



# COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: September 20, 2005

Staff Report #: 05-152

Agenda Item #: E2

**PUBLIC HEARING:**            **Consideration of Request for General Plan Amendment, Rezoning, Conditional Development Permit, Major Subdivision, and Below Market Rate Housing Agreement; Introduction of an Ordinance Amending Zoning Ordinance Regulations Pertaining to Conditional Development Permits and the Below Market Rate Housing Program; and Environmental Review to construct Twelve Detached Residential Units at 966-1002 Willow Road.**

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## RECOMMENDATION

Staff recommends that the City Council concur with the respective recommendations of the Planning Commission, Housing Commission, and Las Pulgas Committee and approve the following at 966-1002 Willow Road subject to the findings and actions contained in Attachment B:

- Major subdivision to merge three existing parcels and create twelve new parcels and associated common areas;
- General Plan Amendment to modify the land use designation from Retail/Commercial to High Density Residential;
- Zoning Ordinance Amendment to Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels less than one acre and greater than or equal to 20,000 square feet in size where a proposed development would provide below market rate housing in excess of the City statutory requirements;
- Rezoning from C-2-B (Neighborhood Commercial, Restrictive) to R-4-X (High Density Apartment, Conditional Development);
- Conditional Development Permit (CDP) to establish development regulations;
- Below Market Rate (BMR) Housing Agreement for two BMR units; and
- Environmental Review of a Mitigated Negative Declaration.

## **BACKGROUND**

### **Planning Commission Review**

The Planning Commission reviewed the applicant's proposal at its July 25, 2005 meeting. The staff report for this meeting is included as Attachment H and the excerpts of the minutes from this meeting are included as Attachment I.

At the meeting, the Commission expressed support for the proposal, commenting on the applicant's willingness to provide two BMR units, the "fit" of the project within the unique constraints of the site and location, and the proposed modern architectural design and materials. The Commission raised general concerns about safe ingress and egress to the site, construction staging and landscaping. In order to address these concerns, the Commission added two specific conditions of approval to require a construction staging plan and new street striping to allow for safe egress and ingress to the site from Willow Road. In addition, the Commission modified a condition to add a provision for additional landscaping along the exterior wall of the project.

The Commission raised another concern regarding the ratio of guest parking spaces for the project. The Commission discussed that there may be a greater demand for parking on the site than is provided in the proposed site plan. The proposed project includes two covered parking spaces for each unit plus a total of four guest parking spaces. Although the project meets the guest parking ratio established in the proposed R-4 (High Density Apartment) zoning district of one guest parking space for every three units, additional off-site parking is not available in this area. There is no parking on the portion of Willow Road in front of the project. Staff has explored other options to provide additional on-street parking, however the segment of Willow Road at this location is too narrow to accommodate parking. The applicant, Jeff Warmoth, stated that he did not believe that parking for the units would be a problem. He stated that based on a market study for the project, future buyers would most likely be couples with only two cars or singles with only one car. He said he did not expect families with children of driving age would be purchasing or living in the units. The Commission requested that the applicant continue to pursue options for additional parking on-site.

The Commission voted unanimously to recommend that the City Council approve the proposed General Plan Amendment, Zoning Ordinance Amendment, rezoning, the CDP, and the major subdivision requests. In its action, the Commission also recommended approval of the Mitigated Negative Declaration.

### **Housing Commission Review**

The Housing Commission reviewed the BMR Housing Program proposal on May 4, 2005. The proposal includes two BMR units that are consistent with the BMR Ordinance and Guidelines. The Commission voted unanimously to recommend that the City Council approve the BMR Agreement (Attachment G). The Housing Commission meeting staff report and minutes are included as Attachments J and K, respectively.

### **Las Pulgas Committee Review**

The project site is located within the Las Pulgas Redevelopment area. The applicant met with the Las Pulgas committee on April 20, 2005. The Committee's questions focused on the need to redevelop the site with a viable use. Several members commented that the site was inappropriate for commercial uses, and that the site's history of failed commercial uses demonstrates this. The Committee commented on the attractiveness of the design and asked the developer to keep the for sale units reasonably priced. The committee recommended that the City Council approve the project as proposed.

### **ANALYSIS**

The proposed project site consists of three irregularly shaped assessor parcels, with respective address of 966, 1000, and 1002 Willow Road, totaling 38,750 square-feet, or .89 acres. The project site is located on the portion of Willow Road that connects to Bay Road. The site is bordered by Oil Changers to the south, the southbound Willow Road/ Highway 101 off-ramps to the east and north, and the Veterans Administration Hospital across Willow Road to the west.

The properties were previously developed with a single-family residence and a 2,046 square foot commercial building, which housed a gas station from 1961 to 1979. The single-family residence was accessed from an easement on the Oil Changers property. Since 1979, the commercial building was used for various other uses, including office space and storage. In addition, the site contained a third building, a self-service car wash. This building was removed in 1989. In May 2005, the applicant, with approval from the City, demolished the commercial building and residence in preparation for new development on the site.

The proposal includes the construction of 12 new single-family detached homes (where 13 homes were previously proposed by the applicant). The homes would be 2,399 square feet in size (1,971 square feet of living space per unit and 428 square feet for an attached two-car garage). The new lots range in size from 1,668 to 3,217 square feet.

Project plans and a detailed discussion of the proposal are contained in the staff report prepared for the Planning Commission meeting of July 25, 2005 (Attachment H). Since the Planning Commission meeting, the applicant has made minor modifications to the plan to better represent the existing access easements and rights associated with the project site. The staff report also provides a detailed analysis on the General Plan Amendment, Zoning Ordinance Amendment and Rezoning.

Staff recommends approval based on the unanimous vote of the Commissions and comments made by the Commissions in favor of the proposal.

## **IMPACT ON CITY RESOURCES**

There is no direct impact on City resources associated with the action recommended in this staff report. Staff time spent on the development review of this project is fully recoverable through fees charged to the applicant.

## **POLICY ISSUES**

The project involves two policy issues. The first policy issue is a land use change from commercial to residential. The second policy issue is a Zoning Ordinance amendment that would allow the properties less than one acre, but greater than or equal to 20,000 square feet to be eligible for consideration of the "X" conditional development permit zoning if a project provides additional Below Market Rate (BMR) units. There are a limited number of properties in the City where the ordinance amendment would be applicable. However, where it could be applied, the City would benefit by increasing the number of BMR units, instead of paying an in lieu fee for the fractional units. In addition, the process includes review and approval by the Planning Commission and City Council. Based on the limited applicability, the benefits of additional BMR units, and the review process, staff recommends approval of the proposed Zoning Ordinance amendment.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (Attachment O) has been prepared for the proposed project. The review period for this Negative Declaration was from July 14, 2005 through August 15, 2005. The Mitigated Negative Declaration identifies mitigation measures regarding aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, transportation and traffic. Details regarding mitigation measures can be found in the CEQA- Environmental Review section of the Planning Commission staff report (Attachment H).

To date, the City has received three comments on the Mitigated Negative Declaration. The first comment is from the California Department of Toxic Substance Control (DTSC). The letter is provided as Attachment L. The DTSC letter addresses the remediation of the gas station that previously occupied the site. Based on the comments from DTSC, two additional mitigation measures (Mitigations 7.4 and 7.6) have been added to the project and three mitigation measures (Mitigations 7.5, 7.7 and 7.8) have been modified. The City's environmental consultant for this project and staff believe that the new modified mitigation measures address the comments raised in the DTSC letter.

The second comment is from the California Department of Transportation (DOT). The letter is provided as Attachment M. It states that an encroachment permit is required for any work to be done in the State Right-of-Way. This has been added as a condition of approval for the project.

The third comment is from the California Department of Fish and Game (DFG). The letter (Attachment N) indicates that DFG does not have specific comments on the proposed project and its effects on biological resources, but DFG believes the project is required to pay an environmental filing fee as required under Fish and Game Code Section 711.4(d). This is a statutory requirement and does not require a condition of approval.

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Justin Murphy  
Development Services Manager  
Report Author

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Arlinda Heineck  
Community Development Director

**PUBLIC NOTICE:** Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents within a 300-foot radius of the subject property and in an expanded area that included properties bounded by Bay Road, Henderson Avenue and Van Buren Avenue for both the Planning Commission and City Council meetings.

## ATTACHMENTS

- A. Revised Project Plans, dated received September 1, 2005
- B. Draft Findings of Approval, September 20, 2005
- C. Draft Conditional Development Permit, September 20, 2005
- D. Resolution, amending the General Plan to change the land use designation of 966, 1000, 1002 Willow Road from Retail/Commercial to High Density Residential
- E. Draft Zoning Ordinance Amendment, amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program
- F. Draft Ordinance, rezoning property at 966, 1000, and 1002 Willow Road from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development)
- G. Draft Below Market Rate Housing Agreement
- H. Planning Commission Staff Report for the meeting of July 25, 2005
- I. Excerpts of the Minutes from the Planning Commission meeting of July 25, 2005
- J. Housing Commission Memo for the meeting of May 4, 2005
- K. Excerpts of the Minutes from the Housing Commission meeting of May 4, 2005
- L. Letter from Department of Toxic Substance Control, August 4, 2005
- M. Letter from Department of Transportation, August 16, 2005
- N. Letter from Department of Fish and Game, August 30, 2005
- O. Mitigated Negative Declaration, July 14, 2005 (Distributed separately and available for review at the City offices)

# **ATTACHMENT B**

## **DRAFT FINDINGS FOR APPROVAL 966-1002 Willow Road**

**September 20, 2005**

1. Adopt the following findings relative to the environmental review of the proposal:
  - A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;
  - The Planning Commission has considered the Mitigated negative Declaration prepared for the proposal and any comments received during the public review period; and
  - Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make a finding that the proposed General Plan amendment to change the land use designation of the properties from Retail/Commercial to High Density Residential would be consistent with the adopted General Plan.
3. Make a finding that the proposed Zoning Ordinance amendment amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than one-acre but greater than 20,000 square feet in size where a proposed development would provide below market rate housing in excess of City statutory requirements is consistent with the General Plan.
4. Make a finding that the proposed rezoning from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development) is consistent with the proposed General Plan land use designation of High Density Residential for the property.
5. Make a finding that the proposed conditional development will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

6. Make a finding that the conditional development involves combining of zoning districts for the development of an underutilized irregularly shaped vacant lot adjacent to a freeway interchange for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately. Furthermore, the proposed development conforms to all of the development regulations of the underlying R-4 (High Density Residential) zoning district except for lot areas, dimensions and setbacks.
7. Make a finding that the tentative subdivision map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
8. Approve the Mitigated Negative Declaration.
9. Approve Resolution No. \_\_\_\_\_, amending the General Plan to change the land use designation of 966, 1000, 1002 Willow Road from Retail/Commercial to High Density Residential.
10. Introduce Ordinance No. \_\_\_\_\_, amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than one acre but greater than 20,000 square feet in size where a proposed development would provide below market rate housing in excess of City statutory requirements.
11. Introduce Ordinance No. \_\_\_\_\_, rezoning the property from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development).
12. Approve the Conditional Development Permit for the twelve, detached, single-family residential units on twelve parcels, requiring Major Subdivision approval at 966, 1000, 1002 Willow Road subject to the requirements of the Conditional Development Permit.
13. Approve the Below Market Rate Housing Agreement.

# ATTACHMENT C

## DRAFT CONDITIONAL DEVELOPMENT PERMIT

### 966-1002 WILLOW ROAD

City Council Meeting of September 20, 2005

#### I. GENERAL INFORMATION:

- A. Applicant: Jeff Warmoth
- B. Nature of Project: General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Major Subdivision for the construction of 12 new residential units.
- C. Property Location: 966-1002 Willow Road
- D. Assessor's Parcel Number: 061-214-100, 061-214-090, and 062-214-060
- E. Area of Property: 38,750 square feet (total)
- F. Present Zoning: C-2-B (Neighborhood Commercial, Restrictive)
- G. Proposed Zoning: R-4-X (High Density Apartment, Conditional Development)
- H. Permitted Uses in the R-4-X District: Single-Family Dwellings
- I. Conditionally Permitted Uses in the R-4-X District: None

#### II. DEVELOPMENT STANDARDS:

- A. Floor Area Ratio (FAR) shall not exceed 61 percent of the project site.
- B. Lot coverage shall not exceed 40 percent of the lot area.
- C. Minimum landscaping shall be 30 percent of the lot area.
- D. The maximum amount of pavement shall not exceed 35 percent.
- E. Building height shall not exceed 40 feet from the average natural grade.

- F. Building setbacks and parking shall be in accordance with the precise development plans.
- G. The on-site circulation shall be installed according to the approved plans and maintained through the creation of a maintenance association as specified in the CC & R's for the for the project.

### III. TERMS OF THE PERMIT

- A. The Conditional Development Permit shall expire one year from the date of approval if the applicant does not submit a complete building permit application within that time.
- B. A public hearing by the Planning Commission and City Council would be required prior to issuance of a permit for revisions to the development plan which involve changes in land use, expansion or intensification of development or a relaxation in the standards of development. Staff could approve revisions to the approved plans that would not affect the safety or privacy of neighboring properties or have potential negative environmental impacts. Staff would have the option of referring any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- C. This permit may be amended by a majority vote of the City Council. Application for amendment shall be made by at least one of the property owners, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

### IV. OTHER CONDITIONS:

- A. Development of the project shall be substantially in conformance with the plans prepared by Jonathan Baitmansour, Winterbotham Partnership, and AP Consulting Engineers, dated received by the Planning Division on September 1, 2005, consisting of nine plan sheets and approved by the Planning Commission on July 25, 2005 except as modified by the conditions contained herein. The development of the project shall conform to the design option as specified by the Planning Commission.
- B. Prior to building permit issuance, the project sponsor shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- C. Prior to building permit issuance, the project sponsor shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
- D. Prior to grading or building permit issuance, the project sponsor 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.
- E. The project sponsor shall submit CC & R's (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney prior to the recordation of the final subdivision map. The final subdivision map and the CC & R's shall be recorded concurrently.
- F. Prior to building permit issuance, the project sponsor shall provide documentation of the recordation of the final subdivision map at the County Recorder's Office, including the merger of 966, 1000, and 1002 Willow Road, for review and approval of the Engineering Division and the Planning Division. Application for a building permit may be made prior to recordation.
- G. Prior to building permit issuance, the project sponsor shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- H. Prior to building permit issuance, a detailed landscape and irrigation plan shall be submitted and approved by the Planning Division, Engineering Division and the City Arborist. The plan shall comply with the Water Efficient Landscaping Ordinance. Landscape controls shall be incorporated into the plans to ensure efficient irrigation and the preservation of existing heritage trees. The consulting arborist shall review the landscape plan to assure that proposed plantings, drives, walkways and irrigation will not adversely impact the health of heritage trees to remain. The plan shall promote surface filtration and minimize the use of fertilizers, herbicides and pesticides. The plan should include existing and proposed plant materials, proposed driveway, path, patio and all other surface materials. The plan shall include a roof plan indicating eave lines and edges of buildings, fence details including

elevations of any proposed fences, arbors or walls. The plan shall include installation of vines along the wall on Willow Road to soften the appearance and prevent graffiti. The landscape plan should become part of approved building plans and be available at all times as part of the onsite job plans. Landscape shall be installed to Planning staff satisfaction prior to final building inspection.

- I. Prior to building permit issuance, the project sponsor shall submit a plan showing frontage improvement details, including but not limited to replacing the curb, gutter and sidewalk, trees in the City's right-of-way, and repaving the street along the property frontage to the centerline of the street. The improvement plan shall be submitted for review and approval by the Planning and Engineering Divisions.
- J. Simultaneous with the submittal of a complete building permit application, the project sponsor shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The plans shall be prepared by a Civil Engineer registered in California and shall be included in the project plans submitted for building permit applications. The project is required to utilize on-site infiltration as much as possible as a means of handling roof and site drainage. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
- K. The property owners are required to enter into a "Stormwater Treatment Measures Operation and Maintenance (O & M) Agreement" with the City. With the executed agreement, the property owners are responsible for the operation and maintenance of stormwater treatment measures for the project. The property owners are required to provide access permission to the extent allowable by law for representatives of the City, local vector control district, and Regional Water Quality Control Board staff strictly for the purpose of O & M verification for the specific stormwater treatment system for the project.
- L. Prior to building permit issuance, the project sponsor shall pay any applicable recreation fees (in lieu of dedication) if applicable per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
- M. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- N. All recommendations outlined in the report entitled "Tree Survey," prepared by McClenahan Consulting, LLC and dated April 29, 2005, shall be implemented as indicated during and after

construction, and including the installation of aeration systems.  
(Mitigation 1-1)

- O. Prior to building permit issuance, the project sponsor shall submit a revised site plan showing that no paving or construction shall occur within 8 to 10 feet of the existing Coast Oak tree (tagged as Tree #1). Paving that occurs in the drip line shall be interlocking pavers and not turf block with decomposed granite. The revised plan shall be subject to review and approval of the Planning Division and City Arborist. (Mitigation 1-2)
- P. Prior to building permit issuance, the project sponsor shall submit an exterior lighting plan that includes only site exterior lighting fixtures that do not allow direct light rays to leave the project site and which also do not allow direct light sources (incandescent, fluorescent, or other forms of electric illumination) to be directly visible from off-site locations. The plan shall be subject to review and approval by the Planning Division. (Mitigation 1-3)
- Q. Prior to building permit issuance, the project sponsor shall submit a materials sample of the metal siding to be installed on the residential units. The siding shall have a finish that is non-reflective. The materials sample(s) shall be subject to review and approval of the Planning Division. (Mitigation 1-4)
- R. Prior to building permit issuance, the project sponsor shall submit a plan for the control of emissions from construction equipment and wind blown soils for the duration of the project. The plan should list specific measures to reduce emissions and dust. The plan should also specifically address how dust will be controlled during weekends and other off-work periods. Finally, the plan should include a contact name and phone number to receive and address any complaints. The following measures, which are recommendations in the *BAAQMD CEQA Guidelines* for construction to prevent PM<sub>10</sub> emissions, shall be incorporated into the plan:
  - a) Water all active construction and disturbed areas at least twice daily during dry periods.
  - b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c) Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction

sites. Dust, sediment, and debris shall not be washed into the storm drain system.

- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system.

The plan shall be subject to review and approval by the Building and Planning Divisions. (Mitigation 3-1)

- S. Tree removal, pruning, or grading adjacent to trees at the project site shall be conducted between September 1 and January 30 to prevent disturbance to raptors or other nesting migratory birds. If tree removal, pruning, or grading must occur during the nesting season (between February 1 and August 31), a qualified biologist shall conduct a pre-construction nesting bird survey 30-days prior to such work. If no nesting birds are observed, no further action is required and construction activities may proceed. If active nests are observed, tree removal, pruning, and grading shall be delayed until after the young have fledged, as determined by the biologist or until after the nesting season in coordination with the California Department of Fish and Game. (Mitigation 4-1)
- T. Prior to building permit issuance, the project sponsor shall obtain approval for the removal of three heritage trees on the site, the Incense cedar tree (tagged as Tree #2), Red ironbark tree (tagged as Tree #3), and a Coast live oak (tagged as Tree #5). The project sponsor shall incorporate any additional conditions that may be added in consideration of the removal of the heritage trees. (Mitigation 4-2)
- U. Prior to building permit issuance, the project sponsor shall provide a copy of a contract with a certified arborist that indicates an arborist shall be on site for the implementation of the tree protection and preservation methods outlined in the arborist report, including:
  - a) Installation and inspection of tree protection measures, including temporary barricades around all trees on the site. The barricades shall consist of six-foot high, chain link fences mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot intervals. The barricades shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. No storage of materials, topsoil, vehicles, or equipment shall be permitted within the tree enclosure areas and the ground around the tree canopy shall not be altered. The barricades shall remain in place until final inspection of

the building permit, except for work specifically required in the approved plans to be done within the trees' drip lines.

- b) Grading operations shall not occur closer than 5 times the trunk diameter distance from any tree, or within the fenced tree enclosure areas. Utility trenching within 6 feet of the trunk of trees tagged as Tree #4. Should work occur in this area, it shall be hand excavated to at least 30 inches below the ground surface. No roots greater than one inch in diameter shall be severed without prior inspection by a qualified arborist. If any roots greater than 1-inch in diameter are damaged, broken, or severed during grading or trenching operations, a qualified arborist shall supervise any additional flush cutting and sealing of exposed roots within 24 hours of the initial root damage.
- c) Removal of ivy from trunk on the California fan palm (tagged Tree #8).
- d) Deep root soil injection fertilization system shall be installed. Fertilizer shall be injected in spring and summer for those trees to be impacted by construction.
- e) During construction activities, a qualified arborist shall conduct inspections of the site at least once every four weeks, and possibly more frequently if deemed necessary by the arborist.

Upon completion of each item, the project arborist shall submit a written report of inspection findings and recommendations, if any, to the Building Division. The contract with the above specifications shall be subject to review and approval of the Building Division. (Mitigation Measure 4-3)

- V. Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The City shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the

project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area or discovery shall be allowed until the preceding has occurred. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Division. (Mitigation 5-1)

- W. Prior to building permit issuance, the project sponsor shall submit a Health and Safety Plan to the Community Development Director for review and approval. The purpose of the plan will be to minimize the exposure of workers and the public to potentially hazardous materials during all phases of project construction. The plan shall require implementing appropriate control methods and approved containment and spill-control practices (e.g., spill control plan) for construction chemicals and materials on-site. (Mitigation 7-1)
- X. Any remaining parts of the two-chambered sump and wash water basins shall be excavated and properly disposed of. After these features have been removed from the site, a letter shall be provided to the Community Development Director confirming their removal and appropriate disposal. (Mitigation 7-2)
- Y. Any drain lines formerly connected to the sump or waste oil tank shall be excavated and properly disposed. After these features have been excavated, a letter shall be provided to the Community Development Director confirming their excavation and appropriate disposal. (Mitigation 7-3)
- Z. Prior to building permit issuance, an assessment shall be conducted by a qualified engineering firm to evaluate potential impacts to the residential dwellings from vapor intrusion from groundwater contamination. A report summarizing the vapor intrusion assessment shall be submitted to the Community Development Director. (Mitigation 7-4)
- AA. Prior to building permit issuance, a qualified engineer or registered geologist shall collect and test soil samples from the excavations for the hydraulic lift system, two-chambered sump, and any drain lines formerly connected to the sump or waste oil tank. The qualified engineer or registered geologist shall submit the results of the soil testing to the Community Development Director. The soil testing results shall summarize the findings and indicate if the soil sample results indicate potential health risks to future residents. No soil sampling will be required if Aquifer Sciences submits a letter to the Community Development Director indicating why, in their

professional opinion, their 1999 Phase II soil sampling recommendations are no longer required. The letter shall specifically address each of the recommended sampling locations, including the former drain lines. The letter shall reference State Clearinghouse Number 2005072094 and be copied to (1) Mark Prios at the Department of Toxic Substances Control, 700 Heinz Avenue, Suite 200, Berkeley CA 94710-2721 and (2) County Health Services Agency. (Mitigation 7-5)

- BB. If the vapor intrusion assessment outlined in Mitigation Measure 7-4 or soil sample results outlined in Mitigation Measure 7-5 indicate that remediation is required (such as soil excavation), an assessment shall be conducted prior to initiating such remediation activities which addresses the following: (1) an assessment of air impacts and health impacts associated with the remediation and/or excavation activities; (2) identification of any applicable local standards that may be exceeded during remediation and/or excavation activities, including dust and noise levels, (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the project site. A report summarizing the remediation assessment shall be submitted to the Community Development Director for approval prior to initiating any such remediation activities. If health risks or remediation needs are initially identified after the vapor intrusion assessment or soil sampling, the County Health Services Agency shall be notified and construction activities shall not be initiated until the County Health Services Agency issues a letter indicating that there are no longer health risks associated with residential development of the site. (Mitigation 7-6)
- CC. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the stockpiled soil at the site represents an environmental concern to potential future residents on the site. If concerns are identified, Aquifer Sciences shall recommend and the project sponsor shall implement methods (i.e., soil sampling under former stockpiled areas) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. If remediation (such as soil excavation) is recommended, an assessment outlined in Mitigation Measure 7-6 shall be conducted prior to initiating any remediation activities. (Mitigation 7-7)
- DD. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the offsite sources of contamination represent an environmental concern to potential future residences on the site, including possible vapor intrusion into the residential dwellings from groundwater contamination. If concerns are identified, Aquifer

Sciences shall recommend and the project sponsor shall implement methods (i.e., groundwater sampling) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. (Mitigation 7-8)

- EE. Prior to building permit issuance, the project sponsor shall submit a revised site drainage plan that incorporates measures to collect and treat all on-site storm water prior to those waters entering the storm drainage system within Willow Road. Measures to collect and treat on-site storm waters may include but shall not be limited to bioswales and oil-water separators. The revised plan shall be subject to review and approval of the Engineering Division. (Mitigation 8-1)
  
- FF. Prior to final building inspection, the project sponsor shall install noise barriers along the project site's perimeter as recommended in the environmental noise assessment prepared by 2003 by Illingworth and Rodkin, Inc. These barriers shall include but not be limited to:
  - a) 6-foot tall noise barrier along the site's northern and a portion of the western property lines.
  - b) 8-foot tall noise barrier along the site's eastern, southern, and a portion of the western property lines.

The barriers shall be constructed without cracks or gaps in the face, without large or continuous gaps at the base, and with a minimum surface weight of 3.0 pounds per square foot. Small, dispersed gaps in the base of the walls for landscape irrigation or drainage are acceptable if they do not compose more than 0.5% of the wall area. The installation of the noise barriers shall be subject to review and approval of the Building Division. (Mitigation 11-1)

- GG. Prior to building permit issuance, sound insulation, such as standard thermal insulating glass, shall be incorporated into the project during design for all second and third floor building facades. The plans shall be subject to review and approval of the Building Division. (Mitigation 11-2)
  
- HH. Prior to building permit issuance, the plans shall be revised to show that all residential units shall be equipped with mechanical ventilation to enable residents to close their windows. The plans shall be subject to review and approval by the Building Division. (Mitigation 11-3)
  
- II. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots

prohibiting all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15-1)

- JJ. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots prohibiting the use of garage parking spaces for any use other than the parking of motor vehicles. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15-2)
- KK. Prior to the final building inspection, the project sponsor shall post no parking signs and shall also clearly delineate all no parking areas. The installation of the signs shall be subject to review and approval of the Transportation Division. (Mitigation 15-3)
- LL. Prior to the final building inspection the project sponsor shall enter into an agreement with the City of Menlo Park Police Department to permit their patrol and enforcement of on-site parking limitations, including extension of approval to cite and tow all illegally parked vehicles. The agreement shall be subject to review and approval of the Police Department. (Mitigation 15-4)
- MM. Prior to building permit issuance, the applicant shall submit revised plans and elevations to relocate the and reduce the height, if necessary, of fence on Lots 1, 6, and 7 to allow for a line-of-site for ingress and egress on Willow Road. The revised plans and elevations shall be subject to review and approval of the Planning and Transportation Divisions.
- NN. Prior to building permit issuance, the applicant shall submit revised plans that incorporate the Menlo Park Fire Districts requirements for fire sprinklers, street width, and fire hydrants. The plans shall be subject to review and approval of the Fire District and Building Division.
- OO. Prior to recordation of the final map, the applicant shall incorporate the following changes:
  - a. The existing easement for Parcel three shall be revised to create emergency and other required access to the project site;
  - b. The applicant shall submit documentation with regard to the right for State access to Caltrans property along the rear of the property adjacent to the Willow Road offramp of Highway 101. If access is no longer required by the State, the map shall be revised to exclude the note for right to access.
  - c. Other changes as deemed necessary by the Engineering Division.

The plan shall be subject to review and approval of the Engineering Division.

- PP. Prior to recordation of the final map, the applicant shall work with the utility companies to relocate the existing gas and water lines on the Public Utility Easement (PUE) on the southerly portion of the property shared with Oil Changers. The applicant shall work with the Engineering Division on consideration of an abandonment of the PUE and make an application for an abandonment of the existing PUE easement, if applicable. If the water and gas lines cannot be relocated or the PUE cannot be in part or wholly abandoned, the applicant shall submit revised plans to address the issue. One of the options may include elimination of the proposed residence on Lot 1. In the event that the site plan needs to be substantially modified to address the issue, then the applicant shall return to the Planning Commission for review and approval of the revised project plans.
- QQ. Prior to building permit issuance, the applicant shall pay all applicable school impacts fees associated with the project.
- RR. Prior to building permit issuance, the applicant shall pay a traffic improvement fee of \$708 per unit.
- SS. Prior to building permit issuance, the applicant shall submit a detailed construction parking and staging plan for the review and approval of the Building, Planning and Engineering Divisions.
- TT. Prior to building permit issuance, the applicant shall submit a street striping plan for the intersection of the site access drive and Willow Road. Such a plan should be prepared based on the City of Menlo Park and Caltrans traffic engineering and design standards, and shall include a 70-foot-long keep clear zone during peak traffic hours in the southbound lane of Willow Road in front of the northern driveway. The plan shall be subject to review and approval of the Planning and Transportation Divisions, and shall be implemented prior to final building inspection.
- UU. Prior to building permit issuance, the applicant shall obtain an encroachment permit from the State Department of Transportation for any work to be completed in the State Right-of-Way.

Approved by the  
Menlo Park City Council on  
September 20, 2005

Approved by the  
Menlo Park City Council on

\_\_\_\_\_

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Arlinda Heineck, Community  
Development Director

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Silvia M. Vonderlinden, City Clerk

v:\staffrpt\cc\2005\092005 966-1002 willow road - attach c - cdp.doc

**ATTACHMENT D**

**DRAFT  
SEPTEMBER 20, 2005**

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION  
FOR CERTAIN PROPERTY LOCATED AT  
966, 1000, and 1002 WILLOW ROAD**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain properties located at 966, 1000, and 1002 Willow Road to allow for the development of 12 single-family detached residential units, including two Below Market Rate housing units; and

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

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

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

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

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

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

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

\_\_\_\_\_  
City Clerk

# ATTACHMENT E

DRAFT  
SEPTEMBER 20, 2005

ORDINANCE NO. \_\_\_\_

**An Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code, Amending Chapters 16.82 *Conditional Development Permits* and 16.96 *Below Market Rate Housing Program***

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

**SECTION 1.** Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to add Section 16.82.055, *Applicability*, as follows:

## II. CONDITIONAL DEVELOPMENT PERMITS

16.82.050 Issuance--Purposes.

16.82.055 Applicability.

16.82.060 Application--Accompanying drawings and plans.

16.82.070 Form of application.

16.82.080 Hearing on application.

16.82.090 Planning commission action on application.

16.82.100 Council action.

**SECTION 2.** The following section of Title 16, *Zoning*, Chapter 16.82.050, *Issuance-- Purposes*, of the Menlo Park Municipal Code is hereby amended to read as follows:

**16.82.050 Issuance -- Purposes.** ~~A conditional development permits may be issued for a development on a parcel in excess of one acre in area, in any district to permit~~ allow adjustment of the requirements of the district in order to secure special benefits possible through comprehensive planning of such large development. Further, such adjustment is intended to allow relief from the monotony of standard development; to permit the application of new and desirable development techniques; and to encourage more usable open space than would otherwise be provided with standard development.

**SECTION 3.** Title 16, Zoning, Chapter 16.82, *Conditional Development Permit*, of the Menlo Park Municipal Code is hereby amended to add Section 16.82.055 *Applicability* which shall read as follows:

**16.82.055 Applicability.** A Conditional Development Permit shall apply to the following:

- a) Development on a parcel in excess of one acre in area; or
- b) Development on a parcel with a lot area that is less than one acre in area but greater than or equal to 20,000 square feet in area, provided that the development complies with the Below Market Rate (BMR) Housing Program set forth in Section 16.96 and that the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than one-half (0.5) of a unit.

**SECTION 4.** Title 16, Zoning, Chapter 16.96, *Below Market Rate Housing Program*, of the Menlo Park Municipal Code is hereby amended to modify Section 16.96.040 (3) Incentives, which shall read as follows:

**16.96.040 Development Regulations for Below Market Rate Housing Units.**

(3) Incentives. The following incentives may be requested, if applicable:

- a) To accommodate the increase in allowable density and floor area ratio described in subsection 16.96.040(2), the developer may request exceptions from all development regulations of the applicable zoning district of a residential development project that includes below market rate units, except for floor area ratio and density.
- b) Development on a parcel of less than one acre in area but greater than or equal to 20,000 square feet where the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than one half (0.5) of a unit may request exceptions from development regulations as specified in Sections 16.82.050-100 Conditional Development Permits.

**SECTION 5.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6.** This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the \_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

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

APPROVED:

\_\_\_\_\_  
Mickie Winkler  
Mayor, City of Menlo Park

ATTEST:

\_\_\_\_\_  
Silvia M. Vonderlinden  
City Clerk

**ATTACHMENT F**

**DRAFT  
SEPTEMBER 20, 2005**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF MENLO PARK  
REZONING PROPERTY LOCATED AT  
966, 1000, and 1002 WILLOW ROAD**

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

**SECTION 1.** The zoning map of the City of Menlo Park is hereby amended such that certain real properties located at 966 Willow Road (062-214-100), 1000 Willow Road (062-214-090), and 1002 Willow Road (062-214-060) and more particularly described in Exhibit "A" and Exhibit "B" is rezoned from C-2-B, Neighborhood Commercial, Restrictive to R-4-X, High Density Residential Conditional Development.

**SECTION 2.** This ordinance shall be published once, within fifteen (15) days of its passage and adoption, in the Menlo-Atherton Recorder (Menlo Park's Almanac), a newspaper of general circulation, circulated in the City of Menlo Park and printed and published nearest the City of Menlo Park, and shall take effect thirty (30) days after its passage and adoption.

