



# PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION  
MEETING OF MARCH 19, 2012  
AGENDA ITEMS: D2 and E1

<b>LOCATION:</b>	<b>389 El Camino Real (321-389 El Camino Real, 603-607 College Avenue and 612 Partridge Avenue)</b>	<b>APPLICANT AND PROPERTY OWNER:</b>	<b>389 El Camino Real, LLC</b>
<b>EXISTING USE:</b>	<b>Single-Family Residence, Triplex and Vacant Land (formerly Anderson Truck Lot)</b>		
<b>PROPOSED USE:</b>	<b>26 Residential Units (17 Townhomes and 9 Single-Family Residences)</b>	<b>APPLICATION:</b>	<b>Use Permit, Architectural Control, Tentative Map, Application of State Density Bonus Law, and Environmental Review</b>
<b>ZONING:</b>	<b>C-4 ECR (General Commercial, Applicable to El Camino Real) and R-3 (Apartment)</b>		

## PROPOSAL

The applicant is requesting to demolish an existing single-family residence and triplex and construct 26 residential units and related site improvements on property located in the R-3 (Apartment) and C-4 ECR (General Commercial, Applicable to El Camino Real) zoning districts. The proposed project would require approval of the following:

- 1) Use Permit for construction of three or more units in the R-3 zoning district and new construction of residential units in the C-4(ECR) zoning district;
- 2) Architectural Control for design review of the new buildings and site improvements;
- 3) Tentative Map to merge seven lots into two lots, abandon the public street easement for Alto Lane, and create 26 residential condominium units;
- 4) Below Market Rate Housing Agreement to provide three on-site BMR units in accordance with the City's Below Market Rate Housing Program and State Density Bonus Law;
- 5) Application of the State Density Bonus Law to allow one incentive and six development standard waivers; and
- 6) Environmental Review to review the proposed project for potential environmental impacts.

The subject site consists of seven legal parcels currently addressed 321-389 El Camino Real, 603-607 College Avenue, and 612 Partridge Avenue, but is commonly referred to as 389 El Camino Real. The site is currently developed with a single-family residence, a triplex, and a vacant lot formerly used for auto sales. The site spans the block between College and Partridge Avenues, with the exception of a parcel at the corner of El Camino Real and Partridge Avenue where Planet Auto, an auto body shop, is located. The majority of the subject site is zoned C-4 (ECR), with the property located at 603-607 College Avenue zoned R-3 (Apartment). As part of the proposal, the portion of Alto Lane within this block is proposed to be abandoned and become part of the development site. The technical front property line for each of the two new lots, which would follow the existing zoning district designations, would be along College Avenue.

The properties located across El Camino Real and to the left side of the subject site (when viewing from El Camino Real) are in the C-4(ECR) zoning district. The properties across College Avenue are zoned C-4 (ECR), R3A (Garden Apartment Residential), and R-1-U (Single-Family Urban). Single-family houses in the R-1-U and R-3 zoning districts located in the Allied Arts neighborhood are to the rear of the site. A mix of uses and several large vacant parcels characterize the El Camino Real corridor. The parcels along the El Camino Real corridor, including the subject parcels, are currently the subject of the El Camino Real/Downtown Specific Plan process.

## **BACKGROUND**

On June 28, 2010, the Planning Commission conducted a study session on the proposed project located at 389 El Camino Real. Both the Planning Commission and members of the public commented on the proposal. Commissioners generally shared similar sentiments about the proposal, and highlighted potential concerns about the lack of open space, the impacts to the local school district, and too many inconsistencies with the Zoning Ordinance's development regulations, which created elements that were out of character with the Allied Arts neighborhood. The primary concerns raised by the neighbors were the density and scale of the development compared to its surroundings. The topics of parking and traffic were also issues. In addition, the Commission and several members of the public were interested in learning more about

the State Density Bonus Law, which would allow the project to have a density bonus and apply development standard waivers. The staff report and minutes from the study session of June 28, 2010 are available for review online at the project web page and at the Community Development Department during business hours.

Since the 2010 study session on the project, the following project milestones have occurred:

- 1) The Planning Commission conducted a study session regarding the State Density Bonus Law (Government Code section 65915) with the City Attorney's Office on May 2, 2011. The study session was not project specific to 389 El Camino Real, but the City Attorney's Office reviewed components of the Law that would be applicable to the project. The staff report is also available online and at the Community Development Department for review. The applicability of the State Density Bonus Law with respect to the proposed project is further discussed below in the State Density Bonus Law section.
- 2) The applicant has met several times with the neighborhood task force and staff to discuss and address concerns. Based upon the comments raised by the Commission, the task force, and staff, the applicant has prepared revised plans, which are included as Attachment B. A review of the proposed changes is discussed as part of the Study Session section below.
- 3) The City's independent environmental consultant, LSA Associates, has prepared and released a Draft Environmental Impact Report (EIR) for the proposed project. The public comment review period for the Draft EIR is currently underway and ends on April 2, 2012. Tonight's meeting will provide an opportunity for the Planning Commission and members of the public to provide comments on the document. More details about the Draft EIR are discussed in Environmental Review section below.
- 4) The City's independent economic consultant, Bay Area Economics (BAE), is in the process of preparing a Fiscal Impact Analysis (FIA), projecting the potential net differences in revenues and expenditures, and resulting net fiscal impact directly associated with development of the proposed project. The study would identify projected City, Menlo Park Fire Protection District (MPFPD), and school district revenues derived from the project and the costs of providing services to the project. In addition to considering the proposed project, the study will also provide a comparative analysis of the project alternatives as identified in the EIR. This document will be available for public review and comment, and is anticipated to be released within the next few weeks. The report can be considered as part of the formal Planning Commission and City Council hearings on the project.

