



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF DECEMBER 12, 2005
AGENDA ITEMS C3 & C4

LOCATION:	110 Linfield Drive and 175 Linfield Drive	APPLICANT:	110 Linfield Project, LLC and HMH Engineers
EXISTING USE:	Office	PROPERTY OWNERS:	Richard Burge et. al. and CFC Trust
PROPOSED USE:	Residential	APPLICATION:	General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map and Environmental Review
EXISTING ZONING:	C-1 (Administrative and Professional, Restrictive)		
PROPOSED ZONING:	R-3-X (Apartment – Conditional Development)		

PROPOSAL

The applicants are proposing to demolish two office buildings totaling approximately 56,000 square feet located at 110 Linfield Drive and 175 Linfield Drive and to construct a total of 56 residential units on the two properties. The proposal requires the approval of the following requests:

- 1) **General Plan Amendment:** Change from Professional and Administrative Offices land use designation to Medium Density Residential land use designation;
- 2) **Rezoning:** Change from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District);
- 3) **Conditional Development Permit:** Establish specific development regulations and review architectural designs at each site;
- 4) **Tentative Subdivision Maps:** Create 22 lots and associated common areas at 110 Linfield Drive and create 34 lots and associated common areas at 175 Linfield Drive;

- 5) **Heritage Tree Permit:** Remove 50 heritage trees, relocate 1 heritage tree and plant 73 new trees that can reach heritage tree status; and
- 6) **Environmental Review** of the proposed project in the form of an Environmental Impact Report (EIR).

The proposal requires review and recommendations by the Planning Commission on the General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Maps, and EIR. The City Council is the final-decision-making body on these applications. The City Council will also consider the recommendations of the Environmental Quality Commission in regard to the proposed heritage tree removals and the Housing Commission in regard to the Below Market Rate Housing proposal.

BACKGROUND

110 and 175 Linfield Project History

The proposal to demolish the existing office buildings at 110 and 175 Linfield Drive has been contemplated since 2002. On August 27, 2002, the City Council held a study session and expressed support for the proposed land use change subject to the project going through the necessary review process to address specific issues. The proposed project was then reviewed at a series of public meetings in February and March 2003, including a Planning Commission Study Session on March 3, 2003 and a City Council Meeting on March 24, 2003. The Planning Commission indicated general support for the proposed land use change and provided individual comments to the applicant on specific elements of the proposal. The Council re-confirmed its support for the proposed land use change subject to the project addressing specific issues through the review process.

In May 2003 the preliminary results of the traffic study prepared for the project indicated that the proposed conversion could result in potentially significant impacts according to the City adopted Transportation Impact Analysis (TIA) Guidelines. The project proponents ultimately decided to prepare an Environmental Impact Report (EIR). On October 23, 2003, the City Council authorized the City Manager to enter into contracts with Impact Sciences, Inc. and DKS Associates to prepare the EIR. During this time period, the project sponsors changed from one entity that controlled both properties to two separate applicants that agreed to work together on one EIR that covered the impacts of each property.

During the summer of 2004, the applicants considered all of the feedback received on the project and decided to redesign the overall site layout and individual structures to create better on-site circulation, increased buffers from adjacent commercial properties and increased common open space. The applicants submitted revised project plans in January 2005, and these plans are the subject of review in the Draft EIR that was circulated on August 22, 2005. The project no longer involves the abandonment of portions of Linfield Drive and Homewood Place, but continues to include a proposal to

narrow the paved roadway of Linfield Drive. The ultimate configuration of the Linfield Drive roadway will be determined through a separate process that the City Council authorized related to the comprehensive traffic study being prepared for 321 Middlefield Road, 8 Homewood Place and 75 Willow Road.

The Environmental Quality Commission and Housing Commission have reviewed the project on multiple occasions. On July 27, 2005, the Environmental Quality Commission recommended approval of the proposed heritage tree removals subject to further refinement to the planting plans to reduce the total number of new trees to be planted and increase the number of tree species that would grow to a minimum height of 30 feet. The staff report and minutes of the Environmental Quality Commission meeting are included as Attachments M and N, respectively. On August 15, 2005, the Housing Commission recommended approval of the proposed Below Market Rate Housing Program subject to changes in which units were being designated as the BMR units and which were subject to payment of the in lieu fee. The staff report and minutes of the Housing Commission meeting are included as Attachments O and P, respectively. The applicants have incorporated the changes requested by the Environmental Quality Commission and Housing Commission into the attached project plans.

On September 12, 2005, the Planning Commission reviewed the project during the 30-day circulation period for comments on the Draft Environmental Impact Report (EIR). The minutes of the Planning Commission meeting are included as Attachment Q. In addition, comments from the public and Planning Commission are identified in the Response to Comments on the Draft EIR (Attachment D).

Linfield/Middlefield/Willow Study

The City has been considering potential changes to existing commercial properties in the Linfield/Middlefield/Willow (LMW) areas since 2002 as part of specific development proposals and overall land use considerations for the area. The study area is approximately 48 acres, contains 15 properties for approximately 568,700 square feet of general office space. A map of the study area is included as Attachment A-2. As part of the City's obligation to plan for housing as required by the State through the Housing Element update, the City identified a list of potential housing sites. In July 23, 2002, the City Council added several properties in the LMW area to the potential housing list, including 110 Linfield Drive and 175 Linfield Drive. In June 2004, the City Council refined its list and retained both properties as housing site to be studied.

One of the outcomes of the City Council's June 2004 meeting was approval of a neighborhood outreach work plan. On April 28, 2005, staff conducted a neighborhood meeting. The meeting included an informal review of the pending projects in the area, a question and answer period with Planning staff, and a round table discussion intended to receive input from residents and property owners on the types of land uses that they would like to see at particular properties within the study area.

On June 14, 2005, the City Council conducted a meeting to review the neighborhood input from the April 28, 2005 meeting and to provide general direction on the appropriate land uses and review process for the pending development proposals in the study area. The Council discussed, in general, the pending projects as it relates to topics such as the General Plan, a neighborhood plan, a comprehensive approach to environmental review, the quality of life, and infrastructure changes and impacts. At the conclusion of the discussion, the Council refined its direction on the future land uses of the area. The City Council reaffirmed its previous direction on 110 Linfield Drive and 175 Linfield Drive.

Based on the neighborhood concerns about the overall impacts of the proposed development in the area, the Council directed that a comprehensive traffic study be completed for 321 Middlefield Road, 8 Homewood Place and 75 Willow Road. On August 23, 2005, the City Council directed staff to proceed with the preparation of the comprehensive traffic study as presented in the scope of work prepared by DKS. The study would contain EIR level detail and include the development and review of potential mitigation measures that would address overall traffic circulation in the area. The traffic study is in progress and tentatively scheduled to be reviewed by the City Council on January 31, 2006.

ANALYSIS

The purpose of the December 12, 2005 public hearing on this proposal is to give the public and the Planning Commission an opportunity to comment on the project and the Final EIR that has been prepared for the project. Subsequent to the public hearing, the Commission should formulate and forward to the City Council its final recommendation on the project and Final EIR. The Council is tentatively scheduled to hold a public hearing on the project on January 24, 2005.

Project Description

The property at 110 Linfield Drive and was most recently leased to the General Services Administration and occupied by the United States Geological Survey. The property is developed with an approximately 17,500-square-foot building. The proposal includes the demolition of the office building and the construction of 22 single-family residences on individual lots plus common areas. Three of the residences would be Below Market Rate (BMR) housing units.

The property at 175 Linfield Drive is the former headquarters of Consolidated Freightways Shipping Company, an entity now referred to as CFC Trust. The property is developed with an approximately 38,000-square-foot office building that is currently unoccupied. The proposal includes the demolition of the existing office building and the construction of 34 single-family residences on individual lots plus common areas. Five of the residences would be Below Market Rate (BMR) housing units.

The 56 residential units range in size from 1,473 square feet to 1,950 square feet, exclusive of the two-car garages, which range in size from 409 to 450 square feet. There are three primary floor plans, with variations of two of the three floor plans. Thirty-four of the floor plans include a third-story element comprised of a bedroom and a bathroom. The maximum height of the structures range from approximately 25 feet 4 inches to 36 feet 7 inches measured from finished grade. Guest parking is provided at a rate of approximately one space for every three units.

The proposed project would require changes to the General Plan and the Zoning Map for each property. For each property, the existing General Plan designation is Professional and Administrative Offices and the zoning is C-1 (Administrative and Professional District, Restrictive). The applicants are proposing to change the General Plan designation to Medium Density Residential and change the underlying zoning classification to R-3 (Apartment District) to be consistent with the designation and classification of the adjacent residential properties along Waverley Street. The proposal includes the use of the “X” (conditional development) zoning designation in order to consider alternative development standards as described below.

The following table provides the density, floor area ratio and percentages of building coverage, paving and landscaping compared to the requirements of the underlying R-3 zoning district.

Density, FAR, Building Coverage, Paving and Landscaping Comparisons

	110 Linfield Drive	175 Linfield Drive	Maximum Allowed in R-3 District
Density (dwelling unit per acre)	10.6 du/ac	10.3 du/ac	18.5 du/ac
Floor Area Ratio (FAR)	43%	41%	45%
Coverage	26%	25%	30%
Paving	19%	25%	20%
Landscaping	55%	50%	50%
<small>Note: All calculations are based on the gross land area of each site.</small>			

The table indicates that the project will be within the standard R-3 requirements for all items except for the amount of paving at the 175 Linfield Drive site. The request for increased paving at the 175 Linfield Drive site is a result of the improved circulation system. The increase in paving is counterbalanced by a decrease in lot coverage by a corresponding five percent.

Through the Conditional Development zoning and permit process, the applicant at 175 Linfield Drive is requesting an exception to the maximum allowed paving. In addition,

both applicants are requesting exceptions to the following Zoning Ordinance requirements:

- Decrease in minimum lot area and dimension requirements;
- Decrease in the minimum setbacks from property lines and buildings;
- Increase in maximum building height for select three story units; and
- Decrease in the minimum interior garage dimensions.

The following table provides the lot sizes, setbacks, heights and garage dimensions compared to the requirements of the underlying R-3 zoning district.

Lot Size, Setback, Height, and Garage Dimension Comparisons

	110 Linfield Drive	175 Linfield Drive	R-3 District Requirement
Lot Area	2,250 sf	2,212 sf	7,000 sf min.
Lot Width	30 ft.	30 ft.	70 ft. min.
Lot Depth	75 ft.	73 ft.	100 ft. min.
Setbacks			
Front	9.5 ft.	7.5 ft.	20 ft. min.
Rear	4 ft.	4 ft.	15 ft. min.
Side	4 ft.	4 ft.	10 ft. min.
Side	4 ft.	4 ft.	10 ft. min.
Between buildings	8 ft.	8 ft.	20 ft. min.
Height	36 ft. 7 in.	36 ft. 7 in.	35 ft. max.
Garage Dimensions	Encroachments of up to 2 feet for water heaters and stair landings		10 ft. by 20 ft. interior clear
Note: The listings for each site reflect the extreme condition (minimum or maximum).			

The Planning Commission and City Council will consider these requests in evaluating the overall merits of the project.

General Plan Amendment and Rezoning

The existing General Plan designation for each property is Professional and Administrative Offices and allows residential uses at a density of 18.5 dwelling units per acre. The existing zoning district is C-1 (Administrative and Professional, Restrict). The C-1 zoning district is consistent with the Professional and Administrative Offices designation, except for the fact that residential is neither a permitted nor conditionally permitted use in the C-1 zoning district. In order to pursue residential use of the property consistent with the General Plan land use designation, the applicant is pursuing a General Plan Amendment to Medium Density Residential, which also has a maximum density of 18.5 dwelling units per acre, and a rezoning of the property to R-3-X.

