# **Planning Commission**



### **REGULAR MEETING AGENDA**

Date: 8/15/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

- A. Call To Order
- B. Roll Call

# C. Reports and Announcements

Under "Reports and Announcements," staff and Commission members may communicate general information of interest regarding matters within the jurisdiction of the Commission. No Commission discussion or action can occur on any of the presented items.

#### D. Public Comment

Under "Public Comment," the public may address the Commission on any subject not listed on the agenda, and items listed under Consent Calendar. Each speaker may address the Commission once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

## E. Consent Calendar

E1. Approval of minutes from the July 11, 2016 Planning Commission meeting. (Attachment)

# F. Public Hearing

F1. Use Permit and Variance/Sarah Potter/318 Willow Road:

Request for a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single-Family Urban Residential) zoning district. The value of the work would exceed 75 percent of the replacement value of the existing structure. The project also includes a request for a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on the both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal. (Staff Report #16-065-PC)

F2. Use Permit and Variances/Eugene Sakai/1199 North Lemon Ave:
Request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project also includes a variance request for the

residence to have a corner side (facing Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required. (Staff Report #16-066-PC)

F3. Use Permit/Forty Seven, Inc./1490 O'Brien Drive:

Request for a use permit for the storage and use of hazardous materials associated with the research and development of therapeutics to treat cancer, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building. (Staff Report #16-067-PC)

F4. Architectural Control, Use Permit, and Below Market Rate (BMR) Rental Housing Agreement/ 650 Live Oak LLC/650-660 Live Oak Ave:

Request for architectural control and a use permit to demolish an existing commercial building (on a parcel zoned SP-ECR/D) and two residential units (on a substandard parcel zoned R-3), and construct a new linked office-residential mixed use development. The project would include 16,854 square feet of non-medical office and 17 dwelling units. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of two Below Market Rate (BMR) housing units, where only 0.53 units are required, to be memorialized via a BMR Rental Housing Agreement. A new public plaza would also be provided. (Staff Report #16-068-PC)

#### G Informational Items

G1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

Regular Meeting: August 29, 2016

Regular Meeting: September 12, 2016

• Regular Meeting: September 26, 2016

# H. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at <a href="https://www.menlopark.org">www.menlopark.org</a> and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at <a href="menlopark.org/notifyme">menlopark.org/notifyme</a>. Agendas and staff reports may also be obtained by contacting the Planning Division at (650) 330-6702. (Posted: 8/10/16)

At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

Any writing that is distributed to a majority of the Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in Commission meetings, may call the City Clerk's Office at 650-330-6620.

# **Planning Commission**



#### **REGULAR MEETING MINUTES - DRAFT**

Date: 7/11/2016

Time: 6:00 p.m. *Please note early start time* 

**City Council Chambers** 

701 Laurel St., Menlo Park, CA 94025

### A. Call To Order

Chair Katherine Strehl called the meeting to order at 6:00 p.m.

#### B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs (arrived at 6:02 p.m.), Katherine Strehl (Chair)

Absent: None

Staff: Deanna Chow, Principal Planner; Sunny Chao, Assistant Planner; Yesenia Jimenez, Associate Planner; Michele Morris, Assistant Planner; Kyle Perata, Senior Planner; Tom Smith, Associate Planner

## C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its July 19, 2016 meeting would consider the Facebook development agreement term sheets and hold a study session on public benefit for the Station 1300 El Camino Real project.

Chair Strehl asked if the Housing Commission had an item for the July 19 Council meeting to consider the displacement of residents due to the Facebook development. Principal Planner Chow said that was a tentative study session highlighting the nexus study for both a commercial and residential BMR program but was not confirmed yet.

## D. Public Comment

Woman (no name provided) said the Sustainable Land Use Committee had submitted a letter of comments for the General Plan EIR update and they had not received a response from staff, and were requesting an extension to the public period past July 15, 2016. She said there were other EIRs to review now and her group felt this was a very important one.

## E. Consent Calendar

E1. Approval of minutes from the June 6, 2016 Planning Commission meeting. (Attachment)

**ACTION:** Motion and second (Onken/Goodhue) to approve the minutes as presented; passes 6-0 with Commissioner Combs abstaining.

## F. Public Hearing

F1. General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Environmental Review/City of Menlo Park: Public hearing to receive public comments on the Draft EIR for the General Plan Land Use and Circulation Elements and M-2 Area Zoning Update. The Draft EIR prepared for the project identifies less than significant effects in the following categories: Aesthetics, Geology, Soils and Seismicity, Hydrology and Water Quality, and Public Services and Recreation. The Draft EIR identifies potentially significant environmental effects that can be mitigated to a less than significant level in the following categories: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Land Use Planning, Noise, and Utilities and Service Systems. The Draft EIR identifies potentially significant environmental effects that are significant and unavoidable in the following categories: Air Quality, Greenhouse Gas Emissions, Population and Housing, and Transportation and Circulation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed hazardous material sites are present at the location. The project area does contain a hazardous waste site included in a list prepared under Section 65962.5 of the Government Code. Written comments may also be submitted to the Community Development Department (701 Laurel Street, Menlo Park) no later than 5:00 p.m., Friday, July 15, 2016. (Staff Report #16-050-PC) Continued from the meeting of June 20, 2016. Please note that the 6:00 p.m. Planning Commission meeting will be preceded by a 5:00 p.m. "Town Hall" on the ConnectMenlo topic, also to be held in the City Council Chambers.

Transcript minutes were prepared.

The Commission reconvened after a short break with Commissioners Combs, Goodhue, and Onken in attendance after being recused for Agenda Item F1.

F2. Use Permit/Gregory Pickett/320 Grayson Court:

Request for a use permit to remodel and add onto an existing nonconforming single-story, single-family residence in the R-1-U (Single-Family Urban) zoning district. The proposed work would exceed 75 percent of the existing replacement value in a 12-month period. The project includes a request to remove a heritage Blackwood Acacia tree in the rear yard. (Staff Report #16-051-PC)

Staff Comment: Associate Planner Yesenia Jimenez said she had no additions to the report.

Applicant Presentation: Greg Pickett, property owner, said the property was two-bedroom and one bath, and the project would add bathrooms and some living space for his family members. He said they did not want to expand any more than the modest amount as they wanted to preserve the heritage Chinese elm in the backyard. He said their neighbors were very excited with what their home would look like after the remodel.

Chair Strehl opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Riggs noted that a 15-gallon ironwood replacement tree was part of the proposal. He said he had seen projects in which heritage trees were removed from front yards and not replaced in the front but elsewhere on the property, and asked for the rationale about that.

Principal Planner Thomas Rogers said typically the goal was for the replacement tree to be located

near where a heritage tree that was removed had been located. He said if a tree was removed for other reasons such as conflict with another tree or property improvements that precluded the replacement tree being planted in the same area as the tree that was removed. He referred to instances of possible lack of enforcement as opposed to policy decisions regarding replacement tree locations. He noted efforts by the City to hire a contract arborist within a month to assist and potentially provide enforcement related to heritage trees and replacement of those removed.

Commissioner Kahle said the project was approvable. He said the south elevation on page 3 showed two posts added to the front providing a nice covered entry but those were set so high that the eaves and gutter line of the existing house were still visible. He said that made it look like an addition. He recommended strongly that either the entry feature be lowered to capture existing eaves or they should add a band of wood or something to make it not seem like an addition.

Chair Strehl said she liked the project and noted that if the applicant was willing to take Commissioner Kahle's suggestion about the roofline and porch, she would move to approve the project. Commissioner Onken seconded the motion.

Principal Planner Rogers asked if the motion included Commissioner Kahle's suggested modification. Commissioner Onken said as the maker of the second he would like that included. Chair Strehl said she agreed but asked the applicant to respond.

Mr. Rob Rice, the applicant's designer, said he disagreed with Commissioner Kahle's interpretation, and that the roof would look better as proposed.

Commissioner Onken asked if they were keeping the existing gutter and eaves and wrapping it in underneath the new roof. Mr. Rice said the gutter would stop short of the entryway. He asked if the concern was it looked like the gutter was going across the front door. Commissioner Onken said it looked like nothing was done there except to add two posts. Mr. Rice said the gutter and eave should not have been shown going past the post for the porch. Commissioner Onken said he would like the entryway clarified so that the gutter and eaves did not show across the entryway. He said if the Commission approved the applicant could work with staff on that and the process for the Commission to consider conformance with the approved plans would be followed.

Principal Planner Rogers asked if the Commission wanted staff to review and approve the clarification of the entryway or go through the email Commission conformance process. He said the latter was speedier than bringing the item back to the Commission meeting but it was still more time sensitive than relying purely on staff for review and approval. Commissioner Onken said it was his intention to have an email conformance process. Chair Strehl said she would want it all through staff.

Mr. Rice said in looking at the sections there was a gutter shown but also a fascia board. He said that line could be interpreted on the elevations as the fascia board that would run behind the gutter.

Commissioner Kahle asked if that was the bottom section of page A.5. Mr. Rice said yes. Commissioner Kahle said that was the confusing part. He said they were looking at an eave coming out with a beam and then beyond it a gutter that wraps around it all under the proposed porch. Mr. Rice said below that was shown the fascia board that would be returned with the gutter.

Commissioner Kahle said rather than have this reviewed at the staff level he would like it reviewed

by the Planning Commission through email.

Commissioner Combs asked if they were clarifying what they were looking at. He asked if it was clear what should be done, corrected or changed.

Mr. Rice said he thought the confusion was how far the gutter on the front of the house extended as it was shown as one plane going through there and did not distinguish between the gutter and the fascia board behind it. He said he was willing to do what was needed to clarify that as long as he understood what was required.

Commissioner Combs asked if Mr. Rice meant to clarify in the plans and not to change them. Mr. Rice said that was correct as he could not imagine anyone running the gutter across an entryway. He said since there was fascia board behind the gutter then what was drawn was indicating the fascia board and not the gutter.

Commissioner Kahle asked on the south elevation above the entry door if that was fascia board that continued. Mr. Rice said it was and he had not distinguished the fascia board and gutter. Commissioner Kahle said what the drawing did not show was some kind of beam supporting the new hip roof and that beam could be set in such a way that it captured the fascia board so it was not seen continuing over the entry way which would make this look like it was an addition.

Chair Strehl said she believed what Commissioner Onken was suggesting was for the applicant to work with staff and an email process with the Commission through staff to communicate what was being proposed was in conformance with the action the Commission made this evening.

Principal Planner Rogers said there was a suggestion to lower the porch. He asked it that was still a strict objective, or whether solutions could be more flexible. Commissioner Kahle said the porch height lowering was not necessarily a requirement. Principal Planner Rogers stated it was a matter of clarifying gutters and opportunities to tie those in for a cleaner look but not necessarily any substantive changes to the height or substance of the design. He said they could work on that.

**ACTION:** Motion and second (Strehl/Onken) to approve the project with the following modification; 7-0.

- 1. Make a finding that the project is categorically exempt Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Robert Rice, consisting of 7 plan sheets, dated June 17, 2016 and stamped received on June 21, 2016, and approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.

- b. Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
- 4. Approve the use permit subject to the following *project-specific* condition:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans (elevations and roof plan) modifying or clarifying the interaction between the new covered porch at the front of the residence and the existing roof in that area. The revised plans shall have the objective of reducing visual clutter and removing unnecessary elements such as gutters and/or eaves underneath the new porch roof. The revised plans shall be subject to the review and approval of the Planning Division. The Planning Commission shall be notified by email of this action, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next Planning Commission meeting. The revised plans shall be fully approved prior to the issuance of the overall building permit.

Commissioner Kahle recused himself from consideration of Item F3.

F3. Use Permit and Variance/Lawrence Kahle/590 Fremont Street:
Request for a use permit to build a new single-family home on a substandard lot with regard to lot width, depth, and area in the R-3 (Apartment) zoning district. The use permit request includes a proposal to allow excavation within the left side yard setback to install a retaining wall and driveway to provide access to a below-grade garage. The proposal includes a request for a variance for the

new residence to encroach into the required 20-foot separation between main buildings located on adjacent lots. (Staff Report #16-052-PC)

Staff Comment: Associate Planner Jimenez said that the property owner had provided two diagrams for review that had been distributed to the Commission at the dais.

Questions of Staff: Commissioner Onken said the sections and elevations showed the ultimate height but did not show the daylight plane profile. He asked about conformance. Associate Planner Jimenez said there was no daylight plane requirement in the R-3 zoning district.

Applicant Presentation: Mr. Nick Webb, property owner, said they were planning to build their family home on the lot. He said the proposed traditional design would have a covered porch and no parking in the front noting it was across the street from Laurel Park. He said they would provide partially underground parking and that he had provided the two diagrams to show how they arrived at that solution. He said this project was in an R-3 zoning district and had different setback requirements from R-1-U. He said the setbacks were wider from the corner side as well as the interior side that created somewhat of a narrow house and pushed it back in length somewhat more. He said they wanted to put the parking on the side but with requirement for covered and an uncovered space and both of those off the 20-foot road with a detached garage in the rear would have used most of the outdoor space. He said to protect privacy the windows on the second story adjacent to single-story homes were small in size with high window sills, the staircase windows were frosted half way up, and they intended to plant a wall of greenery around the fence to provide privacy.

Chair Strehl opened the public hearing.

## **Public Comment:**

• Samuel Lee said he and his wife lived two houses down from the subject property. He said they had communicated concerns to Planning staff in April, which he thought had gotten lost as the applicant just contacted them three days ago to discuss their concerns. He said that discussion was not reflected in the staff report. He said their main concern was privacy as the neighborhood was single-story and this was the first two-story. He said they wanted the applicant to build the house but their main concern were three windows on the second floor which provided a view into their garden. He said the mitigations only helped the neighbor immediately next door. He asked for contingency to require a tree line higher than the first floor and to extend the frosted glass on the staircase window.

Chair Strehl closed the public hearing.

Commission Comment: Commissioner Onken asked if the applicant could address the speaker's concerns.

Mr. Webb said the immediate adjacent neighbor was at 570 Fremont Street. He said the tree line and window frosting were the main mitigations to protect privacy. He said the back corner bedroom did not have a lot of windows but they reduced the size of the windows on the interior side as much as they could while maintaining as much habitable space as possible. He said the two small windows have four-foot-four-inch window sills. He said that the amount of planting space might preclude planting species that would have the height needed to screen the two smaller windows. He said additionally there was a heritage Japanese maple heritage tree planted there

which needed light and space to grow that had to be taken into consideration.

Commissioner Goodhue asked what the distance between the house and the house two lots away. Project architect Larry Kahle said the subject property was 56-feet wide and the neighbor's was 53-feet wide so it was 109 feet property line to property line and another nine feet for their setback and another five feet or so of setback at 570 Fremont Street. Mr. Webb said the distance would be their 10-feet interior side setback, one lot width of 53-feet and then Mr. Lee's property. He said the distance would be 63-feet or more. Commissioner Goodhue asked if shade studies had been done to address the adjacent neighbor's concerns. Mr. Kahle said they had looked on December 20 in the late afternoon and there would be a little shade on 570 Fremont Street but not much at other times.

Chair Strehl asked about the pop-up roof on A.5 and asked if that was attic space as it added to the height and perceived mass. Mr. Webb said it was.

Commissioner Barnes said he would like more effort put into the landscaping as this was essentially a two-and-a half story structure in a one-story neighborhood. He asked what options they had explored with their landscape architect to benefit the neighbor's privacy.

Mr. Webb said in one direction the homes were one-story but the rest of the neighborhood was developed with two and two-and-a-half-story structures including single-family homes and multifamily apartments. He said that landscape plans were not a requirement for the Planning Commission so they hired someone late into the process at staff's request to provide detail regarding privacy screening. He said it was their full intention to do full detail landscaping plans that would include more trees and other plantings to provide privacy all around the property. He said that they had spent a lot of time with a landscaper to select evergreen trees of the right height to screen for the adjacent neighbor. He said they met with Mr. Lee just a few days ago so they had not gotten deep into whether there was a tree that could grow ten feet taller than what they had already identified. He said there was not a lot of space there and he had concerns with a 25-foot tall tree next to a heritage Japanese maple.

Commissioner Barnes asked if the applicant were willing to work diligently with this landscape designer to identity plantings there that would be amenable to the neighbor. Mr. Webb said he was willing to work with the neighbor but he was not in the position to commit that they would find a plant that would satisfy his neighbor's preferences. He said he also had to take the immediate adjacent neighbor into consideration as a 25-foot tall tree might grow over the neighbor's property. Commissioner Barnes said he would suggest a species whose canopy would not extend over the neighbor's property.

Commissioner Onken said as part of the use permit there were notes on the plans listing species of trees pending agreement with the neighbor so if they approved the use permit they would also be approving that method of selecting trees. He said it was a tall house but was within the planning restrictions and he appreciated the applicants had created a great space in the back rather than just filling it all up with parking. He said he liked the large front façade with the covered porch facing the park and appreciated the efforts on the fenestration to protect privacy. He said he could support the project.

Commissioner Riggs said the sensitivity to the privacy issue in the plans was significant. He said the project was attractive from all angles and was a good use of land. He said in his opinion this variance request was what variance law had was written for as this was an unusual site condition.

He said it was self-evident looking at the property from the street. He moved to make the findings, and approve the use permit and the variance request. Commissioner Goodhue seconded the motion.

Chair Strehl noted there was 64 feet between the subject property window to the neighbor's property two lots down.

**ACTION:** Motion and second (Riggs/Goodhue) to make the findings and approve the use permit and variance request as recommended in the staff report; passes 6-0 with Commissioner Kahle recused.

- Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act Guidelines.
- Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of
  use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort
  and general welfare of the persons residing or working in the neighborhood of such proposed
  use, and will not be detrimental to property and improvements in the neighborhood or the
  general welfare of the City.
- 3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variance:
  - a. The adjacent building to the right of the subject parcel does not conform to the required interior 10-foot side setback required in the R-3 zone. The combination of an adjacent non-conforming building, the narrow width of the lot, and the fact that the site is further constrained due to it being located on a corner, creates a uniquely small area for the permitted building footprint. This hardship is unique to the property, and has not been created by an act of the owner.
  - b. If the proposed residence were built to be 20 feet away from the main building on the neighboring lot, it could only be a maximum of 27 feet wide, likely resulting in a long narrow structure with less usable rear yard. The applicant proposes a 23.6-foot rear setback instead of the minimum required 15 feet in order to provide a larger rear yard. If the adjacent structure was in conformance with their required side setbacks, the variance would not be necessary for the proposed 31-foot wide residence. The variance would thus be necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property. Given that in general, other properties in the vicinity do not have similar constraints with regard to being a narrow, corner lot with an adjacent nonconforming structure, the requested variance would not represent a special privilege.
  - c. The setback to the building on the adjacent property would be approximately 15 feet. If the adjacent parcel is redeveloped in the future, it would be required to adhere to 10-foot side setbacks and the proposed variance would no longer be needed. The proposed project would be below the maximum allowed floor area and building coverage and all other development standards would also be met. As such, granting of the variance would not be materially detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property.

- d. Although there are a few other narrow parcels in the area that may be adjacent to properties that are not in conformance with the required 10-foot interior side setbacks, these appear to be the exceptions. As such, the conditions on which the variance is based would not be generally applicable to other property in the same zoning classification.
- e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
- 4. Approve the use permit and variance subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Metropolis Architecture, consisting of 11 plan sheets, dated received June 29, 2016, and approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance
- F4. Use Permit/Lorin Hill/805 Magnolia Street:

Request for a use permit to remodel and add to an existing nonconforming two-story, single-family residence in the R-1-S (Single-Family Suburban) zoning district. The proposed work would exceed 50 percent of the existing replacement value in a 12-month period. There is an active building permit regarding the remodeling of and additions to the first floor and the modification of the roof to conform to daylight plane regulations. At this time, the applicant is requesting that the building be allowed to remain nonconforming, which requires Planning Commission review of the overall

proposal. (Staff Report #16-053-PC)

Staff Comment: Assistant Planner Morris said there were no additions to the written report.

Applicant Presentation: Mr. Lorin Hill, project architect, introduced the owner Steven Smith and his associate Beth Harrington. He said this structure had been a single-story with a second-story addition in the early '80s that was like a box on top of a ranch-style home. He said the current owners were in the process of remodeling and making additions to the first floor when it came to light that one corner of the roof intrudes into the daylight. He said the request was to allow that to remain nonconforming as no work was planned on that side and also that a nonconforming balcony there since the '80s also be allowed to remain.

Chair Strehl opened the public hearing and closed it as there was no public comment.

Commission Comment: Commissioner Kahle said he had a project that had an existing gable that was clipped by the daylight plane triggering a use permit requirement. He said the architect had done a good job and the issue was the two-story volume that contributed two more roof pitches creating four roof pitches. He said he assumed it was useful space so he would not recommend doing something to remove it. He said the architect had done a great job with what there was and it was approvable.

Commissioner Onken said it was a bit of a beast of a house but the architect had done his best to improve it. He moved to approve as recommended in the staff report.

Commissioner Riggs asked about the gable intrusion. Planner Morris said this lot was too large to qualify for a permitted intrusion.

Commissioner Riggs concurred with Commissioner Onken's comments, and moved to make the findings and approve the use permit.

**ACTION:** Motion and second (Onken/Riggs) to approve the use permit as recommended in the staff report; passes 7-0.

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Lorin Hill Architect consisting of fourteen plan sheets, dated received July 1, 2016, and approved by the Planning Commission on July 11, 2016 except as modified by the conditions contained herein, subject to review and approval by the Planning Division.

- b. Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance
- F5. Use Permit/Charles Holman/361 Marmona Drive:

Request for a use permit for an addition to an existing, nonconforming one-story, single-family residence on a lot in the R-1-U (Single-Family Urban) zoning district. The value of the work would exceed 75 percent of existing replacement value in a 12-month period. (Staff Report #16-054-PC)

Staff Comment: Assistant Planner Sunny Chao said there were no updates to the written report.

Applicant Presentation: Mr. Charles Holman, property owner and project designer, said this home was built in the '40s, was a two bedroom, one bathroom home and in pretty bad shape. He said originally he considered tearing down the home and doing a conforming two-story project. He said the house has a two-foot section that is non-conforming along the side. He said in talking to neighbors he decided it would be better to do a three-bedroom, two-bathroom, one-story project. He said they would improve windows using divided lights.

Replying to a question from Commissioner Barnes, Mr. Holman said he owned the property, was the project designer, but would not live in the home.

Replying to a question from Commissioner Kahle, Mr. Holman said regarding the notes on the divided lights that they would be simulated. Commissioner Kahle asked that correction be made.

Chair Strehl opened the public hearing, and closed it as there were no speakers.

Commission Comment: Commissioner Kahle moved to make the findings and approve the project as recommended. Commissioner Riggs seconded the motion and to make the change that the approval included simulated lights.

Principal Planner Rogers said regarding the window notations that through research staff had determined that window manufacturers' terminology was not consistent. He said whenever a Commissioner saw a note of either simulated divided light or true divided lights, they would be the type that have interior and exterior grids with a space bar in between giving a perception of classic divided lights.

**ACTION:** Motion and second (Kahle/Riggs) to approve the use permit as recommended in the staff report; passes 7-0.

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Charles Holman Design consisting of eleven plan sheets, dated received June 28, 2016 and May 18, 2016, and approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance
- F6. Minor Subdivision/Peter Carlino for David Ferrari/668-672 Partridge Avenue:

  Request for a tentative parcel map to convert two existing residential dwelling units into two condominium units on one parcel in the R-2 (Low Density Apartment) zoning district. No additional floor area is proposed as part of this project. (Staff Report #16-055-PC)

Staff Comment: Senior Planner Perata said there were no additions to the staff report.

Applicant Presentation: Mr. Peter Carlino, Bracewell Engineering, said he was representing the property owner and developer. He said this was an existing development from 2004 with two units at which time they chose not to prepare a tentative map to divide the lots and now would like to do a condominium conversion. He said everything would remain as is in terms of the buildings.

Replying to a question from Commissioner Goodhue, Mr. Carlino said one home would be for resale and the owner would retain the other.

Chair Strehl opened the public hearing, and closed it as there were no speakers.

Commission Comment: Commissioner Onken he was okay with a condominium conversion but could not have supported a lot split.

**ACTION:** Motion and second (Combs/Goodhue) to approve the request as stated for a tentative parcel map; passes 7-0.

- 1. Make findings that the project is categorically exempt under Class 15 (Section 15315, "Minor Land Divisions") of the current State California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings that the proposed minor subdivision is technically correct and in compliance with all applicable State regulations and City General Plan, Zoning and Subdivision Ordinances, and the State Subdivision Map Act.
- 3. Approve the minor subdivision subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the tentative map prepared by Lea & Braze Engineering, Inc., dated received June 29, 2016, consisting of one plan sheet and approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to recordation of the parcel map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to recordation of the parcel map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Heritage trees in the vicinity of construction shall be protected pursuant to the Heritage Tree Ordinance.
- e. Within two years from the date of approval of the tentative parcel map, the applicant shall submit a parcel map for review and approval of the City Engineer. The parcel map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- f. Concurrent with parcel map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The parcel map and the CC&Rs shall be recorded concurrently.
- g. Concurrent with the parcel map submittal, the applicant shall submit a plan indicating all proposed modifications in the public right-of-way including frontage improvements and utility installations.
- h. Prior to recordation of the parcel map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvement (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage. The applicant shall obtain an encroachment permit prior to commencing any work with the City's right-of-way or public easements.
- 4. Approve the minor subdivision subject to the following *project specific* conditions:
  - a. Prior to recordation of the parcel map, the Conditions, Covenants and Restrictions (CC&Rs) shall incorporate language to specify that the existing development exceeds the Floor Area Limit (FAL) set by the Zoning Ordinance and therefore, no additional floor area can be developed at the site. The language shall be subject to review and approval of the City Attorney.

