



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: April 22, 2008

Staff Report #: 08-047

Agenda Item #: E-1

PUBLIC HEARING: Consideration of a Request for a Two-year Extension of a Planned Development Permit and Vesting Tentative Map Approval for the Construction of a New 26,800-Square-Foot, Commercial Building and 16 Townhomes, and a Planned Development Permit Amendment to Modify a Condition of Approval Regarding the Installation of a Temporary Eight-foot High Plywood Noise Barrier Around the Perimeter of the Project Site Located at 1460 El Camino Real.

RECOMMENDATION

Staff recommends approval of the Planned Development Permit (PDP) and Vesting Tentative Map extensions for a period of two years for the approved 1460 El Camino Real mixed-use project, and an amendment to the PDP that would modify the location of a temporary eight-foot high plywood noise barrier around the perimeter of the project site during construction. The findings and actions for approval as recommended by staff are provided as Attachment A.

The Planning Commission recommends that the City Council also approve the proposed requests, with exception that the extensions be for a period of one year instead of two as identified in Attachment B.

BACKGROUND

On August 1, 2006, the City Council approved (4-0, with Council Member Cohen recused) land use entitlements for development of a 26,800 square-foot, two story commercial building and 16 attached residential units on four parcels, containing the addresses 1452 and 1460 El Camino Real and 1457 and 1473 San Antonio Street, which are collectively known as 1460 El Camino Real. The specific entitlements are listed below:

1. Rezoning – The property was rezoned from C-4 (General Commercial District, Applicable to El Camino Real) to PD (Planned Development District);
2. Planned Development Permit (PDP) – The permit established specific uses and development regulations and architectural designs;

3. Vesting Tentative Subdivision Map – The map merged four parcels and subdivided the land into 18 lots, including 16 residential lots, one common lot for the residential units, and one commercial lot for condominium purposes with a maximum of 40 commercial condominium units;
4. Below Market Rate (BMR) Housing Agreement – The agreement provided three below market rate units on-site;
5. Heritage Tree Permit – The permit allowed for the removal of one heritage tree; and
6. Environmental Impact Report (EIR) – The EIR analyzed potential environmental impacts as a result of the project.

Following the project's approval, the applicant began the process to decommission three dry wells on the property to evaluate ground water quality as recommended in the Phase I Environmental Site Assessment report included in the EIR prepared for the project. During the initial work, contaminants were discovered in the soil, and additional sampling and investigation was conducted. The information is under review by the County of San Mateo Health Department, and it is anticipated to be another month before a response is provided and the next steps are identified. The applicant has stated that the additional testing and review has resulted in unexpected delays in the project, and therefore, is now seeking a two-year extension on the PDP and vesting tentative map. Concurrently, the applicant is also seeking an amendment to the PDP to modify condition 6.30.1 regarding installation of a temporary eight-foot high plywood noise barrier around the perimeter of the site. Both of these items are further discussed below.

Planning Commission Review

On March 10, 2008, the Planning Commission reviewed the proposed request for a two-year time extension on the PDP and vesting tentative map, and the modification to condition 6.30.1, which was also noise mitigation measure 4.9.3 in the EIR. The staff report and an excerpt of the approved minutes from the meeting of March 10, 2008 are included as Attachments C and D, respectively. At the meeting, staff distributed correspondence, which was sent earlier that day, from the applicant's attorney regarding a modified request regarding the location of the eight-foot high plywood barrier. This correspondence is included as Attachment E. The applicant requested to reduce the required location of the plywood fence to only the San Antonio Street frontage and the southerly property line of the subject site to specifically address potential noise impacts to the adjacent and nearby residential uses across San Antonio Street as identified in the EIR. Upon review of the applicant's modified request with the City Attorney, staff indicated to the Planning Commission at the meeting that the requested revision to the noise mitigation measure could be made under the existing EIR for the project, subject to wrapping the plywood fence around the northeast corner

of the site for a minimum of 20 feet in length to account for residential properties located northeast of the subject site.

Two members of the public spoke on the proposed project at the Commission meeting. One member of the public stated support for the project, but requested that the Planning Commission only recommend approval of a one-year extension to encourage the applicant to move more quickly on the development of the project. The member of the public indicated that it was his belief the project could sit idle and return with a denser project in the future should plans for the area change as a result of the El Camino Real/Downtown Visioning Plan efforts. The second member of the public who spoke lives adjacent to the subject site, and stated she wanted assurance that she would be protected from the noise impact during construction.

The Commission discussed the appropriateness of a one- versus two-year extension and the location of the plywood fence. Some Commissioners felt that one year from August 1, 2008 was a reasonable timeframe for the remaining work while one Commissioner stated that a one-year extension was appropriate because he believed the community would prefer the project to get built sooner than later. Several Commissioners supported a two-year extension given the remaining work that needs to be completed prior to building permit submittal, and the unusual market conditions of today, with potential difficulties in obtaining financing.

The Planning Commission recommended that the City Council approve a one-year extension for the PDP and vesting tentative map, with the ability for a one-year extension from August 1, 2009 to August 1, 2010, which could be considered as a Planning Commission consent calendar item. As recommended by the Commission, the additional one-year extension would not require City Council review or approval. With respect to the plywood fencing, the Planning Commission recommended that condition 6.30.1 be modified to exclude plywood fencing along the El Camino Real frontage, the northerly side property line for a distance of 100 feet from the El Camino Real property line, and the southerly side property line for a distance of 150 feet from the El Camino Real property line. The motion passed unanimously. The recommended action and findings, as recommended by the Planning Commission, is included in Attachment B.

Following the Planning Commission meeting, the applicant corresponded with one of the speakers at the March 10, 2008 Planning Commission meeting regarding the intentions of the project. The correspondence is included as Attachment F. The correspondence states that concerns expressed at the March 10, 2008 Commission meeting have been alleviated, and therefore, the speaker now supports a two-year extension.

ANALYSIS

Planned Development Permit and Vesting Tentative Map Extensions

Per the terms outlined in item 5.1 of the PDP, the permit shall expire two years from the date of approval if the applicant does not submit a complete building permit application. Likewise, the Subdivision Ordinance states that a vesting tentative map shall also expire two years from the date of approval. An extension or extensions of a vesting tentative map can be requested for a period, in aggregate, not exceeding two years. Rather than applying for a one-year extension at this time with the potential to return for a second extension request, the applicant wishes to bundle the PDP and vesting tentative map requests, and is asking for a two-year extension of the approvals at this time. With the exception of the proposed request to condition 6.30.1 regarding noise mitigation, which is discussed below in the Planned Development Permit Amendment section, the approved project would remain unchanged.

Since the approval of the project, the City has embarked on the El Camino Real/Downtown Visioning Plan (Phase1), which is intended to inform and guide an implementation strategy for the El Camino Real and downtown study areas. The subject site is located at the northern end of the subject area. Although the visioning process is underway, review of pending development applications have continued to be processed. At this time, it is unknown how the proposed project would align with the El Camino Real vision. However, the approved components of the project complement the existing commercial development along El Camino Real and residential uses along San Antonio Street. Additionally, the project comprehensively merges four parcels to redevelop an underutilized site along the El Camino Real corridor, which is consistent with the application of a PD zoning district.

An extension of the approved PDP and vesting tentative map is needed to allow the project to move forward. Without the PDP, the rezoning of the property to the PD district would have no merit, and the zoning would return to its former zoning designation of C-4 (Applicable to El Camino Real) – General Commercial District. The Planning Commission recommended approving the PDP and vesting tentative map extensions for one-year with the intent to encourage the applicant to move forward with the project in a timely manner. Additionally, the Commission added a provision for a second one-year extension as a Planning Commission consent calendar item, recognizing that a second year addition would be appropriate if needed.

