters to install charging infrastructure at their own cost, its practical application is a challenge. Small projects such as the installation of a single charging space increases costs the per charging unit (e.g., outlet, connector, charging station, etc.) and may only temporarily extend the stay of a tenant. The average multifamily tenant stays about 2.5 years; most renters cannot justify costly improvements to these properties.

- California Assembly Bill 1236 (2015) requires all local jurisdictions adopt an ordinance with an expedited, streamlined permitting process for EV charging station installation.
  - **Gap(s):** None. Menlo Park adopted Chapter 12.24: Permit process for EV charging stations (2018) to meet this requirement.
- Executive Order B-48-2018 is intended curb the GHG emissions related to cars and trucks and boost the supply of ZEVs and charging stations in California.
  - This bill includes an investment plan and funding mechanisms to achieve Executive Order B-16-12.
  - The California electric vehicle infrastructure project (CALeVIP) partners with local entities (utilities, jurisdictions, municipalities, etc.) to provide installation funding for public charging, including multifamily properties.
  - **Gap(s):**
    - Funding is competitive and application does not guarantee award.
    - Application for funding is optional to encourage infrastructure development; there are no requirements.
    - Does not explicitly address equity for multifamily property residents.
- Executive Order N-79-2020 establishes ZEV (e.g., electric, hydrogen, etc.) sales goals in the state including by:
  - 2035-100 percent of new passenger cars and trucks sold be zero-emission
  - 2045-100 percent of new medium- and heavy-duty vehicles sold be zero-emission where feasible
  - Accelerate deployment of affordable fueling and charging options to serve all communities, particularly low-income and disadvantaged communities
  - **Gap(s):**
    - Only establishes goals for new ZEV sales.
    - Lacks requirements for multifamily properties to install on-site charging
    - Does not align with Menlo Park's 2030 carbon neutral goal

<u>Menlo Park policies related to EV charigng infrastructure</u>
The following are relevant Menlo Park regualtions designed to drive EV ownership and identified gaps which make it challenging for multifamily resident adoption:

- Green building code amendment (Municipal Code Chapter 12.18.030.) This section exceeds current California green building code and describes requirements for the installation and pre-wiring for EV charging for commercial projects, including multifamily properties. New multifamily property construction currently requires:
  - One prewired EV charging space (conduit and wiring) for every multifamily living unit (1:1)
  - 15 percent of total required prewired EV charging spaces installed with charging capability (e.g., charging station or connector)
  - **Gap(s):**
    - Does not apply to additions or alternations of existing multifamily properties
    - Does not align with Menlo Park's 2030 carbon neutral goal

<u>Cost to install EV charging and applicable state and regional incentives</u>
The following funding/incentive programs are available or planned, and could assist in advancing expansion of EV charging infrastructure in Menlo Park:

- PCE EV ready program in partnership with state's CALeVIP program provides $24 million in incentives for the installation of EV charging at public locations including multifamily properties. Incentives for multifamily include:

- For Level 1 (standard household outlet), the incentive covers of up to $2,000 per connector.
- For Level 2, this covers up to $5,500 per connector or up to 75 percent total project costs, whichever is less.
- Up to an additional $4,000 for electrical panel upgrades.
- Free technical assistance to maximize incentive use.
- **Gap(s):**
  - Program participation is optional and designed to encourage infrastructure development; there are no requirements.
  - Funding is based on first come first serve.

PCE estimates that project costs for existing multifamily properties using a mix of Level 1 and Level 2 charging would range between $5,000 and $8,400 per connector. Costs for Level 1 are expected to cost less than $2,000 per connector, and could almost be entirely covered under the PCE incentive program.

- Bay Area Air Quality Management District: Transportation fund for clean air regional fund has identified EV charging infrastructure program as a 2021 policy for consideration. This fund previously provided an initial allocation of $5 million to the Charge! program which provided up to 75 percent installation and material cost for EV chargers for both public and private entities
  - Gaps(s):
    - The program is currently being scoped and no specific details are available.
    - Program participation will likely be optional and designed to encourage infrastructure development; there will be no requirements.
    - Program application will likely require dedication of investment of property owner time and/or resources.
    - Funding will likely be competitive, and application will not guarantee award.

Most programs listed will only partially fund installation of total project costs. Though some investment can be recouped through fees for charging, this will only available after installation and commissioning of the connector or charger. Additional financing options to cover upfront investment until property owners reach breakeven may be required. City Council may direct staff to explore city managed programs or work with local utilities, such as PCE, on the development of financing programs (e.g., on-bill financing.)

In addition to state and regional incentives, there could be other potential funding sources. For example, Electrify America is required to invest in the development of public EV charging infrastructure as a result of a settlement agreement with the state. Electrify America provides cost-free installation and operation of fast charging to property owners.

Unfortunately, private entities like Electrify America are not receiving interest/approval from property owners to install charging in existing parking areas. Due to this lack of interest from property owners, Electrify America may be unable to reach required installation commitments. While the focus of their program is DC fast charging installation, with the advent of local mandates, there may be an opportunity to work with these private entities and tailor their offerings to existing multifamily properties.

<u>Next steps- approve exploring and analyzing four (4) policy options</u>
Unfortunately, without on-site charging, it will be difficult for Menlo Park multifamily residents to adopt zero-emission vehicles at the rate necessary to reach carbon neutrality by 2030.

City requirements or policies for existing multifamily properties are strongly suggested to:

- Address issues of equity and barriers to EV ownership, such as higher cost and lack of convenient and reliable access to charging for multifamily residents.
- Motivate multifamily property owners to use the abundant funding opportunities available now to reduce costs for charging infrastructure in the future.
- Achieve carbon neutrality by 2030

The EQC reviewed the results the EV charging infrastructure gap study and recommends focusing on the expansion of on-site charging for multifamily properties, specifically Level 1(standard household outlet.) Level 1 charging cost less comparative to other charging options (Level 2 and DCFC) that requires additional specialized equipment and/or upgrades to electrical services. The EQC also expressed support for the installation of Level 2 charging on-site where feasible with limited or no impact to total on-site parking spaces.

