

A. LAND USE AND PLANNING POLICY

This section evaluates the potential land use-related effects of the proposed project. This section also contains a discussion of the consistency of the proposed project with relevant land use policies. Policy conflicts do not, in and of themselves, constitute a significant environmental impact; they are considered to be environmental impacts only when they would result in direct physical impacts. All other associated physical impacts are discussed in this EIR in specific topical sections, such as the Noise; Air Quality; and Transportation, Circulation and Parking sections.

1. Setting

The following section describes existing land uses within the project site and its vicinity, and summarizes relevant land use policies.

a. Overview. For descriptive purposes, the project site is bounded by College Avenue to the north, El Camino Real to the east, Partridge Avenue and an existing auto repair shop to the south, and residential uses to the west. Alto Lane, a right-of-way easement, currently terminates in the northwestern portion of the site. The project site is located in the City of Menlo Park in the southern part of San Mateo County. Menlo Park is located on the San Francisco Peninsula in the Mid-Peninsula region, approximately 30 miles south of San Francisco and approximately 20 miles north of San Jose. The project site is located to the south of what is typically considered downtown Menlo Park. The General Plan defines downtown as the area bounded by Alma Street, Ravenswood Avenue/Menlo Avenue, University Drive, and Oak Grove Avenue. The site is approximately 0.4 miles north of Sand Hill Road (a major regional route connecting El Camino Real to I-280) and 0.5 miles south of the Menlo Park Caltrain station and the commercial district encompassing Santa Cruz Avenue. Caltrain is the major commuter rail line serving the San Francisco Peninsula, and connects Menlo Park with San Francisco to the north, San Jose to the south, and Silicon Valley to the southeast.

b. Existing Land Uses Within the Project Site. Figure IV.A-1 shows land uses in and around the project site. The project site is approximately 1.23 acres in size and comprises seven contiguous parcels, which include a large vacant parking lot along the El Camino Real frontage, a residential triplex building at 603 College Avenue, a single-family residence at 612 Partridge Avenue, and Alto Lane (a public right-of-way easement comprising approximately 0.7 acre).

The two buildings on the project site are described below. Two of the three triplex units on the site are occupied; one triplex unit and the single-family unit on the site are unoccupied.

- *612 Partridge Avenue.* The structure located at 612 Partridge Avenue, which is in the southwestern portion of the project site, is an approximately 1,280-square-foot, one-story single-family residence built between 1910 and 1925. The residence is a square-shaped Craftsman bungalow and is of wood-frame construction on a raised concrete foundation.
- *603-607 College Avenue.* The triplex located at 603-607 College Avenue is located in the northwestern portion of the project site. The approximately 4,250-square-foot, one-story building is T-shaped (with the top of the “T” facing College Avenue) and is also of wood-frame construction on a raised concrete foundation. The triplex was constructed in 1948.

The remainder of the project site comprises a parking lot and Alto Lane. The southern portion of the parking lot formerly functioned as a car dealership. A right-of-way easement (Alto Lane) currently

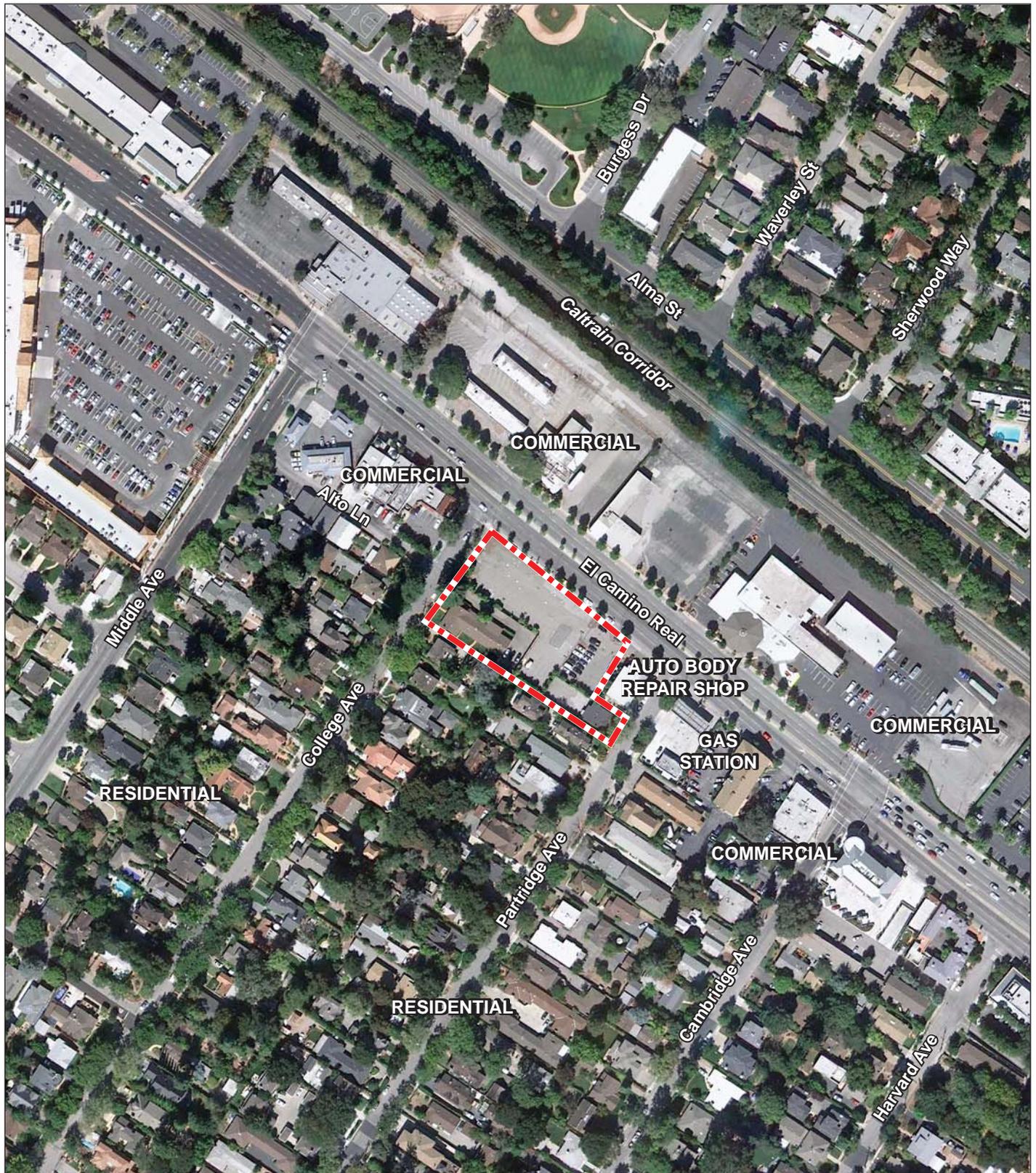
extends from College Avenue to approximately mid-way through the site. Alto Lane primarily provides access to the triplex located at 603-607 College Avenue.