Chair Strehl noted that Commissioners Combs and Goodhue were recused from Item F7.

would temporarily displace eight parking spaces. (Staff Report #16-056-PC)

F7. Use Permit/Facebook, Inc./200 Jefferson Drive:
Request for a use permit for a temporary mobile kitchen for only food preparation that would be located within the parking lot adjacent to the existing building at 200 Jefferson Drive, located in the M-2(X) (General Industrial, Conditional Development) zoning district. The proposed temporary kitchen would be on-site for a maximum of one year from installation. The proposed mobile kitchen

Staff Comment: Senior Planner Perata said staff had no updates.

Applicant Presentation: Ms. Danielle Douthett, Facebook, said the company was expanding into 180, 190 and 200 Jefferson Drive buildings. She said 190 and 200 Jefferson Drive would be completed prior to the 180 Jefferson Drive building that would be the location of the permanent kitchen to provide the Facebook employees with food service. She said Facebook was requesting a temporary mobile kitchen for a maximum of one year.

Commissioner Kahle asked if these buildings would continue to be occupied after construction of Buildings 21 and 22. Ms. Douthett said Facebook was leasing these buildings for five years.

Chair Strehl opened the public hearing, and closed it as there were no speakers.

**ACTION:** Motion and second (Onken/Riggs) to approve the use permit as recommended in the staff report; passes 5-0 with Commissioners Combs and Goodhue recused.

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Gensler consisting of 13 plan sheets, dated received July 1, 2016, as well as the Project Description Letter, dated received July 11, 2016, approved by the Planning Commission on July 11, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- 4. Approve the use permit subject to the following *project-specific* conditions:
  - a. The applicant shall remove the temporary mobile kitchen from the site within one year from installation, subject to review and approval of the Building and Planning Divisions.
  - b. The applicant shall repair and/or restripe the eight displaced parking spaces within 30 days of removal of the temporary mobile kitchen, subject to review and approval of the Engineering, Transportation, and Planning Divisions

Commissioners Combs and Goodhue returned to the dais.

F8. Use Permit/Ellen Ackerman/1525 O'Brien Drive:

Request for a use permit for the storage and use of hazardous materials associated with the research and development of biotechnology for the detection of cancer, located in an existing building in the M-2 (General Industrial) zoning district. Additionally, some hazardous waste would be stored outside the facility in an existing steel chemical storage unit that was also used by the previous tenant. (Staff Report #16-057-PC)

Staff Comment: Associate Planner Tom Smith said there were no changes to the written staff report.

Applicant Presentation: Mr. John Tarlton, Tarlton Properties, said he was representing the tenant Grail Bio and noted their Chief Operating Officer Ken Drayson was present. He said Ellen Ackerman was also present for any environmental questions.

Mr. Ken Drayson, Menlo Park, said Grail Bio's mission was to find a way to detect cancer early so it might be cured. He said they were gathering the best people to work together on this. He said they had 50 employees, were now 80 employees, and they expected to grow to 130 employees by the end of the year. He said they were well-funded and expected to stay in Menlo Park for a long time. He said his CEO was a neighbor in Menlo Park and other executives were from this area.

Chair Strehl opened the public hearing, and closed it as there were no speakers.

**ACTION:** Motion and second (Onken/Strehl) to approve the use permit as recommended in the staff report; passes 7-0.

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of eight plan sheets, dated received June 1, 2016, as well as the Hazardous Materials Information Form (HMIF), dated received April 18, 2016, approved by the Planning Commission on July 11, 2016 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly

applicable to the project. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.
- 4. Approve the use permit subject to the following *project-specific* conditions:
  - a. Prior to the use of hazardous materials, the applicant shall provide a copy of the emergency response plan, including the phone numbers of the West Bay Sanitary District, Silicon Valley Clean Water, and all other standard relevant agencies in the event of an accidental spill or discharge, subject to approval of Planning Division staff.

#### G. Informational Items

G1. Future Planning Commission Meeting Schedule

• Regular Meeting: July 25, 2016

Regular Meeting: August 15, 2016

• Special Meeting: August 22, 2016

• Regular Meeting: August 29, 2016

Principal Planner Rogers announced they had received an email that the Council would meet on July 12 at 9 p.m. for a special meeting to consider a request to extend the 75-day review and public comment period for the draft Environmental Impact Report for ConnectMenlo, the Menlo Park General Plan Update.

# H. Adjournment

Chair Strehl adjourned the meeting at 9:16 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

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CITY OF MENLO PARK

PLANNING COMMISSION

GENERAL PLAN AMENDMENT, )
ZONING ORDINANCE AMENDMENT,)
REZONING, ENVIRONMENTAL )
REVIEW/CITYOF MENLO PARK )

PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, JULY 11, 2016

MENLO PARK CITY COUNCIL CHAMBERS

Reported by: MARK I. BRICKMAN, CSR, RPR

License No. 5527

1	ATTENDEES	1	COMMISSIONER STREHL: It's a Public
2	THE PLANNING COMMISSION:	2	Hearing on the General Plan Amendment, Zoning Ordinance
3	Katherine Strehl - Chairperson Drew Combs - Vice Chairperson (Recused)	3	Amendment, Rezoning, Environmental Review/City of Menlo
4	Susan Goodhue - (Recused)	4	Park.
	John Onken - (Recused)	5	And I just will say that we have three
5	Henry Riggs	6	Commissioners that need to recuse themselves from this
_	Andrew Barnes	7	
6	THE CITY STAFF:	8	item, Miss Goodhue, Mr. Combs and Mr. Onken, who will
7			return after this item has been discussed.
	Deanna Chow - Principal Planner	9	So the Draft this is a long one. The
8	Nikki Nagaya - Transportation Manager	10	Draft EIR prepared for the project identifies less than
9	Leigh Prince, Esq Assistant City Attorney	11	significant effects of the following categories:
	SUPPORT CONSULTANTS:	12	Aesthetics, geology, soils and seismicity, hydrology and
10		13	water quality and public services and recreation.
	Charlie Knox - PlaceWorks	14	The Draft EIR also identifies potentially
11 12	Jessica Alba - Nelson Nygaard	15	significant environmental effects that can't be mitigated
13	00	16	to a less than significant level in the categories in
14		17	the following categories: Biological resources, cultural
15	BE IT REMEMBERED that, pursuant to Notice	18	resources, hazards and hazardous materials, land use
16 17	of the Meeting, and on July 11, 2016, 6:11 PM at the Menlo Park City Council Chambers, 701 Laurel Street,	19	planning, noise and utilities and service systems.
18	Menlo Park, California, before me, MARK I. BRICKMAN, CSR	20	The EIR identifies potentially significant
19	No. 5527, State of California, there commenced a Planning	21	environmental effects that are significant and
20	Commission meeting under the provisions of the City of	22	unavoidable in the following categories: Air quality,
21 22	Menlo Park000	23	greenhouse gas emissions, population and housing,
23		24	transportation and circulation.
24		25	The Environmental Quality Act requires
25		20	The Environmental Quality Act requires
	Page 2		Page 4
1	MEETING DETAILS (re General Plan Amendment)	1	that notice to disclose whether any of these hazardous
2	·	2	•
3	Page Presentation by Deanna Chow 5	3	material sites are present at the location. The project area does contain hazardous waste site included in in
		4	
4	Presentation by Charlie Knox 6	5	a list prepared by the Section 65962.5 of the Government
5	Question by the Commission 20		Code.
6	Presentation by Nikki Nagaya 21	6	Written comments in addition to
7	Public Comments 24	7	tonight's public hearing, written comments may be sent to
8	Comments by the Commission 49	8	the Community Development Department, 701 Laurel Street
9	Contribution by Jessica Alba 55	9	no later than 5:00 PM on Friday, July 15th, and this item
10	Contribution by	10	was continued from June 20th and we're now going to
11	Planning Commission EIR comments {}	11	proceed with the Staff Report.
12	Adjourned 107	12	I might add in addition to those who are
13		13	participating in the meeting is Charlie Knox from
14		14	PlaceWorks who is the lead consultant on this project.
15		15	So Deanna.
16		16	MS. CHOW: Thank you.
17		17	I just had a few brief remarks before I
18		18	handed it over to Charlie. This evening staff
19		19	distributed to the Planning Commission an additional
20		20	eight pieces of correspondence. This is in addition to
21		21	the correspondence that was presented to the Commission
		22	·
22			at the meeting of July June 20th, excuse me, and items
23		23	that follow that.
24		24	So I believe there were twenty-six pieces
25		25	of correspondence that were previously distributed, an
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additional eight this evening. Many of the items relate to the extension of the EIR time period to this Friday and also express concerns about transportation. Staff would like to remind the Commission and members of the public this evening that tonight's meeting is focused on the Environmental Impact Report. This meeting is just one opportunity for the public to provide feedback on the document.

Verbal comments provided this evening and written comments submitted prior to the EIR comments deadline of this Friday, July 15th at 5:00 PM will be responded to in writing as part of the Final EIR.

The Final EIR will be made available to the public before the Planning Commission and City Council take action on the project.

And then for tonight's meeting, staff recommends that the Planning Commission proceed as follows: First we will he have a presentation by Charlie Knox of PlaceWorks, followed by public comments on the EIR, Commissioner questions on the EIR and Commissioner comments on the EIR.

Thank you.

COMMISSIONER STREHL: So Mr. Knox. MR. KNOX: Thank you, Chair Strehl and

Commissioners.

California Environmental Quality Act.

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Just a quick reminder. With this project schedule diagram, the yellow vertical line near the far right, we are coming to a close on what's been a two-year process of establishing guiding principles, updating land use and circulation elements of the General Plan, establishing zoning for the M-2 area to implement those policy provisions of those two elements, and then the environmental review that's the subject of our meeting tonight.

The major objectives for the project as you're aware are to establish a -- a vision for the community, especially related to land use in Belle Haven, but also circulation citywide, to realize the City's economic potential, primarily land use changes that were expected in the outside of the process in the M-2 area and have been limited there.

The consideration that any additional development beyond what's currently allowed in the General Plan and zoning for that area be accompanied by community -- significant community amenities directly for the Belle Haven area as well as revenue generation citywide and amenities citywide.

Another major theme of the project has been to improve mobility, specifically to try to get

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So as Miss Chow mentioned, the purpose of tonight's meeting is severalfold. One is to just remind ourselves about the requirements of the California Environmental Quality Act and therefore the structure and process and content of the draft provided in the Staff

6 Report for ConnectMenlo, the General Plan update of the land and circulation elements and a zoning update for the

Next, Commissioners may have questions or some other requests for information about the Draft Environmental Impact Report to ConnectMenlo.

And finally the purpose of the meeting is to receive Commissioner comment and public comment from the adequacy of the Draft Environmental Impact Report.

As you're aware, a lot of the comments we've received have been about the General Plan update itself, which are fine, but the comments that are responded to in the official response to comments document that together with the Draft EIR comprises the Final EIR for your consideration, recommendation and Council consideration will specifically be responses to those comments that are about the Draft EIR and those are often about the adequacy of mitigation measures intended

for limiting or avoiding the effects of potentially

significant impacts under the subjects regulated by the

Page 7

people to use active transportation mechanisms, walking, wheeling and higher occupancy vehicles and fewer single occupancy vehicles.

Preserving neighborhood character has been a big -- a big thrust of the project, including citywide, but also funded, and then the City has sought through this project to be a leader in reducing emissions and adapting to the potential effects of climate change and providing initiatives to support sustainability citywide.

A quick reminder that we started the guiding principles about a year and a half ago, and that segued into General Plan goals and policy programs, and then those programs have been embedded in the Municipal Code by the rules that govern activities and development in the City, primarily for the Zoning Code, but through other sections of the code, as well.

So just the quick overview on CEQA. CEQA requires that impacts -- potential impacts on the environment be mitigated. This is actually an important point.

There is often discussions among communities about impacts, you know, on the project or on the community that are not things that are listed in -in the environmental checklist under CEQA. These

Things can include subjects like

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displacement. There is -- in the land use population of the section of the EIR. These are all questions that are established statewide that says: Are people going to be displaced enough? If so, then we have to build something new to replace them. If so, can we build it without any impacts?

Clearly displacement has occurred in the Peninsula and Menlo Park dating back quite a few years, but also is in full-swing now.

We've had a lot of discussions related to ConnectMenlo and related to the EIR, but the population and housing section of the EIR is pretty specific about what an EIR can look at and try to mitigate.

The entire subcommittee or the City
Council would have to draft a Statement of Overriding
Considerations. This is not uncommon, and you'll see in
a few minutes what those significant and unavoidable
impacts are related to ConnectMenlo.

A fundamental guide of the General Plan is a little bit different than the project by project, building by building EIRs that we're often used to seeing in that the proponent of that particular project has to have the ability or needs to have the ability to mitigate the impacts that are onsite through some offsite arrangement.

outset has not been able to create impacts that can't be mitigated.

As you're aware, program level EIRs do allow for one or the other objectives by this process identified by the City Council, which is future projects being able to go through at potentially lesser levels of environmental review.

Basically by relying on the fact of the projects you've already done or ConnectMenlo will cover some of the information that we need to cover in the project level as long as they comply with that updated zoning.

So the zoning represents a lot of requirements on these zones. If -- if development comes in from the next fifteen -- ten, fifteen, twenty years that complies with that zoning, there's an assumption -- explicit assumption in the EIR that a project that would comply with the number of mitigation requirements that are -- that are enumerated in the program level EIR.

They are likely to be repeated on a project level, what's in the EIR, initial study Negative Declaration or even any Negative Declaration, but the point is it will -- we're hoping it will be possible for future projects to go through the General Plan, see what the mitigation measures are like the Transportation

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The program level of the EIR and General Plan is basically offered to characterize the long-term impacts communitywide and what would be required to mitigate them.

It doesn't in and of itself require that that mitigation happen now or in advance, and in -- in certain cases, it tends to rely on what exactly is built before determining what level of mitigation's required, largely because the theoretical maximum development potential that could be achieved under this General Plan, but under ConnectMenlo specifically, may or may not be achieved based on the cumulative number and the type of projects that are proposed in the next twenty or twenty-five years.

So these are the EIR topics that you're used to seeing, and the program level EIR again describes the long -- long-term issues of upgrowth that can occur.

Mitigation, it's our goal -- staff and consultants -- to try to mitigate any potential impacts from the growth in M-2 area, but citywide circulation impacts, as well, through the policies of the General Plan and then through the zoning programs where they apply.

In other words, we want the plan to be self-mitigating as much as possible. The idea from the

Demand Management requirements and say if I comply with this, then that would be good for my project in the same way it's good overall for the M-2 or the City in the program of the General Plan.

The process we're in is, as Mr. Chow mentioned, the 45-day public comment period for this Draft EIR. That comment period is scheduled to end at 5:00 PM on July 15th, and again a reminder that comments received during that 45-day period are responded to in writing, and that includes anything offered in writing, including by e-mail to the City, since the comment period opened June 1st, as well as any public comments that are recorded here by the court reporter this evening that are made to the Planning Commission directly.

So I'm sure you recall that the Maximum Potential Development Plan for the M-2 area was established through a series of community workshops with — with many community members having a hand in it and really basically sought to create new places along Willow Road and in the Jefferson Drive area on the western edge of the M-2 — western side of the M-2 to create more of the live, work, play and shop environment that you see downtown.

It largely relies on Willow as a main street with a grocery store and retail amenities with

Page 13

of the M-2

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housing above bordered by office and life science uses.

As we progress from General Plan to

zoning, the zoning has to come a little bit more
specific. I realize it's hard to see it in scale, but
basically in green in those boxes, those are the new
zoning districts that cover most of the M-2 -- cover most

The blue being office, green — the grayish being life sciences, mostly showing on this map between O'Brien and Adams, between Willow and University.

And then the yellow is a combination of the existing R or S higher density, residential including in Haven and -- Haven area and along Hamilton and Willow, but it also includes 4,500 units of potential residential development in the M-2 that would be new above and beyond what's allowed in the current General Plan zoning.

And these new zoning districts are meant to create the components of a live/work/play environment close to each other and even include some within the — some secondary uses of those other districts within the primary.

So, for example, the residential mixed use allows up to twenty-five percent of an office retail component. The office allows retail. Life sciences allows some limited commercial, and again the idea is to

And the population and housing impact that's noted there, as you're probably aware, ABAG updates its projections after cities adopt their plans.

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That chronology creates a situation temporarily where by adopting a new plan, you end up with significant impact, so ABAG was not in control and therefore adopts their own plan.

On paper, it creates a significant impact, but it will be mitigated once the City decides what we're going to do and then adopts their numbers.

So really the significant and unavoidable impacts revolve around transportation, and what's going to mitigate them is when the specific projects come forward and it's known exactly how much of the potential entitlement, the potential square footage, potential level of environment that these projects are going to propose, then Transportation Demand Management measures that will reduce potential impacts by twenty percent will be required on each project, and that's built into the General Plan.

And in addition, the General Plan sets forth the -- the structure for creating what's called the Transportation Management Association, whereby resources can be pooled between larger and smaller developments, larger and smaller companies so that shuttling and

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create services and amenities directly for the Belle
Haven neighborhood, but these would also be very close to
other neighborhoods in Menlo Park and East Palo Alto and
to create more of a mixed use neighborhood in the
Jefferson Drive area.
So the potentially significant impacts

So the potentially significant impacts that were discovered and disclosed in the Environmental Impact Report include several that can be reduced to less than significant under CEQA with mitigation, and these are things that you might expect are going to rely on mitigation during project construction.

Things like not disturbing nesting sites, encroaching resources, proper handling of those resources, use of transport and control of hazardous materials, construction noise and protection of these facilities, et cetera.

The significant and unavoidable impacts that are disclosed in the EIR basically revolve around transportation leading into air quality and greenhouse gas emissions.

As you know, we have regional nonattainment for several of our greenhouse gas components, ozone and particulate matter, and that's not going to change regardless of what the City of Menlo Park does with one project or really multiple cities. vehicles and non-rubber tire transport and plus rapid transit, whatever those things are, can be better served and better implemented by having the folks who are developing in the M-2 participate together in the transportation solutions.

So the alternatives required under CEQA,

innovative use of clean field vehicles and larger

So the alternatives required under CEQA, first of all, there's the no project. Probably not a surprise, but one of the interesting things about no project meaning let's say we adopt the new General Plan, for some of these changes is actually -- this is the highest impact alternative.

That conducting business as usual under the existing zoning and existing General Plan in the M-2 in particular, and both citywide, as well, would leave less opportunity for the City to require the kinds of mitigations like Transportation Demand Management or adding housing where there are jobs that actually can achieve some of the mitigation of impacts on the environment due to new growth.

Two other alternatives were considered.

One is the reduced reduction in overall development.

That is twenty-five percent reduction in everything.

As you might expect, this really didn't resolve much in terms of the impacts because basically if

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2.5

you're -- if housing, for example, was one of the things that makes -- makes the transportation impacts more palatable, if housing -- if more development leads to more resources to promote transportation solutions, just cutting that is really not going to make much of a difference.

And then -- then we also looked at just taking the non-housing development in the M-2 and reducing it by fifty percent, and this did result in what CEQA called the environmentally superior alternative by having fewer or lesser impacts than -- than the project itself, the ConnectMenlo proposal, primarily because this would increase the balance of jobs/housing towards housing, reduce the number of jobs, reduced the number of trips going to those work places.

The government said that this is the better overall benefit to the City because you have to remember that development is going to happen in these communities with amenities. If there's less development, the value of the amenities and the position of the amenities is also diminished.

So this one -- slide is hard to read at this scale. I encourage you to read it on an electronic device or on paper, but what it -- what it shows is that the proposed project, the three on the left -- not the

it would just have fewer people going to jobs, there would be less transit.

2.4

And then you see the comparison with reduced non-residential and reduced overall alternatives.

So that concludes the presentation. These are our dates, target dates for your final review, August 29th of the plan and EIR together, and then City Council review and action.

We reserved two dates with the reasonable assumption that it may not be able to handled in the first, and then the ordinance is to read a second reading.

So with that, I will stop and entertain any questions from the Commission.

COMMISSIONER STREHL: Mr. Kahle.

COMMISSIONER KAHLE: Two questions. One, a lot of our correspondence has to do with intersections that were -- were seemingly missed in the EIR.

Can I assume that those will be addressed? Because they should have been mentioned in any correspondence.

MR. KNOX: Not necessarily, and one of the reasons is like -- if you look at like Ringwood and Bay, which is not a controlled intersection, which I actually think is quite valuable because it tells you as

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Page 20

one on the far left, but the three that are bounded by the squares consist of the current General Plan. That is what's -- what's allowed and has not been built citywide under M-2 under the current General Plan zoning, plus what would be proposed in the M-2.

The word Bayfront appears here. There was a typo in this project when we were actively searching for a different moniker than M-2. We settled temporarily on Bayfront.

I don't think there's a case anymore. Probably something for you and Council to consider, but the idea is those two together are the existing unrealized potential under the existing rules, plus the proposed additional 2.3 million square feet of office and life science and 4,500 housing units in the M-2 together make up the total project.

And then you also see how that compares to the no project alternative, which is not adopting a General Plan update or zoning update, and the other two projects I described.

And so then here together in one much simpler chart is showing what significant unavoidable impacts were for ConnectMenlo, showing that in the no project, they're all actually worse except for transit demand, and the reason transit demand is worse is because

a driver how long you expect to be at a signal. Am I going to be there for more than one red light? You know, the same kinds of decisions we make when we click our apps and think I'm going to go a different way.

I think vehicle level of service -- even though the state and we as a community will shift towards vehicle miles traveled, vehicle level of service is still important, but EIRs tend to look at -- I would refer to the City Attorney, but they also look at signaled controlled intersections, because level of service basically deals with signalized -- never signalized intersections.

It may well be, for example, at Bay and Ringwood that traffic there at certain times of day is significant enough that the City may want to study a signal warrant. Perhaps the stop sign should be replaced with a signal, but I'll defer to City Staff.

I -- I am not aware that there are any intersections that have been discussed to be also included in an analysis that aren't already in the EIR.

Is that correct?

MS. NAGAYA: Good evening, Commissioners. Nikki Nagaya, Transportation Manager for the City. I was on my way up. We were trying to figure out who was going to be responding.

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Page 19

# 6 (Pages 18 to 21)

Page 25

1 1 So for the Bay and Ringwood intersection, Neilson Buchanan 2 2 as well as several others that have been raised through MR. WILEY: Honorable Planning 3 comments that we've received on the documents so far, we 3 Commissioners --4 COMMISSIONER STREHL: Do you want to pull 4 will be evaluating those as part of our response to 5 5 comments and determining whether or not they, number one, the mic a little closer to you? 6 6 should be included in the analysis, if they're likely MR. WILEY: Honorable Planning less than significant impacts; and number two, what type 7 7 Commissioners --8 8 of analysis should be discussed in part of the Final EIR. COMMISSIONER STREHL: Thank you. 9 So each individual location that gets 9 MR. WILEY: -- I'm Jim Wiley from the 10 raised through public comments and Bay and Ringwood has 10 Willows neighborhood of Menlo Park. 11 been raised will go through that process and will 11 The mid-Peninsula has reached a tipping 12 12 determine that should be included in the final document. point. Housing shortages and prices caused by the 13 13 COMMISSIONER KAHLE: Okay. Thank you. growing employment population have reached unprecedented 14 And the second question is: There has 14 15 15 been a lot of -- regarding the schedule. There's been a Traffic's become intolerable due to 16 lot of correspondence on possibly extending the 16 commuters trying to reach their homes in communities 17 deadline. 17 miles from their jobs. 18 I just want to get your opinion on what 18 Frustrated by the congestion, commuters 19 significant impacts does that have that -- that the EIR 19 turn to Google-owned app Waze that sends drivers through 20 extended for additional comments? 20 residential neighborhoods in both morning and afternoon. 21 21 MR. KNOX: Significant impacts, that's a Peninsula residents and small business 22 totally different term as we were just using it. Right? 22 owners from neighborhoods impacted by excessive growth in 23 I cannot speak for City Staff nor the 23 the mid-Peninsula have drawn a line in the sand. We have 24 Council, but I think it would be fair to say that what's 24 formed an organization called VERG, Voters for Equitable and Responsible Growth. 25 been requested I think has been a fifteen-day -- we 25 Page 22 Page 24 1 1 thought sixty days. VERG will be a new voice demanding the 2 So automatically that would mean at least 2 elected officials to think like residents and act like 3 3 a two-week additional period that's added to each one of leaders capable of enacting sensible land use policies. 4 these points. 4 Members include Jim Wiley from the 5 5 Willows, Neilson Buchanan from downtown north in Palo And then I would just have to assume that 6 if any issues are brought up in that fifteen days that 6 Alto, Martin Lamarque of Belle Haven, William Bryant 7 are different than issues that I brought up now, it may 7 Webster, president of the East Palo Alto Council of 8 8 require additional time to respond. Tenant's Education Fund, Kathleen Daly, the owner of Cafe 9 9 But, you know, it's hard enough to Zoe, and Steve Schmidt, former Menlo Park mayor. 10 10 schedule meetings that I don't want to just commit to --The General Plan update and the M-2 area 11 react to if we add two weeks, because there could be a 11 zoning update will cause impacts to many local 12 12 ripple effect that could makes it longer. I don't know residential streets, intersection and streets in Menlo 13 13 how much longer. Park, East Palo Alto, Palo Alto, resident -- Redwood City 14 14 It could add time, and I'm not sure if and Atherton that don't have traffic lights. 15 15 there are budget considerations, but there may be budget There are many local residential 16 16 considerations, also, if schedules extend. neighborhood streets impacted by overflow cut-through 17 COMMISSIONER STREHL: I'm looking at the 17 18 18 agenda. Public comment and get back to the Commission The EIR acknowledges that traffic now 19 19 seeks routes with faster travel times rather than staying 20 20 Okay. So I would now like to open the on congested arterials by utilizing mobile phone 21 21 public comment, and if you haven't filled out a card yet, applications. 22 22 However, it fails to analyze and propose please do so. Please limit your comments to three 23 23 minutes. any mitigations for impacts on the many local residential 24 24 And first is -- first comment period -streets caused by the combination of mobile phone traffic 2.5 2.5 first person is Jim Wiley, and he will be followed by congestion routing and the additional of traffic

