



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: June 13, 2006
Staff Report #: 06-106

Agenda Item #: E1

PUBLIC HEARING: Consideration of a Request for a General Plan Amendment, Rezoning, Conditional Development Permit, Below Market Rate Housing Agreement, Heritage Tree Removal Permit, Waiver of Seventy Percent of the Building Construction Street Impact Fee, and Environmental Impact Report to Construct a 170,000-Square-Foot Hotel Facility Comprised of 120 Guest Rooms and Suites, Five Villas, a Restaurant, Spa, Fitness Center, and a 100,000 Square-Foot Office Complex on a 21.06-acre, Undeveloped Site at 2825 Sand Hill Road Adjacent to the Sand Hill Road/Interstate 280 Interchange.

RECOMMENDATION

Staff recommends that the City Council approve the following at 2825 Sand Hill Road subject to the findings and actions contained in Attachment A:

- General Plan Amendment to change the land use designation from Professional and Administrative Offices land use designation to Retail/Commercial land use designation;
- Rezoning property from C-1-C (Administrative, Professional and Administrative Research District, Restrictive to C-4-X (General Commercial – Conditional Development District);
- Conditional Development Permit to establish specific uses and development regulations and architectural designs;
- Below Market Rate (BMR) Housing Agreement for the payment of in-lieu fees totaling approximately \$2,510,300;
- Heritage Tree Permit for the removal of two heritage trees; and
- Environmental Impact Report (EIR) for the proposal.

Staff does not recommend that the City Council approve the applicant's request for a 70 percent reduction of the Building Construction Street Impact Fee.

BACKGROUND

The proposal requires review and action by the City Council on the General Plan Amendment, Rezoning, Conditional Development Permit, Below Market Rate Agreement, Heritage Tree Removal Permit, request for reduction in the Building Construction Street Impact Fee, 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 for the proposed development of a 170,000- square-foot hotel facility comprised of 120 guest rooms and suites, five villas, a restaurant, spa, fitness center, and a 100,000-square-foot office complex on a 21.06-acre, undeveloped site located at 2825 Sand Hill Road adjacent to the Sand Hill Road/Interstate 280 interchange. A more detailed description of the development review process, including past Planning Commission and City Council study meetings, the requested changes, and the components of the hotel and office project, including a review of architecture and materials, landscaping, and parking, access and circulation, is located in the February 27, 2006 and May 22, 2006 Planning Commission staff reports, included as Attachments J and L, respectively.

Planning Commission Review

On February 27, 2006, the Planning Commission conducted a public hearing to receive comments on the Draft Environmental Impact Report (EIR). This meeting took place during the 45-day public comment review period. At this meeting, the Planning Commission also held a study session to review the proposal. The transcripts of the February 27 Planning Commission meeting, including comments on the Draft EIR and the proposed project are included in the Response to Comments of the Final EIR, which have been distributed to all commenters, the Planning Commission, and City Council. The document is also available upon request and can be reviewed during office hours of the Planning Division.

The Planning Commission reviewed the applicant's proposal at its May 22, 2006 meeting. The staff report from this meeting and the draft transcripts are included as Attachments L and N, respectively. The Commission voted (6-0) to recommend that the City Council approve the proposal with the following modifications to the staff recommendation:

- Modify condition 6.38 (formerly 6.35) to require the applicant, upon implementation of the shuttle service, to periodically (not less than once every two years) survey employees' interest in shuttle service to the Menlo Park and Palo Alto Caltrain stations and provide representative allocation of services going to the Menlo Park Caltrain station.
- Add condition 6.30.1 (formerly 6.37) to require the applicant to submit a plan for the exterior wall of the office building parking structure for review and approval of

the Planning Division. The plan shall include the use of high quality materials comparable to the rest of the building and shall incorporate landscape screening where appropriate.

- Add condition 6.26 (formerly 6.14.3) to provide improvement plans for the landscaped median island on Sand Hill Road along the frontage of the subject property if the applicant and adjacent property owners agree on a cost-sharing program for the long-term maintenance of the median island. The applicant would install the improvements and enter into a long-term maintenance agreement with the City and/or Caltrans, depending on the applicable jurisdiction.

In addition, the Planning Commission recommended the following to the City Council:

- Initiate adaptive signal timing along Sand Hill Road, west of Santa Cruz Avenue, which is estimated to cost approximately \$1.3 million in 2006 dollars. The improvements would be funded through a combination of the Traffic Impact Fee (\$1.60/square foot) paid by the project, which would equal to \$432,000, and the City's General Fund. It is expected that sufficient Transient Occupancy Tax (TOT) would be generated from the hotel project to offset the expense to the City's General Fund associated with the adaptive signal timing improvements along Sand Hill.
- Deny the applicant's request to reduce the Building Construction Street Impact Fee. If the Council were inclined to consider such a request, the Commission recommends that the reduction not occur until after construction is completed and the full effects of construction traffic can be adequately analyzed.

Housing Commission Review

On May 10, 2006, the Housing Commission was scheduled to review the proposed Below Market Rate Housing proposal, which is payment of an in-lieu fee of approximately \$2,510,300. Due to lack of a quorum created by a potential conflict of interest by the Commission, the item was continued to the June 7, 2006 meeting. At the June 7, 2006 meeting, the Housing Commission voted to approve the BMR Agreement for payment of an in-lieu fee. The staff report of the Housing Commission meeting is included as Attachment M. Payment of the in-lieu fee would be required prior to building permit issuance for the foundation. The draft BMR Housing Agreement is included as Attachment G.

Fiscal Impact Study

In response to the City Council's request, the applicant hired CBRE Consulting/Sedway Group (CBRE Consulting) to prepare a fiscal impact analysis. The study was provided to the City Council at its May 9, 2006 meeting. The study indicates that in 2008, when the hotel is projected to be in operation, the proposed development would be expected to generate approximately \$1,099,000 in Transient Occupancy Tax (TOT). This amount

would double the City's existing TOT revenue. To assist staff in review of the fiscal impact study, the City selected Conley Consulting Group (CCG) to prepare a peer review. Although several technical critiques were identified that could reduce the revenues projected in the fiscal impact analysis, CCG concluded that the proposed project would have an overall net fiscal positive impact on the City of Menlo Park. The staff report for the May 9, 2006 meeting is included as Attachment K.

ANALYSIS

The project plans are included as Attachment I and a detailed analysis of the project is contained in the staff reports for the Planning Commission meetings of February 27, 2006 (Attachment J) and May 22, 2006 (Attachment L). The focus of this Analysis section is on issues raised at the Planning Commission meeting. Since the Planning Commission meeting, staff has worked with the applicant to address issues raised by the Commission and members of the public. Staff has further refined the conditions of approval, which are now integrated into the Conditional Development Permit (Attachment F), to better clarify expectations and sequencing in the permitting and construction phase of the project.

Building Height

In response to concerns raised by several adjacent property owners/representatives about the height of the office buildings, the applicant has proposed to modify the plans to lower the building heights as seen from Sand Hill Road. The finished grade of Buildings F1 and F2 as shown on Sheet A0.1 of the plan set (Attachment I) would be lowered by approximately two to three feet by excavating further so that the floor level of the podium is lower. Staff has added condition 6.30.2 to submit revised plans reflecting the two lowered office buildings. The height of the building would remain the same, as measured from finished grade. The building elevations would retain the same low profile, California ranch-style architecture.

Podium Parking Façade

One of the features of the project is partially underground parking in a garage podium, which would be under the proposed four building office complex on the western portion of the site. While the garage structure consolidates parking and reduces the amount of surface parking and impervious areas, several members of the Planning Commission and members of the business community expressed concern about the aesthetics of the garage podium as seen from Interstate 280 (I-280), Sand Hill Road and within the interior ring road of the site. The Planning Commission recommended adding condition 6.30.1 (formerly 6.37) to submit a plan for the exterior wall of the office building parking structure, which would include the use of high quality materials comparable to the rest of the building and incorporate landscape screening where appropriate.

Since the meeting, the applicant has further refined their landscaping plan to provide clarification on the location of the proposed trees and shrubs. Sheets A509A and

A509B (Attachment I) show the elevations as seen from I-280 and Sand Hill Road with the proposed landscaping after five years of growth and without any landscaping. The proposed trees and shrubbery would be located on the exterior of the interior ring road as well as along the interior, adjacent to the buildings. This would provide a double layer of landscaping. It is the applicant's desire to provide not only visual screening of the podium, but also to enhance the site aesthetics as experienced from both outside of the site and from the internal road. These drawings reflect the applicant's intent to provide a varied and purposeful landscape plan to create an aesthetically pleasing site. Staff will continue to work with the applicant on finalizing the details of the exterior building façade and plant materials during the building permit process.

Sand Hill Road Median Island Improvements

The applicant has been in discussion with the adjacent property owners to explore improvements and long-term maintenance of the median island along Sand Hill Road in front of the project. At the Planning Commission meeting, the Commission recommending to add a condition (6.26) which would require the applicant to install improvements in the median as long as the applicant and the adjacent property owners agree to a cost sharing program for the long-term maintenance of the median island.

Staff believes improvements to the landscaped median would be an improvement to the area and would be a focal point and gateway to Sand Hill Road and the city. A large portion of the median is located within the Caltrans right-of-way. The improvements would need to be coordinated with Caltrans and a complete application submittal package would need to be submitted to the City prior to foundation permit issuance. Staff has identified the potential participants, whom are listed in the table below.

Property Address	Property Owner/Ground Lessee*
2725-2775 Sand Hill Road	Addison Wesley Publication Co. Lessee
2700-2770 Sand Hill Road	Monte Rosa Land Company, LLC
2800 Sand Hill Road	Sand Hill Oak Partners
2882-2884 Sand Hill Road	Sand Hill Commons Investors
2900 Sand Hill Road	Sharon Heights Golf and Country Club
3000 Sand Hill Road	Sharon Land Company, LLC

*Source: San Mateo County Assessor's Office

Traffic Impact Fee

The Environmental Impact Report identified payment of a Traffic Impact Fee, which is \$1.60 per square foot of the buildings resulting in a total payment of \$432,000, to help mitigate traffic added to the street system. Several members of the public expressed concern about potential traffic impacts as a result of the project and wanted to see tangible improvements. The Planning Commission expressed interest in seeing transportation upgrades to the Sand Hill Road Corridor. The Commission recommends using the Traffic Impact Fee generated from the project towards installation of adaptive signal timing technology along Sand Hill Road, west of Santa Cruz Avenue at an

estimated cost of \$1.3 million. The Planning Commission recommends that approximately \$868,000 from the General Fund be used for the remaining portion of the project, with the Transient Occupancy Tax (TOT) generated by the project being considered to replenish the General Fund.

Staff believes the appropriate mechanism to identify traffic improvements is through the City Council project priority session, which would occur in early 2007. At that time, the City Council could consider adaptive signal timing technology and other potential transportation improvements as a collective package, and then identify priorities for implementation. The Traffic Impact Fee can be used for various capital improvement projects, including adaptive signal timing, traffic calming measures, and capacity improvements. The project Traffic Impact Fee could be used in conjunction with other monies to make improvements that would benefit the City's circulation system. Staff recommends payment of the Traffic Impact Fee as identified in the EIR, but does not recommend limiting the use towards adaptive signal timing technology along Sand Hill Road.

Building Construction Street Impact Fee

The applicant has formally requested that the City Council consider reducing the Building Construction Street Impact Fee. The applicant's request letter and supporting document from the general contractor, Devcon, are included as Attachment R. The request is based on the potential number of construction vehicle trips related to the project traveling to and from the site that would impact local streets. Because of the site's close proximity to I-280, the applicant indicates that the majority of the trips would be via I-280 and travel on Menlo Park streets would be less than 300 yards on Sand Hill Road. The applicant's contractor has identified that approximately 70 percent of the trips would access the site via I-280, and therefore, the applicant requests to reduce the Building Construction Street Impact Fee by the corresponding amount.

The Building Construction Street Impact Fee is 0.58 percent of the total construction project value. The fee, which the Council adopted on August 30, 2005, is applicable to all projects except residential alterations (that do not add additional square footage), residential repairs, and all projects less than \$10,000 in value. With a construction value of approximately \$100 million, the construction impact fee would be \$580,000. With a 70% reduction, the proposed fee would be \$174,000.

At its May 22, 2006 hearing, the Planning Commission recommended to the City Council to deny the applicant's request to reduce the Building Construction Street Impact Fee. Without knowing the impacts caused by construction traffic, the Planning Commission indicated that a reduction of the fee could be premature at this time. Staff supports the Planning Commission's recommendation. Additionally, the fee was based on impacts to local streets caused by small residential projects and not large-scale developments such as the proposed project. Because large projects would require larger vehicles and more frequent trips than a single-family residence, the impacts could also be greater. The fee would be used to help maintain and repair City streets.

In reviewing the applicant's request, the City Council may wish to consider the implications for reducing the fee in terms of requests the Council may receive from other projects with similar characteristics. The Council would not want to set a precedent in which the fee is negotiated on a project-by-project basis; reductions should only be considered in unique circumstances.

If the City Council believes an adjustment is warranted, staff would recommend at most a 50 percent reduction in the fee. The reduction could be considered an acceptable adjustment given the site's close proximity to I-280 and the proposed travel patterns as indicated by the applicant's general contractor. Although the applicant indicates that 70 percent of the trips would be via I-280, other trips could require greater travel distance on local streets to access the site. For this reason, and because the project will use large trucks and have more trucks than the average project considered in setting the fee, a smaller percentage reduction, such as 50 percent, would be more appropriate. This approach would require modifications to two conditions.

Condition 6.29.2 would need to be modified to read as follows:

The applicant shall pay 50 percent of the applicable Building Construction Street Impact Fee.

To help ensure limited use on local streets for construction vehicles, the City Council should consider a modification to condition 6.8 as follows:

Concurrent with the rough grading permit submittal, the applicant shall prepare a Traffic Control Plan that identifies the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, such as Sand Hill Road and local streets, and encourage the use of Interstate 280. The following items shall be included in the plan:

- Approximately 70 percent of construction vehicle trips to and from the site shall be via I-280 to Sand Hill Road.
- Prior to any work on the site, the applicant shall notify the general contractor, subcontractors, suppliers, and those involved with the construction and development of the project, to use I-280 at Sand Hill Road as the primary route.

It may be necessary to limit construction activities and materials delivery to off-peak hours or determine access to particular areas of construction that would not conflict with local traffic circulation or vehicular access to the residential areas, the office and commercial areas along Sand Hill Road, and Stanford University. The applicant shall consult with the County of San Mateo and City of Palo Alto on the Traffic Control Plan. The plan shall be subject to review and approval of the Planning and Transportation Divisions. (MM 3.13-6)

Correspondence since the May 22 Planning Commission Meeting

Since the May 22, 2006 Planning Commission hearing, staff has received one letter, dated June 6, 2006. The letter is from the Town of Portola Valley and is included as Attachment S. The Town of Portola Valley had previously submitted comments on the Draft EIR. The June 6 letter indicates that the Response to Comments of the Final EIR addressed comments raised by the Town of Portola Valley on the northbound I-280/Sand Hill Road off-ramp, consistency with the I-280 Scenic Corridor, hydrology, and the alternatives section. The Town of Portola Valley also requests that it have the opportunity to review plans and submit comments for consideration on minor and major modifications to the plans, the landscaping plan, and the lighting plan. Staff will contact the Town of Portola Valley when the initial building plans have been submitted. The draft Conditional Development Permit allows for staff level review of subsequent minor changes to the plans and the Planning Commission and/or City Council review of any major modification to the project.

