



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF MARCH 13, 2006
AGENDA ITEMS C1 & C2

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 and abandonment of

a public utility easement five feet in width at the southwesterly portion of the existing lot 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.

ANALYSIS

The Planning Commission reviewed the proposal on December 12, 2005. The staff report for the meeting, including all of the attachments, is attached to this report. At the meeting, the Commission considered correspondence that was received after the printing of the staff report. The correspondence is included as Attachment R and one additional letter received after the December 12, 2005 Planning Commission meeting is included as Attachment T. The draft excerpt of the minutes of the December 12, 2005 Commission meeting is included as Attachment S. The Planning Commission voted to continue the item to a future meeting until the Linfield Middlefield Willow traffic study is available and to allow the applicant to respond to issues related to parking and impacts to schools. The traffic study is now available and is included in the Commission's packet under separate cover. In addition, the applicant has submitted supplemental material (Attachment U) attempting to address concerns raised by Commissioners at the December 12, 2005 meeting. The material includes discussion of topics of traffic, storm drainage improvements, school impacts, parking, and an area master plan. Based on the comments at the Planning Commission meeting and the supplemental material provided by the applicant, staff is recommending modifications to the conditions of approval, as presented in Attachment K, be applied to each project as follows:

Replace condition 5.8 related to the hydraulic grade line with the following:

- 5.8 Prior to building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006. The storm drain shall be designed to City standards subject to the review of the City Engineer. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy of the first residential unit. The City shall enter into a non-

recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into at the time of approval of the final map.

Add the following conditions of approval:

- 5.16 Prior to building permit issuance, the applicant shall participate in funding and/or constructing transportation improvements directed by the City Council according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis. Improvements may include, but may not be limited to, the payment of fees towards transportation improvements or the construction of transportation improvements for which the applicant shall design according to City standards and construct prior to occupancy of the first residential unit and be eligible to seek reimburse from other development projects in the vicinity.
- 5.17 Prior to building permit issuance, the applicant shall submit revised plans indicating that the interior clear dimensions of all garages is a minimum of 20 feet by 20 feet subject to review and approval of the Planning Division.
- 5.18 Prior to building permit issuance, the applicant shall submit a construction vehicle parking plan for review and approval of the Planning Division.
- 5.19 Prior to building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

An updated version of the conditions of approval representing these modifications is included as Attachment V.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the project to the City Council based on the findings and actions outlined on pages 12 and 13 of the attached December 12, 2005 Planning Commission staff report. The recommendation outlines 11 distinct actions that the Commission could consider voting on in one motion or multiple motions. If the Commission would like to consider multiple motions, the Commission may wish to consider the following grouping:

Topic:	Item No:
Environmental Impact Report	1 and 2
General Plan Amendment	3 and 8
Rezoning, Conditional Development Permit and Tentative Map	4, 5, 6, 7, 9, 10 and 11

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

[Planning Commission Staff Report for the Meeting of December 12, 2005](#) (previous typographical errors corrected)

- 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

Items Prepared After the Planning Commission Staff Report of December 12, 2005

- R. Correspondence distributed at the Planning Commission meeting of December 12, 2005
 - Kingsley Roberts, 787 Gilbert Avenue, dated December 8, 2005
 - Margaret Petitjean, 489 Waverley Street, dated December 11, 2005
 - Patti Fry, Menlo Park Resident, dated December 12, 2005
 - JoAnne Goldberg, 240 East Creek Drive, dated December 12, 2005
 - Stuart Soffer, Linfield Drive Resident, dated December 12, 2005
- S. Draft excerpt of the Planning Commission minutes of the December 12, 2005 meeting
- T. Correspondence submitted after the Planning Commission meeting of December 12, 2005
 - Kingsley Roberts, 787 Gilbert Avenue, dated March 6, 2005
- U. Supplemental information submitted by the Applicant, dated March, 2006
- V. Draft Conditions of Approval (revised), dated March 13, 2005

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
6. City Council Staff Report on the Linfield Middlefield Willow Area-wide Transportation Impact Analysis

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.

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MENLO PARK PLANNING COMMISSION DRAFT MINUTES

Regular Meeting
December 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), Deziel, Henry, Keith, Pagee (Chair), Riggs, Sinnott

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Assistant Planner; Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There were none.

B. CONSENT CALENDAR

There were no items on the consent calendar.

C. PUBLIC HEARINGS

1. **Use Permit/MetroPCS/300 Middlefield Road**: Request for a use permit to install two panel antennas screened within two posts between the tower and platform, one panel antenna flush mounted on an existing lattice tower located on top of the platform, and the installation of two equipment cabinets in an existing room on the second floor of the tower.

Commissioner Deziel recused himself because of a potential conflict of interest.

Staff Comment: Planner Chow said staff wanted to recommend condition 4.b in addition to the written staff report.

Public Comment: Mr. Tom Spaulding, San Francisco, said he was representing Metro PCS. He said since the last consideration of this application by the Commission in July that they had worked very hard to redesign so that the project matched the architecture of the building, was stealthed, and screened as best as possible. He said either of the two proposed sites for the project was fine.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Keith said she would move to approve as recommended by staff. Commissioner Bims seconded the motion.

