



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: November 28, 2006
Staff Report #: 06-205

Agenda Item #: E2

PUBLIC HEARING: Consideration of an Appeal of a Planning Commission Action to Approve a Use Permit, Architectural Control and Environmental Impact Report for the Conversion of an Existing 48,400-Square-Foot Building from Administrative to Medical Office Use and the Associated Exterior Modifications to the Building and Site Located at 321 Middlefield Road in the C-1 (Administrative and Professional District, Restrictive) Zoning District.

RECOMMENDATION

Staff recommends that the City Council uphold the Planning Commission's decision to approve the proposed Use Permit, Architectural Control and Environmental Impact Report for the proposed project at 321 Middlefield Road subject to the findings and conditions listed in Attachment A.

BACKGROUND

Proposed Project

The applicant is requesting approval of a Use Permit and Architectural Control to convert an existing 48,400-square-foot general office building into a medical office building. The proposed project requires approval of a use permit to allow medical office and related uses in the C-1 zoning district, architectural control for exterior modifications to the building, and a heritage tree permit for removal of eight heritage trees and the relocation of three heritage trees. The project requires the preparation of an Environmental Impact Report (EIR). The Planning Commission is the final decision-making body on the proposed use permit, architectural control, and EIR unless its decision is appealed.

Planning Commission Review and Action

On October 23, 2006, the Planning Commission conducted a public hearing on the proposed project. The staff report, which includes a more detailed discussion of the review process and the project components, and the minutes are included as

Attachment G and H, respectively. At the meeting, the Planning Commission considered various items, including the staff report and related items, presentations by the applicant, and verbal and written communication from the public. Staff distributed two letters received after the distribution of the staff report. These letters are included as Attachment J. Several members of the public raised concern about the increase in traffic associated with a medical office building while others stated that the area is in need of medical office uses and the proposed site is a good location. The Commission supported the reuse of the existing building and the incorporation of "green building" elements, and indicated that medical offices could provide a service to the community. The Planning Commission also recognized the potential for an increase in traffic and discussed possible ways to monitor traffic or reduce the amount of peak hour trips to be comparable to a general office use. The majority of the Planning Commission believed that imposing time restrictions on appointments could be a hindrance to the business and the community, and that the benefits of the project outweigh the potential traffic impacts. The Planning Commission approved the proposed project subject to the findings and conditions in the staff report and those added at the meeting to clarify mitigation measures in the EIR (4-2, Commissioners Keith and Pagee opposed and Commissioner Deziel recused). Revised conditions of approval are shown in underline and strikeout format in Attachment A.

Subsequent to the Planning Commission meeting on October 23, 2006, staff became aware of a letter concerning the Final Environmental Impact Report (EIR) for the proposed project. To allow the Planning Commission the opportunity to review the letter to determine whether the issues raised could change the Planning Commission's October 23, 2006 action, the item was brought before the Planning Commission on November 13, 2006. The Planning Commission staff report of November 13, 2006 is included as Attachment I and correspondence distributed at the Commission meeting is included as Attachment K. The Commission had two options: 1) to reaffirm the Planning Commission's October 23, 2006 action to approve the project or 2) to reconsider the Planning Commission's October 23, 2006 action. At that meeting, the Planning Commission voted to reaffirm its previous action to approve the project.

Applicant's Appeal

On October 19, 2006, the applicant filed an appeal of the Planning Commission's decision. The appeal was filed prior to the Commission's action on the project on October 23, 2006, but was submitted in anticipation of an appeal being filed at a subsequent date that would prohibit the item from being scheduled before the Council in a timely manner. Regardless of the outcome of the Planning Commission's decision, the applicant believed it was necessary for the current City Council to consider the proposed project because of its background on the item. In the appeal letter, which is included as Attachment D, the applicant requested that the item be placed on the November 14, 2006 City Council agenda in an effort to be heard on the same date as a nearby project located at 75 Willow Road. The letter was placed on the October 24, 2006 City Council agenda under written communication to allow the City Council to discuss the item. Several members of the community expressed concern about the

expeditious appeal process should the item be placed on the November 14, 2006 City Council agenda. The City Council did not support placing the appeal on the November 14, 2006 agenda. Staff scheduled the item for the meeting of November 28, 2006 as part of the regular appeal process.

ANALYSIS

The project plans are included as Attachment F and a detailed analysis of the project is contained in the staff report for the Planning Commission meeting of October 23, 2006 (Attachment G). The focus of this report is to discuss issues related to the two main components of the proposed project: the site improvements and the land use change.

Site Improvements

The proposed project includes modest alterations to the exterior of the building that blends with the commercial character of Middlefield Road. The plan includes parking reconfiguration and an increase in the number of on-site parking spaces to conform to the parking standards of the C-1 zoning district. The proposed landscaping plan includes the installation of over 80 24-inch box trees and street frontage improvements along Middlefield Road and Linfield Drive. The new trees would be aesthetically pleasing and the new sidewalks would provide a safe pedestrian path and connectivity between adjacent sites. The site improvements would complement the area.

Land Use Change

The proposed medical office use is categorized differently from general office uses. While the two uses can be compatible, medical office uses typically generate more trips throughout the day and have a greater parking demand. The use permit request must review the appropriateness of the use at the proposed scale at the subject location. For members of the public that have raised concern regarding the proposed project, traffic impacts have been the primary issue. The Draft EIR prepared for the project concluded that the project, in combination with the proposed project at 75 Willow Road and a hypothetical project at 8 Homewood Place, would create significant traffic impacts. The Draft EIR also identifies mitigation measures to help reduce the level of impacts. The project will contribute to transportation improvements such as adaptive signal timing along Middlefield Road and improvements to enhance pedestrian crossing on Middlefield Road near Linfield Drive. The applicant will also be implementing a Transportation Demand Management (TDM) program that could include elements to support alternative modes of transportation such as participation in a shuttle service, vanpool, and installation of bicycle lockers and showers. Furthermore, the applicant will be participating in the Linfield Drive Streetscape improvements, which were approved as part of the 110 Linfield Drive and 175 Linfield Drive projects. The streetscape improvements have been designed to provide an attractive entrance to the Linfield Oaks neighborhood as well as a visual mechanism to potentially slow vehicular traffic. The anticipated contribution by the applicant of 321 Middlefield Road to the streetscape

improvements is approximately \$128,700 based on the linear frontage of property along Linfield Drive.

The proposed medical office use is compatible with office and residential uses that surround the site. The project site is located on an arterial street where such uses are appropriate and would provide a service to the community. General Plan Commercial Policy I-E-4 states that any new or expanded office must provide adequate off-street parking, mitigate traffic impacts, develop effective alternatives to auto commuting, adhere to acceptable architectural standards, and protect adjacent residential uses from adverse impacts. As discussed above, the applicant's proposal adequately addresses these issues. While some of the traffic impacts remain significant and unavoidable because mitigation measures are not feasible at this time, staff believes the benefits of the proposed project outweigh the impacts of the project as identified in the discussion of the Statement of Overriding Considerations, which is included in the CEQA Findings, as Attachment B. Staff recommends that the City Council uphold the Planning Commission's decision to approve the Use Permit, Architectural Control, and EIR for the proposed medical office conversion at 321 Middlefield Road.

IMPACT ON CITY RESOURCES

The applicants paid a deposit of \$2,950 for the review of the use permit, architectural control and EIR process. Additional staff time above the initial deposit is cost recoverable on an hourly basis. The appellant has paid a deposit of \$250 to file an appeal of the Planning Commission decision. Staff time spent on the review of the appeal to the City Council is cost recoverable on an hourly basis.

POLICY ISSUES

The City Council is considering an item regarding the appropriateness of the scale and intensity of a use at 321 Middlefield Road. The proposed project does not involve a General Plan Amendment or Rezoning of the property. Staff believes the proposed project is consistent with the proposed land use designation and goals and policies of the General Plan. The Council should consider whether the potential benefits of the project outweigh the potential transportation and aesthetic impacts, as identified in the EIR.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA) Guidelines. In order to complete the EIR process and certify the document, CEQA requires the preparation of Findings for Certification, which includes Statement of Certification, and Mitigation Monitoring and Reporting Program. These documents are included as Attachments B and C, respectively.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

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.

ATTACHMENTS

- A. Draft Findings and Conditions of Approval, dated November 28, 2006
- B. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- C. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- D. Letter of Appeal from Pollock Financial Group, dated October 19, 2006
- E. Location Map
- F. Project Plans
- G. Planning Commission Staff Report for the Meeting of October 23, 2006 without Attachments
- H. Minutes from the Planning Commission Meeting of October 23, 2006
- I. Planning Commission Staff Report for the Meeting of November 13, 2006
- J. Correspondence distributed at the Planning Commission Meeting of October 23, 2006
 - Stuart Soffer, dated October 23, 2006
 - Robert J. Payton, dated October 23, 2006
- K. Correspondence distributed at the Planning Commission Meeting of November 13, 2006
 - Patti Fry, dated November 13, 2006

FINDINGS AND CONDITIONS OF APPROVAL

321 Middlefield Road

November 28, 2006

Redlined Conditions of Approval

*Showing Changes Incorporated at the October 23, 2006 Meeting in
Underline and ~~Strikeout~~ Format*

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Approve the use permit and architectural control request subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, dated received October 18, 2006, consisting of 26 plan sheets and approved by the Planning Commission on October 23, 2006 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. 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.
- e. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect subject to review and approval of the City Arborist and the Planning Division. The landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping shall be installed prior to final building inspection.
- f. Prior to grading permit issuance, 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.
- g. Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- h. Prior to building permit issuance, the project shall contribute shuttle fees in accordance with the proposed Transportation Demand Management Plan and the City's requirements. The shuttle fee is \$0.105 per square foot of commercial use paid on an annual basis.
- h.i. Concurrent with the building permit submittal for site improvements, the applicant shall submit a parking lot stripe plan indicating one-way access from Middlefield Road and two-way access from Linfield Drive subject to review and approval of the Transportation Division.
- h.j. Prior to building permit issuance, the applicant shall use reasonable, best efforts, as determined by the Community Development Director, to negotiate an overflow parking agreement to allow residents of the 110 and 175 Linfield Drive project sites to use the parking facilities at 321 Middlefield Road before and after business hours (generally 7 a.m. to 6 p.m., Monday through Friday). If the applicant is unsuccessful in negotiating an agreement prior to building permit issuance, the applicant shall continue to use reasonable, best efforts to negotiate an agreement up to the time of final building inspection.

i-k. If an overflow parking agreement is agreed upon between 321 Middlefield and 110 Linfield Drive and 175 Linfield Drive, the agreement shall be provided to the City and reviewed and approved by the Planning and Transportation Divisions prior to any parking being used by residents.

k-l. Prior to building permit issuance, the applicant shall submit improvement plans for the right-of-way fronting the property. The plans shall include details for curbs, gutters, sidewalks, landscaping irrigation, lighting, etc. The plans shall be subject to review and approval of the Public Works Department.

l-m. Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval. (MM Hydrology-1)

m-n. Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards, and shall be subject to review and approval by the Engineering Division. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance. (MM Hydrology-2)

n-o. 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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.) (MM Hydrology-3)

- ~~o. Prior to occupancy, the City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed in the Linfield/Middlefield/Willow (LMW) area, subject to approval by the Transportation Division. (MM Traffic 1-a)~~
- ~~p. 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 yet been funded by another project. (MM Traffic 1-a)~~
- q. Prior to building permit issuance, 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:
 - Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.
 - Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500. (MM Traffic-1c)
- ~~p-r.~~ Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to, the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and

sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to review and approval by the Engineering Division. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements. (MM Traffic-2)

g.s. Prior to building permit issuance, the applicant/project sponsor shall 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.

In addition, the applicant/project sponsor shall 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)

f.t. 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. 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-7.1) 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. (MM-7.2) At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. (MM-7.3)

s.u. Prior to building permit issuance, 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) The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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)

t.v. 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 renovating 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-9.1)

u.w. 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)

v.x. 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)

**THE CITY OF MENLO PARK CERTIFICATION OF THE
FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS, APPROVAL OF MITIGATION
MEASURES AND MITIGATION MONITORING AND REPORTING PROGRAM, AND
STATEMENT OF OVERRIDING CONSIDERATIONS
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq.)**

321 MIDDLEFIELD ROAD MEDICAL OFFICE PROJECT

I. INTRODUCTION

On October 12, 2004 the City received an application from Pollock Financial Group/ Allstate Insurance Co. for a Use Permit and Architectural Control for a project located at 321 Middlefield Road. The 3.12-acre project site is located at 321 Middlefield Road, adjacent to Linfield Drive. The site is developed with a two-story office building with an area of approximately 39,600 square feet, parking lots, and landscaped areas. The application contemplated conversion of the existing general office use into medical office and other professional office uses, modification of the exterior of the building, and removal of 17 trees, including 11 heritage trees. The proposal would require approval of the following:

- Use Permit to allow medical office uses in an existing commercial building;
- Architectural Control for proposed exterior modifications to the building; and
- Heritage Tree Permit for the removal/relocation of 11 heritage trees.

