



STAFF REPORT

City Council Meeting Date: 6/5/2018
Staff Report Number: 18-122-CC

Consent Calendar: **Adopt a Specific Plan and Zoning Ordinance amendment associated with the Guild Theater Renovation Project at 949 El Camino Real**

Recommendation

Staff recommends that the City Council hold the second reading, waive further reading and adopt a Specific Plan and Zoning Ordinance amendment to allow a live performance facility with community benefits, located in a feature building north of Live Oak Avenue in the El Camino Real South-West (ECR SW) sub-district of the El Camino Real/Downtown Specific Plan (SP-ECR/D) zoning district at a total bonus level floor area ratio (FAR) of 2.50, with a maximum above grade FAR of 1.50, and other associated amendments, as outlined in Attachment A.

Policy Issues

The recommended action is consistent with the City Council's actions and approvals associated with the Guild Theater Renovation Project at 949 El Camino Real at the meeting of May 22, 2018, and would serve to complete the approval process for the Project.

Background

The City Council took the following actions associated with the Guild Theater Renovation Project at 949 El Camino Real at the May 22, 2018, City Council meeting:

1. Adopted Resolution No. 6439 adopting the Environmental Impact Report (EIR) addendum.
2. Adopted Resolution No. 6440 approving findings and conditions for the architectural control and a use permit to allow small-scale recreation and a bar for the Guild Theater Renovation Project located at 949 El Camino Real. Additions to project-specific Condition 5(a)(iv) include clarification that the limitation of one live entertainment event per day only applies to events exceeding 266 persons and a requirement that events be scheduled to avoid overlapping parking.
3. Adopted Resolution No. 6441 approving a Below Market Rate Housing agreement with the Peninsula Arts Guild for the Guild Theater Renovation Project located at 949 El Camino Real.
4. Introduce Ordinance No. 1046 approving an amendment to the El Camino Real/Downtown Specific Plan.

The resolutions became effective immediately with the City Council's action. The ordinance requires a second reading for approval.

Analysis

In addition to the adopted resolutions, the project includes a Specific Plan and Zoning Ordinance amendment to allow a live performance facility with community benefits, located in a feature building north of Live Oak Avenue in the ECR SW sub-district of the SP-ECR/D zoning district at a total bonus level FAR of 2.50, with a maximum above grade FAR of 1.50, and other associated amendments. The City Council voted 5-0 to introduce the above-mentioned Ordinance at the May 22, 2018, meeting, with no changes. Since an ordinance requires both a first and second reading, the proposed ordinance is before the City Council again for the second reading and adoption.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project. In addition, the proposed development would be subject to payment of the El Camino Real/Downtown Specific Plan Preparation Fee. These required fees were established to account for projects' proportionate obligations.

Environmental Review

On May 22, 2018, the City Council adopted a resolution adopting the EIR addendum. The EIR addendum concluded that there are no new or more severe impacts identified beyond those examined in the previously adopted Program EIR for the El Camino Real/Downtown Specific Plan.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Ordinance approving an amendment to the El Camino Real/Downtown Specific Plan

Report prepared by:
Corinna Sandmeier, Senior Planner

Report reviewed by:
Mark Muenzer, Community Development Director
Leigh Prince, Assistant City Attorney

ORDINANCE NO. 1046

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE EL CAMINO REAL/DOWNTOWN SPECIFIC PLAN**

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

A. The City of Menlo Park ("City") adopted the El Camino Real/Downtown Specific Plan ("Specific Plan") in 2012.

B. The City Council held a duly noticed Study Session on February 13, 2018 on the proposed Guild Theatre renovation project and Specific Plan amendments. At the conclusion of the Study Session, the City Council directed staff to prepare amendments to allow the renovation of the existing Guild Theatre into a live performance facility with community benefits at a total bonus level FAR (floor area ratio) of 2.50, with a maximum above grade FAR of 1.50 with the remainder below grade and inaccessible to the public.

C. On April 23, 2018, the Planning Commission held a duly noticed public hearing on the proposed project, including the Specific Plan Amendment, at which all interested persons had the opportunity to appear and comment and the Planning Commission voted to recommend approval of the Specific Plan amendments to the City Council

D. The City Council held a duly noticed public hearing on May 22, 2018 to review the proposed project, including the Specific Plan Amendment, at which all interested persons had the opportunity appear and comment and voted to approve the proposed project; and

E. Adoption of the Specific Plan has complied with the provisions of Government Code Section 65453.

F. After due consideration of the proposed Specific Plan Amendment, the full record of proceedings including, but not limited to, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed amendment is consistent with the General Plan and is appropriate.

SECTION 2. An addendum to the El Camino Real/Downtown Specific Plan Program Environmental Impact Report ("Program EIR") was prepared in compliance with the California Environmental Quality Act ("CEQA"). The addendum found the proposed project would not result in greater impacts than were identified in the Program EIR.

