



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF MARCH 10, 2008
AGENDA ITEM C4

LOCATION:	1460 El Camino Real (inclusive of the primary addresses 1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street)	APPLICANT AND OWNER:	Beltramo's Investment Company, Inc.
EXISTING USE:	Commercial	APPLICATION:	Planned Development Permit Extension, Vesting Tentative Map Extension, and Planned Development Permit Amendment
APPROVED USE:	Commercial and Multi-Family Residential		
ZONING:	PD (Planned Development) #6		

PROPOSAL

The applicant is requesting an extension for both the planned development permit (PDP) and vesting tentative map associated with the construction of a 26,800-square-foot, two story commercial building and 16 two-story townhomes on a 1.5-acre site in the PD (Planned Development) zoning district. The proposed extension would be for a period of two years beyond the original expiration date of August 1, 2008. Additionally, the applicant is requesting an amendment to noise mitigation measure 4.9.3 in the EIR, which is condition 6.30.1 of the PDP, regarding installation of a temporary 8-foot high plywood noise barrier around the perimeter of the project site.

The proposal requires review and recommendation by the Planning Commission. The City Council is the final decision-making body on the proposed vesting tentative map extension, PDP extension, and PDP amendment. The City Council meeting is tentatively scheduled for April 22, 2008.

BACKGROUND

On August 1, 2006, the City Council approved (4-0, with Council Member Cohen recused) the demolition of several single-story retail and storage buildings and the construction of a new 26,800 square-foot, two story commercial building and 16 attached residential units on four parcels, containing the addresses 1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street, which are collectively known as 1460 El Camino Real. The project received the following approvals:

- Rezoning property from C-4 (General Commercial District, Applicable to El Camino Real) to PD (Planned Development District);
- Planned Development Permit to establish specific uses and development regulations and architectural designs;
- Vesting Tentative Subdivision Map to merge four parcels and subdivide into 18 lots, including 16 residential lots, one common lot for the residential units, and one commercial lot for condominium purposes with a maximum of 40 commercial condominium units;
- Below Market Rate (BMR) Housing Agreement to provide three below market rate units on-site;
- Heritage Tree Permit for the removal of one heritage tree; and
- Environmental Impact Report (EIR) for the proposal.

The City Council staff report and plans (excluding other attachments) and minutes from the August 1, 2006 meeting are included as Attachments B and C, respectively. The approved PDP is included as Attachment D. All of the previous reports and minutes related to this project, however, are available on the City maintained project page at the following website address:

http://www.menlopark.org/projects/comdev_1460ecr.htm

ANALYSIS

Site Location

The 1.5-acre subject site fronts onto both El Camino Real and San Antonio Street, and is approximately mid-block between Glenwood Avenue and Encinal Avenue. For purposes of this staff report, El Camino Real is described in the north/south direction. The subject property is surrounded by residential and institutional uses to the west across El Camino Real, the Beltramo's Wine & Spirits store and an office use to the north, multi-family residential uses to the east across San Antonio Street, and an office, single-family residence, and car wash to the south. The site is located within the study area of the El Camino Real/Downtown Vision plan, which is currently in progress.

Project Description

The applicant is requesting a two-year extension of both the PDP and vesting tentative map for the approved project. In connection with these applications, the applicant is also seeking a modification to the PDP regarding noise mitigation, which is more fully described below in the Planned Development Permit Amendment section, and in the applicant's project description letter, which is included as Attachment E.

Planned Development Permit and Vesting Tentative Map Extensions

Following the project's approval, the applicant began the process to decommission three dry wells on the property and evaluate ground water quality as recommended in the Phase I Environmental Site Assessment report included in the EIR prepared for the project. During the initial work, contaminants were discovered in the soil. As a result, additional investigation and testing is underway to determine the extent of the contaminants. The applicant is working with the San Mateo County Health Department to identify the next steps to address the contamination. Until the applicant and County have determined a plan, the applicant has indicated that they are not in a position to obtain financing or complete construction level drawings for the building permit application. Therefore, demolition of the existing structures has yet to occur, and a complete building permit application for construction of the project has yet to be submitted to the City for review. The additional testing and review is resulting in unexpected delays in the process.

Per condition 5.1 of the PDP (Attachment D), the permit shall expire two years from the date of approval if a complete building permit has not been submitted by that time. Likewise, the Subdivision Ordinance (15.22.080) states that a vesting tentative map shall also expire two years from the date of approval. An extension or extensions of a vesting tentative map can be requested for a period, in aggregate, not exceeding two years. Given the additional time needed to complete the soils investigation, the coordination with outside agencies, and the subsequent clean up combined with the next step of plan preparation for the building permit and Final Map submittal, the applicant believes that a one year extension could be an insufficient amount of time. Rather than applying for a one-year extension at this time with the potential to return for a second extension request, the applicant wishes to bundle the two extension requests, and is requesting a two-year extension of the approvals at this time.

With the exception of the proposed modification to condition 6.30.1, which is discussed below, the approved project would remain unchanged. The project is consistent with the existing General Plan land use designation of El Camino Real Professional/Retail Commercial. The project comprehensively assembles four parcels and redevelops an underutilized site along the El Camino Real Corridor, which is consistent with the intent of the PD zoning district. Without the PDP, the rezoning of the property to the PD district would have no merit. The PDP and vesting tentative map allows the development of the site as approved. The approved commercial building would provide additional space for providers of goods and services to locate in the center of the city, and the residential component would provide new attached, townhome style units, of which three would be part of the BMR program. If the PDP

expires, then the property shall return to its former zoning designation. In this case, the property was previously zoned C-4 (Applicable to El Camino Real) – General Commercial District.

Since the approval of the project, the City has embarked on the El Camino Real/Downtown Visioning Plan (Phase I) process. Phase I is intended to inform and guide an implementation strategy (Phase II) for the El Camino Real and downtown study areas. Although the visioning process is underway, review of pending development applications have continued to be processed. The requested PDP and vesting tentative map extensions would provide an opportunity for the approved commercial and residential project at 1460 El Camino Real to come to fruition. The components of the project are compatible with each other, and would complement development along El Camino Real and San Antonio Street. Staff believes the two-year extension for the PDP and vesting tentative map is appropriate given the remaining work and complexity of the project.

