



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF MAY 18, 2015
AGENDA ITEM D4

LOCATION: 1221-1275 Willow
Road

APPLICANT: MidPen Housing

OWNER: Menlo Gateway Inc.
(an entity of MidPen
Housing)

APPLICATION: Planning Commission Review for Consistency with the General Plan Related to the Proposed Abandonment of Right-of-Way, Sidewalk Easement, and Public Utility Easements

PROPOSAL

The applicant has applied for the abandonment and vacation of public right-of-way along Willow Road and a swath of land perpendicular to the alley access from Newbridge Street, and multiple public utility easements (PUE) located at 1221-1275 Willow Road. The proposed abandonment of the right-of-way and easements is necessary to facilitate the development of a new 90-unit affordable, senior residential development.

ANALYSIS

Site Location

The subject site is located mid-block between Newbridge Street and Ivy Drive in the Belle Haven neighborhood at 1221-1275 Willow Road. The site is surrounded by a commercial vacant lot to the north, a mix of single-family residential and commercial uses in the City of East Palo Alto as well as a mix of commercial, institutional, office and research and development in the City of Menlo Park's M-2 zoning district across the street on the east side of Willow Road, a neighborhood market to the south at the corner of Newbridge Street, and R-1-U zoned single-family residential uses to the west.

The site was recently rezoned R-4-S (AHO) (High Density Residential, Special with the Affordable Housing Overlay) in 2013 when it was identified as a housing opportunity

site as part of the Housing Element process. The 2.7-acre site was formerly zoned R-3 (Apartment) and contains 48 apartment units within multiple one-story buildings.

At the May 18, 2015 meeting, the Planning Commission will also be conducting a study session on the proposed residential development as part of the R-4-S compliance review process. The study session will provide an opportunity for members of the Commission and public to provide feedback on the proposal's compliance with the R-4-S development regulations and design standards. There is no formal action by the Planning Commission on the R-4-S compliance review. Following the study session and review of the comments received, the Community Development Director will make a determination the proposed residential development's compliance with the R-4-S zoning district requirements. The proposed development has been designed with the intent that the right-of-way and PUEs would be abandoned.

Previous Right-of-Way Abandonments

The subject site is located between two properties where right-of-way along Willow Road has already been abandoned. The first property is located at the corner of Willow Road and Newbridge Street. The City abandoned a portion of the right-of-way in 2001. The proposed abandonment discussed below would match the same right-of-way alignment. The second property on the 1200 block of Willow Road with a right-of-way abandonment is located at the corner of Willow Road and Ivy Drive. In 2004, the City abandoned all of the right-of-way up to the curb line of Willow Road, a greater abandonment than proposed at the subject property.

Project Description

The applicant, also the current property owner, wishes to comprehensively redevelop the site with a new 90-unit senior residential complex. MidPen proposes to redevelop the site to address both physical and functional needs, and this represents the first step of a process to revitalize the entire Menlo Gateway Apartments (also located on the 1300 block of Willow Road). The proposed right-of-way and PUE abandonment addresses specific concerns regarding site access, pedestrian and vehicular circulation, and safety. The abandonment would formalize the existing circulation and parking at site, which is currently located in the public right-of-way, and more clearly delineate what is public versus private property. Overall, the proposed project would increase the supply of affordable housing in Menlo Park given the scarcity and high cost of available land. All of the units, except one for the manager's unit, will be deed restricted for extremely low and low-income residents for a period of not less than 55 years. The City Council, in September 2014, adopted a resolution to authorize a loan for up to \$3.2 to assist with the development of the proposed project.

From the existing curb at Willow Road to the existing property line at 1221-1275 Willow Road, there is an additional 59 feet, 3 inches of public right-of-way. This area currently contains a median and a frontage road with a parking lot used by residents of MidPen's apartments. A decorative block wall with metal railing, mostly covered with plantings, is

located in the median and separates Willow Road from the frontage road. The frontage road is only accessible via the alleyways from Newbridge Street or Ivy Drive.

To facilitate the proposed 90-unit affordable senior development, the applicant is proposing to abandon two different portions of right-of-way. The first section is a partial vacation of a frontage road along Willow Road. The applicant proposes to vacate 34 feet of right-of-way, leaving 25 feet, 3 inches of right-of-way adjacent to the roadway curb on Willow Road. The width of the proposed abandonment was a compromise between the City and the applicant, and allows MidPen to achieve on-site circulation and parking while allowing the City to maintain flexibility for future improvements to Willow Road. The proposed right-of-way abandonment would align with the adjacent right-of-way of the property to the south of the site in front of the market. The second proposed right-of-way abandonment is located perpendicular to the alley entrance from Newbridge Street and the frontage road. The area of land is approximately 37 feet by 93 feet, and is located directly adjacent to the southern (left) property line of the subject site. In addition to the right-of-way abandonment, the applicant is seeking to abandon several PUEs on the property as well as a public sidewalk easement.