California Environmental Quality Act (CEQA) guidelines require preparation of an EIR when a lead agency determines that there is evidence that a project may have a significant effect on the environment. The need to prepare an EIR for the project was established by the City as a result of a preliminary evaluation of the likely environmental effects resulting from construction and operation of the project.

The City of Menlo Park prepared and circulated a Notice of Preparation for the EIR to interested agencies and members of the public and to the State Clearinghouse on May 4, 2006.

On July 18, 2006, the City released a Draft Environmental Impact Report for public review and comment. Copies of the DEIR were distributed to agencies, local governments, elected officials, groups and individuals. The comment period closed on August 31, 2006.

Ten days after the release of the FEIR or thereafter, the City will make a decision regarding certification of the EIR and project approval. In this case, there will be 10 days until the Planning Commission recommendation on the certification and project approval.

On October 5, 2006, the City of Menlo Park published a Final Environmental Impact Report (FEIR). The Findings and Recommendations made by the City of Menlo Park Planning staff, for recommendation by the Planning Commission and adoption by the Planning Commission, are the City's findings under the CEQA (Pub. Resources Code, §21000 et seq.) and CEQA Guidelines (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Commission and Council regarding the Project's environmental impacts, mitigation measures and project alternatives which in this Commission's and Council's view, justify approval of the Project.

II. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

A Notice of Preparation (NOP) for this EIR was distributed on May 4, 2006 to state, regional, and local agencies and interested parties for a 30-day review period. This Draft EIR was circulated for a 45-day review period beginning on July 18, 2006. The City prepared written responses to the comments received during the comment period. The Final EIR was published on October 5, 2006.

B. Record of Proceedings and Custodian of Record

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

1. The Final EIR for the 321 Middlefield Road Project and all reports, documents, studies, memoranda, and maps related thereto.
2. The Notice of Preparation and other public notices issued by the City in conjunction with the Draft EIR for the 321 Middlefield Road Project.

3. All written and oral comments submitted by agencies or members of the public during the public review period for the EIR and any public hearings or meeting held on Project approvals.

4. All other public reports, documents, studies, memoranda, maps, or other planning documents related to the 321 Middlefield Road Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the project Entitlements.

5. All matters of common knowledge to this Commission and Council, including, but not limited to:

- a. the Menlo Park General Plan and other applicable policies;
- b. the Menlo Park Zoning Ordinance and other applicable ordinances;
- c. information regarding the City's fiscal status;
- d. applicable City policies and regulations;

7. Reports, projections, and documentation regarding development within and surrounding the City; and

8. Federal, state, and county laws, regulations, guidelines, and publications.

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

C. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the 321 Middlefield Road Project, shall continue in full force and effect unless amended or modified by the City.

III. CERTIFICATION OF THE FINAL EIR

The Final EIR and Planning Commission staff report dated October 23, 2006 was presented to the Planning Commission, acting as the decision making body of the Lead Agency for the project, and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the project.

The Planning Commission hereby finds that the Final EIR for the 321 Middlefield Road project is adequate, accurate and objective and reflects the independent judgment of the City; and the Final EIR contains no significant revisions to the Draft EIR.

The Planning Commission of the City of Menlo Park, acting as the decision-making body for the Lead Agency for the project hereby does CERTIFY THE COMPLETION of said Final EIR in compliance with CEQA and the CEQA Guidelines.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Aesthetics

Visual: Project and Cumulative Impacts to Scenic Resources

Implementing the proposed project would result in the removal of 11 heritage trees. The required replacement planting at the project site would meet the City's requirements for replacement of heritage trees. However, the project would not result in plantings of mature trees of the same species in the same locations on the project site, nor would the required replacement trees possess the same features of existing heritage trees.

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

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

1. Effects of Mitigation: No mitigation is feasible for removal of Heritage trees given the quantity, size and location of the trees proposed for removal and the fact that any replacement trees will take a number of years to reach comparable sizes as the trees removed.

2. Remaining Impacts: Impacts to these scenic resources cannot be mitigated, and significant and unavoidable impacts would still exist.

B. Transportation and Circulation

Traffic-1: Project and Cumulative Impacts to Project Area Intersections: Intersection of El Camino Real/ Ravenswood Avenue, Intersection of Middlefield Road/Willow Road, and Intersection of Middlefield Road/Linfield Drive

Project development would contribute to unacceptable levels of service at the intersections of El Camino Real/Ravenswood Avenue (AM and PM peak hours) and Middlefield Road/Linfield Drive (PM peak hour).

Mitigation Measures.

Traffic-1b: Intersection of El Camino Real/Ravenswood Avenue

The Circulation Element of the City's General Plan outlines a proposed mitigation plan that includes the addition of a third through lane in the northbound and southbound directions, a northbound right-turn lane, and an exclusive westbound right turn lane.

Traffic 8c: Intersection of Middlefield Road and Willow Road

Add a second southbound left turn lane (using the existing right of way), resulting in two dedicated left turn lanes, one through lane and one through-right turn lane. Re-stripe the eastbound approach. Modify signal phasing.

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

1. Effects of Mitigation: The mitigation measures for the intersections of El Camino Real/Ravenswood Avenue and Middlefield Road/Willow Road are not considered feasible due to lack of funding to carry out the identified improvements and potentially undesirable consequences of such intersection modifications such as loss of on-street parking, deteriorated pedestrians environments, and offset intersection alignments. No mitigation is feasible for impacts to the intersection of Middlefield Road/Linfield Drive

2. Remaining Impacts: Traffic impacts to these project area intersections cannot be mitigated, and significant and unavoidable impacts would still exist.

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

Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to the review of the City Engineer. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements.

Mitigation Measures.

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

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

1. Effects of Mitigation: No mitigation is feasible for impacts to substantially lessen the number of vehicles using the immediate local streets.

2. Remaining Impacts: Traffic impacts to project area streets cannot be mitigated, and significant and unavoidable impacts would still exist.

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

A. Hydrology and Water Quality

Hydrology-1

Because the project has the potential to increase storm water runoff, the project would need either to be revised to reduce the peak flow rate or to demonstrate that no adverse impacts to the existing system would exist.

Mitigation Measure.

Hydrology-1: Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval.

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce storm water runoff to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to peak flow rate would not be significant.

Hydrology-2

Because the project has the potential to be exposed to flooding hazards, the project would either need to comply with the City's HGL requirements or demonstrate that flooding hazards would not increase as part of the project.

Mitigation Measure.

Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36-inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards subject to the review of the City Engineer. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance.

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce flooding hazards to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related flooding hazards would not be significant.

Hydrology-3

Redevelopment of the project site could introduce sediments and other pollutants into the surface water runoff that could potentially degrade water quality.

Mitigation Measure.

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. 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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.)

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce introduction of sediments and other pollutants to surface water to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to water quality would not be significant.

B. Transportation and Circulation

Traffic-1: Impacts to Project Area Intersections

Project development would contribute to unacceptable levels of service at the intersections of Alma Street/Ravenswood Avenue (AM peak hour) and El Camino Real/Ravenswood Avenue (both peak hours).

Mitigation Measures:

Traffic-1a: Intersection of Alma Street/Ravenswood Avenue

The following mitigation would bring the intersection of Alma Street and Ravenswood Avenue to an acceptable service level during the AM peak period.

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 yet been funded by another project. (MM Traffic 1-a)

Traffic 1c: Project Contributions to Intersection Impacts

Prior to building permit issuance, 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 Planning Commission:

Alma Street/Ravenswood Avenue right turn only restriction (if the improvement has not yet been funded by another project): \$4,000.

Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.

Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500.

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

1. Effects of Mitigation: Implementation of the mitigation measures above would reduce the contribution to unacceptable levels of service on Alma Street/Ravenswood intersection to a level of less than significant.

2. Remaining Impacts: Any remaining impacts to the intersection of Alma Street/Ravenswood intersection would not be significant.

Traffic-8 Cumulative Impacts: Project Area Intersections

Project-specific impacts related to the 321 Middlefield Road project alone would be significant at the intersections of Alma Street/Ravenswood Avenue (AM peak hour) and El Camino Real/Ravenswood Avenue (PM peak hour). At the intersection of Middlefield

Road/Willow Road, under cumulative conditions, the addition of project-generated traffic from the 321 Middlefield Road project alone would result in a delay increase in the critical approaches at this intersection greater than the City threshold of 0.8. This increase is considered “cumulatively considerable”.

Mitigation Measures.

Traffic 8a: Intersection of Alma Street/Ravenswood Avenue

The City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed. This measure would have the effect of redistributing trips throughout the project area street network. Based on the number of vehicle trips involved (less than 50), a quantitative analysis of this redistribution was not conducted. However, based on the operating conditions at the intersection of Laurel Street and Ravenswood Avenue (LOS B), the redistribution of traffic would result in minimal changes. Therefore, the redistribution of traffic would not cause impacts at other study intersections or roadway segments.

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

1. Effects of Mitigation: Implementation of the mitigation measures above would reduce the contribution to unacceptable levels of service on Alma Street/Ravenswood intersection to a level of less than significant.

2. Remaining Impacts: Any remaining impacts to the intersection of Alma Street/Ravenswood intersection would not be significant.

D. Air Quality

Air Quality 5a,b: Air Quality Standards

Construction and grading activities could generate emissions from sources such as on-site stationary equipment, heavy-duty construction vehicles, construction worker vehicles, and other energy use. Fugitive dust is the primary air pollutant emitted by these activities. Although the project’s construction-related emissions would be temporary in duration, in the absence of control measures, the emissions could be substantial.

Mitigation would reduce fugitive dust emissions and other construction-related impacts to air quality to a less-than-significant level.

Mitigation Measures.

Basic Control Measures (for all construction sites)

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

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

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

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce the construction period impacts to a level of less than significant..

2. Remaining Impacts: Any remaining impacts related to air quality would not be significant.

E. Water Quality

Water 4c: Discharge into San Francisquito Creek

Stormwater from the project and vicinity flows into San Francisquito Creek. Redevelopment of the project site could introduce sediments and other pollutants into the surface water runoff that could potentially degrade water quality.

Mitigation Measure 4.3: See mitigation measure Hydrology-3 above.

F. Biological Resources

Biology 7a: Endangered and Threatened Species

The project would not disturb any endangered, threatened, or rare species, or their habitats. The project site does not contain suitable habitat for any special-status plant or wildlife species known to occur in the project region. However, the trees on the project site provide suitable nesting habitat for a variety of common bird species known to occur in the project area. Construction-related activities could result in the direct loss of active nests or the abandonment of active nests by adult birds during that year's nesting season. Bird nests with eggs or young are protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Mitigation would reduce impacts to nesting birds to a less-than-significant level.

Mitigation Measures.

7.1: 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.

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.

7.3: At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce the disturbance of threatened, endangered or rare species and their habitats to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to threatened and endangered species would not be significant.

Biology 7b: Locally Designated Species

The project would affect locally designated species (e.g., heritage trees). The proposed project would be required to comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, which delineate the ratio of trees a developer must replace for every Heritage tree removed. For commercial projects, applicants who are granted approval to remove a Heritage tree are required to replace lost Heritage trees on a 2:1 basis. Based on these ratios, the project applicant would be required to plant 22 trees. Current landscape conceptual plans provided by the applicant show that the project could feasibly meet the tree planting requirements set by City staff. In addition, a tree protection and preservation plan was included in the tree survey report to assist in the protection of the trees during the demolition and construction of the proposed project. Mitigation would reduce the potential impacts from disturbance to a less-than-significant level.

Mitigation Measure

7.4: 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

7.5: The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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).

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce the impacts on locally designated species to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to locally designated species would not be significant.

G. Hazardous Materials

Hazards 9a: Release of Hazardous Substances

The existing office building was built by the Allstate Insurance Company in 1950. The building was originally constructed as one story with concrete framing. In 1954, Allstate added a second-story concrete frame addition. In 1968, a one-story wood frame addition was added for a dining facility. Because of the age of the building, asbestos and lead-based paint may have been used during construction or renovation. Mitigation will ensure that potential impacts related to these materials would be less than significant.

