



## OFFICE OF THE CITY CLERK

**Council Meeting Date: July 15, 2014**  
**Staff Report #: 14-125**

**Agenda Item #: F-1(a)**

### **REGULAR BUSINESS:**

Approve a Resolution Accepting the Certification of the City Clerk as to the Sufficiency of the Initiative Petition Entitled “An Initiative Measure Proposing Amendments to the City of Menlo Park 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”

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### **RECOMMENDATION**

Staff recommends approval of a resolution accepting the certification of the City Clerk as to the sufficiency of the initiative petition entitled “The El Camino Real/Downtown Specific Plan Area Livable, Walkable Community Development Standards Act”.

### **BACKGROUND**

On February 19, 2014, proponents Patti Fry and Mike Lanza submitted a Notice of Intent to the Menlo Park City Clerk’s office to circulate an initiative petition entitled “The El Camino Real/Downtown Specific Plan Area Livable, Walkable Community Development Standards Act” (Attachment A).

Under the California Elections Code, the Elections Official shall immediately transmit a copy of the proposed measure to the City Attorney. For the purposes of this resolution, the Elections Official is the Menlo Park City Clerk.

City Attorney Bill McClure is recused from advising the City in this matter due to a conflict of interest that the location of his place of business is within the area that is the subject of the petition. The City retained Special Counsel Greg Stepanicich to advise the City regarding the proposed initiative petition. Pursuant to Elections Code section 9203, Special Counsel prepared an official Ballot Title and Summary for the proposed initiative petition which was provided to the proponents on March 6, 2014 (Attachment B).

On March 17, 2014, as required, the proponents submitted an Affidavit of Publication of Notice of Intent and Ballot Title and Summary and under the Elections Code were allowed 180 days to gather signatures.

If petitions are filed within 180 days from the receipt of the Ballot Title and Summary and are determined to have been signed by at least ten percent of the registered voters in

the City, the City Clerk is required to certify the results to the City Council at its next regular meeting.

## **ANALYSIS**

On May 12, 2014, the proponents filed the petition consisting of approximately 617 sections and containing a raw count of approximately 2,545 signatures with the City Clerk. The petition was submitted on May 13, 2014 to the San Mateo County Elections Office in order to conduct a random sampling of signatures for verification pursuant to Elections Code section 9211. A random sampling requires verification of 3% (76) or 500 signatures, whichever is greater. In this case, 500 signatures were examined for verification.

Based on the last official report of registration by the San Mateo County Elections Office to the Secretary of State in December 2013, Menlo Park had 17,803 registered voters; therefore, any initiative petition requires at least 1,703 (or 10%) valid signatures to be sufficient to qualify for a regular election and at least 2,670 (or 15%) valid signatures to qualify for a special election.

On June 18, 2014, the County Elections Office notified the City Clerk that, based on its random sampling of 500 signatures, the petition contained 447 valid signatures or 94.8 percent (Attachment C). This percentage was then applied to the total raw count by the County of 2,524 signatures for a yield of 2,392 valid signatures. This number exceeds 10% of the registered voters of the City therefore deeming the petition sufficient.

## **IMPACT ON CITY RESOURCES**

According to the San Mateo County Elections Office, the estimated cost of consolidated election services for the three City Council seats is approximately \$30,000. If a Measure is added to the ballot, the estimated total cost of the election is approximately \$40,000. Funds are included in the FY 2014-15 budget.

## **POLICY ISSUES**

N/A

## **ENVIRONMENTAL REVIEW**

A report regarding the potential impacts of the initiative petition will be presented to the City Council at its July 15, 2014 meeting.

## **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. Ballot Title and Summary
- C. San Mateo County Elections Office Signature Verification Results
- D. Resolution Accepting Certification of the City Clerk as to the Sufficiency of the Initiative Petition

Report prepared by:  
*Pamela Aguilar*  
*City Clerk*

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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 ends in a small curve.