c. Existing Land Uses in the Vicinity of the Project Site. The following discussion details the land uses in the vicinity of the project site, which is located along the El Camino Real corridor, a major commercial district in Menlo Park. Many of the commercial uses along El Camino Real are oriented to automobile access, with parking adjacent to the street. The City is currently conducting environmental review of the Draft El Camino Real/Downtown Specific Plan (Draft Specific Plan), which is a planning document designed in part to enhance the public realm along the El Camino Real Corridor and improve the pedestrian environment of the area. (The public review period for the Draft Specific Plan Draft EIR ended in June 2011.) The project site is surrounded by a mixture of uses, as summarized below:

- *North.* The site is bordered by College Avenue to the north. Beyond College Avenue is a small shopping center that directly fronts El Camino Real. Businesses in this shopping center as of September 2011 include a yogurt shop and a United Parcel Service (UPS) shipping outlet.
- *East.* The site is bordered by El Camino Real to the east. Beyond El Camino Real are unoccupied former auto dealerships and associated surface parking lots. To the east of these commercial uses are the Caltrain railroad tracks and the City municipal complex (including Burgess Park, Menlo Park Library, City Hall, and City offices).
- *South.* Planet Auto Repair and Muffler Service, an auto body repair shop, is located to the south of the site. A gas station and additional commercial uses, generally oriented towards El Camino Real, are located south of Partridge Avenue.
- *West.* The site is bordered to the west by predominantly single-family and multi-family residential uses.

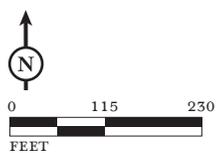
2. Applicable Policies

The main guiding documents regulating land use within and around the project site are the City of Menlo Park General Plan (including the General Plan Policy Document and Background Report), Zoning Ordinance, Subdivision Ordinance, Below Market Rate Housing Program (Ordinance 16.96), and State Density Bonus Law. As of the preparation of this EIR, the El Camino Real/Downtown Specific Plan is in draft form. The Draft Specific Plan does not apply to the proposed project because the submission of a complete application for this project occurred prior to adoption of the El Camino Real/Downtown Specific Plan. However, the consistency of the proposed project with the plan is discussed in this section for informational purposes. The consistency of the proposed project with other non-land use related policies are addressed in the appropriate topical sections of the EIR (e.g., Air Quality). Applicable land use policies from each of the documents listed above are described below.



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FIGURE IV.A-1



 Project Site

SOURCE: GOOGLE EARTH, 10/2009; LSA ASSOCIATES, INC., 2011.

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Land Uses in the Vicinity of the Project Site

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a. City of Menlo Park General Plan. The City of Menlo Park General Plan (General Plan) is a comprehensive plan to guide development and use of land in the City. The central purpose of the General Plan, as stated in the document, “is to maintain Menlo Park’s special character as a residential community that includes a broad range of residential, business, and employment opportunities and to provide for the change necessary to maintain a vital community.”¹ The General Plan includes policies related to: land use; circulation; open space and conservation; noise; and safety. These topics are addressed within the specific topical elements of the General Plan. The General Plan Policy Document and Background Report are relevant to land use within and in the vicinity of the project site and are summarized below.

The General Plan Policy Document² “includes the goals, policies, standards, implementation programs, quantified objectives, land use diagram, and circulation plan diagram that constitute the formal policy of the City of Menlo Park for land use, development, and environmental quality.” The Policy Document was adopted by the City Council on December 1, 1994, and is accompanied by the Background Report, which describes existing conditions and trends for the topics covered in the General Plan.

Under the General Plan Land Use Designation Map,³ which provides a visual representation of the land use designations and zoning districts of specific parcels, the entire project site is designated as El Camino Real Professional/Retail Commercial, with the exception of the northwestern portion of the site (the triplex located at 603-607 College Avenue), which is designated as Medium Density Residential. Figure IV.A-2 shows the General Plan land use designations within and around the project site.

According to the Policy Document, the El Camino Real Professional/Retail Commercial designation allows for the development of retail services; personal services; professional offices; executive, general and administrative offices; research and development facilities; banks, savings and loans; convalescent homes; restaurants and cafes; theaters; residential uses; public and quasi-public uses; and similar and compatible uses. The maximum floor-area-ratio (FAR)⁴ for non-residential uses established under the El Camino Real Professional/Retail Commercial designation is between 40 to 75 percent. Maximum residential density is 18.5 units per net acre. The intent of this designation is to promote the conversion of El Camino Real from an automobile-oriented commercial-style strip to a more compact development pattern.

The Medium Density Residential designation allows for the development of single-family detached and attached residences, duplexes, multi-family residences, condominiums, public and quasi-public uses, and similar uses. No overall development intensity standard is specified in the General Plan, although senior residential rental uses are limited to a range of 5.1 to 18.5 units per acre.

Land use policies and their relationship to the proposed project are described in Table IV.A-5.

¹ Menlo Park, City of, 1994. *City of Menlo Park General Plan, Policy Document*. December 1.

² Ibid.

³ Menlo Park, City of, 2010. Planning Division, GIS Section. *City of Menlo Park Zoning Map and General Plan Land Use Diagram*. December.

⁴ FAR is the total square footage of a building divided by the size of the development site.

b. City of Menlo Park Zoning Ordinance. The City of Menlo Park Zoning Ordinance (Zoning Ordinance) implements the policies of the General Plan and certain other of the City’s plans, policies, and ordinances. The Zoning Ordinance divides the City into districts, each of which is assigned different development regulations. These regulations direct the construction, nature, and spatial orientation of new development. Figure IV.A-2 shows Zoning Ordinance districts and their corresponding General Plan land use designations within and around the project site. The entire project site (except for the northwestern portion of the site west of Alto Lane) is within the General Commercial applicable to El Camino Real (C-4 (ECR)) zoning district. The northwestern portion of the site (the triplex located at 603-607 College Avenue) is within the Apartment district (R-3). The area to the north, east, and south of the site (encompassing the El Camino Real corridor) is also zoned General Commercial applicable to El Camino Real. To the west of the site, zoning designations change to emphasize residential uses, with diminishing intensity as one moves west. The Apartment (R-3) and Single Family Urban (R1U) zones border the site to the west.

The C-4 (ECR) zone permits a variety of land uses, including: cafes and restaurants, financial establishments, and professional and administrative offices. Residential uses are allowed in a C-4 (ECR) zone with a conditional use permit. Table IV.A-1 lists the development regulations in the C-4 (ECR) district. The Apartment District (R-3) zone permits single-family dwellings, duplexes, and accessory buildings. Table IV.A-2 lists the development regulations in the R-3 district.

