



January 13, 2025

Oisín Heneghan  
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*Electronic Mail Delivery Only*

**RE: 80 Willow Road (PLN2023-00049) – Consistency Review**

Dear Oisín Heneghan,

On December 7, 2023, you submitted a preliminary application to the City of Menlo Park (City) for a proposed housing development project at 80 Willow Road (Project) in Menlo Park (APN 062-423-040).

On December 22, 2023, the City provided a letter confirming the preliminary application was submitted as of December 7, 2023 because that submittal included all items required pursuant to Government Code section 65941.1(a), and subsequent modifications involved less than 20 percent of the proposed project's unit count or square footage of construction.

On May 24, 2024, you submitted to the City a formal development application related to the December 7, 2023 preliminary application submission.

On June 22, 2024 the City provided a letter deeming the application incomplete as required items from the City's SB 330 Housing Project Application Checklist were missing from the formal development application.

On September 12, 2024, you resubmitted the formal development application to the City related to the December 7, 2023 preliminary application submission.

On October 11, 2024, the City provided a letter deeming the application incomplete as required items from the City's SB 330 Housing Project Application Checklist were missing from the formal development application.

On October 16, 2024, you resubmitted to the City the formal development application related to the December 7, 2023 preliminary application submission.

On November 14, 2024, the City deemed the formal development application complete with regard to basic application components and began evaluating the Project for consistency with applicable development standards that were effective at the time of the preliminary application submission on December 7, 2023.

#### **PROJECT DESCRIPTION:**

Request for Architectural Control, Tentative Map, Below Market Rate Housing Agreement, Use Permit, Heritage Tree Removal Permit, and Environmental Review to demolish an existing commercial office building and construct three new mixed-use buildings ranging in height from approximately 301 feet to 461 feet tall, including 665 residential units of which 133 units (20 percent) would be designated below market rate housing affordable at the low-income level, approximately 336,000 square feet of office, approximately 29,000 square feet of retail space, and a hotel with 130 rooms.

#### **CONSISTENCY REVIEW:**

Please be advised that the formal development application for the Project has been reviewed for consistency with development standards that were adopted and in effect at the time the preliminary application was submitted on December 7, 2023, as well as at the time the formal development application was deemed complete on November 14, 2024. The Project has been found to be inconsistent for multiple items, which are detailed in the attachments and exhibits to this letter. This consistency review is performed based on application materials submitted to date. As the Project application materials are revised and new information provided, these changes may result in updates to the City's consistency review determinations.

Please be advised that prior to building permit issuance, the applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, Cal Water, utility companies', and other relevant local/State/federal agencies' regulations (e.g., Montessori school requirements) that are directly applicable to the project.

Should you have any questions, please contact me at [cchan@menlopark.gov](mailto:cchan@menlopark.gov).

Thank you,  
Calvin Chan  
Senior Planner

#### Attachments and Exhibits

- A. Planning Division Consistency Review Comments
  - Exhibit 1 – Menlo Park Municipal Code Chapter 16.30, C-1 (Administrative And Professional District, Restrictive) zoning regulations as of December 7, 2023
- B. Housing Division Consistency Review Comments
- C. Building Division Consistency Review Comments
- D. Sustainability Division Consistency Review Comments
- E. Engineering Division Consistency Review Comments

- F. Transportation Division Consistency Review Comments
- G. City Arborist Consistency Review Comments

## PLANNING DIVISION CONSISTENCY REVIEW COMMENTS

### **Section 1 – December 7, 2023 Preliminary Application Submission Date**

Table 1.1 below evaluates the Project for consistency with the C-1 (Administrative and Professional District, Restrictive) zoning development regulations (Menlo Park Municipal Code (MPMC) Section 16.30.030) that were in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context.

Please refer to Exhibit 1 for MPMC Chapter 16.30 C-1 zoning regulations that were in effect at the time of the December 7, 2023 preliminary application submission. This consistency review is conducted in accordance with the zoning regulations that were in effect on December 7, 2023. Per MPMC Section 16.30.010, there are no uses in the C-1 district permitted without a use permit. Per MPMC Section 16.30.020, “professional, executive and administrative offices” and “special uses” such as “private schools” (MPMC Chapter 16.78) may be conditionally allowed subject to obtaining a use permit. As previously noted in the City’s December 22, 2023 letter regarding the submitted preliminary application, the land use types of hotel, general retail (certain retail types are a conditional use), and residential were not permitted or conditional uses in the C-1 district at the time of the December 7, 2023 preliminary application submission.

<b>Table 1.1</b>	
<b>1. Minimum lot area: two (2) acres</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>consistent</u> with this development regulation.	The total lot area is 291,056 square feet which is approximately 6.68 acres (Sheet C1.00).
<b>2. Minimum lot dimensions: one hundred fifty (150) feet width and depth</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>A. Establishing the front lot line – Per Section 16.04.400, in the case of a corner lot fronting on two public streets, the front lot line is a line separating the shorter street frontage of the lot from a public street. The subject parcel is a corner lot fronting on the public streets of Willow Road to the west and Middlefield Road to the north. The parcel’s shorter street frontage is along Middlefield Road; therefore, the front lot line is the segment of the lot boundary along Middlefield Road, noted as 394.38 feet in length on Sheet C2.02 (Existing Conditions). The Project incorrectly identifies the front lot line (and related setback area) along Willow Road.</p> <p>B. Establishing the rear lot line – Per Section 16.04.440, the rear lot line means the lot boundary opposite or approximately opposite the front. Therefore, the rear lot line is the segment of the lot boundary to the south of the proposed school, noted as 130.18 feet in length on Sheet C2.02.</p>

# ATTACHMENT A

	<p>C. Establishing the side lot lines – Per Section 16.04.450, the side lot line means any lot boundary not a front or rear lot line. Therefore, the segment of the lot boundary along Willow Road, noted as 497.74 feet in length on Sheet C2.02. is a side lot line. The other seven segments of the lot boundary that generally follow the curvature of the San Francisquito Creek are also side lot lines.</p> <p>D. Evaluating lot width – Per Section 16.04.430, minimum width of lot means the shortest distance between the side property lines, between the required front and rear setback lines. The shortest distance between the side property lines, between the required front and rear setback lines, is approximately 117 feet running east to west in the area of the proposed school, where a minimum lot width of 150 feet is required (Sheet A1.00). The lot is substandard with regard to minimum lot width.</p> <p>E. Evaluating lot depth – Per Section 16.04.420, minimum depth of lot means the average distance between the front and rear property lines. A lot depth calculation has not been provided per the City's <a href="#">guidelines</a>. Therefore, consistency with this standard cannot be confirmed until the supporting information is provided.</p>
<b>3. Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>A. Evaluating the front setback – Building 1 is the nearest structure to the front property line along Middlefield Road. Building 1 is proposed to be located approximately 7 feet from the front property line, where a minimum setback of 30 feet is required (Sheet A1.01).</p> <p>B. Evaluating the rear setback – The school is the nearest structure to the rear property line and is proposed to be located approximately 16 feet from the rear property line, where a minimum setback of 20 feet is required (Sheet A1.01).</p> <p>C. Evaluating the side setback along Willow Road – The school is the nearest structure to the side property line along Willow Road and is proposed to be located approximately 3 feet from the side property line, where a minimum setback of 20 feet is required (Sheet A1.01).</p> <p>D. Evaluating the side setback along the San Francisquito Creek – Building 3 is the nearest structure to the side property line along the San Francisquito Creek and is proposed to be located</p>

# ATTACHMENT A

	<p>approximately 43 feet from the side property line, where a minimum setback of 20 feet is required (Sheet A1.01). Additionally, the project is inconsistent with the City's requirements for <a href="#">Creekside development</a>, which includes a greater recommended setback from the top of bank.</p> <p>E. The northwestern corner of Building 1 extends beyond the property line (Sheet A2.15).</p>
<b>4. Land cover by all structures shall not exceed forty (40) percent of building site</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>A. Evaluating building coverage – The proposed building coverage for the site is approximately 130,870 square feet or 45 percent of the site, which exceeds the maximum of 40 percent or 116,422 square feet that is allowed (Sheet A0.61).</p> <p>B. Sheet A0.61 includes a legend with total area square footages that are inconsistent with the square footages listed in the separate table above it (e.g., driveway area, landscape area, paved area). Therefore, it is unclear which figures the applicant is proposing or what are the project's intended square footages.</p>
<b>5. Height of structures shall not exceed thirty-five feet</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>MPMC Section 16.04.330, Height of Structure, defines height as the vertical distance from the average level of the highest and lowest points of the natural grade portion of the lot covered by the structure to the topmost point of the structure, excluding elevator equipment rooms, ventilating and air conditioning equipment and chimneys. Sheets A3.01A through A3.04B measure from a grade of 60.72 feet, although it is not noted whether this is the existing or proposed grade of the site, nor whether it is the average natural grade of the entire site or only the grade directly below the buildings. Without sufficient information to determine the average natural grade within the footprint of each building, consistency of the project with regard to building height cannot be confirmed. See the items below for specific items that are inconsistent with this regulation.</p> <p>A. Evaluating the height of Building 1 – The proposed height of Building 1 is approximately 301 feet, where a maximum of 35 feet is allowed (Sheet A3.01A).</p> <p>B. Evaluating the height of Building 2 – The proposed height of Building 2 is approximately 458 feet, where a maximum of 35 feet is allowed (Sheet A3.02A).</p> <p>C. Evaluating the height of Building 3 – The proposed height of</p>