The proposed residential development is included as a potential housing site identified in the Housing Element Update. The site is proposed to be studied for 80 new

residential units based on the current General Plan maximum of 18.5 dwelling units per acre.

The Planning Commission may wish to consider the goals and policies contained in the General Plan that are related to the residential development. Some of the goals that are most applicable to the proposal are listed below.

- **Land Use I-A:** To maintain and improve the character and stability of Menlo Park's existing residential neighborhoods while providing for the development of a variety of housing types. The preservation of open space shall be encouraged.
- **Land Use I-A-1:** New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.
- **Land Use I-A-2:** New residential developments shall be designed to be compatible with Menlo Park's residential character.
- **Land Use I-A-3:** Quality design and usable open space shall be encouraged in the design of all new residential developments.
- **Housing III-A:** To promote the development of a balanced range of housing types and densities for all economic segments and all geographic areas of the community.
- **Housing III.A.10:** The City will increase the supply of land available for residential development by re-designating and rezoning targeted residential and non-residential parcels for multi-family residential use, particularly near public transit and major transportation corridors in the city.
- **Housing III.A.11:** The City will promote the distribution of new, higher-density residential developments throughout the city, taking into consideration compatibility with surrounding existing residential uses, particularly near public transit and major transportation corridors in the city.

Staff believes that the project is consistent with the land use designations and goals and policies of the General Plan and that it is appropriate to make the required finding. The housing proposal diversifies the City's housing stock on properties located on the periphery of a neighborhood between high residential apartments and commercial office buildings. In addition, each site incorporates high-quality architectural design and open space.

Conditional Development Permit

The Conditional Development Permit (CDP) establishes the development regulations for the properties and the conditions of approval. Given the fact that 110 Linfield Drive and 175 Linfield Drive are two distinct proposals that need to stand on its own merits, each property would have its own CDP. Staff has prepared drafts of each CDP for the Planning Commissions consideration as Attachments I and J, respectively.

The CDP includes terms that allow for minor changes in the exterior of the units, landscaping and fencing that are consistent with the CDP through an administrative

review process. Major modifications to the exterior of the units, landscaping and fencing may be considered through an architectural control application to the Planning Commission. Modifications involving room additions or other expansions, construction of accessory structures or a change in land use, development standards or conditions would require an amendment of the CDP.

In regard to conditions of approval, staff included placeholders in the respective Conditional Development Permit with the Draft Conditions of Approval as a separate attachment (Attachment K). Given that there are a number of conditions of approval that would apply to each project, staff has differentiated between conditions that would be applicable to each project site, plus those that would be specific to one site or the other. The mitigation measures identified in the Environmental Impact Report would also be incorporated into the CDP.

Since the outset of the proposed project, the applicants have proposed to consider frontage improvement that would narrow the paved roadway of Linfield Drive along the property frontages. The applicants are participating in a City process to identify a preferred plan for treating Linfield Drive between Waverley Street and Middlefield Road as part of the Linfield/Middlefield/Willow traffic study. The applicants have expressed a willingness to contribute to improvements on the street, but the specific design and dollar amounts have not yet been worked out to craft a condition of approval for the project.

The applicants have also expressed a willingness to work with the City and other applicants in the Linfield/Middlefield/Willow area to explore potential improvements to the storm drain system to improve and an existing problem of flooding during severe winter storms. The projects will need to meet all City requirements, but there may be opportunities for the applicants to participate in a future project to improve the storm drain system. Again, a specific solution has not yet been worked out to craft a condition of approval for the project.

Staff believes that the use of the conditional development permit is appropriate for both sites given the recommended conditions of approval. Both sites meet the major development requirements of density, floor area ratio, lot coverage and landscaping. The exceptions related to paving, lot sizes, setbacks, building height are appropriate given the overall site design, which 1) reduces the amount of existing impervious surface areas, 2) employs appropriate buffers from adjacent properties, creates architectural interest along the public street frontages, incorporates usable open space for the residents of the development, preserves substantial heritage trees, and meets the City's Below Market Rate (BMR) housing requirements. The Planning Commission may wish to consider whether the exception to the minimum dimension requirements for garages is appropriate. The Planning Commission may wish to consider a condition of approval that would require compliance with the requirement for interior clear dimensions of 20 feet by 20 feet.

Major Subdivision

In order to implement the proposed project, the applicants have prepared two Tentative Subdivision Maps allowing for the subdivision of the 110 Linfield Drive property into 22 residential lots plus common areas and the 175 Linfield Drive property into 34 lots plus common areas. The Engineering Division and affected agencies and utilities have reviewed the map and have determined that it is technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance subject to conditions of approval.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) was prepared for this project and released for public review from August 22, 2005 through September 20, 2005. Five comment letters, including two from one household, were received on the Draft EIR. In addition, a number of comments were made at the Planning Commission hearing on September 12, 2005. A formal Response to Comments (Attachment D) 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 December 1, 2005. The public review period will end on December 12, 2005. To date, no letters have been received on the Final EIR.

In order to complete an EIR process and certify the final document, 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 E and F, respectively.

As noted in the following section of the report, *EIR Analysis of Impacts*, the project will result in significant, unavoidable aesthetic and traffic impacts. In order to approve a project with significant and unavoidable adverse environmental impacts, the City must adopt a Statement of Overriding Considerations. This is a specific finding that the project includes substantial public benefits that outweigh its significant adverse environmental impacts warranting approval of the project. The Statement of Overriding Considerations is a part of the Findings for Certification and can be found on pages E-7 and E-8 of the attachments.

The Planning Commission should review and forward a recommendation to the City Council on the adequacy of the Final EIR, Findings for Certification, the Statement of

Overriding Considerations, Statement of Certification and Mitigation Monitoring and Reporting Program. The City Council will be the final decision-making body on all documents associated with the certification of the Final EIR.

EIR Analysis of Impacts

The Draft EIR analyzes the potential environmental impacts of the project on focused impact areas. The Draft EIR, through the Initial Study, determined that the project would have a less-than-significant impact without the need for mitigation on the following impact areas: land use and planning, population and housing, energy and mineral resources, public services, utilities and service systems, and recreation. For most of the remaining environmental impact areas, including, geologic problems, water, air quality, biological resources, hazards, noise, and cultural resources, the Draft EIR, including the Initial Study, concluded that the project would have a less-than-significant impact with the adoption of specific mitigation measures. Most of these mitigation measures are typical and often included with larger development projects. A complete list of these mitigation measures is included in the Mitigation Monitoring and Reporting Program (Attachment F). These mitigation measures would be included as conditions of approval for the project.

One proposed mitigation measure is project specific and relates to the intersection of Alma Street and Ravenswood Avenue. The project has the potential to degrade the level of service at the intersection during the AM peak. The Draft EIR includes a mitigation measure that would prohibit left turns from Alma Street to Ravenswood Avenue during the AM peak (7 a.m. to 9 a.m.) similar to the current prohibition that exists during the PM peak (4 p.m. to 6 p.m.).

The Draft EIR found that two of the environmental impact areas would have significant unavoidable impacts as a result of the project. These are aesthetics and transportation and are explained in more detail below.

Aesthetics

The Draft EIR concludes that the proposed project and the project's contribution to cumulative tree removals would result in significant unavoidable impacts to scenic resources due to the removal of 50 heritage trees. The City's requirements for removing heritage trees require the replanting of suitable trees, but the trees will be small and will take a number of years to grow to sizes comparable to the trees slated for removal. The Draft EIR concludes that there are no feasible mitigation measures to address this impact.

Transportation

The transportation analysis considered impacts to signalized and unsignalized intersections, roadway segments, transit, bicycle and pedestrian access, and site access, circulation and parking. The analysis was based on a 59-unit residential development and assumed no trips from the previous uses. As such, the analysis is a conservative estimate of the project's potential traffic impacts.

The Draft EIR concluded that the project and the project's contribution to cumulative impacts would be significant at the intersection of El Camino Real and Ravenswood Avenue in the AM peak in the project conditions and both AM and PM peaks under the cumulative conditions. The Draft EIR proposes a mitigation measure that would require widening and re-striping of the intersection. Due to the fact that the mitigation measure is unfunded and requires Caltrans approval, the impact remains significant.

The Draft EIR also concluded that the project and the project's contribution to the cumulative impacts would be significant on the following five segments of roadways due to increases in projected traffic volumes compared to existing conditions:

- Linfield Drive from the project sites to Middlefield Road;
- Linfield Drive from the project sites to Waverley Street;
- Waverley Street from Linfield Drive to Laurel Street;
- Ravenswood Avenue from El Camino Real to Alma Street; and
- Willow Road from Middlefield Road to US 101.

The City's significance criteria are based on the projected increase in daily traffic volume, therefore significant impacts cannot be mitigated through physical roadway improvements. Measures to reduce actual volumes could have secondary impacts on other roadways. The only mitigation available would be to reduce the project size to three residential units, which as noted in the *Alternatives* chapter of the Draft EIR, would not be considered a feasible mitigation. The Draft EIR concludes that the impacts to five local street segments would be significant and unavoidable.

RECOMMENDATION

Recommend to the City Council:

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification, as provided in Attachment E.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project as provided in Attachment F.
3. Make a finding that the proposed General Plan amendment to change the land use designation of properties located at 110 Linfield Drive and 175 Linfield Drive from Professional and Administrative Offices to Medium Density Residential for the development of a total of 56 residential units would be consistent with the adopted General Plan.
4. Make a finding that the proposed rezoning of properties located at 110 Linfield Drive and 175 Linfield Drive from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment District – Conditional Development) is consistent with the General Plan land use designation of Medium Density Residential.
5. Make a finding that the proposed conditional development permits will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
6. Make a finding that the conditional development permits allow for proposals that provide new opportunities for the City to increase and diversify its housing stock, provide eight Below Market Rate housing units in compliance with the City's guidelines for such units, decreases the amount of impervious surface area on each site, and provides opportunity for common open space for use of future residents of the development.
7. Make a finding that the tentative subdivision maps have been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
8. Approve a resolution amending the General Plan to change the land use designation of properties located at 110 Linfield Drive and 175 Linfield Drive from Professional and Administrative Offices to Medium Density Residential.
9. Introduce an ordinance rezoning properties located at 110 Linfield Drive and 175 Linfield Drive from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment District – Conditional Development).

10. Approve the Conditional Development Permit for the construction of 22 single-family residential units on the property located at 110 Linfield Drive subject to the terms and conditions of the Conditional Development Permit.
11. Approve the Conditional Development Permit for the construction of 34 single-family residential units on the property located at 175 Linfield Drive subject to the terms and conditions of the Conditional Development Permit.

Justin Murphy
Development Services Manager
Report Author

Arlinda Heineck
Community Development Director

PUBLIC NOTIFICATION

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. In addition, notices were mailed to all owners and residents in the area roughly bounded by Coleman Avenue to the east, San Francisquito Creek to the south, Alma Street to the west, and Ravenswood Avenue to the north. Planning Commission action will be in the form of a recommendation to the City Council.