Four potential policy options that could be explored/analyzed further with public engagement in 2021 include:

1. Using the city's police powers to require a certain percentage of EV charging at existing multifamily properties by a certain date (e.g., XX percent installed EV charging spaces by 2027.)
2. Time of sale requirement (e.g., XX percent installed EV charging spaces to transfer title.)
3. Altering the city's existing thresholds for requiring EV charging for additions/alterations to apply to multifamily and explore lower square footage thresholds.
    - The current threshold for the City's EV charging requirements is 10,000 square feet or more of permitted addition/alternation and does not apply to multifamily properties.
4. Developing a policy that exceeds the state's requirements regarding tenants' rights to install EV charging.

A few of these policy options are similar to work underway for building electrification (CAP action No. 1) and would increase efficiency in the use of resources to address together. Each policy option to be explored would follow the advice from the EQC to focus on Level 1 charging (standard household outlet) and Level 2 where feasible. The policy options analysis would also include:

- Undertaking a cost effectiveness analysis of impacts to tenants and property owners.
- Determining the appropriate thresholds, criteria and triggers for requirements, such as what percentage of parking spacing is appropriate to upgrade to EV charging spaces based on complex size, electrical capacity, etc.
- Identifying risks and/or trade-offs for impacted property owners and tenants, such as revenue gains and rental impacts.
- Identifying legal constraints, mechanisms, and exceptions needed to achieve on-site charging through mandates (requirements.)

All policy options may have parking space trade-offs to adhere to federal and state accessibility requirements. Any EV charging policy will also require additional resources and education for EV charging space designation and enforcement. Full impacts will be explored in next policy analysis phase.

The desired outcome would be to adopt one or more of the listed policy options by the end of 2021 to motivate property owners to take advantage of financial incentives and free technical assistance currently available. This could give Menlo Park multifamily property owners an advantage by experiencing upfront cost savings rather than delaying the installation of EV charging until after incentives are no longer available.

The four (4) policy options identified above would have numerous benefits, such as:

- Increasing equity by providing convenient, lower cost charging for multifamily residents
- Removing barriers to EV ownership (accelerating CAP strategy No. 2 to reduce gasoline usage and increase EV purchases)
- Encouraging Menlo Park property owners to take advantage of available regional incentives that can cover up to 75 percent of total project cost
- Filling gaps in current state mandates for charging infrastructure strategy and EV adoption
- Accelerating EV charging infrastructure expansion (CAP strategy No. 3)
- Reducing demand for public and destination charging (supporting CAP strategy No. 4 to reduce VMT)
- Accelerating action to achieve carbon neutral by 2030
- Demonstrating Menlo Park's continued climate leadership

Public engagement and project resourcing

An expansive public engagement process will be critical to the next phase of the policy analysis process. Staff is currently planning public engagement for building electrification (CAP action No. 1) between March and June 2021. The public engagement timeline for EV charging for multifamily properties would follow a similar timeline in order to prepare for final City Council decision by the end of 2021.

Additional resources are needed to execute this CAP action (No. 3) as well as building electrification (CAP action No.1), and include the following:

- Building official
- Planning manager/analyst
- Public engagement professional
- Legal analysis

Current available budget for CAP implementation is $290,000. An additional appropriation of up to $200,000 will likely be required to fund this effort.

Project schedule

The following tentative project schedule has been developed. Please note, in response to the climate crisis this compressed and ambitious project schedule is designed with the intent to accelerate action.

Table 3: Tentative project schedule	
Task	**Date(s)**
Technical team kick-off meeting	January 2021
Develop cost effectiveness study and policy analysis	November 2020- May 2021
Public Engagement	March 2021- June 2021
City Council study session	**July/August 2021**
Draft ordinance	September 2021
Public outreach	September/October 2021
Ordinance adoption	**November 2021**
Second Reading	December 2021
Implementation and education	January 2022

Alternative approaches

The four (4) policy options listed above propose to explore and analyze potential mandates (requirements) that are intentionally ambitious to meet the urgency of the climate crisis and to achieve the City's carbon neutrality goal by 2030.

However, other alternatives that may support the expansion of EV charging infrastructure are included in Attachment F. These approaches lean toward encouraging, incentivizing, and promoting on-site or near site charging without the use of mandates (requirements.)

Using incentives, education and encouragement takes longer to fully penetrate compared to requirements and typically captures community members that tend to be innovators and early adopters which is about 16 percent of a group. If the City Council delays looking at mandates (requirements), there could be missed opportunity costs for the city and property owners. Property owners may miss incentives for early adopters and the City may have to use more resources to supplement the shortage of charging for multifamily residents by using public spaces. The development of charging infrastructure in these spaces will be time consuming and costly as public space and rights of ways have layers of policy impacts and trade-offs for other uses (e.g., bike paths, operation and maintenance costs, etc.)

Direction sought

City staff seek City Council direction on in-depth policy analysis with public engagement of four (4) policy options requiring a percentage of EV charging spaces at existing multifamily properties, which are:

1. Using the city's police powers to require a certain percentage of EV charging at existing multifamily properties by a certain date (e.g., XX percent installed EV charging spaces by 2027.)
2. Time of sale requirement (e.g., XX percent installed EV charging spaces to transfer title.)
3. Altering the city's existing thresholds for requiring EV charging for additions/alterations to apply to multifamily and explore lower square footage thresholds.
   - The current threshold for the City's EV charging requirements is 10,000 square feet or more of permitted addition/alternation and does not apply to multifamily properties.
4. Developing a policy that exceeds the state's requirements regarding tenants' rights to install EV

charging.

One or a combination of policy options presented will increase access and availability of on-site charging for multifamily properties which represents 40 percent of existing housing stock in Menlo Park. The availability of reliable and convenient charging will address issues of equity, remove barriers to purchase and improve EV adoption rates for multifamily residents. Considering the nearly carbon-free electricity provided by PCE, a significant shift to EVs will dramatically reduce communitywide emissions which are essential to achieve carbon neutrality by 2030.

The alternative approaches outlined in Attachment F while supportive to climate aspirations are not predicted to achieve the deep reductions necessary to reach carbon neutral by 2030.

