



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: July 17, 2007

Staff Report #: 07-125

Agenda Item #: E-1

PUBLIC HEARING: Consideration of a Revision to a Conditional Development Permit, Below Market Rate Agreement, and Tentative Subdivision Map for Modifications Associated with the Construction of 32 Instead of 33 Single-Family Residences Located at 75 Willow Road, as Outlined in the San Mateo County Superior Court Stipulated Judgment, and Minor Modifications Associated with the Architectural Style of Two Residences and the Dimensions of Several Lots While Maintaining Substantially the Same Overall Character and Design as the Project Previously Approved by the City Council.

RECOMMENDATION

Staff recommends approval of revisions to the Conditional Development Permit, Below Market Rate Agreement, and Tentative Subdivision Map, consistent with the San Mateo County Superior Court Stipulated Judgment, in accordance with the findings and actions contained in Attachment A.

BACKGROUND

On November 14, 2006, the City Council approved land use entitlements for the development of 33 single-family residential units on a 4.5-acre site at 75 Willow Road. The specific entitlements are listed below.

1. General Plan Amendment – A General Plan amendment was approved to change the land use designation from Professional and Administrative Offices to Medium Density Residential.
2. Rezoning – The property was rezoned from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District) for consistency with the General Plan residential land use designation.
3. Conditional Development Permit – The permit established specific uses and development regulations and architectural designs for the development.
4. Tentative Subdivision Map – The map created 33 single-family, fee simple lots and associated common areas and a private street.

5. Below Market Rate (BMR) Housing Agreement – The agreement provided five, on-site below market rate units. (This agreement was later amended to provide for two on-site units and three in-lieu fee units as discussed below).
6. Heritage Tree Permit – The permit allowed for the removal and replacement of 45 heritage trees and relocation of three heritage trees.
7. Environmental Review – Approval of the Environmental Impact Report (EIR) for the proposal.

Following the Council's decision, the Linfield Oaks Neighborhood Association (LONA) filed a Petition for Writ of Mandate and Complaint for Injunctive Relief and Attorney's Fees in December 2006 challenging the City's compliance with the California Environmental Quality Act (CEQA) and the City's approval of the project. Subsequently, the applicant and LONA desired to settle the dispute and differences related to the action. In April 2007, the City Council acted to approve the settlement agreement, where specific project-related terms are identified, and to authorize the Mayor to execute the stipulated judgment. The applicant is now seeking modifications to the project consistent with the items agreed upon by both parties in the settlement.

Planning Commission Review

On June 18, 2007, the Planning Commission reviewed the proposed revisions. The staff report and the draft excerpts of the minutes are included as Attachment E and F respectively. At the Planning Commission meeting, staff provided a letter of support, included as Attachment G, from the Law Offices of Brian Gaffney who represents the Linfield Oaks Neighborhood Association. Additionally, staff recommended minor revisions to the language in condition 5.37 to provide clarification and consistency with the stipulated agreement. The modified language, which was accepted by the Planning Commission, has been included in the revised Conditional Development Permit (CDP), included as Attachment B.

The Planning Commission reviewed the proposal and asked questions of staff and the applicant. There was no public comment on the item. Much of the Commission's discussion focused on clarifying the specific changes, indicating that many of the settlement items benefit neighbors on Waverley Street. In reviewing one of the existing conditions (condition 5.27, formerly 5.29), one Commissioner suggested that trucks hauling sand should be required to be covered at all times, whether full or empty, to reduce debris on the roadways. The applicant indicated that the intent is good; however, the applicant further stated that logistics of that operation were not the norm and unknown at the time. The Planning Commission did not unanimously support the proposed modification to the condition, but instead encouraged the applicant to use covers with sand hauling to and from the site. The Planning Commission recommended that the City Council approve the proposed revisions to the CDP and Tentative Subdivision Map, 5-0-2 (with Commissioners Deziel and Bressler not participating due

to potential conflict of interest) in accordance with the findings and actions in Attachment A and subject to the conditions in Attachment B.

ANALYSIS

The terms of the November 2006 Conditional Development Permit, items 4.3 and 4.4, state that major modifications to the building exteriors are subject to architectural control review by the Planning Commission and major revisions to the development which involve changes in the development standards, constitute an amendment to the permit and require review and recommendation by the Planning Commission and review and approval by the City Council through public hearings. The proposed modifications, as outlined in the stipulated agreement, would constitute a major modification. As such, the applicant is requesting revisions to the CDP, the tentative subdivision map, and the BMR Agreement. The revised approvals are consistent with the settlement agreement and focus on only those items which have been modified since the City Council's approval of the project in November 2006.

The following sections briefly describe the proposed changes in the amended 75 Willow Road project. A majority of these changes are in response to the stipulated judgment while several others modifications, as noted, are proposed as refinements to the project. A more detailed description of the changes is included in the Planning Commission staff report. Unless either party fails to adhere to the settlement, the agreement is final. Attachment H shows the proposed revisions to the CDP in underline and strikeout format.

Tentative Subdivision Map

The applicant proposes to decrease the maximum number of units from 33 to 32 single-family residential lots per the settlement agreement. To achieve this, the former lots 18 and 19, located adjacent to the rear lot line of 200 Waverly Street, have been combined into one new lot 18. In addition to the merging of two lots, the applicant is also proposing to make minor modifications to multiple lot lines as "clean ups" to the map. These changes allow for better placement of utility equipment, the elimination of public utility and driveway easements on two lots, and the widening of the ring road near Parcel B by 1.5 feet to address condition 5.15 previously imposed on the project. Because the revised tentative map address this condition, staff proposes to eliminate condition 5.15, as shown in Attachment H.

The proposed modifications to the tentative map do not substantially change the overall character of the development. None of the lot sizes have been reduced in square footage to a size less than the previous minimum lot size of 2,702 square feet. Because two lots have been combined, the largest lot size is now 9,432 square feet and the overall average lot size will increase to 4,800 square feet as compared

to 4,700 square feet previously. The proposed project would meet all the development standards previously approved for the project.

Below Market Rate Agreement

The proposed project is subject to meeting the requirements of the Below Market Rate (BMR) program. As part of the approved project, the City Council approved five on-site BMR units, with a condition (previously 5.16) to allow consideration of an alternative BMR Agreement that would enable the dedication of funds and/or expertise to the Peninsula Habitat for Humanity housing project located adjacent to Terminal Avenue in exchange for fewer on-site BMR units at 75 Willow Road. On March 20, 2007, the City Council reviewed and approved an alternative BMR agreement that provides two on-site BMR residential units and the payment of in-lieu fees for three designated units. This alternate BMR Agreement supersedes the previous November 2006 approval.