ATTACHMENTS

- A. Location Map and Context Map for Linfield/Middlefield/Willow Area
- B. Project Plans for 110 Linfield Drive
- C. Project Plans for 175 Linfield Drive
- D. Final Environmental Impact Report (Response to Comments on the Draft EIR)
- E. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- F. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- G. Draft Resolution amending the General Plan to change the land use designation of the properties located at 110 Linfield Drive and 175 Linfield Drive from Professional and Administrative Offices to Medium Density Residential
- H. Draft Ordinance rezoning properties located at 110 Linfield Drive and 175 Linfield Drive from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment District – Conditional Development)
- I. Draft Conditional Development Permit for 110 Linfield Drive, dated December 12, 2005
- J. Draft Conditional Development Permit for 175 Linfield Drive, dated December 12, 2005
- K. Draft Conditions of Approval, dated December 12, 2005
- L. Project Information, dated December 2005, submitted by the applicants

- Visual Simulations
 - Project History
 - Summary of Fees and Taxes
 - Fiscal Impact Study
- M. Environmental Quality Commission staff report for the meeting of July 27, 2005
- N. Excerpt of the Environmental Quality Commission minutes of the July 27, 2005 meeting (without attachments)
- O. Housing Commission staff report for the meeting of August 15, 2005 (without attachments)
- P. Excerpt of the Housing Commission minutes of the August 15, 2005 meeting
- Q. Excerpt of the Planning Commission minutes of the September 12, 2005 meeting

EXHIBITS TO BE PROVIDED AT MEETING

1. Colored Renderings
2. Color and Materials Packet

DOCUMENTS AVAILABLE FOR REVIEW AT THE CITY OFFICES

1. City Council Study Session Staff Report, dated August 27, 2002
2. Planning Commission Study Session Staff Report, dated March 3, 2003
3. City Council Staff Report, dated March 24, 2003
4. Draft Environmental Impact Report prepared by Impact Sciences, Inc., dated August [22,] 2005
5. Planning Commission Staff Report, dated September 12, 2005

Note: Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, 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.

V:\STAFFRPT\PC\2005\121205 - 110 and 175 Linfield - DEIR.doc

**THE CITY OF MENLO PARK FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)**

I. INTRODUCTION

In April 2004, the City received an application from 110 Linfield Project, LLC and Consolidated Freightways (currently CFC Trust) each for a General Plan Amendment, Rezoning, Conditional Development Permit and Tentative Subdivision Map at the respective sites for the 110 & 175 Linfield Drive Projects (the “Projects”). The application contemplated construction of two single-family residential developments consisting of three and four bedroom, two and three story homes with useable side yards.

In March 2005, consistent with the California Environmental Quality Act, the City of Menlo Park prepared an Initial Study to identify potential environmental impacts associated with the Project. The Initial Study determined that the project could have significant aesthetic, air quality and traffic impacts and on that basis determined that an Environmental Impact Report would be required.

The City of Menlo Park prepared and circulated a Notice of Preparation for the EIR to interested agencies and members of the public and to the State Clearinghouse on March 25, 2005.

The Draft Environmental Impact Report was prepared, published and distributed to interested agencies and members of the public on August 20, 2005, commencing a 30-day public review period. The public comment period closed on September 20, 2005.

On December 1, 2005, the City of Menlo Park published a Final Environmental Impact Report (FEIR). The Findings, Recommendations and Statement of Overriding Considerations set forth below (“Findings”) are made by the City of Menlo Park Planning Staff, for recommendation by the Planning Commission and adoption by the City Council, as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, §21000 *et seq.*) and CEQA *Guidelines* (Cal. Code of Regulations, Title 14, §15000 *et seq.*) relating to the Project. The Findings provide the written analysis and conclusions of this Commission and Council regarding the Project’s environmental impacts, mitigation measures, project alternatives, and the overriding considerations, which in this Commission’s and Council’s view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

The EIR was published for public review and comment on August 20, 2005. The EIR was made available for review and comment by interested persons and public agencies through September 20, 2005. The City prepared written responses to the comments received during the comment period and included these responses in a Final Environmental Impact Report (FEIR). The Final EIR was made available for public review on December 1, 2005.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Menlo Park's findings and determinations consists of the following documents and testimony, at a minimum:

1. The Final EIR for the 110 & 175 Linfield Drive Projects and all reports, documents, studies, memoranda, and maps related thereto.
2. The Notice of Preparation and other public notices issued by the City in conjunction with the Draft EIR for the 110 & 175 Linfield Drive Projects.
3. All written and oral comments submitted by agencies or members of the public during the public review period for the EIR and any public hearings or meeting held on Project approvals.
4. All other public reports, documents, studies, memoranda, maps, or other planning documents related to the 110 & 175 Linfield Drive Projects prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the project Entitlements.
5. The City of Menlo Park General Plan.
6. All matters of common knowledge to this Commission and Council, including, but not limited to:
 - a. the Menlo Park General Plan and other applicable policies
 - b. the Menlo Park Zoning Ordinance and other applicable ordinances
 - c. information regarding the City's fiscal status
 - d. applicable City policies and regulations
7. Reports, projections, and documentation regarding development within and surrounding the City; and
8. Federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of Community Development, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025. The custodian of these documents is the Development Services Manager or his designee.

D. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions

of these Findings, or their application to other actions related to the 110 & 175 Linfield Drive Projects, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Aesthetics

Visual-2: Project and Cumulative Impacts to Scenic Resources

Implementation of the proposed projects would result in the removal of 50 Heritage trees and relocation of one Heritage tree. The required replacement planting at the project site would enhance the visual character of the project sites overall. However, the projects would not result in plantings of mature trees of the same species in the same locations on the project sites, nor would the required replacement trees possess the same features of existing Heritage trees. Therefore, the proposed removal of Heritage trees is considered a significant and unavoidable impact to scenic resources, for each project and both projects combined.

Mitigation Measures. No mitigation measures are feasible. The projects would comply with the City's tree replacement requirements.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: No mitigation is feasible for removal of Heritage trees.
2. Remaining Impacts: Impacts to these scenic resources cannot be mitigated, and significant and unavoidable impacts would still exist.

B. Transportation and Circulation

Traffic-1: Project and Cumulative Impacts to Project Area Intersections

Each project individually and both projects combined would contribute significantly to congestion at the intersection of El Camino Real and Ravenswood Avenue (during the PM peak hour).

Mitigation Measures. The Circulation Element of the City's General Plan outlines a proposed mitigation plan that includes widening the south (El Camino) approach to the intersection to add a third northbound through lane, and reconfiguration of the southbound exclusive right-turn lane to a shared through-right lane. With implementation of the improvement measure, the intersection of El Camino Real and Ravenswood Avenue would operate at an acceptable LOS D under project conditions. However, this measure is not funded. In addition, the El Camino approach to the intersection is within Caltrans' jurisdiction.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: No mitigation is feasible for the intersection of El Camino Real and Ravenswood Avenue.
2. Remaining Impacts: Traffic impacts to this intersection cannot be mitigated, and significant and unavoidable impacts would still exist for the El Camino Real and Ravenswood Avenue.

Traffic-2: Project and Cumulative Impacts to Project Area Streets

The projects would contribute additional daily traffic to six local street segments. The project increase would exceed City thresholds for local streets and minor arterials. Based on the future project scenario, significant and unavoidable impacts would occur on Linfield Drive (two segments), Waverley Street, Willow Road, Middlefield Road, and Ravenswood Avenue.

Mitigation Measures. There are no feasible mitigation measures to substantially lessen the number of vehicles using the immediate local streets.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, this City Council finds that:

1. Effects of Mitigation: No mitigation is feasible for traffic on Linfield Drive (two segments), Waverley Street, Willow Road, Middlefield Road, and Ravenswood Avenue.
3. Remaining Impacts: Traffic impacts to these streets cannot be mitigated, and significant and unavoidable impacts would still exist.

IV. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO LESS THAN SIGNIFICANT LEVEL

A. Air Quality

Air-1: Construction Impacts

The proposed project would generate air emissions from construction activities, including fugitive dust, a source of PM₁₀.

Mitigation Measure: The applicants shall require the construction contractor to implement a dust control program. The program shall be applied to all construction activities involving grading, excavation, use of unpaved areas for staging, extensive hauling of materials, or building

demolition. The dust control program shall include the following measures from Table 2 of the *BAAQMD CEQA Guidelines* as applicable and feasible:

Basic Control Measures (for all construction sites)

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.
- 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.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Enhanced Control Measures (for individual or combined construction sites of larger than four acres)

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways. Replant vegetation in disturbed areas as quickly as possible.

Optional Measures (strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emissions reductions)

- Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
- Suspend excavation and grading activity when sustained winds exceed 25 mph.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

Findings. Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

1. *Effects of Mitigation:* Implementation of the mitigation measure above would reduce construction period impacts to a level of less than significant.
2. *Remaining Impacts:* Any remaining impacts related to air quality would not be significant.

V. PROJECT ALTERNATIVES

A. Background - Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval (*Public Resources Code* § 21002). With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990)). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (*Public Res. Code* § 21000).

B. Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects” of the Project (*CEQA Guidelines* § 15126(d)(2)). Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR.

The general goal of the proposed project is construction of residential infill housing projects to provide market rate and below market housing, develop high-quality improvements, and improve existing drainage conditions in the community.

C. Alternatives Analysis in EIR

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The City evaluated the alternatives listed below.

Alternative 1: No Project Alternative

The No Project Alternative is discussed on page 6.0-7 of the EIR.

Findings: The No Project Alternative, both scenario one and two, is rejected as an alternative because it would not achieve the objectives of the Project Sponsor or of the City for construction of residential infill housing to provide market rate and below market housing, develop high-quality improvements, and improve existing drainage conditions in the community.

Explanation: This alternative would partially meet the project objectives related to tree preservation, under scenario one, and would meet the project objectives related to high-quality improvements, drainage, and tree preservation, under scenario two. However, because neither of the scenarios under this alternative would include development of any housing, the project's objectives would only be partially met.

Alternative 2: Medical Office Building

The Medical Office Building Alternative is discussed on page 6.0-12 of the EIR.

Findings: The Medical Office Building alternative is rejected because it would not achieve the objectives of the Project Sponsor or of the City for construction of residential infill housing to provide market rate and below market housing, develop high-quality improvements, and improve existing drainage conditions in the community.

Explanation: This alternative would partially meet the project objectives related to tree preservation. However, because this alternative would not include development of any housing, the project's objectives would only be partially met.

VI. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council of the City of Menlo Park adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the project and anticipated benefits of the project.

Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the project will result in significant unavoidable impacts to **aesthetics** and **transportation**, as disclosed in the Final EIR prepared for this project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the project.

Overriding Considerations

The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the project. The City Council of the City of Menlo Park specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the project and the anticipated benefits of the project. The City Council finds that this project has eliminated or significantly lessened all significant impacts on the environment where feasible.

Benefits of the Project

The City Council has considered the Final EIR, the public record of proceedings on the proposed project, and other written materials presented to the city as well as oral and written testimony at all public hearings related to the project, and does hereby determine that implementation of the project as specifically provided in the project documents would result in the following substantial public benefits.

1. The housing project implements the goals and policies of the Housing Element, including the conversion of non-residential parcels to residential use (Goal III-A and Policy III.A.10).
2. The project involves the demolition of buildings that have the potential for jobs and replaces them with buildings with the potential for employed residents thereby reducing the City's jobs housing imbalance.
3. The housing project contributes to meeting the City's Regional Housing Needs Determination by providing 54 units, including eight (8) units affordable to moderate income households.
4. The project will provide eight (8) below-market-rate housing units, thereby addressing the current demand for affordable housing as reflected by the 465 people currently on the City's Below-Market-Rate Waiting List. Additionally, the project will contribute approximately \$70,500 to the City Below Market Rate Housing Fund, which is used primarily for Purchase Assistance Loans (PAL).
5. The project will contribute to streetscape improvements (e.g., new curb, gutter, sidewalk, landscaping, etc.) along Linfield Drive to reduce the desirability of using Linfield Drive for cut-through traffic, reducing average speeds and potentially the number of vehicles using Linfield Drive.
6. The project will contribute to storm water system improvements along Linfield Drive in order to minimize occurrence of flooding, which currently occurs during severe storms, beyond the normal requirement for the project.
7. The project reduces the amount of impervious surface area thereby not exasperating an existing storm drainage system that lacks adequate capacity.
8. The project will contribute \$1,344,000 toward the recreation-in-lieu fund to be utilized to increase availability of City's recreation facilities.