Staff agrees with the Planning Commission that the applicant should continue to make progress in completing a building permit submittal. Since the project approval in August 2006, staff believes that the applicant has proceeded with a good faith effort, but due in large part to circumstances beyond its control, the applicant has experienced unexpected delays. Following the Planning Commission meeting, staff once again contacted the San Mateo County Health Department to follow-up on the review of soils testing documents that were submitted last fall. The County indicated that preliminary

review of the work suggests that the applicant will need to provide additional information and documentation, and subsequent review and approval by the County will likely be required. Depending on the outcome of the additional work, more testing could be required, which could result in additional delay. Additionally, modifications to the project could be required. Therefore, it would be premature to prepare drawings for a complete building permit submittal until the remaining issues are resolved. After discussion with the County staff on the potential next steps in the process, staff's recommendation for a two year extension, has been reaffirmed. Given the remaining work needed for a building permit submittal and the complexity of the project, staff recommends a two-year extension of the PDP and vesting tentative map.

Planned Development Permit Amendment

The applicant is requesting a modification to mitigation measure 4.9.3 of the EIR, also identified as condition 6.30.1 of the PDP, regarding elements of the project's Noise Control Plan. The condition requires construction of a temporary eight-foot high plywood fence around the perimeter of the site. As part of the review process, the applicant requested to modify the condition to limit the plywood fencing to only the southerly property line abutting a single-family residential property and to install an eight-foot chain link fence with netting around the remaining perimeter of the site.

As indicated in the staff report to the Planning Commission, staff did not support the applicant's request because it was believed the proposed netted chain link fencing would not attenuate construction noise as effectively as the eight-foot high plywood fence described in the EIR. At the Planning Commission meeting, the applicant presented a modified request which focused on protecting the residences on the east from the project site on San Antonio Street and the southerly side property line with an eight-foot high plywood noise barrier. The Planning Commission supported the revised noise mitigation measure with a modification for additional fencing that would result in the residential portion facing San Antonio Street being surrounded by the plywood fence, except for the El Camino Real frontage. Attachment G shows the recommended temporary eight-foot high noise fence. Staff believes the revised mitigation measure as recommended by the Planning Commission would minimize temporary noise impacts to the adjacent and nearby sensitive noise receptors during the construction period, and the modification would be consistent with the intent of the noise impact analysis in the EIR. Staff and the Planning Commission recommend the following revised condition 6.30.01:

6.30.1 Prior to construction, a temporary 8-foot high plywood noise barrier shall be constructed around the perimeter of the project site; except for the El Camino Real frontage, the northerly side property line for a distance of 100 feet from the El Camino Real property line, and the southerly side property line for a distance of 150 feet from the El Camino Real property line.

IMPACT ON CITY RESOURCES

The applicant paid a deposit of \$3,325 for the review of the applications for a planned development permit revision and tentative subdivision map revision. Additional staff time above the initial deposit is cost recoverable on an hourly basis.

POLICY ISSUES

No changes to the General Plan or Zoning Ordinance are required for the proposed PDP and vesting tentative map extensions and PDP amendment.

ENVIRONMENTAL REVIEW

A final EIR, which consists of the Draft EIR and Response to Comments, was prepared for this project and was certified by the City Council on August 1, 2006. The EIR analyzed the potential environmental impacts of the project across a wide range of impact areas. Where mitigation measures have been identified to reduce the level of impact to less than significant, these items have been included as conditions in the PDP. One of the mitigations measures is condition 6.30.1 regarding noise. The recommended revision to this condition would be comparable to the mitigation stated in the EIR as the noise barrier would be situated to protect the adjacent and nearby residential uses of the project. No additional mitigation measures would be necessary as a result of the requested extension because the scope of the project has not changed. No further environmental review is required.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTICE

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

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

ATTACHMENTS

- A. Draft Findings and Actions for Approval as recommended by staff, dated April 22, 2008
- B. Draft Findings and Actions for Approval as recommended by Planning Commission, dated April 22, 2008
- C. Planning Commission Staff Report, dated March 10, 2008
- D. Excerpt of the Approved Minutes from the Planning Commission meeting of March 10, 2008
- E. Correspondence from Steven Cohen, DLA Piper, dated March 10, 2008
- F. Correspondence from Daniel Beltramo, Beltramo's Investment Co., Inc., dated March 28, 2008
- G. Map of Recommended Location of Eight-foot High Plywood Construction Fence

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

ATTACHMENT A

1460 El Camino Real Draft Findings and Actions for Approval as Recommended by Staff April 22, 2008

1. Make a finding that the project is consistent with the *Environmental Impact Report for 1460 El Camino Real* and the Response to Comments certified by the City Council on August 1, 2006.
2. Make a finding as per Section 16.82.170 of the Zoning Ordinance pertaining to the extension of time limit for permits where unusual circumstances not of the applicant's making caused a delay in acting on the planned development permit approval, and that there is good cause to extend the time limit for the planned development permit.
3. *Approve the planned development permit extension for a period of two years from August 1, 2008 to August 1, 2010.*
4. Make a finding per section 15.20.070 of the Subdivision Ordinance pertaining to the extension of time for tentative maps where good cause is provided and for which the extension shall not exceed an aggregate a period of two years.
5. *Approve the vesting tentative subdivision map extension for a period of two years from August 1, 2008 to August 1, 2010.*
6. Approve a modification to condition 6.30.1 of the planned development permit to read as follows:

Prior to construction, a temporary 8 foot high plywood noise barrier shall be constructed around the perimeter of the project site; except for the El Camino Real frontage, the northerly side property line for a distance of 100 feet from the El Camino Real property line, and the southerly side property line for a distance of 150 feet from the El Camino Real property line.

Note: The items in *italics* identify the differences between the staff recommendation in Attachment A and the Planning Commission recommendation in Attachment B.

ATTACHMENT B

1460 El Camino Real Draft Findings and Actions for Approval as Recommended by the Planning Commission April 22, 2008

1. Make a finding that the project is consistent with the *Environmental Impact Report for 1460 El Camino Real* and the Response to Comments certified by the City Council on August 1, 2006.
2. Make a finding as per Section 16.82.170 of the Zoning Ordinance pertaining to the extension of time limit for permits where unusual circumstances not of the applicant's making caused a delay in acting on the planned development permit approval, and that there is good cause to extend the time limit for the planned development permit.
3. *Approve the planned development permit extension for a period of one year from August 1, 2008 to August 1, 2009. The applicant may request one additional one-year extension from August 1, 2009 to August 1, 2010. This second one-year extension may be granted by the Planning Commission as a consent calendar item.*
4. Make a finding per section 15.20.070 of the Subdivision Ordinance pertaining to the extension of time for tentative maps where good cause is provided and for which the extension shall not exceed an aggregate a period of two years.
5. *Approve the vesting tentative subdivision map extension for a period of one year from August 1, 2008 to August 1, 2009. The applicant may request one additional one-year extension from August 1, 2009 to August 1, 2010. This second one-year extension may be granted by the Planning Commission as a consent calendar item*
6. Approve a modification to condition 6.30.1 of the planned development permit to read as follows:

Prior to construction, a temporary 8 foot high plywood noise barrier shall be constructed around the perimeter of the project site; except for the El Camino Real frontage, the northerly side property line for a distance of 100 feet from the El Camino Real property line, and the southerly side property line for a distance of 150 feet from the El Camino Real property line.

Note: The items in *italics* identify the differences between the staff recommendation in Attachment A and the Planning Commission recommendation in Attachment B.