## **MEETING PROCEDURE**

The purpose of the March 19, 2012 Planning Commission meeting on this project is two-fold and includes the following components:

- 1. Public Hearing - Draft Environmental Impact Report:** Review the Draft EIR for the 389 El Camino Real project and provide an opportunity for Planning Commissioners and members of the public to comment individually on the Draft EIR.
  
- 2. Study Session - Review of Proposed Changes to the 389 El Camino Real Project:** An overview of the project proposal, inclusive of proposed changes to the project and an update on the project's application of the State Density Bonus Law, is discussed in this report and the Planning Commission and public will have the opportunity to provide feedback on the revised project.

Given the extensive nature of the topics to be covered at the meeting, staff recommends the following meeting procedure to effectively and efficiently move through the items.

### Draft Environmental Impact Report Public Hearing

1. Introduction by Staff
2. Draft EIR Overview Presentation by Staff
3. Public Comments on Draft EIR
4. Commission Questions to Staff/Consultant/Project sponsor on Draft EIR
5. Commissioner Comments on Draft EIR
6. Close of Public Hearing

### Project Proposal Study Session

7. Project Overview Presentation by the Project sponsor
8. Public Comments on Project Proposal
9. Commission Questions to Staff/Project sponsor on Project Proposal
10. Commissioner Comments on Project Proposal

## **PUBLIC HEARING (ITEM D- 2): ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires the evaluation of the potential impacts of projects that will result in a physical change in the environment. In accordance with CEQA, the preparation of an EIR is required when a project has the potential to result in a significant environmental impact that cannot be mitigated to a less than significant level. The purpose of an EIR is to inform City decision-makers, responsible agencies, and the general public of the potential environmental impacts associated with a project, and will be used by the City and the public in their review of the proposed project and associated approvals.

This study session provides the Planning Commissioners and members of the public the opportunity to comment individually on the Draft EIR during public comment review

period, running from February 17, 2012 through April 2, 2012. Comments received during the public hearing on the Draft EIR will be transcribed by a court reporter and responded to as part of the Final EIR. Comments may also be submitted as written correspondence before the end of the comment review period. The response to comments in the Final EIR will be reviewed at a subsequent Planning Commission meeting.

The Draft EIR for the 389 El Camino Real project evaluates 16 topic areas as required by CEQA for potential project impacts. Based on the verbal comments presented at the EIR scoping session at the Planning Commission meeting on February 28, 2011 and written communication received during the EIR scoping period, six out of the 16 environmental topic areas were identified as potential areas of controversy surrounding the project. Particular focus on the analysis of these six topic areas are addressed in separate sections of the EIR and include the following:

- Land Use and Planning Policy
- Public Services and Utilities
- Air Quality
- Noise
- Aesthetics
- Transportation, Circulation and Parking

The following topics are not evaluated in detail in the Draft EIR: agriculture and forestry resources; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; mineral resources; population and housing; and recreation. These topics are discussed together in the Effects Found Not to be Significant section of Chapter VI – Other CEQA Considerations in the Draft EIR.

The Draft EIR identifies that the proposed project will result in potentially significant impacts in the Transportation, Air Quality, Noise, and Aesthetics categories. Impacts in all categories, with the exception of Transportation impacts, will be mitigated to a less than significant level. Impacts in the Transportation category are significant and unavoidable, and are explained in more detail below.

A complete list of impacts and mitigation measures is included in Chapter II – Summary of the Draft EIR. A comprehensive table of all potential environmental impacts and associated mitigation measures can be found in Table II-2, which begins on page 9. Given the significant and unavoidable impacts associated with the project, the City Council would be required to adopt a Statement of Overriding Considerations, if it determines that the project's benefits outweigh its environmental impacts.

### Summary of Less Than Significant Project Impacts

#### *Land Use and Planning Policy and Public Services and Utilities*

The proposed project is generally consistent with its existing zoning and General Plan designations, and is compatible with surrounding residential and commercial uses.

Conversion of the currently underutilized project site to the proposed higher-density residential use would support the General Plan policies of developing housing and activities near downtown and transit centers, and help strengthen the relationship between the Caltrain Station, downtown, and the El Camino corridor. As the project is consistent with existing land use plans and policies, impacts to land use would not be significant.

The proposed project will incrementally increase demand for public services (i.e., police services, fire services, parks and recreational facilities, schools) and utilities (i.e., water service, wastewater infrastructure, solid waste services, energy, and telecommunication systems). Existing public services and utility facilities are capable of serving the proposed project without the need to increase service capacity, therefore, impacts to public services and utilities would be less than significant and do not require mitigation.