Impact on City Resources

Current available budget for CAP implementation is $290,000. An additional appropriation of up to $200,000 will likely be required to fund the policy options analysis for EV charging at multifamily properties and building electrification. Additional resource needs for the implementation of any policy or program option will be included in the result of the policy analysis process.

Environmental Review

The environmental impacts of policy options and any California Environmental Quality Act (CEQA) compliance needs will be identified through the policy analysis process.

Public Notice

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

Attachments

A. Hyperlink – July 14, 2020, staff report: menlopark.org/DocumentCenter/View/25680/F1-20200714-CC-CAP
B. Hyperlink – PCE, energy source: peninsulacleanenergy.com/energy-sources
C. Hyperlink – A review of consumer preferences of and interactions with EV charging infrastructure: phev.ucdavis.edu/wp-content/uploads/a-review-of-consumer-preferences-and-interactions-with-electric-vehicle-charging-infrastructure.pdf
D. Hyperlink – California Air Resources Board clean vehicle rebate project, EV Consumer Survey Dataset retrieved August 2020: cleanvehiclerebate.org/eng/survey-dashboard/ev
E. Summary of EV charging spaces available to multifamily properties by location
F. Alternatives

Report prepared by:
Candise Almendral, Sustainability Contractor
Rebecca Lucky, Sustainability Manager

Approved by:
Nick Pegueros, Assistant City Manager

Attachment E

Summary EV charging spaces available to multifamily properties by location					
Map area	**Total units**	**Public EV charging on-site**	**% living units with EV charging on-site**	**Public EV charging ≤0.25 miles**	**% living units with public EV charging ≤0.25 miles**
Citywide	5,981	58	0.97%	147	2.46%
Belle Haven	1113	24	2.16%	33	2.96%
The Willows and District 2 (between Vintage Oaks & Suburban Park)	752	0	0.00%	14	1.86%
District 3 west of Linfield Oaks including Felton Gables	946	0	0.00%	72	7.61%
Linfield Oaks	555	0	0.00%	0	0.00%
Downtown	1439	0	0.00%	28	1.95%
Allied Arts	167	0	0.00%	0	0.00%
Sharon Heights	1009	34	3.37%	0	0.00%

Attachment F

Alternative options to implement Climate Action Plan strategy No.3 (expansion of electric vehicle charging infrastructure)			
Option	**Benefits**	**Impact to property owner**	**City policy or program tradeoffs**
Status quo: rely on state goals and incentives to promote expansion of EV charging infrastructure.	No immediate financial impact to property owners or city resources.	Cost to upgrade or install EV charging infrastructure may increase if delayed. For example, failure to take advantage of regional funding while available.	Missed opportunity for funding may delay or lessen gasoline vehicle emissions reductions. Without substantial emissions reductions, the City will not achieve carbon neutral by 2030. Reduces success to achieve and implement CAP strategies No. 2 (increase EV sales) and 3 (access to EV charging).
Heavily market upcoming funding opportunities	Based on adoption curve and experience with similar programs, 10-15 percent of property owner participation expected.	Still requires upfront investment of capital and time. If awarded, incentives only cover up to 75 percent of total project cost.	10-15 percent of property owner participation will not achieve the EV charging infrastructure expansion needed to achieve carbon neutral by 2030. Reduces success to achieve and implement CAP strategies No. 2 (increase EV sales) and 3 (access to EV charging).
Aggressively expand city owned charging infrastructure especially in public spaces located within 0.25 miles of an existing multifamily property	Expansion of public EV charging infrastructure. No immediate financial impact to property owners.	None identified at this time.	Additional city resources to install, operate, and maintain infrastructure. Transportation Master Plan may need to be revised, reprioritized, or replaced by EV charging expansion plans.
Develop city managed financing/funding options for private installation	More funding options available to property owners.	May still require upfront investment of capital and time to accomplish.	10-15 percent of property owner participation will not achieve the EV charging infrastructure expansion needed to achieve carbon neutral by 2030.

	Based on adoption curve and experience with similar programs, 10-15 percent of property owner participation expected.		Additional city resources to establish and issue funds.
Require a percentage of *existing* public EV charging spaces in commercial properties located within 0.25 miles of an existing multifamily property be available for public use (e.g. overnight parking)	No immediate fiscal impact to property owners or city resources.	None identified at this time.	Additional resources to ensure compliance.
Allow private installation and operation of EV charging stations in the public right of way adjacent to existing multifamily properties (i.e. curbside charging).	Expansion of public EV charging infrastructure.	Requires upfront investment of capital and time. If awarded, incentives only cover up to 75 percent of total project cost.	Overnight parking ordinance may need to be amended to exempt EVs that are charging, increase overnight parking permits, and/or identify additional streets which will allow overnight parking. Transportation Master Plan multimodal and biking improvements may need to be revised, reprioritized or replaced by EV charging expansion plans. To streamline installation, city code may need to be updated to describe requirements for curbside charging.

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-231-CC**

Informational Item: **City Council agenda topics: November 2020 to December 2020**

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through December 15. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

Public Notice

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

Attachments

A. City Council agenda topics: November 2020 to December 2020

Report prepared by:
Judi A. Herren, City Clerk

Through December 15, 2020

Tentative City Council Agenda

#	*Title*	*Department*	*Item type*
1	City Council Community Funding Subcommittee's recommendations regarding the 2020-21 community funding allocation, resolution adoption	ASD	Regular
2	Consider waiver of additional TOT from Hotel Nia	ASD	Regular
3	Authorize the city manager to execute an agreement for BMR administration services	CDD	Regular
4	Below Market Rate Housing Fund - RFP (NOFA)	CDD	Regular
5	Housing Commission work plan	CDD	Committee Report
6	Notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large and impactful projects, review of process	CDD	Regular
7	VCLT BMR fund request for acquisition of existing housing for conversion to affordable	CDD	Regular
8	Grand Jury response: Ransomware: it is not enough to think you are protected	CMO	Consent
9	Adopt Resolution authorizing city staff to implement solid waste and water rate assistance program	CMO	Regular
10	Adopt solid waste rates	CMO	Public Hearing
11	Amend the City Council adopted 2020-21 budget and salary schedule	CMO	Regular
12	Atherton withdraw from SBWMA	CMO	Regular
13	EQC CAP Action Recommendations for 2 ,4, and 6	CMO	Regular
14	EQC work plan report, approval	CMO	Commission Report
15	Mosquito and Vector Control District term extension	CMO	Consent
16	MPCC interm services and funding for City requested work	CMO	Regular
17	Optional response: Grand Jury Report: "SMC Alert- Emergency Alerts: More People Need To Know	CMO	Regular
18	Solid waste rate reserve options	CMO	Study Session
19	Certify election results	CMO	Regular
20	Swearing in of new city councilmembers	CMO	Regular
21	Selection of the 2020 Mayor and Vice Mayor	CMO	Regular
22	Recognition of the outgoing Mayor	CMO	Regular
23	City Council appointments to regional boards, commissions and committees	CMO	Regular
24	Provide direction to the City's voting delegate regarding regional vacancies for the City Selection Committee's December meeting	CMO	Regular
25	Review and approve 2021 City Council meeting schedule (second/fourth Turesday)	CMO	Regular