PLANNING COMMISSION STAFF REPORT

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

LOCATION: 1460 El Camino Real
(inclusive of the
primary addresses
1452 and 1460 El
Camino Real and 1457
and 1473 San Antonio
Street)

**APPLICANT
AND OWNER:** Beltramo's
Investment
Company, Inc.

EXISTING USE: Commercial

APPLICATION: Planned
Development
Permit Extension,
Vesting Tentative
Map Extension, and
Planned
Development
Permit Amendment

APPROVED USE: Commercial and
Multi-Family
Residential

ZONING: PD (Planned Development) #6

PROPOSAL

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

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

BACKGROUND

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

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

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

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

ANALYSIS

Site Location

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

Project Description

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

Planned Development Permit and Vesting Tentative Map Extensions

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

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

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

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

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

Planned Development Permit Amendment

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

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

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

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

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

Correspondence

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

ENVIRONMENTAL REVIEW

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

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

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

CONCLUSION

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

RECOMMENDATION

Recommend to the City Council:

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

permit.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTICE

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

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

ATTACHMENTS

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

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

EXHIBITS TO BE PROVIDED AT MEETING

None

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COMMUNITY DEVELOPMENT DEPARTMENT

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

Agenda Item #: E1

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

RECOMMENDATION

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

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

BACKGROUND

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

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

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

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

Planning Commission Review

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

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

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

Housing Commission Review

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

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

ANALYSIS

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

Residential Guest Parking

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

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

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

El Camino Real Street Frontage Improvements

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

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

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

Signage

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

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

Architectural Design of the Residential Component

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

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

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

Commercial On-Site Pedestrian Circulation

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

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

Commercial Uses

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

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

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

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

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

Storm Drainage

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

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

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

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

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

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

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

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

IMPACT ON CITY RESOURCES

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

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

POLICY ISSUES

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

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

ENVIRONMENTAL REVIEW

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

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

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

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTICE

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

ATTACHMENTS

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

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

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



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
EXCERPT MINUTES**

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

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

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

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

STAFF PRESENT – Audrey present

PLEDGE OF ALLEGIANCE

E. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

K. ADJOURNMENT – 10:34 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of November 28, 2006.

PLANNED DEVELOPMENT PERMIT

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

1. GENERAL INFORMATION:

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

2. DEVELOPMENT STANDARDS:

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

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

3. USES

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

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

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

Notes:

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

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

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

3.4.1 Residential units (up to 16); and

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

4. SIGNS

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

5. TERMS OF THE PERMIT

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

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

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

6. PROJECT CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Arlinda Heineck, Community
Development Director

Silvia Vonderlinden, City Clerk

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



PLANNING COMMISSION EXCERPT MINUTES

Monday, March 10, 2008

7:00 p.m.

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

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Bims, Bressler, Deziel (Chair), Keith (Arrived 7:03 p.m.), O'Malley, Pagee, Riggs (Vice chair)

INTRODUCTION OF STAFF –Megan Fisher; Associate Planner; Justin Murphy, Development Services Manager

- 4. Planned Development Permit Extension, Vesting Tentative Map Extension, and Planned Development Permit Amendment/Beltramo's Investment Co. Inc./1452 & 1460 El Camino Real and 1457 & 1473 San Antonio Street:** Request for the following: 1) a two-year extension of a Planned Development (PD) Permit for the construction of a new 26,800-square-foot, two-story commercial building with at-grade and subterranean parking and 16 two-story townhomes with partially submerged parking, 2) a two-year extension for a Vesting Tentative Map for the creation of 16 residential lots with associated common areas and one commercial lot for condominium purposes not to exceed 40 commercial units on an approximate 1.5-acre site, and 3) a Planned Development Permit Amendment to modify condition 6.30.1 regarding installation of a temporary 8 foot high plywood noise barrier around the perimeter of the project site. The applicant proposes to install a chain link fence around the construction site with black or green netting, and provide a solid plywood fence where the property abuts residential uses. The rezoning from C-4 (General Commercial, Applicable to El Camino Real) to P-D (Planned Development), the PD Permit, and the Vesting Tentative Map were previously approved by the City Council in August 2006.

Staff Comment: Development Services Manager Murphy said that there was correspondence from Mr. Steven Cohen of DLA Piper regarding noise mitigation with a slightly different request to focus on the noise impacts identified in the EIR and the mitigation to correspond with the impacts as identified in the EIR. He said that would focus the construction of the plywood fence on the shared property line for the residences on the south and beyond the property line on San Antonio. He said staff had reviewed this and believed the Commission could modify and still maintain the environmental review clearance for the project with the exception that the plywood fence would have to wrap the property on the north side of the shared property line with the liquor store for approximately 20 feet in depth to account for property on San Antonio northeast of this property. He said through consultation with the City Attorney, the City Attorney and staff believed the Commission could

recommend this modification and forward it with the requests for extensions to the City Council.

Questions of Staff: Commissioner Riggs said the noise barrier should probably extend all the way to El Camino Real to control noise, and asked why it was limited to 20 feet. Development Services Manager Murphy said he wanted to differentiate between a staff recommendation and what the Commission or Council might recommend or decide and which would be within the realm of possibilities for the Commission and Council to consider. He said staff was not in a position to make that recommendation.

Commissioner Pagee asked what the intent of the fence placement was and if there was a drawing. Development Services Manager Murphy said there was not but offered to draw it and showed the basic shape of the minimum fencing recommended.

Public Comment: Mr. Steve Cohen, DLA Piper, said they had no objection to bringing the fence wall around the north or northeasterly side from the San Antonio and Encinal side toward El Camino. He said it was unusual to require an eight-foot fence to attenuate noise and he was not aware of that requirement for any other project in the City. He suggested that Beltramo's Wine Shop itself would serve as a noise attenuating device to properties to the north. He said they certainly wanted to address neighbors' concerns. He said they had completed the agreement requesting the extension of time for the Conditional Development Permit and the Vesting Tentative Map.

Commissioner Pagee asked if they had consulted with a sound consultant. Mr. Cohen said they had not but he had reviewed the specific impact identified in the EIR which referred to sensitive receptors on the southeast side and east side. He said they left the sound barrier in both of those areas and agreed to wrap around the other corner as well. He said sound that traveled toward El Camino and the Wine Shop would not be going the other direction and that they did not see the need to spend the extra cost to wrap the entire property.

Commissioner Pagee asked how the construction project would be phased. Mr. Cohen said he recollected that the El Camino side would happen first and then the San Antonio side. He said there was a condition as to where the trucks could enter and exit. Commissioner Pagee asked if he would be amicable to extending the fence 150 feet from San Antonio. Mr. Cohen said he would be much more agreeable with staff's suggestion of 20 feet because the Wine Shop building ran most of the length of the property line and would attenuate noise better than a fence. Commissioner Pagee said that if there was a clear space between the building and the fence that noise would not be baffled there. Mr. Cohen said they were willing to bring the fence to the corner of the building.

Chair Deziel asked if Mr. Cohen's statement in his letter of October 18, 2007 that the project had taken 10 years to receive City approvals was saying it was the City's fault. Mr. Cohen said that was not meant to imply that in anyway.

Commissioner O'Malley asked when they had first identified contaminants in the soil. Mr. Cohen said one of the conditions of the project approval was to close three wells on the property during which process testing was done of the soil by the County Environmental

Health Department that indicated contaminants. He said that there had been a report in October 2007 made by their consultant to the County that recommended no further action was necessary. However, the County had indicated that it would take their staff six months to test and respond.

Commissioner Riggs confirmed that Mr. Cohen represented the Beltramo's this evening.

Mr. Morris Brown, Menlo Park, Menlo Park Tomorrow, said they liked the project and would support it. He requested that the Commission only recommend approval of a one-year extension. He said he thought the applicant was banking the project to wait until things shifted so he could come back with a denser project. He said he hoped the project would move ahead at a faster pace. He said a one-year extension would push the applicant to move more quickly.

Ms. June DuPee, Menlo Park, said she was an adjacent neighbor and wanted assurance she would be protected from the noise impact of construction. She said in response to Chair Deziel that she was on the Glenwood Avenue side.

