



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF AUGUST 31, 2009
AGENDA ITEM C1

LOCATION:	1300 El Camino Real	APPLICANT AND OWNER:	SHP Los Altos, LLC
EXISTING USE:	Vacant Auto Dealership	PROPOSED USE:	Mixed Commercial
EXISTING ZONING:	C-4(ECR) (General Commercial, Applicable to El Camino Real	APPLICATIONS:	Rezoning, Planned Development Permit, Lot Merger and Subdivision, Below Market Rate (BMR) Housing Agreement, Heritage Tree Removal Permit, Environmental Review
PROPOSED ZONING:	P-D (Planned Development)		

PROPOSAL

The applicant is proposing to demolish buildings associated with an existing vacant auto dealership and construct two commercial buildings totaling 110,065 square feet and associated site improvements on an approximately 3.4-acre parcel located at 1300 El Camino Real. The proposal will require review and recommendations by the Planning Commission on the following:

- 1) **Rezoning** the properties from C-4 General Commercial District (Applicable to El Camino Real) to Planned Development (P-D) District;
- 2) **Planned Development Permit** to establish development regulations including parking, building height, landscaping, and building setbacks, and conduct architectural review for the proposed development of 110,065 square feet of commercial space (51,365 square feet of retail/restaurant/service uses and 58,700 square feet of non-medical office uses);

- 3) **Tentative Parcel Map** to merge the existing six lots into one lot and create up to four commercial condominium units;
- 4) **Below Market Rate (BMR) Housing Agreement** for the payment of in-lieu fees associated with the City's BMR Housing Program;
- 5) **Heritage Tree Removal Permits** to remove one on-site and two off-site heritage trees; and
- 6) **Environmental Review** of the proposed project for potential environmental impacts.

BACKGROUND

In late 2005, the applicant submitted an application for a mixed-use (commercial and residential) project that included 134 apartments, 81,000 square feet of commercial space, with at-grade and fully submerged parking levels. A Notice of Preparation (NOP) was issued and work commenced on the Draft Environmental Impact Report (EIR). This project anticipated using the General Plan Amendment that was proposed for the Derry project, which would have allowed for increased residential and commercial density and intensity. The project was put on hold at the applicant's request in late 2006. On March 13, 2007, the City Council held a study session on the mixed-use project and its relationship to the visioning efforts for El Camino Real. A majority of the City Council members expressed an interest in completing the visioning effort prior to processing any potential General Plan Amendments for the El Camino Real corridor. Following the City Council meeting, the applicant decided to proceed with an application that would not require a General Plan Amendment and submitted the current application in July 2007. Given the extent of the changes to the proposal, the Notice of Preparation (NOP) for the Draft EIR was revised and re-circulated.

During the Planning Commission environmental review scoping session and project study session on August 20, 2007, Commissioners provided comments on the content to be discussed in the Draft EIR and the components of the proposal. Following the scoping and study session, the Draft EIR was prepared and the applicant refined the project plans to address staff and Planning Commission comments. Additionally, a Fiscal Impact Analysis (FIA) and parking study were prepared for the project.

On April 6, 2009, the Planning Commission held a public hearing to review the Draft EIR and study session on the proposed project. The Planning Commission provided comments on the Draft EIR and the applicant, staff and City consultants also responded to questions. The following topics were the focus of the discussion on the Draft EIR: transportation and parking, global climate change, housing, noise, and project alternatives. During the study session portion of the meeting, the Planning Commission discussed the potential for including housing in the project, the proposed architecture, green building features, accessible parking, trees and landscaping, building setbacks, parking, connectivity, and lighting.

On July 13, 2009, the Planning Commission discussed the parking study, FIA, and updates to the project architecture, site design, and circulation. The parking study and FIA, and the Planning Commission's comments on those documents, are discussed in the applicable sections below. During the discussion on the project's architecture, site design, and circulation, the applicant gave a presentation providing responses to questions that the Planning Commission posed during the study session portion of the April 6, 2009 meeting. Following the presentation, individual Planning Commissioners asked questions regarding the proposed removal of one of the heritage redwood trees and the financial feasibility of both the proposed project and the possibility of including housing in the project, and expressed a concern regarding pressures to meet State and regional housing goal numbers and a frustration with spot rezoning. Additionally, Commissioners discussed the need for flexibility with regard to uses, stated an appreciation for the project's conformance with the General Plan and a desire to see a project constructed, and complimented the response by the applicant to the architectural issues posed by the Planning Commission. Finally, the Planning Commission expressed a preference for stone option #2 for the proposed stone veneer on the exterior of the building. Staff reports and minutes for the Planning Commission meetings are available on the City website and at the Community Development Department.

When recommending on the project, staff considered the merits of the proposed project and each of the variants, environmental impacts, potential revenue generation, feasibility of construction, and correspondence received throughout the processing of the application for this project.

ANALYSIS

The purpose of the August 31, 2009 public hearing is to give the Planning Commission an opportunity to review the project and the Final EIR that has been prepared for the project. Subsequent to receiving public comments, the Commission should formulate and forward to the City Council its final recommendation on the proposed project and Final EIR. The City Council is tentatively scheduled to hold a public hearing on the project on October 6, 2009.

Existing Site

The proposed project site consists of six existing legal parcels, totaling approximately 3.4 acres. The existing buildings were formerly occupied by a Cadillac dealership and associated automobile storage. The site is situated in the middle of the block on the east side (based on an El Camino Real north-south orientation) of El Camino Real between Oak Grove Avenue and Glenwood Avenue (see Attachment A). The site is adjacent to the Derry property, 540-570 Derry Lane and 550-580 Oak Grove Avenue, which is located to the south, and the Glenwood Inn at 555 Glenwood Avenue, which is located to the north of the subject site. The Menlo Park Caltrain station is located southeast of the project site. Single- and multiple-family residential uses are located to

the east of the railroad tracks. Commercial uses are located across El Camino Real to the west.

Proposed Project

The applicant is proposing to demolish all existing structures on the project site, merge the six existing legal lots, and construct 58,700 square feet of non-medical office space and 51,365 square feet of non-office space (e.g. retail, restaurant, fitness) in two commercial buildings at the site. One building would front on El Camino Real and the second building would front on Garwood Way. A courtyard would be located between the two buildings and a second story bridge is proposed to connect them. A total of 424 parking spaces would be located at grade on the south side of the El Camino Real building and on the north side of the Garwood Way building, and below grade as a fully submerged underground parking level. The plans for the project have been included as Attachment B.

Uses

The non-office uses would be located on the ground floor level of the building fronting on El Camino Real. The non-medical office uses would be located on the second floor of the building fronting on El Camino Real and on both floors of the building fronting on Garwood Way. Because the applicant cannot predict the exact tenant mix for the non-office space at this point in time, the following primary project and variants are proposed.

Primary Project

- Grocery Store/Major Retail tenant (51,365 square feet)
- Non-medical Office (58,700 square feet)

Variant 1

- Grocery Store/Market (15,000 square feet)
- Retail/Restaurant (11,365 square feet)
- Health and Fitness Club with associated massage (25,000 square feet)
- Non-medical Office (58,700 square feet)

Variant 2

- Retail (10,000 square feet)
- Restaurant (16,365 square feet)
- Health and Fitness Club with associated massage (25,000 square feet)
- Non-medical Office (58,700 square feet)

In their project description letter (Attachment M), the applicant states this site is ideal for a professional office, and potentially a company's headquarters, given the location on El Camino Real, and proximity to downtown Menlo Park and the Caltrain station. The applicant also states that the retail portion of the project has been designed so it could

accommodate a single tenancy or multiple tenancies; however, in a multi-tenancy situation, the varied façade would allow tenants some individuality.

While members of the Planning Commission have expressed a preference for a project that includes residential units, as it would assist the City in meeting the housing allocation goals of the State, the applicant has indicated that the mixed-use residential alternative is not currently a financially feasible option. Due to staff's recommendation for the all commercial project that is being proposed by the applicant, this staff report focuses on items related to that proposal. Additional discussion of the EIR alternative is provided in the Environmental Review section of the report.

Building Square Footage

The proposed project was designed in accordance with the City's gross floor area definition in effect at the time of the application submittal. In addition, the project was designed consistent with the Institute of Traffic Engineers (ITE) definition of gross floor area for purposes of conducting the traffic analysis in the EIR. In the intervening time, the City's definition of gross floor area has been modified, and the applicant has examined the plans in light of the new definition. It appears that there are features of the proposed project, such as utility rooms and mechanical areas, which have the potential to be excluded from the current definition of gross floor area based on the ultimate designs that would be developed during the construction drawing phase of the building permit process. The applicant estimates that the gross floor area under the current definition would be 106,308 square feet, instead of 110,065 square feet. Given the fact that the EIR establishes a maximum building size based on the transportation analysis and the specificity associated with the planned development permit, the size of the building is limited to what is represented on the attached project plans and the square footage could not be increased if portions of the project do qualify for an exclusion under the current gross floor area definition.

The Planning Commission should note that similar to what was approved on July 27, 2009 for the four-unit residential project at 1081 Santa Cruz Avenue and consistent with the ITE definition, the applicant has not counted pedestrian circulation areas (elevators, stairways, and landings) in the parking garage toward the total gross floor area.

Design and Materials

The architectural style for the project is described as a "modern version of the historic Spanish architecture" and would mimic many features found in downtown Santa Barbara and Pasadena. While this architectural style is different from the nearby buildings along El Camino Real, the architecture for this project would be similar to and compatible with the proposed architectural style of the recently constructed Safeway complex. The exterior finishes would be a mixture of pale textured stucco, stone veneer, and clay tile roofing. The proposed stone veneer has been changed to reflect the Planning Commission's preference for the coarse cut stone that was shown as option #2 in the July 13, 2009 presentation by the project architect. Wood grid windows, lime

stone cornice, and iron railings would accent the façade. The project would also feature outdoor courtyards with landscaping, fountains, and benches. Large glass storefronts and canvas and wood awnings would distinguish the retail portion of the project, and add a pedestrian scale. The second story would be stepped back from the ground level and articulated with balconies and roof projections. A color and materials board will be available at the Planning Commission meeting.

Green Building Features

The project is also proposing to be Leadership in Energy and Environmental Design (LEED)-certified, and has been registered by the applicant. The applicant is proposing to include green elements into the design of the project such as water efficient landscaping, ecologically-friendly heating, ventilating, and air conditioning systems (HVAC), and the use of materials that are rated at low levels of toxicity and/or are recycled or renewable. The proposal also incorporates bicycle parking to promote alternative modes of transportation. A preliminary LEED checklist has been included as Attachment P.

Parking

The applicant is proposing to construct 100 at-grade parking spaces and 324 below-grade parking spaces for a total of 424 spaces. The applicant has added two parking spaces to the surface parking lot since the Planning Commission last reviewed the project. The additional parking spaces were the result of the right-in, right-out entrance on El Camino Real being shifted to the south, as was discussed at the meeting on July 13, 2009. Entries on both El Camino Real and Garwood Way would provide vehicular access to the surface parking lots for the site. Two ramps are proposed to access the below-grade parking areas. One ramp would be adjacent to Garwood Way (south of the Garwood Way surface parking lot access point) and the second ramp would be accessed via the at-grade parking area to the south of the building off El Camino Real.

Because the P-D zoning district does not have specific off-street parking requirements, the applicant elected to conduct a parking study (Attachment N) given the mix of proposed uses. The proposed 424 parking spaces equates to a ratio of approximately 3.8 spaces per 1,000 square feet of gross floor area where six spaces per 1,000 square feet would be required for the C-4(ECR) zoning district regardless of use.

The primary project and the two project variants were analyzed in the parking study. The parking study considered several different methods for determining parking demand as shown in the table below. Further detail on each methodology is provided in the parking study.

Land Use Alternatives	Proposed # of Parking Spaces	Menlo Park Use Guidelines	ITE Parking Rates	Median Nearby Cities	Shared Parking (ULI)	Parking Surveys
<i>Primary Project</i>	424	452	398	401	387	382
<i>Variant 1</i>	424	458	492	518	417	428
<i>Variant 2</i>	424	469	513	540	432	424

After using each of the above methods to calculate what the parking requirement would be for the project, the report recommended using the Urban Land Institute (ULI) shared parking methodology due to the mixed-commercial nature of the project. In most cases, the shared parking method results in lower parking requirements than the Menlo Park use-based standards, the ITE rates, and the median requirement for nearby cities. This is due to the shared parking method accounting for potential sharing opportunities between uses. However, the parking survey rates that are based on parking counts conducted at nearby properties with various uses, result in parking figures that are either consistent with or lower than the shared parking calculations. The parking surveys, therefore, provide confidence that the shared parking methodology would provide adequate parking at the site.

Based on the proposed 424 parking spaces for the commercial project options, the parking study (recommending the shared parking methodology) determines the primary project and variant 1 would have adequate parking. While the shared parking analysis for variant 2 is shown as needed eight more parking spaces than are being provided, the parking survey approach for variant 2 determined that 424 parking spaces would be sufficient. Therefore, staff believes that the proposed number of parking spaces would be adequate for all three scenarios.

During its discussion of the parking study on July 13, 2009, individual Planning Commissioners expressed support for the parking study. Individual Commissioners also commented that the City should benefit from granting a reduced number of parking spaces, questioned the cost of constructing parking spaces, and questioned the need for certain uses to have at-grade parking.

Landscaping and Heritage Trees

The project is proposing to provide approximately 37,400 square feet of landscaped area (25 percent) throughout the project. The outdoor courtyard between the two buildings would include decorative pavers, walkways, fountains, and planting areas. An outdoor dining area would be located in the front right corner of the building fronting on El Camino Real in front of the fin wall. A five-foot-wide public access easement (PAE) is proposed along the right side of the El Camino Real building that would run from El Camino Real to the shared property line with the Derry project. The proposed PAE for this project would then connect to a PAE connecting to Garwood Way that is proposed as part of the Derry project.

The applicant has submitted an arborist report (Attachment O) detailing the species, size, and conditions of the 42 trees on or near the subject parcel, including 14 heritage trees. The report determines the present condition and provides recommendations for tree preservation. The project would involve the removal of five heritage trees, including two on-site heritage trees and three off-site heritage trees. Two of the five heritage trees, a 45-inch coast redwood along the El Camino Real frontage and a 36-inch coast live oak in the Garwood Way right-of-way, have already been approved for removal due to their hazardous condition. The other on-site tree proposed for removal is a 21-inch blackwood acacia in poor/potentially hazardous condition on the northerly property line. The proposed improvements for the Garwood Way right-of-way would require the removal of a 21-inch valley oak in fair condition and a 38-inch coast live oak in very poor/hazardous condition. The removal of the heritage trees would require a Heritage Tree Permit and would require a two-to-one replacement ratio. In addition, a 32-inch palm tree would be relocated from the proposed location of the sidewalk in the public right-of-way along Garwood Way to a location on-site to the south of the driveway leading to the underground garage.

The applicant is proposing to plant a total of 56 trees on-site and 10 trees off-site, including two 48-inch box London plane trees and two 24-inch box redwoods along the El Camino Real frontage to replace the two on-site heritage trees that are proposed for removal, and six 48-inch box tulip trees along the Garwood Way right-of-way to replace the three off-site trees that are proposed for removal. The landscape proposal includes multiple types of other tree species, including Chinese pistache, purpleleaf plum, aristocrat pear, marina arbutus, Southern magnolia, cajeput, Australian tea tree, evergreen pear, and Canary Island palm.

