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December 21, 2025 (update – September 3, 2026)

Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: **800 Oak Grove Avenue Mixed-Use Housing Development Project - SB 330 Preliminary Application and Full Application Cover Letter**

Dear Planning Division:

We represent 800 Oak Grove Owner, LLC ("Applicant") for the mixed-use development proposed at 800 Oak Grove Avenue (APN: 071-091-520) (the "Project Site") in the City of Menlo Park (the "City"). The proposed project consists of 15 residential units, plus the rehabilitation of the existing bank building already on the Project Site and measures 14,902.6 gross square foot ("sf"). The application package includes a more detailed project description.

The Applicant is pleased to submit both (I) a SB 330 preliminary application and (II) a full development application pursuant to state housing production laws.

The following provides more detail.

(I) SB 330 Preliminary Application

The Project's SB 330 preliminary application provides all information required by law which is on the City's preliminary application form and checklist, but to the extent the City has any comments regarding the sufficiency of the preliminary application, we trust that the City will inform us within 30 days.

By submitting a preliminary application that contains all of the information required by Government Code Section 65941.1(a), the Applicant obtains a vested right to develop a housing development project in accordance with the applicable "ordinances, policies, and standards adopted and in effect" when the preliminary application is submitted.[1] This includes "general plan,

[1] Gov. Code § 65589.5(o)(1).

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. . . including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions."[2]

Additionally, as discussed below, the preliminary application proposes a qualifying "housing development project" pursuant to the Housing Accountability Act because "at least two-thirds of the new or converted square footage is designated for residential use."[3] The Project will contain 46,255 square feet of space "designated for residential use" which will accompany the proposed 15,307.3 square foot nonresidential office – producing an overall development that is 75.1 percent residential as measured by square footage. Therefore, as a "housing development project," this Project is entitled to the full scope of benefits and protections available.

(II) Full Application

To preserve the vesting offered by a preliminary application, applicants must submit a corresponding full development application "within 180 calendar days after submitting a preliminary application with all of the information required."[4] The law does not require any waiting period between applicants' submission of these documents, so long the subsequent development application is received "within 180 calendar days."[5] Accordingly, the Applicant chooses to satisfy this requirement by submitting both applications concurrently.

We also note that unique requirements apply because the Project includes both the rehabilitation of an existing office building and the construction of a new residential building. Further, because the preexisting office building was constructed prior to the adoption of the El Camino Real/Downtown Specific Plan on June 12, 2012, it "shall be exempt from the development standards of the El Camino Real/Downtown specific plan,"[6] and "any building exempt under subsection (a) of this section may undergo interior and/or exterior improvements to the building if there is no increase in the gross floor area."[7] As discussed further below, because that the Project plans call for a nominal increase in commercial floor area to accommodate a roof deck that enables the financial feasibility of providing affordable housing, the Applicant will seek a concession from the prohibition on floor area increases.

A. Architectural Control

As explained further below, office and residential uses are "permitted" under the use designations in the City's Downtown/El Camino Real Specific Plan, which controls over the Project site. Thus, because the Project (a mixed-use project) is designed to be consistent with the density limitations

[2] Gov. Code § 65589.5(o)(4).
[3] Gov. Code § 65589.5(h)(2)(B)(i).
[4] Gov. Code § 65941.1(e).
[5] *Id.*
[6] MPMC Sec. 16.80.120(a).
[7] MPMC Sec. 16.80.120(e).

and development standards for the applicable designations and uses State Density Bonus Law concessions and waivers for deviations, it does not require any legislative approvals. The Project will require an Architectural Control entitlement pursuant to MPMC Code Section 16.68.020, both because the Project requires renovation of the existing office building on the Project site and construction of the new condominium residential building. Therefore, the enclosed application package includes the architectural drawings showing elevations, landscaping, parking facilities, and other aspects of design plans required for Architectural Control approval.[8]

B. BMR Agreement

As part of the Project's application, a BMR Agreement will be required for the residential portion of the Project. [9] As the BMR Housing Program Guidelines explain, because the Project size falls between ten (10) and nineteen (19) residential units, it is required to provide 10% units at below market rates.[10] Section 3.4.1 of the Guidelines recognizes that a fractional BMR unit require may result, and allows applicants to pay an in-lieu fee to account for fractional units. Here, the 15-unit Project is required to provide 1.5 affordable housing units. To meet this requirement, the Project includes one (1) lower-income affordable housing unit (6.7% of the total units in the Project), and will pay the in-lieu fee to cover the remaining 0.5 unit required under the BMR Housing Program.[11] As required, the Project will make an in-lieu payment calculated at 3% of the actual sales price of each unit sold beyond those covered by the on-site provision of affordable housing—i.e., for the eleventh, twelfth, and thirteenth market-rate units sold.[12]