ASD-Administrative Services
CMO- City Manager's Office
CD-Community Development
LCSD-Library and Community Services
PD-Police
PW-Public Works

Tentative City Council Agenda

#	*Title*	*Department*	*Item type*
26	Potential closed session TOT	CMO, ASD	Closed Session
27	Adopt transportation master plan	PW	Regular
28	Agreement with FRM for water meter reading services	PW	Consent
29	Authorize city manager to enter into funding agreement with Bohannon for Chrysler pump station	PW	Consent
30	Authorize the city manager to execute an agreement with Presidio Management (1300 ECR) for Ravenswood/Laurel improvements; adopt resolution to install no parking zones	PW	Regular
31	BRIC grant update/PG&E partnership	PW	Consent
32	Emergency water supply update	PW	Informational
33	Presentation on Ruby Bridges day events by local schools	PW	Presentation
34	Ruby Bridges Walk to School Day	PW	Proclamation

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-232-CC**

Informational Item: **Update on draft changes to City Council procedures**

Recommendation

This report transmits draft changes to City Council procedures compiled by City staff in an effort to reflect current practices.

Policy Issues

City Council establishes procedures to document expectations of elected and appointed officials in the conduct of City business. Clear, accessible, and relevant procedures promote transparency and efficiency in operations. City Council retains sole discretion to adopt and amend its procedures.

Background

The City Council's 2019-20 adopted work plan included a project to update City Council procedures previously compiled in the City Council procedures manual. In March, the City Council disbanded the subcommittee appointed to assist with the updates and directed staff to return with revisions.

Analysis

City staff have worked to identify proposed revisions to City Council adopted procedures, reformat procedures to the new procedures template, and propose new procedures based on new operational needs or requests. With the number of proposed revisions and new procedures, this report transmits the procedures in advance of City Council consideration at a future date. City Council may decide to defer action on the proposed revisions and new procedures until after the new City Council is seated at the December 15 City Council meeting.

Revisions to existing City Council procedures (Attachment A):

- Advisory body roles and responsibilities
- Advisory body meetings
- Advisory body appointments
- Closed session meetings

New procedures to address new operational needs (Attachment B):

- City Councilmember calendars (sunshine procedure)
- City Councilmember special project budgets
- Videoconference meeting participation

Impact on City Resources

The procedures all have differing impacts:

1. Advisory body meetings. The meetings procedure includes posting advisory body meetings to the City's YouTube channel (Attachment C.) Preparation and posting the videos requires between two and five-hours per week to download, upload and trim/edit the video. The roles and responsibilities procedure and the appointments procedure have no estimated impact on resources.
2. City Councilmember calendars. The ability to post a public calendar already exists within Microsoft Outlook. Effective management of the public calendar can present added workload for individual city council members. To assist City Councilmembers with the added workload, City staff recommends the adoption of the City Councilmember special projects budgets procedure.
3. City Councilmember special project budgets. The procedure provides an allocation to be determined as part of the annual budget process by calendar. City Staff recommends allocation of $25,000 for 2020-21 in the temporary staffing budget to assist City Councilmembers with administrative tasks such as publishing their calendars.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. Hyperlink – Draft revisions to existing procedures: menlopark.org/DocumentCenter/View/26494/2-Att-A-HYPERLINK
B. Hyperlink – Proposed new procedures: menlopark.org/DocumentCenter/View/26495/3-Att-B-HYPERLINKhttps://www.menlopark.org/DocumentCenter/View/26495/3-Att-B-HYPERLINK
C. Hyperlink – YouTube channel: youtube.com/user/cityofmenlopark

Report prepared by:
Judi Herren, City Clerk
Nick Pegueros, Assistant City Manager

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-237-CC**

Informational Item: **Acceptance into the Federal Emergency Management Agency community rating system**

Recommendation

This is an informational report and does not require City Council action.

Policy Issues

The City of Menlo Park participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) which makes federally backed flood insurance available for all buildings whether they are in a flood plain or not.

Background

The NFIP is a program created by the Congress of the United States through the National Flood Insurance Act of 1968. The program enables property owners in participating communities, including Menlo Park, to purchase insurance protection administered by the federal government, against losses from flooding, and requires flood insurance for all loans or lines of credit that are secured for existing or new buildings located in the identified Special Flood Hazard Area (SFHA) within the community.

The SFHA is defined as an area of land that would be inundated by a flood having a one percent chance of occurring, or being exceeded, in any given year (formerly referred to as the 100-year flood.) The one percent standard was chosen by FEMA to determine flood risk and flood insurance rates. There are several categories of SFHA including A, AE, AO, A99, V and VE. Each has a different flood insurance cost associated with it and buildings in Menlo Park's SFHA are categorized under the A and AE zones. All properties in Menlo Park's SFHA with a federally backed mortgage are required to carry flood insurance pursuant to the NFIP.

The community rating system (CRS) is a voluntary program under FEMA's NFIP that allows communities to earn flood insurance premium discounts for their residents and businesses. Communities earn CRS credit points for activities that promote good flood-risk reduction practices and encourage the purchase of flood insurance. CRS Class Ratings are assigned at 500-point increments and each improvement in Class Rating nets an additional five percent flood insurance premium discount. The CRS Class Ratings range from one to 10 with 10 being the lowest rating and one being the highest.