INTRODUCED on the \_\_th day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_th day of \_\_\_\_\_, 2005, by the following vote:

AYES:            Councilmembers:  
NOES:            Councilmembers:  
ABSENT:        Councilmembers:  
ABSTAIN:       Councilmembers:

APPROVED:

\_\_\_\_\_  
Mickie Winkler  
Mayor, City of Menlo Park

ATTEST:

\_\_\_\_\_  
City Clerk  
Silvia M. Vonderlinden



# PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION  
MEETING OF JULY 25, 2005  
AGENDA ITEM C2

<b>LOCATION:</b>	<b>966, 1000, and 1002 Willow Road</b>	<b>APPLICANT:</b>	<b>Benchmark Homes</b>
<b>EXISTING USE:</b>	<b>Vacant</b>	<b>OWNER:</b>	<b>Jeff Warmoth</b>
<b>PROPOSED USE:</b>	<b>Twelve Single-Family Residential Units</b>	<b>APPLICATION:</b>	<b>General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, and Major Subdivision</b>
<b>EXISTING ZONING:</b>	<b>C-2-B (Neighborhood Commercial, Restrictive)</b>		
<b>PROPOSED ZONING</b>	<b>R-4-X (High Density Residential District, Conditional Development)</b>		

## PROPOSAL

The project site is located on three assessor parcels, with respective addresses of 966, 1000 and 1002 Willow Road. The applicant is proposing to merge the three existing parcels, subdivide the property into 12 residential lots and associated common lot, and construct 12 new residential units. In order to establish residential use on the site, the applicant is requesting approval to amend the General Plan land use designation from Retail/Commercial to High Density Residential and to rezone the property from C-2-B (Neighborhood Commercial, Restrictive) to R-4-X (High Density Apartment, Conditional Development). Since the property is less than one-acre in size, the applicant is requesting approval of a Zoning Ordinance Amendment to Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels less than one acre and greater than or equal to 20,000 square feet in size where a proposed development would provide below market rate housing in excess of the City statutory requirements. The proposal includes establishing a Conditional Development Permit (CDP) for the project. A major subdivision is required to the creation of the new lots.

Staff has determined that a Mitigated Negative Declaration is required for the review of the proposal. The document has been available for public comment since July 14, 2005

The General Plan amendment, Zoning Ordinance amendment, Rezoning, Conditional Development Permit, Major Subdivision and Mitigated Negative Declaration require review and recommendation by the Planning Commission. The City Council is the final decision-making body on the proposal.

## BACKGROUND

The project site was previously approved for a new 11,333-square-foot office development. The office project was approved by the Planning Commission on July 15, 2002.<sup>1</sup> A one-year extension of the use permit was granted by the Planning Commission on May 5, 2003. At the time, the office market was in decline, and the applicants chose not to pursue the office development.

Since then, a new development for the site has been proposed. At a study meeting on January 26, 2004, the Planning Commission discussed the new proposal for a 13-unit residential development project. Eleven of the units were proposed to be market rate, “for sale” units, and two units were proposed to be Below Market Rate (BMR) rental units.

The project proposal originally included a request to change the General Plan land use designation from Retail/Commercial to Medium Density residential, rezone the property to R-3-X Apartment, Conditional Development, and utilize a State housing law, California Government Code Chapter 4.3 Section 65915, Density Bonuses and Other Incentives, to facilitate the development of affordable housing. The law requires cities and counties to adopt a density bonus and incentive ordinance, which would allow the developer some flexibility in the development regulations for the project. Through the State law, the applicant was proposing exceptions for three development regulations: 1) to apply the “X” Conditional Development District to a project site of less than one acre, 2) to exceed 45 percent FAR in the R-3 zoning district; and 3) to provide BMR units at a smaller size than market rate units.

The Planning Commission made the following comments on the project:

- Appropriateness of the project location for residential use;
- Support for changing the General Plan designation from Retail/Commercial to Medium Density Residential and rezoning the property to R-3-X Apartment – Conditional Development Permit;
- Support for utilizing State housing law incentives to vary specific development regulations in order to produce affordable housing, including consideration of varying requirements for applying the “X” Conditional Development District to a project site of less than one acre and exceeding the maximum Floor Area Ratio (FAR);
- Concern about visually and physically separating the proposed BMR units;
- Concern about adequate parking for residents and guests;
- Consideration of design alternatives to address the building frontage on Willow Road and increasing open space;
- Desire to create a pedestrian friendly connections from the project site to the retail uses on Willow Road and the adjacent Flood Triangle neighborhood,

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<sup>1</sup> The staff reports and minutes to the Planning and Housing Commission meetings referenced in this section are available upon request through the Planning Division.

- Desire to minimize adverse impacts, such as noise;
- Request for clarification on emergency access and circulation;
- Support for the preliminary architectural style; and
- Desire for applicant to conduct neighborhood outreach.

Following the Planning Commission study meeting, staff prepared a draft Zoning Ordinance amendment in accordance with State housing law. The draft amendment was reviewed by the Housing Commission on July 27, 2004 and by the Planning Commission on September 13, 2004. The Commissions generally supported the proposed amendment, but the Planning Commission requested clarifications to the applicability and implementation provisions of the draft ordinance. Shortly thereafter, the State Legislature adopted changes to the law. In review of the State's changes, staff determined that revisions to the City's draft ordinance would be necessary. Subsequently, the City's review of the ordinance amendment was placed on hold for further clarification of the changes in State law and for changes recommended by the Planning Commission.

Since the Planning Commission study meeting and the delay in the review of the Zoning Ordinance amendment to implement the State housing law, the applicant consulted with staff on changes to the project. As a result, the applicant has incorporated revisions to the project and applications. The revisions are described in detail in the *Analysis Section* of the report.

## **ANALYSIS**

### ***Project Location and Existing Conditions***

The proposed project site consists of three irregularly shaped assessor parcels, with respective address of 966, 1000, and 1002 Willow Road, totaling 38,750 square-feet, or .89 acres. For discussion purposes in this report, the project site will be considered the three existing parcels.

The project site is located on the portion of Willow Road that connects to Bay Road. The site is bordered by Oil Changers to the south, the southbound Willow Road/ Highway 101 off-ramps to the east and north, and the Veterans Administration Hospital across Willow Road to the west.

The properties were previously developed with a single-family residence and a 2,046 square foot commercial building, which housed a gas station from 1961 to 1979. The single-family residence was accessed from an easement on the Oil Changers property. Since 1979, the commercial building was used for various other uses, including office space and storage. In addition, the site contained a third building, a self-service car wash. This building was removed in 1989. In May 2005, the applicant, with approval from the City, demolished the commercial building and residence in preparation for new development on the site.

## ***Revisions to Project Applications***

The City supports the preparation of an enabling ordinance to process development proposals that include State housing law incentives and bonuses. However, after changes in the State law and delays in the process to prepare changes to and review an ordinance amendment, the applicant, in consultation with the City Attorney and staff, is proposing alternative approach to achieving the project goals of developing the site with market rate and affordable housing.

The intent of the applicant's original proposal was to utilize the incentives created in the State housing laws to modify certain development regulations in order to develop both affordable and market rate housing on the site. The alternative approach would meet the general intent of certain aspects of the State housing laws, but would do so by modifying the City's conditional development permit provisions and BMR requirements. The modifications would create an incentive that allows flexibility in development regulations for projects that exceed the BMR requirements. The incentive would be applicable to residential development projects on smaller sites that are difficult to develop without modifications to the development regulations.

As a result of the change in the approach to the project, the applications for development were revised. The revised project includes the following applications:

1. **General Plan Amendment** to change from Retail/Commercial to High Density Residential;
2. **Zoning Ordinance Amendment** to amend Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to develop standards on parcels totaling less than one-acre in size where a proposed development would provide below market rate housing in excess of City statutory requirements;
3. **Rezoning** to change from C-2-B (Neighborhood Commercial, Restrictive) to R-4-X (Conditional Development High Density Apartment);
4. **Conditional Development Permit (CDP)** to establish specific development regulations for the site and to review the proposed architectural design; and
5. **Tentative Subdivision Map** to create 12 lots for the proposed residential units and associated common area.

## ***Project Description***

The proposal includes the construction of 12 new single-family detached homes (where 13 homes were previously proposed). The homes would be 2,399 square feet in size (1,971 square feet of living space per unit and 428 square feet for an attached two-car garage). The new lots range in size from 1,668 to 3,217 square feet.

Each unit would be 36 feet tall and would consist of three floors. The first floor would include the garage and one bedroom and bathroom. The second floor would include

the living room, family room, kitchen, and bathroom. The third floor would include two bedrooms and two bathrooms.

Seven of the homes would front on Willow Road; the remaining five homes are located along the back of the property. The project site would be accessed from one ingress and egress point on Willow Road and includes a private street, which would run through the center of the development. There would be no through traffic access to the adjacent Oil Changers parking lot. Each unit has been designed to have the garage and front door face the driveway. Each unit has a two-car garage. There are four guest parking spaces on site. Each unit has an enclosed private yard.

The original designs were "Tuscan" style with stucco walls and red tile roofs. Staff expressed to applicant that verticality of the three-story massing did not translate well into a "Tuscan" style. Due to the location of the site, staff encouraged the applicant to consider a new and fresh design. The proposed design is contemporary in style. The applicant is proposing to use a mix of asphalt shingle and galvalum metal roofing materials and galvalum metal and steel troweled stucco siding. The garage doors would be painted metal and the windows would be double pane aluminum. One of the prominent features is the barrel-vaulted roof. As a "gateway" to the residential neighborhood to the south and a transition to the commercial uses on Willow Road, the proposed design lends itself well to the site and the streetscape.

### ***Review of Project Applications***

#### **General Plan Amendment**

In order to develop housing on the site, the project requires an amendment to the underlying General Plan land use designation of the site. The applicant is proposing to amend the General Plan land use designation from Retail/Commercial to High Density Residential. The change is needed in order to rezone the property to R-4 High Density Apartment, which would allow greater flexibility in development regulations than other residential districts. This issue is discussed in greater detail in the Rezoning section below.

The existing land use designation allows for retail services, personal services, professional offices, banks, savings and loans, restaurants, cafes, theaters, social and fraternal clubs, residential uses, public and quasi public uses, and similar and compatible uses. Residential density in the Retail/Commercial designation is limited to 18.5 dwelling units per acre. Although, the land use designation of High Density Residential would allow the property to be developed with a density of up to 40 units per acre, the proposed project would result in a density of 13.48 units per acre, which would be regulated by the Conditional Development Permit.

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

- *Land Use Goal:*
  - *I-A: To maintain and improve the character and stability of Menlo Park's existing residential neighborhoods, while providing for the development of a variety of housing types. The preservation of open space shall be preserved.*
- *Housing Element Policies:*
  - *III.A.10 The City will increase the supply of land available for residential development by redesignating and rezoning targeted residential and non-residential parcels for multi-family residential use, particularly near public transit and major transportation corridors in the city.*
  - *III.A.11 The City will promote the distribution of new, higher-density residential developments throughout the city, taking into consideration compatibility with surrounding existing residential uses, particularly near public transit and major transportation corridors in the city.*

The project site is a unique location and configuration. Although there may be impacts associated with noise on the site from the adjacent highway off ramp, residential use on the site may be the most appropriate based on proximity and access to major transportation routes, such as Willow Road and the SamTrans bus service and Highway 101.

The proposed residential development is included as a potential housing site identified in the Housing Element Update. The site is proposed to be studied for 11 net new residential units (since the site contained an existing dwelling unit). The project also includes two BMR housing units, which exceeds the requirement.

Based on the general location of the site in relationship to highly used transportation corridors and the provision of new housing for the community, including two new BMR units, staff believes that residential use is appropriate at the project site. Therefore, staff recommends approval of the General Plan amendment.

### Zoning Ordinance Amendment

The applicant is proposing two changes to the Zoning Ordinance pertaining to Conditional Development Permits and the Below Market Rate Housing Program.

The first change is Chapter 16.82, Permits, specifically to the Conditional Development Permit (CDP), referred to as an X zoning district. The X zoning district is a combining district that allows the establishment of a CDP for the development regulations for the property, with the exception of FAR and density. It is a useful

regulation for development because it allows greater flexibility in development regulations that can be tailored to the project site.

The X zoning district is applicable on parcels greater than one-acre in size. The proposed project site is 0.89 acres. The applicant is proposing to amend the Zoning Ordinance to allow the X zoning district for parcels that are less than one acre but greater than or equal to 20,000 square feet in area. The amendment is specific to residential development on smaller parcels. It would allow the consideration of an X zoning district if the proposed number of BMR units exceeds the requirement by more than one-half of a unit. In this case, 1.2 BMR units are required (10 percent of the total number of units on the site). However, the applicant has agreed that rather than pay the in lieu fee for the additional 0.2 housing unit, he would propose to build a full unit for a total of two BMR units on the site.

The second change would be to create a general reference to the incentive for affordable housing on smaller lots in the Chapter 16.96, Below Market Rate Housing Program. The change would refer to the provisions in the CDP sections.

The draft ordinance amendment is provided as Attachment F.

In consideration of the implications of the draft Zoning Ordinance amendment, staff believes that there are relatively few other properties in the City where the ordinance amendment may be applicable. However, where it can be applied, the City will benefit by increasing its stock of BMR units, instead of paying an in lieu fee for the increment difference. In addition, the process includes review and approval by the Planning Commission and City Council. Based on the limited applicability, the benefits of additional BMR units, and the review process, staff recommends approval of the proposed Zoning Ordinance amendment.

### Rezoning

The applicant is proposing to rezone the property from C-2-B, a commercial zoning district, to R-4-X, a residential zoning district with conditional development. The applicant originally proposed to rezone the property to R-3-X Apartment, a medium density residential zoning district with a CDP. In order to use the R-3 district for the project, the applicant needed to propose to use the State housing laws to request an exception for FAR to develop the project. The proposed project FAR is 61 percent, which exceeds the R-3 FAR of 45 percent. In the R-4 zoning district, the maximum FAR is 100 percent. By using the existing R-4 zoning district as the base, the applicant is able to continue to pursue a higher FAR, and would no longer need the State housing law to increase the FAR for the site. Since the development still needs exceptions to the lot area, dimensions, and setbacks, the proposed Zoning Ordinance amendment to allow an X zoning district on a parcel less than one acre but greater than 20,000 square feet is also necessary.

As proposed, the proposal would conform to the majority of requirements of the R-4 (High Density Residential District) zoning district, including FAR, density, lot coverage, landscaping, paving area, parking, and building height. The remaining requirements for lot area, dimensions and setbacks would be established in the X zoning district designation and CDP.

#### Conditional Development Permit

The CDP establishes all zoning requirements for the proposal with the exception that the allowed FAR and dwelling unit limit may not exceed that of the underlying zoning district. The proposal is for the merging of three lots, constructing 23,666 square feet of floor area (FAR of 61 percent) with 12 residential units (13.48 dwelling units per acre) on 12 separate parcels accessed by a new private street. The project would meet the FAR and density regulations in the R-4 zoning district.

The development standards for the project site and for each of the 12 lots would be defined by the approved project plans and the CDP. This would include the type of use, FAR, lot coverage, landscaping, paving, unit parking, guest parking, setbacks and height.

Since the proposal includes a major subdivision, the resulting lots would range in size from 1,668 to 3,217 square feet in area for the new homes and up to 9,797 square feet for the common space, which is less than the R-4 requirements of lot size between 20,000 square feet and one acre. In addition, the new lots would range in lot dimension from 31.2 to 40 feet in width and 52.5 to 80.44 feet in length, where 100 feet are required for each in the zoning district. The CDP would establish front yard setbacks with a range of one to 10 feet, rear yard setbacks with a range of 10 to 56 feet, and side yard setbacks with a range of 3.1 to 10 feet, where the R-4 zoning district requires a minimum front yard setback of 20 feet, rear yard setback of 15 feet, and side yard setbacks of 10 feet.

A public hearing by the Planning Commission and City Council would be required prior to issuance of a permit for revisions to the CDP which involve changes in land use, expansion or intensification of development or a relaxation in the standards of development. Staff could approve minor revisions to the approved plans that would not affect the safety or privacy of neighboring properties or have potential negative environmental impacts. Staff would have the option of referring any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.

#### Heritage Trees

An arborist report has been prepared and is included in the Mitigated Negative Declaration, Appendix B. The arborist report was prepared in December 2005 and amended in April 2005, to reflect revisions to the design proposal. The reports include

review of significant trees on the project site and on adjacent properties within ten feet of the project site. There are ten significant trees on the project site and nine trees located on the Caltrans right of way adjacent to the property.

The applicant has applied for heritage tree removal permits for three trees. The remaining seven trees and the Caltrans trees are in good health and should be protected during construction as specified in the arborist report. The protection of the trees is specified in the mitigation measures outlined in the Mitigated Negative Declaration.

The three heritage trees proposed for removal are an incense cedar and a red ironbark (located on Lot 12), and a coast live oak tree (location on Lot 8). The incense cedar and red ironbark are in poor condition and are recommended for removal. The coast live oak is in fair to good health, however the proposed setbacks of the proposed home and driveway on Lot 8 would likely cause the tree to die. The arborist report submitted by the applicant indicates that the tree would survive the new construction. However, in consultation with the City Arborist, staff does not believe that the tree would survive. The proximity of foundation work and the pruning necessary to build a three-story structure adjacent to the tree would cause substantial damage or death to the tree. As a result the City Arborist evaluated the general value of the tree on the property. Staff concluded that it would be appropriate to remove the tree to build the new residence given the overall site constraints. The tree is currently included on the project plans attached to the staff report and MND. However, as a condition of approval, the applicant would be applying for its removal.

The heritage tree removal process requires that the replacement trees be provided, preferably on the project site. The applicant has submitted a landscape plan that identifies the size and type of new trees and shrubs to be planted. The plan includes 10 new raywood ash trees along the Willow Road frontage and 12 buffer trees, such as a sequoia, pinus, or quercus, near the edge of the property. The applicant would plant decorative accent trees, shrubs, and plants within the interior of the property.

In instances where there is a development application pending a public hearing with the Planning Commission, the decision on a heritage tree removal permit is made after the public hearing in order to allow the Planning Commission opportunity to give input into the removal request. The decision to remove the trees can be made by city staff. Staff has reviewed the removal requests and believes that the removals are warranted. Staff will make a final decision on the requests pending recommendation of the development application by the Planning Commission. The staff decision can be appealed the Environmental Quality Commission.

