


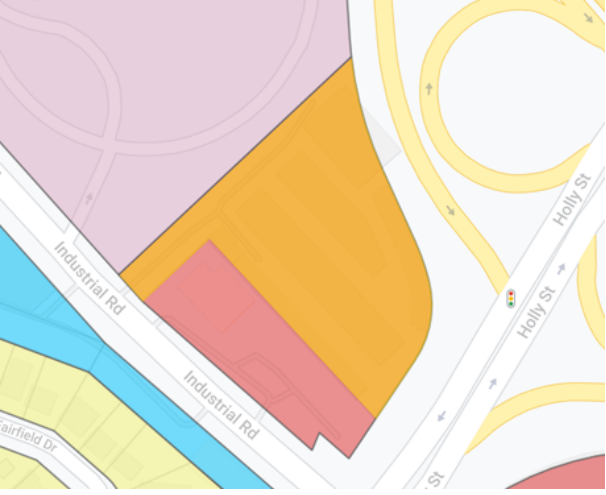


**Planning Commission
STAFF REPORT**

MEETING DATE: September 19, 2022

ITEM TITLE: Request for a Planned Development Zoning, Planned Development Plan, Development Agreement, Design Review, Transportation Demand Management Plan, Grading & Dirt Haul Certificate and Mitigated Negative Declaration for a new 292,615 square feet life science/research and development building at 405 Industrial Road (APN 046-051-080)

DATE PREPARED	APPLICATION NUMBER	APPLICANT	PERMIT(S)
September 14, 2022	PLN2021-00098	MENLO BCSP 405 JV LLC	Planned Development Zoning, Planned Development Plan, Development Agreement, Design Review, Transportation Demand Management Plan and Grading & Dirt Haul Certificate
PREPARED BY			
Lisa Costa Sanders, Principal Planner (650) 802-4207, lcostasanders@cityofsancarlos.org			
SUMMARY OF REQUEST			
Application to develop a new 292,615 square feet research and development/office/lab building with four floors of lab/office, two levels of above grade parking, two levels of below grade parking and site landscape improvements.			
ADDRESS	APN	LOT DESCRIPTION	GENERAL PLAN
405 Industrial Road	046-051-080	2.41 acres	General Commercial/Industrial
LOCATION		PREVIOUS USE	ZONING DISTRICT
The northeast corner of Industrial Road and Holly Street		Commercial	Landmark Commercial with Gateway Overlay District

	
<p>SURROUNDING LAND USES</p> <p>North: PAMF</p> <p>South: Vacant (commercial)</p> <p>East: Highway 101</p> <p>West: In-n-Out, commercial and residential</p>	<p>SURROUNDING ZONING</p> <p>North: Planned Development (PD)</p> <p>South: General Commercial Industrial (GCI)</p> <p>East: Highway 101</p> <p>West: Landmark Commercial (LC) Light Industrial (IL) and Residential (RS-6)</p>
<p>ENVIRONMENTAL DETERMINATION</p> <p>The City has undertaken an environmental review of the project as required by the California Environmental Quality Act (CEQA). The determination of that analysis is that the project, with the specified mitigation measures, would not have significant adverse impacts on the environment. A Mitigated Negative Declaration (MND) has been prepared for the project.</p>	

BACKGROUND:

Process: At this meeting, the Planning Commission will conduct the public hearing and provide recommendations to the City Council on the requested Planned Development Zoning, Planned Development Plan, Development Agreement and the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program. The Planning Commission will also review and decide whether to approve the Design Review, Transportation Demand Management Plan and Grading and Dirt Haul Certificate.

Following the Planning Commission's recommendation, the City Council will conduct a public hearing and act on the Mitigated Negative Declaration, Planned Development Zoning, Planned Development Plan and Development Agreement.

Existing Conditions: The 2.41 acre project site is located at the northeast corner of Industrial Road at Holly Street and is currently improved with a mini storage facility surrounded by pavement. The property has limited access with a single drive aisle off Industrial Road. The site is located directly behind In-N-Out Burger which dominates the Industrial Road Street frontage. Palo Alto Medical Facility is located to the north and US Highway 101/Holly Street off-ramp with landscaping is located to the east. A drainage channel and Holly Street are to the south of the site with a vacant commercial lot further south at 501 Industrial Road (proposed for a future hotel). Across Industrial Road from the site to the west is a gas station, commercial buildings and a single family neighborhood.