For the commercial portion of the Project, compliance is achieved by paying an in-lieu fee payment of $21.12 per sq. ft. of new gross floor area. Here, the BMR in-lieu fee is for the Project's commercial component is limited because (i) there is only a nominal increase in "new" gross square footage of commercial space, and (ii) merely involves the rehabilitation of existing commercial space. Indeed, the BMR Guidelines state that "the [BMR Program] applies to the construction of any new square footage or any square footage that is converted from an exempt use to a non-exempt use, ... [as well as] conversion of floor area from a less intensive use (Commercial/Industrial uses) to a more intensive use (Office/R&D)." Here, the Project is

[8] MPMC Section 16.68.020 states: "When an application is made for a building permit for the construction, alteration or remodeling of any building other than a single-family dwelling, duplex and accessory building, ... it shall be accompanied by architectural drawings showing elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to, required parking facilities. Such drawings shall be considered by the planning commission, architectural committee, or community development director which shall approve said application if the following findings are made:" "The community development director shall be limited to approving minor modifications to buildings located in the M-2 (general industrial) district, the O (office) district, and the LS (life sciences) district. For purposes of this section, a minor modification is considered one in which there is no increase in gross floor area."
[9] § 16.96.020(c).
[10] § 16.96.020(b).
[11] See BMR Program Guidelines, Section 3.4.1.
[12] BMR Program Guidelines, Section 4.3.1.

rehabilitating existing office space and retaining it as office space. Therefore, the commercial portion of the Project should not be generating any new demand on affordable.

C. Major Subdivision (Vesting Tentative Subdivision Map)

The Project will include dividing the existing parcel into more than five parcels to create residential for-sale condominium units, and therefore the Project application also includes materials to seek approval of a Major Subdivision by filing a Vesting Tentative Subdivision Map.[13] In addition to the protections offered by SB 330, the approval or conditional approval of the vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.[14] The map shall expire two (2) years from the date of approval or conditional approval, with extensions available.[15] In addition, the life of the vesting tentative map is tolled for moratoria,[16] litigation,[17] and as otherwise granted by the legislature. Final maps will be filed prior to the expiration of the term of the tentative map.[18]

(III) State Housing Laws

A. SB 330

As noted above, the Project is a housing development project subject SB 330's processing protections, including vested rights, a 5 hearing maximum, completeness streamlining, among others.

B. Housing Accountability Act

The entitlement process is further regulated by the Housing Accountability Act ("HAA"). The HAA defines "housing development project" to include uses consisting of "[m]ixed-use developments consisting of . . . at least two-thirds of the new or converted square footage is designated for residential use."[19] Under the HAA, local agencies cannot disapprove housing development projects that comply with all applicable objective general plan and zoning

[13] Included materials fulfill the requirements set forth in MPMC Sec. 15.22.060
[14] MPMC Sec. 15.22.090(a).
[15] MPMC Sec. 15.20.070; Gov. Code § 66452.6(a)(1).
[16] Development moratoriums include sewer and water moratoriums, and other public agency actions that delay or prohibit the approval of the final map (Gov. Code § 66452.6(f)). They also include periods when map conditions cannot be easily satisfied because they require local agency action or acquisition of real property from a public agency action or acquisition of real property from a public agency (Gov. Code § 66452.6(f)). See also Gov. Code § 66452.6(b)(1); Gov. Code § 66452.6(b)(1).
[17] Gov. Code § 66452.6(c).
[18] Gov. Code § 66452.6(d).
[19] Gov. Code § 65589.5(h)(2)(B)(i).

standards, unless a local agency makes narrow findings that our Legislature has affirmed its expectation that these types of conditions "arise infrequently."[20]

Here, the overall Project will consist of approximately 61,562.3 gross square feet of residential and nonresidential development: of this square footage, the proposed 15,307.3 gross square foot commercial building will be used for non-medical office space, while the new residential building will include 46,255 gross square feet designated for residential use. Therefore, because at least two-thirds of the Project's square footage is designated for residential use, the Project is a qualifying "housing development project" pursuant to the HAA. Therefore, the Project is protected by the HAA.

The application package further documents the Project's compliance with objective standards. At a high level, the Project site is designated "Downtown Adjacent" in the Downtown / El Camino Real Specific Plan, which principally permits multifamily residential land uses and permits commercial office uses subject to design limitations.[21] The Project is a primarily residential development with the renovation of the existing office building and complies with the applicable density and other objective standards, except for where exempted pursuant to concessions and waivers under the State Density Bonus Law (Gov. Code § 65915) described further below.

C. State Density Bonus Law Requests

Since the Project will set aside 1 unit for a Very Low income household (or 6.7% of the Project[22]), it qualifies for the State Density Bonus Law ("SDBL") benefits identified below by providing at least 5% percent of dwelling units for Very Low income households.[23] In addition, the Project qualifies for waivers and concessions from mandatory objective standards. While the Applicant strives to develop the Project consistent with the City's standards and guidelines, as a housing development project protected by the HAA, only mandatory, objective standards can be applied to the Project unless narrow circumstances exist that are not relevant here.[24] "Objective" means "involving no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal"—if reasonably people can disagree on whether the Project complies with a given standard, it is not objective and cannot be imposed on the Project.[25]

[20] Gov. Code § 65589.5(a)(3).
[21] See Menlo Park El Camino Real and Downtown Specific Plan, pp. E4-E6.
[22] The City's Below Market Rate Housing Program generally requires projects to provide 10% affordable housing, and recognizes that for small ownership projects, it may be necessary to make a pro rata in lieu payment (see BMR Program Guidelines, Section 3.4.1). The Applicant will do so for this Project pursuant to BMR Program Guidelines Chapter 4.
[23] Gov. Code § 65915(b)(1)(B).
[24] See Gov. Code § 65589.5(j)(1).
[25] Gov. Code § 65589.5(f)(9).

