



**Planning and Transportation Commission
STAFF REPORT**

ADDENDUM

MEETING DATE: September 18, 2023

ITEM TITLE: 11 El Camino Real (APNs: 045-320-170; 045-320-220) – Public Hearing to Consider approving the Design Review, Below Market Rate Housing Plan, Transportation Demand Management Plan, Protected Tree Removal Permit, Dirt Haul and Grading Certificate and Vesting Tentative Map to Construct a 242-unit Residential Development in the MU-NB-120 District.

ANALYSIS

Following the publication of the staff report for Item 6a, the applicant provided additional information in support of its revised application for incentives, concessions, and waivers pursuant to the State Density Bonus Law (Gov. Code § 65915 et. seq.).

The City's Noise Control Ordinance, codified as Chapter 9.30 of Title 9 (Public Peace and Welfare) of the San Carlos Municipal Code (SCMC) exempts construction activities from the Noise Control Ordinance's limitations between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. The applicant's original incentive request proposed to exempt construction activities from the Noise Control Ordinance's limitations between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, extending the standard exemption by one hour.

In response to the City's position that starting construction at 7:00 a.m. would create a specific, adverse impact to public health and safety, the applicant withdrew its request and proposed an alternative incentive.

Under the proposed alternative incentive, the City would exempt construction activities from the Noise Control Ordinance's limitations between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, providing the applicant with an equivalent amount of time to perform construction work as they originally requested while mitigating the health and safety impact caused by disruptive noise levels early in the morning.

The proposed alternative incentive also includes a proposal to allow interior construction to begin at 7:00 a.m. on weekdays after the building's windows have been framed and installed in portions of the building where windows can remain closed to contain noise before 8:00 a.m.

Staff has concluded that the revisions to the incentive would mitigate the health and safety impact that the original incentive would have caused. Accordingly, none of the findings

supporting denial of a proposed incentive or concession specified in the State Density Bonus Law and SCMC Section 18.18.060.D are applicable. Therefore, staff have prepared a condition of approval to be incorporated that would memorialize the approved incentive's terms as follows:

“Pursuant to an incentive granted via the Density Bonus Law, the project’s hours of general construction activity shall be from 8am to 6pm on weekdays. In addition, interior construction activity shall be permitted from 7am to 8am in the portions of the building where windows have been framed and installed, and said windows shall remain closed during this 7am to 8am period.”

The modification would not affect the project’s eligibility for the infill exemption from CEQA. Staff continues to recommend approval of the requested Design Review, Below Market Rate Housing Plan, Transportation Demand Management Plan (TDM), Protected Tree Removal Permit, Dirt Haul and Grading Certificate and Vesting Tentative Map subject to conditions of approval, as modified consistent with the discussion above.