The site is zoned Landmark Commercial (LC) with Gateway overlay and a General Plan designation of General Commercial/Industrial. The site is located within the East Side Innovation District Plan area.

The applicant is seeking approval of Planned Development Zoning designation, a Planned Development Plan, Design Review for the new building, a Transportation Demand Management Plan, Grading & Dirt Haul Certificate and a Development Agreement.

PROJECT DESCRIPTION

Building: The applicant proposes to demolish the existing mini-storage buildings and construct a new six-story life science/research and development building with two levels of above ground parking and two levels of below grade parking. The building is proposed at 292,612 square feet including the above grade parking levels. The height of the building is proposed at 86'-10" to the roof parapet and 90'-10" to the top of the roof equipment/mechanical screen. For comparison purposes, the PAMF building is 84' to the top of mechanical screen and the Meridian 25 buildings (825/835 Industrial Road) are 86'-2" to roofline and 100' to mechanical screen.

The first floor of the building includes the main lobby, flexible space for future tenant amenity use, short-term and long term bicycle parking and vehicle parking spaces. The trash room, loading dock and equipment room is located within the first floor of the building along the eastern side. Additional parking levels are located two levels below grade and one level above grade. Open lab/office space is planned for floors three through six. The sixth floor includes an outdoor balcony along the western side of the building. The roof is planned with various mechanical equipment, small covered areas with stair and elevator access and enclosed mechanical space. The roof equipment and screen is located within the center of the building.

Site Plan and Landscaping:

The site plan includes a perimeter paved driveway providing fire access around the new building. Landscaping is proposed along the driveway, at the front of the building and along the western side of the site adjacent to the In-n-Out building. Access to the building lobby is to the north and access to the parking structure is at the northeast corner of the building. An equipment yard with generator is located at the far northeastern corner of the site. Vehicle site access is provided through a 26' wide driveway at Industrial Road and pedestrian access with a 5' wide sidewalk.



Architecture/Design and Signage: The applicant has designed the building in a manner to attract a life science company seeking a headquarters location. The building is designed as a contemporary office/lab building with large expanses of glass with vertical and horizontal articulation to reduce the overall mass of the building and provide visual interest. Two different glazing materials are utilized in an alternating horizontal manner to also break up the vertical mass of the building. The specific glazing material was selected to reduce glare and minimize bird strikes. The entry lobby includes white columns and painted aluminum metal panel system. Along the Industrial Road elevation, the sixth floor is set back approximately 18' from the face of the building to reduce the mass and is designed with an outdoor balcony for tenant use. Landscape planters are included along the exterior side of the balcony. Along the rear of the site, adjacent to Highway 101, the building is designed in a series of step backs that follow the curved shape of the lot. There will be design features added to reduce the amount of light that emanates from the building including, interior light fixtures that direct the light vertically and motorized window shades with timed sensors to lower automatically. These measures are memorialized as conditions of approval. The proposed exterior building materials include brushed aluminum slab covers, spandrel (opaque) bird-safe glass, exterior glazing, and cement plaster.



San Carlos Municipal Code 18.22.060.E requires a sign program be submitted for Planning Commission review for multi-tenant buildings. Sign programs may deviate from the otherwise applicable rules regarding the noncommunicative aspects of signs. The applicant proposes a sign program that includes five building signs and one monument sign totaling 350 square feet of signage for the site.

Quantity	Location	Description	Sign area
2	East frontage (US 101)	4' x 20' wall sign	160 sf
1	South frontage (Holly St)	4' x 16' wall sign	64 sf
1	North frontage	4' x 12' wall sign	48 sf
1	West frontage (building entry)	1.67' x 6' wall sign	10 sf
1	Monument sign (along Industrial Road)	4' x 6' monument sign (double sided)	48 sf
		Total area	330 sf

The sign program provides flexibility if there is a single tenant user or multi-tenant signage. Although the total sign area proposed is 330 square feet, staff recommends allowing up to a maximum area of 350 square feet to provide future flexibility in sign design. The future tenant sign visible from US 101 will require design review by the Planning Commission, with the remaining signs requiring staff level review for consistency with the sign program.

Parking Vehicles and Bicycles: San Carlos Municipal Code requires one parking space for 800 square feet of lab space and one parking space for 300 square feet of office area. As proposed, the required parking is 431 spaces. In accordance with San Carlos Municipal Code Section 18.20.050, the number of parking spaces may be reduced by 20% with a Transportation Demand Management plan. With the TDM reduction, the required parking is 345 parking spaces.