To facilitate the City's review, the Applicant team has carefully analyzed and documented the Project's compliance with all mandatory, objective standards in the Objective Standards Compliance Chart included in the Project submittal materials, and has also identified standards that are not objective and/or mandatory and therefore cannot be imposed on the Project. Again, we note that while the office building's compliance has been analyzed for completeness, because the preexisting office building was constructed prior to the adoption of the El Camino Real/Downtown Specific Plan on June 12, 2012, it "shall be exempt from the development standards of the El Camino Real/Downtown specific plan,"[26]

We have also identified the resulting SDBL requests and also reserve the right to modify all SDBL requests at a later date.

SDBL Category	***SDBL Request***
Bonus	The Project qualifies for a 20% bonus based on the provision of at least 5% Very Low income units. However, no bonus is requested at this time.
Concession	The Project restricts 6.7% of the total base units to Very Low-income residents and is therefore entitled to one incentive/concession. The Density Bonus Law defines concessions as modifications or reductions from development standards that result in identifiable and actual cost reductions to provide for affordable housing costs.[27] The local government must grant a requested concession unless it makes one of the findings set forth in Government Code Section 65915(d). The Project requires a concession from the limit on increasing the gross floor area for pre-existing buildings that are exempt from the El Camino Real/Downtown Specific Plan in MPMC Section 16.80.120(c).[28] A concession is necessary because the currently-standing office building will be renovated as part of the Project, and ancillary changes will require floor area increases that will result in increasing the office building from 14,902.6 to 15,307.3 square feet. These ancillary changes are critical to generate additional revenue to subsidize the provision of affordable housing within this mixed-use

[26] MPMC Sec. 16.80.120(a).
[27] Gov. Code § 65915(k)(1).
[28] We separately note that while Specific Plan Section E.3.1.01 specifies that Business and Professional office (inclusive of medical and dental office) cannot exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable, the office building is exempt from this requirement pursuant to MPMC Section 16.80.120(a) because the office building was constructed prior to the adoption of the El Camino Real/Downtown Specific Plan and is therefore "exempt from the development standards of the El Camino Real/Downtown specific plan,"

	Project.[29] Specifically, adding floor area is necessary to enable to construction of a roof deck and supporting structures that will significantly enhance the office building's amenity offerings and therefore potential rents, which will in turn drive revenue to support the Project's affordable housing. Without the ability to increase the commercial square footage, the Project could not include the roof deck, which would limit the desirability and marketability of commercial space in the office building, restricting the office rental revenue available to subsidize the Very Low-income, for-sale affordable housing unit. The Applicant has conducted careful analysis of the local office leasing market that confirms that the roof deck will allow the office space to command higher rent prices. There are a number of reasons for the premium, but tenants generally prefer outdoor amenities and a roof space in Menlo Park would create special opportunities for tenants and a unique marketing advantage for the building. This is indicative of the wider "flight to quality" trend in the Bay Area office market, which has seen robust growth and demand for new, highly-amenitized Class A office. A less desirable office product would result in lower office rents, which would mean the affordable unit would be relatively more expensive to provide. Stated differently, if the office leases require significant discounts—or less space can be leased—the relative cost of the affordable unit (as a percentage of project value) increases. By allowing higher-value commercial office to be developed, the relative cost of the affordable unit is reduced thereby meeting the criteria for an "concession." Finally, we note that SB 92, signed by the Governor on October 10, 2025, provides that "a concession or incentive shall not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio." (Gov. Code 65915(l)(1)(a)) This provision acknowledges the ability to use SDBL concessions for increases to commercial floor area. The requested increase in square footage does not exceed 2.5 times that allowed by the base zoning and is therefore permissible.
Waivers	Pursuant to the SDBL, a local agency shall not apply "any development standard that will have the effect of physically precluding the construction

[29] See Gov. Code § 65915(k), which explains that concessions can cover requests relating to mixed uses when "commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located," as is the case here.

