



February 12, 2026

Oisín Heneghan
N17 Development
1663 Mission Street, Suite 501
San Francisco, CA 94103
oisin@n17.dev

Electronic Mail Delivery Only

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

Dear Oisín,

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) with assessor's parcel number (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 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.

On January 13, 2025, the City provided a consistency review letter identifying the Project as inconsistent with multiple development standards.

On March 7 and March 19, 2025, you resubmitted the formal development application related to the December 7, 2023 preliminary application submission.

On May 6, 2025, the City provided a consistency review letter identifying the Project as inconsistent with multiple development standards.

On October 10, 2025, you resubmitted the formal development application related to the December 7, 2023 preliminary application submission.

On November 7, 2025, the City provided a consistency review letter identifying the Project as inconsistent with multiple development standards.

On December 24, 2025, you resubmitted the formal development application related to the December 7, 2023 preliminary application submission, providing updated information regarding residential square footage.

PROJECT DESCRIPTION:

Use Permit, Architectural Control, Vesting Tentative Map, Below Market Rate (BMR) Housing Agreement, Heritage Tree Removal Permit, Environmental Review/N17 Development representing Willow Park LLC/80 Willow Road (Willow Park): Request for a use permit, architectural control, vesting tentative map, BMR housing agreement, 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 458 feet tall, including approximately 665 residential units of which 100 units (15 percent) would be designated BMR housing affordable at the low-income level, 301,000 square feet of office, 17,000 square feet of retail, and 171,000 square feet of hotel (130 rooms) on a substandard lot with regard to minimum lot width in the C-1 (Administrative and Professional District, Restrictive) zoning district. The project includes use permit requests for offices, multiple dwellings, and a private school use.

CONSISTENCY REVIEW:

Please be advised that the revised formal development application for the Project based on the December 24, 2025 submittal materials 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.

This consistency determination does not analyze the Project's consistency with post-

entitlement permit requirements, including but not limited to standards and regulations applicable to any and all building permits (including but not limited to demolition, grading, foundation, and/or vertical infrastructure building permits). To the extent this determination does analyze the Project's consistency with post-entitlement permit requirements, those items are provided as a courtesy. Prior to the issuance of any building permit, the Project must comply with all conditions and regulations that apply to the Project and are imposed by the City, Sanitary District, Fire Department, water district(s), utility companies, and other local, state, and federal agencies.

To ensure that all relevant current project documents are being reviewed and considered comprehensively, when you resubmit your application, please provide an index listing each application component and the most current version submittal date (upload date) and file name within the Menlo Park Permit and Record Web Portal (for instance, the currently applicable version of the complete project plans, vesting tentative map, preliminary BMR housing proposal, arborist report, etc.) It is requested that the index be updated and uploaded with each subsequent submittal (clearly indicating documents that have been updated and documents that remain unchanged). This will ultimately assist in preparing the final package of plans and documents necessary for environmental review and entitlements review.

The Project as revised remains inconsistent with multiple development standards, which are detailed in the attachments to this letter. Updated responses to the application are included in the "City Determination (February 2026)" sections of each attachment formatted using green-colored text. All other text formatting and/or colors were included in the applicant's March 7, 2025 submittal, the City's May 6, 2025 consistency review letter, and the City's November 7, 2025 consistency review letter, and have not been altered. *This consistency review is performed based on application materials submitted through December 24, 2025 and "Applicant's Summary of Project's Development Standard Waivers" provided via electronic mail on January 16, 2026. The City acknowledges the February 12, 2026 application resubmission and will review and respond on or before April 13, 2026.*

Please note that the City continues to evaluate the Project's consistency with standards applicable within the C-1 zoning district based on the City's determination that the Project is not eligible for processing under Government Code section 65912.100 et seq ("AB 2011") as set forth in the City's letters regarding "80 Willow Road (PLN2023-00049) – AB 2011 Determination" issued on June 22, 2024, November 7, 2025, December 18, 2025, and January 22, 2026 (collectively, the "City's AB 2011 Responses"). In addition, consistency determinations that are based on an evaluation of the Project as a whole, rather than individual parcels proposed as part of the Project, assume the adoption of easements and/or covenants to allow for the application of standards across property lines. Finally, as the Project application materials are revised and new information provided, these changes may result in updates to the City's consistency review determinations.

In addition to inconsistencies detailed in the attachments to this letter, the City notes the Project is not a “housing development project” and therefore ineligible for processing pursuant to those provisions of the Housing Accountability reserved for processing of housing development projects.

Effective January 1, 2026, the Housing Accountability Act (“HAA”) definition of “housing development project” was amended. The HAA provides three categories of mixed-use projects that are considered “housing development projects” pursuant to Government Code section 65589.5(h)(2):

(B) Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:

- (i) A mixed-use development that meets both of the following:
 - (I) At least two-thirds of the new or converted square footage is designated for residential use.
 - (II)(ia) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.
 - (ib)(Ia) Notwithstanding sub-subclause (ia), if a mixed-use project as defined in this paragraph includes a hotel, motel, bed and breakfast inn, or other transient lodging, the portion of the mixed-use project which does not include a hotel, motel, bed and breakfast inn, or other transient lodging shall be considered a housing development project.
 - (Ib) The local agency may separately approve the portion of the project that includes a hotel, motel, bed and breakfast inn, or other transient lodging, which shall not be eligible for any benefits conferred on a housing development project by state law, including, but not limited to those available to a development under Section 65913.4.
 - (ic) For purposes of this subclause, the term “other transient lodging” does not include either of the following:
 - (Ia) A residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - (Ib) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.
- (ii) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:
 - (I) The project includes at least 500 net new residential units.
 - (II) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
- (iii) At least 50 percent of the net new or converted square footage is

designated for residential use and the project meets all of the following:

- (I) The project includes at least 500 net new residential units.
- (II) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
- (III) The project demolishes at least 50 percent of the existing nonresidential uses on the site.
- (IV) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

The Project does not meet the criteria specified in either subdivisions (B)(ii) or (B)(iii), because although at least 50% of the Project's new square footage is designated for residential use and the Project includes at least 500 net new residential units, the Project includes a hotel.

Additionally, the Project does not meet the criteria specified in subdivision (B)(i) because at least two-thirds of the new square footage is not designated for residential uses and the Project contains a hotel. The application materials submitted to date do not demonstrate that two-thirds of the Project's square footage is designated for residential use. While the Applicant asserts in a summary document submitted on December 24, 2025 (three architectural plan sheets) that approximately 70% of the square footage of the Project is residential, this document is inconsistent with piecemealed plans submitted to date, which plans staff has carefully analyzed. City staff have been unable to replicate and resolve the internal inconsistencies of the calculations reported in the December 24, 2025 materials based on such materials or by referencing the most recent project plan set materials submitted on October 10, 2025 which include more information (six architectural plan sheets). In the absence of application materials that demonstrate what – if anything – has changed in the Project since October 10, 2025, the City must continue to rely on the last plan set with more information provided by the Applicant, which reflect that approximately 61.18% of the square footage of the Project is residential. Accordingly, the analysis regarding the residential square footage calculations contained in the City's AB 2011 Responses continues to be applicable and accurate.

The portion of the Project that does not include a hotel could be considered a housing development project as long as the Project as a whole, including the hotel, meets the two-thirds residential square footage requirement. (Gov. Code § 65589.5(h)(2)(B)(i)(II)(ib)(Ia)). However, as explained above, the Project does not meet the residential square footage requirement based on internally inconsistent materials submitted to the City as of the date of this letter. Therefore, even if the hotel portion of the Project was removed from the currently development application, the Project still would not constitute a housing development project, as defined.

The City reminds the Applicant that the Project is subject to the revised, 2026 definition of “housing development project.” The HAA provides that a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a complete preliminary application was submitted. (Gov. Code § 65589.5(o)(1).) “Ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency. (Gov. Code § 65589.5(o)(4), emphasis added.) Such vesting does not immunize housing development projects from changes in *state* law. Thus, the Project must meet the revised definition of “housing development project” in order to qualify for those provisions of the HAA which apply only to housing development projects. Because the proposed Project is not a housing development project, the Project does not conform to the definition of a “builder’s remedy project” set forth in section 65589.5(h)(11).

Should you have any questions, please contact me at cchan@menlopark.gov.