The applicant proposing four levels of parking (two below grade, one at grade and one above grade) that would accommodate 474 parking spaces, including motorcycle and tandem parking spaces.

Short term and long term bicycle parking is provided within the first level of the parking structure. The project includes 40 short term and 44 long term bicycle parking spaces for a total of 84 bicycle spaces. The provided bicycle parking exceeds the code required 39 short term and 24 long term spaces (total of 63 required spaces).

Off-site Improvements: The applicant proposes an optional pedestrian/bicycle pathway that would run along the southern side of the site along the drainage channel, connecting the site to the northeast corner of Industrial Road and Holly Street south of the In-n-Out property. The bicycle/pedestrian bridge requires a CalTrans encroachment permit.

The applicant also proposes new landscaping at the northeast corner of Industrial Road and Holly Street consistent with the East Side Innovation District Plan goals of a green boulevard along Industrial Road. The landscape improvements would include bench seating and new planting. In addition, the applicant proposes replacement planting of 17 trees along the western side of Industrial Road from Holly Street to Taylor Way. The trees will be installed within the existing planters.

Community Benefits: In addition to the off-site improvements outlined above, the applicant proposes to contribute \$4,200,000 to the City in community benefits. These funds are anticipated to be utilized for a GESD neighborhood improvement fund with the use of the funds to be determined by the City Council with input from the neighborhood. This could include traffic calming measures, park improvements and additional neighborhood landscaping. The Community Benefits offer is included in the Development Agreement.

The development will also be required to pay City impact fees. The final fee amount will be determined at Building Permit submittal. Based on the proposed plans, the fees are estimated as follows:

Commercial Linkage fee (for affordable housing)	\$4,134,102.00
Sewer fees (connection and capacity)	\$1,414,752.00
Traffic impact fee	\$941,646.00
Child Care impact fee*	\$1,033,530.00
Total City impact fees	\$7,524,030.00

**Fee is estimated as not yet adopted by City Council*

Other Reviewing Agencies: The C/CAG Airport Land Use Committee reviewed the project at its August 25, 2022 meeting and determined that the project is consistent with the Airport Land Use Compatibility Plan for the San Carlos Airport. The applicant also received clearance from the Federal Aviation Administration (FAA). The Agencies determined that the proposed development is consistent with the Airport Plan, would not exceed obstruction standards and would not be a hazard to air navigation. The applicant is required to file additional information with the FAA within five days of the construction reaches its greatest height.

ENVIRONMENTAL REVIEW

The City has undertaken an environmental review of the project as required by the California Environmental Quality Act (CEQA). The potential for the project to result in environmental impacts was assessed in an Initial Study addressing all environmental topics under CEQA per section 15063 of the CEQA Guidelines. Technical analysis supported conclusions in the Initial Study.

Based on the analyses, the Initial Study concluded that, with implementation of standard conditions of approval and mitigation measures identified in the Initial Study, the project would not result in any significant environmental impacts.

Potentially Significant Impacts Requiring Mitigation

The analysis found some impacts that could potentially be significant without mitigation. They are included in full in the MND and summarized below with the proposed mitigation measures:

- **Aesthetics** – light egress and glare generated by the project interior lights could adversely impact surrounding sensitive light receptors during nighttime hours. A mitigation measure requires the installation of interior automatic roller shades and interior light sensors.
- **Air Quality, Construction Emissions:** Construction of the project would result in short-term construction emissions. A mitigation measure requires construction equipment to meet tier IV exhaust emission standards.

Biological Impact: The new building will introduce new glazing facades that could result in bird collisions that injures or kills birds. A mitigation measure requires the applicant implement bird safe design considerations.

If constructed, the proposed bicycle/pedestrian pathway/bridge requires permits from the agencies to construct over the drainage channel. If the applicant proceeds with the bridge, a mitigation measure requires preparation of a jurisdictional wetland delineation and obtain the appropriate permits from other agencies.

The project may also require removal of trees within the drainage channel. A mitigation measure requires the applicant to prepare a tree protection plan and if required, a permit for tree removal.

Further, if trees are within jurisdiction of Fish and Game, the applicant shall be required to obtain a permit and comply with replacement requirements.