Commissioner Riggs said the two new columns as proposed would be quite prominent and would be lit by the sun most of the time, but there were no columns in the back. He said that moving the columns to the side would not improve the architecture. He asked the applicant why the columns had to be so large. Mr. Spaulding said the proposed size of the columns was one-foot, six-inches and that there was very little room for the antennas to move one way or the other. He said the antennas were eight inches in width and they tilted forward by two or three degrees. In response to a question from Commissioner Riggs, Mr. Spaulding said that the antennas were located to be away from possible contact of radio technicians or fire department staff. Commissioner Riggs suggested they could be set back with a fence. Mr. Spaulding said that he would have to check with his engineers and the fire department. He said that they were willing to put empty columns to the rear of the building for consistency.

Commissioner Riggs said he wanted to see the antennas not encased and set back three feet from the parapet with a barricade to prevent persons from walking in front of the antennas. He said his second choice was that if the antennas had to be encased that there would be two complementary false columns.

In response to a question from Commissioner Keith, Planner Chow said that staff had worked with the applicant on the faux columns to give the appearance of the existing columns, and the applicants had concerns with setting the antennas back toward the existing column. She said analysis would have to occur to see if the applicant, by setting the antennas back, would get the coverage needed as well as maintaining additional safety precautions.

Commissioner Bims asked Commissioner Riggs if the antennas were horizontally oriented whether that would be more in keeping with the style of the existing tower. Commissioner Riggs said that would introduce a strong element into the design and that the whole roof would need to be wrapped, which would not help. In response to a question from Commissioner Riggs, Planner Chow said the columns were 51-inches tall.

Commissioner Henry said the Commission's primary concern previously was about the aesthetics, which he thought this design addressed well. He said the technology involved needed certain configurations to be effective, and he thought this was a good solution.

Commissioner Riggs said he would move to approve for the antennas to be installed, unsheathed, on the existing columns, if that was acceptable to the Fire District.

Directed by the Chair and as queried by Commissioner Sinnott, Planner Chow indicated page S.13 had a photo simulation of the previous proposal. Commissioner Riggs asked if the Fire District would allow the antennas on the existing column. Development Services Manager Murphy said the constraint was the provider in that if the antennas were placed on the existing columns it would be relatively easy for someone coming up the stairs to inadvertently hit the antennas and misalign them. He said the enclosure was to protect the antennas by limiting contact with humans.

Chair Pagee asked if the columns would be better if they were painted a different color from the building. Commissioner Riggs said the best solution would be attaching the antennas to the existing columns, even if they were shrouded.

Chair Pagee asked Mr. Spaulding if the casing had to be as large as proposed. Mr. Spaulding said they were fine without having casing; the proposed casing was as small as possible; and they preferred the antennas on the edge for coverage. He said moving the antennas down from where they were previously proposed to be had lowered coverage capability, and moving the antennas back would further decrease the coverage capability.

Commissioner Keith asked if the antennas were not shrouded whether they could be painted a different color. Mr. Spaulding said they could be painted any color.

Commissioner Riggs moved a substitute motion to approve the application with the condition that the antennas be installed, unshielded, on the existing posts, and painted a color similar to the posts. He said the distance between the post and the parapet was only two-feet. Commissioner Sinnott seconded the motion. Commissioner Keith said she liked the motion and would withdraw her original motion. Commissioner Bims said that aesthetically Commissioner Riggs' recommendation was an improvement and he thought the question was whether the equipment would still be functional. Development Services Manager Murphy suggested the Commission might want to give the applicant an alternative if what was being suggested was not workable so they could come back to the Commission rather than need to appeal to the Council. Commissioner Riggs said a second choice could be to a parallel post of the same size a foot in front of the existing post would probably work aesthetically.

Development Services Manager Murphy said because of the changes in the aesthetics the project might be better served to have a continuance to give the public an opportunity to review the proposed change and for Metro PCS to gather the data needed. Commissioners Riggs and Sinnott agreed.

Commission Action: M/S Riggs/Sinnott to continue the project for redesign of the antennas without enclosure on the existing posts or parallel posts to be installed in front of the other posts.

Motion carried 5-1-0-1 with Commissioner Henry voting in opposition and Commissioner Deziel recused.

2. **Use Permit/Bob Kennedy/120-140 Scott Drive**: Request for a use permit for a 300-gallon diesel tank and associated outside storage of a diesel generator in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Fisher said staff had no additional comments.

Questions of Staff: Commissioner Deziel asked if this use permit would span the life of the equipment, allow for replacement equipment, expansion of equipment, whether the generator could be run 24-hours for several days because of an outage, and could the applicant generate electricity to sell back to PG&E. Development Services Manager Murphy said that the use permit was based on the overall record and this request was for an emergency generator that was limited to a 300-gallon diesel tank. He said if the equipment needed to be replaced in five years, and they chose to replace with a 300-gallon tank size, there would be no review. He said if they wanted to replace the tank with a larger one there would need to be an application for a use permit revision. He said that the use permit did not allow for running the generator to create

power back to the electric grid. He said in an emergency outage the property owner could run the generator for the duration of the outage.