generated by the proposed traff -- General Plan update. 1 COMMISSIONER STREHL: Thank you. 2 I've circulated two maps. The first one 2 We have now Neilson Buchanan and followed 3 3 shows a particular situation that I think we're all by Martin Lamarque. 4 4 familiar with, and that is that University Avenue backs MR. BUCHANAN: My name is Neilson 5 5 up most days all the way, almost into downtown Palo Alto. Buchanan. I live at 155 Bryant in Palo Alto, within a 6 6 stone's throw of the pedestrian bridge that connects our It certainly backs up as far as Chaucer, 7 7 and at that point, traffic starts finding ways around it. two cities, and that's a theme I'd like to pick up on, 8 8 And the map shows that they take either which is the connection between our cities, because there 9 9 routes through Crescent Park or Menlo Park, and if you are significant connections. 10 10 now look at the intersection of Willow, of University and I've been a keen observer of this 11 11 unprecedented economic opportunity that has fallen to our Chaucer, on -- on a typical day when it's backed up, only 12 12 two or three cars a minute can get through that Bay Area. Cities have embraced the opportunity of that 13 13 intersection, yet that intersection isn't analyzed by the economic gain. 14 14 However, now we're beginning to learn what 15 15 The next map shows -- two maps show a is it like to live with sustained years of that kind of 16 close-up of the -- that intersection with all the lines 16 17 17 in red where the traffic is routing around. Black It not only is the amount of growth, but 18 indicates the traffic's not moving. 18 it's also the public's understanding of how much growth 19 19 If we do nothing about this, in a few and what -- and how we're going to be able to live with 20 20 years, our streets are all going to be not moving. it and the impact. 21 21 Two specific examples of this general It's -- it's my observation from a very 22 problem are in Menlo Park Willows and the Palo Alto 22 high level is that all the small cities on the Peninsula 23 Crescent Park neighborhoods. 23 are simply struggling to understand the growth, much less 24 The Willows is surrounded by four major 2.4 manage it. arterials. Traffic already diverts into Menlo Park 25 25 I certainly can't speak to the staff here Page 26 Page 28 1 Willows when University Avenue and Willow Road are 1 of Menlo Park, but I know the staff in Palo Alto very 2 gridlocked 2 well. The city manager is on record of saying "the The Palo Alto Crescent Park neighborhood 3 3 world's coming at me. We're drinking from a fire hose, 4 is bisected by University Avenue. Traffic already 4 literally, and I've got sixty-eight people to work on 5 5 problems." diverts on to Palo Alto Crescent Park residential streets 6 when University Avenue becomes gridlocked. 6 As a result of that, problems and ability 7 7 to mitigate, adapt and anticipate are really queue'd up, The Menlo Park Willows and Crescent Park 8 Palo Alto neighborhoods experience more impacts in the PM 8 and if I had time, I would explain my own neighborhoods, 9 when the intersection of University and Woodland Avenue 9 those around University Avenue, how we basically became a 10 10 is operating at absolute maximum capacity during the --2,000 car commercial parking lot in a square mile before 11 during that time. 11 public understanding caught hold and we could actually 12 12 Any additional traffic congestion caused create interference with that. 13 13 by the General Plan and M-2 zoning update will just cause In fact, the take-away I would ask you is 14 longer and longer backups on these local residential 14 to take a look at the job/housing ratios. If it's any 15 15 neighborhood streets. one thing that's going to be critical, it's not just 16 16 COMMISSIONER STREHL: Mr. Wiley, you're Facebook or that -- you have to look at -- at all of 17 over your three minutes, so if you could --17 them, and I've seen nobody that can refute that the job/ 18 18 MR. WILEY: Okay. housing ratio won't get anything but more worse. 19 COMMISSIONER STREHL: -- wrap it up. 19 The bottom line is that the housing and 20 MR. WILEY: Two more sentences? 20 social displacement of that is so serious that no one's 21 21 COMMISSIONER STREHL: Okay. really thought through that at all. 22 MR. WILEY: VERG requests that the Final 22 You know your hot spots. We know our hot 23 23 spots. Redwood City knows its hot spots, but the truth EIR include full analysis and suggested mitigations for 24 24 cut-through traffic in the residential neighborhoods. of it is nobody knows what to do. 25 2.5 Thank you very much. Basically different cities, if we don't Page 27 Page 29

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1 to drive back home into Belle Haven around this time. watch it, we're going to break it. It's called -- break 2 2 it is the quality of life in our neighborhoods, and COMMISSIONER STREHL: Can you speak a 3 3 who's -- nobody's going to be around to fix it by the little closer to the mic, please? 4 4 time we realize it. MR. LAMARQUE: It has --5 5 Let me close very quickly with just two COMMISSIONER STREHL: Thank you. 6 6 MR. LAMARQUE: It has taken up to one comments from -- from Palo Alto. One is in your packet, 7 7 there's a summary of accidents on Middlefield and hour to go from Middlefield to the other side of the 8 8 Everett overpass on 101. I don't think the EIR has taken enough 9 9 Willows feed into Palo Alto on of a close look to the problems that we have been 10 10 Middlefield, and we may have the worst accident rate in creating with all this development and we haven't seen 11 the whole Peninsula at Everett and Middlefield. That's 11 half of it. 12 12 worth looking into. We see objections to extending the time 13 13 It's keen to me because my daughter and for public understanding and comment on this development, 14 14 and everything that the plan promises us a way of grandsons live within a hundred feet of that 15 15 intersection. So I've literally seen and heard the mitigation is something that we're going to have to wait 16 impacts. It's amazing. 16 years to see if they work or not. 17 17 Last but not least, I participated in the Given the impact that we're already seeing 18 submission of a comment letter from Palo Alto that was a 18 down there, my guess is that nobody is planning enough 19 19 rude awakening for me to find out exactly how cities for mitigation. 20 20 Let me try to put a human face on this -comment to one another. 21 21 I can tell you from -- from firsthand on this problem on the other side. The housing problem. 22 experience that the average citizen has no idea of a 22 I was sitting in someone's backyard the other day and I 23 com -- of what needs to be commented on. 23 smell the unspeakable smell of refried beans, family from 24 The Planning Commission spent about an 2.4 the next backyard. 25 hour and the Planning Director appropriately told the 25 I told my friend "oh, that smells like a Page 32 1 Planning Commissioners you can't possibly master two EIRs 1 -- somebody's barbecue," and she said, "No. That is a 2 2 this big. family who is renting a shack in the back of that house 3 3 Staff asked for permission to make with no kitchen privileges." 4 comments to the Commissioners and summarize the 4 So they cook their dinner outside every 5 5 professional planners' findings on the EIRs. night, unless of course it is raining. In that case, 6 So what you have coming from Palo Alto is 6 they have to feed the kids junk food. 7 7 This is a family of a father, a mother and a sincere appropriate response from the Director of 8 8 Planning. It does not come from the Pla -- the City two teenaged kids. The father was born and raised in 9 9 Manager, it does not come from the City Council and it Belle Haven. He at one point able to buy a house, but he 10 certainly doesn't come from citizens. 10 then lost in the housing crash. 11 11 As I recall, there was one citizen in the Nobody's taking into account that there 12 room when the Planning Commission reviewed the comment 12 was a problem with housing in Belle Haven even before 13 letters, and that was me. 13 anybody contemplated this huge new development, and I 14 14 Thank you very much. I'd like to don't expect Facebook and I don't expect my City officers 15 15 introduce Martin Lamarque from Belle Haven Menlo Park. to solve all the problems, but I expect to at least try 16 16 Thank you. to find some solution before they make this problems 17 COMMISSIONER STREHL: And following 17 18 18 Martin we will Adina Levin Those app -- apps that you talk about are 19 MR. LAMARQUE: Good evening, members of 19 very nice because you can see where it's red, doesn't 20 20 the Commission. As you know, I get very nervous when I help us because I come from San Jose every day, and it 21 21 have to speak in public, mainly due to my bad English. I doesn't matter where I look. 22 apologize for that. I hope you understand what I have to 2.2 I have to get across 101, and whether it 23 23 say. is Embarcadero, whether it is University, whether it is 24 24 But the anxiety of having to stand here Willow, God forbid, a mile long line to get off and you 2.5 25 and speak in public is not as big as my anxiety of having have even box going around the clover to try to get

comment that was made in the public community session. 1 1 across 2 2 Sometimes I drive all the way to Marsh and since the EIR reveals the benefits in terms of vehicle 3 come back. Well, guess what? In the last month, the 3 miles traveled in terms of improving the City's jobs/ 4 4 traffic is all the way down to Marsh from Chilco. housing balance and yet the current General Plan keeps 5 5 So -the jobs/housing balance get worse, can the EIR 6 6 COMMISSIONER STREHL: We have to wrap it contemplate, and then as a policy can the City Council 7 7 look into potential increasing housing elsewhere in the up. 8 MR. LAMARQUE: Yeah. So we are not 8 City to help the City not move backward, but move 9 against development, but we need to be sensible about it 9 somewhat forward towards that jobs/housing balance and 10 10 and think about the future. towards ameliorating the transportation impact of the 11 11 growth. 12 COMMISSIONER STREHL: Thank you very 12 Thank you. 13 13 much. COMMISSIONER STREHL: Thank you. 14 Now have Adina Levin followed by Patti 14 So we have Patti, Miss Fry, followed by 15 15 Fry. Is Adina here? Diane Bailey. 16 MS. LEVIN: Yeah. Adina Levin, and I'm a 16 MS. FRY: Good evening. Patti Fry, Menlo 17 17 Menlo Park resident and I sit on the Transportation Park. 18 Commission, but I'm making these comments representing 18 I want to start by talking about kind of a 19 19 famous study called the Invisible Gorilla, and it's where myself. 20 So I have three different comments to make 20 there are some -- the experiment had three people wearing on the EIR. 21 21 white jerseys and three people wearing black jerseys and 22 The first is with regard to the 22 they were to pass a basketball back and forth between 23 Transportation Demand Management trip reduction goals. 23 each other. 24 So as -- as a mitigation, the plans sets a goal of twenty 2.4 And the observers were to count how many 25 percent. However, there are some larger transportation 25 times the people with white jerseys passed the Page 36 1 1 improvements that are being contemplated in an earlier basketball. 2 2 stage that could significantly help reduce those trips At the end, the observers were asked 3 further. 3 whether they saw the red gorilla, and a person had 4 So I would suggest that the City take an 4 wandered through the players in a red gorilla suit, and a 5 approach that the City of San Mateo used when they did 5 lot of the people, the observers never saw the red 6 their Rail Corridor plan, which is to have tiered trip 6 gorilla because they were so concentrating on the white 7 7 reductions goals and have a lower goal initially and a shirt. 8 8 stronger goal on perhaps twenty-five to thirty percent if So what I would like to say is that this 9 9 and when those significant future transportation General Plan update is the first update of our General 1.0 10 improvements occur. That's -- so that's comment number Plan since 1994 for the land use and circulation elements 11 one. 11 and the overall policies and so on. 12 12 And then two comments relating to housing This is the first comprehensive update 13 13 and the jobs/housing balance. So it is great to see that since 1994, yet almost everything, including many places 14 the plan calls for a mix of jobs and housing, and the EIR 14 in the EIR, still focus only on the white shirts, which 15 15 clearly shows that when you put housing near jobs, that is the M-2 zoning changes. 16 16 does reduce vehicle miles traveled, but it would not be But the game and the red gorilla is all 17 17 good for the City if there was a -- a swing all the way the rest of the growth, too. 18 18 and we had all of the jobs before we had any of the So if you look at the Draft EIR on page 19 housing built. 19 3-29, there's a chart that shows the existing development 20 20 and 2040, and in between are four columns. So a recommendation would be to have some

kind of mechanism to have the commercial development to

be available in -- in phases and to be able to say okay.

We haven't had any housing built prior. We can't have

And then number three, building on a

more offices until we have some of the housing built.

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Each of those four columns represent some

of the growth that will occur between now and then. One

comprises projects that have been approved and some that

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of the columns really ought to be broken out because it

are -- have been proposed and haven't happened yet.

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Dev.

So for all the great mitigations and selfmitigating aspects of the M-2 zoning, they're not happening to the rest of the community.

So when the -- the EIR concludes that "there are significant and unavoidable impacts in certain areas," it's only looking at the one part and not looking at the opportunities to modify policies, modify programs, translate those into the zoning ordinance, and I'm not talking about down-zoning or anything like that.

I'm talking about the kinds of things that are in the M-2 zoning, like if somebody wants to Develop -- develop a project and something zoned mixed use, they have to put housing in there and they have to do it first or they have to do a certain amount. There are things that we can do to self-mitigate this mess that's facing us.

The difference between existing and 2040 shows for the very first time -- we've never seen this picture before. Shows a growth that's fifty percent of our community, fifty percent from now to 2040 in terms of population and housing, if the housing gets built, and more than seventy percent commercial growth, and that's a built-in imbalance between housing and jobs.

We need to figure out how to deal with that, and -- so let's pay attention to the whole game.

we're contemplating.

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Staff has proposed a very elegant and cost-effective approach that allows development to occur while preserving our ability to meet our climate targets which are so important to the long-term sustainability of this area.

We have a lot more challenges when it comes to transportation for sure, and you're hearing about that a lot today at all of these meetings, and we'll be submitting detailed comments on those.

I want to note that a lot of cities of similar size to Menlo Park that have actively supported alternatives to driving have accomplished up to twenty percent or more reduction of cars on the road, and this could serve us very well here in Menlo Park.

And I know a lot of the projects that are moving forward, improving bicycle safety and improving access to public transit have set us on a path to do that.

And so we are on the path to start tackling some of these -- these challenges that you're hearing about.

I simply want to encourage consideration of how the General Plan impacts our climate plan and future of sustainability alongside and together with the

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Thank you.

COMMISSIONER STREHL: Thank you. So we have Diane Bailey followed by Gita

MS. BAILEY: Good evening, Honorable Planning Commission. My name's Diane Bailey. I'm director of Menlo Spark. We're a local independent non-profit working to help the City of Menlo Park become climate neutral by 2025, and I want to start out by expressing many thanks to the staff and consultants who have been working really hard throughout this planning process, and I think they've done excellent work here, but I think most of the time, you're only hearing the criticism.

And I also want to note that I think staff has done an excellent job tackling these red gorillas, these -- these very large and complicated regional issues of transportation and housing.

I want to note that I strongly support the recommendations voiced by Adina Levin on transportation and housing, and I want to focus on the environmental energy and green building provisions in the plan that has been proposed and just note that these are really critical to ensuring that we don't experience a sharp uptick in carbon emissions from the new buildings that

critical issues of housing and mobility.

And lastly, I want to point out that we see affordable housing and green building standards as really going hand-in-hand and complementary, and that's because oftentimes low income families are paying much higher utility bills, and this really cuts into their monthly budgets because they can often live in drafty, old inefficient housing.

So let's really prioritize the most efficient solar, zero net energy buildings for affordable housing and get those built quickly, and that way residents can cut their monthly living costs and we can show how green building standards and affordable housing can go hand in hand.

Thank you very much, and we'll be sending more detailed written comments.

COMMISSIONER STREHL: Thank you very much.

So we have Gita Dev followed by -- I think it's Melsa -- I can't read your writing. I apologize. So go for it.

MS. DEV: Good evening, Commissioners.

My name is Gita Dev. I'm representing the Sierra Club
Loma Prieta chapter.

I want to talk about two things. While I

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1 agree with a lot of everyone has said, I want to focus on where it would impact. 2 2 two different items. One of them is probably related So thank you so much. 3 actually to the M-2 area. 3 COMMISSIONER STREHL: Thank you. 4 4 a lot of good work has been done, and we I think I bungled somebody's name. I 5 5 understand that, you know, it's more than twenty years of think it was Maya Paris. Sorry, I couldn't --6 6 MS. PERKINS: I bet that's me. updates, so here's a lot of ground to cover. 7 7 COMMISSIONER STREHL: That's you. okay. In the M-2 area with the intensification, 8 8 And following Maya -- Maya will be David Countryman. there are the two areas that we're really concerned 9 9 MS. CHOW: Through the chair --10 10 One of them -- and both related to COMMISSIONER STREHL: Yes. 11 habitat. As you're aware, the Don Edwards Refuge borders 11 MS. CHOW: -- David Countryman is no 12 Menlo Park. In a very significant way, we are investing 12 longer present. 13 13 hugely in this area. COMMISSIONER STREHL: Pardon? 14 And in Men -- in Palo Alto and Mountain 14 MS. CHOW: David Countryman is no longer 15 15 View, they also have this issue, and one of the things is present. 16 there's an opportunity here which I think we maybe are 16 COMMISSIONER STREHL: Oh, okay. Fine. 17 17 not taking advantage of to the extent that we should. Maybe he'll come back in. 18 While the EIR talks about mitigation and 18 MS. PERKINS: Hi. My name's Maya Perkins 19 19 avoiding harm to the habitat, there's actually an and I'm a resident of Menlo Park. Thank you, Planning 20 20 opportunity to look at it a little bit more vision -- in Commission, for your service. We really appreciate it. 21 21 So a couple comments. My first is I would a more visionary way and say Menlo Park is gifted in 22 being allowed to have this amazing resource alongside the 22 like to see more affordable housing. I think right now 23 M-2 area. 23 it's at fifteen percent. I think thirty percent is much 24 However, in response to that, we probably 24 more appropriate. 25 should have a habitat overlay zone or some rules about 25 I would also like to see this affordable Page 42 Page 44 1 1 how development should happen in the M-2 area. housing, this thirty percent spread throughout the City 2 2 Facebook has been very good about it. of Menlo Park. 3 3 However, we should codify it and look at it as an My understanding right now is it's at 4 opportunity to make the transition between M-2 and the 4 fifteen percent and I'm not clear if that's fifteen 5 5 refuge, something we can all be very proud of. percent off the top or fifteen percent off the whole 6 6 And in relation to that, we notice that 4 500 units 7 7 there is housing being proposed on the Sun Microsystems And so I would like that clarified, but 8 8 site, which is new Facebook, and again the sensitivity of I'd also like it to be thirty percent affordable housing 9 9 habitat to people who are there twenty-four hours is throughout the City of Menlo Park. 10 10 something we're very concerned about. I would like to see the commercial 11 So again, I think the sensitivity with 11 development once that's done or as it's being done for it 12 12 which these habitats overlay is that -- this is something to trigger minimum retail requirements, affordable 13 13 that was done in Mountain View/North Bayshore, and I can housing and transportation. 14 14 leave this with Deanna. And so similar to what has been said, I 15 15 But the idea that this is a very special don't think we should just be able to fill up all 16 16 commercial development and then get housing when and if area and needs special attention is something that we can 17 17 do rather than just mitigating against harm. it happens or retail if it happens or transportation at 18 18 We can rather enhance that edge, including some point. 19 the fact that housing is a real problem in that area. So 19 I think that there should be milestones so 20 20 how that housing is done, what are the rules under which we can be assured that you will get retail, affordable 21 21 housing could be done. housing and transportation. 22 22 I would also like to add that I -- I think I've heard Facebook say this is just for 23 23 very temporary housing, for interns who are here for just an important piece of -- of the affordable housing and 24 24 a few months. There will be no cats. There will be no the transportation, also the environmental concerns, is 2.5 2.5 pets. There'll be very little, you know, outdoor spaces first source hiring. I would like to see the new Page 43 Page 45

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development that comes in have a requirement for first source hiring so that residents who live close to -- to the new construction can have an opportunity to work for the local businesses. I think that that is really important. Where -- there are going to be a huge flood of people and jobs into the community which I think is -- is mostly really good and really beneficial, but in order for it to be really good and really beneficial, the local community has to benefit from it, and I think that first source hiring, affordable housing and

I would also like to add that -- that I heard my friend Charlie talk about amenities, and you said something about how, you know, if we don't have development, then we're not to get amenities, and it just does not sit right for me.

transportation are ways to get that done.

It just feels almost like a threat, like you better get this development or you're not going to get these important things that you need, and a lot of the amenities that are coming in are actually really needed in our community.

We don't have a pharmacy. Once I get home, I basically can't leave, and so there are things that we need. We just need them, and I don't like to

problems and how it is exacerbated by poor air quality, I
 think we would find a fairly high rate of
 hospitalizations and emergency room visits.

But since that's not part of what we do in an EIR, you would not have benefit of that information.

I am not one that is -- cannot recognize that we are going to move forward with something, and I would rather be a part of whatever the new way is over in Belle Haven.

So my suggestion for something like this situation would be to free of charge install air purifiers in all the homes in Belle Haven where it's most -- mostly affected, and maybe something even really innovative for the apartments that are going to be along Willow Road.

As a person that would qualify to live in a new apartments there, I could not live there because of the amount of pollution that would be coming from the traffic on Willow Road.

Again, thank you and especially for consideration the delay -- oops. Not a delay.

COMMISSIONER STREHL: Thank you.

So I don't have any more cards up here.

Is there any other public comment? No other public comment?

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hear that if we don't have whatever is being proposed, then we're not going to get the things that our families need to survive.

Thank you.

COMMISSIONER STREHL: Thank you. Is David Countryman here? Okay. We'll go with the next speaker, which is Pam Jones.

MS. JONES: Good evening and thank you. And I appreciate that you are -- at least finally someone is considering extending the time for written comments and -- and will pass that on to the City Council who has ultimately the responsibility.

I can't see where a long-term plan is going to be derailed so much in a two-week delay, two- to three-week delay as what's occurring now.

I just have one point, and that is I recognize that the Environmental Impact Report does not consider people as part of the environment, not directly, at any rate.

And I find that curious when I look at what is significant and unavoidable, and the first item is air quality.

In our community, which for me is Belle Haven, if we were to do statistics on the people with the number -- especially children -- with respiratory Then I will be closing public comment and bringing the item back up here for Commissioner questions.

Mr. Barnes.

COMMISSIONER BARNES: Thank you.

Charlie, if you'd be so kind to give a little tutorial on -- because you talk about

8 transportation and the acronyms TDA, TMA. You've got

Transportation Demand Management at the program level, TMA crossing programs.

Just talk a little if you would about where is the carrot, where is the stick. We had a previous question in the townhall, which was what's binding, what's not, how did it fit in, how do we monitor this, how does it happen, those types of -- frame this for me, if you would, for a better general understanding of what is -- you know, what's happening from there.

MR. KNOX: Okay. The exact steps that a future project is going to be required to take could be many, many different things at the same time.

I think we've said throughout this project that the traffic problem is so bad -- and yes, it's regional, but it's -- it's especially bad with the Dumbarton Bridge and it's being a freeway and becomes a

series of city streets controlled by stoplights and --

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and stop signs, that probably everything we can think of and a lot of things we haven't thought of yet are going to be necessary in combination to make a dent in the problem.

And so what Transportation Demand

Management is about is just a fancy way of saying getting
people out of single occupant vehicles, and I think even
though carpools are better than single occupant vehicles,
they're still sing — they're still basically passenger
cars.

I think the more we can do to get people into larger vehicles, to not use vehicles at all, to use fixed route vehicles or bus rapid transit, those are things that are going to make a difference.

And so without a specific knowledge of what projects are going to occur in this twenty- to twenty-five year period, it's pretty hard to say the requirement for every X number of employees will be the following.

It also takes away some of the entrepreneurial spirit of the free market where companies are capitalizing on new technologies and innovations to do better than we -- than we're able to right now.

So, really what these acronyms are all about, Transportation Demand Management or TDM is really

reduction, or is the number or if it's some other number.

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They'll have to prove that they would have had a hundred percent of trips and now they're going to have eighty or whatever that number is and here's how it's going to be done, and the monitoring will occur.

And so Miss Dev asked earlier is there an M-2 area-wide or citywide threshold where so much job growth is created that we know we can't do that, and really the answer to that was no.

The way to control it is -- is one project at a time or one Transportation Management Association at a time so that that goal is always being met.

And so this is independent of, say, trip caps, which is another trip reduction, Transportation Management -- Demand Management tool, but it's also a tool that's very specific in location.

And the overall goal of the mitigation measures for transportation in this EIR are to reduce the traffic completely within the M-2 if not Menlo Park, and we all know that, you know, Menlo Park is a slice of the Peninsula. It's not realistic to expect we don't have crossover between our neighboring cities and -- and the county.

And so the thing about the M-2, though, is it does have pretty distinct boundaries. It's bounded by

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just about getting people to work in a way that doesn't rely on business as usual, the single occupant vehicle or even small vehicles.

But what a Transportation Management
Association is is just a way for multiple property
owners, multiple companies who are housing employees
during the day at their jobs to join their resources,
because often -- and we see this in -- in North Bayshore
in Mountain View -- there will be one or more fairly
large organizations with deeper pockets, greater
finances, greater resources who can help set the stage
for how this is done.

And there's still some complicated fairshare arrangements that need to occur, but if I'm a property owner and I only have 20,000 square feet and seven employees, I'm not going to be able to run shuttle buses from Pleasanton and San Francisco, but maybe I can pay into @myfairshare an arrangement that does that, or maybe I can pay into a solution that uses the Dumbarton Rail for bus rapid transit or for trains or for both and as a trail.

So I really think kind of a simple way to look at this is when projects come in, if there's twenty percent requirement for Transportation Demand Management, which really just means trip reduction, vehicle trip

Bayfront and the Dumbarton Rail.

So trips are coming in and out of discrete, you know, several basic locations, and I think it's going to be relatively easy compared to other communities to measure the success and to hold the development community to -- to reaching those goals.

COMMISSIONER BARNES: So for smaller entit -- smaller company, a -- being in a TMA would or it not be compulsory?

MR. KNOX: It would not be -- it would not be -- it's not -- I will let -- I mean, I'll let -- someone else come in and correct me. It's not compulsory. I mean, it's not required that you join a TMA.

It's just that the -- the TMA structure is going to be very attractive to the smaller company.

It's going to be very hard to meet the goal without it, but there may be situations like out on Haven where you're bounded by Marsh and Bayfront and there's not a lot of large companies out there where you may just -- you may be better off trying to do it yourself.