Cultural Resources Impact. There are no known cultural resources, however, project construction may disturb unknown buried archaeological resources. A mitigation measure requires archaeological sensitivity training prior to the start of construction and prior to ground disturbance. In the event archaeological resources are unearthed during construction, all resources shall be evaluated by a qualified professional archaeologist and prepare an appropriate treatment plan for the resources. If human remains are unearthed, the County Coroner shall be consulted and if determined to be of Native American origin, the Native American Heritage Commission shall be consulted for ultimate disposition.

Geological Impact: Project construction could unearth paleontological resources including fossils. If resources are discovered, contractor shall consult with a qualified paleontologist and follow the required treatment plan.

Transportation Impact: The applicant is required to implement the Transportation Demand Management Plan to ensure no impact relating to vehicle miles traveled (VMT).

With implementation of the mitigation measures, the project will not result in a significant impact to the environment.

Transportation Impact Analysis: A complete Transportation Impact Analysis (TIA) has been completed to determine if there are any safety issues under CEQA or non-CEQA impacts that should be addressed. The study found that there is adequate sight distance and queuing to permit left turn movements into and out of the site.

The analysis concludes that there will not be any new significant impacts as a result of the project. Some of the study intersections are operating at levels considered unacceptable and/or are projected to operate at unacceptable levels under cumulative conditions; however, the contribution of the proposed project traffic to these intersections would not be significant per the City General Plan standards and C/CAG standards. The applicant will be required to pay the Transportation Impact Fee that will be utilized by the City for traffic improvements.

Circulation and Comment Period: The MND was available for a 30-day public review and comment from August 9, 2022, through September 8, 2022. Notice of the availability of the MND was circulated to State and local agencies as required by CEQA Guidelines and property owners and occupants within 300' of the site. Comment letters on the MND were received from CalTrans,

Paul Magginetti and Dimitri Vandellos. CalTrans notes requirements and measures to achieve TDM reductions, Mr. Magginetti expressed concern with hazardous materials on-site, impact to housing with new workers, transportation impacts and emergency egress and Mr. Vandellos expressed concern with traffic and emergency access. The letters and responses are included as an attachment to the MND.

ANALYSIS & FINDINGS FOR APPROVAL

Consistency with the General Plan: The subject site has General Plan land use designation of General Commercial/Industrial which permits research and development (R&D), biotech, light industrial, flex, warehousing, and related uses. The land use designation offers maximum flexibility to allow the market to determine the mixture of non-residential uses.

The project is consistent with General Plan policies to encourage new commercial development to expand the City's tax base and to support the expansion of key growth industrials (Attachment 6).

Planned Development Zoning District and Planned Development Plan

The Developer has requested rezoning the subject site from Landmark Commercial (LC) to Planned Development (PD) Zoning District in accordance with SCMC Chapters 18.10, Planned Development District, and 18.36, Planned Development. The rezoning requires City Council approval, and the Planning Commission is the recommending body for the action.

The proposed project complies with all development standards and supplemental regulations of the LC Zoning District except for height and floor area. The project complies with setbacks, landscaping, and parking requirements. The applicant is requesting the following Planned Development zoning standard adjustments:

1. Height: Exceed the maximum height of 50' allowed the GCI District. The applicant proposes the new building with a height of 86'-10" to the top of the parapet and 90'-10".
2. Floor Area: Exceed the maximum site floor area ratio of 2.0. The applicant proposes total building square footage, including the above grade parking at 292,612 square feet resulting in an FAR of 2.79.
3. Landscaping: Reduce on-site landscaped area from the required 15% of lot area (15,757 square feet) to 8% of lot area (8,299 square feet).

4. Sign Area: A total of 350 square feet of signage is requested on the property. The sign program includes one monument sign and a maximum of five tenant wall signs, with no more than two wall signs on along a street frontage.

In considering whether to recommend the Planned Development Zoning designation and Planned Development Plan, the Planning Commission must consider the findings as outlined in Attachment 1.

Development Agreement

A Development Agreement is proposed with the project as provided for in State law and Municipal Code Chapter 18.37. The Development Agreement outlines a project description including community benefits and developer (applicant) obligations. The applicant offers community benefits totaling \$4.2 million in contributions. It is recommended that the funds be designated to a GESC neighborhood improvement fund with the use of funds to be determined by the City Council with input from the GESC. To approve a development Agreement, the City Council is required to find that the Development Agreement is consistent with the General Plan. As outlined above, the project and the contributions of community benefits is consistent with the General Plan as well as the guiding principles of the East Side Innovation District Vision Plan.