ATTACHMENT A

	<p>Building 3 is approximately 397'-6", where a maximum of 35 feet is allowed (Sheet A3.03A).</p> <p>D. Evaluating the height of the school – The proposed height of the school is approximately 22 feet, where a maximum of 35 feet is allowed (Sheet A3.04A).</p>
<b>6. In the case of conditional uses, additional regulations may be required by the Planning Commission</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	The Project includes use permit requests for the conditional uses of office, multiple dwellings (not permitted in December 7, 2023), and a private school. Additional regulations and/or conditions of approval may apply. General retail and hotel land uses are not permitted or conditionally permitted uses in the C-1 district.
<b>7. The floor area ratio shall not exceed thirty (30) percent</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>MPMC Section 16.04.325 defines areas of buildings and that are included and excluded from gross floor area (GFA). Based on this definition, plans/diagrams included in the plans do not include and exclude all features of the buildings listed in the definition. For instance, 16.04.325(C)(4) exempts certain covered porches and balconies from GFA, but not porches and balconies with columns or posts more than 12 inches in width. The project plans show covered porches at the exterior ground floor of Buildings B1, B2 and B3 with large columns that may exceed 12 inches in width, but the covered areas underneath have not been counted as GFA. Ensure all areas of every proposed building (including any accessory buildings) have been included or excluded according to the GFA definition, and clearly indicate this information on the plans.</p> <p>In addition to the specific consistency comments identified below, plans/diagrams have not been provided to confirm the GFA and gross square footage (GSF) of the existing buildings on the site. Without information to confirm the GFA and GSF of existing buildings, consistency cannot be confirmed for data needed to inform associated required studies and documents, such as the traffic impact analysis, below market rate housing agreement, etc.</p> <p>A. The Data Sheet lists the proposed floor area as 1,671,448 square feet or 574 percent of the lot area, where a maximum 30 percent floor area ratio is allowed.</p> <p>B. There are noted inconsistencies for GSF and GFA between the area matrices on Sheet A0.02 and the diagrams on Sheet A0.60. Comments 7C-7J below provide examples of areas across four levels of the buildings (-2, -1, 1, and 2) where the square footage</p>



# ATTACHMENT A

	<p>information appears inconsistent and this feedback may apply more globally across all building levels. Note: a “GFA Totals” column is not included for Area Matrix B1 similar to B2, B3, and B4. It is unclear how the Data Sheet’s 1,671,448 square feet listed FAR is derived, and therefore consistency cannot be confirmed (i.e., relationship between GSF, area excluded from GFA, and area counted towards GFA).</p> <p>C. Evaluating “Level -2-GFA” – The sheet legend includes a white cross hatch item for area counted towards GFA and a dark grey shaded item for area excluded from GFA. However, there is a third, light grey shaded item present in areas mostly counted towards GFA (e.g., B2 FSAE lobby and tenant storage and B3 resident’s package lobby). Clarify the intent of the light grey shaded items within the project plans.</p> <p>D. Sheet A0.02, Area Matrix B1, Level B2 lists 49,110 square feet for parking spaces and no area counted towards GFA. Sheet A0.60 lists 44,159 square feet as parking excluded from GFA and also shows multiple spaces as counting towards GFA. The values are inconsistent.</p> <p>E. Sheet A0.02, Area Matrix B2, Level B2 lists 51,195 square feet for parking spaces. Sheet A0.60 lists 44,175 square feet as parking excluded from GFA and also shows multiple spaces as counting towards GFA. The values are inconsistent. Therefore, it is unclear which figures the applicant is proposing or what is the project’s intended GFA.</p> <p>F. Sheet A0.02, Area Matrix B3, Level B2 lists 60,855 square feet for parking spaces. Sheet A0.60 lists 53,305 square feet as parking excluded from GFA and also shows multiple spaces as counting towards GFA. The values are inconsistent. Therefore, it is unclear which figures the applicant is proposing or what is the project’s intended GFA.</p> <p>G. Evaluating “Level -1-GFA” – The legend includes a white cross hatch item for area counted towards GFA and a dark grey shaded item for area excluded from GFA. However, there is a third, light grey shaded item present in areas mostly counted towards GFA (e.g., B2 FSAE lobby and trash and recycling room and B3 resident’s package lobby). Clarify the intent of the light grey shaded items within the project plans.</p> <p>H. Sheet A0.02, Area Matrices B1-B3, Level B1 lists different square footages for the parking areas when compared to Sheet</p>
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	<p>A0.60 GFA exclusions. Therefore, it is unclear which figures the applicant is proposing or what is the project's intended GFA.</p> <p>I. Evaluating "Level 1-GFA"</p> <ul style="list-style-type: none"> <li>On Sheet A.060, B1 counts 25,777 square feet towards GFA and 1,018 square feet excluded bicycle area from GFA. Sheet A0.02, Area Matrix B1, lists 28,074 square feet for GSF. As previously stated, a "GFA Totals" column is not included for Area Matrix B1 similar to B2, B3, and B4. With the information included, there is noted inconsistency between GSF and GFA (e.g., 28,074 square feet GSF minus 1,018 square feet excluded bicycle area from GFA equals 27,056 square feet which is greater than the 25,777 square feet shown as counting towards GFA on Sheet A0.60). Therefore, it is unclear which figures the applicant is proposing or what is the project's intended GFA.</li> <li>For B2, Sheet A0.02 lists 27,348 GSF and 23,643 GFA. Sheet A0.60 lists excluded GFA as 743 square feet (624 square feet for bicycles plus 119 square feet for vents) and this number is not consistent with the 3,705 square foot difference between 27,348 GSF and 23,643 GFA on Sheet A0.02. Therefore, it is unclear which figures the applicant is proposing or what is the project's intended GFA.</li> </ul> <p>J. Evaluating "Level 2-GFA"</p> <ul style="list-style-type: none"> <li>For B2, Sheet A0.02 lists 12,478 GSF and 11,270 GFA. Sheet A0.60 lists area excluded from GFA as 1,230 square feet (1,111 square feet for bicycles plus 119 square feet for vents) and this number is not consistent with the 1,208 square foot difference between 12,478 GSF and 11,270 GFA on Sheet A0.02.</li> <li>For B3, Sheet A0.02 lists 14,447 GSF and 14,447 GFA. Sheet A0.60 lists 14,447 GFA and 73 square feet for vents excluded from GFA, which would result in 14,520 GSF. The values are inconsistent.</li> </ul> <p>K. Select GFA diagrams (Sheet A.060 detail 13) are missing corresponding enlarged floor plans (e.g., B1 floors 9-14, B2 floors 29-33, B3 floors 14-31) and therefore consistency cannot be confirmed.</p>
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1. Evaluating General Plan land use designation – The Project is not consistent with the General Plan land use designation. The site has a commercial land use designation, specifically, "Professional and Administrative Offices." At the time of the preliminary application submission, for zoning districts in this land use designation that permitted residential uses (note: the subject site did not permit residential uses in December 2023),

## ATTACHMENT A

the maximum residential density was 18.5 dwelling units per acre. In conjunction with the update to the City's 2023-2031 Housing Element, "multiple dwellings" were added as a conditional use in the C-1 zoning district with a maximum residential density of 30 dwelling units per acre, however, the Project's proposed density is approximately 99 dwelling units per acre. In other words, the subject site did not permit residential uses in December 2023 and even if the site did permit residential uses, the Project's density is in excess of what was allowed in December 2023. The Project also includes general retail and hotel land uses which are not permitted or conditionally permitted (i.e., prohibited land uses) in the C-1 zoning district.

2. Evaluating parking requirements – The Project is not consistent with the on-site parking requirements (MPMC Section 16.72.030) as listed on Sheet A0.02. Applying a parking ratio of one space per 200 square feet of gross floor area, the Project's proposed 1,671,448 square feet of gross floor area would require 8,357 parking spaces, where 1,443 total spaces are proposed for the project.
3. Accessory buildings and structures – MPMC Section 16.68.030 regulates accessory buildings and accessory structures. The project is not consistent with the accessory buildings and structures requirements. The trash enclosure structure servicing the school does not meet the minimum three-foot setback requirement for accessory structures. In addition, unlabeled structures in the proposed playground area may qualify as accessory structures and may be subject to setback requirements. Additional site features/buildings, such as the structure shown in the "Plaza Aerial View" rendering on Sheet A0.04 between Buildings B1, B2 and B3, have not been identified with enough detail to confirm whether they are subject to the requirements of MPMC Section 16.68.030. Consistency cannot be determined until supporting information is provided regarding the proposed playground layout and all accessory buildings/structures, such as distances from proposed buildings/structures to the property line(s).
4. Roof-mounted equipment – MPMC Section 16.08.095 requires mechanical equipment, such as air conditioning equipment, ventilation fans, vents, ducting, or similar equipment placed on the roof of a building to be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, and all sounds emitted by such equipment shall not exceed fifty (50) decibels at a distance of fifty (50) feet from such equipment. The Project is not consistent with these requirements because information has not been provided to confirm that roof-mounted equipment would be screened at eye level horizontal to the top of the equipment, nor has information been provided to confirm that all sounds emitted by roof-mounted equipment will not exceed 50 decibels at 50 feet.
5. Swimming pools – MPMC Section 16.70 regulates swimming pools. Among the requirements are that swimming pools shall not be constructed in any required front yard or closer than five feet to any rear lot line or side lot line. Additionally, no pool shall occupy over 40 percent of the required rear yard. Other requirements are listed in the chapter. The Project is not consistent with these requirements because the necessary information, such as setbacks of all proposed swimming pools from property lines (for the swimming pool at grade behind Building B3, the pool at Floor 6 of Building B2, the pool at Floor 7 of Building B3, etc.), has not been provided.