Planned Development Permit Amendment

The applicant is requesting modification to mitigation measure 4.9.3 of the EIR, also identified as condition 6.30.1 of the PDP, regarding elements of the project's Noise Control Plan. Specifically, the condition requires that prior to construction, a temporary eight foot tall plywood noise barrier shall be constructed around the perimeter of the project site. The applicant states that given the location of the site between El Camino Real and San Antonio Street and the surrounding land uses, the plywood noise barrier is unnecessary and a waste of resources. As an alternative, the applicant proposes to install a chain link fence with netting around the perimeter of the site, with an eight foot solid plywood fence installed for the 150-foot portion of the site abutting a single-family residence located on the south side of the property. The proposed modification to the condition would be as follows shown in underline and strikeout format:

6.30.1 Prior to construction, a temporary 8-foot high chain link fence with netting shall be installed around the perimeter of the site, with an 8-foot high plywood noise barrier along the southern property line abutting a single-family residential unit. ~~shall be constructed around the perimeter of the project site~~

Condition 6.30.01 was identified as a mitigation measure for temporary construction noise in the EIR prepared for the project. The EIR states that typical noise generated during construction ranges from 75 to 80 dBA measured at a distance of 100 feet. The nearest sensitive receptors to the project site are the residential uses located to the east across San Antonio Street and the single-family residence located directly south of the site. The EIR indicates that noise levels at adjacent residences would intermittently exceed 60 dBA and existing ambient noise levels. Because noise levels produced by heavy equipment could interfere with normal residential activities, specific measures, shown in condition 6.30, were itemized as mitigation to reduce the level of impact to less than significant. Staff does not believe the proposed netted chain link fencing would attenuate construction noise as effectively as the eight-foot plywood fence, as

described in the EIR. Staff recognizes that installation of a plywood fence is atypical of standard construction practices in Menlo Park, but the approved mitigation measure cannot be modified unless an equivalent or more restrictive measure is identified. Absent a comparable noise mitigation measure, the environmental clearance would be incomplete. Therefore, staff does not recommend approval of the modification to mitigation measure 4.9.3 or condition 6.30.1 of the PDP. The existing condition for an eight foot plywood fence around the perimeter of the site would remain as previously approved.

In the project description letter, the applicant raises concern about the ability to place a plywood fence (or chain link fence) on the property line during construction of the retaining wall and permanent fence on a portion of the south side of the property. The logistics of construction would need to be further examined at the building permit stage. However, the applicant would be responsible for attenuating the sound and providing construction safety, which may result in the application of different types of construction techniques or phased construction of the development. Once the retaining wall and permanent wood fencing are installed along the property line, this could appropriately serve as the sound barrier.

Correspondence

As of the printing of this staff report, staff has not received any correspondence on the proposed project. The applicant has sent a letter to the adjacent residential owner at 1451 San Antonio Street seeking permission to install a temporary chain link fence, as a safety measure, while construction of the permanent retaining wall and fencing is occurring. This letter is included as Attachment F. In response, the neighbor has indicated that she is unable to comment until she looks into this subject matter. This letter is also included in Attachment F. As stated earlier, the location of the fencing will need to be addressed during the building permit review. The eight-foot plywood fencing would need to be installed by the applicant per the condition unless consent is granted by the neighbor to allow an alternative means for a noise and safety barrier as an interim measure during construction of the retaining wall.

ENVIRONMENTAL REVIEW

A Final EIR, which consists of the Draft EIR and Response to Comments, was prepared for this project and was certified the City Council on August 1, 2006. The EIR analyzed the potential environmental impacts of the project across a wide range of impact areas. A complete list of these mitigation measures is included as conditions of approval for the project in the PDP. The Draft EIR did not identify any environmental impact areas for which mitigation would not reduce a potential impact to a less-than-significant level.

The proposed extensions to the PDP and vesting tentative map would not alter the scope of the project that was analyzed in the EIR. Therefore, the project would not result in impacts that were not already adequately addressed in the EIR prepared for

the project. Reuse of the EIR titled *Draft Environmental Impact Report for 1460 El Camino Real* and the Response to Comments provide environmental clearance for the proposed extensions. However, the proposed deletion or modification of condition 6.30.1, which corresponds to one of the noise mitigation measures, could potentially have an impact on the environment that was not previously identified in the EIR. Additional environmental review would be necessary if a revision to the noise mitigation is supported.

CONCLUSION

The requested extensions for the PDP and Vesting Tentative Map would provide adequate time for the applicant to perform additional soils testing and site remediation and to prepare the necessary documents for building permit and final map applications. With the exception of the proposed modification to condition 6.30.1, the approved project would remain unchanged, and staff recommends that the Planning Commission recommend approval of the extensions. However, staff does not believe that proposed modification to condition 6.30.1 is an adequate alternative for mitigation that was previously identified in the EIR, and recommends that the Planning Commission deny this request for lack of sufficient environmental clearance.

RECOMMENDATION

Recommend to the City Council:

1. Make a finding that the project is consistent with the *Environmental Impact Report for 1460 El Camino Real* and the Response to Comments certified by the City Council on August 1, 2006.
2. Make a finding as per Section 16.82.170 of the Zoning Ordinance pertaining to the extension of time limit for permits where unusual circumstances not of the applicant's making caused a delay in acting on the planned development permit approval, and that there is good cause to extend the time limit for the planned development permit.
3. Approve the planned development permit extension for a period of two years.
4. Make a finding per section 15.20.070 of the Subdivision Ordinance pertaining to the extension of time for tentative maps where good cause is provided and for which the extension shall not exceed an aggregate a period of two years.
5. Approve the vesting tentative subdivision map extension for a period of two years.
6. Deny the proposed modification to condition 6.30.1 of the planned development

permit.

Deanna Chow
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Report Author

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PUBLIC NOTICE

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents within a 300-foot radius of the subject property. Planning Commission action will be in the form of a recommendation to the City Council.

In addition, the 1460 El Camino Real project page, which is available at the following web address: http://www.menlopark.org/projects/comdev_1460ecr.htm, has been updated with the staff report. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

ATTACHMENTS

- A. Location Map
- B. City Council Staff Report from the Meeting of August 1, 2006
- C. City Council Excerpt Minutes from the Meeting of August 1, 2006
- D. Planned Development Permit, approved August 1, 2006
- E. Project Description Letter
- F. Correspondence
 - Letter from Beltramo's Investment Co., Inc. to Ms. June DePee, dated December 10, 2007
 - Letter from Ms. Dupee to Beltramo's Investment Co., Inc., dated December 21, 2007

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBITS TO BE PROVIDED AT MEETING

None

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COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: August 1, 2006
Staff Report #: 06-135

Agenda Item #: E1

PUBLIC HEARING: Consideration of a Request for a Rezoning, Planned Development Permit, Vesting Tentative Map, Below Market Rate Housing Agreement, Heritage Tree Removal Permit, and Environmental Impact Report to Construct a 26,800 Square-Foot, Two-Story Commercial Building and 16 Attached Residential Units on a 1.5-Acre Site Located at 1460 El Camino Real.

RECOMMENDATION

Staff recommends that the City Council approve the following at 1460 El Camino Real subject to the findings and actions contained in Attachment A:

- Rezoning property from C-4 (General Commercial District, Applicable to El Camino Real) to PD (Planned Development District);
- Planned Development Permit to establish specific uses and development regulations and architectural designs;
- Vesting Tentative Subdivision Map to merge four parcels and subdivide into 18 lots, including 16 residential lots, one common lot for the residential units, and one commercial lot for condominium purposes with a maximum of 40 commercial condominium units;
- Below Market Rate (BMR) Housing Agreement to provide three below market rate units on-site;
- Heritage Tree Permit for the removal of one heritage tree; and
- Environmental Impact Report (EIR) for the proposal.

BACKGROUND

The proposal requires review and action by the City Council on the Rezoning, Planned Development Permit, Vesting Tentative Map, Below Market Rate Agreement, Heritage Tree Removal Permit, and Environmental Impact Report. The Planning Commission acts as a recommending body and the City Council as the final decision-making body on these applications.