VII. CERTIFICATION OF THE FEIR

The FEIR and City Council staff report dated _____ was presented to the City Council, acting as the decision making body of the lead agency for the project, and the City Council reviewed and considered the information contained in the FEIR prior to approving the project.

The City Council hereby finds that the FEIR for the 100 & 175 Linfield Drive projects is adequate, accurate and objective and reflects the independent judgment of the City; and the FEIR contains no significant revisions to the DEIR.

The City Council of the City of Menlo Park, acting as the decision-making body for the lead agency for the project, hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

MITIGATION MONITORING AND REPORTING PLAN

The purpose of the Mitigation Monitoring and Reporting Plan (MMRP) is to ensure that measures adopted to mitigate or avoid significant impacts are effectively implemented. This is achieved by describing the mitigation monitoring program for the proposed project elements, and identifying the roles and responsibilities of government agencies in implementing and enforcing the adopted mitigation measures. The MMRP provides the recommended framework for Lead Agency monitoring and reporting on the implementation of mitigation measures defined under the California Environmental Quality Act (CEQA). Public Resources Code, Section 21081.6, requires a public agency to adopt an MMRP when it certifies an environmental review document under CEQA that specifies mitigation measures to reduce environmental effects that would otherwise be significant.

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	AIR QUALITY		
<i>Air-1: Construction Impacts</i>	<p>AirQuality-1: The applicants shall require the construction contractor to implement a dust control program. The program shall be applied to all construction activities involving grading, excavation, use of unpaved areas for staging, extensive hauling of materials, or building demolition. The dust control program shall include the following measures from Table 2 of the <i>BAAQMD CEQA Guidelines</i> as applicable and feasible:</p> <p>Basic Control Measures (for all construction sites)</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least two feet of freeboard. • 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. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>Enhanced Control Measures (for individual or combined construction sites of larger than four acres)</p> <ul style="list-style-type: none"> • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour (mph). • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. <p>Optional Measures (strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emissions reductions)</p> <ul style="list-style-type: none"> • Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site. 	Public Works Director	<p>Submittal of Construction and Air Quality Management Plan prior to issuance of grading or building permits by project sponsor.</p> <p>Implementation of Plan during construction by contractors.</p>

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	<ul style="list-style-type: none"> • Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas. • Suspend excavation and grading activity when sustained winds exceed 25 mph. • Limit the area subject to excavation, grading, and other construction activity at any one time. 		
	TRAFFIC AND CIRCULATION		
<i>Traffic-1 & 9: Project and Cumulative Impacts to Project Area Intersections</i>	<p>Traffic-1a: Intersection of Alma Street and Ravenswood Avenue The following mitigation would bring the intersection of Alma Street and Ravenswood Avenue to an acceptable service level during the AM peak period.</p> <p>The City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed.</p>	Transportation Manager	Submittal of a formal request to restrict turns for a recommendation by the Transportation Commission and approval by the City Council prior to issuance of grading or building permits by project sponsor.
	INITIAL STUDY SUMMARY		
<i>Geology 3h: Expansive Soils</i>	<p>Mitigation Measure 3.1: The project applicants shall incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Treadwell & Rollo. These recommended measures include: specific site preparation and grading techniques, specific foundations design (footings, post tension slab, drilled cast-in-place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to UBC seismic design.</p>	Building Official	The Building Official will review the geotechnical investigation documents to ensure that they include engineering practices to reduce the potential

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
			geologic hazards.
<i>Water 4a. Absorption Drainage, Surface Runoff</i>	Mitigation Measure 4.1: Detailed hydrology/hydraulic calculations shall be prepared and approved by the City prior to Tentative Map approval. The developer of the 110 Linfield Drive site shall provide detailed calculations showing the volume of water required for on-site detention of the 10-year storm event. If needed, larger underground storm drainpipes shall be installed.	Public Works Director	Submittal of detailed calculations for review of Public Works Director prior to Tentative Map Approval.
<i>Water 4b. Exposure to Flooding</i>	Mitigation Measure 4.2: The applicants shall provide estimated calculations of pre- and post-project conditions at known flooding areas in the vicinity (per consultation with the City). The applicants shall also provide detailed hydrology/hydraulic calculations indicating the estimated hydraulic grade line at each site for the 10-year and 100-year storms. Top-of-curb elevations for each project shall be modified as needed (per consultation with the City) to meet City requirements. Finished floor elevations shall be modified as needed per consultation with the City. These revisions shall be made and approved by the City prior to Tentative Map approval.	Public Works Director	Submittal of detailed calculations for review of Public Works Director prior to Tentative Map Approval.
<i>Water 4c: Discharge Into San Franciscquito Creek</i>	Mitigation Measure 4.3 The project applicants shall implement Best Management Practices for water quality treatment on the project site to the maximum extent practicable, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist. Specific guidelines that would apply to the project site include (but would not be limited to) #1 (use of on-site infiltration as much as possible as a means of handling roof and site drainage); #4 (design of the site drainage so the storm water will flow to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales or underground pipes), #5 (drainage from roof downspouts to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales), #6 (As an alternative roof downspouts may connect to underground pipes with pop-up drainage emitters at the end of pipes), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge), #18 (If the storm drainage design for thee project consists of the on-site Stormwater Treatment Measures, such as vegetated/grassed swales or CDS [Continuous Deflective Separation] unit, the property owners [Homeowners Association] are required to enter into a “Stormwater Treatment Measures Operation and Maintenance Agreement” with the City. The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map.	Public Works Director	Submittal of Storm Drainage, Grading, Erosion, and Sedimentation Control Plans by project sponsor. Implementation of Plan during construction by contractors.
<i>Biology 7a: Endangered and Threatened Species</i>	Mitigation Measure 7.1: The applicants shall retain a qualified biologist (with selection to be approved by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The survey area shall include all potential nesting habitat on the project site	Community Development Director	Survey to be conducted by project sponsor with a qualified

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	<p>within 200 feet of the grading boundaries. If the 200-foot distance encompasses trees on adjacent properties, the biologist shall survey the trees using binoculars. The survey shall be conducted no more than 14 days prior to commencement of construction activities.</p> <p>Mitigation Measure 7.2: If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist.</p> <p>Mitigation Measure 7.3: At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.</p>	California Department of Fish and Game.	<p>biologist (ornithologist) no more than 14 days prior to the initiation of construction in the period of February through April and no more than 30 days in the period of May through August.</p> <p>If raptors are encountered, a report will be submitted by the qualified biologist (ornithologist) to the Community Development Director and the California Department of Fish and Game.</p>
<i>Biology 7b: Locally Designated Species</i>	<p>Mitigation Measure 7.4: The project applicants shall comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, and with the tree replacement ratios recommended by City staff. The final landscaping plans for the projects shall reflect compliance with the ordinance and procedures, and the applicants shall demonstrate that the required number of trees have been planted prior to project occupancy.</p> <p>Mitigation Measure 7.5: The project applicants must adhere to the tree protection and preservation plan included in the Tree Survey Reports prepared by Arborwell. The plan</p>	Community Development Director	The Community Development Director shall review the project plans and arborist report to ensure compliance.

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	includes measures related to the tree protection zone (TPZ), pruning and brush clearance, fencing and signage, fertilization, pest and disease control, and tree health and maintenance (including root cutting).		
<i>Hazards 9a: Release of Hazardous Substances</i>	Mitigation Measure 9.1: Prior to demolition of the existing buildings, the applicants shall survey the building for the presence of asbestos and lead-based paint. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when demolishing the building. If lead-based paint is present, the applicant shall determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance or determine any specific requirement they any have regarding the disposal of lead-based paint materials.	Building Official	Survey to be conducted by project sponsor.
<i>Noise 10b: Exposure to Severe Noise Levels</i>	<p>Mitigation Measure 10.1: The project applicants shall incorporate noise reduction measures into project construction activities. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences, and businesses in advance of construction work, and installing temporary barriers around construction noise sources. These are technically feasible measures that would reduce the noise levels of the construction equipment to 75 to 80 dB(A) at 50 feet. As with all construction equipment, noise levels would diminish rapidly with distance from the construction site at a rate of approximately 6 dB(A) per doubling of distance.</p> <p>Mitigation Measure 10.2: The project construction contractors shall use designated haul routes for all hauling-related trips to and from the project sites. The routes shall be chosen by the City with the intent of minimizing noise impacts. Haul trucks shall not use any streets within the Linfield Oaks neighborhood other than Linfield Drive (between the project sites and Middlefield Road).</p>	Community Development Director	<p>During design and construction phase by contractors.</p> <p>The Community Development Director will review the project design documents to ensure that they include the required noise mitigation measures.</p>
<i>Cultural 14b: Archaeological Resources</i>	Mitigation Measure 14.1: If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the	Community Development Director Public Works	To be implemented if any significant cultural resources are

110 & 175 Linfield Drive Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	archaeologist shall meet to determine the appropriate course of action. In the event that human remains are discovered, an appropriate representative of the Native American groups and the County Coroner shall be notified and consulted, as required by state law. All cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and report prepared according to current professional standards.	Director	encountered. If cultural resources are encountered, a report will be submitted by the qualified archaeologist to the Community Development Director and Public Works Director.

ATTACHMENT G

**DRAFT
DECEMBER 12, 2005**

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION
FOR CERTAIN PROPERTIES LOCATED AT
110 LINFIELD DRIVE AND 175 LINFIELD DRIVE**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain properties located at 110 Linfield Drive and 175 Linfield Drive to allow for the development of 54 single-family detached residential units, including eight Below Market Rate housing units; and

WHEREAS, the provisions of the Government Code, 65350, et. seq. have been complied with; and

WHEREAS, the City Council of the City of Menlo Park has considered the comments of the Planning Commission in regard to amending the General Plan;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City Menlo Park that the General Plan Amendment to change the land use designation for the project site from Professional and Administrative Offices to Medium Density Residential, particularly described in Exhibit "A" and Exhibit "B", be adopted.

I, Silvia M. Vonderlinden, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the ___th day of _____, 2005 by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

I further certify that the foregoing copy of said Resolution is a true and correct copy of the original on file in the office of the City Clerk, Civic Center, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this _____ day of _____, 2005.

City Clerk

ATTACHMENT H

**DRAFT
DECEMBER 12, 2005**

ORDINANCE NO. ____

**An Ordinance of the City of Menlo Park, Rezoning Property Located
at 110 Linfield Drive and 175 Linfield Drive**

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

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real properties located at 110 Linfield Drive (062-421-060) and 175 Linfield Drive (062-422-110) and more particularly described in Exhibit "A" and Exhibit "B" is rezoned from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment District – Conditional Development).

SECTION 2. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ____ day of _____, 2006.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of _____, 2006, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

APPROVED:

Nicholas Jellins
Mayor, City of Menlo Park

ATTEST:

Silvia M. Vonderlinden
City Clerk

ATTACHMENT I

DRAFT
CONDITIONAL DEVELOPMENT PERMIT

December 12, 2005

110 Linfield Drive

1. GENERAL INFORMATION:

- 1.1 Applicant: 110 Linfield Project, LLC
- 1.2 Nature of Project: General Plan Amendment and rezoning of the project site to allow for the construction of 22 single-family residential units, including three (3) Below Market Rate (BMR) units.
- 1.3 Property Location: 110 Linfield Drive
- 1.4 Assessor's Parcel Numbers: 062-421-060
- 1.5 Area of Property: 2.07 acres
- 1.6 Present Zoning: C-1 (Administrative and Professional District, Restrictive)
- 1.7 Proposed Zoning: R-3-X (Apartment - Conditional Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **43 percent** of the project site.
- 2.2 Lot coverage shall not exceed **26 percent** of the lot area.
- 2.3 Minimum landscaping shall be **55 percent** of the lot area.
- 2.4 The maximum amount of pavement shall not exceed **19 percent** of the lot area.
- 2.5 Building height shall not exceed **37 feet** from the finished grade.
- 2.6 Building setbacks and parking shall be in accordance with the approved plans.
- 2.7 The on-site circulation shall be installed according to the approved plans.