The settlement agreement necessitates revisions to the BMR Agreement as a result of the merging of lots 18 and 19. Previously, lot 19 had been designated as an in-lieu fee unit. The settlement agreement requires the BMR in-lieu fee unit formerly on lot 19 to be relocated to another lot for which either a Plan 4 or Plan 5 was approved as part of the original City approvals. The applicant has submitted a revised BMR Agreement, showing lot 7 as the new in-lieu fee unit in place of lot 19. At its May 9, 2007 meeting, the Housing Commission recommended approval of the revised BMR Agreement, which includes two on-site units (lots 4 and 14) and the payment of fees for three units (lots 7, 10, and 31). The proposed revision is expected to continue to cover the gap in funding for the Habitat for Humanity project at Terminal Avenue. Because a revised alternative agreement is being proposed, the previous condition 5.16, which provided the flexibility for an alternative agreement, has been deleted. The revised BMR Agreement is included as Attachment C.

Architectural Review

With the merging of two lots into one new lot 18 as previously discussed, the applicant is proposing to create a new unit type, Plan 6, which is an expansion of the approved Plan 2 Alternate Entry. Per the settlement agreement, the unit on lot 18, subject to City Council review and approval, could be a two-story residence with a maximum gross floor area up to 3,000 square feet and would need to provide greater setbacks than the other lots, including no less than a 20-foot setback from the adjacent property at 200 Waverley Street (rear property line) as well as from the Willow Road right-of-way (corner side). The new Plan 6 is 2,997 square feet and would be unique to lot 18. Attachments D2-D3 show the elevations and floor plans of Plan 6.

The project consists of a range of architectural styles, design features and mix of materials in an effort to create a sense of variety and interest in the streetscape. To

maintain the variety in the streetscape, the applicant is requesting use of another plan elevation previously approved on lots 2 and 26 to eliminate using the same elevation style on lots either adjacent to or facing one another. While the elevations are proposed to change, the unit types would remain the same as previously approved. Attachments I1-I4 show the requested and previously approved elevations.

Landscaping Plan

The project includes a comprehensive landscaping plan that preserves many heritage trees, the creation of several passive park areas, and the installation of 50 new 24-inch and 36-inch box trees. As part of the settlement agreement, the applicant is proposing to add two new 48-inch box screening trees at the rear of lot 18 as well as upsize the remaining eight screening trees located along the rear of lots 12 through 18 from 36-inch to 48-inch box size. Attachment D8 notes these changes as well as shows the proposed additional landscaping, including a mix of shrubs and groundcover on lot 18 due to the increased setback from Willow Road. In addition to the new trees on-site, the applicant is also proposing modifications to condition 5.19 (formerly 5.21) to offer tree screening, which can include two 36-inch box trees, or hedges for those properties abutting 75 Willow Road along Waverley Street.

Additional Settlement Items

In addition to the revisions mentioned above, the settlement agreement also requires measures for construction noise, neighborhood outreach prior to start of construction, replacement of windows and doors on adjacent properties along Waverley Street, replacement of the existing driveway at 200 Waverley Street, and contributions to the Little League and AYSO teams in Menlo Park. The proposed project shall adhere to these items as specified in the settlement agreement and has been included as condition 5.37.

IMPACT ON CITY RESOURCES

The applicant paid a deposit of \$3,350 for the review of the applications for a conditional development permit revision and tentative subdivision map revision. Additional staff time above the initial deposit is cost recoverable on an hourly basis.

POLICY ISSUES

The proposed project is consistent with the existing General Plan land use designation of Medium Density Residential and does not intensify the development standards of the existing CDP. Staff believes the proposed revisions to the CDP are consistent with the proposed land use designation and goals and policies of the General Plan. The project diversifies the City's housing stock by providing single-family residences on smaller lots.

The proposed project is compatible with the character and style of the traditional homes in the Linfield Oaks neighborhood by incorporating similar architectural design and materials.

ENVIRONMENTAL REVIEW

On November 14, 2006, the City Council adopted the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification for the development of 33 single-family residential units at 75 Willow Road. Additionally, the City Council adopted the mitigation and monitoring program prepared for the project. No mitigation measures would change as a result of the proposed project modifications and no additional mitigation measures would be necessary as a result of the proposed modifications because the scope of the project is less intense than previously analyzed. No further environmental review is required.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Acting Community Development Director

PUBLIC NOTICE: Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents. The notice was mailed to owners and residents within a 300-foot radius of the subject property and all owners and residents in the area roughly bounded by Nash Avenue to the east, San Francisquito Creek to the south, Alma Street to the west, and Ravenswood Avenue to the north. A single public hearing notice for the project was mailed advertising both the Planning Commission meeting and the City Council meeting.

ATTACHMENTS

- A. Draft Findings and Actions for Approval, dated July 17, 2007
- B. Draft Conditional Development Permit Amendment for 75 Willow Road, dated July 17, 2007
- C. Draft Below Market Rate Agreement
- D. Project Plans
- E. Planning Commission Staff Report, dated June 18, 2007 (excluding attachments)
- F. Draft Excerpt of the Minutes from the Planning Commission meeting of July 18, 2007
- G. Letter from the Law Offices of Brian Gaffney, dated June 15, 2007
- H. Strikeout and Underline Version of Draft Conditional Development Permit Amendment for 75 Willow Road, dated July 17, 2007

I. Requested and Approved Elevations – Lot 2 and 26

The Following Documents with all of the Attachments were Distributed Previously and are Available for Review During Business Hours at the Planning Division.

- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, June 22, 2004
- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, October 19, 2004
- Neighborhood meeting to receive input on the Linfield/Middlefield/Willow Study Area presentation, April 28, 2005
- City Council Meeting to Review Neighborhood Input and Direction on Future Land Uses and Review Process for Development Proposals in the Linfield/Middlefield/Willow Area, June 14, 2005
- City Council Staff Report to Review the Scope of Work for a Comprehensive Traffic Study for Development Proposals in the Linfield/Middlefield/Willow Area, August 23, 2005
- Environmental Quality Commission Staff Report and Minutes, September 12, 2005
- Planning Commission Study Session Staff Report, September 26, 2005
- Housing Commission Staff Report, October 5, 2005
- City Council Staff Report on LMW Area-Wide Transportation Impact Analysis, March 14, 2006
- Housing Commission Staff Report, April 5, 2006
- Planning Commission Study Session Staff Report, April 24, 2006
- Environmental Quality Commission staff report, dated May 3, 2006
- Housing Commission Staff Report, dated July 5, 2006
- Draft Environmental Impact Report, dated July 2006
- Planning Commission Staff Report, July 31, 2006
- Housing Commission Staff Report, dated September 6, 2006
- Final Environmental Impact Report, dated October 2006
- Planning Commission Staff Report, dated October 23, 2006
- Planning Commission Staff Report, dated November 13, 2006
- City Council Staff Report, dated November 14, 2006
- Housing Commission Staff Report, dated February 7, 2007.
- City Council Staff Report on the alternative BMR Agreement, dated March 20, 2007
- Housing Commission Staff Report, dated May 9, 2007

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

applicants, 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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ATTACHMENT A

DRAFT FINDINGS AND ACTIONS FOR APPROVAL

75 Willow Road

July 17, 2007

Environmental Review

1. Make a finding that the project is consistent with the Environmental Impact Report entitled *75 Willow Road Residential Project*, dated July 2006 and adopted on November 14, 2006.