Garwood Way Right-of-Way Improvements

The Planning Commission should note the applicant worked cooperatively with the applicant for the revised Derry project to prepare the plans, and therefore, the proposed Derry project and associated Garwood Way right-of-way improvements were anticipated. As the Derry project has not yet received entitlements and is on hold at the applicant's request, the dedication of the right-of-way for the extension of Garwood Way to Oak Grove Avenue may not occur in the near future. Conditions of approval in the PD Permit state that the applicant shall work with the property owner of 560 Derry Lane, the property on which the Garwood Way plan line is located, on dedication of the right-of-way. However, if the dedication does not occur, then the plans for the 1300 El Camino Real project would need to be revised to provide a vehicular turnaround, and potentially to omit features associated with the Derry project, including the proposed sound wall and vegetated swale. Additionally, if the applicant can not obtain a utility easement from the property owner of 560 Derry Lane, or if San Francisco Public Utilities Commission (SFPUC) will not permit certain proposed utilities to be located within its easement, then alternative utility layouts would need to be designed. The conditions of approval associated with the right-of-way improvements in the PD Permit require these items to be addressed prior to building permit submittal.

Project Land Use Entitlements

Rezoning and Planned Development Permit

The Planned Development (P-D) zoning designation and PD Permit were created to encourage the merging of parcels in order to foster more innovative design alternatives than could be accomplished with existing, smaller parcels. While the proposal is consistent with the established uses in the C-4 (ECR) zoning district, the applicant is pursuing a rezoning from C-4 (ECR) to P-D, and approval of a PD Permit, to gain the flexibility in the application of the development standards, specifically the standards related to parking and height of buildings. The proposed rezoning ordinance is included as Attachment H and draft PD Permit is included as Attachment I.

The PD Permit would establish the specific uses, development regulations, and architectural designs for this project. The following is a summary table comparing the development standards of the existing C-4(ECR) zoning and the requested P-D zoning. The shading shows proposed development regulations that differ (building height and parking) from what is required under the existing C-4(ECR) zoning district.

Development Regulation Comparison

	Proposed P-D District Development Standards	Existing C-4(ECR) District Development Standards
Setbacks		
Front (El Camino Real)	18 ft. min.	0 ft.
Rear (Garwood Way)	24 ft. min.	0 ft.
Sides	8 ft. min.	0 ft.
Floor Area Ratio (FAR)		
Office	40%	40% max.
Other	35% additional	35% max. additional
Total	75% (Requesting PD permit instead of use permit)	75% max. with use permit
Height	40 ft. max.	30 ft. max.
Coverage	45%	None
Paving	30%	None
Landscaping	25%	10% min.
Parking	3.8 spaces/1,000 sf* 424 spaces	6 spaces/1,000 sf 661 spaces

*see the parking section for more detail

Section 3 of the draft PD Permit includes a use table that specifies the various uses, locations, and maximum square footage permitted for this project. As noted above, the PD Permit would include uses for the project site that are consistent with the pre-existing C-4 zoning. As proposed, retail uses could occupy the entire ground floor of the El Camino Real building, while health and fitness centers would be permitted to occupy approximately one-half and restaurants approximately one-third of the El Camino Real building ground floor square footage, allowing for a flexible combination of ground floor

uses. Non-medical office uses would be permitted on both floors of the Garwood Way building and on the second floor of the El Camino Real building.

Additionally, the PD Permit for this project allows the sale of alcohol and outdoor dining at restaurants and/or markets, and massage associated with health and fitness centers as permitted uses. However, personal service uses would be conditionally permitted, and therefore, an applicant would need to obtain use permit approval from the Planning Commission to occupy any of the ground floor spaces in the El Camino Real building with a personal service use.

The PD Permit includes the specific development standards and conditions of approval for the proposal as well as provisions for minor changes in the project over time. Minor changes that are generally consistent with the PD Permit would be allowed through an administrative review process. Major modifications involving additional square footage or a change in the land uses or development standards would require an amendment to the PD Permit and approval by the City Council. The PD Permit has been drafted so that it would expire two years from the date of project approval if the applicant has not submitted a building permit application. However, staff has added a clause that if the term of the tentative parcel map is extended, then the PD Permit would automatically be extended, for up to two years to correspond with the tentative parcel map extension. If, four years from the date of approval, the applicant still has not submitted a complete application for building permit, then the Community Development Director may allow an extension per Municipal Code Section 16.82.170.

The PD Permit also addresses the issue of a signage for the project. The PD Permit would allow for a maximum sign area allowance of 500 square feet given the approximately 400-foot El Camino Real property frontage, and the fact that the Zoning Ordinance allows 100 square feet of signage for properties with 80 feet or more of street frontage. Due to this property's frontage being five times the amount of frontage needed for 100 square feet of signage and the possible number of tenants, staff considered 500 square feet of signage for the property to be a suitable amount. Additionally, the PD Permit includes a condition of approval that requires the applicant to submit a master sign program that would serve as a guide for individual sign requests by tenants.

El Camino Real/Downtown Planning

In reviewing the rezoning and planned development permit request, it is worthwhile to consider it in the context of the current El Camino Real/Downtown planning process. Previously, the City Council acknowledged that projects along the El Camino Real corridor that do not require amendments to the General Plan, including this project in particular, could proceed concurrently with the City's broader planning efforts. The Specific Plan process is currently underway and is expected to be completed in late 2010. The key themes that have emerged from Community Workshop #2 would generally be consistent with the mix of retail, service, and office that is proposed for the project, although the themes may evolve as the Specific Plan process continues.

Fiscal Impact Analysis

The City hired a consultant, with funds provided by the applicant, to prepare a FIA, as the proposed project will ultimately require the City Council to consider a policy decision whether to change the zoning classification for the property from C-4 (General Commercial Applicable to El Camino Real) to P-D (Planned Development). The FIA provides information that will ultimately inform the Council's decision, along with the EIR, public comment and other information sources.

The FIA, distributed previously to the Commission and available at the City offices, concludes that the primary project scenario will generate surplus revenues for the City of Menlo Park. With the primary project, revenues would increase by about \$96,000 per year upon project completion, resulting from property taxes, business license fees, franchise fees, utility user fees, and some other City revenues. However, to be conservative the FIA assumes that the sales taxes collected from retail sales in the primary project would not represent net increases in revenues; therefore, all purchases were assumed to be shifted from other locations within Menlo Park. In constant dollar terms (adjusted for inflation) revenues would decrease gradually over time. The net addition to City revenues by the end of the study period, 20 years after completion of the project, would be in the range of \$83,000 per year. Costs would increase by about \$1,200 per year upon project completion, which includes the cost of maintaining Garwood Way adjacent to the project site. It also includes a small increase in the cost of employee support functions. In constant dollar terms, costs are expected to remain about the same over the study period. On balance, the primary project would yield a surplus of about \$94,800 per year upon project completion. This surplus is projected to decrease to about \$81,900 per year after 20 years. The cumulative surplus after 20 years would total about \$1.8 million.

With variants 1 and 2, revenues would increase by slightly more than with the primary project. The difference between the results for the primary project and the results for variants 1 and 2 lies in the estimate of new sales tax revenues generated by the proposed health club in these scenarios. Based on input provided by the applicant, it is anticipated that the health club would be sufficiently different from those currently available in Menlo Park, and that all of its retail sales would be new to the City. Costs would be the same as with the primary project. The net fiscal impact would be slightly more advantageous with variants 1 and 2 than with the primary project. The variants would yield a surplus of about \$102,400 per year upon project completion, which would decrease to about \$89,500 per year after 20 years. Over the 20-year study period, the cumulative surplus with variants 1 and 2 would be about \$2.0 million, compared to \$1.8 million with the primary project.

While reviewing the FIA on July 13, 2009, individual Planning Commissioners commented that the project appears to have a positive fiscal benefit and expressed an appreciation for the conservative nature of the report. The City has not received any comments from the public on the FIA.

Tentative Parcel Map

The applicant is proposing to merge the existing six legal lots into one lot and create up to four commercial condominium units. The applicant is proposing the condominium subdivision through the Tentative Parcel Map process. The Engineering Division and affected agencies and utilities have reviewed the map and have determined that it is technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance subject to conditions of approval.

BMR Agreement

The proposed project is subject to requirements of the Below Market Rate (BMR) Housing Program. Consistent with the BMR Guidelines, the applicant is proposing to pay an in-lieu fee of approximately \$995,750 (based on current rates) to meet the BMR commercial requirements. The Housing Commission reviewed the BMR Agreement on March 5, 2008 and recommended approval. The staff report and the minutes from the meeting are included as Attachment K and L, respectively. The BMR Agreement has been reviewed by the City Attorney and is included as Attachment J.

Heritage Tree Removals

The project would involve the removal of three heritage trees, including one on-site heritage trees and two off-site heritage trees. The on-site tree proposed for removal is a 21-inch blackwood acacia in poor/potentially hazardous condition on the western property line. The proposed improvements for the Garwood Way right-of-way would require the removal of a 21-inch valley oak in fair condition and a 38-inch coast live oak in very poor/hazardous condition. The removal of the heritage trees would require a Heritage Tree Permit and would require a two-to-one replacement ratio.

ENVIRONMENTAL REVIEW

A Draft EIR was prepared for the 1300 El Camino Real project, and was released for public comment from March 23, 2009 to May 7, 2009. Staff received two comment letters from various local and state agencies and two comment letters from individuals during and immediately following the comment period. The comment letters on the Draft EIR generally discussed traffic, alternative transportation, parking, landscaping, air pollution, energy usage, and train crossing conflicts. The Response to Comments (RTC) document includes all comment letters, in addition to comments received at the Draft EIR public hearing on April 6, 2009, and responses to those comments. The RTC and the Draft EIR comprise the Final EIR for the project. The Final EIR was released for public review on August 21, 2009. The public review period ends on August 31, 2009.

In order to complete the EIR process and certify the 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 potentially significant impacts identified in the Draft EIR, describing the impact, the mitigation and

the determination of significance. The Statement of Certification states that the City has met all procedural requirements of CEQA. The Mitigation Monitoring and Reporting Program (MMRP) establishes responsibility and timing for implementation of all required mitigation measures. The mitigation measures have been taken from the list of mitigation measures listed in Table II-2 of the Draft EIR on pages 8 through 25. While the substance of the mitigation measures has remained, revisions have been made to better identify implementation timing and responsibility. The revised mitigation measures are included in the MMRP. The Findings for Certification, including the Statement of Certification, Draft Resolution for Certification of the EIR, and the Mitigation Monitoring and Reporting Program are included as Attachments E, F, and G, respectively.

As identified in the EIR, the project would result in significant, unavoidable transportation impacts. These impacts are explained in more detail below. In order to approve the project with significant and unavoidable adverse environmental impacts, the City Council must adopt a Statement of Overriding Considerations. This is a specific finding that the project includes substantial benefit that outweighs its significant adverse environmental impact. The Statement of Overriding Considerations is included in Attachment E, as part of the Findings for Certification. The Planning Commission should review and forward a recommendation to the City Council on the adequacy of the Final EIR, Findings for Certification, including the Statement of Overriding Considerations, Statement of Certification, and Mitigation Monitoring and Reporting Program. The City Council will be the final decision-making body on all documents associated with the certification of the Final EIR.

Transportation

The transportation analysis considers impacts to signalized and unsignalized intersections, roadway segments, transit, access and circulation, and parking. The analysis was based on 51,365 square feet of grocery store/market and 58,700 square feet of non-medical office. The primary project description would generate the largest number of trips, and therefore, was analyzed to provide a conservative analysis of transportation impacts. The project was analyzed both with and without the extension of Garwood Way to Oak Grove Avenue that was proposed as part of the Derry project.

Intersection Traffic Volumes

The transportation section analyzes 27 intersections located near the project area. The existing AM and PM peak hour traffic volumes at the studied intersections are shown in Figure IV.E-3 on page 93 of the Draft EIR. The transportation section considers the following scenarios:

- Existing conditions;
- Near-term (2010) no project;
- Near-term with re-occupancy of the existing auto dealership;
- Near-term with the proposed project with the Garwood Way extension;
- Near-term with the proposed project without the Garwood Way extension;

- Long range (2017) no project;
- Long range with the proposed project with the Garwood Way extension; and
- Long range with the proposed project without the Garwood Way extension.

The following chart shows the intersections that are affected in the near and/or long term with the proposed project, descriptions of the impacts, and partial mitigation measures for the impacts. Because the identified mitigation measures would only partially mitigate the impacts, the traffic impacts would remain significant and unavoidable. Therefore, the City Council would be required to adopt a Statement of Overriding Consideration, if it determines that the project's benefits outweigh the impacts. Other mitigation measures that were reviewed, but deemed infeasible are discussed in the EIR.

Intersection	Description of Impact	Partial Mitigation Measure(s)
1. Middlefield Road and Ravenswood Avenue	> 0.8 second increase in control delay for the critical movements during the AM peak hour	Transportation Demand Management (TDM) program, traffic impact fee (TIF), study of construction alternatives for safety and vehicle capacity improvements to the intersection of Middlefield Road and Ravenswood Avenue
2. Alma Street and Oak Grove Avenue	> 0.8 second increase in control delay for the critical movements during the AM and PM peak hours	TDM program, TIF
3. Garwood Way/Merrill Street and Oak Grove Avenue	> 0.8 second increase in control delay for the critical movements during the AM and PM peak hours	TDM program, TIF, addition of a southbound right-turn lane as part of the Garwood Way extension improvements
4. Middlefield Road and Oak Grove Avenue (Town of Atherton)	LOS increased from C to E	TDM program
5. Middlefield Road and Marsh Road (Town of Atherton)	> 4.0 second increase in average delay for the critical movements	TDM program
6. Middlefield Road and Glenwood Avenue (Town of Atherton)	> 4.0 second increase in average delay for the critical movements	TDM program, applicant shall pay \$126,667 to the City as a partial contribution for the installation of a traffic signal and associated roadway improvements at the intersection of Middlefield Road and Encinal Avenue
7. Middlefield Road and Encinal Avenue (Town of Atherton)	> 4.0 second increase in average delay for the critical movements	(see Middlefield Road and Glenwood Avenue mitigation)
8. Glenwood Avenue/Valparaiso Avenue and El Camino Real	> 0.8 second increase in control delay for the critical movements during the PM peak hour and LOS increased from D to E	TDM program, TIF
9. Ravenswood Avenue/Menlo Avenue and El Camino Real	> 0.8 second increase in control delay for the critical movements during the AM and PM peak hours	TDM program, TIF, applicant shall submit plans for the construction of an additional dedicated northbound right turn lane and conversion of the existing northbound right turn lane into a through lane at the intersection of El Camino Real and Ravenswood Avenue

Roadway Segment Volumes

The Menlo Park Transportation Impact Analysis Guidelines include a set of impact criteria for minor arterial, collector and local streets based on average daily traffic volume (ADT). 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 following chart shows the affected roadway segments, descriptions of the impacts, and partial mitigation measures for the impacts.

Roadway Segment	Description of Impact	Partial Mitigation Measure(s)
1. Middlefield Road segment north of Glenwood Avenue	> 100 daily trip threshold for minor arterial streets	TDM program and TIF
2. Middlefield Road segment south of Oak Grove Avenue	minor arterial roadway with an ADT greater than 10,000 (50 percent capacity) but less than 18,000 becoming 18,000 or more	TDM program and TIF
3. Ravenswood Avenue segment east of Laurel Street	minor arterial roadway with an ADT greater than 10,000 (50 percent capacity) but less than 18,000 becoming 18,000 or more	TDM program and TIF
4. Oak Grove Avenue segments east and west of Laurel Street	> 50 daily trip threshold for collector roadways	TDM program and TIF
5. Glenwood Avenue segment west of Laurel Street	>12.5% ADT increase threshold for collector roadways	TDM program and TIF
6. Laurel Street segment north of Glenwood Avenue	> 25% ADT increase threshold for local residential streets	TDM program and TIF
7. Alma Street segment south of Oak Grove Avenue	> 25 daily trip threshold for local residential streets	TDM program and TIF
8. Garwood Way segment south of Glenwood Avenue	> 25% ADT increase threshold for local residential streets	TDM program and TIF

Transportation Demand Management (TDM) Program and Traffic Impact Fee (TIF)

A TDM program has been identified as a partial mitigation measure to reduce the overall number of trips from the project. While the effectiveness of particular TDM measures varies depending on the development’s location and surrounding transportation network, it is unlikely that the proposed TDM measure would result in enough project trip reductions to fully mitigate the project’s significant impacts on intersections and roadway segment volumes. Additionally, the EIR identifies a mitigation measure of payment of the TIF. Although implementation of this mitigation measure would provide the City with funding to be used towards traffic improvement projects, it would not reduce the impacts to a less than significant level.