**Section 2 – November 14, 2024 Complete Development Application Determination Date**

Between December 7, 2023 and November 14, 2024, the C-1 development regulations were modified to implement the City's 2023-2031 Housing Element. Table 2.1 below evaluates the Project for consistency with the updated C-1 development regulations (Section 16.30.030) that were in effect at the time the formal development application was deemed complete on **November 14, 2024** and includes additional consideration factors and notes for context.

<b>Table 2.1</b>	
<b>1. Minimum lot area: two (2) acres</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>consistent</u> with this development regulation.	No modification to this development regulation. See Table 1.1.
<b>2. Minimum lot dimensions: one hundred fifty (150) feet width and depth</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	No modification to this development regulation. See Table 1.1.
<b>3. Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	No modification to this development regulation. See Table 1.1.
<b>4. For a nonresidential development, land covered by all structures shall not exceed forty percent (40%) of a building site. For a one hundred percent (100%) residential development, land covered by all structures shall not exceed fifty percent (50%) of a building site. For a development with mixed nonresidential and residential uses, land covered by all structures shall not exceed fifty-five percent (55%) of a building site.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>consistent</u> with this development regulation.	The proposed building coverage for the site is approximately 130,870 square feet or 45 percent of the site, where a maximum of 55 percent or 160,080 square feet is allowed for the development with mixed nonresidential and residential uses.
<b>5. For a development with mixed nonresidential and residential uses or a one hundred percent (100%) residential development, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, including landscaping.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>consistent</u> with this	The Data Sheet and Sheet A0.61 list the landscaping area as 73,159 square feet or 25.1 percent of the lot area, where a minimum of 25

ATTACHMENT A

development regulation.	percent is required.
<b>6. Height of nonresidential structures shall not exceed thirty-five (35) feet. Height of mixed nonresidential and residential structures or residential structures shall not exceed forty (40) feet.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. Evaluating the height of Building 1 – The proposed height of Building 1, a nonresidential structure, is approximately 301 feet, where a maximum of 35 feet is allowed (Sheet A301.A).</p> <p>B. Evaluating the height of Building 2 – The proposed height of Building 2, a mixed nonresidential and residential structure, is approximately 458 feet, where a maximum of 40 feet is allowed (Sheet A302.A).</p> <p>C. Evaluating the height of Building 3 – The proposed height of Building 3, a mixed nonresidential and residential structure, is approximately 397'-6", where a maximum of 40 feet is allowed (Sheet A303.A).</p> <p>D. Evaluating the height of the school – The proposed height of the school, a nonresidential structure, is approximately 22 feet, where a maximum of 35 feet is allowed (Sheet A304.A).</p>
<b>7. In the case of conditional uses, additional regulations may be required by the Planning Commission.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	The Project includes use permit requests for the conditional uses of office, multiple dwellings, and a private school. Additional regulations and/or conditions of approval may apply. General retail and hotel land uses are not permitted or conditionally permitted uses in the C-1 district.
<b>8. Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6<sup>th</sup> Cycle Housing Element for very low- and low-income households is subject to the provisions of Section 16.08.105.</b>	
Consistency Review	Consideration Factors and Notes
N/A	The property is not identified in Appendix 7-1, Table B of the 2023 to 2031 6 <sup>th</sup> Cycle Housing Element.
<b>9. For a nonresidential development, the floor area ratio shall not exceed thirty percent (30%).</b>	
Consistency Review	Consideration Factors and Notes
N/A	The Project is a mixed nonresidential and residential uses development.
<b>10. The maximum density is thirty (30) dwelling units per acre (du/ac).</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not</u>	The Project proposes 665 residential units on approximately 6.68

ATTACHMENT A

consistent with this development regulation.	acres which results in a density of approximately 99.5 du/ac, where a maximum of 30 du/ac is allowed.
<b>11. The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	The Data Sheet lists the proposed floor area as 1,671,448 square feet or 574 percent of the lot area (291,056 square feet), where a maximum 90 percent floor area ratio is allowed.
<b>12. In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (11) of this section, the combined maximum floor area ratio is one hundred twenty percent (120%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section.</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	The Data Sheet lists the proposed floor area as 1,671,448 square feet or 574 percent of the lot area (291,056 square feet), where a maximum of 120 percent floor area ratio is allowed for a mixed nonresidential and residential development.

# ATTACHMENT A

Table 2.2 below evaluates the Project for consistency with C-1 residential design standards (Section 16.30.040) that were in effect at the time the formal development application was deemed complete on **November 14, 2024** and includes additional consideration factors and notes for context.

Table 2.2	
1. Building Setbacks and Projections Within Setbacks	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. <i>Building Projections, such as balconies and bay windows, at or above the second floor shall not Project beyond a maximum of five (5) feet into the setback area.</i></p> <p>Multiple buildings and projections (e.g., Building 1 Floor 15 terraces) are proposed to be located in the setback areas beyond the maximum allowed.</p> <p>B. <i>Where a property is contiguous to a single-family zoned property, no Projections into the setback are permitted for balconies or decks at or above the second floor.</i></p> <p>The property is not contiguous to a single-family zoned property.</p> <p>C. <i>The total area of all horizontal and vertical building Projections shall not exceed thirty-five percent (35%) of the building facade area, and no one (1) Projection shall exceed fifteen percent (15%) of the facade area on which the Projections are located. Where such Projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the Projection shall be windows or glazed.</i></p> <p>Information has not been provided to demonstrate consistency with the maximum projection façade area amounts, and therefore consistency cannot be confirmed.</p>
2. Façade Modulation and Treatment	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. <i>Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.</i></p> <p>Information, such as diagrams including dimensioned façade lengths and depths, has not been provided to demonstrate consistency with the minor building façade modulations on the</p>

# ATTACHMENT A

	<p>applicable sides of all buildings. Therefore, consistency cannot be determined.</p> <p><i>B. Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.</i></p> <p>Information, such as diagrams including dimensioned façade lengths and depths, has not been provided to demonstrate consistency with the major building façade modulations on the applicable sides of all buildings. Therefore, consistency cannot be determined.</p> <p><i>C. In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.</i></p> <p>Information, such as diagrams including dimensioned façade height modulations at rooflines and changes in fenestration, materials and/or colors, has not been provided to demonstrate consistency with the requirement. Therefore, consistency cannot be determined.</p>
<b>3. Building Profile</b>	
<p><b>Consistency Review</b></p> <p>The Project is <u>not consistent</u> with this development regulation.</p>	<p><b>Consideration Factors and Notes</b></p> <p><i>A. Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the required building profile.</p> <p><i>B. Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in subsection (1) of this section.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the requirement because horizontal building and architectural projections extend beyond the 45-degree building profile for the maximum height</p>



# ATTACHMENT A

	<p>permitted in the C-1 district.</p> <p>C. <i>Vertical building Projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the requirement because vertical building and architectural projections extend more than four feet beyond the 45-degree building profile for the maximum height permitted in the C-1 district.</p> <p>D. <i>Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the requirement because residential and nonresidential spaces within the buildings extend beyond the 45-degree building profile for the maximum height permitted in the C-1 district.</p>
<b>4. Height</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
<p>The Project is <u>not consistent</u> with this development regulation.</p>	<p>A. <i>Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the maximum building height regardless of vertical building projections.</p> <p>B. <i>Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the maximum building height regardless of permitted rooftop elements.</p> <p>C. <i>Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.</i></p> <p>Buildings 1, 2, and 3 are not consistent with the maximum building height regardless of permitted architectural features.</p>
<b>5. Exterior Materials</b>	

ATTACHMENT A

Consistency Review	Consideration Factors and Notes
The Project is <u>consistent</u> with this development regulation.	<p>A. <i>All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.</i></p> <p>The Project does not include stucco.</p> <p>B. <i>Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.</i></p> <p>The Project does not include stucco.</p> <p>C. <i>All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.</i></p> <p>The applicant has stated that the exterior windows for the proposed school will be inset by a minimum of two inches from the face of the exterior finishes. Note: this statement is not clearly depicted in the floor plan or elevations for the proposed school.</p> <p>Buildings 1, 2, and 3 include glass storefront systems at the ground floor and upper floors include glass curtain wall systems.</p> <p>D. <i>When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.</i></p> <p>The Project does not include simulated divided light windows.</p>
<b>6. Building Design</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. <i>When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.</i></p> <p>Building 2, a large mixed nonresidential and residential building, has frontage along Middlefield Road, however, the residential lobby and does not face Middlefield Road as required.</p> <p>B. <i>Utilities, including meters, backflow prevention devices, etc.,</i></p>

