



**NOTICE OF AVAILABILITY OF THE
DRAFT ENVIRONMENTAL IMPACT REPORT and
NOTICE OF PUBLIC HEARING
CITY OF MENLO PARK PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Menlo Park, California is scheduled to review the following item:

General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Architectural Control, Tentative Parcel Maps, Heritage Tree Removal Permits, Below Market Rate (BMR) Agreement, and Environmental Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project):

1. General Plan Amendment to create a new Mixed-Use Commercial Business Park land use designation, which would allow research and development (R&D) facilities, offices, hotels/motels, health/fitness centers, cafes and restaurants, and related commercial uses. The maximum floor area ratio (FAR) would be set at 100% for offices, R&D, and related commercial facilities, 12.5% for health/fitness centers, cafes and restaurants, day care facilities, and related retail/community facilities, and 25% for hotels/motels (total maximum FAR of 137.5%);
2. General Plan Amendment to change the land use designation of the properties from Limited Industry to Mixed-Use Commercial Business Park;
3. Zoning Ordinance Amendment to create a new M-3 (Mixed-Use Commercial Business Park) zoning district to allow for uses and FAR as stated in the corresponding General Plan land use designation. In addition, the M-3 zoning district would permit a maximum building height of 140 feet and a maximum number of 235 hotel rooms, and would specify use-based off-street parking requirements;
4. Rezoning the properties from M-2 (General Industrial) to M-3 (Mixed-Use Commercial Business Park);
5. Development Agreement to create vested rights in project approvals, address implementation of the proposed design and infrastructure improvements in the project area, and specify benefits to the City;
6. Architectural Control approval of specific project plans for the construction of new buildings with a maximum of 955,170 square feet of gross floor area (137.5% FAR) and a maximum building height of 140 feet;
 - The Constitution Drive site would include two eight-story office buildings totaling 494,669 square feet; potential neighborhood-serving convenience retail and community facility space; and two multi-story parking structures;
 - The Independence Drive site would include a 200,000-square-foot, eight-story office building; a 171,563-square foot, eleven-story, 230-room hotel; a 68,519-square-foot health and fitness center; a 4,245-square-foot restaurant; potential neighborhood-serving convenience retail and community facility space; and a shared multi-story parking structure;
7. Tentative Parcel Maps (one on the Independence site and one on the Constitution site) to merge lots, adjust lot lines, and establish easements.
8. Heritage Tree Removal Permits to remove 40 heritage trees on the Independence site and 32 heritage trees on the Constitution site;
9. BMR Agreement for the payment of in-lieu fees associated with the City's Below Market Rate Housing Program; and
10. Environmental Impact Report (EIR) to analyze the potential environmental impacts of the proposal.

In addition, a Draft Fiscal Impact Analysis (FIA) has been prepared for the proposed project and is available for review.

The Draft EIR prepared for the project identifies potentially significant environmental effects that can be mitigated to a less than significant level in the following categories: Aesthetics, Biological Resources, Cultural Resources, Hydrology and Water Quality, Hazardous Materials, Land Use, Population and Housing, Public Services, Utilities and Services Systems (other than Water Supply), and Climate Change. The Draft EIR identifies potentially significant environmental effects that are significant and unavoidable in the following categories: Air Quality, Noise, Traffic and Circulation, and Utilities and Service Systems (Water Supply only).

The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the location. The project location does not contain a toxic site pursuant to Section 65962.5 of the Government Code.

Copies of the Draft EIR will be on file for review at the City Library and available for distribution at the Community Development Department, Civic Center, 701 Laurel Street, Menlo Park, CA 94025, as of Thursday, July 23, 2009. The review period for the Draft EIR and the Draft FIA has been set from Thursday, July 23, 2009 through Monday, September 21, 2009. Written comments should be submitted to the Community Development Department no later than 5:30 p.m., Monday, September 21, 2009.

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a public hearing on this item in the Council Chambers of the City of Menlo Park, located at 701 Laurel Street, Menlo Park, on **Monday, September 14, 2009, 7:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park during the public review period for the Draft EIR or at, or prior to, the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Community Development Department, 701 Laurel Street, Menlo Park.

Please call Thomas Rogers, Associate Planner, if there are any questions or comments on this item. He may be reached at 650-330-6722 or by email at throgers@menlopark.org. Up-to-date information on the project can be found on the project webpage: http://www.menlopark.org/projects/comdev_iac.htm

Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.

DATED: July 16, 2009

Deanna Chow, Senior Planner

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Menlo Park Planning Commission

If there are any questions, please call the Planning Division at (650) 330-6702.