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 (estimated \$580,00 for the full fee), the Below Market Rate in-lieu fee (\$2,510,300), the Traffic Impact Fee (\$432,000), and school fees. The monies paid will be according to the fee established at the time of payment.

The fiscal impact analysis commissioned by the applicant indicates that the TOT revenue to the City would be approximately \$1,099,000 in 2008. While peer review of the study raises issues that could lower this revenue estimate, it did conclude that the proposed project would have a positive net fiscal impact on the City.

POLICY ISSUES

The project involves a policy issue with a land use change from professional office to general commercial to accommodate a hotel and office development. The existing General Plan designation is Professional and Administrative Offices and allows general professional and administrative offices. The existing zoning district is C-1-C (Administrative, Professional and Research District, Restrictive). The C-1-C zoning district is consistent with the Professional and Administrative Offices designation, except that hotel and related facilities are not explicitly identified in the General Plan and are not permitted in the C-1-C zoning district. In order to allow the mix of hotel and office components, the applicant is pursuing a General Plan Amendment to Retail/Commercial and a rezoning of the property to the applicable C-4-X (General Commercial – Conditional Development) zoning district.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) was prepared for this project and released for public review from January 31, 2006 through March 16, 2006. Staff received 22 comments letters from residents, nearby property managers, and various local and state agencies. Following the close of the comment review period, staff received six comment letters, which are included as Attachment O. In addition, the Planning Commission provided comments at a hearing on the Draft EIR on February 27, 2006. 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 May 9, 2006. The public review period ended on May 19, 2006. Five comment letters, three attached to the May 22, 2006 staff report and two distributed at the May 22, 2006 meeting, were received on the Final EIR. These letters are included as Attachments P and Q, respectively. In addition, several comments were made at the Planning Commission hearing on May 22, 2006.

In order to complete an EIR process and certify the final document, 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 result in significant, unavoidable traffic impacts. The February 27, 2006 Planning Commission staff report (Attachment J) includes a detailed discussion of the environmental impacts. In order to approve a project with significant and unavoidable adverse environmental impacts, the City must adopt a Statement of Overriding Considerations. This is a specific finding that the project includes substantial public benefits that outweigh its significant adverse environmental impacts warranting approval of the project. The Statement of Overriding Considerations is a part of the Findings for Certification and can be found on pages B-25 and B-26 of Attachment B.

The Planning Commission reviewed and recommended approval of the Draft EIR, Response to Comments, Findings for Certification, including the Statement of Certification and Mitigation Monitoring and Reporting Program, at its meeting of May 22, 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 of owners and residents with a 300-foot radius of the subject property. In addition, notices were mailed to residents and property owners of the Sand Hill Circle area and properties located between Sharon Park Drive and Sand Hill Road. Notices were also sent to members of the public who requested to be notified of this project.

ATTACHMENTS

- A. Draft Findings and Actions for Approval, June 13, 2006
- B. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- C. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- D. Draft Resolution amending the General Plan to change the land use designation of the property at 2825 Sand Hill Road from Professional and Administrative Offices to Retail/Commercial
- E. Draft Ordinance rezoning property located at 2825 Sand Hill Road from C-1-C (Administrative, Professional and Research District, Restrictive) to C-4-X (General Commercial, Not Applicable to El Camino Real – Conditional Development)
- F. Draft Conditional Development Permit for 2825 Sand Hill Road, dated June 13, 2006
- G. Draft Below Market Rate Housing Agreement for 2825 Sand Hill Road
- H. Location Map
- I. Project Plans
- J. Planning Commission staff report (without attachments) from the meeting of February 27, 2006
- K. City Council staff report (without attachments) from the meeting of May 9, 2006
- L. Planning Commission staff report (without attachments) from the meeting of May 22, 2006
- M. Housing Commission staff report (without attachments) from the meeting of June 7, 2006
- N. Draft transcripts of the Planning Commission meeting of May 22, 2006
- O. Correspondence received following closure of the public review comment period on the DEIR:
 - Chris and Marie Kenney, 2210 Avy Avenue, dated March 19, 2006
 - Charlotte Mesiel, dated March 22, 2006
 - Jean McDonald, President of Sand Hill Townhouse Association (400-712), dated March 24, 2006

- Timothy Sable, District Branch Chief (IGR/CEQA), Department of Transportation, dated March 28, 2006
 - Gordon Johnson, President of Sand Hill Circle Association, dated March 24, 2006
 - Mark Waissar, dated April 28, 2006
- P. Correspondence received on the Final EIR
- Nancy Andrus, 1925 Oak Avenue, dated May 18, 2006
 - Rich Rollins, 640 Menlo Avenue, dated May 18, 2006
 - John W. Van Natta, M.D., dated May 19, 2006
- Q. Correspondence distributed at the Planning Commission meeting of May 22, 2006
- Tim Robertson, 300 Sand Hill Circle #305, dated May 19, 2006
 - Sand Hill Oak Partners, 2800 Sand Hill Road, dated May 22, 2006
- R. Applicant's letter requesting a reduction in the Building Construction Street Impact Fee, dated June 6, 2006
- S. Correspondence following the Planning Commission meeting of May 22, 2006
- Town of Portola Valley, dated June 6, 2006

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

- City Council Study Session Staff Report, May 24, 2005
- Planning Commission Study Session Staff Report, September 19, 2005
- Draft Environmental Impact Report, dated January 2006
- City Council Staff Report, May 9, 2006
 - Fiscal Impact Study by CBRE Consulting/Sedway Group, dated January 2006
 - Peer Review Memorandum on the Fiscal Impact Study by Conley Consulting Group, dated March 30, 2006
 - Response to Peer Review Memorandum by CBRE Consulting/Sedway Group, dated April 7, 2006
- Planning Commission Study Session Staff Report, February 27, 2006
- Final Environmental Impact Report, dated May 2006
- Planning Commission Staff Report, May 22, 2006
- Housing Commission Staff Report, June 7, 2006

ATTACHMENT A

DRAFT FINDINGS AND ACTIONS FOR APPROVAL 2825 Sand Hill Road June 13, 2006

Environmental Review

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.

General Plan Amendment

3. Make a finding that the proposed General Plan amendment to change the land use designation of property located at 2825 Sand Hill Road from Professional and Administrative Offices to Retail/Commercial for the development of a total of a 170,000-square-foot hotel facility comprised of 120 guest rooms, five villas, a restaurant, spa, fitness center and associated facilities, and a 100,000-square-foot office complex would be consistent with the adopted General Plan.
4. Approve a resolution amending the General Plan to change the land use designation of property located at 2825 Sand Hill Road from Professional and Administrative Offices to Retail/Commercial.

Rezoning

5. Make a finding that the proposed rezoning of property located at 2825 Sand Hill Road from C-1-C (Administrative, Professional and Research District, Restrictive) to C-4-X (General Commercial, Not Applicable to El Camino Real – Conditional Development District) is consistent with the General Plan land use designation of Retail/Commercial.
6. Introduce an ordinance rezoning property located at 2825 Sand Hill Road from C-1-C (Administrative, Professional and Research District, Restrictive) to C-4-X (General Commercial, Not Applicable to El Camino Real – Conditional Development District).

Below Market Rate Agreement

7. Approve the Below Market Rate Housing Agreement.

Heritage Tree Permit

8. Adopt findings, as per Chapter 13.24 of the Municipal Code, regarding heritage tree removal:
 - a. The two trees are located in the area of infrastructure improvements.
 - b. The proposed development preserves a majority of mature trees that are located on the perimeter of the site where it can serve as screening and a aesthetically pleasing visual buffer of the site.
 - c. The proposed landscaping plan includes a variety of native and non-native trees located throughout the development that have the potential to grow into heritage trees.
9. Approve the heritage tree removal permits.

Building Construction Street Impact Fee

10. Deny the request for a 70 percent reduction of the Building Construction Street Impact Fee.

**THE CITY OF MENLO PARK CERTIFICATION OF THE FINAL ENVIRONMENTAL
IMPACT REPORT, FINDINGS, APPROVAL OF MITIGATION MEASURES AND
MITIGATION MONITORING AND REPORTING PROGRAM, AND STATEMENT OF
OVERRIDING CONSIDERATIONS
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq.)**

SAND HILL ROAD HOTEL AND OFFICE DEVELOPMENT PROJECT

I. INTRODUCTION

In May 2005, the City of Menlo Park received an application from the Board of Trustees of the Leland Stanford Junior University to construct a hotel and office project (the project) in the western portion of the City of Menlo Park. The 21.06-acre site proposed for development is located at 2825 Sand Hill Road, adjacent to the southeastern quadrant of the Interstate 280/Sand Hill Road interchange and is owned by Stanford University and managed by Stanford Management Company.

The application included the construction of a 170,000 square-foot hotel facility comprised of 120 guest rooms and suites, five villas, banquet and meeting space, spa, fitness center and a 100,000 square-foot office complex. The proposal would require approval of the following:

- A **General Plan Amendment** to change the Professional and Administrative Offices land use designation to the Retail/Commercial land use designation;
- A **Rezoning** to change the C-1-C Administrative, Professional and Research District to the C-4-X General Commercial – Conditional Development District;
- A **Conditional Development Permit** to establish specific uses and development regulations and review architectural designs;
- A **Heritage Tree Permit** to remove two heritage size trees; and
- **Environmental Review** under the provisions of the California Environmental Quality Act (CEQA) of the proposed project in the form of an Environmental Impact Report (EIR).

On July 14, 2005, the City of Menlo Park Community Development Department issued a Notice of Preparation (NOP) to interested agencies and members of the public and to the State Clearinghouse that an EIR would be prepared for the proposed **Sand Hill Road Hotel and Office Development Project**. The NOP response period extended for a period of 30 days.

On July 28, 2005, the City of Menlo Park conducted an EIR agency/public scoping meeting for the project to allow agency representatives, individuals and the public at large to express the environmental issues and project alternatives they considered necessary to be addressed in the project EIR, and for the Community Development

Department to record those expressed concerns for purposes of EIR preparation and entry into the record.

A Draft EIR for the project was completed and circulated for a 45-day public/agency review and comment period on January 31, 2006. The review and comment period extended through March 16, 2006.

On February 27, 2006, a public hearing to address the adequacy of the Draft EIR was held before the Menlo Park Planning Commission at which time oral and written comments were requested. In addition, various letters of comment were submitted during the course of the public/agency review and comment period.

On May 9, 2006, the City of Menlo Park published and issued a Final EIR in response to comments received on the Draft EIR. The Planning Commission recommends that the City Council certify the Final EIR and, if it approves the project, issue the following approvals, findings, and statement of overriding considerations under the California Environmental Quality Act.

On May 22, 2006, the Planning Commission recommended that the City Council certify the Final EIR and approve the project.

II. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

The Draft EIR prepared for the project was published for public and agency review and comment on January 31, 2006. The Draft EIR was made available for review and comment by interested persons and public agencies through March 16, 2006. The City of Menlo Park prepared written responses to the comments received during the comment period and included those responses in a Final EIR. The Final EIR was made available for public and agency review on May 9, 2006.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings as set forth herein, the record of proceedings for the City of Menlo Park's findings and determinations consists of the following documents and testimony:

1. The Final EIR (comprising the Draft EIR (volume 1) and the Final EIR (volume 2) for the *Sand Hill Road Hotel and Office Development Project* and all reports, documents, studies, memoranda and maps related thereto.
2. The Notice of Preparation and other public notices issued by the City in conjunction with the Draft EIR for the *Sand Hill Road Hotel and Office Development Project*.
3. All written and oral comments submitted by agencies and members of the public to the City during the public/agency review period for the Draft EIR and at any public hearings or meetings held on project approvals.

4. All documents constituting the record pursuant to Public Resources Code section 21167.6; and
5. All matters of common knowledge to this Commission and Council, including but not limited to:
 - a. the Menlo Park General Plan and other applicable policies
 - b. the Menlo Park Zoning Ordinance and other applicable ordinances
 - c. information regarding the City's fiscal status
 - d. applicable City policies and regulations.

The documents described above comprising the record of proceedings are located in the offices of the Menlo Park Community Development Department, 701 Laurel Street, Menlo Park, CA 94025. The custodian of these documents is the Development Services Manager or his designee.

C. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the *Sand Hill Road Hotel and Office Development Project* shall continue in full force and effect unless amended or modified by the City.

III. CERTIFICATION OF THE FINAL EIR

The Final EIR and City Council staff report dated June 13, 2006 were presented to the City Council, acting as the decision making body of the Lead Agency for the project, and the City Council reviewed and considered the information contained in the Final EIR prior to approving the project.

The City Council hereby certifies that the Final EIR for the Sand Hill Road Hotel and Office Development project is adequate, accurate and objective and reflects the independent judgment and analysis of the City; and contains no significant revisions to the Draft EIR.

The City Council of the City of Menlo Park, acting as the decision-making body for the Lead Agency for the project hereby does CERTIFY that said Final EIR was completed in compliance with CEQA and the CEQA Guidelines.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

Traffic and Circulation

Street Segment Volumes

Impact 3.13-1

Traffic added to the street system by the proposed project would exceed Menlo Park criteria for the generation of significant traffic impacts on 11 street

segments. Although mitigation would reduce this impact, Impact 3.13-1 would remain significant and unavoidable.

Mitigation Measure 3.13-1

Prior to foundation permit issuance, the applicant shall pay the following fees associated with the project:

The applicant shall pay a traffic impact fee of \$1.60 per square foot of gross building square footage. The fee could be used on a variety of capital improvement projects to help reduce traffic impacts including adaptive signal timing, capacity improvements throughout the City and/or future traffic calming measures.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.13-1 would decrease Impact 3.13-1 but not to a less than significant level.
2. Remaining Impacts: Impact 3.13-1 would remain significant and unavoidable regarding an increase in traffic.

Impact 3.13-2

In the near term scenario (2007), the addition of project traffic would increase A.M. peak hour vehicle delay at the state-controlled intersection I-280 northbound Off-Ramp/Sand Hill Circle and Sand Hill Road which would operate at level of service E or F without the project. With the implementation of the proposed mitigation, this would be a less than significant impact. Without mitigation, this would be a significant impact.

Mitigation Measure 3.13-2

Prior to foundation permit issuance, the applicant shall apply for an encroachment permit from Caltrans to convert the existing through lane from the northbound off-ramp of Interstate 280 to the east bound portion of Sand Hill Road to a through-right lane, including related intersection improvements to accommodate the construction or reconfiguration of the intersection. This may include removal of the right-turn divider island, relocation of the traffic signal pole and installation of new traffic signal equipment. The through-right and right turn lanes shall extend approximately 300 feet south from Sand Hill Road.

The application shall include all necessary improvement plans and documents that are required by Caltrans. The applicant agrees to diligently pursue Caltrans approval and shall submit revised plans and documents reasonably required by Caltrans promptly after receipt of written comments from Caltrans. As part of the building permit submittal, the applicant shall submit a copy of the Caltrans encroachment permit application to the City of Menlo Park Director of Public Works and provide updates on the status of the encroachment permit application

to the Director of Public Works every six months for four years after the encroachment permit application.

The applicant shall construct the improvements as applied for within 180 days of obtaining Caltrans encroachment permit therefore unless a longer timeframe, not to exceed one year, is identified in the Caltrans permit. If after two years from the date of encroachment permit application the applicant has not obtained an encroachment permit from Caltrans the City of Menlo Park, at its discretion, has up to two years to determine whether to enter into an agreement with the applicant, for the City to pursue the necessary approvals and construct the improvements subject to the applicant paying for said improvements, including but not limited to, construction costs, design fees, consultant fees, inspection fees and costs associated with obtaining Caltrans approval. If after four years from the date of project approval an encroachment permit has not been issued by Caltrans, neither the City nor the applicant shall be obligated to implement said improvements.