Commissioner Keith asked why it was necessary to do weekly testing of the generator as opposed to monthly testing. Planner Fisher said that weekly testing was at the request of the applicant and he probably could address that question for the Commission.

Public Comment: Mr. Bob Kennedy, Seattle, Washington, Callison Architect, said the emergency generator was for emergencies and in that exigency the power would be needed for 12 hours to support computer systems. He said there was screening and shielding. He said the recommendation for weekly testing was from the manufacturer.

In response to a question from Chair Pagee, Development Services Manager Murphy said the testing would fall under the City's noise ordinance. He said that the City did not have a guideline for the hours during which a generator could be run.

Commissioner Deziel asked if the applicant had investigated natural gas-run generators. Mr. Kennedy indicated that he had not. Commissioner Riggs said the unit after enclosure when running would be at 80 decibels, which was very loud. Mr. Kennedy said the location of the business was near Highway 101 and there was a high level of ambient noise. Commissioner Riggs said the ambient noise in that area was at 50 decibels and that currently there were 100 residences within 1,000 foot proximity of the subject site. He said he would prefer greater sound attenuation and to have the testing hours during normal business hours.

Commissioner Henry said that diesel generators were preferable because they were self-starting and could handle load changes, but that they were loud. He congratulated the applicant on the emergency response plan they provided. He confirmed with the applicant that the generator had an automatic start; he suggested signage that the generator could start up at any time.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Sinnott moved to approve as recommended by staff and to consider time-limits for the testing. In response, Development Services Manager Murphy said that he thought the noise ordinance limited the operation of leaf blowers, etc., between 8:00 a.m. and 6:00 p.m. Commissioner Deziel seconded the motion and said that hours between 8:00 p.m. and 8:00 a.m. should be excluded. Commissioner Sinnott added the hours for testing between 8:00 a.m. and 8:00 p.m. to her motion. Commissioner Riggs said he did not see the need to extend the hours into the evening. Commissioner Sinnott said that the hours would be 8:00 a.m. to 6:00 p.m. on weekdays only. Commissioner Bims agreed with following the hours in the noise ordinance. Commissioner Sinnott said she would like the testing to be limited to monthly. Commissioner Keith said that the manufacturer's recommendation was weekly testing. Commissioner Henry said that condensation occurred in diesel tanks and he thought it was wise to follow the manufacturer's recommendation.

Commission Action: M/S Sinnott/Deziel to approve with the following modifications.

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use 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 use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans drawn by Callison Architecture, consisting of four plan sheets, dated received on November 23, 2005, and approved by the Planning Commission on December 12, 2005 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is a change in the maximum amount of diesel fuel (300 gallons) on the project site, a change in the location of the storage of the fuel, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
4. Approve the use permit subject to the following *project specific* conditions:
 - a. Prior to building permit issuance, the applicant shall revise the plans to comply with the Menlo Park Fire Protection District's requested mitigation measures, subject to review and approval of the Building Division:
 - The tank shall be skid mounted on the generator engine, and shall be a double wall contained tank.
 - The diesel fuel tank shall have monitoring systems for accidental leaks into the secondary tank, and an over-fill monitor and over-fill prevention system for the primary tank.

- The entry to the tank enclosure shall be posted with a NFPA 704 Diamond, and the tank shall be labeled “Diesel.”
- b. Testing of the generator shall be limited to weekdays between 8:00 a.m. and 6:00 p.m.

Motion carried 7-0.

Commissioner Deziel recused himself because of a potential conflict of interest as related to items C.3 and C.4 and indicated that he would not return to the meeting.

3. **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, and 4) Tentative Subdivision Map for the creation of 22 lots and associated common areas. The proposal requires the preparation of an Environmental Impact Report.

Chair Pagee noted that items 3 and 4 would be discussed together.

4. **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, and 4) Tentative Subdivision Map for the creation of 34 lots and associated common areas. The proposal requires the preparation of an Environmental Impact Report.

Staff Comment: Development Services Manager Murphy said since the printing of the staff reports, staff had received additional written comments from Mr. Kingsley Roberts, Ms. Margaret Pettijean, Ms. Patti Fry, Ms. Joanne Goldberg, and Mr. Stu Soffer. He said he wanted to correct some errors in the staff report and respond to some of the issues raised by the letter writers. He said the total number of units would be 56 including 22 units for 110 Linfield Drive and 34 units for 175 Linfield Drive. He said the reference to 58 units on page 4 and 54 units on page 8 of the staff report and Attachment E – Environmental Findings should be 56 units. He said page 10 of the staff report indicated that the Environmental Findings were in Attachment D, but were Attachment E. He said on page 5 of the staff report that the low range of the unit sizes was listed as 1,665 square feet, but should be 1,473 square feet.