But I think ultimately what we've been seeing in the -- in the Peninsula is the more that -- that companies can group together to do this, the more

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successful it's been, because the more resources that they can bring to bear to basically have contracts with shuttle providers or to pay drivers or to arrange parking in a way that's -- that's beneficial.

So it's not compulsory, but I have a high expectation that it's going to be the -- the method of choice, especially because there are going to be a -- a fair number of varying and different Transportation Demand Management measures, ways to keep people out of cars that need to be done together, and someone's going to have to manage that.

So maybe if you have a four-person company to say, "None of my folks are going to drive. We're all going to car — we're all going to carpool or we're all going to get on the bus," that's simple, but if you have twelve, fifteen, twenty, thirty, fifty employees — and there are folks out there with thousands of employees who already have a structure in place — it's going to be a lot easier to participate, I think.

COMMISSIONER BARNES: Ms. Levin had a proposal on the tiered structure, which is in effect you start at X percent, and then based on enhancement and infrastructure and the like, that scoots up over time.

Who else might -- do you know who else might be doing that on the Peninsula under any road maps

Your question about whether there are other communities that have set up -- used a phased approach.

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San Mateo -- I think the Rail Corridor

Plan set a -- the twenty-five percent trip reduction, and
with the Bay Meadows development, there was a phased
plan.

So when the first phases come in, the requirements are lower, and then as the -- the new underpasses come in and other features come in as the development grow and expands, the -- the reduction is supposed to be higher.

But I can't think of anyone else that has the phased -- phased approach, but it's definitely not -- it's a good idea.

COMMISSIONER BARNES: From a mechanism standpoint, so say there is -- who administers at the city level the adherence to what the required for these trip reduction amounts are? How does that work?

MR. KNOX: So in terms of monitoring, it would be the transportation manager, Nikki and her staff would receive reports from the Transportation Management Association or its -- or its individual entities on trips and monitor those.

It -- it can be self-reported, but really

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for that?

MR. KNOX: I'm not aware of a situation working exactly that way, and I'll defer to others who may, but I do know that out of their own enlightened self-interest that some of the larger companies on the Peninsula, including Facebook, have exceeded what they thought were their original goals and ratcheted them up.

Maybe not the requirements, per se, but I think once a company or group of companies working together is successful at this, it -- it becomes attractive to become more successful, because it solves a lot of problems that they have with parking demand and getting employees to work and work efficiency and people not needing to go out and move their cars. It has a lot of ripple effect.

So it tends -- once these systems are in place, it tends to be in the best interest of the companies that use them to do better than they had intended originally.

MR. KNOX: Jessica, did you want to add. San Mateo, perhaps.

MS. ALBA: Jessica Alba with Nelson Nygaard. I have worked with Charlie over the past three years, so -- on the transportation component of the General Plan update. the -- the technology for reporting is pretty simple.

You know, you put the tube -- you can put tubes out at

You know, you put the tube -- you can put tubes out a
 driveways or at corners and just get the -- get the trip
 counts.

One of the things that makes it attractive for the City to try to control and area as large as the M-2 is doing just that, because if you have a transportation management association and you're counting trips at a corner that could be a place that serves twenty different companies, as vehicles go in and out, that's a lot easier than getting reports from twenty different companies with, you know, individual counts at their driveways. But it can also be done that way.

So transportation departments -- divisions -- excuse me -- of Public Works with -- do the monitoring and enforcement, and enforcement can be pretty quick and -- and reactive.

I mean, if you're not meeting the goal, you need to figure out what to layer on top of your existing measures to make it work.

COMMISSIONER BARNES: And on the traffic beat, we've heard a lot about the feeder streets, for instance in the Willows and traffic.

How hard would it be to put those same traffic counter strips on the feeder streets to set a

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baseline for what traffic may be doing, how it's growing over time?

What are the mech -- it seems like there's no mechanism for being able to say it's coming off and spreading through the neighborhoods, but we don't know what it is, we know how it is.

Are there not real cost-effective ways to find out what is flowing through, you know, by way of example, off of Woodland, on to Mendham, on to Gilbert, those streets.

Can we not quantify that?

MR. KNOX: No. It would be basically the same technology or you could do true traffic counts, which are in the range of 500 to a thousand dollars per intersection if you actually had someone out there counting in the morning commute hour and the afternoon commute hour.

It's a little more expensive than just laying out the -- the rubber hose and having the electronic counting.

But no, and I -- you know, they say -- they say you're not in traffic, you are traffic, and as much as I like to ride my bike everywhere, I do drive, and I drive to get here; my house is too far to ride, and I'm in traffic -- I am traffic all the time here. I know

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who are viewed as cut-through traffic are actually cutting through a neighborhood or if they have a destination nearby.

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And so that's what takes much more significant effort in order to figure out an origin and destination of the trip.

There are some additional newer methods to collect that data that we can -- can look into using cell - cell phone technology, bluetooth technology, but it's something that we have to further explore the -- the actual cost and the data processing required around it.

COMMISSIONER BARNES: And I really do think that's the question. I mean, with -- with the EIR, there's a generalized sense of frustration in terms of quantifying what it is.

Because everyone has a -- a visceral sense that folks come into my neighborhood, my kid's out at five o'clock at night. He gets run down virtually -- you know, every oth -- on my street on McKendry, between 4:30 and 6:30, you don not want your kid out on that street because they're trying to get down Willow.

So there's this generalized sense of what's happening, and I think the frustration with the EIR, particularly as it relates to the traffic on the feeder streets, is I don't know that we've got -- we

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exactly how these patterns work.

So there's just -- there's just no question that we're aware of kind of the cumulative effect of all of the regional traffic in the Peninsula and people trying to get through neighborhoods.

But as far as getting exact counts and knowing which trips go where, it really would take a series of these counts at a lot of inter-related intersections to get an idea of a flow during a peak commute time.

MS. NAGAYA: So as -- as Charlie mentioned, the data collection itself can be relatively easy and cost-effective, especially if you're doing what we call tube counts or daily traffic counts.

We do have a fairly robust program already that we conduct biannual traffic counts at all of the arterial collector streets as well as many local residential streets at -- on an every two-year basis.

So that's something that we'll be undertaking again this fall as we go through our -- our normal course of monitoring traffic conditions throughout the City.

Where it gets difficult, as Charlie was describing, is determining where that traffic's coming from, where it's going to and whether or not those folks

certainly haven't come up with a way to say, yeah, we understand what the problem is, and here's what we're looking at.

It may be an economics issues, it may be a cost issue, but I think until we kind of get our hands around that, it's going to remain this -- this -- this pebble -- pebble in the shoe that keeps coming back to we don't really understand what's happening.

And I don't have a solution, but I will say that that's the real crux of the issue.

COMMISSIONER STREHL: Any other? Mr. Riggs.

COMMISSIONER RIGGS: Thank you.

I'll address this to Charlie, of course.

We've heard at our last hearing the concern about displacement in terms of housing, and of course there's the ongoing concern for lower income housing. I say lower as a general term, below, say, medium low.

It appears that the EIR only looks at immediate demand in the particular segment; in other words, the -- below median housing, and yet it would appear that if you have a company or companies that are going to occupy a million square feet, that even if there are people who can't afford the local housing that's available because it's not -- not on the market, there

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1 will be what you might call a trickle down of demand. exist -- the existing situation, and so I -- the fifteen 2 2 In other words, if there might be 6,000 percent -- I was asked recently how realistic do you think that is, and I think we've heard from housing 3 employees, there might be 100, 200 managers, maybe more. 3 4 4 They will take the available housing in their market. advocates, we've heard from developers, we've heard from 5 When that's no longer available and they Belle Haven residents, we've heard from residents on the 6 6 can't afford to go up-market, they go down-market. other side of 101 we need -- we need more housing. 7 7 So is there a way that the EIR can take a And I think that's -- fifteen percent or 8 8 more holistic approach and get us maybe a little more 675 units of below market rate housing is probably pretty 9 9 comfortable that we have a sense of the scale of likely in this scenario. 10 10 disruption with the -- the added employment? Then that gets into this question of this 11 MR. KNOX: So the answer is no, but it's 11 possible tolling mechanism where folks are starting to 12 12 say more and more frequently we want the housing to be no, but, and the but is a -- is a good positive part of 13 13 the answer. built first or somehow keep -- keep track with the jobs. 14 And the answer is no. the EIR can't do 14 But I think the -- so no. the EIR can't --15 15 that, but the City is currently in the process of can't create that nexus, but -- and I'll defer to -- to 16 conducting a -- a nexus study to try to determine how 16 Jim Cogan, the -- the housing manager if he wants to add 17 17 much new housing and at what economic levels is -- is the any more, but I think the City is in the process of 18 result of growth of non-residential development in the 18 trying to determine what that relationship is between new 19 19 Citv. non-residential development and -- and the -- and the 20 And I go back to a comment from one of the 20 need for housing that it generates and at what level, and 21 21 housing advocates -- I think it was Pilar Lorenzothat process is ongoing parallel to this one. 22 Campos -- at our Housing Commission meeting at the 22 COMMISSIONER RIGGS: All right. Thank 23 ConnectMenlo process who said, you know, we want you to 23 you Good to hear 24 build -- we want Menlo Park to build as much affordable 2.4 COMMISSIONER STREHL: Mr. Kahle. 25 housing as humanly possible, but it's not just affordable 25 COMMISSIONER KAHLE: One more question. Page 64 1 house we need. We need housing at all sorts of economic 1 So speaking of hard-fought numbers, I keep hearing the 2 2 levels fifty percent housing and seventy percent commercial. 3 3 She said if you're in the Dumbarton Bridge How did those numbers arrive -- get 4 traffic in the morning, there's Teslas and Lamborghinis 4 arrived at? 5 as well as trucks with two people in it and -- and a lot 5 MR. KNOX: This fifteen percent 6 6 affordable --7 And so you're right, Commissioner Riggs. COMMISSIONER KAHLE: Fifteen percent 8 8 There's also this added pressure where folks who are housing. 9 9 MR. KNOX: One-five, fifteen percent looking for housing that that may be quite different than 1.0 what they end up with will also join that market. 10 affordable housing? 11 So what -- what ConnectMenlo project to 11 COMMISSIONER KAHLE: No, no, no. That 12 12 date is proposing is that fifteen percent of all of the the EIR is going to -- that the General Plan is proposing 13 housing that's built, the 4,500 units in the M-2, 13 an increase of thirty percent --14 14 potential maximum, which as you recall from General Plan MR. KNOX: Oh. 15 15 COMMISSIONER KAHLE: -- housing and Advisory Committee discussions, especially Commissioner 16 16 Strehl who was on the -- on the committee, was a seventy percent commercial area. 17 17 pretty -- I wouldn't say hard-fought, but it was a very MR. KNOX: I think what -- I think Miss 18 18 heavily discussed iterative process to get to that Fry is looking at page 3-29 and comparing the existing 19 number. 19 condition in -- in Menlo Park of 33,000 more or less 20 20 Now, it doesn't mean that -- it doesn't people and looking at what would happen in the proposed 21 21 mean that more couldn't be possible or a different number project of another 14,000 and drawing the conclusion, 22 couldn't be probable, but there was a sense that 4,t00 2.2 which I don't disagree with, that that's fifty -- fifty 23 23 was about right to try to balance the increment of percent more residents than we have right now at full 24 24 growth, not residential growth that was coming in. buildout. 2.5 2.5 That doesn't do anything to deal with So that would be the current General Plan Page 63 Page 65

1 allowed maximum plus what's being proposed in M-2. through lanes that can reduce the overall delay at the 2 2 And then the seventy percent office -- let intersection while additional traffic on the side streets 3 3 me just check and see. may cause a delay, an -- an increase of delay. 4 4 So right now, citywide we have about So there is some mathematical nuances that 5 5 sixteen million square feet plus or minus a little -can occur with the calculations. So an increase of 6 6 actually plus a little, and what's being proposed in the traffic doesn't always equate to an increase in delay, 7 7 ConnectMenlo project would be 4.1 million square feet. but comments noted about the Willow/Middlefield 8 8 So that's not seventy percent. That's intersection being congested today. 9 9 more like twenty-five percent beyond what we have right COMMISSIONER STREHL: It's very 10 10 now. congested. I can -- i can attest to that. 11 But maybe -- but maybe I'm missing 11 I also -- the classification of Willow 12 12 Road as a -- is it an avenue or -- it has twenty-four -something in the point that was made. 13 13 But that's -- but those are the numbers. Gilbert and Willow Road, there's 24,000 average daily Right now we've got about sixteen million square feet 14 14 15 1.5 citywide. That's a lot -- that's a lot of trips, and 16 The current General Plan would allow about 16 it's not considered a ma -- it's -- I guess it's a minor 17 17 another 1.8 million. The ConnectMenlo project adds 2.3, arterial; is that correct? 18 so that's 4.1 million on top of sixteen existing. 18 MS. NAGAYA: Today, yes. A minor 19 19 COMMISSIONER KAHLE: That helps. Thank arterial, essentially south of US 101 and north of 101, a 20 20 you very much. primary arterial. 21 21 COMMISSIONER STREHL: And what -- what COMMISSIONER STREHL: I'll go. Just I 22 have a question. I was following up on some of the 22 differentiates that? What makes the difference between 23 comments that were made about traffic. 23 Willow Road between Bay -- Bayfront and --24 I'm wondering where the intersection at 2.4 MS. NAGAYA: So we -- we have in our 2.5 Willow Road and Middlefield wasn't -- I mean, wasn't 25 current classification system two -- the two different Page 66 Page 68 1 1 identified as having significant impacts, and maybe definitions of arterial, primary or minor. 2 2 Nikki, you can respond to that. Primary arterials are those streets 3 3 I don't see it on the list, and it's hard that -- in the prior classification system were primarily 4 for me to believe -- it's already terrible, so it's hard 4 designed to move larger amounts of traffic. 5 5 for me to believe it wouldn't be worse. So the four that I name as examples, 6 MS. NAGAYA: So I-- I can confirm that 6 Willow Road between Bayfront Expressway and 101 which 7 7 that's the case, but in general, the intersection and essentially -- and we can talk about whether we want it 8 8 level of service criteria is what we use to determine to be or not, but essentially it provides a freeway to 9 9 whether or not an impact is considered significant. freeway connection through Menlo Park. 1.0 10 So in -- in this case, for -- any Marsh Road is a similar classification, a 11 intersection that is not found to be significant, it did 11 primary arterial between Scott and -- excuse me. 12 12 not have the significant impact it needs. Bayfront Expressway. So across US 101, Sand Hill Road 13 13 It means that the delay increase with north of the Alameda as well as El Camino are primary 14 14 implementation of the project doesn't trip the City's arterials in the City. 15 threshold, which at Willow and Middlefield is .8 seconds 15 A minor arterial designation still 16 16 of del -- of additional delay, and this -primarily serves vehicular traffic, but to a slightly 17 COMMISSIONER STREHL: Are those AM and 17 lesser scale than a primary arterial. 18 18 PM? COMMISSIONER STREHL: Okay. So what is 19 MS. NAGAYA: Yes, in either peak hour. 19 Marsh Road categorized again, let's say, 101 and 20 20 COMMISSIONER STREHL: Mm-hmm. Middlefield? 21 21 MS. NAGAYA: Yes, that's right. MS. NAGAYA: A -- the section within 2.2 And so what -- what we do see is in some 22 Menlo Park is a minor arterial. 23 23 COMMISSIONER STREHL: And the part that's instances is with traffic added to major through 24 24 movements, in certain cases -- and we use the -- the EI in Atherton? 2.5 2.5 Camino as an example -- you may add additional traffic to MS. NAGAYA: I don't know their Page 67 Page 69

1 and '70s that certainly by the '80s or '90s, everyone classification offhand 2 2 COMMISSIONER STREHL: I see. And does would be driving 90. 3 classification affect future funding projects, funding --3 That didn't happen, but our freeways serve 4 4 MS. NAGAYA: Yes. So the different the given factor at a given load and given speed, and 5 5 designations can correspond to availability of federal that's how they have to be maintained, not for what might 6 6 funds for a street, resurfacing project or other grants have been intended. 7 7 that we pursue. So I'm not sure if there's a -- a higher 8 8 volume surface road in Menlo Park than El Camino. I As we develop the proposed classification 9 system for ConnectMenlo, and I think -- sorry. I'll 9 think that's around 35,000 cars per day? 10 10 get -- I can pull out the figure number to -- to MS. NAGAYA: Between thirty-five at the 11 reference where that's shown in the document. 11 south end and decreases as you head north in the City, 12 12 But the classification system that's and Willow Road sections reach over 40,000 vehicles per 13 13 proposed does include an avenue and I believe a boulevard 14 14 classification for Willow Road with that same break COMMISSIONER RIGGS: I'm sorry. Which 15 1.5 between Bay Road and US 101. does? 16 That gives us a little bit more clear 16 MS. NAGAYA: Willow Road. 17 17 definition, and the definitions of each category are COMMISSIONER RIGGS: Willow Road can 18 included in the circulation element that was before the 18 reach over 40,000? 19 19 Commission late last year. MS. NAGAYA: That's correct. 20 20 COMMISSIONER RIGGS: Somehow it just Essentially what we did was nest the 21 21 classification structure that's proposed within the doesn't seem minor. 22 22 MS. NAGAYA: Willow Road with 40,000 existing structure. 23 So any streets that are currently 23 vehicles per day I believe is north of -- of US 101 where 24 classified as an arterial would still qualify for federal 2.4 there -- there are more lanes and wider cross-sections. 25 funds in the future even though we're calling them by --2.5 COMMISSIONER STREHL: I actually think at Page 70 Page 72 1 1 by a different name. Durham. 2 2 COMMISSIONER STREHL: So you're saying MS. NAGAYA: At Durham. 3 3 Willow Road, for instance, is between -- between 101 and COMMISSIONER STREHL: And that's on the 4 Middlefield would qualify for federal funding? 4 west side of 101. 5 5 COMMISSIONER RIGGS: And I can see how MS. NAGAYA: Yes, that's correct. 6 COMMISSIONER STREHL: Okay. Because at 6 the section between Middlefield and Durham would not 7 one point Willow Road was two lanes in each direction. I 7 sustain 40,000 vehicles per day because it's only one 8 8 lane in each direction. remember. 9 MS. NAGAYA: Correct. 9 So I think we've succeeded in reducing its 10 10 COMMISSIONER STREHL: And it was capacity. 11 considered probably something other than a minor 11 My concern about the way Willow Road is 12 12 arterial classified is that as we try to determine what 13 MS. NAGAYA: Correct. 13 mitigations are possible in order to relieve traffic --14 14 COMMISSIONER STREHL: I'll yield to that I think we've heard a lot about tonight -- and 15 15 Mr. Riggs. Willow Road has been mentioned more than once. 16 16 COMMISSIONER RIGGS: Thank you. Actually Are we not sort of putting ourselves in a 17 17 I wanted to follow up, so Nikki, don't go anywhere. position that the response how we might get traffic to 18 18 When I read the arterial definitions or flow better on a given segment might be handicapped by 19 the definitions of certain key roadways, I have to admit 19 our classifying that street as a -- as a no-go there? 20 20 I was a little bit surprised about the definition of MS. NAGAYA: So just to -- to clarify, 21 21 Willow Road. the section of Willow Road between Middlefield and -- and 2.2 Maybe for perspective -- and this may be 22 Bay Road in the proposed classification system is a -- an 23 23 more or less appropriate. I'll -- I'll let you as the avenue with a subclassification for -- for mixed use, 24 24 expert determine. Our interstate systems were designed because the frontage of -- of Willow Road doesn't have 2.5 2.5 for 90 mile an hour traffic. It was assumed in the '60s solely residential uses. Page 71 Page 73

additional facilities for -- for bicycle traffic or 1 1 They're both commercial and -- and 2 2 residential. transit traffic or pedestrian traffic. 3 3 So for each street classification, there's But it is a -- a method that we can use to 4 4 either a neighborhood designation or a mixed use prioritize future improvements, yes, that's correct. 5 5 COMMISSIONER RIGGS: Yeah, I would think, designation. 6 6 and again, since I'm not advocating widening Willow Road, The avenue classification in particular --7 it might have an impact on how many and how long the 7 and this is summarized in figure 3-7 on page 3-21 and 8 cross -- crossing signal -- the pedestrian crossing 8 then the classifications are defined on the -- the pages 9 9 signal was activated or whether right turns are allowed 10 10 But an avenue -- the priority for in the presence of bicycle traffic. Those kind of more 11 different traffic modes is that transit, pedestrian and 11 subtle decisions. 12 12 bicycles take highest priority, with vehicle traffic Anyway, enough on that. So thank you for 13 13 being slightly -- slightly lower, but they are still a the definition. 14 key aspect of our ve -- vehicular traffic system. 14 COMMISSIONER STREHL: Mr. Barnes. 15 15 We don't necessarily tie our hands from COMMISSIONER BARNES: Okay. A couple 16 widening Willow Road in the future if that's the 16 questions on housing. Mr. Knox, the 4,500 units that is 17 17 direction of the -- the Council at any future time. contemplated in the Belle Haven area, do me a favor. 18 Other roads that have this classification 18 Would you break that down by entity that 19 19 are -- are Middlefield as well as Ravenswood, and those is at this point looking to be doing the -- the 20 20 development of it, be it Sobrato, Facebook, whomever. all have two lanes in each direction. 21 21 So there's nothing innate in the Give me at a high level of who's doing 22 22 description that would prohibit widening in the future, what. What's contemplated? 23 but we're not calling it as a proposed mitigation measure 23 MR. KNOX: The posit housing, which may 24 as part of this document. 2.4 or may not end up in that configuration in their final 2.5 COMMISSIONER RIGGS: And -- and I'll want 25 form that are on the old -- the east campus of Facebook Page 74 1 to note that I'm not sitting up here recommending that we between Bayfront and the bay are specifically intended 2 2 widen Willow Road again, but I -- I did think that those for Facebook employees who can roll out of bed and walk 3 3 who are present and those who are concerned about the to work. 4 traffic levels should know and take note of what Ms. 4 So low traffic generation, low parking 5 5 allowance, and that's 1,500 units. Nagaya just said. 6 The part of Willow Road from Willow, at 6 And the word dormitory has been used, but 7 7 least up to within a hundred yards of the freeway, is I'm not sure that that's exactly what it will be, but 8 8 classified to prioritize transit, meaning, say, buses, they'd be relatively small units, probably on --9 9 COMMISSIONER BARNES: And the classic bicycles and pedestrians. 10 10 And then the second tier would be campus. 11 11 automobiles use for Willow Road. Just so that's MR. KNOX: Yeah. On the -- on the old 12 understood 12 east campus. COMMISSIONER BARNES: And what -- what's 13 And I would think that the reason that we 13 14 14 establish those priorities, especially at the General the approximate square footage per unit? 15 Plan level, is that so decisions made following would 15 MR. KNOX: I think on those, we estimated 16 16 prioritize bicycles, for example, and where there was a six to 800 -- 600 to 800 square foot average. 17 17 COMMISSIONER BARNES: Okay. That's not big demand -- yeah. 18 18 In other words, a need for additional designated bonus. 19 traffic flow and a desire for additional bicycle use, the 19 Was that for height? Why was that -- why 20 20 bicycles have the priority. So that would be the reason is that not bonus? 21 21 for a policy, right? MR. KNOX: Why doesn't that office area 2.2 MS. NAGAYA: Yes, but within the context 22 allow the bonus? 23 23 COMMISSIONER BARNES: Why doesn't the of -- of how the road uses, it doesn't necessarily mean 24 24 that we would be going out to eliminate turn lanes or -residential -- why isn't the residential that's slated 2.5 2.5 or reduce capacities further in order to provide for there able to do bonus residential? In other words, Page 75 Page 77