### Major Subdivision

The applicant is requesting approval of a major subdivision. Major subdivision approval is required for the creation of five or more parcels.

The applicant has submitted a tentative map as part of the application for a major subdivision. The map has been reviewed by the City's Engineering Division. In review of the map, staff has identified three issues. One issue is an existing Public Utility Easement (PUE) on the southerly property line shared with Oil Changers. The plans show a new residence on Lot 1, which is in direct conflict with the PUE, as well as existing gas and water lines. In order to address this issue, the applicant will need to work with the utilities to relocate the existing gas and water line, and to work with the City on consideration of a partial abandonment of the PUE. A decision by the City Council on the request for an abandonment would need occur prior to the recording of the final map.

Secondly, there is an existing access easement on the Oil Changers property that was originally created to allow access to the existing single-family residential unit on the site. Since this structure has been removed, there is no need to continue the access easement. However, the site has limited emergency access. In review of the plans with the Fire District, in addition to requiring that fire sprinklers be included in the units, the Fire District requires that an access easement be retained for emergency access purposes. A condition has been added that would require that the easement be modified to reflect the purpose is for emergency access to the site. Staff reviewed this condition with the property owner of Oil Changers, who agreed to retain the easement for such purposes.

Lastly, the tentative map notes that the State has access rights along the shared property line with the Caltrans property. The applicant has indicated that they have agreement from the State that this access is no longer required. As a condition of approval, the Engineering Division is requiring that the applicant provide documentation of the change to access and that the final map reflect the new agreements.

In review of the site plan, the Transportation Division has determined that the roadway width and turning radii are acceptable. In review of the ingress and egress to this site and the Oil Changer site, the Transportation Division has indicated that the proposed perimeter fence will need to be relocated to allow for appropriate line of site. The fence along Lot 1, Lot 6 and Lot 7 would need to be modified in accordance with the Transportation Divisions recommendation. This has been added as a condition of approval.

The applicant has discussed the proposal with the Menlo Park Fire Protection District (MPFPD). The MPFPD has included requirements related to fire sprinklers, street width, emergency vehicle access, and a new fire hydrant. The applicant has agreed to these requirements, and they are noted in the conditions of approval.

#### Below Market Rate Housing Program

Development proposals with five or more dwelling units are subject to the requirements of the BMR program as outlined in Section 16.96 of the Zoning Ordinance. The requirement is for 10 percent of the units to be BMR units. In this case, the applicant

would be required to provide 1.2 units. In the case, the applicant has elected to provide two BMR units, which would exceed the requirements of the program. In previous cases where developers have the option to add a new unit or pay an in lieu fee for a small increment difference, the developers have selected to pay the fee. The applicant in this case is providing a benefit to the City by providing the additional BMR unit.

The two proposed BMR units would be identical to the market rate units. The units are proposed to be dispersed in the development. The project was presented to the Housing Commission on April 28, 2005. The Housing Commission recommended that the City Council approve the Below Market Rate Housing Agreement. A summary of the meeting is provided in Attachment H.

### Las Pulgas Committee

The project site is located within the Las Pulgas Redevelopment area. The applicant met with the Las Pulgas committee on April 20, 2005. The Committee's questions focused on the need to redevelop the site with a viable use. Several members commented that the site was inappropriate for commercial uses, and that the site's history of failed commercial uses demonstrates this. The Committee commented on the attractiveness of the design and asked the developer to keep the for sale units reasonably priced. The committee recommended that the City Council approve the project as proposed.

### Correspondence

To date, staff has received two phone calls from the public regarding the proposed development. One call was from a resident of San Mateo County who resides on Bay Road. She believed that additional noticing was necessary to inform the neighborhood of the proposed project.

The second call was with the property owner of the Oil Changers site, Bill Partridge. Staff reviewed and discussed the proposed project. Mr. Partridge had no additional comments at that time.

## **CEQA – ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (MND) was prepared for the current proposal and was circulated for public review pursuant to the current State CEQA Guidelines. The public review period for the Mitigated Negative Declaration was set from July 14, 2005 through August 15, 2005. To date, there have been no written comments submitted on the MND.

The MND analyzes the potential environmental impacts of the project across a wide range of impact areas. The MND determined that the project would have no impact on agricultural resources, population and housing, land use and planning, mineral resources. The project would have a less-than-significant impact without the need for mitigation measures on the following impact areas: geology and soils, recreation, and

utilities and service systems, public services, utilities and service systems. For most of the remaining environmental impact areas, including aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, transportation and traffic, the MND concluded that the project would have a less-than-significant impact with the adoption of specific mitigation measures. A complete list of these mitigation measures is included in the MND, which was previously distributed. Staff would note that these mitigation measures are included as conditions of approval for the project. The MND did not identify any environmental impact areas for which mitigation would not reduce a potential impact to a less-than-significant level.

Although the MND establishes that the potential impacts from the project will be reduced to a less-than-significant level, the following sections highlight the mitigation measures included in the project.

Regarding aesthetics, the MND includes mitigation measures to reduce aesthetic impacts as a result of the proposed project. The mitigation measures include protecting heritage trees during construction. In order to preserve the significant trees on the site, the MND includes a mitigation measure requiring the use of aeration systems and interlocking pavers within the drip lines. The applicant has improved the aesthetics of the site by demolishing a single-family dwelling and vacant commercial building on the site. Regarding the new building materials and lighting within the site, the MND includes mitigation that would require a lighting plan and material samples to ensure there would be no illumination from lights or glare from siding visible from off-site.

Regarding air quality, the MND includes mitigations to reduce the amount of particulates emitted during construction. Mitigation measures include watering of the site, covering trucks that are hauling materials, stabilizing soil on access roads, staging and parking areas, sweeping with water sweepers all paved areas within the site daily, and sweeping with water sweepers if soil materials is carried public streets to the adjacent project area. After construction, the project would not result in a less than significant impact to air quality.

Regarding biological resources, the MND indicates the project is about one-half mile from a sensitive Valley Oak Woodland vegetation community. The woodland is used by raptors and may be used the raptors or other migratory birds as their habitat. A mitigation measure has been included that would require any tree removal, pruning, or grading adjacent to the trees at the project site to be within September 1 and January 30 to prevent disturbance to raptors or other nesting migratory birds. Any removal, pruning, or grading within these months would require a pre-construction nesting survey to ensure there are no nesting birds.

The project includes the removal of three heritage trees on-site (Tree numbers 2, 3, and 5). The MND includes a mitigation measures requiring the applicant to obtain heritage tree removal permits for these three trees and to implement tree protection measures and methods outlined in the arborist report.

Based on the distance from the site to water sources, it is not expected that the site is sensitive to cultural resources. However, the MND includes a mitigation measure that would require the applicant to include a note on the project plans that if cultural resources are found during grading or other work, work shall be halted and the City shall be contacted.

Regarding hazards, the MND includes a mitigation measure that would ensure that workers and the public are protected from potentially hazardous materials during all phases of construction. The MND also includes mitigation measures that would require the applicant to perform all recommendations made in the Phase II Environmental Assessment.

Currently, the site drains water into existing storm drains along Willow Road. The applicant has submitted a drainage plan. However, the plan does not address filtering of runoff such as oils or petroleum based fluids from motor vehicles prior to runoff entering the storm drain system. A mitigation measure has been included that would require the applicant to revise the drainage plan to include treatment for all on-site storm water before it enters the City storm drain system.

Regarding noise impacts, the MND reviewed noise impacts based on an environmental noise assessment prepared for the proposed development in 2003. The MND includes the mitigation measures in the noise assessment and concludes that the noise levels would be less than significant with the proposed mitigation measures.

Regarding traffic, a Traffic Impact Analysis was prepared by DKS Associates in August 2004 and updated in June 2005. At the time, the analysis was prepared the project included 13 units with three guest parking spaces. Subsequently, DKS prepared a memorandum dated May 31, 2005 addressing the change in project size to 12 units with four guest parking spaces. The proposed project would not generate impacts to levels of service or increase traffic on local streets. The focus of the transportation analysis was on the potential for lack of parking on the site. Specific mitigation measures have been included that would ensure the parking spaces within the project site are available for vehicular parking.

## **RECOMMENDATION**

Recommend to the City Council:

1. Adopt the following findings relative to the environmental review of the proposal:
  - A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;

- The Planning Commission has considered the Mitigated negative Declaration prepared for the proposal and any comments received during the public review period; and
  - Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make a finding that the proposed General Plan amendment to change the land use designation of the properties from Retail/Commercial to High Density Residential would be consistent with the adopted General Plan.
  3. Make a finding that the proposed Zoning Ordinance amendment amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than one-acre but greater than 20,000 square feet in size where a proposed development would provide below market rate housing in excess of City statutory requirements is consistent with the General Plan.
  4. Make a finding that the proposed rezoning from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development) is consistent with the proposed General Plan land use designation of High Density Residential for the property.
  5. Make a finding that the proposed conditional development will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
  6. Make a finding that the conditional development involves combining of zoning districts for the development of an underutilized irregularly shaped vacant lot adjacent to a freeway interchange for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately. Furthermore, the proposed development conforms to all of the development regulations of the underlying R-4 (High Density Residential) zoning district except for lot areas, dimensions and setbacks.
  7. Make a finding that the tentative subdivision map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
5. Approve the Mitigated Negative Declaration.

6. Approve Resolution \_\_\_\_\_, amending the General Plan to change the land use designation of 966, 1000, 1002 Willow Road from Retail/Commercial to High Density Residential.
7. Introduce Ordinance No. \_\_\_\_\_, amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than one acre but greater than 20,000 square feet in size where a proposed development would provide below market rate housing in excess of City statutory requirements.
8. Introduce Ordinance No. \_\_\_\_\_, rezoning the property from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development).
9. Approve the Conditional Development Permit for the twelve, detached, single-family residential units on twelve parcels, requiring Major Subdivision approval at 966, 1000, 1002 Willow Road subject to the requirements of the Conditional Development Permit.

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Tracy Cramer  
Senior Planner  
Report Author

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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 within a 300-foot radius of the subject property and in an expanded area that included properties bounded by Bay Road, Henderson Avenue and Van Buren Avenue. Planning Commission action will be in the form of a recommendation to the City Council.

## **ATTACHMENTS**

- A. Location Map
- B. Project Plans
- C. Data Sheet
- D. Draft Conditional Development Permit, July 25, 2005
- E. Resolution \_\_\_\_\_, amending the General Plan to change the land use designation of 966, 1000, 1002 Willow Road from Retail/Commercial to High Density Residential

- F. Draft Zoning Ordinance Amendment, amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program
- G. Draft Rezoning Ordinance No.\_\_\_\_\_ to rezone property at 966, 1000, and 1002 Willow Road from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development)
- H. Housing Commission Memorandum, April 28, 2005

## **EXHIBITS TO BE PROVIDED AT MEETING**

1. Colors and Materials 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.

## ATTACHMENT C

### DATA SHEET 966-1002 Willow Road

#### PROPOSED PROJECT\*

#### PROPOSED R-4 ZONING

Lot area	38,750 sf	<b>PER CONDITIONAL DEVELOPMENT PERMIT</b>
Lot width	Irregular	
Lot depth	Irregular	
Setbacks		
Front	varies	
Rear	varies	
Side (left)	varies	
Side (right)	varies	
FAR (Floor Area Ratio)	61 %	100 % max.
Dwelling Units	12 units/13.48 du/ac	36 units/40 du/ac
Square footage by floor	4,848 sf/1st	
	9,982.8 sf/2nd	
	8,835.6 sf/3rd	
	5,145 sf/garage	
Total FAR	23,666.4 sf	38,750 sf
Building total	28,811.4 sf	None
Building coverage	26 %	40% max.
Paving	31 %	35% max.
Landscape	48 %	30% min.
Building height	34 Ft.	40 ft.
Parking	24 Covered 4 Uncovered **	24 Covered 4 Uncovered**
Trees	Heritage trees 10	Non-Heritage trees 0
	Heritage trees to be removed 3	Non-Heritage trees to be removed 0

# ATTACHMENT D

## DRAFT CONDITIONAL DEVELOPMENT PERMIT

### 966-1002 WILLOW ROAD

Planning Commission Meeting of July 25, 2005

#### I. GENERAL INFORMATION:

- A. Applicant: Jeff Warmoth
- B. Nature of Project: General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Major Subdivision for the construction of 12 new residential units.
- C. Property Location: 966-1002 Willow Road
- D. Assessor's Parcel Number: 061-214-100, 061-214-090, and 062-214-060
- E. Area of Property: 38,750 square feet (total)
- F. Present Zoning: C-2-B (Neighborhood Commercial, Restrictive)
- G. Proposed Zoning: R-4-X (High Density Apartment, Conditional Development)
- H. Permitted Uses in the R-4-X District: Single-Family Dwellings
- I. Conditionally Permitted Uses in the R-4-X District: None

#### II. DEVELOPMENT STANDARDS:

- A. Floor Area Ratio (FAR) shall not exceed 61 percent of the project site.
- B. Lot coverage shall not exceed 40 percent of the lot area.
- C. Minimum landscaping shall be 30 percent of the lot area.
- D. The maximum amount of pavement shall not exceed 35 percent.
- E. Building height shall not exceed 40 feet from the average natural grade.

- F. Building setbacks and parking shall be in accordance with the precise development plans.
- G. The on-site circulation shall be installed according to the approved plans and maintained through the creation of a maintenance association as specified in the CC & R's for the for the project.

### III. TERMS OF THE PERMIT

- A. The Conditional Development Permit shall expire one year from the date of approval if the applicant does not submit a complete building permit application within that time.
- B. A public hearing by the Planning Commission and City Council would be required prior to issuance of a permit for revisions to the development plan which involve changes in land use, expansion or intensification of development or a relaxation in the standards of development. Staff could approve revisions to the approved plans that would not affect the safety or privacy of neighboring properties or have potential negative environmental impacts. Staff would have the option of referring any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- C. This permit may be amended by a majority vote of the City Council. Application for amendment shall be made by at least one of the property owners, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

### IV. OTHER CONDITIONS:

- A. Development of the project shall be substantially in conformance with the plans prepared by Jonathan Baitmansour, Winterbotham Partnership, and AP Consulting Engineers, dated received by the Planning Division on July 12, 2005, consisting of nine plan sheets and approved by the Planning Commission on July 25, 2005 except as modified by the conditions contained herein. The development of the project shall conform to the design option as specified by the Planning Commission.
- B. Prior to building permit issuance, the project sponsor shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- C. Prior to building permit issuance, the project sponsor shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
- D. Prior to grading or building permit issuance, the project sponsor 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.
- E. The project sponsor shall submit CC & R's (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney prior to the recordation of the final subdivision map. The final subdivision map and the CC & R's shall be recorded concurrently.
- F. Prior to building permit issuance, the project sponsor shall provide documentation of the recordation of the final subdivision map at the County Recorder's Office, including the merger of 966, 1000, and 1002 Willow Road, for review and approval of the Engineering Division and the Planning Division. Application for a building permit may be made prior to recordation.
- G. Prior to building permit issuance, the project sponsor shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- H. Prior to building permit issuance, a detailed landscape and irrigation plan shall be submitted and approved by the Planning Division, Engineering Division and the City Arborist. The plan shall comply with the Water Efficient Landscaping Ordinance. Landscape controls shall be incorporated into the plans to ensure efficient irrigation and the preservation of existing heritage trees. The consulting arborist shall review the landscape plan to assure that proposed plantings, drives, walkways and irrigation will not adversely impact the health of heritage trees to remain. The plan shall promote surface filtration and minimize the use of fertilizers, herbicides and pesticides. The plan should include existing and proposed plant materials, proposed driveway, path, patio and all other surface materials. The plan shall include a roof plan indicating eave lines and edges of buildings, fence details including

elevations of any proposed fences, arbors or walls. The landscape plan should become part of approved building plans and be available at all times as part of the onsite job plans. Landscape shall be installed to Planning staff satisfaction prior to final building inspection.