On August 9, 2019, staff submitted a letter of interest to join in the FEMA CRS so that Menlo Park residents would qualify for discounted flood insurance premiums. Throughout fall 2019 and winter 2020 staff worked with the FEMA Insurance Services Office (ISO) to document the flood risk prevention activities the City of Menlo Park currently undertakes, and to obtain verification that these activities qualify for rating credits under the CRS program.

Analysis

On September 17, the City of Menlo Park received a verification letter from FEMA notifying the City that its application for acceptance into the CRS program was approved and that the City had met the criteria for a CRS Class 8 rating. A copy of the FEMA letter is attached (Attachment A.) A Class 8 rating will provide a 10 percent discount on flood insurance premiums for residents and businesses located in Menlo Park's SFHA A and AE zones as shown on the attached maps (Attachment B.)

Staff is currently distributing notification letters to residents in the SFHA regarding City's participation in the CRS, and its flood reduction benefits (Attachment C.) In addition, the City's webpage has also been updated to reflect this information per Attachment D.

The flood risk reduction activities Menlo Park provides and received credit for follow:

- Maintenance of flood elevation certificates on new and substantially improved buildings
- Maintenance of a current Flood Insurance Rate Map (FIRM)
- Public outreach on flood risk prevention activities
- Compliance with state and community regulations requiring disclosure of flood hazards
- Provision of documents relating to floodplain management in the Menlo Park library system
- Offering one-on-one advice regarding property protection
- Preservation of approximately 23 percent of the SFHA as open space
- Enforcement of regulations that require freeboard for new and substantial improvement construction and local drainage protection
- Maintaining and using additional map data in the day to day management of the floodplain
- Enforcement of regulations for soil and erosion control and water quality
- Adoption and implementation of the San Mateo County Hazard Mitigation Plan

Menlo Park received 1111 CRS credit points which resulted in a Class 8 rating (1,000 to 1,500 points.) The City's CRS rating became effective October 1 and FEMA will notify NFIP insurers of Menlo Park's rating, which will provide the City's residents and businesses the Class 8 insurance discount when their insurance premiums come due.

Impact on City Resources

Participation in the NFIP CRS program has no fiscal impact on the City of Menlo Park. Menlo Park residents carrying flood insurance in Menlo Park's SFHA will qualify for a 10 percent discount on their flood insurance premiums.

Environmental Review

This update is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it has no potential for resulting in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. FEMA CRS verification letter
B. SFHA map
C. CRS outreach letter
D. Hyperlink - Flood insurance: menlopark.org/floodinsurance

Report prepared by:
Mike Sartor, Retired Annuitant – Assistant City Manager

Approved by:
Chris Lamm, Assistant Public Works Director

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

September 17, 2020

Ms. Starla Jerome-Robinson
Menlo Park City Manager
701 Laurel Street
Menlo Park, California 94025

Dear Ms. Jerome-Robinson:

Congratulations to your community on its application to the National Flood Insurance Program (NFIP) Community Rating System (CRS). The Department of Homeland Security, Federal Emergency Management Agency (FEMA), has verified that the voluntary actions undertaken by your community exceed the minimum standards of the NFIP and meet the criteria for a CRS Class 8 rating. The floodplain management activities implemented by your community qualify it for a 10 percent discount on the cost of flood insurance premiums for NFIP policies issued or renewed in Special Flood Hazard Areas on or after October 1, 2020. This savings is a tangible result of the flood mitigation activities your community implements to protect lives and reduce property damage.

Please note that Preferred Risk Policies, applicable in Zones B, C, and X on your community's NFIP Flood Insurance Rate Map, are not eligible for the CRS discount. Standard rated flood insurance policies in Zones B, C, X, D, AR, and A99 are limited to a CRS discount of ten percent in Class 1–6 communities and five percent in Class 7–9 communities. The rates for the above-mentioned policies already reflect significant premium reductions.

The CRS rating for your community will automatically be renewed annually as long as there are no NFIP noncompliance actions, so a notification letter will not be sent every year. This annual renewal will take place as long as your community continues to implement the CRS activities you certify in your annual recertification documentation. If you make no modifications or add new CRS activities, the next verification visit for your community will be in accordance with its established 5-year cycle. In the interim, FEMA will periodically send the *NFIP/CRS Update* newsletter and other notices to your CRS Coordinator to keep your community informed.

I commend your community's actions and your determination to lead your community toward disaster resilience. This commitment enhances public safety and property protection, helps preserve the natural functions of floodplains, and reduces flood insurance premiums.

If you have any questions or need additional information, please contact the FEMA Region IX Office, CRS Coordinator Brian Trushinski by telephone at (510) 627-7183.

Sincerely,

William H Lesser

William H. Lesser, CRS Coordinator
Federal Insurance and Mitigation Administration

Enclosure

cc: J. Michael Sartor, CRS Coordinator

COMMUNITY
RATING
SYSTEM

VERIFICATION REPORT

City of Menlo Park, CA **Verified Class 8**

NFIP Number: 060321 Cycle

Date of Verification Visit: November 12, 2019

This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning credits under the Community Rating System (CRS) for the above named community.

A total of 1111 credit points are verified which results in a recommendation that the community improve from a CRS Class 10 to a CRS Class 8. The following is a summary of our findings with the total credit points for each activity noted in parenthesis:

Activity 310 – Elevation Certificates: The Building Department maintains elevation certificates for new and substantially improved buildings. Copies of elevation certificates are made available upon request. (38 points)

Activity 320 – Map Information Service: Credit is provided for furnishing inquirers with basic flood zone information from the community's latest Flood Insurance Rate Map (FIRM). Credit is also provided for information about special flood related hazards and historical flood information. The service is publicized annually and records are maintained. (70 points)

Activity 330 – Outreach Projects: Credit is provided for general outreach projects. These projects are disseminated annually. (22 points)

Activity 340 – Hazard Disclosure: Credit is provided for state and community regulations requiring disclosure of flood hazards. (15 points)

Activity 350 – Flood Protection Information: Documents relating to floodplain management are available in the reference section of the City of Menlo Park Library. Credit is also provided for floodplain information displayed on the community's website. (59 points)