Thank you,
Calvin Chan
Senior Planner

Attachments

- A. Planning Division Consistency Review Comments
- 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 of the City’s January 13, 2025 consistency review letter for an excerpt of 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.

| Table 1.1 | |
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| 1. Minimum lot area: two (2) acres | |
| Consistency Review | Consideration Factors and Notes |
| <p>The Project, when evaluated by the building site, is <u>consistent</u> with this development regulation.</p> | <p>The total building site (inclusive of all parcels) is 291,056 square feet which is approximately 6.68 acres (Sheet C1.00).</p> |
| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting Tentative Map, is <u>not consistent</u> with this development regulation.</p> | <p style="color: green;">City Determination (November 2025): Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), none of the proposed parcels (Parcel A, Parcel B, Parcel C, Parcel D, and Designated Remainder) meet the minimum lot area, because all proposed parcels are less than two acres in size. None of the Project’s proposed parcels shown in the Vesting Tentative Map are consistent with this development regulation.</p> <p style="color: green;">City Determination (February 2026): No change from November 7, 2025 response.</p> |

| 2. Minimum lot dimensions: one hundred fifty (150) feet width and depth | |
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| Consistency Review | Consideration Factors and Notes |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation. The lot is substandard with regard to minimum lot width; density bonus waiver requested.</p> | <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 style="color: blue;">SCB Response: Data Sheet on A0.02 as well as typical yard and associated setbacks have been changed per the instruction above on all Site and Ground Floor Plans</p> <p style="color: green;">City Response (May 2025): No further comments at this time.</p> <p style="color: green;">City Determination (November 2025): No change.</p> <p style="color: green;">City Determination (February 2026): No change from November 7, 2025 response.</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> <p style="color: blue;">SCB Response: Data Sheet on A0.02 as well as typical yard and associated setbacks have been changed per the instruction above on all Site and Ground Floor Plans</p> <p style="color: green;">City Response (May 2025): No further comments at this time.</p> <p style="color: green;">City Determination (November 2025): No change.</p> <p style="color: green;">City Determination (February 2026): No change from November 7, 2025 response.</p> <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</p> |

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| | <p>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>SCB Response: Data Sheet on A0.02 as well as typical yard and associated setbacks have been changed per the instruction above on all Site and Ground Floor Plans</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>SCB Response: Data Sheet on A0.02 as well as typical yard and associated setbacks have been changed per the instruction above on all Site and Ground Floor Plans. However, given the irregularity of the side yards abutting the creek, a single or average lot width is difficult to determine; the Team welcomes City’s advice on this item if it is impactful to the Project.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</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 guidelines. Therefore, consistency</p> |
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ATTACHMENT A

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| | <p>with this standard cannot be confirmed until the supporting information is provided.</p> <p>SCB Response: Data Sheet on A0.02 as well as typical yard and associated setbacks have been changed per the instruction above on all Site and Ground Floor Plans. Lot depth as measured from the mid-point of each frontage is 666.8'. This dimension has been added to the Site Plan.</p> <p>As set forth in the Allen Matkins letter dated March 7, 2025, to the extent that the City determines that the revisions referenced above do not eliminate the identified inconsistency, applicant will exercise use of a development standard waiver pursuant to Government Code section 65915(e).</p> <p>City Response (May 2025): A lot depth calculation and diagram has not been provided per the City's guidelines linked above (attn. page 5 of the linked document). Therefore, consistency with this standard cannot be confirmed until the supporting information is provided. Please provide the lot depth calculation per the City's guidelines. The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.</p> <p>City Determination (November 2025): The revision to Sheet A0.02 provides the lot depth calculation.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting Tentative Map, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <p>City Determination (November 2025): Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), Parcels B, D, and Designated Remainder do not meet the minimum lot dimensions. Specific inconsistencies are as follows:</p> <ul style="list-style-type: none"> • Parcel B: The front lot line of Parcel B is along Middlefield Road. Parcel B does not meet minimum lot width. • Parcel D: The front lot line of Parcel D is along Willow Road. Parcel D does not meet minimum lot width or lot depth. • Designated Remainder: The front line of the Designated Remainder is along Middlefield Road. The Designated Remainder does not meet minimum lot |

ATTACHMENT A

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| | <p>width.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
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| 3. Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side | |
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| Consistency Review | Consideration Factors and Notes |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <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). SCB Response: Data Sheet on A0.02 has been corrected to reflect this; all Site and Ground Floor Plans have been updated to reflect the correct setback dimensions noted above.</p> <p>City Response (May 2025): The following items are noted:</p> <ol style="list-style-type: none"> 1. Sheet A0.02 Data Sheet – Revise front setback (30 ft. min.) to be along Middlefield Road (Willow Road currently shown as front setback). Adjust other setback call outs as needed to reflect consistent information with revised setbacks on Sheet A1.01. 2. Sheet A1.01 shows proposed Building 1 encroaching within the front setback area. 3. Sheet A2.01 shows proposed underground parking that extends up to the Middlefield Road property line, encroaching within the front setback area. <p>Global advisory comment – Please ensure all plan sheets have updated issue dates to assist with version control (latest plans include superseded 9/6/2024 issue date in title block).</p> <p>City Determination (November 2025): No change. The proposed project encroaches into the front setback area.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</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). SCB Response: Data Sheet on A0.02 has been corrected to reflect this; all Site and Ground Floor Plans have been updated to reflect the correct setback dimensions noted above.</p> <p>City Response (May 2025): Sheet A1.01 shows the proposed school encroaching within the rear setback area.</p> |

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| | <p>City Determination (November 2025): No change. The proposed project encroaches into the rear setback area.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</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>SCB Response: Data Sheet on A0.02 has been corrected to reflect this; all Site and Ground Floor Plans have been updated to reflect the correct setback dimensions noted above.</p> <p>City Response (May 2025): The following items are noted:</p> <ol style="list-style-type: none">1. Sheet A1.01 shows the proposed school, Building 1, and Building 3 encroaching within the side setback area along Willow Road.2. Sheet A2.01 shows proposed underground parking that extends up to the Willow Road property line, encroaching within the side setback area. <p>City Determination (November 2025): No change. The proposed project encroaches into the side setback area along Willow Road.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</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 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 Creekside development, which includes a greater recommended setback from the top of bank.</p> <p>SCB Response: Data Sheet on A0.02 has been corrected to reflect this; all Site and Ground Floor Plans have been updated to reflect the correct setback dimensions noted above. Acknowledged that the additional setback from the creek is a recommended provision only.</p> |
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ATTACHMENT A

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| | <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>E. The northwestern corner of Building 1 extends beyond the property line (Sheet A2.15). SCB Response: Corrected on all sheets</p> <p>As set forth in the Allen Matkins letter dated March 7, 2025, to the extent that the City determines that the revisions referenced above do not eliminate the identified inconsistency, applicant will exercise use of a development standard waiver pursuant to Government Code section 65915(e).</p> <p>City Response (May 2025): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.</p> <p>City Determination (November 2025): No change. <u>A single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</u></p> <p>City Determination (February 2026): No further comments at this time.</p> |
| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting Tentative Map, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <p>City Determination (November 2025): Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), development proposed on Parcels A, B, C, and D do not meet the minimum yards/setbacks. Specific inconsistencies are as follows:</p> <ul style="list-style-type: none"> • Parcel A: Proposed Building 1 encroaches into the front, rear, and side setback areas. • Parcel B: Proposed Building 2 encroaches into the front, rear, and side setback areas. • Parcel C: Proposed Building 3 encroaches into the front, rear, and side setback areas. • Parcel D: The proposed school encroaches into the front and side setback areas. |

ATTACHMENT A

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| | <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>4. Land cover by all structures shall not exceed forty (40) percent of building site</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <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>Applicant will exercise use of a development standard waiver pursuant to Government Code section 65915(e).</p> <p>City Response (May 2025): The project continues to be inconsistent with this development standard. The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.</p> <p>City Determination (November 2025): No change. <u>A single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</u></p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</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> <p>SCB Response: Both figures are correct: the 130,870 number refers to ‘complete’ coverage including building canopies that extend past the environmental enclosure, whilst the 116,422 figure represents ‘Footprint’ - it is unclear which figure the City prefers; ergo, both are provided.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |

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| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting Tentative Map, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <p>City Determination (November 2025): Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), development proposed on Parcels A, B, and C would exceed allowable building coverage. Specific inconsistencies are as follows:</p> <ul style="list-style-type: none"> • Parcel A: Proposed Building 1 includes a second floor with 38,283 GSF on Parcel A which is 49,293.7 square feet in size. Approximately 77.7 percent of Parcel A is covered by Building 1, where a maximum of 40 percent is allowed • Parcel B: Proposed Building 2 includes a third floor with 35,856 GSF on Parcel B which is 67,141.89 square feet in size. Approximately 53.4 percent of Parcel B is covered by Building 2, where a maximum of 40 percent is allowed. • Parcel C: Proposed Building 3 includes a third floor with 45,255 GSF on Parcel C which is 79,831.71 square feet in size. Approximately 56.7 percent of Parcel C is covered by Building 2, where a maximum of 40 percent is allowed. <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>5. Height of structures shall not exceed thirty-five feet</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <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>Applicant will exercise use of development standard waivers pursuant to Government Code section 65915(e).</p> |