Conditional Development Permit Amendment

2. Make a finding that the proposed conditional development permit amendment 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.
3. Make a finding that the conditional development permit amendment allows for development that provides opportunities for the City to increase and diversify its housing stock, provides two on-site and three in-lieu fee Below Market Rate housing units in compliance with the City's guidelines, provides open space within the development and pedestrian pathways to connect the neighborhood, and incorporates quality design and "green" building materials to promote sustainable development.
4. Approve the conditional development permit amendment for the construction of 32 single-family, detached residential units, associated common areas and a private street for property located at 75 Willow Road subject to the terms and conditions of the Conditional Development Permit.

Tentative Subdivision Map Amendment

5. Make a finding that the tentative subdivision map amendment has been reviewed by the Engineering Division and has been found to be technically correct and in accordance with the State Subdivision Map Act and the City's Subdivision Ordinance.
6. Approve the Tentative Subdivision Map amendment.

Below Market Rate Agreement

7. Approve the Below Market Rate Housing Agreement for two on-site BMR residential units and the payment of in-lieu fees for three units to comply with the residential requirements of the BMR Program.

DRAFT
CONDITIONAL DEVELOPMENT PERMIT AMENDMENT
75 Willow Road
July 18, 2007

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of 32 single-family residential units, including two (2) on-site and three (3) in-lieu fee Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 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 **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.
- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing 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. The Community Development Director may extend this date per Municipal Code Section 16.82.170.

4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. 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.

4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.

4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except where superseded by plans by Wilsey Ham and Dahlin Group, dated June 1, 2007, consisting of nine plan sheets, except as modified by the conditions contained herein.
- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is \$1,024,000 (based on \$4 million value of acreage).
- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the

National Pollution Discharge Elimination System (NPDES) Permit Requirements.

- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions.
- 5.13 Concurrent with the submittal for a demolition permit and a rough grading permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 5.14 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

- 5.15 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 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.
- 5.16 Prior to demolition and 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.
- 5.17 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.
- 5.18 Concurrent with the submittal of a demolition permit, the applicant shall submit a tree preservation plan, which shall show the preservation of trees #41, 42, and 43 (eucalyptus trees) for review and approval of the Planning Division. These trees shall remain until building permit issuance for the house on lot 18..
- 5.19 Concurrent with building permit submittal, the applicant shall provide evidence that all of the adjacent property owners along Waverley Street have been contacted and offered either tree screening, which can include two 36-inch box trees, or hedges on their properties. For those properties that desire screening, the applicant shall submit a supplemental plan showing the size, species and location of the proposed landscaping subject to review and approval of the Planning Division. The applicant shall pay for and install the trees prior to final inspection.
- 5.20 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.
- 5.21 Prior to building permit issuance, the applicant shall contribute \$100,000 to the Menlo Park City School District or to the Menlo Park Atherton Education Foundation, which shall be determined by the District Board of Trustees.
- 5.22 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow

Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.

- 5.23 Prior to grading permit issuance, the project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist, subject to review and approval by the Engineering Division. 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), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash-collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall also submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (MM 4.2)
- 5.24 Prior to building permit issuance, the applicant shall pay \$4,000 to the City to install signage to prohibit left turns and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The signage shall be installed prior to occupancy. The condition is only applicable if the improvement has not yet been funded by another project. (MM TRAF- 1a)
- 5.25 Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

- Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.
- Adaptive signal timing improvements at the intersection of Willow Road and Middlefield Road, with reimbursement agreements as projects are developed at 110 Linfield Drive, 175 Linfield Drive, 321 Middlefield Road, and 8 Homewood Place: \$80,000.
- Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.
- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.26 Concurrent with the demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

5.27 Prior to demolition permit issuance, implement the following air quality control measures, subject to review and approval by the Building Division:

- 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.
- 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.
- Encourage the implementation of the following optional measures:
- 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. (MM 5.1)

5.28 No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be reviewed and approved by the Planning Division and California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. (MM 7.1)

5.29 Prior to the commencement of grading, the applicant 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 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, and shall be subject to review and approval by the Planning Division. (MM 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. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)

- 5.30 Prior to building permit issuance for the first house, the project applicant 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 project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)
- 5.31 The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan 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). (MM 7.5)
- 5.32 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)
- 5.33 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. 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 may have regarding the disposal of lead-based paint materials. (MM 9.2)
- 5.34 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review

and approval by the Planning and Building Divisions. 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. (MM 10.1)

5.35 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)

5.36 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 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. (MM 14.1)

5.37 The proposed project shall adhere to the requirements described in Paragraphs 1 through 3 and Paragraphs 6 through 11 inclusive as outlined in the San Mateo County Superior Court Judgment (Case No. CIV 459921).

Recommended for Approval by the
Menlo Park Planning Commission on
June 18, 2007

Approved by the
Menlo Park City Council on
July 17, 2007

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF JUNE 18, 2007
AGENDA ITEM C2

LOCATION:	75 Willow Road	APPLICANT	SummerHill Homes
		PROPERTY OWNER:	EJC Partners L.P.
APPROVED USE:	33 Single-Family Detached Residences	APPLICATIONS:	Conditional Development Permit Amendment and Tentative Subdivision Map Amendment
PROPOSED USE:	32 Single-Family Detached Residences		
ZONING:	R-3 (X) Apartment – Conditional Development District)	GENERAL PLAN DESIGNATION:	Medium Density Residential

PROPOSAL

The applicant is requesting revisions to the conditional development permit (CDP) and tentative subdivision map for modifications associated with the construction of 32 instead of 33 single-family residences, as outlined in the San Mateo County Superior Court Stipulated Judgment, and minor modifications associated with the architectural style of two residences and the dimensions of several lots while maintaining substantially the same overall character and design as the project previously approved by the City Council.

BACKGROUND

On November 14, 2006, the City Council approved land use entitlements for the development of 33 single-family residential units on a 4.5-acre site at 75 Willow Road. The specific entitlements are listed below.