SECTION 3. The City Council of the City of Menlo Park hereby approves and adopts the Specific Plan Amendment attached hereto as Exhibit A.

SECTION 4. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation

published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the twenty-second day of May, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the fifth day of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibit A

**El Camino Real/Downtown Specific Plan
City Council-Directed Changes
May 2018**

The following changes to the El Camino Real/Downtown Specific Plan are directed by the City Council. Additions are shown in underline and deletions are shown in ~~strikeout~~.

1. Development Intensity

- a. Figure E2, Development Intensity/Density, on page E14 is revised as follows:

ECR SW

El Camino Real South-West

1.10 (1.50/2.50*) FAR

25.0 (40.0) DU/Acre

* Refer to Table E11

- b. The row, El Camino Real South-West, the column, FAR, in Table E2, Development Standards by Zoning Districts, on page E15, is revised as follows:

1.10(1.50/2.50**)

** Refer to Table E11

2. E.3.3 Setbacks and Projections within Setbacks

- a. Standard E.3.3.03 on page E22 is revised as follows:

In areas where no or a minimal setback is required, limited setback for store or lobby entry recesses shall not exceed a maximum of 4-foot depth and a maximum of 6-foot width, except that the City Council may allow a feature building in the area north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or that has historic or cultural value to exceed these maximums.

- b. Standard E.3.3.07 on page E24 is revised as follows:

Architectural projections like canopies, awnings, and signage shall not project beyond a maximum of 6 feet horizontally from the building face at the property line or at the minimum setback line. There shall be a minimum of 8-foot vertical clearance above the sidewalk, public right-of-way or public space. These standards may be modified if existing signage to be retained on a feature building in the area north of Live Oak Avenue is determined by the City Council to be highly visible and memorable or have historic or cultural value.

- c. Standard E.3.5.01 on page E30 is revised as follows:

The retail or commercial ground floor shall be a minimum of 15-foot floor-to-floor height to allow natural light into the space, except that the City Council may reduce the minimum floor-to-floor height for a feature building in the area north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration and has highly visible and memorable features or that has historic or cultural value.

- d. Standard E.3.5.02 on page E30 is revised as follows:

Ground floor commercial buildings shall have a minimum of 50% transparency (i.e. clear-glass windows) for retail uses, office uses and lobbies to enhance the visual experience from the sidewalk and street, except that the City Council may reduce the minimum transparency for a feature building in the area north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration and has highly visible and memorable features or that has historic or cultural value. Heavily tinted or mirrored glass shall not be permitted.

3. El Camino Real South-West (SW)

- a. The last paragraph on page E71 is revised as follows:

Table E11 provides the standards for the ECR SW District, including certain exceptions for the area north of Live Oak Avenue. Illustrations are provided to help demonstrate the standards and guidelines.

- b. Figure E32, Mixed Use Commercial Projects in El Camino Real South-West (ECR SW) District, on page E 72 is revised to add a footnote as follows:

A feature building north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic or cultural value, may upon City Council approval retain the existing setbacks not to exceed property lines (including for any upper floor or basement addition not to exceed 10,000 square feet), architectural projections and open space.

- c. Table E11, Development Standards for El Camino Real South-West (ECR SW) District, on page E74, is revised as follows:

- i. Development Intensity, Maximum FAR for all uses inclusive of Offices

Base: 1.10

Public Benefit Bonus: 1.50; except that the City Council may approve a feature building (refer to Section B.2, Figures B1 and B2) north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic

or cultural value with a total FAR not to exceed 2.50, including no more than 1.50 FAR above grade and all basement FAR must be within the footprint of the existing building, but not over the property lines, and not accessible to the public. The square footage of any such feature building may not increase more than 10,000 square feet beyond the square footage of the building in existence at the time the El Camino Real/Downtown Specific Plan.

- ii. Setback, Front and Side facing a public ROW
Minimum 7 feet, except north of Live Oak Avenue where 5 feet is the minimum, or the City Council may allow a feature building north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic or cultural value to retain existing setbacks for all existing and new floors, not to exceed property lines.
- iii. Setback, Interior Side
Minimum: 5 feet, except north of Live Oak Avenue where there is no minimum side setback for ground floor and 5 feet minimum is required only for upper floors, or the City Council may allow a feature building north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic or cultural value to retain existing setbacks for all existing and new floors, not to exceed property lines.
- iv. Setback, Rear
Minimum: 20 feet, except north of Live Oak Avenue, where 10 feet is required, or the City Council may allow a feature building north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic or cultural value to retain existing setbacks for all existing and new floors, not to exceed property lines.
- v. Open Space, All Development
30% minimum, except for north of Live Oak Avenue which is 20% minimum, or the City Council may approve a feature building north of Live Oak Avenue that proposes a live entertainment/cinema use at the public benefit level that will increase vibrancy in the area, substantially retains existing walls or rebuilds new walls in substantially the same location and configuration, and has highly visible and memorable features or has historic or cultural value with a reduced open space requirement.

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