Mitigation Measure.

9.1: The applicant shall survey the building for the presence of asbestos and lead-based paint. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when renovating 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.

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce the release of hazardous substances to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to hazardous substances would not be significant.

H. Noise

Noise 10b: Exposure to Severe Noise Levels

Construction activities for the proposed project could result in increased short-term noise levels. These noise levels would be temporary and would occur intermittently during the six-month construction process. The closest sensitive receptors to the project site are residences to the southwest of the site. The homes are located approximately two blocks from the site and are separated from the site by several office buildings. In addition, residential development has been approved adjacent to the project site at 110 and 175 Linfield Drive; construction of that project has not begun, but could be underway or completed during construction of the proposed project. Typical noise levels of construction equipment can range from 76 dB(A) to 89 dB(A) at 50 feet. Based on the types of equipment used, duration, and proximity, the construction activities of the proposed project could result in intermittent (outdoor) noise levels of up to 89 dB(A) at the nearest sensitive receptors. Mitigation would reduce the potential impacts to a less-than-significant level.

Mitigation Measure

10.1: The project applicant shall incorporate noise reduction measures into project construction activities. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences and businesses in advance of construction work, and installing temporary barriers around construction noise sources..

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce the construction period impacts on noise to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related to severe noise levels would not be significant.

I. Cultural Resources

Cultural 14b: Archaeological Resources

A records search conducted by the Northwest Information Center (NWIS), at Sonoma State University, indicated that there are no known archeological resources on the project site, and no known historic properties are located on site or within the project area. The project site has already been developed, so the likelihood of finding buried resources is reduced. However, construction activities such as excavation and grading could result in the discovery of previously unidentified archeological resources, a significant impact. Mitigation would reduce the potential impacts to a less-than-significant level.

Mitigation Measure 14.1: If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the 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.

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

1. Effects of Mitigation: Implementation of the mitigation measure above would reduce impacts to archaeological resources to a level of less than significant.

2. Remaining Impacts: Any remaining impacts related archaeological resources would not be significant.

V. PROJECT ALTERNATIVES

A. Background - Legal Requirements

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

B. Identification of Project Objectives

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

The project objectives are focused on the renovation of an existing commercial office building to be used for medical and related offices, to capture business to the Menlo Park area, and the preserve as much as the existing setting.

C. Alternatives Analysis in EIR

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

Alternative 1: No Project Alternative

The No Project Alternative is discussed on page 6.0-3 of the EIR.

Findings: The No Project Alternative, both scenario one and two, is rejected as an alternative because it would not achieve the objectives of the Project Sponsor or of the City to provide medical office space, or improve the existing building and parking lot.

Explanation: Scenario One would not meet most of the project objectives, in that it would not provide medical office space or improve the existing building and parking lot. Objectives related to tree preservation would be met under Scenario One. Scenario Two would not meet the project objectives related to medical office space, but could meet the objectives related to high-quality building improvements and tree preservation.

Alternative 2: Residential Development

The Residential Development Alternative is discussed on page 6.0-10 of the EIR.

Findings: The Residential Development alternative is rejected because it would not achieve the objectives of the Project Sponsor or of the City for re-use and improvement of the existing building or create medical offices.

Explanation: The Residential Alternative would not meet most of the project objectives, in that it would not re-use and improve the existing building or create medical offices. The objectives related to tree preservation would probably not be met.

VI. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

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

Significant Unavoidable Impacts

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

Overriding Considerations

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

Benefits of the Project

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

1. The project will re-use and upgrade an existing building in an already developed area of the City currently served by existing roads and utility systems, thereby avoiding the need for the substantial construction of new utility systems which could otherwise indirectly induce population growth.

2. The project will provide space for medical office use, which provides a needed service to the community.
3. The project will contribute to storm water system improvements in the project area in order to minimize occurrence of flooding, which currently occurs during severe storms, beyond the normal requirement for the project.
4. The project will contribute to streetscape improvements (e.g., new curb, gutter, sidewalk, landscaping, etc.) along Linfield Drive to reduce the desirability of using Linfield Drive for cut-through traffic, reducing average speeds and potentially the number of vehicles using Linfield Drive.
5. The project will construct a new sidewalk along the Middlefield Road frontage connecting a missing link in the City's sidewalk system.
6. The project will contribute financially to transportation improvements in the Linfield/Middlefield/Willow area of the City as part of a comprehensive traffic study.

VII. CERTIFICATION OF THE FEIR

The FEIR and Planning Commission staff report dated October 23, 2006 was presented to the Planning Commission, acting as the decision making body of the lead agency for the project, and the Planning Commission reviewed and considered the information contained in the FEIR prior to approving the project.

The Planning Commission hereby finds that the FEIR for the 321 Middlefield Road project is adequate, accurate and objective and reflects the independent judgment of the City; and the FEIR contains no significant revisions to the DEIR.

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

MITIGATION MONITORING AND REPORTING PLAN

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

321 Middlefield Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	HYDROLOGY AND WATER QUALITY		
<i>Hydrology-1, 2, & 3: Drainage, Flooding, and Water Quality Impacts</i>	<p>Hydrology-1: Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval.</p> <p>Hydrology-2: Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards subject to the review of the City Engineer. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance.</p> <p>Hydrology-3: 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. 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</p>	<p>Public Works Director</p> <p>City Engineer</p>	<p>Verify that plans demonstrate peak flow rate for a 10-year storm is equal to or less than existing peak flow rate.</p> <p>Verify submittal of Storm Drainage, Grading, Erosion, and Sedimentation Control Plans by project sponsor.</p> <p>Periodic inspection to verify implementation of Plan during construction by contractors.</p> <p>Review of storm drain design by City Engineer prior to grading or building permit issuance</p>

321 Middlefield Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.)		
	TRAFFIC AND CIRCULATION		
<i>Traffic-1 & 8: Project and Cumulative Impacts to Project Area Intersections</i>	<p>Traffic-1a: Intersection of Alma Street/Ravenswood Avenue The following mitigation would bring the intersection of Alma Street and Ravenswood Avenue to an acceptable service level during the AM peak period.</p> <p>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 yet been funded by another project. (MM Traffic 1-a)</p> <p>Traffic-1c: Project Contributions to Intersection Impacts Prior to building permit issuance, 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:</p> <ul style="list-style-type: none"> • Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City. • Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and 	Transportation Manager	Determine that fees for mitigations and/or improvements have been paid prior to building permit issuance.

321 Middlefield Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	Ravenswood Avenue: \$57,500.		
<i>Traffic-2: Impacts to Project Area Streets: Average Daily Traffic</i>	<p>Traffic 2: Linfield Drive Street Segment Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to, the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to the review of the City Engineer. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements.</p>	Transportation Manager	Submittal of plans for construction of streetscape improvements for review by City Engineer
	INITIAL STUDY SUMMARY		
<i>Air Quality 5a: Air Quality Standards</i>	<p>Mitigation Measure 5.1 Basic Control Measures (for all construction sites)</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto 	Building Official	Periodic inspection during construction by contractors.

321 Middlefield Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	<p>adjacent public streets.</p> <p>Optional Measures (strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emissions reductions)</p> <ul style="list-style-type: none"> • Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site. • 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. <p>Limit the area subject to excavation, grading, and other construction activity at any one time.</p>		
<i>Biology 7a: Endangered and Threatened Species</i>	<p>Mitigation Measure 7.1: 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.</p> <p>Mitigation Measure 7.2: If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist.</p> <p>Mitigation Measure 7.3: At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.</p>	Building Official	<p>Verify that a survey has been conducted by project sponsor with a qualified biologist (ornithologist) no more than 14 days prior to the initiation of construction in the period of February through April and no more than 30 days in the period of May through August.</p> <p>If raptors are encountered, verify that a report has been submitted by the qualified biologist (ornithologist) to the Community Development Director and the California Department of Fish and Game.</p>

321 Middlefield Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
<i>Biology 7b: Locally Designated Species</i>	<p>Mitigation Measure 7.4: 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.</p> <p>Mitigation Measure 7.5: The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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).</p>	Community Development Director	Verify that final landscaping plan complies with City staff’s tree replacement ratios and protection and recommendations in the arborist report. Periodic inspection during construction.
<i>Hazards 9a: Release of Hazardous Substances</i>	<p>Mitigation Measure 9.1: The applicant shall survey the building for the presence of asbestos and lead-based paint. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when renovating 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.</p>	Building Official	Review survey to be conducted by project sponsor. Verify that project plans include removal of asbestos-containing materials or lead paint if necessary.
<i>Noise 10b: Exposure to Severe Noise Levels</i>	<p>Mitigation Measure 10.1: The project applicant shall incorporate noise reduction measures into project construction activities. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences and businesses in advance of construction work, and installing temporary barriers around construction noise sources.</p>	Community Development Director	Review noise reduction measures prior to issuance of demolition permit; periodic inspection during demolition and construction by contractors.
<i>Cultural 14b: Archaeological Resources</i>	<p>Mitigation Measure 14.1: If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural</p>	Community Development	Participate in meeting to determine

321 Middlefield Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	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.	Director Public Works Director	appropriate course of action; verify that report has been submitted to appropriate State agencies.



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF OCTOBER 23, 2006
AGENDA ITEM C1

LOCATION: 321 Middlefield Road **APPLICANT:** Pollock Financial Group

EXISTING USE: General Office **PROPERTY OWNER:** Allstate Insurance Company

PROPOSED USE: Medical Office **APPLICATIONS:** Use Permit, Architectural Control and Heritage Tree Permit

ZONING: C-1 (Administrative and Professional District, Restrictive)

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	3.12 ac	3.12 ac	2 ac min.
Lot width	325 ft.	325 ft.	150 ft. min.
Lot depth	419 ft.	419 ft.	150 ft. min.
Setbacks			
Front	61 ft.	61 ft.	30 ft. min.
Rear	230 ft.	230 ft.	20 ft. min.
Side (left)	72 ft.	72 ft.	20 ft. min.
Side (right)	20 ft.	20 ft.	20 ft. min.
Building coverage	25,800 sf 19 %	25,800 sf 19 %	54,436 sf max. 40 % max.
FAR (Floor Area Ratio)	46,700 sf* 34.3 %	46,700 sf 34.3 %	40,827 sf max. 30 %
Square footage by floor	3,700 sf/basement 25,800 sf/2nd 18,900 sf/2nd	3,700 sf/basement 25,800 sf/1 st 18,900 sf/2nd	
Square footage of building	48,400 sf	48,400 sf	
Building height	29 ft.	24.3 ft.	35 ft. max.
Landscaping	39,540 sf 29 %	55,515 sf 41 %	No Minimum
Paving	70,750 sf 52 %	54,775 sf 40 %	No Maximum
Parking	234	129	234 stalls (1 per 200 sf)
Trees	Heritage trees 23	Non-Heritage trees 10	New Trees 89**
	Heritage trees to be removed 11	Non-Heritage trees to be removed 6	Total Number of Trees 105

*Approximately 1,700 square feet of the basement does not count toward the gross floor area in the FAR calculation.

**Five of the trees will be street trees along Linfield Drive

PROPOSAL

The applicant, Pollock Financial Group, is requesting a use permit and architectural control to convert an existing 48,400-square-foot general office building into a medical office building. Additionally, the applicant proposes to remodel the exterior façade to provide an updated appearance. The proposed project would require approval of a use permit to allow medical office uses in the C-1 zoning district, architectural control for exterior modifications to the building, and a heritage tree permit for removal of 8 heritage trees and the relocation of three heritage trees. The proposed project requires the preparation of an Environmental Impact Report (EIR). The Planning Commission is the final decision-making body on the proposed Use Permit and Architectural Control.

BACKGROUND

Linfield/Middlefield/Willow Area Study

The City has been considering potential changes to the existing commercial properties in the Linfield/Middlefield/Willow (LMW) area since 2002 as part of the review of specific development proposals and overall land use considerations for the area. The subject property at 321 Middlefield Road has been one of the subject properties under review. Neighborhood meetings and City Council sessions were conducted to provide input and direction on the process and review of the land uses for specific sites. In June 2005, the City Council provided direction that included consideration of a medical office use at 321 Middlefield Road. Additionally, on August 23, 2005, the City Council directed staff to proceed with a comprehensive traffic study of the LMW area (inclusive of 321 Middlefield Road, 75 Willow Road, and 8 Homewood Place) with DKS Associates to identify potential traffic impacts and potential mitigation measures.