Table IV.A-1: Development Regulations in C-4 (ECR) District

Regulation	Design Standard	Project Consistency with Zoning Ordinance
Minimum Lot Area	10,000 square feet	Yes
Minimum Lot Dimensions	75 feet width; 125 feet depth	Yes
Required Minimum Yards	None	Yes
Maximum Land Coverage	None	Yes
Minimum Landscaping	5% of building site (lots 9,000 square feet or less); 10% of building site (lots larger than 9,000 square feet)	Yes
Maximum Height	30 feet	Yes
Floor Area Ratio (FAR)	55% (75% with use permit); 40% for office	No, FAR is 87% (requested development standard waiver)
Maximum Dwelling Unit Density	18.5 dwelling units/acre	Yes (with application of State Density Bonus)
Parking	In accordance with Section 16.72.020(1), two independently accessible spaces per unit, one of which must be covered, for residential uses. In accordance with Section 16.72.040, six spaces per 1,000 square feet of gross floor area for commercial uses.	Yes (with application of State Density Bonus)

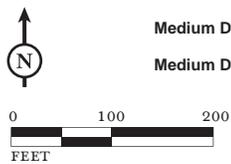
Source: Menlo Park Zoning Ordinance, 2010.



FIGURE IV.A-2

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General Plan Designation		Zoning District		General Plan Designation		Zoning District	
Low Density Residential		Single Family Urban		El Camino Real Professional/Retail Commercial		General Commercial (applicable to EC Real)	
Medium Density Residential		Low Density		Retail/Commercial		General Commercial, Conditional	
Medium Density Residential		Apartment		Planned Development		Professional Retail (applicable to EC Real)	
Medium Density Residential		Garden Apartment		Public Facilities		Public Facilities District	
Medium Density Residential		Apartment, Conditional					
				Project Site			



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Menlo Park General Plan
Designations and Zoning Districts

SOURCE: GOOGLE EARTH, 10/2009; LSA ASSOCIATES, INC., 2011.

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Table IV.A-2: Development Regulations in R-3 District

Regulation	Design Standard	Project Consistency with Zoning Ordinance
Minimum Lot Area	7,000 square feet	Yes
Minimum Lot Dimensions	80 feet width, 100 feet depth for lots 10,000 square feet or more; 70 feet width, 100 feet depth for lots less than 10,000 square feet	Yes
Setbacks	<ul style="list-style-type: none"> • Front yard: 15% of total lot width at front property line; no less than 20 feet • Side yard: interior, 10 feet; corner: 15 feet from street side • Rear yard: 15% of total lot width at front property line; no less than 15 feet • Distance between buildings: ½ the sum of height; no less than 20 feet on site; 20 feet to buildings on adjacent properties 	<p>Rear Yard: No, 3 feet 4 inches (requested development standard waiver)</p> <p>Distance Between Buildings: No, 6 feet 5 inches (requested development standard waiver)</p>
Maximum Land Coverage	30%	No, 44% (requested development standard waiver)
Minimum Landscaping	50% of lot area	No, 44% (requested development standard waiver)
Maximum Height	35 feet	Yes
Floor Area Ratio (FAR)	45% of total lot area	No, FAR is 71% (requested development standard waiver)
Maximum Dwelling Unit Density	In accordance with Section 16.20.030, 3,333 square feet per lot (7,000 to 19,999 square feet)	Yes (with application of State Density Bonus)
Parking	In accordance with Section 16.72.020(1), two independently accessible spaces per unit, one of which must be covered.	Yes (with application of State Density Bonus)

Source: Menlo Park Zoning Ordinance, 2010.

c. Draft El Camino Real/Downtown Specific Plan. The Draft Specific Plan builds upon the El Camino Real/Downtown Vision Plan, approved by the Menlo Park City Council on July 15, 2008. The Draft Specific Plan provides a framework for establishing: the location and character of streetscape and public space improvements; the character and intensity of commercial and residential development; and the circulation pattern (vehicular, pedestrian, bicycle, and transit) and parking strategy to support businesses and overall vitality, and enhance east-west connectivity across El Camino Real. The Draft Specific Plan includes standards and guidelines for public and private enhancements to the area, and offers strategies for financing and implementing public improvements. The Draft Specific Plan area encompasses much of the commercial district along the El Camino Real Corridor and downtown Menlo Park, and extends from Watkins Avenue on the north to San Francisquito Creek on the south. In addition, the 389 El Camino Real Project site is within the Draft Specific Plan area.

As previously described, the Draft Specific Plan is currently under review. Because the proposed project’s complete application was submitted prior to adoption of the Draft Specific Plan, the proposed project is not bound by the associated development guidelines. However, the consistency of the proposed project with the Draft Specific Plan is discussed in this section for informational purposes.

Minor revisions to the General Plan and Zoning Ordinance were proposed as part of the Draft Specific Plan development process, in order to make the Draft Specific Plan fully operational. In addition, the

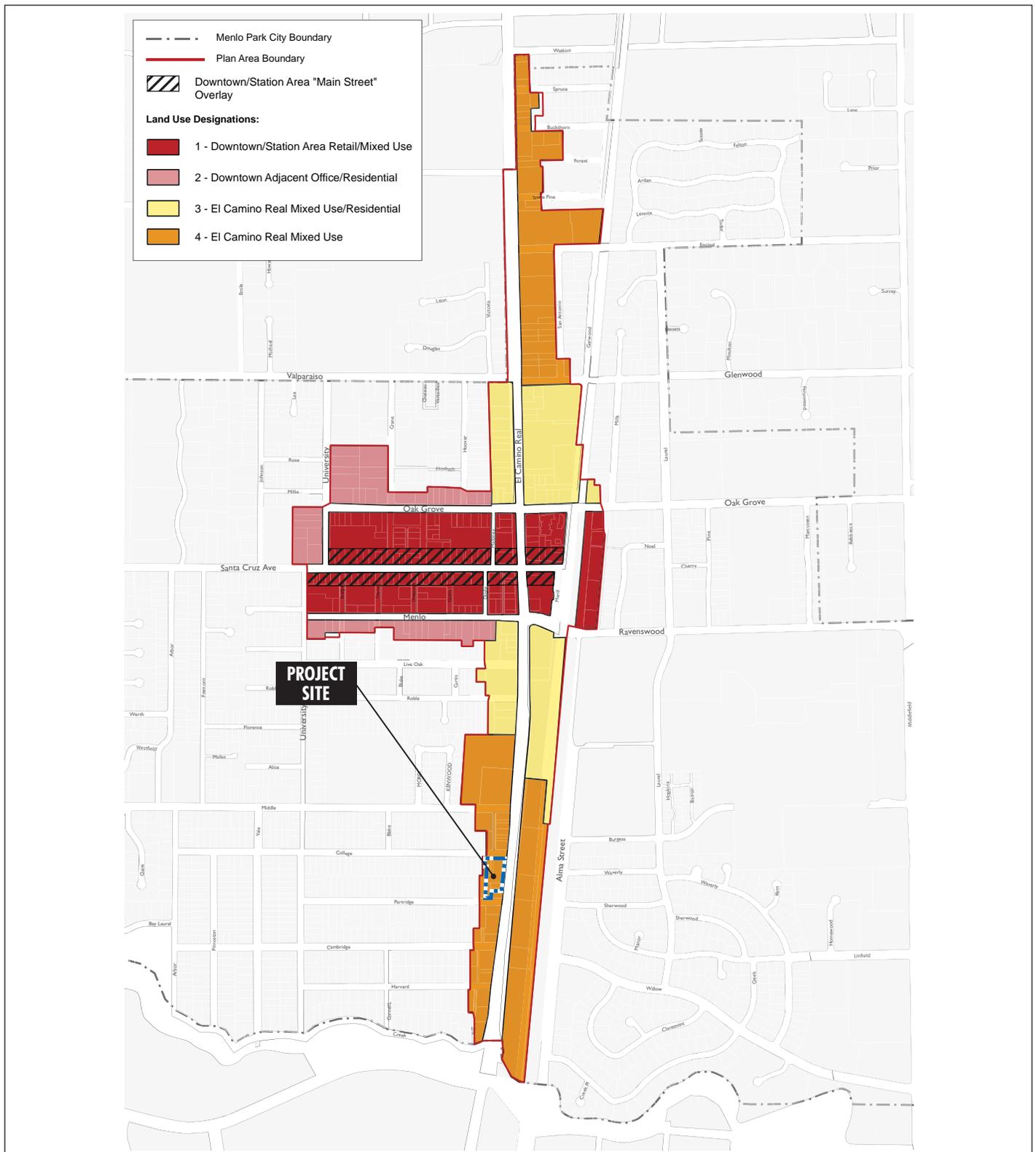
Draft Specific Plan assumes all relevant General Plan policies would apply to development within the Draft Specific Plan area. The intent of the Draft Specific Plan is to “preserve and enhance community life, character and vitality through public space improvements, mixed use infill projects sensitive to the small town character of Menlo Park and improved connections across El Camino Real.”⁵ The Draft Specific Plan seeks to encourage higher-density, transit-oriented, mixed-use development along El Camino Real by facilitating the infill development of vacant and underutilized lots. It also includes design measures to reduce the perceived mass and scale of larger buildings, create wider public sidewalks, and otherwise enhance the pedestrian environment. In addition, the Draft Specific Plan establishes an architectural review process to ensure consistency with design standards and guidelines, and strategies for financing and implementing public improvements.