	of" a density bonus project at the densities permitted under the SDBL and with the concessions requested by the applicant.[30] Courts have clarified that "a city may not apply any development standard that would physically preclude construction of that project as *designed*, even if the building includes 'amenities' beyond the bare minimum of building components."[31] This means that the Project is eligible for unlimited waivers. The requested waivers include the following: 1. Overall FAR – Here, the Project's overall FAR (1.88) exceeds the maximum "step up" base FAR (of 1.55). A waiver is requested for the overall FAR of 1.88. Allowing additional FAR is necessary to accommodate the development program and density of residential development as designed for the Project. Without the waiver, the FAR limitation will physically preclude construction of the Project as designed. 2. Overall Unit Size – The Applicant requests a waiver for the maximum residential unit size applicable to projects at the maximum "step up" base FAR (1.55) to exceed 2,000 square feet. Compliance would require a redesign and would physically preclude construction of the Project as designed. 3. Rear Setback – The Applicant requests a waiver to reduce the required 10-foot rear setback applicable to the residential building along the rear property line bordering the 1225 Crane Street property (Specific Plan Section E.4: Table E15 Development Standards). Compliance would require a redesign of the residential building that would result in the loss of units and square footage, particularly on the upper floors, meaning the requirement physically precludes construction of the Project as designed. 4. Public Right-of-Way Setback – The Applicant requests a waiver to exceed the maximum public right-of-way setback of 5 to 20 feet applicable to the residential building along its Crane Street frontage (Specific Plan Section E.4: Table E15 Development Standards). Compliance would conflict with specific compliance directives of the Menlo Park Fire District to provide on-site emergency access.

[30] Gov. Code § 65915(e).
[31] *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775 (emphasis added), citing *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346.

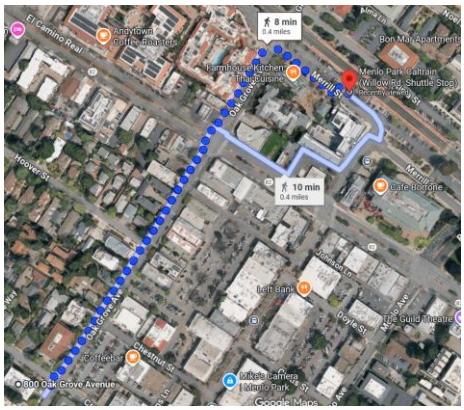
	5. Horizontal Building & Architectural Projections – Specific Plan Section E.3.4.3.02 specifies that horizontal building and architectural projections, like balconies, bay windows, dormer windows, canopies, awnings, and signage, beyond the 45-degree building profile must comply with the standards for Building Setbacks & Projection within Setbacks (E.3.3.04 to E.3.3.07). While the commercial building complies, the residential building would need to be redesigned in order to comply, resulting in the loss of units and square footage, meaning the requirement physically precludes construction of the Project. 6. Vertical Building Projections – Specific Plan Section E.3.4.3.03 specifies that vertical building projections like parapets and balcony railings shall not extend 4 feet beyond the 45-degree building profile. While the commercial building complies, the residential building would need to be redesigned in order to comply, and would result in the loss of units and square footage, meaning the requirement physically precludes construction of the Project. 7. Rooftop Elements – Specific Plan Section E.3.4.1.04 requires that functional rooftop elements, such as stair or elevator towers, that may need to extend beyond the 45-degree building profile due to their function, "shall be integrated into the design of the building." Similar to the City's consistency review comments, we maintain that this is "encouraged but not required for consistency determination" (p. 14), but nonetheless request a waiver at the request of staff. Compliance by the residential building would result in the loss of units and square footage, meaning the requirement physically precludes construction of the Project as designed. 8. Maximum Height – A waiver is requested from the maximum building height for both buildings – for the commercial building, due to the trellis on its rooftop, and for the residential building, to exceed the maximum overall building height. Compliance would require major redesign and ultimately result in unit loss, meaning the requirement physically precludes construction of the Project as designed. 9. Maximum Façade Height – A separate waiver is requested to allow the residential building to exceed the maximum façade height requirement. Compliance would require a redesign of the

	residential building that would result in the loss of units and square footage, meaning the requirement physically precludes construction of the Project as designed. 10. Vertical Building Projections Above Maximum Building Height – Specific Plan Section E.3.2.02 provides that vertical building projections shall not extend more than four feet above the maximum building height. The residential building includes vertical building projections, including parapets, that extend more than four feet above the maximum building height, and a waiver is therefore requested. Compliance would require a redesign of the residential building that would result in the loss of units and square footage, meaning the requirement physically precludes construction of the Project as designed. 11. Window Recess – Specific Plan Section E.3: Standard E.3.5.15 requires commercial windows/storefronts to be recessed a minimum of 6 inches and for glazing to be replaced in-kind. While the Applicant team maintains that physically repositioning the windows is not required pursuant to Menlo Park Municipal Code §16.80.030, and this item is further covered in the California Existing Building Code (CEBC) 503.1 and 302.4, the Applicant understands that the City is amenable to approve a waiver request for this item and therefore requests a waiver accordingly. 12. On-Site Turning Radii – MPMC § 16.72.010(2) requires conformance with City Parking Standards, which includes specified turning radii requirements. The Project cannot comply with these requirements on site, both within the parking garage, because of column placement, and along the curved driveway leading to the residential building. Compliance would require a major redesign and structural changes that would result in loss of density. Accordingly, a waiver is required.
Parking Reduction	The Project is also eligible for parking reductions under the SDBL. The Applicant is not requesting SDBL parking reductions and is instead invoking AB 2097.