Development Services Manager Murphy said regarding the other issues raised in the letters received that it was important for the Commission to differentiate the types of comments because the type factored into how the Commission should consider the comments. He said for example some comments appeared to relate to the Draft Environmental Impact Report (DEIR) for which the review period closed on September 20, 2005. He said comments at this state of the process should be limited to those on the "Response to Comments on the DEIR." He said the "Response to Comments" had been available to the public since December 1, 2005. He said in addition to comments on the DEIR, other comments seemed to be more of a policy matter for the Commission and ultimately the Council to consider in reviewing the proposal. He said the letters raised issues including construction traffic. He said the City charges a fee to recover the cost of construction impacts to City streets and the fee is .58% of the construction value of a project. He said the construction value included the cost to grade, fill or to excavate. He said the City can additionally assess specific fees for damage caused by a project. He said another concern expressed was about construction truck routes and staging. He said if the Commission found the comments to have merit, they could add a condition to approval to require the submittal of a construction staging and management plan. He said another comment questioned the consistency of the project with the City's General Plan. He said the project itself involved an amendment to the General Plan so if the amendment was approved then the project would be consistent with the General Plan. He said another comment related to the adequacy of size for the covered parking spaces. He said the City's requirement for a two-car garage was 20-feet by 20-feet interior clear. He said through the Conditional Development Permit process, an applicant could request exceptions to the requirement. He said the applicant was doing so for encroachment for such things as water heaters and stair landings. He said the Commission could review the request for exception and make a recommendation to accommodate the request or require a modification to the plan to bring it into compliance. He said related to school and recreational impacts as mentioned in the DEIR that State law stated that the school impacts cannot be environmental impacts. He said additionally the City was limited by State law in terms of the maximum requirement that might be imposed for addressing recreational impacts. He said one comment related to the capacity of the sanitary sewer, which was owned by West Bay Sanitary District, and had been replaced a few years ago and has adequate capacity. He said the writer might have been referring to storm drains, which do not have adequate capacity to meet City standards. He said the project was required to not worsen the existing situation and the project must be designed to not be subject to flooding during severe storms. He said the project had reduced its impervious surface area and would be constructing curb one foot above the existing hydraulic grade line to alleviate concerns about flooding. He said there was also a comment about alternatives. He said the California Environmental Quality Act (CEQA) did not require an evaluation of all possible alternatives, but required that a reasonable range of alternatives be evaluated. He said the last comment he would address related to cumulative development. He said the traffic study conducted for 110 and 175 Linfield Drive took into account known development proposals at the time, including 321 Middlefield Road and 8 Homewood Place. He said since the preparation of the traffic study, the City has authorized work on a comprehensive study of all known projects in the Linfield, Middlefield and Willows area.

Development Services Manager Murphy said the Commission's role was to make a recommendation to the City Council on items one through eleven as outlined on page 13 of the staff report, which include the EIR, the General Plan Amendment, rezoning, major subdivision and Conditional Development Permit for each property site at 110 Linfield Drive and 175 Linfield Drive.

Questions of Staff: Commissioner Keith asked when the comprehensive traffic study would be completed. Development Services Manager Murphy said the tentative date for the study to go to the Council was January 31 and there would be a meeting this week with representatives from the neighborhood; the plan would need then to be reviewed by staff and forwarded to the City Council. He said in reference to the area being studied that page A.2 showed both the project sites and 321 Middlefield Road, 75 Willow Road, and 8 Homewood Place.

Commissioner Henry asked if there were any other developments in Menlo Park that had 50 percent of its homes as three-story. Planner Murphy said Vintage Oaks was primarily two-story homes; he said there were other residential buildings in Menlo Park that were three or more stories, but not necessarily a project that has all of the components of the subject proposal, but definitely there were aspects of this project that existed elsewhere in the community. He said the most similar project recently constructed was 966-1002 Willow Road in terms of the lot configuration and height of structures, which were all three-story units.

Chair Pagee asked why the project was moving forward now instead of after the traffic report. Development Services Manager Murphy said as part of the direction the City Council gave the past summer, it authorized the scope of a traffic study for 321 Middlefield Road, 8 Homewood Place and 75 Willow Road and that the projects at 110 and 175 Middlefield Road would not be delayed by the traffic study.

Commissioner Riggs said there was a comment by a letter writer that the Final EIR or "Response to Comments" was not available until the Friday prior. Development Services Manager Murphy said the document was available on December 1; he believed the letter writer was referring to the staff report for the meeting tonight to which the "Response to Comments" was attached to the staff report, but it had been available since December 1 as a separate document. Commissioner Riggs said there was another comment that the traffic study would be done by January 31 whereas the Council was due to review it on January 24. Development Services Manager Murphy said that a staff report on the traffic study for the January 31 Council meeting would be completed the Thursday prior. He said if the traffic study stayed on track for the 31st that the public draft of the traffic study could be available on or before January 24th. He said these projects were scheduled for the January 24 Council meeting.

