



April 13, 2026

Oisín Heneghan
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Electronic Mail Delivery Only

RE: 80 Willow Road (PLN2023-00049) – Fifth 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 (“First Consistency Review”) 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 (“Second Consistency Review”) 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 (“Third Consistency Review”) 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.

On February 12, 2026, the City provided a consistency review letter (“Fourth Consistency Review”) identifying the Project as inconsistent with multiple development standards.

On February 12, 2026, you resubmitted the formal development application related to the December 7, 2023 preliminary application submission.

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, 332,000 square feet of office, 17,000 square feet of retail, and 164,000 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. The application also includes

requests submitted pursuant to the State Density Bonus Law (Government Code Section 65915 *et seq.*); specifically, the project requests waivers from: 1) minimum lot dimensions, 2) minimum yards and setbacks, 3) maximum lot coverage, 4) maximum structure height, 5) maximum floor area ratio, and 6) BMR housing guidelines.

CONSISTENCY REVIEW:

Please be advised that the revised formal development application for the Project based on the February 12, 2026 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. Where this letter identifies aspects of the project that are not consistent with the applicable development standards, the letter includes notes about how to revise the Project application materials to address such inconsistencies and/or clarify the proposal. To make this letter easier to read, prior comments that have been addressed have been removed and the attachments to this letter have been simplified in format to highlight areas where inconsistencies remain. Please refer to the "Timeline" section of the City's project webpage (menlopark.gov/80willow) to view prior City-issued documents regarding this application.

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”). The City is in receipt of the April 6, 2026, letter from David Blackwell regarding the status of the AB 2011 application. A separate response will be provided to address the comments in that letter.

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.

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. As explained below, the Project as proposed includes elements that are not a “housing development project” and therefore are 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)(1a) 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.

(1b) 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.

(1c) For purposes of this subclause, the term “other transient lodging” does not include either of the following:

(1a) A residential hotel, as defined in Section 50519 of the Health and Safety Code.

(1b) 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 the Project contains a hotel. The February 12, 2026 submission includes a revised version of the Project that designates more than two-thirds of the Project's square footage for residential use. Thus, consistent with Section 65589.5(h)(2)(B)(i)(II)(ib)(1a), the City recognizes that the portion of the proposed Project that does not include a hotel may be processed as a housing development project. However, the hotel portion of the Project is not considered part of any "housing development project" and is "not [. . .] eligible for any benefits conferred on a housing development project by state law." (Gov. Code § 65589.5(h)(2)(B)(i)(II)(ib)(1a), (1b).)

Please review and address the listed items/notes and then resubmit the application to the City through the [Menlo Park Permit and Record Web Portal](#). Please include a cover letter indicating how the items/notes have been addressed. 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. Engineering Division Consistency Review Comments
- E. City Arborist Consistency Review Comments

ATTACHMENT A
PLANNING DIVISION CONSISTENCY REVIEW COMMENTS

Table 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](#) (PDF page 22) 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. Please note the following:

- “Consistency Review By Building Site” refers to evaluation of the Project by the entire building site/property.
- “Consistency Review By Parcelization” refers to evaluation of the Project by the parcelization proposed in the modified Vesting Tentative Map (Parcel A, Parcel B, Parcel C, Parcel D, and Designated Remainder).

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: C-1 Development Regulations In Effect December 7, 2023	
1. Minimum Lot Area: two (2) acres (MPMC section 16.30.030(1))	
Consistency Review By Building Site	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: The proposed lot area is 6.68 acres (291,056 square feet).
Consistency Review By Parcelization	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	April 13, 2026 City Determination: All proposed parcels are less than two acres in size and therefore inconsistent with this standard.
2. Minimum Lot Dimensions: one hundred fifty (150) feet width and depth (MPMC section 16.30.030(2))	
Consistency Review By Building Site	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent The applicant has requested a waiver of this development standard under the State Density Bonus Law (“SDBL”).	April 13, 2026 City Determination: The proposed lot dimensions are 130 feet wide by 723 feet deep. The proposed lot is substandard with regard to minimum lot width.