Chair Deziel closed the public hearing.

Commission Comment: Commissioner Keith asked if she could ask a question of Mr. Cohen about the six month delay to make a finding on the contaminants in the soil. Mr. Cohen said that this delay was caused by staff change and backlog of work at the County. He said they expected a response from the County by May and hoped that it would indicate that no further action was needed. He said after that they would need to obtain financing, pre-lease, and finish construction level drawings before they could pull building permits. He said they expected it would take longer than one year. He said the approvals would expire in August 2008 and the maximum extension allowed was only two years. Commissioner Keith said there were concerns about the length of time the process was taking. Mr. Cohen said the design and architectural process was different from cleaning up soils and developing plans for the building permit submittals. Commissioner Keith asked if 18 months would be enough time. Mr. Cohen said that it would be difficult. Commissioner Keith asked if the extension was from the meeting date or from August. Development Services Manager Murphy said it would be from August.

Commissioner Riggs asked what had to occur to prevent the permit from expiring. Development Services Manager Murphy said that would require a complete building permit submittal.

Commissioner Riggs moved to recommend approval to City Council to make the findings; for the sound fence to be maintained as originally proposed with the exception of the El Camino façade and within 100 feet of El Camino; and to approve a one-year extension from August 2008. Commissioner Bims seconded the motion.

Commissioner Keith asked if that would include the fence coming to the corner of the building as offered by the applicant. Commissioner Riggs said he would call for a 200-foot return on the Encinal side. Chair Deziel asked if it would also be 200-feet on the Glenwood

side. Development Services Manager Murphy said the liquor store was located at about 100 feet and that Commissioner Riggs was requesting twice what Mr. Cohen had offered. He said on the south side the fence should extend as recommended by staff.

The Commission looked at a map and talked about the length and location of fence needed.

Chair Deziel said the motion was to recommend to the Council staff's recommendation but with modification for a one-year extension, and to replace recommendation 6 with a recommendation to allow substitution of the wood fence for the full front of San Antonio, 200 feet on the Beltramo store side, and about 100 feet on Garwood with another 150-foot return. Development Services Manager Murphy noted that he had the Commission's intent drawn on the plan.

Commissioner Pagee said she was supportive of the two-year extension as the market was very unusual right now. She said she anticipated some problems with financing and it would be to the applicant's benefit to get the plans done soon as prices were dropping. She said she would like to allow them the two years as it was a very good project. Commissioner O'Malley agreed with Commissioner Pagee. Commissioner Keith said that a one year extension from August was reasonable. Chair Deziel said he considered there to be a contract between the community and commercial property owners in that the community supports commerce and the commercial property owners provide benefit to the community.. He said this project seemed to have run along a very lengthy time schedule and the community would prefer the project get built sooner than later.

Commissioner O'Malley said he was not sure the one-year extension would be enough time and he thought the applicant would move as quickly as possible. Commissioner Pagee asked if the project could be brought back in one-year as a consent item for a request for another one-year extension. Development Services Manager Murphy said that the Commission could approve for two-years with a review after one year or approve for one-year with an option for an extension of an additional year as a consent calendar item.

Commissioner Riggs said as the maker of the motion that he was open to the option to approve for one year with an option for an extension of an additional year as a consent calendar item. Commissioner Bims said as the maker of the second that the applicant already had an option to request an additional year extension. Development Services Manager Murphy said that if the Council accepted the option then any request for another year extension might come back before the Commission and not have to go back before the Council. Commissioner Bims said with that information he was willing to support the modification.

Commission Action: M/S Riggs/Bims to recommend approval to the City Council with the following modifications.

Recommend to the City Council:

1. Make a finding that the project is consistent with the *Environmental Impact Report for 1460 El Camino Real* and the Response to Comments certified by the City

Council on August 1, 2006.

2. Make a finding as per Section 16.82.170 of the Zoning Ordinance pertaining to the extension of time limit for permits where unusual circumstances not of the applicant's making caused a delay in acting on the planned development permit approval, and that there is good cause to extend the time limit for the planned development permit.
3. Approve the planned development permit extension for a period of ~~two~~ **one** years **from August 1, 2008 to August 1, 2009. The applicant may request one additional one-year extension from August 1, 2009 to August 1, 2010. This second one-year extension may be granted by the Planning Commission as a consent calendar item.**
4. Make a finding per section 15.20.070 of the Subdivision Ordinance pertaining to the extension of time for tentative maps where good cause is provided and for which the extension shall not exceed an aggregate a period of two years.
5. Approve the vesting tentative subdivision map extension for a period of ~~two~~ **one** years **from August 1, 2008 to August 1, 2009. The applicant may request one additional one-year extension from August 1, 2009 to August 1, 2010. This second one-year extension may be granted by the Planning Commission as a consent calendar item.**
6. Deny the proposed modification to condition 6.30.1 of the planned development permit.

Modify condition 6.30.1: "Prior to construction, a temporary 8-foot high plywood noise barrier shall be constructed around the perimeter of the project site; **except for the El Camino Real frontage, the northerly side property line for a distance of 100 feet from the El Camino Real property line, and the southerly side property line for a distance of 150 feet from the El Camino Real property line.**

Motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 11:21 p.m.

Staff Liaison: Justin Murphy, Development Services Manager Murphy

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on April 7, 2008.



DLA Piper US LLP
2000 University Avenue
East Palo Alto, California 94303-2214
www.dlapiper.com

Steven G. Cohen
steven.cohen@dlapiper.com
T 650.833.2049
F 650.687.1161

March 10, 2008

VIA FACSIMILE

Deanna Chow, Senior Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: 1460 El Camino Mixed Use project

Dear Ms. Chow:

I am writing to you regarding Beltramo's Investment Company, Inc. ("Applicant") and agenda item C4 for the Planning Commission meeting scheduled for March 10, 2008. Applicant agrees with the analysis in the Staff Report regarding the Planned Development Permit and Vesting Tentative Map extensions and supports recommendations 1 through 5 of the Staff Report.

Regarding the Planned Development Permit amendment to noise mitigation measure 4.9.3 in the EIR, which is condition 6.30.1 of the PDP, with respect to installation of a temporary 8-foot high plywood noise barrier around the perimeter of the entire project site, and recommendation number 6 in the Staff Report, we have gone back and reviewed this section in the EIR dealing with noise (section 4.9). A copy of section 4.9 of the EIR is attached to this letter

On page 86 of the Draft EIR, under the heading "Construction Noise Impacts", it states in part:

"The nearest sensitive receptors to the project site are residential uses located to the east across San Antonio Street, and directly adjacent the southeast boundary of the site. Noise levels at adjacent residences would intermittently exceed 60 dBA and existing ambient levels. Noise levels produced by heavy equipment may interfere with normal residential activities during busy construction periods."

It goes on to describe the specific Impact as follows:

"The project would result in potentially significant noise impacts on adjacent sensitive receptors (i.e., nearby residences) during the construction period."

The specific "sensitive receptors" identified are those ***"located to the east across San Antonio Street, and directly adjacent the southeast boundary of the site."***





Deanna Chow, Senior Planner
March 10, 2008
Page Two

The EIR goes on to describe a series of mitigation measures designed to reduce this specific identified impact to the residential uses located to the east across San Antonio Street and directly adjacent the southeast boundary of the site. One of those mitigation measures reads as follows:

"Prior to construction, a temporary 8-foot high plywood noise barrier shall be constructed around the perimeter of the project site."