Design Review

The scope of Design Review involves the review of the project's overall site design, architectural design of the building, including massing and proportions, as well as materials and colors, and landscaping. To approve the Design Review Permit, the Planning Commission must make the following, pursuant to Section 18.29.070 of the San Carlos Municipal Code (SCMC) as outlined in Attachment 1.

The project complies with the Landmark Commercial, provisions of section 18.07.040 for Industrial Uses and parking requirements as follows:

Landmark Commercial Zoning

Applicable Standards,	Requirement	Proposal	Notes
Maximum Height (ft)	50' + 16' to elevator and stair tower	86'-10" to roofline 90'-10" to roof equipment	Requires PD Zoning and PD Plan
Minimum Setbacks (ft)			
<i>Front</i>	10' along arterials	10'	Complies

<i>Interior Side</i>	0'	0'	Complies
<i>Rear</i>	0'	0'	Complies
Maximum Floor Area Ratio (FAR)	2.0 210,100 sf	2.79 292,612 sf	Requires PD Zoning and PD Plan
Minimum Amount of Landscaping (% of site)	15% 15,757 sf	8% 8,299 sf	Requires PD Zoning and PD Plan
Parking	Lab 1 per 800sf = 155 spaces Office: 1 per 300 sf = 276 Total: 431 TDM reduction (20%) = 345	474	Exceeds Parking requirement
Required Bike Parking	39 short term 24 long term	40 short term 44 long term	Exceeds bike parking requirement

The project is consistent with the Supplemental Regulations on building design near Highway 101 including four-sided architecture where each exterior wall is designed equivalent to the primary façade with regard to articulation, quality of exterior materials, and color scheme. The project also complies with location of parking, limitation on curb cuts, and location of truck docks.

The building is designed in a contemporary architectural style. The applicant seeks to reflect recent designs for research and development buildings, including recently approved buildings in the area, in their architectural style and use of materials. The building would be another prominent building along Highway 101 consistent in size and mass to recently constructed developments. The building is setback some distance from Industrial Road but would still be visible above existing buildings.

Transportation Demand Management Plan

The applicant submitted a Transportation Demand Management (TDM) Plan (Attachment 2 – Exhibit A) in compliance with SCMC Section 18.25. TDMs are required on new non-residential

developments of ten thousand square feet or more to reduce the vehicle trip generation rate by 20% the standard rates.

The applicant's TDM Plan, prepared by TDM Specialists, Inc., anticipates at least a 20% reduction in trips based on the measures listed below:

- Tenant amenities such as bicycle parking, showers and changing facilities, and on-site exercise facility and on-site cafe.
- Commuter Program Management including incentives and rewards, and preferential carpool/vanpool parking.
- Commuter benefits including potential transit subsidy.
- Trip planning resources.
- Commuter marketing and outreach to encourage transportation alternatives.

Per Section 18.20.050(A) of the City's Municipal Code, the number of required parking spaces for developments subject to TDM, shall be reduced by 20% of the normally required spaces. The CEQA transportation consultant reviewed the TDM and found it to comply with the City's requirements.

In order to grant approval of the proposed TDM Plan, the Planning Commission must make the following two findings pursuant to Section 18.25.060 of the Zoning Ordinance as outlined in Attachment 1.

Grading and Dirt Haul

Planning Commission approval is required under San Carlos Municipal Code Chapter 12.08 when grading exceeds 1,000 cubic yards. The project includes two level of below grade parking and constructing the building one foot above the existing grade to remove from the FEMA flood zone. The result is removal of 49,600 cubic yards of soil from the site. The applicant estimates a total of 4,134 truckloads to off-haul the soil. The grading operations are planned for approximately 34 days.

PUBLIC OUTREACH

The applicant conducted public outreach and Staff met with the leads of the Greater East Side Community (GESC).

Members of the GESC provided the following comments to Staff on the proposed development:

- Concern with traffic in close proximity to intersection at Holly/Industrial and US 101 off-ramp
- Concern with left turn out of site due to sight distance with In-N-Out traffic and possibility of increased accidents.