D. AB 2097

Since the Project is located within ½ mile of a major transit stop (Caltrain Menlo Park Station), it is subject to AB 2097, which precludes the City from imposing minimum parking standards. The

Project is located within the El Camino Real and Downtown Specific Plan, which imposes a requirement to provide 1.0 (minimum) to 1.5 (maximum) parking spaces per multi-family dwelling, and minimum 3.8 parking spaces per 1,000 square feet of gross floor area of general office space.[32]



E. CEQA Clearance – AB 130

Our Legislature recently enacted a new statutory exemption for in-fill projects, commonly referred to as AB 130. Per the analysis contained at **Exhibit 1**, the Project qualifies for this new statutory exemption. This letter constitutes formal notification that the Project is eligible to be exempt.[33]

We also note that the Project additionally qualifies for further exemptions beyond AB 130.[34]

[32] See Menlo Park El Camino Real and Downtown Specific Plan, p. F19.
[33] See Pub. Res. Code § 21080.66(b)(1)(A)(ii).
[34] First, the Project qualifies for the exemption under CEQA Guidelines § 15182 for projects consistent with a specific plan (see CEQA Guidelines § 15182(a)). Second, the Project qualifies for the exemption under CEQA Guidelines § 15183 for projects consistent with a General Plan, which provides that when a project is consistent with the density established by zoning, community plan, or general plan policies for which an EIR was certified, it shall not require additional environmental review, except as might be necessary to examine project specific significant effects which are peculiar to the project or its site. To that end, the lead agency must limit its environmental review to impacts that are: (i) peculiar to the project or the parcel on which the project would be located, (ii) were not analyzed as significant effects in a prior EIR which the project is consistent with, and/or (iii) potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR, and/or (iv) previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Third, the Project may also qualify for CEQA streamlining as a Transit Priority Project ("TPP") pursuant to SB 375 and could therefore use a Sustainable Communities Project Exemption ("SCPE") or Sustainable Communities Environmental Assessment ("SCEA"). SCEAs are limited environmental review documents that tend to be less costly and time consuming as EIRs to prepare, but subject to the same judicial standard of review as EIRs. A SCPE, on the other hand, is an exemption to CEQA.

F. Streamlined Processing

We note that timing requirements to process and approve the Project apply under SB 330, the Permit Streamlining Act, and AB 130. Under the Permit Streamlining Act, as an application for a development permit, the City has 30 days to review the application for completeness under the Permit Streamlining Act. Thereafter, the Applicant will have 90 days to respond to that determination and resubmit updated materials as applicable. Thereafter, the City once again has 30 days to review the application for completeness and accept subsequent resubmittal by the Applicant, but note that if the City determines an application to be incomplete after two resubmittals it "shall bear the burden of establishing that the determination is not an effective disapproval of a housing development project" subject to associated risks and penalties.[35]

Once the formal application is deemed complete, AB 130 requires the City to notify each tribe traditionally and culturally affiliated with the Project site within 14 days.[36] Each tribe then has 60 days to notify the City that it accepts the invitation to consult.[37] If no tribe responds within 60 days, the consultation process is concluded,[38] and pursuant to the AB 130 statutory exemption, the City must approve the Project within 30 days.[39] If tribes elect to participate, the consultation must conclude within 45 days of initiation, subject to a one-time 15 day extension at the tribe's request.[40] Thereafter, the 30-day deadline remains for the City to approve the Project.[41]

We would welcome and appreciate the opportunity to discuss the implementation of this obligation in relation to the Project processing.

G. Design Features

At staff's request, the Applicant provides the following summary of the Project's design character and proposed valet parking operations to assist the City's review. This narrative is offered as descriptive context and does not alter the Project's entitlement to review against only mandatory, objective standards under the HAA and SB 330, or the Applicant's rights under AB 2097.

Design Character. The Project is composed of two buildings that share a common material and aesthetic vocabulary while retaining individual architectural details appropriate to their

[35] Gov. Code § 65589.5(h)(6)(F)(iv).
[36] Pub. Res. Code § 21080.66(b)(1)(A).
[37] Pub. Res. Code § 21080.66(b)(2)(A).
[38] Pub. Res. Code § 21080.66(b)(2)(B).
[39] Gov. Code § 65950(a)(7).
[40] Pub. Res. Code § 21080.66(b)(3)(F).
[41] Please also note that failure to take final action within 30 days is a defined, actionable violation of the HAA (Gov. Code § 65589.5(h)(6)(B)).

respective residential and office uses. The primary public-facing façades are enhanced through the use of stone cladding, establishing a durable, high-quality presence along the Project's most visible frontages. Warm wood accents are used to harmonize the buildings with the trees retained on the Project Site, and particularly with the existing redwoods. The Project further incorporates a series of outdoor spaces programmed for the use of residents and office tenants, taking advantage of the local climate and the region's indoor-outdoor tradition.