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<p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	
<p>Consistency Review By Parcelization</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: Proposed Parcels B, D, and Designated Remainder do not meet the minimum lot dimensions.</p>
<p>3. Minimum Yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side (MPMC section 16.30.030(3))</p>	
<p>Consistency Review By Building Site</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: The proposed Project encroaches into the minimum front, rear, and side yards/setbacks and is therefore inconsistent with this standard.</p>
<p>Consistency Review By Parcelization</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p>	<p>April 13, 2026 City Determination: Buildings on proposed Parcels A, B, C, and D encroach into the minimum front, rear, and/or side yards/setbacks on each lot. Therefore, buildings on each lot are inconsistent with this standard.</p>

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<p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>Although a proposed site plan with required setback lines, proposed buildings, and proposed parcelization lines overlaid is not provided, the following proposed encroachments are observed at a minimum (additional encroachments may exist):</p> <ul style="list-style-type: none"> • Parcel A: Proposed building encroaches into the required front, rear, and side setbacks; • Parcel B: Proposed building encroaches into the required front, rear, and side setbacks; • Parcel C: Proposed building encroaches into the required front and side setbacks; and • Parcel D: Proposed building encroaches into the required front and side setbacks.
<p>4. Maximum Lot Coverage: Land cover by all structures shall not exceed forty (40) percent of building site (MPMC section 16.30.030(4))</p>	
<p>Consistency Review By Building Site</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: The proposed Project includes 45 percent lot coverage (130,870 square feet) and is therefore inconsistent with this standard.</p>
<p>Consistency Review By Parcelization</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: Proposed Parcel A (Building 1), Parcel B (Building 2), and Parcel C (Building 3) include proposed development that exceeds maximum lot coverage and is therefore inconsistent with this standard.</p>

5. Maximum Structure Height: Height of structures shall not exceed thirty-five feet (MPMC section 16.30.030(5))	
Consistency Review By Building Site	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent The applicant has requested a waiver of this development standard under the SDBL. If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.	April 13, 2026 City Determination: The proposed Project includes Buildings 1, 2, and 3 which range from 301-458 feet in height and are therefore inconsistent with this standard.
Consistency Review By Parcelization	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent The applicant has requested a waiver of this development standard under the SDBL. If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.	April 13, 2026 City Determination: The proposed Project includes Building 1 (Parcel A), Building 2 (Parcel B), and Building 3 (Parcel C) which range from 301-458 feet in height and is therefore inconsistent with this standard.
6. Conditional Uses: In the case of conditional uses, additional regulations may be required by the Planning Commission (MPMC section 16.30.030(6))	
Consistency Review By Building Site	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	April 13, 2026 City Determination: The proposed 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 and therefore the proposed Project is inconsistent because it includes prohibited land uses in the C-1 district. 1. Advisory Note: The retail sale of beer, wine, and/or other alcoholic

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	<p>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. Please consider all proposed land uses and provide information for evaluation if such use is desired.</p> <p>2. Advisory Note: 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 if such use is desired.</p>
<p>Consistency Review By Parcelization</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p>	<p>April 13, 2026 City Determination: Please refer to “Consistency Review By Building Site” notes above.</p>
<p>7. Maximum Floor Area Ratio: The floor area ratio shall not exceed thirty (30) percent (MPMC section 16.30.030(7))</p>	
<p>Consistency Review By Building Site</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: The proposed Project includes 527 percent lot floor area ratio (1,535,045 square feet) and is therefore inconsistent with this standard.</p> <p>1. Building 1 Comments:</p> <ol style="list-style-type: none"> 1. Floors 2 and 4 – Sheet A0.02 area matrix lists “Bldg Totals GSF” as 38,283 GSF, however, the “GFA” + “MenloPk GFA Exclusions” for these two floors equates to 38,825 GSF; please clarify. 2. Floors 2 and 4 – Sheet A0.60B lists floors 2 and 4 as dividing the parking area (38,283 SF) to be 1/3 commercial and 2/3 residential, however, the square footages attributed to commercial parking and residential parking do not align with the stated ratio (approximately 2/3 SF attributed to commercial and 1/3 SF attributed to residential). 3. Floor 6 – Sheet A0.02 area matrix lists 38,283 total GSF, however, Sheet A0.60B diagram 9 lists 35,206 total GSF; please clarify. <p>2. Building 2 Comments:</p> <ol style="list-style-type: none"> 1. Floor -1 – Sheet A0.60B lists floor -1 as dividing the parking area (55,852 SF) to be 1/3 commercial and 2/3 residential, however, the square footages attributed to commercial parking and residential parking do not align with the stated ratio (approximately 2/3 SF attributed to commercial and 1/3 SF attributed to residential). 2. Floor 1 – Sheet A0.02 area matrix lists 23,704 SF total GFA and 604 SF GFA exclusion, however, Sheet A0.60 lists 23,704 SF total GFA and 3,201 SF GFA exclusion (501+103+2,597); please clarify. 3. Floor 1 – Sheet A0.60B lists floor 1 as 18,525 SF commercial and 5,783 SF residential, however, these numbers do not account for the entire floor’s GSF which appears to be 26,905 GSF per Sheet