ATTACHMENT A

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| | <p>City Response (May 2025): The project continues to lack information regarding the grading of the site. Without sufficient information to determine the average natural grade within the footprint of each building, the extent of the requested waiver or how the project relates to the City’s height standards cannot be confirmed. The project continues to be inconsistent with this development standard for Buildings 1, 2, and 3. The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.</p> <p>City Determination (November 2025): <u>No change. A single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</u></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 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> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>6. In the case of conditional uses, additional regulations may be required by the Planning Commission</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation.</p> | <p>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.</p> |

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| | <p>The C-1 Zoning District's use regulations do not apply to this Builder's Remedy project.</p> <p>City Response (May 2025): No new information has been provided. The project continues to include uses that are not permitted or conditionally permitted in the C-1 zoning district.</p> <p>City Determination (November 2025): No change. In addition, please note that the retail sale of beer, wine, and/or other alcoholic beverages for off sale or on sale is considered a "special use" in the C-1 district subject to obtaining a use permit. See MPMC 16.78.030 for information regarding special uses. Other uses such as outdoor seating, outside storage, and hazardous materials (e.g., diesel generators) may require City review/permitting per MPMC 16.82.440. Please consider all proposed land uses and provide information for evaluation.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>7. The floor area ratio shall not exceed thirty (30) percent</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project, when evaluated by the building site, is <u>not consistent</u> with this development regulation; density bonus waiver requested.</p> | <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</p> |

square feet or 574 percent of the lot area, where a maximum 30 percent floor area ratio is allowed.

Applicant will exercise use of a development standard waiver pursuant to Government Code section 65915(e).

City Response (May 2025): The project continues to be inconsistent with this development standard. The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.

City Determination (November 2025): No change. A single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.

City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).

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 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).

SCB Response: Corrected

City Response (May 2025): The project continues to have noted inconsistencies in GSF and GFA calculations. Below are examples of areas in Building 1 where information is unclear (see Sheet A0.02, Area Matrix – B1). This feedback may apply more globally across all buildings and levels. Please clarify/revise project plans as needed. Provision of the tabular information in an Excel workbook is requested/recommended for staff verification (this would save staff time/billing in processing the application).

1. Floor 1 – It is unclear how the 28,291 GSF number is derived as the sum of the numbers to the left of the row

ATTACHMENT A

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| | <p>equals 26,625.</p> <ol style="list-style-type: none">2. Floor 2 – It is unclear how the 15,560 GSF number is derived as the sum of the numbers to the left of the row equals 12,025.3. Floor 3 – It is unclear how the 3,458 GSF number is derived as the sum of the numbers to the left of the row equals 1,825.4. Floor 4 – It is unclear how the 13,557 GSF number is derived as the sum of the numbers to the left of the row equals 12,025.5. Floors 5-6 – It is unclear how the 3,077 GSF number is derived as the sum of the numbers to the left of the rows equals 1,825.6. Floor 17 – It is unclear how the 11,924 GSF number is derived as the sum of the numbers to the left of the row equals 10,520.7. Floor 2 – Sheet A0.60 notes 23,257 sf excluded from GFA. Such exclusion would result in 15,026 sf GFA for this floor, however, Sheet A0.02 notes 15,568 sf GFA for this floor.8. Floor 4 – Sheet A0.60 notes 24,743 sf excluded from GFA. Such exclusion would result in 13,540 sf GFA for this floor, however, Sheet A0.02 notes 14,082 sf GFA for this floor.9. Floor 7 – Sheet A0.60 notes 430 sf excluded from GFA. Such exclusion would result in 20,265 sf GFA for this floor, however, Sheet A0.02 notes 26,975 sf GFA for this floor.10. Floor 8 – Sheet A0.60 notes 522 sf excluded from GFA. Such exclusion would result in 28,351 sf GFA for this floor, however, Sheet A0.02 notes 28,801 sf GFA for this floor.11. Floors 9-14 – Sheet A0.60 notes 522 sf excluded from GFA. Such exclusion would result in 28,303 sf GFA for these floors, however, Sheet A0.02 notes 28,753 sf GFA for these floors.12. Floor 15 – Sheet A0.60 notes 522 sf excluded from GFA. Such exclusion would result in 26,825 sf GFA for this floor, however, Sheet A0.02 notes 28,685 sf GFA for this floor.13. Floor 16 – Sheet A0.60 notes 522 sf excluded from GFA. Such exclusion would result in 26,825 sf GFA for this floor, however, Sheet A0.02 notes 27,595 sf GFA for this floor. <p>City Determination (November 2025): The project continues to</p> |
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have inconsistencies between GSF and GFA calculations. Below are examples of areas in Building 1 where information is unclear (see Sheet A0.02, Area Matrix – B1). This feedback may apply more globally across all buildings and levels. Please clarify/revise project plans as needed. Provision of the tabular information in an Excel workbook is requested/recommended for staff verification (this would save staff time/billing in processing the application).

1. Total parking spaces GSF is listed as 98,266 sf. This number only includes the 212 spaces from Floors B1 and B2 and does not include the 272 spaces from Floors 2-6. Staff calculates the total parking spaces GSF to be 233,976 sf.
2. Floor 2 – Total GSF is listed as 38,283 sf. Sheet A0.60 lists total GFA as 15,568 sf and 23,257 sf is excluded from GFA. The sum of these two numbers is 38,825 sf which is consistent with the total GSF listed.
3. Floor 4 – Total GSF is listed as 38,283 sf. Sheet A0.60 lists total GFA as 14,082 sf and 24,743 sf is excluded from GFA. The sum of these two numbers is 38,825 sf which is inconsistent with the total GSF listed.
4. Floor 7 – Total GSF is listed as 20,695 sf. Sheet A0.60 lists total GFA as 26,975 sf and 430 sf is excluded from GFA. The sum of these two numbers is 27,405 sf which is inconsistent with the total GSF listed.
5. Floor 8 – Total GSF is listed as 28,873 sf. Sheet A0.60 lists total GFA as 28,801 sf and 522 sf is excluded from GFA. The sum of these two numbers is 29,323 sf which is inconsistent with the total GSF listed.
6. Floors 9-14 – Total GSF is listed as 28,825 sf. Sheet A0.60 lists total GFA as 28,753 sf and 522 sf is excluded from GFA. The sum of these two numbers is 29,275 sf which is inconsistent with the total GSF listed.
7. Floor 15 – Total GSF is listed as 27,347 sf. Sheet A0.60 lists total GFA as 28,685 sf and 522 sf is excluded from GFA. The sum of these two numbers is 29,207 sf which is inconsistent with the total GSF listed.
8. Floor 16 – Total GSF is listed as 27,347 sf. Sheet A0.60 lists total GFA as 28,685 sf (Sheet A0.02 lists total GFA as 27,595 sf) and 522 sf is excluded from GFA. The sum of these two numbers is 29,207 sf which is inconsistent with the total GSF listed.
9. Floor 17 – Total GSF is listed as 11,924 sf. Staff calculates total GSF to be 10,520 sf (1,320 sf MVP + 9,200 sf Office Rentable).

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| | <p>City Determination (February 2026): The project continues to have inconsistencies between GSF and GFA calculations. At the applicant's request, staff met with the applicant and their team on February 5, 2026 to review and provide preliminary feedback for pending revisions to application materials. Staff will review the revised application materials when resubmitted by the applicant.</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. SCB Response: Area Diagrams and Matrices reconciled</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. SCB Response: Area Diagrams and Matrices reconciled</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. SCB Response: Area Diagrams and Matrices reconciled</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. SCB Response: Area Diagrams and Matrices reconciled</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</p> |
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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.

[SCB Response: Area Diagrams corrected](#)

H. Sheet A0.02, Area Matrices B1-B3, Level B1 lists different square footages for the parking areas when compared to Sheet A0.60 GFA exclusions. Therefore, it is unclear which figures the applicant is proposing or what is the project's intended GFA.

[SCB Response: Area Diagrams and Matrices reconciled](#)

I. Evaluating "Level 1-GFA"

- 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.
- 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.