Alternatives

The City evaluated the No Project Alternative, a Mixed Use Alternative, and a Maximum Residential Alternative in the EIR. At the request of the City Council, the applicant has prepared plans for the mixed-use alternative. The alternative would consist of 36 two-bedroom residential units, 58,700 square feet of non-medical office, and 22,895 square feet of retail/restaurant uses with approximately 415 at-grade and below-grade parking spaces. The plans for the residential mixed-use alternative have been distributed previously to the Planning Commission and are available for review at the City offices. Select sheets from the plans set for this alternative are included as Attachment C.

Additionally, BMR agreements for the residential alternative have been prepared and reviewed by the Housing Commission. These agreements would only be brought forward if the City Council directed pursuit of the residential alternative. These agreements, which included eight two-bedroom BMR units to fulfill the residential and commercial requirements, were also reviewed at the March 5, 2008 Housing Commission meeting. However, due to changes to the proposed commercial mix for the EIR alternative, the agreements needed to be revised. On July 1, 2009, the Housing Commission reviewed revised BMR agreements for the EIR mixed-use residential alternative project that included eight two-bedroom BMR units and an in lieu fee of approximately \$28,000 and voted unanimously to recommend approval of the agreements.

CORRESPONDENCE

Staff has not received any correspondence on the project since the July 13, 2009 Planning Commission meeting.

RECOMMENDATION

Staff believes the proposed project is well-designed, compatible with the surrounding land uses, and appropriate in scale and use for the site. The proposed Rezoning and PD Permit are necessary for the development of the proposed project, and result in added architectural interest and the ability for shared parking concepts to be utilized. As indicated in the Draft EIR, the proposed project would have a less than significant impact in all environmental impact areas except for transportation. Staff believes that the benefits of the proposed project outweigh the potential significant and unavoidable impacts. Staff recommends that the Planning Commission recommend certification of the EIR, and recommend approval of the Rezoning, PD Permit, Tentative Parcel Map, BMR Agreement, and Heritage Tree Removal Permit. The Draft Findings and Actions for Approval are included as Attachment D.

Megan Fisher
Associate Planner
Report Author

Deanna Chow
Senior Planner

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of all property owners and occupants within the area bounded by the City's northerly boundary along El Camino Real between Valparaiso Avenue and Watkins Avenue, Felton Gables, Laurel Street, Ravenswood Avenue, the Caltrain right-of-way, Middle Avenue, and University Drive.

In addition, the City has prepared a project page for the proposal, which is available at the following address: http://www.menlopark.org/projects/comdev_1300ecr.htm. 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 website.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. EIR Alternative Projects Plans (select sheets)
- D. Draft Findings and Actions for Approval, dated August 31, 2009
- E. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- F. EIR Certification Resolution
- G. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- H. Draft Rezoning Ordinance
- I. Draft Planned Development Permit, dated August 31, 2009
- J. Draft Below Market Rate Housing Agreement
- K. Housing Commission staff report for the meeting of March 5, 2008 (without attachments)
- L. Excerpts from the Minutes of the March 5, 2008 Housing Commission meeting
- M. Project Description Letter
- N. Parking Study by TJKM Associates, dated July 8, 2009
- O. Arborist Report by McClenahan Consulting, dated January 21, 2008
- P. Leadership in Energy and Environmental Design (LEED) Checklist

EXHIBITS TO BE PROVIDED AT MEETING

Color and Materials Board

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

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ATTACHMENT D

DRAFT
August 31, 2009

FINDINGS AND ACTIONS FOR APPROVAL

1300 El Camino Real Project

The Planning Commission recommends that the City Council take the following actions.

Environmental Review

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations (Attachment _).
2. Adopt Resolution of the City Council of the City of Menlo Park, State of California Certifying the Final Environmental Impact Report (EIR) for the 1300 El Camino Real Project (Attachment _).
3. Adopt the Mitigation Monitoring and Reporting Program prepared for the project (Attachment _).

Rezoning

4. Make a finding that the proposed rezoning of property with the primary address of 1300 El Camino Real, from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District) is consistent with the General Plan land use designation of El Camino Real Professional/Retail Commercial.
5. Introduce an ordinance rezoning property with the primary address of 1300 El Camino Real from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned Development District) (Attachment _).

Planned Development Permit

6. Make a finding that the proposed Planned Development Permit will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

7. Make a finding that the Planned Development Permit allows for development that supports a mix of commercial uses in close proximity to each other, involves combining smaller legal parcels for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately, improves a vacant site near the downtown, and contributes fees to the City's Below Market Housing Program for 1300 El Camino Real, subject to the terms and conditions of the Planned Development Permit.
8. Approve the Planned Development Permit (Attachment _).

Tentative Parcel Map

9. Make a finding that the Tentative Parcel Map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
10. Approve the Tentative Parcel Map (Attachment B).

Below Market Rate Agreement

11. Approve the Below Market Rate Housing Agreement for the payment of fees to comply with the commercial requirements of the BMR Program (Attachment _).

Heritage Tree Permit

12. Adopt findings, as per Chapter 13.24 of the Municipal Code, regarding heritage tree removal:
13. The blackwood acacia proposed for removal is in poor/potentially hazardous condition. The coast live oak and valley oak proposed removal conflict with the right-of-way improvements and are not in good condition; and
14. The proposed landscaping plan includes trees that range in size and variety, and would be installed on site and as street trees. At least ten of the proposed trees have the potential to grow into heritage trees.
15. Approve the Heritage Tree Removal permit.

ATTACHMENT E
THE CITY OF MENLO PARK FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE 1300 EL CAMINO REAL PROJECT
(Public Resources Code, Section 21000 et. seq.)

I. INTRODUCTION

The proposed 1300 El Camino Real Project (project) is the redevelopment of an approximately 3.4-acre site north of downtown Menlo Park and along the El Camino Real commercial corridor. The site currently contains buildings associated with a former Cadillac dealership. The proposed development includes 51,365 square feet of grocery store/market/major retail tenant space, 58,700 square feet of office space, and 422 parking stalls. The office and grocery store/market/major retail tenant uses, which could contain associated on-site alcohol sales, would be developed in two two-story buildings and approximately 77 percent of the parking spaces would be located in a below-grade parking structure. The project also includes a landscaped outdoor courtyard and changes to existing site access.

The proposed project would serve as a transition between the dense commercial and residential development in downtown Menlo Park and lower-density, predominantly residential neighborhoods to the north of the project site. The project site is immediately adjacent to the proposed Derry Lane mixed-use project.

Two project variants are also being considered for the 110,065 square feet of commercial (office and retail) space, as summarized below.

Variant 1

- Grocery Store/Market (15,000 square feet) with associated on-site alcohol sales
- Retail/Restaurant (11,365 square feet) with associated on-site alcohol sales
- Health and Fitness Club with associated spa, including sports massage (25,000 square feet)
- Non-medical Office (58,700 square feet)

Variant 2

- Retail/Restaurant (26,365 square feet) with associated on-site alcohol sales
- Health and Fitness Club with associated spa, including sports massage (25,000 square feet)
- Non-medical Office (58,700 square feet)

The proposal would require the following approvals:

- **Environmental Review.** Environmental review of the proposed project would be required in the form of an Environmental Impact Report (EIR).

- **Rezoning.** The current designation of the project site in the City Zoning Ordinance is General Commercial Applicable to El Camino Real (C-4 (ECR)). The proposed project would change the zoning designation of the site to Planned Development (P-D). The proposed zoning designation change would establish specific development regulations for the construction of the two-story buildings and all the design elements and parking spaces associated with the project. One purpose of the P-D zone is to consolidate smaller parcels to allow for comprehensive site planning. In addition, rezoning to P-D allows a project to depart from the development regulations of the existing zoning district, with the exception of density and intensity, allowing for innovative design.
- **Planned Development Permit.** The Planned Development Permit would establish specific development regulations and architectural designs for the construction of 51,365 square feet of grocery store/market/major retail space and 58,700 square feet of office space.
- **Tentative Parcel Map.** The six legal parcels comprising the project site would be merged into one parcel and then potentially subdivided into a maximum of four commercial condominium units.
- **Below Market Rate Housing Program Agreement.** Payment of in-lieu fees associated with the City's Below Market Rate (BMR) Housing Program is required for any new commercial development of 10,000 square feet or more in order to mitigate the demand for affordable housing created by the commercial development. If the developer is unable to build on-site affordable housing units, then the developer is required to pay a commercial in-lieu fee, which is deposited into the BMR Housing Fund. As of August 2009, the in-lieu fee is \$14.01 per square foot of new gross floor area for office uses and \$7.61 per square foot of new gross area for all other commercial and industrial uses.
- **Heritage Tree Removal Permit.** Heritage tree removal permits would be required for two on-site trees and three trees within the Garwood Way right-of-way. The trees would be replaced, in accordance with the Menlo Park Heritage Tree Ordinance, at a 2:1 ratio.

II. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

California Environmental Quality Act (CEQA) Guidelines require preparation of an EIR when a lead agency determines that there is evidence that a project may have a significant effect on the environment. The need to prepare an EIR for the project was established by the City as a result of a preliminary evaluation of the likely environmental effects resulting from operation of the project.

On August 27, 2007, the City of Menlo Park (City) circulated a revised Notice of Preparation (NOP) to help identify the type of impacts that could result from the proposed project, as well as potential areas of controversy. (An earlier NOP was released on August 7; the August 27 NOP contains project details not included in the earlier NOP.) The NOPs were mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the project and its potential impacts, including those who requested to receive

notices on the proposed project. In addition, the NOPs were posted on the City's website. A public scoping session for the Draft EIR was held before the Planning Commission on August 20, 2007. Comments received by the City on the two NOPs and at the public scoping meeting were taken into account during preparation of the Draft EIR.

The Draft EIR was made available for public and agency review on March 23, 2009. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the project and its potential impacts, including those who requested to receive notices about the proposed project. In addition, copies of the Draft EIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft EIR were made available at the Community Development Department, at the Menlo Park Library, and on the City's website.

A public comment session on the Draft EIR was held before the Planning Commission on April 6, 2009. The CEQA-mandated 45-day public comment period for the Draft EIR ended on May 6, 2009. On August 21, 2009, the City published a Response to Comments Document (the Draft EIR and Response to Comments Document constitute the Final EIR).

The Findings and Recommendations prepared by the City of Menlo Park Planning staff, for recommendation by the Planning Commission and adoption by the City Council, are the City's findings under CEQA (Pub. Resources Code, §21000 et seq.) and *CEQA Guidelines* (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of the Council regarding the project's environmental impacts, mitigation measures and project alternatives that in the Council's view justify approval of the project. All mitigation measures listed below in this Findings document are included in a Mitigation Monitoring and Reporting Program (MMRP).

B. Record of Proceedings and Custodian of Record

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

1. The Final EIR for the 1300 El Camino Real 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 EIR for the 1300 El Camino Real Project.
3. All written and oral comments submitted by agencies or members of the public during the public review period for the EIR and any public hearings or meetings held on project approvals.
4. All other public reports, documents, studies, memoranda, maps, or other planning documents related to the 1300 El Camino Real project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the project entitlements.

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; and
 - d. applicable City policies and regulations.

The documents described above comprising the record of proceedings are located in the Community Development Department, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025. The custodian of these documents is the Community Development Director or her 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 1300 El Camino Real Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Transportation, Circulation and Parking

Impact TRANS-1: Under long-range conditions, both with and without the Garwood Way extension, the project would cause the average critical delay at the *Middlefield Road and Ravenswood Avenue* intersection to increase by more than 0.8 seconds.

Impact TRANS-2: Under both near-term and long-range conditions, both with and without the Garwood Way extension, the proposed project would cause the average delay for all movements on the northbound stop-controlled approach to increase by more than 0.8 seconds at the *Alma Street and Oak Grove Avenue* intersection.

Impact TRANS-3: Under both near-term and long-range conditions with the Garwood Way extension, the proposed project would cause the average delay for all movements on the southbound stop-controlled approach to increase by more than 0.8 seconds at the *Garwood Way (Derry Lane)/Merrill Street and Oak Grove Avenue* intersection.

Impact TRANS-4: Under long-range conditions, both with and without the Garwood Way extension, the proposed project would cause the *Middlefield Road and Oak Grove Avenue* intersection to degrade to an unacceptable level of service (LOS E).

Impact TRANS-5: Under both near-term and long-range conditions the proposed project would cause the average critical delay at the *Middlefield Road and Marsh Road* intersection to increase by more than 4 seconds.

Impact TRANS-6: Under both near-term and long-range conditions the proposed project would cause the average delay for all movements on the eastbound stop-controlled approach to increase by more than 4 seconds at the *Middlefield Road and Glenwood Avenue* intersection.

Impact TRANS-7: Under both near-term and long-range conditions the proposed project would cause the average delay for all movements on the eastbound stop-controlled approach to increase by more than 4 seconds at the *Middlefield Road and Encinal Avenue* intersection.

Impact TRANS-8: If the Garwood Way extension is not constructed, the proposed project would cause the critical delay on the *westbound Glenwood Avenue approach to El Camino Real* to increase by more than 0.8 seconds per vehicle under long-range project conditions. The proposed project would also cause the critical delay on the *eastbound Valparaiso Avenue approach to El Camino Real* to increase by more than 0.8 seconds per vehicle under long-range project conditions without the Garwood Way extension.

Impact TRANS-9: Under both near-term and long-range conditions, the proposed project would cause the critical delay on the *eastbound Menlo Avenue approach to El Camino Real* to increase by more than 0.8 seconds per vehicle.

Impact TRANS-10: The proposed project would cause increases in daily traffic volumes on selected segments of Middlefield Road, Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, Laurel Street, Alma Street and Garwood Way that exceed the City of Menlo Park's significance criteria.

Mitigation Measure TRANS-1a: The following significant adverse impacts could be partially mitigated through the implementation of an adequate Transportation Demand Program: Impacts TRANS-1, TRANS-2, TRANS-3, TRANS-4, TRANS-5, TRANS-8, and TRANS-10.

Mitigation Measure TRANS-1b: The following significant adverse impacts could be partially mitigated through the payment of the required traffic impact mitigation fee: Impacts TRANS-1, TRANS-2, TRANS-3, TRANS-8, and TRANS-10.

Mitigation Measure TRANS-1c: The following significant adverse impact could be partially mitigated through the preparation of a study of construction alternatives for safety and vehicle capacity improvements to the intersection of Middlefield Road and Ravenswood Avenue: Impacts TRANS-1.

Mitigation Measure TRANS-3a: The following significant adverse impact could be partially mitigated through the addition of a southbound right turn lane at the intersection of Garwood Way/Merrill Street/Oak Grove Avenue: Impact TRANS-3.

Mitigation Measure TRANS-6: The following significant adverse impacts could be partially mitigated through the payment of a partial contribution to install a traffic signal and associated roadway improvements at the intersection of Encinal Avenue and Middlefield Road: Impacts TRANS-6 and TRANS-7.

Mitigation Measure TRANS-9: The following significant adverse impact could be partially mitigated through the preparation of detailed construction plans for the construction of an additional dedicated northbound right turn lane and conversion of the existing northbound right turn lane into a through lane at the intersection of El Camino Real and Ravenswood Avenue: Impact TRANS-9.