On March 14, 2006, staff presented the City Council with the LMW Area-Wide Transportation Impact Analysis, which evaluated the traffic from the two proposed (321 Middlefield Road and 75 Willow Road) and one potential (8 Homewood Place) development projects and the effect on the roadway system. The LMW Analysis identified potential mitigation measures to reduce the potentially significant impacts to less than significant for the three development proposals plus the projects located at 110 Linfield Drive and 175 Linfield Drive. While the LMW Analysis provided a broad range of mitigation measures, staff provided the City Council with a list of staff recommended improvements that would be completed as part of each development proposal. Individual improvements have been assigned to specific development proposals to ensure that specific improvements are clearly linked and accounted. The LMW Analysis has been incorporated into the Draft EIR prepared for the proposed project.

Planning Commission Review

The Planning Commission conducted a study session on the proposed project at its December 5, 2005 meeting. The Commission generally supported the concept of conversion from general office to medical office use and the proposed improvements to

the exterior of the building, but desired to know more about the potential traffic impacts, the circulation pattern, the street frontage improvements, and other amenities that may be offered such as bicycle parking.

On July 31, 2006, the Planning Commission conducted a public hearing on the Draft EIR based on the findings of the Initial Study prepared for the project. The Draft EIR was circulated for a 45 day review period between July 18, 2006 and August 31, 2006. The purpose of the meeting was to receive comments on the document by members of the Commission and the public. The staff report for the July 31, 2006 meeting is available at the Planning Division office for review. Minutes from the Planning Commission meeting are included in the Response to Comments and available at the Planning Division.

ANALYSIS

Proposal

The applicant is proposing to convert the existing 48,400-square-foot general office building into medical office use. The site is approximately 3.1 acres and located on the northwest corner of Middlefield Road and Linfield Drive. The site is located in the C-1 zoning district, where there are no permitted uses. The conversion of the general office building to medical office uses would require a use permit. As part of the proposed project, the applicant would also make exterior modifications to the building, reconstruct the parking lot, remove a portion of the existing landscaping to accommodate additional parking, and construct street frontage improvements on both Middlefield Road and Linfield Drive. While the applicant has expressed interest in a condominium subdivision, a tentative subdivision map is not part of this review process. Any future subdivision would be reviewed under a separate application.

Medical office uses are categorized differently from general office uses. While the two uses can be compatible, medical office uses typically generate more trips throughout the day and have a greater parking demand. The use permit request will review the appropriateness of the use at the proposed scale at the subject location.

Over the past several months, the applicant has refined the drawings to reflect changes to the plan, including modifications to the building, site access, parking, heritage trees, and street frontage improvements. The revised plans are included as Attachment B.

Building Characteristics

The 48,400-square-foot building is rectilinear in shape and oriented towards Middlefield Road. The building was built in 1950 and over the years, has had few additions and several interior renovations. The building is primarily two stories with a small basement, which is mostly used for storage and mechanical equipment. Because area used for mechanical equipment is excluded from the gross floor area calculation, the gross floor area is 46,700 square feet. The Floor Area Ratio (FAR) is approximately 34.3 percent. The FAR exceeds the maximum allowed FAR in the C-1 zoning district, which is 30

percent. Although the building is nonconforming, the building is not subject to amortization as identified in the Zoning Ordinance. Per Section 16.80.090 of the Municipal Code, the subject site is exempt from the floor area reduction from 40 percent to 30 percent since the building existed prior to December 1, 1994. The project does not include expansion of the existing building.

Architecture and Materials

Exterior modifications, such as those proposed, require Architectural Control review by the Planning Commission. The applicant proposes to upgrade the flat roof with a low-pitched, standing seam metal mansard roof, which would likely create the greatest visual change to the building. The building will also be receiving several new architectural treatments to enhance the appearance of the building by providing variation in materials and articulation. The applicant proposes to add new plaster piers spaced between every two windows located on the ground floor on the front and rear elevations, which would coordinate the front and rear elevations of the building. The piers on the front façade along Middlefield Road would replace the existing trellis and landscaping detail. The applicant also proposes to remove all of the existing redwood siding and reface the building with new plaster over foam furring. The building would be painted a shade of beige. Other materials such as stone veneer would be used to overlay the existing planter boxes on the left side of the main front entrance while the right side planter box would be removed. The majority of the existing single-paned windows would remain while several will be replaced with new aluminum windows with insulated glass.

The applicant also proposes to enhance the front and rear entries and modify the side entrances on the north and south elevations. New stone piers would frame the two main entries in the front and rear of the building. The main entries would include aluminum and glass storefronts with double doors. Additionally, the rear entry from the parking lot would be accented with a new standing seam metal canopy. Several secondary access points will also be modified with new doors, including one with a transom window.

Floor Plan and Use

The proposed floor plan for 11 office suites is conceptual at this time. Dependent upon future tenant needs, the spaces could be divided differently. Future work, so long as the exterior is not impacted and the use characteristics remain generally the same or less intensive, would not require a revision to the use permit. Although the applicant intends to use the building for medical and medical-related uses, the proposed building could be occupied by general office uses.

Circulation and Parking

The existing parking lot for the site is located behind the building at the rear of the lot, where it is accessed from Linfield Drive. A semi-circular driveway, located at the front of the property along Middlefield Road, is accessible for passenger drop-off, but there are

no striped parking spaces. The existing site contains 129 parking spaces in a mix of parallel, 90-degree, and 45-degree parking stalls. The number of parking spaces does not meet the C-1 parking requirements, which is one space per 200 square feet of gross floor area. Based on the gross floor area of the building, the required number of parking spaces is 234 stalls. Parking cannot be located in any required setback abutting a street.

The applicant proposes to reconfigure the existing parking lot to create additional stalls to conform to the parking requirements. The parking spaces would be converted to 90-degree spaces. New spaces would be placed along the three perimeters of the site where parking does not currently exist. The modified plan would place parking along Linfield Drive, within the existing drop-off area along Middlefield Road, and at the rear of the property adjacent to 110 Linfield Drive. The parking design would become more efficient and allow two-way traffic within each drive aisle. The length of the parking aisles would become longer to accommodate more parking spaces. An existing outdoor patio area would be eliminated to accommodate the new parking plan. The plan also provides several areas for the installation of new bicycle racks and bicycle lockers.

Additionally, the applicant proposes to make modifications to the ingress and egress points to the site. The existing driveway exit of the circular loop is proposed for removal. The ingress point, which would be slightly modified to meet City standards, would remain. This would only serve as a right-turn in entrance; no exiting from this driveway would be permitted. Cars would exit through the new connection between the front and rear lot and onto Linfield Drive. The elimination of the egress point on Middlefield Road allows the front and rear parking lots to be connected. The applicant also proposes to eliminate the westernmost driveway along Linfield Drive to accommodate the additional parking spaces along the rear property line. As a result, the applicant proposes to widen the remaining driveway to properly accommodate two-way vehicular traffic.

Overflow Parking

During the approval process of 110 Linfield Drive and 175 Linfield Drive, the City Council directed the applicant to explore options for overflow parking during special events and the holiday season. Given the offset peak parking demand between residential and office uses, nearby office parking lots were considered a potential resource. The site at 321 Middlefield was seen as the greatest potential given the proximity to both 110 Linfield Drive and 175 Linfield Drive and the number of parking stalls. The applicants of these two projects are required to make a reasonable effort to negotiate an overflow parking agreement to allow residents of 110 Linfield and 175 Linfield Drive to use the parking facilities at 321 Middlefield Road before and after business hours (generally 7 a.m. to 6 p.m., Monday through Friday). Staff has added condition 5.i to allow overflow parking should an agreement be made between the property owners.

Trees and Landscaping

The site contains 33 trees, of which 23 are heritage size. The site contains a mix of species, including liquidambar, deodar cedar, and olive. The existing trees are primarily located along Linfield Drive in the landscaped area on the side of the building. The applicant is proposing to remove eight heritage trees, all liquidambar, and relocate three heritage trees, including one magnolia tree and two olive trees. Six non-heritage size trees are also proposed for removal. The trees are primarily being removed/relocated to accommodate the increase in number of parking spaces.

The applicant has submitted a tree replacement and landscaping plan. The plan incorporates a variety of new trees, shrubs, and groundcover to accent the site. The applicant proposes to install 89 new trees, of which a majority will be 24-inch box and have the capability of becoming heritage size. The trees will be concentrated along the property edges to provide an attractive streetscape. The new London Plane trees planted along the rear property line will function as screening trees and provide a buffer between the parking lot and the new residential units located at 110 Linfield Drive, which is currently under construction. Trees have also been placed in the parking islands, where several vegetated swales are proposed to help reduce and treat stormwater runoff. The added accent trees in the parking lot will provide shade and enhance the overall aesthetics of the site.

Streetscape Improvements

The proposed landscape plan includes street frontage improvements along Middlefield Road and Linfield Drive. The site does not currently contain sidewalks on either of these frontages. As part of the improvements, the applicant would install curb, gutter, sidewalk and a parkstrip. Because the overhead wires along Middlefield Road pose some constraints to maintaining street trees, the applicant, in conjunction with staff, has determined a feasible alternative to help preserve the appearance of the street trees. The applicant proposes to install a 3.5-foot planter strip with low-lying shrubs and groundcover and a five-foot sidewalk within the public right-of-way. The applicant would also install a series of trees at the back of the sidewalk on private property to provide the appearance of a row of street trees. The applicant is proposing a combination of Brisbane box and flowering cherry trees along the frontage of Middlefield Road. Along Linfield Drive, a new parkstrip installed with Brisbane box trees and a five-foot sidewalk is also proposed to enhance pedestrian connectivity. To help frame the sidewalk, the applicant is proposing to plant two relocated olive trees and a third new olive tree at the back of the sidewalk in an offset pattern from the street trees.

As part of approved projects at 110 and 175 Linfield Drive, streetscape improvements along Linfield Drive are proposed and under review. The improvements would include an offset landscaped median island with street parking provided adjacent to the 321 Middlefield Road site. The improvements have been designed to provide an attractive entrance to the Linfield Oaks neighborhood as well as a visual mechanism to potentially slow vehicular traffic. The developers of 110 and 175 Linfield Drive are responsible for installation of the improvements, but would be reimbursed based on linear frontage of

property along Linfield Drive if redevelopment occurs. The anticipated contribution by the applicant of 321 Middlefield Road is approximately \$128,700.

Signage

The applicant is proposing a new monument sign at the corner of Middlefield Road and Linfield Drive. The plans include details of the sign, including a height of 3.5 feet and width of 10 feet. The building name would be in eight-inch tall vinyl lettering at the top of the sign and the address, or other characters, would be on a removable aluminum plate with 4.5-inch tall vinyl letters. The plans show the monument to be painted aluminum with a concrete foundation. Staff believes that a monument sign with the proposed dimensions is appropriate for the site. Details about the materials and lettering will be submitted with a sign application. Additionally, any future building mounted signage would need to be approved with a sign permit.

Land Use Change

The C-1 zoning district has no permitted uses. The existing, partially occupied building could be fully occupied by a general office use without Planning Commission review. The change in office type from general to medical, however, requires approval of a use permit. The proposed change to medical office can be considered a more intense land use, from a transportation perspective, given the historical pattern of medical offices uses that generate more average daily trips to and from the site and demand more parking. The number of physicians and the type of medical practice also factor into the amount of vehicle trips and parking needs. The Draft EIR prepared for the project concluded that the project, in combination with the proposed project at 75 Willow Road and a hypothetical project at 8 Homewood Place, would create significant traffic impacts. The Draft EIR also identifies mitigation measures to help reduce some of the level of impacts. The project will contribute to transportation improvements such as adaptive signal timing along Middlefield Road and improvements to enhance pedestrian crossing on Middlefield Road near Linfield Drive. The project also includes site design modifications, such as ingress only along Middlefield Road, to improve safety by minimizing turning conflicts. A more detailed summary of the traffic impacts and mitigation measures is included in the Environmental Review section below.

The proposed medical office use is compatible with office and residential uses that surround the site. The project site is located on an arterial street where such uses are appropriate. One of the General Plan Commercial policies (Policy I-E-4) states that any new or expanded office must provide for adequate off-street parking, mitigate traffic impacts, develop effective alternatives to auto commuting, adhere to acceptable architectural standards and protect adjacent residential uses from adverse impacts. The applicant's proposal adequately addresses these issues. The proposed modifications include increasing the number of off-street parking to comply with the Zoning Ordinance and the implementation of Transportation Demand Management measures, including providing bicycle lockers and showers, the creation of a vanpool program, and participating in a shuttle program. However, even with these measures, some of the traffic impacts remain significant and unavoidable, and mitigation measures

are not feasible at this time. The Planning Commission should consider whether the benefits of the project outweigh the impacts of the project through the discussion of the Statement of Overriding Considerations which is included in the CEQA Findings, included as Attachment C.