Valet Operations. As a voluntary feature, the Project anticipates on-site valet service during typical business hours, currently expected to be 8:00 a.m. to 5:00 p.m., Monday through Friday, available to both residents and office tenants. The Applicant is evaluating a mobile application or comparable technology through which users would summon their vehicles. Outside of attended hours, garage access is anticipated to be controlled by a security gate operated by remote access fob or similar credential issued to residents and office tenants, with no restrictions on garage use by residents and their guests after business hours. Additionally, residents will have guaranteed access through deeded parking spaces. To the extent additional capacity is needed from time to time, the valet operator may also make use of parking at other properties owned by the Applicant or its affiliates in downtown Menlo Park. Final valet operating details will be established prior to occupancy in coordination with the selected operator.

III. Conclusion

The Applicant appreciates the input received to date and looks forward to bringing this Project to a successful conclusion.

Sincerely yours,

HOLLAND & KNIGHT LLP



Chelsea Maclean

Exhibit 1
AB 130 Statutory Infill Exemption

Table 1 – General Requirements		
Requirement	**Consistent?**	**Analysis**
21080.66(a)(1) – Lot Size A. Except as provided in subparagraph (B), the project site is not more than 20 acres. B. The project site or the parcel size for a builder's remedy project, as defined in paragraph (11) of subdivision (h) of Section 65589.5 of the Government Code, or the project site or the parcel size for a project that applied pursuant to paragraph (5) of subdivision (d) of Section 65589.5 of the Government Code as it read before January 1, 2025, is not more than five acres.	**YES**	Project site is less than 20 acres.
21080.66(a)(2) – Project Location The project site meets either of the following criteria: A. Is located within the boundaries of an incorporated municipality. B. Is located within an urban area, as defined by the United States Census Bureau.	**YES**	Property is located in the City.
21080.66(a)(3) – Infill Development Status The project site meets any of the following criteria:	**YES**	Property was previously developed with office uses, and is substantially surrounded by urban uses.

A. Has been previously developed with an urban use.[42] B. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. C. At least 75 percent of the area within one-quarter mile radius of the site is developed with urban uses. D. For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.		
21080.66(a)(4) – GP/ZC Consistency A. The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6. For purposes of this section, a housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent. B. If the zoning and general plan are not consistent with one another, a project shall	**YES**	The Project is consistent with the uses of the Specific Plan, and we assume the Project can achieve consistency (via SDBL or community amenities bonus development) with Specific Plan development standards.

[42] An "urban use" is defined by Pub. Res. Code section 21080.66(f)(3) to mean "any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses."

be deemed consistent with both if the project is consistent with one. C. The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.		
21080.66(a)(5) – Minimum Density Requirement The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.	**YES**	The Project's proposed density of 19.94 du/ac exceeds the requisite 15 du/ac.
21080.66(a)(6) – SB 35 Environmental Criteria The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code. **See Table 2.**	**YES**	**See Table 2.** The Project satisfies these criteria.
21080.66(a)(7) – Historic Resources The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.	**YES**	No historic resources known at the Project site.
21080.66(a)(8) – Hotels Prohibited For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code on or after January 1, 2025, no portion of the project is	**YES**	The Project does not include a hotel component.

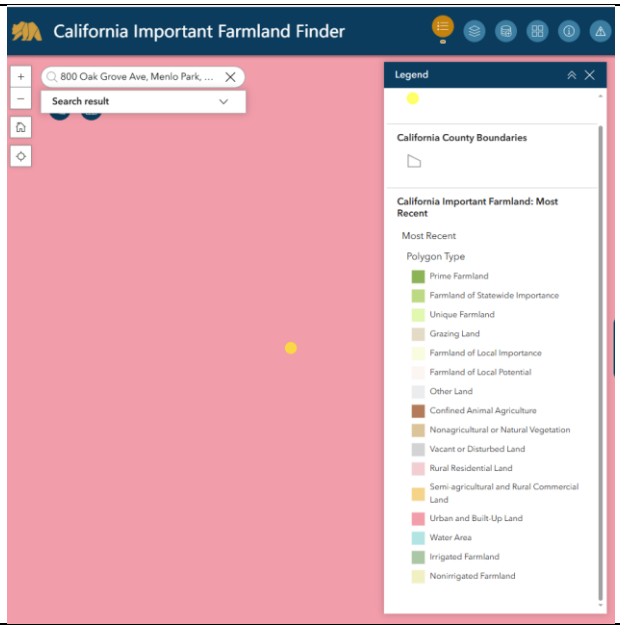
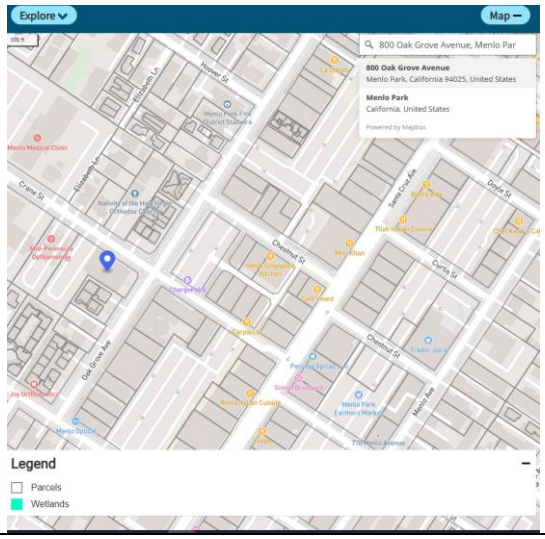
designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For purposes of this section, "other transient lodging" does not include either of the following: A. A residential hotel, as defined in Section 50519 of the Health and Safety Code. B. After the issuance of a certificate 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.		
21080.66(b) – Tribal Consultation Required The local government shall engage in formal notification and consultation with each California Native American tribe that is traditionally and culturally affiliated with the Project Site, pursuant to the various requirements of Government Code section 21080.66(b).	**YES**	Project will comply with the tribal consultation process requirement.
21080.66(c)(1) – Phase I ESA Required A. The local government shall, as a condition of approval for the development, require the development proponent to **complete a Phase I Environmental Assessment**, as defined in Section 78090 of the Health and Safety Code. B. If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health	**YES**	The Project will comply with this requirement. No recognized environmental conditions (REC) known at the Project site.