The Draft Specific Plan establishes guiding principles and an urban design framework for public and private development in the Draft Specific Plan area. The guiding principles are to: enhance public space; generate vibrancy; sustain Menlo Park’s village character; enhance connectivity; and promote healthy living and sustainability. These principles set the foundation for the Draft Specific Plan’s urban design framework, which introduces the general approach and design themes for the Draft Specific Plan area. The urban design framework emphasizes the following themes: a distinct and connected area; an integrated corridor; a walking and connected community; place-sensitive design; and mobility options and accessibility. The urban design framework encompasses the Draft Specific Plan area’s three principal sub-areas: El Camino Real, Station, and Downtown. The proposed project is located in the southern part of the El Camino Real sub-area.

The Draft Specific Plan establishes standards and guidelines for land use development. As previously described, the standards and guidelines encourage redevelopment of underutilized parcels of land, to enhance street life, encourage transit use, and increase the housing supply. These standards and guidelines also are intended to ensure that new buildings would be compatible with the existing scale and character of adjacent development, would enhance the character of streets, public spaces and overall pedestrian orientation, and would be environmentally sensitive. The Draft Specific Plan supports principles of sustainability and incorporates into its concepts and guidelines strategies reflected in the Leadership in Energy and Environmental Design (LEED) for Neighborhood Development 2009 rating system, developed by the U.S. Green Building Council.

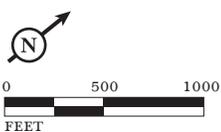
As shown in Figures IV.A-3 and IV.A-4, the Draft Specific Plan establishes five land use designations (including one “overlay” area) and 10 zoning districts. The land use designations establish goals for land use development within certain areas. The five land use designations are summarized below in Table IV.A-3.

⁵ Perkins + Will, 2010. *Draft Menlo Park El Camino Real/Downtown Specific Plan*. April 7.



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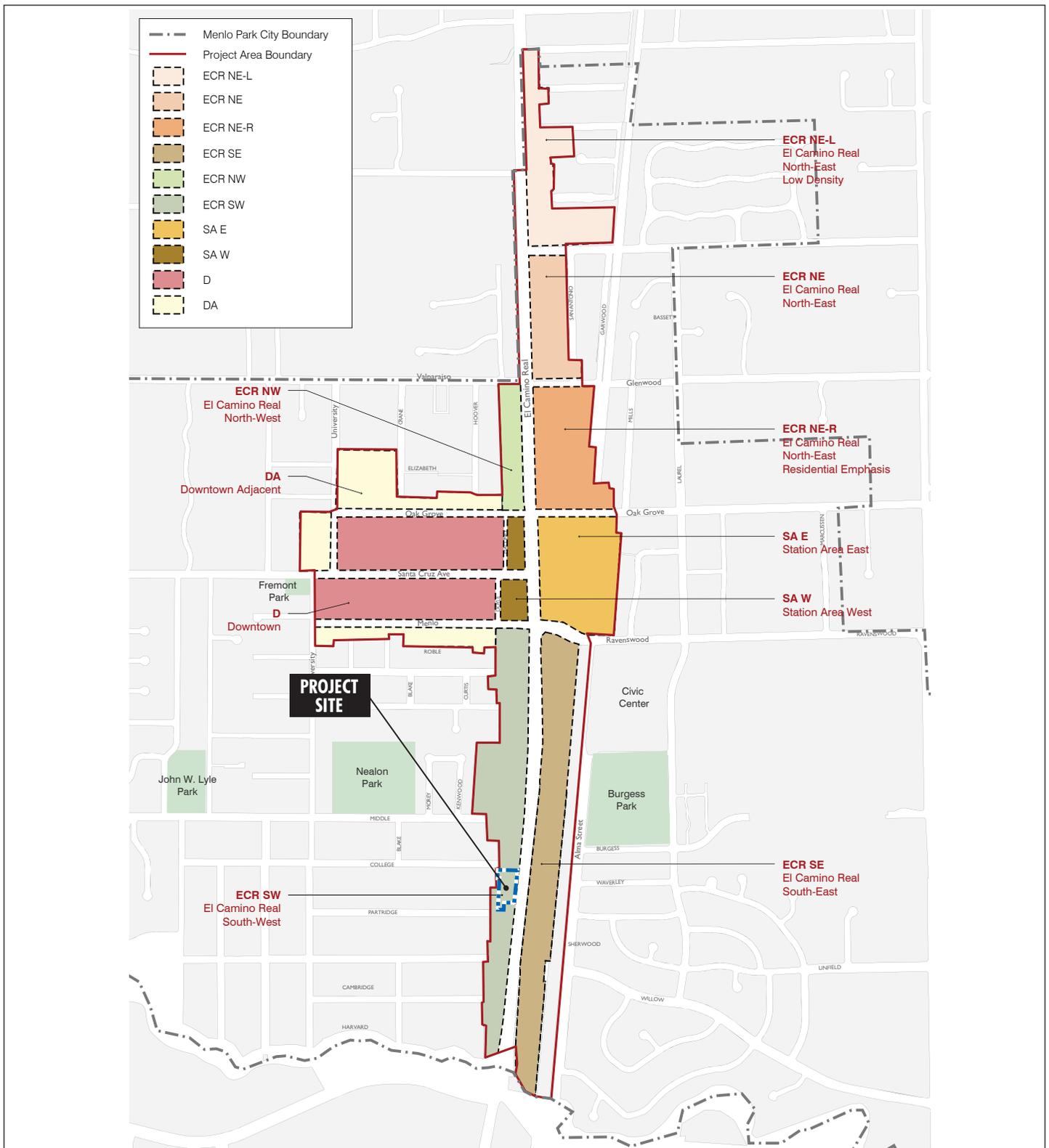
FIGURE IV.A-3



 Project Site

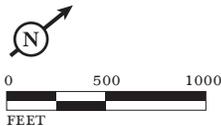
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SOURCES: PERKINS & WILL, ETAL, APRIL 2010; LSA ASSOCIATES, INC., 2011. Downtown Specific Plan Land Use Designations



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FIGURE IV.A-4



 Project Site

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 Draft El Camino Real/
 Downtown Specific Plan Zoning Districts

SOURCES: PERKINS & WILL, ET AL., APRIL 2010; LSA ASSOCIATES, INC., 2011.