R-M/U-B. 1 better. So where Hamilton comes in right is slated to go 2 2 MR. KNOX: So -- so for residential, it's through to join with Adams where currently you've kind of 3 4,500 units maximum that are studied under the EIR. The 3 just joined up the cul-de-sac in the parking lot. 4 4 fifteen percent applies to everything, so it would apply But from there south and from the current 5 5 to those, as well. curve of Hamilton towards Willow is slated for another 6 6 If -- if Facebook ends up being the 2.000. 7 ultimate develop of the section along Willow Road between 7 So the simple answer is 3,500 of the 4,500 8 8 units could occur in those two locations, could all be Willow and University, they could ultimately decide that 9 9 of their fifteen percent, they don't want to do the developed by Facebook or Facebook and partners. 10 10 fifteen percent on that site and they could do it on The other thousand units is allocated for 11 Willow and you could get a higher concentration just in 11 the Jefferson Drive area between Marsh and the curve at 12 12 Chilco, also shown in yellow, and those are assumed to be the Willow piece of greater than fifteen percent. 13 13 But the fifteen percent at least for right generally slightly larger units, but those would also be 14 now is across the board. 14 required at that thousand number to be fifty percent of 15 15 COMMISSIONER BARNES: I'm sorry. I 450 affordable or, you know, low and moderate income. 16 wasn't -- I wasn't referencing bonus in the sense of 16 So it's really -- I mean, at its simplest 17 17 community adding more in affordable housing percentages. form, if things happen a certain way, you would have 18 Just the ability to go into bonus to add 18 Sobrato and/or partners developing those thousand on the 19 19 the square footage above the baseline. west side and you'd have Facebook doing the rest on MR. KNOX: So the -- the residential 20 20 the -- in the Willow Road and east campus areas. 21 21 COMMISSIONER BARNES: Given all the mixed use zoning district has a limit, and there are 22 specific limits that were assigned by the geographic 22 expectation for these 4,500 units, how would I get a 23 23 sense for what the probability is that these are going to 24 So I believe -- I believe that those -- I 2.4 get delivered and what are considered to be gating issues 25 think what you're getting at is that that -- those can't 25 for why they may not? What do we know about the process Page 78 Page 80 1 1 at this point? be as tall buildings as they could be elsewhere, right? 2 2 COMMISSIONER BARNES: They cannot, right. MR. KNOX: So I think if I understand 3 MR. KNOX: Right. So that could affect 3 your question correctly, so far the mitigation required 4 the unit size, but I think there's some acreage available 4 and the costs thereof that are built into the project are 5 5 not sufficient to impede the ability for the housing to there, including not near the -- near the marsh near the 6 6 be profitable, and therefore to fund -- for the free water to accommodate that many use. 7 I think it -- it was considered there that market portion of the housing to fund the below market 8 8 there's a visual resource that occurs -- and this is a 9 9 story about just sometimes the things we notice the most In some of our last several conversations 1.0 10 are when we're in the car. with the Planning Commission and the General Plan Advisory Committee, there's been a consideration of 11 That doesn't make them less valuable, but 11 12 12 it's kind of the irony. But that it is a visual resource changing, perhaps increasing that percentage. 13 13 from Bayfront. And again this then segues into this nexus 14 14 And so the idea was from Bayfront to the study, because if the nexus study ends up resulting in 15 15 bay would be something that would be less obstructable one or more requirements either citywide or in individual 16 16 specific areas of the City, that needs to be factored than other -- other areas. 17 17 So it's very possible that given our into the equation. 18 18 current configuration, Facebook would develop the In other words, the ability for a 19 19 development to occur and provide the housing is tapping majority of the housing. 20 20 They would develop housing in those -- in the same resource as the nexus study, whether it's a 21 21 that set of units along Bayfront out the east campus up nexus study or this percentage requirement. 22 to 1,500 there, and then up to 2,000 units on Willow, 22 So one of the things that I think is 23 23 encouraging is we've heard as we've gotten closer to the between Willow and heading toward University, but just 24 24 the part first of that property. finish line on this project a fairly unified voice from 2.5 25 And actually this -- I guess that shows it housing advocates, Belle Haven community, other residents

of Menlo Park and development community that maybe we 1 answer until several weeks ago may have been it's going 2 2 should be considering more housing. to be very difficult. 3 Maybe it shouldn't all be in M-2. Maybe 3 And I believe with the changes that you've 4 it should be disbursed around the City, and I think this 4 directed, that it will be significantly easier to do 5 5 is a good conversation, because I think clearly the 6 6 issues of displacement and affordability in Menlo Park COMMISSIONER BARNES: Okay. And then 7 have led a lot of community members to think, you know, 7 we -- we heard something about the staging, the delivery 8 8 maybe one of the issues is we just need more housing. of housing units with respect to delivery of non-9 And so I don't know what the final 9 residential uses 10 10 disposition of ConnectMenlo will be. One of the issues Obviously that's a -- that's a difficult 11 we face with the EIR is we only studied 4,500. 11 issue. It's easier if you've got a specific owner/user 12 12 I mean, back when we started, we're like a Facebook, because they can stage their 13 13 studying all this housing. Isn't that too much, and I construction schedule, I suspect. 14 think we've evolved a lot in this conversation to wow. I 14 When you're talking about someone who's 15 15 mean, maybe we need more than that. not, who for instance Sobrato Corporation, and then 16 But clearly there are a bunch of -- there 16 having different ables for what they're building, it gets 17 17 are lots of potential futures options that ConnectMenlo complex. 18 could get adopted and start to be implemented. 18 Do you have any thoughts on what came up a 19 19 number of times, which is in effect making sure that I've heard from the development community 20 20 that the market is there both at market rate and below housing happens by having there be gates along the way 21 market rate to build the housing first. 21 and milestones for deliver one, making sure you got 22 I've heard a lot of folks tonight included 22 housing and then building out office and going back and 23 say we should probably try to build the housing first if 23 forth, however the mechanism is. 24 2.4 Do you have any thoughts on that? 25 So, you know, there could be a process in 2.5 MR. KNOX: It -- it's definitely been Page 84 Page 82 1 1 the future where if people think -- and the City Council done and can be successful, but we've also heard tonight 2 2 agrees -- that there should be more housing even just in that the community -- and I believe this is true, not 3 3 the M-2 area that the General Plan could help frame the just one person speaking. 4 platform for that. 4 The community really needs the grocery 5 5 You could tier off the General Plan EIR store first before anything else, and if you build a 6 more easily than just starting fresh. 6 bunch more housing and the grocery store isn't built, 7 But that may be more than the answer to 7 then we've exacerbated another existing problem. 8 8 your question, so I'll stop there. So there's a balancing act that's more --9 COMMISSIONER BARNES: Is it your sense 9 more than housing and jobs. It's also the serves and 10 10 that any of the structural issues specifically allow the things that the community needs. 11 density and the height limits will impede any delivery of 11 COMMISSIONER BARNES: Have you seen that 12 12 these units? staging approach work --13 13 MR. KNOX: Well, a couple meetings ago I MR. KNOX: Yeah. COMMISSIONER BARNES: -- in communities? 14 think in front of the Planning Commission, we heard some 14 15 15 arguments for allowing higher heights, and specifically MR. KNOX: It definitely can work. The -16 16 in the -- the thousand unit area that we're calling for the issue that arri -- well. And so one thing that's 17 sake of convenience the Sobrato development site. 17 encouraging is you're hearing the housing developers not 18 18 And -- and I think the direction from the just here, but around the region say housing's hot at all 19 Planning Commission was to achieve some additional 19 levels of the market. Good time to build housing. 20 20 height, and that's what you'll see when we come back to And -- but as far as a commitment to build 21 21 you in -- in late August, and I think that that may have a certain number of units before a certain number of jobs 2.2 22 come online, yes, it's been done. It has been assuaged that concern. 23 23 In other words, if I take your question -successful. 24 24 if I understand your question is could we get that many It's not the easiest thing in the world to 2.5 2.5 units with the height limit envelope, and I think the administer for cities and it can put -- and it can put

1 displacement issue with residents in the Belle Haven. 1 the city in a bind economically if a good economic idea 2 2 is out there that might slightly lag behind the housing. So I'm -- I would make that 3 3 I don't have a strong opinion about recommendation, as well. 4 MS. PRINCE: So I just wanted to point 4 whether it's necessary in this situation, but I think 5 5 it's definitely a policy issue that you may want to out that technically, it's not in the agenda tonight as 6 6 to make a recommendation relative to the extension of the consider. 7 7 COMMISSIONER STREHL: Mr. Riggs. 8 8 COMMISSIONER RIGGS: Thank you. And so the focus of tonight is really to 9 9 comment on the Draft EIR and anything you see that needs I just wanted to check with Charlie when 10 10 you look at the visual impacts as we were discussing to be clarified, analyzed further, but additional 11 11 mitigations and other items that could be addressed in earlier about the heighth on housing, are you including 12 12 the Final EIR. the potential height based on the state density bonus? 13 13 MR. KNOX: Yes. COMMISSIONER STREHL: Okay. Could you 14 COMMISSIONER RIGGS: Okay. Thank you. 14 speak up. please? 15 MS. PRINCE: So making a recommendation 15 COMMISSIONER STREHL: Mr. Kahle. 16 COMMISSIONER KAHLE: Thank you. 16 on the extension is not an item that's on the agenda 17 17 I know we're not taking any action specifically tonight for you to do. 18 tonight, but I would like to -- sorry. 18 What is on the agenda is making comments 19 19 COMMISSIONER STREHL: We have to -on the Draft EIR that you see as things that potentially 20 COMMISSIONER KAHLE: On this item. 20 could be inadequate that need further analysis or 21 21 COMMISSIONER STREHL: Yeah. discussion, potential mitigation measures that you think 22 COMMISSIONER KAHLE: But I would like to 22 weren't considered, comments that can really be addressed 2.3 talk about making a recommendation to the City Council 23 in the Final EIR. 24 about the 45-day or 60-day EIR deadline, either solely or 24 COMMISSIONER STREHL: So if we said that 25 as a group make a recommendation for that. 25 we felt that there was inadequacy because we feel there Page 86 Page 88 1 1 COMMISSIONER STREHL: Any of the needs to be further analysis about displacement and how 2 Commissioners have thoughts about that? 2 that affects the Belle Haven residents in particular, but 3 3 COMMISSIONER BARNES. Yes. Could you it could be anywhere in Menlo Park, is that something 4 repeat that? 4 that the Commission can do? 5 COMMISSIONER KAHLE: With respect to the 5 MS. PRINCE: So Charlie may need -- may 6 6 want to weigh in here, as well. Displacement isn't EIR deadline, forty-five days or sixty days, as a group, 7 7 I'd like to make a recommendation to City Council to the actually a environmental impact that's studied under 8 8 the -- under CEQA. sixty days 9 9 COMMISSIONER BARNES: Yeah. I -- my So it is something that we can and we may 10 10 thought on this is I think it's equitable to move out -be studying separately, but it's not specific to the EIR. to consider moving out the review period to be 11 11 COMMISSIONER RIGGS: Evening, Leigh. 12 12 commensurate with the delay that we had in getting this Housing is an impact and displacement is 13 13 on this agenda of the Planning Commission, which I think certainly an element of housing. It's a difficult way to 14 14 is approximately two weeks ago. solve demand on housing by exchanging one group for 15 15 Whatever date count that is, I think that 16 16 is a good number to benchmark in terms of where we would If there can be a more complete answer in 17 17 contemplate or should be contemplating extending it. the EIR, it would seem there should be. And -- and maybe 18 18 COMMISSIONER STREHL: I tend to agree I'll pose an entirely different question. 19 with you. I'm -- one is I know that the Housing 19 Even though this issue wasn't on the 20 20 agenda, it's not actually an action item, and I'm not Commission has made a recommendation that it be delayed 21 21 two weeks, the deadline to be able to look at the sure how it would relate to the notice requirement, so I 22 information that went before the Housing Commission on 22 might just ask for your opinion whether any harm is 23 23 the -- what is it? You know, the -- I'll read it in my involved should this Commission express its opinion. 24 24 e-mail MS. PRINCE: So I apologize. Deanna was 2.5 2.5 We can look at the housing and whispering in my ear. So I -- I missed the question Page 87 Page 89

1 there In this case. I think we've clarified a 2 2 COMMISSIONER RIGGS: I asked if indeed couple of questions that some in the public and I think 3 any harm would be involved, in your professional opinion, 3 some up here feel are if not omissions, at least missing 4 4 for this Commission to express an opinion. the opportunity to cover an impact appropriately. 5 5 I think you know we have expressed So I would like to support the Chair. 6 6 COMMISSIONER STREHL: So we -- so we've opinions before without being asked. 7 7 MS. PRINCE: Correct. And I don't think expressed our concerns, and I don't know. I mean, you're 8 8 there would be harm. I just wanted to take the saying really our hands our tied until the City Council 9 9 makes a decision or not to extend the - the deadline and opportunity to refocus the discussion on -- on what was 10 10 on the agenda this evening. have further analysis. 11 COMMISSIONER RIGGS: Thank you. 11 MS. PRINCE: If the Commission wishes 12 COMMISSIONER STREHL: So I have a 12 to -- to come to a consensus as to your recommendation on 13 question for you, Leigh. 13 fifteen days, that's -- sorry. 14 If we express that opinion, then it would 14 If you really want to take that step and 15 15 be up to the City Council to take action on that? take a stand as to what you feel it should be extended or 16 MS. PRINCE: Correct. It is the City 16 not, go ahead and do so. 17 17 Council policy decision relative to an extension. As I said to Commissioner Riggs, my intent 18 COMMISSIONER STREHL: Unfortunately, 18 here was really to just refocus the discussion and make 19 19 sure tat we didn't miss the point of why we're here there's not going to be a City Council meeting until 20 20 after this deadline. toniaht. COMMISSIONER STREHL: Okay. So Mr. Riggs 21 21 MS. PRINCE: Yes. that's correct. 22 COMMISSIONER STREHL: I -- I don't know 22 had a suggestion that maybe if the Commissioner here 23 how Mr. Riggs feels. I personally think that we should 23 wants to make a recommendation to the City Council 24 we should be further discussion on the housing issue and 24 expressing our concern and requesting a delay, that the 25 also to look a little more thoroughly at the impacts of 25 City Manager could poll the -- the Council to determine Page 92 1 1 traffic on local neighborhoods, what's going on in the their willingness to extend the deadline until -- by 2 2 Belle Haven, Crescent Park, and certainly I can attest to fifteen days and that would then take care of not having 3 3 my neighborhood in the Willows, and -- and I'm sure that to -- it would take care of then getting an answer before 4 Mr. Kahle can express that, as well, from his perspective 4 the July 15th meeting -- I mean, the July 15th deadline 5 5 off Bay Road. and before the July 19th Council meeting. 6 6 So I don't know what our next step should MS. PRINCE: So if I may, the decision to 7 7 be, but I'm expressing my opinion. extend is a decision needs to be made at a publicly 8 8 Anyone else? noticed hearing. That's my understanding from Bill 9 COMMISSIONER RIGGS: Well. I'd -- I'd 9 McClure, the City Attorney. 10 10 like the fact that the -- the Chair's opinion, both in So polling the Councilmembers to extend 11 terms of wanting more information such as an track. 11 the time period isn't an option at this point. 12 12 I mean, an example of the -- the real COMMISSIONER STREHL: Well, I guess it's 13 intangible concern for circumventing traffic would be the 13 unfortunate that this meeting is -- comes so late and our 14 14 project that -- for the Marsh Road drainage channel or hands are tied, but I think that we can express -- I 15 15 the creek where there are actually monitors preventing think we've heard from all of the members of the 16 16 people from going through neighborhoods. Commission here that we feel pretty strongly that the 17 17 We know that when an arterial, be it minor deadline should be extended and that there should be 18 18 or major, is not doing its job, then surrounding streets greater opportunity for public comment, certainly written 19 get used inappropriately, and if that's not going to be 19 comment and for the Commission to hear a little bit more 20 20 identified in the EIR, then we're simply skipping an about the displace -- displacement study that was 21 21 impact that is very noticeable to Menlo Park residents. presented to the Housing Commission. 2.2 2.2 MS. PRINCE: Again -- sorry. Just to So although I had not anticipated 23 23 supporting the delay on the EIR, because I've said clarify, I believe the displacement analysis that was 24 24 publicly that if you are going to make comments, you're presented to the Housing Commission was specifically 2.5 2.5 going to make them in the last week. related to Facebook and not the General Plan update.

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COMMISSIONER STREHL: But I think it can
 2
      help to inform our discussion about this EIR, and in the
 3
      past, we've heard that they're pretty tied to one
 4
      another.
 5
               And from my perspective, I think we need
 6
      to have that information before the Commission.
 7
               Do we have any other comments from the
 8
      Commission to go to the -- Charlie and the staff? That's
 9
10
               I guess we are going to take a brief break
11
      so that we can do restroom breaks, et cetera and then we
12
      will resume in five minutes.
13
               (The General Plan discussion concluded at
14
      8:06 PM).
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       STATE OF CALIFORNIA
       COUNTY OF SAN FRANCISCO )
 3
             I, the undersigned, hereby certify that the
 4
       discussion in the foregoing meeting was taken at the
 5
       time and place therein stated; that the foregoing is a
 6
       full, true and complete record of said matter.
 7
             I further certify that I am not of counsel or
 8
       attorney for either or any of the parties in the
 9
       foregoing meeting and caption named, or in any way
10
       interested in the outcome of the cause named in said
11
       action.
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                          IN WITNESS WHEREOF, I have
15
                         hereunto set my hand this
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                         MARK I. BRICKMAN CSR 5527
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## Community Development



#### STAFF REPORT

**Planning Commission** 

Meeting Date: 8/15/2016 Staff Report Number: 16-065-PC

Public Hearing: Use Permit and Variance/Sarah Potter/318 Willow

Road

#### Recommendation

Staff recommends that the Planning Commission approve a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single Family Urban Residential) zoning district at 318 Willow Road. The value of the work would exceed 75 percent of the replacement value of the existing structure. Staff also recommends approval of a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal. The recommended actions are included as Attachment A.

## **Policy Issues**

Each use permit and variance request is considered individually. The Planning Commission should consider whether the required use permit and variance findings can be made for the proposal.

## **Background**

#### Site location

The project site is located at 318 Willow Road. Using Willow Road in the north-south orientation, the subject property is on the east side of Willow Road between Nash Avenue and Gilbert Avenue, in the Willows neighborhood. A location map is included as Attachment B. The subject property is surrounded by single-family residences that are primarily single-story, although two-story residences can also be found along Willow Road and throughout the neighborhood. Older residences in the neighborhood are generally one story in height, while newer residences are typically two stories in height. Single-story residences in the neighborhood tend to have a ranch or bungalow architectural style, while two-story residences have a variety of styles including contemporary. Nearby properties are also in the R-1-U zoning district and the FEMA flood zone.

## **Analysis**

#### **Project description**

The subject site is currently occupied by a single-story residence with an attached one-car garage and a detached shed in the rear yard. The property is substandard with regard to lot width, depth, and area, and the structure is nonconforming with regard to both side setbacks and the daylight plane on both sides of

the roof. The applicant is proposing to demolish the existing shed and add 726 square feet onto and remodel the existing one-story, single-family residence. With the new addition, the existing residence of two bedrooms and one bathroom would become a three-bedroom, two-bathroom home.

The existing nonconforming walls at both sides of the residence are proposed to remain with the wall framing retained, but all areas of new construction would comply with current setback requirements. The proposed bay window on the rear elevation of the house would encroach approximately one foot and three inches into the required rear yard setback, which the Zoning Ordinance permits up to three feet. The existing attached garage provides one required covered parking space and would be slightly remodeled while maintaining the required minimum interior depth of twenty feet. The existing nonconforming parking situation would remain, as may be permitted on remodel/expansion projects. The existing driveway leading to the garage would remain and provides multiple unofficial, tandem parking spaces.

The applicant is also proposing to raise the existing residence five and an half inches higher to be above the base flood elevation. The raising of the house would increase the existing nonconforming daylight plane encroachment on both sides of the roof; therefore, the applicant is requesting a variance. The variance request is discussed in more detail in the Variance section of this staff report.

Aside from the variance request, the Floor Area Limit (FAL), building coverage, height, and daylight plane of the proposed residence would all be below the maximum amounts permitted by the Zoning Ordinance. A data table summarizing parcel and project attributes is included as Attachment C. The project plans and the applicant's project description letter are included as Attachments D and E, respectively.

## Design and materials

The existing residence features a ranch-style, single-story house with an asphalt composite shingle gable and valley roof, sliding and picture windows, and a rear patio. The applicant proposes a 45-square-foot front addition to create a front entry and a 681-square-foot rear addition to add a new master bedroom, bath, and closet, expand the existing kitchen, and add a new storage room. For the exterior remodel of the home, there would be new roofs on the front and rear sides that would match the existing asphalt composite shingle roof material, as well as a new tar and gravel flat roof at the right rear corner. To accentuate the front entry, there would be a new roof overhang with decorative wood brackets over the new wood front door. Comprehensively, the applicant proposes to update the exterior appearance of the home, including stucco siding as needed, all new vinyl windows with simulated divided lights that have the spacer bars in-between the glass, and new shutters. New skylights are also proposed to bring in natural light into the home. Staff believes that the scale, materials, and style of the proposed residence would be consistent with the surrounding neighborhood, given its limited scope and the similar architectural styles and sizes of structures in the area.

#### Variance

As part of this proposal, the applicant is requesting a variance for the new residence to increase the existing nonconforming daylight plane encroachment on both sides of the roof in order to raise the house above the base flood elevation. The existing section of the roof encroaches one foot, one inch into the daylight plane, and the raising of the house would result in an encroachment of approximately one and a

half feet in height into the daylight plane. The applicant has provided a variance request letter that has been included as Attachment F. The required variance findings are evaluated below in succession:

1. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;

The property is located in the FEMA flood zone, and the existing residence is nonconforming as to the daylight plane, having been built prior to the adoption of the current one-story daylight plane limits. These conditions represent a hardship unique to the property, as the applicant is unable to expand the modestly-sized house without raising the house above base flood elevation, which requires either the granting of the variance or a significant reconstruction of the existing residence's roof structure. This hardship was not created by the current owner, as the FEMA flood zone and nonconformities are existing conditions of the house and site.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors;

Allowing the house to be raised five and a half inches higher would preserve substantial property rights of those neighboring conforming properties, as the existing nonconforming daylight plane encroachment is unique to this property as many of the surrounding residences have hip end roofs instead of gable end roofs. Furthermore, the structure would be approximately thirteen feet below the maximum building height, and the residence would be well below the two-story daylight plane that would be applied if the development were multi-level. The variance would simply allow the property owner to preserve the existing building layout and expand the structure to improve the use and internal circulation of a modestly-sized residence.

3. That the granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property; and

As the proposal increases the massing of the house by five and a half inches high but does not add building coverage to the sides of the house, the granting of the variance would not impair the supply of light and air to adjacent properties, as the proposed house would still remain approximately ten feet from both adjacent side properties. By raising the house above the base flood elevation, the applicant would bring the house into FEMA compliance and improve its safety. There would be no negative effect on the public health, safety, or welfare if the variance is granted, especially since the slight increase in height of the house would not be seen from the front left side of the right-of-way as currently there are existing shrubs and a tree that provide dense foliage.

4. That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.

The conditions upon which the requested variance would be based upon are specific to this property. The conditions of the existing gable roof type and existing nonconforming daylight plane make the requested

variance unique to this property and not generally applicable to other properties within the same zoning classification.

5. That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.

The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.

Due to the above factors, staff is recommending approval of the variance request, and has included findings to that effect in the recommended actions (Attachment A).

## Trees and landscaping

Currently, there are eleven trees on or near the project site, three of which are proposed for removal and the rest are to remain. The three trees proposed for removal include a non-heritage birch tree, a non-heritage fruit tree, and a heritage birch tree in the rear yard. For the heritage birch tree proposed for removal, a replacement tree would be relocated to accommodate the proposed rear addition. The replacement tree for the heritage tree would have a minimum 24" box size and be a species selected from the City-approved street tree list. Condition 5a requires clarification of these elements at the time of the building permit submittal. The applicant has submitted a heritage tree removal permit application and received tentative approval from the City Arborist pending Planning Commission approval of the overall project. Standard heritage tree protection measures will be ensured through recommended condition 4g, and no heritage tree impacts are expected given the limited scope of the project and the distance between the trees and the area of construction.

#### Flood zone

The subject property is located within the "AE" zone established by the Federal Emergency Management Agency (FEMA). Within this zone, flood proofing techniques are required for new construction and substantial improvements of existing structures. The Public Works Department has reviewed and tentatively approved the proposal for compliance with FEMA regulations.

## Valuation

To calculate the replacement and new construction costs on which the use permit threshold is based, the City uses standards established by the Building Division. The City has determined that the replacement cost of the existing structure would be \$191,200 meaning that the applicants would be allowed to propose new construction and remodeling at this site totaling less than \$143,400 in any 12-month period without applying for a use permit. The City has determined that the value of the proposed work would be approximately \$244,955. Based on this estimate, the proposed project exceeds 75 percent of the replacement cost of the existing structure, therefore requiring use permit approval by the Planning Commission.

## Correspondence

The property owners indicate that they performed outreach by sending an email to the adjacent property owners and meeting with some of the adjacent property owners regarding the proposed project. The

applicant has included a summary of their project outreach efforts to their neighbors and some of their neighbors' concerns regarding the construction process, which is included as part of Attachment E. Staff has not received any correspondence thus far.

#### **Conclusion**

Staff believes that the scale, materials, and style of the proposed residence are compatible with those of the greater neighborhood. Aside from the variance request, the floor area, building coverage, and height of the proposed residence would all be below the maximum amounts permitted by the Zoning Ordinance, and the new additions would be within the setback and daylight plane requirements. Staff believes that the variance would allow the property owner to effectively expand and use the structure, while meeting the FEMA flood zone requirements for a substantial improvement. Staff believes that the variance request is justified due to unusual factors including the FEMA flood zone and nonconforming daylight plane encroachment that was previously created and unique to this property. The proposed raising of the residence would allow the applicant to expand the existing residence without reconstructing the roof structure. Staff recommends that the Planning Commission approve the proposed use permit and variance.

## **Impact on City Resources**

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

#### **Environmental Review**

The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

#### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

### **Appeal Period**

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

#### **Attachments**

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Variance Letter

### **Disclaimer**

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 Community Development Department.

## **Exhibits to Be Provided at Meeting**

None

Report prepared by: Sunny Chao, Assistant Planner

Report reviewed by: Thomas Rogers, Principal Planner

#### 318 Willow Road - Attachment A: Recommended Actions

LOCATION: 318 Willow	PROJECT NUMBER:	APPLICANT: Sarah	OWNER: Ryan and Nari
Road	PLN2016-00051	Potter	Yee

**REQUEST:** Request for a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single Family Urban Residential) zoning district. The value of the work would exceed 75 percent of the replacement value of the existing structure. Request for a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal.

DECISION ENTITY: Planning
Commission

DATE: August 15, 2016

ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
  - a. The property is located in the FEMA flood zone, and the existing residence is nonconforming as to the daylight plane, having been built prior to the adoption of the current one-story daylight plane limits. These conditions represent a hardship unique to the property, as the applicant is unable to expand the modestly-sized house without raising the house above base flood elevation, which requires either the granting of the variance or a significant reconstruction of the existing residence's roof structure. This hardship was not created by the current owner, as the FEMA flood zone and nonconformities are existing conditions of the house and site.
  - b. Allowing the house to be raised five and a half inches higher would preserve substantial property rights of those neighboring conforming properties, as the existing nonconforming daylight plane encroachment is unique to this property as many of the surrounding residences have hip end roofs instead of gable end roofs. Furthermore, the structure would be approximately thirteen feet below the maximum building height, and the residence would be well below the two-story daylight plane that would be applied if the development were multi-level. The variance would simply allow the property owner to preserve the existing building layout and expand the structure to improve the use and internal circulation of a modestly-sized residence.
  - c. As the proposal increases the massing of the house by five and a half inches high but does not add building coverage to the sides of the house, the granting of the variance would not impair the supply of light and air to adjacent properties, as the proposed house would still remain approximately ten feet from both adjacent side properties. By raising the house above the base flood elevation, the applicant would bring the house into FEMA compliance and improve its safety. There would be no negative effect on the public health, safety, or welfare if the variance is granted, especially since the slight increase in height of the house would not be seen from the front left side of the right-of-way as currently there are existing shrubs and a tree that provide dense foliage.
  - d. The conditions upon which the requested variance would be based upon are specific to this

**PAGE**: 1 of 3

LOCATION: 318 Willow	PROJECT NUMBER:	APPLICANT: Sarah	OWNER: Ryan and Nari
Road	PLN2016-00051	Potter	Yee

**REQUEST:** Request for a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single Family Urban Residential) zoning district. The value of the work would exceed 75 percent of the replacement value of the existing structure. Request for a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal.