- I. Prior to building permit issuance, the project sponsor shall submit a plan showing frontage improvement details, including but not limited to replacing the curb, gutter and sidewalk, trees in the City's right-of-way, and repaving the street along the property frontage to the centerline of the street. The improvement plan shall be submitted for review and approval by the Planning and Engineering Divisions.
- J. Simultaneous with the submittal of a complete building permit application, the project sponsor shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The plans shall be prepared by a Civil Engineer registered in California and shall be included in the project plans submitted for building permit applications. The project is required to utilize on-site infiltration as much as possible as a means of handling roof and site drainage. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.
- K. The property owners are required to enter into a "Stormwater Treatment Measures Operation and Maintenance (O & M) Agreement" with the City. With the executed agreement, the property owners are responsible for the operation and maintenance of stormwater treatment measures for the project. The property owners are required to provide access permission to the extent allowable by law for representatives of the City, local vector control district, and Regional Water Quality Control Board staff strictly for the purpose of O & M verification for the specific stormwater treatment system for the project.
- L. Prior to building permit issuance, the project sponsor shall pay any applicable recreation fees (in lieu of dedication) if applicable per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
- M. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- N. All recommendations outlined in the report entitled "Tree Survey," prepared by McClenahan Consulting, LLC and dated April 29, 2005, shall be implemented as indicated during and after

construction, and including the installation of aeration systems.  
(Mitigation 1.1)

- O. Prior to building permit issuance, the project sponsor shall submit a revised site plan showing that no paving or construction shall occur within 8 to 10 feet of the existing Coast Oak tree (tagged as Tree #1). Paving that occurs in the drip line shall be interlocking pavers and not turf block with decomposed granite. The revised plan shall be subject to review and approval of the Planning Division and City Arborist. (Mitigation 1.2)
- P. Prior to building permit issuance, the project sponsor shall submit an exterior lighting plan that includes only site exterior lighting fixtures that do not allow direct light rays to leave the project site and which also do not allow direct light sources (incandescent, fluorescent, or other forms of electric illumination) to be directly visible from off-site locations. The plan shall be subject to review and approval by the Planning Division. (Mitigation 1.3)
- Q. Prior to building permit issuance, the project sponsor shall submit a materials sample of the metal siding to be installed on the residential units. The siding shall have a finish that is non-reflective. The materials sample(s) shall be subject to review and approval of the Planning Division. (Mitigation 1.4)
- R. Prior to building permit issuance, the project sponsor shall submit a plan for the control of emissions from construction equipment and wind blown soils for the duration of the project. The plan should list specific measures to reduce emissions and dust. The plan should also specifically address how dust will be controlled during weekends and other off-work periods. Finally, the plan should include a contact name and phone number to receive and address any complaints. The following measures, which are recommendations in the *BAAQMD CEQA Guidelines* for construction to prevent PM<sub>10</sub> emissions, shall be incorporated into the plan:
  - a) Water all active construction and disturbed areas at least twice daily during dry periods.
  - b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c) Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust,

sediment, and debris shall not be washed into the storm drain system.

- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system.

The plan shall be subject to review and approval by the Building and Planning Divisions. (Mitigation 3.1)

- AA. Tree removal, pruning, or grading adjacent to trees at the project site shall be conducted between September 1 and January 30 to prevent disturbance to raptors or other nesting migratory birds. If tree removal, pruning, or grading must occur during the nesting season (between February 1 and August 31), a qualified biologist shall conduct a pre-construction nesting bird survey 30-days prior to such work. If no nesting birds are observed, no further action is required and construction activities may proceed. If active nests are observed, tree removal, pruning, and grading shall be delayed until after the young have fledged, as determined by the biologist or until after the nesting season in coordination with the California Department of Fish and Game. (Mitigation 4.1)
- BB. Prior to building permit issuance, the project sponsor shall obtain approval for the removal of three heritage trees on the site, the Incense cedar tree (tagged as Tree #2), Red ironbark tree (tagged as Tree #3), and a Coast live oak (tagged as Tree #5). The project sponsor shall incorporate any additional conditions that may be added in consideration of the removal of the heritage trees. (Mitigation 4.2)
- CC. Prior to building permit issuance, the project sponsor shall provide a copy of a contract with a certified arborist that indicates an arborist shall be on site for the implementation of the tree protection and preservation methods outlined in the arborist report, including:
  - a) Installation and inspection of tree protection measures, including temporary barricades around all trees on the site. The barricades shall consist of six-foot high, chain link fences mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot intervals. The barricades shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. No storage of materials, topsoil, vehicles, or equipment shall be permitted within the tree enclosure areas and the ground around the tree canopy shall not be altered. The barricades shall remain in place until final inspection of

the building permit, except for work specifically required in the approved plans to be done within the trees' drip lines.

- b) Grading operations shall not occur closer than 5 times the trunk diameter distance from any tree, or within the fenced tree enclosure areas. Utility trenching within 6 feet of the trunk of trees tagged as Tree #4. Should work occur in this area, it shall be hand excavated to at least 30 inches below the ground surface. No roots greater than one inch in diameter shall be severed without prior inspection by a qualified arborist. If any roots greater than 1-inch in diameter are damaged, broken, or severed during grading or trenching operations, a qualified arborist shall supervise any additional flush cutting and sealing of exposed roots within 24 hours of the initial root damage.
- c) Removal of ivy from trunk on the California fan palm (tagged Tree #8).
- d) Deep root soil injection fertilization system shall be installed. Fertilizer shall be injected in spring and summer for those trees to be impacted by construction.
- e) During construction activities, a qualified arborist shall conduct inspections of the site at least once every four weeks, and possibly more frequently if deemed necessary by the arborist.

Upon completion of each item, the project arborist shall submit a written report of inspection findings and recommendations, if any, to the Building Division. The contract with the above specifications shall be subject to review and approval of the Building Division. (Mitigation Measure 4.3)

- DD. Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The City shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to

the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area or discovery shall be allowed until the preceding has occurred. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Division. (Mitigation 5.1)

- EE. Prior to building permit issuance, the project sponsor shall submit a Health and Safety Plan to the Community Development Director for review and approval. The purpose of the plan will be to minimize the exposure of workers and the public to potentially hazardous materials during all phases of project construction. The plan shall require implementing appropriate control methods and approved containment and spill-control practices (e.g., spill control plan) for construction chemicals and materials on-site. (Mitigation 7.1)
- FF. Any remaining parts of the two-chambered sump and wash water basins shall be excavated and properly disposed of. After these features have been removed from the site, a letter shall be provided to the Community Development Director confirming their removal and appropriate disposal. (Mitigation 7.2)
- GG. Any drain lines formerly connected to the sump or waste oil tank shall be excavated and properly disposed. After these features have been excavated, a letter shall be provided to the Community Development Director confirming their excavation and appropriate disposal. (Mitigation 7.3)
- HH. Prior to building permit issuance, a qualified engineer or registered geologist shall collect and test soil samples from the excavations for the hydraulic lift system, two-chambered sump, and any drain lines formerly connected to the sump or waste oil tank. The qualified engineer or registered geologist shall submit the results of the soil testing to the Community Development Director. The soil testing results shall summarize the findings and indicate if the soil sample results indicate potential health risks to future residents. If health risks or remediation needs are identified, the project sponsor shall submit the soil sampling/testing results to the County Health Services Agency, and construction activities shall not be initiated until the Agency issues a letter indicating that there are no health risks associated with residential development of the site. No soil sampling will be required if Aquifer Sciences submits a letter to the Community Development Director indicating why, in their professional opinion, their 1999 Phase II soil sampling recommendations are no longer required. The letter shall

specifically address each of the recommended sampling locations, including the former drain lines. (Mitigation 7.4)

- II. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the stockpiled soil at the site represents an environmental concern to potential future residents on the site. If concerns are identified, Aquifer Sciences shall recommend and the project sponsor shall implement methods (i.e., soil sampling under former stockpiled areas) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. (Mitigation 7.5)
  
- JJ. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the offsite sources of contamination represent an environmental concern to potential future residences on the site. If concerns are identified, Aquifer Sciences shall recommend and the project sponsor shall implement methods (i.e., groundwater sampling) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. (Mitigation 7.6)
  
- KK. Prior to building permit issuance, the project sponsor shall submit a revised site drainage plan that incorporates measures to collect and treat all on-site storm water prior to those waters entering the storm drainage system within Willow Road. Measures to collect and treat on-site storm waters may include but shall not be limited to bioswales and oil-water separators. The revised plan shall be subject to review and approval of the Engineering Division. (Mitigation 8.1)
  
- LL. Prior to final building inspection, the project sponsor shall install noise barriers along the project site's perimeter as recommended in the environmental noise assessment prepared by 2003 by Illingworth and Rodkin, Inc. These barriers shall include but not be limited to:
  - a) 6-foot tall noise barrier along the site's northern and a portion of the western property lines.
  - b) 8-foot tall noise barrier along the site's eastern, southern, and a portion of the western property lines.

The barriers shall be constructed without cracks or gaps in the face, without large or continuous gaps at the base, and with a minimum surface weight of 3.0 pounds per square foot. Small, dispersed gaps in the base of the walls for landscape irrigation or drainage

are acceptable if they do not compose more than 0.5% of the wall area. The installation of the noise barriers shall be subject to review and approval of the Building Division. (Mitigation 11.1)

- MM. Prior to building permit issuance, sound insulation, such as standard thermal insulating glass, shall be incorporated into the project during design for all second and third floor building facades. The plans shall be subject to review and approval of the Building Division. (Mitigation 11.2)
- NN. Prior to building permit issuance, the plans shall be revised to show that all residential units shall be equipped with mechanical ventilation to enable residents to close their windows. The plans shall be subject to review and approval by the Building Division. (Mitigation 11.3)
- OO. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots prohibiting all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15.1)
- PP. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots prohibiting the use of garage parking spaces for any use other than the parking of motor vehicles. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15.2)
- QQ. Prior to the final building inspection, the project sponsor shall post no parking signs and shall also clearly delineate all no parking areas. The installation of the signs shall be subject to review and approval of the Transportation Division. (Mitigation 15.3)
- RR. Prior to the final building inspection the project sponsor shall enter into an agreement with the City of Menlo Park Police Department to permit their patrol and enforcement of on-site parking limitations, including extension of approval to cite and tow all illegally parked vehicles. The agreement shall be subject to review and approval of the Police Department. (Mitigation 15.4)
- SS. Prior to building permit issuance, the applicant shall submit revised plans and elevations to relocate the and reduce the height, if necessary, of fence on Lots 1, 6, and 7 to allow for a line-of-site for ingress and egress on Willow Road. The revised plans and elevations shall be subject to review and approval of the Planning and Transportation Divisions.

- TT. Prior to building permit issuance, the applicant shall submit revised plans that incorporate the Menlo Park Fire Districts requirements for fire sprinklers, street width, and fire hydrants. The plans shall be subject to review and approval of the Fire District and Building Division.
- UU. Prior to recordation of the final map, the applicant shall incorporate the following changes:
- a. The existing easement for Parcel three shall be revised to create emergency and other required access to the project site;
  - b. The applicant shall submit documentation with regard to the right for State access to Caltrans property along the rear of the property adjacent to the Willow Road offramp of Highway 101. If access is no longer required by the State, the map shall be revised to exclude the note for right to access.
  - c. Other changes as deemed necessary by the Engineering Division.

The plan shall be subject to review and approval of the Engineering Division.

- VV. Prior to recordation of the final map, the applicant shall work with the utility companies to relocate the existing gas and water lines on the Public Utility Easement (PUE) on the southerly portion of the property shared with Oil Changers. The applicant shall work with the Engineering Division on consideration of an abandonment of the PUE and make an application for an abandonment of the existing PUE easement, if applicable. If the water and gas lines cannot be relocated or the PUE cannot be in part or wholly abandoned, the applicant shall submit revised plans to address the issue. One of the options may include elimination of the proposed residence on Lot 1. In the event that the site plan needs to be substantially modified to address the issue, then the applicant shall return to the Planning Commission for review and approval of the revised project plans.
- WW. Prior to building permit issuance, the applicant shall pay all applicable school impacts fees associated with the project.
- XX. Prior to building permit issuance, the applicant shall pay a traffic improvement fee of \$708 per unit.

Recommended for Approval by the  
Menlo Park Planning Commission on  
July 25, 2005

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Arlinda Heineck, Community  
Development Director

Approved by the  
Menlo Park City Council on

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Silvia M. Vonderlinden, City Clerk

**ATTACHMENT E**

**DRAFT  
JULY 25, 2005**

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION  
FOR CERTAIN PROPERTY LOCATED AT  
966, 1000, and 1002 WILLOW ROAD**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain properties located at 966, 1000, and 1002 Willow Road to allow for the development of 12 single-family detached residential units, including two Below Market Rate housing units; and

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

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

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

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

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

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

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

\_\_\_\_\_  
City Clerk

# ATTACHMENT F

DRAFT  
JULY 25, 2005

ORDINANCE NO. \_\_\_\_

**An Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code, Amending Chapters 16.82 *Conditional Development Permits* and 16.96 *Below Market Rate Housing Program***

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

**SECTION 1.** Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to add Section 16.82.055, *Applicability*, as follows:

## II. CONDITIONAL DEVELOPMENT PERMITS

16.82.050 Issuance--Purposes.

16.82.055 Applicability.

16.82.060 Application--Accompanying drawings and plans.

16.82.070 Form of application.

16.82.080 Hearing on application.

16.82.090 Planning commission action on application.

16.82.100 Council action.

**SECTION 2.** The following section of Title 16, *Zoning*, Chapter 16.82.050, *Issuance-- Purposes*, of the Menlo Park Municipal Code is hereby amended to read as follows:

**16.82.050 Issuance -- Purposes.** A conditional development permits may be issued ~~for a development on a parcel in excess of one acre in area, in any district to permit~~ allow adjustment of the requirements of the district in order to secure special benefits possible through comprehensive planning of such large development. Further, such adjustment is intended to allow relief from the monotony of standard development; to permit the application of new and desirable development techniques; and to encourage more usable open space than would otherwise be provided with standard development.

**SECTION 3.** Title 16, Zoning, Chapter 16.82, *Conditional Development Permit*, of the Menlo Park Municipal Code is hereby amended to add Section 16.82.055 *Applicability* which shall read as follows:

**16.82.055 Applicability.** A Conditional Development Permit shall apply to the following:

- a) Development on a parcel in excess of one acre in area; or
- b) Development on a parcel with a lot area that is less than one acre in area but greater than or equal to 20,000 square feet in area, provided that the development complies with the Below Market Rate (BMR) Housing Program set forth in Section 16.96 and that the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than one-half (0.5) of a unit.

**SECTION 4.** Title 16, Zoning, Chapter 16.96, *Below Market Rate Housing Program*, of the Menlo Park Municipal Code is hereby amended to modify Section 16.96.040 (3) Incentives, which shall read as follows:

**16.96.040 Development Regulations for Below Market Rate Housing Units.**

(3) Incentives. The following incentives may be requested, if applicable:

- a) To accommodate the increase in allowable density and floor area ratio described in subsection 16.96.040(2), the developer may request exceptions from all development regulations of the applicable zoning district of a residential development project that includes below market rate units, except for floor area ratio and density.
- b) Development on a parcel of less than one acre in area but greater than or equal to 20,000 square feet where the number of BMR units developed on the site exceeds the required number of BMR units by a fractional equivalent of more than and one half (0.5) of a unit may request exceptions from development regulations as specified in Sections 16.82.050-100 Conditional Development Permits.

**SECTION 5.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6.** This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the \_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

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

APPROVED:

\_\_\_\_\_  
Mickie Winkler  
Mayor, City of Menlo Park

ATTEST:

\_\_\_\_\_  
Silvia M. Vonderlinden  
City Clerk

**ATTACHMENT G**

**DRAFT  
JULY 25, 2005**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF MENLO PARK  
REZONING PROPERTY LOCATED AT  
966, 1000, and 1002 WILLOW ROAD**

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

**SECTION 1.** The zoning map of the City of Menlo Park is hereby amended such that certain real properties located at 966 Willow Road (062-214-100), 1000 Willow Road (062-214-090), and 1002 Willow Road (062-214-060) and more particularly described in Exhibit "A" is rezoned from C-2-B, Neighborhood Commercial, Restrictive to R-4-X, High Density Residential Conditional Development.

**SECTION 2.** This ordinance shall be published once, within fifteen (15) days of its passage and adoption, in the Menlo-Atherton Recorder (Menlo Park's Almanac), a newspaper of general circulation, circulated in the City of Menlo Park and printed and published nearest the City of Menlo Park, and shall take effect thirty (30) days after its passage and adoption.

INTRODUCED on the \_\_th day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_th day of \_\_\_\_\_, 2005, by the following vote:

AYES:            Councilmembers:  
NOES:            Councilmembers:  
ABSENT:        Councilmembers:  
ABSTAIN:       Councilmembers:

APPROVED:

\_\_\_\_\_  
Mickie Winkler  
Mayor, City of Menlo Park

ATTEST:

\_\_\_\_\_  
City Clerk  
Silvia M. Vonderlinden



**HOUSING AND REDEVELOPMENT**  
701 Laurel Street/Menlo Park, CA 94025-3483  
(650) 330-6706/Fax (650) 327-1759

## **MEMORANDUM**

DATE: April 28, 2005

TO: Housing Commission

FROM: Gretchen Hillard, Housing and Redevelopment Manager

SUBJECT: Recommendation concerning the proposal for 966-1002 Willow Road BMR Agreement

At the May 4, 2005 Meeting, the Housing Commission will hold a Study Session to consider the proposal for the development at 966-1002 Willow Road to satisfy the requirements of the BMR Housing Program. After the Study Session, the Housing Commission will consider making a recommendation to the City Council concerning the proposed BMR Agreement.

At the Study Session, Jeff Warmoth, the applicant for the proposed 12 housing units at 966-1002 Willow Road, will discuss the details of his proposal. The draft BMR Agreement, floor plans and a site plan are included in the agenda packet.

The BMR requirement for a development of 12 units is 10 percent or 1.2 units. The BMR Guidelines, Section 3.4.1 states that there is a preference for fractional units to be rounded up to a whole unit. Rounding up to a whole unit means that two of the 12 units would be designated as BMR units and the remaining ten units would be market rate units. If two BMR units were provided, then the development potentially would be eligible for two bonus market rate units for a total of 14 units. This particular development, however, is not eligible for a bonus market rate unit because it is not built to the density allowed by the proposed zoning.

Sections 5.1 and 5.2 of the BMR Guidelines describe the physical requirements for BMR units, which are provided on the next page in list format, with a brief observation about the compliance of the 966-1002 Willow Road proposal with the BMR Guidelines requirements.