The applications are required to redevelop four existing parcels, which contain the addresses 1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street,

which are collectively known as 1460 El Camino Real. The proposed project consists of demolition of several single-story retail and storage buildings and the construction of a new 26,800 square-foot, two-story commercial building and 16 attached residential units on a 1.5-acre site.

A more detailed description of the development review process, the requested changes, and the components of the project, including a review of architecture and materials, landscaping, and parking, access and circulation, is located in the July 10, 2006 Planning Commission staff report, included as Attachment I.

Planning Commission Review

The Planning Commission reviewed the applicant's proposal at its July 10, 2006 meeting. The staff report from this meeting and the draft minutes are included as Attachments I and J, respectively. The Commission voted unanimously on the entire project although there was lack of unanimity on certain topics such as guest parking and signage. The Commission recommended that the City Council approve the proposal with the following modifications to the staff recommendation. The basis for the modifications are discussed in the Analysis section of the report.

- Modify condition 6.40 to reduce the number of guest parking spaces from 21 shared spaces located at-grade on the adjacent commercial lot to four shared spaces located at the rear of the commercial building, near the gate of the residential component.
- Add condition 6.44 to require a six-foot wide sidewalk with a planter strip along the El Camino Real street frontage.
- Modify Section 4.1 to allow a maximum sign area of 100 square feet for office uses and up to an additional 100 square feet for retail uses subject to the discretion of the Planning Division.

In addition, the Planning Commission also expressed a desire to maintain the use of quality materials in the project, to enhance the design of Building 5, and recommended that the applicant explore sustainable design features such as the use of grey water for landscaping, tankless water heaters for the residential units, and solar panels.

Housing Commission Review

The proposed project is subject to requirements of the Below Market Rate (BMR) Program. Consistent with the guidelines, the applicant is proposing three on-site BMR units. The units would be located on lots 1, 10, and 15 as shown on the Vesting Tentative Map, included as Attachment H-2. Each of the BMR units would have two bedrooms with two and one-half bathrooms with similar internal and exterior features as the market rate units within the project site.

On February 2, 2005, the Housing Commission voted unanimously to approve the proposed BMR agreement. The staff report and the minutes from the meeting are included as Attachment L and M, respectively. Subsequent to the Housing Commission meeting, the applicant requested to create 16 fee simple lots for the capability of selling each unit with its land individually rather than create rental units with the opportunity for a condominium conversion at a later date. Although the applicant is structuring the subdivision in a different manner, the applicant still intends to initially rent all of the residential units. The proposed change in the subdivision requires minor modifications to the BMR Agreement, but would not impact the number of proposed BMR units in the development. The revised BMR Agreement has been reviewed by the City Attorney and is included as Attachment F.

ANALYSIS

The focus of the Analysis section is to discuss issues raised at the July 10, 2006 Planning Commission meeting. Since the Commission meeting, staff has worked with the applicant to address the issues. Staff has received revised project plans, which are included as Attachment H. Based on the revised plans, staff refined the conditions of approval, which are located in the Planned Development Permit (Attachment E).

Residential Guest Parking

The proposed residential and commercial development is considered one project, but the components are generally independent of one another with the exception of guest parking. In the proposal before the Planning Commission, the applicant provided four guest parking spaces, two of which were located on the residential component and two of which would be dedicated spaces located on the commercial component. For consistency with the Draft EIR project description, staff recommended that all 21 surface parking spaces located on the commercial component be used as shared parking spaces. The Planning Commission, however, voted 4-3 (with Commissioners Sinnott, Pagee and Keith opposed) that a reduction in parking spaces from less than 21 spaces, but greater than two spaces would not cause an environmental impact and would be consistent with the findings in the EIR. The Planning Commission discussed alternative guest parking scenarios and ultimately recommended a total of six guest parking spaces, which would include two on the residential component and four shared parking spaces on the commercial component for use during nights (6 p.m. to 8 a.m.) and weekends. Per the Planning Commission's recommendation, the applicant has revised the plans as shown on Attachment H-2 as part of the project. The four spaces would be located behind the commercial building closest to the pedestrian gate leading to the residential component.

The Commission indicated that the recommended six spaces were consistent with other residential projects recently approved. Staff supports the Planning Commission's recommendation for six guest parking spaces. The guest parking ratio of one space per 2.6 units would be consistent with the R-4 zoning district of one space per three units, which is the only zoning district with a guest parking requirement. The applicant has

revised the Vesting Tentative Map to show an easement for the four shared guest parking spaces on the commercial component for the non-exclusive use of the residential component during the nights (6 p.m. to 8 a.m.) and weekends. Because the changes have been reflected on the map, staff has deleted condition 6.40.

El Camino Real Street Frontage Improvements

The proposed project would include street frontage improvements along both El Camino Real and San Antonio Street. In the July 10, 2006 staff report, staff supported the applicant's proposal of a five-foot sidewalk along El Camino Real with street trees located in between the sidewalk and the building on private property due to perceived constraints of utility location and also the potential difficulties of working with Caltrans on a different street frontage pattern.

At the Planning Commission meeting, several Commissioners supported a revised street frontage improvement plan, one that incorporated a minimum six-foot sidewalk with a planter strip located between the sidewalk and the curb. Upon further review, staff determined that alternative street frontage improvements are feasible, and supports the Planning Commission's intent, but with a slightly modified design. Staff has worked with the applicant to create a design which includes a four-foot sidewalk with tree wells placed intermittently along the El Camino Real street frontage. The tree wells would be two and one-half feet wide by three and one-half feet in length, and would resemble the pattern of development along the 1200 block of El Camino Real, south of the project site. Given that the distance from the face of curb to the property line is 6 feet and the distance from the curb and tree well would be three feet, the remaining three feet would be insufficient space for a sidewalk. Therefore, staff is recommending a minimum Public Access Easement (PAE) of one foot across the entire width of the property to create a four-foot clear sidewalk path around the tree wells and up to six and one-half feet where tree wells are not present. Per the recommendation of the City Arborist, the street trees along El Camino Real reflect London plane trees, which are consistent with the species along El Camino Real. Attachments H-17 and H-24 reflect a conceptual drawing of the revised street frontage improvements.

The revised sidewalk and planting plan configuration creates greater potential for retail opportunities to have direct access off the El Camino Real sidewalk. While staff's recommendation does not provide a fully landscaped planter strip and a six foot sidewalk as recommended by the Planning Commission, staff believes the design is aesthetically pleasing and pedestrian friendly. The City Council, however, may wish to consider whether an increase in width of the sidewalk is appropriate to be consistent with the Planning Commission's recommendation. An increase in the width of the sidewalk or planter strip would require additional Public Access Easements on the subject property.

Signage

As part of the PD Rezoning, the applicant is proposing a master sign program for both the commercial and residential components. The applicant is proposing one large monument sign at the entrance of the commercial building along El Camino Real, several building-mounted signs for the individual commercial tenants, and directional signage for the residential development for an approximate square footage of 187 square feet. The Planning Commission discussed the appropriateness of the size of the proposed monument sign along El Camino Real and the appropriateness of the amount of square footage for the site. At the meeting, the Planning Commission discussed two different monument signs, one larger sign that was attached to the plans (Sheet B17) and one smaller sign that was included in the Master Sign Plan (Sheet J5). The Commission did not unanimously support either of the monument signs, but the majority supported a limitation on the overall signage allowance with the ability to incorporate the larger monument sign. Subsequent to the Planning Commission meeting, the applicant modified the monument sign to balance the comments raised by the Commission. The proposed monument sign would be reduced in height from eight feet from the base to the arc to seven feet, but the area of signage would be increased from nine feet in width to 10 feet, 11 inches. Staff believes the proposed monument signage dimensions are appropriate for the site along El Camino Real.