The proposed alterations to the exterior of the building are modest and blend in with the character of the area. The changes will enhance the building by providing a new mansard roof, pillars to articulate the building, and stone accents. The site plan also includes the installation of over 80 24-inch box trees in a variety of species, of which some are screening trees for the adjacent residential units. The street frontages along Middlefield Road and Linfield Drive would also be improved as part of this project. The trees would be aesthetically pleasing while the new sidewalks would provide a safe pedestrian path and a connection with adjacent sites. The proposed project meets the intent of the General Plan policy.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) was prepared for the proposed project, and was released for public comment from July 18, 2006 to August 31, 2006. Staff received ten comment letters from several public agencies, residents, and a law firm representing the Linfield Oaks Neighborhood Association. These comments, in addition to comments received at the Draft EIR public hearing on July 31, 2006, are included in the Response to Comments on the Draft EIR. The Response to Comments and the Draft EIR comprise the Final EIR for the project. The comments question the adequacy of the Draft EIR and primarily raise concern about traffic. Several of the letters raise concern about the lack of visibility along Middlefield Road due to a raised and overgrown median island. This issue is separate from the project and has been addressed by the City Council and efforts by the Public Works Department have been made to maintain the plantings. The Final EIR was released for public review on October 10, 2006. The public review period ends on October 23, 2006 at 5:30 p.m. To date, no letters have been received on the Final EIR.

In order to complete the EIR process and certify the document, CEQA requires the preparation of Findings for Certification, a Statement of Certification, and a Mitigation Monitoring and Reporting Program. The Findings for Certification address the significant impacts identified in the Draft EIR, describing the impact, the mitigation and the determination of significance. The Statement of Certification states that the City has met all procedural requirements of CEQA. The Mitigation Monitoring and Reporting Program (MMRP) establishes responsibility and timing for implementation of all required mitigation measures. The mitigation measures have been taken from the list of mitigations measures listed in Table 2.0-1 of the Draft EIR on pages 2.0-3 through 2.0-10 and as amended by the Final EIR. The Findings for Certification, including the Statement of Certification, and the Mitigation Monitoring and Reporting Program are included as Attachments C and D.

As identified in the Draft EIR Analysis of Impacts section below, the project will result in significant, unavoidable aesthetic and traffic impacts. In order to approve the project

with significant and unavoidable adverse environmental impacts, the Planning Commission must adopt a Statement of Overriding Considerations. This is a specific finding that the project includes substantial public benefit that outweighs its significant adverse environmental impact. The Statement of Overriding Considerations is part of the Findings for Certification, which is included as Attachment C.

The Planning Commission should review and make a recommendation on the adequacy of the Final EIR, Findings for Certification, the Statement of Overriding Consideration, Statement of Certification and Mitigation Monitoring and Reporting Program. The Planning Commission is the final decision-making body unless appealed to the City Council.

EIR Analysis of Impacts

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

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

Aesthetics

The Draft EIR concludes that the proposed project and the project's contribution to cumulative tree removals would result in significant unavoidable impacts to scenic resources due to the removal of 11 heritage trees that help characterize the site. The City's requirements for removing heritage trees require the replanting of suitable trees, but the trees will be small and will take a number of years to grow to sizes comparable to the trees slated for removal. The Draft EIR concludes that there are no feasible mitigation measures to address this visual impact.

Since the printing of the Draft EIR, the applicant has made modifications to tree removal and landscaping plan in effort to reduce visual impacts. While 11 trees are proposed to be removed, three of the trees are now going to be relocated on-site. Additionally, the applicant has increased the number of proposed trees to be planted. The additional

efforts help minimize the impact, but does not fully mitigate for the loss of the heritage trees.

Transportation

The transportation analysis considered impacts to signalized and unsignalized intersections, roadway segments, transit, bicycle and pedestrian access, and site access, circulation and parking. The proposed project was considered in the LMW Area-Wide Transportation Impact Analysis which included proposed projects located at 75 Willow Road and 8 Homewood Place.

During the LMW Analysis review by the City Council, staff provided a list of mitigations measures that would be shared amongst the applicants. The table, included as Table 4.3-9 of the Draft EIR, identifies the measures, the percent allocation for each improvement by each applicant, and the method for meeting the requirement.

The following mitigation measures/improvements were identified for the proposed project at 321 Middlefield Road:

- *Intersection of Alma Street and Ravenswood Avenue:* Prohibition of left and through movements from Alma Street during the AM peak period. The prohibition shall become effective prior to occupancy of the first project completed.
- *Intersection of Linfield Drive and Middlefield Road:* Installation of pedestrian improvements such as a lighted crosswalk at the intersection of Linfield Drive and Middlefield Road as the first priority. If funds are not used for that purpose, the City may use such funds for other transportation improvements on the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.
- *Project Contributions to Intersection Impacts or Related Benefits:*
 - Adaptive signal timing improvements at the intersection of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500.
- *Linfield Drive Streetscape:* Installation of landscaped median and roundabout in Linfield Drive between Middlefield Road and Waverley Street: \$128,700.

Near-Term Impacts to Project Area Intersections: Peak-Hour Traffic

Together with the other two projects, the proposed project would affect operating conditions in the AM peak hour at 11 of the 15 study intersections, which are identified on Figure 4.3-1 of the Draft EIR. However, the average delay of nine of the intersection would range from 0.2 and 0.8, which would be below the City's threshold for significance. The northbound approach from Alma Street to Ravenswood Avenue would continue to operate at LOS E and the average delay would increase by 5.2 seconds and would be considered a significant impact.

In the PM peak hour, 14 of the 15 study intersections would be impacted. The intersection at El Camino Real and Ravenswood Avenue would continue to operate at LOS E, and the average delay would increase by approximately 5.4 seconds. The

increase in average delay for critical movements on the east and westbound approaches would be approximately 3.6 and 30 seconds, respectively. The increase in delay exceeds the 0.8-second threshold of the City of Menlo Park's Transportation Impact Analysis (TIA) Guidelines and therefore, the project impacts in the PM peak hour to the intersection of El Camino Real and Ravenswood Avenue would be considered significant.

With the proposed mitigation measures, the impact at the intersection of Alma Street and Ravenswood Avenue in the AM peak hour would be reduced to a less than significant level. However, the impact at the intersection of El Camino Real and Ravenswood Avenue would remain significant and unavoidable because implementation of the proposed mitigation measures pose some constraints given the existing right-of-way limitations and the fact that City does not have jurisdiction over the intersection.

Near-Term Impacts to Project Area Streets: Average Daily Trips

The addition of project traffic, added to the near-term scenario, would be greater than the significance criteria in the TIA Guidelines on six of the ten study roadway segments for the three projects. For the project at 321 Middlefield Road Road, individually, the EIR states that the project would also result in impacts at the same six roadway segments, which include the following:

- Linfield Drive (Waverley Street to Middlefield Road)
- Waverley Street (Linfield Drive to Laurel Street)
- Ravenswood Avenue (El Camino Real to Alma Street)
- Ravenswood Avenue (Middlefield Road to Laurel Street)
- Middlefield Road (Ringwood Avenue to Willow Road)
- Willow Road (Middlefield Road to Bay Road)

Proposed mitigation include the construction of streetscape improvements, including a median and roundabout along Linfield Drive. The applicant would also be subject to a Transportation Demand Management (TDM) Plan, a draft of which is included as an appendix to the Final EIR, would be included as a condition of approval. Because the proposed mitigation would not reduce the level of impact and other mitigation measures, other than reducing the size of the project, are infeasible at this time, the project would result in significant and unavoidable impacts on six street segments.

Cumulative Impacts to Project Area Intersections: Peak-Hour Traffic

Similar to the near term project scenario, the cumulative scenario would have impacts at the intersections of Alma Street and Ravenswood Avenue and El Camino Real and Ravenswood Avenue. Proposed mitigation would reduce the impact on Alma Street and Ravenswood Avenue, but until mitigation becomes feasible at El Camino Real and Ravenswood Avenue, the impact remains significant and unavoidable.

Under the cumulative scenario, the Middlefield Road and Willow Road intersection would have impacts during the AM and PM peak hours. The impact at the intersection would remain significant and unavoidable because implementation of the proposed mitigation measure would create other impacts and safety concerns.

The traffic volumes in the long-range plus project conditions, including all three projects, would meet a warrant for traffic signal at the intersection of Middlefield Road/Linfield Drive intersection. However, the installation of the signal could create additional impacts elsewhere, including increased traffic on internal streets in the Linfield Oaks neighborhood. In addition, the signal would mitigate impacts during the PM peak hour, but would cause delays during the remaining of the day. This would be inconsistent with the General Plan Circulation Element for arterial roadway operations and therefore, the proposed mitigation is considered infeasible. Because the proposed mitigation is infeasible, the cumulative impact remains significant and unavoidable. Nevertheless, staff and the City Council have identified a desire to improve the safety for pedestrians crossing Middlefield Road either at the intersection with Linfield Drive or in close proximity. The exact improvement has not been identified at this time, but given the location of the 321 Middlefield Road project, it is expected to contribute financially toward a potential improvement.

Cumulative Impacts Project Area Streets: Average Daily Trips

Under the cumulative scenario, two additional roadway segments (Middlefield Road and Laurel Street) would be greater than the significance criteria in the TIA Guidelines for the three projects. For 321 Middlefield Road, individually, the EIR states that the project would result in impacts to the same six roadway segments as the near term, plus the two additional segments.

RECOMMENDATION

The proposed use permit and architectural control request to change an existing general office to medical office use is appropriate for the location and compatible with the surrounding land uses. The proposed architectural modifications would provide a updated façade without changing the footprint of the building. As indicated in the Draft EIR, proposed project would have a less than significant impact all environmental impact areas except for traffic and aesthetics due to loss of trees. Staff believes that the benefits of the proposed project outweigh the potential significant and unavoidable impact. Staff recommends that the Planning Commission approve the certification of the EIR and Statement of Overriding Considerations, and approve the use permit, architectural control subject to the following findings, actions and conditions:

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.

3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Approve the use permit and architectural control request subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, dated received October 18, 2006, consisting of 26 plan sheets and approved by the Planning Commission on October 23, 2006 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. 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.
 - e. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect

- subject to review and approval of the City Arborist and the Planning Division. The landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping shall be installed prior to final building inspection.
- f. Prior to grading permit issuance, 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.
 - g. Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
 - h. Concurrent with the building permit submittal for site improvements, the applicant shall submit a parking lot stripe plan indicating one-way access from Middlefield Road and two-way access from Linfield Drive subject to review and approval of the Transportation Division.
 - i. Prior to building permit issuance, the applicant shall use reasonable, best efforts, as determined by the Community Development Director, to negotiate an overflow parking agreement to allow residents of the 110 and 175 Linfield Drive project sites to use the parking facilities at 321 Middlefield Road before and after business hours (generally 7 a.m. to 6 p.m., Monday through Friday). If the applicant is unsuccessful in negotiating an agreement prior to building permit issuance, the applicant shall continue to use reasonable, best efforts to negotiate an agreement up to the time of final building inspection.
 - j. If an overflow parking agreement is agreed upon between 321 Middlefield and 110 Linfield Drive and 175 Linfield Drive, the agreement shall be provided to the City and reviewed and approved by the Planning and Transportation Divisions prior to any parking being used by residents.
 - k. Prior to building permit issuance, the applicant shall submit improvement plans for the right-of-way fronting the property. The plans shall include details for curbs, gutters, sidewalks, landscaping irrigation, lighting, etc. The plans shall be subject to review and approval of the Public Works Department.
 - l. Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention

capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval. (MM Hydrology-1)

- m. Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards, and shall be subject to review and approval by the Engineering Division. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance. (MM Hydrology-2)
- n. 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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.) (MM Hydrology-3)
- o. Prior to occupancy, the City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed in the Linfield/Middlefield/Willow (LMW) area, subject to approval by the Transportation Division. (MM Traffic 1-a)

- p. Prior to building permit issuance, 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:
- Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.
 - Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500. (MM Traffic-1c)
- p. Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to, the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to review and approval by the Engineering Division. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements. (MM Traffic-2)
- q. Prior to building permit issuance, the applicant/project sponsor shall 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.