## Physical Requirements for BMR units from BMR Guidelines, Sections 5.1 and 5.2

- **BMR housing units shall be generally of the same size (number of bedrooms and square footage) as the market-rate units.**
  - **Number of bedrooms** -- All housing units, including BMR units have the same floor plan.
  - **Square footage** -- All proposed units have similar square footage, including the BMR units.
- **The BMR units should be distributed throughout the development.** -- The BMR units are located in two separate housing clusters on the site.
- **The BMR units should be indistinguishable from the exterior.** – The BMR units have the same design as all the other units in the development.
- **The BMR units shall contain standard appliances common to new units, but need not have luxury accessories, such as Jacuzzi tubs.** – The BMR units will have the same appliances as other units.
- **The design and materials used in construction of the BMR unit shall be of a quality comparable to other new units constructed in the development, but need not be of luxury quality.** – The design and materials will be the same in all units, including the BMR units.



## MENLO PARK PLANNING COMMISSION APPROVED EXCERPT MINUTES

Regular Meeting

July 25, 2005

7:00 p.m.

City Council Chambers

701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

**ROLL CALL** – Bims (Vice-chair), Deziel, Henry, Keith, Pagee (Chair), Riggs, Sinnott

**INTRODUCTION OF STAFF** – Chow, Cramer

### **A. PUBLIC COMMENTS**

There was no public comment.

### **C. PUBLIC HEARINGS.**

2. **General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Environmental Review/Jeff Warmoth/966-1002 Willow Road**: Request for the following:

1. General Plan Amendment to change from Retail/Commercial to High Density Residential;
2. Zoning Ordinance Amendment to amend Chapters 16.82 (Conditional Development Permits) and 16.96 (Below Market Rate Housing Program) of the Zoning Ordinance to provide exceptions to develop standards on parcels totaling less than one-acre in size where a proposed development would provide below market rate housing in excess of City statutory requirements;
3. Rezoning to change from C-2-B (Neighborhood Commercial, Restrictive) to R-4-X (Conditional Development High Density Apartment);
4. Conditional Development Permit to establish specific development regulations for the site and to review the proposed architectural design; and
5. Tentative Subdivision Map to create 12 lots for the proposed residential units and one lot for common area.

The project consists of the demolition of the existing structures on the site and the construction of 12 three-story detached single-family dwelling units on the properties located at 966-1002 Willow Road (on the portion of Willow Road that connects to Bay Road). A Mitigated Negative Declaration will be reviewed with the proposed applications.

Staff Comment: Planner Cramer said the proposed General Plan Amendment would change the underlying land use designation from existing retail/commercial to high-density residential. She said the Zoning Ordinance Amendment included with the project was to amend two

chapters in the Zoning Ordinance: one related to conditional development permits and the second related to the Below Market Rate (BMR) Housing Program. She said the focus of the change was to provide an exception or an incentive to allow properties to propose alternative development standards for projects that exceed the BMR housing requirements. She said the rezoning was to change the existing zoning from C-2-B (Neighborhood Commercial/Restrictive) to R-4-X with "X" designating conditional development. She said the project also included a request for a Conditional Development Permit that would establish specific development regulations for the site and would include approval of the architectural design. She said the last item was a Tentative Subdivision Map, which included the merging of three lots and the creation of 12 lots for the residential units and a common area. She said the Commission was also asked to consider a Mitigated Negative Declaration (MND), which had been prepared by a consultant.

Planner Cramer said that staff was recommending that the Commission recommend to the City Council approval of all of the applications for the proposed project. She said the item would be considered by the Council at its August 30, 2005 meeting.

Questions of Staff: Commissioner Keith confirmed that there were four parking spaces designated for guests. She asked how that number was determined. Planner Cramer said the number was determined by the underlying R-4 zoning district that required one guest parking for every three units. Commissioner Keith confirmed that the changes proposed to the Zoning Ordinance would only be applied if a project exceeded the BMR program requirements. She asked if this change would affect other lots. Planner Cramer said that it would be very limited and would apply only to lots that were 20,000 square feet to an acre and only if the proposal would provide the additional BMR units that would exceed the requirement. Planner Cramer said this would allow for a developer to propose alternative development regulations on a site and use the X-designation on a lot smaller than an acre. She said the purpose was to get better developments on small lots.

Commissioner Keith said under the section of the staff report regarding heritage tree removal it stated that trees would be replaced preferably on the project site. She asked where else the replacement trees might be planted. Planner Cramer said that in this case there were street trees proposed for the project, but staff did not want those included towards the replacement trees. She said in the instance there were too many trees on the site, the applicant could be required to plant the replacement trees elsewhere or contribute to a fund for that purpose. She said that probably was not the situation with this property however.

Commissioner Riggs asked how staff arrived at the 20,000 square feet figure. Planner Cramer said that the 20,000 square feet to less than an acre in size was comparable to the R-4 zoning district minimum lot size requirements. She said staff also considered what the benefit would be to smaller lots and thought such development might create more impacts to adjacent properties. She said usually it was a benefit to larger lots to vary the setback requirements in some way.

Commissioner Bims asked if there were other R-4 lots that would benefit from the X-designation. Planner Cramer said the proposed zoning ordinance amendment could be applicable to any zoning district, but in this instance the applicant was proposing a base of R-4 and a Conditional Development Permit to modify those development regulations. She said it could be applied to any R- and mixed-use-district. She said there was only one other R-4 zoning district on the corner of Sand Hill Road and Santa Cruz Avenue. She said any of the R-3

lots downtown could potentially be merged, and as a result, if not able to acquire a lot size of an acre, perhaps there would be more than 20,000 square feet, in which instance, the developer/property owner could apply for this exception to the development regulations as long as they proposed to exceed the BMR requirements.

Commissioner Deziel asked if a future project on this site would require a conditional development permit for instance if this project was completely demolished. Planner Cramer said this project approval would establish the precedent for the conditional development permit on the site and a future project that did not want the X-designation would need to apply to change the zoning and the individual units would need to be merged and setback regulations met. She noted that the Conditional Development Permit was written to allow some flexibility for minor changes such as the addition of a fence or a window that would not affect a neighbor. She said any proposed major changes under the Conditional Development Permit would require Planning Commission approval.

Commissioner Deziel asked how the applicant would meet the requirement to process storm water before it entered the storm drain system. Planner Cramer said that might be better asked of the applicant, but the design might not be defined until the project went through the building permit process.

Commissioner Riggs asked whether the BMR units were the same as the other units. Planner Cramer said that the BMR Guidelines required that BMR units be identical to the other units. Commissioner Riggs asked whether the BMR Guidelines required just the same square footage of rooms or did that apply to the materials as well. Planner Cramer said that the BMR units were supposed to be identical and materials used would be the same or comparable to the other units.

Public Hearing: Mr. Jeff Warmoth, Los Altos, the property owner and developer, thanked Planners Cramer and Hutcheson for their hard work on the project, including the applications, the Mitigated Negative Declaration, and the traffic and acoustic studies. He said there were numerous conditions of approval and some of them quite detailed. He said many of them had already been satisfied. He said that some conditions had been volunteered by him such as the requirement for fire sprinklers. He said they would be using state-of-the-art materials in the grading and drainage plan shown on C.02, including a permeable gutter below which was a French drain system that would hold the water in a storm situation. He said a grass swale was proposed around two of the guest parking spaces. He said the intent was that the project would not create more storm water to enter the City's system; he said that in fact the site would retain considerably more water than it did now. He said the guest parking and another area for emergency turnaround would be paved with pavers. He said regarding the zoning change to R-4 that the project was locked in with 10 Market Rate units and two BMR units. He doubted that the site would be developed for more units any time soon. He said the area was nine-tenths of an acre, an acre being an X-designation, which started the discussions about the development. He said all of the 12 units would be identical. He distributed samples of colors and materials to the Commission for review.

In response to Commissioner Keith, Mr. Warmoth said the BMR units were units 1 and 10.

Commissioner Deziel asked about the trowel stucco and whether it would collect dust more than another finish. Mr. Warmoth said that a steel trowel stucco finish would not have the ledges

such as a heavier finish would have. He said that he used construction methods to prevent ledges, which might have runoff that would damage stucco finish. He said they were trying to make the units as low maintenance as possible and the painted metal siding had a minimum guaranteed 20 years before it would have to be repainted.

Chair Pagee asked how the metal siding was applied. Mr. Warmoth said the siding came in a roll and it was cut at the site. He said individual sheets were cut and overlapped. Chair Pagee asked about washing the windows as there appeared to be an accessibility problem to get to some of the windows. He said as for his other projects the expectation was there would be a homeowners' association for this project. He said for his other projects, gutter cleaning and window washing were done twice a year through the homeowners' association and was voted on by the homeowners. He said that was what was expected at this project as well.

Commissioner Keith asked about the oak tree on Lot 8. Mr. Warmoth said the project's arborist, McClenahan Consulting, LLC, believed the tree could be saved because there was about a foot of fill in that area, the proposed foundations were twelve inches supporting the raised garages and steps. He said they did not think any digging would be done in that area and if it was, it would be limited to digging by hand. He said there would be some impact to the canopy of the tree, but there already was. He said on the tree plan the tree dripline that was shown was not the oak tree on lot 8, but rather a tree that was growing over that tree. He said the other tree was located on Caltrans property. He said that the City's Arborist did not think they would be able to keep the oak tree, but they intended to try to save the tree.

Planner Cramer noted that there was somewhat of a professional disagreement over the life of the tree on lot 8. She said it was up to the developer whether he wanted to pursue a tree removal permit for the tree. She said staff thought it was best to fully disclose that the City Arborist did not think the tree could be saved. Commissioner Deziel confirmed that the condition did not require removal of the oak tree on lot 8. Planner Cramer said McClenahan Consulting, LLC, had different setbacks from the building and footprints to the tree trunk in which staff thought there were some discrepancies. She said City staff thought the construction of a three-story home would impact the oak tree canopy such that the tree's health would be endangered. Commissioner Deziel said he did not think the tree would die, but it would be somewhat compromised by the trimming. He said he had not made an issue of the tree on lot 8, because there was a nice, large oak tree right behind it that would fill out. Mr. Warmoth noted that there were two trees to be removed because of their health.

Commissioner Riggs said he would like to compliment Mr. Warmoth and staff on the proposed project. He said the materials were interesting and potentially this project could be a landmark for the area. He said it was wonderful to have higher density residential so well-located and noted that the applicant had paid a lot of attention of detail. He asked what the expected price range of the 10 units would be. Mr. Warmoth said that unfortunately with the cost of construction he could not answer specifically, but that two years ago when the pro forma had been done, the estimate was \$350 per square foot. He said at that time however the units were going to be smaller, each about 1,700 square feet, and there were to have been more of them. He said his philosophy of selling his projects would be that the first 10 people who walked in the door and wanted to buy a unit would be able to do so. He said he did not like lotteries and waiting lists. He said he would have project liability for 10 years and he wanted to foster a positive relationship by having people feel that they had already made money the day they

moved in and were fairly treated in their purchase. He said an appraisal was recently done and the figure per unit was \$805,000.

Commissioner Riggs said he was concerned about parking. He said the project units appeared to be two bedrooms and two bathrooms with what was essentially an in-law unit. He said the requirement for a three-bedroom home was two parking spaces. He said there was no driveway to provide a tandem parking solution. He said potentially each residence might have four cars and asked if the applicant had considered adding more guest parking. Mr. Warmoth said the market study they had done indicated that these units would most likely be occupied by either young couples or singles, who might want to bring in a roommate. He said they would like to provide more parking, but the area had restraints. He said they wanted to add more parking near the proposed emergency vehicle turnaround, but the Fire District indicated that the depth of the turnaround was needed. He said they tried to create storage areas in the home and one of the conditions of approval was a deed restriction that the garages had to be used for parking vehicles.

Commissioner Henry noted that the east side of the project was probably the noisiest area of the project site. He said in that location there appeared to be an eight-foot sound barrier that dropped down to six-foot. Planner Cramer said the eight-foot sound barrier was around the rear portion of the project site on the off-ramp side but would go to six-feet toward the front of the property as it did not have to be as tall. Mr. Warmoth said this had been called out by the acoustical engineer. Chair Pagee asked whether the State would extend sound walls along freeways when new residential areas were built. Mr. Warmoth said Caltrans had long-term plans to extend the sound wall and they would work with Caltrans so that they would not duplicate construction of a sound wall, but at this time the intent was to construct an eight-foot wall along the rear.

Commissioner Henry asked if there was sound insulation in the walls. Mr. Warmoth said that the study indicated that mechanical ventilation was necessary in the homes, so that windows could be kept shut, and all windows needed to be double-paned with a minimum STC rating of 36, which was more than was required by the conditions of approval and the acoustical study. In response to a question from Commissioner Henry, Mr. Warmoth said that he found it was best to buy all of the windows manufactured exactly the same. He said a normal Anderson window was 29 STC rated. Commissioner Henry asked if the applicant had an estimate of what the DBA would be for the second and third floors as the bedrooms were on the third floor. Mr. Warmoth noted page 47 of the Mitigated Negative Declaration that said the residents would be exposed to an interior noise level of 67 to 68 DBAs with a maximum exterior noise level of 81 to 82 DBAs, and the units along Willow Road would be 65 to 67 DBAs. He said the suggested noise standards for the allowable interior C&E with windows closed was 45 DBAs for inhabitable areas with a maximum of 50 DBAs. He said the City designated four levels of findings: normally acceptable, conditionally acceptable, normally unacceptable and clearly unacceptable. He said all of the units fell within the conditionally acceptable range. Commissioner Henry said he thought that 45 DBA was supposed to be the highest rating for interiors. Planner Cramer said the City's Noise Ordinance was established on the edges of residential properties and did not apply to the interiors. She said the highway noise impact was mitigated through construction requirements for this project. Chair Pagee said the windows and air-conditioning would create a sound barrier for the interiors of the buildings. Mr. Warmoth said on the exterior walls there would also be an additional acoustic shielding. Commissioner Deziel said the report indicated the City's requirement was for 50 DBA in bedrooms and other habitable rooms.

Planner Cramer said the figures came from the City's General Plan Noise Element. She said the City normally used the Noise Ordinance as it was more restrictive; she noted that in this case the noise came from the highway and could not be addressed for compliance through the property owner.

Commissioner Keith wanted clarification of the height of the fence around the perimeter of the project. Commissioner Deziel said that was found on page D.6 of the Mitigated Negative Declaration. Commissioner Keith thanked the applicant for offering two BMR units rather than one unit and an in-lieu fee. She confirmed that every unit would have the same quality appliances.

Commissioner Deziel said the specifications for the sound wall were just enough to meet the standard of 50 to 55 DBA. Mr. Warmoth said he would be happy to continue the wall at eight feet around the back of the property. He said the wall was pre-cast masonry and explained the installation would that did not require digging a footing. He said there were multiple finishes.

Chair Pagee said the perimeter fence at eight-foot would be the solid line where shown on page D.6 of the Mitigated Negative Declaration and the dotted line indicated the six-foot sound barrier. She noted an area where there was a tree and asked how the sections would be installed there without harming the tree. Mr. Warmoth said he was offering to continue the sound barrier at eight foot around the rest of the rear property if the Commission wanted that. He said the product used could be spanned in four-foot sections rather than eight-foot sections. He said the four-foot sections could be put in horizontally and would most likely require two construction workers to do so rather than use the crane. Chair Pagee said that four-foot sections would impact the root systems every four feet rather than eight feet. Mr. Warmoth said the sections would be every eight feet, but could be changed to four feet when needed and then continued again at eight feet.

Mr. Brent Van Thadden, Menlo Park, said the site was in bad condition and needed improvement. He suggested that the City might pressure Caltrans in the future when this section of Highway 101 was repaved to replace the cement paving with asphalt or to do something to the concrete to minimize the noise. He said he was concerned about traffic impacts during construction and that there was not a lot of parking in the area. He said he was glad a traffic study was done, but it was not conducted when school was in session and school traffic changed the traffic dynamic. He said there was a long-term impact for the area such as ingress/egress from the parking lot of the project site and how that would relate to traffic flow. He said currently when traffic backed up at the traffic light this created problems with the Oil Changers site and people exiting from there. He said very often those people could not get completely through to the other side of Willow Road and would block the intersection. He said there were other projects on the table that would additionally impact traffic in the area. He said the height of the project was 36-feet tall and the same height as the power lines in front. He said the site was the gateway to the City and wondered what the visual impact would be other than the residences were big. He asked if the utilities could be placed underground for the project. He said if the property owners were to clean gutters and windows themselves, the power lines could be dangerous. He said he would like to see story poles to see what the visual impact would be. He said the parking in the area was inadequate and if the new residents had a party, it was unclear where guests would park. He wondered if the curbs in the front of the project would be painted red. He said the sound wall should be covered with plantings as it might soften the look of it and prevent tagging.

Commissioner Henry said exiting Oil Changers, there was a no-left hand turn. He asked Mr. Van Thadden, if he noticed turnaround traffic on Bay Road trying to get back on Willow Road. He said he assumed there would be more traffic on Bay Road and there would be no left turn at the exit from the project site. He said the bushes along Bay Road had grown out two feet into the lane and were hazardous. Mr. Van Thadden said there were cars that drove into Oil Changers and did a u-turn mostly to avoid traffic on Willow Road. He said another turnaround commonly used was a driveway on the other side of Willow Road. Commissioner Henry asked if the bushes bothered him. Mr. Van Thadden said it would be good if they were trimmed.

Ms. Holly Still, Menlo Park, said she lived in an unincorporated area of Menlo Park. She said the notice about the public hearing could have been more informative and noted that the project site was next to the Oil Changers. She said development was better for the lot than not, but it would be the gateway to the neighborhood, and she was concerned with the proposed height of the residences. She said the project would set a precedent, and another building further down the street might in the future want to change to high-density-residential and that would impact the existing neighborhood as there would be more and more traffic on the road.