Activity 360 – Flood Protection Assistance: Credit is provided for offering one-on-one advice regarding property protection. (25 points)

Activity 420 – Open Space Preservation: Credit is provided for preserving approximately 23 percent of the Special Flood Hazard Area (SFHA) as open space. (344 points)

Activity 430 – Higher Regulatory Standards: Credit is provided for enforcing regulations that require freeboard for new and substantial improvement construction and local drainage protection. Credit is also provided for the enforcement of building codes. (117 points)

Activity 440 – Flood Data Maintenance: Credit is provided for maintaining and using additional map data in the day to day management of the floodplain. Credit is also provided for establishing and maintaining a system of benchmarks and maintaining copies of all previous FIRMs and Flood Insurance Study Reports. (131 points)

Activity 450 – Stormwater Management: The community enforces regulations for soil and erosion control, and water quality. (31 points)

Section 502 - Repetitive Loss Category: The City of Menlo Park, CA is a Category A community for CRS purposes and no action is required. (No credit points are applicable to this section)

Activity 510 – Floodplain Management Planning: Credit is provided for the adoption and implementation of the San Mateo County Hazard Mitigation Plan, adopted August 30, 2016. A progress report must be submitted on an annual basis. (259 points)

Activity 710 – County Growth Adjustment: All credit in the 400 series is multiplied by the growth rate of the county to account for growth pressures. The growth rate for San Mateo County, CA is 1.03.

Attached is the Community Calculations Worksheet that lists the verified credit points for the Community Rating System.

CEO Name / Address:

Starla Jerome-Robinson
City Manager
701 Laurel Street
Menlo Park, California 94025

CRS Coordinator Name / Address:

J. Michael Sartor
Senior Project Manager
701 Laurel Street
Menlo Park, California 94025
(650) 330-6788

Date Report Prepared: May 6, 2020

Community : City of Menlo Park**,** CA **NFIP Number :** 060321

720 COMMUNITY CREDIT CALCULATIONS (Cycle):

CALCULATION SECTION :

Verified Activity Calculations:						Credit
c310	38					38
c320	70					70
c330	22					22
c340	15					15
c350	59					59
c360	25					25
c370						
c410		x CGA		=		
c420	334	x CGA	1.03	=		344
c430	114	x CGA	1.03	=		117
c440	127	x CGA	1.03	=		131
c450	30	x CGA	1.03	=		31
c510	259					259
c520						
c530						
c540						
c610						
c620						
c630						

Community Classification Calculation:

cT = total of above cT = 1111

Community Classification (from Table 110-1): Class = 8

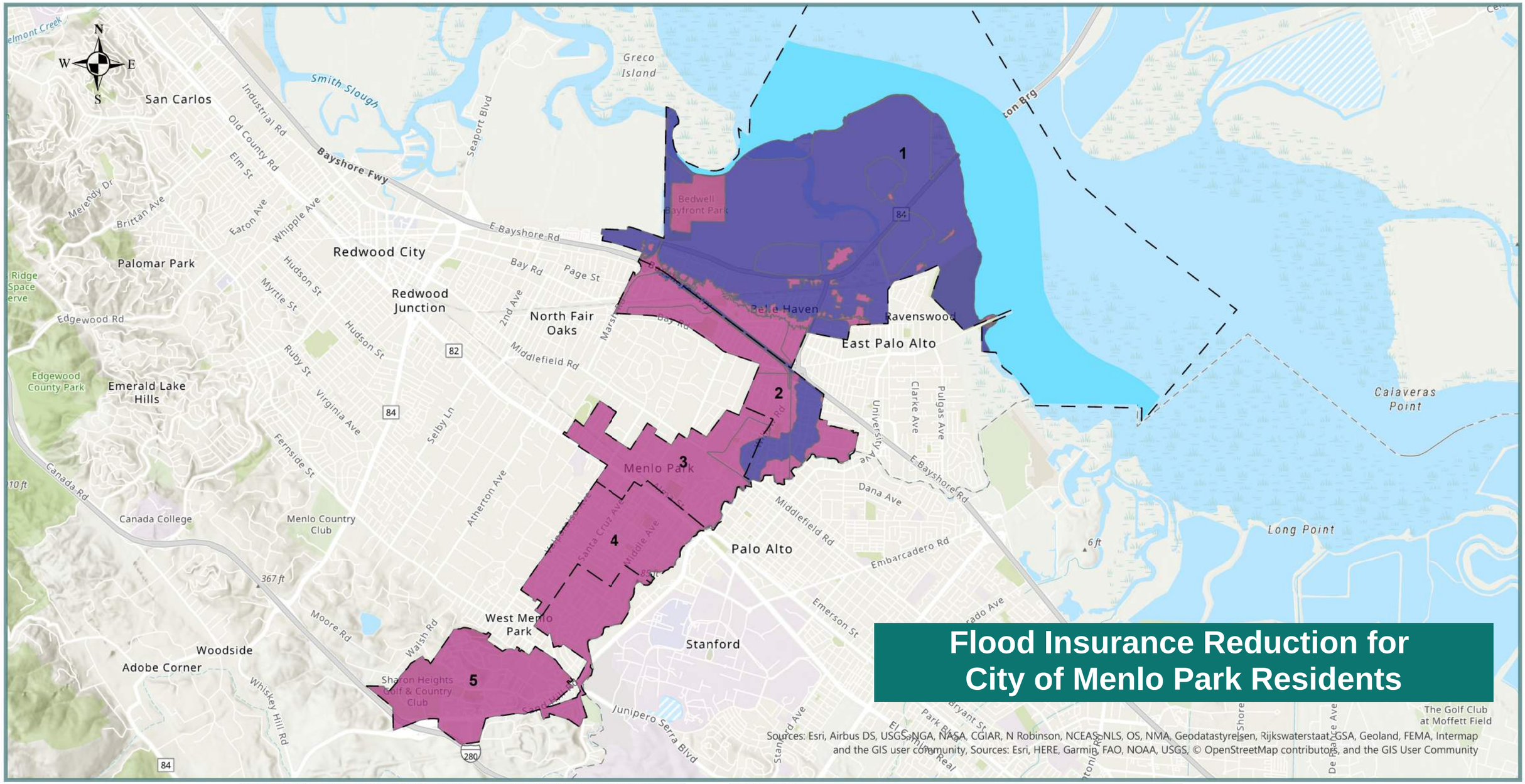
CEO Name/Address:

Starla Jerome-Robinson
City Manager
701 Laurel Street
Menlo Park, California 94025

CRS Coordinator Name/Address:

J. Michael Sartor
Senior Project Manager
701 Laurel Street
Menlo Park, California 94025
(650) 330-6788

Date Report Prepared: May 6, 2020



Flood Insurance Reduction for City of Menlo Park Residents

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CITY OF MENLO PARK

LEGEND - FLOOD INSURANCE DISCOUNT BY ZONE

FLOOD ZONE	REDUCTION RATE (%)	IMPACTED PROPERTIES (ACRES)	Council District
A/AE	10	2,991	SFHA
VE	10		SFHA
X	5		NON-SFHA

NOTES

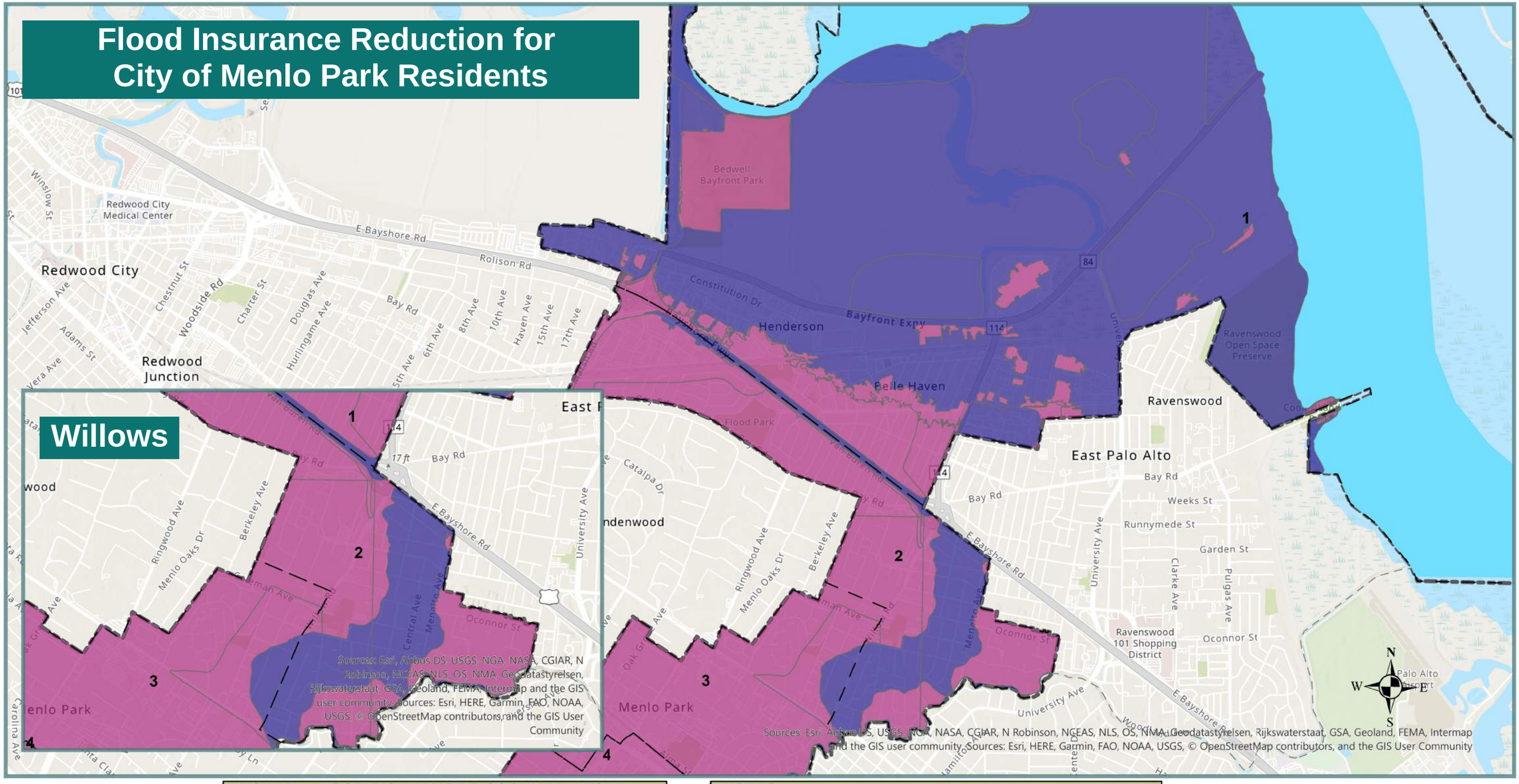
1. FLOODZONES A/AE & VE ARE DESIGNATED AS SFHA's PROPERTY OWNERS WITH A FEDERALLY BACKED MORTGAGES ARE TYPICALLY REQUIRED TO CARRY FLOOD INSURANCE IN THESE ZONES.

2. FLOODZONE X IS OUTSIDE THE SFHA. FLOOD INSURANCE IS NOT REQUIRED FOR PROPERTIES.

0 0.5 1 2 Miles

Flood Insurance Reduction for City of Menlo Park Residents

Willows



LEGEND - FLOOD INSURANCE DISCOUNT BY ZONE

FLOOD ZONE	REDUCTION RATE (%)	IMPACTED PROPERTIES (ACRES)	Council District
A/AE	10	2,991	SFHA
VE	10		SFHA
X	5		NON-SFHA

NOTES

1. FLOODZONES A/AE & VE ARE DESIGNATED AS SFHA's PROPERTY OWNERS WITH A FEDERALLY BACKED MORTGAGES ARE TYPICALLY REQUIRED TO CARRY FLOOD INSURANCE IN THESE ZONES.