Public Comment: Mr. Kevin Freyer, Pleasanton, said he and Beau Radonivch of Mission Valley Properties, worked on behalf of Consolidated Freightways, the owners of 175 Linfield Drive, and worked in coordination with Mr. Duke Rohlen, Olive Hill Development, and the Burge family, owners of 110 Linfield Drive. He said also present were Mr. Todd Adair, BKF Engineers, engineer for 110 Linfield; Mr. Mark Day, Dolen Group, project architect, Dolen Group; and Ms. Amy Ashton, HMM Engineers, engineers for 175 Linfield.

Mr. Freyer said the project under the Commission's review was the culmination of three years of work. He said the project's origin was August 2002 when the Council identified potential housing sites when they were updating the Housing Element in consideration of an update of the General Plan. He said they made their first submittal of a residential development of 110 and 175 Linfield Drive in January 2003, which triggered a process that had been ongoing since of neighborhood meetings, Planning Commission study sessions, City Council study sessions, and the revising of the plan. He said the initial indications made by the City Council were for greater density housing. He said they began with an attached more dense product; however,

feedback received has revised the plan to have more detached units, and some attached units. He said there had been about 14 community meetings and public meetings that shaped the plan. He said in April 2004 they presented their second formal submittal, which was their third or fourth revised site plan. He said that submittal included 59 units with some duets for the Below Market Rate (BMR) units. He said that plan was approved by the Environmental Quality and the Housing Commissions, but pursuant to feedback from those Commissions and staff, they decided to start over with the plan design. He said feedback indicated there was a desire for larger, common, gathered open spaces within the project; concerns with traffic circulation particularly for the 175 Linfield site; and interest in protecting the most important trees on the sites. He said the plan before the Commission had much larger, common open space areas that provided the identity to the project and the project would still pay a park in-lieu fee of \$1.3 million. He said they met with staff and the City arborist regarding the heritage trees; the arborist identified 13 trees on the sites that were the highest quality of heritage trees and were desirable for preservation. He said this plan would retain nine of the trees in their current location, would relocate two trees, and two trees would be removed. He said there were 19 oak trees across the sites and the proposed plan requested the removal of one of those oak trees, which was a non-heritage tree listed in poor condition by their arborist. He said one of the tradeoffs to keep trees and provide open space with circular pedestrian traffic was to reduce the number of units and lot size, and to add a three-story on some of the units. He said they would meet the BMR requirement of 15 percent with eight BMR units on site and with a fractional in-lieu fee for both sites. He said they had made an effort to work with the applicants for 321 Middlefield, 8 Homewood Place and 75 Willow Road to try to increase the cohesiveness of the projects within the area. He said their project had been on the boards long before the other projects, which was why the Council was allowing them to proceed concurrently with the comprehensive traffic study being done. He said they had done an EIR and traffic study for the project. He said they considered the traffic study to be very conservative in that they treated the sites as vacant. He said that if those buildings were occupied that the traffic impact would be much greater than what was proposed with their proposal. He said the traffic study looked at 321 Middlefield, 8 Homewood Place and 75 Willow Road as medical office use but those sites were being considered for residential development now. He said the Alma and Ravenswood intersection identified in the EIR as a significant traffic impact was considered an avoidable impact and the mitigation suggested was not allowing left hand turns from Alma onto Ravenswood during a.m. peak hours. He said the Alma and El Camino intersection was considered to be an unavoidable significant traffic impact. He said that their project in the peak a.m. hours would delay that intersection for .1 seconds and increase the delay in the peak p.m. hours by .7. He said there were five street segments with significant unavoidable impacts from the proposal and those impacts ranged from .5 percent to .11 percent.

Mr. Mark Day, Dolen Architecture and Planning, San Ramon, project architect, said his excitement in redesigning the project was in the integration of the housing and the land plan into the community as a whole. He said by using carriage drive garages on the back they were able to bring full architecture to the streets; he noted that all the houses have front porches and living room windows. He said by using a smaller lot product in the internal part of the project they were able to put many of the front doors and porches onto the common greens. He said his office was doing housing design all over the western part of the country; he said the state-of-the-art design for smaller lots with single-family, detached housing was the use of third stories up and down the state. He said they had several award winning projects that used third stories that were embraced by the community and sold well. He said however those communities were not Menlo Park. He said in these proposed units they had really tried to make the third story

integral to the design that was setback under the second story roof line. He said regarding the garage size that they had tried to pull steps out of the garage and put the water heaters somewhere else in the house as possible. He presented a visual simulation of the project for the Commission.

Commissioner Bims asked about the motivation for getting a fiscal impact report and who the author of the analysis was. Mr. Freyer said that they hired Economic and Planning Systems to conduct the study; he said the consultant is used both by developers and cities to analyze the fiscal viability of residential development especially those that are a conversion from some other use. He said the motivation for the study was they wanted documentation that the proposal would not cost the City of Menlo Park money and that it would pay for itself. He said it was a general fund analysis and did not include one-time fees such as park in-lieu or the school impact fees that the project would pay. He said it only looked at the cost of providing the services for residential on the City's general fund as compared to the revenue from the new residential. He said the study concluded that the project resulted in a surplus to the City's general fund of \$26,000 annually exclusive of the one-time fees he had mentioned.