[SCB Response: Area Diagrams and Matrices reconciled](#)

J. Evaluating "Level 2-GFA"

- 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.
- 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

ATTACHMENT A

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| | <p>vents excluded from GFA, which would result in 14,520 GSF. The values are inconsistent. SCB Response: Area Diagrams and Matrices reconciled</p> <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. SCB: Ref. note on detail originally referenced for floor 9, ie, “Floors 10-14 sim.” - The floors are identical in area.</p> <p>To the extent that the City determines that the revisions referenced above do not eliminate the identified inconsistency, applicant will exercise use of a development standard waiver pursuant to Government Code section 65915(e).</p> <p>City Response (May 2025): The project continues to lack sufficient information regarding the proposed GFA. Without sufficient information to determine the proposed GFA, the extent of the requested waiver, how the project relates to the City’s development standards, or the amount of modification/deviation from standards cannot be confirmed. The project continues to be inconsistent with this development standard. The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e). Please provide a single enumerated list of all requested concessions and waivers for the project.</p> <p>City Determination (November 2025): No change. <u>A single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</u></p> <p>City Determination (February 2026): The project continues to have inconsistencies between GSF and GFA calculations. At the applicant’s request, staff met with the applicant and their team on February 5, 2026 to review and provide preliminary feedback for pending revisions to application materials. Staff will review the revised application materials when resubmitted by the applicant.</p> |
| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting</p> | <p>City Determination (November 2025): Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), development proposed on Parcels A, B, and C would exceed allowable floor area ratio (FAR). Specific inconsistencies are as follows:</p> |

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| <p>Tentative Map, is <u>not consistent</u> with this development regulation.</p> | <ul style="list-style-type: none"> • Parcel A: Proposed Building 1 includes a listed GFA of 371,800 square feet on Parcel A which is 49,293.7 square feet in size. This is approximately 754 percent FAR where a maximum of 30 percent is allowed. • Parcel B: Proposed Building 2 includes a listed GFA of 612,676 square feet on Parcel B which is 67,141.89 square feet in size. This is approximately 912 percent FAR, where a maximum of 30 percent is allowed. • Parcel C: Proposed Building 3 includes a listed GFA of 575,062 square feet on Parcel C which is 79,831.71 square feet in size. This is approximately 720 percent FAR, where a maximum of 30 percent is allowed. <p>City Determination (February 2026): The project continues to have inconsistencies between GSF and GFA calculations. At the applicant’s request, staff met with the applicant and their team on February 5, 2026 to review and provide preliminary feedback for pending revisions to application materials. Staff will review the revised application materials when resubmitted by the applicant.</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), 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 evaluated for the building site is approximately 99 dwelling units per acre and would be even greater if evaluated per proposed parcelization in the modified vesting tentative map, which would exclude the “designated remainder” area. 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.

The General Plan’s land use regulations do not apply to this Builder’s Remedy project.

City Response (May 2025): No new information has been provided. The project continues to be inconsistent with the General Plan land use designation.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

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.

Pursuant to AB 2097 (Gov. Code §65863.2), the City shall not impose or enforce any minimum automobile parking requirements on the Project.

City Response (May 2025): Per the Metropolitan Transportation Commission’s [database of major transit stops](#), the project does not appear to be located within one-half mile of a major transit stop. In addition, the March 13, 2025 “High –Quality Transit Stop Screening” letter from Fehr and Peers identifies one bus route— SamTrans Route 296—in reference to implementation of AB 2097. A major transit stop contains intersection of *two or more major bus routes* with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods. Please clarify/revise project plans as appropriate.

City Determination (November 2025): No change with respect to the applicability of parking requirements.

Based on the parcelization proposed for the first time in the latest Vesting Tentative Map (Sheet C2.04), development proposed on Parcels A, B, and C would not be consistent with on-site parking requirements (MPMC Section 16.72.030) as listed on Sheet A0.02. In addition, aside from two tandem “school drop off” spaces adjacent to the proposed school playground on Parcel D, no on-site parking spaces have been identified to serve the school, which is not consistent with on-site parking requirements for this use. With regard to the proposed underground parking, please refer to the Building Division’s comments concerning structures crossing property lines (Attachment B). Additionally, please identify whether required parking spaces are intended to be shared across property lines and provide information regarding the proposed arrangement/coordination to ensure space availability and accessibility to serve uses located on parcels other than where the parking spaces are proposed.

City Determination (February 2026): No change from November 7, 2025 response.

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.

ATTACHMENT A

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).

SCB: Trash enclosure has been moved 36” from setback line and dimensioned accordingly. The Structure in the center of the Park is 283’ from the nearest setback line and is roofless - we consider neither this nor the similarly roofless pool bar area to meet the definition of an accessory structure.

City Response (May 2025): MPMC Section 16.04.661 defines accessory structures: *“Accessory structure” means a separate and subordinate structure, which is open in nature and the use of which is incidental to that of the main building or buildings and/or use of the land on the same lot or building site. Examples of such structures include, but are not limited to, arbors, trellises, play structures, built-in barbecues, outdoor fireplaces, and water features.* The structure at the center of the park is considered an accessory structure. Trellis/shade covering items in common areas are also considered accessory structures. Click [here](#) for a reference document available on the City’s website. Please clarify plans for accessory buildings and structures and ensure that all accessory structures that count as building coverage, as described [here](#), have been included in the totals listed in the project plans.

City Determination (November 2025): The project continues to lack sufficient information/plans regarding proposed accessory buildings and structures to evaluate consistency with City requirements per MPMC section [16.68.030](#). Below are highlighted considerations:

- Updated Sheet A0.02 identifies three proposed accessory structures: school (3,238 sf GFA), ice cream counter (350 sf GFA), and pool bar (250 sf GFA). Updated Sheet A1.01 labels the proposed ice cream counter as 350 sf (numbers match with Updated Sheet A0.02); the pool bar is not labeled so location is not certain; and the school is labeled as 2,670 sf which is the GSF shown for the school under the section entitled “Area Matrix – B4 (School)” on Updated Sheet A0.02. It is unclear how the school’s 2,670 sf GSF number increases 568 sf to become 3,238 sf GFA. It appears possible that GSF and GFA numbers for the school are reversed and clarification is needed. Please ensure the labeling of the ice cream counter and pool bar note these proposed accessory structures are roofless as noted in the blue-colored SCB response text above for this item. The proposed trash enclosure adjacent to the school may be considered an accessory structure; please include on Sheet A0.02 and clarify if there is a roof (Updated Sheet L1.00 appears to show a roofless enclosure). It is recommended that the applicant check with Recology regarding requirements for trash enclosures to ensure the design is acceptable.
- Updated Sheet L1.00 lists the ice cream counter as a “park amenity kiosk”

ATTACHMENT A

and it appears to be a roofed building that would count towards building coverage and GFA. Please provide additional information/plans regarding this accessory building/structure.

- Updated Sheet L1.00 lists a “12’ tall shade structure” in the area of what is likely the proposed pool bar. Please provide additional information/plans regarding this accessory structure as it would count towards building coverage.

City Determination (February 2026): The project continues to have inconsistencies between GSF and GFA calculations. At the applicant’s request, staff met with the applicant and their team on February 5, 2026 to review and provide preliminary feedback for pending revisions to application materials. Staff will review the revised application materials when resubmitted by the applicant.

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.

SCB: All roof mounted equipment is screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment. Relevant Roof Screen heights are shown in elevation on sheets A3.01A, A3.02A and A3.03A for Buildings 1,2, and 3 respectively. The pitch of the screen slopes from a minimum of 6’ above roof to 30’ maximum. In buildings 1 & 2, the highest piece of mechanical equipment is the VRF units, which are approximately 60” high. The tallest piece of equipment in B1 is the AHU and cooling towers (approximately 16’ tall), both of which are located in a roofless mechanical well one story below roof level (Level 17) 15’ deep.

All sounds emitted by roof-mounted equipment will not exceed 50 decibels at 50 feet

City Response (May 2025): Please provide equipment spec sheets/cut sheets to document the proposed height and decibel levels and/or include notes within the project plans providing similar documentation. Please include a note within the project plans to indicate that all equipment will comply with noise regulations per MPMC Chapter 8.06 and Section 16.08.095.

City Determination (November 2025): No further comments at this time. The May 8, 2025 dated letter from Meyers+ Engineers provided as part of the October 10, 2025 application resubmission includes sufficient information at this time regarding roof-mounted equipment.

City Determination (February 2026): No change from November 7, 2025 response.

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.

SCB: A 5' offset line has been added around each swimming pool in A0.61 to demonstrate that the set back of the pools is greater than 5' from the property line and dimensions added. Note with associated area added noting that pool areas constitute <40% of available site area added to A0.60

City Response (May 2025): MPMC Section [16.70.020](#) states, "No pool shall occupy over forty percent of the *required rear yard*." Please provide information to demonstrate consistency with this development standard, in particular, that the proposed at-grade pool south of Building 3 is no more than 40 percent of the rear yard setback area adjacent to the proposed Montessori school.

City Determination (November 2025): Updated Sheet A0.60 notes that the proposed pool south of Building 3 is 4,649 sf and occupies 38.9 percent of rear yard area. Staff scaled the rear yard area adjacent to the proposed school on Updated Sheet A1.01 and that area is approximately 2,615 sf. Therefore, the proposed pool is approximately 177 percent of the required rear yard and is inconsistent with MPMC Section 16.70.020. With regard to the proposed parcelization, please provide information demonstrating the proposed pool is consistent with MPMC Section 16.70.020 when evaluating Parcel C individually (i.e., consistency with setbacks and coverage).