2. FLOODZONE X IS OUTSIDE THE SFHA. FLOOD INSURANCE IS NOT REQUIRED FOR PROPERTIES.

0 0.5 1 Miles

CITY OF MENLO PARK

October 23, 2020

Dear resident,

The City of Menlo Park has been recognized for performing floodplain management activities above and beyond the minimum requirements for the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

As a result of the City's continuing efforts in floodplain management activities, Menlo Park has been certified to participate in the Community Rating System (CRS) program and proudly received a Class 8 rating effective October 1, 2020.

By joining the CRS program with a Class 8 rating, Menlo Park residents and businesses will receive a 10 percent discount on flood insurance premiums issued or renewed in the Special Flood Hazard Area on or after October 1, 2020.

Please contact your insurance agent for more information about your flood insurance policy options. For general flood related information and questions, please contact Public Works by phone at 650-330-6740 or by email at engineering@menlopark.org.

Sincerely,

Nicole Nagaya

Nicole H. Nagaya
Public Works Director

STAFF REPORT

City Council
Meeting Date: **10/27/2020**
Staff Report Number: **20-238-CC**

Informational Item: **Applications for community funding grants available through November 13, 2020**

Recommendation
This is an informational item and does not require City Council action.

Policy Issues
City Council Policy #CC-01-1996, Community Funding Program, allocates a portion of the City's property taxes toward nonprofit organizations which provide needed services outside of the scope of City programming. These services include those for disabled community members, emergency assistance and low income support, senior services and youth services. In order to receive a community funding grant, grantees must complete an application with the City.

Background
The City of Menlo Park adopted a formal policy guiding allocation of general fund dollars to community organizations in 1996 (see "Community Funding Program," Attachment A) to leverage City funds in response to the human service needs of Menlo Park residents.

The policy guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base. Priority service areas include emergency assistance for those who are homeless or low-income; assistance to the disabled; help for seniors to be independent; senior day care support; youth services including recreational and summer academic support; crisis and family counseling; and substance abuse prevention. Applicants must maintain accounting records with an independent audit at least once every two years.

Each fiscal year, according to the policy, no more than 1.7 percent of projected general fund property tax revenue may be allocated to the community funding program. In fiscal year 2020-21, the adopted budget includes planned grant expenditures of $206,250.

Analysis
The community funding program requires submission of an application and supporting documents indicating eligibility for the program. The application period typically lasts approximately one month and takes place in the fall, with awards determined shortly afterward and disbursed in approximately January and February. The fiscal year 2020-21 application period opened October 15, 2020 and will continue until 5 p.m. November 13, 2020. To apply, interested organizations should use the hyperlink in Attachment B to access the online form and submit their proposals before the deadline.

Evaluation criteria

Following City Council Policy #CC-01-1996, each organization requesting a grant must meet the evaluation criteria outlined in Table 1.

Table 1: Grant award criteria

Policy criterion	Description
2.1	All applicants must be formally incorporated nonprofit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).
2.2	All applicants must be agencies based in Menlo Park or agencies that provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.
2.3	All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.
2.4	All applicants shall maintain accounting records that are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.
2.5	The agency must have bylaws that define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.
2.6	Governance of the agency should be vested in a responsible and active board that meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.
2.7	The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.
2.8	No less than 85 percent of City funds granted must be used for direct services as opposed to administrative costs.
2.9	City grants can represent no more that 20 percent of an applicant's total operating budget.
2.1	All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.
2.11	The program described must respond to a verified community need as defined by the City Council: **Disabled.** Emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support. **Emergency assistance and low income support.** Emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low-income residents. **Seniors.** Emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants. **Youth.** Emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

Next steps

In November and early December, the community funding grant subcommittee will review applications and make recommendations to the City Council for grant award approval. Following approval, grantees will receive awarded grant monies early in calendar year 2021. All grant funds must be expended by the end of the City's fiscal year, June 30, 2021.

Impact on City Resources

The fiscal year 2020-21 adopted budget includes $206,250 in appropriations to fund the subcommittee's recommended grants.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

A. City Council Policy #CC-01-1996 Community Funding Program
B. Hyperlink, online application: menlopark.org/FormCenter/City-Managers-Office-12/202021-Community-Funding-Grant-Program-A-359

Report prepared by:
Nicole Casados, Executive Assistant to the City Manager
Rani Singh, Business Manager
Adriane Lee Bird, Assistant Community Services Director

COMMUNITY FUNDING PROGRAM

City Council Policy #CC-01-1996
Effective 06/04/1996

ATTACHMENT A

CITY OF MENLO PARK

Purpose

To provide guidelines for the award of monetary support to local nonprofit agencies whose programs respond to the human service needs of Menlo Park residents. This funding is not intended for use as the sole support of any agency. All recipients of financial assistance grants enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.

Policy

1. Goals and Philosophy

   The City of Menlo Park recognizes that:

   1.1 The availability of basic human service programs is a key determining factor in the overall quality of life of Menlo Park residents;

   1.2 The most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing nonprofit agencies;

   1.3 Contractual agreements with nonprofit agencies allow the City to influence the human service programs offered to Menlo Park residents; and

   1.4 Financial assistance grants demonstrate the City's support of the activities of specific nonprofits and make it possible for these agencies to leverage additional funds that will benefit local residents.

2. Eligibility

   2.1 All applicants must be formally incorporated nonprofit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).

   2.2 All applicants must be agencies based in Menlo Park or agencies that provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.

   2.3 All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.

   2.4 All applicants shall maintain accounting records that are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.

   2.5 The agency must have bylaws that define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.

   2.6 Governance of the agency should be vested in a responsible and active board that meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.

2.7 The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.

2.8 No less than 85 percent of City funds granted must be used for direct services as opposed to administrative costs.

2.9 City grants can represent no more that 20 percent of an applicant's total operating budget.

2.10 All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.

2.11 The program described must respond to a verified community need as defined by the City Council:

Disabled. Emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support.

Emergency Assistance and Low Income Support. Emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low-income residents.

Seniors. Emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants.

Youth. Emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

3. Procedure

Any agency requesting financial assistance must complete the required application and submit it to the Administrative Services Department. The City Council Community Funding Subcommittee is responsible for reviewing all proposals and submitting recommendations for funding to the City Council.

4. Funding

Grants are funded by the General Fund. Each fiscal year, no more than 1.7 percent of general fund property tax will be allocated to the Community Funding Program.