3. USES

- 3.1 Permitted uses in the R-3-X District: Single-family residences
- 3.2 Conditionally permitted uses in the R-3-X District: None

4. TERMS OF THE PERMIT

- 4.1 The Conditional Development Permit shall expire one year from the date of approval if the applicant does not submit a complete building permit application within that time.
- 4.2 Modifications of residential units and properties may be considered under the following terms:
 - 4.2.1 Minor modifications to building exteriors, fence styles and locations and significant landscape features in yards adjacent to streets 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 Conditional Development Permit and will not have an adverse impact on a contiguous neighbor. 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.
 - 4.2.2 Major modifications to building exteriors, fence styles and locations and significant landscape features in yards adjacent to streets 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 Conditional Development Permit and will not have an adverse impact on a contiguous neighbor. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
 - 4.2.3 Modifications involving room additions or other expansions of residences, construction of accessory structures, whether enclosed or open, or a change in the land use, development standards or conditions established in the Conditional Development Permit would require an amendment of the Conditional Development Permit.
- 4.3 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, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. STANDARD CONDITIONS:

See separate attachment. Insert prior to City Council meeting.

6. PROJECT SPECIFIC CONDITIONS:

See separate attachment. Insert prior to City Council meeting.

7. MITIGATIONS:

See separate attachment. Insert prior to City Council meeting.

Recommended for Approval by the
Menlo Park Planning Commission on
December 12, 2005

Approved by the
Menlo Park City Council on
_____, 2006

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

v:\staffrpt\pc\2005\121205 - 110 and 175 linfield - attach i - cdp 110.doc

ATTACHMENT J

DRAFT
CONDITIONAL DEVELOPMENT PERMIT

December 12, 2005

175 Linfield Drive

1. GENERAL INFORMATION:

- 1.1 Applicant: HMH Engineers
- 1.2 Nature of Project: General Plan Amendment and rezoning of the project site to allow for the construction of 34 single-family residential units, including five (5) Below Market Rate (BMR) units.
- 1.3 Property Location: 175 Linfield Drive
- 1.4 Assessor's Parcel Numbers: 062-422-110
- 1.5 Area of Property: 3.29 acres
- 1.6 Present Zoning: C-1 (Administrative and Professional District, Restrictive)
- 1.7 Proposed Zoning: R-3-X (Apartment - Conditional Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **41 percent** of the project site.
- 2.2 Lot coverage shall not exceed **25 percent** of the lot area.
- 2.3 Minimum landscaping shall be **50 percent** of the lot area.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the lot area.
- 2.5 Building height shall not exceed **37 feet** from the finished grade.
- 2.6 Building setbacks and parking shall be in accordance with the approved plans.
- 2.7 The on-site circulation shall be installed according to the approved plans.

3. USES

- 3.1 Permitted uses in the R-3-X District: Single-family residences
- 3.2 Conditionally permitted uses in the R-3-X District: None

4. TERMS OF THE PERMIT

- 4.1 The Conditional Development Permit shall expire one year from the date of approval if the applicant does not submit a complete building permit application within that time.
- 4.2 Modifications of residential units and properties may be considered under the following terms:
 - 4.2.1 Minor modifications to building exteriors, fence styles and locations and significant landscape features in yards adjacent to streets 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 Conditional Development Permit and will not have an adverse impact on a contiguous neighbor. 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.
 - 4.2.2 Major modifications to building exteriors, fence styles and locations and significant landscape features in yards adjacent to streets 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 Conditional Development Permit and will not have an adverse impact on a contiguous neighbor. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
 - 4.2.3 Modifications involving room additions or other expansions of residences, construction of accessory structures, whether enclosed or open, or a change in the land use, development standards or conditions established in the Conditional Development Permit would require an amendment of the Conditional Development Permit.
- 4.3 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, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. STANDARD CONDITIONS:

See separate attachment. Insert prior to City Council meeting.

6. PROJECT SPECIFIC CONDITIONS:

See separate attachment. Insert prior to City Council meeting.

7. MITIGATIONS:

See separate attachment. Insert prior to City Council meeting.

Recommended for Approval by the
Menlo Park Planning Commission on
December 12, 2005

Approved by the
Menlo Park City Council on
_____, 2006

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

v:\staffrpt\pc\2005\121205 - 110 and 175 linfield - attach j - cdp.doc

ATTACHMENT K
DRAFT
CONDITIONS OF APPROVAL
December 12, 2005

110 Linfield Drive and 175 Linfield Drive

Note: Formatted for eventual insertion in the respective Conditional Development Permits.

5. CONDITIONS FOR EACH SITE:

- 5.1. Prior to building permit issuance, the applicant shall comply with all West Bay Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.2. 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.
- 5.3. 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.
- 5.4. 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.
- 5.5. Prior to building permit issuance, the applicant shall submit detailed plans for review and approval of the Transportation Manager. The plans shall include the following:
 - 5.5.1. Adequate site distance visibility at the intersection of the proposed private streets with the public streets;
 - 5.5.2. A pedestrian circulation plan showing sidewalks, crosswalks, ramps, etc.;
 - 5.5.3. Geometric data on any medians or traffic circles on the proposed private streets;
 - 5.5.4. Demonstration that the dead-end streets have adequate back up room for vehicles; and
 - 5.5.5. A signage and striping plan.

- 5.6. Prior to building permit issuance, the applicant shall submit improvement plans for the right-of-way fronting the property. The plans shall include details for curbs, gutters, sidewalks, landscaping irrigation, lighting, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.7. Prior to building permit issuance, the applicant shall submit final Storm Drainage, Grading, Erosion and Sedimentation Control Plans for review and approval by the Public Works Department. The final plans shall be prepared by a Civil Engineer registered in California, shall be in accordance with the preliminary plans, and shall be included in the project plans submitted for building permit applications. The following specific elements shall be shown on the Plans:
 - 5.7.1. All existing utilities and proposed utility work;
 - 5.7.2. Square footages of existing (pre-development) and proposed (post-development) on-site impervious areas and the change in the square footage of impervious area upon completion of the proposed project;
 - 5.7.3. Detailed storm drainage calculation for the proposed storm drain system and the existing City storm drain system;
 - 5.7.4. Post-construction structural controls in the project design where feasible, and Best Management Practices (BMPs) for reducing contamination in stormwater runoff as permanent features of the project;
 - 5.7.5. All storm drain water, if not handled by on-site infiltration, must drain to a natural waterway, the public street, or public storm drain system; and
 - 5.7.6. Compliance with all applicable National Pollutant Discharge Elimination System (NPDES) Permit requirements.
- 5.8. Prior to building permit issuance, the applicant shall submit detailed calculations and revised project plans consistent with said calculations to demonstrate that the proposed curb elevations are not less than one foot above the hydraulic grade line (HGL) subject to review and approval of the Public Works Department.
- 5.9. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan for review and approval of the Community Development and Public Works Departments. The plan shall comply with the regulations for Water Efficient Landscaping (Municipal Code Chapter 12.44) and be consistent with San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) regarding the selection of pest resistant plants to minimize pesticide use. Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping shall be installed prior to final building inspection of the last residence.
- 5.10. 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.

- 5.11. Prior to building permit issuance, the applicant shall submit detailed color and material samples for review and approval by the Planning Division. The windows shall be either true divided light or simulated divided light (grids on the inside and outside and a spacer bar in between).
- 5.12. 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.
- 5.13. Prior to the recordation of the final map, the applicant shall submit CC & R's (covenants, conditions and restrictions) to the Public Works Department for the approval of the City Engineer and the City Attorney. The final map and the CC & R's shall be recorded concurrently. The CC&R's shall include language that:
 - 5.13.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces;
 - 5.13.2. Requires the Homeowners Association to maintain the landscaped area in City's right-of-way along the entire property frontage.
- 5.14. Prior to building permit issuance, the final map shall be approved by the City Council and recorded at the County Recorder's Office.
- 5.15. Prior to building permit issuance, the applicant shall pay all applicable school impacts fees associated with the project.

6. CONDITIONS SPECIFIC TO 110 LINFIELD DRIVE

- 6.1. Development of the project shall be substantially in conformance with the plans prepared by BKF Engineers, Dahlin Group Architecture, and HMM Landscape Architecture, dated received November 14, 2005 consisting of 45 plan sheets and recommended for approval to the City Council by the Planning Commission on December 12, 2005 except as modified by the conditions contained herein.
- 6.2. Prior to approval of the final map, the applicant shall incorporate the following changes subject to review and approval of the Engineering Division:
 - 6.2.1. The subdivision name and private street names shall be shown on the map;
 - 6.2.2. Show all proposed easements for utilities, features or activities that cross a property line;
 - 6.2.3. On-street parking on Homewood Place shall be limited to one side of the street and Detail 7 on Sheet TM-7 shall be corrected to reflect this requirement.
 - 6.2.4. The applicant shall dedicate a Public Access Easement for the portion of the sidewalk along Homewood Place located on private property.
 - 6.2.5. Other changes as deemed necessary by the Engineering Division.

- 6.3. Prior to approval of the final map, the applicant shall pay the recreation in lieu fee in accordance with Section 15.16.020 of the Menlo Park Subdivision Ordinance. Based on current market value estimates, the fee would be \$528,000.

7. CONDITIONS SPECIFIC TO 175 LINFIELD DRIVE

- 7.1. Development of the project shall be substantially in conformance with the plans prepared by HMM Engineers, Dahlin Group Architecture, and HMM Landscape Architecture, dated received November 14, 2005 consisting of 46 plan sheets and recommended for approval to the City Council by the Planning Commission on December 12, 2005 except as modified by the conditions contained herein.
- 7.2. Prior to approval of the final map, the applicant shall incorporate the following changes subject to review and approval of the Engineering Division:
 - 7.2.1. The private street names shall be shown on the map;
 - 7.2.2. Show all proposed easements for utilities, features or activities that cross a property line;
 - 7.2.3. The "Retaining Wall Detail" on sheet TM-5 indicating the proposed retaining wall would straddle the property line shall be revised so that the retaining wall is located entirely on the subject property.
 - 7.2.4. The applicant shall dedicate a Public Access Easement for pedestrian and bicycle access from the rear of the property to Linfield Drive in order to connect with a future access point at 75 Willow Road.
 - 7.2.5. The applicant shall obtain the necessary approvals and record the abandonment of the public utility easement.
 - 7.2.6. Other changes as deemed necessary by the Engineering Division.
- 7.3. Prior to approval of the final map, the applicant shall pay the recreation in lieu fee in accordance with Section 15.16.020 of the Menlo Park Subdivision Ordinance. Based on current market value estimates, the fee would be \$816,000.

v:\staffrpt\pc\2005\121205 - 110 and 175 linfield - attach k - conditions.doc



ENVIRONMENTAL QUALITY COMMISSION

Meeting Date: July 27, 2005

Staff Report for Agenda Item: C-2

Make a Recommendation on an Application to Remove 50 Heritage Trees and Relocate 1 Heritage Tree as Part of the Proposed Residential Developments at 110 and 175 Linfield Drive

BACKGROUND

The location of the project is on the two parcels on the northwest and southeast sides of Linfield Drive, approximately 500 feet west of Middlefield Road. The proposal includes the demolition of office buildings on the parcels at 110 and 175 Linfield Drive. The applicants originally submitted to the City an application for a proposed residential development on both parcels in 2003. A review of the proposed removal and relocation of heritage trees was conducted by the Environmental Quality Commission in March 2003. The projects were postponed by the applicants soon thereafter. After comments from City staff and other commissions, and the preparation of an Environmental Impact Report, the project was re-designed. The Environmental Quality Commission reviewed the projects again in August 2004 and approved the plans to remove a total of 57 heritage trees. Since that time, the projects have been redesigned again with a proposal to remove a total of 50 heritage trees.