City Determination (February 2026): No change from November 7, 2025 response.

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

The local regulations below were modified after the Project's SB 330 pre-application was submitted and therefore do not apply to the Project. (Gov. Code §65589.5(o)(1).) Therefore, no individual responses will be provided for this Section.

City Response (May 2025): No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

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

ATTACHMENT A

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.

| Table 2.1 | |
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| 1. Minimum lot area: two (2) acres | |
| 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. |
| 2. Minimum lot dimensions: one hundred fifty (150) feet width and depth | |
| 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. |
| 3. Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side | |
| 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. |
| 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. | |
| 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. |
| 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. | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>consistent</u> with this development regulation. | 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 percent is required. |

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| 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. | |
| 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> |
| 7. In the case of conditional uses, additional regulations may be required by the Planning Commission. | |
| 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. |
| 8. Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low- and low-income households is subject to the provisions of Section 16.08.105. | |
| 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 th Cycle Housing Element. |
| 9. For a nonresidential development, the floor area ratio shall not exceed thirty percent (30%). | |
| Consistency Review | Consideration Factors and Notes |
| N/A | The Project is a mixed nonresidential and residential uses development. |
| 10. The maximum density is thirty (30) dwelling units per acre (du/ac). | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>not consistent</u> with this | The Project proposes 665 residential units on approximately 6.68 acres which results in a density of approximately 99.5 |

ATTACHMENT A

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| development regulation. | du/ac, where a maximum of 30 du/ac is allowed. |
| 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. | |
| 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. |
| 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. | |
| 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. |

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.

The local regulations below were modified after the Project's SB 330 pre-application was submitted and therefore do not apply to the Project. (Gov. Code §65589.5(o)(1).) Therefore, no individual responses will be provided for this Section.

City Response (May 2025): No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

| Table 2.2 | |
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| 1. Building Setbacks and Projections Within Setbacks | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>not consistent</u> with this development regulation. | 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> |

ATTACHMENT A

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| | <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 |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <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 applicable sides of all buildings. Therefore, consistency cannot be determined.</p> <p>B. <i>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</i></p> |

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| | <p><i>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>C. <i>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> |
| <p>3. Building Profile</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <p>A. <i>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>B. <i>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 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-</p> |

ATTACHMENT A

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| | <p>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> |
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4. Height

| Consistency Review | Consideration Factors and Notes |
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| <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> |

5. Exterior Materials

| Consistency Review | Consideration Factors and Notes |
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| <p>The Project is <u>consistent</u> with this development regulation.</p> | <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> |

ATTACHMENT A

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| | <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> |
| 6. Building Design | |
| Consistency Review | Consideration Factors and Notes |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <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., shall be concealed or integrated into the building</i></p> |

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| | <p><i>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> |
| 7. Open Space | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>not</u> | A. <i>Residential developments shall have a minimum of one</i> |

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| <p><u>consistent</u> with this development regulation.</p> | <p><i>hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. 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, [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</p> |
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| | <p>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> <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> |
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8. Access and Parking

| Consistency Review | Consideration Factors and Notes |
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| <p>The Project is <u>consistent</u> with this development regulation.</p> | <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</i></p> |

ATTACHMENT A

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| | <p><i>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 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> |
| <p>9. Lighting</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>not</u> consistent 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> |

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.

| 1. General BMR Program Administration | |
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| Consistency Review | Consideration Factors and Notes |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <p>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.</p> <p>Applicant Response: As noted in the September 10, 2024 Preliminary Housing Agreement Proposal, the Project will meet the entirety of the city’s BMR requirements for both residential and commercial uses by providing onsite BMR units. The table and plans attached to that proposal provide further details.</p> <p>City Response (May 2025): The September 10, 2024 “Preliminary Housing Agreement Proposal” identifies Building 2 to have 20.3% BMR units (47 BMR units) and Building 3 to have 20.0% BMR units (87 BMR units). This information is inconsistent with the project plans (Sheet A0.02) submitted on March 7, 2025 where Building 3 is noted to have a lesser 15.0% BMR unit count (65 units assumed). Please clarify/revise application materials as appropriate. This includes providing an updated “Preliminary Housing Agreement Proposal” and clarifying unit distribution diagrams if the proposed BMR plan has been modified. This information is needed to assess consistency with the City’s BMR Housing Program (MPMC Chapter 16.96).</p> <p>City Determination (November 2025): No change. Applicant has not yet provided information on how the project proposes to satisfy the BMR Guidelines’ requirements for the commercial development portion of the project.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>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).</p> | |
| Consistency Review | Consideration Factors and Notes |

ATTACHMENT B

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| <p>The Project is <u>not</u> consistent with this development regulation; density bonus waiver requested.</p> | <p>There are inconsistencies between the proposed Project and BMR Guidelines 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">● 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. <p>B. 3BD BMR Units (11 BMR Units)</p> <ul style="list-style-type: none">● The size of the 3BD BMR units is inconsistent with the 3BD 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>Building 3 (87 BMR Rental Units):</p> <p>C. Studios (2 BMR Units)</p> <ul style="list-style-type: none">● 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. <p>D. 1BD BMR Units (38 BMR Rental Units)</p> <ul style="list-style-type: none">● 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. <p>E. 2BD BMR Units (45 Rental BMR Units)</p> <ul style="list-style-type: none">● Size: The size of the 2BD BMR units is inconsistent with the 2BD market-rate units. Of the proposed 45 BMR 2BD units, |
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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.

F. 3BD BMR Units (2 Rental BMR Units)

- 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.
- 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.

Applicant Response: As a builder’s remedy project, the Project is deemed consistent with the City’s land use regulations. (Gov. Code §65589.5(f)(6)(D).) In addition, to the extent necessary, Applicant will apply a concession and/or development standard waiver to the above guidelines.

City Response (May 2025): Please see City response to item 1 above. The proposed BMR plan appears to have been modified and revised application materials are needed to assess consistency with the City’s BMR Housing Program (MPMC Chapter 16.96). If the applicant intends to request concessions or waivers pursuant to the state density bonus law, the application must enumerate each requested concession and incentive. Note that to invoke paragraph (6) of Government Code section 65589.5(f), the project must provide affordable units with a comparable bedroom and bathroom count of the market rate units. (Gov. Code § 65589.5(f)(6)(G)(ii).) Moreover, the March 7, 2025 cover letter expressly says that the applicant is not currently invoking paragraph (6) of Government Code section 65589.5(f), so this response is not applicable.

City Determination (November 2025): There are inconsistencies between the proposed Project and **BMR Guidelines** 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).

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).

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.

Structure B2 (47 BMR Ownership Units):

A. 1BD BMR units (10 Rental units)

- Size and location are consistent

B. 2BD BMR Units (17 BMR units)

- Size: The size of the 2BD BMR units is inconsistent with the 2BD market-rate units. Of the proposed 17 2BD BMR units, all are 2BD/1BA units. However, of the 110 total 2 BD units offered in Structure B2, 78 are 2BD/2BA units. That equals 70% of the 2BD units have two bathrooms. Therefore, 70% of the BMR units or 12 of the 2BD BMR units should have two bathrooms. In addition, the 2BD/2BA market rate units are at least 50% larger than the 2BD BMR units from a square footage perspective.

C. 3BD BMR Units (8 BMR Units)

- Size: The size of the 3BD BMR units is inconsistent with the 3BD 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 or 57% larger. Also, no 3BA/3BD units are proposed.

Structure B3 (65 BMR Rental Units):

D. Studios (2 BMR Rental Units)

- Number and Size: The proportion of BMR studios is consistent with the overall number of studio market-rate units.

E. 1BD BMR Units (29 BMR Rental Units)

- Size: The size of the 1BD BMR units is inconsistent with the 1BD market-rate units. All the BMR 1BD units are smaller, ranging between 530-630 square feet. None of the proposed 29 1BD BMR rental units include the larger 730 and 780 square feet units.
- Location: 20 of the proposed 29 BMR units are located on floors 3-7. They need to be distributed throughout the building.