This is the specific condition which the Applicant seeks to modify slightly. In the context of the specifically identified impact (noise impacts to the east and southeast), ***this mitigation measure is obviously written significantly broader than is necessary to accomplish the goal of lessening the impact on residences to the east across San Antonio Street and to the southeast boundary of the site.***

While an 8-foot high plywood noise barrier along the east side of the property and some or all of the southeast side of the property would be effective to reduce the noise impact to the residences identified as the impacted areas, requiring the additional cost for installation of an 8-foot high plywood fence along the other two sides of the property (one side adjacent to the Beltramo's Wine Shop and the other side adjacent to El Camino Real) will have no value in further reducing the impact to the sensitive receptor residences across San Antonio Street and directly adjacent the southeast boundary of the site.

Based on the foregoing review of the EIR and the specific impact to be addressed by this mitigation measure, we respectfully request that mitigation measure 4.9.3 in the EIR which is condition 6.30.1 of the PDP, be modified to only require the 8-foot high plywood fence on the east and southeast side of the project. This should be more than sufficient to address the actual impact identified in the EIR.



Deanna Chow, Senior Planner
March 10, 2008
Page Three

Please provide copies of this letter to each of the Planning Commissioners in connection with their review of this matter. Thank you for your further consideration.

Very truly yours,

DLA Piper US LLP

A handwritten signature in black ink, appearing to read 'Steven G. Cohen'.

Steven G. Cohen
steven.cohen@dlapiper.com

cc: William McClure, Esq.
John and Dan Beltramo

SGC:ml
Enclosure

4.9 NOISE

INTRODUCTION

The following discussion is based on a noise analysis prepared for the project by Illingworth & Rodkin, Inc. The noise analysis is contained in Appendix E of this Draft EIR.

ENVIRONMENTAL SETTING

Noise is defined as unwanted or objectionable sound. State and local regulations and ordinances define objectionable noise levels and identify land use compatibility standards. The following analysis describes the characteristics of sound, typical noise sources associated with the proposed land uses, and the location of sensitive noise receptors in relation to the project.

Characteristics of Sound

Sound is comprised of three variables: magnitude, frequency, and duration. The magnitude of variations in air pressure associated with sound waves results in the quality commonly referred to as "loudness." Variations in loudness are measured on the "decibel" (dB) scale. The dB scale is logarithmic. On this scale, noise at zero decibels is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage. However, these extremes are not encountered in commonplace environments.

The second characteristic of sound is frequency. The human ear responds to sounds whose frequencies are in the range from 20 hertz (HZ) to 20,000 HZ. Within the audible range, subjective response to noise varies. People generally find higher pitched sound to be more annoying than lower pitched sounds. Noise is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies which the human ear is most sensitive.

The third characteristic of noise is duration. Annoyance due to noise is often associated with how long noise persists. To adequately describe a noise environment, it is necessary to quantify the variation in noise levels over time. Acoustical engineers often use a statistical approach that specifies noise levels that are observed to be exceeded over a given percentage of time.

Sensitive Noise Receptors

The Noise Element of the City's General Plan contains guidelines for determining noise/land use compatibility. Based on these guidelines, sensitive noise receptors are identified as residential uses, transient lodging (hotels/motels), schools, libraries, churches, hospitals, and nursing homes.

The nearest sensitive receptors to the project sites are single-family residences and apartments located along San Antonio Street. Two two-story, multifamily buildings are located opposite the site on the east side of San Antonio Street. One single-family residence is located directly adjacent to the project boundary at its southeast corner.



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

Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

Existing Ambient Noise Conditions

Noise sources in the project area include traffic along local streets, including El Camino Real and San Antonio Street, and trains on the Cal-train line located approximately 250 feet northeast of the project site. In addition, there is a car wash located about 75 feet to the south of the project site.

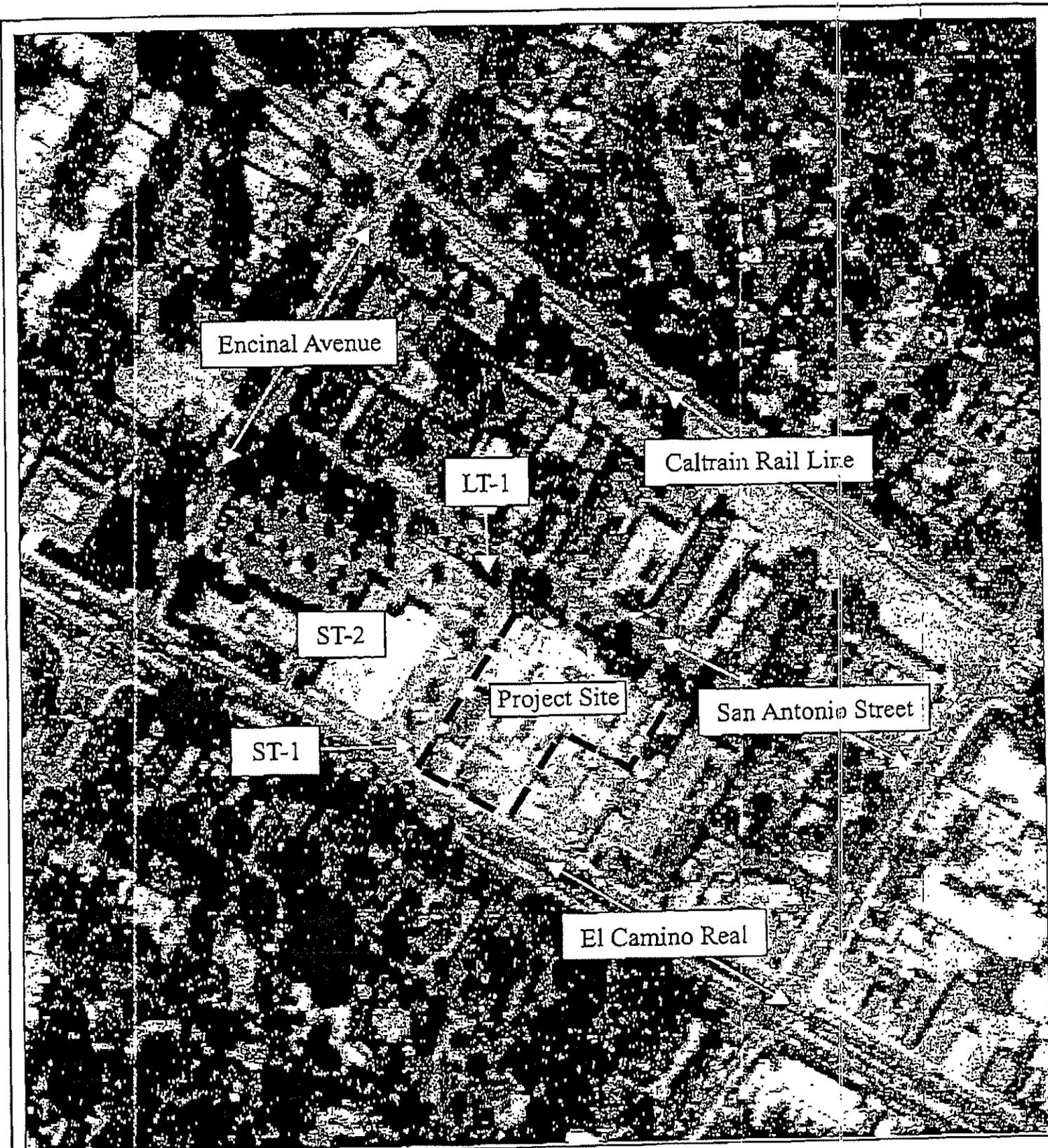
Noise measurements were conducted by Illingworth & Rodkin on March 18-19, 2003 to determine the existing background noise levels in the project area. The locations of these measurements are presented in Figure 12. One long-term (24 hour) noise measurement and two short-term (10-minute) measurements were taken. The long-term noise measurement (LT-1) was made approximately 80 feet west of the center of San Antonio Street and about 245 feet east of the center lane of El Camino Real. This measurement was made to quantify noise levels at the setback of the proposed residential buildings. The first short-term measurement (ST-1) was taken approximately 25 feet from the edge of El Camino Real building setback; the second (ST-2) was taken approximately 175 feet from the edge of El Camino Real at the location of the proposed residences.