With the consensus of the Commission, Chair Pagee closed the public hearing.

Commission Comment: Commissioner Keith said for the purposes of discussion she would move to recommend to the City Council approval of the project with a change to the fencing so that all of the sound barrier would be eight-foot except for the section along Willow Road which would be six-foot. Commissioner Deziel said he would second the motion for discussion purposes. He said he had some concerns about an extended eight-foot wall as that might impact the residents and cut off their easterly exposure. Commissioner Keith said her thought was that most of the inhabitable space was the second and third floors. Commissioner Deziel said the eight-foot wall could impact the inhabitants in their yards. Commissioner Keith said she was willing to eliminate the need for the eight foot. Commissioner Deziel said that perhaps it could be extended across some lots. Through discussion, Commissioners Deziel and Keith thought the wall could be eight-feet along lots 9, 10, and 11, but Commissioner Keith said the eight foot still might impact the residents' enjoyment of their yards. She said she would withdraw her original motion and move to recommend approval to the City Council as stated. She said she agreed there should be landscaping on the walls and thought that should be a condition. Commissioner Deziel seconded the motion.

Chair Pagee asked about traffic path, debris and materials, and construction parking during construction. Commissioner Deziel said the owner of Oil Changers was concerned the construction traffic would impact his business. Planner Cramer said a standard condition that could be added was to require a construction traffic plan, which would include traffic flow, storage of vehicles and materials. She said it would be available for the adjacent neighbors to review. Chair Pagee said the other comment was about exiting and entering from the site and she did not want the project to add to the local traffic problem. Planner Cramer said originally there had been an area defined as being marked "keep clear." Chair Pagee said there were "No Parking" signs along the sound wall on Van Buren and asked whether that was the intent along Willow Road. Planner Cramer said there would be no parking along the street frontage as a bicycle lane was being planned along Willow Road. Chair Pagee confirmed there would be fire hydrants on the site.

Commissioner Deziel asked about emergency ingress/egress. Planner Cramer said there was a gate in the fence to be used only for emergency access.

Commissioner Sinnott said the bushes along Bay Road were overgrown and particularly dangerous for bicyclists and pedestrian.

Commissioner Keith asked if there could possibly be residential parking on the Oil Changers property during off-hours. Planner Cramer said there were concerns about that by both the applicant and the property owner of Oil Changers. She said that the property owner of Oil Changers was present.

Mr. Bill Partridge, property owner of the Oil Changers' parcel, said that compatibility of the project with his property was a non-issue. He said the development would bring an overall improvement to the neighborhood and property value. He said regarding parking that Oil Changers' would not want to give up any of its parking spaces and there was concern about the liability of neighbors trespassing on the property after hours.

Commissioner Riggs said the parking as determined by staff met the Code, but the question was whether the parking would meet the intended use. Planner Cramer said staff looked at other similar projects developed in the area such as 600 Willow Road to see what their guest parking issues were. She said the average parking ratio for the Willow Road project was 2.5 parking spaces per unit and in this proposal it was 2.25 spaces per unit. She said the other site had not had any guest parking concerns. She said with the proposed site that parking would be some distance in the neighborhood and the walk to the site was somewhat treacherous. She said the parking restraints were addressed through the mitigations such as property owners being limited to two vehicles per household and garages used for parking cars only.

Commissioner Deziel suggested that perhaps another parking space was possible in the area next to two adjacent guest parking spaces. Planner Cramer indicated that the area in question was intended for the swale. Commissioner Riggs said it appeared that three more parking spaces were possible. He questioned having the trash and recycling area in the back of the project as the BFI truck would have to pass and then back out of the site past very residence. He thought perhaps the trash and recycling area could be near the swale area creating a parking space in the rear. He said that he thought in the area marked Common Lot B there could be two end spaces painted perpendicularly. Planner Cramer said the problem staff found with parking in the Common Lot B area was surface treatment and its impact on the oak tree's root structures.

Chair Pagee said that having the trash and recycling to the rear of the project allowed the residents to have attractive entries to their homes. She said garbage pickup was only once a week and she wanted to see as much greenery as possible. She said that people who wanted to buy there had to accept the limitation of the parking situation.

Chair Pagee asked about the proximity of the power lines to the project and if that was a problem. Planner Cramer said utilities for the project would need to be underground; she asked for Mr. Warmoth to address the power lines. Mr. Warmoth said there was a distribution transmission line in front that had a number of excess lines for SBC and the cable company. He said those lines could be placed underground and incorporated into the project. He said they had three permit applicants with PG&E, the third of which was what it would cost to place the

transmission lines underground. He said the transmission lines were at a minimum of 15-feet from the buildings, but they had already planned to place the other repeaters underground, which would clean up the poles.

Commissioner Deziel said he was making an amended motion to also include the standard construction traffic and staging plan as mentioned earlier by Planner Cramer to include, if the Transportation Division agreed, that the Oil Changers would not be used for construction access; address the left-hand turn subject to staff review and approval, and to put plantings on the front wall facing Willow Road. Planner Cramer said she also had heard a recommendation to the applicant to investigate parking that would not impact the common area. Chair Pagee said that was her suggestion and she was not requiring it as a condition. Commissioner Keith accepted the amended motion as the maker of the motion. Planner Cramer confirmed that the motion included all of the items in the staff recommendation.

Commission Action: M/S Deziel/Keith to amend the motion to recommend to the City Council approval of the project as stated in the staff's recommendation to also include a condition for a construction traffic and staging plan, a condition for staff to review and approve a left-hand turn from the project to mitigate blockage of the intersection, and for landscaping to be put on the front wall facing Willow Road.

The motion to amend the motion carried 7-0.

Commissioner Deziel asked if staff had checked the traffic findings. Planner Cramer said that Commissioner Deziel had asked staff earlier in the day about the stated 1.9 second delay to traffic at the intersection and how a project adding about nine trips during peak a.m. times translated into 1.9 seconds delay. Commissioner Deziel noted that there were about 5,500 cars going through that area per hour. Planner Cramer said the number was listed in the column marked "Near Term" and those numbers were based solely on projects within the project area other than the proposed project. She said the project itself would only have a .1 second delay. In response to Commissioner Keith, Planner Cramer said the traffic study was completed in June 2004 and the traffic counts and data were taken from May and early June 2004 when school was in session. Planner Cramer said it was a City policy that traffic studies were conducted when schools were in session. She said the report was updated as the project was updated with the reduction of the project from 13 units to 12 units.

COMMISSION ACTION: M/S Keith/Deziel to recommend that the City Council approve the project as proposed with the following modifications to the conditions:

Recommend to the City Council:

1. Adopt the following findings relative to the environmental review of the proposal:
  - A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State CEQA Guidelines;
  - The Planning Commission has considered the Mitigated negative Declaration prepared for the proposal and any comments received during the public review period; and

- Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. Make a finding that the proposed General Plan amendment to change the land use designation of the properties from Retail/Commercial to High Density Residential would be consistent with the adopted General Plan.
  3. Make a finding that the proposed Zoning Ordinance amendment amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than one-acre but greater than 20,000 square feet in size where a proposed development would provide below market rate housing in excess of City statutory requirements is consistent with the General Plan.
  4. Make a finding that the proposed rezoning from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development) is consistent with the proposed General Plan land use designation of High Density Residential for the property.
  5. Make a finding that the proposed conditional development will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
  6. Make a finding that the conditional development involves combining of zoning districts for the development of an underutilized irregularly shaped vacant lot adjacent to a freeway interchange for the purpose of creating a more innovative development proposal than would have been possible if the parcels were developed separately. Furthermore, the proposed development conforms to all of the development regulations of the underlying R-4 (High Density Residential) zoning district except for lot areas, dimensions and setbacks.
  7. Make a finding that the tentative subdivision map has been reviewed by the Engineering Division and has been found to be technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance.
  8. Approve the Mitigated Negative Declaration.
  9. Approve Resolution \_\_\_\_\_, amending the General Plan to change the land use designation of 966, 1000, 1002 Willow Road from Retail/Commercial to High Density Residential.
  10. Introduce Ordinance No. \_\_\_\_\_, amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program, of the Zoning Ordinance to provide exceptions to development standards on parcels totaling less than once acre but greater than 20,000 square feet in size where a

proposed development would provide below market rate housing in excess of City statutory requirements.

11. Introduce Ordinance No. \_\_\_\_\_, rezoning the property from C-2-B (Neighborhood Shopping, Restrictive) to R-4-X (High Density Residential, Conditional Development).
12. Approve the Conditional Development Permit for the twelve, detached, single-family residential units on twelve parcels, requiring Major Subdivision approval at 966, 1000, 1003 Willow Road subject to the requirements of the Conditional Development Permit.

#### ATTACHMENT D

#### DRAFT CONDITIONAL DEVELOPMENT PERMIT

966-1002 WILLOW ROAD

Planning Commission Meeting of July 25, 2005

#### I. GENERAL INFORMATION:

- A. Applicant: Jeff Warmoth
- B. Nature of Project: General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Major Subdivision for the construction of 12 new residential units.
- C. Property Location: 966-1002 Willow Road
- D. Assessor's Parcel Number: 061-214-100, 061-214-090, and 062-214-060
- E. Area of Property: 38,750 square feet (total)
- F. Present Zoning: C-2-B (Neighborhood Commercial, Restrictive)
- G. Proposed Zoning: R-4-X (High Density Apartment, Conditional Development)
- H. Permitted Uses in the R-4-X District: Single-Family Dwellings
- I. Conditionally Permitted Uses in the R-4-X District: None

## II. DEVELOPMENT STANDARDS:

- A. Floor Area Ratio (FAR) shall not exceed 61 percent of the project site.
- B. Lot coverage shall not exceed 40 percent of the lot area.
- C. Minimum landscaping shall be 30 percent of the lot area.
- D. The maximum amount of pavement shall not exceed 35 percent.
- E. Building height shall not exceed 40 feet from the average natural grade.
- F. Building setbacks and parking shall be in accordance with the precise development plans.
- G. The on-site circulation shall be installed according to the approved plans and maintained through the creation of a maintenance association as specified in the CC & R's for the for the project.

## III. TERMS OF THE PERMIT

- A. The Conditional Development Permit shall expire one year from the date of approval if the applicant does not submit a complete building permit application within that time.
- B. A public hearing by the Planning Commission and City Council would be required prior to issuance of a permit for revisions to the development plan which involve changes in land use, expansion or intensification of development or a relaxation in the standards of development. Staff could approve revisions to the approved plans that would not affect the safety or privacy of neighboring properties or have potential negative environmental impacts. Staff would have the option of referring any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- C. This permit may be amended by a majority vote of the City Council. Application for amendment shall be made by at least one of the property owners, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

#### IV. OTHER CONDITIONS:

- A. Development of the project shall be substantially in conformance with the plans prepared by Jonathan Baitmansour, Winterbotham Partnership, and AP Consulting Engineers, dated received by the Planning Division on July 12, 2005, consisting of nine plan sheets and approved by the Planning Commission on July 25, 2005 except as modified by the conditions contained herein. The development of the project shall conform to the design option as specified by the Planning Commission.
- B. Prior to building permit issuance, the project sponsor shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- C. Prior to building permit issuance, the project sponsor shall comply with all requirements of the Building Division, Transportation Division, and Engineering Division that are directly applicable to the project.
- D. Prior to grading or building permit issuance, the project sponsor 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.
- E. The project sponsor shall submit CC & R's (covenants, conditions and restrictions) to the Engineering Division for the approval of the City Engineer and the City Attorney prior to the recordation of the final subdivision map. The final subdivision map and the CC & R's shall be recorded concurrently.
- F. Prior to building permit issuance, the project sponsor shall provide documentation of the recordation of the final subdivision map at the County Recorder's Office, including the merger of 966, 1000, and 1002 Willow Road, for review and approval of the Engineering Division and the Planning Division. Application for a building permit may be made prior to recordation.
- G. Prior to building permit issuance, the project sponsor shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utilities shall be placed underground. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- H. Prior to building permit issuance, a detailed landscape and irrigation plan shall be submitted and approved by the Planning Division, Engineering Division and the City Arborist. The plan shall comply with the Water Efficient Landscaping Ordinance. Landscape controls shall be incorporated into the plans to ensure efficient irrigation and the preservation of existing heritage trees. The consulting arborist shall review the landscape plan to assure that proposed plantings, drives, walkways and irrigation will not adversely impact the health of heritage trees to remain. The plan shall promote surface filtration and minimize the use of fertilizers, herbicides and pesticides. The plan should include existing and proposed plant materials, proposed driveway, path, patio and all other surface materials. The plan shall include a roof plan indicating eave lines and edges of buildings, fence details including elevations of any proposed fences, arbors or walls. **The plan shall include installation of vines along the wall on Willow Road to soften the appearance and prevent graffiti.** The landscape plan should become part of approved building plans and be available at all times as part of the onsite job plans. Landscape shall be installed to Planning staff satisfaction prior to final building inspection.

***In addition, the applicant shall continue to explore options to add more guest parking spaces on the site. In the event that additional spaces are proposed to occur in the dripline of the tree on Common Lot B, the arborist report shall be revised to consider this location and the potential impacts on the tree. The review and approval of additional guest parking on the site shall be subject to Planning Division approval.***

- I. Prior to building permit issuance, the project sponsor shall submit a plan showing frontage improvement details, including but not limited to replacing the curb, gutter and sidewalk, trees in the City's right-of-way, and repaving the street along the property frontage to the centerline of the street. The improvement plan shall be submitted for review and approval by the Planning and Engineering Divisions.
- J. Simultaneous with the submittal of a complete building permit application, the project sponsor shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The plans shall be prepared by a Civil Engineer registered in California and shall be included in the project plans submitted for building permit applications. The project is required to utilize on-site infiltration as much as possible as a means of handling roof and site drainage. The Grading and Drainage Plan shall be approved prior to issuance of a grading or building permit.

- K. The property owners are required to enter into a “Stormwater Treatment Measures Operation and Maintenance (O & M) Agreement” with the City. With the executed agreement, the property owners are responsible for the operation and maintenance of stormwater treatment measures for the project. The property owners are required to provide access permission to the extent allowable by law for representatives of the City, local vector control district, and Regional Water Quality Control Board staff strictly for the purpose of O & M verification for the specific stormwater treatment system for the project.
- L. Prior to building permit issuance, the project sponsor shall pay any applicable recreation fees (in lieu of dedication) if applicable per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance.
- M. Prior to issuance of a building permit, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- N. All recommendations outlined in the report entitled “Tree Survey,” prepared by McClenahan Consulting, LLC and dated April 29, 2005, shall be implemented as indicated during and after construction, and including the installation of aeration systems. (Mitigation 1.1)
- O. Prior to building permit issuance, the project sponsor shall submit a revised site plan showing that no paving or construction shall occur within 8 to 10 feet of the existing Coast Oak tree (tagged as Tree #1). Paving that occurs in the drip line shall be interlocking pavers and not turf block with decomposed granite. The revised plan shall be subject to review and approval of the Planning Division and City Arborist. (Mitigation 1.2)
- P. Prior to building permit issuance, the project sponsor shall submit an exterior lighting plan that includes only site exterior lighting fixtures that do not allow direct light rays to leave the project site and which also do not allow direct light sources (incandescent, fluorescent, or other forms of electric illumination) to be directly visible from off-site locations. The plan shall be subject to review and approval by the Planning Division. (Mitigation 1.3)
- Q. Prior to building permit issuance, the project sponsor shall submit a materials sample of the metal siding to be installed on the residential units. The siding shall have a finish that is non-reflective. The materials sample(s) shall be subject to review and approval of the Planning Division. (Mitigation 1.4)

- R. Prior to building permit issuance, the project sponsor shall submit a plan for the control of emissions from construction equipment and wind blown soils for the duration of the project. The plan should list specific measures to reduce emissions and dust. The plan should also specifically address how dust will be controlled during weekends and other off-work periods. Finally, the plan should include a contact name and phone number to receive and address any complaints. The following measures, which are recommendations in the *BAAQMD CEQA Guidelines* for construction to prevent PM<sub>10</sub> emissions, shall be incorporated into the plan:
- a. Water all active construction and disturbed areas at least twice daily during dry periods.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system.

The plan shall be subject to review and approval by the Building and Planning Divisions. (Mitigation 3.1)

- S. Tree removal, pruning, or grading adjacent to trees at the project site shall be conducted between September 1 and January 30 to prevent disturbance to raptors or other nesting migratory birds. If tree removal, pruning, or grading must occur during the nesting season (between February 1 and August 31), a qualified biologist shall conduct a pre-construction nesting bird survey 30-days prior to such work. If no nesting birds are observed, no further action is required and construction activities may proceed. If active nests are observed, tree removal, pruning, and grading shall be delayed until after the young have fledged, as determined by the biologist or until after the nesting season in coordination with the California Department of Fish and Game. (Mitigation 4.1)

- T. Prior to building permit issuance, the project sponsor shall obtain approval for the removal of three heritage trees on the site, the Incense cedar tree (tagged as Tree #2), Red ironbark tree (tagged as Tree #3), and a Coast live oak (tagged as Tree #5). The project sponsor shall incorporate any additional conditions that may be added in consideration of the removal of the heritage trees. (Mitigation 4.2)
  
- U. Prior to building permit issuance, the project sponsor shall provide a copy of a contract with a certified arborist that indicates an arborist shall be on site for the implementation of the tree protection and preservation methods outlined in the arborist report, including:
  - a. Installation and inspection of tree protection measures, including temporary barricades around all trees on the site. The barricades shall consist of six-foot high, chain link fences mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot intervals. The barricades shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. No storage of materials, topsoil, vehicles, or equipment shall be permitted within the tree enclosure areas and the ground around the tree canopy shall not be altered. The barricades shall remain in place until final inspection of the building permit, except for work specifically required in the approved plans to be done within the trees' drip lines.
  