- Concerned with fire safety and evacuation of site due to emergency with limited one driveway access
- More consideration of bike and pedestrian safety (possible community benefit)
- Concern with height and size of development given small and odd shaped site. The development is too large for the site.
- Concern with use of outdoor upper level balcony facing the neighborhood
- Concern with lighting from building (require automatic window shades and exterior lighting to be downlit)
- Concern with potential hazardous use and storage of hazardous materials on-site (limit future tenants to biohazard safety level 1 and 2 only)
- Would like to see a comprehensive traffic study taking into consideration other proposed developments
- Prefer lighter glass that blends in with the sky

Response to GESC comments: A traffic study was completed to evaluate the safety of access to and from the site and impacts to intersections. The study found that left turns in and out of the site can be accomplished and would not create a safety issue. The study also found that there will be increased traffic at several intersections, however it would not result in an impact. The Fire Marshal has reviewed the plans and find the project complies with fire code requirements including emergency egress. As a mitigation measure, the applicant will be required to install automatic shades and interior light sensors to limit light spillage. A limitation has been added to the Planned Development Zoning to only permit future tenants at Bio Safety level 1 and 2 and to prohibit businesses classified as Bio Safety level 3 and 4.

Staff mailed the required public notice to all property owners within 300' of the sites on September, 8, 2022 and the notice was published in the newspaper on September 9, 2022. Public comments were received from Tim Hilborn and Sam Herzberg (Attachment 8). The commenters raise similar concerns as outlined above and raise concern with the extent of public outreach, opportunity for shared parking, visual impact of building, environmental remediation and LEED certification and community safety. The applicant conducted public outreach and Staff met with the leads of the Greater East Side Community (GESC).

Members of the GESC provided the following comments on the proposed development:

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- Concern with left turn out of site due to sight distance with In-N-Out traffic and possibility of increased accidents.
- Concerned with fire safety and evacuation of site due to emergency with limited one driveway access.
- More consideration of bike and pedestrian safety (possible community benefit).

- Concern with height and size of development given small and odd shaped site. The development is too large for the site.
- Concern with use of outdoor upper level balcony facing the neighborhood.
- Concern with lighting from building (require automatic window shades and exterior lighting to be downlit).
- Concern with potential hazardous use and storage of hazardous materials on-site (limit future tenants to biohazard safety level 1 and 2 only).
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RECOMMENDATION

It is recommended that the Planning Commission make the findings outlined in the Staff Report and take the following action:

1. Adopt the Resolution recommending the City Council certify the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Plan.
2. Adopt the Resolution recommending the City Council adopt the Ordinance approving the Planned Development Plan and adopting the Zoning Map designating the site Planned Development (PD) and approving the Development Agreement.
3. Approve the Design Review Certificate, Transportation Demand Management Plan and Grading and Dirt Haul Certificate subject to the subject to the conditions listed in the Certificate.

MOTION

I move that the Planning Commission make the findings outlined in the Staff Report and adopt the Resolution recommending the City Council certify the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Plan.

I further move that the Planning Commission make the findings outlined in the Staff Report adopt the Resolution recommending the City Council adopt the Ordinance approving the Planned Development Plan and adopting the Zoning Map designating the site Planned Development (PD) and approve the Development Agreement.

I further move that the Planning Commission adopt the Resolution recommending the City Council adopt the Ordinance approving the Development Agreement.

I further move that the Planning Commission approve the Design Review Certificate, Transportation Demand Management Plan and Grading and Dirt Haul Certificate subject to the subject to the conditions listed in the Certificate for the development of a new 292,615 square feet building at 405 Industrial Road. (APNs: 046-051-080) for the reasons incorporated in the staff report and with the conditions in the Code Compliance Certificate.

Respectfully submitted by:

Lisa Costa Sanders, Principal Planner Consultant

ATTACHMENT(S):

1. Findings for Planning Commission
2. Resolution recommending the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.
 - a. Exhibit A Mitigated Negative Declaration with TDM Plan
 - b. Exhibit B Mitigation Monitoring and Reporting Plan
 - c. Exhibit C Comments and Response to Comments
3. Resolution recommending the City Council adopt the Planned Development Ordinance and Planned Development Plan and approve the Development Agreement.
 - a. Exhibit A: Ordinance with Zoning Map
 - b. Exhibit B: Planned Development Plan (Project Plans)
4. Code Compliance Certificate for the Design Review, Transportation Demand Management and Transportation Demand Management Plan
5. Applicant letter of request
6. General Plan Policies

7. Public Notice

8. Public Comments: Tim Hilborn & Sam Herzberg