### Summary of Project Impacts Mitigated to Less Than Significant

#### *Air Quality, Noise, and Aesthetics*

The proposed project would result in the following potentially significant impacts related to air quality, noise, and aesthetics:

- 1) Air Quality: Construction of the proposed project will generate significant levels of air pollutant emissions that could expose sensitive receptors to substantial pollutant concentrations and toxic air contaminants.
- 2) Noise: The proposed project could expose sensitive receptors to significant noise impacts from: a) temporary or periodic increases in the ambient noise levels due to project construction activities; b) long-term traffic noise levels that exceed the City's noise standards; and c) noise generated from future residential activities (e.g., children playing, barbecues) and mechanical equipment (e.g., air condition units) that will expose nearby noise-sensitive land uses to unacceptable noise levels.
- 3) Aesthetics: New exterior lighting that would be installed throughout the project site could significantly increase levels of nighttime light and glare in the area, particularly at the residential area to the west of the project site.

These impacts to air quality, noise, and aesthetics will be mitigated to a less than significant level through implementation of mitigation measures identified in their respective topic sections and summarized in Table II-2 of the Draft EIR.

### Summary of Significant and Unavoidable Project Impacts

#### *Transportation*

The proposed project would result in significant and unavoidable impacts related to transportation. A Traffic Impact Analysis (TIA) was prepared with the assumption that 27 residential units (one additional unit beyond the 26 units proposed as part of the

project) would be developed because up to 27 units would be permitted on the site under the State's Density Bonus Law given the number of low-income units proposed as part of the project.

The traffic study included analysis of five different scenarios:

- Existing Condition: This condition represents existing traffic conditions when the environmental analysis was initiated.
- Near Term Condition: This condition assumes full occupancy of planned/approved developments near the project site that would be completed in the near term.
- Near Term Plus Project Condition: This condition represents traffic conditions that would exist in the Near Term Condition, plus the addition of project-related traffic.
- Long Term Condition: This condition represents traffic conditions that would exist in the Near Term Condition with an assumed growth rate of 1 percent per year to account for future development over a 20-year growth horizon
- Long Term Plus Project Condition: This condition represents traffic conditions based on the Long Term Condition plus the addition of project-related traffic.

Generally, a project would have a significant impact on the environment if it would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, or change the condition of the existing street in a manner that would substantially affect access or the traffic load and capacity of the street system.

### Intersections

The traffic study analyzed four signalized intersections that are most likely to be adversely affected by traffic generated by the proposed project. The analysis of intersections focuses on the peak AM and PM commute times for a typical week.

These intersections include:

- El Camino Real / Menlo Avenue / Ravenswood Avenue
- El Camino Real / Roble Avenue
- El Camino Real / Middle Avenue
- El Camino Real / Cambridge Avenue

The intersection analysis found that the proposed project would have little effect on the average delay at the study intersections in the Near Term Plus Project Condition and the Long Term Plus Project Condition. As such, the project would not result in any potentially significant impacts to the study area intersections, and therefore no mitigation is required.

## Roadway Segments

The City of Menlo Park Transportation Impact Analysis Guidelines (Guidelines) were utilized to evaluate impacts to roadway segments within the City of Menlo Park. These Guidelines include a set of impact criteria for minor arterial, collector and local streets based on average daily traffic (ADT) volume. To determine if there is an impact, the daily increase in traffic volumes associated with the proposal were compared to the City's impact criteria for its respective street type.

The traffic study analyzed potential impacts related to ADT added to local street segments by the proposed project. The study segments analyzed include:

- Middle Avenue between University Drive and El Camino Real
- College Avenue between University Drive and El Camino Real
- Partridge Avenue between University Drive and El Camino Real
- Cambridge Avenue between University Drive and El Camino Real
- University Drive between Middle Avenue and Cambridge Avenue
- Alto Lane between Middle Avenue and College Avenue

The road segment analysis found that the proposed project would result in three significant unavoidable transportation impacts:

- 1) In the Near Term Plus Project Condition, the proposed project would add 68 vehicles to the roadway segment of University Drive between Middle Avenue and Cambridge Avenue, which exceeds the City's 25-trip threshold for local roadways with ADT greater than 1,350 vehicles;
- 2) In the Long Term Plus Project Condition, the proposed project would add 68 vehicles to the roadway segment of University Drive between Middle Avenue and Cambridge Avenue, which exceeds the City's 25-trip threshold for local roadways with ADT greater than 1,350 vehicles; and,
- 3) In the Long Term Plus Project Condition, the proposed project would add 52 vehicles to the roadway segment of Middle Avenue between University Drive and El Camino Real, which exceeds the City's 50-trip threshold for collector roadways with ADT greater than 9,000 vehicles.

These contributions to roadway traffic volumes would be considered significant because they would exceed the City's average daily trip thresholds.