# ATTACHMENT A

	<p><i>shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.</i></p> <p>The Project includes utilities that are concealed or integrated into the building design to the extent feasible.</p> <p>C. <i>Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.</i></p> <p>The Project includes dedicated, screened, and accessible recycling, compost, and solid waste storage and collection spaces.</p> <p>D. <i>Trash and storage shall be enclosed and screened from public view.</i></p> <p>The Project includes trash and storage spaces that are enclosed and screened from public view.</p> <p>E. <i>Materials and colors of utility, trash, and storage enclosures shall match with the primary building.</i></p> <p>The Project includes utility, trash, and storage spaces that are integrated with the overall building design.</p> <p>F. <i>Roof-mounted equipment shall meet the requirements of Section 16.08.095.</i></p> <p>MPMC Section 16.08.095 requires mechanical equipment, such as air conditioning equipment, ventilation fans, vents, ducting, or similar equipment placed on the roof of a building to be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, and all sounds emitted by such equipment shall not exceed fifty (50) decibels at a distance of fifty (50) feet from such equipment. The Project is <u>not consistent</u> with these requirements because information has not been provided to confirm that roof-mounted equipment would be screened at eye level horizontal to the top of the equipment, nor has information been provided to confirm that all sounds emitted by roof-mounted equipment will not exceed 50 decibels at 50 feet.</p>
<b>7. Open Space</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development	A. <i>Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open</i>

# ATTACHMENT A

<p>regulation.</p>	<p><i>space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.</i></p> <p>Within the completeness review round 2 response to City comments, the applicant states that the provided common area open space exceeds the required amount, however, diagrams with calculations supporting the statements are not clear/provided (e.g., typical enlarged unit floor plans do not include square footages or dimensions for individual balconies, or a summary table analyzing common and private open space generally; Sheet A0.02 does not include summation of balcony area for Building 2). Therefore, consistency cannot be confirmed.</p> <p>Evaluating Building 2:</p> <p>The applicant states: <i>B2 (231 units) common open space on podium 19,195 sf, private open space on balconies is 21,956 sf</i></p> <p>Staff notes 18,995 square feet of common open space (13,793 square feet from floor 6 podium terrace and 5,202 square feet from floor 12 amenity terrace) and is unable to confirm the private open space on balconies at this time.</p> <p>Evaluating Building 3:</p> <p>The applicant states: <i>B3 (434 units) common open space on podium 28,630 sf, private open space on balconies is 14,880 sf = total of 43,510. There is an additional 73,sf [sic] of common open space on the ground lev [sic]</i></p> <p>Staff notes 27,130 square feet of common open space (17,619 square feet from floor 7 podium terrace and 9,511 square feet from floor 13 amenity terrace) and the consistency of the private open space on balconies cannot be confirmed.</p> <p>B. <i>Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:</i></p>
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# ATTACHMENT A

	<p>(i) <i>Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) square feet total, minimum).</i></p> <p>(ii) <i>Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) square feet total, minimum).</i></p> <p>(iii) <i>One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) square feet total, minimum).</i></p> <p>The 665-unit Project includes 73,159 square feet of landscaped area of which 4,377 square feet is a common lawn area between Building 2 and Building 3. However, due to the lack of information regarding other open space amounts described above, consistency of additional common open space area requirements cannot be confirmed.</p>
<b>8. Access and Parking</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>consistent</u> with this development regulation.	<p>A. <i>Shared entrances to parking for nonresidential and residential uses shall be used where possible.</i></p> <p>The Project includes shared entrances to parking for nonresidential and residential uses.</p> <p>B. <i>Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.</i></p> <p>The Project includes service access and loading docks connected to local and interior access streets.</p> <p>C. <i>Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.</i></p> <p>The Project includes screened aboveground garages.</p> <p>D. <i>Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.</i></p> <p>The Project does not include surface parking lots.</p> <p>E. <i>Surface parking lots shall be screened with landscaping features</i></p>

# ATTACHMENT A

	<p><i>such as trees, planters, and vegetation.</i></p> <p>The Project does not include surface parking lots.</p> <p>F. <i>Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.</i></p> <p>The Project does not include surface parking lots.</p>
<b>9. Lighting</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
<p>The Project is <u>not consistent</u> with this development regulation.</p>	<p>A. <i>Exterior lighting fixtures shall use fixtures with low cutoff angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.</i></p> <p>Information regarding lighting fixtures, cutoff angles, and positioning on all buildings has not been provided to indicate consistency with the requirements.</p> <p>B. <i>Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.</i></p> <p>Information regarding lighting in parking garages and potential effects of lighting on surrounding properties has not been provided in plans or through a photometric study and/or other supporting studies and documentation to confirm consistency. Therefore, consistency cannot be confirmed.</p>

## C-1 ADMINISTRATIVE AND PROFESSIONAL DISTRICT, RESTRICTIVE

## Chapter 16.30

## C-1 ADMINISTRATIVE AND PROFESSIONAL DISTRICT, RESTRICTIVE

## Sections:

- 16.30.010 Permitted uses.
- 16.30.020 Conditional uses.
- 16.30.030 Development regulations.

**16.30.010 Permitted uses.** There are no permitted uses in the C-1 district. (Prior code § 30.412(A)).

**16.30.020 Conditional uses.** Conditional uses allowed in the C-1 district, subject to obtaining a use permit are as follows:

- (1) Professional, executive and administrative offices;
- (2) Research facilities;
- (3) Public utilities in accordance with Chapter 16.76;
- (4) Special uses in accordance with Chapter 16.78. (Ord. 850 § 4, 1993; Prior code § 30.412(B)).

**16.30.030 Development regulations.** Development regulations in the C-1 district are as follows:

- (1) Minimum lot area: two acres;
- (2) Minimum lot dimensions: one hundred fifty feet width and depth;
- (3) Required minimum yards: thirty feet front; twenty feet rear; twenty feet side;
- (4) Land cover by all structures shall not exceed forty percent of building site;
- (5) Height of structures shall not exceed thirty-five feet;
- (6) In the case of conditional uses, additional regulations may be required by the planning commission;
- (7) The floor area ratio shall not exceed thirty percent (30%). (Ord. 863 § 4, 1994; Ord. 739 § 2 (part), 1986; Prior code § 30.412(C)).

## Chapter 16.32

## C-1-A ADMINISTRATIVE AND PROFESSIONAL DISTRICT

## Sections:

- 16.32.010 Permitted uses.
- 16.32.020 Conditional uses.
- 16.32.030 Development regulations.

**16.32.010 Permitted uses.** The following uses are permitted in the C-1-A district:

- (1) Professional, administrative and executive offices;
- (2) General offices. (Prior code § 30.413(A)).

**16.32.020 Conditional uses.** Conditional uses allowed in the C-1-A district, subject to obtaining a use permit are as follows:

- (1) Convalescent homes, provided that office use on the same site thereof shall not be permitted and that the minimum parking requirement for convalescent homes shall be one space per four beds, not in any required front or side yard;
- (2) Banks, savings and loan associations and other similar financial institutions;
- (3) Public utilities in accordance with Chapter 16.76;
- (4) Special uses in accordance with Chapter 16.78. (Ord. 850 § 5, 1993; Ord. 554 Art. I, 1973; Prior code § 30.413(B)).

**16.32.030 Development regulations.** Development regulations in the C-1-A district are as follows:

- (1) Minimum lot area: ten thousand square feet;
- (2) Minimum lot dimensions: seventy feet width, one hundred feet depth;
- (3) Required minimum yards: fifteen feet front; ten feet rear; interior side twenty-five percent of building height but not less than five feet; corner side ten feet;
- (4) Land cover by all structures shall not exceed forty percent of building site;
- (5) Height of structures shall not exceed thirty-five feet;



## HOUSING DIVISION CONSISTENCY REVIEW COMMENTS

### **Section 1 – December 7, 2023 Preliminary Application Submission Date**

The table below evaluates the Project for consistency with the City's Below Market Rate (BMR) Housing Program (MPMC Chapter 16.96) that was in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context.

<b>1. General BMR Program Administration</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	Chapter 16.96 of the Zoning Ordinances establishes requirements of the City's Below Market Rate Housing Program. BMR Guidelines Section 3.1 "Commercial Developments" includes BMR requirements for commercial developments. No information or material was submitted to show compliance to the City's BMR Ordinance and Guidelines requirements for non-residential development.
<b>2. Number and Size of BMR Units: BMR housing units shall generally be of the same proportionate size (number of bedrooms and square footage) as the market-rate units (BMR Guidelines Section 5.1).</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>There are inconsistencies between the proposed Project and <a href="#">BMR Guidelines</a> Section 5.1. The below comments are organized by building and reference Table 1 of Sheet A2.20 (Building 2) and Table 2 of Sheet A2.21 (Building 3).</p> <p>The BMR Guidelines Section 5.1 "Size and Location of BMR Units" states that BMR housing units shall generally be of the same proportionate size (number of bedrooms and square footage).</p> <p>The project is inconsistent with this standard, because the proposed rental and ownership 2BD and 3BD BMR units have less square footage than the market units.</p> <p>Building 2 (47 BMR Ownership Units):</p> <p>A. 2BD BMR Units (22 BMR units)</p> <ul style="list-style-type: none"> <li>Size: The size of the 2BD BMR units is inconsistent with the 2BD market-rate units. Of the proposed 22 2BD BMR units, all are 2BD/1BA units. However, 78 of the 88 market rate units are 2BD/2BA units and no 2BD/2BA are proposed as BMR units. In addition, the 2BD/2BA market rate units are at least 50% larger than the 2BD BMR units from a square footage perspective.</li> </ul> <p>B. 3BD BMR Units (11 BMR Units)</p> <ul style="list-style-type: none"> <li>The size of the 3BD BMR units is inconsistent with the 3BD</li> </ul>

