

CONDITIONAL DEVELOPMENT PERMIT

525 and 625 El Camino Real

I. GENERAL INFORMATION:

- A. Applicant: Safeway, Inc. ("Ground Lessee")
- B. Nature of Project: Rezoning the project site, construction of a 65,017-square-foot main structure (anchor store) and a semi-attached 11,500-square-foot building (retail building) for a total of 77,248 square feet, with related site improvements including driveways and landscaping.
- C. Property Location: 525 and 625 El Camino Real
- D. Assessor's Parcel Number: 071-332-130 and 071-332-110
- E. Area of Property: 251,343 square feet
- F. Present Zoning: C-4 (General Commercial, Applicable to El Camino Real District)
- G. Proposed Zoning: C-4-X (General Commercial, Applicable to El Camino Real - X Conditional Development District)

II. DEVELOPMENT STANDARDS:

- A. Floor Area Ratio (FAR) shall not exceed **35 percent** of the project site.
- B. Lot coverage shall not exceed **33 percent** of the lot area.
- C. Minimum landscaping shall be **10 percent** of the lot area.
- D. The maximum amount of pavement shall not exceed **57 percent** of the lot area.
- E. Building height shall not exceed **30 feet** from the average natural grade, except for architectural features which shall not exceed **40 feet**.
- F. Building setbacks and parking shall be in accordance with the approved plans.
- G. The on-site circulation shall be installed according to the approved plans.

III. USES

The project site includes a 65,017-square-foot main structure (anchor store) and a semi-attached 11,500-square-foot building (retail building) that will contain one or more tenant lease spaces.

A. Anchor store

Permitted uses for the anchor store operating 24 hours per day shall be those uses generally associated with the operation of a grocery store and shall include:

- Grocery store;
- Bakery;
- Coffee/Juice bar;
- Delicatessen;
- Pharmacy;
- Sale of beer, wine and distilled spirits;
- Banking;
- Outdoor sales as represented on the project plans; and
- Outdoor seating as represented on the project plans.

Administratively permitted uses for the anchor store:

- Outdoor sales; and
- Outdoor seating.

B. Retail building

Permitted uses for the retail building operating during the hours of 6 a.m. and 11 p.m. shall include:

- Retail stores;
- Food service establishments occupying not more than 5,000 square feet in aggregate;
- Personal services;
- Financial establishments;
- Office uses limited to those serving the general public, such as travel agencies, real estate offices, and insurance offices; and
- The total of all financial establishments and offices shall not exceed 5,000 square feet.

Administratively permitted uses for the retail building:

- Outdoor sales; and
- Outdoor seating.

IV. SIGNS

- A. The Conditional Development Permit establishes a master sign program for the site with a maximum allowed sign area of 475 square feet. All signage must be located entirely within the project site and be consistent with the approved master sign program as represented in the project plans.

V. TERMS OF THE PERMIT

- A. The Conditional 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.
- B. A public hearing by the Planning Commission and City Council would be required prior to issuance of a permit for revisions to the development plan which involve changes in land use, expansion or intensification of development or a relaxation in the standards of development. Staff may approve revisions to the approved plans that would not affect the safety or privacy of neighboring properties or have potential negative environmental impacts. Staff 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.
- C. This permit may be amended by a majority vote of the City Council. Application for amendment shall be made by at least one of the property owners or "Ground Lessee", in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.
- D. At the expiration (October 31, 2058) or earlier termination of the "Sub-Ground Lease and Ground Lease" between Safeway Inc. as "Tenant" and The Christensen Fund as "Landlord" this permit will terminate and all buildings on both parcels that are the subject of this permit shall be removed or modified so that the development on each parcel complies with all development regulations for the C-4 El Camino Real Zoning District, unless (i) a single owner acquires fee title to both parcels that are the subject of this permit and said parcels are merged into one parcel, (ii) the Sub-Ground Lease and Ground Lease is extended, renewed or replaced with a single ground lessee for both parcels that are the subject of this permit, or (iii) the then property owners of the two parcels record a new covenant agreeing that both parcels are bound by and restricted in accordance with the terms and provisions of this permit and that any new development of any parcel is limited by the development on both parcels. If one of those conditions is satisfied, this permit will be extended for so

long as both parcels are subject to control by a single entity or party, or the owners of the two parcels agree that both parcels are bound by and restricted in accordance with the terms and provisions of this permit.

- E. The Community Development Director shall review any complaints received by the City regarding the new Safeway development. The Community Development Director or his/her designee shall work with Safeway and the neighbors to try to resolve such complaints, when possible. The Community Development Director shall have the discretion to bring complaints to the Planning Commission for review.

VI. STANDARD CONDITIONS:

- A. Development of the project shall be substantially in conformance with the following plans submitted by SGPA Architecture and Planning, dated received by the Planning Division on September 21, 2005, consisting of 24 plan sheets and approved by the City Council on September 27, 2005, except as modified by the conditions contained herein:
- B. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- C. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the new construction.
- D. 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 utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- E. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The plans shall be prepared by a Civil Engineer registered in California and shall be included in the project plans submitted for building permit applications. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
- F. 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 "Ground Lessee" is 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 system for the project.