1. General Plan Amendment – A General Plan amendment was approved to change the land use designation from Professional and Administrative Offices to Medium Density Residential.
2. Rezoning – The property was rezoned from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District) for consistency with the General Plan residential land use designation.
3. Conditional Development Permit – The permit established specific uses and development regulations and architectural designs for the specific development.
4. Tentative Subdivision Map – The map created 33 single-family, fee simple lots and associated common areas and a private street.
5. Below Market Rate (BMR) Housing Agreement – The agreement provided five below market rate units on-site, but the CDP included a condition that allowed flexibility for the creation of an alternate agreement to benefit the Terminal Avenue Habitat for Humanity project;
6. Heritage Tree Permit – The permit allowed for the removal of 45 heritage trees and relocation of three heritage trees.
7. Environmental Impact Report (EIR) for the proposal.

Following the Council's decision, the Linfield Oaks Neighborhood Association (LONA) filed a Petition for Writ of Mandate and Complaint for Injunctive Relief and Attorney's Fees in December 2006 challenging the City's compliance with the Environmental Impact Report and the City's approval of the project. Subsequently, the applicant and LONA desired to settle the dispute and differences related to the action. In April 2007, the City Council acted to approve the settlement agreement, where specific project-related terms are identified, and authorize the Mayor to execute the stipulated judgment. The applicant is now seeking modifications to the project consistent with the items agreed upon by both parties in the settlement. Unless either party fails to adhere to the settlement, the agreement is final.

ANALYSIS

The terms of the existing CDP, items 4.3 and 4.4, state that major modifications to the building exteriors are subject to architectural control review by the Planning Commission and major revisions to the development which involve changes in the development standards, constitute an amendment to the permit and require review and recommendation by the Planning Commission and review and approval by the City Council through public hearings. Accordingly, the applicant, with support from LONA, is requesting revisions to the CDP and the tentative subdivision map, as well as other minor modifications that would result in an amended 75 Willow Road conditional development permit.

The following sections provide a brief description of the proposed changes in the amended 75 Willow Road Permit. Most of these changes are in response to the Stipulated Judgment while several other modifications, as noted, are proposed as refinements to the project.

Tentative Subdivision Map

Per the settlement agreement, the applicant proposes to decrease the maximum number of units from 33 to 32 single-family residential lots. To achieve this, the former lots 18 and 19, located adjacent to the rear lot line of 200 Waverly Street, have been combined into one new lot 18. The former lots 20 through 33 have been renumbered lots 19 through 32 accordingly. The revised tentative map is included as Attachment B5. All references to lot numbers in the staff report refer to the revised lot numbers as shown on the tentative map unless specifically noted.

In addition to merging lots 18 and 19, the applicant proposes to make minor modifications to multiple lot lines as “clean ups” to the map. Changes include modifications to the common lot line between lots 12 and 13 to accommodate a utility box between the driveways, to lots 26 through 28 to better fit the common driveways, and to lot 21 due to a change in the entry curb return. These proposed changes are coupled with modifications to lots 24, 30, 31, and 32 as a result of widening the new ring road opposite to Parcel B by 1.5 feet to address the condition of approval 5.15 previously imposed on the project. Because the applicant has met this condition, staff has eliminated condition 5.15 from the 75 Willow Road Conditional Development Permit Amendment. A strikeout and underline formatted CDP is included as Attachment D.

Finally, lots 17 through 20 have shifted to reduce the need for public utility and driveway easements on lots 19 and 20. Therefore, in the revised configuration, only the lots that benefit from the driveway easement, lots 17 and 18, are encumbered with such an easement. As a result, lots 19 and 20 would be reduced in size and lots 17 and 18 would increase in overall lot size. The placement of the homes on each of these lots and the location of the fencing would not be affected by the underlying lot line adjustments.

The proposed modifications to the tentative map do not substantially change the overall character of the development. None of the lot sizes have been reduced to a square footage less than the previous minimum lot size of 2,702 square feet. Due to the merging of lots 18 and 19, the largest size lot is now 9,432 square feet compared to the previous 7,173 square feet, and the overall average lot size will increase from approximately 4,700 square feet to 4,800 square feet. The proposed project would meet all the development standards previously approved for the project.

Architectural Review

The approved conditional development permit contains a mix of five different plan types to provide a variety of housing options and designs that reflect elements of the Linfield Oaks neighborhood and the nearby Sunset Publishing buildings. With the merging of lots 18 and 19 as previously discussed, the applicant created a new unit type, Plan 6, which is an expansion of the existing Plan 2 Alternate Entry. Per the settlement agreement, the unit on lot 18, subject to City Council review and approval, could be a two-story residence with a maximum gross floor area up to 3,000 square feet and would need to provide greater setbacks than the other lots, including no less than a 20-foot setback from the adjacent property at 200 Waverley Street (rear property line) as well as from the Willow Road right-of-way (corner side). The new Plan 6, which is 2,997 square feet, is shown on Attachments B2-B4. Although the design includes pedestrian and vehicular access from the common driveway off the new ring road, the Willow Road elevation would be enhanced with a series of porch-like features to provide an inviting streetscape, and include architectural detailing such as a mix of lap siding and stucco exterior finishes. With the incorporation of design features and use of high quality materials, the layout and architectural style of Plan 6 is consistent with those of the residences previously approved. Unlike the other units, Plan 6 is unique to lot 18.

To create a sense of variety in the streetscape, the applicant desires to mix the various unit types as well as elevation styles throughout the subdivision. Therefore, the applicant is requesting to change the elevation on two lots to eliminate using the same style on lots either adjacent or facing one another. Lot 2 is proposed to change from a "B" elevation to a "D" elevation and lot 26 is proposed to change from a "B" elevation to an "A" elevation. While the elevations styles are proposed to change, the unit type would remain the same as previously approved.

Landscaping Plan

The project includes a comprehensive landscaping plan which preserves many heritage trees and provides for the installation of 50 24-inch and 36-inch box trees, which would be installed with a minimum height of 15 feet. Some of these trees would be used for screening along the northern and western property lines that are adjacent to residential uses. As part of the settlement agreement, the applicant is proposing to add two new 48-inch box screening trees at the rear of lot 18 as well as upsize the remaining eight screening trees located along the rear of lots 12 through 18 from 36-inch to 48-inch box size. These changes are noted on Attachments B8-B9. Also shown on Attachment B8 is the proposed additional landscaping on lot 18 due to the increased building setback along Willow Road. The plan includes a mix of grass, shrubs and groundcover, consistent with other landscaping along Willow Road.

The existing CDP (condition 5.21) states that the applicant shall offer to install either tree screening or hedges on the adjacent properties along Waverley Street at the property owner's discretion. The settlement agreement further states that the applicant shall plant two 36-inch box trees on the Waverley Street side of the property line for each requesting owner. The conditions of approval, as shown in Attachment C and in

strikeout and underline format showing the changes in Attachment D, have been modified to reflect this addition.