Table IV.A-3: Draft Specific Plan Land Use Designations

Land Use Designation	Description
Downtown/Station Area "Main Street" Overlay	<ul style="list-style-type: none"> Enhances the retail emphasis of the Downtown/Station Area Retail/Mixed-Use designation by specifically limiting non-retail ground floor uses on Santa Cruz Avenue. Development standards and guidelines otherwise match the underlying Downtown/Station Area Retail/Mixed-Use designation.
Downtown/Station Area Retail/Mixed Use	<ul style="list-style-type: none"> Focuses on uses that enhance downtown vibrancy by building upon existing community-serving retail and personal services in the downtown area Emphasizes retail for ground-floor uses, and allows for a mix of uses, including office and residential uses, enhancing downtown vibrancy through an increased customer base for restaurants and retail businesses Allows for theaters (commercial recreation), hotels, and some public and semipublic uses Size of some types of businesses are limited and allowable building heights are two to three stories for all but the area in closest proximity to the train station where heights of four to five stories are allowed Allowed intensities in the downtown core are generally consistent with historic intensities, while higher intensities are allowed in the train station area
Downtown Adjacent Office/Residential	<ul style="list-style-type: none"> Complements but does not compete with retail uses in the downtown area Permits offices and personal services (with certain size limitations), residential uses and public and semipublic uses Excludes retail and hotel uses Allowable building height is two to three stories, which complements buildings in downtown and adjacent neighborhoods
El Camino Real Mixed Use/Residential	<ul style="list-style-type: none"> Emphasizes residential use in close proximity (approximately 0.5 miles) to the station area and downtown, in order to support area businesses, transit use and overall downtown vibrancy Allows for a variety of retail, office and public and semipublic uses Maximum building heights vary from two to three stories in most locations, up to four to five stories on the east side of El Camino Real south of Ravenswood Avenue Majority of the area allows for moderate intensities with higher intensities on the east side of El Camino Real south of Ravenswood Avenue
El Camino Real Mixed Use	<ul style="list-style-type: none"> Allows for a variety of retail, office, residential, and public and semipublic uses Building character relates to adjacent neighborhoods, with maximum building heights of two to three stories, except for buildings up to four to five stories permitted on the southeast end of El Camino Real Allowed development intensities vary with the lowest intensity on the far northern end of El Camino Real to moderate intensities on the southwest end of El Camino Real and the highest intensities on the southeast end of El Camino Real where parcels are separated from adjacent uses by El Camino Real and the railroad right-of-way

Source: *Draft Menlo Park El Camino Real/Downtown Specific Plan*, 2010.

The zoning districts are based on the underlying land use designations and provide for a more detailed approach to land use regulation through the application of standards and guidelines that work together to establish the districts' character and identity. The 10 zoning districts include:

- El Camino Real North-East Low Density (ECR NE-L);
- El Camino Real North-East (ECR NE);
- El Camino Real North-East Residential Emphasis (ECR NE-R);
- El Camino Real South-East (ECR SE);
- El Camino Real North-West (ECR NW);
- El Camino Real South-West (ECR SW);
- Station Area East (SA E);
- Station Area West (SA W);
- Downtown (D); and
- Downtown Adjacent (DA).

The land use designation in the Draft Specific Plan for the project site is El Camino Mixed Use, and the site is located within the proposed El Camino Real South-West (ECR SW) zoning district. The ECR SW District is located on the west side of El Camino Real between Menlo Avenue and the southern city limits and is characterized by a mix of retail and service uses. The area is adjacent to multi-family and single-family residential uses and within walking distance to the train station area and downtown.

The ECR SW District is located in the El Camino Real Mixed Use/Residential and El Camino Real Mixed Use land use designations, which support a variety of retail uses, personal services, business and professional offices, and residential uses. Development regulations in the District provide for higher development intensities, with a focus on residential development, given the location of the District near the train station area and downtown. Table IV.A-4 lists the development standards and guidelines in the ECR SW district and Figure IV.A-5 illustrates standards and guidelines for the District.

Table IV.A-4: Development Standards and Guidelines in ECR SW District

Regulation	Design Standard & Guidelines
Maximum Floor Area Ratio (FAR)	1.10 or 1.5 with Public Benefit Bonus ^a
Maximum Dwelling Unit Density	25 dwelling units/acre or 50 dwelling units/acre with Public Benefit Bonus ^a
Maximum Height	38 feet ^b
Maximum Façade Height ^c	30 feet for all sides except the interior side
Setback	<ul style="list-style-type: none"> • Front and corner side: 7 to 12 feet; front setback areas shall be developed with sidewalks, plazas, and/or landscaping. Parking prohibited within front setback areas. • Side, Interior: 25 feet • Rear, Minimum: 20 feet • Upper Floor: 10 feet minimum above the maximum façade height for all sides of building except interior side
Massing and Modulation	<ul style="list-style-type: none"> • <i>Building breaks</i> are allowed provided a single break does not exceed 50 feet in width and total of all breaks does not exceed 25% of building frontage. • <i>Building facades</i> located on streets shall not exceed more than 100 feet in length without change in visual interest through the use of recesses, projections and/or color and/or material changes; changes shall have minimum of 6 feet and projections and recesses shall have minimum depth of 4 feet • <i>Building Profile</i>: 45 degree requirement for any portion of building above the maximum façade height on rear side of building.
Open Space	30%; residential development must include minimum of 100 square feet of open space per unit as common open space or minimum of 80 square feet of open space per unit as private space. Private space must have minimum dimensions of 6 feet by 8 feet

^a Public Benefit Bonus is the additional development permitted beyond the base intensity for a project in exchange for public benefit, such as public open space.

^b A 38-foot height limit can accommodate a three-story residential or residential mixed-use building (e.g., residential above ground floor retail). The 38-foot height limit is generally consistent with the 35-foot height limit currently found in many of the neighborhoods adjacent to the Draft Specific Plan area.

^c The limits on façade heights help to mitigate the visual impact of taller buildings.

Source: *Draft Menlo Park El Camino Real/Downtown Specific Plan*, 2010.