In the event that either the City decides not to pursue the improvements or four years elapses without issuance of the Caltrans encroachment permit, the applicant shall provide to the City an engineer's estimate of the cost of construction of the improvements described in the encroachment permit application. Upon review and approval of the estimate by the City of Menlo Park Director of Public Works, the applicant shall pay the amount of the estimate (the "Funds") to the City. The City shall make the Funds available to Caltrans for any Caltrans project that includes capacity improvements to the I-280 northbound off-ramp to Sand Hill Road. If Caltrans has not committed to implement such a project five years from the encroachment permit application, the City may use the Funds for improvements to Sand Hill Road west of Santa Cruz Avenue. (MM 3.13-2 and 3.13-4)

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: Proposed mitigation measure 3.13-2 would reduce the project's impact to a less than significant level if implemented and provide LOS D operations.

2. Remaining Impacts: The City recognizes that the timing and implementation of this measure is outside the jurisdiction and responsibility of the City. Approval of improvements would be required from Caltrans. The City recommends that Caltrans approve implementation of the proposed mitigation measure, but also recognizes that in the event that Caltrans does not approve or allow implementation of the recommended mitigation measure, potentially significant impacts could result in the near term and cumulative scenario for A.M. peak hours vehicle delay at the state-controlled intersection I-280 northbound off ramp/Sand Hill Circle and Sand Hill Road. Without implementation of the proposed mitigation, the impact would be significant and unavoidable.

Impact 3.13-3

In the near term scenario (2007), the addition of project traffic would increase P.M. peak hour vehicle delay by more than 0.8 seconds on the critical movements on

the local approaches at the state-controlled intersection of El Camino Real and Ravenswood Avenue, which would operate at LOS E or F without the project. This would be a significant and unavoidable impact.

Mitigation Measure 3.13-3

Mitigation measures to improve intersection operations at El Camino Real & Ravenswood Avenue would require restriping with parking removal and/or widening of El Camino Real to provide a third through lane in each direction. Due to the right-of-way limitations along El Camino Real, the addition of lanes to this facility would require the removal of on-street parking or the acquisition of additional right-of-way from adjacent property owners and potentially, demolishing or moving buildings along the right-of-way.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.13-3 would reduce the average delay by approximately 15 seconds and would change the LOS from E to D in the P.M. peak hour.

2. Remaining Impacts: The improvements are considered regional in nature and, due to the significant implementation issues described in the EIR, are not considered feasible or recommended at this time. Should improvements at the intersection of El Camino Real and Ravenswood Avenue occur in the future, the traffic impact fee could be used to help fund improvements. Because Mitigation Measure 3.13-3 is not currently feasible, Impact 3.13-3 would remain significant and unavoidable.

Intersections – Cumulative Development

Impact 3.13-4

In the Cumulative (2015) scenario the addition of project traffic would increase A.M. peak hour vehicle delay at the state-controlled intersection I-280 northbound Off-Ramp/Sand Hill Circle and Sand Hill Road which would operate at LOS E or F without the project. With the implementation of the proposed project, this would be a less than significant impact. Without mitigation, this would be a significant impact.

Mitigation Measure 3.13-4

Implement Mitigation Measure 3.13-2.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The intersections would be operating at LOS F with 2015 cumulative traffic growth without the project due to a volume/capacity ratio greater than 1.00.

2. Remaining Impacts: The City of Menlo Park has determined that Impact 3.13-4 is a significant impact as it is standard practice in other jurisdictions such as Santa Clara County to assess a significant impact when a project adds more than four seconds of delay to an intersection operating at LOS F conditions without the project. If Mitigation Measure 3.13-2 is implemented, the impact

would be avoided; if Mitigation Measure 3.13-2 is not implemented, and funds are instead provided for other improvements, it is unknown whether Impact 3.13-4 would be mitigated to a less-than-significant level, so the impact is deemed to remain significant and unavoidable.

Impact 3.13-5

In the Cumulative 2015 scenario, the addition of project traffic would impact the state-controlled intersection of El Camino Real and Ravenswood Avenue by changing the LOS from D to E in the A.M. peak hour, and by increasing P.M. peak hour vehicle delay by more than 0.8 seconds on the critical movements on the local approaches to the intersection which would operate at LOS E or F without the project. This would be a significant and unavoidable impact.

Mitigation Measure 3.13-5

Implement mitigation measure 3.13-3.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.13-3 would reduce the average delay by approximately 15 seconds and would change the LOS from F to D in the P.M. peak hour.

2. Remaining Impacts: The improvements are considered regional in nature and, due to the significant implementation issues described in the EIR, are not considered feasible or recommended at this time. Should improvements at the intersection of El Camino Real and Ravenswood Avenue occur in the future, the traffic impact fee could be used to help fund improvements. Because Mitigation Measure 3.13-3 is not currently feasible, Impact 3.13-5 would remain significant and unavoidable.

V. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO LESS THAN A SIGNIFICANT LEVEL

3.1 Aesthetics

Project Construction

Impact 3.1-1

Project construction would require surface grading, construction materials stockpiling and storage, and the use of construction equipment for a period of about 18 months. As a change from current site appearances, this is considered a potentially significant adverse short term visual impact.

Mitigation Measure 3.1-1

Concurrent with the rough grading permit submittal, the applicant shall submit a construction staging plan, showing the areas for storage of materials, and a construction vehicle parking plan. The stockpiling and storage of construction materials and equipment prior to use and installation shall be minimized to the extent practicable. The delivery of construction materials shall reasonably be timed to coincide with their use so as not to allow for excessive materials storage on the project site. Staging areas shall be located away from I-280 and Sand Hill Road to the extent possible, without encroaching on the adjacent office complex, and close to or within the general area of construction, out of the way of vehicular traffic and pedestrian use. The plan shall be subject to review and approval of the Planning and Building Divisions.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.1-1 would reduce Impact 3.1-1 regarding construction appearances to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to construction appearances would not be significant.

Light and Glare

Impact 3.1-2

Project hotel outdoor parking area and building lighting could form point sources of light interfering with nighttime views from off-site locations, including I-280, Sand Hill Road or adjacent office land uses.

Mitigation Measure 3.1-2

Concurrent with the building permit submittal, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval of the Planning Division. A photometric study shall be included. The lighting plan shall minimize glare and spillover.

Night lighting along streets, in parking areas, and along walkways for the project shall be focused downward and/or shielded to avoid glare and point sources of

light from interfering with the vision of off-site persons and motorists on local roadways except for area-specific tree, sign and decorative accent lighting with limited illumination radii.

The applicant shall retain a specialist in lighting design to determine light source locations, light intensities, and types of light source. Lighting levels provided shall be compatible with general illumination levels in the area where development occurs (e.g., along Sand Hill Road or the adjacent office complex) to avoid a noticeable contrast in light emissions, and to also provide for safety and security. The overall objective is to establish area lighting that would be adequate for safety and surveillance, but minimize the potential effects on nighttime views from locations off the project site.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.1-2 would reduce Impact 3.1-2 regarding nighttime lighting to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to night lighting or aesthetic impacts would not be significant.

3.2 Air Quality

Construction Period Emissions

Impact 3.2-1

Project grading, excavation and construction activities could generate dust, thus exposing people to the potentially unhealthy effects of particulate matter or the annoyance of particulate matter soiling.

Mitigation Measure 3.2-1

Concurrent with the rough grading permit submittal, the applicant shall submit a dust control plan that includes dust control measures to reduce particulate matter emissions during project grading and construction phases. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, all plans shall include a contact name and phone number to receive and address any complaints. The plan shall be subject to review and approval of the Planning Division. The project contractor(s) shall comply with the dust control strategies developed by the Bay Area Air Quality Management District. The project sponsor shall include in construction contracts the following requirements or measures shown to be equally effective.

- Cover all truck hauling soil, sand, and other loose construction and demolition debris from the site, or require all such trucks to maintain at least two feet of freeboard;
- Water all exposed or disturbed soil surfaces in active construction areas at least twice daily;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;

- Sweep daily (with water sweepers) all paved parking areas and staging areas;
- Provide daily clean-up of mud and dirt carried onto paved streets from the site;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Install wind breaks at the windward side(s) of construction areas;
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour over a 30-minute period or more; and
- To the extent possible, limit the area subject to excavation, grading, and other dust-generating construction activity at any one time.
- The dust control plan shall include the dust control coordinator's information and indicate that all construction sites shall have posted in a conspicuous location the name and phone number of a designated construction dust control coordinator who can respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.2-1 would reduce Impact 3.2-1 regarding construction dust emissions to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to air quality would not be significant.

3.2 Biological Resources

Sensitive Species (1)

Impact 3.3-1

With project implementation, wetland habitat would no longer be available for use by the Alameda song sparrow and salt marsh common yellowthroat for nesting. Therefore the project could have a potentially significant impact in terms of habitat removal on these sensitive bird species. In addition, because the project site could support several species of sensitive plants, the conversion from grassland to a developed environment would remove any plants within the project area.

Mitigation Measure 3.3-1a. Sensitive Bird Species

Prior to commencement of rough grading, the applicant shall hire a qualified biologist to conduct a field survey from 21 to 14 days prior to commencement of activities that would result in removal of vegetation during breeding season (February 1 through August 31) in order to prevent the direct loss of sensitive bird species or their nests. The field survey shall be submitted to the Planning Division for review. A qualified biologist shall determine if active nests of native birds are present in the construction zone (area where activities occur that result in the removal of vegetation). If no bird nests are observed, then no further mitigation is necessary. In the event an active nest is discovered in areas to be disturbed, removal of the nesting substrate shall be postponed until the nest is vacated and juveniles have fledged (typically three to four weeks for small passerines), as determined by the biologist, and there is no evidence of second nesting attempts unless the California Department of Fish and Game (CDFG) and US Fish and Wildlife Service for migratory birds (USFWS) authorize otherwise. No surveys are required if vegetation removal would occur outside the nesting season, from September 1 to January 31.

Mitigation Measure 3.3-1b. Sensitive Plant Species

During the blooming period for plant species of interest as identified in the EIR, the applicant shall hire a qualified botanist to survey the project site in accordance with protocols developed by CDFG or USFWS -in order to prevent the direct loss of sensitive plant species. The survey shall be submitted for review by the Planning Division. If no sensitive plant species are observed, no further mitigation is required. If sensitive plant species are observed within the area to be impacted (area where activities occur that result in the removal of vegetation) by the project, the botanist shall implement a detailed mitigation plan that includes the following elements:

- Population estimate of the plants within the project site that would be impacted.
- Basic habitat requirements of the species effected by the project.
- Identification of a mitigation site including existing vegetative characteristics, species assemblages, ownership, etc.
- Detailed seed or plant collection, propagation, planting, and routine care methodologies to be employed. All stock shall be harvested from the project site when possible.
- Specific success criteria, monitoring protocols, and reporting pathways including remedial actions if mitigation plantings do not succeed.

The mitigation plan shall be submitted to the Planning Division, CDFG and USFWS as appropriate prior to implementation. All annual reporting per CDFG and USFWS protocol shall be also submitted to the agencies for review.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.3-1a and 3.3-1b coupled with implementing Mitigation Measures 3.3-2 and 3.3-3 would reduce Impact 3.3-1 regarding loss of sensitive species to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to loss of sensitive species would not be significant pending the implementation of Mitigation Measures 3.3-2 and 3.3-3 below.

Sensitive Species (2)

Impact 3.3-2

The proposed project could contribute to a significant increase in pollutant loading in San Francisquito Creek which could have adverse survival effects on red-legged frogs and steelhead.

Mitigation Measure 3.3-2. Water Quality

Implement mitigation measure 3.7-1 (as indicated in Draft EIR Section 3.7, *Hydrology and Water Quality*), which requires Best Management Practices to be put in place during and after construction to minimize the discharge of pollutants into San Francisquito Creek.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.3-2 coupled with implementing Mitigation Measure 3.3-3 would reduce Impact 3.3-2 regarding loss of sensitive species to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to loss of sensitive species would not be significant pending the implementation of Mitigation Measure 3.3-3 below.

Sensitive Species (3)

Impact 3.3-3

Project construction would require what is considered a substantial reduction in potential foraging habitat for at least three sensitive bat species.

Mitigation Measure 3.3-3. Bat Foraging Habitat

Implement mitigation measure 3.3-4 which requires mitigation for impacts to wetland habitats. Mitigation Measure 3.3-4 would require the creation or restoration of wetlands which provide foraging habitat for the species of bats discussed above and others that are not considered special-status species.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.3-3 would reduce Impact 3.3-3 regarding loss of sensitive species to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to loss of sensitive species would not be significant.

Wetlands

Impact 3.3-4

Project implementation would result in the removal of two wetland areas totaling about 0.91 acres. This would be a significant adverse impact in that wetlands are federally protected.

Mitigation Measure 3.3-4

Prior to issuance of rough grading permits, the project applicant or its agent shall acquire all appropriate wetland permits and submit documentation to the Planning Division. These permits include a Section 404 Wetlands Fill Permit from the Corps, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and, if necessary, a Section 1600 Streambed Alteration Agreement from CDFG.

Wetland mitigation shall be implemented as required as a part of the Section 404 CWA permitting process. Mitigation is to be provided concurrent with construction of the proposed project. Mitigation could include purchase of the appropriate amount of credits from a local mitigation bank if available. The exact mitigation ratio is variable, based on the type and value of the wetlands that could be affected by the project, but would be a minimum of 1:1.

In addition, a Wetland Mitigation and Monitoring Plan shall be implemented in accordance with Section 404 CWA permitting process and include the following:

- Descriptions of the wetland types, and their expected functions and values;
- Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five to ten years;
- Plans showing the location, size and configuration of wetlands to be created or restored (if a mitigation bank is not used);
- An implementation schedule showing that construction of mitigation areas will commence prior to or concurrently with the initiation of construction; and
- A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank).

The wetland mitigation shall be constructed prior to final inspection of the first phase of the project.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.3-4 would reduce Impact 3.3-4 regarding loss of wetlands to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to wetlands would not be significant.

Local Policies

Impact 3.3-5

Project construction could require the removal of two trees designated as Heritage Trees under the City's Heritage Tree Ordinance.

Mitigation Measure 3.3-5

Concurrent with the building permit submittal, the applicant shall submit a landscaping plan that shows the species, size, quantity and location of all trees, shrubs, plants, and other landscaping material. The number of tree replacement trees shall be in conformance with the City's requirements for commercial projects at a ratio of 2:1 (new:removed). The landscaping plan is subject to review and approval of the Planning Division.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.3-5 would reduce Impact 3.3-5 regarding loss of Heritage Trees to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to biological resources would not be significant.

3.4 Cultural Resources

Archaeological Resources

Impact 3.4-1

The prehistoric archaeological sensitivity of the proposed project site is moderate. It is therefore reasonable to conclude that prehistoric cultural deposits could be found anywhere within or near the project site and could be disturbed or destroyed through vegetation-clearing, grading, and construction activities.