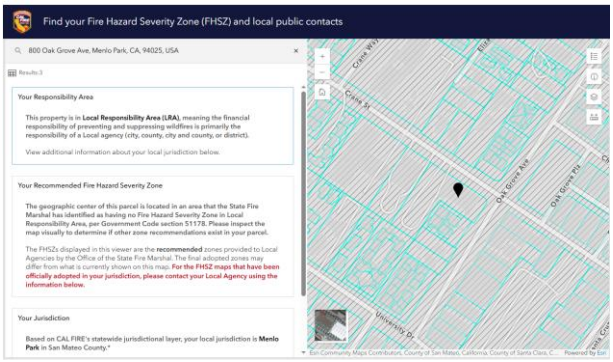
hazards from any nearby property or activity. C. If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy. D. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.		
21080.66(c)(2) – Units Near Freeways For any house on the site located within 500 feet of a freeway, all of the following shall apply: A. The building shall have a centralized heating, ventilation, and air-conditioning system. B. The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway. C. The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16. D. The air filtration media shall be replaced at the manufacturer's designated interval. E. The building shall not have any balconies facing the freeway.	**YES**	The Property is sufficiently removed from all freeways. It is approximately 1,065 sq. ft. from State Highway 82, approximately 2 miles away from US 101, and approximately 2.2 miles away from State Highway 84.

21080.66(d) – Labor Requirements	**YES**	This requirement is not triggered because the Project will not exceed 85 feet in height.

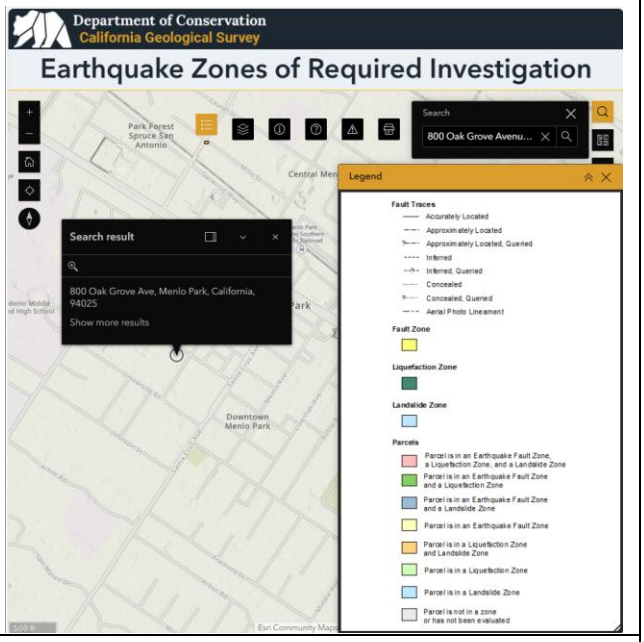
Table 2 – Environmental Factors Gov. Code § 65913.4(a)(6)		
The development is not located on a site that is any of the following:		
Requirement	**Consistent?**	**Analysis**
(A. – Coastal Zone) i. An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code. ii. An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan. iii. An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.	**YES**	*See* California Coastal Commission Coastal Zone Boundary map. Pursuant to California Government Code Section 65913.4(6)(A), the Project site is not located in a coastal zone.