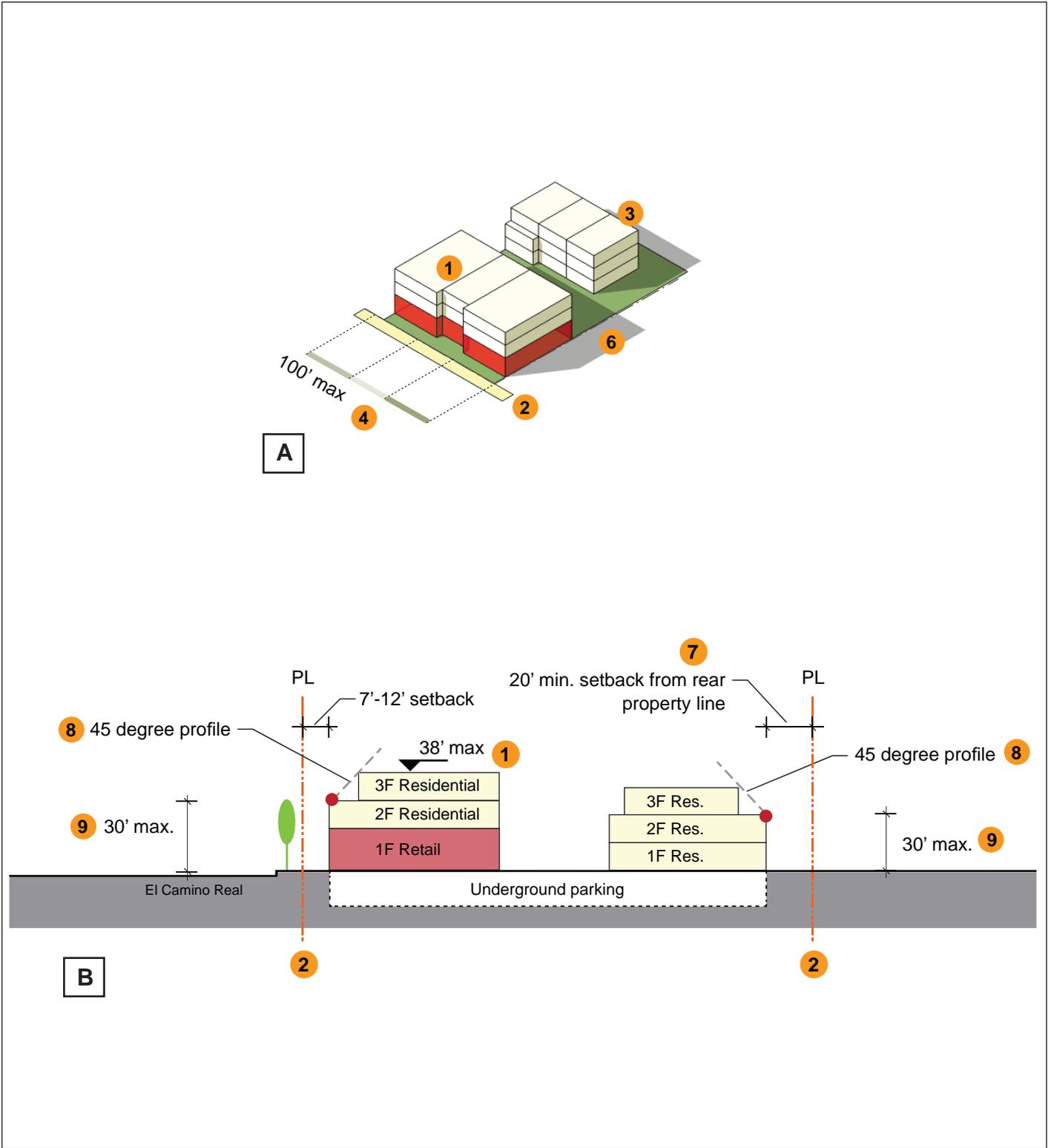


FIGURE IV.A-5

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- 1 Maximum Height
- 2 Setback
- 3 Open Space Minimum
- 4 Facade Modulation
- 5 Upper-story Setback
- 6 Side Setback
- 7 Rear Setback
- 8 Building Profile
- 9 Facade Maximum Height

NOT TO SCALE

389 El Camino Real Project EIR
 Draft El Camino Real/Downtown Specific Plan:
 Illustrations of Standards and Guidelines for
 El Camino Real South-West (ECR SW) Zoning District

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d. City of Menlo Park Subdivision Ordinance. The Subdivision Ordinance is the policy document that regulates and controls the design and improvement of land subdivision within the City's boundaries. Cities are required to adopt an ordinance regulating the subdivision of land, pursuant to the Subdivision Map Act. The Subdivision Ordinance establishes standards for improvements that are required to be implemented when land is subdivided, the layout of lots, and minimum requirements for the various maps that accompany subdivision proposals.

e. City of Menlo Park Below Market Rate Housing Program (Municipal Code 16.96). The Below Market Rate (BMR) Housing Program is intended to increase the housing supply for households that have very low, low, and moderate incomes compared to the median household income for San Mateo County. The program requires qualifying residential and commercial developments to provide BMR housing units and/or contribute to the BMR Housing Fund.

For residential development projects of less than 20 units, the developer must provide no less than 10 percent of the units at below market rates to very low-, low- and moderate-income households. For residential development projects of 20 or more units, the developer must provide no less than 15 percent of the units at below market rates to very low-, low- and moderate-income households.

For each below-market-rate unit provided under the BMR Housing Program, a developer is permitted to build one additional market-rate unit. In addition, a developer is permitted to increase the floor area associated with the residential development project by an amount that corresponds to the increase in allowable density. Requests for density bonuses of a maximum of 15 percent are subject to approval of the Planning Commission.

The BMR Housing Fund is a separate City fund set aside for the specific purpose of assisting the development of affordable housing units and programs. The fund is primarily generated by developer payments made in lieu of providing actual BMR units. The preferred BMR Program contribution for all residential developments is on-site BMR units. If on-site BMR units are not feasible, the developer must substantiate to the City's satisfaction that the BMR units cannot be provided on- or off-site and is required to pay an in lieu fee.

f. State Density Bonus Law (Government Code Section 65915). The State Density Bonus Law mandates that local governments provide incentives to housing developers for the production of housing units affordable to lower income households. Under the State Density Bonus Law, an applicant is entitled to bonus residential units above the permitted density if additional or more affordable below-market rate units are constructed beyond those normally required by the jurisdiction.

Under the State Density Bonus Law, when a developer agrees to construct senior housing⁶ or a certain percentage of the units in a housing development for very-low income households (5 percent of the total units of a housing development), low-income households (10 percent of the total units of a housing development), or moderate income households (10 percent of the total units) in a common interest development,⁷ the government entity must grant the developer a density bonus, which allows

⁶ Senior housing is a residential development that is developed, substantially rehabilitated, or substantially renovated for senior citizens (age 55 and over) that has at least 35 dwelling units.