ANALYSIS

The applicant is currently proposing to remove a total of 50 heritage trees and to relocate one heritage tree, out of an estimated total of 130 trees on the two sites. 51 heritage trees will remain in place.

The applicant has submitted summaries of the modifications of their site plans, including plans for tree removals and relocation for each of the two sites (Attachment 1). Also included in the attachment are tables listing trees on each of the sites, and plans showing the location of the proposed buildings, driveways and pathways, as well as the existing trees. Trees marked with an X through them are proposed for removal. One heritage deodar cedar (#35 on the 175 Linfield site) is proposed for relocation on the site. The attachment also includes a replacement tree planting plan entitled "Combined Overall Site Exhibit", which indicates a total of 142 new trees proposed for planting as mitigation for the tree removals.

The development proposal is also being reviewed by the City Housing Commission. Afterward, it will go to the Planning Commission for review and recommendation. The final proposal will go to the City Council for approval.

STAFF RECOMMENDATION

Staff recommends that the Commission recommend to the City Council an approval of the proposed heritage tree removals and relocations on the proposed projects at 110 Linfield Drive and 175 Linfield Drive.

Dianne Dryer
Environmental Programs Coordinator, Report Author

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

1. Submittal by Developer of 110 and 175 Linfield Drive



ENVIRONMENTAL QUALITY COMMISSION

Meeting Minutes

July 27, 2005

Burgess Recreation Center
700 Alma Street, Menlo Park

CALL TO ORDER: The meeting was called to order by Chairperson Dan Kocher at 6:40 p.m.

Commissioners Present: Doug Scott, Rick Stevens, Dan Kocher, Frank Carney, Bob Swezey

Commissioners Absent: Mary Kenney, Sarah Granger

Staff present: Dianne Dryer, Environmental Programs Coordinator
Juan Alvarez, City Arborist
Justin Murphy, Development Services Manager

Public present: Todd Adair, Kevin Fryer, Neal Woolner

A. PUBLIC COMMENTS: None

B. REPORTS AND ANNOUNCEMENTS

Doug Scott spoke with a Chamber of Commerce representative about presentation of Environmental Awards to businesses at a Chamber meeting and was told that there are no large meetings, but that an announcement would be put in the newsletter. The Awards presentation at the City Council meeting on June 21st was very well received. All but one of the recipients were present to receive their awards. One company brought several employees and said that the award was featured in the national corporate newsletter. Rick Stevens suggested that Commissioners express support for tree maintenance in the upcoming budget process. He also acknowledged outgoing Commissioner Mary Kenney's fine contributions to the Commission and the community. Commissioners expressed interest in changing the date of the September meeting due to the Labor Day holiday, so Dianne Dryer will propose and circulate a new date. The City Clerk has requested that speakers at City Council meetings who are City commissioners identify whether they are speaking as an individual or, with direction of their Commission, on behalf of their Commission. Doug Scott volunteered to survey Middle Avenue for gaps in the frequency of street trees and report back locations without trees.

C. BUSINESS ITEMS

1. Approval of Minutes of June 1, 2005: Motioned (DS/DK); approved unanimously.

2. Review of Proposal to Remove 50 Heritage Trees at 110 and 175 Linfield Drive in Connection with a Proposed Residential Development Project

Kevin Fryer, representing the development company, gave an overview of revisions to the project, which include fewer removals of heritage trees and additional open space and landscaping. He said that due to the usefulness as screens, most of the Monterey Pines at the rear of 110 Linfield would be preserved. Only those in poor condition would be removed. He stated that due to utility easements, it would not be possible to add more trees along the southern edge of 175 Linfield to serve as a screen. He also reviewed the plans for replacement trees. Commissioners agreed that some of the proposed replacement species were too small and that there should be flexibility in the number of trees required for replacement because of space constraints. They suggested fewer trees, with as many larger species as possible, at a 1 to 1 ratio at least. Juan Alvarez suggested white birch and oaks (preferred over magnolias). Commissioners expressed interest in native species to blend with surrounding neighborhood, provide habitat and conserve water. It was moved and seconded (BS/DS) to recommend to the City Council approval of the proposed removals, subject to a revision of the replacement tree plan (at staff's discretion) that includes more tree species that will reach 30 feet in height at maturity, natives and trees from the recommended replacement list, and a number of replacement trees at a ratio of at least 1 to 1. Motion approved unanimously.



HOUSING AND REDEVELOPMENT
701 Laurel Street/Menlo Park, CA 94025-3483
(650) 330-6736/Fax (650) 327-1759

MEMORANDUM

DATE: August 8, 2005
TO: Housing Commission
FROM: Gretchen Hillard, Housing and Redevelopment Manager
SUBJECT: Proposal for 110 and 175 Linfield Drive BMR Agreement

Recommendation The Housing Commission will formulate a recommendation to the City Council concerning the proposed BMR Agreements for 110 and 175 Linfield Drive at the August 15, 2005 meeting.

The Housing Commission recommendation will address the number of BMR units at each site, distribution of the units, their appearance and material used, and the number and distribution of market rate units paying in lieu fees, as well as other matters with respect to the BMR proposal, as described in detail below.

Background The Housing Commission made a recommendation based on a different proposal for the BMR units at the August 4, 2004 Housing Commission Meeting. (See Attachment A, Study Session concerning proposal for 110 and 175 Linfield Drive and Attachment B, Minutes of August 4, 2004 meeting.)

At the August 15, 2005 Housing Commission meeting, representatives of Consolidated Freightways and Olive Hill Development will present a proposal for BMR Agreements to satisfy the BMR Program requirements for new developments at 110 and 175 Linfield Drive. For the current proposal the developers have provided a memorandum summarizing the proposals for the two sites (Attachment C), a chart entitled "175 Linfield Dr., Proposed Housing Size Analysis" (Attachment D), proposed BMR Agreements (Attachments E and F), site plans, floor plans and elevations for the proposed BMR units and for market rate units, which are also in the agenda packet.

BMR Program Required Contributions for Residential Developments

- **Number of units and in lieu fees**

BMR Guidelines Sections 3.4 and 3.4.1 specify the required contributions for number of units and in lieu fees. In developments of 20 or more units, the developer shall provide not less than 15 percent of the units at below market rates to very low, low and moderate income households. If the number of BMR units required for a residential development project includes a fraction of a unit, the developer shall provide either a whole unit, the preferred form of participation, or make a pro rata residential in lieu payment on account of such fractional unit.

In summary, the BMR proposal for 110 Linfield Drive is to provide three BMR units out of 22 houses and pay in lieu fees at the sale of two market rate houses. The BMR proposal at 175 Linfield Drive is to provide five BMR units out of 34 houses and pay an in lieu fee on one market rate unit. An analysis of the proposals based on the Program's requirements is presented below.

Physical and distribution requirements Other requirements for new developments are described in Sections 4 and 5 of the BMR Guidelines. Sections 5.1 and 5.2 describe the physical and distribution requirements for BMR units, which are provided below in list format, with a brief observation about the compliance with the BMR Guidelines requirements of the 110 and 175 Linfield Drive proposals.

- **BMR housing units shall be generally of the same size (number of bedrooms and square footage) as the market-rate units.**
 - **Number of bedrooms** – To meet this guideline the BMR units would have the same distribution by number of bedrooms as the market rate units. The proposed BMR units all have three bedrooms. At 110 Linfield eight (37%) of the houses would have three bedrooms and 14 (63%) would have four bedrooms. At 175 Linfield 13 (38%) would have three bedrooms and 21 (62%) would have four bedrooms. For a comparison with other developments with BMR Agreements, see Exhibit A, "BMR Agreements in Developments". See Exhibit B, "Proposed Distribution of House Sizes by Plan Number" for the two Linfield sites.
 - **Square footage** -- To meet this guideline the BMR units would have the same distribution by square footage as the market rate units. The proposed BMR units have the smallest square footage in each development. Plan 1A* is proposed at 1,475 sq. ft and Plan 2A is proposed at 1,509 sq. ft.

* Plan 1 and Plan 1A are the same design.

- **The BMR units should be distributed throughout the development.** --
110 Linfield The BMR units are distributed throughout the development at 110 Linfield. Three units are proposed at 110 Linfield, one each on three of four sides.

175 Linfield The BMR units are distributed with one unit in each of five areas of the development at 175 Linfield. However the areas are substantially different in size, with four areas having between three and five units and the fifth area has 15 units. In other words, three of the BMR units are at or near the southwest or bottom of the site plan, one is in the northwest or upper left and one on the east or middle right area of the site plan, but none are in the middle and north and northwest areas of the development. The distribution would be more even if one of the BMR units in the southwest area were replaced by a BMR unit in the north central or west area.

- **The BMR units should be indistinguishable from the exterior.**
110 Linfield The BMR units are all Plan 1A; design at 110 Linfield, and are the only Plan 1A houses at that site. The developer states that the exterior finishes will be varied so that the BMR units will be indistinguishable from other two story houses.

175 Linfield At 175 Linfield, the BMR units are 3 of 4 houses with Plan 1A designs, and 2 of 5 with Plan 2A. No BMR units are designated for the other larger Plan designs. The developer states that the exterior finishes will be varied so that the BMR units will be indistinguishable from other two story houses.

- **The BMR units shall contain standard appliances common to new units, but need not have luxury accessories, such as Jacuzzi tubs.** – The developers state in the Analysis memorandum that their proposals will meet this requirement. (See Attachment C.)

- **The design and materials used in construction of the BMR unit shall be of a quality comparable to other new units constructed in the development, but need not be of luxury materials**– The developers addressed this requirement in the Analysis memorandum. (See Attachment C.)

- **In lieu fees**
110 Linfield The developers have proposed to pay in lieu fees on two market rate houses, on lots 14 and 17, which are middle sized plans and adjacent or located near to the proposed BMR units. Like the BMR units, the houses on which BMR in lieu fees are paid should be distributed by size and location in the development. Thus houses paying in lieu fees should be one higher priced and one lower priced Plan design or two mid-priced Plan designs, located in different parts of the development. The houses designated to pay

fees appear to be located in a moderately desirable location and a relatively less desirable location. None are designated at the most desirable internal location. The developer will be prepared to discuss the projected prices for the houses at the Housing Commission meeting.

175 Linfield The developer has proposed to pay in lieu fees on one market rate house, at lot 25, which is a middle plan size in a desirable location. This mid-size Plan design, in a location different from the BMR units, appears to be appropriate. The developer will be prepared to discuss the projected prices for the houses at the Housing Commission meeting

H:\hc\memos\05\0815 linfield bmr agmt ss.doc



**HOUSING COMMISSION
APPROVED EXCERPT MINUTES**

**Regular Meeting
August 15, 2005
5:30 p.m.**

**City Council Conference Room, First Floor
701 Laurel Street, Menlo Park, CA**

CALL TO ORDER

Chairperson Carol Louchheim called the meeting to order at 5:30 p.m. in the Administrative Building City Council Conference Room.