  - b. Grading operations shall not occur closer than 5 times the trunk diameter distance from any tree, or within the fenced tree enclosure areas. Utility trenching within 6 feet of the trunk of trees tagged as Tree #4. Should work occur in this area, it shall be hand excavated to at least 30 inches below the ground surface. No roots greater than one inch in diameter shall be severed without prior inspection by a qualified arborist. If any roots greater than 1-inch in diameter are damaged, broken, or severed during grading or trenching operations, a qualified arborist shall supervise any additional flush cutting and sealing of exposed roots within 24 hours of the initial root damage.
  
  - c. Removal of ivy from trunk on the California fan palm (tagged Tree #8).
  
  - d. Deep root soil injection fertilization system shall be installed. Fertilizer shall be injected in spring and summer for those trees to be impacted by construction.

- e. During construction activities, a qualified arborist shall conduct inspections of the site at least once every four weeks, and possibly more frequently if deemed necessary by the arborist.

Upon completion of each item, the project arborist shall submit a written report of inspection findings and recommendations, if any, to the Building Division. The contract with the above specifications shall be subject to review and approval of the Building Division. (Mitigation Measure 4.3)

- V. Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The City shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area or discovery shall be allowed until the preceding has occurred. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Division. (Mitigation 5.1)
- W. Prior to building permit issuance, the project sponsor shall submit a Health and Safety Plan to the Community Development Director for review and approval. The purpose of the plan will be to minimize the exposure of workers and the public to potentially hazardous materials during all phases of project construction. The plan shall require implementing appropriate control methods and approved containment and spill-control practices (e.g., spill control plan) for construction chemicals and materials on-site. (Mitigation 7.1)
- X. Any remaining parts of the two-chambered sump and wash water basins shall be excavated and properly disposed of. After these features have been removed from the site, a letter shall be provided to the Community Development Director confirming their removal and appropriate disposal. (Mitigation 7.2)
- Y. Any drain lines formerly connected to the sump or waste oil tank shall be excavated and properly disposed. After these features have been excavated, a letter shall be provided to the Community Development Director confirming their excavation and appropriate disposal. (Mitigation 7.3)

- Z. Prior to building permit issuance, a qualified engineer or registered geologist shall collect and test soil samples from the excavations for the hydraulic lift system, two-chambered sump, and any drain lines formerly connected to the sump or waste oil tank. The qualified engineer or registered geologist shall submit the results of the soil testing to the Community Development Director. The soil testing results shall summarize the findings and indicate if the soil sample results indicate potential health risks to future residents. If health risks or remediation needs are identified, the project sponsor shall submit the soil sampling/testing results to the County Health Services Agency, and construction activities shall not be initiated until the Agency issues a letter indicating that there are no health risks associated with residential development of the site. No soil sampling will be required if Aquifer Sciences submits a letter to the Community Development Director indicating why, in their professional opinion, their 1999 Phase II soil sampling recommendations are no longer required. The letter shall specifically address each of the recommended sampling locations, including the former drain lines. (Mitigation 7.4)
  
- AA. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the stockpiled soil at the site represents an environmental concern to potential future residents on the site. If concerns are identified, Aquifer Sciences shall recommend and the project sponsor shall implement methods (i.e., soil sampling under former stockpiled areas) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. (Mitigation 7.5)
  
- BB. The project sponsor shall retain Aquifer Sciences to prepare and submit a letter to the Community Development Director indicating whether the offsite sources of contamination represent an environmental concern to potential future residences on the site. If concerns are identified, Aquifer Sciences shall recommend and the project sponsor shall implement methods (i.e., groundwater sampling) to ensure that those concerns are adequately addressed prior to construction activities being initiated on the site. (Mitigation 7.6)
  
- CC. Prior to building permit issuance, the project sponsor shall submit a revised site drainage plan that incorporates measures to collect and treat all on-site storm water prior to those waters entering the storm drainage system within Willow Road. Measures to collect and treat on-site storm waters may include but shall not be limited to bioswales and oil-water separators. The revised plan shall be subject to review and approval of the Engineering Division. (Mitigation 8.1)

- DD. Prior to final building inspection, the project sponsor shall install noise barriers along the project site's perimeter as recommended in the environmental noise assessment prepared by 2003 by Illingworth and Rodkin, Inc. These barriers shall include but not be limited to:
- a. 6-foot tall noise barrier along the site's northern and a portion of the western property lines.
  - b. 8-foot tall noise barrier along the site's eastern, southern, and a portion of the western property lines.

The barriers shall be constructed without cracks or gaps in the face, without large or continuous gaps at the base, and with a minimum surface weight of 3.0 pounds per square foot. Small, dispersed gaps in the base of the walls for landscape irrigation or drainage are acceptable if they do not compose more than 0.5% of the wall area. The installation of the noise barriers shall be subject to review and approval of the Building Division. (Mitigation 11.1)

- EE. Prior to building permit issuance, sound insulation, such as standard thermal insulating glass, shall be incorporated into the project during design for all second and third floor building facades. The plans shall be subject to review and approval of the Building Division. (Mitigation 11.2)
- FF. Prior to building permit issuance, the plans shall be revised to show that all residential units shall be equipped with mechanical ventilation to enable residents to close their windows. The plans shall be subject to review and approval by the Building Division. (Mitigation 11.3)
- GG. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots prohibiting all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15.1)
- HH. Prior to or concurrent with recordation of the Final Map, the project sponsor shall record a deed restriction against each of the lots prohibiting the use of garage parking spaces for any use other than the parking of motor vehicles. The deed restriction shall be subject to review and approval of the City Attorney. (Mitigation 15.2)
- II. Prior to the final building inspection, the project sponsor shall post no parking signs and shall also clearly delineate all no parking areas. The installation of the signs shall be subject to review and approval of the Transportation Division. (Mitigation 15.3)

- JJ. Prior to the final building inspection the project sponsor shall enter into an agreement with the City of Menlo Park Police Department to permit their patrol and enforcement of on-site parking limitations, including extension of approval to cite and tow all illegally parked vehicles. The agreement shall be subject to review and approval of the Police Department. (Mitigation 15.4)
- KK. Prior to building permit issuance, the applicant shall submit revised plans and elevations to relocate the and reduce the height, if necessary, of fence on Lots 1, 6, and 7 to allow for a line-of-site for ingress and egress on Willow Road. The revised plans and elevations shall be subject to review and approval of the Planning and Transportation Divisions.
- LL. Prior to building permit issuance, the applicant shall submit revised plans that incorporate the Menlo Park Fire Districts requirements for fire sprinklers, street width, and fire hydrants. The plans shall be subject to review and approval of the Fire District and Building Division.
- MM. Prior to recordation of the final map, the applicant shall incorporate the following changes:
- a. The existing easement for Parcel three shall be revised to create emergency and other required access to the project site;
  - b. The applicant shall submit documentation with regard to the right for State access to Caltrans property along the rear of the property adjacent to the Willow Road offramp of Highway 101. If access is no longer required by the State, the map shall be revised to exclude the note for right to access.
  - c. Other changes as deemed necessary by the Engineering Division.
- The plan shall be subject to review and approval of the Engineering Division.
- NN. Prior to recordation of the final map, the applicant shall work with the utility companies to relocate the existing gas and water lines on the Public Utility Easement (PUE) on the southerly portion of the property shared with Oil Changers. The applicant shall work with the Engineering Division on consideration of an abandonment of the PUE and make an application for an abandonment of the existing PUE easement, if applicable. If the water and gas lines cannot be relocated or the PUE cannot be in part or wholly abandoned, the applicant shall submit revised plans to address the issue. One of the options may include elimination of the proposed residence on Lot 1. In the event that the site plan needs to be substantially modified to address the issue, then the applicant shall return to the Planning Commission for review and approval of the revised project plans.

- OO. Prior to building permit issuance, the applicant shall pay all applicable school impacts fees associated with the project.
- PP. Prior to building permit issuance, the applicant shall pay a traffic improvement fee of \$708 per unit.
- QQ. ***Prior to building permit issuance, the applicant shall submit a detailed construction parking and staging plan for the review and approval of the Building, Planning and Engineering Divisions.***
- RR. ***Prior to building permit issuance, the applicant shall submit a street striping plan for the intersection of the site access drive and Willow Road. Such a plan should be prepared based on the City of Menlo Park and Caltrans traffic engineering and design standards, and shall include a 70-foot-long keep clear zone during peak traffic hours in the southbound lane of Willow Road in front of the northern driveway. The plan shall be subject to review and approval of the Planning and Transportation Divisions, and shall be implemented prior to final building inspection.***

Recommended for Approval by the  
Menlo Park Planning Commission on  
July 25, 2005

Approved by the  
Menlo Park City Council on

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Arlinda Heineck, Community  
Development Director

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Silvia M. Vonderlinden, City Clerk

Motion carried 7-0.

## **ADJOURNMENT**

The meeting adjourned at 11:15 p.m.

Staff Liaison: Tracy Cramer, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on August 29, 2005.



**HOUSING AND REDEVELOPMENT**  
701 Laurel Street/Menlo Park, CA 94025-3483  
(650) 330-6706/Fax (650) 327-1759

## **MEMORANDUM**

DATE: April 28, 2005

TO: Housing Commission

FROM: Gretchen Hillard, Housing and Redevelopment Manager

SUBJECT: Recommendation concerning the proposal for 966-1002 Willow Road BMR Agreement

At the May 4, 2005 Meeting, the Housing Commission will hold a Study Session to consider the proposal for the development at 966-1002 Willow Road to satisfy the requirements of the BMR Housing Program. After the Study Session, the Housing Commission will consider making a recommendation to the City Council concerning the proposed BMR Agreement.

At the Study Session, Jeff Warmoth, the applicant for the proposed 12 housing units at 966-1002 Willow Road, will discuss the details of his proposal. The draft BMR Agreement, floor plans and a site plan are included in the agenda packet.

The BMR requirement for a development of 12 units is 10 percent or 1.2 units. The BMR Guidelines, Section 3.4.1 states that there is a preference for fractional units to be rounded up to a whole unit. Rounding up to a whole unit means that two of the 12 units would be designated as BMR units and the remaining ten units would be market rate units. If two BMR units were provided, then the development potentially would be eligible for two bonus market rate units for a total of 14 units. This particular development, however, is not eligible for a bonus market rate unit because it is not built to the density allowed by the proposed zoning.

Sections 5.1 and 5.2 of the BMR Guidelines describe the physical requirements for BMR units, which are provided on the next page in list format, with a brief observation about the compliance of the 966-1002 Willow Road proposal with the BMR Guidelines requirements.

## Physical Requirements for BMR units from BMR Guidelines, Sections 5.1 and 5.2

- **BMR housing units shall be generally of the same size (number of bedrooms and square footage) as the market-rate units.**
  - **Number of bedrooms** -- All housing units, including BMR units have the same floor plan.
  - **Square footage** -- All proposed units have similar square footage, including the BMR units.
- **The BMR units should be distributed throughout the development.** -- The BMR units are located in two separate housing clusters on the site.
- **The BMR units should be indistinguishable from the exterior.** – The BMR units have the same design as all the other units in the development.
- **The BMR units shall contain standard appliances common to new units, but need not have luxury accessories, such as Jacuzzi tubs.** – The BMR units will have the same appliances as other units.
- **The design and materials used in construction of the BMR unit shall be of a quality comparable to other new units constructed in the development, but need not be of luxury quality.** – The design and materials will be the same in all units, including the BMR units.



## HOUSING COMMISSION MINUTES

Regular Meeting

May 4, 2005

5:30 pm

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

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### CALL TO ORDER

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

### ROLL CALL

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

**Housing Commission Member Absent:** Clarice O'Neal

**Staff Present:** Tracy Cramer, Senior Planner, Gretchen Hillard, Housing and Redevelopment Manager, George Starmer, Housing Rehabilitation/Finance Specialist

**A. PUBLIC COMMENT** – Andrew Cohen introduced himself as the Council Liaison, and the Commissioners introduced themselves.

### B. REPORTS AND ANNOUNCEMENTS –

1. Report on City Council consideration of Housing Commission recommendation on BMR Fund on April 26, 2005 by Carol Louchheim. Carol Louchheim stated that the Council approved the BMR Fund recommendation on April 26. She praised Linda Craig's comments and noted that the *Almanac* did not cover the item. Anne Moser reported that last week's *Almanac* covered Below Market Rate housing programs in several cities. Patty Boyle stated that she was concerned that the Housing Element would not be prepared in the next fiscal year, even though it is a Council priority. She said she will check ABAG's website for when there will be a new Housing Needs determination. The Commissioners agreed to agendaize this subject for the next meeting.
2. Report on Linfield Oaks Community Meeting held on April 28, 2005 by John O'Malley John O'Malley reported that the first part was viewing diagrams, pictures and having informal talks with developers of the five projects. The second part was a formal meeting ably run by Tracy Cramer. It included 50 to 70 slides. The residents' concerns focused overall on the impact on property values, traffic, the narrowing of Linfield Rd., increased density, and the ability of the Council to override the EIR on traffic impacts. The residents wanted another chance for their neighbors to interact before the June 14 City Council meeting. Tracy Cramer distributed forms to state priorities which she will collate after the residents respond. The proposals are for three BMR units out of 22 at 110 Linfield Rd. and five BMR units out of 34 at 175 Linfield Rd.
3. Report on Brown Act Training held on May 3, 2005 by Gretchen Hillard. Gretchen Hillard summarized main points, including avoiding daisy chain meetings, to use the hub and spoke method to share information. She offered a printed copy of the slides to the Commissioners.

### C. BUSINESS ITEMS

1. Approval of April 6, 2005 Minutes John O'Malley proposed that the word "picture" replace "thing" in the last full paragraph, second to the last full line on Page 2 of the April 6, Minutes. Anne Moser made the motion to approve as amended. (M/S Moser/Boyle, 5-0-1. Keet abstained because she had not attended the April 6 meeting.)
2. Consideration of recommendation for Below Market Rate Housing Agreement for 966-1002 Willow Road – Study Session and Recommendation

John Donald excused himself from the discussion for the item because his residence is within 500 feet of the site. Carol Louchheim served as Chair for this item. Tracy Cramer described the Planning approvals that the 966-1002 Willow Road would require. She introduced Rosemary Nahm and Jeffrey Warmoth, the developers. Elza Keet complemented the architecture, and suggested that the garages be sunk four feet to enhance the appearance. Carol Louchheim asked about noise attenuation. Jeff Warmoth described an acoustical analysis and the high acoustical ratings of the windows and walls, that the buildings would have air conditioning so the windows could remain closed, an eight-foot sound wall on many sides, and a six foot fence on others. Carol Louchheim asked about the colors Tracy Cramer provided an elevation with the colors shown.

Tracy Cramer stated that the BMR contribution would be two BMR units of the same size as the majority of the units, where the requirement is for 1.2 units. Anne Moser asked where the children would play. Rosemary Nahm described the emergency access and public space adjacent as a small but usable available space. Jeff Warmoth described adjacent land that they were trying to purchase from Caltrans. They also said the private nature of the cul de sac is designed to allow residents' informal use. Anne Moser asked why they had not built townhouses. Jeff Warmoth said that purchasers prefer detached houses without common walls. He said the costs of insurance for attached housing is prohibitive. He also said that there was no storm drain to attach to, so the storm runoff needs to be filtered on site. The yards are fenced. The soils tested as clean, even though a gas station had been on the site for several years.

John O'Malley made the motion to recommend the Below Market Rate Housing Agreement for 966-1002 Willow Road to the City Council for adoption as proposed, stating that it meets the requirements of the Below Market Rate Housing Program.  
(M/S O'Malley/Boyle 6-0)

3. Consideration of recommendation to change the terms for Housing Rehabilitation Loans for single family and multi-family loans

George Starmer described the current loans available for single family homeowners with low incomes and for non-profit and for profit owned multi-family housing. He distributed handouts of his talk, and summaries of the loans. He described the loan that San Mateo County will make to the Macedonia Baptist Church, a non-profit, for six units rented to extremely low income seniors. He said that since he has worked for the City, the three multi-family loans he has arranged have been funded by San Mateo County because the City has had limited funds to lend. The multi-family loans require the owner to rent to at least 60% low income tenants, and to notify the San Mateo County Housing Authority when there is a vacancy. Because of the increasing costs of rehabilitation, he proposed to increase the maximum loan amount for buildings with five or more apartments from \$100,000 to \$250,000. Patricia Boyle made the motion to approve the changes to the Housing Rehabilitation Loan Program Guidelines as proposed, in order to amend the loan terms as described. (M/S Boyle/Keet, 6-0)

4. Summer meeting schedule The Commissioners discussed their summer meeting schedule, and stated the dates they plan to be out of town. They agreed by consensus to change the July Regular meeting date from July 6 to June 29.

**B. INFORMATION ITEM** None.

**E. ADJOURNMENT** The meeting was adjourned by consensus at 7:20 P.M.

Respectfully submitted,

Gretchen Hillard  
Housing and Redevelopment Manager

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