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:* Implementation of the mitigation measures above would not reduce the potentially significant traffic impacts to a less-than-significant level. Other potential mitigation measures for these impacts were considered, including the implementation of transportation improvements that would be under the jurisdiction of Caltrans or the Town of Atherton, or would result in impacts to existing businesses and/or require the acquisition of private property. Therefore, these alternate improvements were determined to be infeasible.
2. *Remaining Impacts:* The impacts to congestion at intersections and roadway segments would remain significant and unavoidable.

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

A. Hydrology and Water Quality

Impact HYD-1: Construction-period activities and operation-period activities could result in degradation of water quality in the Bay by reducing the quality of stormwater runoff.

Mitigation Measure HYD-1a: The project sponsor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted

to the Regional Water Quality Control Board (Water Board), but the plan shall be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.” The developer shall retain an independent monitor to conduct weekly inspections during the rainy season and monthly inspections during the dry season and shall provide written monthly reports to the City of Menlo Park Public Works Department and/or Building Division to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. The project sponsor shall also submit a Notice of Intent (NOI) prior to initiation of construction activities.

Mitigation Measure HYD-1b: The project sponsor shall fully comply with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) (including all requirements of Provision C.3), which maintains compliance with the NPDES Storm Water Discharge Permit. Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation plans to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.

The final design team for the development project shall review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance of all BMPs must be specified in an Operations and Maintenance Agreement (as the City will not assume maintenance responsibilities for these features).

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

1. Effects of Mitigation: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for preparation of a

SWPPP and compliance with the SMCWPPP are feasible and will reduce the construction- and operation-period impacts of the project on stormwater quality to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts related to stormwater quality would not be significant.

Impact HYD-2: Redevelopment of the project site could exacerbate drainage and localized flooding problems.

Mitigation Measure HYD-2: Prior to approval of the grading and drainage plans, the project sponsor shall retain a qualified engineer to prepare a final design-level hydrology and drainage report/plan for the project in accordance with the requirements of the City of Menlo Park.

The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Menlo Park Public Works Department and/or Building Division. Any improvements to the storm drainage system deemed necessary by the City (including improvements to storm pipes and possibly other off-site improvements) shall be incorporated into the conditions of approval for the project.

In addition, per a required Operations and Maintenance Agreement with the City (to be submitted prior to issuance of a building permit), the applicant shall establish a self-perpetuating drainage system maintenance program (to be managed by a business and/or homeowners association or similar entity) that includes annual inspections of any infiltration features and stormwater detention devices (if any), and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Menlo Park Public Works Department for review.

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

1. Effects of Mitigation: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for preparation and review of a final design-level hydrology and drainage report/plan for the project are feasible and will reduce the localized flooding and drainage impacts of the project to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to localized flooding and drainage would not be significant.

B. Geology, Soils and Seismicity

Impact GEO-1: Project occupants would be subject to seismic hazards.

Mitigation Measure GEO-1: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of Menlo Park Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be achieved: 1) The analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California* and 2) All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented as a condition of project approval.

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

1. ***Effects of Mitigation:*** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for preparation and implementation of a design-level geotechnical investigation for the project are feasible and will reduce project-related risks associated with seismic hazards to a less-than-significant level.
2. ***Remaining Impacts:*** Any remaining impacts related to seismic hazards would not be significant.

Impact GEO-2: Damage to structures or property related to shrink-swell soils and/or settlement of non-engineered fill soils could occur.

Mitigation Measure GEO-2: In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, driveways, parking areas, and utilities) shall consider these conditions and design the project to prevent associated damage. The design-level geotechnical investigation (required in Mitigation Measure GEO-1) shall include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill is minimized. Mitigation options may range from removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented to reduce impacts associated with problematic soils to a less-than-significant level.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for preparation and implementation of a design-level geotechnical investigation (which would include measures to ensure that potential damage related to expansive soils and non-uniformly-compacted fill is minimized) for the project are feasible and will reduce project-related risks associated with shrink-swell soils and the settlement of non-engineered fill to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to shrink-swell soils and the settlement of non-engineered fill would not be significant.

C. Air Quality

Impact AIR-1: Demolition and construction-period activities would generate significant dust, exhaust, and organic emissions.

Mitigation Measure AIR-1: Consistent with guidance from the BAAQMD, the following measures shall be required of construction contracts and specifications for the project:

Demolition. The following controls shall be implemented during demolition:

- Watering shall be used to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.

Construction. The following controls shall be implemented at all construction sites:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

- Apply nontoxic soil stabilizers to inactive construction areas;
- 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 exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for implementation of air quality control measures during the construction period, in conformance with guidance from BAAQMD, are feasible and will reduce the temporary construction-period impacts of the project to air quality to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to construction-period emissions would not be significant.

Impact AIR-2: Construction of the project would exacerbate the nonattainment of air quality standards for PM₁₀, PM_{2.5}, and ozone within the subregion and Basin and contribute to cumulative adverse air quality impacts.

Mitigation Measure AIR-2: Implement Mitigation Measure AIR-1.

Findings. See Findings for Impact AIR-1, above.

D. Noise

Impact NOISE-1: During construction of the project, noise levels from construction activities may range up to 91 dBA L_{max} at the nearest land uses to the project site for a limited time period.

Mitigation Measure NOISE-1: The following measures shall be implemented during construction of the project:

- (a) To minimize construction noise impacts on nearby residents and businesses, and to be consistent with Chapter 8.06 of the City of Menlo Park Municipal Code, standard construction activities that exceed stated noise limits shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. from Monday to Friday.

- (b) To reduce daytime construction-related noise impacts to the maximum feasible extent, the project sponsor shall develop a site-specific noise reduction program subject to City review and approval, which includes the following measures:
- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
 - Contact information for an on-site complaint and enforcement manager shall be posted to allow for responses to and tracking of complaints.
 - A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
 - Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
 - Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
 - Stationary noise sources shall be located as far from sensitive receptors as possible and they shall be muffled and enclosed within temporary sheds; or insulation barriers or other measures shall be incorporated to the extent feasible.
 - Prior to construction, a temporary 8-foot high plywood noise barrier (with a rating of 4 pounds/square foot) shall be constructed along the common 1300 El Camino Real/Glenwood Inn property line.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for implementation of noise control/containment measures during the construction period for the project are feasible and will reduce the temporary construction-period impact to noise levels to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to construction-period noise would not be significant.

Impact NOISE-2: Local traffic and rail operations would generate long-term noise levels exceeding 60 dBA CNEL.

Mitigation Measure NOISE-2: To ensure that windows can remain closed for a prolonged period of time, an alternative ventilation system, such as an air conditioning system or mechanical ventilation, shall be required in all buildings.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions for an alternative ventilation system are feasible and will reduce noise levels at the project site associated with local traffic and rail operations to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to long-term noise would not be significant.

Impact NOISE-3: Long-term stationary noise sources on the project site could generate noise levels in excess of the thresholds set in Section 8.06.030 of the City's Noise Ordinance.

Mitigation Measure NOISE-3a: All on-site stationary noise sources shall comply with the standards listed in Section 08.06.030 of the City's Noise Ordinance.

Mitigation Measure NOISE-3b: Implement Mitigation Measure NOISE-2.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring compliance with Section 08.06.030 of the City's Noise Ordinance and the provision of an alternative ventilation system are feasible and will reduce noise levels associated with on-site stationary noise sources to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to on-site stationary noise sources would not be significant.

E. Hazards

Impact HAZ-1: Development of the project could expose construction workers to contaminants in soils and structures formerly containing hazardous materials at the site.

Mitigation Measure HAZ-1a: All hydraulic lifts, the four sumps, and the oil-water separator that previously contained hazardous materials shall be removed by a licensed contractor, under the direction of a regulatory oversight agency. Following removal of the structures, sampling and analysis of samples shall be completed by a qualified environmental professional, as required by the regulatory oversight agency. All requirements regarding removal of these structures shall be satisfied, including the need for soils remediation if contamination is found associated with these structures.

Mitigation Measure HAZ-1b: A Risk Management Plan (RMP) shall be prepared for the project site. At a minimum, the RMP shall include: health and safety provisions for construction workers, including training, air monitoring, and personal protective equipment to be worn by workers; procedures to be undertaken in the event that previously unreported contamination or unknown subsurface hazards are discovered; identification of emergency procedures and responsible personnel; construction safety measures for excavation and other construction activities; and site security procedures. The RMP shall also include procedures for managing soils removed from the site to ensure that any excavated soils containing contaminants are stored, managed, and disposed of in accordance with applicable regulations. The RMP shall be prepared by a qualified environmental professional and submitted to the City Building Division and SMCEHD for review and prior approval.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring removal of features on the site that previously contained hazardous materials, sampling around these features, and the preparation of a RMP are feasible and will reduce hazards associated with potentially contaminated soil and structures (formerly containing hazardous materials) to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to contaminated soils or structures would not be significant.

Impact HAZ-2: Improper use or transport of hazardous materials during construction activities could result in releases affecting construction workers and the general public.

Mitigation Measure HAZ-2: The RMP for the project site shall include emergency procedures for the management and disposal of contaminated soils (see Mitigation Measure HAZ-1b, above). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations, and in accordance with the requirements of the Storm Water Pollution Prevention

Plan and Best Management Practices for hazardous materials storage required for the project (see Mitigation Measures HYD-1a and HYD-1b in Section IV.C, Hydrology and Water Quality).

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring the RMP to include emergency procedures for the management and disposal of contaminated soils and requiring hazardous materials to be handled in response to existing regulations and in accordance with existing regulations and the SWPPP are feasible and will reduce potential impacts associated with the use of hazardous materials during construction activities to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to the use or transport of hazardous materials during construction activities would not be significant.

Impact HAZ-3: Demolition of any structures containing lead-based paint and/or asbestos-containing building materials could release airborne lead and asbestos particles, which may adversely affect construction workers and the public.

Mitigation Measure HAZ-3: Implementation of the following two-part mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-3a: An asbestos and lead-based paint survey (including the collection and analysis of suspect materials, as appropriate) shall be performed by a qualified environmental professional and submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials shall be abated prior to demolition by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be applied during demolition activities, and any required worker health and safety procedures for asbestos and lead shall be incorporated into the RMP for the project (Mitigation Measure HAZ-1b). If loose or peeling lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

Mitigation Measure HAZ-3b: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall be managed and disposed of by the demolition contractor(s) in accordance with applicable universal and hazardous waste

regulations. The RMP (see Mitigation Measure HAZ-1b) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring an asbestos and lead-based paint survey, abatement of these materials if they are present, and the handling of other hazardous materials generated during demolition activities in accordance with applicable regulations are feasible and will reduce impacts associated with the exposure to hazardous building materials to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to hazardous building materials would not be significant.

F. Public Services and Utilities

Impact PUB-1: The increased wastewater demand generated by the proposed project may exceed the capacity of the existing sanitary sewer main in Garwood Way.

Mitigation Measure PUB-1: The project applicant, in consultation with the City of Menlo Park and West Bay Sanitary District, shall be responsible for replacing the existing 6-inch sanitary sewer main with an 8-inch main.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring replacement of the existing 6-inch sanitary sewer main will reduce impacts to the existing sanitary sewer system to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to the existing sanitary sewer system would not be significant.

G. Cultural and Paleontological Resources

Impact CULT-1: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect archaeological cultural resources.

Mitigation Measure CULT-1: Following demolition and prior to excavation, grading, or other construction-related activities on the site, a qualified professional archaeologist shall conduct a subsurface examination to determine the presence, nature, extent, and potential significance of archaeological deposits that may be encountered by project activities. If such deposits exist, and cannot be avoided by project activities, they shall undergo a California Register eligibility assessment. If such deposits are California Register-eligible, project impacts to these deposits shall be mitigated through archaeological data recovery, in accordance with *CEQA Guidelines* Section 15126.4(b)(3)(C). If such deposits are not California Register-eligible, no further study, report, or protection is warranted.

If archaeological data recovery is conducted, feasible efforts shall be made to publicly display the interpretive findings of the investigation. The Menlo Park Historical Society shall be consulted regarding the potential use of the archaeological findings for interpretive opportunities. Such opportunities may include, but are not limited to, museum, library, or Menlo Park Historical Society interpretive displays.

If archaeological materials have been found, a report shall be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring compliance with standard archaeological resources protection protocols will reduce impacts to archaeological cultural resources to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to archaeological resources would not be significant.

Impact CULT-2: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources.

Mitigation Measure CULT-2: A qualified paleontologist shall conduct a paleontological assessment to determine if monitoring during construction activities for paleontological resources is necessary. The assessment shall include: 1) the results of any geotechnical investigation conducted for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If the possibility of paleontological resources is confirmed, a paleontological monitoring plan shall be prepared in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring compliance with standard paleontological resources protection protocols will reduce impacts to paleontological resources to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to paleontological resources would not be significant.

Impact CULT-3: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CULT-3: Should human remains be encountered during project construction activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.

Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring compliance with standard human remains treatment protocols will reduce impacts to human remains to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to human remains would not be significant.

H. Aesthetic Resources

Impact AES-1: The proposed project could increase the amount of light and glare in Menlo Park.

Mitigation Measure AES-1: The project applicant shall prepare a lighting plan and photometric study and submit to the City for review and approval prior to issuance of a building permit. City staff shall review the plan to ensure that any outdoor lighting for the project is oriented downwards and is designed to minimize lighting or glare off-site.

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

1. *Effects of Mitigation*: Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring preparation of a lighting plan and photometric study and approval of their design standards will reduce impacts to light and glare levels to a less-than-significant level.
2. *Remaining Impacts*: Any remaining impacts related to light and glare would not be significant.

I. Global Climate Change

Impact GCC-1: Implementation of the project could conflict with implementation of the greenhouse gas reduction goals under AB 32 or other State regulations.

Mitigation Measure GCC-1: To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project (including specific building projects), in addition to other measures identified in the *City of Menlo Park Climate Change Action Plan*.

Construction and Building Materials

- Use locally produced and/or manufactured building materials for construction of the project;
- Recycle/reuse demolished construction material; and
- Use “Green Building Materials,” such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.

Energy Efficiency Measures

- Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following:
- Increase insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and
- Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment.
- Design, construct and operate all newly constructed and renovated buildings and facilities as equivalent to “LEED Silver” or higher certified buildings;
- Develop an On-Site Renewable Energy System that consists of solar, wind, geothermal, biomass and/or bio-gas strategies. This system should reduce grid-based energy purchases and provide at least 2.5 percent of the project energy cost from renewable energy. Such a strategy can include installation of photovoltaic panels and solar and tankless hot water heaters;
- Provide a final landscape plan for the project that takes advantage of shade, prevailing winds, and landscaping;
- Use combined heat and power in appropriate applications;
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;
- Install light colored “cool” roofs and cool pavements;
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and
- Install light emitting diodes (LEDs) for outdoor lighting.

Water Conservation and Efficiency Measures

- Devise a comprehensive water conservation strategy appropriate for the project. The strategy may include the following, plus other innovative measures that might be appropriate:
 - Create water-efficient landscapes within the development;
 - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;

- Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water;
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard);
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and
- Provide employee education about reducing waste and available recycling services.

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

1. *Effects of Mitigation:* Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City finds that the provisions requiring the incorporation of greenhouse gas-reducing and energy efficiency measures will reduce impacts to global climate change to a less-than-significant level.
2. *Remaining Impacts:* Any remaining impacts related to global climate change would not be significant.

V. 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 main objective of the project applicant is to develop a commercial project that is economically feasible and meets future anticipated market demand in Menlo Park for retail and office space. Other project objectives are as follows:

- Redevelop an underutilized site to create a vibrant development that complements the immediate neighborhood and downtown Menlo Park;
- Create development that enhances the visual and community character of the neighborhood;
- Create a commercial development that encourages the use of public transportation by virtue of its proximity to the Menlo Park Caltrain station; and
- Provide opportunities for local-serving retail and office activity.

C. Alternatives Analysis in EIR

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. The City evaluated the alternatives listed below.