<b>DECISION ENTITY:</b> Planning	<b>DATE</b> : August 15, 2016	ACTION: TBD
Commission		

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

property. The conditions of the existing gable roof type and existing nonconforming daylight plane make the requested variance unique to this property and not generally applicable to other properties within the same zoning classification.

- e. The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.
- 4. Approve the use permit and variance subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Clearstory Construction consisting of five plan sheets, dated received July 27, 2016, and approved by the Planning Commission on August 15, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

**PAGE**: 2 of 3

#### 318 Willow Road – Attachment A: Recommended Actions

LOCATION: 318 Willow	PROJECT NUMBER:	APPLICANT: Sarah	OWNER: Ryan and Nari
Road	PLN2016-00051	Potter	Yee

**REQUEST:** Request for a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single Family Urban Residential) zoning district. The value of the work would exceed 75 percent of the replacement value of the existing structure. Request for a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal.

<b>DECISION ENTITY:</b> Planning	<b>DATE:</b> August 15, 2016	ACTION: TBD
Commission		

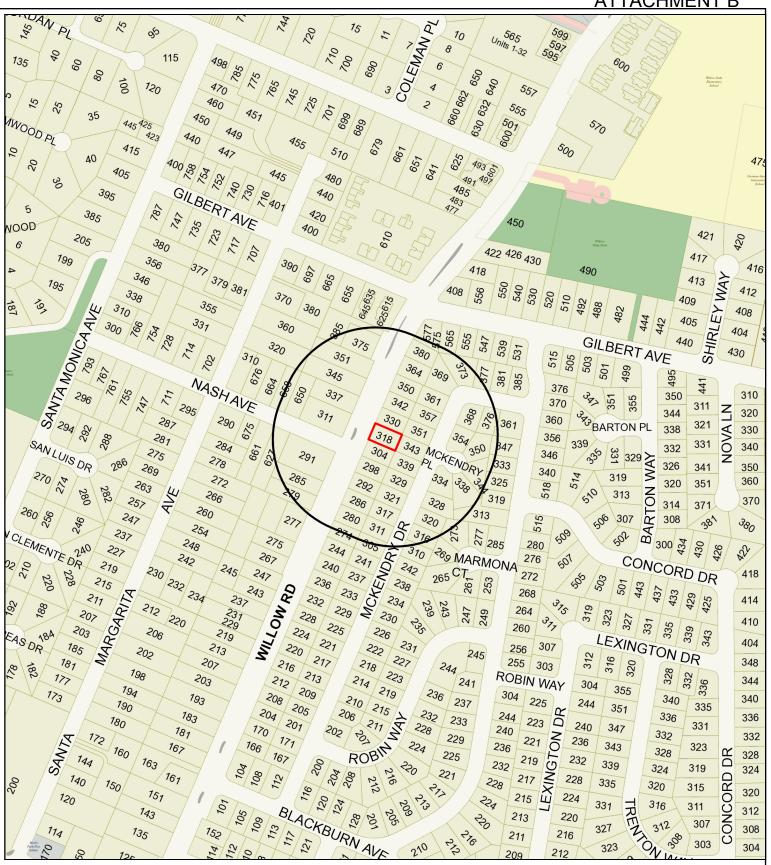
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

- 5. Approve use permit and variance subject to the following *project-specific* condition:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the proposed location of the replacement heritage tree and noting the tree species selected from the City-approved street tree list on the proposed site plan, and the 24-inch box size, subject to review and approval of the Planning Division and City Arborist. This tree shall be planted prior to building permit final inspection.

**PAGE**: 3 of 3

ATTACHMENT B





# City of Menlo Park Location Map 318 Willow Road



Scale: 1:3,600 Drawn By: TAS Checked By: SYC Date: 8/15/2016 Sheet: 1

## 318 Willow Road – Attachment C: Data Table

Lot area
Lot width
Lot depth
Setbacks
Front
Rear
Side (left)
Side (right)

Building coverage

FAL (Floor Area Limit) Square footage by floor

Square footage of buildings
Building height Parking

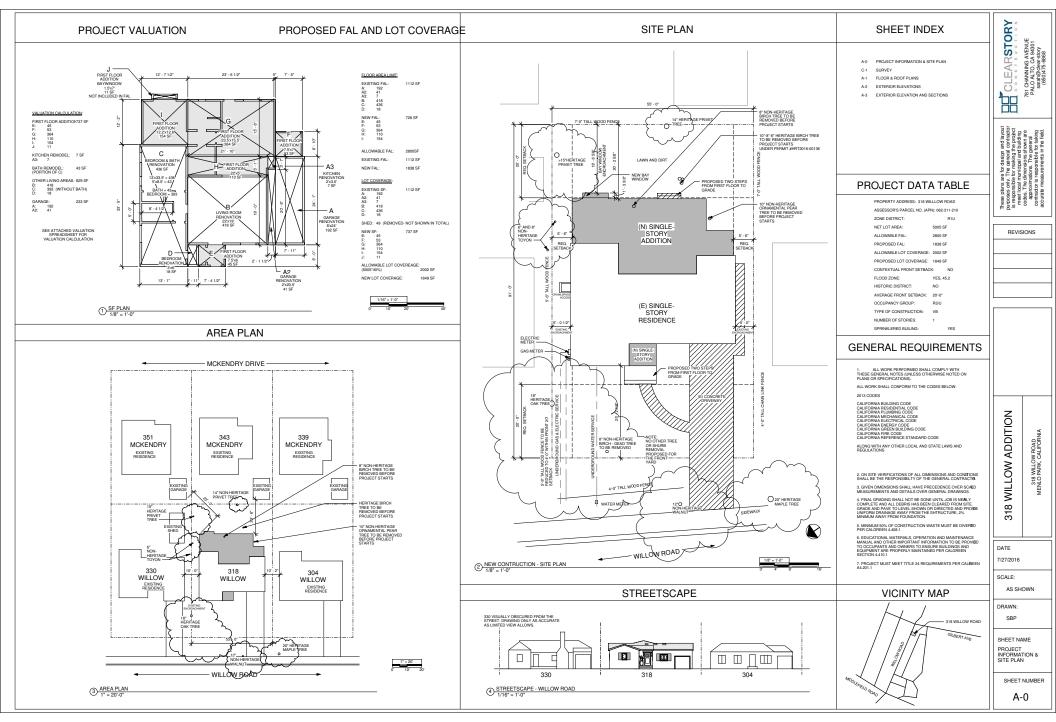
Trees

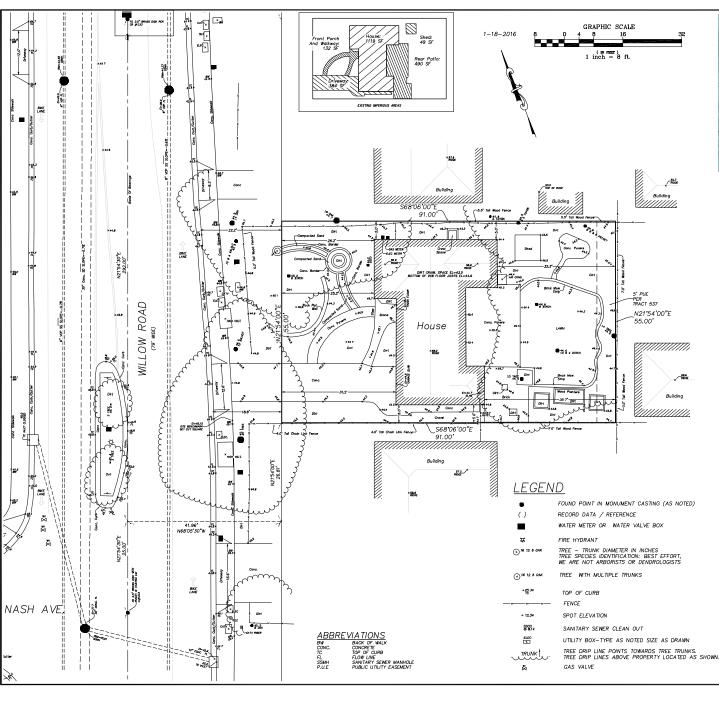
PROP PRO	OSED JECT	EXIST PROJ		ZONI ORDIN	-
5,005	sf	5,005	sf	7,000	sf min.
55	ft.	55	ft.	65	ft. min.
91	ft.	91	ft.	100	ft. min.
25.2	ft.	25.2	ft.	20	ft. min.
20.2	ft.	32.2	ft.	20	ft. min.
5	ft.	5	ft.	5.5	ft. min.
5	ft.	5	ft.	5.5	ft. min.
1,838	sf	1,161	sf	2,002	sf max.
37	%	23	%	40	% max.
1,838	sf	1,161	sf	2,800	sf max.
1,646	sf/1st	920	sf/1st		
192	sf/garage	192	sf/garage		
	0 0	49	sf/shed		
1,838	sf	1,161	sf		
15.3	ft.	13.6	ft.	28	ft. max.
1 cov	vered	1 cov	ered	1 covered/1	uncovered
Note: Areas sho	own highlighted in	ndicate a noncon	forming or subst	andard situatio	n.

Heritage trees	5*	Non-Heritage trees	6**	New Trees	1
Heritage trees proposed	1	Non-Heritage trees	2	Total Number of	9
for removal		proposed for removal		Trees	

<sup>\*</sup>One of which is located in the right-of-way.
\*\*One of which is located in the right-of-way.

### ATTACHMENT D







NOTES
ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS. UNDERGROUND UTILITY - LOCATION IS BASED ON SURFACE EVIDENCE. BUILDING LOCATION DIMENSIONS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.

DIMENSIONS TO THE BUILDING ARE TAKEN AT THE EXTERIOR FINISHED SURFACE. (STUCCO/SIDING)

FINISH FLOOR ELEVATION TAKEN AT DOOR THRESHOLD (EXTERIOR). BENCHMARK: S.C.V.W.D. #1174 ELEVATION: 58.79' (NAVD88 DATUM, 2010 ADJUSTMENT) SITE LIES IN FLOOD ZONE AE 44.6 - 45.5 PER FIRM MAP 06081C 208 E 10/16/2012 (VERFY WITH THE CITY OF MENLO PARK)

TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS



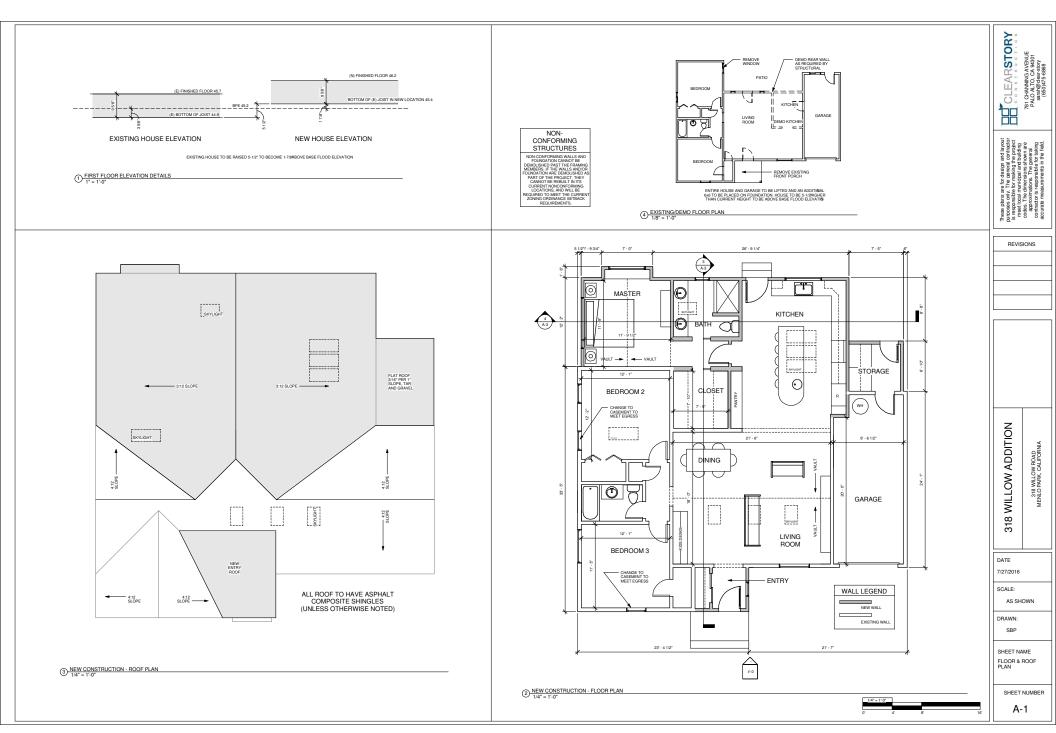
I CERTIFY THAT THIS PARCELS BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUPPLICIENT TO ENABLE THE SURVEY TO BE RETRACED.

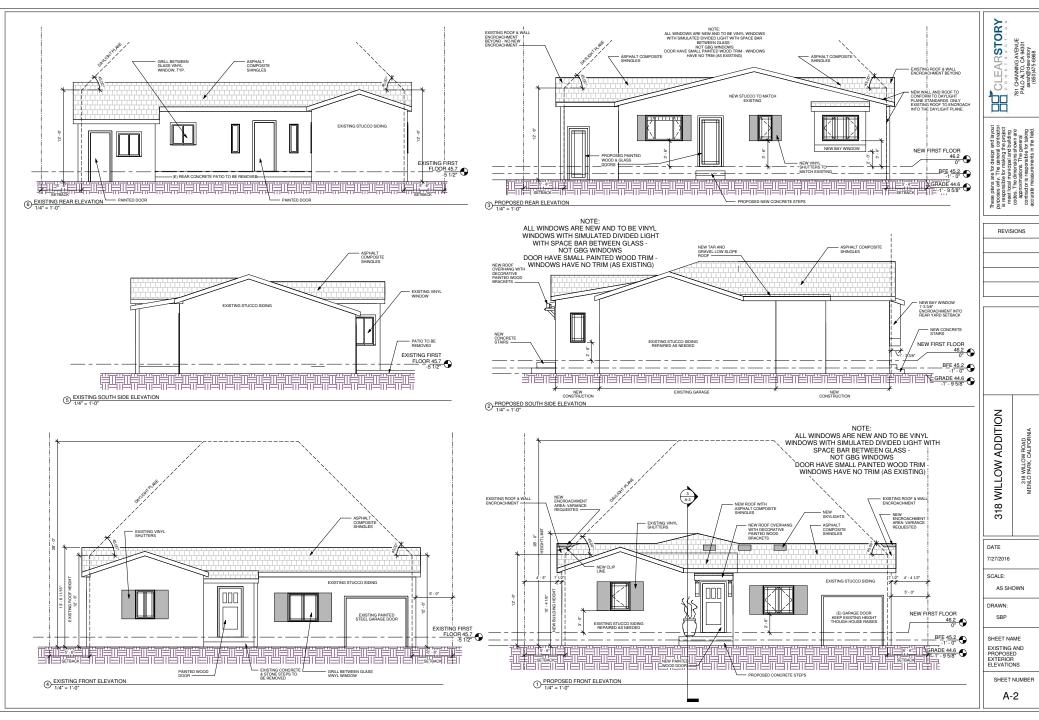


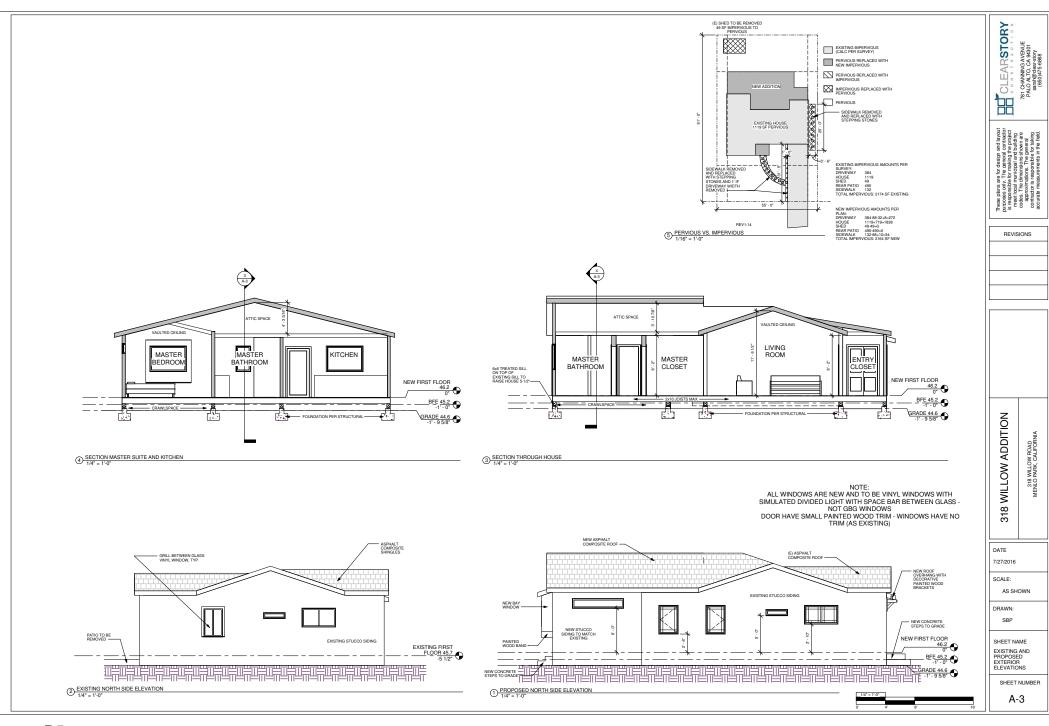
SURVEY 318 WILLOW ROAD MENLO PARK MENLO PARK APN: 062-311-210 LOT 14, TR 537, 24 MAPS 11 LOT AREA: 5,005 SQ. FT GROSS AND NET

L. Wade Hammond Licensed Land Surveyor No. 6163 36660 Newark Blvd. Suite C

Newark, California 94560 Tel:(510)579-6112 Fax:(510) 991-8054 wado@wadohammondpls.com









781 Channing Avenue Palo Alto, CA 94301 650-475-6868 sarah@clear-story.com

May 10, 2016

City of Menlo Park

Community Development Department

Planning Division

**Project Description Letter:** 318 Willow Road

Dear Menlo Park Planning Division,

318 Willow Road is a quaint 1942 cottage that has remained mostly architecturally untouched for the majority of its existence. Though its charm has remained intact, the home has outgrown its livability for a modern family. The Yee family has loved their home for many years and hope to continue to do so after they renovate and create a beautiful, modern, yet still quaint family space.

The current home is a small 872 square foot ranch with two bedrooms and one bath. The family is proposing to add 737 additional square feet that would create three bedrooms and two bathrooms and a modern kitchen (per submitted plans). This addition is well below the allowable 2800 sf for the lot. The homeowners are truly trying to make a conscientious usable space and not just maximize square footage.

The existing home is a small WWII era ranch with very limited substantial architectural features. The project will add detail with a decorative front and attractive entry overhang with decorative brackets on the front façade and new SDL windows while maintaining the existing simplistic ranch style. The project would add multiple windows and skylights for increased natural light and to reduce the dependence on electricity during the daylight hours. The new exterior areas would be wood stucco to match the remaining portions of the home. The home will also require lifting to raise it above the base floor elevations. The home will be lifted 5-1/2".

The Yee are a wonderful family who love their home and neighborhood. They are an asset to their community and hope to make their modern, quaint renovation an asset to the neighborhood, too.

Sincerely,

Sarah B Potter, LEED AP

ClearStory Construction/ CA License # 994301



781 Channing Avenue Palo Alto, CA 94301 650-475-6868 sarah@clear-story.com

May 10, 2016

City of Menlo Park

Community Development Department

Planning Division

Neighborhood Outreach: 318 Willow Road

The homeowners at 318 Willow Road, Ryan and Nari Yee, have reached out to their neighbors with regards to their upcoming project. Here is a description of their outreach:

330 Willow Road

Sent email to Bill Baron (owner) on March 29 describing planned addition to our house.

April 30 met with Bill and Sandy Baron.

Bill and Sandy were happy and excited for us that we are expanding our house.

Concerns: Would like contractor to be clean and respectful of their property. Would not like wood or other air particles from construction to blow onto their property. Previously had bad experience with construction project on 342 Willow Road.

#### 304 Willow Road

Sent email to Elizabeth Costello-Samiee on March 29 describing planned addition to our house.

Elizabeth was happy and excited for us that we are expanding our house.

Concern: Would like to know the working hours of construction as she would prefer for contractor to start work after 9am and prefer that construction not be performed on the weekends for noise reasons.

#### 339 McKendry Dr.

April 30th met with Melody Pagee (owner).

Melody was happy and excited for us that we are expanding our house. She also said if we need any support for our construction project she is willing to speak in front of Menlo Park planning commission.

#### 343 McKendry Dr.

Sent email to Pam Simmons (owner) on March 29 describing planned addition to our house. Received response on April 19th from tenant (Stephen Schuh) which he provided his contact info. No concerns.

#### 351 McKendry Dr.

April 30th met with owner.

She was happy for us that we are expanding our house. No concerns.



781 Channing Avenue Palo Alto, CA 94301 650-475-6868 sarah@clear-story.com

June 14, 2016

City of Menlo Park

Community Development Department

Planning Division

Variance Letter: 318 Willow Road

Dear Menlo Park Planning Division,

318 Willow Road lies within the FEMA flood hazard zone and is requesting to perform a "substantial improvement" to the property. This requires that the house meet all current flood hazard zoning construction requirements. The current house elevation is below the base flood elevation (BFE) for the flood zone by 3-5/8". Menlo Park requires that the floor joists be above the BFE. The homeowner is proposing to raise the house by 5-1/2" by placing a new treated 6x6 beam under the current floor joist. This would raise the house to a level above the flood hazard level.

The existing house has a gable roof running side to side. It was built before the current daylight plane and setbacks were in effect. The side gables currently encroach into the single story daylight plane and are allowed to remain within this area. Unfortunately, since the house is now required to be raised, the daylight plane encroachment would increase by a small amount (as seen on the front elevation in the plan set). The homeowner is requesting a variance to allow this encroachment extension. The new extension is still well below the allowable two-story daylight plane that would be allowed within this property, had they chosen to add a second story.

In accordance with Menlo Park's variance requirements, the need for the variance meets these findings:

- 1. This hardship is peculiar to this property. 318 Willow happens to lie within a specific flood zone that hits the house at the right spot that requires it to be raised. It also happens to have a gable end roof as opposed to a hip roof like others on the same street. These two issues coincide to cause a hardship to this specific property.
- 2. This variance will not provide the homeowner special privilege over other neighbors. If the homeowner were to build a second story, as allowable on the property, this would not be an issue. The homeowner is not asking to add onto the structure to gain height, they are being forced to raise the house.
- 3. This variance will have no effect on public health, safety or welfare and will not impair an adequate supply of light and air to adjacent properties. This 5-1/2" space could be occupied if the homeowner were to build a two-story home.

- 4. This variance would not be applicable, generally, to other properties within the same zoning classification. This variance is purely needed due to several items that came together for this one property. Just down the street, 280 Willow is doing a similar project they were not required to raise the house because they are one flood zone away and if they were required to raise, they have a hip roof and this would not be a concern.
- 5. This condition is based on an unusual factor of this property. The homeowner and designer were surprised at the need to raise the house during the design phase but agreed to move forward with the project. After submittal for the Use Permit, it came to our attention that the variance would be required.

The homeowners at 318 Willow Road have enjoyed their home for many years – as a single person, a married couple, and, now, as a family of four. They would like to continue to enjoy the property and what the City of Menlo Park has to offer for many more years. This variance will allow them to simply and conservatively enlarge their home and meet the requirements of FEMA, the City of Menlo Park, and their family.

Thank you for your consideration,

Sarah B Potter, LEED AP

ClearStory Construction/ CA License # 994301

## **Community Development**



#### **STAFF REPORT**

Planning Commission

Meeting Date: 8/15/2016 Staff Report Number: 16-066-PC

Public Hearing: Use Permit and Variances/Eugene Sakai/1199

**North Lemon Avenue** 

#### Recommendation

Staff recommends that the Planning Commission approve a request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. Staff also recommends approval of a variance request for the residence to have a corner side (facing Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required. The recommended actions are included as Attachment A.

#### **Policy Issues**

Each use permit and variance request is considered individually. The Planning Commission should consider whether the required use permit and variance findings can be made for the proposal.

#### **Background**

#### Site location

The project site is located at 1199 North Lemon Avenue, directly south of the intersection of North Lemon Avenue and Croner Avenue. Considering North Lemon Avenue in an east to west orientation, properties on Croner Avenue south of 1199 North Lemon Avenue are located in unincorporated San Mateo County. Adjacent properties to the east, west and north are located in the City of Menlo Park and are also zoned R-1-S. The subject property is considered substandard with a width of 41.34 feet, which is slightly more than half of the 80 feet of width required for a standard R-1-S-zoned lot.

Residences on North Lemon Avenue are a mix of single-story, single-family residences and two-story, single-family residences. Older existing residences tend to be one story in height, while newly built and remodeled residences are typically two stories in height. Residences on North Lemon Avenue feature a variety of architectural styles including ranch, craftsman, and traditional residential. Residences along Croner Avenue also feature diverse architectural styles with a mix of one- and two-story homes.

For Zoning Ordinance setback purposes, the front property line for corner lots is the shorter of the two street-facing sides. Front doors and addresses may be located on either street frontage. In this case, the front property line is on North Lemon Avenue, and Croner Avenue is designated as the corner side lot line. The main entrance and front door of the proposed residence would face the Croner Avenue frontage,

although a path would be provided on the property from North Lemon Avenue.