	<p>market-rate units. The 3BD/2BA BMR units are all 1,080 square feet while the average market-rate 3BD unit is approximately 1,700 square feet (57% larger market rate 3BD units in comparison to 3BD BMR units). Also, no 3BA/3BD units are proposed.</p> <p>Building 3 (87 BMR Rental Units):</p> <p>C. Studios (2 BMR Units)</p> <ul style="list-style-type: none"> <li>Number: The proportion of BMR studios is inconsistent with the overall number of studio market-rate units. 10 total studios are proposed for Building 3, or approximately 2% of the total unit mix. However, 2 of the 10 studios, or 20%, are offered as BMR units.</li> </ul> <p>D. 1BD BMR Units (38 BMR Rental Units)</p> <ul style="list-style-type: none"> <li>Size: The size of the 1BD BMR units is inconsistent with the 1BD market-rate units. None of the proposed 38 BMR rental 1BD units include the larger 730 and 780 square feet units. All the BMR 1BD units are smaller, ranging between 530-630 square feet.</li> </ul> <p>E. 2BD BMR Units (45 Rental BMR Units)</p> <ul style="list-style-type: none"> <li>Size: The size of the 2BD BMR units is inconsistent with the 2BD market-rate units. Of the proposed 45 BMR 2BD units, all are 2BD/1BA units with an average size of approximately 770 square feet. The majority of the market rate rental units are 2BD/2BA units and no 2BD/2BA are proposed as BMR units. In addition, the 2BD/2BA market-rate units range from 1,050-1,480 square feet, with most in the 1,170-1,300 square feet range.</li> </ul> <p>F. 3BD BMR Units (2 Rental BMR Units)</p> <ul style="list-style-type: none"> <li>Number: The proportion of 3BD BMR units is inconsistent with the number of 3BD market-rate units. 14 total 3BD units are proposed for Building 2, or approximately 3% of the total unit mix. However, 2 of the 14 3BD units, or 14%, are offered as BMR units.</li> <li>Size: The size of the 3BD BMR units is inconsistent with the 3BD market-rate units. The two 3BD units proposed for BMR rental units are the smaller 1,170 square-foot units in the 3BD category. None of the substantially larger 3BD/3BA are proposed for BMR rental units.</li> </ul>
<b>3. Location of BMR units: BMR units should be distributed throughout the development, and should be indistinguishable from the exterior (BMR Guidelines Section 5.1).</b>	
Consistency Review	Consideration Factors and Notes

## ATTACHMENT B

<p>The Project is <u>not consistent</u> with this development regulation.</p>	<p>The BMR Guidelines Section 5.1 “Size and Location of BMR Units” also states that the BMR units should be distributed throughout the development.</p> <p>A. Building 2</p> <ul style="list-style-type: none"> <li>• A majority of the BMR units are on the lower floors and not distributed throughout the development. There are no BMR units above the 27<sup>th</sup> floor of the 39 story building. Only 3 BMR units are above the 23<sup>rd</sup> floor.</li> </ul> <p>B. Building 3</p> <ul style="list-style-type: none"> <li>• All the 1BD BMR units are below the 19<sup>th</sup> floor of the 33 story tower with 20 of the units located on floors 3-6.</li> </ul> <p>C. This requirement also applies to BMR unit location on each of the floors. Because no floor plans were submitted showing the location of the BMR units on each floor, consistency cannot be confirmed.</p>
<b>4. Advisory Notes</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
	<p>A. All the BMR units will need to meet City BMR requirements, which would be documented in the Below Market Rate Housing Agreement. Please refer to the <a href="#">City's Below Market Rate Housing Program Guidelines</a> to review all the City's BMR requirements.</p>

**BUILDING DIVISION CONSISTENCY REVIEW COMMENTS****Section 1 – December 7, 2023 Preliminary Application Submission Date**

The table below evaluates the Project for consistency with the 2022 California Building Standards Code, as amended by the City of Menlo Park Municipal Code (Title 12, Chapters 12.04-12.18, 12.42, and 12.48), that was in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context.

<b>1. Section 110.10 – Mandatory Requirements for Solar Ready Buildings</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with the amended 2022 California Building Standards Code, Part 6, Section 110.10 (Energy Code).	<p><i>3. Hotel/motel occupancies and high rise multifamily buildings that do not have a photovoltaic system installed shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 2.</i></p> <p>The project does not propose the installation of Photovoltaics as required by Section 110.10.</p> <p>Additionally, it is noted that Sheet A0.06 lists “2015,” which is an incorrect version of the Municipal Code. The correct version of the Code is “2024.”</p>

## SUSTAINABILITY DIVISION CONSISTENCY REVIEW

### **Section 1 – December 7, 2023 Preliminary Application Submission Date**

At the time the **December 7, 2023** SB 330 preliminary application was submitted, residential land use was not permitted/conditionally permitted in the C-1 zoning district.

### **Section 2 – November 14, 2024 Complete Development Application Determination Date**

Between December 7, 2023 and November 14, 2024, the C-1 zoning district was modified to include residential land use as a conditionally permitted use. The table below evaluates the Project for consistency with C-1 residential green and sustainable building regulations (MPMC Section 16.30.050) that were in effect at the time the formal development application was deemed complete on **November 14, 2024** and includes additional consideration factors and notes for context.

<b>1. Green Building: Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.30.050(1)(B).</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	The Project includes a LEED checklist as Sheet A0.20, however, Table 16.30.050(1)(B), Green Building row, Designed to meet LEED Gold BD+C footnote 1(a), requires submittal of an appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application. The verifying cover letter from a project LEED AP is missing. Therefore consistency with this requirement cannot be determined.
<b>2. Energy</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with this development regulation.	<p>The Project does not include a report indicating the proposed path for compliance, where the Zoning Ordinance section 16.30.050(2) requires:</p> <p><i>(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:</i></p> <ul style="list-style-type: none"> <li><i>(i) On-site energy generation;</i></li> <li><i>(ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;</i></li> <li><i>(iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;</i></li> <li><i>(iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.</i></li> </ul> <p>Because the application does not include the report or proposed path for compliance, consistency with this requirement cannot be confirmed at this time.</p>

3. Water Use Efficiency and Recycled Water	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. In the <i>Landscape &amp; Irrigation</i> section of the Water Use Budget Memorandum, the total landscape area does not match the data included in the landscape entitlement plan set.</p> <p>B. In the <i>Occupancy Assumptions</i> section of the Water Use Budget Memorandum, the provided assumptions do not conform to City Water Use Budget Guidelines, which require occupancy counts to be based on the latest version of LEED for Building Operations and Maintenance.</p> <p>C. In the <i>Water Use Assumptions Based on Metered Data Analysis</i> section of the Water Use Budget Memorandum, the calculated annual water use is based on the provided average intensity per use type. Per City Water Use Budget Guidelines, water usage should be based on occupancy counts, gender ratios, and fixture frequency of use and duration per use type in the latest version of LEED Water Use Reduction Additional Guidance.</p> <p>D. The project is located within the California Water Service (Cal Water) service area. The applicant is responsible for compliance with all Cal Water policies, procedures, and regulations that are directly applicable to the project.</p> <p>Per MPMC 16.30.050(3)(E), the Project is required to develop an Alternate Water Source Assessment. The submitted Alternate Water Source Assessment states in part: <i>"The exact method of water treatment and system capacity, alternative water source design and flow diagrams, method of system operation, maintenance, and monitoring shall be addressed during the construction documents phase of the project and will be submitted with the building permit documents. The formal Alternative Water Source Assessment will address all of the items included in the city's Water Use Budget Guidelines at that time."</i></p> <p>The Alternate Water Source Assessment submitted is not consistent with the City's requirements for an Alternate Water Source Assessment described in the linked file (<a href="https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/water/water-use-budget-guidelines_201903121202059642.pdf">https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/water/water-use-budget-guidelines_201903121202059642.pdf</a>) for buildings.</p>
<b>4. Waste Management. Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes</b>	

from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero-waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration. ([Zero Waste Management Plans](#))

Consistency Review	Consideration Factors and Notes
<p>The Project is <u>not consistent</u> with this development regulation.</p>	<p><u>Building 1 Evaluation</u></p> <p>The Project does not include floor plans/site plans that show where the following required zero waste strategies are located.</p> <p>A. Locations of permanent sorting stations for garbage, recycling, and organics with proper signage.</p> <ol style="list-style-type: none"> <li>a. #2 2024.09.11 General Arch <ol style="list-style-type: none"> <li>i. Sheets A0.1 and A0.14 do not show this requirement under "Kitchen appliance &amp; fixtures."</li> </ol> </li> <li>b. #3 2024.09.11_ARCH Architectural site plans <ol style="list-style-type: none"> <li>i. Sheets A2.03A and A2.05A do not show the locations of the sorting stations in the commercial spaces, offices, and lobbies floor plans.</li> <li>ii. Sheet A2.07A does not show the locations of the sorting station locations in the conference/office space floor plan.</li> <li>iii. Sheets A2.10A, A2.11A, and A2.12A do not show the locations of the sorting stations in the office space.</li> <li>iv. Sheet A2.12A do not show the locations of the sorting stations on the office terrace.</li> <li>v. Sheet A2.13 A do not show the locations of the sorting stations in the amenity space.</li> </ol> </li> </ol> <p>The Project must ensure that the following zero waste infrastructure is included into the final building design and maintained for at least 15 years during the life of the project following final inspection or granting of building occupancy. The project plans must also demonstrate compliance with the below requirements during the entitlement phase per the City's zero waste management plan requirements for <a href="#">nonresidential</a> development projects.</p> <p>A. Install refillable water stations at any planned water fountains and dishwashers in all kitchen/breakroom areas</p>