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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Mike Lanza  
226 Yale Road  
Menlo Park, CA 94025



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Patti Fry  
1045 Wallea Drive  
Menlo Park, CA 94025

**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.**

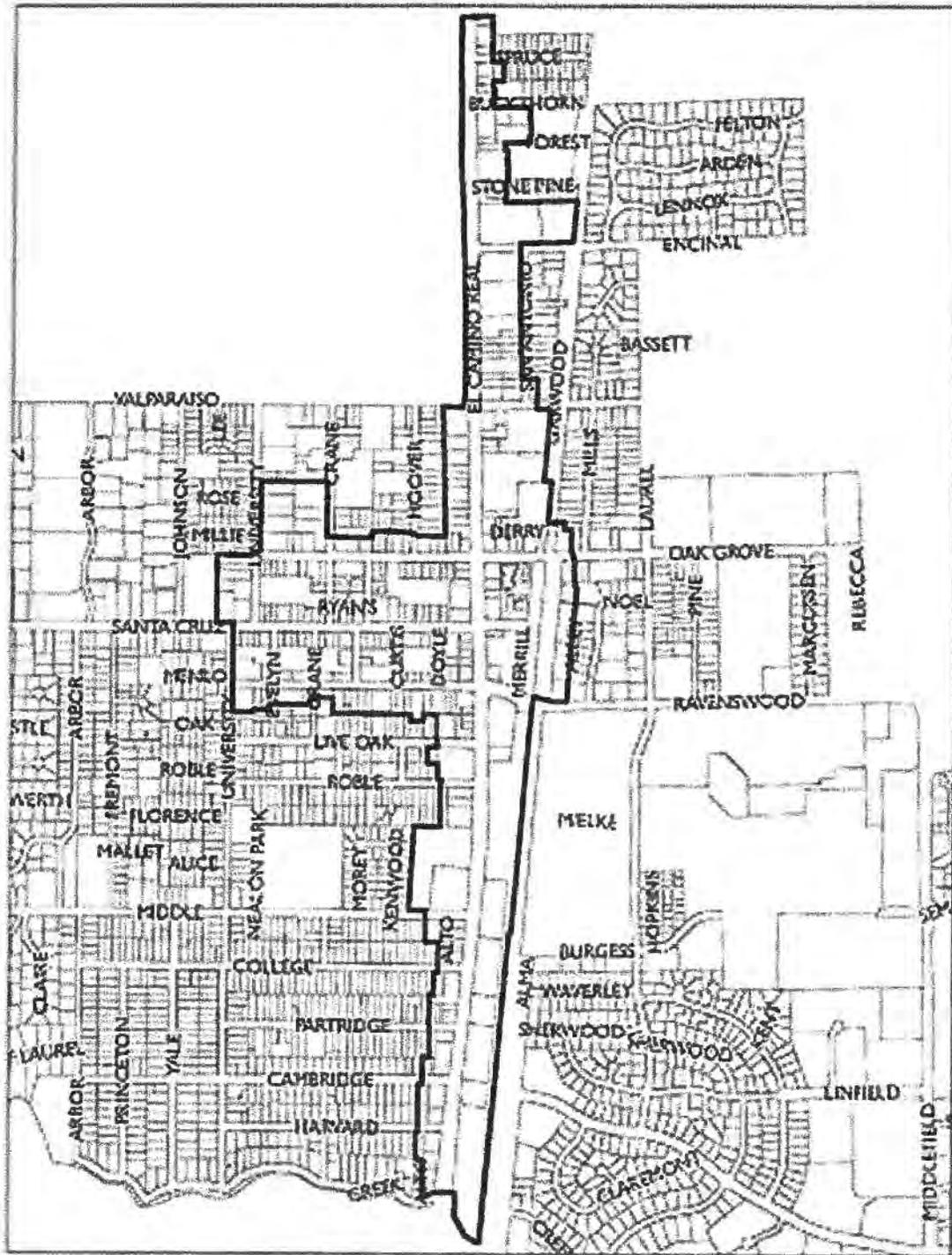
- 7.1. In the event that any other ballot measure is proposed for voter approval on the same election ballot as this initiative measure, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting this measure that this measure shall 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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# Mark Church

Chief Elections Officer & Assessor-County Clerk-Recorder

ATTACHMENT C

40 Tower Road  
San Mateo, CA 94402-1665  
phone 650.312.5222 fax 650.312.5348  
email registrar@smcare.org  
web www.shapefuture.org

June 18, 2014

Ms. Pamela Aguilar  
City Clerk, City of Menlo Park  
701 Laurel St  
Menlo Park, CA 94025

Dear Ms. Aguilar:

We have completed the review of signatures on the "ECR/Downtown Specific Plan" requested by you on May 13, 2014. Of the 2,524 signatures submitted, 500 signatures were verified pursuant to California Elections Code §9211 and §9115(a), and 474 were found to be valid and 26 to be invalid.

Enclosed is the Petition Results Breakdown of our findings. Please arrange to have the petition sections picked up from our office at your convenience. Billing for our services will be sent separately.

If you have any questions regarding this matter, please feel free to call me at (650) 312-5301.