In addition, the applicant/project sponsor shall 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)
- r. 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. 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-7.1) 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. (MM-7.2) At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. (MM-7.3)
- s. Prior to building permit issuance, 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) The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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)
- t. 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 renovating 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-9.1)

- u. 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)
- v. 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)

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTICE & APPEAL PERIOD

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 effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- D. Mitigation Monitoring and Reporting Program for the Environmental Impact Report

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
- Planning Commission Study Session Staff Report, December 5, 2005
- City Council Staff Report on LMW Area-Wide Transportation Impact Analysis, March 14, 2006
- Draft Environmental Impact Report, dated July 2006
- Planning Commission Staff Report, July 31, 2006
- Final Environmental Impact Report, dated October 2006

EXHIBITS TO BE PROVIDED AT MEETING

- Colors and Material Board

Note: Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

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MENLO PARK PLANNING COMMISSION MINUTES

Regular Meeting
October 23, 2006
7:00 p.m.

City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:00 p.m.

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

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner, Justin Murphy, Development Services Manager

A. PUBLIC COMMENTS

There were none.

B. CONSENT

There were no consent items on the agenda.

C. PUBLIC HEARING

D.

Commissioner Deziel recused himself at this point for consistency with previous meetings.

1. **Use Permit, Architectural Control, Heritage Tree Permit, and Environmental Review/ Pollock Financial Group/321 Middlefield Road:** Request for a use permit and architectural control for the conversion of an existing 48,400-square-foot building from administrative to medical office use and the associated exterior modifications to the building and site located in the C-1 (Administrative and Professional District, Restrictive) zoning district. Request for Heritage Tree Permit for the removal of 8 heritage trees, relocation of 3 heritage trees, and planting of replacement trees. The proposal requires the preparation of an Environmental Impact Report.

Staff Comment: Planner Chow reported that the applicant, in addition to the request for a use permit for the conversion of the building as stated, was also proposing exterior modifications to the building facade, an increase in the number of parking spaces, the removal of 11 heritage trees, the installation of approximately 90 trees, and street frontage improvements along Middlefield Road and Linfield Drive. She noted that the proposed project required approval by the Planning Commission on the use permit for the change in use from general office to medical and related uses; architectural control for the proposed exterior modifications; environmental review, including adoption of the *Findings for Certification of the Environmental Impact Report* and adoption of the *Mitigation Monitoring and Reporting Program* prepared for the project. She said that the Draft Environmental Impact Report (DEIR) concluded that the proposed project would have less than significant impacts, with the exception to the topics of Aesthetics and

Transportation, but that those items, with proposed mitigation, would remain significant and unavoidable. She said that the Commission would also need to consider the *Statement of Overriding Considerations*, included within Attachment C, as part of their action on the *Finding for Certification of the EIR*.

Planner Chow said that staff was recommending a specific condition for contribution to the City's shuttle fee, which was included as part of the applicant's proposed *Transportation Demand Management Plan*, and which would state: *Prior to building permit issuance, the project shall contribute shuttle fees in accordance with the proposed Transportation Demand Management Plan and the City's requirements. The shuttle fee is \$0.105 per square foot of commercial use paid on an annual basis.*

Planner Chow noted that the DEIR, the conditions of approval, the *Mitigation Monitoring and Reporting Program*, and the CEQA findings identified traffic mitigation at Ravenswood Avenue and Alma Street in items labeled Traffic 1-a and the first bullet under Traffic 1-c. She said that the proposed mitigation for the intersection was the prohibition of left turns at the intersection of Alma Street and Ravenswood Avenue during the AM peak hours. She said staff had modified condition 5.o to clarify the proposed mitigation measure with the timing of the signage, the responsibility of the installation, and the cost as follows: *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 yet been funded by another project.* She said this proposed change would be consistently modified in the conditions of approval, the *Mitigation Monitoring and Reporting Program* and the CEQA findings. She noted in response to a question from Commissioner Pagee that this was also a condition for the 75 Willow Road project. Commissioner Pagee asked why other projects in this area already reviewed by the Commission had not had to contribute to this fee. Mr. Chip Taylor, Transportation Division Manager, said this was a "first-come, first-served" scenario; thus whatever project came in first would trigger the need for these improvements and would pay the costs.

Planner Chow noted that the second paragraph, first sentence on page 9 of the staff report should read: *In order to approve the project with significant and unavoidable adverse environmental impacts, the ~~City Council~~ **Planning Commission** must adopt a Statement of Overriding Considerations.* She noted the last sentence on page 19 of the staff report under the *Public Notification* section was in error and that the Planning Commission was the final decision-making body and could take action on this project this evening. She said that the Planning Commission's action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

In response to a question from Commissioner Sinnott, Planner Chow confirmed that the published Public Notice had been worded accurately. She also noted that the conditions of approval included two items labeled "5.p" which would be revised to be sequential. She noted that staff had received letters on the proposed project since the distribution of the staff report from Mr. Stuart Soffer and Mr. Robert L. Payton, and those had been distributed to the Commission.

Questions of Staff: Commissioner Keith asked that staff give the Commissioners a copy of the *City of Menlo Park Grading and Drainage Guidelines and Checklist* as referenced in the

mitigation measures. Planner Chow said she did not have the document with her, but could provide the Commission a copy of those guidelines later.

Public Comment: Mr. Jim Pollock, applicant, said they would accept the financial responsibility as specified by staff in regards to a shuttle service. He said they had been working on the project since June of 2003 with the City Council, Commission and community and their goal had been to create a win-win solution. He said that Stanford was terminating leases held by physicians for medical office space on Welch Road as the lease expiration dates came up, and that this building space proposed would attract qualified physicians to the area. He said the façade and grounds would be completely renovated with the same square footage and that sustainable building practices would be utilized

Ms. Susan Eschweiler, DES Architects, said she would highlight what had changed in the proposal since previous study sessions and consideration of the draft EIR by the Commission. She revisited the existing site plan as located on the corner of Linfield Drive and Middlefield Road. She said to provide parking appropriate for medical use and comply with C-1 Zoning regulations that the parking needed to increase from 189 to 234 spaces. She said the proposed site plan would bring vehicles into the site from Middlefield Road with a right-turn only entrance with parking across the front of the building that would then wrap and connect to the rear of the building. She said entrances to the building would be from the front and rear. She said since the Commission had last reviewed the project that the DEIR had been circulated and that the removal of heritage trees and trees in general had been an area of significant concern in the DEIR. She said that originally 11 heritage trees needed removal but that now had been reduced to eight heritage trees. She said all of the trees to be removed were liquid ambers and that many of those were under the power lines and had been poorly trimmed over the years and had weak limbs. She said the trees also were in the area where they wanted to install a public sidewalk along Middlefield Road that would connect the sidewalk to the north of the Bohannon property and to the south along Middlefield Road. She said the removal of the amber trees would open up visibility of a very nice large oak tree, a cedar tree and a smaller oak tree on the property. She said a Specimen magnolia tree at the corner of the building would be relocated to the front of the property at the corner of Linfield Drive and Middlefield Road. She said there were also two heritage Olive trees in the rear that would be relocated to the frontage yard rather than removed. She said curb and gutter would be replaced at Middlefield Road and planting strip and five-foot sidewalk would be added before the property line. She said trees would be planted on the private property that would act like street trees with alternate deciduous and evergreen plantings. She said the trees and sidewalk would be continued along Linfield Drive in addition to keeping those existing trees. She said trees would be planted along the back to provide shade on the parking lot and cars. In response to a question from Commissioner Riggs, she said that those would be Chinese elms and Purple-leafed plums.

Ms. Eschweiler said that they had committed to a zero net flow of storm water from the site. She said use of pervious paving was needed to accomplish that and in-between the pervious paving and along the edges of the properties there would be bio-swales, shallow valleys filled with grasses that would filter parking lot runoff before it entered the storm drain. She said they added bike racks and lockers to the rear entrance and along the sides. She said that showers were added to be interior for the use of those who biked to work. She showed the Commission "before" and "after" photos of the site and highlighted various architectural details. She provided a color board for the Commission's review.

In response to a question from Commissioner Pagee, Ms. Eschweiler passed out a booklet from San Mateo County regarding sustainable building guidelines. She also distributed another handout with a checklist that showed what sustainable building features would be incorporated

in the development as known, noting that as further plans were developed, the guidelines would continue to be incorporated. She said that many of the guidelines were framed as goals; the first was to create a more sustainable community and respect the site which was accomplished through re-use of the existing building. She said any demolished materials from the interior renovation would be recycled. Additionally, she said the project was maximizing the corner location close to the downtown by providing pedestrian and bicycle access; the site was close to public transportation and funds would be dedicated to a shuttle service as well. She noted other items already mentioned such as the "heat island" to the rear of the building, permeable paving, bio-swales and zero net runoff, drip irrigation, construction of a new trash enclosure with recycling bins, use of steel smelting ash in the concrete (regional recycling approach), and metal stud framing instead of wood. She said that if wood was used it would be specified FSC certified wood which was wood that was managed. She said the roof would be light colored and weatherproofed. She said they wanted to save energy by providing shading with the mansard roof, new doors with weather stripping, and the use of operable windows. She said they would be adding insulation at the walls and roof. She said all of the HVAC equipment would have to be purchased new, which provided the opportunity to get the most energy-efficient equipment. She said regarding lighting that there would be new tracks with T-8 or T-5 bulbs and it would at least meet Title 24, but upon full design it might exceed those requirements.

Mr. Jeff Pollock, applicant, said they had agreed with the neighbors at 175 and 110 Linfield Drive to participate in the Linfield Drive Streetscape Improvements and that their proportionate share of those improvements would be up to \$400,000. He said right turns would be discouraged out of the medical building site through the use of medians, landscaping and signage, and in the CC&Rs. He said they thought there would be a crosswalk across Middlefield Road.

Commissioner Keith asked about bike lanes. Mr. Taylor, Transportation Division, said the intent was to have bike lanes on both sides of Linfield Drive and to accommodate parallel parking as well along the medical building site. Commissioner Keith asked about a crosswalk. Mr. Taylor said that when 110 and 175 Linfield Drive was reviewed by the City Council there had not been a final recommendation to whether there would be a traffic signal or a lighted crosswalk of some sort at the intersection of Linfield Drive and Middlefield Road. He said that Council asked for that consideration to be brought back closer to when the 110 and 175 Linfield Drive projects were ready to be finalized. He said that the cost for a lighted crosswalk was about \$38,000 and a traffic signal was about \$248,000.

Mr. Scott Hochstrasser said he was a land use and environmental planning consultant. He said the property owner had accepted the conditions of approval and they wanted to strongly encourage the Commission to move forward with the certification of the environmental document. He asked the Commission to look at attachment "C," on page 21, regarding the two significant and unavoidable adverse impacts related to "Aesthetics" and "Transportation." He said under CEQA the Commission needed to make a *Statements of Overriding Considerations* to approve the project and to find that the project had substantial public benefit over the environmental burden. He said staff recommended on page C-21 six different benefits of the project and some findings. He suggested adding some facts to those findings such as under "1" regarding re-use of the site that this would include making substantial aesthetic improvements to a 1950s building and substantial energy efficiency improvements as well as provide for ADA access. He said secondly that there was an expectation that this was an aging community that might well use a medical facility. He said thirdly the specific storm water improvement being made was to significantly increase the size of an inadequate storm drainage pipe to 36-inches. He said fourthly regarding a contribution to streetscape improvements to add there would be a

financial contribution of up to \$400,000 to include traffic coning, control speed and improved pedestrian and bicycle access. He said fifthly regarding the sidewalk that the project also included bike racks, lockers and showers at the site. He said sixthly that the project would contribute up to about \$120,000 to transportation improvements..

Mr. Don Brawner, Menlo Park, said the project was being shoe-horned into an area that has a Master Plan and has been under the General Plan for years, zoned specifically for C-1-A Office Use, which is a very low intensive use. He said medical offices have an excessive number of employees per square foot and excessive amount of visitors and vendors during the course of a day. He said if the owners could offer to do something other than medical offices then there might be an agreement. He said spot-zoning was unjustified and probably illegal. He said the Linfield-Middlefield-Willow TIA was inadequate. He said all of the offices at the site could be leased by the property owners if they were willing to renovate and lease them at the fair market rate. He said there were numerous locations for medical offices on the peninsula, including Palo Alto, Mountain View, Redwood City and El Camino Real in Menlo Park as well as space in Portola Valley. He said that Stanford was opening up the Mid-Point facility in Redwood City. He said there was really no need for medical offices in Menlo Park. He said the mitigation for the Alma and Ravenswood intersection was ludicrous.