Commissioner Bims said staff mentioned a construction impact fee and asked if that had been considered in the study. Mr. Freyer said he would have to review and understand what the fee would be levied for and calculate it. He said he did not know what the total cost for construction for the project would be at this time but he could determine that later. Commissioner Bims asked about construction staging location. Mr. Freyer said that was an issue raised in one of the e-mails received today. He said for the project both Linfield Drive and Middlefield Road provided the most likely and convenient access to the project, but for staging he would have to discuss that with the home builder. He said that they had not gotten to that level of detail yet. Commissioner Bims asked about the potential for an agreement with the property owner of 8 Homewood Place. Mr. Freyer said that agreement had been reached.

Commissioner Sinnott said one of her concerns had been livable outdoor space as it seemed pinched, particularly for units 3A and 3B, which were proposed for four bedrooms. Mr. Day said that the yards were designed to have a four-foot side yard and a "good neighbor" fence down the middle. He said in the smaller lots there was a reciprocal easement between the houses to allow for an eight-foot side yard on one side for each home. Commissioner Sinnott said there were a number of trees tagged on the site and asked if those were to be removed. Mr. Freyer said that those were the ones proposed for removal. Commissioner Sinnott said there were three pines that would be removed that looked healthy. Mr. Freyer said the Monterey pine trees were overgrown and a safety hazard; he said the proposal would keep three of the five Monterey pines. Commissioner Sinnott asked about guest parking. Mr. Freyer said on the 175 Linfield Drive site there were 14 guest parking spaces and on the 110 Linfield Drive site there would be six on-site parking spaces.

Commissioner Bims asked about the existing condition of pedestrian cut-through traffic and what was proposed to handle that. Mr. Freyer said there was a steady flow of pedestrians coming from Willow Road across a portion of 175 Linfield Drive and out to Linfield Drive. He said they were working with 75 Willow Road on their site plans to allow pedestrian access through the sites; there would be a public use easement over a sidewalk that would allow pedestrian access through the site. He said they were looking at the ability to extend the sidewalk; he said the problem with that extension was the adjacency of the house, sidewalk and street.

Commissioner Riggs said the private driveway on 175 Linfield Drive was extended around the back to 75 Willow Road. He said it seemed there would have been room for one more unit and more green space, if that driveway ran in front of some of the houses. He asked why it was planned that way. Mr. Freyer said they wanted to increase the bumper on the edge of 75 Willow Road to allow those uses to coexist and they were attempting to increase the number of units that fronted on the open space.

Commissioner Henry asked how the garbage pickup would work, noting lots #7 and #12 and the narrowness of the street. Mr. Freyer said they had an approved plan for recycling and garbage pickup that allowed for the placement of garbage and recycling containers on the apron of the houses just outside of the garage doors, which would allow the truck to come down the lane and pick up the containers in front of lot #7 and lot #12. In response to a question from Commissioner Henry regarding the height of the three-stories, Mr. Freyer said there were 35 three-story units across the two sites and approximately one-half of those would be 36.5 feet and the other half would be just less than 34 feet at their highest points.

In response to a question from Commissioner Keith, Mr. Freyer said they were working with staff and the developers of 321 Middlefield Road, 8 Homewood Place and 75 Willow Road to devise potential solutions for storm drain concerns. He said their project would meet the storm drain requirements of the City regarding runoff, hgl levels, curb height and pad height. He said there was ponding at the intersections of Linfield and Middlefield, Linfield and Homewood, and Linfield and Waverley during the rainy season. He said that they have been trying to identify with Public Works possible drainage improvements beyond the requirements of their project to offer a community benefit. He said the sites currently were office with impermeable surfaces that added significant runoff to the storm drain. He said their project would increase the permeable surface with the green space but they still intended to do more. He said Linfield Drive was currently 65-feet which was wider than City standards. He said they were meeting to discuss some of the traffic concerns for the community and to look for various solutions for the Linfield streetscape. He said that he hoped they would come to some resolution about storm drain improvements by the end of the week.

Commissioner Keith said there was already concern regarding the overcrowded schools in the area. Mr. Freyer said the project might generate 26 new students but they thought that was liberal. He said the project would pay the full school impact fee, which would be a one-time fee of \$275,000 with additional tax revenue that would be created and go to the schools. Commissioner Keith said the school district had indicated that the revenue would not cover the expenses of the additional enrollment.

In response to a question from Commissioner Bims, Mr. Freyer said efforts were made to buffer the impacts of those third stories. He said on the side of the 175 site was bordered by apartments that there were no three-story units adjacent to those apartments. He said the third stories were focused on the green space. He said at 110 Linfield the three-stories were buffered by office buildings and street with those units again facing green space.