## Mitigation Measures

### *Feasible Mitigation Measures*

The following transportation related mitigation measures will be implemented in the proposed project:

- **Transportation Demand Management (TDM) Program:**  
The project applicant shall develop and implement a TDM Program to encourage the use of alternative modes of transportation and reduce the daily number of vehicles generated by the project. Potential TDM measures include the following:

- A commute assistance kiosk;
- Subsidized public transit passes;
- Carpool matching assistance;
- Vanpools;
- Shuttle service to area transit hubs; and,
- Bicycle facilities

The TDM Program, which could be shared with that of other residential developments or businesses in the area, shall be reviewed and approved by the City. Implementation of a TDM program is only partial mitigation, and would not reduce the Project's roadway segment impacts to a less than significant level.

*Mitigation Measures Found to be Infeasible*

The following mitigation measure for transportation impacts has been identified; however, its implementation is infeasible and will not be implemented in the proposed project.

- **Additional Roadway Capacity:** The construction of one lane in one or both travel directions would be necessary to mitigate for the following two roadway segments that would be significantly impacted by the proposed project: 1) University Drive between Middle Avenue and Cambridge Avenue, and 2) Middle Avenue between University Drive and El Camino Real. Implementing this mitigation measure would require approximately 12 feet of additional right-of-way along each side of the street segment in predominantly residential areas. This mitigation measure is infeasible because it would diminish residential front yards and adversely affect property owners along the affected road segments of University and Middle Avenues. Therefore, these impacts would remain significant and unavoidable.

No feasible mitigation measures have been identified that would reduce these significant transportation impacts to a less than significant level. Therefore, the impacts to roadway traffic volumes would remain significant and unavoidable, and the City would need to adopt a Statement of Overriding Considerations to approve the project.

Summary of Alternatives Analysis

Per the requirements of CEQA, alternatives are required to meet the majority of the project objectives established by the project sponsor, and substantially lessen or avoid significant and unavoidable impacts.

The Draft EIR analyzed the following five alternatives to the proposed project:

- 1) The **No Project alternative** assumes the project site would generally remain in its existing condition. The existing buildings, infrastructure, and fenced parking lot would remain with minimal or no changes. While the No Project alternative would not achieve any of the objectives of the proposed project, it would also avoid all of the potentially significant impacts.

- 2) The **Baseline Zoning alternative** assumes development would occur in general conformance with the site's existing zoning regulations. Under this alternative, the portion of the project site zoned R-3 (Apartment) would be developed with three residential units, and the portion of the site zoned C-4 ECR (General Commercial, Applicable to El Camino Real) would be developed with approximately 23,000 square feet of commercial space. This alternative would meet most of the project objectives, although the objectives relating to the development of single-family housing on the site and providing additional housing opportunities would not be achieved to the same extent as the proposed project. The Baseline Zoning alternative is environmentally inferior compared to the proposed project and to the four other project alternatives because it would substantially increase the number vehicular trips, thereby exacerbating the significant impacts to transportation and air quality.
- 3) The **Reduced Residential Density alternative** assumes the number of residential units developed on the site would be reduced to a total of 12 units (including five single-family units and seven townhouse units) in order to avoid potentially significant traffic impacts. This alternative would meet most of the project objectives, although the objectives relating to the development of single-family housing on the site and providing additional housing opportunities would not be achieved to the same extent as the proposed project. The Reduced Residential Density alternative is environmentally superior compared to the proposed project as it would not result in any significant unmitigated impacts.
- 4) The **Mixed Use alternative** assumes the project would be developed with a mixture of residential and commercial uses in a single building. The development would include 22 multi-family residential units and approximately 13,400 square feet of commercial space. Under this alternative, the portion of the site currently zoned R-3 (Apartment) would be rezoned to C-4 ECR (General Commercial, Applicable to El Camino Real). This alternative would meet most of the project objectives, with the exception of the objective relating to the development of single-family housing on the site, and the objective of providing additional housing opportunities to the same extent as the proposed project. Significant additional vehicle trips are expected to be generated from this alternative, which will result in significant additional traffic impacts to intersections and roadway segments, and significant contributions to regional air pollutants associated with vehicular trips. While the higher intensity of development would result in a larger, more massive building fronting El Camino Real, the mix of uses and the potential for more active uses at the street level could generally improve the pedestrian experience along El Camino Real, which would be a beneficial impact. Overall, the Mixed Use alternative would result in significantly greater adverse impacts to transportation and air quality, and a potentially more beneficial land use and aesthetic impact, as compared with the proposed project.
- 5) The **Senior Housing alternative** assumes the project would be redeveloped as a senior housing project with 26 residential units in a single building. This alternative would meet most of the project objectives, with the exception of the objective relating

to the development of single-family housing on the site. Because seniors typically drive less than non-seniors, and due to the proximity of the site to public transit, this alternative would avoid the significant transportation impacts. Due to fewer vehicular trips, this alternative would result in an overall reduction in the levels of air pollutants from vehicle emissions as compared to the proposed project. Therefore, the Senior Housing alternative is environmentally superior compared to the proposed project as it would lessen the transportation and air quality impacts, and would not result in any significant unavoidable impacts.

In summary, the No Project, Reduced Residential Density, and Senior Housing alternatives would be environmentally superior as compared with the proposed project because these alternatives would not result in any significant environmental impacts. The Mixed Use and Baseline Zoning alternatives are both environmentally inferior because they would result in significantly more adverse transportation and air quality impacts in comparison to the proposed project.