F. 2BD BMR Units (32 Rental BMR Units)

- Size: Of the 32 proposed 1BD BMR units, 16 are proposed to be the smallest 1BD units they offer. In addition, all the proposed 2BD BMR units only have one bathroom. For the project, 167 of the 223 total 2bd units (75%) have two bathrooms. Therefore 75% of the 2BD BMR units (24) should have 2 bathrooms. The avg. sq. ft. of the 2BD BMR units is inconsistent with the 2BD market-rate units. Of the proposed 32 BMR 2BD units, all are 2BD/1BA units with an average size of approximately 770 square feet. Conversely

ATTACHMENT B

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| | <p>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.</p> <p>G. 3BD BMR Units (2 Rental BMR Units)</p> <ul style="list-style-type: none"> ● Number: The proportion of 3BD BMR units is consistent. 14 total 3BD units are proposed for B3, or approximately 3% of the total unit mix. However, 2 of the 14 3BD units, or 14%, are offered as BMR units. ● 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. <p>To the extent that the applicant intends to propose modifications pursuant to the state density bonus law, a single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>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).</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>not consistent</u> with this development regulation; density bonus waiver requested.</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"> ● A majority of the BMR units are on the lower floors and not distributed throughout the development. There are no BMR units above the 27th floor of the 39 story building. Only 3 BMR units are above the 23rd floor. <p>B. Building 3</p> <ul style="list-style-type: none"> ● All the 1BD BMR units are below the 19th floor of the 33 story tower with 20 of the units located on floors 3-6. <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> <p>Applicant Response: As a builder’s remedy project, the Project is deemed consistent with the City’s land use regulations. (Gov. Code §65589.5(f)(6)(D).) In addition, to the extent necessary, Applicant will apply a concession and/or development standard waiver to the above guidelines.</p> |

ATTACHMENT B

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| | <p>City Response (May 2025): Please see City response to item 1 above. The proposed BMR plan appears to have been modified and revised application materials are needed to assess consistency with the City’s BMR Housing Program (MPMC Chapter 16.96). If the applicant intends to request concessions or waivers pursuant to the state density bonus law, the application must enumerate each requested concession and incentive. Moreover, the March 7, 2025 cover letter expressly says that the applicant is not currently invoking paragraph (6) of Government Code section 65589.5(f), so this response is not applicable.</p> <p>City Determination (November 2025): More than half (34 of 65) of the BMR units are below the 10th floor in Building B3. There should be greater disbursement throughout the building. To the extent that the applicant intends to propose modifications pursuant to the state density bonus law, a single, enumerated list of all requested concessions and waivers for the project is required and has yet to be provided.</p> <p>City Determination (February 2026): The City acknowledges that the applicant has requested a waiver of this standard under Government Code section 65915(e).</p> |
| <p>4. Advisory Notes</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| | <p>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 City’s Below Market Rate Housing Program Guidelines to review all the City’s BMR requirements.</p> <p>Applicant Response: Noted.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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.

| 1. Section 110.10 – Mandatory Requirements for Solar Ready Buildings | |
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| Consistency Review | Consideration Factors and Notes |
| <p>The Project is <u>consistent</u> with the amended 2022 California Building Standards Code, Part 6, Section 110.10 (Energy Code).</p> | <p><i>3. Hotell/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.” Code reference updated on A0.06</p> <p>5,300 SF Designated as ‘solar ready’ for future PV.</p> <ul style="list-style-type: none"> • Designate a solar ready zone equal to 15% of the total roof area. Based on a roof area of 34,900SF • The solar zone is structurally capable of supporting a PV system and free from obstructions which would cause shading. (section 110.10(b)1B) • Interconnection pathway provided including a reserved location for inverters, conduit(s) from the inverter location to the solar ready roof area, and conduit(s) from the inverters to the point of interconnection with the building electrical system (section 110.10(c)1) • Space reserved at the main electrical panel and minimum panel capacity (section 110.10(e)) <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |

ATTACHMENT C

| 2. Structures Crossing Buildings | |
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| Consistency Review | Consideration Factors and Notes |
| The Project is <u>not consistent</u> with the amended 2022 California Building Standards Code, Part 2, Table 705.8. | <p>City Determination (November 2025): Per the latest submitted Vesting Tentative Map which identifies proposed parcelization, there appears to be connectivity in the underground parking garages across property lines. Per Table 705.8 of the 2022 CA Building Code, there are no openings allowed in an exterior wall less than three feet from a property line. Please revise the plans to remove the opening(s) or provide a code compliant path that shows the openings are allowed.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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.

The C-1 Zoning District’s use regulations do not apply to this Builder’s Remedy project.

City Response (May 2025): The application remains inconsistent with standards identified below. No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

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.

The local regulations below were modified after the Project’s SB 330 pre-application was submitted and therefore do not apply to the Project. (Gov. Code §65589.5(o)(1).) Therefore, no individual responses will be provided for this Section.

City Response (May 2025): No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

| 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). | |
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| Consistency Review | Consideration Factors and Notes |
| 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. |
| 2. Energy | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>not consistent</u> with this development regulation. | The Project does not include a report indicating the proposed path for compliance, where the Zoning Ordinance section 16.30.050(2) requires: <i>(A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas)</i> |

ATTACHMENT D

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| | <p><i>through any combination of the following measures:</i></p> <ul style="list-style-type: none"> <i>(i) On-site energy generation;</i> <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> <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> <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> <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> |
| <p>3. Water Use Efficiency and Recycled Water</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <ul style="list-style-type: none"> A. In the <i>Landscape & 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. 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. 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. 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>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</i></p> |

ATTACHMENT D

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| | <p><i>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 (https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/water/water-use-budget-guidelines_201903121202059642.pdf) for buildings.</p> |
| <p>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 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)</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <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> <p>a. #2 2024.09.11 General Arch</p> <p>i. Sheets A0.1 and A0.14 do not show this requirement under “Kitchen appliance & fixtures.”</p> <p>b. #3 2024.09.11_ARCH Architectural site plans</p> <p>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.</p> <p>ii. Sheet A2.07A does not show the locations of the sorting station locations in the conference/office space floor plan.</p> <p>iii. Sheets A2.10A, A2.11A, and A2.12A do not show the locations of the sorting stations in the office space.</p> <p>iv. Sheet A2.12A do not show the locations of the sorting stations on the office terrace.</p> <p>v. Sheet A2.13 A do not show the locations of the sorting stations in the amenity space.</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</p> |

ATTACHMENT D

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 [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. Sheets A2.03A, A2.05A and A2.07A do not indicate where these appliances are located.
 - ii. Sheet A2.07A does not show the location of the dishwasher in the breakroom or kitchen
 - iii. Sheets A2.10A, A2.11A, and A2.12A do not indicate where these appliances are located.
 - iv. Sheet A2.13A does not show the dishwasher location in the amenity space.
- B. Provide energy efficient hand dryers in bathrooms.
 - a. #2 2024.09.11 General Arch
 - i. Sheet A0.12 does not show hand dryer locations.

Building 2 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 A2.03B does not show the locations of the sorting stations in the commercial spaces and various lobbies.
 - ii. Sheet A2.05B does not show the locations of the sorting stations in the ballroom, private dining/event rooms.
 - iii. Sheet A2.06B does not show the locations of the sorting stations in the fitness center and spa.
 - iv. Sheet A2.07B does not show the locations of the sorting stations in the management/amenity space.
 - 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.
 - vi. Sheet A2.09B does not show the locations of

- vii. the sorting stations in each hotel room. Sheet A2.10B do not show the locations of the sorting stations in the amenity, co-working space, and amenity terrace.
- 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.

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 2.03B do not indicate where these appliances are located in all kitchen/breakroom areas.
 - ii. Sheets A2.05B, A2.06B and A2.07B do not show the locations of refillable water stations.
 - iii. Sheet A2.07B do not indicate where these appliances are located in all kitchen/breakroom areas.
 - 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.
 - v. Sheet A2.09B install refillable water stations in the hallway or in the guest elevator lobby.
 - 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.
- B. Provide energy efficient hand dryers in bathrooms.
 - a. #2 2024.09.11 General Arch
 - i. Sheet A0.12 does not show hand dryer locations.

Building 3 Evaluation

The Project does not include floor plans/site plans that show

ATTACHMENT D

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.
 - 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.
 - iii. Sheet A2.11C does not indicate the locations of refillable water stations in the amenity terrace and amenity. The amenity also does

ATTACHMENT D

not show the location of dishwashers in the breakroom and/or kitchen.

- 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.

B. Provide energy efficient hand dryers in bathrooms.

a. #2 2024.09.11 General Arch

- i. Sheet A0.12 does not show hand dryer locations.

Building 4 (Montessori School)

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. #3 2024.09.11_ARCH Architectural site plans

- i. Sheet A2.03D does not show the locations of the sorting stations in the classrooms, reception, and playground area.

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 [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 A2.03D does not indicate the locations of refillable water stations and dishwashers in all kitchen/breakroom areas.

B. Provide energy efficient hand dryers in bathrooms.

a. #2 2024.09.11 General Arch

- i. Sheet A0.12 does not show hand dryer locations.

Outdoor amenity area

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.