Alternative 1: No Project Alternative

The No Project alternative is discussed on pages 270 to 273 of the Draft EIR. The No Project alternative assumes re-occupancy of the currently vacant site with an automobile dealership. The existing buildings and infrastructure would remain with minimal building upgrades.

Findings: The No Project alternative is rejected as an alternative because it would not achieve the primary objectives of the proposed project.

Explanation: The No Project alternative would eliminate many of the significant impacts associated with the proposed project, in that it would not result in ground-disturbing activities, new construction, or the development of new commercial uses in the site (and the generation of associated new vehicle trips). Therefore, the No Project alternative would avoid several impacts that could result from the proposed project, including: generation of polluted storm water runoff during the construction period; certain traffic impacts and congestion on local roadways; increased exposure to contaminated soil and groundwater during the construction period; destruction of archaeological and paleontological resources during ground disturbance; and less-than-significant aesthetics impacts associated with the removal of heritage trees. While the No Project alternative would be the environmentally superior alternative in the context of impact reduction, it

would not meet the primary objectives of the project. It would not redevelop an underutilized site, enhance the visual and community character of the neighborhood, encourage the use of public transit, or provide opportunities for local-serving retail and office activity.

Alternative 2: Mixed Use Alternative

The Mixed Use alternative is discussed on pages 273 to 302 of the Draft EIR. The Mixed Use alternative assumes that the site would be developed with a mixed use development containing 36 residential units (for-sale or rental); 58,700 square feet of office space; 14,000 square feet of restaurant uses (including, for the purpose of this analysis, a 3,200-square-foot fast food restaurant and a 10,800-square-foot high-turnover restaurant with trip generation characteristics defined by the Institute of Transportation Engineers), 8,895 square feet of general retail uses; and 415 on-site parking spaces. The alternative would consist of two connected buildings: a two-story (above-grade) building along El Camino Real containing retail/restaurant and office uses on the ground floor, and office uses on the second floor, and a three-story (above-grade) building along Garwood Way containing the residential uses. The alternative would include 415 parking spaces accommodated in sub-grade and surface parking lots.

Findings: The Mixed Use alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), would not substantially reduce the environmental impacts of the proposed project, and would expose residents to unhealthy levels of air pollutants. It would achieve the objectives of the project, although not to the degree of the proposed project, because residential uses would be substituted for some of the commercial space that would be included as part of the project.

Explanation: The Mixed Use alternative would have similar impacts to the proposed project resulting from construction and redevelopment on the project site and the location of the site with respect to existing land uses. The majority of these impacts could be mitigated to a less-than-significant level, similar to the proposed project. However, certain significant unavoidable transportation and air quality impacts remain under the alternative (including potential health effects related to exposure of residents to high levels of railroad emissions). Although the alternative would achieve the objectives of the project, it would do so to a lesser extent than the proposed project because commercial development on the site would be reduced.

Alternative 3: Maximum Residential Alternative

The Maximum Residential alternative is discussed on pages 302 to 307 of the Draft EIR. The Maximum Residential alternative assumes that the site would be built to its maximum permitted residential density. The remaining permitted floor area ratio (FAR) on the site would be developed with commercial uses. The alternative would include 62 residential units, 14,655 square feet of retail space, 14,655 square feet of non-medical office space, and at least 257

parking spaces. These uses would be accommodated in buildings similar in scale to those that would be constructed as part of the Mixed Use alternative.

Findings: The Maximum Residential alternative is rejected as an alternative because it would include the construction of housing (which is not a project objective), would not substantially reduce the environmental impacts of the proposed project, and would expose residents to unhealthy levels of air pollutants. It would achieve some of the key objectives of the project to a lesser degree than the project, including the creation of a commercial development that encourages the use of public transit and the provision of opportunities for local-serving retail and office activity.

Explanation: In general, per unit area, residential uses generate fewer vehicle trips (and less vehicle-related noise and emissions) than commercial uses. Therefore, the Maximum Residential alternative would be superior to the project and Mixed Use alternative in terms of reducing air quality, noise, and traffic impacts to surrounding neighborhoods. The housing that would be provided as part of the Mixed Use and Maximum Residential alternatives would be considered beneficial because Menlo Park and the region suffer from a shortage of housing, particularly affordable housing. However, the alternative would expose more residents on the site to potentially hazardous train emissions. In addition, the Maximum Residential alternative would not achieve two of the key objectives of the project to the extent of the project.

VI. 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 1300 El Camino Real Project.

A. 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 transportation impacts 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.

B. Overriding Considerations

The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for a 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.

C. 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 redevelop an underutilized site in a way that complements the immediate neighborhood and downtown Menlo Park.
2. The project will enhance the visual and community character of the neighborhood compared to existing conditions.
3. The project will encourage the use of public transit due to the site's proximity to the Menlo Park Caltrain Station.
4. The project will provide space for local-serving retail and office activity.
5. The project will generate new jobs in Menlo Park and re-introduce revenue-generating uses to the site.
6. Encouraging employment growth around transit is a recognized way to reduce per capita greenhouse gas emissions and combat global warming.
7. The project meets key policies of the City of Menlo Park General Plan, including Policy Document Policies I-A-1, I-B-4, I-C-1, I-C-2, I-E-4, II-B-2, II-D-4, II-E-1, and Open Space and Conservation Element Policy 2.

ATTACHMENT F

**DRAFT
RESOLUTION NO. _____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK, STATE OF CALIFORNIA CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE 1300 EL CAMINO
REAL PROJECT**

WHEREAS, the Sand Hill Property Company (project applicant) proposes the demolition of approximately 30,000 square feet of existing structures on the 3.4-acre project site and construction of 51,365 square feet of grocery store/market/major retail tenant space, 58,700 square feet of office space, and 422 parking stalls; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act and the State CEQA Guidelines, on August 27, 2007, a Notice of Preparation was circulated notifying responsible agencies and interested parties that an Environmental Impact Report (EIR) would be prepared for the proposed project; and

WHEREAS, a Draft EIR (SCH #2007082037) was published on March 23, 2009 and a 45-day public comment period lasting until May 6, 2009 was provided; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community Development Department, on the City's website, and at the Menlo Park Library; and

WHEREAS, the Planning Commission of the City of Menlo Park held a public hearing on the Draft EIR for the project on April 6, 2009; and

WHEREAS, all comments on the Draft EIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the *CEQA Guidelines*; and

WHEREAS, the comments on the Draft EIR and the written responses were packaged into a Response to Comments Document that was published on August 21, 2009 and copies of the Response to Comments Document were made available at the Community Development Department, on the City's website, and at the Menlo Park Library; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Planning Commission of the City of Menlo Park on August 31, 2009 whereat all persons interested therein might appear and be heard; and

WHEREAS, the Planning Commission of the City of Menlo Park having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter voted affirmatively to recommend to the City Council of the City of Menlo Park to find that the Draft EIR and Response to Comments Document, which together constitute the Final EIR, were prepared in compliance with the California Environmental Quality Act (CEQA), and to certify the Final EIR pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the City Council of the City of Menlo Park on _____, 2009 whereat all persons interested therein might appear and be heard; and

WHEREAS, on _____, 2009, the City Council of the City of Menlo Park found that the Final EIR was prepared in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council of the City of Menlo Park considered all the evidence and information in the Final EIR prior to any action on the project; and

WHEREAS, after closing the public hearing, the City Council voted affirmatively to certify the Final EIR pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the City of Menlo Park, acting by and through its City Council hereby certifies the Final EIR pursuant to the California Environmental Quality Act (CEQA).

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the _____ day of _____, 2009, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of _____, 2009.

Margaret S. Roberts, MMC
City Clerk

ATTACHMENT G

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed based upon the findings of the Environmental Impact Report (EIR) prepared for the 1300 El Camino Real Project. The MMRP lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements.

The MMRP is organized in a matrix format. The first column identifies the mitigation measure. The second column, entitled “Monitoring Responsibility,” refers to the agency (or City department) responsible for ensuring the mitigation measure is implemented. The third column, entitled “Monitoring and Reporting Action,” refers to the way in which the responsible agency will monitor implementation of the mitigation measure. The fourth column, entitled “Monitoring Schedule,” refers to when monitoring will occur. The last column, “Non-Compliance Sanction,” refers to the agency action that would be undertaken if the mitigation measure is not fully implemented.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
A. Land Use and Planning Policy				
<i>There are no significant land use and planning policy impacts.</i>				
B. Population and Housing				
<i>There are no significant population and housing impacts.</i>				
C. Hydrology and Water Quality				
<p>HYD-1a: The project sponsor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the Regional Water Quality Control Board (Water Board), but the plan shall be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.” The developer shall retain an independent monitor to conduct weekly inspections during the rainy season and monthly inspections during the dry season and shall provide written monthly reports to the City of Menlo Park Public Works Department and/or Building Division to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. The project sponsor shall also submit a Notice of Intent (NOI) prior to initiation of construction activities.</p>	<ol style="list-style-type: none"> 1) Engineering Division 2) Building Division 	<ol style="list-style-type: none"> 1) Review and approve the SWPPP 2) Conduct regular inspections of the project site during wet and dry days to ensure compliance with the SWPPP 3) Review the written monthly reports submitted by the developer 	<ol style="list-style-type: none"> 1) Prior to issuance of a grading and excavation permit 2) Regularly through the construction period 	<ol style="list-style-type: none"> 1) No issuance of a grading and excavation permit 2) Non-compliance sanctions may be applied by City agencies which may include citations or the revocation of permits

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p>HYD-1b: The project sponsor shall fully comply with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) (including all requirements of Provision C.3), which maintains compliance with the NPDES Storm Water Discharge Permit. Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation plans to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.</p> <p>The final design team for the development project shall review and incorporate as many concepts as practicable from <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i>. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance of all BMPs must be specified in an Operations and Maintenance Agreement (as the City will not assume maintenance responsibilities for these features).</p> <p>The City of Menlo Park Public Works Department and/or Building Division shall ensure that the SWPPP and drainage plan are prepared prior to approval of the grading plan.</p>	<p>Engineering Division</p>	<p>Review drainage plan, final design and Operations and Maintenance Agreement</p>	<p>Prior to issuance of a building permit</p>	<p>No issuance of a building permit</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p>HYD-2: Prior to approval of the grading and drainage plans, the project sponsor shall retain a qualified engineer to prepare a final design-level hydrology and drainage report/plan for the project in accordance with the requirements of the City of Menlo Park.</p> <p>The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Menlo Park Public Works Department and/or Building Division. Any improvements to the storm drainage system deemed necessary by the City (including improvements to storm pipes and possibly other off-site improvements) shall be incorporated into the conditions of approval for the project.</p> <p>In addition, per a required Operations and Maintenance Agreement with the City (to be submitted prior to issuance of a building permit), the applicant shall establish a self-perpetuating drainage system maintenance program (to be managed by a business and/or homeowners association or similar entity) that includes annual inspections of any infiltration features and stormwater detention devices (if any), and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Menlo Park Public Works Department for review.</p>	<p>1) Engineering Division</p>	<p>1) The building plans shall be reviewed for compliance with City of Menlo Park Requirements</p> <p>2) The annual report documenting the inspection and any remedial action conducted shall be submitted to and reviewed by the City of Menlo Park Public Works Department and/or Building Division</p>	<p>1) Prior to issuance of a building permit</p> <p>2) Annually (for the inspection)</p>	<p>1) No issuance of a building permit</p> <p>2) Fines for non-compliance with O&M agreement</p>
<p>D. Geology, Soils and Seismicity</p>				
<p>GEO-1: Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of Menlo Park Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be achieved:</p> <ul style="list-style-type: none"> • The analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the Guidelines for Evaluating Seismic Hazards in California. • All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented as a condition of project approval. 	<p>Building Division</p>	<p>Ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measures GEO-1 and GEO-2 and all applicable regional, State, and federal regulations</p>	<p>Prior to issuance of a grading and excavation permit</p>	<p>No issuance of a grading and excavation permit</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p><u>GEO-2</u>: In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, driveways, parking areas, and utilities) shall consider these conditions and design the project to prevent associated damage. The design-level geotechnical investigation (required in Mitigation Measure GEO-1) shall include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill is minimized. Mitigation options may range from removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented to reduce impacts associated with problematic soils to a less-than-significant level.</p>	(See Mitigation Measure GEO-1.)	(See Mitigation Measure GEO-1.)	(See Mitigation Measure GEO-1.)	(See Mitigation Measure GEO-1.)
<p>E. Transportation, Circulation and Parking</p>				
<p><u>TRANS-1a (TDM)</u>: Prior to the issuance of a certificate of occupancy, the City shall ensure that the project incorporates an adequate Transportation Demand Management (TDM) program accepted and approved by the City of Menlo Park and the City/County Association of Governments (C/CAG) of San Mateo County. The Land Use Component of the Congestion Management Program established by C/CAG requires that new developments that are projected to generate 100 or more net peak-hour trips implement a TDM program that has the capacity to fully reduce the demand for the new peak-hour trips. The applicant is working with City staff to develop a TDM program that complies with these requirements. It is anticipated that the TDM program could include the following measures:</p>	Planning Division and Transportation Division	Review and approval of the TDM program	Prior to granting of occupancy	No granting of occupancy