## ATTACHMENT D

	<ul style="list-style-type: none"> <li>a. #3 2024.09.11_ARCH Architectural site plans <ul style="list-style-type: none"> <li>i. Sheets A2.03A, A2.05A and A2.07A do not indicate where these appliances are located.</li> <li>ii. Sheet A2.07A does not show the location of the dishwasher in the breakroom or kitchen</li> <li>iii. Sheets A2.10A, A2.11A, and A2.12A do not indicate where these appliances are located.</li> <li>iv. Sheet A2.13A does not show the dishwasher location in the amenity space.</li> </ul> </li> <li>B. Provide energy efficient hand dryers in bathrooms. <ul style="list-style-type: none"> <li>a. #2 2024.09.11 General Arch <ul style="list-style-type: none"> <li>i. Sheet A0.12 does not show hand dryer locations.</li> </ul> </li> </ul> </li> </ul> <p><u>Building 2 Evaluation</u></p> <p>The Project does not include floor plans/site plans that show where the following required zero waste strategies are located.</p> <ul style="list-style-type: none"> <li>A. Locations of permanents sorting stations for garbage, recycling, and organics with proper signage. <ul style="list-style-type: none"> <li>a. #2 2024.09.11 General Arch <ul style="list-style-type: none"> <li>i. Sheets A0.1 and A0.14 do not show this requirement under “Kitchen appliance &amp; fixtures.”</li> </ul> </li> <li>b. #3 2024.09.11_ARCH Architectural site plans <ul style="list-style-type: none"> <li>i. Sheet A2.03B does not show the locations of the sorting stations in the commercial spaces and various lobbies.</li> <li>ii. Sheet A2.05B does not show the locations of the sorting stations in the ballroom, private dining/event rooms.</li> <li>iii. Sheet A2.06B does not show the locations of the sorting stations in the fitness center and spa.</li> <li>iv. Sheet A2.07B does not show the locations of the sorting stations in the management/amenity space.</li> <li>v. Sheet A2.08B does not show the locations of the sorting stations in each Pvt. Dining/Event room, amenity lobby, pool area/terrace, bar, and kitchen.</li> <li>vi. Sheet A2.09B does not show the locations of the sorting stations in each hotel room.</li> <li>vii. Sheet A2.10B do not show the locations of the sorting stations in the amenity, co-working</li> </ul> </li> </ul> </li> </ul>
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	<p>space, and amenity terrace.</p> <p>viii. Sheets A2.20, A2.22, and A2.23 do not show the locations of the sorting stations in the each residential unit. These sheets are also missing a detailed trash room diagram.</p> <p>The Project must ensure that the following zero waste infrastructure is included into the final building design and maintained for at least 15 years during the life of the project following final inspection or granting of building occupancy. The project plans must also demonstrate compliance with the below requirements during the entitlement phase per the City's zero waste management plan requirements for <a href="#">residential</a> and <a href="#">nonresidential</a> development projects.</p> <p>A. Install refillable water stations at any planned water fountains and dishwashers in all kitchen/breakroom areas</p> <p>a. #3 2024.09.11_ARCH Architectural site plans</p> <p>i. Sheet 2.03B do not indicate where these appliances are located in all kitchen/breakroom areas.</p> <p>ii. Sheets A2.05B, A2.06B and A2.07B do not show the locations of refillable water stations.</p> <p>iii. Sheet A2.07B do not indicate where these appliances are located in all kitchen/breakroom areas.</p> <p>iv. Sheet A2.08B do not show the locations of refillable water stations either in each pvt. dining/event space or the hallway and in pool/terrace area. The sheet also does not show the dishwasher location in the kitchen.</p> <p>v. Sheet A2.09B install refillable water stations in the hallway or in the guest elevator lobby.</p> <p>vi. Sheet A2.10B do not show the locations of refillable water stations in the amenity, amenity terrace, and co-working space. The sheet also does not indicate the dishwasher locations in the breakroom/kitchen in the co-working space and amenity.</p> <p>B. Provide energy efficient hand dryers in bathrooms.</p> <p>a. #2 2024.09.11 General Arch</p> <p>i. Sheet A0.12 does not show hand dryer locations.</p>
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Building 3 Evaluation

The Project does not include floor plans/site plans that show where the following required zero waste strategies are located.

- A. Locations of permanent sorting stations for garbage, recycling, and organics with proper signage.
  - a. #2 2024.09.11 General Arch
    - i. Sheets A0.1 and A0.14 do not show this requirement under “Kitchen appliance & fixtures.”
  - b. #3 2024.09.11\_ARCH Architectural site plans
    - i. Sheet A2.03C does not show the locations of the sorting stations in the commercial spaces.
    - ii. Sheet A2.04C does not show the locations of the sorting stations in the mezzanine area.
    - iii. Sheet A2.09C does not show the locations of the sorting stations in the pool area, terrace, and amenity.
    - iv. Sheet A2.11C do not show the locations of the sorting stations in the amenity and amenity terrace.
    - v. Sheets A2.21, A2.24, and A2.31 do not show the locations of the sorting stations in each residential unit room. The sheet is also missing a detailed trash room diagram.
    - vi. The enlarged unit floor plan for Level 33 is missing. It should show the locations of the sorting stations in each residential unit room and a detailed trash room diagram.

The Project must ensure that the following zero waste infrastructure is included into the final building design and maintained for at least 15 years during the life of the project following final inspection or granting of building occupancy. The project plans must also demonstrate compliance with the below requirements during the entitlement phase per the City’s zero waste management plan requirements for [residential](#) and [nonresidential](#) development projects.

- A. Install refillable water stations at any planned water fountains and dishwashers in all kitchen/breakroom areas
  - a. #3 2024.09.11\_ARCH Architectural site plans
    - i. Sheet A2.03C does not indicate the locations of refillable water stations and dishwashers in all kitchen/breakroom areas.

# ATTACHMENT D

	<ul style="list-style-type: none"> <li>ii. Sheet A2.09C does not indicate the locations of refillable water stations in the pool area, terrace, and amenity. The amenity also does not show the location of dishwashers in the breakroom and/or kitchen.</li> <li>iii. Sheet A2.11C does not indicate the locations of refillable water stations in the amenity terrace and amenity. The amenity also does not show the location of dishwashers in the breakroom and/or kitchen.</li> <li>iv. Sheet A2.13C does not indicate the locations of refillable water stations in the amenity space. The amenity also does not show the location of dishwashers in the breakroom and/or kitchen.</li> </ul> <p>B. Provide energy efficient hand dryers in bathrooms.</p> <ul style="list-style-type: none"> <li>a. #2 2024.09.11 General Arch <ul style="list-style-type: none"> <li>i. Sheet A0.12 does not show hand dryer locations.</li> </ul> </li> </ul> <p><u>Building 4 (Montessori School)</u></p> <p>The Project does not include floor plans/site plans that show where the following required zero waste strategies are located.</p> <p>A. Locations of permanent sorting stations for garbage, recycling, and organics with proper signage.</p> <ul style="list-style-type: none"> <li>a. #3 2024.09.11_ARCH Architectural site plans <ul style="list-style-type: none"> <li>i. Sheet A2.03D does not show the locations of the sorting stations in the classrooms, reception, and playground area.</li> </ul> </li> </ul> <p>The Project must ensure that the following zero waste infrastructure is included into the final building design and maintained for at least 15 years during the life of the project following final inspection or granting of building occupancy. The project plans must also demonstrate compliance with the below requirements during the entitlement phase per the City's zero waste management plan requirements for <a href="#">nonresidential</a> development projects.</p> <p>A. Install refillable water stations at any planned water fountains and dishwashers in all kitchen/breakroom areas</p> <ul style="list-style-type: none"> <li>a. #3 2024.09.11_ARCH Architectural site plans <ul style="list-style-type: none"> <li>i. Sheet A2.03D does not indicate the locations of refillable water stations and dishwashers in</li> </ul> </li> </ul>
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## ATTACHMENT D

