



## OFFICE OF THE CITY MANAGER

Council Meeting Date: March 18, 2014  
Staff Report #: 14-048

Agenda Item #: F-1

**REGULAR BUSINESS:**                    **Approve an Appropriation of \$150,000 and Authorize the City Manager to Execute Agreements, Not to Exceed a Total of \$150,000, with Consultants to Provide Professional Analyses of the Potential Impacts Related to the Proposed Ballot Initiative which would Amend the Menlo Park El Camino Real/Downtown Specific Plan**

### RECOMMENDATION

Staff recommends that the City Council approve an appropriation of \$150,000 and authorize the City Manager to execute agreements, not to exceed a total of \$150,000, with various consultants to provide professional and objective analyses of the potential impacts related to the proposed Ballot Initiative, which would amend the Menlo Park El Camino Real/Downtown Specific Plan.

### BACKGROUND

#### Vision Plan and Specific Plan Development

Between 2007 and 2012, the City conducted an extensive long-range planning project for the El Camino Real corridor and the Downtown area. The commencement of this project represented a reaction to a number of high-visibility vacant parcels and several requests for development-specific General Plan and Zoning Ordinance Amendments, resulting in the desire for an approach that would instead be comprehensive, long-term, and community-focused. The planning process acknowledged from the beginning that Menlo Park is a community with diverse and deeply-held opinions regarding development, but proposed that a deliberate and transparent process would provide the best option for a positive outcome.

#### Phase I

The project started with a visioning project (Phase I: 2007-2008) to identify the core values and goals of the community and to define the structure of the second phase of planning. The culmination of the first phase of work was the City Council's unanimous acceptance of the Vision Plan in July 2008. The Vision Plan established 12 overarching goals for the project area, which served as the foundation for the subsequent Specific Plan.

## Phase II

The Specific Plan process (Phase II: 2009-2012) was an approximately \$1.69 million planning project informed by review of an Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA). The Specific Plan had as a key objective the establishment of a comprehensive, action-oriented set of rules, which would establish much greater clarity and specificity with regard to development, with both respect to rights as well as requirements.

Both the Vision Plan and Specific Plan benefited from extensive community involvement, with significant attendance at workshops and related events, as well as regular public review by a diverse Oversight and Outreach Committee. In total, the Vision Plan and/or Specific Plan were an highly publicized and agendized topic of discussion at over 90 public meetings over five years, including at least 28 City Council sessions and 18 Planning Commission sessions.

Both the Planning Commission and City Council elected to significantly expand their respective reviews of the Draft Specific Plan in Summer-Fall 2011, in order to provide clear direction on improvements and refinements to the Plan. Among other topics, Floor Area Ratio (FAR) thresholds (and associated development feasibility), land use regulations, and building height and massing requirements were publicly discussed in detail during this and other phases. The impact of such standards and guidelines on key opportunity parcels were a particular area of focus throughout the Specific Plan process, and were subject to advanced visualization techniques (photomontages, massing models, and artistic renderings) in order to clearly relay what buildings could look like.

During the review of the Draft Specific Plan, the City Council (acting on the Planning Commission's recommendation) specifically lowered overall building height by one full story, lowered the façade heights by one full story, and directed changes to the upper floor controls for several of the Plan areas, in order to proactively address potential concerns with bulk and visual character. After those and other changes were made, the Specific Plan process culminated with the City Council's unanimous approval of the Plan and related actions in June 2012, following a unanimous recommendation for approval from the Planning Commission.

Full information on the Vision and Specific Plan projects (including staff reports, meeting video, environmental and fiscal review documents, analysis memos, and workshop presentations and summaries) is available on the City's web site at: <http://www.menlopark.org/specificplan>.

### **Ongoing Review and Refinement**

The Specific Plan itself includes a requirement for ongoing review, first occurring after one year and then at two-year intervals. However, even before the one year review the City Council chose to respond to community concerns regarding one large development proposal.

## 500 El Camino Real Proposal

In November 2012, Stanford University submitted an initial application for redevelopment of its parcels addressed 300-550 El Camino Real (known collectively as “500 El Camino Real”) with a mixed-use project primarily consisting of office (including a portion that could be general office or medical/dental office) and residential uses, which was intended to be consistent with the Specific Plan. These parcels, totaling 8.43 acres, were considered priority opportunity sites during both the Vision Plan and Specific Plan projects. The Planning Commission conducted a study session for this project on January 28, 2013, which provided an opportunity for the Commission and the public to become more familiar with the proposal and to identify potential questions and concerns. At this meeting and in written comments before and since, members of the public have expressed serious concerns and/or categorical opposition to the proposal. While the applicant was considering revisions to the project in response to the study session feedback, the City Council requested the opportunity to discuss the proposal at its April 16, 2013 meeting.