The Planning Commission noted the difference in signage requirements between commercial and retail uses. The Planning Commission recommended that the maximum signage allowance for office uses would be 100 square feet (rather than 187 square feet), which is consistent with the maximum square footage allowed based on the street frontage of the property. However, the Planning Commission also expressed a willingness to increase the maximum square footage to 200 square feet should retail uses occupy the commercial building. The additional square footage would be subject to review and approval by the Planning Division on a case-by-case basis. Staff has modified Section 4 (Signage) of the PD Permit to reflect the change in square footage and has added condition 6.41 to request modifications to the project plans and the master sign program plans.

Architectural Design of the Residential Component

The applicant is proposing to construct 16 residential units and a separate common building on the rear half of the property facing San Antonio Street. The development offers a range of floor plans that vary in size, and the units would be clustered in five buildings. In general, the front entries of the residential units would not face one another, but rather front onto a pedestrian paseo or San Antonio Street. The garages would be tucked behind the units and accessed from a private motor court area. Building 5, however, is the exception with the front entrances on the same side as the garage entrances. Both staff and the Planning Commission commented that the east elevation lacked detail and articulation that is seen in the other buildings. The Planning Commission also expressed desire for incorporation of quality materials. Following the Planning Commission meeting, the applicant revised the plans with upgraded wood

garage doors with two rows of glass and panel detailing, more defined entryways for each of the three front entrances on the east elevation of Building 5, and incorporated pervious decorative pavers rather than stamped concrete on all the residential driveways to provide upgraded materials that are also more environmentally friendly in terms of on-site infiltration of stormwater rather than runoff into the City storm drain system. The remaining proposed materials would include stucco finish, clay tile roofs and simulated divided light windows.

At the Planning Commission meeting, one of Commissioners questioned the use of a common building located in the residential area for an exercise room rather than an office center or a meeting room to serve as a common gathering area. To provide flexibility for future tenants, the applicant is requesting that the PD Permit allow the building to be used for multi-purposes. Since the space is to be used by the residents, staff believes flexibility in the room's use is appropriate to fit future tenants' needs and has revised the PD Permit accordingly in Section 3.4.2. (Attachment E).

Commercial On-Site Pedestrian Circulation

In the Planning Commission staff report dated July 10, 2006, staff recommended condition 6.41 to require the addition of a four foot pedestrian pathway along the south and southwest corner of the commercial building to provide separation between pedestrians and vehicles. The Planning Commission supported staff's recommendation. In response to this direction by staff and the Planning Commission, the applicant has revised Attachment H-17 to include a four-foot pedestrian walkway while maintaining landscaping around the building. The modifications resulted in a one-foot reduction from 24 feet to 23 feet of the driveway aisle, but would not create negative impacts to vehicular circulation. The proposed 23-foot drive aisle would be consistent with the City's Design Standard for a two-way drive aisle with 90 degree parking.

The pedestrian walkway would provide access to the main entrance along El Camino Real and also connections to potential future secondary entrances on the south and east sides of the commercial building. Because the applicant has incorporated the walkway into the plans, staff has deleted condition 6.41. Staff believes the addition of the walkway adjacent to the building does not hinder the aesthetics of the landscaping around the building.

Commercial Uses

Section 3 of the PD Permit (Attachment E) identifies the permitted, conditional and administratively permitted uses. Since the Planning Commission meeting, staff has revised the table of uses to provide more clarity in the mix of uses that could be accommodated on site. The proposed maximum square footage allowed for the various uses has been determined by a combination of trip generation rates and parking requirements. The combined uses cannot exceed the total trip generation of 209 for the

AM peak hour trips and 134 trips for the PM peak hour trips and must also meet the parking requirements for each of the respective uses.

Since the Planning Commission meeting, staff has refined the table in the PD Permit that the Planning Commission reviewed and created four categories based on trip generation rates and parking requirements. The category system would allow the same uses as the previous PD Permit (shown in underline and strikeout format in Attachment E), but would provide greater flexibility for the mix of non-office uses from different categories. Previously, the PD Permit limited the mix of uses to one category with the remaining square footage to be used by general office. A simplified table is shown below to identify the categories and the uses within each category.

Use
CATEGORY 1
Professional and Administrative Office
CATEGORY 2
Medical Office
Personal Service
Retail
CATEGORY 3
Restaurant (full service)
CATEGORY 4
Food Service Establishment
Financial Institutions

The PD Permit defines the maximum square footage allowed per category. The only use that would be permitted to occupy the entire commercial building is Professional and Administrative Office. A combination of uses would be allowed provided there is a corresponding reduction in floor area. For a combination of two categories, a 50 percent reduction in each category's maximum would be applied. For a combination of three uses, a 67 percent reduction in each category's maximum would be applied. In no case, could the square footage of a category be exceeded. Staff believes the proposed table provides greater flexibility in a mix of uses for the site as well as provides clarity for implementation of the PD Permit.

Storm Drainage

The applicant is proposing a Vesting Tentative Map to merge the existing four parcels and resubdivide the land into 18 lots, including 16 fee simple lots, one common area associated with the residential lots, and one commercial lot for condominium purposes of up to 40 units. The Vesting Tentative Map process requires a higher level of detail during the initial stages of preparation because approval or conditional approval grants

a vested right to proceed with development in substantial compliance with ordinances, policies and standards in effect at the time the map is approved. The ability to meet storm drainage requirements needs to be shown on the Vesting Tentative Map or through specific conditions of approval.

The citywide storm drainage study indicates that the geographic area near the site contains undersized storm drain pipes. In large storm events, the existing storm drain system will not be able to handle the amount of flow and excess water will flow in streets and over sidewalks. While this currently occurs in many areas of Menlo Park, it is of greater concern in this instance because of depressed parking proposed by the applicant. Depressed parking also exists in several multi-family dwellings along San Antonio Street adjacent to the project site. The applicant's hydrology study shows that at least one adjacent property with depressed parking would be likely to flood the parking area in a ten-year storm. These are existing conditions without the project and would remain with the proposed project.

Staff worked with the applicant's engineer to evaluate what improvements would be needed to alleviate the current storm drain deficiencies. The system would need to be upgraded all the way to its connection to Atherton Channel near Middlefield Road and Watkins Avenue in the Town of Atherton. The existing storm drain system at this point is 24 inches in diameter and would need to be increased to 60 inches. The estimated cost of upgrades to this point exceed \$4 million. Even if this upgrade were done, the Atherton Channel is unlikely to have sufficient capacity to receive this much additional flow. Staff did not find this to be feasible.

The City's basic drainage criteria for new development is that the water surface elevation from a ten-year storm be at least one foot below the top of curbs on the project site and adjacent public streets. The existing site does not meet this criteria and there appear to be no feasible methods to meet this standard. In other cases like this, staff has required applicants to design projects so that no increased runoff from the site is produced as a result of the proposed development. While this does not solve the existing problem, it aims to ensure that existing problems are not made any worse. Specific conditions of approval have been included with this project to limit runoff to pre-project conditions.