Below Market Rate Agreement

The proposed project is subject to meeting the requirements of the Below Market Rate (BMR) program. As part of the CDP approved on November 14, 2006, the City Council included a condition (previously 5.16) to allow consideration of an alternative BMR agreement that would enable the dedication of funds and/or expertise to the Peninsula Habitat for Humanity housing project for the property located adjacent to Terminal Avenue in exchange for fewer on-site BMR units.

On March 20, 2007, the City Council reviewed and approved an alternative BMR agreement that provides two on-site BMR residential units and the payment of in-lieu fees for three units to be dedicated to the Habitat for Humanity project or to be used for low- and very-low income housing projects. This alternate BMR agreement supersedes the previous agreement which incorporated five on-site BMR units into the project.

According to the settlement agreement, the BMR housing in-lieu unit depicted on the former lot 19 shall be relocated to another lot as determined by the City and for which either a Plan 4 or Plan 5 was approved as part of the existing City approvals. The applicant has submitted a revised BMR Agreement, showing lot 7 as the new in-lieu fee unit rather than former lot 19 with the previous March 20, 2007 approval. With the change in location, the plan type also has been changed from a Plan 4 to a Plan 5. At its May 9, 2007 meeting, the Housing Commission recommended approval of the revised BMR Agreement, which includes two on-site units (lots 4 and 14) and the payment of fees for three units (lots 7, 10, and 31). The proposed revision is expected to continue to cover the gap in funding for the Habitat project at Terminal Avenue. The City Council will review the revised alternate BMR Agreement at its July 17, 2007 meeting, and therefore, the previous condition 5.16, has been deleted.

Additional Settlement Items

In addition to the changes mentioned above, the settlement agreement also requires additional mitigations for construction noise, neighborhood outreach prior to the start of construction, replacement of windows and glass doors with new double-paned windows/doors on adjacent properties along Waverley Street, replacement of the existing driveway at 200 Waverley Street, payment of a contribution to Little League and AYSO teams in Menlo Park, and payment of all attorney's fees. Although these items will need to be adhered to, each individual item has not been identified as a separate condition in the CDP. Rather staff has included condition 5.38 which states that the project shall comply with the terms of the settlement agreement as outlined in the San Mateo County Superior Court Stipulated Judgment.

Correspondence

Staff has not received any other correspondence with regard to the proposed modifications to the project.

Conclusion

Staff believes that the proposed single-family residential development continues to be well designed, compatible with the surrounding mix of residential and office uses, and appropriate in scale and density for the site. The proposed changes are consistent with the requirements outlined in the stipulated judgment.

ENVIRONMENTAL REVIEW

On November 14, 2006, the City Council adopted the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification for the development of 33 single-family residential units at 75 Willow Road. Additionally, the City Council adopted the mitigation and monitoring program prepared for the project. No mitigation measures would change as a result of the proposed project modifications and no additional mitigation measures would be necessary as a result of the proposed modifications because the scope of the project is less intense than previously analyzed. No further environmental review is required

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the amendments to the conditional development permit and the tentative subdivision map as follows:

Environmental Review

1. Make a finding that the project is consistent with the Environmental Impact Report entitled *75 Willow Road Residential Project*, dated July 2006 and adopted on November 14, 2006.

Conditional Development Permit Amendment

2. Make a finding that the proposed conditional development permit amendment 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.
3. Make a finding that the conditional development permit amendment allows for development that provides opportunities for the City to increase and diversify its housing stock, provides two on-site and three in-lieu fee Below Market Rate housing units in compliance with the City's guidelines, provides open space within the development and pedestrian pathways to connect the neighborhood, and

incorporates quality design and “green” building materials to promote sustainable development.

4. Approve the conditional development permit amendment for the construction of 32 single-family, detached residential units, associated common areas and a private street for property located at 75 Willow Road subject to the terms and conditions of the Conditional Development Permit.

Tentative Subdivision Map Amendment

5. Make a finding that the tentative subdivision map amendment has been reviewed by the Engineering Division and has been found to be technically correct and in accordance with the State Subdivision Map Act and the City’s Subdivision Ordinance.
6. Approve the Tentative Subdivision Map amendment.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Acting 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. The notice was mailed to owners and residents within a 300-foot radius of the subject property and all owners and residents in the area roughly bounded by Nash 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. A single public hearing notice for the project was mailed advertising both the Planning Commission meeting and the City Council meeting of July 17, 2007.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Draft Conditional Development Permit Amendment
- D. Redlined Version of Draft Conditional Development Permit Amendment

Previous Documents Available for Review During Business Hours at the Planning Division

- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, June 22, 2004
- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, October 19, 2004

- Neighborhood meeting to receive input on the Linfield/Middlefield/Willow Study Area presentation, April 28, 2005
- City Council Meeting to Review Neighborhood Input and Direction on Future Land Uses and Review Process for Development Proposals in the Linfield/Middlefield/Willow Area, June 14, 2005
- City Council Staff Report to Review the Scope of Work for a Comprehensive Traffic Study for Development Proposals in the Linfield/Middlefield/Willow Area, August 23, 2005
- Environmental Quality Commission Staff Report and Minutes, September 12, 2005
- Planning Commission Study Session Staff Report, September 26, 2005
- Housing Commission Staff Report, October 5, 2005
- City Council Staff Report on LMW Area-Wide Transportation Impact Analysis, March 14, 2006
- Housing Commission Staff Report, April 5, 2006
- Planning Commission Study Session Staff Report, April 24, 2006
- Environmental Quality Commission staff report, dated May 3, 2006
- Housing Commission Staff Report, dated July 5, 2006
- Draft Environmental Impact Report, dated July 2006
- Planning Commission Staff Report, July 31, 2006
- Housing Commission Staff Report, dated September 6, 2006
- Final Environmental Impact Report, dated October 2006
- Planning Commission Staff Report, dated October 23, 2006
- Planning Commission Staff Report, dated November 13, 2006
- City Council Staff Report, dated November 14, 2006
- Housing Commission Staff Report, dated February 7, 2007.
- City Council Staff Report on the alternative BMR Agreement, dated March 20, 2007
- Housing Commission Staff Report, dated May 9, 2007

EXHIBITS TO BE PROVIDED AT MEETING

None

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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DRAFT
CONDITIONAL DEVELOPMENT PERMIT AMENDMENT
75 Willow Road
June 18, 2007

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of 32 single-family residential units, including two (2) on-site and three (3) in-lieu fee Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 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 **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.
- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing 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. The Community Development Director may extend this date per Municipal Code Section 16.82.170.

4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. 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.

4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.

4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except where superseded by plans by Wilsey Ham and Dahlin Group, dated received June 12, 2007, consisting of nine plan sheets, except as modified by the conditions contained herein.
- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is \$1,024,000 (based on \$4 million value of acreage).
- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage

Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements.

- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions.
- 5.13 Concurrent with the submittal for a demolition permit and a rough grading permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 5.14 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

- 5.15 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 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.
- 5.16 Prior to demolition and 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.
- 5.17 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.
- 5.18 Concurrent with the submittal of a demolition permit, the applicant shall submit a tree preservation plan, which shall show the preservation of trees #41, 42, and 43 (eucalyptus trees) for review and approval of the Planning Division. These trees shall remain until building permit issuance for the house on lot 18..
- 5.19 Concurrent with building permit submittal, the applicant shall provide evidence that all of the adjacent property owners along Waverley Street have been contacted and offered either tree screening, which can include two 36-inch box trees, or hedges on their properties. For those properties that desire screening, the applicant shall submit a supplemental plan showing the size, species and location of the proposed landscaping subject to review and approval of the Planning Division. The applicant shall pay for and install the trees prior to final inspection.
- 5.20 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.
- 5.21 Prior to building permit issuance, the applicant shall contribute \$100,000 to the Menlo Park City School District or to the Menlo Park Atherton Education Foundation, which shall be determined by the District Board of Trustees.
- 5.22 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow

Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.

- 5.23 Prior to grading permit issuance, the project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist, subject to review and approval by the Engineering Division. 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), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash-collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall also submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (MM 4.2)
- 5.24 Prior to building permit issuance, the applicant shall pay \$4,000 to the City to install signage to prohibit left turns and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The signage shall be installed prior to occupancy. The condition is only applicable if the improvement has not yet been funded by another project. (MM TRAF- 1a)
- 5.25 Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

- Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.
- Adaptive signal timing improvements at the intersection of Willow Road and Middlefield Road, with reimbursement agreements as projects are developed at 110 Linfield Drive, 175 Linfield Drive, 321 Middlefield Road, and 8 Homewood Place: \$80,000.
- Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.
- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.26 Concurrent with the demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

5.27 Prior to demolition permit issuance, implement the following air quality control measures, subject to review and approval by the Building Division:

- 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.
- 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.
- Encourage the implementation of the following optional measures:
- 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. (MM 5.1)

5.28 No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be reviewed and approved by the Planning Division and California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. (MM 7.1)

5.29 Prior to the commencement of grading, the applicant 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 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, and shall be subject to review and approval by the Planning Division. (MM 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. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)

- 5.30 Prior to building permit issuance for the first house, the project applicant 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 project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)
- 5.31 The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan 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). (MM 7.5)
- 5.32 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)
- 5.33 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. 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 may have regarding the disposal of lead-based paint materials. (MM 9.2)

- 5.34 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review and approval by the Planning and Building Divisions. 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. (MM 10.1)
- 5.35 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)
- 5.36 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 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. (MM 14.1)
- 5.37 The proposed project shall adhere to the San Mateo County Superior Court Stipulated Judgment (Case No. CIV 459921) where specific reference is not outlined in the conditional development permit amendment.

Recommended for Approval by the
Menlo Park Planning Commission on
June 18, 2007

Approved by the
Menlo Park City Council on
July 17, 2007

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

DRAFT
CONDITIONAL DEVELOPMENT PERMIT AMENDMENT
75 Willow Road
June 18, 2007

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of ~~3332~~ single-family residential units, including ~~five-two (2)(5)~~ on-site and three (3) in-lieu fee Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 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 **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.
- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing 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. The Community Development Director may extend this date per Municipal Code Section 16.82.170.

4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. 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.

4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.

4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except where superseded by plans by Wilsey Ham and Dahlin Group, dated received June 12, 2007, consisting of nine plan sheets, except as modified by the conditions contained herein.
- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is ~~\$1,056,000~~ \$1,024,000 (based on \$4 million value of acreage).
- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage

Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements.

- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions.
- 5.13 Concurrent with the submittal for a demolition permit and a rough grading permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 5.14 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.

~~5.15 Concurrent with the building permit submittal for site improvements, the applicant shall work with staff and submit a revised plan and street section~~

~~(B1 on Sheet C-7), showing a minimum 20-foot travel lane and a four-foot sidewalk, which could incorporate the use of alternative materials to maintain the existing trees in the area. If preservation of the trees is not deemed feasible with alternative construction measures, a portion of the street width may be reduced to 18.5 feet in order to preserve the existing redwood trees. The plans are subject to review and approval of the Transportation Division.~~

~~5.16 Prior to building permit issuance for the first house, the applicant may propose an alternative approach to meeting the BMR requirements. The alternative approach would include dedicated funds and/or expertise equal to or greater than the value of the on-site BMR units to assist in and help ensure the feasibility of the Habitat for Humanity project proposed on Terminal Avenue. An alternative BMR agreement is subject to review and recommendation by the Housing Commission and review and approval of the City Council and would be in lieu of some or all on-site BMR units and, if approved, would supersede the BMR agreement, dated November 14, 2006.~~

5.175.15 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 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.

5.185.16 Prior to demolition and 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.

5.195.17 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.

5.205.18 Concurrent with the submittal of a demolition permit, the applicant shall submit a tree preservation plan, which shall show the preservation of trees #41, 42, and 43 (eucalyptus trees) for review and approval of the Planning Division. These trees shall remain until building permit issuance for the houses on lots 18, and 19.

5.215.19 Concurrent with building permit submittal, the applicant shall provide evidence that all of the adjacent property owners along Waverley Street have been contacted and offered either tree screening, which can include two 36-inch box trees, or hedges on their properties. For those properties that desire screening, the applicant shall submit a supplemental plan showing the size, species and location of the proposed landscaping subject to review and approval of the Planning Division. The applicant shall pay for and install the trees prior to final inspection.

5.225.20 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.

5.235.21 Prior to building permit issuance, the applicant shall contribute \$100,000 to the Menlo Park City School District or to the Menlo Park Atherton Education Foundation, which shall be determined by the District Board of Trustees.

5.245.22 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.

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condition is only applicable if the improvement has not yet been funded by another project. (MM TRAF- 1a)

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- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.285.26 Concurrent with the demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

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- 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.
- 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.
- Encourage the implementation of the following optional measures:
- 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. (MM 5.1)

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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, and shall be subject to review and approval by the Planning Division. (MM 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. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)

5.325.30 Prior to building permit issuance for the first house, the project applicant 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 project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)

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5.345.32 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)

5.355.33 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. 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 may have regarding the disposal of lead-based paint materials. (MM 9.2)

5.365.34 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review and approval by the Planning and Building Divisions. 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. (MM 10.1)

5.375.35 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)

5.385.36 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 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. (MM 14.1)

5.37 The proposed project shall adhere to the San Mateo County Superior Court Stipulated Judgment (Case No. CIV 459921) where specific reference is not outlined in the conditional development permit amendment

Recommended for Approval by the
Menlo Park Planning Commission on
June 18, 2007

Approved by the
Menlo Park City Council on
July 17, 2007

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk



PLANNING COMMISSION DRAFT EXCERPT MINUTES

June 18, 2007

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:03 p.m.