The staff report for this meeting described a range of options that the Council could pursue, including minor or major revisions to the Specific Plan itself, as well as consideration of a moratorium. At the April 16 meeting, the City Council formed its 500 El Camino Subcommittee consisting of Council Members Carlton and Keith, charged with:

- Providing a framework for discussing the issues related to the 500 El Camino Real project;
- Facilitating the productive communication of information between neighborhood representatives and the applicant, regarding project refinement that balanced the needs of the applicant and those of the greater Menlo Park community prior to the submittal of a revised project proposal; and
- Assisting with developing a timeline for review of the Specific Plan.

The Subcommittee met 19 times with: neighborhood representatives, the Silicon Valley Bicycle Coalition, representatives from environmental groups, representatives from Stanford University and City staff. The Subcommittee completed its work with a final report that was presented to and accepted by the full Council on August 27, 2013. The Subcommittee’s final report established the following requirements for a revised proposed project submittal from Stanford:

- Stanford will eliminate all medical office. All office will be general office;
- Stanford will make a substantial contribution to the cost of design and construction of a pedestrian-bike undercrossing at Middle Avenue. The amount will be negotiated/determined through the project approval process with the goal of ensuring there will be sufficient funding to construct the undercrossing in a timely manner;
- Stanford will participate in a City working group regarding the design of the Middle Avenue plaza, undercrossing and vehicular access to the site; and
- Stanford will fund a neighborhood cut through traffic study as scoped by the City

## One Year Review

The one year review was completed in the fall of 2013, after five Planning Commission public hearings and one City Council public hearing. The City Council carefully reviewed 12 Planning Commission recommendations, and ultimately directed that a number of revisions to the Specific Plan be pursued; in particular, a new limit will be added on the amount of medical office space that could be developed in any one project. Staff is currently preparing the formal revisions, including required environmental review.

## **Notice of Intent to Circulate Petition**

On February 19, 2014, the City received a notice of intent to place an initiative on the ballot for voter consideration that would substantially modify the El Camino Real/Downtown Specific Plan, submitted by two residents (Attachment A). Pursuant to state law regarding local ballot initiatives, the City has prepared and released the title and summary of the proposed measure (Attachment B).

The proponents of the initiative will have 180 days to collect signatures following receipt of the ballot title and summary. They must gather at least 10% of registered voter signatures for a regular election or 15% for a special election. There are 17,803 registered voters in the City of Menlo Park according to the County Elections Office. Signature validation is performed by the San Mateo County Elections Office.

## **ANALYSIS**

In addition to the requirements regarding ballot initiatives that the City has already complied with, California Elections Code Section 9212 allows the City Council to “refer the proposed initiative measure to any city agency or agencies for a report on any or all of the [impacts]” of the proposed initiative. The recommended impacts are specifically listed as possible impacts that might be studied in connection with a ballot initiative, however the City Council has the discretion to review “[a]ny other matters” it deems necessary. The Elections Code also requires that “[t]he report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.” Due to the likely time constraints of the ballot initiative process, staff recommends that the City Council take the recommended action to begin the preparation of the ballot initiative impacts report. While this report is not a requirement of the Elections Code, staff feels that it is appropriate, because the approved Specific Plan represents 5 years of community input and compromise and any modifications to the Plan should receive a scrutiny sufficient to honor the community’s significant investment of time and public funds.

## **Report on Potential Impacts**

Staff would explore retaining independent consultant(s) for each of the following general scopes of work to obtain independent subject matter expertise. Detailed scopes will be drafted and submitted to the City Council via the City Council Digest. Since timing is likely going to be critical, it is important to have these scopes completed and to the

consultants as soon as possible. The consultants will be asked to examine what effect, if any, in comparison to the Specific Plan, the proposed ballot initiative may have on the following:

### Land Use Policy Consistency

The proposed ballot initiative would modify the City's approval process for projects with in the Specific Plan by requiring voter approval for certain large projects. It would also change the definition of open space.

### Fiscal Impact

Two separate fiscal impact analyses, as well as independent peer reviews, were completed as part of the Specific Plan review process. The proposed ballot initiative would modify the development allowed by the Specific Plan and potential resulting fiscal benefit to the City as well as the special districts. Some of those special districts are listed below:

- Menlo Park Fire District
- Menlo Park City Elementary School District
- Sequoia High School District
- San Francisquito Creek Flood Zone 2
- San Mateo County Office of Education

### Housing Impact

By modifying the open space requirements in a way that could affect building envelopes and associated development feasibility, the proposed ballot initiative may impact the number of possible housing units within the Specific Plan area, which is a key component of the City's recently approved Housing Element.