Mr. Dee Tolles, Menlo Park, said he had an opposing view to the previous speaker. He noted that he had worked with the Pollocks on a previous project at 801 Welch Road as well as 49 other projects. He said Mr. Pollock's company was run on integrity and quality and they had developed many beautiful buildings with wonderful landscaping and concerned attention to the needs of the tenants and the neighbors. He said there was a need for the medical offices as Stanford was taking over the medical buildings on Welch Road for other uses as the leases expired. He said he fully supported the project.

Ms. Fran Dehn, Menlo Park, said on Middlefield Road that there was a barrier from going onto Middlefield Road from Santa Monica and it was illegal to turn right onto Santa Monica traveling south on Middlefield Road. She said it was also illegal to make a left onto Middlefield Road out of Santa Monica. She said she had taken the Public Works Director and the Transportation Manager to the site so they could see how frequently people were making the illegal left and right hand turns. She said that either the barriers should be removed or something should be done to enforce the restriction.

Mr. David Speer, Menlo Park, said the Linfield Drive Streetscape Improvements should be more codified and added as conditions of approval with greater explanation. He said he concurred with the land use planner that more facts should be included with the findings. He said his recommendation would be for a completion of the application and the project approval continued until then. He said traffic was an issue; he suggested as another condition of approval that the peak AM and PM trips be monitored and if there was a problem that the building not schedule appointments during those peak times. He recommended keeping the barrier at Santa Monica and Middlefield Road.

Dr. David Mullens, Palo Alto, said he was a physician whose practice was currently at 1101 Welch Road. He said he had been looking for office space in the immediate vicinity of Stanford for several years and the subject property offered the best hope for the doctors who practice at 1101 Welch Road. He said many of their patients were Menlo Park residents, who were happy to hear that they doctors might be able to relocate to 321 Middlefield Road. He said the population in the area was increasing and there would be a continued need for quality private practice. He said he hoped the Commission would approve the project.

Chair Bims closed the public hearing.

Commission Comment: Commissioner Sinnott said she was impressed with the design, traffic mitigation, bike racks and lockers, landscaping, sidewalk and the goal of keeping physicians in the area. She moved to approve as recommended in the staff report. Commissioner O'Malley seconded the motion.

Commissioner Riggs asked about the parking requirements. Planner Chow said that currently for the existing use there was a non-compliance situation and that if it continued as an office use an application for an Administrative Permit for parking reduction might be made. Commissioner Riggs said that in his experience some communities required more parking for medical office buildings as there was an overlap for medical appointments. He said that it seemed a very "green" project. He said the project was resolved to do onsite storm water control, which was admirable. He said regarding the Linfield Drive Streetscape Improvements that there could be a condition to require review by staff for staff fully understood there needed to be a benefit. He said the project provided financial benefit with the traffic improvements. He said the difference in parking needs between this use and its current office use would not require placement of a light at the intersection of Linfield Drive and Middlefield Road, but the residents would suffer from the traffic impact from the site. He said there was an opportunity for the City to get several thousand dollars closer to "intelligent" signalization and that was a benefit. He said the Commission also had to look City-wide and not just for the immediate neighborhood's need and the need for medical offices was there City-wide.

Commissioner Keith said it was a "green" project and it would use the existing building, which was terrific. She said however traffic was the problem. She said she liked the monitoring of the AM and PM peak hours to see if the project was adding to the traffic for possible adjustment of the appointment hours. She asked if this could be added as an amendment and suggested staff's input on this. Commissioner Riggs asked also for input on traffic patterns for medical versus office use.

Mr. Taylor, Transportation Manager, said that the only way to monitor trips would be from the driveway of the offices themselves to count the number of trips in and out during the peak AM and PM hours. He said it was difficult to follow vehicles to and from the sites to the intersections of concern. He said one way would be to put a condition related to the traffic at the site from the driveways so that it would not exceed office use during the AM and PM peak hours and be monitored that way. He said he did not know if some type of penalties could be applied if the site exceeded that amount. Commissioner Sinnott said that the traffic for AM and PM peak hours would be typical for office use. Chair Bims said for office use that the generation would be a spike in the AM and PM peak hours and that medical use would be more consistent throughout the day. Mr. Taylor said that the average was 1.55 trips per thousand square feet over one hour for office use and that medical would be an extra car per 1,000 square foot per hour. In response to Commissioner Keith, Mr. Taylor said the condition could be that the trips generated from the driveways during peak hours would not exceed the office trip generation as defined by the ITE Trip Generation Manual. Commissioner Keith asked if the maker of the motion and second would accept that amendment. Commissioner O'Malley asked what would happen if the trips generated were more than office use and if the building had to be closed then from 7 to 9 a.m. and 4 to 6 p.m. Commissioner Keith said that the number of appointments would need to be reduced during those times. Commissioner O'Malley question how with such a large building that the trips could be monitored and the number enforced. Commissioner

Sinnott said that she would prefer not to burden the project with this condition noting that there would be a ban on the right turn onto Linfield Drive, which would keep cut-through traffic down.

Commissioner Pagee said this project was the beginning of potential traffic problems in the area and the immediate problems were not being solved. She said the neighborhood residents were the victims of a summary of projects creating traffic in the area. She said a traffic light at Linfield Drive and Middlefield Road would not solve the problem. She said she wished there could be more mitigation for traffic. She said she liked the design and the landscaping.

Commissioner Keith said under the *Statement of Overriding Considerations* that the two significant issues were traffic and aesthetics. She said she could make those findings if there was something in the approval regarding the trip generation between 7 and 9 a.m. and 4 and 6 p.m. so to conform to the same number of trips as office use. Commissioner Sinnott asked if she would consider 5 to 6 p.m., as 4 to 6 p.m. would cut out hours useful for appointments for school age children. Commissioner Keith said yes.

Chair Bims said that for the C-1 Administrative and Professional District Restrictive there were no permitted uses so all conditional uses required a use permit. He said under that section of the ordinance "special uses" were allowed with a use permit.

Commissioner Riggs said the question was whether the findings could be made that there were overriding benefits because the idea that there would be commercial projects that would not generate traffic was unreasonable. He said there were clearly benefits from the project.

Commissioner Sinnott suggested calling for the vote without the amendment as it was not clear as how to establish and monitor daily trips. Commissioner Keith suggested that the limitation be between just 7 and 9 a.m.

Development Services Manager Murphy asked whether this was proposed as mitigation as it would first have to be determined that there was something in this time period that needed to be mitigated. He said if there was such a condition that this had to be agreed to by the applicant. He said staff would not be able to draft the precise condition at the moment and the item would need to be continued.

In response to a question from Commissioner Keith, Development Services Manager Murphy said in terms of impact there was one AM peak hour at the corner of Alma and Ravenswood and there was a mitigation identified for that impact. He said that what was being proposed had to be out of the realm of mitigation and had to be something the property owner was willing to accept.

Chair Bims said the traffic during the AM and PM peak hours already occurred from residents currently going to medical appointments in Palo Alto. He said there was a public benefit for Menlo Park from this medical office use as it would reduce the amount of time people would spend in their cars traveling to and from other medical offices elsewhere. He said there were alternative transportations available which also would positively impact traffic.

Commissioner Pagee asked if there was any sales tax benefit from the project. Planner Chow said perhaps from the supplies.

Planner Chow said that the items being presented were the certification of the Environmental Impact Report including the *Statement of Overriding Considerations*, the *Mitigation and*

Monitoring Program, the findings for architectural control approval, the findings for the granting of the use permit and the conditions of approval including the ones specified in staff's comments. She said there was not a specific condition limiting right hand turns from Middlefield Road to Linfield Drive.

Commissioner Keith said she would like some more creative ideas about traffic management from staff rather than for the Commission to be told that the item would need to be continued. Commissioner Pagee said she would like a condition that a right hand turn would not be allowed. Commissioner Sinnott said she thought that would create problems for locals.

Commission Action: M/S Sinnott/O'Malley to approve as recommended in the staff report as follows.

The proposed use permit and architectural control request to change an existing general office to medical office use is appropriate for the location and compatible with the surrounding land uses. The proposed architectural modifications would provide an updated façade without changing the footprint of the building. As indicated in the Draft EIR, proposed project would have a less than significant impact on all environmental impact areas except for traffic and aesthetics due to loss of trees. Staff believes that the benefits of the proposed project outweigh the potential significant and unavoidable impact. Staff recommends that the Planning Commission approve the certification of the EIR and Statement of Overriding Considerations, and approve the use permit, architectural control subject to the following findings, actions and conditions:

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

5. Approve the use permit and architectural control request subject to the following conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, dated received October 18, 2006, consisting of 26 plan sheets and approved by the Planning Commission on October 23, 2006 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. 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.
 - e. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect subject to review and approval of the City Arborist and the Planning Division. The landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping shall be installed prior to final building inspection.
 - f. Prior to grading permit issuance, 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.
 - g. Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
 - h. Concurrent with the building permit submittal for site improvements, the applicant shall submit a parking lot stripe plan indicating one-way access from Middlefield Road and two-way access from Linfield Drive subject to review and approval of the Transportation Division.
 - i. Prior to building permit issuance, the applicant shall use reasonable, best efforts, as determined by the Community Development Director, to negotiate an overflow parking agreement to allow residents of the 110 and 175 Linfield Drive project sites to use the parking facilities at 321 Middlefield Road before and after business hours (generally 7 a.m. to 6 p.m., Monday through Friday). If the applicant is unsuccessful in negotiating an agreement prior to building permit issuance, the applicant shall continue to use reasonable, best efforts to negotiate an agreement up to the time of final building inspection.

- j. If an overflow parking agreement is agreed upon between 321 Middlefield and 110 Linfield Drive and 175 Linfield Drive, the agreement shall be provided to the City and reviewed and approved by the Planning and Transportation Divisions prior to any parking being used by residents.
- k. Prior to building permit issuance, the applicant shall submit improvement plans for the right-of-way fronting the property. The plans shall include details for curbs, gutters, sidewalks, landscaping irrigation, lighting, etc. The plans shall be subject to review and approval of the Public Works Department.
- l. Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval. (MM Hydrology-1)
- m. Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards, and shall be subject to review and approval by the Engineering Division. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance. (MM Hydrology-2)

- n. 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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.) (MM Hydrology-3)
- o. ~~Prior to occupancy, the City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed in the Linfield/Middlefield/Willow (LMW) area, subject to approval by the Transportation Division. (MM Traffic 1-a)~~ ***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.***
- p. Prior to building permit issuance, 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:
- Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.
 - Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500. (MM Traffic-1c)

- q. Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to, the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to review and approval by the Engineering Division. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements. (MM Traffic-2)
- r. Prior to building permit issuance, the applicant/project sponsor shall 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.

In addition, the applicant/project sponsor shall 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)

- s. 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. 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-7.1) 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. (MM-7.2) At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. (MM-7.3)
- t. Prior to building permit issuance, 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) The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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)
- u. 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 renovating 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-9.1)

- v. 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)
- w. 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)
- x. ***Prior to building permit issuance, the project shall contribute shuttle fees in accordance with the proposed Transportation Demand Management Plan and the City's requirements. The shuttle fee is \$0.105 per square foot of commercial use paid on an annual basis.***

Motion carried 4-2 with Commissioners Keith and Pagee opposed and Commissioner Deziel not in attendance.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on November 13, 2006.



MEMORANDUM

DATE: November 13, 2006

TO: Planning Commission

FROM: Deanna Chow, Senior Planner
Community Development Department

RE: **Agenda Item C1: Possible Reconsideration of the Planning Commission's Action on October 23, 2006 to Approve a Use Permit, Architectural Control and an Environmental Impact Report at 321 Middlefield Road**

BACKGROUND

Planning Commission Meeting – October 23, 2006

On October 23, 2006, the Planning Commission conducted a public hearing on a proposed project at 321 Middlefield Road for exterior modifications of an existing building and its conversion from a general office to medical office use. The proposed project requires a use permit to allow medical office and related uses in the C-1 zoning district, architectural control for exterior changes to the building, a heritage tree permit for removal of eight heritage trees and the relocation of three heritage trees, and an Environmental Impact Report.