The results of the long and short-term measurements are summarized in Table 17. Typical hourly average noise levels range from 45-61 dBA. The adjusted Ldn estimated at this location was 60 dBA. A passing Caltrain generated noise levels of 64 dBA (Lmax) at this location with its horn measuring 68 dBA (Lmax). The average 10-minute noise level at ST-1 was 70 dBA. The estimated Ldn at this location is 70 dBA. The 10-minute average noise level at ST-2 was 56 dBA; the estimated Ldn is 58-60.

Location	Date/Time	Leq	Est. Ldn	Noise Sources
LT-1 - 80 feet west of the center of San Antonio and 245 feet east of the center of El Camino Real	3/19/03 24 hours	45-61	60	traffic on San Antonio; trains
ST-1 - Eltramo Liquor Store parking lot adjacent to project site	3/19/03 4:30 pm	70	70	traffic on El Camino Real
ST-2 - 175 feet from the edge of El Camino Real setback at nearest residential use	3/19/03 4:50 pm	56	58-60	traffic on El Camino Real; liquor store parking lot

Source: Illingworth & Rodkin, Inc., April 2003.

An additional noise measurement was taken at the corner of the project site nearest the car wash on San Antonio Street. Maximum noise from the car wash was measured at about 55 dBA at the project site. Although water spray was intermittently audible, the car wash did not substantially contribute to the noise levels at the project site.



Source: Image courtesy of the U.S. Geological Survey 2003 Microsoft Corporation. All rights reserved.



Location of Noise Measurements

Figure
12

Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

Regulatory Setting

City of Menlo Park Noise Policies

The City of Menlo Park's Noise Element of the General Plan sets forth goals and policies for land use planning. These goals seek to minimize noise impacts on people through reduction and suppression techniques and appropriate land use policies. The City's noise standards are expressed in "Level, day-night," or Ldn, and the "Community Noise Equivalent Level," or CNEL. Both of these indexes measure noise that is averaged over a 24-hour period, with heavier weighting for the evening hours. Ldn is typically used with roadway noise and CNEL is used for aircraft noise.

The City of Menlo Park's Noise Element sets forth specific Goals and Policies for compatible noise and land use planning. The goal of the City of Menlo Park regarding noise is to reduce noise levels in noisy areas to levels compatible with the land uses in those areas and to prevent the escalation of noise levels in areas where noise-sensitive uses are located. The policies in the Noise Element that pertain to this project include the following:

- All development plans should be reviewed by the Community Development Department for compatibility with the noise environment. "The Land Use Compatibility for Community Noise Environments" chart should guide this review.

Table 18 presents the noise and land use compatibility guidelines adopted by the City of Menlo Park. As shown in Table 18, residential uses are considered "normally acceptable" in noise environments up to 60 dB Ldn. In a noise environment between 60 and 70 dB Ldn, residential uses are considered "conditionally acceptable". Between 70 and 75 dB Ldn residential uses are considered "normally unacceptable". In noise environments over 75 dB Ldn, noise levels are considered "clearly unacceptable" for this type of use. Commercial office uses are considered "normally acceptable" in noise environments up to 70 dB Ldn. Between 70 and 75 these uses are considered "conditionally acceptable", between 75 and 80 dB Ldn they are "normally unacceptable", and above 80 dB Ldn noise levels are considered "clearly unacceptable".

Section 8.06.030 of the City of Menlo Park Noise Ordinance sets noise limitations for all sources of sound measured from any residential property at 50 dBA for nighttime (10 PM to 7 AM) and 60 dBA for daytime (7 AM to 10 PM) hours. Under section 8.06.040, the City provides exemptions to this ordinance including the following exemptions for construction activities:

- Construction activities between the hours of 8 AM and 6 PM, Monday through Friday are exempt from the noise ordinance; and
- A sign, containing the permitted hours of construction activities exceeding the noise limits set forth in the Section 8.06.030, shall be posted at all entrances to a construction site upon the commencement of construction, for the purpose of informing contractors and subcontractors and all other persons at the construction site of the basic requirements of this chapter. The sign shall be at least five (5) feet above ground level and shall consist of a white background with black letters.

Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

Table 18 Noise and Land Use Compatibility Guidelines - City of Menlo Park Noise Element						
Land Use Category	Community Noise Exposure Ldn or CNEL, dB					
	55	60	65	70	75	80
Residential - Single Family Duplex, Mobile Home			Diagonal lines (top-left to bottom-right)			
Residential - Multi-family			Diagonal lines (top-left to bottom-right)			
Transient Lodging - Motel, Hotel			Diagonal lines (top-left to bottom-right)			
School, Library, Church, Hospital, Nursing Home			Diagonal lines (top-left to bottom-right)			
Sports Arena, Outdoor Spectator Sports			Diagonal lines (top-left to bottom-right)			
Playground, Neighborhood Park			Diagonal lines (top-left to bottom-right)			
Golf Course, Stable, Water Recreation, Cemetery			Diagonal lines (top-left to bottom-right)			
Office Building, Business, Commercial & Professional			Diagonal lines (top-left to bottom-right)			
Industrial, Manufacturing, Utilities, Agriculture			Diagonal lines (top-left to bottom-right)			
Normally Acceptable Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.	Normally Unacceptable New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.					
Conditionally Acceptable New Construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.	Clearly Unacceptable New construction or development should generally not be undertaken.					



Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

State Requirements

New housing in California is subject to the environmental noise limits set forth in Title 24, Part 2, of the California Building Code. The noise limit is a maximum interior noise level of 45 dBA (Ldn). Where exterior noise levels exceed 60 dBA (Ldn), a report must be submitted with the final building design plans describing the noise attenuation measures which have been incorporated into the design to meet the state requirement.

Impacts and Mitigation Measures

Standards of Significance: In accordance with CEQA Guidelines (Appendix G, Section XI), and agency and professional standards, a project impact would be considered significant if development would:

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Have a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; or
- Generate construction noise levels exceeding City standards during the nighttime near a sensitive receptor.

For the purposes of this analysis, a "substantial" noise increase is defined as an increase of three dBA or greater at noise-sensitive land uses, since this is the level at which noise increases are typically perceptible.

Traffic Noise Impacts from Project

The noise analysis considered future noise levels from traffic under the project and cumulative conditions, based on figures provided in the traffic analysis prepared by Hexagon. This analysis considered noise levels at 14 intersections in the project vicinity. The increase in traffic along the surrounding roadway network over the existing conditions would increase noise levels by 1.5 dBA or less. The project would not substantially increase noise levels (i.e., by 3 or more dBA) from the generation of additional traffic.

The project would result in less-than significant noise impacts due to traffic.

Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

Traffic Noise Impacts on Proposed Uses

Vehicular traffic along El Camino Real and trains passing east of the project site are the major noise sources in the project area. The project site is partially shielded from train noise by a row of apartments along San Antonio Street. In addition, proposed residential uses would be shielded from noise from El Camino Real by the proposed office building. Noise from the car wash is intermittently audible, but does not affect the measured noise levels on the project site.

Noise from a passing Caltrain train was measured at the proposed residential setback at location LT-1. The maximum, single-event noise emitted from the train horn was measured at 68 dBA and the passing train was measured at 64 dBA. Since the project site is shielded by a row of apartments on San Antonio Street, the noise levels from passing trains, though audible, do not measure much louder than a passing vehicle on the same street.