ROLL CALL – Bims, Bressler, Deziel (Vice chair), Keith (Chair), O'Malley, Pagee, Riggs

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Megan Fisher, Associate Planner, Thomas Rogers, Associate Planner

A. PUBLIC COMMENTS - None

B. CONSENT - None

C. PUBLIC HEARING

Commissioner Deziel recused himself from consideration of the following item noting this was intended to be consistent with his actions to recuse on previous hearings on this application due to the potential of an appearance of a conflict of interest.

Commissioner Bressler recused himself from consideration of the following item.

Both Commissioner Bressler and Deziel left the Council Chambers.

2. **Conditional Development Permit Revision and Tentative Map**

Revision/SummerHill Homes/75 Willow Road: Request for revisions to the conditional development permit and tentative subdivision map for modifications associated with the construction of 32 instead of 33 single-family residences, as outlined in the San Mateo County Superior Court Stipulated Judgment, and minor modifications associated with the architectural style of two residences and the dimensions of several lots.

Staff Comment: Planner Chow said the City Council approved land use entitlements for the construction of 33 single-family residences at 75 Willow Road on November 14, 2006. She said the Linfield Oaks Neighborhood Association challenged the City's approval of the proposed project; subsequently, a settlement was reached and in April 2007, the Council acted to approve the settlement agreement. She said the applicant was now seeking revision to the Conditional Development Permit and the Tentative Map

consistent with the terms agreed upon in the settlement. She said a letter of support for the proposed revisions was received from the law office of Brian Gaffney, the attorney representing the Linfield Oaks Neighborhood Association.

Planner Chow said that staff was recommending also to slightly reword condition 5.37 for clarification and consistency with the settlement agreement as follows: *The proposed project shall adhere to the requirements described in Paragraphs 1 through 3 and Paragraphs 6 through 11 inclusive as outlined in the San Mateo County Superior Court Judgment (Case No. CIV 459921).*

Questions of Staff: Commissioner O'Malley asked if the settlement resulted in the reduction of the recreation fee by \$32,000. Planner Chow said that was an indirect result as the fee was based on the number of units and the total number of units had been reduced. Commissioner O'Malley noted there would be a loss of property tax for the unit that had been removed from the project. He said the settlement included the replacement of windows and sliding glass doors for properties along Waverley Street. He asked if that was offered to all of the property owners along Waverley Street. Planner Chow said the stipulation in the agreement was for the applicant to replace windows and sliding doors at 200, 210, 220, 230, and 240 Waverley Street. Commissioner O'Malley asked if there were any other residences that abutted the proposed project that would not get the benefit of that stipulation. Planner Chow said there were no other residential properties that abutted the proposed project. Commissioner O'Malley asked about the stipulation for the replacement of a driveway. Planner Chow said it was a stipulation of the settlement that the driveway at 220 Waverly Street would be replaced. Commissioner O'Malley said that he was pointing out things that were obvious, because he was not happy with the settlement and he wanted the record to so indicate.

Commissioner Riggs asked for confirmation that the setbacks for the new lot created by the combination of lots 18 and 19 were different from other setbacks in the proposed project. Planner Chow said an item stipulated in the agreement was that the new lot would have a rear setback that was not less than 20 feet and side setbacks at 20 feet as well. Commissioner Riggs asked which of the properties on Waverley Street this affected. Planner Chow said that the side corner of the reconfigured Lot 18 was the property line adjacent to Willow Road and its rear yard abutted 200 Waverley Street. Commissioner Riggs said that 200 Waverley Street was the property for which as part of the stipulated agreement a new driveway would be constructed remote from the project site and out to Waverley Street. Commissioner Riggs asked if one of the lots 18 and 19 as previously proposed had been designated a BMR unit. Planner Chow said that lot 18 in the original approval had been designated as a BMR unit (November 2006). She said that a condition of that approval gave the Council the ability to change the requirement for that unit to be a BMR unit and was designed for an in-lieu fee instead (March 2007). She said that as a result of the stipulated agreement that in-lieu fee could no longer apply to lot 18 and had to be designated to another lot. Commissioner Riggs asked if originally there had been three BMR units designated. Planner Chow said that originally there were five BMR units identified, and with the

March 2007 modification that changed to two BMR units on site and three units with in-lieu fees designated. She said with the settlement that those numbers remained the same, but one in-lieu fee was now designated to lot 7 rather than lot 18. Commissioner Riggs observed that originally a BMR unit would have backed up to the property at 200 Waverley Street.

Commissioner Pagee said the proposed driveway for 200 Waverley Street that would go behind the project properties was consistent down Waverley Street between Laurel Avenue and Linfield Drive. She noted that the access for 210 Waverley Street was through 200 Waverley Street. She said on plan sheet C.4 that it appeared the proposed driveway might be the entrance to the street. Planner Chow said that the applicant might be able to address the driveway.

Commissioner Pagee said that the Commission had previously seen conditions related to the street width and accessibility for the project. Planner Chow said that the applicant had widened the road to have a 20-foot width to allow for adequate vehicular condition and that condition had been deleted once it had been met. Commissioner Pagee said there appeared to be no pedestrian route on the park side of the project. Planner Chow indicated that there was a sidewalk along one side of the road.

Public comment: Elaine Breeze, representing SummerHill Homes, the applicant, said they were requesting revisions to the Conditional Development Permit and Tentative Map as outlined in the staff report and plans. She said they agreed with the revised condition 5.37. She said the changes proposed had been agreed to by SummerHill Homes and the Linfield Drive Neighborhood Association. She said they were also requesting some minor revisions to the street elevations for lots 2 and 20, the adjustment of lot lines and the elimination of an easement which they found was not necessary to have. She said they would replace the driveway at 200 Waverley Street. She noted that there was a pedestrian sidewalk on the ring side of the park. She said when they widened the road that they were able to leave the sidewalk on parcel "b."

Commissioner Pagee asked if the driveway proposed at 200 Waverley Street was the width of the sidewalk. Ms. Breeze said the driveway at 200 Waverley Street at Willow Road would be completely replaced the entire length between 200 and 210 Waverley Street.

Chair Keith said it appeared that parcel "a" would not have a sidewalk. Ms. Breeze said that there were connection points off of parcels 19 and 21 that provided for pedestrian circulation in parcel "a" and were also ADA accessible.

Chair Keith closed the public hearing.