ROLL CALL

Housing Commission Members Present: Patricia Boyle, Carol Louchheim, Chair; Elza Keet; Anne Moser; Jack O'Malley;

Housing Commission Member Absent: Clarice O'Neal

Staff Present: Arlinda Heineck, Community Development Director, Justin Murphy, Director of Development Services, Gretchen Hillard, Housing and Redevelopment Manager

A. PUBLIC COMMENT – None.

B. REPORTS AND ANNOUNCEMENTS – Gretchen Hillard reported that she will be retiring in September. The Commissioners agreed to change their next meeting date to August 31, 2005. Carol Louchheim proposed that the order of the agenda be rearranged to put Item 2. first. (M/S Louchheim/Keet, 5-0)

C. BUSINESS ITEMS

1. Approval of June 1, 2005 Minutes The Members agreed to defer the June 1, 2005 Minutes until the next meeting because the packets had not arrived before the meeting, and most Members had not had a chance to read the Minutes.
2. Recommendation to City Council concerning BMR Agreement for 110 and 175 Linfield Drive

The Commissioners discussed the fact that the packets had not arrived by mail, so they were looking at the information on the BMR proposal for the first time. Gretchen Hillard summarized the staff memo, covering the history of the proposal and points that the Commission is required to cover in its recommendation, based on the BMR Guidelines. Patricia Boyle stated that the BMR units have the smallest square footage of all the units. Kevin Fryer summarized the previous proposal and compared it with the current one. There was a discussion of fireplaces, two car garages and porches. The Commissioners determined that they were looking at two separate proposals, one for each address, that would each have a separate BMR Agreement.

Elza Keet stated that the BMR units are all two bedrooms and posed the question whether the distribution requirement in the Guidelines should be based on square footage or number of bedrooms. She proposed for study that the Commission consider recommending instead, at 110 Linfield one Plan 1 at 1473 s.f., one Plan 3A at 1666 s.f. and one Plan 3C at 1666 s.f. Kevin Fryer stated that the cost would increase by \$400,000 to accomplish the change.

Carol Louchheim pointed out that there are three 1As in the development and they are all BMR units. Patricia Boyle proposed the alternative of a 1A, a 2A and a four bedroom unit. Anne Moser suggest Lot 19 instead of Lot 18. Kevin Fryer said that at 175 Linfield Plans 1A and 2A are used for both BMRs and market rate units. Jack O'Malley said that he would abstain on the votes because he could not make an informed decision without a chance to read and evaluate the information in the packet. He pointed out that the smallest units are BMRs, which doesn't meet the Commission's charge, and that he doesn't want to make the requirement more expensive than necessary. Elza Keet said she supported deciding tonight. Jack O'Malley proposed that the Commission wait. When asked, staff said it would be helpful to move the approval process along to have a decision tonight, and described the review process with dates, with the Planning Commission meeting on September 12 and the City Council meeting later.

Carol Louchheim posited Elza Keet's proposal with two Plan 1As and one Plan 2A, pointing out the cost problems. She suggested switching to lots 4 and 19 (2A Plans), resulting in BMR units on lots 4, 13, and 19, with in lieu fees paid by lots 14 and 20. (M/S Keet/Boyle, 4-0-1, O'Malley abstained)

Next the Commissioners reviewed the proposal for 175 Linfield. They reviewed a large drawing of elevations of homes and agreed that market rate and BMR units would be indistinguishable from the exterior. Five BMR units were proposed, three Plan 1A, two Plan 2A. There are one Plan 1A and three Plan 2a market rate units. Elza Keet stated that the distribution would be improved if there were two Plan 1As, two Plan 2As and one Plan 3A or 3C. Patricia Boyle stated that since there are both market rates and BMRs in the Plan 1A and 2A designs that a 3A or 3C was not necessary. Elza Keet reiterated that the distribution would work better if one of the larger houses were a BMR. The Commissioners stated that they thought that the redesign was a great improvement over the earlier proposal. The exteriors of the homes are varied but not indistinguishable. Patricia Boyle made the proposal to recommend lots 1, 7, 9, 13, and 19 as BMR units at 175 Linfield with lot 25 paying the in lieu fees.

M/S Moser/Keet, 4-0-1; O'Malley abstained.



MENLO PARK PLANNING COMMISSION APPROVED EXCERPTS

Regular Meeting
September 12, 2005
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (Vice-chair) (arrived at 8:39 p.m.), Deziel, Henry, Keith, Pagee (Chair), Riggs, Sinnott

INTRODUCTION OF STAFF – Chow, Murphy

A. PUBLIC COMMENTS

There were none.

C. PUBLIC HEARINGS

Commissioner Deziel recused himself from consideration of items 4 and 5 as he once had a potential financial interest in a property adjacent to the subject sites of agenda in items 4 and 5.

4. **General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Environmental Review/110 Linfield Project, LLC/110 Linfield Drive:** Requests for the following: 1) General Plan Amendment to change the existing Professional and Administrative Offices land use designations to Medium Density Residential, 2) Rezoning the properties from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment - Conditional Development District), 3) Conditional Development Permit to establish specific development regulations and review architectural designs for the demolition of an office building of approximately 17,500 square feet and the construction of 22 residential units, 4) Tentative Subdivision Map for the creation of 22 lots and associated common areas, and 5) environmental review of the proposed project.

5. **General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Environmental Review/HMH Engineers/175 Linfield Drive:** Requests for the following: 1) General Plan Amendment to change the existing Professional and Administrative Offices land use designations to Medium Density Residential, 2) Rezoning the properties from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment - Conditional Development District), 3) Conditional Development Permit to establish specific development regulations and review architectural designs for the demolition of an office building of approximately 38,500 square feet and the construction of 34 residential units, 4) Tentative Subdivision

Map for the creation of 34 lots and associated common areas, and 5) environmental review of the proposed project.

Staff Comment: Planner Murphy said that these two agenda items were two distinct applications being reviewed as one project with one Environmental Impact Review. He said the Commission would be asked to comment on the Draft Environmental Impact Report (DEIR) and those comments would be responded to in the Final Environmental Impact Report (FEIR). He said comments in writing could be submitted to the City until September 20, 2005. He said the FEIR would be brought back to the Commission. He said the Commission was also being asked to provide any feedback to the applicants that they might have regarding the building plans submitted to date. He said that consultants used by the City were available to address the Commission or answer questions, including Ms. Phyllis Potter of Impact Sciences and Mark Spencer of DKS Associates.

Public Comment: Mr. Bo Radonovich, Mission Valley Properties, said he represented the CFC Trust, the owners of the 175 Linfield Drive property. He introduced Mr. Duke Rohlen, Olive Hill Development Company, who was representing the Burge family, the owners of the 110 Linfield Drive property. He said the projects were separate applications for environmental clearance, tentative map and design review. He said the history of the projects had been to process them as one project; he noted that there was a cooperative relationship between the property owners in that they shared processing costs and ideas to get the project looked at as one cohesive project. He said the project had been in development for three years and there had been numerous public meetings with the City Council, the Planning Commission and the community. He said that staff, the Council, and the Planning Commission had generally highly supported pursuing a residential opportunity for the two sites. He said they had started out with a much higher density housing project. However, in response to neighbors' concerns with the proposed density, the plans had been changed to 59 units and application made in 2004. He said those plans were approved by the Environmental Quality and Housing Commissions, but a number of design issues and other concerns were raised. He said based on that they redesigned the project and resubmitted the project in January 2005. He directed the Commissioners' attention to the colored site plan. He said they took the density concerns raised by the neighborhood, the design concerns raised by staff, and the affordability issues and goals raised by the Council to come up with a project that tried to address all of the concerns, issues and goals. He said there were site-specific constraints that meant there had to be a balancing act of competing goals and design elements and issues. He said the goal of their design was to design a small lot, clustered plan, which they did by dropping the size of the units from 2,500 square feet to 1,400 square feet. He said the traditional grid pattern provided for better circulation for both the pedestrian and vehicular traffics and also produced a quality, gathered common open space area for the residents. He said they were continuing to work with staff to improve the design.

Mr. Radonovich summarized their design goals: a neo-traditional design that put all of the garage doors to the rear of the units, where they were hidden from pedestrian and vehicular views, and a quality pedestrian environment with each of the units' front doors and porches fronting onto the major thoroughfares with significant setbacks from the proposed curbs or onto quality gathered open space area. He presented a video animation of someone walking or driving down Linfield Drive from Middlefield Road for 110 Linfield Drive to demonstrate the quality of the houses, the articulation, massing, and façade to enhance the pedestrian

environment. He presented a video animation of entering the 175 Linfield Drive property in the area where home design with the fourth bedroom on the third floor would be introduced.

Mr. Radonovich said the staff report did a very good job of describing what the applicants were trying to accomplish within the R-3 zoning district. He said the "X" designation was to allow for special design needs that would otherwise require variances. He noted that they met the Floor Area Ratios (FAR), the coverage ratios, and were providing greater landscaping ratio than required. He said they were asking for slightly more paving for the 175 Linfield Drive property to provide better emergency access and to better separate pedestrian and vehicular traffic circulation.

Mr. Radonovich said page five of the staff report looked at the lot size, setback, height, and garage dimension in comparison to the R-3 zoning district requirements. He said they were asking for quite a bit of variance on several of those requirements, but the comparisons depicted the worst case scenarios. He said they were trying to do a very site specific design and a very quality, gathered open space area by clustering the houses. He said that meant smaller footprints and smaller houses. He said that the residences were placed appropriately so that where it was indicated that the front yard setbacks were nine-and-a-half-feet or seven-and-a-half-feet, those were drawn from the lot rather than from the open space area. He said the worst case scenario was 25 or 27 feet behind curb and for an open space area that would be 30 to 62 feet in depth.

Commissioner Henry expressed concern that 50 trees would be removed for the project. He said that the straight design of the streets and the grid design of the residential unit clustering prevented saving more trees. Mr. Radonovich said that the removal of 50 trees was a concern of many; he noted that they were saving 61 trees though. He said the sites had only 13 heritage trees. He said of the 13 heritage trees that nine would remain in place, two would be relocated, and only two were proposed to be removed. He said the trees proposed for removal, though mature, were parking lot ornamentation and included eucalyptus and olive trees, many of which are in poor health.

Chair Pagee asked about the need to have a fourth bedroom as it not only distracted from the orderliness and the street appearance, but would also cast shadow on adjacent properties on fairly narrow lots. Mr. Radonovich said the fourth bedroom was important to make the project economically viable because the project had been pushed to a much lower density. He said this resulted in a smaller footprint that led to the third story element, which was not an entire floor, but one room that was setback on the residence. He said they spent a lot of time with staff identifying the proper setbacks to protect adjacent neighbors; he said there was an additional 10-foot setback on those sides.

Chair Pagee said that attempts were made on the side elevations facing the street to be as attractive as possible, but those that were neighbor-to-neighbor lacked articulation and any interest. Mr. Radonovich said on one side of those units there would be a garage door to garage door and garage wall to garage wall and those were deliberately plain as they anticipated that people would not spend much time in those areas. He said on the other side of those units they had tried to articulate and create interest with patios, window placement, and window framing.

Chair Pagee said the City has a noise ordinance regarding the placement of mechanical equipment. She said all of the proposed condenser units for the project were located in the narrow side setbacks. Mr. Radonovich said they could look at that; he noted that the units were smaller, 1,400 to 1,950 square foot units, which would not require a big size condenser unit. He said the rationale to place them on the patio side of the units was that there was more space there, 10-feet or more, between buildings. He said that for the patios, the property owners would have a reciprocal use easement. Chair Pagee asked how the agreement would be written. Mr. Radonovich said that on the deed there would be an access and use agreement recorded at the time of purchase for the property owner to use the patio and landscape the space; the other property owner would have the right to access that easement to maintain his property. Chair Pagee asked what the cost of the units would be if construction began the next year. Mr. Radonovich said the cost for housing now in the Menlo Park area was \$650 to \$700 per square foot; he noted that there would be eight Below Market Rate (BMR) units located throughout the project that would have the same quality and design. Chair Pagee said that each unit would be about \$1,000,000. Mr. Radonovich said that was the estimate.