⁷ A common interest development is a community apartment project, a condominium project, a planned development, or a stock cooperative.

the developer to increase the density of the development by a certain percentage above the maximum allowable limit under zoning law, and grant one or more incentives⁸ or concessions for the production of housing units.⁹

3. Impacts and Mitigation Measures

This subsection analyzes impacts related to land use and planning policy that could result from implementation of the proposed project. The subsection begins with the criteria of significance, which establish the thresholds for determining whether an impact is significant. The latter part of this subsection presents the impacts associated with the proposed project. As noted in the beginning of this section, conflicts between a project and applicable policies do not constitute significant physical environmental impacts in and of themselves; as such, the proposed project's consistency with applicable policies focuses on whether policy conflicts could result in physical environmental impacts.

a. Criteria of Significance. These criteria are derived from *CEQA Guidelines* Environmental Checklist questions. Implementation of the proposed project would have a significant effect on land use if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

b. Less-Than-Significant Impacts. The following discussion addresses land use and planning policy impacts of the proposed project.

(1) Community Integrity. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another.

Implementation of the proposed project would result in the development of residential uses, parking, and open space within a site that is currently occupied by a parking lot, a single-family residential building, and a residential triplex building. The parking lot and single-family residential building are vacant. Two of the three units in the residential triplex building on the site are currently occupied.

⁸ An incentive means any of the following: a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that result in identifiable, financially sufficient, and actual cost reductions; approval of mixed use zoning in conjunction with a housing project; and other regulatory incentives proposed by the developer that result in identifiable, financially sufficient, and actual cost reductions.

⁹ Menlo Park, City of, 2011. City's Attorney Office, Study Session Regarding the Application of State Density Bonus Law, Government Code Section 65915, to Housing Projects in Menlo Park. May 2.

Implementation of the proposed project would result in the demolition of the two existing buildings within the project site and the removal of existing vegetation, foundations, exterior concrete flatwork, pavement, and utilities. The two inhabited units in the triplex building would be vacated before any demolition activity takes place. The proposed project would replace the four existing residential units on the site with a total of 26 single-family and townhouse units (including three units priced at levels affordable to low-income households). The replacement of existing residential uses with new residential uses would not typically be considered the division of an established community. Although the proposed project would result in the displacement of existing residents from the site, other rental housing is available in close proximity to the site (within Menlo Park and adjacent communities).

Furthermore, the existing residential units on the site would not be considered a “community” in the traditional sense. Only two of the four residential units on the site are occupied, redevelopment of the site is anticipated in the near-term, and the small number of site inhabitants would make it difficult to develop a critical mass of shared connections necessary to create a community. Although the existing residents on the site would be considered part of a larger community, the site itself would not fit this definition. Therefore, the demolition of housing currently on the site would not divide an established community.

In addition, the project site is not used to connect different parts of an existing community. The parcels on the site are surrounded by fencing and/or landscaping such that access from one parcel to another is difficult. Therefore, the site is not used as a cut-through-route between College Avenue, Partridge Avenue, and El Camino Real, or as access to the larger community.

The proposed project would result in the abandonment of the public street easement for Alto Lane. However, Alto Lane primarily provides access to the triplex located on the project site, and does not connect College Avenue to other streets around the project site. Therefore, the abandonment of Alto Lane would not substantially impair mobility within the existing community, or between the community and outlying areas. In addition, pedestrian access would continue to occur via sidewalks along El Camino Real and College Avenue for the duration of project construction and operation. Therefore, the project would not result in the development of barriers to access that would impede circulation in the area or otherwise result in the division of an established community.

(2) Compatibility With Surrounding Land Uses. Implementation of the proposed project would not result in the development of uses that would be inherently incompatible with surrounding land uses (e.g., a power plant, factory, or other noise-, air pollution-, or hazard-generating land use in a residential area). The residential development would not interfere with the daily operations of surrounding land uses, including the residential uses to the west of the site, the commercial and residential uses to the north of the site, or the commercial uses to the east and south of the site. The project’s effects on aesthetics and the availability of natural light are evaluated in Section IV.F, Aesthetics.

In addition, none of the land uses surrounding the project site are fundamentally incompatible with uses proposed for the project site. The auto repair shop and gas station to the south of the site may generate noise levels during working hours that are higher than predominantly residential areas, and may temporarily generate odors that are typical of mechanical equipment repair and fueling apparatuses (i.e., odors associated with fuel and paint). However, because the auto repair shop and gas station would be required to comply with applicable City ordinances (including the Noise Ordinance),

and other environmental regulations (including those limiting the release of hazardous materials and air contaminants), they would not be incompatible with residential uses. In addition, the southern boundary of the proposed project would include a vegetated trellis to screen the residential uses on the project site from the auto repair shop and gas station.

The project would be located along a segment of El Camino Real that the City seeks to develop into a mixed-use, pedestrian-oriented district.¹⁰ Residential projects may benefit from being located in an area with a diversity of land uses, especially in places where there is easy access to downtown commercial districts, transit, and open space. Such characteristics would apply to the project site, which is within walking distance of downtown Menlo Park, the nearby Caltrain station, and local parks (and is located in close proximity to commercial uses that serve local residents). The exposure of project residents to air pollution and noise associated with traffic volumes on El Camino Real is addressed in Sections IV.C, Air Quality, and IV.D, Noise.

Redevelopment of the project site could benefit surrounding neighborhoods through the conversion of a parking lot into higher density residential uses that would be expected to activate street life and generate increased revenue for local businesses. Increasing pedestrian activity in the area would be one beneficial outcome. The project site, which is near downtown Menlo Park and the Caltrain station, is an appropriate location for higher-intensity land uses. Concentrating traffic-generating uses near transit nodes has the potential to minimize vehicle travel along minor roadways through established neighborhoods. The proposed project thus has the potential to enhance the physical relationship of the project site with surrounding areas. The proposed project, with a residential density of approximately 21 units per acre, would be denser than the residential neighborhood to the west of the site. However, this increased density would not make the project incompatible with surrounding residential uses because the environmental impacts generated by the increased density on adjacent areas would not be significant and adverse.

(3) Consistency With Applicable Policies. As discussed below, the proposed residential uses would be consistent with the General Plan's existing El Camino Real Professional/Retail Commercial designation and the Medium Density Residential designation. The proposed project would also be consistent with the General Commercial applicable to El Camino Real (C-4 (ECR)) and Apartment (R-3) zoning districts.

General Plan. The proposed project would generally be consistent with land use policies in the General Plan that promote urban development within the El Camino Real professional and commercial district, and seek to improve the stability and character of existing neighborhoods. Please refer to Table IV.A-5 for a summary of the project's consistency with applicable land use and planning policies in the General Plan. The project would redevelop a site currently partially occupied by a parking lot with residential uses and would increase the population along the El Camino Real corridor.

Although the project would be located in close proximity to transit, it is not designed in a way that is oriented to transit. The project consists of single-family and townhouse residential units (instead of a mixture of high-density residential and commercial uses) and would include individual private parking garages or two-car tandem parking garages with two spaces for each residential unit. From a

¹⁰ A mixed-use development involves the use of a building, set of buildings, or neighborhood for more than one land use. A mixed-use development includes both residential and commercial uses.

design perspective, the project would not encourage the use of public transportation even though it would be located within walking distance of the Menlo Park Caltrain station and near SamTrans bus stops. The relatively large number of parking spaces on the site would tend to encourage the use of private motor vehicles for transportation instead of alternative forms of transportation, including walking, bicycling, and transit.