Mitigation Measure 3.4-1

Concurrent with the rough grading permit submittal, the project applicant shall submit an Archaeological Monitoring and Data Recovery Plan (AMDRP) prepared by a qualified archaeologist. The AMDRP shall be submitted to the City of Menlo Park and to the Stanford University Campus Archaeologist for approval, and shall be implemented prior to the issuance of the grading permit. The AMDRP shall specify that an archaeologist be present for all vegetation-clearing and grading activities associated with project construction. The AMDRP shall define where and how data recovery will be conducted for all important archaeological resources discovered, how archaeological monitoring will be

conducted, and the protocol to be followed in the event that significant resources are discovered during archaeological monitoring. In addition, the AMDRP shall include the following:

- A site-specific research design, describing the types of thematic research topics to be addressed and the specific methodology to be used during data recovery, with provisions for amending the AMDRP shall the resources encountered differ from those anticipated.
- Provisions for artifact cataloging, complete and thorough analysis, and curation.
- Provisions for consultation with the Native American Heritage Commission in the event that skeletal remains are discovered.
- An outline for the preparation of a technical report of findings, within a reasonable time period, that meets professional standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation). Draft copies of the technical report are to be provided to the City of Menlo Park and to the Stanford University Campus Archaeologist for review and concurrence, and final copies provided to the City of Menlo Park, the Stanford Archaeologist, and the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS).
- All recovered artifacts (and site features, if any) shall be analyzed sufficiently to address the research questions posed in the AMDRP, which could include radio-carbon assay, obsidian hydration analysis, lithic analysis, or other techniques as determined necessary. All artifacts shall be preserved and recorded in accordance with recognized standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation).

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.4-1 would reduce Impact 3.4-1 regarding loss of archaeological resources to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to loss of archaeological resources would not be significant.

Paleontological Resources

Impact 3.4-2

It is possible that a unique paleontological resource could be discovered during the limited excavations necessary for the project. Destruction of a unique paleontological resource would be considered a potentially significant impact.

Mitigation Measure 3.4-2

During grading, in the event fossilized or unfossilized shell or bone is uncovered for the proposed project, contractors shall stop work in the immediate area of the find, notify the landowner, Stanford University, and retain a qualified paleontologist to survey the site and assess the find. In addition, the project sponsor shall notify the Community Development Department. The paleontologist retained by the project sponsor shall visit the site and make recommendations for treatment of the find that shall be sent to the Community Development Director. Recommendations could include collection, recordation, and analysis of any significant cultural materials. If a fossil find is confirmed, it shall be recorded with the U.S. Geological Survey and curated in an appropriate repository.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.4-2 would reduce Impact 3.4-2 regarding loss of paleontological resources to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to loss of paleontological resources would not be significant.

Human Remains

Impact 3.4-3

It is possible, given the evidence of prehistoric tool production on the proposed project site, that excavation or grading for the project could disturb human remains interred outside of formal cemeteries.

Mitigation Measure 3.4-3

If human remains are discovered, the project sponsor shall halt further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains. In accordance with State CEQA Guidelines section 15604.5(e), the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendant or in the event the landowner and the descendant fail to reach an agreement, the remains may be re-interred with appropriate dignity elsewhere on Stanford University property in a location not subject to further subsurface disturbance.

A final report shall be submitted to the Director of Community Development which shall contain a description of the mitigation program that was implemented and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Community Development.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.4-3 would reduce Impact 3.4-3 regarding human remains to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to cultural resources would not be significant.

3.7 Hydrology and Water Quality

Water Quality

Impact 3.7-1

Project implementation would result in the conversion of land from an undeveloped condition to commercial land uses that would result in more runoff and an increase in the amount and type of pollutants in stormwater runoff.

Mitigation Measure 3.7-1

Concurrent with the site improvement permit submittal, the project applicant shall prepare a storm water management plan (SWMP) that incorporates stormwater quality Best Management Practices (BMPs) into the project design subject to review and approval by the Engineering Division.

The City of Menlo Park requirements for a Grading Plan include maximizing infiltration of stormwater and where on-site infiltration is not sufficient, routing of stormwater through vegetated swales or other comparable BMPs prior to discharge to the public storm drain systems. Other water quality BMPs are included in requirements of the Grading Plan.

As part of the project design, disconnected roof drains, bioretention filtration areas (e.g., rain gardens), and roadside swales will be implemented to the maximum extent practicable. Mechanical treatment devices would be used, where necessary, but not to exceed treatment of 15 percent of the project area. Details of the stormwater quality BMPs locations, size, and type shall be included in the SWMP. According to the General Permit C.3. provisions, 85 percent of the annual site runoff must be treated consistent with City and County standards. The stormwater plan and grading and drainage plan shall be subject to review and approval of the Engineering Division. The BMPs will be installed and maintained as stipulated in the Grading Plan requirements of the City of Menlo Park's Grading and Drainage Plan Guidelines and Checklist.

All construction activities, including road improvements, installation and realignment of utilities, and new development would be subject to the City of Menlo Park Municipal Code Stormwater Management Program (7.42) and requirements for obtaining a Grading Permit prior to the initiation of construction.

Concurrent with the rough grading permit submittal, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling water discharges associated with construction activity. The applicant shall submit a grading plan with associated erosion and sedimentation control notes/plans. The plan shall be submitted for review and approval by the Engineering Division. Projects that disturb one or more acre of land surface (such as the proposed project) are subject to the NPDES Construction General Permit c.3 provisions. The SWPPP may include, but would not necessarily be limited to, BMPs for reducing sediment and chemicals in stormwater runoff.

BMPs may include the following:

Erosion and Sediment Control Construction BMPs:

- Construction scheduling, such as phasing and season avoidance, to minimize erosion and sediment;
- Perimeter protection such as straw wattles or silt fences;
- Check dams to prevent gulley erosion and/or slow water down to allow sediment to settle out;
- Gravel bag berm/barriers to prevent runoff or run-on of surface water flows;
- Street sweeping and vacuuming to remove vehicle-tracked soil and sediment;
- Storm Drain Inlet Protection such as filter bags and perimeter protection;
- Stabilized Construction Entrance to prevent vehicle tracking of sediment and debris on roadways; and
- Wind Erosion Control BMP such as soil stabilizers (would require more water quality modeling), wetting down of dry sediment, or covering exposed surfaces.

Vehicle and Equipment Operation BMPs

- Construction equipment to be brought to the site no sooner than it is needed and removed from the site as soon as practical. Major equipment overhaul will take place off site;
- Vehicle and equipment maintenance facilities prepared and used to prevent discharges of fuel and other vehicle fluids; and
- Vehicle and Equipment Fueling to take place in a contained staging area to prevent discharges of fuel and other vehicle fluids.

Waste Management and Materials Management BMPs

- Material delivery and storage—materials to be stored either off-site or under cover. Hazardous materials to be stored in contained areas.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.7-1 would reduce Impact 3.7-1 regarding water quality to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to hydrology and water quality would not be significant.

3.9 Noise

Construction Period Noise Levels

Impact 3.9-1

Project construction activities could generate substantial temporary or periodic increases in noise levels, thus annoying workers and nearby residents.

Mitigation Measure 3.9-1

Concurrent with the rough grading permit submittal, the applicant shall submit a Construction Noise Plan subject to review and approval by the Planning and Building Divisions. The Plan shall include the following measures to implement during construction:

- To minimize construction noise impacts on nearby residents and businesses, and to be consistent with Title 8 of the City of Menlo Park Municipal Code, construction activities that exceed stated noise limits are permitted only between the hours of 8:00 AM and 6:00 PM, Monday through Friday, and are prohibited on weekends and federal holidays.
- Construction equipment shall be properly muffled and maintained with noise reduction devices to minimize construction-generated noise.
- Prohibit unnecessary idling of internal combustion engines.
- The contractor shall locate stationary noise sources on the project site as far as possible away from existing residential and commercial uses, and require the use of acoustic shielding with such equipment when feasible and appropriate.
- The construction contractor shall designate a “noise disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise. The coordinator would determine the cause of the noise complaint (i.e., starting too early, bad muffler, no shielding), and would require that reasonable measures warranted to correct the problem would be implemented. Conspicuously post a telephone number for the

coordinator at the construction site and include it in the notice sent to neighbors and businesses regarding the construction schedule.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. *Effects of Mitigation:* The implementation of Mitigation Measure 3.9-1 would reduce Impact 3.9-1 regarding construction period noise to a less than significant level.

2. *Remaining Impacts:* Any remaining impacts relative to noise generation would not be significant.

3.13 Traffic and Circulation

Construction Period Traffic

Impact 3.13-6

Project construction would require the use of heavy machinery for site excavations, grading, and utility and building construction. In addition construction would require the delivery of building materials and construction workers on a daily basis throughout the project site, potentially disrupting local traffic flow during the period of construction (short-term impact).

Mitigation Measure 3.13-6

Concurrent with the rough grading permit submittal, the applicant shall prepare a Traffic Control Plan that identifies the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, such as Sand Hill Road and local streets, and encourage the use of Interstate 280. It may be necessary to limit construction activities and materials delivery to off-peak hours or determine access to particular areas of construction that would not conflict with local traffic circulation or vehicular access to the residential areas, the office and commercial areas along Sand Hill Road, and Stanford University. The applicant shall consult with the County of San Mateo and City of Palo Alto on the Traffic control Plan. The plan shall be subject to review and approval of the Planning and Transportation Divisions.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. *Effects of Mitigation:* The implementation of Mitigation Measure 3.13-6 would reduce Impact 3.13-6 regarding construction period traffic to a less than significant level.

2. *Remaining Impacts:* Any remaining impacts relative to construction period traffic would not be significant.

Transit Service

Impact 3.13-7

The proposed project would result in an increase in demand for transit services to the project site without activities being within easy walking distance of transit stops.

Mitigation Measure 3.13-7

Prior to final inspection of either the hotel or office component, whichever comes first, the applicant shall submit information on the timing and routes of the shuttle service connecting the project site with the existing local and regional transit services along El Camino Real as part of the Transportation Demand Management Plan. The project sponsors shall fund and implement the operation of a shuttle service for the occupied life of the project. Additionally, upon implementation of the shuttle service, the applicant shall periodically (no less than once every two years) survey employees' interest in shuttle service to the Menlo Park and Palo Alto Caltrain stations and, to the extent shuttle service can reasonably be divided, provide representative allocation of services to the Menlo Park Caltrain station. The plan, including the employee survey results, shall be reviewed and approved by the Planning and Transportation Divisions. The shuttle shall be operational at the time of occupancy of the first component (hotel or office) of the project.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.13-7 would reduce Impact 3.13-7 regarding the demand for transit services to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to the demand for transit services would not be significant.

Congestion Management

Impact 3.13-8

The project would generate more than 100 net new trips during the AM and PM peak hours (316 trips in the AM and 333 trips in the PM). This would be a significant impact in that the San Mateo City/County Association of Governments' (C/CAG) calls for developers and/or tenants to mitigate all new peak hour trips (including the first 100 trips) projected to be generated by the development through the use of their trip credit schedules.

Mitigation Measure 3.13-8

Concurrent with the start of occupancy of the first component (hotel or office) of the project, the applicant shall implement a Transportation Demand Management (TDM) plan consistent with the TDM measures identified in the DEIR for the project. These programs, once implemented, must be on going for the occupied life of the development. The TDM plan is subject to review and approval of the Planning and Transportation Divisions.

Findings: Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: The implementation of Mitigation Measure 3.13-8 would reduce Impact 3.13-8 regarding congestion management to a less than significant level.

2. Remaining Impacts: Any remaining impacts relative to congestion management would not be significant.

VI. PROJECT ALTERNATIVES

A. Background, Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval (*Public Resources Code §21002*). With the exception of the “No Project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990)). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (*Public Res. Code §21000*).

B. Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project (*CEQA Guidelines §15126(d)(2)*). Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR.

The objectives of the Sand Hill Road Hotel and Office Development project include the following:

- 1) To develop a vacant site, currently designated for Professional and Administrative Offices, with uses that are most economically beneficial to both Stanford and the City of Menlo Park in the long term.
- 2) To address the existing lack of hotel space along the Sand Hill Road Corridor, the hub of the nations’ venture capital industry.
- 3) To provide mutually supportive office, hotel, conference and amenity spaces in immediate proximity to each other.

C. EIR Alternatives Analysis

- *Alternative 1: No Project Alternative*

The No Project alternative is discussed on pages 6-2 and 6-3 of the Draft EIR.

Findings and Explanation: The No Project alternative is rejected as an alternative to the project as proposed because this alternative would not

achieve the objectives of the project sponsor or of the City for the development of economically beneficial land uses, address the lack of hotel space or provide mutually supportive office, hotel and related land uses on one site.

None of the project objectives would be met under the No Project alternative.

- *Alternative 2: Alternative Project Site*

The Alternative Project Site scenario is discussed on pages 6-3 through and 6-6 of the Draft EIR.

Findings and Explanation: The Alternative Project Site scenario is rejected as an alternative to the project as proposed because this alternative would not be expected to avoid or substantially lessen the significant unavoidable cumulative or project-induced traffic impacts as identified. The mix of road segments that could be adversely impacted with the project at another location would not be expected to be substantially the same as for the project as currently proposed, but would be expected to occur given the project land uses of the size proposed.

Any alternative site would fail to meet Project Objective 1 because it would leave the proposed project site undeveloped. The off-site alternative would fail to derive any economic benefit for Stanford or the City from the I-280/Sand Hill Road site, which has long been identified for economically beneficial development or provide hotel space perceived as needed in the Sand Hill Road corridor area. Further, it is not confirmed that Stanford Management Company would acquire, control or have access to a site it does not own within the local hotel and office market area and no alternative site is identified as capable of avoiding or substantially lessening any significant environmental effects of the project.

- *Alternative 3: Reduced Project*

The Reduced Project alternative is discussed on pages 6-6 and 6-7 of the Draft EIR.

Findings and Explanation: The Reduced Project alternative is rejected as an alternative to the project as proposed because while it was determined that project traffic would exceed Menlo Park criteria for the generation of significant traffic impacts on 11 street segments, it was concluded that a smaller project needed to avoid the impact would be a level of development generating approximately ten percent of the trips of the project as proposed. A ten percent level of development compared to the project as proposed is not considered economically viable. Further, given the locations of the wetlands and the trees near Sand Hill Road, it is likely that any economically viable use of the project site would encroach on at least a portion of the wetlands and could require removal of heritage trees to allow for project access.

A reduced project would not meet project Objective 1 because it would not be economically beneficial to both Stanford and the City of Menlo

Park. A Reduced Project alternative would also significantly compromise Project Objective 2 to address the existing lack of hotel space along the Sand Hill Road Corridor, and Project Objective 3 to provide mutually supportive office, hotel, conference and amenity spaces in immediate proximity to each other.

- *Alternative 4: Alternative Land Use*

Findings and Explanation: The Alternative Land Use scenario is discussed on pages 6-7 and 6-8 of the Draft EIR. The Alternative Land Use scenario is rejected as an alternative to the project as proposed because this alternative, which would provide for office development only, would still be expected to exceed Menlo Park criteria for the generation of significant traffic impacts on 11 street segments, and would increase the average vehicle delay at the El Camino Real and Ravenswood Avenue intersection beyond the Menlo Park threshold for intersections during the PM peak hour. These impacts would continue to be significant and unavoidable under this alternative because implementation of mitigation measures are infeasible at this time and therefore, would not reduce the traffic impacts to less than significant levels.

The Alternative Land Use scenario would not meet Project Objectives 2 and 3 because it would not provide a hotel use. This alternative as an office-only project would partially meet Project Objective 1 because it would develop the vacant site and would provide some economic benefit both to Stanford and to the City of Menlo Park. This alternative would, however, be less economically beneficial to the City of Menlo Park compared to the proposed project because it would eliminate transient occupancy taxes which are significantly greater than the City revenues derived from office uses.

- *Alternative 5: Hotel with No Office Development Alternative.*

This alternative is discussed on pages 4-12 and 4-13 of the Final EIR.

Findings and Explanation: The Hotel with No Office Development Alternative is rejected as an alternative because it would not approach the 10 percent level of traffic generation. The number of impacted street segments would be reduced from 11 to 9, however this alternative would still have an impact on local street segments. This alternative would reduce the impact at the intersection of I-280 off-ramp and Sand Hill Circle in the near term, but would still require mitigation for the 2015 cumulative conditions. Impacts to El Camino Real and Ravenswood would still remain significant and unavoidable. Given the location of the wetlands, it is likely that any economically viable use of the project site would encroach on at least a portion of the wetlands .