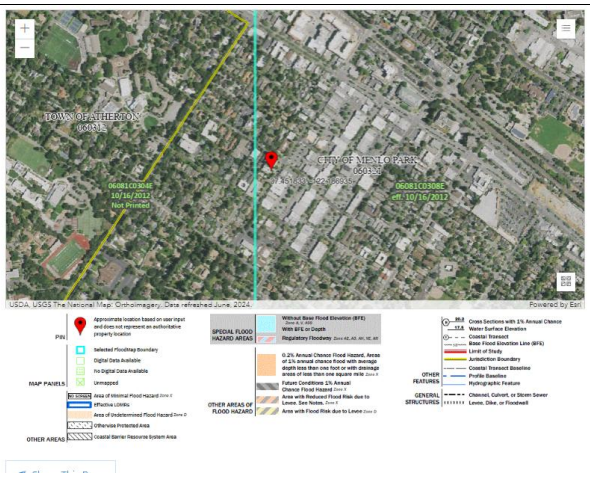
iv. In a parcel within the coastal zone that is not zoned for multifamily housing. v. In a parcel in the coastal zone and located on either of the following: I. On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code. II. On prime agricultural land, as defined in Section 30113 and 30241 of the Public Resources Code.		
(B. – Prime Farmland) Either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or	**YES**	*See* California Department of Conservation Important Farmland Finder map. Pursuant to California Government Code Section 65913.4(6)(B), the Project site is not located on Prime Farmland or Farmland of Statewide Importance. The Project site and surrounding area are designated Urban and Built-Up Land.

land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.		
(C. – Wetlands) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).	**YES**	*See* National Wetlands Inventory, Surface Waters and Wetlands. Pursuant to California Government Code Section 65913.4(6)(C), the Project site is not located on a wetland. 
(D. – Very High Fire Hazard Severity Zone)	**YES**	*See* California Department of Forestry and Fire Protection's Fire and Resource Assessment Program FHSZ Viewer.

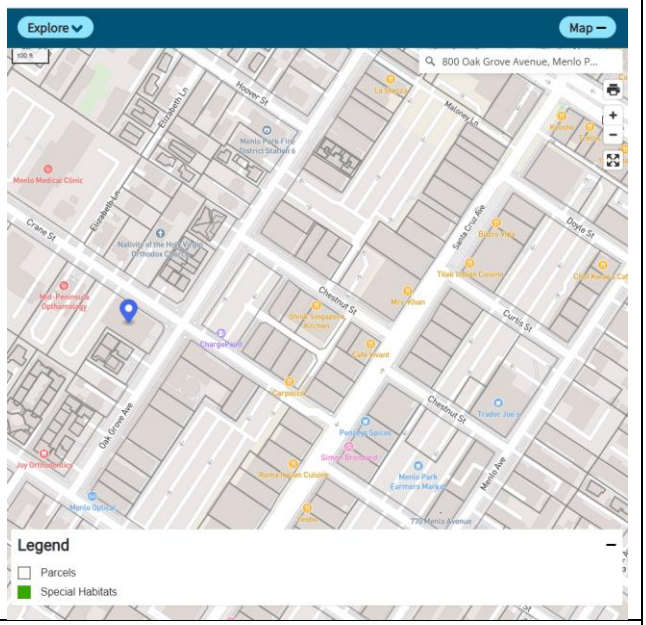
Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: i. Section 4291 of the Public Resources Code or Section 51182, as applicable. ii. Section 4290 of the Public Resources Code. iii. Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).		*See* California Board of Forestry and Fire Protection, State Responsibility Area Viewer Pursuant to California Government Code Section 65913.4(6)(D), the Project site is not located within a very high fire hazard severity zone. 
(E. – Hazardous Waste) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to	**YES**	*See* CalEPA's Cortese List Data Resources. Pursuant to California Government Code Section 65913.4(6)(E), the Project site is not a waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Section 25356 of the Health and Safety Code.

Section 25356 of the Health and Safety Code, unless either of the following apply: i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5. ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.		

(F. – Earthquake Fault Zones) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.	**YES**	*See* California Department of Conversation's EQZapp: California Earthquake Hazards Zone Application Pursuant to California Government Code Section 65913.4(6)(F), the Project site is not located within a delineated earthquake fault zone. 
(G.– Special Flood Hazard Area) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise	**YES**	*See* FEMA Flood Map Service Center: Search By Address tool Pursuant to California Government Code Section 65913.4(6)(G), the Project site is not located in a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency. The Project site is located in Zone X, which is not considered a special flood hazard area.

eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met: i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction. ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.		

(H. – Regulatory Floodway) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.	**YES**	*See* FEMA Flood Map Service Center: Search By Address tool. Pursuant to California Government Code Section 65913.4(6)(H), the Project site is not located within a regulatory floodway as determined by FEMA. The Project site is located in Zone X, which is defined as an area of minimal flood hazard.
(I. Natural Community Conservation Plan/Habitat Conservation Plan) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with	**YES**	*See* California Natural Community Conservation Plans. Pursuant to California Government Code Section 65913.4(6)(I), the Project site is not on land identified for conservation in an adopted natural community conservation plan.

Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.		
(J. – Habitat for Protected Species) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).	**YES**	*See* USFWS Critical Habitat Portal Pursuant to California Government Code Section 65913.4(6)(J), the Project site does not contain habitat for protected species identified as candidate, sensitive, or species of special status by State or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act. 
(K. Conservation Easement) Lands under conservation easement.	**YES**	The Property is developed and is not encumbered by a conservation easement.