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	<p>A0.60 (note different GSF shown on Sheet A0.02). Please clarify how the total GSF for the floor is split between commercial and residential uses. For example, floor 2 attributes 14,145 SF to commercial and this matches with the 14,145 total GSF per Sheet A0.02 and Sheet A0.60. Another example, floor 3 attributes 22,412 SF to commercial and 13,707 SF to residential and these numbers sum to match the total 36,119 total GSF per Sheet A0.02 and Sheet A0.60.</p> <ol style="list-style-type: none"> 4. Floor 5 – Sheet A0.02 area matrix lists 0 SF total GFA and 27,183 SF GFA exclusion, however, Sheet A0.60 lists 8,673 SF GFA and 27,183 GFA exclusion (27,070+113); please clarify. 5. Floor 5 – Sheet A0.60B lists 35,856 GSF for floor 5 in diagram 7, however, the table lists only 27,183 GSF for residential; please clarify. <ol style="list-style-type: none"> 3. Building 3 Comments: <ol style="list-style-type: none"> 1. Floor 3 – Sheet A0.02 area matrix lists 20,292 SF total GFA and 24,963 SF GFA exclusion, however, Sheet A0.60 lists 19,672 SF total GFA and 25,583 SF GFA exclusion (480+25,013+90); please clarify. 2. Floor 33 – Sheet A0.60B diagram 14 does not list the GSF for floor 33, however, the table lists 14,020 GSF; please clarify diagram. 4. Building 4 (School) Comments: <ol style="list-style-type: none"> 1. Sheet A0.60B diagram 3 and Sheet A0.02 list 2,670 GSF, however, the table on Sheet A0.60B lists 3,270 GSF; please clarify.
<p>Consistency Review By Parcelization</p>	<p>Consideration Factors and Notes</p>
<p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent</p> <p>The applicant has requested a waiver of this development standard under the SDBL.</p> <p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	<p>April 13, 2026 City Determination: Proposed Parcel A (Building 1), Parcel B (Building 2), and Parcel C (Building 3) include proposed development that exceeds maximum floor area ratio and is therefore inconsistent with this standard.</p>

Additional Project Evaluation

The below additional Project evaluation topic areas are described in the City's prior consistency review letters and herein incorporated by reference for brevity with the latest City determination. Please refer to the [City's February 12, 2026 consistency review letter](#) (PDF page 25 onwards) for context.

1. Evaluating General Plan land use designation

April 13, 2026 City Determination: No change from February 12, 2026 response. The proposed Project remains inconsistent with the General Plan commercial land use designation (Professional and Administrative Offices).

2. Evaluating parking requirements

April 13, 2026 City Determination: No change from February 12, 2026 response. The proposed Project remains inconsistent with requirements for on-site parking (MPMC Chapter 16.72).

3. Accessory buildings and structures

April 13, 2026 City Determination: No further comments at this time.

4. Roof-mounted equipment

April 13, 2026 City Determination: No further comments at this time.

5. Swimming pools

April 13, 2026 City Determination: No change from February 12, 2026 response. The proposed Project remains inconsistent with zoning requirements for swimming pools (MPMC Chapter 16.70).

ATTACHMENT B
HOUSING DIVISION CONSISTENCY REVIEW COMMENTS

Table 1 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.