### Infrastructure Impacts

The Specific Plan envisioned capital improvements that would be linked to development. The consultant will be asked whether the proposed ballot initiative may impact the ability of private development to support those improvements.

### Use of Vacant and Underutilized Land and Retention of Business and Employment

The consultant will be asked whether the proposed ballot initiative may impact the viability of private development projects that would redevelop key opportunity sites on El Camino Real. They may also be asked whether the number of other underutilized and vacant properties within the Plan area may be impacted. In addition, the initiative could impact the community's ability to attract and retain business and employment.

## **IMPACT ON CITY RESOURCES**

Staff anticipates the cost of each study to not exceed \$50,000. Given the timeliness and turnaround needed, the City might find itself paying a premium for expedited studies. Where we can, staff will attempt to use the same consultant for more than one scope in order to achieve an economy of scale. The proposed action requires the appropriation of \$150,000 as well as staff resources for management of consultant contracts. In addition, staff will need to provide consultants with information and support that may require reprioritizing other workload. At this time, it is not known who the consultants would be.

## **POLICY ISSUES**

The preparation of objective information on potential impacts of the proposed ballot initiative would not represent a change in policy direction.

## **ENVIRONMENTAL REVIEW**

Ballot Initiatives are exempt from CEQA, but the reports will analyze potential impacts on the detailed environmental review that was completed for the Specific Plan.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. Notice of Intent to Circulate Petition
- B. Initiative Title and Summary

Report prepared by:  
*Alex D. McIntyre*  
*City Manager*

RECEIVED

FEB 19 2014

City Clerk's Office  
City of Menlo Park

February 19, 2014

Pamela Aguilar, City Clerk  
City of Menlo Park

Dear Ms. Aguilar,

We hereby submit and request the preparation of a ballot title and summary for the enclosed voter initiative measure titled the El Camino Real/ Downtown Specific Plan Area Livable, Walkable Community Development Standards Act.

Also enclosed is the required Notice of Intent to Circulate Petition signed by me as the measure's proponent, and the required \$200 deposit. It is our understanding the \$200 deposit will be refunded if, within one year, the sufficiency of the petition is certified.

If there are any questions, please contact me at 415-641-1985 or at [mike@lanza.net](mailto:mike@lanza.net).

Thank you for your assistance,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line that curves slightly upwards at the end.

Mike Lanza

## NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Menlo Park for the purpose of amending the City's General Plan and El Camino Real/Downtown Specific Plan to promote the revitalization of the El Camino Real corridor and downtown by encouraging livable and walkable development of a vibrant mix of uses while improving safe connectivity for families on foot and on bikes, enhancing and ensuring adequate public space, and promoting healthy living and sustainability. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

- Achieving the vision of the original public vision for the El Camino Real/Downtown area, which was developed through a 6 year community engagement process costing approximately \$1.7 million.
- Promoting projects in the El Camino Real corridor and Downtown that emphasize mixed-use development at a human scale and neighborhood retail, while protecting residents from harmful effects of excessive development.
- Changing the Plan's definition of open space so that only spaces at ground floor level (e.g., not upper level balconies or decks) count toward a development project's minimum open space requirements. This will help to encourage ground level public plazas, gardens and walkways and distinguish, separate and provide greater visual relief from the mass of adjacent structures.
- Defining and limiting uses constituting "Office Space" in the El Camino Real/Downtown area to no more than 100,000 square feet per individual proposed development project, or 240,820 square feet in total (the maximum amount conceptually disclosed and analyzed in the 2012 Specific Plan EIR), to ensure that such uses are not approved to the exclusion of a healthy balance of neighborhood-serving retail, restaurants, hotels, businesses, and housing near transit.
- Adopting controls requiring voter approval of any proposal to allow new Office Space in the Specific Plan area to exceed 240,820 square feet, or to allow all combined new non-residential development in the Specific Plan area to exceed 474,000 square feet.



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**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

*[Title and summary prepared by the city attorney to be reproduced here, once provided by the City Attorney, per Elections Code section 9203]*

**THE PEOPLE OF THE CITY OF MENLO PARK DO ORDAIN AS FOLLOWS:**

**Section 1. TITLE.**

- 1.1. This initiative measure shall be known and cited as the “El Camino Real/Downtown Specific Plan Area Livable, Walkable Community Development Standards Act.”