### **STUDY SESSION (ITEM E-1): REVIEW OF 389 EL CAMINO REAL PROJECT AND PROPOSED CHANGES**

The proposal involves the demolition of one single-family residence and a triplex and the construction of 26 residential units, consisting of six detached single-family units, three semi-attached single-family homes, and 17 attached townhouse units on a 1.23-acre site. The townhomes are proposed to be arranged in a series of four rows perpendicular to El Camino Real while the single-family semi-attached and detached units would be located parallel to El Camino Real along the rear of the property (as viewed from El Camino Real). Although the proposed number of units remains the same as the proposal presented at the previous study session, the mix of units, the size of the units, the site layout, and architecture have been modified, taking into consideration comments made by the Planning Commission, members of the public, and staff. This section of the report will highlight the significant changes to the project since the previous study session.

#### **Proposed Changes to the Project**

##### *Mix of Units/Size of Units*

The table below shows the mix of units as well as an approximate square footage for each of the units. Although the number of units has remained the same, the applicant has added a two-bedroom product type and eliminated the four bedroom/three-and-one-half bathroom and five bedroom/three bathroom single-family residence product types. The overall gross floor area for the project has been slightly reduced from 48,096 square feet to 46,785 square feet of gross floor area.

**Product Mix**

	Number of Units - Previous Project (2010)	Sq. ft/ (range)	Number of Units - Proposed Project (2012)	Sq. ft. (range)
2 bedroom/2.5 baths	0	N/A	2	1,342-1,381
3 bedroom/3 bath	14	1,426-1,648	10	1,471-1,684
3 bedroom/3.5 bath	3	1,960	5	1,855-2,009
4 bedroom/2.5 bath	1	1,908	9	1,925-2,034
4 bedroom/3.5 baths	7	2,163	0	N/A
5 bedroom/ 3 baths	1	2,834	0	N/A

*Site Layout/Access*

One of the most notable changes to the plan is the site layout. Although the configuration of the residences has generally remained the same, the access to the site has changed. In the previous configuration, the design included three driveways off of El Camino Real, consisting of one central driveway with two driveways for emergency vehicle access purposes only. The current design reduces the number of driveways off of El Camino Real to two, and each driveway would allow two-way access to and from the site. Emergency vehicles would be able to make a loop through the site if access is needed. As designed previously, two units would be independent and continue to take access from College and Partridge Avenues. Besides reducing the amount of paving and driveways, the reduction of a driveway provides the opportunity to add more common open space to the development, which is further discussed in the Open Space section below.

*Increased Open Space*

Since the last study session, the design was refined to increase the size of the pocket park along College Avenue, as well as add approximately 3,000 square feet of common open space between Buildings A1 and A2 due to the removal of a driveway. The open space areas are not only amenities to the residents on the site, they also aesthetically enhance the neighborhood as the two areas are visible from College Avenue and El Camino Real. Both of these areas will include functional and decorative features such as seating areas and wood trellises. The open space near El Camino Real will include a fountain that will serve as a focal point, and include other passive elements such as a lawn and a barbeque.

### *Reorientation of Buildings on El Camino Real*

To provide more presence and activity on El Camino Real, the entrances to the units adjacent to El Camino Real, except for the end unit in Building C adjacent to Planet Auto, have been reoriented to face El Camino Real. Building B located at the corner of El Camino Real and College Avenue has been redesigned and provides two units with entrances fronting El Camino Real. Each of the El Camino Real entrances provides a porch, which not only helps frame the entry, but is an inviting architectural feature.

### *Increased Setbacks*

One of the concerns raised by neighbors was the concern about compatibility with the adjacent residential neighborhood, particularly along College Avenue. As part of the revised plan, the applicant has increased the front setback of the semi-detached single-family residence that takes access from College Avenue. The setback has been increased to 20 feet, which is the required front setback in the adjacent R-1-U (Single-Family Urban) residential neighborhood. The increased setback provides a transition between the townhomes closer to El Camino Real and the adjacent single-family residences. Setbacks have also been increased from 10 feet to 15 feet along the left side property line of the R-3 property, creating more private open space for these units as well as a greater buffer between these units and the adjacent single-family residential unit.

### *Reduction in Height*

Another concern expressed by neighbors was the overall height of the buildings, which previously required approval of a development standard waiver to exceed 30 feet in the C-4 (ECR) zoning district and 35 feet in the R-3 zoning district. The current plan does not seek a development standard waiver as the roof height of the townhomes have been reduced to 30 feet and the height for the single-family homes have been scaled down to 28 feet. The reduction in height for the single-family residences was achieved by eliminating the third story on all of the nine units.

### *Updated Exterior Elevations and Finishes*

In response to input from the neighborhood task force who expressed a desire to see the architecture and materials reflect more of the Allied Arts character, the applicant updated the exterior elevations and finishes of the units. The architectural style remains traditional in nature to blend with the varied architectural styles of the Allied Arts neighborhood, but has been enhanced with more articulation through the use of pop out windows, balconies and porches. The materials palette for the townhouse units consist of shingle siding, divided light windows, copper gutters and downspouts, decorative corbels, "spider" and decorative metal railings, tapered columns, and enhanced use of stone veneer at the bases and columnar features. The semi-detached and detached single-family residences along the rear would feature complimentary, but different materials. The seven interior homes would feature a combination of stucco and

horizontal siding, or stucco and board and batten on the exterior façades. Wood trim, trellises and simulated divided light windows, similar to the townhouse units, would also be used on these single-family homes. The residences facing Partridge and College Avenues will have an independent design to not appear as part of the larger project, and to create a transition into the adjacent neighborhood. The residence on College Avenue has been designed to reflect Craftsman-style architecture while the proposed residential unit on Partridge Avenue is reminiscent of Spanish style architecture.