Because the larger solution to upsize storm drain pipes in the area is beyond the scope of this one project, staff has been working with the applicant to determine feasible alternative solutions to meet the City's requirement. The applicant has proposed a design solution which incorporates a combination of on-site features such as pervious pavers and landscaping and mechanical equipment to control the storm water. The applicant proposes a lift station that will pump site runoff to an inlet near San Antonio Street. Additionally, the applicant proposes to upgrade the existing storm drain to 24-inch from the project site to the existing 12-inch storm drain line in San Antonio Street and the dewatering pump. Staff has added condition 6.45 which requires the applicant to submit detailed plans for the construction of the 24-inch storm drain line from the project site to the existing 12-inch storm drain line in San Antonio and the dewatering

pump. This upgrade provides capacity to meet the City's drainage criteria if the downstream system were improved in the future. Additionally, staff has added condition 6.46 which states that the applicant shall enter into an agreement with the City for all costs associated with the maintenance of the dewatering station, including replacement, repair and electricity to operate the pump.

The applicant's hydrology report indicates that the proposed project will meet the City's drainage criteria of no additional runoff. However, an updated report is necessary to include the street frontage improvements, which would increase the amount of impervious surface and require additional measures to reduce peak stormwater flow. Also, because of the sensitivity to existing storm drain deficiencies, staff has added condition 6.44 for a third party review of the updated hydrology report to verify that the project does not result in an increased amount of storm water runoff as measured by the peak flow rate for a 10-year storm and shall also confirm that the on-site garages, which are partially submerged, will not be subject to flooding in a 10-year storm. The applicant would need to implement modifications to ensure no increased runoff and no problems with water collecting in the garages. Changes to the plans would be subject to review and approval by the Planning and Engineering Divisions.

IMPACT ON CITY RESOURCES

Staff time spent on the development review of this project is fully recoverable through fees charged to the applicant.

Prior to building permit issuance for the foundation, staff will collect all applicable fees, including, but not limited to, building permit fees, the Building Construction Street Fee the Shuttle Fee, the Traffic Impact Fee, and school fees. Additionally, the recreation in-lieu fee will be due prior to approval of the final map. Although fees would be paid at a future time, the Vesting Tentative Map would lock in the formula for the fee calculation at the time of approval. For example, the recreation in lieu fee calculation would be locked at $.008 \times \text{number of units} \times \text{market value of acreage to be subdivided}$. However, variables such as market value of the acreage would not be locked, and would be determined at the time of payment.

POLICY ISSUES

The project involves rezoning four parcels from C-4 (General Commercial – Applicable to El Camino Real) to PD (Planned Development District). The rezoning would be consistent with the existing General Plan land use designation of El Camino Real Professional/Retail Commercial. The proposed project would assemble four parcels and redevelop an underutilized site along the El Camino Real Corridor, providing additional space for providers of goods and services to locate in the center of the city as well as provide new attached residential units, of which three would be part of the BMR program. The components of the project have been designed to be compatible with each other and with El Camino Real. The proposed rezoning is consistent with the

intent of the PD zoning district, which is to encourage the consolidation of smaller parcels into larger parcels to provide benefits to the City.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) was prepared for this project and released for public review from July 1, 2004 to August 16, 2004. Staff received eight comment letters from residents, nearby property managers, and various local and state agencies. In addition, the Planning Commission provided comments at a hearing on the Draft EIR on July 26, 2004. A formal Response to Comments was prepared to respond to the comments. Together with the Draft EIR, the two documents comprise the Final EIR for the project. The Final EIR was released for public review on March 27, 2006. The public review period ended on April 5, 2006. One comment letter was received on the Final EIR and was included in the July 10, 2006 Planning Commission staff report.

In order to complete the EIR process and certify the final document, the California Environmental Quality Act (CEQA) requires the preparation of Findings for Certification, a Statement of Certification, and a Mitigation Monitoring and Reporting Program. The Findings for Certification address the significant impacts identified in the EIR, describing the impact, the mitigation and the determination of significance following mitigation. The Statement of Certification states that the City has met all procedural requirements of CEQA. The Mitigation Monitoring and Reporting Program establishes responsibility and time frames for implementation of all required mitigation measures. The Findings for Certification, including the Statement of Certification, and Mitigation Monitoring and Reporting Program are included as Attachments B and C, respectively.

The Final EIR has determined that the Project will not result in significant, unavoidable traffic impacts. The July 10, 2006 Planning Commission staff report (Attachment I) includes a detailed discussion of the environmental impacts. The Planning Commission reviewed and recommended approval of the Draft EIR, including the clarification that less than 21 guest parking spaces, but more than two guest parking spaces for the residential component of the project, will not create an environmental impact. The Commission also recommended approval of the Response to Comments, Findings for Certification, and Mitigation, Monitoring and Reporting Program, at its meeting of July 10, 2006.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTICE

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents within a 300-foot radius of the subject property.

ATTACHMENTS

- A. Draft Findings and Actions for Approval, August 1, 2006
- B. Findings for Certification of the Environmental Impact Report
- C. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- D. Draft Ordinance rezoning property located at 1460 El Camino Real from C-4 (General Commercial, Applicable to El Camino Real) to PD (6) – Planned Development District.
- E. Draft Planned Development Permit for 1460 El Camino Real, dated August 1, 2006
- F. Draft Below Market Rate Housing Agreement for 1460 El Camino Real
- G. Location Map
- H. Project Plans
- I. Planning Commission staff report (without attachments) from the meeting of July 10, 2006
- J. Draft minutes of the Planning Commission meeting of July 10, 2006
- K. Housing Commission staff report (without attachments) from the meeting of February 2, 2005
- L. Housing Commission minutes from the meeting of February 2, 2005

The Following Documents with all of the Attachments were Distributed Previously and are Available for Review During Business Hours at the Planning Division

- Planning Commission Study Session Staff Report, February 23, 2004
- Draft Environmental Impact Report, dated June 2004
- Staff Report for the Planning Commission meeting of July 26, 2004
- Final Environmental Impact Report, dated March 2006



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
EXCERPT MINUTES**

**Tuesday, August 1, 2006
7:00 p.m.**

**701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chambers)

ROLL CALL – Jellins, Fergusson, Cohen, Duboc, Winkler

STAFF PRESENT – Audrey present

PLEDGE OF ALLEGIANCE

E. PUBLIC HEARINGS

1. Consideration of a request for a Rezoning, Planned Development Permit, Vesting Tentative Map, Below Market Rate Housing Agreement, Heritage Tree Removal Permit, and Environmental Impact Report to construct a 26,800 square-foot, two-story commercial building and 16 attached residential units on a 1.5-acre site located at 1460 El Camino Real.

Council Member Cohen recused himself from this item because of his proximity to the project. Deanna Chow, Senior Planner, presented the staff report outlined a revised attachment E The shared parking easement was discussed. The frontage improvements and the trees to be used were discussed and Mayor Jellins would like to know what other trees are an option. Council Member Winkler asked for confirmation that the utilities will be undergrounded and Mr. Murphy confirmed that the service connectors will be underground. Storm drains were discussed and Mr. Murphy said that the improvements meet the City's Master Plan. Kent Steffens, Public Works Director, made comments about the line that is going to be installed at San Antonio.