Commissioner Sinnott said the design was very beautiful. She said she was concerned that the garages were hidden and those sides of the units were very plain. She thought the conversations between neighbors would be in that area. She said the front yards and open space were beautiful. Mr. Radonovich said they could look into her concern; he said they were trying to make the livable space be the front porches. Commissioner Sinnott said that there was no driveway space and that a car could not be parked in the driveway. Mr. Radonovich said that was correct, but that each unit would have an average of three guest parking spaces, which did not include street parking on Linfield Drive and Homestead Place. Commissioner Sinnott said the City has an ordinance prohibiting overnight street parking. She said that there were three to four bedrooms in each unit and with teenagers the families would have a third car. She said that parking would be an issue for the applicants in selling the units.

Commissioner Keith said the design was lovely, but asked why there was a need to build so many units. Mr. Radonovich said that it was financial feasibility as it was expensive to do business in Menlo Park. He said the City had the most stringent BMR requirement in the Bay area. Commissioner Keith said the number of BMRs required was based on the number of units, so if there were fewer units there would then be less BMRs required. Mr. Radonovich said that the units would then need to be more expensive; he said if he could build a lot more houses, he could build them a lot more efficiently and less expensively so they would be more affordable. Commissioner Keith said that a three-bedroom unit would cost over a million dollars. She asked if there was some way to lessen the density. Mr. Radonovich said they had worked hard for three years to get the density down and the financial feasibility would be impacted by a further reduction in the number of units. He said to drop the number of units would mean a completely differently plan than what was being proposed. He confirmed with Commissioner Keith that the design was a work in progress. Commissioner Keith said that her suggestion would be to reduce the number of units and she thought the concerns raised about the fourth bedroom were valid. She said she thought many of these units would be owned by families with children. Mr. Radonovich said there would be a mixture of buyers including young, single professionals; people wanting a smaller lot and house to maintain; and older couples with no children. Commissioner Keith said the DEIR indicated there would be an increase of 28 children through the project development, and asked if that was realistic. Mr. Radonovich said

that was what the school district ratios indicated, but he thought the increase in children because of the project would be lower.

Commissioner Riggs said the City's capacity to supply water was not directly addressed in the DEIR, and asked staff if that had been considered accumulatively. Planner Murphy said that could be a comment on the DEIR and a response would be written.

Commissioner Riggs confirmed with the applicant that the water mains proposed met the Fire District's requirements. Mr. Radonovich said regarding water that there were two existing office buildings on the site that had had water capacity available.

Chair Pagee noted that Commissioner Bims had arrived at the meeting.

Mr. Kim Paris, Menlo Park, said he had lived on Linfield Drive since 1964. He said he was not opposed to development in the community as long as it was well-designed and in keeping with the neighborhood. He said he saw four issues relative to the project. He said his first concern was with increased traffic and impacts, and the mitigations proposed. He said there were already speed tables in that area, and he would not want traffic circles or anything that would slow down emergency access. He said he was okay with the entry monument. He said the heritage trees were important to the community and that the 50 trees slated for removal were more than what had been proposed previously. He said that three-story homes would be a precedent in the City. He asked how the density of the project would compare with the Classic Homes development. He said a comment had been made about making the streets less straight to protect trees; he said Vintage Oaks had done a good job with that. He said he was concerned about increased traffic at train crossings.

Ms. Molly Leow, Menlo Park, said the intersection at Middlefield Road and Linfield Drive was already problematic in that it was very hard to make a left hand turn onto Middlefield Road. She questioned what the impact of more traffic would be on that intersection.

Mr. Brawner, Menlo Park, said he had been at a meeting regarding SummerHill's proposal for 75 Willow Road. He asked what the urgency was for this project. He said office leasing was slow, but there had been too many office buildings built previously. He said he was concerned that the public was being asked to approve three-story homes on substandard lots. He said if the commercial buildings were removed from the mix, there would be a loss of sales tax revenue. He said 175 Linfield Drive had incredible landscaping and was a sustainable building. He said three story homes would block the view of tenants in existing apartment buildings adjacent to the site. He said the owners of commercial buildings should lower the rents, improve the sites with paint and landscaping, hire a new commercial broker, or sell the property to another real estate broker. He said with the economy improving, these commercial sites would once again be in demand. He said in the DEIR a comment was made about alternative projects and that the best alternative would be medical use.

Mr. Stu Soffer, Menlo Park, commented that the videos made the project look very attractive, but the perspective was wide angle and distorted the size of the properties and the open space by making them look bigger. He said it was not clear in any of drawings if the narrowing of Linfield Drive would require abandonment by the City or the City would just allow the project's use of that property. He said he was concerned with the housing market being flooded and the

impact on others property values. He said this project and others planned would add over 100 single-family residences to the area. He said that three-story homes were inconsistent and incompatible with the neighborhood. He said the garages were insufficient. He said that realistically two cars would not be able to park in those garages and the lack of driveway space would force parking onto the streets. He said the Hamilton Avenue Project that the City had approved for the Belle Haven area had 7.5 units per acre with a one-acre park. He said this project would be 10 units per acre and was not providing a park. He said all of the housing developments in Linfield Oaks were being done piecemeal and there was not a comprehensive overview in the planning. He said the Housing Element Update had not yet been approved by the Council and that also needed to have its own Environmental Impact Report, which had not been done. He said he did not object to residential housing on these parcels, but that they should be R-1-S or R-1-U.

Mr. Soffer said he had comments on the DEIR. Chair Pagee asked if these were in addition to his written comments. Mr. Soffer said he had additional comments. He said the DEIR did not look at an alternative for a project with R-1-U housing and that should be added. He said on page 7-15, there was an interesting comment about the sanitary sewer capacity for which the change from commercial to residential use had not been considered. He said the traffic needed to be looked at accumulatively with other proposed projects in the area.

Commissioner Keith said there were other cumulative impacts not being looked at and noted that the Superintendent of the Menlo Park School District had indicated for this project and the others proposed that there would be a potential for 396 residential units as opposed to 194. Mr. Soffer said that 8 Homewood Place, if it became a residential project, also had not been looked at in any of the studies. He said the density proposed in the project was not in keeping with Menlo Park.

Mr. Brawner, through the Chair, said he did not think the Planning Commission and City Council were getting information from the right people. He said the City seemed to think that people were saying that the City needed more housing. He said recently the Washington Post had an article that said one could measure the density of a town by the population and square miles of size. He said Menlo Park has a size of 6,000 square miles and a population of 32,000 and that equated to 5,333 per square mile. He said that density was higher than that of New Orleans before Hurricane Rita. He said the City had sufficient density already and could not afford to stress the traffic, school and economic systems. He said there were development interests in town who were greedy.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Riggs said he had three things to ask staff to follow up on, if appropriate. He said traffic in the DEIR compared the proposed project to vacant commercial buildings to determine if there was an increase in traffic. He said that did not look at traffic when the buildings were used. Planner Murphy said the constraints for the City to comply with CEQA and City-adopted Transportation Impact Analysis Guidelines and the fact that the buildings had been vacant for awhile pretty much dictated that this analysis was most appropriate, if conservative. He said the comparison between commercial parking and residential parking was made in the alternative section.

Commissioner Riggs said projects that needed water for fire protection systems were sized based on that and asked if that was the case here. Planner Murphy said that would be a comment that would be followed up with a response for the FEIR. Commissioner Riggs said he made a trip during the 5:30 to 6:30 p.m. time period that was posed as a severe traffic impact for the area. He said that the street was almost vacant, but he had some difficulty making a left-hand turn onto Middlefield Road from Linfield Drive. He asked whether this might be the time to address that traffic constraint.

Mr. Mark Spencer, DKS Associates, San Jose, said they were retained by Menlo Park to prepare the traffic analysis. He said regarding potential mitigation at Middlefield Road and Linfield Drive that the projects either together or singly based on the City's TIA Guidelines did not constitute a significant impact at that location. He said the City was beginning a more comprehensive traffic study for all of the projects proposed in the area and that traffic management plan would address situations such as the Linfield Drive and Middlefield Road intersection. Chair Pagee confirmed with Mr. Spencer that DKS Associates would be doing the more comprehensive study; she noted her concern was that there was consistency.

Commissioner Sinnott said she was concerned that the Menlo Park School District Superintendent had indicated that there would be a significant impact on the school system. She said the school district would need to be protected. She said her other concerns were cumulative traffic, parking, garage and driveway size, articulation on blank walls of residences right next to each other, and the homes would not provide affordable housing.

In response to a question from Commissioner Keith, Planner Murphy said that the Housing Element Update was on hold as the State and ABAG were due to issue regional housing numbers. Commissioner Keith said that it was low priority as far as she could determine. She said she would like a written report that documented the cumulative impact of all the projects for all elements, including traffic, water, sewer, and schools. She asked if the proposed abandonment of Linfield Drive would cover up access for the sanitary sewer main that was installed several years prior. Planner Murphy said abandonment of part of the right-of-way along Linfield Drive from the City to the property owners was considered as part of a previous application, but was no longer part of the application. He said there would be a narrowing of the right-of-way, but that would not impact the sanitary sewer. He said regarding the impacts of all of the other projects that it was difficult for the City to burden individual applications with those issues. He said regarding schools that the City's ability to deem that this project would have significant impact as related to CEQA was extremely limited by State law.

Commissioner Keith said that she did not want to burden the applicant, but was trying to get information so the Commission would have a comprehensive picture. She asked about the school mitigation fees. Planner Murphy said if the fees were revised by the time of application for the building fees, the applicant might have higher fees than now. Commissioner Sinnott said the school numbers had been wrongly estimated for the Linfield Oaks project and asked if there was more current data. Commissioner Keith said there were many e-mails from the community with concerns about traffic, trees, schools and parking. She said the driveway size would force cars onto the streets. She said it was a significant to lose 50 trees and she would like lower density for the project.

Commissioner Henry said he agreed with the one speaker in that he could not see the urgency for the project. He said the City should very carefully evaluate the project and not rush to approval. Commissioner Riggs said the Commission's role was to provide a service to the applicant as well as the City. He said the applicant had bought land at significant expense and was developing a residential project with the support of direction from the City with response to previous inputs. Commissioner Henry questioned whether the Commission's primary obligation was to the applicants or to the residents of Menlo Park. He said he would lean toward protecting the residents while maintaining the balance of obligation to the applicant.

Commissioner Bims said the Linfield Drive and Middlefield Avenue left-hand turn was an all-day problem. He said in section 7 of the DEIR it said the projects would not be incompatible with land use in the area. He questioned the finding of insignificant impact, noting that there were no other three-story residences in the area. He said the DEIR also indicated that the project would not increase the demand for neighborhood or regional parks or other recreational facilities; he said it was hard to believe that 137 more residents would not increase the demand for parks. He said the garage issue was important and he wondered where cars would park if there was overflow parking.

Chair Pagee said she agreed about the parking concerns. She said the homes did not have a significant attic space for storage and there would be mechanical equipment in the garages. She said she did not think the garages would have adequate space for parking cars. She said it would take the rest of her lifetime for the replacement trees to actually replace the existing mature trees. She said in regard to the DEIR that her greatest concern was the impact on the school district. She said in regard to architectural review that she would eliminate the third floor and extra bedroom. She said that if the project would not work being less dense then perhaps it was not the right project for the site.

Chair Pagee said that she would close the hearing on the item. She noted that an opportunity to provide written comments on the DEIR was available until September 20, 2005.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on November 7, 2005.