### *Enhanced Landscaping*

The site contains one heritage size redwood tree located at 603 College Avenue, which is to remain and be part of the pocket park. As part of the off-site improvements, the applicant proposes to remove four of the existing, non-heritage street trees along El Camino Real to accommodate the new driveways and provide views to the fountain and open space. Since the last study session, the applicant has refined the landscaping plan with the input from the neighborhood task force. The proposed College Avenue streetscape will reflect a mature and layered landscaping pattern that utilizes a variety of accent trees, shrubs, flowers and hedges. The enhanced landscaping continues as it wraps the corner along El Camino Real. The front yard landscaping along College Avenue, as well as the other common open spaces, will be maintained by the future homeowners association to maintain a quality and manicured presence. In addition, the applicant has included a row of trees (*arbutus marina*) along the fence line in the rear yards of the single-family homes along the rear property line to provide privacy screening for both the new homeowners and the adjacent neighbors.

### *Provisions for Multiple Buyers*

Several commenters raised a question about the target market, and indicated that the project should attract a diverse group of buyers. As a result, the applicant has provided the option for an elevator in five of the nine single-family residences. This would provide flexibility for potential “empty nesters” or disabled persons to purchase a residence in the development.

### Application of the State Density Bonus Law to the Project

The applicant is proposing to apply the provisions of Government Code Section 65915 (GC 65915), the State Density Bonus Law, to the project. A copy of GC 65915 is included as Attachment C. The purpose of GC 65915 is to encourage and provide incentives to developers to include lower income housing units in their developments. In this case, the applicant is proposing to include 14 percent of the units or three units for low-income households. The proposal exceeds the City’s requirement of not less than 15 percent or three below market rate units to moderate-income households. Where the proposal exceeds the requirements of the City’s Below Market Rate (BMR) Ordinance, the applicant is entitled to the benefits provided by GC 65915. The language of GC 65915 is mandatory; therefore, the City must grant the applicant a density bonus, which

allows the applicant to increase the density above the maximum allowable limit under the Zoning Ordinance, and grant one or more incentives or concessions for the production of housing units.

### *Density Bonus*

The percentage density bonus for low income, very-low income and moderate income units is detailed in the tables found in sub-section (f) of GC 65915. The more low income units provided, the greater the density bonus up to a maximum of 35 percent. Since 14 percent (3 of 21 units) of the project units are designated for low income households, the applicant is entitled to a 26 percent density bonus or six additional units. While this would allow for a maximum of 27 residential units on the site, the applicant is requesting approval of 26 units. Per GC 65915, the applicant must agree to restrict the low-income units for at least 30 years.

### *Incentives*

An applicant that has applied for a density bonus may submit a proposal for specific incentives. An incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that result in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project.
3. Other regulatory incentives proposed by the developer that result in identifiable, financially sufficient, and actual cost reductions.

The number of incentives a project is entitled to depends on the percentage of low, very-low or moderate income units provided (no incentive is provided for the provision of non-income restricted senior housing units). In this case, the applicant is entitled to one incentive because the project includes at least 10 percent of total units for low income households. Per GC 65915, the City shall grant the incentive requested by the developer, unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive is not required to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5.
2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or any real property listed in the California Register of Historic Places.
3. The incentive would be contrary to federal or state law. (GC 65915(d)(1))

Since the last study session, the applicant has identified the requested incentive. The applicant's one incentive is to have the maximum allowable Floor Area Ratio (FAR) for the C-4 (ECR) - (General Commercial, Applicable to El Camino Real) zoning district be 75 percent. Per the existing C-4 (ECR) zoning district regulations, the maximum

allowed FAR (for non-office uses only) is 55%, except that an FAR not exceeding 75 percent may be authorized by a use permit. In this case, a use permit to obtain the 75 percent FAR would not be required, if granted as an incentive per GC 65915. The incentive shall be granted unless a finding based on one of the three criteria noted above is made. The Planning Commission may wish to comment on the proposed incentive.

### *Development Standard Waivers*

In addition to an incentive, the applicant is entitled to development standard waivers if the application of a development standard would physically preclude construction of a project that includes lower income housing. There is no limit on the number of development standard waivers that an applicant may request. Furthermore, the City is obligated to grant the requested development standard waiver(s), unless it can find that the waiver would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or any property listed on the California Register of Historical Places or would be contrary to federal or state law.

Since the previous study session on the project, the applicant has revised the proposed plans and reduced the number of development standard waivers in half from 12 to six. Through revisions to the design, the applicant was able to eliminate five waivers in the R-3 zoning district, including modifications to the front and right side setbacks, height, and separation between buildings (on-site), and one waiver in the C-4 (ECR) zoning district regarding building height. The Planning Commission may wish to comment on whether the proposed development standard waivers are appropriate for the proposed development.