The property contains a PUE along the rear of the property line, which is proposed to remain. In conjunction with the abandonment, the applicant is proposing to establish a new 30-foot PUE for the entire width of the property and a smaller 20-foot by 20-foot PUE for a portion of the frontage road that connects between the alleyway and the existing PUE at the rear of the property. The proposed 30-foot PUE would begin four feet back from the front property line. Within this four-foot deep area, the applicant will also establish a new 20-foot wide PUE, approximately one-third into the property from Newbridge Street, for the benefit of the City of East Palo Alto who maintains a water line in this area. The proposed fence along the front property line will need to be coordinated with the location of the PUEs so the two do not conflict.

A summary of the location, type and size of the easements proposed to be abandoned is shown in the table below and a comprehensive exhibit of the right-of way and PUEs are shown in Attachment B.

Right-of-Way and Easement Location	Abandonment Type	Size
Portion of frontage road located perpendicular to alley entrance from Newbridge Street	ROW	37.11' x 93.94'
Portion of frontage road located between the existing front property line and Willow Road	ROW	34' x 720.11'
Along the existing front property line for a depth of 8 feet	PUE and Sidewalk Easement	8' x 683.09'

Right-of-Way and Easement Location	Abandonment Type	Size
Portion of private property along the front property line near the intersection of the two frontage roads at the lower left corner of the site	PUE	10' x 10'
Portion of private property along the front property line, approximately 200 feet north lower left corner of the site	PUE	5' x 10'

All of the utility companies with an interest in the PUEs have been notified. All of the companies, except for Comcast who has yet to respond, have no objections to the proposed abandonments, subject to certain criteria noted below. Pacific Gas and Electric (PG&E) has indicated that they are presently operating and maintaining utility facilities within the frontage road area to be abandoned. Therefore, PG&E is requesting a permanent easement to benefit PG&E to allow access to the site to construct, operate, repair and/or to conduct other operations of their facilities. The applicant's proposed 30-foot PUE along the property frontage should address this issue. In addition, PG&E has indicated that they are also operating and maintaining utility facilities within the smaller PUEs within the existing property boundaries. After all of the facilities are removed, PG&E would not have any objection to the abandoning of the easements. The City of East Palo Alto also contains water facilities within the proposed abandonment area. Therefore, a new 20-foot by 4-foot PUE to benefit the City of East Palo Alto will be established.

Abandonment Procedure

The three step process for abandonment of the right-of-way and PUEs is as follows:

- 1) The City Council considers adopting a Resolution of Intention to Abandon the Easement, sets dates for the Public Hearings and refers it to the Planning Commission.
- 2) The Planning Commission considers the proposed abandonment for consistency with the General Plan. The Planning Commission's recommendation and input, if any, received from utilities and/or affected parties is submitted to City Council (included in the staff report to Council) for the Public Hearing.
- 3) A Public Hearing is set where the City Council will consider the Planning Commission's recommendation and adopts a Resolution Ordering the Abandonment of the PUE and EAE.

The City Council reviewed and approved a Resolution of Intention to abandon the easements at its May 5, 2015 meeting. The resolution established the Planning Commission public hearing date for May 18, 2015 and the final City Council hearing date for June 16, 2015.

The purpose of the Planning Commission review is to determine whether the proposed abandonment is consistent with the General Plan, as discussed in more detail in the

following section. The Planning Commission's determination is forwarded to the City Council for consideration. Prior to the City Council's public hearing, staff will post at least three notices regarding the proposed abandonment in conspicuous places on the subject property. At the June 16, 2015 meeting, the Council will consider the Commission's recommendation, as well as other comments from the public, prior to taking final action on the request.

General Plan Consistency

The Land Use and Circulation Elements of the General Plan does not contain specific goals or policies that directly address the proposed right-of-way and PUE abandonment. The proposed abandonments also would not appear to conflict with existing General Plan philosophy, which generally promotes orderly development, the maintenance of the City's economic vitality and fiscal health, the protection of people and property from exposure to health and safety hazards, and the minimization of adverse impacts of development to the City's public facilities and services. The City is currently undergoing an update of the City's Land Use Element of the General Plan. Future plans for the larger M-2 Area and Willow Road have not yet been determined, but the proposed right-of-way abandonment would still provide flexibility for public improvements for the remaining 25 feet of right-of-way adjacent to the existing curb of Willow Road. The proposed abandonment is consistent with the right-of-way on the adjacent property to the south.