Chair Pagee said that she had requested shadow studies, but that was not necessary, as it was apparent that many of the units' owners would not enjoy their side yards because they would be completely shaded and the sun would be on the garage driveways. She asked if there was a way to shift the yards so there would be more sun between the units. Mr. Day said the project

tried to do and be a lot of things for a lot of people. He said when they started laying out a site plan like this, they immediately went to the edge conditions. He said they were trying to keep the two-stories along the edge where there were existing residences; they tried to keep additional buffer by putting alleys to the perimeter of the sites and keeping the living room windows so they did not look down on adjacent properties. He said they tried to turn homes inward to gain the amenity of facing on the green common area. He said what they had done was respond to the community and create the best internal project that they could and that some of the benefits of the project outweighed some of the less optimal conditions. He said the three-story units did not create any more shade than the two-story units.

Chair Pagee asked if there was a way to allow wheelchair accessibility or elevators to the third stories as one of the marketing population were empty-nesters. Mr. Freyer said that was not possible as the plan was designed. Chair Pagee asked about the depth of the shallowest driveways. Mr. Freyer said the apron outside of the garage was four-feet deep. Chair Pagee asked if in their other projects there was a problem with the narrowness of the garage and minimal storage in the unit, and whether it was possible to put more storage in the garage. Mr. Day said the garages would have nine-foot ceilings on the first floor and while their plan did not include more storage space in the garage, he presumed that the property owner could line the garage with shelves. He said they tried to provide common space, livable floor plans, and garages that were parkable and that most of the garages were 20-foot by 20-foot clear. Chair Pagee asked if the homes would be slab on grade. Mr. Day said they would be slab on grade and would be designed so that there would just a couple of steps to the porches. Chair Pagee asked about exterior materials. Mr. Day said the exteriors would be wood or composition shingles and wood windows. He said that he believed there would be gutters around every eaves and at the rake ends there would be a gutter that would come right up to the barge board. Chair Pagee said the lots needed to drain to the street not to other lots and asked how that would be accomplished. Mr. Adair said there would be drainage from the side yards to the street and there would be use and drainage easements.

Commissioner Bims asked about tree #26 and sheet E.6 regarding fire access around the tree. He asked if there was two-way access around the tree. Mr. Freyer said there was two-way access around the tree and proper two-way access for fire trucks. Commissioner Bims asked if the reinforced curb would go completely around the tree. Mr. Freyer said just on the side where there was a possibility that the fire truck could hit the tree.

Ms. Joanne Goldberg, Menlo Park, said she had been to most of the community meetings and she and others in her community group had submitted over 200 letters stating their opposition to piecemeal amendments to the General Plan and rezoning to the City Council. She said they had met with the school superintendent; the property taxes as projected would cover only half the number of expected new students. She said she thought the units would attract families, not empty-nesters. She said also the City was out of recreational space. She said revenue from property taxes would eventually flatten out. She said it was distressing that so much of the planning for the City was being done piecemeal and she did not want to see a future Menlo Park with substandard housing such as offered by the project.

Mr. Frank Carney, Menlo Park, said there were five projects on the edges of the Linfield Drive neighborhood and that constituted a lot of change for the community. He said the Commission needed to look at all of the projects and their impacts on the community. He said something that slowed down the project were the bankruptcy proceedings undertaken by Consolidated

Freightways. He questioned why these two projects were not part of the comprehensive traffic study. He said the traffic study was to be considered by the Council on January 31 but these projects were to go to the Council a week prior. He said there were no other three story houses in this neighborhood. He said these three story houses would not maintain the integrity of the character of the neighborhood.

Mr. Stu Soffer, Menlo Park, objected to the use of the word “product” in reference to “homes.” He said he was concerned with the traffic study and unmitigatable traffic impacts; he said impacts could be mitigated. He said the project could be smaller and have fewer impacts. He said it was irresponsible to give up on the traffic mitigations. He said the traffic study should include these projects. He said there were blanks in the Conditional Development Permit such as the contributions from the project for mitigations on Linfield Drive would be determined in the future. He said that should be determined now. He said he was concerned with construction traffic tearing up Linfield Drive. He said garages that could not accommodate conventional vehicles were wrong and the project should be decreased in size until it could be a conventional housing project.

Mr. Don Brawner, Menlo Park, said the project was a wonderful, profitable scam. He said the neighborhood wanted to keep the zoning in the neighborhood as it was and for the owners to rent those spaces. He said the owners said they could not rent the space; he suggested they lower the rents and spruce up the sites. He said documents were not made available to the public 72-hours prior to the meeting. He referred to City Resolution 3601 regarding CEQA. He questioned a 12-day public review period for what was presented as the Final EIR. He said the planning for Menlo Park should be comprehensive not piecemeal. He said he thought the State would like the City to complete its Housing Element before any more housing developments were approved. He said he thought the EIR was illegal.

Chair Pagee closed the public hearing.

Commission Comment: Commissioner Henry said he thought it was essential that this project and the other three proposed projects in the area should be fully integrated with themselves and the neighborhood. He said he wanted to see a comprehensive report of what these five projects would look like when finished.

Commissioner Sinnott said she thought the project was a beautiful design, but her concerns were with the four-bedroom units and three-story units as she could not see the appeal of those for empty-nesters, but for families, which would mean more cars and more parking impacts. She said the overnight parking ban was important to the integrity of Menlo Park. She said her other concern was the impact on schools. She said the increase in housing stock would help with the traffic coming into Menlo Park in that people could live and work in Menlo Park.