#### **Analysis**

#### **Project description**

The subject site is currently occupied by two single-story residences, as well as a pool, spa, and associated accessory buildings. The two existing residences are nonconforming with regard to the corner side and interior side setbacks. The applicant is proposing to demolish the two residences and accessory buildings, and construct a new two-story single-family residence with a basement while retaining the existing pool and spa at the rear of the lot. A data table summarizing parcel and project attributes is included as Attachment C. The project plans and the applicant's project description letter are included as Attachments D and E, respectively.

The proposed residence would be a four-bedroom home with five and a half bathrooms. The basement would have a media room, gym, bathroom, recreation area, and various storage spaces. The first-story living space would include a kitchen, family room, dining room, bedroom, one and a half bathrooms, mud room, and a two-car garage. An uncovered parking area would also be provided next to the garage in front of the residence. At the rear of the residence, a folding door system would lead outside from the family room to a covered patio and outdoor barbecue. The second story would feature three bedrooms, three bathrooms, and an office. The master bedroom would have a fully enclosed sun room with large windows facing the rear of the lot.

Because of the narrow 41.34-foot length of the lot, most of the right side of the proposed residence would be located six feet into the required 12-foot corner side setback. In addition, the garage entrance, which fronts onto Croner Avenue, would be located 10 feet from the corner side lot line where 20 feet is required by the off-street parking requirements of the Zoning Ordinance. These features would require variances, as discussed in a following section.

The floor area, building coverage, and height of the proposed residence would all be below the maximum amounts permitted by the Zoning Ordinance, and the structure would comply with the daylight plane for a two-story home if the variance for the reduced corner side setback is granted. The residence would meet all other Zoning Ordinance requirements aside from the variance requests for the reduced corner side setback and garage entrance setback.

#### Design and materials

The existing residences to be demolished are vernacular craftsman-style cottages featuring simple gabled roofs (some areas with exposed rafter tails), wood shingle siding, and gridded windows. The applicant states that the proposed residence would be built in a transitional modern style with a combination of stain grade cedar siding, smooth finish cement plaster, and stone veneer accents as the primary cladding materials. The standing seam metal roof would have a mix of hipped and gabled forms. The gabled portions of the roof would have ridges that project farthest outward from the exterior walls and rakes that taper inward toward the residence. The projecting gable eaves would be most prominent when viewed from the east and west side elevations, and would typically be between four and five feet in length as measured from the ridge. The projecting eaves would not create additional building coverage as defined

by the Zoning Ordinance.

The new second story would be concentrated toward the center of the property and would be stepped in from the first story footprint at the front and rear. Given the narrow width of the lot, the proposed residence would have fewer second-story areas stepped in on the sides, but variations in rooflines, materials, and colors would help to break up the massing of the building. The closest adjacent residence to the east would be over 20 feet away, and the closest adjacent residence to the west would be over 30 feet away across Croner Avenue.

The windows for the proposed residence would be wood clad, with second-story sill heights along both sides of the residence varying between approximately one foot and six feet in height. However, the windows with the lowest sill height, positioned near the center of the east side of the residence, would be stepped back an additional five feet, four inches from the required 10-foot side setback and would provide light to an interior stairwell and hallway. The additional setback, as well as the transitory uses of the space where the windows would be located, may help reduce privacy impacts to the neighboring property. Another east-facing window, located in the master bathroom, would have a low sill height of two feet, two inches, but the lower pane would be frosted, making the effective sill height approximately four-and-a-half feet for privacy purposes. Other windows on the sides of the proposed residence would have sill heights greater than three feet.

Staff believes that the scale, materials, and style of the proposed residence are consistent with the broader neighborhood, given the architectural styles and sizes of structures in the area. Although the lot is narrow, the proposed structure has a stepped back second story at the front and rear, a majority of sill heights greater than three feet, and a mix of colors, materials, and roof forms to help provide articulation and visual interest.

#### **Variances**

As part of this proposal, the applicant is requesting a variance for the new residence to encroach into the required 12-foot street side setback by six feet along a majority of the west elevation. Additionally, the applicant is requesting a variance for a 10-foot garage setback from the western property line, where 20 feet is required. Both requests would comply with the Zoning Ordinance provision that variances may not exceed 50 percent of any requirement. The applicant has provided a variance request letter that has been included as Attachment F. The required variance findings are evaluated below in succession:

That a hardship peculiar to the property and not created by any act of the owner exists. In this
context, personal, family or financial difficulties, loss of prospective profits and neighboring
violations are not hardships justifying a variance. Further, a previous variance can never have set a
precedent, for each case must be considered only on its individual merits;

The applicant states that a hardship is presented by the narrowness of the lot at 41.34 feet, where most lots along North Lemon Avenue are at least 74 feet in width, and a standard R-1-S-zoned lot would have at least 80 feet in width. Additionally, because the subject property is located on a corner, a 12-foot side setback would be required along Croner Avenue, where 10 feet is otherwise required for an interior side setback. If the combined 22 feet of required side setbacks are taken into account, a new residence could be no wider than 19.34 feet, which is unusually narrow for a typical residence in the R-1-S district.

The front yard of the subject property slopes upward approximately seven feet from North Lemon Avenue to the proposed exterior garage wall. In addition, the applicant is seeking to maintain a 23.5-inch heritage oak located centrally at the front of the property. These existing conditions limit the applicant's ability to place a garage and driveway at the front of the property without substantial grading and potential damage to, or removal of, the existing heritage tree. As a result, the applicant has requested to place the garage entrance facing the Croner Avenue side lot line. In order to meet the required 20-foot depth of the garage on a 41.34-foot lot, the entrance must be located closer than the 20 feet required by the Zoning Ordinance. The combination of hardships leading the applicant to request a variance for a 10-foot garage setback from Croner Avenue are unique to the property and not created by any act of the owner.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors;

Given the unusually narrow width of the lot, the granting of the requested variances would not constitute a special privilege to the owners. The width of the proposed residence would vary between 17 feet, one inch and 25 feet, two inches, which would still be relatively modest considering the width of a typical R-1-S-zoned residence. However, the additional six feet of width permitted by the reduced corner side setback variance would be enough to make a functional home with a practical flow between rooms, as enjoyed by conforming properties in the vicinity.

In addition, allowing a reduced garage setback from 20 feet to 10 feet would permit the applicant to build a two-car garage with a depth of 20 feet, seven inches, which is just above the 20 feet required by the City's parking and driveway design guidelines. The variance is necessary for the preservation and enjoyment of the property since conforming lots in the R-1-S zoning district are typically able to accommodate a standard two-car garage that meets the City's guidelines.

3. That the granting of the variance will not be materially detrimental to the public health, safety, or welfare, or will not impair an adequate supply of light and air to adjacent property; and

Although the proposed variance would affect the street side setback, staff believes the permitted encroachment would not be particularly detrimental to the public health, safety, or welfare. The proposed residence would be set back nearly 40 feet from North Lemon Avenue and would not substantially impair the sight distance of drivers at the intersection of North Lemon and Croner Avenues, the latter of which is also not a high-volume roadway. Furthermore, the proposal would improve conditions on the site with regard to building setbacks since the existing front residence is approximately one foot off of Croner Avenue. Given that an interior side yard of 10 feet would be maintained on the east side of the property and Croner Avenue separates the subject property from the adjacent residence to the west, an adequate supply of light and air would be provided to adjacent properties.

The proposed garage would be located nearer to the front of the subject property to avoid direct alignment with the garage of the residence across Croner Avenue, which is located toward the center of its respective lot. This would reduce the risk of interference or collision associated with the backup and turning movements of cars on the two lots.

4. That the conditions upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.

The conditions upon which the requested variances would be based are specific to this property. The unusually substandard lot width, the subject property's location on a corner, the location of a heritage oak at the front of the lot, and the sloping nature of the front of the lot make the requested variances unique to this property and not generally applicable to other properties within the same zoning classification.

5. That the condition upon which the requested variance is based is an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.

The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply to either variance request.

Due to the above factors, staff is recommending approval of the variance requests, and has included findings to that effect in the recommended actions (Attachment A).

#### Trees and landscaping

At present, there are 10 trees on or in near proximity to the project site. An arborist report has been submitted detailing the condition of each tree (Attachment G). Four of these trees are heritage trees, one of which is located in the right-of-way. All 10 trees are proposed to remain. Three additional trees are proposed on the left side of the lot, in the vicinity of the large stairwell windows. Five trees are proposed along the right side of the property: one in the area of the front entrance, and four along the edge of the backyard. The locations of the proposed trees may provide additional privacy for adjacent lots by screening second-story windows and the backyard of the proposed residence.

Installation of the proposed driveway is anticipated to have minimal impacts on heritage tree number four on the site plan, a 25.3-inch coast live oak. Within the area of the drip line of the tree, the arborist report specifies that hand tools in combination with an air spade would be used to expose the roots in this area to the required depth. After inspection by the site arborist, structural soil would be installed and packed around the existing roots with a layer of leveling sand packed on top. Permeable pavers would then be installed on top of the sand. Finally, the driveway would be installed at the end of the project so that the tree may have a larger protection zone throughout construction.

Tree number five on the site is a 19.4-inch flowering plum, which the arborist indicates is in a state of decline. Removal of the tree is not contemplated as part of this project, and the drip line appears to be beyond the exterior walls of the proposed residence. However, the owner may need to seek a heritage tree removal permit in the future if the tree continues to decline. Otherwise, the demolition of the existing residence and construction of the proposed residence are not anticipated to adversely affect the remaining heritage trees located on the subject site or neighboring properties. Standard heritage tree protection measures will be ensured through recommended condition 4g.

#### Correspondence

The applicant indicates that the property owners performed outreach by contacting adjacent property owners regarding the proposed project. Five signed form letters were submitted with the application, all of which express support for the proposed project (Attachment H). These letters reference a daylight plane variance that was part of an earlier iteration of the proposal, but this element has since been removed from the project.

Staff also received an email from the property owner at 1106 North Lemon Avenue regarding concerns about pedestrian and cyclist safety, as well as any effects that the proposed residence would have on sight distances from North Lemon and Croner Avenues. Staff would note that, as discussed in a previous section, the proposed residence is set back roughly 40 feet from the front property line and the proposed fence in the front yard would be less than three feet in height, as required by the City's regulations regarding fences, walls, trees, and hedges. These measures would help to provide increased visibility for motorists, cyclists, and pedestrians along North Lemon and Croner Avenues. In addition, a proposed path from North Lemon Avenue to the front door of the residence would limit pedestrian use of Croner Avenue related to access of the subject property.

Staff also received a letter from the property owners at 1201 North Lemon Avenue, expressing concerns about privacy issues related to a balcony proposed in an earlier version of the project. This balcony was removed from the plans because it did not meet the setbacks required by the Zoning Ordinance. In its place, a fully enclosed sun room off of the master bedroom is proposed. The sun room would have large windows with sill heights of three feet, three inches facing the rear of the property. On the west side of the property, facing 1201 North Lemon Avenue, the sun room would have a window with a proposed sill height of four feet, eight inches to promote greater privacy.

The letter also indicates an objection to the request for a reduced corner side setback of six feet, where 12 feet is required. The letter claims that the residence at 1201 North Lemon Avenue, which is located across Croner Avenue and has the same lot dimensions as 1199 North Lemon Avenue, received past approvals for a second-story addition without a variance request. The addition was made under previous Zoning Ordinance requirements, which permitted a 10-foot corner side setback versus the 12-foot corner side setback presently required. However, staff reviewed past Planning Commission approvals for the residence at 1201 North Lemon Avenue and found that variances for an interior side setback of five feet, where ten feet was required, and a garage setback of 10 feet, where 20 feet was required, were granted as part of the residence expansion in 1988. The variances resulted in combined side setbacks of 15 feet for the residence at 1201 North Lemon Avenue. The applicant for 1199 North Lemon Avenue is requesting combined side setbacks of 16 feet as part of the proposed project, which would provide one foot less of buildable lot width than was granted to the owners of 1201 North Lemon Avenue as part of their variance requests.

Finally, staff received an inquiry from a resident concerned about construction vehicles blocking access to Croner Avenue while the proposed residence is being built. Because of the narrow width of Croner Avenue, at approximately 13 feet, eight inches, construction vehicles parked on the street could potentially limit access by other motorists. Staff has included recommended condition 5a, requiring a construction phasing and staging plan prior to the issuance of a building permit, in order to ensure that construction impacts to Croner Avenue would not impede access by residents and motorists throughout the building

process.

#### Conclusion

Staff believes that the scale, materials, and style of the proposed residence are compatible with those of the greater neighborhood. Minimal heritage tree impacts are anticipated, and mitigation measures are provided. Aside from the variance requests, the floor area, building coverage, and height of the proposed residence would all be at or below the maximum amounts permitted by the Zoning Ordinance, and the new structure would be within the daylight plane requirements. Staff believes that the variances meet the five required findings specified by the Zoning Ordinance and recommends that the Planning Commission approve a use permit and variances for the proposed project.

#### **Impact on City Resources**

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

#### **Environmental Review**

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

#### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

#### **Appeal Period**

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

#### **Attachments**

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Variance Letter
- G. Arborist Report
- H. Correspondence

#### **Disclaimer**

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 Community Development Department.

#### **Exhibits to Be Provided at Meeting**

None

Report prepared by: Tom Smith, Associate Planner

Report reviewed by: Thomas Rogers, Principal Planner

LOCATION: 1199 North	PROJECT NUMBER:	APPLICANT: Eugene	OWNER: Mina Chang
Lemon Avenue	PLN2016-00007	Sakai	_

**REQUEST:** Request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project also includes a variance request for the residence to have a corner side (facing Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required.

DECISION ENTITY: Planning Commission

DATE: August 15, 2016

ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

- 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
  - a. The lot is substandard with regard to lot width and located on a corner with a 12-foot corner side setback. If the combined 22 feet of required side setbacks are taken into account, a new residence could be no wider than 19.34 feet, which is unusually narrow for a typical residence in the R-1-S district. Additionally, the front yard of the subject property slopes upward approximately seven feet from North Lemon Avenue to the proposed exterior garage wall. The applicant is seeking to maintain a 23.5-inch heritage oak located centrally at the front of the property. These existing conditions limit the applicant's ability to place a garage and driveway at the front of the property without substantial grading and potential damage to, or removal of, the existing heritage tree. These conditions represent a hardship unique to the property. This hardship was not created by the current owner.
  - b. Given the unusually narrow width of the lot, the granting of the requested variances would not constitute a special privilege to the owners. The width of the proposed residence would vary between 17 feet, 1 inch and 25 feet, 2 inches, which would still be relatively modest considering the width of a typical R-1-S-zoned residence. Furthermore, allowing a reduced garage setback from 20 feet to 10 feet would permit the applicant to build a two-car garage with a depth of 20 feet, 7 inches, which is just above the 20 feet required by the City's parking and driveway design guidelines.
  - c. The permitted encroachment would not be particularly detrimental to the public health, safety, or welfare. The proposed residence would be set back nearly 40 feet from North Lemon Avenue and would not substantially impair the sight distance of drivers at the intersection of North Lemon and Croner Avenues. The proposed left side setback of six feet would be an improvement from the current one-foot setback of the existing residence from Croner Avenue. Given that an interior side yard of 10 feet would be maintained on the east side of the property and Croner Avenue separates the subject property from the adjacent residence to the west, an adequate supply of light and air would be provided to adjacent properties. The

**PAGE**: 1 of 3

LOCATION: 1199 North	PROJECT NUMBER:	APPLICANT: Eugene	OWNER: Mina Chang
Lemon Avenue	PLN2016-00007	Sakai	_

**REQUEST:** Request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project also includes a variance request for the residence to have a corner side (facing Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required.

<b>DECISION ENTITY:</b> Planning	<b>DATE</b> : August 15, 2016	ACTION: TBD
Commission		

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

proposed garage would be located nearer to the front of the subject property to avoid direct alignment with the garage of the residence across Croner Avenue, which is located toward the center of its respective lot. This would reduce the risk of interference or collision associated with the backup and turning movements of cars on the two lots.

- d. The conditions upon which the requested variances would be based are specific to this property. The unusually substandard lot width, the subject property's location on a corner, the location of a heritage tree at the front of the lot, and the sloping nature of the front of the lot make the requested variances unique to this property and not generally applicable to other properties within the same zoning classification.
- e. The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.
- 4. Approve the use permit and variances subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Studio S Squared Architecture, Inc., consisting of twenty plan sheets, dated received on July 6, 2016, and approved by the Planning Commission on August 15, 2016, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - Prior to building permit issuance, the applicants 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division.

**PAGE**: 2 of 3

#### 1199 North Lemon Avenue – Attachment A: Recommended Actions

LOCATION: 1199 North	PROJECT NUMBER:	APPLICANT: Eugene	OWNER: Mina Chang
Lemon Avenue	PLN2016-00007	Sakai	_

**REQUEST:** Request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project also includes a variance request for the residence to have a corner side (facing Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required.

<b>DECISION ENTITY:</b> Planning	<b>DATE</b> : August 15, 2016	ACTION: TBD
Commission		

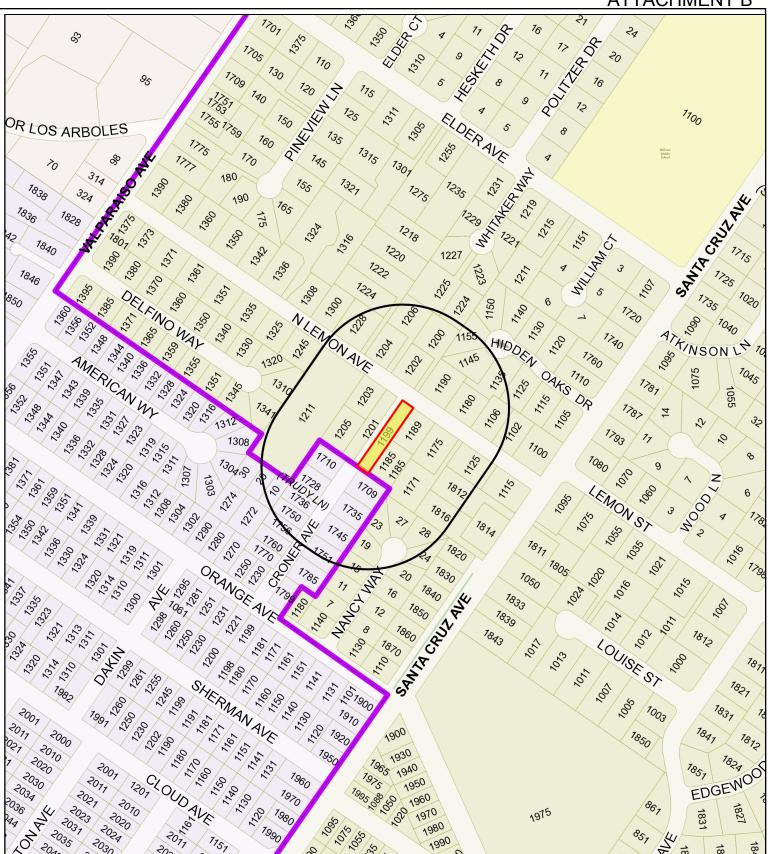
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.

- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
- 5. Approve the use permit subject to the following *project-specific* conditions:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a construction phasing and staging plan demonstrating that vehicular ingress and egress from Croner Avenue will not be substantially impeded by the construction process. The construction phasing and staging plan shall be subject to review and approval by Planning and Building Divisions prior to issuance of the building permit.

**PAGE**: 3 of 3





City of Menlo Park
Location Map
1199 North Lemon Avenue



Scale: 1:3,600 Drawn By: TAS Checked By: THR Date: 8/15/2016 Sheet: 1

## 1199 North Lemon Avenue – Attachment C: Data Table

	PROPO PROJI			STING DJECT	ZONIN ORDINAI	_
Lot area	10,335	sf	10,335	sf	10,000	sf min.
Lot width	41.3	ft.	41.3	ft.	80	ft. min.
Lot depth	250	ft.	250	ft.	100	ft. min.
Setbacks						
Front	39.4	ft.	66.8	ft.	20	ft. min.
Rear	107.3	ft.	52.2	ft.	20	ft. min.
Side (street)	6*	ft.	0.3	ft.	12	ft. min.
Side (interior)	10.2	ft.	1.8	ft.	10	ft. min.
Building coverage	2,514.4	sf	1,889.9	sf	3,617.3	sf max.
	24.3	%	18.3	%	35	% max.
FAL (Floor Area Limit)	3,632.3	sf	1,792.6	sf	3,633.8	sf max.
Square footage by floor	1,720.8	sf/1 <sup>st</sup>	1,387.1	sf/1 <sup>st</sup>		
	515.4	sf/garage	273.3	sf/garage		
	1,396.1	sf/2 <sup>nd</sup>	97.3	sf/porch		
	266.2	sf/porch	132.2	sf/accessory		
	12	sf/fireplace				
Square footage of building	3,910.5	sf	1,889.9	sf		
Building height	22.8	ft.	15.2	ft.	28	ft. max.
Parking	2 cove	ered	1 co	vered	1 covered/1 ur	ncovered
,	* The applicant is requ	esting a variance	to encroach into tl	ne required street si	de setback.	

Trees

Heritage trees	4**	Non-Heritage trees	6	New Trees	8
Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	0	Total Number of Trees	18

<sup>\*\*</sup>One heritage tree is located on an adjacent property and one is located in the public right-of-way.

# CHANG-SEN RESIDENCE



## 1199 N LEMON AVENUE, MENLO PARK, CA

LOCATION MAP SCOPE OF WORK DEMOLISH AN EXISTING SINGLE STORY RESIDENCE AND BUILD A TWO STORY OVER FULL BASEMENT, 4 BR 5.5 BA SINGLE FAMILY RESIDENCE WITH 3, 116.9 NEW LIVING S.F. ABOVE CRADE ON A 10.335 S.F. LOT WITH A NEW GRAGE OF 515.4 S.F. TOTALING 3,632.3 S.F. THE RESIDENCE ALSO INCLUDES A HABITABLE BASEMENT OF SITE

#### PROJECT SUMMARY

Assessor's Parcei No.	071-012-070
Ioning:	R-1-S
Jurisdiction:	CITY OF MENLO PARK
Type of Construction:	TYPE V-B, SPRINKLERED
Bullding Occ. Groups:	R-3/U (SINGLE FAMILY RESIDENTIAL)
Required Property Selbacks (1st / 2nd):	
Front	20'-0"
Rear	20'-0"
Right (Street) Side	12'-0"
Left Side	10'-0"
Proposed Property Selbacks (1st / 2nd):	
Front	39'-5"
Rear	107'-4"
Right (Street) Side	6'-0"
Leff Side	10'-2"
Max. Allowed Building Height:	28'-0"
Proposed Building Height	22'-10"
Lof Area:	10,335.0
Max. Floor Area Ratio Allowed	3,633.8
Total New Garage	515.4
Total New Living Area	4,804.7
Floor Area Limit (Excludes Basement Area)	3,632.3
Max. 2nd Floor Area Limit Allowed	1,400.0
2nd Floor Area Proposed	1,396.1
Max. Building Coverage Ratio Allowed	3,617.3
Building Coverage Ratio	2567.7

 RESIDENTIAL FIRE SPRINKLER SYSTEMS SHALL HAVE AN INTERIOR ALARM. ACTIVATED BY THE FLOW SWITCH, THAT IS AUDIBLE IN ALL SLEEPING AREAS

#### DEFERRED SUBMITTALS

FIRE SPRINKLERS IN ACCORDANCE WITH NEPA 13D AND STATE AND LOCAL REQUIREMENTS-NOTE THAT PER CRC 313.3.7. A SIGN OR VALVE TAG SHALL BI REQUIREMENTS—NOTE THAT PER CRC 313.37, A SISH OR VALVE TAG SHALL BE INSTALLED AT THE MAIN SHIDOFF VALVET OT THE WATER DISTRIBUTION SYSTEM STATING THE FOLLOWING: "WARNING, THE WATER SYSTEM FOR THE HOND STATING THE FOLLOWING: "WARNING, THE WATER SYSTEM FOR THE HOND SHAD PRESSURES TO FIGHT A RES. DEVICES THAT RES. STRICT THE FLOW OR DECREASE THE PRESSURE OR AUTOMATICALLY SHIT OF THE WATER TO THE RES SYSTEMS SUCH AS WATER SOFTEMERS, HILTRATION SYSTEMS AND AUTOMATICS SHITOFF VALVES, SHALL NOT BE ADDED TO THIS SYSTEM WHOOLD A WATER SOFTEMERS, HILTRATION SYSTEMS AND AUTOMATICS SHITOFF VALVES, SHALL NOT BE ADDED TO THIS SYSTEM WHOOLD A REVIEW SHAD. VALVES, SHALL NOT BE ADDELL IO THIS SYSTEM WHITOUT A REVIEW OF THE FREE SPRINKLES SYSTEM BY A FIRE PROTECTION SPECIALIST, DO NOT REMOVE THIS SIGN!" ROOF TRUSSES-TRUSS DESION PACKAGE AND ENGINEER OF RECORD REVIEW LETTER TO BE SUBMITTED TO BUILDING DEPARTMENT FOR REVIEW AND

APPROVAL
STAIR GUARDRAIL SHOP DRAWINGS SIGNED AND STAMPED BY ENGINEER TO SAN TO SUILDING DEPARTMENT FOR REVIEW AND APPROVAL-NOTE
THAT SHOP DRAWINGS TO DEMONSTRATE GUARDRAIL DSIGN IS ADEQUATE
TO SUPPORT SINGLE CONCENTRATED DO POUND LOAD APPLIED IN ANY
DIRECTION AT ANY POINT ALONG THE TOP OF THE RAIL PER CRC TABLE 301.5 AND 301.5 FOOTNOTE D.