As noted earlier, the City has contacted the affected utility agencies about the proposed abandonments, and there have been no objections to the proposal since alternate easements have been established for PG&E and the City of East Palo Alto. The removal of the sidewalk easement on private property would be replaced with a new sidewalk located in the public right-of-way. The proposed abandonment of the easements would not negatively impact other properties, and would allow for the comprehensive redevelopment of the site with a 90-unit, affordable senior development. Staff believes the proposal is consistent with the General Plan.

Action on this item is in the form of a recommendation to the City Council. The Planning Commission's recommendation is submitted to the Council in the form of a resolution, included as Attachment C.

Correspondence

Staff has not received any correspondence regarding the proposal.

Conclusion

The proposed abandonments would not conflict with the General Plan land use and circulation goals and policies. The proposed abandonments would not negatively impact other properties and would benefit the subject site by allowing redevelopment of underutilized land. Easements for specific utilities have been created and coordinated with the respective agencies, and there have been no objections to abandon the right-of-way and PUEs. Staff recommends that the Planning Commission find that the proposed right-of-way and PUE abandonments are consistent with the General Plan.

ENVIRONMENTAL REVIEW

The proposed plan line abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

1. Make a finding that the proposed abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt Resolution No. 2015-01 determining that abandonment of the public utility easements and emergency access easement on 1221-1275 Hamilton Avenue is consistent with the General Plan (Attachment C).

Report prepared by:

Deanna Chow
Senior Planner

Report reviewed by:

Justin Murphy
Assistant Community Development Director

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject properties. Planning Commission action will be in the form of a recommendation to the City Council.

ATTACHMENTS

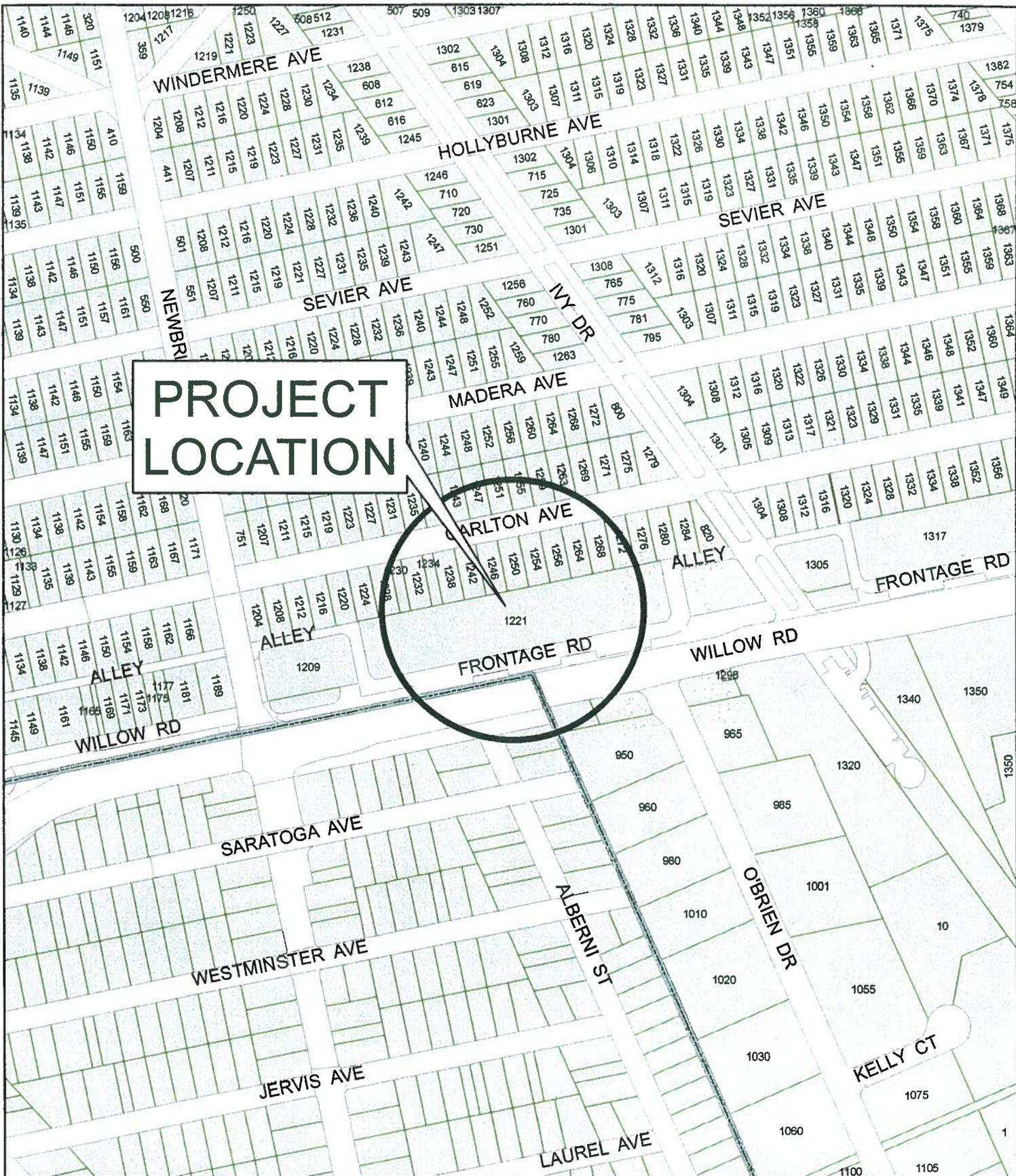
- A. Location Map
- B. Exhibit of Proposed Abandonment Areas
- C. Draft Resolution of the Planning Commission of the City of Menlo Park Determining that Abandonment of the Public-Right-Way and Public Utility Easements on 1221-1275 Willow Road is Consistent with the General Plan