The proposed residential uses could be subject to noise levels of approximately 60 dBA Ldn. This is at the high end of the City's "normally acceptable" range for residential uses. In order to comply with Title 24 of the California Building code, these residences would require noise control treatments to reduce the interior noise level to 45 dBA or less. Standard construction with the windows closed typically provides 15 dBA of shielding. This would require mechanical ventilation in the units to achieve this standard.

Proposed office uses fronting El Camino Real would be exposed to traffic noise of about 70 dBA Ldn at 25 feet from the edge of the roadway. This is at the high end of the City's "normally acceptable" range for commercial and professional offices. Noise levels will be higher in offices fronting El Camino Real. Locating conference rooms and other sensitive office uses away from El Camino Real would help minimize the traffic noise impact on future office users. Standard office/commercial construction with air conditioning would assure that interior noise levels of 45 dBA are not exceeded.

IMPACT: Noise levels in the area could cause interior noise levels at the proposed residential units to exceed the state standard of 45 dBA (Title 24 of the State Building Code).

MITIGATION

- Proposed residential units shall be adequately mechanically ventilated to reduce interior noise levels while allowing occupants to keep their windows opened or closed at their own discretion.

Operational Noise

The proposed office building would contain mechanical equipment which may result in noise. Typical types of equipment that can generate high noise levels include heating, ventilating, air-conditioning equipment (HVAC), air filtration equipment, and other associated machinery. Outdoor equipment noise is unlikely to adversely affect office uses on the site. This equipment could, however, result in potential noise impacts upon adjacent proposed or existing residential uses, which are noise sensitive. The project would be required to meet the City's Noise Ordinance, which requires that noise from mechanical equipment not exceed 60 dBA at the nearest residential line.



Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

IMPACT: Noise from mechanical equipment associated with the proposed office building could impact the proposed or adjacent existing residential uses.

This is a potentially significant noise impact that would be reduced to a less-than-significant level with the following mitigation.

MITIGATION

- The project shall screen, enclose, or otherwise design all outdoor mechanical equipment to attenuate potential noise impacts in compliance with the City of Menlo Park's Noise Ordinance.

Construction Noise Impacts

The project would result in noise impacts during construction. Noise generated during construction depends on the type of equipment used, the timing and length of noise-generating activities, and the distance between the noise-generating activities and the nearby sensitive receptors. Construction noise levels vary depending on the number and type of equipment used. Most construction noise is in the range of 75 to 80 dBA measured at a distance of 100 feet. Construction would occur during weekday, daytime hours. Noise from construction activity dissipates at the rate of six decibels for each doubling of distance from the noise source, reducing potential noise impacts at greater distances.

The nearest sensitive receptors to the project site are residential uses located to the east across San Antonio Street, and directly adjacent the southeast boundary of the site. Noise levels at adjacent residences would intermittently exceed 60 dBA and existing ambient levels. Noise levels produced by heavy equipment may interfere with normal residential activities during busy construction periods.

IMPACT: The project would result in potentially significant noise impacts on adjacent sensitive receptors (i.e., nearby residences) during the construction period.

Construction of the project would result in significant noise impacts that would be reduced to a less-than-significant level with the following mitigation.

MITIGATION

- Prior to construction, a temporary 8-foot high plywood noise barrier shall be constructed around the perimeter of the project site.
- Limit construction activity to daytime hours (8 AM to 6 PM) with no construction activity on Saturday, Sunday, or holidays.
- Use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.



Environmental Setting, Impacts & Mitigation Measures
4.9 Noise

- Utilize noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.
- Designate a disturbance coordinator and post the name and phone number of this person conspicuously at the site. The disturbance coordinator will respond to complaints about noise and take the steps necessary to mitigate the problem.
- Site access should be primarily from El Camino Real with limited access from San Antonio Street.

ER2

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EB

BELTRAMO'S INVESTMENT CO., INC.

1540 EL CAMINO REAL
MENLO PARK, CA 94025
PHONE 650-326-3230 / FAX 650-326-1109

March 28, 2008

Mayor Andrew M. Cohen and Members of the City Council
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Time extension for Beltramo's Mixed Use Development at 1500 El Camino Real, Menlo Park

Honorable Mayor and Council Members:

We have applied for a two year extension for our Mix Use Development on El Camino Real because of delays caused by a mandatory investigation necessitated by a positive soil and groundwater test showing traces of PCE (Tetrachloroethene). We have done three sets of test borings for the San Mateo County Environmental Health Department over the past 19 months in an effort to get a clearance from them.

The City staff recommended to the Planning Commission a two year extension. However, the Planning Commission on March 10, 2008 recommended to the City Council that a one year extension should be granted. It is our impression that the Commissioners were influenced by the concerns of Morris Brown, the contact person for "Menlo Park Tomorrow", who was the only person besides us who spoke on the issue.

Shortly after the Planning Commission meeting we corresponded with Mr. Brown. He has since stated that his reservations about the two year extension have been removed. We have enclosed both our letter to Mr. Brown and his email reply to my letter. Our letter to Mr. Brown enumerates some of the reasons for our need for a two year extension. In addition, financing in this environment takes time to put in place. Basically, Mr. Brown's goal of quick completion of the project is the same as our goal, but a one year extension will do nothing to increase how quickly we can proceed, and it will only cost us more money and the City Staff and Council more time.

The Menlo Park City Council hearing on the issue is tentatively set for April 22, 2008. We are hopeful that you are supportive of our request for a two year extension. I will call you within the next two week to see if you have any questions concerning our request.

Thank you.

Sincerely,



Daniel A. Beltramo
danb@beltramos.com

2 enclosures

cc: Identical letters to all council members,
City Clerk, and Deanna Chow (Planning Department)



BELTRAMO'S INVESTMENT CO., INC.
1540 EL CAMINO REAL
MENLO PARK, CA 94025
PHONE 650-326-3230 / FAX 650-326-1109

March 14, 2008

Mr. Morris Brown
Menlo Park Tomorrow
140 Stone Pine Lane
Menlo Park, CA 94025

Dear Morris:

We were pleased to hear at the Menlo Park Planning Commission on Monday evening that you are supportive of our mixed use project at 1500 El Camino Real, Menlo Park. Thank you for your support. We too are proud of this project and we are just as anxious as you are to see the project built. Unfortunately, we have been working with the County to address a mysterious toxic waste problem before we can start.

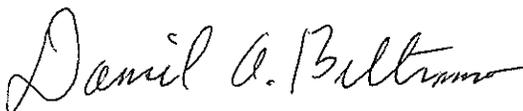
After many years working on the project and spending many hundreds of thousands of dollars on the project design, we are not about to change our development plans. My brother and I are both over 70 years of age, and we do not want to go through another planning process on this property. However, our means and nature dictate that we proceed cautiously and we cannot proceed with an expensive set of construction drawings without first hearing back from the County and resolving the environmental issue.

Our family has been serving the Menlo Park retailing community for over 125 years and we are proud of the project we have designed that will be next to our store. Since it is likely that we will need more than the one year extension, we had hoped to avoid the additional staff time as well as the fees and costs we will have to pay in order to come back to the City and get an additional one year extension.

Thank you for considering our point of view, and we are hopeful to have your support of a two year extension when the matter comes before the City Council. Your goal and our goal are one in the same. We want this project built as soon as possible, but a one year extension will do nothing to increase how quickly we can proceed, and will only cost us more money and the staff and Council more time.

If you have any questions please call me or my brother John.

Sincerely,



Daniel A. Beltramo
danb@beltramos.com

(F2)

Dan Beltramo

From: Morris Brown [mbrown5@pacbell.net]
Sent: Saturday, March 15, 2008 4:22 PM
To: danb@beltramos.com
Subject: Your project at 1500 El Camino

Dan:

Thanks for your letter dated March 14th.

Your letter has convinced me that your request for a 2 year extension is reasonable.