Commission Comment: Commissioner Pagee said in support of the efforts made by the applicant throughout the approval process for this project that she would move to recommend approval of the Conditional Development Permit Revision and Tentative Map Revision as presented by staff. Commissioner Riggs seconded the motion with a

Planning Commission

Draft Excerpt Minutes for 75 Willow Road

June 18, 2007

request for a small amendment that trucks carrying construction materials to the site, particularly trucks hauling sand, if capable of being covered should arrive and leave covered whether they were full, two-thirds full, half-full, or empty to prevent damage to vehicles.

Ms. Breeze said she would make best efforts to accommodate that condition, but was not sure of the logistics to accomplish that. Commissioner Riggs said if it proved to be viable to require this that it might be made a City standard. Ms. Breeze said she would be happy to report back to staff on the viability of requiring construction materials trucks to be covered. Commissioner O'Malley said he did not think it was reasonable to impose Commissioner Riggs suggested condition as it would complicate matters for the applicant. Chair Keith said she understood the intent, but agreed with Commissioner O'Malley as there was no way to enforce such a requirement. Commissioner Riggs asked if the maker of the motion, Commissioner Pagee, would agree to a recommendation to the applicant that all trucks be covered coming in and leaving the project site. Commissioner Pagee accepted the recommendation and indicated that her motion and Commissioner Riggs second should include the modified language for condition 5.37 as outlined by staff.

Commission Action: M/S Pagee/Riggs to recommend approval of the amendments to the Conditional Development Permit and the Tentative Map with a modification to condition 5.37 as indicated below and a recommendation to require construction materials trucks, particularly trucks hauling sand, going to and from the construction site to be covered if capable of being covered.

Environmental Review

1. Make a finding that the project is consistent with the Environmental Impact Report entitled *75 Willow Road Residential Project*, dated July 2006 and adopted on November 14, 2006.

Conditional Development Permit Amendment

2. Make a finding that the proposed conditional development permit amendment 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.
3. Make a finding that the conditional development permit amendment allows for development that provides opportunities for the City to increase and diversify its housing stock, provides two on-site and three in-lieu fee Below Market Rate housing units in compliance with the City's guidelines, provides open space within the development and pedestrian pathways to connect the neighborhood, and incorporates quality design and "green" building materials to promote sustainable development.

4. Approve the conditional development permit amendment for the construction of 32 single-family, detached residential units, associated common areas and a private street for property located at 75 Willow Road subject to the terms and conditions of the Conditional Development Permit.

Tentative Subdivision Map Amendment

5. Make a finding that the tentative subdivision map amendment has been reviewed by the Engineering Division and has been found to be technically correct and in accordance with the State Subdivision Map Act and the City's Subdivision Ordinance.
6. Approve the Tentative Subdivision Map amendment.

**DRAFT
CONDITIONAL DEVELOPMENT PERMIT AMENDMENT
75 Willow Road
June 18, 2007**

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of 32 single-family residential units, including two (2) on-site and three (3) in-lieu fee Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 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 **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.

- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing 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. The Community Development Director may extend this date per Municipal Code Section 16.82.170.
- 4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. 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.
- 4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features 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 the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

- 4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.
- 4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except where superseded by plans by Wilsey Ham and Dahlin Group, dated received June 12, 2007, consisting of nine plan sheets, except as modified by the conditions contained herein.
- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is \$1,024,000 (based on \$4 million value of acreage).

- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements.
- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions.

- 5.13 Concurrent with the submittal for a demolition permit and a rough grading permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 5.14 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- 5.15 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 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.
- 5.16 Prior to demolition and 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.
- 5.17 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.
- 5.18 Concurrent with the submittal of a demolition permit, the applicant shall submit a tree preservation plan, which shall show the preservation of trees #41, 42, and 43 (eucalyptus trees) for review and approval of the Planning Division. These trees shall remain until building permit issuance for the house on lot 18.
- 5.19 Concurrent with building permit submittal, the applicant shall provide evidence that all of the adjacent property owners along Waverley Street have been contacted and offered either tree screening, which can include two 36-inch box trees, or hedges on their properties. For those properties that desire screening, the applicant shall submit a supplemental plan showing the size, species and location of the proposed landscaping subject to review and approval of the Planning Division. The applicant shall pay for and install the trees prior to final inspection.

- 5.20 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.
- 5.21 Prior to building permit issuance, the applicant shall contribute \$100,000 to the Menlo Park City School District or to the Menlo Park Atherton Education Foundation, which shall be determined by the District Board of Trustees.
- 5.22 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.
- 5.23 Prior to grading permit issuance, the project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist, subject to review and approval by the Engineering Division. 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), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash-collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall also submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (MM 4.2)
- 5.24 Prior to building permit issuance, the applicant shall pay \$4,000 to the City to install signage to prohibit left turns and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The signage shall be installed prior to occupancy. The condition is only applicable if the improvement has not yet been funded by another project. (MM TRAF- 1a)
- 5.25 Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

- Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.
- Adaptive signal timing improvements at the intersection of Willow Road and Middlefield Road, with reimbursement agreements as projects are developed at 110 Linfield Drive, 175 Linfield Drive, 321 Middlefield Road, and 8 Homewood Place: \$80,000.
- Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.
- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.26 Concurrent with the demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

5.27 Prior to demolition permit issuance, implement the following air quality control measures, subject to review and approval by the Building Division:

- 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.
- 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.
- Encourage the implementation of the following optional measures:
- 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. (MM 5.1)

5.28 No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be reviewed and approved by the Planning Division and California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. (MM 7.1)

- 5.29 Prior to the commencement of grading, the applicant 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 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, and shall be subject to review and approval by the Planning Division. (MM 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. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)
- 5.30 Prior to building permit issuance for the first house, the project applicant 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 project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)
- 5.31 The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan 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). (MM 7.5)
- 5.32 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)

- 5.33 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. 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 may have regarding the disposal of lead-based paint materials. (MM 9.2)
- 5.34 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review and approval by the Planning and Building Divisions. 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. (MM 10.1)
- 5.35 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)
- 5.36 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 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. (MM 14.1)

5.37 The proposed project shall adhere to the **requirements described in Paragraphs 1 through 3 and Paragraphs 6 through 11 inclusive as outlined in the** San Mateo County Superior Court ~~Stipulated Judgment~~ (Case No. CIV 459921) ~~where specific reference is not outlined in the~~ conditional development permit amendment.

Recommended for Approval by the
Menlo Park Planning Commission on
June 18, 2007

Approved by the
Menlo Park City Council on
July 17, 2007

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

Motion carried 5-2 with Commissioners Bressler and Deziel recused and outside of the Council Chambers.

ADJOURNMENT

The meeting adjourned at 9:57 p.m.