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

EXHIBITS TO BE PROVIDED AT MEETING

None

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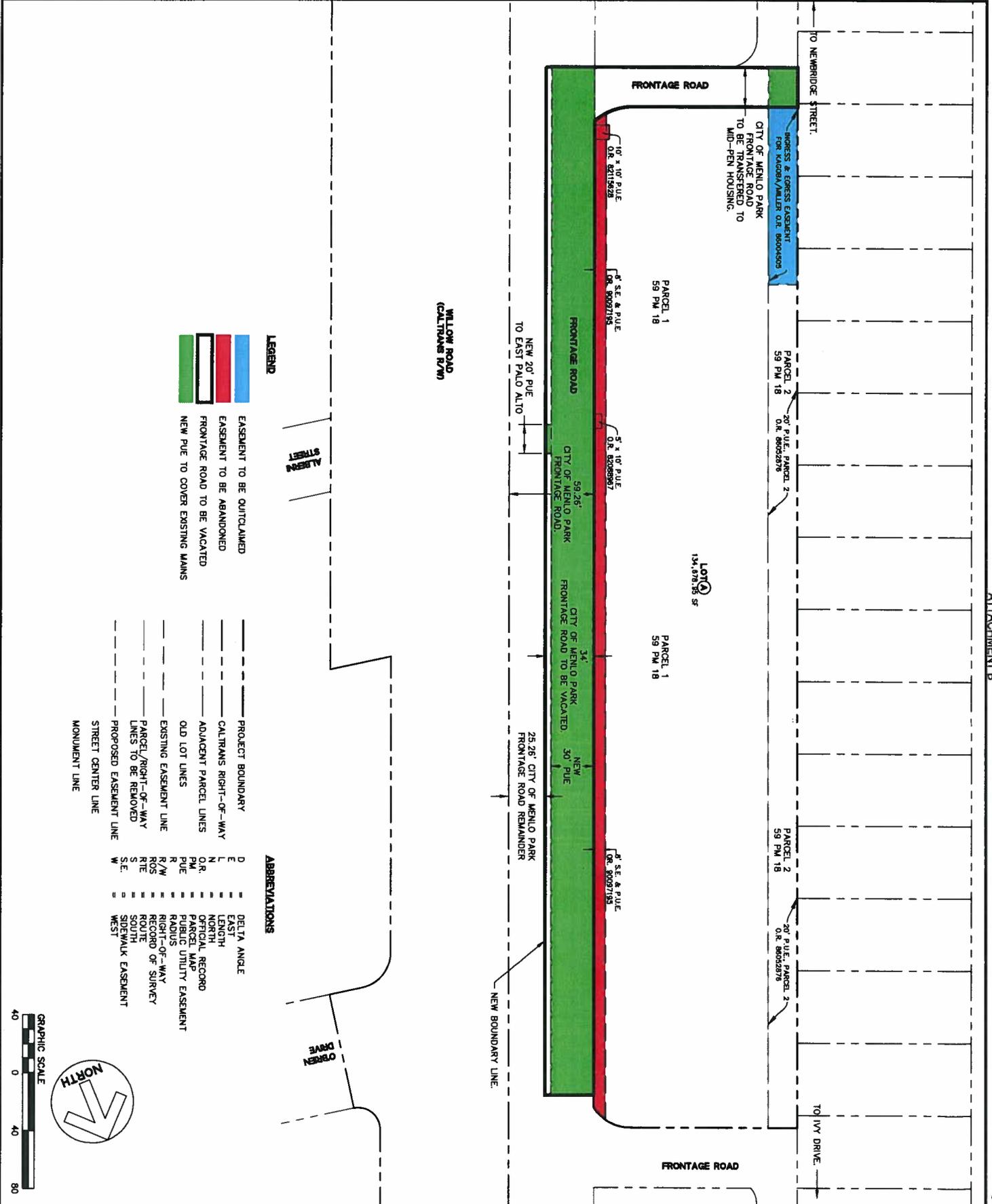