**Section 2. PLANNING POLICY DOCUMENTS COVERED.**

- 2.1. This initiative measure enacts certain development definitions and standards within the City of Menlo Park General Plan and the Menlo Park El Camino Real/Downtown Specific Plan (“ECR Specific Plan”).
- 2.2. In this initiative measure the above two documents are referred to collectively as the “Planning Policy Documents.”
- 2.3. Within 30 days of this measure’s effective date, the City shall cause the entire text of this measure to be incorporated into the electronic version of each of the Planning Policy Documents posted at the City’s website, and all subsequently distributed electronic or printed copies of the Planning Policy Documents, which incorporation shall appear immediately following the table of contents of each such document.

**Section 3. ECR SPECIFIC PLAN AREA VOTER-ADOPTED DEVELOPMENT DEFINITIONS AND STANDARDS.**

- 3.1. **ECR SPECIFIC PLAN AREA DEFINED.** When referring to the “ECR Specific Plan Area,” this initiative measure is referring to the bounded area within the Vision Plan Area Map located at Page 2, Figure I, of the El Camino Real/Downtown Vision Plan, accepted by the Menlo Park city Council on July 15, 2008, which is attached as Exhibit 1 to this measure and hereby adopted by the voters as an integral part of this initiative measure.

**3.2. OPEN SPACE DEFINITIONS AND STANDARDS; ABOVE GROUND LEVEL OPEN SPACE EXCLUDED FROM CALCULATIONS OF MINIMUM OPEN SPACE REQUIREMENTS FOR DEVELOPMENT PROJECTS WITHIN THE ECR SPECIFIC PLAN AREA.**

- 3.2.1. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following definition of "Open Space": "The portion of the building site that is open, unobstructed and unoccupied, and otherwise preserved from development, and used for public or private use, including plazas, parks, walkways, landscaping, patios and balconies. It is inclusive of Common Outdoor Open Space, Private Open Space and Public Open Space as defined in this glossary. It is typically located at ground level, though it includes open space atop a podium, if provided, and upper story balconies. Open space is also land that is essentially unimproved and devoted to the conservation of natural resources." The foregoing definition is hereby amended, restated and adopted by the voters to instead read: "The portion of the building site that is open, unobstructed and unoccupied, and otherwise preserved from development, and used for public or private use, including plazas, parks, walkways, landscaping, patios, balconies, and roof decks. It is inclusive of Common Outdoor Open Space, Private Open Space and Public Open Space as defined in this glossary. Open space up to 4 feet in height associated with ground floor level development or atop a podium up to 4 feet high, if provided, shall count toward the minimum open space requirement for proposed development. Open space greater than 4 feet in height, whether associated with upper story balconies, patios or roof decks, or atop a podium, if provided, shall not count toward the minimum open space requirement for proposed development. Open space is also land that is essentially unimproved and devoted to the conservation of natural resources."
- 3.2.2. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following definition of "Private Open Space": "An area connected or immediately adjacent to a dwelling unit. The space can be a balcony, porch, ground or above grade patio or roof deck used exclusively by the occupants of the dwelling unit and their guests." The foregoing definition is hereby adopted by the voters.
- 3.2.3. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following definition of "Common Outdoor Open Space": "Usable outdoor space commonly accessible to all residents and users of the building for the purpose of passive or

active recreation.” The foregoing definition is hereby adopted by the voters.

- 3.2.4. As adopted on July 12, 2012, ECR Specific Plan Standard E.3.6.01 states: “Residential developments or Mixed Use developments with residential use shall have a minimum of 100 square feet of open space per unit created as common open space or a minimum of 80 square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of 6 feet by 6 feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to 1.25 square feet for each one square foot of private open space that is not provided.” The foregoing standard is hereby adopted by the voters.
- 3.2.5. As adopted on July 12, 2012, ECR Specific Plan Standard E.3.6.02 states: “Residential open space (whether in common or private areas) and accessible open space above parking podiums up to 16 feet high shall count towards the minimum open space requirement for the development.” The foregoing Standard is hereby amended, restated and adopted by the voters to instead read: “Ground floor open space up to 4 feet high (whether in common or private areas) and accessible open space above parking podiums up to 4 feet high shall count towards the minimum open space requirement for the development. Open space exceeding 4 feet in height (regardless of whether in common or private areas or associated with podiums) shall not count towards the minimum open space requirement for the development.”
- 3.2.6. After this measure becomes effective, Tables E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, in the ECR Specific Plan, which, as adopted on July 12, 2012, state that “residential open space, whether in common or private areas, shall count toward the minimum open space requirement for the development” are each hereby amended, restated and adopted by the voters to instead read at the places where the foregoing statement appears: “only ground floor level residential open space in common or private areas up to 4 feet high and accessible open space above parking podiums up to 4 feet high shall count toward the minimum open space requirement for the development; residential open space in common or private areas exceeding 4 feet in height and open space above parking podiums exceeding 4 feet in height shall not.”