The applicant representative Nathaniel McKitterick, is representing the Beltramo's on the project. He said the project started back in 1996 with a Study Session, there have been two public hearings at the Planning Commission level and he outlined the public benefit of this project. He thanked the City Attorney and other City staff for working with the developer on this project. Mr. Matterick said that the zoning is consistent with the C-4 zoning. He also addressed night parking and he mentioned that the project has guest parking dedicated to this end. The London Plane trees are negotiable and he will work with staff. On the storm drain issue the project expects to have a decreased run off. He does not believe the utilities will be undergrounded on San Antonio but on the other one they will be.

Mayor Jellins invited anyone that wants to speak because this is a public hearing. Without objection the Public Hearing was closed with Mr. Cohen recused.

M/S Duboc/Winkler to approve the staff recommendation and include all items requested by staff and includes attachment E as it has been presented this evening.

Mayor Pro Tem Fergusson would like the sidewalk to be 6 feet wide and so slightly reduce the planting area and increase the walking area. Mr. Murphy said that the staff recommendation reflected the minimum standard applied in other areas of El Camino Real. The applicant said that they would not mind widening the sidewalk but the concern is the permeable surface and increase off-site run off. The tree well was discussed. Kent Steffens, Public Works Director, said that he agreed with Mr. McClure and he would like to stick with the condition that run off will not be increased.

Mayor Jellins made comments about the London Plane trees and how unattractive they are. M/S approve the project as per staff recommendation with the modification and increase the sidewalk width on the El Camino Real and ensure no... (see tape where Bill is talking). Second new condition is that the street trees may be modified with the Council.

Motion carries with 4-0 unanimously with Council Member Cohen recused.

K. ADJOURNMENT – 10:34 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of November 28, 2006.

PLANNED DEVELOPMENT PERMIT

**1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street,
Collectively Known as 1460 El Camino Real**

1. GENERAL INFORMATION:

- 1.1 Applicant: Beltramo's Investment Company, Inc.
- 1.2 Nature of Project: Rezoning of the project site, Planned Development Permit and Vesting Tentative Subdivision Map for the creation of 16 residential lots with associated common areas and one commercial lot for condominium purposes not to exceed 40 commercial units, the construction of a 26,800-square-foot commercial building and 16 attached townhouse units configured in five separate buildings and a separate common building, with related site improvements including parking, driveways and landscaping.
- 1.3 Property Location: 1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street, collectively known as 1460 El Camino Real
- 1.4 Assessor's Parcel Numbers: 061-422-390, 061-422-070, 061-422-380, and 061-422-090
- 1.5 Area of Property: 67,500 square feet (1.54 acres)
- 1.6 Present Zoning: C-4 (General Commercial, Applicable to El Camino Real District)
- 1.7 Proposed Zoning: P-D (Planned Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **75 percent** of the project site. Dwelling units per acre shall not exceed **10.3 dwelling units per acre**.
- 2.2 Lot coverage shall not exceed **48 percent** of the lot area.
- 2.3 Minimum landscaping and open space shall be **23 percent** of the lot area.
- 2.4 The maximum amount of pavement shall not exceed **29 percent**.

- 2.5 Building height shall not exceed **30 feet** from the average natural grade for the commercial building and **33 feet** from the average natural grade for the residential units.
- 2.6 Building setbacks shall be in accordance with the approved plans.
- 2.7 The on-site circulation shall be installed according to the approved plans and maintained through the creation of a maintenance association as specified in the Conditions, Covenants, and Restrictions (CC & R's) for the for the project.
- 2.8 All rooftop equipment shall be fully integrated into the design of the building or fully screened. Landscaping shall screen all utility equipment that is installed outside of a building and cannot be placed underground.

3. USES

- 3.1 The project site includes a 26,800-square-foot, two-story commercial building that may be subdivided into a maximum of 40 commercial condominium units. The following table describes the various uses and the maximum square footage allowed:

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Use	1st Floor = 14,089 square feet	2nd Floor = 12,711 square feet	Maximum Floor Area Combinations by Use Category (square feet)								
			A	B	C	D	E	F	G	H	
Category 1											
Professional and administrative offices, except medical offices	P	P	26,800	15,600	17,400	24,500	16,500	20,950	20,050	19,240	
Category 2											
Medical offices	P	P	0	11,200	0	0	5,600	0	5,600	3,700	
Personal services	P	P									
Retail stores	P	P									
Sale of alcohol	C	C									
Outdoor sales	A	A									
Category 3											
Cafes and restaurants, except fast food	P	P	0	0	9,400	0	4,700	4,700	0	3,100	
Sale of alcohol	A	A									
Outdoor seating	A	A									
Live entertainment	C	C									
Category 4											
Coffee and juice bars, ice cream shops, delicatessens, and similar uses	P	P	0	0	0	2,300	0	1,150	1,150	760	
Banks, savings and loans and credit unions	P	P									
Total			26,800	26,800	26,800	26,800	26,800	26,800	26,800	26,800	

Legend: P = Permitted A = Administratively Permitted C = Conditionally Permitted

Notes:

(1) All gross floor area associated with common areas of the building such as hallways, restrooms and stairs shall be accounted as a Category 1 use.

(2) If the maximum floor area of a Category 2 through 4 use is not utilized, then the maximum floor area of the Category 1 use may be increased to utilize the remaining floor area.

3.4 The project site includes the development of 16 residential units. Permitted uses include the following for the residential component of the project:

3.4.1 Residential units (up to 16); and

- 3.4.2 Fitness center or multi-purpose meeting room to serve the residents of the residential component.

4. SIGNS

- 4.1 The Planned Development Permit establishes a Master Sign Program for the site with a maximum allowed sign area of 100 square feet for office uses. Up to an additional 100 square feet of signage is permitted for retail uses. The square footage, location and materials shall be subject to review and approval by the Planning Division. All signage must be located entirely within the project site and be consistent with the approved master sign program.
- 4.2 All signs must be reviewed and approved through the Sign Permit process with an application and applicable filing fees.

5. TERMS OF THE PERMIT

- 5.1. The Planned Development Permit shall expire **two years** from the date of approval if the applicant does not submit a complete building permit application within that time. The Community Development Director may extend this date per Municipal Code Section 16.82.170.
- 5.2. Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved Planned Development Permit and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- 5.3. Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be allowed subject to obtaining an architectural control permit from the Planning Commission, based on the determination that the proposed modification is compatible with the other building and design elements of the approved Planned Development Permit and will not have an adverse impact on the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- 5.4. Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above

constitute permit amendments that require public hearings by the Planning Commission and City Council.