MARK CHURCH  
Chief Elections Officer &  
Assessor-County Clerk-Recorder

By: \_\_\_\_\_

  
David Tom, Deputy

Encl: Petition Results Breakdown



# Petition Result Breakdown

Menlo Park/EI Camino Real Development Plan

Menlo Park/EI Camino Real Development Plan

<b>Signatures Required</b>	<b>500</b>		
<b>Raw Count</b>	<b>2,524</b>		
<b>Sample Size</b>	<b>500</b>	<i>Percent of</i>	<i>Percent of</i>
<b>Sigs Checked</b>	<b>500</b>	<i>Sigs Checked</i>	<i>Sample Size</i>
<b>Sigs Not Checked</b>	<b>0</b>		0.0 %
<b>Sigs Valid</b>	<b>474</b>	94.8 %	94.8 %
<b>Sigs Invalid</b>	<b>26</b>	5.2 %	5.2 %
<b>Duplicated</b>	<b>0</b>	0.0 %	0.0 %
<b>Non-duplicate Invalids</b>	<b>26</b>	5.0 %	5.2 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	474	94.8 %
1 - NotReg	Not Registered	5	1.0 %
7-RegDiffAdd	Registered at a Different Address	2	0.4 %
3 - OutOfDist	Out of District	3	0.6 %
2-CantIdentfy	Cannot Identify	3	0.6 %
9 - NoSig	No Signature	1	0.2 %
6-SigNoMatch	Signatures Don't Match	12	2.4 %

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ACCEPTING THE CERTIFICATION OF THE CITY CLERK AS TO THE SUFFICIENCY OF THE INITIATIVE PETITION ENTITLED “AN INITIATIVE MEASURE PROPOSING AMENDMENTS TO THE CITY OF MENLO PARK 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”**

WHEREAS, On February 19, 2014, proponents of an initiative measure entitled “The El Camino Real/Downtown Specific Plan Area Livable, Walkable Community Development Standards Act” (“Initiative”) submitted a Notice of Intention and written text of the measure and requested that a title and summary be prepared for the measure in order to circulate the petition; and

WHEREAS, Special Counsel prepared and provided an official ballot title and summary for the proposed Initiative for use by the proponents for publication and circulation of the petition; and

WHEREAS, the petitions regarding the initiative were filed with the elections official on May 12, 2014, and were submitted to the San Mateo County Elections Office on May 13, 2014 for signature verification; and

WHEREAS, in order to qualify to be placed on the November 4, 2014, ballot, proponents were required to obtain signatures in the amount of ten percent (10%) of the number of registered voters in the City; and

WHEREAS, the City Clerk conducted a prima facie review of the petition as to form and found it complies with the provisions of the Election Code; and

WHEREAS, the certified results of the signature verification are attached to the Resolution as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Menlo Park hereby accepts the City Clerk’s Certificate of Sufficiency regarding the initiative petition.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on this fifteenth day of July, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifteenth day of July, 2014.

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Pamela Aguilar  
City Clerk

EXHIBIT A

**CLERK'S CERTIFICATE OF SUFFICIENCY  
REGARDING INITIATIVE PETITION**

I, Pamela Aguilar, City Clerk of the City of Menlo Park, County of San Mateo, State of California, hereby certify:

That the Initiative Petition entitled: **An Initiative Measure Proposing Amendments to the City of Menlo Park 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** was filed with the Menlo Park City Clerk within the statutory time limit on May 12, 2014; and

In accordance with California Elections Code section 9237 it has been determined that the County Elections Office's last official report of registered voters reported to the Secretary of State was 17,803 and that 10% of said registration would require not less than 1,780 valid signatures to qualify; and

That said petition consists of approximately: **617** sections; and

That each section contains signatures purporting to be the signatures of qualified electors of this **city**; and

The petition contained **2524 unverified** signatures; and

I have examined, or caused to be examined a 500 random sampling of signatures on the petition pursuant to California Elections Code sections 9211 and 9115; and

Based on this examination have determined and is hereby acknowledged that the petition contained **474 Sufficient** (verified) signatures of qualified registered voters in the City of Menlo Park based on the random sample examination set forth in section 9115 and the formula prescribed by the California Secretary of State; and

That this number represents **134.35%** of the total number of signatures needed to qualify the initiative; therefore

**The petition is found to be sufficient to require the City Council of the City of Menlo Park to take appropriate action specified in the California Elections Code.**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my official seal this fifteenth day of July 2014.

Pamela Aguilar, City Clerk

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