ATTACHMENT D

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| | <p>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>a. Requirement is not met.</p> |
| <p>5. Bird-Friendly Design</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <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> <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> |

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.

| 1. Stormwater Regulatory Fee | |
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| Consistency Review | Consideration Factors and Notes |
| See note. | <p>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.</p> <p>N17 Response: City comment noted</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| 2. Vesting Tentative Parcel Map | |
| Consistency Review | Consideration Factors and Notes |
| The Project, when evaluated by the building site, is <u>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>City comment noted Applicant reserves the right to challenge this fee under <i>Sheetz</i> and Government Code section 65589.5(f)(3).</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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"> • Sheet A0.03 Project Description Letter indicates the project includes 665 new residential units. |

ATTACHMENT E

- BMR Housing Agreement Proposal indicates the project includes 665 new residential units.
- Sheet C1.00 Project Description indicates the project includes 805 new residential units.

BKF Response: Sheet C1.00 is revised to reflect 665 new units in coordination with the architectural plans.

City Response (May 2025): Mapping Statement (Sheet C1.00) has residential condominium counts that do not match with architectural plans/BMR proposal.

Parcel A states 1 residential condo
Building 1 plans do not include residential uses

Parcel B states 242 residential condos
Building 2 plans state 231 units

Parcel C states 466 residential condos
Building 3 plans state 434 units

Additionally, Project Description (Sheet C1.00) notes square footage of commercial office space, retail, and hotel rooms that appear inconsistent with architectural plans (e.g., 130 hotel rooms and 36,973 square feet of retail are noted in the architectural plans while Sheet C1.00 states 162 hotel rooms and 15,000 square feet of retail).

City Determination (November 2025): Applicant addressed previously noted inconsistencies. No further comments at this time.

City Determination (February 2026): No change from November 7, 2025 response.

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.

BKF Response: C1.00 Flood Zone statement is revised for Zone AE to be BFE of 60.8 and DFE of 61.8 NAVD. Grading plan Sheet C4.00 is revised for Building 2 to have a min FF of 61.8 since it is within the Zone AE flood zone.

City Response (May 2025): No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November

ATTACHMENT E

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| | <p>7, 2025 response.</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>BKF Response: C1.00 is revised as required.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>E. Sheet C1.00 includes an Engineer’s Statement that is not signed or dated.</p> <p>BKF Response: C1.00 is revised as required.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <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>BKF Response: C2.02 Existing Conditions and the remainder of the plan sheets have been revised to identify adjacent parcels.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: C2.04 Parcelization Plan and C3.00 Site Plan is revised to show proposed Public Access Easement.</p> <p>City Response (May 2025): No further comments at this time.</p> |
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ATTACHMENT E

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| | <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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: https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/engineering/guides/tentative-map-guidlines-2-22-2024.pdf</p> <p>BKF Response: Project site does not propose public areas for dedication or open space easements.</p> <p>City Response (May 2025): No further comments at this time. Should dedications or easements be required, the Tentative Map will require revision.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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: https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/tie-back-requirements_201605181619198127.pdf</p> <p>N17 Response: Documentation for tiebacks has been included with this resubmittal.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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</p> |
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ATTACHMENT E

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| | <p>with information shown on Willow Road Section – 3 on Sheet C3.01.</p> <p>BKF Response: Sidewalk dimensions are updated and coordinated between sheets C3.00 and C3.01. Sidewalk width in front of school matches adjacent sidewalk.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Sidewalk dimensions are updated and coordinated between sheets C3.00 and C3.01.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>BKF Response: C4.00 grading plan is revised for B2 to have a min FF elevation of 61.8.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <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</p> |
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ATTACHMENT E

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| | <p>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>BKF Response: C5.00 is revised to show (3) new dedicated recycled water services and meters for dual-plumbing at the (3) buildings, and (2) new irrigation services and meters for site landscaping.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Proposed preliminary undergrounding of overhead electric lines is shown on sheet C5.00. Existing gas is located along Willow Road and Middlefield Road.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: C5.00 is revised to show that flow-through-planters within DMA-2 are hydraulically connected.</p> <p>City Response (May 2025): No further comments at this time.</p> |
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ATTACHMENT E

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| | <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>BKF Response: Treatment Control Summary Table is revised for all bioretention and flow-through-planters to be sized using the 4% method. C6.00 and C6.01 are revised to show DMA-1A and 2A as being self-retaining with sidewalk being treated by adjacent landscape.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>The Project, when evaluated by the parcelization proposed in the modified Vesting Tentative Map, is <u>not consistent</u> with development regulations, requirements, and policies.</p> | <p>City Determination (November 2025):</p> <p>A. The parcelization proposed in the latest version of the Vesting Tentative Map is inconsistent with MPMC Section 15.16.070, which states, “The size and shape of lots shall conform to any zoning regulations affecting the land to be subdivided.” Specific zoning inconsistencies are detailed in Attachment A.</p> <p>B. The concrete lined flow-through planter for drainage management area #15 (DMA-15) is bisected by the proposed parcel boundary between Parcel A and Parcel C. Permanent structures cannot be split by property lines.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>3. Preliminary Storm Drain Memorandum</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>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</p> |

ATTACHMENT E

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| | <p>development regulations, the typo should be corrected to accurately reflect the impervious paving area.</p> <p>BKF Response: Areas are revised in coordination with DMA Summary Table located in Appendix C</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>BKF Response: Areas are revised in coordination with DMA Summary Table located in Appendix C</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <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>BKF Response: Stormwater Treatment storage is shown within basement level of Building B2 on Sheet C5.00.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
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ATTACHMENT E

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| | <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 Commercial, Multi-Family and Subdivision Grading and Drainage Guidelines for further information. A stormwater summary table for all DMAs will meet the requirement.</p> <p>BKF Response: See DMA Summary Table in Appendix C.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>4. Stormwater Control Plan Report</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>not consistent</u> with development regulations, requirements, and policies.</p> | <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: https://menlopark.gov/files/sharedassets/public/v/1/public-works/documents/stormwater/commercial-drainage-guidelines.pdf</p> <p>BKF Response: APN is added to title sheet, Title Report is added as Attachment 4 which includes legal description and persons having legal interest in the property.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>B. Document does not provide an exhibit identifying buildings B1, B2, and B3 as referenced in the DMA descriptions.</p> <p>BKF Response: See attached Figure 2 on PDF page 17, C6.00 Stormwater Management Plan.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |

ATTACHMENT E

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| | <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>BKF Response: Storage discussion is added, see Page 7, end of Section 1.4, Project Storm Drain System.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: C5.00 is revised to show that flow-through-planters within DMA-2 are hydraulically connected.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>E. The description for DMA 11 contains an errant reference to DMA 10.</p> <p>BKF Response: Text is revised as required</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> |
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ATTACHMENT E

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| | <p>BKF Response: DMA 21 is revised to self-treating as it is existing landscaped area to remain and does not receive run-off from other impervious areas on-site.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): This comment is provided due to plan revisions. In Section 1.4, DMA 21 continues to be described as existing landscape to remain in place along San Francisquito Creek. This DMA was removed from the revised project, presumably because the revised application states that construction activities (e.g., staging, grading) will not occur within San Francisquito Creek. The subsequent descriptions in the report no longer match the revised plan labels. The revised project is no longer accurately reflected in the Stormwater Control Plan Report.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Section 2.2 narrative is revised to state 4% flow method.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Reference is revised to San Mateo County C3 Guide in the Certification Section.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> |
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ATTACHMENT E

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| | <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Effective Impervious column added to Table 4 and DMA Summary Table on C6.01.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>J. Within Table 4, the TCM and treatment type for DMA 4 are errant.</p> <p>BKF Response: Refer to updated Table 4 and DMA Summary Table on C6.01.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>K. Sheet C6.00 does not identify the treatment areas for DMA-1A or DMA-2A.</p> <p>BKF Response: C6.00 and C6.01 are revised to show DMA-1A and 2A as being self-retaining with sidewalk being treated by adjacent landscape.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>L. Included C.3/C.6 Development Review Checklist does not utilize current MRP 3.0 version: https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf</p> |
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ATTACHMENT E

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| | <p>BKF Response: Checklist is updated to current version as required.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: We have added an Effective Impervious Area column to Worksheet D. An Effective impervious column is also added to DMA Summary Table on C6.01. Worksheet D reflects required and provided treatment areas from table on C6.01.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Asterisk has been removed from Worksheet D.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Checklist Worksheet D is updated.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> |
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ATTACHMENT E