**3.3. OFFICE SPACE DEFINED; MAXIMUM OFFICE SPACE ALLOWED FOR INDIVIDUAL OR PHASED DEVELOPMENT PROJECTS WITHIN THE ECR SPECIFIC PLAN AREA.**

- 3.3.1. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following Commercial Use Classification for "Offices, Business and Professional": "Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, advertising, architectural, computer software design, engineering, graphic design, insurance, interior design, investment, and legal offices. This classification excludes hospitals, banks, and savings and loan associations." The foregoing Commercial Use Classification is hereby adopted by the voters.
- 3.3.2. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following Commercial Use Classification for "Offices, Medical and Dental": "Offices for a physician, dentist, or chiropractor, including medical/dental laboratories incidental to the medical office use. This classification excludes medical marijuana dispensing facilities, as defined in the California Health and Safety Code." The foregoing Commercial Use Classification is hereby adopted by the voters.
- 3.3.3. As adopted on July 12, 2012, the ECR Specific Plan's Appendix includes the following Commercial Use Classification for "Banks and Other Financial Institutions": "Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions." The foregoing Commercial Use Classification is hereby adopted by the voters.
- 3.3.4. The foregoing, voter-adopted Commercial Use Classifications are hereby collectively referred to in this measure as "Office Space."
- 3.3.5. After this measure becomes effective, the maximum amount of Office Space that any individual development project proposal within the ECR Specific Plan area may contain is 100,000 square feet. No City elected or appointed official or body, agency, staff member or officer may take, or permit to be taken, any action to permit any individual development project proposal located within the ECR Specific Plan area that would exceed the foregoing limit.
- 3.3.6. For purposes of this provision, all phases of a multi-phased project proposal shall be collectively considered an individual project.

- 3.3.7. The foregoing limitation is in addition to applicable Floor Area Ratio (FAR) limitations, including Public Benefit Bonuses, that may apply to a proposed development project.
- 3.3.8. Any authorization, permit, entitlement or other approval issued for a proposed development project by the City after the effective date of this measure is limited by the foregoing provisions, and any claimed “vested right” to develop under any such authorization, permit, entitlement or other approval shall be and is conditioned on the foregoing 100,000 square foot limitation on Office Space, whether or not such condition is expressly called out or stated in the authorization, permit, entitlement or other approval.

**3.4. ECR SPECIFIC PLAN AREA MAXIMUM TOTAL NON-RESIDENTIAL AND OFFICE SPACE DEVELOPMENT ALLOWED.**

- 3.4.1. This Section 3.4 of this measure hereby incorporates the voter adopted Commercial Use Classifications and definition of “Office Space” stated within Section 3.3 above.
- 3.4.2. The Final Environmental Impact Report (EIR) for the ECR Specific Plan, as certified by the City on June 5, 2012, at page 3-11, states that it conceptually analyzes net, new development of 240,820 square feet of Commercial Space. After this measure becomes effective, the maximum square footage of all net, new Office Space that may be approved, entitled, permitted or otherwise authorized by the City in the aggregate within the ECR Specific Plan Area after the ECR Specific Plan’s adoption on July 12, 2012 shall not exceed the 240,820 square feet of Commercial Space disclosed and analyzed in the ECR Specific Plan EIR.
- 3.4.3. As adopted on July 12, 2012, the ECR Specific Plan at page G16, states as follows:

“The Specific Plan establishes the maximum allowable net new development as follows:

- Residential uses: 680 units; and
- Non-residential uses, including retail, office and hotel: 474,000 Square Feet.

The Specific Plan divides the maximum allowable development between residential and non-residential uses as shown, recognizing the particular impacts from

residential development (e.g., on schools and parks) while otherwise allowing market forces to determine the final combination of development types over time.

The Planning Division shall at all times maintain a publicly available record of:

- The total amount of allowable residential units and non-residential square footage under the Specific Plan, as provided above;
- The total number of residential units and nonresidential square footage for which entitlements and building permits have been granted;
- The total number of residential units and nonresidential square footage removed due to building demolition; and
- The total allowable number of residential units and non-residential square footage remaining available.”

The foregoing passage of the Specific Plan is hereby amended, restated and adopted by the voters to instead read as follows:

“The Specific Plan establishes the maximum allowable net new development as follows:

- Residential uses: 680 units; and
- Non-residential uses, including retail, office and hotel: 474,000 Square Feet, with uses qualifying as Office Space under Section 3.3, above, constituting no more than 240,820 Square Feet.