A reduced project of Hotel with No Office Development would not meet Project Objectives #1 and #3 because it would not be the most economically beneficial Stanford and would not provide mutually supportive office, hotel, conference, and amenities in immediate proximity to each other.

- *Alternative 6: 50 Percent Hotel and 50 Percent Office Development Alternative.*

This alternative is discussed on pages 4-13 and 4-14 of the Final EIR.

Findings and Explanation: The reduced alternative of 50 Percent Hotel and 50 Percent Office is rejected as an alternative to the project as proposed because, similar to the Hotel with No Office Alternative, it was determined that impacts would still occur on 9 street segments, mitigation would be required at the northbound I-280 off-ramp/Sand Hill Circle intersection in the 2015 cumulative scenario, and impacts to El Camino Real and Ravenswood would still remain significant and unavoidable. Additionally, this alternative would not be expected to reduce or avoid the biological impacts of the proposed project because economically viable uses of the project site would impact at least a portion of the wetlands.

A reduced project of 50 Percent Hotel and 50 Percent Office would not meet Objective 1 because it would not be the most economically beneficial to the City of Menlo Park and Stanford. This alternative would also compromise Project Objective 2 to address the existing lack of hotel space along the Sand Hill Road Corridor, and Project Objective 3 to provide mutually supportive office, hotel, conference and amenities in immediate proximity to each other.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council of the City of Menlo Park adopts and makes the following Statement of Overriding considerations regarding the significant, unavoidable impacts of the Sand Hill Road Hotel and Office Development project.

Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the project would result in significant unavoidable impacts to traffic and circulation, as disclosed in the Final EIR prepared for this project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the project.

Overriding Considerations

The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the project. The City Council of the City of Menlo Park specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the project and the anticipated benefits of the project. The City Council finds that this project has eliminated or significantly lessened all significant impacts on the environment where feasible.

Benefits of the Project

The City Council has considered the Final EIR, the public record of proceedings on the proposed project, and other written materials presented to the City as well as oral and

written testimony at all public hearings related to the project, and does hereby determine that implementation of the project as specifically provided for in the project documents would result in the following substantial public benefits:

1. The project will develop a vacant site, currently designated for Professional and Administrative Offices, with uses that are most economically beneficial and generate an increase in revenues, including Transient Occupancy Tax (TOT) revenues (estimated at approximately \$1,000,000 in 2008), for the City of Menlo Park in the near and long term.
2. The project provides hotel space and related amenities along the currently underserved Sand Hill Road Corridor.
3. The project will provide proportionately sized and mutually supportive/complementary office, hotel, conference and amenity spaces in immediate proximity to each other wherein hotel guests can walk to meetings at the offices and office employees can walk to the hotel's restaurant, spa and fitness center, and conference facilities.
4. The project site is currently undeveloped but is not designated as open space in the General Plan or zoning for the site; it is currently designated for professional office space. Development of appropriately planned and zoned space within the City Limits helps to relieve pressure for the development of open-space lands.
5. The project will occur in an existing developed area on the west edge of the City currently served by existing roads and utility systems, thereby avoiding the need for the substantial construction of new utility systems which could otherwise indirectly induce population growth.
6. The project sponsor will enhance the provision of below market rate housing opportunities in the City through payment of a fee in the amount of approximately \$2.5 million toward the City's Below Market Rate (BMR) Housing Program.
7. The project sponsor will improve the existing pedestrian pathway and connectivity on the north side of Sand Hill Road opposite the project frontage.
8. The project will include relocation of wetlands at a ratio of 2:1 (new wetlands and riparian restoration:impacted wetlands). The proposed mitigation on the west side of I-280 adjacent to the San Francisquito Creek would result in overall improved conditions and provide habitat for resident and migratory wildlife.
9. The project sponsor will either construct improvements at the northbound I-280 off-ramp, which would operate at LOS F without the project, to a level of service D or, if Caltrans does not permit those improvements, provide funds in an amount equal to the cost of the improvements.

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
AESTHETICS			
Visual Character - Project Construction	<p>MM 3.1-1: 6.4. Concurrent with the rough grading permit submittal, the applicant shall submit a construction staging plan, showing the areas for storage of materials, and a construction vehicle parking plan. The stockpiling and storage of construction materials and equipment prior to use and installation shall be minimized to the extent practicable. The delivery of construction materials shall reasonably be timed to coincide with their use so as not to allow for excessive materials storage on the project site. Staging areas shall be located away from I-280 and Sand Hill Road to the extent possible, without encroaching on the adjacent office complex, and close to or within the general area of construction, out of the way of vehicular traffic and pedestrian use. The plan shall be subject to review and approval of the Planning and Building Divisions.</p>	Community Development Director; Building Official	Submittal of a construction staging plan and a construction vehicle parking plan concurrent with rough grading permit submittal
Light and Glare	<p>MM 3.1-2: Concurrent with the building permit submittal, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval of the Planning Division. A photometric study shall be included. The lighting plan shall minimize glare and spillover.</p> <p>Night lighting along streets, in parking areas, and along walkways for the project shall be focused downward and/or shielded to avoid glare and point sources of light from interfering with the vision of off-site persons and motorists on local roadways except for area-specific tree, sign and decorative accent lighting with limited illumination radii.</p> <p>The applicant shall retain a specialist in lighting design to determine light source locations, light intensities, and types of light source. Lighting levels provided shall be compatible with general illumination levels in the area where development occurs (e.g., along Sand Hill Road or the adjacent office complex) to avoid a noticeable contrast in light emissions, and to also provide for safety and security. The overall objective is to establish area lighting that would be adequate for safety and surveillance, but minimize the potential effects on nighttime views from locations off the project site.</p>	Community Development Director	Submittal of a Lighting Plan concurrent with the building permit application
AIR QUALITY			
Construction Period Emissions	<p>MM 3.2-1: Concurrent with the rough grading permit submittal, the applicant shall submit a dust control plan that includes dust control measures to reduce particulate matter emissions during project grading and construction phases. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, all plans shall include a contact name and phone number to receive and address any complaints. The plan shall be subject to review and approval of the Planning Division. The project contractor(s) shall comply with the dust control strategies developed by the Bay Area Air Quality Management District. The project sponsor shall include in construction contracts the following requirements or measures shown to be equally effective.</p> <ul style="list-style-type: none"> - Cover all truck hauling soil, sand, and other loose construction and demolition debris from the site, or require all such trucks to maintain at least two feet of freeboard; - Water all exposed or disturbed soil surfaces in active construction areas at least twice daily; - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas; - Sweep daily (with water sweepers) all paved parking areas and staging areas; - Provide daily clean-up of mud and dirt carried onto paved streets from the site; - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); - Limit traffic speeds on unpaved roads to 15 mph; - Install sandbags or other erosion control measures to prevent silt runoff to public roadways; - Replant vegetation in disturbed areas as quickly as possible; - Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; - Install wind breaks at the windward side(s) of construction areas; - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour over a 30-minute period or more; and 	Community Development Director	Submittal of a Dust Control Plan Concurrent with grading permit submittal

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
	<ul style="list-style-type: none"> - To the extent possible, limit the area subject to excavation, grading, and other dust-generating construction activity at any one time. - The dust control plan shall include the dust control coordinator's information and indicate that all construction sites shall have posted in a conspicuous location the name and phone number of a designated construction dust control coordinator who can respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control. 		
BIOLOGICAL RESOURCES			
Sensitive Species	<p>MM 3.3-1a: 6.5. Prior to commencement of rough grading, the applicant shall hire a qualified biologist to conduct a field survey from 21 to 14 days prior to commencement of activities that would result in removal of vegetation during breeding season (February 1 through August 31) in order to prevent the direct loss of sensitive bird species or their nests. The field survey shall be submitted to the Planning Division for review. A qualified biologist shall determine if active nests of native birds are present in the construction zone (area where activities occur that result in the removal of vegetation). If no bird nests are observed, then no further mitigation is necessary. In the event an active nest is discovered in areas to be disturbed, removal of the nesting substrate shall be postponed until the nest is vacated and juveniles have fledged (typically three to four weeks for small passerines). as In the event an active nest is discovered in areas to be disturbed, removal of the nesting substrate shall be postponed until the nest is vacated and juveniles have fledged (typically three to four weeks for small passerines), as determined by the biologist, and there is no evidence of second nesting attempts unless the California Department of Fish and Game (CDFG) and US Fish and Wildlife Service for migratory birds (USFWS) authorize otherwise. No surveys are required if vegetation removal would occur outside the nesting season, from September 1 to January 31.</p>	Community Development Director	Submittal of Biologist's Field Survey prior to commencement of grading; postponement of work if active nest discovered
Sensitive Species	<p>MM 3.3-1b: 6.6. During the blooming period for plant species of interest as identified in the EIR, the applicant shall hire a qualified botanist to survey the project site in accordance with protocols developed by CDFG or USFWS -in order to prevent the direct loss of sensitive plant species. The survey shall be submitted for review by the Planning Division. If no sensitive plant species are observed, no further mitigation is required. If sensitive plant species are observed within the area to be impacted (area where activities occur that result in the removal of vegetation) by the project, the botanist shall implement a detailed mitigation plan that includes the following elements:</p> <ul style="list-style-type: none"> - Population estimate of the plants within the project site that would be impacted. - Basic habitat requirements of the species effected by the project. - Identification of a mitigation site including existing vegetative characteristics, species assemblages, ownership, etc. - Detailed seed or plant collection, propagation, planting, and routine care methodologies to be employed. All stock shall be harvested from the project site when possible. - Specific success criteria, monitoring protocols, and reporting pathways including remedial actions if mitigation plantings do not succeed. <p>The mitigation plan shall be submitted to the Planning Division, CDFG and USFWS as appropriate prior to implementation. All annual reporting per CDFG and USFWS protocol shall be also submitted to the agencies for review.</p>	Community Development Director	Submittal of Botanist's Survey during the blooming period for plant species of interest as identified in the EIR; submittal of Mitigation Plan if needed
Sensitive Species	<p>MM 3.3-2: Concurrent with the site improvement permit submittal, the project applicant shall prepare a storm water management plan (SWMP) that incorporates stormwater quality Best Management Practices (BMPs) into the project design subject to review and approval by the Engineering Division.</p> <p>The City of Menlo Park requirements for a Grading Plan include maximizing infiltration of stormwater and where on-site infiltration is not sufficient, routing of stormwater through vegetated swales or other comparable BMPs prior to discharge to the public storm drain systems. Other water quality BMPs are included in requirements of the Grading Plan.</p>	Public Works Director	Submittal of a Storm Water Management Plan (SWMP) concurrent with site improvement permit submittal

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
	<p>As part of the project design, disconnected roof drains, bioretention filtration areas (e.g., rain gardens), and roadside swales will be implemented to the maximum extent practicable. Mechanical treatment devices would be used, where necessary, but not to exceed treatment of 15 percent of the project area. Details of the stormwater quality BMPs locations, size, and type shall be included in the SWMP. According to the General Permit C.3. provisions, 85 percent of the annual site runoff must be treated consistent with City and County standards. The stormwater plan and grading and drainage plan shall be subject to review and approval of the Engineering Division. The BMPs will be installed and maintained as stipulated in the Grading Plan requirements of the City of Menlo Park's Grading and Drainage Plan Guidelines and Checklist.</p> <p>All construction activities, including road improvements, installation and realignment of utilities, and new development would be subject to the City of Menlo Park Municipal Code Stormwater Management Program (7.42) and requirements for obtaining a Grading Permit prior to the initiation of construction.</p>		
<p>Sensitive Species and Wetlands</p>	<p>MM 3.3-3 and 3.3-4: Prior to issuance of rough grading permits, the project applicant or its agent shall acquire all appropriate wetland permits and submit documentation to the Planning Division. These permits include a Section 404 Wetlands Fill Permit from the Corps, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and, if necessary, a Section 1600 Streambed Alteration Agreement from CDFG.</p> <p>Wetland mitigation shall be implemented as required as a part of the Section 404 CWA permitting process. Mitigation is to be provided concurrent with construction of the proposed project. Mitigation could include purchase of the appropriate amount of credits from a local mitigation bank if available. The exact mitigation ratio is variable, based on the type and value of the wetlands that could be affected by the project, but would be a minimum of 1:1.</p> <p>In addition, a Wetland Mitigation and Monitoring Plan shall be implemented in accordance with Section 404 CWA permitting process and include the following:</p> <ul style="list-style-type: none"> - Descriptions of the wetland types, and their expected functions and values; - Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five to ten years; - Plans showing the location, size and configuration of wetlands to be created or restored (if a mitigation bank is not used); - An implementation schedule showing that construction of mitigation areas will commence prior to or concurrently with the initiation of construction; and - A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank). <p>The wetland mitigation shall be constructed prior to final inspection of the first phase of the project.</p>	<p>Community Development Director</p>	<p>Submittal of all appropriate Wetland Permits prior to issuance of rough grading permits; implementation of Wetland Mitigation and Monitoring Plan</p>

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
Policies	<p>MM 3.3-5: Concurrent with the building permit submittal, the applicant shall submit a landscaping plan that shows the species, size, quantity and location of all trees, shrubs, plants, and other landscaping material. The number of tree replacement trees shall be in conformance with the City's requirements for commercial projects at a ratio of 2:1 (new:removed). The landscaping plan is subject to review and approval of the Planning Division.</p>	Community Development Director	Submittal of a Landscaping Plan as part of the building permit submittal
CULTURAL RESOURCES			
Archaeological Resources	<p>MM 3.4-1:Concurrent with the rough grading permit submittal, the project applicant shall submit an Archaeological Monitoring and Data Recovery Plan (AMDRP) prepared by a qualified archaeologist. The AMDRP shall be submitted to the City of Menlo Park and to the Stanford University Campus Archaeologist for approval, and shall be implemented prior to the issuance of the grading permit. The AMDRP shall specify that an archaeologist be present for all vegetation-clearing and grading activities associated with project construction. The AMDRP shall define where and how data recovery will be conducted for all important archaeological resources discovered, how archaeological monitoring will be conducted, and the protocol to be followed in the event that significant resources are discovered during archaeological monitoring. In addition, the AMDRP shall include the following:</p> <ul style="list-style-type: none"> - A site-specific research design, describing the types of thematic research topics to be addressed and the specific methodology to be used during data recovery, with provisions for amending the AMDRP should the resources encountered differ from those anticipated. - Provisions for artifact cataloging, complete and thorough analysis, and curation. - Provisions for consultation with the Native American Heritage Commission in the event that skeletal remains are discovered. - An outline for the preparation of a technical report of findings, within a reasonable time period, that meets professional standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation). Draft copies of the technical report are to be provided to the City of Menlo Park and to the Stanford University Campus Archaeologist for review and concurrence, and final copies provided to the City of Menlo Park, the Stanford Archaeologist, and the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS). - All recovered artifacts (and site features, if any) shall be analyzed sufficiently to address the research questions posed in the AMDRP, which could include radio-carbon assay, obsidian hydration analysis, lithic analysis, or other techniques as determined necessary. All artifacts shall be preserved and recorded in accordance with recognized standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation). 	Community Development Director; Stanford University Campus Archaeologist	Submittal and implementation of an Archaeological Monitoring and Data Recovery Plan (AMDRP) concurrent with the rough grading permit submittal