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<ul style="list-style-type: none"> • Provide preferential carpool parking. • Provide bicycle parking areas for visitors and employees. All bicycle parking shall be located in convenient, safe, and well-lit areas with maximum space for ingress and egress of bicycles. • Provide showers and lockers for bicyclists. • Provide an on-site transportation coordinator. • Provide employee transportation flyers. • Conduct annual mode-use surveys to determine and better focus transportation coordination efforts. • Promote Caltrain and SamTrans ridership through an on-site transportation kiosk and project website. • Provide transit subsidies. • Contribute to the Menlo Park Shuttle Service. • Provide project-specific SamTrans maps at an on-site transportation kiosk and project website. • Provide ride-matching information at an onsite transportation kiosk and project website. • Provide bicycle maps and resources at an onsite transportation kiosk and project website. • Consider reducing the parking supply. 				
<p><u>TRANS-1b (Fee)</u>: Concurrent with the building permit submittal, the City shall ensure that the required traffic impact mitigation fee has been submitted. Based on the type and size of the proposed land uses and the existing land uses to be replaced, the project applicant shall contribute the appropriate traffic impact mitigation fees at building permit issuance to be used for various traffic improvement projects throughout the City. Based on the current rates, the fee would be \$1.60 per square foot of net new commercial space.</p>	Building Division	Verify that the correct fee has been paid	Prior to issuance of a building permit	No issuance of a building permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p><u>TRANS-1c (Alternative Construction Plans)</u>: Prior to building permit issuance, the applicant shall submit a study of construction alternatives for safety and vehicle capacity improvements to the intersection of Middlefield Road and Ravenswood Avenue. The applicant shall work with City of Menlo Park staff, which in turn shall coordinate with Town of Atherton staff, to determine the alternatives to design for the intersection and submit up to four alternative preliminary construction plans for the intersection. Each alternative preliminary construction plan shall include all necessary requirements to construct the improvements, including but not limited to grading and drainage improvements, utility relocations, signal relocations/ modifications, tree protection requirements, sidewalk relocation, curb relocation, median island modifications, right-of-way information (including any necessary additional right of way required), and detailed cost estimates. The applicant shall complete a detailed survey of the area, including right-of-way information, and include this information on each set of plans.</p> <p>The preliminary construction plans for each alternative shall be designed to City of Menlo Park and Town of Atherton standards and shall be approved by the Director of Public Works for Menlo Park after coordinating with the Town of Atherton. The applicant shall diligently pursue City of Menlo Park approval and shall submit revised plans and documents reasonably required by the City of Menlo Park promptly after receipt of written comments from the City of Menlo Park.</p>	Director of Public Works	Review and approval of construction alternative plans	Prior to issuance of a building permit or granting of occupancy	No issuance of a building permit or granting of occupancy
<u>TRANS-2</u> : Implement Mitigation Measures TRANS-1a and TRANS-1b.	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)
<u>TRANS-3a</u> : The significant adverse impact on the Garwood Way/Merrill Street/Oak Grove Avenue intersection shall be partially mitigated by adding a southbound right-turn lane if the Garwood Way extension would be constructed. This improvement would allow right-turn traffic to proceed unimpeded by vehicles waiting to turn left or go straight.	Planning Division and Transportation Division	<ol style="list-style-type: none"> 1) Review improvement plans 2) Verify that the southbound right-turn lane has been adequately installed (if the Garwood Way extension would be constructed). 	Prior to issuance of a building or encroachment permit	No issuance of a building or encroachment permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<u>TRANS-3b</u> : Implement Mitigation Measures TRANS-1a and TRANS-1b.	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)
<u>TRANS-4</u> : Implement Mitigation Measure TRANS-1a.	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)
<u>TRANS-5</u> : Implement Mitigation Measure TRANS-1a.	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)	(Refer to Mitigation Measure TRANS-1a.)
<u>TRANS-6</u> : Prior to building permit issuance, the applicant shall pay \$126,667 to the City as a partial contribution for the installation of a traffic signal and associated roadway improvements at the intersection of Encinal Avenue and Middlefield Road. If the traffic signal is not approved and constructed by the Town of Atherton, or another party, within 3 years of building permit issuance, the City may use such funds for other transportation improvements elsewhere in the City.	Building Division	Verify that the correct fee has been paid and is used for appropriate improvement(s)	Prior to issuance of a building permit	No issuance of a building permit
<u>TRANS-7</u> : Implement Mitigation Measure TRANS-6.	(Refer to Mitigation Measure TRANS-6.)	(Refer to Mitigation Measure TRANS-6.)	(Refer to Mitigation Measure TRANS-6.)	(Refer to Mitigation Measure TRANS-6.)
<u>TRANS-8</u> : Implement Mitigation Measures TRANS-1a and TRANS-1b.	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)	(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p>TRANS-9: Prior to building permit issuance, the applicant shall submit detailed construction plans prepared in accordance with the requirements of both Caltrans and the City of Menlo Park for the construction of an additional dedicated northbound right turn lane and conversion of the existing northbound right turn lane into a through lane at the intersection of El Camino Real and Ravenswood Avenue. The plans shall include all necessary requirements to construct the improvements, including but not limited to, grading and drainage improvements, utility relocations, signal relocations/modifications, tree protection requirements, sidewalk relocation, curb relocation, pedestrian and vehicular entrance improvements/ modifications for the adjacent building, median island modifications, striping modifications further north on El Camino Real to merge the lanes into two lanes, and a detailed cost estimate. The plans shall be reviewed and approved by the Director of Public Works prior to submittal to Caltrans.</p> <p>Within 30 days of approval of the plans by the City of Menlo Park, the applicant shall submit a copy of the Caltrans encroachment permit application. The applicant shall diligently pursue Caltrans approval prior to occupancy of the first building and shall submit revised plans and documents reasonably required by Caltrans promptly after receipt of written comments from Caltrans. If Caltrans has not approved the plans prior to occupancy of the first building, the Director of Public Works shall have the authority to grant an extension to the deadline based on a determination that the applicant has made a good faith effort to obtain the necessary approvals.</p>	<p>Director of Public Works</p>	<p>Review the detailed construction plans for the improvement and the associated encroachment permit</p>	<p>1) Prior to issuance of a building permit 2) Prior to granting of occupancy</p>	<p>No issuance of a building permit or granting of occupancy</p>
<p>TRANS-10: Implement Mitigation Measures TRANS-1a and TRANS-1b.</p>	<p>(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)</p>	<p>(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)</p>	<p>(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)</p>	<p>(Refer to Mitigation Measures TRANS-1a and TRANS-1b.)</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
F. Air Quality				
<p><u>AIR-1</u>: Consistent with guidance from the BAAQMD, the following measures shall be required of construction contracts and specifications for the project:</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ul style="list-style-type: none"> • Watering shall be used to control dust generation during demolition of structures and break-up of pavement. • Cover all trucks hauling demolition debris from the site. • Use dust-proof chutes to load debris into trucks whenever feasible. <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Apply nontoxic soil stabilizers to inactive construction areas; • 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 exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; and • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 	<p>Building Division</p>	<p>Review and approve the dust control plan</p>	<p>Prior to issuance of a demolition permit</p>	<p>No issuance of a demolition permit</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<u>AIR-2</u> : Implement Mitigation Measure AIR-1.	(Refer to Mitigation Measure AIR-1.)	(Refer to Mitigation Measure AIR-1.)	(Refer to Mitigation Measure AIR-1.)	(Refer to Mitigation Measure AIR-1.)
G. Noise				
<p><u>NOISE-1</u>: The following measures shall be implemented during construction of the project:</p> <p>(a) To minimize construction noise impacts on nearby residents and businesses, and to be consistent with Chapter 8.06 of the City of Menlo Park Municipal Code, standard construction activities that exceed stated noise limits shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. from Monday to Friday.</p> <p>(b) To reduce daytime construction-related noise impacts to the maximum feasible extent, the project sponsor shall develop a site-specific noise reduction program subject to City review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> • Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems. • Contact information for an on-site complaint and enforcement manager shall be posted to allow for responses to and tracking of complaints. • A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.). 	Building Division	<ol style="list-style-type: none"> 1) Verify that construction activities occur only during permitted hours 2) Review the site specific noise-reduction program for adequacy 	<ol style="list-style-type: none"> 1) Ongoing throughout the construction period 2) Prior to issuance of a demolition permit 	<ol style="list-style-type: none"> 1) Non-compliance sanctions which may include citations or revocation of permits 2) No issuance of a demolition permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p><i>NOISE-1 Continued</i></p> <ul style="list-style-type: none"> • Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Stationary noise sources shall be located as far from sensitive receptors as possible and they shall be muffled and enclosed within temporary sheds; or insulation barriers or other measures shall be incorporated to the extent feasible. • Prior to construction, a temporary 8-foot high plywood noise barrier (with a rating of 4 pounds/square foot) shall be constructed along the common 1300 El Camino Real/Glenwood Inn property line. 				
<p><u>NOISE-2</u>: To ensure that windows can remain closed for a prolonged period of time, an alternative ventilation system, such as an air conditioning system or mechanical ventilation, shall be required in all buildings.</p>	Building Division and Planning Division	Verify that projects plans show alternative ventilation systems in each building	Prior to issuance of a building permit	No issuance of a building permit
<p><u>NOISE-3a</u>: All on-site stationary noise sources shall comply with the standards listed in Section 08.06.030 of the City's Noise Ordinance.</p>	Building Division	Verify that noise-generating equipment complies with the standards listed in Section 08.06.030 of the City's Noise Ordinance	Prior to issuance of a building permit	No issuance of a building permit
<p><u>NOISE-3b</u>: Implement Mitigation Measure NOISE-2.</p>	(Refer to Mitigation Measure NOISE-2.)	(Refer to Mitigation Measure NOISE-2.)	(Refer to Mitigation Measure NOISE-2.)	Prior to issuance of a building permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
H. Hazards				
<p><u>HAZ-1a:</u> All hydraulic lifts, the four sumps, and the oil-water separator that previously contained hazardous materials shall be removed by a licensed contractor, under the direction of a regulatory oversight agency. Following removal of the structures, sampling and analysis of samples shall be completed by a qualified environmental professional, as required by the regulatory oversight agency. All requirements regarding removal of these structures shall be satisfied, including the need for soils remediation if contamination is found associated with these structures.</p>	Planning Division	<p>1) Verify removal of hazardous materials by a licensed contractor</p> <p>2) Review analysis of soils samples and verify that contamination levels are acceptable</p>	Prior to issuance of a grading and excavation permit	No issuance of a grading and excavation permit
<p><u>HAZ-1b:</u> A Risk Management Plan (RMP) shall be prepared for the project site. At a minimum, the RMP shall include: health and safety provisions for construction workers, including training, air monitoring, and personal protective equipment to be worn by workers; procedures to be undertaken in the event that previously unreported contamination or unknown subsurface hazards are discovered; identification of emergency procedures and responsible personnel; construction safety measures for excavation and other construction activities; and site security procedures. The RMP shall also include procedures for managing soils removed from the site to ensure that any excavated soils containing contaminants are stored, managed, and disposed of in accordance with applicable regulations. The RMP shall be prepared by a qualified environmental professional and submitted to the City Building Division and SMCEHD for review and prior approval.</p>	Building Division and the San Mateo County Health Services Agency, Environmental Health Division (SMCEHD)	Review RMP for adequacy and inclusion of measures identified in Mitigation Measure HAZ-1b	Prior to issuance of a demolition permit	No issuance of a demolition permit
<p><u>HAZ-2:</u> The RMP for the project site shall include emergency procedures for the management and disposal of contaminated soils (see Mitigation Measure HAZ-1b, above). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations, and in accordance with the requirements of the Storm Water Pollution Prevention Plan and Best Management Practices for hazardous materials storage required for the project (see Mitigation Measures HYD-1a and HYD-1b in Section IV.C, Hydrology and Water Quality)</p>	Building Division and the San Mateo County Health Services Agency, Environmental Health Division (SMCEHD)	Review RMP for adequacy and conformance with applicable regulations and storm water management provisions.	Prior to issuance of a demolition permit	No issuance of a demolition permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p><u>HAZ-3a</u>: An asbestos and lead-based paint survey (including the collection and analysis of suspect materials, as appropriate) shall be performed by a qualified environmental professional and submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials shall be abated prior to demolition by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be applied during demolition activities, and any required worker health and safety procedures for asbestos and lead shall be incorporated into the RMP for the project (Mitigation Measure HAZ-1b). If loose or peeling lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.</p>	Building Division	Review the lead-based paint and asbestos survey to ensure consistency with local, State, and federal requirements, and verify that all identified lead and asbestos materials have been removed from the site (if present)	Prior to issuance of a demolition permit	No issuance of a demolition permit
<p><u>HAZ-3b</u>: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall be managed and disposed of by the demolition contractor(s) in accordance with applicable universal and hazardous waste regulations. The RMP (see Mitigation Measure HAZ-1b) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.</p>	Building Division	Review the demolition specifications to ensure that adequate protocols have been established for the handling and disposal of hazardous construction waste and review the RMP.	Prior to issuance of a demolition permit	No issuance of a demolition permit
I. Public Services and Utilities				
<p><u>PUB-1</u>: The project applicant, in consultation with the City of Menlo Park and West Bay Sanitary District, shall be responsible for replacing the existing 6-inch sanitary sewer main with an 8-inch main.</p>	Building Division, Engineering Division, and West Bay Sanitary District	Approve plans for sanitary sewer main replacement and confirm that replacement has occurred	Prior to issuance of a building permit or encroachment permit	No issuance of a building permit or encroachment permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
J. Cultural and Paleontological Resources				
<p><u>CULT-1:</u> Following demolition and prior to excavation, grading, or other construction-related activities on the site, a qualified professional archaeologist shall conduct a subsurface examination to determine the presence, nature, extent, and potential significance of archaeological deposits that may be encountered by project activities. If such deposits exist, and cannot be avoided by project activities, they shall undergo a California Register eligibility assessment. If such deposits are California Register-eligible, project impacts to these deposits shall be mitigated through archaeological data recovery, in accordance with <i>CEQA Guidelines</i> Section 15126.4(b)(3)(C). If such deposits are not California Register-eligible, no further study, report, or protection is warranted.</p> <p>If archaeological data recovery is conducted, feasible efforts shall be made to publicly display the interpretive findings of the investigation. The Menlo Park Historical Society shall be consulted regarding the potential use of the archaeological findings for interpretive opportunities. Such opportunities may include, but are not limited to, museum, library, or Menlo Park Historical Society interpretive displays.</p> <p>If archaeological materials have been found, a report shall be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University.</p>	Planning Division	<ol style="list-style-type: none"> 1) Verify archaeologist conducted subsurface examination 2) Review data recovered and review archaeological report 	<ol style="list-style-type: none"> 1) Prior to issuance of a grading and excavation permit 2) Time of discovery of archaeological materials 	<ol style="list-style-type: none"> 1) No issuance of a grading and excavation permit 2) Non-compliance sanctions which may include citations or revocation of permits
<p><u>CULT-2:</u> A qualified paleontologist shall conduct a paleontological assessment to determine if monitoring during construction activities for paleontological resources is necessary. The assessment shall include: 1) the results of any geotechnical investigation conducted for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If the possibility of paleontological resources is confirmed, a paleontological monitoring plan shall be prepared in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University.</p>	Planning Division	<ol style="list-style-type: none"> 1) Verify that a paleontologist has been retained to assess the need for further monitoring 2) Review the report of methods and results, and verify that the paleontologist's recommendations are implemented 	Prior to issuance of a grading and excavation permit	No issuance of a grading and excavation permit

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p>CULT-3: Should human remains be encountered during project construction activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.</p> <p>Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC.</p>	<p>Planning Division and Building Division</p>	<p>1) Verify that, in the event human remains are discovered, the appropriate agencies are contacted, and an archaeologist is retained to evaluate the materials</p> <p>2) Review and approve the archaeological report as adequate</p>	<p>During the construction period</p>	<p>Non-compliance sanctions which may include citations or revocation of permits</p>
<p>K. Aesthetic Resources</p>				
<p>AES-1: The project applicant shall prepare a lighting plan and photometric study and submit to the City for review and approval prior to issuance of a building permit. City staff shall review the plan to ensure that any outdoor lighting for the project is oriented downwards and is designed to minimize lighting or glare off-site.</p>	<p>Planning Division</p>	<p>Review and approve lighting plan and photometric study</p>	<p>Prior to issuance of a building permit</p>	<p>No issuance of a building permit</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
L. Global Climate Change				
<p><u>GCC-1</u>: To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project (including specific building projects), in addition to other measures identified in the <i>City of Menlo Park Climate Change Action Plan</i>.</p> <p>Construction and Building Materials</p> <ul style="list-style-type: none"> • Use locally produced and/or manufactured building materials for construction of the project; • Recycle/reuse demolished construction material; and • Use “Green Building Materials,” such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials. <p>Energy Efficiency Measures</p> <ul style="list-style-type: none"> • Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following: • Increase insulation such that heat transfer and thermal bridging is minimized; • Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and • Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment. • Design, construct and operate all newly constructed and renovated buildings and facilities as equivalent to “LEED Silver” or higher certified buildings; • Develop an On-Site Renewable Energy System that consists of solar, wind, geothermal, biomass and/or bio-gas strategies. This system should reduce grid-based energy purchases and provide at least 2.5 percent of the project energy cost from renewable energy. Such a strategy can include installation of photovoltaic panels and solar and tankless hot water heaters; 	<p>Planning Division, Building Division, and Engineering Division</p>	<p>Verify that adequate greenhouse gas reduction measures have been incorporated into the project site plans (including building, landscape, lighting, and utility plans)</p>	<p>Prior to issuance of a building permit</p>	<p>No issuance of a building permit</p>

Table 1 *continued*

Mitigation Measures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction
<p><i>GCC-1 Continued</i></p> <ul style="list-style-type: none"> • Provide a final landscape plan for the project that takes advantage of shade, prevailing winds, and landscaping; • Use combined heat and power in appropriate applications; • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings; • Install light colored “cool” roofs and cool pavements; • Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and • Install light emitting diodes (LEDs) for outdoor lighting. <p><i>Water Conservation and Efficiency Measures</i></p> <ul style="list-style-type: none"> • Devise a comprehensive water conservation strategy appropriate for the project. The strategy may include the following, plus other innovative measures that might be appropriate: <ul style="list-style-type: none"> ○ Create water-efficient landscapes within the development; ○ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; ○ Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water; ○ Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and ○ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. <p><i>Solid Waste Measures</i></p> <ul style="list-style-type: none"> • Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard); • Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and • Provide employee education about reducing waste and available recycling services. 				