The Specific Plan divides the maximum allowable development between residential and non-residential uses as shown, recognizing the particular impacts from residential development (e.g., on schools and parks) while otherwise allowing market forces to determine the final combination of development types over time, subject to the Square Footage limitations stated above.

The Planning Division shall at all times maintain a publicly available record of:

- The total amount of allowable residential units, non-residential square footage, and Office Space square footage allowed under the Specific Plan, as provided above;
- The total number of residential units for which any vesting entitlement or building permit has been granted after the ECR Specific Plan's adoption on July 12, 2012;
- The total nonresidential square footage for which any vesting entitlement or building permit has been granted after the ECR Specific Plan's adoption on July 12, 2012;
- The total Office Space square footage for which any vesting entitlement or building permit has been granted after the ECR Specific Plan's adoption on July 12, 2012;
- The total number of unconstructed residential units, nonresidential square footage, or Office Space square footage for which any vesting entitlement or building permit has been issued after the ECR Specific Plan's adoption on July 12, 2012, but that have subsequently been credited back toward the calculation due to the irrevocable expiration, abandonment, rescission or invalidation of such vesting entitlement or building permit prior to construction;
- The total number of residential units, nonresidential square footage, or Office Space square footage that have been credited back toward the net calculation due to building demolition completed after the ECR Specific Plan's adoption on July 12, 2012; and
- The total allowable number of residential units, non-residential square footage, and Office Space square footage remaining available.

For purposes of the foregoing provisions ‘vesting entitlement’ means any ministerial or discretionary action, decision, agreement, approval or other affirmative action of any City elected or appointed official or body, agency, staff member or officer (including, but not limited to, the adoption of a development agreement or approval of a vesting tentative map), that confers a vested right upon the developer to proceed with the development project.”

- 3.4.4. As adopted on July 12, 2012, The ECR Specific Plan, at page G16, states: “Any development proposal that would result in either more residences or more commercial development than permitted by the Specific Plan would be required to apply for an amendment to the Specific Plan and complete the necessary environmental review.” The foregoing passage of the Specific Plan is hereby amended, restated and adopted by the voters to instead read as follows: “Any development proposal that would result in more net, new residential units, non-residential square footage (474,000 square feet maximum) or Office Space square footage (240,820 square feet maximum) than permitted by the Specific Plan as restated and amended at Section 3.4.3, above, would be required to apply for an amendment to the Specific Plan and complete the necessary environmental review. Voter approval shall not be required to amend the Specific Plan to increase the number of net, new residential units allowed beyond the limit stated in this measure. Voter approval shall be required to increase the amount of net, new non-residential or Office Space square footage allowed beyond the limits stated in this measure.”
- 3.4.5. The foregoing limitations are in addition to applicable Floor Area Ratio (FAR) limitations, including Public Benefit Bonuses, that may apply to a proposed development project.
- 3.4.6. Any authorization, permit, entitlement or other approval issued for a proposed development project by the City after the effective date of this measure is limited by the foregoing provisions, and any claimed “vested right” to develop under any such authorization, permit, entitlement or other approval shall be and is conditioned on the foregoing aggregate limits on net, new residential, non-residential and Office Space development, whether or not such condition is expressly called out or stated in the authorization, permit, entitlement or other approval.

**Section 4. NO AMENDMENTS OR REPEAL WITHOUT VOTER APPROVAL.**

- 4.1. Except for as provided at Section 3.4.4 above regarding the City's ability to approve without voter ratification an amendment to the Specific Plan to accommodate development proposals that would call for an increase in the allowable number of residential units under the Specific Plan, the voter-adopted development standards and definitions set forth in Section 3, above, may be repealed or amended only by a majority vote of the electorate of the City of Menlo Park voting "YES" on a ballot measure proposing such repeal or amendment at a regular or special election. The entire text of the proposed definition or standard to be repealed, or the amendment proposed to any such definition or standard, shall be included in the sample ballot materials mailed to registered voters prior to any such election.
- 4.2. Consistent with the Planning and Zoning Law and applicable case law, the City shall not adopt any other new provisions or amendments to the Policy Planning Documents that would be inconsistent with or frustrate the implementation of the voter-adopted development standards and definitions set forth in Section 3, above, absent voter approval of a conforming amendment to those voter-adopted provisions.

**Section 5. PRIORITY.**

- 5.1. After this measure becomes effective, its provision shall prevail over and supersede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Menlo Park which are inferior to the Planning Policy Documents and in conflict with any provisions of this measure.