The proposed project would be consistent with General Plan policies supporting the development of residential uses along El Camino Real (Policies I-A-5, I-B-4, and II-B-2) and with transportation-related policies that seek to strengthen the relationship between the transportation center, downtown, and El Camino Real and place as many activities as possible near transit. Parking impacts associated with the project are discussed in Section IV.E, Transportation, Circulation and Parking.

The proposed project would contribute to the planned conversion of El Camino Real from an automobile-oriented commercial-style strip to a more compact urban/suburban-style land use pattern and would be consistent with General Plan Policy I-A-5. This policy promotes the development of housing, including housing for smaller households, in commercially-zoned areas in and near downtown Menlo Park.

Zoning Ordinance. As described in the City of Menlo Park Zoning Ordinance subsection under the setting section, above, the project site is designated as General Commercial applicable to El Camino Real (C-4 (ECR)) with the exception of the northwestern portion of the site west of Alto Lane, which is designated as Apartment District (R-3). A conditional use permit is being requested for new construction, the development of residential uses in the C-4 (ECR) zoning district, and to construct three or more residential units in the R-3 zoning district. In addition, several development waivers are being requested related to rear setbacks, building coverage, FAR, landscape coverage, and building separation. With issuance of a conditional use permit and the application of the State Density Bonus law, the project would not conflict with applicable provisions of the Zoning Ordinance such that significant environmental impacts would result.

Draft El Camino Real/Downtown Specific Plan. As of the preparation of this EIR, the Draft Specific Plan is in draft form. Therefore, the project is not bound by the development guidelines in the Draft Specific Plan. The Draft Specific Plan is scheduled to be considered for approval by the City Council in mid-2012.

The proposed project would be inconsistent with the Draft Specific Plan's land use designation for the site (Mixed-Use/Residential), since it does not include ground floor retail uses below residential uses. The project would not be consistent with the development standards and guidelines for the ECR SW zoning district, which seek to encourage the development of multi-story residential buildings with ground-floor retail uses facing El Camino Real and below-grade parking (see Figure IV.A-5 for an illustration of standards and guidelines). The proposed project, characterized by a more suburban-style urban form along El Camino Real, could impede the goals of the Draft Specific Plan as they relate to walkability and the development of a higher-density, mixed-use environment along the corridor. However, because the application for the proposed project was submitted prior to adoption of the Draft Specific Plan, it would not apply to this project and this potential future policy inconsistency would not be considered significant in environmental terms.

BMR Housing Program and State Density Bonus Law. In accordance with the City's BMR Housing Program and the State Density Bonus Law, three of the 26 residential units that would be developed as part of the proposed project would be priced at levels that are affordable to low-income households. As a result, the project is entitled to a density bonus under the State Density Bonus Law. Pursuant to GC 65915(f)(1), since 14 percent (three of 21 residential units) are designated for low-income households, the project is entitled to a 26 percent density bonus, or six additional units. This would allow a maximum of 27 units to be developed on the site. As a result, the proposed project would be consistent with the City's BMR Housing Program and the applicable provisions of the State Density Bonus Law.

(4) Habitat Conservation Plan. The City is not located within a habitat conservation plan or natural community conservation plan.

c. Significant Impacts. Implementation of the proposed project would not result in any significant land use and planning policy impacts.

Table IV.A-5: Relationship of Project to Relevant City of Menlo Park General Plan Policies

General Plan Citation	Policy Language	Project's Relationship to Policy
Policy I-A-1	New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.	<i>Consistent.</i> The construction of new higher-density residential uses adjacent to an existing residential neighborhood would not compromise the stability and character of the existing neighborhood.
Policy I-A-2	New residential developments shall be designed to be compatible with Menlo Park's residential character.	<i>Consistent.</i> The general design of the project, which features buildings of two to three stories in height, common and private open space, and traditional architecture would not be incompatible with Menlo Park's residential character.
Policy I-A-3	Quality design and usable open space shall be encouraged in the design of all new residential developments.	<i>Not Yet Determined.</i> The quality of the project design is outside the purview of CEQA, but would be reviewed by the Planning Commission and City Council. Usable open space would be provided on the site.
Policy I-A-5	Development of housing, including housing for smaller households, is encouraged in commercially-zoned areas in and near Downtown. Provisions for adequate off-street parking must be assured.	<i>Consistent.</i> The project would include two two-bedroom units that would be appropriate for smaller households (although other units would be larger in terms of number of bedrooms). In addition, adequate on-site parking would be provided.
Policy I-A-8	Residential developments of ten or more units shall comply with the requirements of the City's Below-Market Rate (BMR) Housing Program.	<i>Consistent.</i> The project would provide three on-site affordable housing units, in compliance with the BMR Housing Program.
Policy I-A-9	Residential developments subject to requirements of the BMR Housing Program may be permitted to increase the total density, number of units and floor area of residential projects up to a maximum of 15 percent above that otherwise permitted by the applicable zoning. The increase in the total density, number of units and floor area shall be in compliance with the BMR Housing Program.	<i>Consistent.</i> The permitted density of the project would be increased, consistent with the provisions of the BMR Housing Program and the State Density Bonus Law.
Policy I-B-4	Uses and activities shall be encouraged which will strengthen and complement the relationship between the Transportation Center and the Downtown area and nearby El Camino Real corridor.	<i>Consistent.</i> The project would increase the on-site population and would redevelop a parking lot with residential uses. Although the design of the project would not be transit-oriented, it would enhance the relationship between the Transportation Center, downtown Menlo Park, and the El Camino Real corridor.

Table IV.A-5 Continued

General Plan Citation	Policy Language	Project's Relationship to Policy
Policy I-G-4	Dedication of land, or payment of fees in lieu thereof, for park and recreation purposes shall be required of all new residential development.	<i>Not Yet Determined.</i> In-lieu fees for parks and recreation may be imposed on the project when development approvals are considered.
Policy I-G-10	Extensive landscaping should be included in public and private development, including greater landscaping in large parking areas. Where appropriate, the City shall encourage placement of a portion of the required parking in landscape reserve until such time as the parking is needed. Plant material selection and landscape and irrigation design shall adhere to the City's Water Efficient Landscaping Ordinance.	<i>Consistent.</i> The project would include landscaping, including small open spaces adjacent to El Camino Real and College Avenue. The project's landscaping plan would be required to comply with the City's Water Efficient Landscape Ordinance (Menlo Park Municipal Code Chapter 12.44).
Policy II-B-2	As many activities as possible should be located within easy walking distance of transit stops, and transit stops should be convenient and close to as many activities as possible.	<i>Consistent.</i> The project would cluster additional residential uses within walking distance of the Caltrain station and SamTrans bus stops.
Policy II-E-1	The City shall require all new development to incorporate safe and attractive pedestrian facilities on-site.	<i>Consistent.</i> Sidewalks would be developed throughout the project site.

Source: City of Menlo Park, 1994 and LSA Associates, Inc., 2011.