ATTACHMENT H

**DRAFT
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF MENLO PARK REZONING
PROPERTY WITH THE PRIMARY ADDRESS OF 1300 EL CAMINO
REAL**

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 with the primary address of 1300 El Camino Real (061-430-420 and 061-430-450) and more particularly described in Exhibit "A" and Exhibit "B" is rezoned from C-4 (General Commercial – Applicable to El Camino Real) to P-D (Planned 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 _____, 2009.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of _____, 2009, by the following vote:

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

APPROVED:

Heyward G. Robinson
Mayor, City of Menlo Park

ATTEST:

Margaret S. Roberts, MMC
City Clerk

ATTACHMENT I
DRAFT
PLANNED DEVELOPMENT PERMIT

1300 El Camino Real Project

1. GENERAL INFORMATION:

- 1.1 Applicant: SHP Los Altos, LLC
- 1.2 Nature of Project: Rezoning, Planned Development Permit, Lot Merger and Minor Subdivision, BMR Agreement, Heritage Tree Removal Permit, and Environmental Review/SHP Los Altos, LLC/1300 El Camino Real: 1) Rezoning the properties from C-4 General Commercial District (Applicable to El Camino Real) to Planned Development (P-D) District; 2) Planned Development Permit to establish development regulations including parking, building height, landscaping, and building setbacks, and conduct architectural review for the proposed development of 110,065 square feet of commercial space (51,365 square feet of retail/restaurant/service uses and 58,700 square feet of non-medical office uses); 3) Lot Merger and Minor Subdivision to merge the existing six lots and create up to four commercial condominium units; 4) Below Market Rate (BMR) Agreement for the payment of in-lieu fees associated with the City's BMR Housing Program; 5) Heritage Tree Removal Permits to remove two on-site and four off-site heritage trees; and 6) Environmental Review of the proposed project for potential environmental impacts.
- 1.3 Property Location: 1300 El Camino Real
- 1.4 Assessor's Parcel Numbers: 061-430-420 and 061-430-450
- 1.5 Area of Property: 146,730 square feet (3.37 acres)
- 1.6 Present Zoning: C-4 (General Commercial, Applicable to El Camino Real District)
- 1.7 Proposed Zoning: P-D #8 (Planned Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **75 percent** of the project site. Office FAR shall not exceed **40 percent** of the project site area.
- 2.2 The building setbacks, lot coverage, minimum landscaping, and maximum amount of pavement shall be in accordance with the approved plans.

- 2.3 Building height shall not exceed **40 feet** from the average natural grade.
- 2.4 Parking shall be provided in accordance with the project plans that show a total of **424 parking spaces** on the project site. Exclusion use of parking spaces by tenants shall not occur unless permitted by the Community Development Director.
- 2.5 All rooftop equipment shall be fully integrated into the design of the building or fully screened. Landscaping shall screen all utility equipment that is installed outside of a building and cannot be placed underground.

3. USES

- 3.1 The project site includes a maximum of 110,065 square feet of commercial space in two buildings that may be subdivided into a maximum of four commercial condominium units. The following table describes the various uses and the locations and the maximum square footage allowed for each of the uses:

Use	1st Floor ECR	2nd Floor ECR	1 st and 2 nd floors on Garwood Way	Maximum Gross Floor Area (square feet)**
Non-medical Offices*	-	P	P	58,700
Retail Stores (including grocery stores)	P	-	-	51,365
Sale of Alcohol (ancillary)	P	-	-	
Outdoor Seating	P	-	-	
Personal Services	C	-	-	Established by the use permit
Cafes and Restaurants, except fast food	P	-	-	16,365
Sale of Alcohol	P	-	-	
Outdoor Seating	P	-	-	
Live Entertainment	C	-	-	
Health and Fitness Centers	P	-	-	25,000
Massage	P	-	-	

P = Permitted Use, C = Conditionally Permitted Use, "-" = Not Permitted

* medical office uses include physicians, dentists and chiropractors

**Due to the various permitted uses on the ground floor, the maximum permitted square footages for each use do not add up to the total building square footage. In no case can the ground floor uses exceed 51,365 square feet.

Combinations of uses involving conditionally permitted uses or uses deemed to be comparable to permitted uses, but not explicitly listed, require review and approval by the Community Development Director for conformance with the peak hour and maximum daily trips and trip distributions that were analyzed in the Environmental Impact Report (EIR) for this project, and for adequate parking based on the methodology recommended in the parking study for the project.

4. SIGNS

- 4.1 A Master Sign Program shall be established for the site with a maximum allowed sign area of 500 square feet for the entire development. The square footage, location and materials specified in the Master Sign Program shall be subject to review and approval by the Planning Division.
- 4.2 All signs must be reviewed and approved through the Sign Permit process with an application and applicable filing fees. All signage must be located entirely within the project site and be consistent with the approved Master Sign Program.

5. TERMS OF THE PERMIT

- 5.1. The Planned Development Permit shall expire **two years** from the date of approval if the applicant does not submit a complete building permit application within that time; however, the Planned Development Permit shall automatically be extended if the term of the tentative parcel map is extended, for up to two years. If, four years from the date of approval, the applicant still has not submitted a complete application for building permit, then the Community Development Director may extend this date per Municipal Code Section 16.82.170.
- 5.2. Minor modifications to building exteriors and locations, fence styles and locations, and landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved Planned Development Permit and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval.
- 5.3. Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be allowed subject to obtaining an architectural control permit from the Planning Commission, based on the determination that the proposed modification is compatible with the other building and design elements of the approved Planned Development Permit and will not have an adverse impact on the character and aesthetics of the site.
- 5.4. Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.

- 5.5. Any application for amendment shall be made in writing by the property owner or condominium association to the Planning Commission. The Planning Commission shall, following a public hearing, forward its recommendation to the City Council for action.

6. PROJECT CONDITIONS:

- 6.1. Development of the project shall be substantially in conformance with the plans by Kenneth Rodrigues & Partners, Inc., Guzzardo Partnership, Inc., and BKF, dated March 1, 2009, consisting of 45 plan sheets and recommended by the Planning Commission on August 31, 2009 and approved by the City Council on _____, 2009 except as modified by the conditions contained herein, subject to review and approval by the Planning, Engineering, and Transportation Divisions.
- 6.2. Within two years from the date of approval of the tentative parcel map, or such extended time as permitted by state law, the applicant shall submit a final parcel map for review and approval by the Engineering Division if the applicant desires to create commercial condominiums. The final parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 6.3. Concurrent with the submittal of the final parcel map, the applicant shall submit Covenants, Conditions and Restrictions (CC & R's) for the approval of the City Engineer and the City Attorney. The CC & R's, including condominium plans, shall be approved and recorded concurrently with the final parcel map and prior to building occupancy. The CC&R's shall include a provision about the disclosure of commercial condominium use restrictions related to the type, size, and location of the units, and administration of the Transportation Demand Management (TDM) plan as identified in Condition 6.47.
- 6.4. Prior to final parcel map approval, the applicant shall enter into an "Agreement for Completion of Development Improvements" with the City of Menlo Park to complete all required development improvements and utility works located in public right-of-way, if said improvements are not fully constructed and accepted by the Engineering Division at the time of final parcel map approval.
- 6.5. Prior to recordation of the final parcel map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each condominium unit shall have separate utility service connections.
- 6.6. The approved final parcel map shall be recorded at the County Recorder's Office. The applicant shall provide documentation of the recordation of the

final parcel map at the County Recorder's Office to the Engineering and Planning Divisions within 30 days of recordation.

- 6.7. Concurrent with demolition permit submittal, the applicant shall submit a heritage tree preservation plan, detailing the location of and methods for all tree protection measures, as described in the arborist report. The project arborist shall submit a letter confirming adequate installation of the tree protection measures. The applicant shall retain an arborist throughout the term of the project (demolition through approval of final building permit inspection for the building shells), and the project arborist shall submit periodic inspection reports to the Building Division. The heritage tree preservation plan shall be subject to review and approval by the Planning Division prior to demolition permit issuance.
- 6.8. Concurrent with demolition permit submittal, the applicant shall submit a plan for construction safety fences around the periphery of the construction area and a demolition Erosion and Sedimentation Control Plan. The fences and erosion and sedimentation control measures shall be installed according to the plan prior to commencing construction. The plans shall be reviewed and approved by the Building and Planning Divisions prior to issuance of a demolition permit.
- 6.9. Concurrent with demolition permit submittal, the applicant shall submit a truck route plan, permit application and fees for review and approval by the Transportation Manager prior to demolition permit issuance.
- 6.10. Concurrent with demolition permit submittal, the applicant shall prepare a dust control plan. The plan shall be reviewed and approved by the Building Division prior to demolition permit issuance. Consistent with guidance from the Bay Area Air Quality Management District (BAAQMD), the following measures shall be required of construction contracts and specifications for the project as part of the dust control plan.
 - 6.10.1 The following controls shall be implemented during demolition:
 - 6.10.1.1 Watering shall be used to control dust generation during demolition of structures and break-up of pavement;
 - 6.10.1.2 Cover all trucks hauling demolition debris from the site; and
 - 6.10.1.3 Use dust-proof chutes to load debris into trucks whenever feasible.
 - 6.10.2 The following controls shall be implemented during construction:
 - 6.10.2.1 Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all

times, or shall be treated with non-toxic stabilizers or dust palliatives;

- 6.10.2.2 Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
 - 6.10.2.3 Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
 - 6.10.2.4 Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
 - 6.10.2.5 Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
 - 6.10.2.6 Apply nontoxic soil stabilizers to inactive construction areas;
 - 6.10.2.7 Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - 6.10.2.8 Limit traffic speeds on unpaved roads to 15 mph;
 - 6.10.2.9 Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
 - 6.10.2.10 Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph (MM AIR-1 and AIR-2).
- 6.11. Concurrent with demolition permit submittal, the applicant shall prepare a Risk Management Plan (RMP) for the project. The RMP shall include health and safety provisions for construction workers, including training, air monitoring, and personal protective equipment to be worn by workers; procedures to be undertaken in the event that previously unreported contamination or unknown subsurface hazards are discovered; identification of emergency procedures and responsible personnel; construction safety measures for excavation and other construction activities; and site security procedures. The RMP shall also include procedures for managing soils removed from the site to ensure that any excavated soils containing contaminants are stored, managed, and disposed of in accordance with applicable regulations. Emergency procedures for the management and disposal of contaminated soils shall be included. Additionally, the RMP shall specify how hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall be managed and disposed of by the demolition contractor(s) in accordance

with applicable universal and hazardous waste regulations. The use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations, and in accordance with the requirements of the SWPPP and Best Management Practices for hazardous materials storage required for the project. The RMP shall be prepared by a qualified environmental professional and submitted to the Building Division and SMCEHD for review and approval prior to demolition permit issuance. (MM HAZ-1b, -2, and -3b)

- 6.12. Concurrent with demolition permit submittal, an asbestos and lead-based paint survey (including the collection and analysis of suspect materials, as appropriate) shall be performed by a qualified environmental professional shall be performed and submitted to the Building Division for review and approval prior to the issuance of a demolition permit. If asbestos-containing materials are determined to be present, a certified asbestos abatement contractor shall abate the materials in accordance with the regulations and notification requirements of the BAAQMD. If lead-based paint is identified, then Federal and State construction worker health and safety regulations shall be required during demolition activities, and any required worker health and safety procedures shall be incorporated into the RMP for the project. If loose or peeling lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. (MM HAZ-3a)
- 6.13. Concurrent with demolition permit submittal, a Construction Noise Plan shall be submitted for review and approval by the Planning and Building Divisions prior to demolition permit issuance. The following measures shall be included in the Plan and implemented during construction.
 - 6.13.1 To minimize construction noise impacts on nearby residents and businesses, and be to be consistent with Chapter 8.06 of the City of Menlo Park Municipal Code, standard construction activities that exceed stated noise limits are permitted only between the hours of 8:00 a.m. and 6:00 p.m. from Monday to Friday.
 - 6.13.2 Site-specific noise reduction measures to reduce daytime noise impacts due to construction to the maximum extent feasible, subject to Building and Planning Division review and approval. The program shall include the following measures:
 - 6.13.2.1 Signs posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems;

- 6.13.2.2 Contact information for an on-site complaint and enforcement manager posted on-site to allow for responses to and tracking of complaints;
 - 6.13.2.3 A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.);
 - 6.13.2.4 Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible);
 - 6.13.2.5 Impact tools (e.g., jack hammers, pavement breakers, and rock drills) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools; where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible;
 - 6.13.2.6 Stationary noise sources shall be located as far from sensitive receptors as possible and shall be muffled and enclosed within temporary sheds or insulation barriers or other measures shall be incorporated to the extent feasible; and
 - 6.13.2.7 Prior to construction, a temporary 8-foot high plywood noise barrier (with a rating of 4 pounds/square foot) shall be constructed along the common 1300 El Camino Real/Glenwood Inn property line. (MM NOISE-1)
- 6.14. Concurrent with demolition permit submittal, the applicant shall provide plans for the removal of all underground equipment that previously contained hazardous materials removed by a licensed contractor under the direction of a regulatory oversight agency such as hydraulic lifts, sumps, and oil-water separators,. Following removal of the equipment, sampling and analysis of samples shall be completed by a qualified environmental professional, as required by the regulatory oversight agency. All requirements regarding removal of these structures shall be satisfied, including the need for soils remediation if contamination is found associated with these structures, subject to review and approval by the Planning Division prior to grading and excavation permit issuance. (MM HAZ-1a)

- 6.15. Prior to demolition, excavation, grading, or other construction-related activities on the site, a qualified professional archaeologist shall conduct a subsurface examination and submit a report to the Planning Division for review and approval prior to grading and excavation permit issuance. If such archaeologically valuable deposits exist, as determined by the archaeologist, and cannot be avoided by project activities, they shall undergo a California Register eligibility assessment. If such deposits are California Register eligible, project impacts to these deposits shall be mitigated through archaeological data recovery, in accordance with *CEQA Guidelines* Section 15126.4(b)(3)(C). If such deposits are not California Register eligible, no further study, report, or protection is warranted. If archaeological data recovery is conducted, feasible efforts shall be made to publicly display the interpretive findings of the investigation. The Menlo Park Historical Society shall be consulted regarding the potential use of the archaeological findings for interpretive opportunities. Such opportunities may include, but are not limited to, museum, library, or Menlo Park Historical Society interpretive displays. A report shall be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the Planning Division, the applicant, and the Northwest Information Center at Sonoma State University (NWIC). (MM CULT-1)
- 6.16. Prior to demolition permit and/or building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Public Works Director.
- 6.17. Prior to building permit submittal, the applicant shall work with the property owner of 560 Derry Lane (APN 061-430-200) to arrange dedication of the Garwood Way right-of-way and a cost sharing agreement to fully construct the improvements to the Garwood Way plan line (proposed Derry Lane) as shown on plan sheets DL-1 through DL-4, including the dedicated southbound right-turn lane as shown on plan sheet DL-2. If the applicant has made a good faith effort to obtain an agreement with the property owner of 560 Derry Lane as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to dedicate the right-of-way, then the applicant shall submit alternative roadway layout plans to the Transportation Division and Menlo Park Fire Protection District (MPFPD) for review and approval. Additionally, the applicant shall pursue an agreement with the property owner of 560 Derry Lane to establish an easement in the established plan line to install the proposed water line. If the applicant has made a good faith effort to establish an easement for the water line as determined by the Public Works Director, but the property owner of 560 Derry Lane is unwilling to have an easement established on the property, then the applicant shall submit an alternative water main plan to California Water Service Company (CalWater) and MPFPD for review and approval.

These items shall be completed prior to submittal of the off-site improvement plan described in condition 6.21.