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| | <p>City Determination (February 2026): No change from November 7, 2025 response.</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 to evaluate the Project’s consistency with stormwater standards.</p> <p>BKF Response: Sheet C6.01 is revised to reflect 4% method for all bioretention and flow-through-planters. DMA-1A and 2A as being self-retaining with sidewalk being treated by adjacent landscape.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>BKF Response: Permeable paver templates are added to PDF page 55 in the Stormwater Management Plan Report.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): New comments due to plan revisions:</p> <p>R. Exhibit B in the stormwater treatment construction and maintenance agreement template do not reflect revised plan sheets C6.00 and C6.01.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| <p>5. C.3/C.6 Development Review Checklist</p> | |
| <p>Consistency Review</p> | <p>Consideration Factors and Notes</p> |
| <p>The Project is <u>consistent</u> with development regulations, requirements, and policies.</p> | <p>A. Included C.3/C.6 Development Review Checklist does not utilize current MRP 3.0 version: https://www.flowstobay.org/wp-content/uploads/2023/12/SMCWPPP-MRP-3.0-C3-C6-Development-Review-Checklist-7-1-23-Final_2.pdf</p> |

ATTACHMENT E

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| | <p>BKF Response: Checklist is updated to the current version as required.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: We have added an Effective Impervious Area column to Worksheet D. Effective impervious column is added to DMA Summary Table on C6.01. Worksheet D reflects required and provided treatment areas from table on C6.01.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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>BKF Response: Asterisk is removed in Worksheet D.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>BKF Response: Checklist worksheet is updated to include these DMAs.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> |
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ATTACHMENT E

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| | City Determination (February 2026): No change from November 7, 2025 response. |
| 6. Landscape Entitlements | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>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>BKF Response: Bike rack label is added on Sheet C3.00.</p> <p>CREO Response: All bike racks fronting Willow Road and Middlefield have been labeled. See added callout bubbles labeled number “3” clouded on the Ground Floor Landscape Plan on Sheet L1.00.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>CREO Response: Applicant acknowledges they are required to enter an agreement with the City to document applicant’s responsibility for maintenance, repair, and replacement.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| 7. Advisory Notes | |
| 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>BKF Response: 8.0’ min. sidewalk width and 4.5’ min landscape strip is provided along Willow Road and Middlefield Road. Attached sidewalk in front of school is 10’ wide to match existing, adjacent sidewalk width. See revised sheet C3.00.</p> |

ATTACHMENT E

City Response (May 2025): The City acknowledges the applicant's response. Please note that staff continues to recommend the provision of a consistent 12 foot minimum sidewalk given the proposed project scope, site uses, density, and massing. A wider sidewalk can improve the project frontage aesthetics and functional usability for a high quantity of residents and patrons. Moreover, recent projects where similarly wide frontage sidewalks have been required and implemented include 500 El Camino Real and Springline (1300 El Camino Real). This requirement is also being imposed on the adjacent proposed development at 68 Willow Road.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

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 according to the hydrozone type. The information on these sheets appears to be conflicting.

CREO Response: *Stormwater treatment area #16 has been updated on the Ground Floor Preliminary Irrigation Plan to match the planting plan on Sheet L2.00. She revised Sheet L3.00 indicating stormwater treatment area #16 as the correct corresponding hydrozone.*

City Response (May 2025): No further comments at this time.

City Determination (November 2025): No change.

City Determination (February 2026): No change from November 7, 2025 response.

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.

BKF Response: *Bike rack shown and labeled on C3.01.*

City Response (May 2025): Detail 4 on Sheet C3.01 (Middlefield Road Section – 1) indicates a landscape area immediately between Building B1 and the sidewalk. Other project plan sheets (i.e. C3.00 and L1.00) indicate concrete paving and bike racks between Building B1 and the sidewalk. Please revise Sheet C3.01 to accurately reflect the project plans.

ATTACHMENT E

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| | <p>City Determination (November 2025): The revisions to sheet C3.01 addressed the previously identified inconsistency. No further comment at this time.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>D. Sheet C6.00 of the vesting tentative map does not identify the treatment areas for DMA-1A or DMA-2A.</p> <p>BKF Response: C6.00 and C6.01 are revised to show DMA-1A and 2A as being self-retaining with sidewalk being treated by adjacent landscape.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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.

| 1. Transportation Demand Management Plan | |
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| Consistency Review | Consideration Factors and Notes |
| The Project is <u>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"> • The TDM measures include space for carshare and bike/scooter share parking spaces. The plans do not indicate where these spaces are located. SCB: carshare and bike share spaces added to plans • The parking plan does not show locations of carpool parking spaces. SCB: carshare and car pool spaces added to plans • The TDM measures include space for employee showers, lockers and changing rooms for cyclists. The plans do not indicate where these spaces are located. SCB: Showers and lockers for cyclists added to plans • The TDM measures indicate space for cargo bikes. The plans do not indicate where these spaces are located. SCB: Spaces for cargo bikes added to plans • The TDM measures include short term daily parking. The plans do not show whether there will be parking gates and/or ticket dispensers. SCB: Short term parking spaces and control ticketing gates have been added to B2 <p>City Response (May 2025): No further comments at this time. Please note that the selected environmental review consultant will conduct a peer review of the TDM Plan and revisions may be necessary.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| 2. Preliminary Construction Phasing and Traffic Handling Plan | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>consistent</u> with this development regulation. | <p>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. N17 Response: The truck entry route to the site have been revised as shown on the attached plan “#6 80 Willow - Logistics Plan”.</p> |

ATTACHMENT F

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| | <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| 3. Parking Plan | |
| Consistency Review | Consideration Factors and Notes |
| The Project is <u>consistent</u> with this development regulation. | <p>In accordance with the parking stalls and driveway design guidelines sheet T-4, the parking ramps with grades in excess of 8 percent do not include the required transition slopes to reduce car bottoming. SCB Response: Transition strips and blends have been added to the ramps</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
| 4. Advisory Notes | |
| Consistency Review | Consideration Factors and Notes |
| | <p>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 best practices. Operational analyses will determine whether turn restrictions and what appropriate intersection control are required.</p> <p>N17 Response: City comment noted.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |

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 | |
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| Consistency Review | Consideration Factors and Notes |
| <p>The Project is <u>not consistent</u> with this development regulation.</p> | <p>A. MPMC Section 13.24.090 requires replacement/mitigation consistent with the City's heritage tree replacement requirements.</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 heritage tree administrative guidelines) 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>N17 Response: Section 3.3.1 and Table 2 of the arborist report have been revised to reflect the city's comments.</p> <p>City Response (May 2025):</p> <ol style="list-style-type: none"> Sheet L0.02 identifies the cultivar Frontier elm (Chinese elm) along Middlefield Road. Frontier elm does not meet the minimum height requirements to qualify as a heritage tree replacement (minimum height is 35 feet) nor does it have strong resistance to the disease anthracnose. Please revise project plans to replace with an alternate cultivar that qualifies as a heritage tree replacement ("Drake" cultivar is recommended). |

ATTACHMENT G

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| | <p>City Determination (November 2025): No further comments at this time. Revisions to Sheet L0.02 addressed this previously identified inconsistency, aligning with City standards.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> <p>City Response (May 2025):</p> <ol style="list-style-type: none">Sheet A1.01 identifies street tree plantings along Willow Road and Middlefield Road, however, Sheet L2.00 only shows street tree plantings along Middlefield Road. The proposed condition is unclear. Please clarify/revise project plans as appropriate. <p>City Determination (November 2025): The latest submittal does not address this previously identified inconsistency. Per MPMC section 16.45.110, required street improvements, including street trees, are applicable to the proposed project. Please update the plans to show street trees along the frontages of both Willow Road and Middlefield Road.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</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> <p>CREO Response: <i>Proposed Ground Level Planting Plan on Sheet L2.00 and Tree Planting Schedule on Sheet L0.02 clearly show the same proposed replacement tree species, sizes, and quantities as shown on page 10 and 11 of the arborist report. See sheet L0.02 for the proposed tree species list and added column labeled "Menlo Park Approved Heritage Tree Replacement Species" indicating "Yes" or "No" for each tree type.</i></p> <p>City Response (May 2025): Please note that the selected environmental review consultant will conduct a peer review of the arborist report and revisions may be necessary.</p> <p>City Determination (November 2025): The revisions to Sheets L2.00 and L0.02 addressed the previously identified inconsistency, aligning with City standards pending the outcome of the previously-noted peer review.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |
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ATTACHMENT G

| 2. Advisory Notes | |
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| 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 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.</p> <p>CREO Response: <i>Arbutus marina</i> has been removed from the proposed bioretention tree list. See revised Tree Planting Schedule on Sheet L0.02 and Ground Floor Landscape Planting Plan on Sheet L2.00 for updated tree quantities and species. The fruit trees proposed around the property will not cause issues with maintenance requirements as they will be maintained properly and as needed by ownership.</p> <p>City Response (May 2025): No further comments at this time.</p> <p>City Determination (November 2025): No change.</p> <p>City Determination (February 2026): No change from November 7, 2025 response.</p> |