- 5.5. Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

6. PROJECT CONDITIONS:

- 6.1. Development of the project shall be substantially in conformance with the following except as modified by the conditions contained herein:
 - Hoover Associates, dated received by the Planning Division on July 26, 2006, consisting of 19 plan sheets; and
 - BKF, dated received by the Planning Division on July 26, 2006, consisting of 5 plan sheets.
- 6.2. Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 6.3. Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 6.4. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. The applicant shall submit revised plans for screening of the proposed transformer located in front of the commercial building along El Camino Real. The screening shall be compatible and unobtrusive and subject to the review and approval of the Planning Division.
- 6.5. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition permit, the applicant shall submit an arborist report to include tree protection measures and preservation techniques for the heritage oak tree, including the installation of tree protective fencing prior to any construction activity.
- 6.6. Within two years from the date of approval of the tentative vesting subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark

selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.

- 6.7. Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 6.8. Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit, from the appropriate reviewing jurisdiction, prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may provide a bond for the completion of the work subsequent to the recordation of the Final Map.
- 6.9. Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may provide a bond for the completion of the work subsequent to the recordation of the Final Map.
- 6.10. Concurrent with the grading permit submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements. The Grading and Drainage Plan shall indicate all proposed modifications in the public right-of-way including frontage improvements and utility installations. The Grading and Drainage Plan shall be approved prior to issuance of a grading permit.
- 6.11. Prior to final building inspection, the applicant is required to enter into a "Stormwater Treatment Measures Operation and Maintenance (O & M) Agreement" with the City. With the executed agreement, the property owners are responsible for the operation and maintenance of stormwater treatment measures for the project. The applicant is required to provide access permission to the extent allowable by law for representatives of the City, local vector control district, and Regional Water Quality Control Board staff strictly for the purpose of O & M verification for the specific stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office.

- 6.12. The applicant shall comply with the Best Management Practices (BMP) requirements in order to ensure project compliance with the National Pollutant Discharge Elimination System (NPDES) permit. The applicant shall adhere to City standards for the collection and disposal of on-site water run-off and for the protection of storm water quality. The project will be subject to the review and approval of the Engineering Division.
- 6.13. Prior to grading permit issuance, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction. The fence may also serve as the fence required by condition 6.33.1 regarding noise mitigation.
- 6.14. Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently and shall include administration of the Transportation Demand Management plan as identified in condition 6.34.
- 6.15. Prior to grading permit issuance, the applicant shall provide documentation of the recordation of the Final Map at the County Recorder's Office for review and approval of the Engineering Division and the Planning Division. Application for a grading permit may be made prior to recordation.
- 6.16. Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
- 6.17. Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- 6.18. Prior to building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- 6.19. Prior to building permit issuance, the applicant shall submit documentation demonstrating that a deed restriction has been recorded with the County of San Mateo against the entire project site indicating that all property is subject to the terms and conditions of the Planned Development Permit.
- 6.20. All new structures shall be designed in accordance with the specific recommendations of the geotechnical report prepared by Lowney Associates for the project, which address clearing/site preparation, utilities, subgrade preparation, fill material, compaction, trench backfill, garage excavation support, and surface drainage. Prior to grading permit issuance,

all final geotechnical/foundation plans shall be subject to the review and approval of the City Geologist to verify that these documents are consistent with the geotechnical recommendations. (MM 4.2.1)

- 6.21. Prior to building permit issuance, the proposed buildings shall be structurally designed to conform to adopted Uniform Building Code and California Building Code guidelines (for Zone 4). (MM 4.2.2)
- 6.22. Prior to demolition permit issuance, all buildings that are proposed for demolition shall be surveyed for asbestos-containing materials under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. All potentially friable asbestos-containing materials shall be removed prior to building demolition in accordance with NESHAP guidelines and BAAQMD Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing. The BAAQMD's Enforcement Division shall be consulted prior to commencing demolition of a building containing asbestos materials. (MM 4.4.1)
- 6.23. Prior to demolition permit issuance, a survey of painted surfaces on all buildings at the site shall be conducted. Based on the results of the survey, if lead-based paint is still bonded to the building surfaces, its removal is not required prior to demolition. If lead-based paint is peeling, flaking, or blistered, it shall be removed prior to demolition in accordance with state requirements. It is assumed that such paint will become separated from the building components during demolition activities; thus, it must be managed and disposed as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed at landfills that have acceptance criteria for the waste being disposed. The project shall follow the requirements outlined by California Occupational Safety and Health Administration (Cal-OSHA) Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 during demolition activities. These regulations include employee training, employee air monitoring, and dust control. (MM4.4.2)
- 6.24. Should previously unidentified cultural resources be discovered during construction, the project sponsor shall cease work in the immediate area until such time as the project sponsor's archaeologist assesses the significance of the find and makes mitigation recommendations (e.g., manual excavation of the immediate area), if warranted.

Construction monitoring shall be conducted any time ground disturbance (>12" deep) is taking place in the immediate vicinity of a cultural resource discovered, pursuant to the mitigation above. This includes building foundation demolition and construction, tree or tree-root removal, landscape irrigation installation, utility line excavation, etc. If data recovery does not produce evidence of significant cultural resources within the project area,

further mitigation shall be limited to construction monitoring, unless additional testing or other specific mitigation measures are necessary to ensure avoidance of damage to significant archaeological resources by the project sponsor's archaeologist. A technical report of finding describing the results of all monitoring shall be prepared within a responsible time period in accordance with professional standards. The archaeological monitoring program shall be implemented by an individual meeting the Secretary of Interior Professional Qualifications Standards in Archaeology (36 CFR 61); individual field monitors shall be qualified in the recognition of cultural resources of both the historic and/or prehistoric periods and possess sufficient academic and field training as required to conduct the work effectively and without undue delay. (MM 4.6.1)

- 6.25. In the event human remains are discovered, Section 7050.5(b) of the California Health and Safety Code shall be implemented, as follows. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the San Mateo County Coroner has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The coroner, upon recognizing the remains as being of Native American origin, is responsible for contacting the Native American Heritage Commission within 24 hrs. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, including the designation of a Native American Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction. To achieve this goal, construction personnel on the site shall be instructed on the potential for discovery of cultural or human remains, proper and timely reporting of such finds, and the consequences of failure thereof. (MM 4.6.2)

- 6.26. Prior to building permit issuance, all parking garages shall be designed and maintained with proper ventilation systems to maintain CO concentrations at acceptable levels, in accordance with the requirements of the American Society of Heating, Refrigeration, and Air Conditioning (Standard 62-1999). (MM4.8.1)

- 6.27. Prior to demolition permit issuance, the applicant shall submit a dust control plan that will address how dust would be controlled during weekends and other off-work periods and implement the following control measures, as appropriate, for proposed development subject to review and approval by the Building Division:
- 6.27.1 Water all active construction areas at least twice daily;
 - 6.27.2 Cover all trucks hauling soil, sand, and other loose materials; pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
 - 6.27.3 Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; and
 - 6.27.4 Suspend excavation, demolition, and grading activity when winds (instantaneous gusts) exceed 25 mph. (MM 4.8.2)
 - 6.27.5 Identify a contact name and phone number to receive and address any complaints.
- 6.28. Prior to building permit issuance, the proposed residential units shall be designed with adequate mechanical ventilation to reduce interior noise levels while allowing occupants to keep their windows opened or closed at their own discretion. (MM 4.9.1)
- 6.29. Prior to building permit issuance, the applicant shall submit plans for the project that shall screen, enclose, or otherwise design all outdoor mechanical equipment to attenuate potential noise impacts in compliance with the City of Menlo Park's Noise Ordinance. The applicant shall submit plans, which show the location and design of the proposed mechanical units, and evidence that the units comply with the City's Noise Ordinance subject to review and approval of the Planning Division. (MM 4.9.2)
- 6.30. Prior to demolition permit issuance, the applicant shall submit a Noise Control Plan to include at least the following items subject to review and approval by the Building Division:
- 6.30.1 Prior to construction, a temporary 8-foot high plywood noise barrier shall be constructed around the perimeter of the project site;
 - 6.30.2 Limit construction activity to daytime hours (8 AM to 6 PM) with no construction activity on Saturday, Sunday, or holidays;
 - 6.30.3 Use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment;
 - 6.30.4 Utilize noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors;
 - 6.30.5 Designate a disturbance coordinator and post the name and phone number of this person conspicuously at the site. The disturbance coordinator will respond to complaints about noise

and take the steps necessary to mitigate the problem; and
6.30.6 Site access should be primarily from El Camino Real with limited access from San Antonio Street. (MM 4.9.3)