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
Paleontological Resources	<p>MM 3.4-2: During grading, in the event fossilized or unfossilized shell or bone is uncovered for the proposed project, contractors shall stop work in the immediate area of the find, notify the landowner, Stanford University, and retain a qualified paleontologist to survey the site and assess the find. In addition, the project sponsor shall notify the Community Development Department. The paleontologist retained by the project sponsor shall visit the site and make recommendations for treatment of the find that shall be sent to the Community Development Director. Recommendations could include collection, recordation, and analysis of any significant cultural materials. If a fossil find is confirmed, it shall be recorded with the U.S. Geological Survey and curated in an appropriate repository.</p>	Community Development Director	Notification of fossil find and stoppage of work in immediate area, if needed
Human Remains	<p>MM 3.4-3: During grading or construction, if human remains are discovered, the project sponsor shall halt further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains. In accordance with State CEQA Guidelines section 15604.5(e), the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendant or in the event the landowner and the descendant fail to reach an agreement, the remains may be re-interred with appropriate dignity elsewhere on Stanford University property in a location not subject to further subsurface disturbance.</p>	Community Development Director	To be implemented if human remains are encountered
<p>A final report shall be submitted to the Community Development Department which shall contain a description of the mitigation program that was implemented and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Community Development or designee.</p>			
HYDROLOGY AND WATER QUALITY			
Water Quality	<p>MM 3.7-1: Concurrent with the site improvement permit submittal, the project applicant shall prepare a storm water management plan (SWMP) that incorporates stormwater quality Best Management Practices (BMPs) into the project design subject to review and approval by the Engineering Division.</p>	see MM 3.3-2	see MM 3.3-2
<p>The City of Menlo Park requirements for a Grading Plan include maximizing infiltration of stormwater and where on-site infiltration is not sufficient, routing of stormwater through vegetated swales or other comparable BMPs prior to discharge to the public storm drain systems. Other water quality BMPs are included in requirements of the Grading Plan.</p>			
<p>As part of the project design, disconnected roof drains, bioretention filtration areas (e.g., rain gardens), and roadside swales will be implemented to the maximum extent practicable. Mechanical treatment devices would be used, where necessary, but not to exceed treatment of 15 percent of the project area. Details of the stormwater quality BMPs locations, size, and type shall be included in the SWMP. According to the General Permit C.3. provisions, 85 percent of the annual site runoff must be treated consistent with City and County standards. The stormwater plan and grading and drainage plan shall be subject to review and approval of the Engineering Division. The BMPs will be installed and maintained as stipulated in the Grading Plan requirements of the City of Menlo Park's Grading and Drainage Plan Guidelines and Checklist.</p>			

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
<p>All construction activities, including road improvements, installation and realignment of utilities, and new development would be subject to the City of Menlo Park Municipal Code Stormwater Management Program (7.42) and requirements for obtaining a Grading Permit prior to the initiation of construction.</p>			
<p>NOISE</p>			
<p>Construction Period Noise Levels</p>	<p>MM 3.9-1: Concurrent with the rough grading permit submittal, the applicant shall submit a Construction Noise Plan subject to review and approval by the Planning and Building Divisions. The Plan shall include the following measures to implement during construction: To minimize construction noise impacts on nearby residents and businesses, and to be consistent with Title 8 of the City of Menlo Park Municipal Code, construction activities that exceed stated noise limits are permitted only between the hours of 8:00 AM and 6:00 PM, Monday through Friday, and are prohibited on weekends and federal holidays.</p> <p>Construction equipment shall be properly muffled and maintained with noise reduction devices to minimize construction-generated noise.</p> <p>Prohibit unnecessary idling of internal combustion engines.</p> <p>The contractor shall locate stationary noise sources on the project site as far as possible away from existing residential and commercial uses, and require the use of acoustic shielding with such equipment when feasible and appropriate.</p> <p>The construction contractor shall designate a “noise disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise. The coordinator would determine the cause of the noise complaint (i.e., starting too early, bad muffler, no shielding), and would require that reasonable measures warranted to correct the problem would be implemented. Conspicuously post a telephone number for the coordinator at the construction site and include it in the notice sent to neighbors and businesses regarding the construction schedule.</p>	<p>Community Development Director; Building Official</p>	<p>Submittal of a Construction Noise Plan concurrent with the rough grading permit submittal</p>
<p>TRAFFIC AND CIRCULATION</p>			
<p>Street Segments Volumes</p>	<p>MM 3.13-1: Prior to foundation permit issuance, the applicant shall pay following fees associated with the project:</p> <p>The applicant shall pay a traffic impact fee of \$1.60 per square foot of gross building square footage. The fee could be used on a variety of capital improvement projects to help reduce traffic impacts including adaptive signal timing, capacity improvements throughout the City and/or future traffic calming measures.</p>	<p>Community Development Director</p>	<p>Payment of project-related fees prior to foundation permit issuance</p>
<p>Intersections and Intersections - Cumulative</p>	<p>MM 3.13-2 and 3.13-4: Prior to foundation permit issuance, the applicant shall apply for an encroachment permit from Caltrans to convert the existing through lane from the northbound off-ramp of Interstate 280 to the east bound portion of Sand Hill Road to a through-right lane, including related intersection improvements to accommodate the construction or reconfiguration of the intersection. This may include removal of the right-turn divider island, relocation of the traffic signal pole and installation of new traffic signal equipment. The through-right and right turn lanes shall extend approximately 300 feet south from Sand Hill Road.</p>	<p>Public Works Director</p>	<p>Application for an Encroachment Permit from Caltrans prior to foundation permit issuance; Submittal of complete copy of Caltrans Encroachment Permit to the City; Provision of Updates on the Status of Encroachment Permit Application: Construction</p>

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
	<p>The application shall include all necessary improvement plans and documents that are required by Caltrans. The applicant agrees to diligently pursue Caltrans approval and shall submit revised plans and documents reasonably required by Caltrans promptly after receipt of written comments from Caltrans. As part of the building permit submittal, the applicant shall submit a copy of the Caltrans encroachment permit application to the City of Menlo Park Director of Public Works and provide updates on the status of the encroachment permit application to the Director of Public Works every six months for four years after the encroachment permit application.</p> <p>The applicant shall construct the improvements as applied for within 180 days of obtaining Caltrans encroachment permit therefore unless a longer timeframe, not to exceed one year, is identified in the Caltrans permit. If after two years from the date of encroachment permit application the applicant has not obtained an encroachment permit from Caltrans the City of Menlo Park, at its discretion, has up to two years to determine whether to enter into an agreement with the applicant, for the City to pursue the necessary approvals and construct the improvements subject to the applicant paying for said improvements, including but not limited to, construction costs, design fees, consultant fees, inspection fees and costs associated with obtaining Caltrans approval. If after four years from the date of project approval an encroachment permit has not been issued by Caltrans, neither the City nor the applicant shall be obligated to implement said improvements.</p> <p>In the event that either the City decides not to pursue the improvements or four years elapses without issuance of the Caltrans encroachment permit, the applicant shall provide to the City an engineer's estimate of the cost of construction of the improvements described in the encroachment permit application. Upon review and approval of the estimate by the City of Menlo Park Director of Public Works, the applicant shall pay the amount of the estimate (the "Funds") to the City. The City shall make the Funds available to Caltrans for any Caltrans project that includes capacity improvements to the I 280 northbound off-ramp to Sand Hill Road. If Caltrans has not committed to implement such a project five years from the encroachment permit application, the City may use the Funds for improvements to Sand Hill Road west of Santa Cruz Avenue.</p>		<p>Permit Application, Construction of Improvements Within 180 Days of Receiving Encroachment Permit</p>
<p>Intersections Intersections - Cumulative</p>	<p>MM 3.13-3: (none) MM 3.13-5: (none)</p>		
<p>Construction-Period Traffic</p>	<p>MM 3.13-6: Concurrent with the rough grading permit submittal, the applicant shall prepare a Traffic Control Plan that identifies the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, such as Sand Hill Road and local streets, and encourage the use of Interstate 280. It may be necessary to limit construction activities and materials delivery to off-peak hours or determine access to particular areas of construction that would not conflict with local traffic circulation or vehicular access to the residential areas, the office and commercial areas along Sand Hill Road, and Stanford University. The applicant shall consult with the County of San Mateo and City of Palo Alto on the Traffic control Plan. The plan shall be subject to review and approval of the Planning and Transportation Divisions.</p>	<p>Community Development Director; Transportation Manager</p>	<p>Submittal of a Traffic Control Plan concurrent with the rough grading permit submittal</p>

2825 Sand Hill Road Mitigation Monitoring and Reporting Program -- DRAFT

Category/Impact	Mitigation Measure	Monitoring/Reporting Responsibility	Monitoring/Reporting Requirement
Transit Service	<p>MM 3.13-7: Prior to final inspection of either the hotel or office component, whichever comes first, the applicant shall submit information on the timing and routes of the shuttle service connecting the project site with the existing local and regional transit services along El Camino Real as part of the Transportation Demand Management Plan. The project sponsors shall fund and implement the operation of a shuttle service for the occupied life of the project. Additionally, upon implementation of the shuttle service, the applicant shall periodically (no less than once every two years) survey employees' interest in shuttle service to the Menlo Park and Palo Alto Caltrain stations and, to the extent shuttle service can reasonably be divided, provide representative allocation of services to the Menlo Park Caltrain station. The plan, including the employee survey results, shall be reviewed and approved by the Planning and Transportation Divisions. The shuttle shall be operational at the time of occupancy of the first component (hotel or office) of the project.</p>	Community Development Director; Transportation Manager	Submittal of Shuttle Service Timing and Route Information Prior to Final Inspection of Either the Hotel or Office Component, Whichever Comes First
Congestion Management	<p>MM 3.13-8: Concurrent with the start of occupancy of the first component (hotel or office) of the project, the applicant shall implement a Transportation Demand Management (TDM) plan consistent with the TDM measures identified in the DEIR for the project. These programs, once implemented, must be on going for the occupied life of the development. The TDM plan is subject to review and approval of the Planning and Transportation Divisions.</p>	Community Development Director; Transportation Manager	Implementation of Transportation Demand Management (TDM) Plan Concurrent with Start of Occupancy of the first component (hotel or office)

ATTACHMENT D

DRAFT
June 13, 2006

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION
FOR CERTAIN PROPERTY LOCATED AT
2825 SAND HILL ROAD**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain property located at 2825 Sand Hill Road to allow for the development of a 170,000-square-foot hotel facility comprised of 120 guest rooms, five villas, a restaurant, spa, fitness center and associated facilities, and a 100,000-square-foot office complex; and

WHEREAS, the provisions of the Government Code, 65350, et. seq. have been complied with; and

WHEREAS, the City Council of the City of Menlo Park has considered the comments of the Planning Commission in regard to amending the General Plan;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City Menlo Park that the General Plan Amendment to change the land use designation for the project site from Professional and Administrative Offices to Retail/Commercial, particularly described in Exhibit "A" and Exhibit "B", be adopted.

I, Silvia M. Vonderlinden, City Clerk of the City 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 the ___th day of _____, 2006 by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

I further certify that the foregoing copy of said Resolution is a true and correct copy of the original on file in the office of the City Clerk, Civic Center, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this _____ day of _____, 2006.

City Clerk

ATTACHMENT E

DRAFT
June 13, 2006

ORDINANCE NO. ____

**An Ordinance of the City of Menlo Park, Rezoning Property Located
at 2825 Sand Hill Road**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real property located at 2825 Sand Hill Road (074-470-100) and more particularly described in Exhibit "A" and Exhibit "B" is rezoned from C-1-C (Administrative, Professional and Research District, Restrictive) to C-4-X (General Commercial, Not Applicable to El Camino Real – Conditional Development District).

SECTION 2. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ____ day of _____, 2006.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of _____, 2006, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

APPROVED:

Nicholas P. Jellins
Mayor, City of Menlo Park

ATTEST:

Silvia M. Vonderlinden
City Clerk

ATTACHMENT F

DRAFT **CONDITIONAL DEVELOPMENT PERMIT**

June 13, 2006

2825 Sand Hill Road

1. GENERAL INFORMATION:

- 1.1 Applicant: The Board of Trustees of the Leland Stanford Junior University
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, and Heritage Tree Removal Permit for the construction of a 170,000-square-foot hotel facility comprised of 120 guest rooms, five villas, a restaurant, spa, fitness center and associated facilities, and a 100,000-square-foot office complex.
- 1.3 Property Location: 2825 Sand Hill Road
- 1.4 Assessor's Parcel Numbers: 074-470-100
- 1.5 Area of Property: 21.06 acres
- 1.6 Present Zoning: C-1-C (Administrative, Professional and Research District, Restrictive)
- 1.7 Proposed Zoning: C-4-X (General Commercial, Not Applicable to El Camino Real - Conditional Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **29.5 percent** of the project site.
- 2.2 Lot coverage shall not exceed **21.5 percent** of the lot area.
- 2.3 Minimum landscaping (including hardscape as defined on the approved plan) shall be **56 percent** of the lot area.
- 2.4 The maximum amount of surface parking areas and driveways shall not exceed **22.5 percent** of the lot area.
- 2.5 Building setbacks and heights shall be in accordance with the approved plans.
- 2.6 The on-site circulation and 590 parking spaces shall be installed according to the approved plans.

- 2.7 All rooftop equipment shall be fully enclosed and integrated into the design of the building. Landscaping shall screen all utility equipment that is installed outside of a building and cannot be placed underground.

3. USES

- 3.1 The office component of the project is comprised of four buildings consisting of a total of 100,000 square feet of office space. Permitted uses in the office buildings shall include the following:
 - 3.1.1 Professional, administrative, and executive offices;
 - 3.1.2 Research and development facilities; and
 - 3.1.3 Amenities and related activities, such as fitness center, ATM machines, and café, typical to office buildings located on Sand Hill Road and meant to serve employees of the immediate area.
- 3.2 The hotel component of the project is comprised of 170,000 square feet of hotel and related facilities located in multiple buildings. Permitted uses shall include the following:
 - 3.2.1 Hotel rooms and suites (limit 120);
 - 3.2.2 Extended stay villas (limit 5);
 - 3.2.3 Restaurant and café;
 - 3.2.4 Restaurant and café where liquor and/or entertainment are provided;
 - 3.2.5 Drinking establishments in conjunction with the hotel;
 - 3.2.6 Day spa, including massage;
 - 3.2.7 Fitness center;
 - 3.2.8 Conference rooms;
 - 3.2.9 Banquet facilities;
 - 3.2.10 Retail, limited to serve the hotel guests;
 - 3.2.11 Financial establishment, such as Automatic Teller Machines (ATMs) or traveler's check exchange, limited to serve the hotel guests and employees of the immediate area;
 - 3.2.12 Personal services such as dry cleaning (where no hazardous materials are used or stored on site), beauty salons, and shoe repair meant to serve the hotel guests and employees of the immediate area; and
 - 3.2.13 Outdoor seating, outdoor pools, jacuzzis, and other similar uses and amenities related to the operation of a luxury hotel.

4. SIGNS

The Conditional Development Permit establishes a master sign program for the site, which includes a project monument sign at the entrance, facility monument signs at key components of the site, and directional signs throughout the complex as generally shown on sheets L1.02 and L1.08 of the approved plans. The signage shall be constructed of similar, high quality materials that are consistent and compatible with the architecture and color of the buildings. The

size of the signs shall be appropriate for the location and purpose. Typical dimensions are as follows:

Project Monument Sign: Six feet in height by 15 feet in width;

Facility Monument Sign: Four feet, four inches in height by eight feet, two inches in width; and

Directional Signage: Four feet, four inches in height by three feet, two inches in width.

5. TERMS OF THE PERMIT

5.1 The Conditional Development Permit shall expire one year 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 Modifications to the hotel and office buildings and property may be considered under the following terms:

5.2.1 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 Conditional 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.