	<p style="text-align: center;">all kitchen/breakroom areas.</p> <p>B. Provide energy efficient hand dryers in bathrooms.</p> <p style="margin-left: 40px;">a. #2 2024.09.11 General Arch</p> <p style="margin-left: 80px;">i. Sheet A0.12 does not show hand dryer locations.</p> <p><u>Outdoor amenity area</u></p> <p>The Project does not include floor plans/site plans that show where the following required zero waste strategies are located.</p> <p>A. Locations of permanents sorting stations for garbage, recycling, and organics with proper signage.</p> <p style="margin-left: 40px;">a. Requirement is not met.</p> <p>The Project must ensure that the following zero waste infrastructure is included into the final building design and maintained for at least 15 years during the life of the project following final inspection or granting of building occupancy. The project plans must demonstrate compliance with the below requirements.</p> <p>A. Install refillable water stations at any planned water fountains</p> <p style="margin-left: 40px;">a. Requirement is not met.</p>
<b>5. Bird-Friendly Design</b>	
Consistency Review	Consideration Factors and Notes
<p>The Project is <u>not consistent</u> with this development regulation.</p>	<p>A. <i>No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.</i></p> <p>The Project does not demonstrate that no more than ten percent of façade surface area will utilize non-bird-friendly glazing. Sheet A0.50 notes that buildings will comply with the C-1 district governing building heights for bird-friendly design and diagrams show two different colored zones for intended compliance, however, Buildings 1, 2, and 3 are proposed in excess of maximum height limits and non-bird friendly glass (e.g., clear glass storefront system) is utilized at each building. Documentation regarding the overall use of bird-friendly versus non-bird-friendly glass is unclear and therefore insufficient to find the project compliant with this development standard.</p> <p>B. <i>Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.</i></p>

ATTACHMENT D

	<p>Building elevations call out ceramic fritted glass for the upper levels of the buildings which are proposed at heights exceeding the maximum allowed. Clear glass is called out in other locations. Documentation regarding the overall use of bird-friendly versus non-bird-friendly glass is unclear and therefore insufficient to find the project compliant with this development standard.</p> <p>C. <i>A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site-specific evaluation from a qualified biologist and review and approval by the planning commission.</i></p> <p>Not applicable at this time as no waiver has been requested by the applicant. No evaluation of consistency has occurred.</p>
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## ENGINEERING DIVISION CONSISTENCY REVIEW COMMENTS

### **Section 1 – December 7, 2023 Preliminary Application Submission Date**

The table below evaluates the Project for consistency with the development regulations, requirements, and guidance that were in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context.

<b>1. Stormwater Regulatory Fee</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
See note.	In accordance with Menlo Park Municipal Code Section 7.42.250, please note that payment of storm water regulatory fees will be required at the time of building permit issuance. On December 7, 2023, the storm drainage connection fee was \$150 per residential unit and \$0.24 per square foot of impervious area.
<b>2. Vesting Tentative Parcel Map</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with development regulations, requirements, and policies.	<p>A. In accordance with Menlo Park Municipal Code Section 15.16.020, please note that payment of recreation in-lieu fees will be required as a condition of approval for a tentative subdivision or parcel map enabling residential development. On December 7, 2023, the recreation in-lieu fee was \$78,400 per unit.</p> <p>B. The Vesting Tentative Parcel Map must accurately represent the proposed project. There are noted discrepancies in information among various documents:</p> <ul style="list-style-type: none"> <li>• Sheet A0.03 Project Description Letter indicates the project includes 665 new residential units.</li> <li>• BMR Housing Agreement Proposal indicates the project includes 665 new residential units.</li> <li>• Sheet C1.00 Project Description indicates the project includes 805 new residential units.</li> </ul> <p>C. Sheet C1.00 incorrectly identifies the Base Flood Elevation (BFE) as 59.5' NAVD 88 and the Design Flood Elevation (DFE) as 60.5' NAVD 88. The City has determined that the BFE for the subject parcel is 60.8' NAVD 88 and the DFE is 61.8' NAVD 88.</p> <p>D. Sheet C1.00 incorrectly identifies "Menlo Park Fire Department" for fire protection. Fire protection for the parcel is provided by Menlo Park Fire Protection District.</p> <p>E. Sheet C1.00 includes an Engineer's Statement that is not signed or dated.</p>



# ATTACHMENT E

	<p>F. Per the City's Administrative Guidelines for Submittal and Review of Tentative Map, all adjacent parcels must be identified. The Vesting Map does not identify all adjacent parcels.</p> <p>G. On Sheet C3.00 of the vesting tentative map, the frontage sidewalk is shown partially on private property. A public access easement will be required from the applicant to allow for public utilization of the sidewalk.</p> <p>H. Per published Administrative Guidelines for Submittal and Review of Tentative Map, the map does not identify all public areas proposed for dedication or open space easements. Published Administrative Guidelines for Submittal and Review of Tentative Map can be found at below link:  <a href="https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/engineering/guides/tentative-map-guidlines-2-22-2024.pdf">https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/engineering/guides/tentative-map-guidlines-2-22-2024.pdf</a></p> <p>I. On Sheet C3.00 of the vesting tentative map, notes indicate that below grade parking garage will have zero setback from the property line. Required documentation for tiebacks, if proposed for use during construction, has not been submitted. Published tie-back requirements guidance can be found at below link:  <a href="https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/tie-back-requirements_201605181619198127.pdf">https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/tie-back-requirements_201605181619198127.pdf</a></p> <p>J. On Sheet C3.00 of the vesting tentative map, a 10 foot sidewalk dimension is shown along the Willow Road frontage of building B1. This dimension is not consistent with information shown on Willow Road Section – 3 on Sheet C3.01.</p> <p>K. On Sheet C3.00 of the vesting tentative map, the sidewalks on Middlefield Road do not have noted width dimensions and therefore do not demonstrate consistency with the required sidewalk width of five feet.</p> <p>L. Per the City's Flood Damage Prevention ordinance (Menlo Park Municipal Code Section 12.42), the finished floor must be a minimum of 12" above the BFE. Sheet C4.00 shows building B2 with a lowest finish floor elevation of 61.0'. The structure is located within flood zone AE with a determined base flood elevation (BFE) of 60.8' NAVD 88, which means the lowest finish floor elevation of building B2 must be a minimum of 61.8' NAVD 88.</p>
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# ATTACHMENT E

	<p>M. Per the City's Water-Efficient Landscaping ordinance (Menlo Park Municipal Code Section 12.44.100), nonresidential irrigated landscapes greater than 5,000 square feet are required to comply with California Water Code Section 535, which require separate water meters to measure the volume of water used exclusively for landscape purposes. Sheet C5.00 of the vesting tentative map does not identify any dedicated irrigation services/meters to comply with State Water Code Section 535.</p> <p>N. Per the City's Administrative Guidelines for Submittal and Review of Tentative Map, locations, pipe sizes, and approximate grades of all proposed utilities, including electrical and gas lines shall be included in the Vesting Tentative Parcel Map. Sheet C5.00 of the Vesting Tentative Parcel Map does not show any joint trench utility work or required overhead utility undergrounding along Willow Road or Middlefield Road.</p> <p>O. Sheet C6.00 of the vesting tentative map shows multiple treatment areas within DMA-2. Multiple treatment areas is an indication of smaller drainage management areas that must be discretely defined.</p> <p>P. The Treatment Control Summary Table on Sheet C6.01 of the vesting tentative map shows that DMA-1A and DMA-2A are sized using combination flow/volume method. The required treatment area sizing appears to be sized using the "4% rule." Project plans must use consistent methodologies to allow the City to evaluate the Project's consistency with stormwater standards.</p>
<b>3. Preliminary Storm Drain Memorandum</b>	
Consistency Review	Consideration Factors and Notes
<p>The Project is <u>not consistent</u> with development regulations, requirements, and policies.</p>	<p>A. In the first paragraph of Proposed Conditions (page 2), the impervious paving area is noted as 53,2541 square-feet. Though not related to the Project's inconsistency with development regulations, the typo should be corrected to accurately reflect the impervious paving area.</p> <p>B. In the first paragraph of Proposed Conditions (page 2), it states "project is proposing to treat 118,066 square-feet of impervious roof area in pervious planter area." It does not explain how the remaining 53,254 square feet of impervious paving will be treated. Therefore, the application does not provide sufficient information to demonstrate whether it is consistent with the City's storm drain/stormwater regulations.</p>

# ATTACHMENT E

	<p>C. On page 3, Table 3 and corresponding paragraph indicate that 9,493 gallons of water must be stored to ensure that 10-year post-development flow does not exceed 10-year pre-development flow. Plan set does not document where this volume is stored on-site and therefore it does not demonstrate consistency with the pre-development flow requirements.</p> <p>D. The document does not include a list of all stormwater management facilities for the site, as required to be provided in a stormwater management plan report. Please refer to the <a href="#">Commercial, Multi-Family and Subdivision Grading and Drainage Guidelines</a> for further information. A stormwater summary table for all DMAs will meet the requirement.</p>
<b>4. Stormwater Control Plan Report</b>	
<b>Consistency Review</b>	<b>Consideration Factors and Notes</b>
The Project is <u>not consistent</u> with development regulations, requirements, and policies.	<p>A. Written report does not include assessor's parcel number, parcel legal description, and contact information for the all persons having legal interest in the property, as required by published Commercial, Multi-Family, and Subdivision Grading and Drainage Guidelines which can be found at below link:  <a href="https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/stormwater/commercial-drainage-guidelines.pdf">https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/stormwater/commercial-drainage-guidelines.pdf</a></p> <p>B. Document does not provide an exhibit identifying buildings B1, B2, and B3 as referenced in the DMA descriptions.</p> <p>C. The Preliminary Storm Drain Memo addresses the need to store 9,493 gallons of water during the 10-year storm to maintain pre-development site runoff flows. That is not discussed in the Stormwater Control Plan Report.</p> <p>D. Sheet C6.00 shows multiple treatment areas within DMA-2. Multiple treatment areas is an indication of smaller drainage management areas that must be discretely defined.</p> <p>E. The description for DMA 11 contains an errant reference to DMA 10.</p> <p>F. DMA 21 is described as not requiring treatment since it is existing landscape to remain in place. As a Municipal Regional Permit regulated project, the entire project site must be treated; therefore, no drainage management areas can be defined as untreated. Areas that receive no runoff from other impervious areas on site and are restricted from using fertilizers and pesticides may be considered a self-treating area.</p>