- 6.31. Prior to building permit issuance, the applicant shall submit a plan showing lighting details and specifications, including a photometric study subject to the review and approval of the Planning Division. The City shall review the project and require appropriate measures to assure that lighting does not increase over existing levels by more than one photometric candlefoot at the property line. (MM 4.10.1)
- 6.32. Plans and specifications for upgrading any sewer facilities shall be submitted to the West Bay Sanitary District (WBSD) for approval and issuance of the appropriate permits prior to building permit issuance. The project shall upgrade the sewer facilities to which it connects as designated by the WBSD; specific improvements would be determined at the final design level.

Conforming property line cleanouts shall be required within five feet of the property line. Each line is required to maintain a minimum two percent slope from the property line cleanout to the sewer main.

Any lateral lines planned for re-use must be reviewed and approved by the WBSD and must have property line cleanouts. Laterals not to be re-used must be capped off at the sewer main and inspected by WBSD staff. (MM4.11.1)

- 6.33. Prior to building permit issuance, the project shall contribute traffic and shuttle fees in accordance with the City's requirements. The traffic impact fee is \$1.60 per square foot of net new commercial and \$708 per new residential unit. The shuttle fee is \$0.105 per square foot of new commercial uses paid on an annual basis. (MM 5.0.1)
- 6.34. Prior to building permit issuance, the applicant shall submit a Transportation Demand Management (TDM) Program to include the following measures (see below) subject to the review and approval of the Transportation Division. The TDM program shall be included in the CC&Rs for the commercial component. Concurrent with the start of occupancy, the applicant shall implement the TDM measures.
- 6.34.1 Transit passes - implement a Commuter Check program for all employees working in the commercial building on a regular full-time basis of at least 38 hours per week. Each employee shall be entitled to a \$25/month contribution from the employer.
- 6.34.2 Shower rooms - provide two shower rooms and related facilities either in the main commercial building or in the underground area.
- 6.34.3 Bikes - provide six bicycle holders on the commercial portion of

- the project.
- 6.34.4 Information center - install an information center in the commercial building displaying appropriate transportation alternatives and TDM information. (MM 5.0.2)
- 6.35. Prior to building permit issuance, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall allow for sight distance visibility and comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). A species other than London Plane is recommended for the street trees along El Camino Real. Landscape shall be installed prior to final building inspection of each phase.
- 6.36. Prior to building permit issuance, the applicant shall revise the plans to show vinyl-clad or better quality windows on the residential units.
- 6.37. Prior to building permit issuance, the applicant shall submit revised plans showing clearly the location of all existing and proposed walls and include details about the height and materials. Additionally, the revised plans shall include a modified setback for the proposed six-foot masonry wall along the northern property line (side setback) equal to the setback of the commercial building and subject to the review of the Planning and Transportation Divisions.
- 6.38. Prior to building permit issuance, the applicant shall submit revised plans to show the trash enclosures are covered subject to the review and approval of the Planning Division.
- 6.39. Prior to building permit issuance, the applicant shall submit revised plans and Master Sign Program to show compliance with a maximum 100 square footage allowance of signage for office uses and up to an additional 100 square feet for retail uses.
- 6.40. Prior to approval of the final map, the applicant shall pay the applicable Recreation In-Lieu Fee.
- 6.41. Prior to building permit issuance, the applicant shall pay the following fees associated with the project:
- 6.41.1 The applicant shall pay all applicable school impact fees associated with the project.
- 6.41.2 The applicant shall pay the applicable Building Construction Street Impact Fee.

- 6.42. Prior to Final Map approval, the applicant shall submit an updated Hydrology Report for review and approval by the Public Works Department based on a third party review of the Hydrology Report. The applicant shall pay all costs associated with the third party review. The Hydrology Report shall confirm that the project does not result in increased storm water runoff as measured by the peak flow rate for a 10-year storm and shall also confirm that the on-site depressed garages will not be subject to flooding during a 10-year storm. If the Hydrology Report shows either an increase of runoff (over the existing conditions runoff) or that on-site garages could be flooded in a 10-year storm, then the applicant shall implement modifications to the project to ensure that neither impact occurs subject to review and approval of the Planning and Engineering Divisions.
- 6.43. Prior to Final Map approval, the applicant shall submit detailed plans for the construction of a new 24 inch storm drain line in San Antonio Street from the project site to the existing 12 inch storm drain in San Antonio Street near Encinal Avenue utilizing a connection with a sump dewatering pump as described in the study performed by BKF Engineers, dated June 12, 2006. This requirement is in lieu of constructing the top of curbs a minimum of one foot above the hydraulic grade line. The proposed on-site stormwater pump station shall be designed with variable speed pumps so that output of the pump station does not exceed inflow from the proposed project site. The storm drain system shall be designed to City standards subject to the review of the City Engineer. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy of the first residential unit or the commercial building, whichever comes first.
- 6.44. Prior to Final Map approval, the applicant shall enter into an agreement with the City of Menlo Park for maintenance by the property owner for any dewatering stations in the public right-of-way related to the ultimate storm drainage plan for the project. The project shall be responsible for all costs associated with the maintenance of the dewatering station, including, but not limited to, replacement of the pump, annual maintenance of the flap gate, and provision of power to run the pump. The maintenance agreement shall be subject to review and approval of the Public Works Director and the City Attorney and recorded concurrently with recordation of the Final Map. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage maintenance fee from all future development within the San Antonio Street drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to maintain the facility less the amount the applicant is required to contribute to the cost of the maintenance based on their proportionate size of the project. The agreement shall be entered into at the time of approval of the Final Map.

- 6.45. Concurrent with the Final Map submittal, the applicant shall submit revised plans for street frontage improvements along El Camino Real to include a six-foot sidewalk with a corresponding three-foot public access easement on the subject site. There shall be no increase in stormwater runoff as a result of the increase in sidewalk width. The plans are subject to review and approval of the Engineering and Planning Divisions.

Recommended for Approval by the
Menlo Park Planning Commission on
July 10, 2006

Approved by the
Menlo Park City Council on
August 1, 2006

Arlinda Heineck, Community
Development Director

Silvia Vonderlinden, City Clerk

v: Action forms and notification letters\1460 El Camino Real – PD Permit