5.2.2 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 Conditional 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.

5.2.3 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.

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

6. PROJECT SPECIFIC CONDITIONS:

- 6.1. Development of the project shall be substantially in conformance with the following plans submitted by Hill Glazier Architects, SWA, Babey, Moulton, Jue and Booth, Nishkian Menninger, BKF, Fehr and Peers, and Blum Consulting dated received by the Planning Division on June 8, 2006, consisting of 57 plan sheets and recommended for approval to the City Council by the Planning Commission on May 22, 2006, except as modified by the conditions contained herein.
- 6.2. Concurrent with the rough grading permit submittal, the applicant shall submit a dust control plan that includes dust control measures to reduce particulate matter emissions during project grading and construction phases. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, all plans shall include a contact name and phone number to receive and address any complaints. The plan shall be subject to review and approval of the Planning Division. The project contractor(s) shall comply with the dust control strategies developed by the Bay Area Air Quality Management District. The project sponsor shall include in construction contracts the following requirements or measures shown to be equally effective.
- 6.2.1 Cover all truck hauling soil, sand, and other loose construction and demolition debris from the site, or require all such trucks to maintain at least two feet of freeboard;
 - 6.2.2 Water all exposed or disturbed soil surfaces in active construction areas at least twice daily;
 - 6.2.3 Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;
 - 6.2.4 Sweep daily (with water sweepers) all paved parking areas and staging areas;
 - 6.2.5 Provide daily clean-up of mud and dirt carried onto paved streets from the site;
 - 6.2.6 Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - 6.2.7 Limit traffic speeds on unpaved roads to 15 mph;

- 6.2.8 Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - 6.2.9 Replant vegetation in disturbed areas as quickly as possible;
 - 6.2.10 Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
 - 6.2.11 Install wind breaks at the windward side(s) of construction areas;
 - 6.2.12 Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour over a 30-minute period or more; and
 - 6.2.13 To the extent possible, limit the area subject to excavation, grading, and other dust-generating construction activity at any one time.
 - 6.2.14 The dust control plan shall include the dust control coordinator's information and indicate that all construction sites shall have posted in a conspicuous location the name and phone number of a designated construction dust control coordinator who can respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control. (MM 3.2-1A and MM 3.2-1B)
- 6.3. Except for the two heritage trees to be removed and replaced pursuant to the Heritage Tree Ordinance, heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Concurrent with the rough grading permit submittal, the applicant shall submit a revised arborist report to include tree protection measures and preservation techniques for all applicable heritage trees, including the installation of tree protective fencing prior to any construction activity.
- 6.4. Concurrent with the rough grading permit submittal, the applicant shall submit a construction staging plan, showing the areas for storage of materials, and a construction vehicle parking plan. The stockpiling and storage of construction materials and equipment prior to use and installation shall be minimized to the extent practicable. The delivery of construction materials shall reasonably be timed to coincide with their use so as not to allow for excessive materials storage on the project site. Staging areas shall be located away from I-280 and Sand Hill Road to the extent possible, without encroaching on the adjacent office complex, and close to or within the general area of construction, out of the way of vehicular traffic and pedestrian use. The plan shall be subject to review and approval of the Planning and Building Divisions. (MM 3.1-1)
- 6.5. Concurrent with the rough grading permit submittal, the project applicant shall submit an Archaeological Monitoring and Data Recovery Plan (AMDRP) prepared by a qualified archaeologist. The AMDRP shall be submitted to the City of Menlo Park and to the Stanford University Campus Archaeologist for approval, and shall be implemented prior to the issuance of the grading

permit. The AMDRP shall specify that an archaeologist be present for all vegetation-clearing and grading activities associated with project construction. The AMDRP shall define where and how data recovery will be conducted for all important archaeological resources discovered, how archaeological monitoring will be conducted, and the protocol to be followed in the event that significant resources are discovered during archaeological monitoring. In addition, the AMDRP shall include the following:

- A site-specific research design, describing the types of thematic research topics to be addressed and the specific methodology to be used during data recovery, with provisions for amending the AMDRP shall the resources encountered differ from those anticipated.
 - Provisions for artifact cataloging, complete and thorough analysis, and curation.
 - Provisions for consultation with the Native American Heritage Commission in the event that skeletal remains are discovered.
 - An outline for the preparation of a technical report of findings, within a reasonable time period, that meets professional standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation). Draft copies of the technical report are to be provided to the City of Menlo Park and to the Stanford University Campus Archaeologist for review and concurrence, and final copies provided to the City of Menlo Park, the Stanford Archaeologist, and the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS).
 - All recovered artifacts (and site features, if any) shall be analyzed sufficiently to address the research questions posed in the AMDRP, which could include radio-carbon assay, obsidian hydration analysis, lithic analysis, or other techniques as determined necessary. All artifacts shall be preserved and recorded in accordance with recognized standards (e.g., the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation). (MM 3.4-1)
- 6.6 Concurrent with the rough grading permit submittal, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling water discharges associated with construction activity. The applicant shall submit a grading plan with associated erosion and sedimentation control notes/plans. The plan shall be submitted for review and approval by the Engineering Division. Projects that disturb one or more acre of land surface (such as the proposed project) are subject to the NPDES Construction General Permit c.3 provisions. The SWPPP may include, but would not

necessarily be limited to, BMPs for reducing sediment and chemicals in stormwater runoff.

BMPs may include the following:

Erosion and Sediment Control Construction BMPs:

- Construction scheduling, such as phasing and season avoidance, to minimize erosion and sediment;
- Perimeter protection such as straw wattles or silt fences;
- Check dams to prevent gully erosion and/or slow water down to allow sediment to settle out;
- Gravel bag berm/barriers to prevent runoff or run-on of surface water flows;
- Street sweeping and vacuuming to remove vehicle-tracked soil and sediment;
- Storm Drain Inlet Protection such as filter bags and perimeter protection;
- Stabilized Construction Entrance to prevent vehicle tracking of sediment and debris on roadways; and
- Wind Erosion Control BMP such as soil stabilizers (would require more water quality modeling), wetting down of dry sediment, or covering exposed surfaces.

Vehicle and Equipment Operation BMPs

- Construction equipment to be brought to the site no sooner than it is needed and removed from the site as soon as practical. Major equipment overhaul will take place off site;
- Vehicle and equipment maintenance facilities prepared and used to prevent discharges of fuel and other vehicle fluids; and
- Vehicle and Equipment Fueling to take place in a contained staging area to prevent discharges of fuel and other vehicle fluids.

Waste Management and Materials Management BMPs

- Material delivery and storage—materials to be stored either off-site or under cover. Hazardous materials to be stored in contained areas. (MM3.7.1)

6.7 Concurrent with the rough grading permit submittal, the applicant shall submit a Construction Noise Plan subject to review and approval by the Planning and Building Divisions. The Plan shall include the following measures to implement during construction:

6.7.1 To minimize construction noise impacts on nearby residents and businesses, and to be consistent with Title 8 of the City of Menlo Park

Municipal Code, construction activities that exceed stated noise limits are permitted only between the hours of 8:00 AM and 6:00 PM, Monday through Friday, and are prohibited on weekends and federal holidays.

- 6.7.2 Construction equipment shall be properly muffled and maintained with noise reduction devices to minimize construction-generated noise.
 - 6.7.3 Prohibit unnecessary idling of internal combustion engines.
 - 6.7.4 The contractor shall locate stationary noise sources on the project site as far as possible away from existing residential and commercial uses, and require the use of acoustic shielding with such equipment when feasible and appropriate.
 - 6.7.5 The construction contractor shall designate a “noise disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise. The coordinator would determine the cause of the noise complaint (i.e., starting too early, bad muffler, no shielding), and would require that reasonable measures warranted to correct the problem would be implemented. Conspicuously post a telephone number for the coordinator at the construction site and include it in the notice sent to neighbors and businesses regarding the construction schedule. (MM 3.9-1)
- 6.8 Concurrent with the rough grading permit submittal, the applicant shall prepare a Traffic Control Plan that identifies the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network, such as Sand Hill Road and local streets, and encourage the use of Interstate 280. It may be necessary to limit construction activities and materials delivery to off-peak hours or determine access to particular areas of construction that would not conflict with local traffic circulation or vehicular access to the residential areas, the office and commercial areas along Sand Hill Road, and Stanford University. The applicant shall consult with the County of San Mateo and City of Palo Alto on the Traffic control Plan. The plan shall be subject to review and approval of the Planning and Transportation Divisions. (MM 3.13-6)
- 6.9 Prior to commencement of rough grading, the applicant shall hire a qualified biologist to conduct a field survey from 21 to 14 days prior to commencement of activities that would result in removal of vegetation during breeding season (February 1 through August 31) in order to prevent the direct loss of sensitive bird species or their nests. The field survey shall be submitted to the Planning Division for review. A qualified biologist shall determine if active nests of native birds are present in the construction zone (area where activities occur that result in the removal of vegetation). If no bird nests are observed, then no further mitigation is necessary. In the event an active nest is discovered in areas to be disturbed, removal of the nesting substrate shall be postponed

until the nest is vacated and juveniles have fledged (typically three to four weeks for small passerines), as determined by the biologist, and there is no evidence of second nesting attempts unless the California Department of Fish and Game (CDFG) and US Fish and Wildlife Service for migratory birds (USFWS) authorize otherwise. No surveys are required if vegetation removal would occur outside the nesting season, from September 1 to January 31. (MM3.3-1A)

6.10 During the blooming period for plant species of interest as identified in the EIR, the applicant shall hire a qualified botanist to survey the project site in accordance with protocols developed by CDFG or USFWS in order to prevent the direct loss of sensitive plant species. The survey shall be submitted for review by the Planning Division. If no sensitive plant species are observed, no further mitigation is required. If sensitive plant species are observed within the area to be impacted (area where activities occur that result in the removal of vegetation) by the project, the botanist shall implement a detailed mitigation plan that includes the following elements:

- Population estimate of the plants within the project site that would be impacted.
- Basic habitat requirements of the species effected by the project.
- Identification of a mitigation site including existing vegetative characteristics, species assemblages, ownership, etc.
- Detailed seed or plant collection, propagation, planting, and routine care methodologies to be employed. All stock shall be harvested from the project site when possible.
- Specific success criteria, monitoring protocols, and reporting pathways including remedial actions if mitigation plantings do not succeed.

The mitigation plan shall be submitted to the Planning Division, CDFG and USFWS as appropriate prior to implementation. All annual reporting per CDFG and USFWS protocol shall be also submitted to the agencies for review. (MM 3.3-1B)

6.11 During grading, in the event fossilized or unfossilized shell or bone is uncovered for the proposed project, contractors shall stop work in the immediate area of the find, notify the landowner, Stanford University, and retain a qualified paleontologist to survey the site and assess the find. In addition, the project sponsor shall notify the Community Development Department. The paleontologist retained by the project sponsor shall visit the site and make recommendations for treatment of the find that shall be sent to the Community Development Director. Recommendations could include collection, recordation, and analysis of any significant cultural materials. If a fossil find is confirmed, it shall be recorded with the U.S. Geological Survey and curated in an appropriate repository. (MM 3.4-2)

- 6.12 Prior to rough grading permit issuance, the applicant shall submit a plan for construction safety fences around the site for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 6.13 Prior to rough grading permit issuance, the project applicant or its agent shall acquire all appropriate wetland permits and submit documentation to the Planning Division. These permits include a Section 404 Wetlands Fill Permit from the Corps, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and, if necessary, a Section 1600 Streambed Alteration Agreement from CDFG.

Wetland mitigation shall be implemented as required as a part of the Section 404 CWA permitting process. Mitigation is to be provided concurrent with construction of the proposed project. Mitigation could include purchase of the appropriate amount of credits from a local mitigation bank if available. The exact mitigation ratio is variable, based on the type and value of the wetlands that could be affected by the project, but would be a minimum of 1:1.

In addition, a Wetland Mitigation and Monitoring Plan shall be implemented in accordance with Section 404 CWA permitting process and include the following:

- Descriptions of the wetland types, and their expected functions and values;
- Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five to ten years;
- Plans showing the location, size and configuration of wetlands to be created or restored (if a mitigation bank is not used);
- An implementation schedule showing that construction of mitigation areas will commence prior to or concurrently with the initiation of construction; and
- A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank).

The wetland mitigation shall be constructed prior to final inspection of the first phase of the project. (MM 3.3-3 and 3.3-4)

- 6.14 During grading or construction, if human remains are discovered, the project sponsor shall halt further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains. In accordance with State CEQA Guidelines section 15604.5(e), the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage

Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendant or in the event the landowner and the descendant fail to reach an agreement, the remains may be re-interred with appropriate dignity elsewhere on Stanford University property in a location not subject to further subsurface disturbance.

A final report shall be submitted to the Community Development Department which shall contain a description of the mitigation program that was implemented and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Community Development or designee. (MM 3.4-3)

- 6.15 Concurrent with site improvement permit submittal, 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 utilities shall be placed underground. 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.
- 6.16 Concurrent with the site improvement permit submittal, the applicant shall submit a Grading and Drainage Plan for review and approval by the Engineering Division. The plans shall be prepared by a Civil Engineer registered in California and shall be included in the project plans submitted for the site improvement permit application. The Grading and Drainage Plan shall be approved prior to issuance of a site improvement permit.
- 6.17 Concurrent with the site improvement permit submittal, the applicant shall submit improvement plans subject to review and approval of the Public Works Department. The comprehensive submittal shall include the following on-site items:
 - 6.17.1 Improvement plans for closure of existing median island at the project entrance and Addison Wesley site at 2725-2775 Sand Hill Road; and
 - 6.17.2 Roads and parking lots.
- 6.18 Concurrent with the site improvement permit submittal, the applicant shall submit improvement plans subject to review and approval of the Public Works Department. The comprehensive submittal shall include the following off-site (limited to City's jurisdiction) items:

- 6.18.1 Improvement plans for the right-of-way fronting the property along Sand Hill Road; and
 - 6.18.2 Improvement plans for Sand Hill Road, including the right turn lane into the project site, which shall have a minimum 12-foot asphalt travel lane, and the relocated bicycle lane adjacent to the right turn lane, which shall have a minimum width of seven feet.
- 6.19 Concurrent with the site improvement permit submittal, the applicant shall submit improvement plans subject to review and approval of the Public Works Department. The comprehensive submittal shall include the following improvements to the Addison-Wesley intersection:
- 6.19.1 Removal of “pork chops” at the Addison-Wesley intersection;
 - 6.19.2 Improvement plans for American with Disabilities Act (ADA) (consistent with California code) compliant ramp upgrades at the four corners of the Sand Hill Road and Addison Wesley intersection;
 - 6.19.3 Improvement plans for Sand Hill Road and Addison Wesley intersection crosswalk; and
 - 6.19.4 Installation of video detection monitoring system at intersection.
- 6.20 Concurrent with the site improvement permit submittal, the applicant shall submit final Storm Drainage, Grading, Erosion and Sedimentation Control Plans for review and approval by the Engineering Division. The final plans shall be prepared by a Civil Engineer registered in California, shall be in accordance with the preliminary plans, and shall be included in the project plans submitted for the site improvement permits. The following specific elements shall be shown on the Plans:
- 6.20.1 Square footages of existing (pre-development) and proposed (post-development) on-site impervious areas and the change in the square footage of impervious area upon completion of the proposed project;
 - 6.20.2 Provide a detailed Hydrology Report showing the post development Q and the pre-development Q and proposals for hydro-modification by means of detention/retention.
 - 6.20.3 Provide a detailed Storm Water Quality Report identifying all c.3 site design measures to maximize pervious area, source control measures to keep pollutants out of the stormwater, construction BMPs and post-construction treatment measures;

- 6.20.4 All storm drain water, if not handled by on-site infiltration, must drain to a natural waterway, the public street, or public storm drain system; and
- 6.20.5 Compliance with all applicable National Pollutant Discharge Elimination System (NPDES) Permit requirements.
- 6.21 Concurrent with the site improvement permit submittal, the project applicant shall prepare a storm water management plan (SWMP) that incorporates stormwater quality Best Management Practices (BMPs) into the project design subject to review and approval by the Engineering Division.