Table 1	
1. General BMR Program Administration (MPMC Chapter 16.96)	
Consistency Review	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	<p>April 13, 2026 City Determination: No change from February 12, 2026 response. Applicant has not provided information on how the project proposes to satisfy the BMR Guidelines’ requirements for non-residential development. Chapter 16.96 of the Zoning Ordinances establishes requirements of the City’s BMR Housing Program. BMR Guidelines Section 3.1 “Commercial Developments” includes BMR requirements for commercial developments.</p> <p style="padding-left: 40px;">1. Please submit information to demonstrate compliance with BMR requirements for non-residential development.</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).	
Consistency Review	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent The applicant has requested a waiver of this development standard under the SDBL. If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.	<p>April 13, 2026 City Determination: The proposed project is not consistent with the City’s BMR Guidelines.</p> <p style="padding-left: 40px;">1. For Building B2, the proposed distribution is inconsistent. While a total of 10 1BD units are proposed, all 10 units are designated as BMR units. All of the 2BD BMR units proposed have only 1 BA when most of the market rate 2BD units have 2 BAs. Additionally, the 3BD BMR units are the smallest sized units.</p> <p style="padding-left: 40px;">2. For Building B3, all of the units are smaller than their market rate counterparts except for the studios. All of the 2BD BMR units have 1 BA while approximately 80% of proposed 2BD units have 2BAs.</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).	
Consistency Review	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent The applicant has requested a waiver of this development standard under the SDBL.	<p>April 13, 2026 City Determination: The proposed project is not consistent with the City’s BMR Guidelines.</p> <p style="padding-left: 40px;">1. For Building B2, all BMR units are on the lower floors. No units are higher than the 22nd floor of the 39-floor structure.</p> <p style="padding-left: 40px;">2. For Building B3, no BMR units are above the 23rd floor of the 33-floor structure, with a majority of the BMR units below the 14th floor.</p>

ATTACHMENT B

<p>If the applicant receives a waiver from this standard, the standard would not be applicable to the Project.</p>	
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ATTACHMENT C
BUILDING DIVISION CONSISTENCY REVIEW COMMENTS

Table 1 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.

Table 1	
1. Mandatory Requirements for Solar Ready Buildings (California Energy Code section 110.10)	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No further comments at this time.
2. Structures Crossing Buildings (California Building Code, Part 2, Table 705.8)	
Consistency Review	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. The Project is not consistent with the amended 2022 California Building Standards Code, Part 2, Table 705.8. 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.

ATTACHMENT D
ENGINEERING DIVISION CONSISTENCY REVIEW COMMENTS

Table 1 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.

Table 1	
1. Stormwater Regulatory Fee	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. 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.
2. Vesting Tentative Map	
Consistency Review By Building Site	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. No further comments at this time.
Consistency Review By Parcelization	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. 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. 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.
3. Preliminary Storm Drain Memorandum	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. No further comments at this time.
4. Stormwater Control Plan Report	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. No further comments at this time.
5. C.3/C.6 Development Review Checklist	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. No further comments at this time.

ATTACHMENT D

6. Landscape Entitlements	
Consistency Review	Consideration Factors and Notes
<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Not Consistent	April 13, 2026 City Determination: No change from February 12, 2026 response. No further comments at this time.

ATTACHMENT E
CITY ARBORIST CONSISTENCY REVIEW COMMENTS

Table 1 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 as there is conflicting information provided for the overall landscaping plan.

Table 1	
1. Heritage Tree Removal Permit Application	
Consistency Review	Consideration Factors and Notes
<input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Not Consistent	<p>April 13, 2026 City Determination: No change from February 12, 2026 response. Per MPMC section 13.20.050, no person shall plant a street tree without permission from the city. On the “BUILDING 1 AT WILLOW ROAD AND MIDDLEFIELD ROAD INTERSECTION” rendering on Sheet A0.04, new street trees are shown on both Willow Road and Middlefield Road. However, the landscape plan only shows new street trees on Middlefield Road. Please clarify intentions and correct the inconsistency between the plans. The City’s preference is for street tree plantings on both property frontages.</p>