The following table summarizes the Zoning Ordinance development standards of the R-3 and C-4 (ECR) zoning districts, and compares the previous and proposed development standards for each category. The development standards for which waivers are requested are highlighted. Staff would note that the plans are still under review, and the figures will be refined prior to the formal hearing on the project. The requested development standard waiver categories, however, should not change.

### R-3 Zoning District Comparison

	PREVIOUS PROJECT (2010)		PROPOSED PROJECT (2012)		R-3 ZONING ORDINANCE
Lot area	11,146	sq. ft.	11,146	sq. ft.	7,000 sq. ft.
Lot width	59.7	ft.	59.7	ft.	80 ft. min.
Lot depth	158.3	ft.	158.3	ft.	100 ft. min.
Front setback (College)	5.25	ft.	20	ft.	20 ft. min.
Rear setback	0	ft.	3.	ft.	15 ft. min.
Right side setback	5.25	ft.	15	ft.	10 ft. min.
Left side setback (ECR)	18	ft.	10	ft.	10 ft. min.
Between building setbacks (on-site)	5.3	ft.	Attached		20 ft. min.
Between building setbacks (adjacent sites)	10.3	ft.	6.4	ff.	20 ft. min.
Building coverage	4,190	sf	4,983	sf	3,343 sf max.
	38	%	44.7	%	30 % max.
FAR (Floor Area Ratio)	9,155	sf	8,231	sf	5,015 sf max.
	82	%	75	%	45 %*
Building height	35.4	ft.	28	ft.	35 ft. max.
Landscaping	46	%	42.9	%	50 % min.
Paving	16	%	12.4	%	20 % max.
Balcony	12	ft.	No balconies		20 ft. from the side property line when abutting single-family residences

### C-4(ECR) Zoning District Comparison

	PREVIOUS PROJECT (2010)		PROPOSED PROJECT (2012)		C-4(ECR ZONING ORDINANCE)	
Lot area	42,516	sq. ft.	42,516	sq. ft.	10,000	sq. ft.
Lot width	189.5	ft.	189.5	ft.	75	ft. min.
Lot depth	128.6	ft.	128.6	ft.	125	ft. min.
Front setback (ECR)	4.3	ft.	7.75	ft.	0	ft. min.
Rear setback	5.5	ft.	6	ft.	0	ft. min.
Right side setback	2.4	ft.	2.4	ft.	0	ft. min.
Left side setback	2.5	ft.	4	ft.	0	ft. min.
Building coverage	17,707	sf	19,585	sf	42,516	sf max.
	42	%	46	%	100	% max.
FAR (Floor Area Ratio)	38,941	sf	38,554	sf	31,887	sf max.
	92	%	90.6	%	75	%*
Building height	35.4	ft.	30	ft.	30	ft. max.
Landscaping	24	%	28.2	%	10	% min.

#### *Parking*

GC 65915(p) provides that no city shall require a vehicular parking ratio, inclusive of handicapped and guest parking, for a development with at least 10 percent low-income units that exceeds the following ratios:

1. Zero (0) to one (1) bedroom, one (1) parking space.
2. Two (2) or three (3) bedroom, two (2) parking spaces.
3. Four (4) or more bedrooms, two and one-half (2.5) parking spaces.

The on-site parking requirement can be met through tandem or uncovered parking spaces. The application of GC 65915 differs from the City’s Zoning Ordinance, which requires two parking spaces (one covered and the second either covered or uncovered) per dwelling unit, and each space must be independently accessible and not located within the front or side setback. However, parking standards per GC 65915 preempt local parking requirements.

The applicant is proposing 62 parking spaces, consisting of a mix of 34 covered spaces, 18 covered tandem spaces, and 10 uncovered guest parking spaces. Under GC 65915, the required number of parking spaces is 57 spaces as shown in the table below.

### Proposed Parking

	Number of Units in Proposed Project	Number of Parking Spaces Required Per GC 65915
0-1 bedrooms (1 space)	0	0
2-3 bedrooms (2 spaces)	17	34
4 or more bedrooms (2.5 spaces)	9	22.5
<b>TOTAL</b>	<b>26</b>	<b>57*</b>

\*Per GC 65915, the total number of parking spaces shall be rounded up to the next whole number.

#### Draft El Camino Real/Downtown Specific Plan Comparison

The proposed project is located within the project area for the El Camino Real/Downtown Draft Specific Plan. A draft Specific Plan for these areas has been prepared and released for public review, and is expected to be considered by the Planning Commission and City Council for final review in late spring/early summer before the proposed project is expected to be reviewed by the Planning Commission and City Council. However, the project application was deemed complete prior to final action on the Specific Plan, and therefore, the project would not be subject to its rules and regulations.

Although the applicant intends to pursue the proposal under the existing General Plan and Zoning Ordinance, and in accordance with the State Density Bonus law, this section of the report provides an overview of how the proposed project would relate to the Draft El Camino Real/Downtown Specific Plan. This section is for reference purposes only.