**Section 6. SEVERABILITY.**

- 6.1. In the event a final judgment of a court of proper jurisdiction determines that any provision, phrase or word of this initiative measure, or a particular application of any such provision, phrase or word, is invalid or unenforceable pursuant to state or federal law, the invalid or unenforceable provision, phrase, word or particular application shall be severed from the remainder of this measure, and the remaining portions of this measure shall remain in full force and effect without the invalid or unenforceable provision, phrase, word or particular application.

**Section 7. CONFLICT WITH OTHER BALLOT MEASURES.**

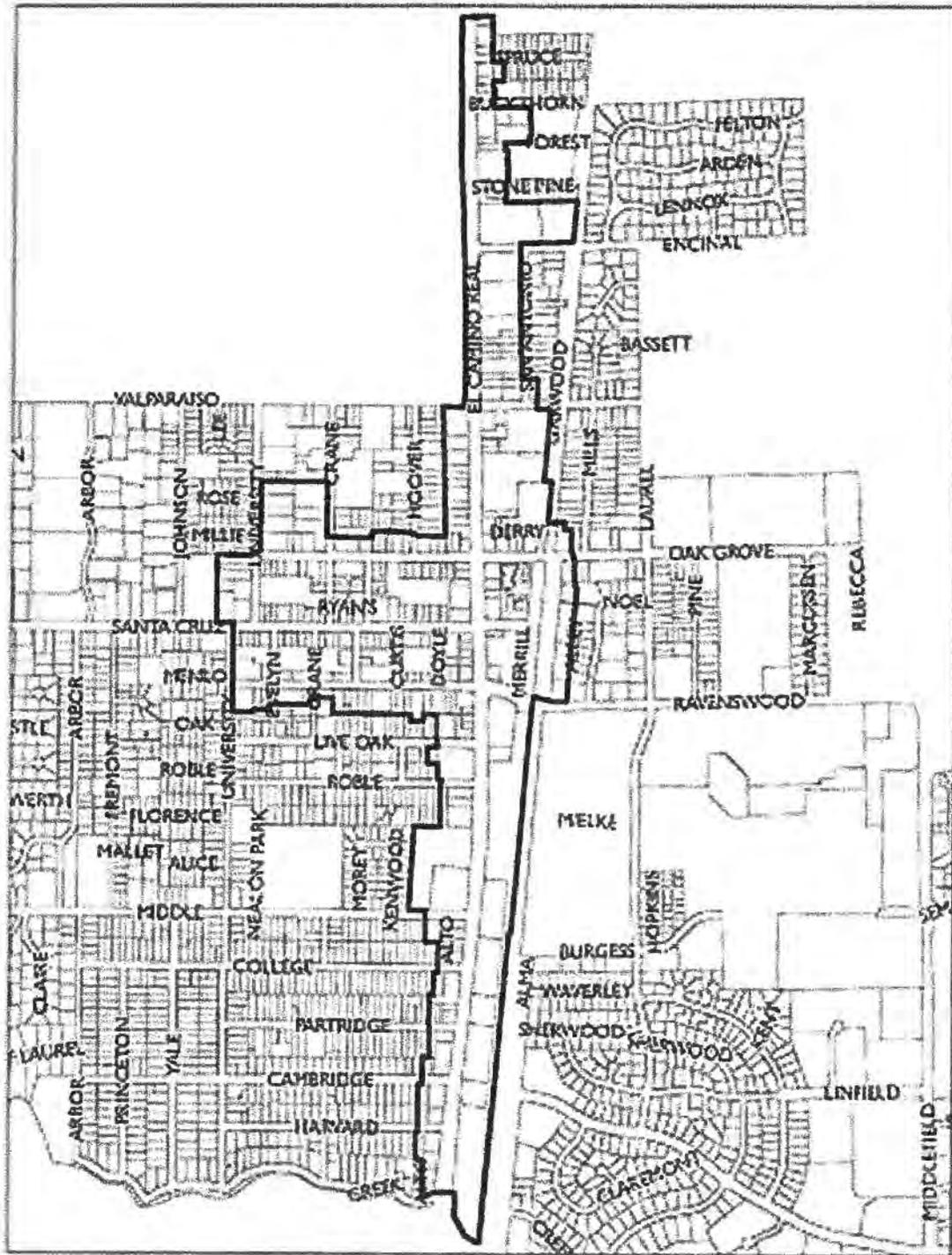
- 7.1. In the event that any other ballot measure is proposed for voter approval on the same election ballot as this initiative measure, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting this measure that this measure shall prevail over any such other ballot measure in its entirety to the extent that this measure is approved and receives a greater number of votes for approval than the other measure. In such case, the other measure is null and void and no provision of the other measure shall become effective.