Our concern was that perhaps you were thinking about re-submitting a new proposal with higher density, thinking that with the El Camino Visioning process going on, a new specific plan might pass that would enable higher density development on your site.

We would be against more intense use, but as I stated at the PC, we are supportive of your project as proposed. Your letter indicates you have no intention of going to a new proposal which pleases us very much.

I'm now 69 years old, have lived on Stone Pine Lane now 38 years and really believe a development such as you wish to build will be an asset to our community.

Good luck on resolving the remediation concerns and getting your project going. With today's economic conditions and quite frankly near term dismal economic outlook, proceeding with a development such as your takes courage.

I often see some of the council persons, and I will tell them my reservations about extending for 2 years have been removed.

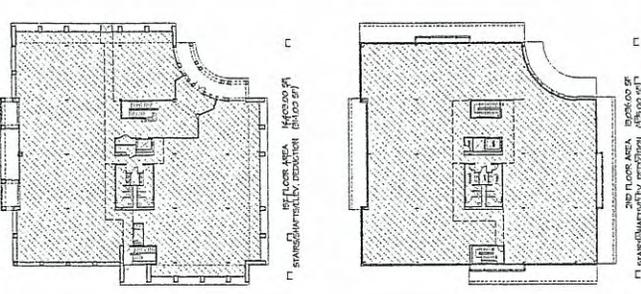
Sincerely,

Morris

Morris Brown
contact person
Menlo Park Tomorrow

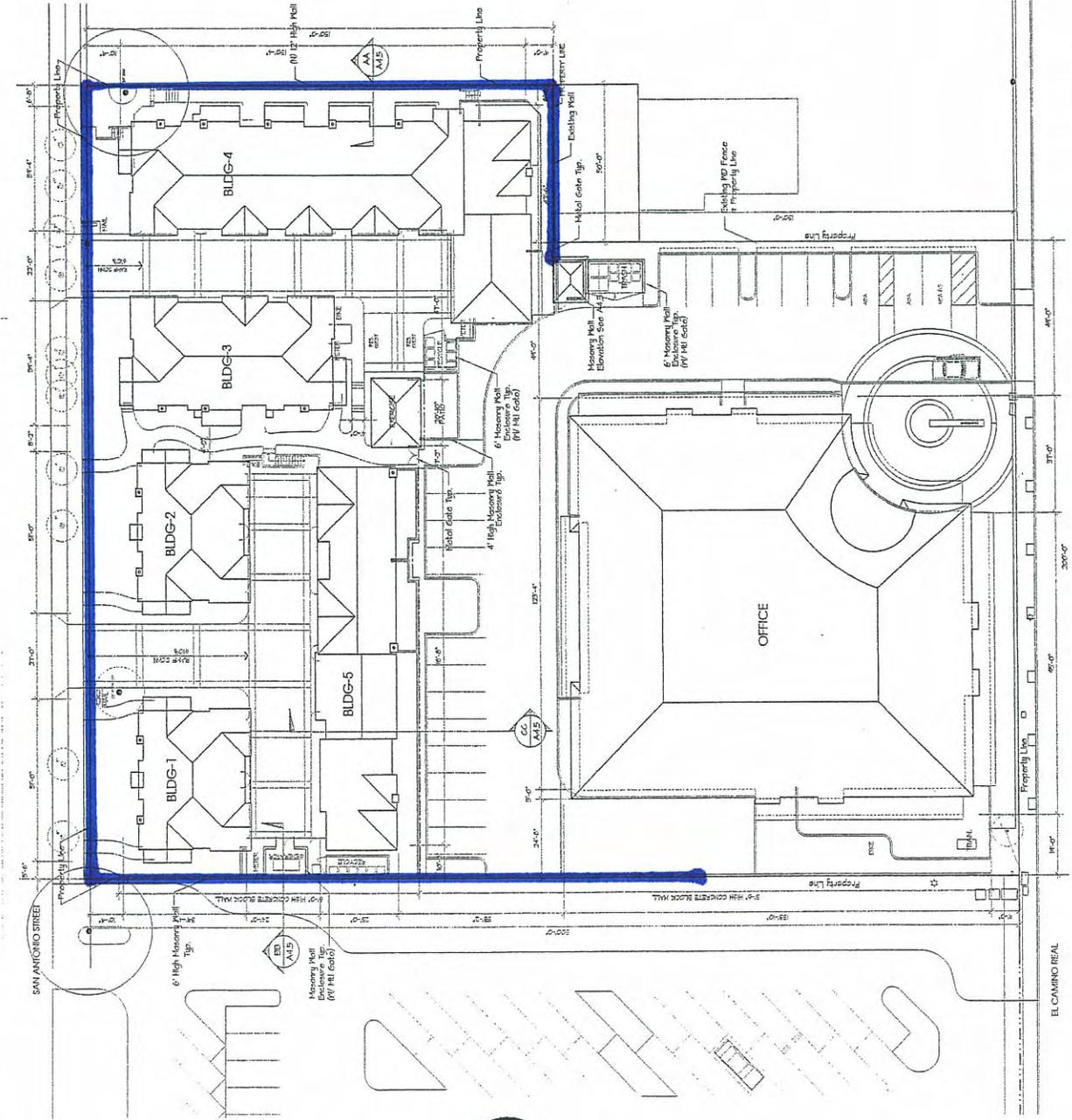


OFFICE AREA CALCULATION



PROJECT DATA SUMMARY

LAND AREA	61,000 SF
ALLOWABLE FAR: 15%	9,150 SF
RESIDENTIAL # UNITS	2,300
RESIDENTIAL # CARSPACES	2,300
AC PAVING	20,000 (15,000 - 40%)
OFFICE SPACE	10,000 (15,000 - 33%)
BLDG. AREA	240,000 SF
STANDARD PARKING	140,000 SF (140,000 SF)
STANDARD WALKWAY DECKING	100,000 SF
TOTAL	240,000 SF
RESIDENTIAL	1,000
TYPE A1 (CRCH)	1,000
TYPE A2 (CRCH)	1,000
TYPE B (CRCH)	1,000
TYPE C1 (CRCH)	1,000
TYPE C2 (CRCH)	1,000
TYPE C3 (CRCH)	1,000
TYPE C4 (CRCH)	1,000
TYPE C5 (CRCH)	1,000
TYPE C6 (CRCH)	1,000
TYPE C7 (CRCH)	1,000
TYPE C8 (CRCH)	1,000
TYPE C9 (CRCH)	1,000
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TYPE C73 (CRCH)	1,000
TYPE C74 (CRCH)	1,000
TYPE C75 (CRCH)	1,000
TYPE C76 (CRCH)	1,000
TYPE C77 (CRCH)	1,000
TYPE C78 (CRCH)	1,000
TYPE C79 (CRCH)	1,000
TYPE C80 (CRCH)	1,000
TYPE C81 (CRCH)	1,000
TYPE C82 (CRCH)	1,000
TYPE C83 (CRCH)	1,000
TYPE C84 (CRCH)	1,000
TYPE C85 (CRCH)	1,000
TYPE C86 (CRCH)	1,000
TYPE C87 (CRCH)	1,000
TYPE C88 (CRCH)	1,000
TYPE C89 (CRCH)	1,000
TYPE C90 (CRCH)	1,000
TYPE C91 (CRCH)	1,000
TYPE C92 (CRCH)	1,000
TYPE C93 (CRCH)	1,000
TYPE C94 (CRCH)	1,000
TYPE C95 (CRCH)	1,000
TYPE C96 (CRCH)	1,000
TYPE C97 (CRCH)	1,000
TYPE C98 (CRCH)	1,000
TYPE C99 (CRCH)	1,000
TYPE C100 (CRCH)	1,000



SITE PLAN

Recommended Location of Eight-foot High Plowwood Construction Fence

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