	<p>G. Fourth paragraph of Section 2.2 states that treatment measures are sized using the 4% combination flow and volume method. The “4% rule” is strictly a flow-based sizing method. Worksheet D (included with C.3/C.6 Development Review Checklist) does not indicate any DMAs sized using the combo flow/volume method.</p> <p>H. The Certification section states the plan is “in accordance with the current edition of the SCVURPP requirements.” This project is not located in Santa Clara County, so SCVURPP does not apply. Applicable compliance is San Mateo Countywide Water Pollution Prevention Program and the current C.3 Regulated Projects Guide.</p> <p>I. Table 4 does not include a column for the effective impervious area of each DMA. The calculated bioretention areas appear to be based solely on the impervious area, not the effective impervious area as required by C.3 Regulated Projects Guide.</p> <p>J. Within Table 4, the TCM and treatment type for DMA 4 are errant.</p> <p>K. Sheet C6.00 does not identify the treatment areas for DMA-1A or DMA-2A.</p> <p>L. Included C.3/C.6 Development Review Checklist does not utilize current MRP 3.0 version:  <a href="https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf">https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf</a></p> <p>M. Worksheet D in the C.3/C.6 Development Review Checklist does not include a column for the effective impervious area of each DMA. The calculated bioretention area appear to be based solely on the impervious area, not the effective impervious area as required by C.3 Regulated Projects Guide.</p> <p>N. Worksheet D in the C.3/C.6 Development Review Checklist includes a double asterisk (**) in the sizing criteria column. The referenced annotation is not provided.</p> <p>O. Worksheet D in the C.3/C.6 Development Review Checklist does not include calculations for DMA-1A and DMA-2A.</p> <p>P. The Treatment Control Summary Table on Sheet C6.01 shows that DMA-1A and DMA-2A are sized using combination flow/volume method. The treatment areas required appear to be sized using the “4% rule”. Project plans must use consistent methodologies to allow the City</p>
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# ATTACHMENT E

	<p>to evaluate the Project's consistency with stormwater standards.</p> <p>Q. Maintenance plan templates are provided for bioretention areas and flow-through planters, but not for permeable pavers. A permeable paver maintenance plan template is needed to demonstrate compliance with the requirement to provide a draft stormwater operations and maintenance agreement as part of the Stormwater Control Plan Report.</p>
<b>5. C.3/C.6 Development Review Checklist</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with development regulations, requirements, and policies.	<p>A. Included C.3/C.6 Development Review Checklist does not utilize current MRP 3.0 version:  <a href="https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf">https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf</a></p> <p>B. Worksheet D does not include a column for the effective impervious area of each DMA. The calculated bioretention area appear to be based solely on the impervious area, not the effective impervious area as required by C.3 Regulated Projects Guide.</p> <p>C. Worksheet D in the C.3/C.6 Development Review Checklist includes a double asterisk (**) in the sizing criteria column. The referenced annotation is not provided.</p> <p>D. Worksheet D in the C.3/C.6 Development Review Checklist does not include calculations for DMA-1A and DMA-2A.</p>
<b>6. Landscape Entitlements</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with development regulations, requirements, and policies.	<p>A. On Sheet L1.00, there are several onsite bike racks fronting Willow Road and Middlefield Road that are not labeled.</p> <p>B. On Willow Road, Sheet L1.00 proposes bike racks within the public right of way. These will require applicant to enter into an agreement with City to document applicant's responsibility for maintenance, repair, and replacement or be relocated outside of the public right of way.</p>
<b>7. Advisory Notes</b>	
Consistency Review	Consideration Factors and Notes
	<p>A. On Sheet C3.00 of the vesting tentative map, applicant should provide a consistent 12 foot minimum sidewalk cross-section with 4 foot landscape strip or tree wells along entire property frontage.</p> <p>B. On Sheet L2.00, stormwater treatment area #16 is identified as a bioretention planting area. However, on Sheet L3.00, it is not shown to receive stormwater planting material</p>

ATTACHMENT E

	<p>according to the hydrozone type. The information on these sheets appears to be conflicting.</p> <p>C. On Sheet C3.01 of the vesting tentative map, Middlefield Road Section – 1 shows 7 foot sidewalk, but does not indicate the presence of proposed bike racks as shown on other project plan sheets.</p> <p>D. Sheet C6.00 of the vesting tentative map does not identify the treatment areas for DMA-1A or DMA-2A.</p>
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## TRANSPORTATION DIVISION CONSISTENCY REVIEW COMMENTS

### **Section 1 – December 7, 2023 Preliminary Application Submission Date**

The table below evaluates the Project for consistency with the development regulations that were in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context.

<b>1. Transportation Demand Management Plan</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>The Plan sheets do not match the TDM measures identified in the C/CAG TDM Checklist provided as part of the application illustrating proposed TDM measures. The Plan sheets and/or the TDM Checklist must be revised to be internally consistent and to demonstrate compliance with the City's requirement to result in a trip reduction percentage of 35 percent pursuant to C/CAG TDM Policy.</p> <ul style="list-style-type: none"> <li>• The TDM measures include space for carshare and bike/scooter share parking spaces. The plans do not indicate where these spaces are located.</li> <li>• The parking plan does not show locations of carpool parking spaces.</li> <li>• The TDM measures include space for employee showers, lockers and changing rooms for cyclists. The plans do not indicate where these spaces are located.</li> <li>• The TDM measures indicate space for cargo bikes. The plans do not indicate where these spaces are located.</li> <li>• The TDM measures include short term daily parking. The plans do not show whether there will be parking gates and/or ticket dispensers.</li> </ul>
<b>2. Preliminary Construction Phasing and Traffic Handling Plan</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	The construction truck routing does not follow the City of Menlo Park truck route map as detailed in Municipal Code Section 11.48.020-11.48.035.
<b>3. Parking Plan</b>	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	In accordance with the <a href="#">parking stalls and driveway design guidelines</a> sheet T-4, the parking ramps with grades in excess of 8 percent do not include the required transition slopes to reduce car bottoming.
<b>4. Advisory Notes</b>	
Consistency Review	Consideration Factors and Notes
	The driveway alignments should consider driveways and streets on the opposite side of street, left-turn pockets, sight distance, queuing, future bicycle facilities, future intersection design and control to meet



ATTACHMENT F

	best practices. Operational analyses will determine whether turn restrictions and what appropriate intersection control are required.
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## CITY ARBORIST CONSISTENCY REVIEW COMMENTS

**Section 1 – December 7, 2023 Preliminary Application Submission Date**

The table below evaluates the Project for consistency with the heritage tree and street tree development regulations (MPMC Chapters 13.24 and 13.20) that were in effect at the time the **December 7, 2023** SB 330 preliminary application was submitted and includes additional consideration factors and notes for context. A heritage tree removal permit application is required and has been submitted (HTR2024-00134), however, the Project is not consistent, because the tree replacement/mitigation plan does not meet City requirements.

1. Heritage Tree Removal Permit Application	
Consistency Review	Consideration Factors and Notes
The Project is <u>not consistent</u> with this development regulation.	<p>A. MPMC Section 13.24.090 requires replacement/mitigation consistent with the <a href="#">City's heritage tree replacement requirements</a>.</p> <p>The Project proposes a mitigation plan that is not consistent with the City's requirements. The mitigation calculation must be corrected and the proposed species should be re-evaluated.</p> <p>The value of the two olive trees (#3719 and NT) to be transplanted cannot be considered as part of the proposed mitigation. The appraised values (taken from arborist report, calculated using the most recent edition of the <i>Guide for Plant Appraisal</i>, as required by the City - see page 3, Criterion 5 of the <a href="#">heritage tree administrative guidelines</a>) of these two trees must be subtracted from the required mitigation total. Section 3.3.1 of the arborist report will require revision, including recalculation of the proposed mitigation, and the remaining un-mitigated amount due as the in-lieu fee. Based on preliminary City review, approximately \$971,645 in mitigation is required (this amount does not include the value of the two olive trees to be transplanted). The Project proposes \$42,400 in mitigation through heritage tree replacement plantings. Therefore, approximately \$929,245 in un-mitigated value is required and the project is not consistent with this requirement.</p> <p>B. Replacement tree plans must clearly show tree species to support verification that proposed species meet City requirements. The arborist report (September 2024 issue date) does not include information for heritage tree replacement species (e.g., page 10, page 11 table 5).</p>
2. Advisory Notes	
Consistency Review	Consideration Factors and Notes
	<p>A. Re-consider planting <i>Arbutus marina</i> as this species has not been performing well around the Bay Area. This species has experienced development of a fungal root canker disease that</p>

ATTACHMENT G

	leads to tree death. Additionally, re-consider the planting of many fruit trees around the property as there may be future issues with maintenance, insect and rodent pests, trip/slip/fall hazards from debris, etc.
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