At the meeting, the Planning Commission considered various items, including the staff report and related documents, presentations by the applicants, and verbal and written communication from the public prior to making a motion on the proposed project. A copy of the October 23, 2006 staff report and related documents are available for review at the Planning Division office. At the meeting, several members of the public raised concerns about the increase in traffic associated with a medical office building while several others stated that the area is in need of medical office buildings and the proposed site is a good location. The Commission supported the reuse of the existing building and the incorporation of "green building" elements, and indicated that medical offices could provide a service to the community. The Planning Commission also recognized the potential for an increase in traffic and discussed possible ways to monitor traffic or reduce the amount of peak hour traffic by limiting the hours of

operation. The majority of the Commission believed that imposing time restrictions could be a hindrance to the business and the community and that the benefits of the project outweigh potential traffic impacts. The Planning Commission approved the proposed project subject to the findings and conditions in the staff report and those added at the meeting to clarify mitigation measures in the EIR (4-2, Commissioners Keith and Pagee opposed and Commissioner Deziel recused). Revised conditions of approval including the changes are shown in underline and strikeout format in Attachment A.

The Planning Commission could be the final decision-making body on the proposed project. The proposed project, however, was appealed, and the City Council will become the final decision-making body. The appeal hearing date has been set for the City Council meeting of November 28, 2006.

Additional Letter on the Final EIR Submitted Prior to the End of the Review Period

On October 24, 2006, the day following the Planning Commission meeting, staff became aware of a letter concerning the Final Environmental Impact Report (EIR) for the proposed project. The letter for the proposed project at 321 Middlefield Road is included as Attachment B. (A letter was also received for the proposed project at 75 Willow Road, which was also heard by the Planning Commission on October 23, 2006.) Although the correspondence was submitted by fax the afternoon of October 23, 2006, staff was unaware of the submittal and thus the letter was not provided at the Planning Commission meeting that evening. Because the letter was submitted during the public review period for the Final EIR, but was not made available to the Planning Commission during its review of the project, staff believes it essential to provide the Commission an opportunity to review the letter and determine whether to reconsider its action on the project based on the information contained in the letter. The consideration of the certification of the Final EIR was part of the Commission's action on October 23, 2006.

While staff believes the comment letter on the Final EIR does not provide new substantive material, staff has placed the item on the November 13, 2006 agenda to allow the Planning Commission the opportunity to reconsider its action. The letter claims that that Final EIR is inadequate in its response to concerns raised in the Draft EIR, and continues to state that the Draft EIR is inadequate and should be recirculated. Staff believes the information contained in the letter on the Final EIR does not provide new information that was not previously stated or addressed through previous documents, which were considered at the Planning Commission meeting on October 23, 2006. The environmental consultant has prepared a letter, included as Attachment C, to address issues raised in the October 23, 2006 letter submitted by the Law Offices of Brian Gaffney on behalf of the Linfield Oaks Neighborhood Association (Attachment B). The consultant's letter reiterates how the environmental documents prepared for the project address issues that were previously raised. The applicant has also submitted a letter addressing the concerns raised in the additional letter. The applicant's letter is included as Attachment D.

PLANNING COMMISSION OPTIONS

The following section outlines the Planning Commission's options for discussion at its meeting on November 13, 2006. In both scenarios, the Planning Commission should first consider the merits of the additional letter. As part of its consideration, the Planning Commission should accept public comments. The Commission should discuss whether the additional letter impacts its previous decision. The Commission could then proceed to either 1) reaffirm its October 23, 2006 action to approve the proposed project or 2) vote to reconsider the item. Both options are further discussed below in the respective sections.

Option 1: Motion to Reaffirm the Planning Commission's October 23, 2006 Action

If the Planning Commission believes the additional letter does not provide new substantial information that would change its previous decision, the Planning Commission should make a motion to that affect, thereby reaffirming its previous action of October 23, 2006 to approve the proposed project, including the Draft and Final EIRs. Since the Planning Commission would not be reconsidering the proposed item, the previous action would stand. The existing appeal on the proposed project would remain valid, and the City Council would then conduct a public hearing on the proposed project at its November 28, 2006 meeting. The City Council would be the final decision-making body on the proposed project.

Option 2: Motion to Reconsider the Planning Commission's October 23, 2006 Action

If the Planning Commission believes the additional letter provides substantial new information that would result in a change to the Commission's previous action, the Commission should reconsider the item. In order for the Planning Commission to reconsider the item, a motion would need to be made by a Commissioner who voted in the affirmative on October 23, 2006 to approve the proposed project. A majority of the Planning Commission would need to support the motion in order for the item to be reconsidered. If the motion is supported, the previous action would become void and the Planning Commission would then reconsider the item and take a new action. The Planning Commission could approve, modify or deny the proposed application. A new 15-day appeal period would begin, and the matter would be removed from the November 28, 2006 City Council meeting. If an appeal were filed, the matter would be re-noticed to a date uncertain at this time.

CORRESPONDENCE

At the time of printing of the memorandum, staff had not received additional correspondence from the public on the potential reconsideration of the item. If comments are received, staff will provide them to the Planning Commission at the meeting of November 13, 2006.

RECOMMENDATION

Staff believes that the Planning Commission findings and conditions of approval as stated in the October 23, 2006 staff report and those identified at the October 23, 2006 meeting are appropriate and take into consideration concerns raised throughout the process on the proposed project. The additional letter does not identify new issues or impacts and staff believes the Final EIR adequately addresses similar comments that were previously raised. The Planning Commission's action considered these comments and therefore, staff recommends that the Planning Commission reaffirm its decision from the October 23, 2006 meeting to approve the proposed project at 321 Middlefield Road.

ATTACHMENTS

- A. Findings and Conditions of Approval, dated October 23, 2006
- B. Correspondence from Law Offices of Brian Gaffney, dated October 23, 2006
- C. Correspondence from Impact Sciences, dated November 9, 2006
- D. Correspondence from DLA Piper, dated November 9, 2006

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
- Planning Commission Study Session Staff Report, December 5, 2005
- City Council Staff Report on LMW Area-Wide Transportation Impact Analysis, March 14, 2006
- Draft Environmental Impact Report, dated July 2006
- Planning Commission Staff Report, July 31, 2006
- Final Environmental Impact Report, dated October 2006
- Planning Commission Staff Report, dated October 23, 2006

FINDINGS AND CONDITIONS OF APPROVAL

321 Middlefield Road

October 23, 3006, 2006

Redlined Conditions of Approval

*Showing Changes Incorporated at the October 23, 2006 Meeting in
Underline and ~~Strikeout~~ Format*

1. Adopt the Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations and Statement of Certification.
2. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
4. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
5. Approve the use permit and architectural control request subject to the following conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects, dated received October 18, 2006, consisting of 26 plan sheets and approved by the Planning Commission on October 23, 2006 except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company's regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. 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.
- e. Prior to building permit issuance, the applicant shall submit a detailed landscape and irrigation plan prepared by a licensed landscape architect subject to review and approval of the City Arborist and the Planning Division. The landscaping plan shall comply with the Water Efficient Landscape Ordinance (Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping shall be installed prior to final building inspection.
- f. Prior to grading permit issuance, 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.
- g. Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- h. Prior to building permit issuance, the project shall contribute shuttle fees in accordance with the proposed Transportation Demand Management Plan and the City's requirements. The shuttle fee is \$0.105 per square foot of commercial use paid on an annual basis.
- h.i. Concurrent with the building permit submittal for site improvements, the applicant shall submit a parking lot stripe plan indicating one-way access from Middlefield Road and two-way access from Linfield Drive subject to review and approval of the Transportation Division.
- h.j. Prior to building permit issuance, the applicant shall use reasonable, best efforts, as determined by the Community Development Director, to negotiate an overflow parking agreement to allow residents of the 110 and 175 Linfield Drive project sites to use the parking facilities at 321 Middlefield Road before and after business hours (generally 7 a.m. to 6 p.m., Monday through Friday). If the applicant is unsuccessful in negotiating an agreement prior to building permit issuance, the applicant shall continue to use reasonable, best efforts to negotiate an agreement up to the time of final building inspection.

i-k. If an overflow parking agreement is agreed upon between 321 Middlefield and 110 Linfield Drive and 175 Linfield Drive, the agreement shall be provided to the City and reviewed and approved by the Planning and Transportation Divisions prior to any parking being used by residents.

k-l. Prior to building permit issuance, the applicant shall submit improvement plans for the right-of-way fronting the property. The plans shall include details for curbs, gutters, sidewalks, landscaping irrigation, lighting, etc. The plans shall be subject to review and approval of the Public Works Department.

l-m. Prior to building permit issuance, the applicant shall submit revised plans demonstrating that the proposed peak flow rate for a 10-year storm is equal to or less than the existing peak flow rate. If necessary to meet this condition, the project plans shall be revised to integrate additional measures such as pervious pavers in the parking lot or other measures. If the Public Works Director determines that no other feasible options exist to reduce the peak flow rate, the applicant may propose a system that utilizes detention based on a dynamic hydrology analysis. The analysis must show that no adverse impact to the existing system or adjacent property occurs and that detention capacity is sufficient to reduce peak flows to pre-development levels. Any improvements to reduce storm flows that are deemed necessary by the Public Works Director shall be required as part of the conditions of approval. (MM Hydrology-1)

m-n. Prior to grading or building permit issuance, the applicant shall submit detailed plans for the construction of a new 36 inch storm drain line in Linfield Drive from the proposed entrance to the 175 Linfield Drive site to a new connection point with the Middlefield Road storm drain system according to the study performed by BKF Engineers, dated March 1, 2006 as part of the 110 and 175 Linfield Drive projects. The storm drain shall be designed to City standards, and shall be subject to review and approval by the Engineering Division. The storm drain shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a storm drainage fee from all future development within the Linfield Drive drainage basin. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the storm drain system based on their proportionate size of the project. The agreement shall be entered into prior to grading or building permit issuance. (MM Hydrology-2)

n-o. 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). The BMPs shall be shown on the drainage plan and reviewed by the City prior to approval of the Tentative Map. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.) (MM Hydrology-3)

- ~~o. Prior to occupancy, the City shall prohibit left and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The prohibition shall become effective prior to the occupancy of the first project completed in the Linfield/Middlefield/Willow (LMW) area, subject to approval by the Transportation Division. (MM Traffic 1-a)~~
- ~~p. 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 yet been funded by another project. (MM Traffic 1-a)~~
- q. Prior to building permit issuance, 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:
 - Linfield Drive/Middlefield Road pedestrian improvements/traffic signal: \$62,000 with first priority for the use of the funds identified as pedestrian improvements at the Linfield Drive and Middlefield Road intersection. To the extent that funds are not used for that purpose, the City may use such funds for other transportation improvements in the Linfield Drive, Middlefield Road, Willow Road area or elsewhere in the City.
 - Adaptive signal timing improvements at the intersections of Middlefield Road and Willow Road, Middlefield Road and Ringwood Avenue, and Middlefield Road and Ravenswood Avenue: \$57,500. (MM Traffic-1c)
- ~~p-r.~~ Prior to building permit issuance, the applicant shall submit detailed plans for the construction of streetscape improvements along Linfield Drive from Waverley Street to Middlefield Road according to the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006 (if the improvement has not yet been initiated by another project). The streetscape shall include, but not be limited to, the following components: installation of new sidewalks where sidewalks currently do not exist; removal and replacement of existing curb, gutters and

sidewalks that are currently cracked or damaged; and the installation of crosswalks, striping, signage, medians, and landscaping in the medians and parkways/planter strips. The streetscape shall be designed to City standards subject to review and approval by the Engineering Division. The streetscape shall be constructed in conjunction with the on-site project improvements and completed prior to occupancy. The City shall enter into a non-recourse reimbursement agreement with the applicant, whereby the City shall agree to levy and use its best efforts to collect a streetscape fee from all future development along Linfield Drive. The total amount of fees reimbursed to the applicant shall not exceed the total cost to design and install the improvements less the amount the applicant is required to contribute to the streetscape system based on their proportionate size of the project. The agreement shall be entered into prior to issuance of a grading or building permit. To the extent that the actual cost of the streetscape improvements is less than \$400,000, the applicant shall contribute the difference to the City for additional traffic mitigation at the time of final acceptance of the streetscape improvements. (MM Traffic-2)

g.s. Prior to building permit issuance, the applicant/project sponsor shall 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.

In addition, the applicant/project sponsor shall 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)

f.t. 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. 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-7.1) 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. (MM-7.2) At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. (MM-7.3)

s.u. Prior to building permit issuance, 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) The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Barrie D. Coate and Associates. 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)

t.v. 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 renovating 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-9.1)

u.w. 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)

v.x. 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)