- 6.18. Prior to building permit submittal, the applicant shall work to obtain permission to locate the proposed water and storm sewer lines in the San Francisco Public Utilities Commission (SFPUC) easement. If SFPUC will not permit the proposed water line and storm sewer to be located within the easement, then the applicant shall provide the Planning Division, Engineering Division, MPFPD, and CalWater with an alternative plan that locates the proposed water lines and storm sewer outside of the SFPUC easement for review and approval prior to submittal of the off-site improvement plan described in condition 6.21.
- 6.19. Prior to or concurrent with the building permit submittal, the applicant shall execute the Below Market Rate (BMR) Housing Agreement. Prior to building permit issuance, the applicant shall pay the in lieu fee of approximately \$995,750.41 in accordance with the BMR Housing Agreement. The BMR fee shall be calculated at the time of building permit issuance.
- 6.20. Prior to or concurrent with building permit submittal, the applicant shall submit for either a lot merger to merge the six lots into one or the final parcel map. The lot merger or final parcel map shall be reviewed and approved by the Engineering Division. Prior to grading and excavation permit issuance, the lot merger or final parcel map shall be recorded.
- 6.21. Concurrent with building permit submittal, the applicant shall submit an off-site improvement plan for Garwood Way, and Glenwood Avenue and Oak Grove Avenue, as applicable, indicating all proposed modifications in the public right-of-way, including the dedicated southbound right-turn lane as shown on plan sheet DL-2 (if it has been determined through the process outlined in condition 6.17 that the Garwood Way extension will be constructed), frontage improvements, utility installations, street lighting, landscaping, striping and signage, for review and approval by the Building Division, Engineering Division, and Transportation Division. The off-site improvement plans for Garwood Way shall be revised based on the outcomes related to Condition 6.17. The off-site improvement plan shall be approved prior to issuance of a building permit or encroachment permit for the work in the right-of-way. All of the improvements shall be installed as necessary for site access or fire suppression purposes, but no later than prior to building occupancy. (MM TRANS-3a)
- 6.22. If the Derry project is approved prior to construction of off-site improvements for Garwood Way, then the applicant for the 1300 El Camino Real project shall cooperate with the applicant for the Derry project to coordinate construction of the Garwood Way improvements and share costs of construction.
- 6.23. Concurrent with building permit submittal, the applicant shall submit an off-site improvement plan for El Camino Real indicating all proposed

modifications in the public right-of-way, including frontage improvements, utility installations, street lighting, landscaping, striping and signage, for review and approval by the Building Division, Engineering Division, and Transportation Division prior to the applicant submitting the plans to Caltrans for review and approval. A Caltrans encroachment permit must be obtained prior start of work required to be performed for El Camino Real. All of the improvements shall be installed prior to approval of final building permit inspection for the building shells. All of the improvements shall be installed as necessary for site access or fire suppression purposes, but no later than prior to approval of final building permit inspection for the building shells.

- 6.24. Concurrent with building permit submittal, the applicant shall update the engineering and landscape plans to reflect revisions to the site entry on El Camino Real and surface parking lot, as shown on the architectural plans, to be reviewed and approved by the Planning Division prior to building permit issuance.
- 6.25. Concurrent with building permit submittal, the applicant shall provide a final design-level hydrology and drainage report/plan for the project prepared by a qualified engineer. Any improvements to the storm drainage system deemed necessary by the City (including improvements to storm pipes and possibly other off-site improvements) shall be incorporated into construction plans concurrent with building permit submittal. The hydrology and drainage report/plan shall be subject to review and approval by the Engineering Division prior to building permit issuance. (MM HYD-2)
- 6.26. Concurrent with building 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. Landscaping shall properly screen all utility equipment that is installed outside of a building and cannot be placed underground. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. The screening shall be compatible and unobtrusive and subject to the review and approval of the Planning Division prior to approval of final building permit inspection for the building shells.
- 6.27. Concurrent with building permit submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval by the Engineering Division prior to building permit issuance. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements. The project is required to utilize on-site infiltration as much as possible as a means of handling roof and site drainage. A Civil Engineer registered in California shall prepare the plan.

- 6.28. Concurrent with building permit submittal, a detailed on-site landscape plan, including the size, species, and location, and an irrigation plan shall be submitted for review and approval by the Planning Engineering, and Transportation Divisions, prior to building permit issuance. The landscape plan shall include all onsite landscaping, adequate sight distance visibility, screening for outside utilities with labels for the utility boxes sizes and heights, and a statement of compliance with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44).
- 6.29. Concurrent with building permit submittal, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board and prepare a Stormwater Pollution Prevention Plan (SWPPP) per Section III of the "Project Applicant Checklist for NPDES Permit Requirements". The SWPPP shall be designed to reduce potential impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the Regional Water Quality Control Board (RWQCB), but must be maintained onsite and made available to RWQCB staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." The developer shall retain an independent monitor to conduct weekly inspections during the rainy season and monthly inspections during the dry season and shall provide written monthly reports to the Building Division to ensure compliance with the SWPPP. The SWPPP shall be reviewed and approved by the Engineering Division prior to grading and excavation permit issuance. The applicant shall also submit a Notice of Intent (NOI) prior to grading and excavation permit issuance. (MM HYD-1a)
- 6.30. Concurrent with building plan submittal, the applicant shall ensure compliance with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) (including all requirements of Provision C.3), which maintains compliance with the NPDES Storm Water Discharge Permit. Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation plans to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project grading and drainage

plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The final design team for the development project shall review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred in all areas. Higher-maintenance BMPs may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. The grading and drainage plan shall be reviewed for compliance with provision C.3 and approved by the Engineering Division prior to building permit issuance. (MM HYD-1b)

- 6.31. Concurrent with building permit submittal, the applicant shall provide the results of a paleontological assessment conducted by a qualified paleontologist to determine if monitoring during construction activities for paleontological resources is necessary. The assessment shall include: (1) the results of any geotechnical investigation conducted for the project area; (2) specific details of the construction plans for the project area; (3) background research; and (4) limited subsurface investigation within the project area. If the possibility of paleontological resources is confirmed, a paleontological monitoring plan shall be prepared in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the Planning Division, the applicant, and the NWIC. The Planning Division shall review and approve assessment prior to grading and excavation permit issuance. (MM CULT-2)
- 6.32. Concurrent with building permit submittal, the applicant shall include an alternative ventilation system in the project, such as an air conditioning system or mechanical ventilation, to ensure that windows can remain closed for a prolonged period of time, subject to review and approval by the Building and Planning Divisions prior to building permit issuance. (MM NOISE-2 and NOISE-3b)
- 6.33. Concurrent with building permit submittal, a plan shall be provided that details that all on-site stationary noise sources shall comply with the standards listed in Section 08.06.030 of the City's Noise Ordinance. This plan shall be subject to review and approval by the Building Division prior to building permit issuance. (MM NOISE-3a)
- 6.34. Concurrent with building permit submittal, a design-level geotechnical investigation report shall be submitted to the City of Menlo Park Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall be reviewed and approved by the Building Division prior to grading and excavation permit issuance. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards such as

liquefaction and subsidence. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*. All mitigation measures, design criteria, and specifications set forth in the geotechnical and soils report shall be implemented as a condition of project approval. The design-level geotechnical investigation report shall also include measures to ensure potential damage related to expansive soils and non-uniformly compacted fill are minimized. Mitigation options may range from removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. (MM GEO-1 and GEO-2)

- 6.35. Concurrent with building permit submittal, a specific lighting proposal with a photometric study shall be reviewed and approved by the Planning Division prior to building permit issuance. This review shall ensure that any outdoor lighting for the project is oriented downwards and is designed to minimize lighting or glare off-site. (MM AES-1)
- 6.36. Concurrent with building permit submittal, the applicant shall demonstrate to the satisfaction of the City that the construction and building material, energy efficiency, water conservation and efficiency, and solid waste measures listed in the Mitigations and Monitoring Reporting Program (MMRP) and other measures identified in the *City of Menlo Park Climate Change Action Plan* have been incorporated into the design and construction of the project to the extent feasible, subject to review and approval by the Planning, Building, and Engineering Divisions prior to building permit issuance. (MM GCC-1)
- 6.37. Prior to issuance of each building permit, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 6.38. Prior to building permit issuance, the applicant shall pay all applicable engineering fees.
- 6.39. Prior to the building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- 6.40. Prior to the building permit issuance, the applicant shall pay the applicable School Impact Fee for the commercial components of the project.
- 6.41. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- 6.42. Prior to building permit issuance, the applicant shall record a memorandum of agreement regarding topics covered in the Planned Development Permit, including, but not limited to, on-going fees, use restrictions, maintenance requirements. The agreement shall be reviewed and approved by the Community Development Director, Public Works Director, and the City Attorney.
- 6.43. Prior to building permit issuance, the applicant, in consultation with the Engineering Division and West Bay Sanitary District, shall design and submit plans for the replacement of the existing 6-inch sanitary sewer main with an 8-inch main. Plans for the sanitary sewer main replacement shall be reviewed and approved by the Building Division, Engineering Division, and West Bay Sanitary District prior to building permit issuance. The sanitary sewer line shall be installed prior to approval of final building permit inspection for the building shells. (PUB-1)
- 6.44. Prior to building permit issuance, the applicant shall enter into an Operations and Maintenance Agreement with the City. The Operations and Maintenance Agreement shall establish a self-perpetuating drainage system maintenance program (to be managed by the property owner and/or condominium association or similar entity) that includes annual inspections of any infiltration features and stormwater detention devices (if any), and drainage inlets, flow through planters, other BMPs, and the storm drain pump in ROW. Any accumulation of sediment or other debris shall be promptly removed. Funding for long-term maintenance of all BMPs must be specified in an Operations and Maintenance Agreement. Additionally, the project shall be responsible for all costs associated with the maintenance of the storm drain pump in ROW, including, but not limited to, replacement of the pump, annual maintenance of the flap gate, and provision of power to run the pump. The maintenance agreement shall be subject to review and approval of the Public Works Director and shall be recorded prior to approval of final building permit inspection for the shells. An annual report documenting the inspection and any remedial action conducted shall be submitted to the Public Works Department for review. (MM HYD-2)
- 6.45. Prior to building permit issuance, the applicant shall pay \$126,667 to the City as a partial contribution for the installation of a traffic signal and associated roadway improvements at the intersection of Encinal Avenue and Middlefield Road. If the traffic signal is not approved and constructed by the Town of Atherton, or another party, within 3 years of building permit issuance, the City may use such funds for other transportation improvements elsewhere in the City. (MM TRANS-6)
- 6.46. Prior to building permit issuance, the applicant shall contribute traffic impact mitigation fees of \$1.60 per square foot of net new commercial square footage, which equates to approximately \$130,370.00. (MM TRANS-1b FEE)

- 6.47. Prior to building permit issuance, the applicant shall submit a Transportation Demand Management (TDM) Program, for review and approval by the Planning and Transportation Divisions. The TDM program shall be accepted and approved by the City/County Association of Governments (C/CAG) of San Mateo County prior to occupancy. Concurrent with the start of occupancy, the applicant shall implement the approved TDM measures. (MM TRANS-1a TDM)
- 6.48. Prior to building permit issuance, the applicant shall record an agreement with the City for the payment of the annual Shuttle Fee of 10.5 cents per square foot of commercial space. (MM TRANS-1a TDM)
- 6.49. Prior to building permit issuance, the applicant shall submit a study of construction alternatives for safety and vehicle capacity improvements to the intersection of Middlefield Road and Ravenswood Avenue. The applicant shall work with City of Menlo Park staff, which in turn shall coordinate with Town of Atherton staff, to determine the alternatives to design for the intersection and submit up to four alternative preliminary construction plans for the intersection. Each alternative preliminary construction plan shall include all necessary requirements to construct the improvements, including but not limited to grading and drainage improvements, utility relocations, signal relocations/modifications, tree protection requirements, sidewalk relocation, curb relocation, median island modifications, right-of-way information (including any necessary additional right of way required), and detailed civil engineer's cost estimates. The applicant shall complete a detailed survey of the intersection and right-of-way and include this information on each set of plans. The preliminary construction plans for each alternative shall be designed to City of Menlo Park and Town of Atherton standards and shall be approved by the Public Works Director for Menlo Park after coordinating with the Town of Atherton. The applicant shall diligently pursue City of Menlo Park approval and shall submit revised plans and documents reasonably required by the City of Menlo Park promptly after receipt of written comments from the City of Menlo Park. If the study has not been finalized prior to occupancy of the first building, the Public Works Director shall have the authority to grant an extension to the deadline based on a determination that the applicant has made a good faith effort to complete the work and the applicant either posts a bond or places money in an escrow account with the City of Menlo Park, whichever is acceptable to City staff, to be used to pay for completion of this condition. (MM TRANS-1c)
- 6.50. Prior to building permit issuance, the applicant shall submit detailed construction plans prepared in accordance with the requirements of both Caltrans and the City of Menlo Park for the construction of an additional dedicated northbound right turn lane and conversion of the existing northbound right turn lane into a through lane at the intersection of El Camino Real and Ravenswood Avenue. The plans shall include all necessary requirements to construct the improvements, including but not

limited to, grading and drainage improvements, utility relocations, signal relocations/modifications, tree protection requirements, sidewalk relocation, curb relocation, pedestrian and vehicular entrance improvements/modifications for the adjacent building, median island modifications, striping modifications further north on El Camino Real to merge the lanes into two lanes, and a detailed cost estimate. The submittal must be deemed complete by the Public Works Director prior to building permit issuance. The plans shall be reviewed and approved by the Public Works Director prior to submittal to Caltrans. Within 30 days of approval of the plans by the City of Menlo Park, the applicant shall submit a copy of the Caltrans encroachment permit application filed with Caltrans. The applicant shall diligently pursue Caltrans approval prior to occupancy of the first building and shall submit revised plans and documents reasonably required by Caltrans promptly after receipt of written comments from Caltrans. If Caltrans has not approved the plans prior to occupancy of the first building, the Public Works Director shall have the authority to grant an extension to the deadline based on a determination that the applicant has made a good faith effort to complete the work and the applicant either posts a bond or places money in an escrow account with the City of Menlo Park, whichever is acceptable to City staff, to be used to pay for completion of this condition. (MM TRANS-9)

- 6.51. Should human remains be encountered during project construction activities, construction activities shall be halted and the applicant shall notify the Building Division and County Coroner, immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the Building Division and Planning Division, the applicant and the NWIC. (MM CULT-3)
- 6.52. Prior to approval of final building permit inspection for the building shells, the applicant shall provide a public access easement (PAE), as shown on sheet TM-5.2, connecting through the site to El Camino Real. Dedication of the PAE shall be via the parcel map or separate instrument, which would be subject to City Council approval for acceptance of an easement. Dedication of the easement shall be recorded prior to release of occupancy for either building.

6.53. Prior to approval of final building permit inspection for the building shells, landscape shall be installed per the approved landscape plan, subject to review and approval by the Planning Division.

Considered by the Menlo Park
Planning Commission on
August 31, 2009

Approved by the
Menlo Park City Council on
_____, 2009

Arlinda Heineck, Community
Development Director

Margaret Roberts, City Clerk

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ATTACHMENT J

BELOW MARKET RATE IN LIEU FEE AGREEMENT

This "Agreement" is made as of this ___ day of ___, 200_ by and between the City of Menlo Park, a California municipality ("City") and SHP Los Altos, LLC, a California limited liability company ("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 3.4 acres located at 1300 El Camino Real, more particularly described as assessor's parcel numbers 061-430-420 and 061-430-450 ("Property").

B. Developer proposes to construct on the Property a commercial project consisting of retail and office components ("Project"). Developer has applied to the City for a Rezoning, Planned Development Permit, and related Environmental Review 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. Construction on-site of below market rate units is not feasible or desirable. Developer 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 \$14.01/s.f. for the office space and \$7.61/s.f. for the retail 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: _____

Glen Rojas
City Manager

By: _____

Peter Pau
Manager