The City of Menlo Park requirements for a Grading Plan include maximizing infiltration of stormwater and where on-site infiltration is not sufficient, routing of stormwater through vegetated swales or other comparable BMPs prior to discharge to the public storm drain systems. Other water quality BMPs are included in requirements of the Grading Plan.

As part of the project design, disconnected roof drains, bioretention filtration areas (e.g., rain gardens), and roadside swales will be implemented to the maximum extent practicable. Mechanical treatment devices would be used, where necessary, but not to exceed treatment of 15 percent of the project area. Details of the stormwater quality BMPs locations, size, and type shall be included in the SWMP. According to the General Permit C.3. provisions, 85 percent of the annual site runoff must be treated consistent with City and County standards. The stormwater plan and grading and drainage plan shall be subject to review and approval of the Engineering Division. The BMPs will be installed and maintained as stipulated in the Grading Plan requirements of the City of Menlo Park's Grading and Drainage Plan Guidelines and Checklist.

All construction activities, including road improvements, installation and realignment of utilities, and new development would be subject to the City of Menlo Park Municipal Code Stormwater Management Program (7.42) and requirements for obtaining a Grading Permit prior to the initiation of construction. (MM 3.3-2 and MM 3.7-1)

- 6.22 Prior to site improvement permit issuance, the applicant shall submit documentation of approval from all utility companies that are directly applicable to the project.
- 6.23 Prior to site improvement permit issuance, the applicant shall obtain all necessary approvals for annexation of the property into the West Bay Sanitary District through the San Mateo Local Agency Formation Commission (LAFCo). The existing sewer system shall be extended to serve the proposed project and upgraded where needed.

- 6.24 Prior to site improvement permit issuance and prior to building permit issuance, the applicant shall comply with the Menlo Park Fire Protection District's regulations that are applicable to the project.
- 6.25 Prior to foundation permit issuance, the applicant shall submit all necessary improvement plans and documents required by Caltrans for work associated with projects under Caltrans' jurisdiction, including, but not limited to, the I-280 off-ramp, the pedestrian path, and (if applicable pursuant to section 6.26) the median island landscaping.
- 6.26 Prior to foundation permit issuance, the applicant shall submit improvement plans for the landscaped median island on Sand Hill Road along the frontage of the subject property if the applicant and adjacent property owners agree on a cost-sharing program for the long-term maintenance of the median island. The submittal shall include a complete application for an encroachment permit for work performed within Caltrans' jurisdiction. The applicant shall install the improvements in the median island and enter into a long-term maintenance agreement with the City and/or Caltrans, depending on the applicable jurisdiction.
- 6.27 Prior to foundation permit issuance, the applicant shall submit improvement plans for the pedestrian pathway on the north side of Sand Hill Road across from the project site. The submittal shall include a complete application for an encroachment permit for work performed within Caltrans' jurisdiction. The applicant shall construct the improvements as applied for within 180 days of obtaining a Caltrans encroachment permit therefor unless a longer timeframe, not to exceed one year, is identified in the Caltrans permit. If after two years from the date of encroachment permit application the applicant has not obtained an encroachment permit from Caltrans the City of Menlo Park, at its discretion, has up to two years to determine whether to enter into an agreement with the applicant, for the City to pursue the necessary approvals and construct the improvements subject to the applicant paying for said improvements, including but not limited to, construction costs, design fees, consultant fees, inspection fees and costs associated with obtaining Caltrans approval. If after four years from the date of project approval an encroachment permit has not been issued by Caltrans, neither the City nor the applicant shall be obligated to implement said improvements.

In the event that either the City decides not to pursue the improvements or four years elapse without issuance of the Caltrans encroachment permit, the applicant shall provide to the City an engineer's estimate of the cost of construction of the improvements described in the encroachment permit application. Upon review and approval of the estimate by the City of Menlo Park Director of Public Works, the applicant shall pay the amount of the estimate (the "Funds") to the City. The City shall make the Funds available to Caltrans for any Caltrans project that includes improvements to pedestrian circulation within the project vicinity. If Caltrans has not committed to implement such a project five years from the encroachment permit

application, the City may use the Funds for pedestrian improvements along Sand Hill Road.

- 6.28 Prior to foundation permit issuance, the applicant shall apply for an encroachment permit from Caltrans to convert the existing through lane from the northbound off-ramp of Interstate 280 to the east bound portion of Sand Hill Road to a through-right lane, including related intersection improvements to accommodate the construction or reconfiguration of the intersection. This may include removal of the right-turn divider island, relocation of the traffic signal pole and installation of new traffic signal equipment. The through-right and right turn lanes shall extend approximately 300 feet south from Sand Hill Road.

The application shall include all necessary improvement plans and documents that are required by Caltrans. The applicant agrees to diligently pursue Caltrans approval and shall submit revised plans and documents reasonably required by Caltrans promptly after receipt of written comments from Caltrans. As part of the building permit submittal, the applicant shall submit a copy of the Caltrans encroachment permit application to the City of Menlo Park Director of Public Works and provide updates on the status of the encroachment permit application to the Director of Public Works every six months for four years after the encroachment permit application.

The applicant shall construct the improvements as applied for within 180 days of obtaining Caltrans encroachment permit therefore unless a longer timeframe, not to exceed one year, is identified in the Caltrans permit. If after two years from the date of encroachment permit application the applicant has not obtained an encroachment permit from Caltrans the City of Menlo Park, at its discretion, has up to two years to determine whether to enter into an agreement with the applicant, for the City to pursue the necessary approvals and construct the improvements subject to the applicant paying for said improvements, including but not limited to, construction costs, design fees, consultant fees, inspection fees and costs associated with obtaining Caltrans approval. If after four years from the date of project approval an encroachment permit has not been issued by Caltrans, neither the City nor the applicant shall be obligated to implement said improvements.

In the event that either the City decides not to pursue the improvements or four years elapses without issuance of the Caltrans encroachment permit, the applicant shall provide to the City an engineer's estimate of the cost of construction of the improvements described in the encroachment permit application. Upon review and approval of the estimate by the City of Menlo Park Director of Public Works, the applicant shall pay the amount of the estimate (the "Funds") to the City. The City shall make the Funds available to Caltrans for any Caltrans project that includes capacity improvements to the I-280 northbound off-ramp to Sand Hill Road. If Caltrans has not committed to implement such a project five years from the encroachment permit

application, the City may use the Funds for improvements to Sand Hill Road west of Santa Cruz Avenue. (MM 3.13-2 and 3.13-4)

6.29 Prior to foundation permit issuance, the applicant shall pay the following fees associated with the project:

6.29.1 The applicant shall pay all applicable school impact fees associated with the project.

6.29.2 The applicant shall pay the applicable Building Construction Street Impact Fee.

6.29.3 The applicant shall pay the below market rate fee in accordance with Section 16.96.030 of the Zoning Ordinance based on the fee in effect at the time of payment. The fee is estimated to be \$ 2,510,300 based upon 100,000 square feet of office/R&D at \$13.05 per square foot and 170,000 square feet of non-office (hotel) at \$7.09 per square foot.

6.29.4 The applicant shall pay a traffic impact fee of \$1.60 per square foot of gross building square footage. The fee could be used on a variety of capital improvement projects to help reduce traffic impacts including adaptive signal timing, capacity improvements throughout the City and/or future traffic calming measures. (MM 3.13-1)

6.30 Concurrent with the building permit submittal, the applicant shall submit a revised plans to include the following:

6.30.1 Plans for the exterior wall of the office building parking structure for review and approval of the Planning Division. The plan shall include the use of high quality materials comparable to the rest of the buildings and shall incorporate landscape screening where appropriate.

6.30.2 Elevations and cross-sections for buildings F1 and F2 showing lowered finished grades by two to three feet.

6.31 Concurrent with the building permit submittal, the applicant shall submit detailed plans, already approved by Allied Waste, for the provision of on-site recycling and garbage receptacles throughout the project site for review and approval of the Planning Division and the Environmental Program Coordinator. The appearance of any recycling facilities not contained within the structures shall be compatible with the architecture of the building.

6.32 Concurrent with the building permit submittal, the applicant shall submit a landscaping plan that shows the species, size, quantity and location of all trees, shrubs, plants, and other landscaping material. The number of tree replacement trees shall be in conformance with the City's requirements for commercial projects at a ratio of 2:1 (new:removed). The landscaping plan is subject to review and approval of the Planning Division. (MM 3.3-5)

- 6.33 Concurrent with the building permit submittal, the applicant shall submit a detailed landscape and irrigation plan for review and approval of the Community Development and Public Works Departments. The plan shall comply with the regulations for Water Efficient Landscaping (Municipal Code Chapter 12.44) and be consistent with San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) regarding the selection of pest resistant plants to minimize pesticide use. The landscaping plan shall also include sight distance triangles for pedestrian and vehicular safety. The landscaping shall be installed prior to final building inspection of the last office building or hotel, whichever comes first.
- 6.34 Concurrent with the building permit submittal, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval of the Planning Division. A photometric study shall be included. The lighting plan shall minimize glare and spillover.

Night lighting along streets, in parking areas, and along walkways for the project shall be focused downward and/or shielded to avoid glare and point sources of light from interfering with the vision of off-site persons and motorists on local roadways except for area-specific tree, sign and decorative accent lighting with limited illumination radii.

The applicant shall retain a specialist in lighting design to determine light source locations, light intensities, and types of light source. Lighting levels provided shall be compatible with general illumination levels in the area where development occurs (e.g., along Sand Hill Road or the adjacent office complex) to avoid a noticeable contrast in light emissions, and to also provide for safety and security. The overall objective is to establish area lighting that would be adequate for safety and surveillance, but minimize the potential effects on nighttime views from locations off the project site. (MM 3.1-2)

- 6.35 Prior to final inspection of the office buildings, a minimum of 25 percent of the guest rooms must pass sheet rock inspection.
- 6.36 Prior to final building inspection, the applicant shall provide evidence satisfactory to the Director of Public Works that the storm drainage system under I-280 will operate as designed and approved.
- 6.37 Prior to final building inspection, the applicant is required to enter into a "Stormwater Treatment Measures and Operation Maintenance (O&M) Agreement" with the City subject to review and approval of the Director of Public Works. With the executed agreement, the property owner is responsible for the operation and maintenance of 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.

- 6.38 Prior to final inspection of either the hotel or office component, whichever comes first, the applicant shall submit information on the timing and routes of the shuttle service connecting the project site with the existing local and regional transit services along El Camino Real as part of the Transportation Demand Management Plan. The project sponsors shall fund and implement the operation of a shuttle service for the occupied life of the project. Additionally, upon implementation of the shuttle service, the applicant shall periodically (no less than once every two years) survey employees' interest in shuttle service to the Menlo Park and Palo Alto Caltrain stations and, to the extent shuttle service can reasonably be divided, provide representative allocation of services to the Menlo Park Caltrain station. The plan, including the employee survey results, shall be reviewed and approved by the Planning and Transportation Divisions. The shuttle shall be operational at the time of occupancy of the first component (hotel or office) of the project. (MM 3.13-7)
- 6.39 Concurrent with the start of occupancy of the first component (hotel or office) of the project, the applicant shall implement a Transportation Demand Management (TDM) plan consistent with the TDM measures identified in the DEIR for the project. These programs, once implemented, must be on going for the occupied life of the development. The TDM plan is subject to review and approval of the Planning and Transportation Divisions. (MM 3.13-8)

Recommended for Approval by the
Menlo Park Planning Commission on
May 22, 2006

Approved by the
Menlo Park City Council on
_____, 2006

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

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**BELOW MARKET RATE
IN LIEU FEE AGREEMENT**

This "Agreement" is made as of this ____ day of _____, 2006 by and between the City of Menlo Park, a California municipality ("City") and The Board of Trustees of Leland Stanford Junior University, a body having corporate powers under the laws of the State of California, ("Developer"), with respect to the following:

RECITALS

A. Developer owns certain real property in the City of Menlo Park, County of San Mateo, State of California, consisting of approximately 21 acres in the south-east quadrant of the intersection of I-280 and Sand Hill Road, more particularly described as assessor's parcel number 074-470-100 ("Property") and commonly known as 2825 Sand Hill Road, Menlo Park.

B. Developer proposes to construct on the Property a commercial project consisting of an office building and a hotel ("Project"). Developer has applied to the City for a General Plan Amendment, Rezoning, Conditional Development Permit, and related Environmental Review (PLN2005-00029) and intends to apply for building permits to construct the Project.

C. Developer is required to comply with Chapter 16.96 of City's Municipal Code, ("BMR Ordinance"), and with the BMR Housing Program Guidelines adopted by the City Council to implement the BMR Ordinance ("Guidelines"). In order to process its applications, the BMR Ordinance requires Developer to submit a Below Market Rate Housing Agreement. This Agreement is intended to satisfy that requirement. Approval of a Below Market Rate Housing Agreement is a condition precedent to the approval of the applications and the issuance of building permits for the Project.

D. Residential use of the Property is not allowed by the applicable zoning regulations and construction on-site of below market rate units is not feasible or desirable. Stanford does not own any sites in the City that are available and feasible for construction of sufficient below market rate units to satisfy the requirements of the BMR Ordinance. Based on these facts, City has found that development of such units off-site in accordance with the requirements of the BMR Ordinance and Guidelines also is not feasible.

E. City has determined not to require Developer to provide below market rate units and, under the terms of the BMR Ordinance, Developer therefore is required to pay an in lieu fee as provided in this Agreement, which Developer is willing to pay on the terms set forth in this Agreement, which the City has found are consistent with the BMR Ordinance and Guidelines.

NOW, THEREFORE, the parties agree as follows:

1. Developer shall pay the applicable in lieu fee as provided in the BMR Ordinance and Guidelines. The applicable in lieu fee is that which is in effect on the date the payment is made. The current fee, which is subject to escalation each July 1, is \$13.05/s.f. for the office space and \$7.09/s.f. for the hotel space.

2. The fee shall be paid before issuance of a building permit for the project and may be paid at any time after approval of this agreement by the City Council. If, for any reason, a building permit is not issued within a reasonable time of payment of the fee, upon request by Developer, City shall promptly refund the fee, without interest, in which case the building permit shall not issue until payment of the fee is again made at the rate applicable at the time of payment.

3. This Agreement shall be binding on and inure to the benefit of the parties hereto and their successors and assigns. Either party may assign this Agreement without the consent of the other, provided the assignment is in writing.

4. This Agreement is a covenant running with the land for the benefit of the City and all lands owned by the City within the limits of the City.

5. If any legal action is commenced to interpret or enforce this Agreement or to collect damages as a result of any breach of this Agreement, the party prevailing shall be entitled to recover all reasonable attorneys' fees and costs incurred in such action from the other party.

6. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

7. The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

8. This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof.

9. Any and all obligations or responsibilities of Developer under this Agreement shall terminate upon the payment of the required fee.

10. To the extent there is any conflict between the terms and provisions of the Guidelines and the terms and provisions of this Agreement, the terms and provisions of this Agreement shall prevail.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF MENLO PARK

DEVELOPER:

By: _____
David S. Boesch
City Manager

By: _____