**Section 8. EXEMPTION FOR CERTAIN PROJECTS.**

- 8.1. To the extent any particular development project or other ongoing activity has, prior to the effective date of this measure, obtained a legally valid, vested right under state or local law to proceed in a manner inconsistent with one or more of the voter-adopted development definitions and standards at Section 3 of this measure, the specific, inconsistent definitions and standards shall not be interpreted as applying to or affecting the project or activity. If other definitions or standards in Section 3 are not inconsistent with such vested rights, those other definitions or standards shall continue to apply to the project or activity. Projects or activities that may, themselves, be exempt from Section 3.4 of this measure by virtue of the foregoing provision, shall, to the extent the building permit for the project post-dates the ECR Specific Plan's adoption on July 12, 2012, still be counted toward the calculation of net, new amount of pre-existing approved residential units, non-residential square footage or Office Space square footage within the ECR Specific Plan area called for by Section 3.4.3, above, when assessing whether the City may approve, entitle, permit or otherwise authorize a different project or proposal to proceed under Section 3.4 of this measure.
- 8.2. To the extent that one or more of the development definitions and standards in Section 3 of this measure, if applied to any particular land use or development project or proposal would, under state or federal law, be beyond the initiative powers of the City's voters under the California Constitution, the specific, inconsistent definitions and standards shall not be interpreted as applying to that particular project or proposal. If other definitions or standards in Section 3, as applied to any such project or proposal, would not be beyond the initiative powers of the City's voters under the California Constitution, those definitions or standards shall continue to apply to the project or proposal. Projects or activities that may, themselves, be exempt from Section 3.4 of this measure by virtue of the foregoing provision, shall, to the extent the building permit for the project post-dates the ECR Specific Plan's adoption on July 12, 2012, still be counted toward the calculation of net, new amount of pre-existing

approved residential units, non-residential square footage or Office Space square footage within the ECR Specific Plan area called for by Section 3.4.3, above, when assessing whether the City may approve, entitle, permit or otherwise authorize a different project or proposal to proceed under Section 3.4 of this measure.

**EXHIBIT 1**  
**ECR Specific Plan Area**



## Ballot Title and Summary Prepared Pursuant to Elections Code Section 9203

**AN INITIATIVE MEASURE PROPOSING AMENDMENTS TO THE CITY OF MENLO PARK GENERAL PLAN AND MENLO PARK 2012 EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN LIMITING OFFICE DEVELOPMENT, MODIFYING OPEN SPACE REQUIREMENTS, AND REQUIRING VOTER APPROVAL FOR NEW NON-RESIDENTIAL PROJECTS THAT EXCEED SPECIFIED DEVELOPMENT LIMITS**

The initiative measure proposed by this petition (“measure”) would amend the City of Menlo Park General Plan and Menlo Park El Camino Real/Downtown Specific Plan (“ECR/Downtown Specific Plan”) adopted by the Menlo Park City Council on July 12, 2012 by imposing more restrictive development standards in the area of the City governed by the ECR/Downtown Specific Plan than currently imposed.

The measure includes revised definitions and standards for open space requiring that only open space areas that do not exceed four (4) feet in height shall be calculated for meeting the minimum open space requirements. The measure mandates that office space in any individual development not exceed 100,000 square feet, caps the total net, new office space approved after July 12, 2012 at 240,820 square feet and retains the overall cap of 474,000 square feet for all net, new non-residential development in the ECR/Downtown Specific Plan area. The measure also would adopt specified definitions and standards in the current ECR/Downtown Specific Plan relating to open space and office space.

Under the measure, the City Council cannot amend the definitions and development standards set forth in the measure as these provisions can be amended only with voter approval. In addition, voter approval is required to exceed the office space and non-residential square footage limits. Voter approval would not be required to exceed the 680 residential unit limit.

The measure exempts projects with vested rights to build that were obtained before the effective date of the measure from any conflicting definitions or standards set forth in the measure, but such projects would count against the square footage limits imposed by the measure if such projects received a building permit after the adoption of the ECR/Downtown Specific Plan on July 12, 2012.

The proposed measure includes a severability clause so that if portions of the measure are deemed invalid, the remaining portions would remain in effect. A priority clause states that this measure would prevail over all conflicting City ordinances, resolutions and administrative policies. A conflicts provision provides that any competing measures on the same ballot as this measure are null and void if this measure receives more votes.

The proposed measure requires approval by a majority of the voters in Menlo Park voting on the measure to become effective.

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