**PROJECT
LOCATION**



CITY OF MENLO PARK
 LOCATION MAP
 1221 WILLOW ROAD





LEGEND

- EASEMENT TO BE OUTCLAIMED
- EASEMENT TO BE ABANDONED
- FRONTAGE ROAD TO BE VACATED
- NEW PUE TO COVER EXISTING MANS

ABBREVIATIONS

- PROJECT BOUNDARY
- CALTRANS RIGHT-OF-WAY
- ADJACENT PARCEL LINES
- OLD LOT LINES
- EXISTING EASEMENT LINE
- PARCEL/RIGHT-OF-WAY LINES TO BE REMOVED
- PROPOSED EASEMENT LINE
- STREET CENTER LINE
- MONUMENT LINE

- D DELTA ANGLE
- E ELEVATION
- L LENGTH
- N NORTH
- O.R. OFFICIAL RECORD
- PM PARCEL MAP
- PUE PUBLIC UTILITY EASEMENT
- R/RADIUS
- R/W RIGHT-OF-WAY
- ROS RECORD OF SURVEY
- R/E RIGHT OF EASEMENT
- S.E. SPERMALUK EASEMENT
- W WEST



FRONTAGE ROAD VACATION EXHIBIT
MIDPEN GATEWAY SENIOR HOUSING
 1221 WILLOW ROAD
 MENLO PARK SAN MATEO CALIFORNIA

BKF
 ENGINEERS / SURVEYORS / PLANNERS
 1650 TECHNOLOGY DRIVE
 SUITE 850
 SAN JOSE, CA 95110
 408-467-9100
 408-467-9199 (FAX)

Date:	No.	Revisions
04.30.15		
Scale: 1" = 30'		
Design: FCG		
Drawn: FCG		
Approved: JN		
Job No: 20136051		

DRAFT RESOLUTION NO. 2015-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK DETERMINING THAT ABANDONMENT OF THE RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS ON 1221-1275 WILLOW ROAD IS CONSISTENT WITH THE GENERAL PLAN

WHEREAS, the Planning Commission of the City of Menlo Park has considered the abandonment of right-of-way and public utility easements at 1221-1275 Willow Road as required for the development of a 90-unit, affordable senior residential development located in the R-4-S (AHO) zoning district; and

WHEREAS, the Planning Commission has held a public meeting on this subject on May 18, 2015, as required by law, having provided public notification by publishing a legal notice in the local newspaper and notification of property owners and occupants within a 300-foot radius of the subject property;

WHEREAS, the Planning Commission of the City of Menlo Park has determined that said abandonments are consistent with the General Plan in that alternate easements for specific utility companies have been provided and there has been no objections to the abandonment proposal; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park hereby recommends that the proposed right-of-way and public utility easements at 1221-1275 Willow Road, as shown in attached Exhibit, to be abandoned as proposed.

I, Arlinda Heineck, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by a majority of the total voting members of the Planning Commission of the City of Menlo Park at a meeting held by said Commission on the 18th day of May, 2015, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSTAIN:	Commissioners:
ABSENT:	Commissioners:

I further certify that the foregoing copy is a true and correct copy of the original of said resolution on file in the office of the Community Development Department, City Hall, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this ___ day of May, 2015.

Arlinda Heineck
Community Development Director
City of Menlo Park

(C)