Under the draft Specific Plan, the project site would be located in the El Camino Real Mixed Use land use designation and the El Camino Real South-West (ECR SW) zoning district. The El Camino Real Mixed Use land use designation allows for a variety of retail, office, residential, and public and semi-public uses. Residential dwelling units would be a permitted use within the designation. The building character, as established through the zoning regulations, is intended to respect and relate to the adjacent neighborhoods in terms of densities, intensities (FAR) and building heights.

The El Camino Real South-West (ECR SW) zoning district establishes a base maximum intensity (FAR) of 110% and base maximum density of 25 dwelling units per acre. The base intensity and density may be exceeded up to a maximum intensity of 150% and maximum density of 40 dwelling units per acre with the provision of public benefits. With a proposed FAR of 87 percent and density of 21.12 dwelling units per acre, the proposed project would be consistent with the base intensity and density.

The ECR SW zoning district requires setbacks along front and street sides of corner lots of between 7 and 12 feet, sufficient to provide a minimum 12 foot wide sidewalk. Rear setbacks are required to be a minimum of 20 feet and interior side setbacks may range from 0 to a maximum of 25 feet. The setback range is intended to provide flexibility to allow each development to optimize building placement according to a specific situation. Staff would note that the definitions of front, side and rear lot lines may be changed for the Specific Plan area with front lot lines aligned with major streets as opposed to the current definition which is based on the lot dimensions.

The proposed project would maintain the existing sidewalks along El Camino Real and Partridge Avenue, which are both less than 12 feet. However, with the proposed building setback from the property line on El Camino Real, 12 feet would be achieved, and it would be just slightly less on College Avenue with 11 feet from the front of the sidewalk to the face of the building. The front setback areas, in this case however, would be used for landscaping and not sidewalks. The interior side setback would be met, but the rear setback of 20 feet would not be met.

The district also restricts height to 38 feet although façade heights on all but the interior side of a lot are limited to 30 feet. Above the 30 foot maximum façade height, buildings are required to be setback an additional 10 feet. Additionally, a 45-degree profile above the façade height is required on the rear sides of buildings. All of the buildings of the proposed project are 30 feet or less and therefore, would meet the façade height limit.

With regards to parking, the ECR SW zoning district requires a ratio of 1.85 spaces per dwelling unit for a total of 49 spaces where 62 spaces is being proposed. Finally, the ECR SW district requires a minimum of 30% open space with additional provisions for private open space. The proposed common open space would be approximately 20 percent of the lot area and private open space would be approximately an additional 13.5 percent.

## **CORRESPONDENCE**

Since the release of the Draft EIR on February 17, 2012, the City has received correspondence from Teresa Fu, Peter Colby of 726 Partridge Avenue, and the San Mateo Health System Department. The correspondence has been included as Attachment D, and will be addressed part of the Final EIR for the project.

Ms. Fu states that she has noticed a substantial increase in traffic along El Camino Real, especially during peak commute times between Cambridge Avenue through Oak Grove. She would like the Council to consider the effect the project will have on an already heavily-congested roadway and the environmental impact from increased traffic volume, idling vehicles and construction. She believes that improving this area of El Camino would be achieved with the reduced residential or senior housing alternatives.

Mr. Colby has submitted two letters. In his letters, he raises several issues including site access for vehicles and garbage trucks, the need for greater setbacks on El Camino Real, more compatibility with bicyclists and pedestrians, and height of the structures.

Mr. Colby submitted a preferred site layout that reduces the number of units and includes a sweeping, crescent –shaped driveway along El Camino Real.

The San Mateo County Health System Department submitted a letter indicating that the project would be required to submit a soil management plan for review and approval prior to excavation.

In addition, staff received one piece of correspondence from Kim Glenn of 1105 Trinity Avenue who indicates that she is delighted to see forward motion on a residential development in Menlo Park, and that an attractive development is preferred than a vacant lot.

## **RECOMMENDATION**

Staff recommends that the Planning Commission follow the meeting procedure for the two agenda items outlined on page 4 of this report.

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Jean Lin  
Associate Planner  
Report Co-Author

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Deanna Chow  
Senior Planner  
Report Co-Author

## **PUBLIC NOTICE**

Public notification consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants in the area bounded by El Camino Real, Harvard Avenue, University Drive, and Middle Avenue, and residents on Morey Drive and Kenwood Drive. In addition, the 389 El Camino Real project page, which is available at the following web address:

[http://www.menlopark.org/projects/comdev\\_389ecr.htm](http://www.menlopark.org/projects/comdev_389ecr.htm), has been updated with the staff report. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated. Previous staff reports and other related documents are available for review on the project page.

## **ATTACHMENTS**

- A. Location Map
- B. Project Plans
- C. State Density Bonus Law
- D. Correspondence
  - Peter Colby, 726 Partridge Avenue, dated received March 14 and February 29, 2012
  - Teresa Fu, dated March 6, 2012

- San Mateo County Health System Department, dated March 1, 2012
- Kim Glenn, 1105 Trinity Drive, dated February 17, 2012

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

## **AVAILABLE FOR REVIEW AT CITY OFFICES AND CITY WEBSITE**

[Draft Environmental Impact Report prepared by LSA, dated February 2012](#)

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