Commissioner Bims said the developer was trying to strike a balance between what the community wanted and what the developer needed for the project to be profitable. He said the number three recommendation asked the Commission to determine if commercial property rezoned to residential was the best thing and if so were these projects the ones that would best serve the vision of the City’s future and how the neighborhood evolves. He said he would like to see a traffic study in place before the Commission made its decision. He said the study would look at traffic from the site but if people who worked in Menlo Park could move into Menlo Park that would be a net gain. He said he liked Commissioner Henry’s idea for a comprehensive

report that would look at the overall area. He said that would take a lot of staff time, but it would be helpful in making a General Plan recommendation. He said he would support continuing the projects until the traffic study was completed.

Commissioner Keith said she agreed that the traffic study should be completed before making a recommendation on these projects. She said she would also support continuance as she would like to see the plan for the storm drain improvements. She said she would like to see conventional garages; she questioned that empty-nesters would want four-bedroom, three-story homes. She said parking was a problem. She said the work on the project was commendable, but she did not know if the project would fit here. She said page A.2 discussed all the possible developments in the area. She said she thought the project would bring more than 26 new school children and the schools were already too full and there was not space to build new schools.

Commissioner Riggs said his concerns about the project related to the construction process, but staff with direction could ensure that the construction process was controlled. He said one of the hurdles for the project was an on-going reference that the proposed density was inappropriate in Menlo Park. He said however that the Housing Plan deliberately sought diversity and so not all lots could be 7,000 square foot. He said that concerns about school impacts had been mentioned but that was not part of the Commission's charge. He said there were also significant comments about the traffic study. He said there was already a lot of traffic data prepared that looked at the office buildings as vacant. He said the offices if tenanted would have 277 cars and this project would add 112 cars. He said that the other comment was the process was piecemeal and he did not agree with that. He said they had received direction from the last two Councils that Linfield was appropriate for residential and not office and medical building use. He said he would move to recommend to Council that the projects should proceed. He said the project was neither rushed nor unattractive. He said it was an impressive project and he hoped it would get built. The motion died for the lack of a second.

Chair Pagee said the project was attractive but she had problems with the third-story concept, overnight parking, short garage driveway and some less than standard garages, and school impacts that would impact the City and the quality of life. She said the Clarum Homes project on Hamilton Avenue had had similar demands put on it and addressed those better than this project did. She said that the General Plan was being amended piecemeal and the cumulative effects had to be considered. She said she would move to continue the project until after the traffic study was completed. Commissioner Henry seconded the motion.

Commissioner Riggs said he knew people who were empty-nesters who owned three and four bedroom townhouses; he said he had to believe the developers knew who their market would be and that people who wanted the homes would accept the restrictions of limited parking. He said some of the issues noted were not nearly as bad as they seemed.

Commissioner Bims said that it did not seem the developer would make a windfall profit from the project because of the cost of the land; he said for the Clarum project the land was cheaper. He said he thought the Planning Commission should determine how the five proposed projects in the area would work and fit within the context of the community. He said he supported continuance.

Discussion ensued about whether the project should be continued until after the completion of the draft traffic study or the final traffic study. Commissioner Riggs said that there was sufficient information to make a recommendation for approval.

Commission Action: M/S Pagee/Henry to continue the recommendation to the Council for the application until after completion of the final traffic study.

Motion carried 5-1-0-1 with Commissioner Riggs voting against and Commissioner Deziel recused.

D. REGULAR BUSINESS

1. Discussion of Mayor's letter on City Council Project Priorities for Fiscal Year 2006-2007.

Chair Pagee confirmed that staff would put together a list of priorities for the January 9, 2006 meeting.

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

- **Review of upcoming planning items on the City Council agenda.**

Development Services Manager Murphy reviewed upcoming planning items on the City Council agenda for the Commission.

The Commission asked to have an item to discuss generator applications.

ADJOURNMENT

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on _____.

ATTACHMENT V

DRAFT **CONDITIONS OF APPROVAL (Revised)** **March 13, 2006**

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 plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006. The storm drain shall be designed to City standards subject to the review of the City Engineer. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy of the first residential unit. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into at the time of approval of the final map.
- 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.
- 5.16. Prior to building permit issuance, the applicant shall participate in funding and/or constructing transportation improvements directed by the City Council according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis. Improvements may include, but may not be limited to, the payment of fees towards transportation improvements or the construction of transportation improvements for which the applicant shall design according to City standards and construct prior to occupancy of the first residential unit and be eligible to seek reimburse from other development projects in the vicinity.
- 5.17. Prior to building permit issuance, the applicant shall submit revised plans indicating that the interior clear dimensions of all garages is a minimum of 20 feet by 20 feet subject to review and approval of the Planning Division.

- 5.18. Prior to building permit issuance, the applicant shall submit a construction vehicle parking plan for review and approval of the Planning Division.
- 5.19. Prior to building permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

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.

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