- G. 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 will adhere to City standards for the collection and disposal of on-site water run-off and for the protection of storm water quality during construction. The project will be subject to the review and approval of the Engineering Division.
- H. Prior to building permit issuance, the applicant shall submit a plan for construction safety fences around the site for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- I. Prior to grading or building permit issuance, the applicant shall submit a plan for the control of dust for the duration of the project. The plan shall list specific measures, including but not limited to routine watering of the site. The plan shall also specifically address how dust would be controlled during weekends and other off-work periods. Finally, the plan shall include a contact name and phone number to receive and address any complaints. This plan shall be submitted for the review and approval of the Planning Division.
- J. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan for review and approval of the Planning Division and Department of Public Works. The plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscape shall be installed prior to final building inspection.
- K. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
- L. 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.

VII. PROJECT SPECIFIC CONDITIONS:

- M. Any deviation from the approved construction phasing plan and related construction related policies contained in the approved plans shall be subject to review and approval of the Building Division. The applicant must notify the adjacent property owners of the proposed changes at the time of application to the Building Division.
- N. Prior to building permit issuance, the applicant shall submit a letter prepared by an acoustical consultant confirming that the project plans comply with the following recommendations of Wilson, Ihrig & Associates, Inc., contained in the "Noise Control Recommendations" section of the report dated August 6, 2004 for the review and approval of the Building Division:
- **Landscape:** A wall of minimum height 2 feet should be provided along the edge of the parking lot adjacent to El Camino Real to maintain the existing noise reduction currently afforded by the hedge now located there. Alternately, a dense hedge may be provided as now exists in the planting area, so that the height of the hedge is a minimum of two feet above the El Camino Real crowns.
 - **Roof-top AC Units:** The AC units that would be located on the roofs of the proposed commercial shops should be selected so that their octave band power levels are comparable to or less than the sound power levels assumed in Table 3 [of subject report]. Sound power levels for specific roof-top equipment should be reviewed by an acoustical engineer prior to selection.
 - **Submittals:** Submittals of mechanical equipment specifications, including octave band sound power levels, should be reviewed prior to purchasing and installation to check consistency with predictions.
- O. All materials and colors shall be as depicted in the approved plans and colors and materials board. The applicant shall take special care to maintain the lower four feet of all building walls and surfaces that are subject to wear and tear of customers and shopping carts. The applicant shall maintain these areas at all times and take any ongoing means necessary to ensure the attractiveness of the elevations.
- P. Prior to building permit issuance, the applicant shall submit detailed plans for the provision of on-site recycling and garbage receptacles throughout the project site for review and approval of Planning Division and the Environmental Program Coordinator. The appearance of any recycling facilities not contained within the structures shall be compatible with the architecture of the building.

- Q. Prior to building permit issuance, the applicant shall submit plans for implementing the 20/20 recycling programs for review and approval of the Planning Division and the Environmental Program Coordinator.
- R. Prior to building permit issuance, the applicant shall record a Covenant with the San Mateo County Recorder's office, in form and substance approved by the City Attorney, restricting the development of both parcels in accordance with the terms and provisions of this Conditional Development Permit, and agreeing to remove or modify the buildings located on the two parcels so that the development on each individual parcel complies with all development regulations for the C-4 El Camino zoning District upon the expiration of the Sub-Ground Lease and Ground Lease unless one of the conditions of Condition V. D. of this permit allow the extension of the permit.
- S. Prior to building permit issuance, the applicant shall cause the stairs and the access door at the rear of the Masonic Lodge located at 651 Roble Avenue to be removed/relocated so that it is not exiting onto the 525 and 625 El Camino Real property, or the applicant shall provide an emergency exit plan on the 525 and 625 El Camino Real property for persons who have exited the Masonic Lodge building as it presently exists, subject to the review and approval of the Building Division.
- T. Prior to occupancy of the new Safeway store, the applicant shall implement Transportation Demand Management Measures subject to review and approval of the Transportation Division. The Transportation Demand Management Measures shall include measures such as providing bicycle racks, offering subsidies to employees that use transit or bike/walk to work, creating a commuter assistance center, conducting employee surveys of transit use, and providing on-site banking for a total trip reduction of 60 trips.
- U. The applicant shall apply for all necessary approvals of Caltrans and applicable transit agencies for modifications in the public right-of-way along El Camino Real, including the relocation of bus stops. If the applicant is unable to obtain approval of the left turn pocket in a timely fashion with a reasonable set of conditions of approval from Caltrans, with reasonableness determined the applicant in consultation with the Public Works Director, the applicant may choose to not pursue the construction of the left turn pocket.
- V. Prior to building permit issuance, the applicant shall submit a sidewalk plan for the El Camino Real frontage subject to review and approval of the Engineering and Planning Divisions. The plan shall identify areas for all anticipated obstacles and shall maintain a paved walking lane of a

minimum of four feet.

- W. To minimize noise during construction, Menlo Park noise ordinances will be adhered to. Adjacent property owners and specified neighborhood representatives will have a 24-hour phone access to a project representative for reporting problems.
- X. If the trees between the Safeway building and adjacent Kenwood/Roble properties show signs of distress within five years after construction, and if the City arborist finds that this was caused by the construction, Safeway will remove these trees and plant new trees of a species recommended by the arborist.
- Y. Prior to building permit issuance, the applicant shall submit detailed plans of the arcade that include high quality ceiling materials, preferably stained wood, and high quality pendant light fixtures.

Recommended for Approval by the
Menlo Park Planning Commission on
August 29, 2005

Approved by the
Menlo Park City Council on
November 8, 2005

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

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