AND 301,5 FOOTHOLE D CONSTRUCTION STAGING PLAN CONSTRUCTION WASTE MANAGEMENT PLAN IN ACCORDANCE WITH CALGREEN 4 408.2

#### REQUIRED SUBMITTALS TO ARCHITECT

THE FOLLOWING ARE REQUIRED TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL/REVIEW:

WINDOW/DOOR PACKAGE CABINET SHOP DRAWINGS AND FINISH SAMPLES

MECHANICAL DUCTING PLAN

NOTE: SEE STRUCTURAL PLANS FOR ADDITIONAL REQUIRED SUBMITTALS FOR SHOP

#### SHEET INDEX

GENERAL Ann Cover Sheet A0.2 FLOOR AREA CALCS SHEET A0.3 EXTERIOR PERSPECTIVES A0.4 DAYLIGHT PLANE COMPLIANCE DIAGRAMS A0.5 AREA PLAN

A0.6 STREETSCAPE

CIVIL C.0 TOPOGRAPHIC SURVEY

## ARCHITECTURAL A1.0a SITE PLAN A1.0b SITE PLAN

A1.0c DEMO SITE PLAN A1.0d DEMO SITE PLAN A2.1a BASEMENT FLOOR PLAN A2.1b 1ST FLOOR PLAN A2.16 2ND FLOOR PLAN A2.16 2ND FLOOR PLAN A2.26 LOWER ROOF PLAN A2.26 UPPER ROOF PLAN A3.0 EXTERIOR ELEVATIONS A3.1 EXTERIOR ELEVATIONS A3.2 EXISTING E A5.0 SECTIONS EXISTING FLEVATIONS

LANDSCAPE L-1 LANDSCAPE CONCEPT

#### PROJECT TEAM

<u>O W N E R</u> Mina Chang and Amie Sen 1199 Lemon Avenue Menio Park, Ca emal: cmieser@gmal.com

ARCHITECT Studio S Squared Architecture, Inc. 19 North Second Street, Ste. 205 San Jose, CA 95113 ath: Eugene H. Sakai, AIA, LEED AP ph: 408 998 0983 fr: 408 404 40144

email: ESakai@SIudioS2arch.com GEOTECHNICA, ENGINEER Romig Engineers, Inc. 1399 El Camino Real, Second Floor San Carlos, CA 94070 attn: Jonathar Fone ph: 650 591 5224

emall: jonarhan@romigengineers.com

CIVIL ENGINEER WEC & Associate 2625 Middlefield Road, #658 Palo Alto, CA 94306 attn: Ed Wu fx: 650 823 6466

ARBORIST KELTY ARBORIST SERVICES, LLC SAN MATEO, CA 94403 ATTN: KEVIN KIELTY PH: 450 515 9783 EMA**I**L: kkarbor0476@yahoo.com



19 N. 2ND ST., Ste. 205 San Jose, CA 95113 P: (408) 998 - 0983 F: (408) 404 - 0144

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**COVER SHEET** 



#### APPLICABLE CODES

APPLICABLE CODES (with City of Mento Park Amendments)

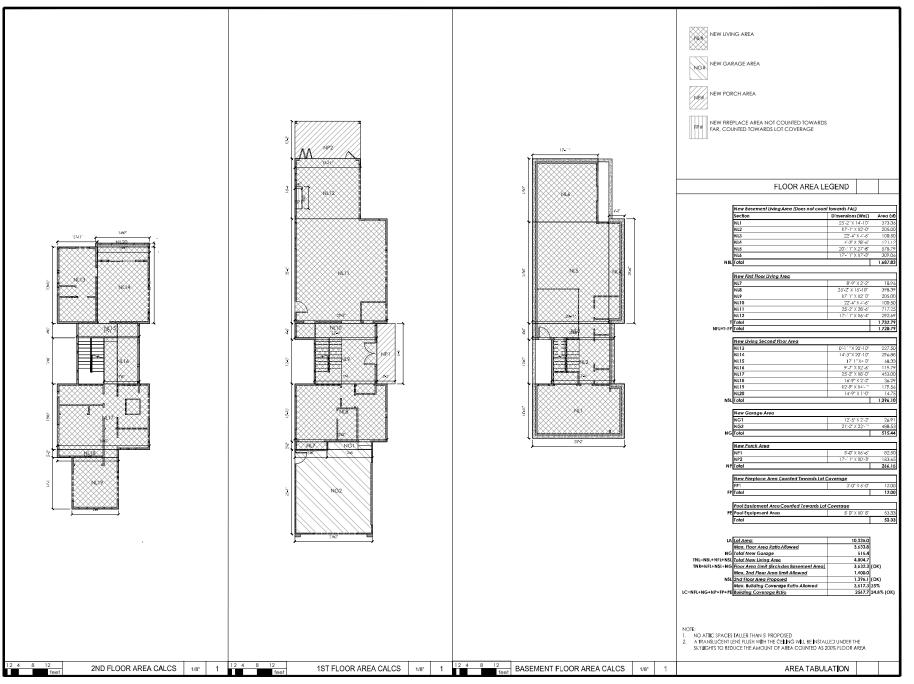
2013 CALIFORNIA MECHANICAL CODE, CMC

2013 CALIFORNIA PLUMBING CODE, CPC 2013 CALIFORNIA ENERGY CODE, CEnC

2013 CALIFORNIA FIRE CODE, CFC 2013 CALIFORNIA GREEN BUILDING STANDARDS

2013 CALIFORNIA REFERENCED STANDARDS

ASSESSOR'S PARCEL MAP





Š MINA CHANG AND ARNIE SEN

1199 N LEMON AVENUE, MENLO PARK, CHANG - SEN RESIDENCE NEW SINGLE FAMILY RESIDENCE



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	04.11.2016	04.11.2016 VARIANCE PACKAGE RESUB DJ	DJ
	06.23.2016	06.23.2016 VARIANCE PACKAGE RESUB DJ	D

FLOOR AREA **CALCS** 









CHANG-SEN RESIDENCE NEW SINGLE FAMILY RESIDENCE 1199 N LEMON AVENUE, MENLO PARK,





**EXTERIOR PERSPECTIVES** 



PERSPECTIVE EXTERIOR REAR RIGHT

4

PERSPECTIVE EXTERIOR FRONT RIGHT

PERSPECTIVE EXTERIOR REAR LEFT -

5

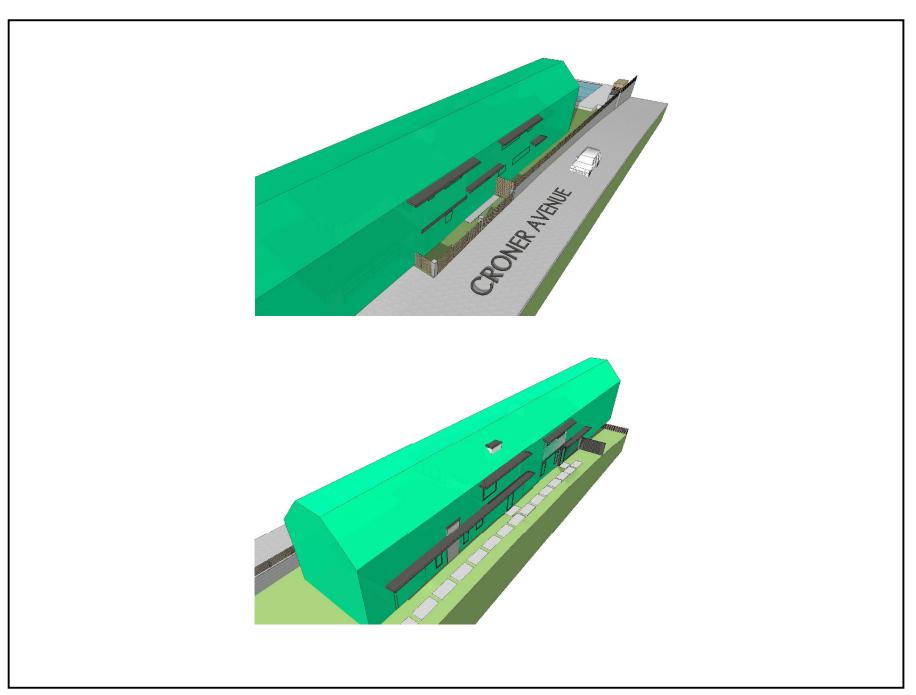
PERSPECTIVE EXTERIOR FRONT LEFT

PERSPECTIVE EXTERIOR REAR HIGH

6



PERSPECTIVE EXTERIOR FRONT HIGH





CHANG-SEN RESIDENCE NEW SINGLE FAMILY RESIDENCE

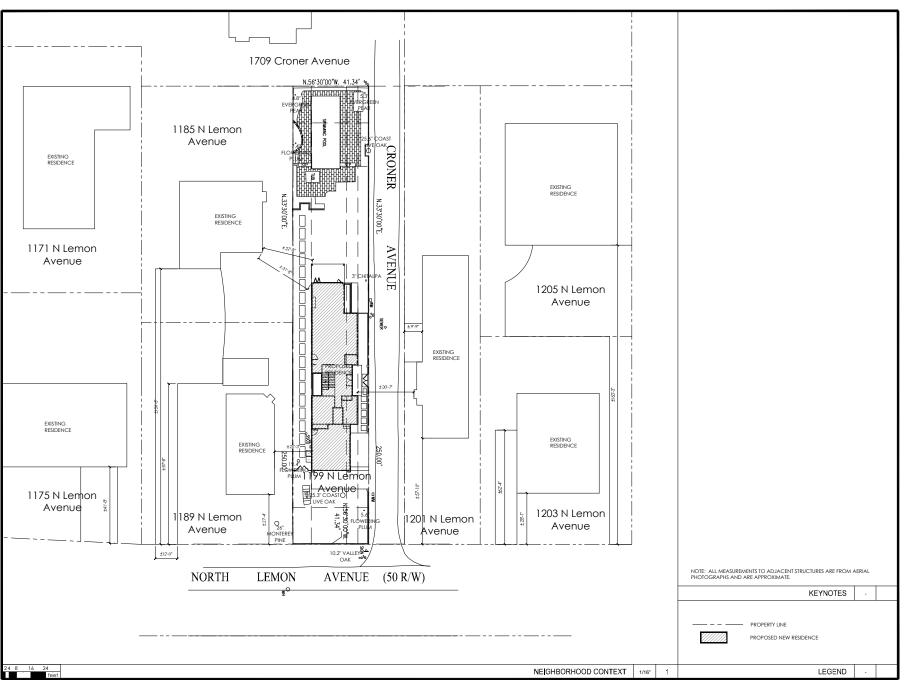
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DAYLIGHT PLANE COMPLIANCE DIAGRAMS







CHANG - SEN RESIDENCE
NEW SINGLE FAMILY RESIDENCE

1199 N LEMON AVENUE, MENLO PARK, CA

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AREA PLAN









1189 N Lemon Avenue



1199 N Lemon Avenue Subject Property



1201 N Lemon Avenue



1203 N Lemon Avenue



1106 N Lemon Avenue



1180 N Lemon Avenue



1190 N Lemon Avenue



1202 N Lemon Avenue



1204 N Lemon Avenue

- SUBJECT PROPERTY

STREETSCAPE IMAGES



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1199 N LEMON AVENUE, MENLO PARK,

CHANG - SEN RESIDENCE

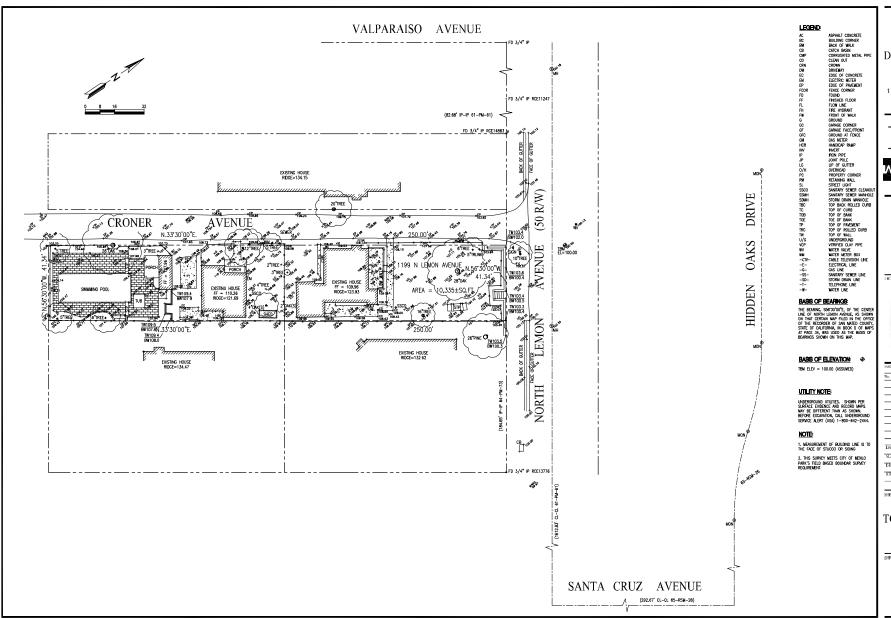
STREETSCAPES





STREETSCAPE ELEVATION 3 NE|GHBORS





NEW RESIDENCE DEVELOPMENT

1199 N LEMON AVENUE MENLO PARK, CA APN: 071-012-07

PALCO ALTO, CA 94306 TEL: (650) 823-6466 FAX: (650) 887-1294

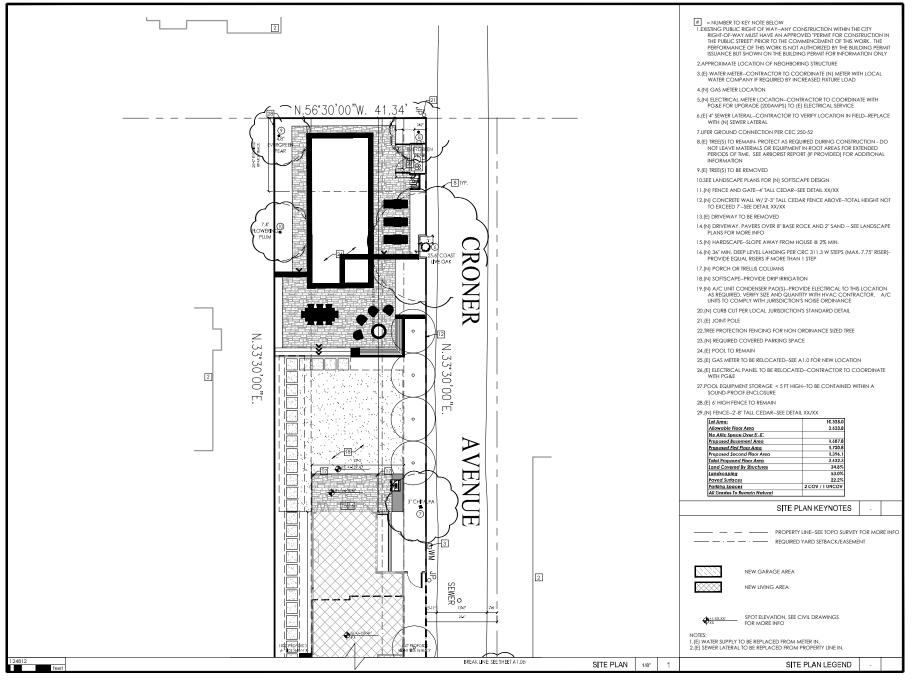
LICENSE STAMPS AND SIGNATURE



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TOPOGRAPHIC **SURVEY** 

C.0





19 N. 2ND ST., Ste. 205 San Jose, CA 95113 P: (408) 998 - 0983

F: (408) 404 - 0144 Š SEN RESIDENCE E FAMILY RESIDENCE

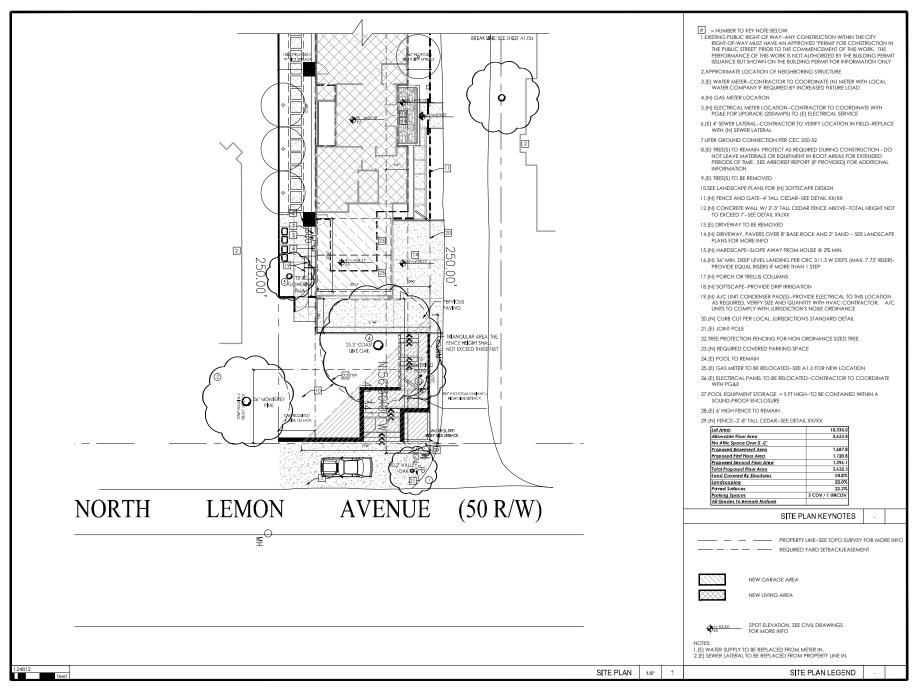
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SITE PLAN







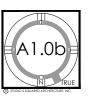
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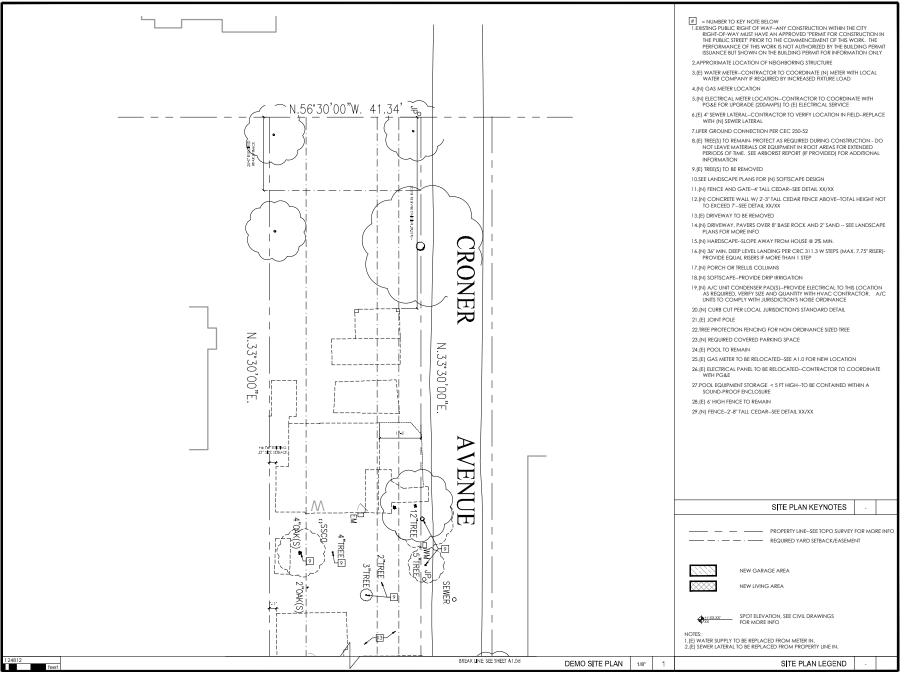


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SITE PLAN







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LEFAMILY RESIDENCE
VENUE, MENLO PARK, CA

CHANG - S

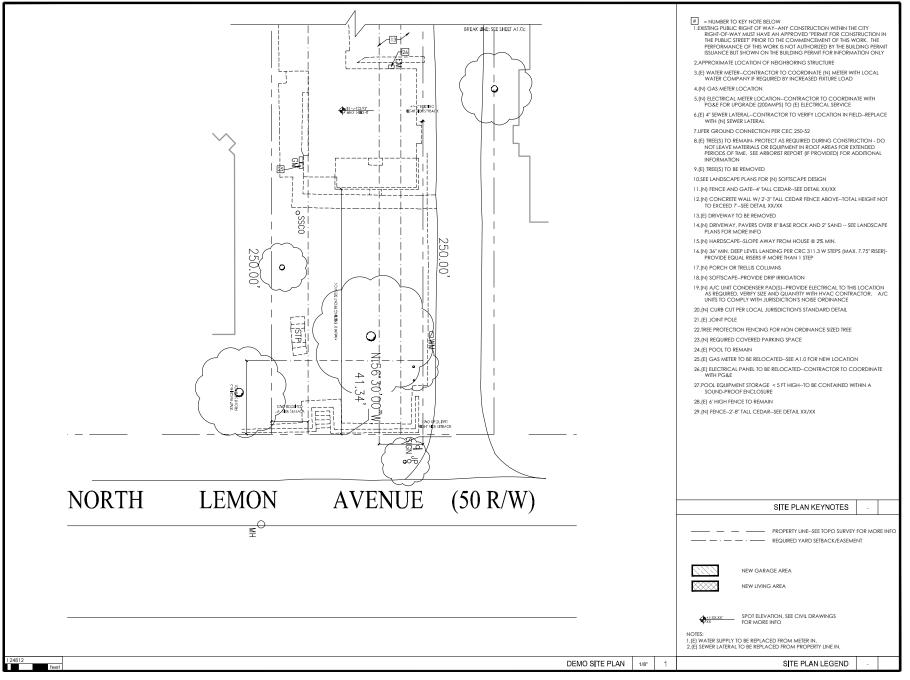
1199 N LEMON AVENUE, MENLO PARK, MINA CHANG AND ARNIE SEN





DEMO SITE PLAN







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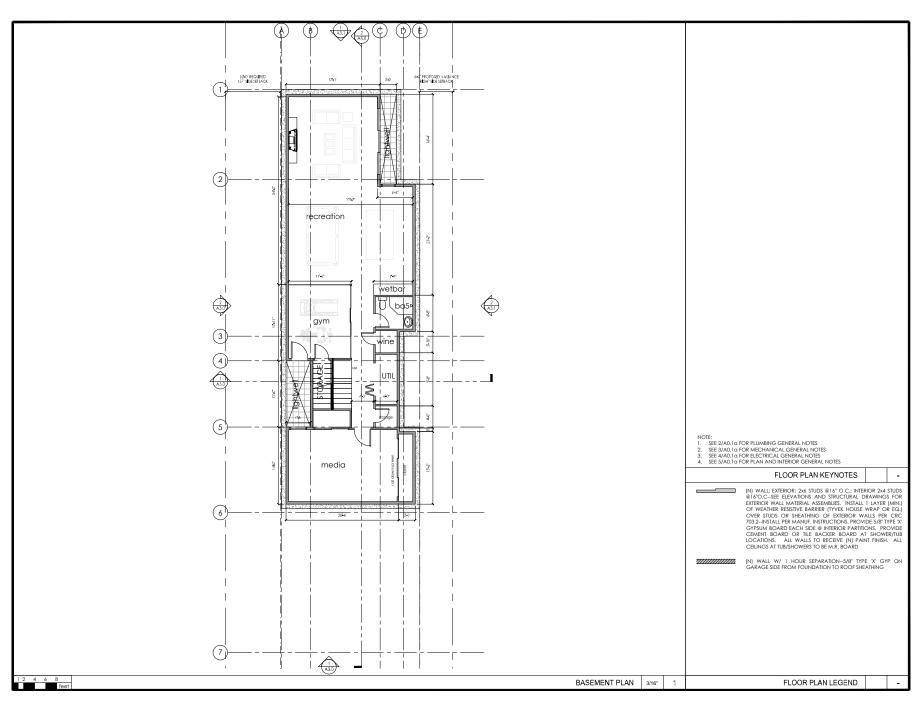
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DEMO SITE PLAN







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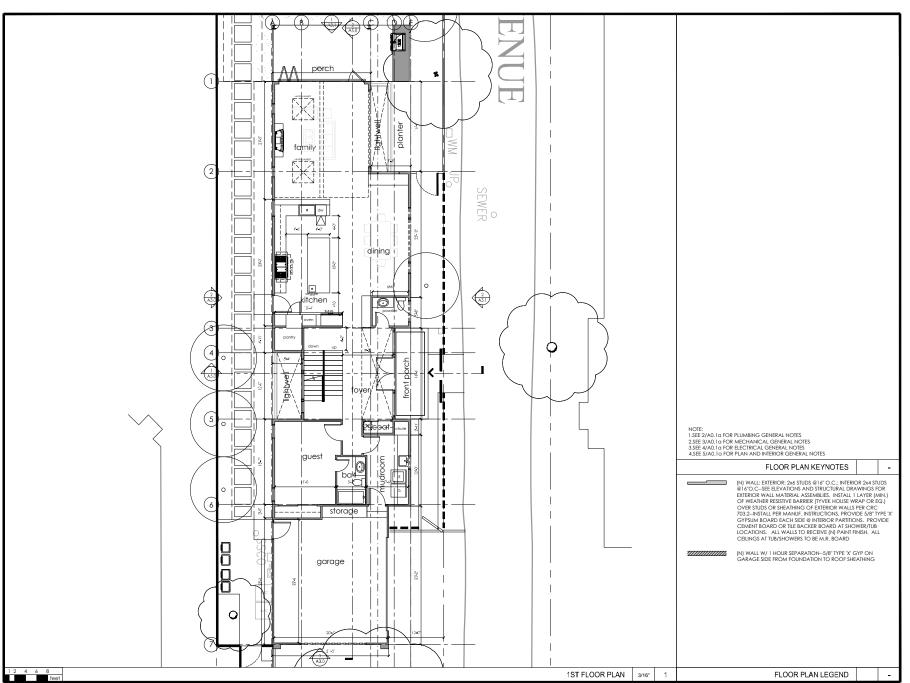
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BASEMENT PLAN







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NEW SINGLE FAMILY RESIDENCE
1199 N LEMON AVENUE, MENLO PARK, CA

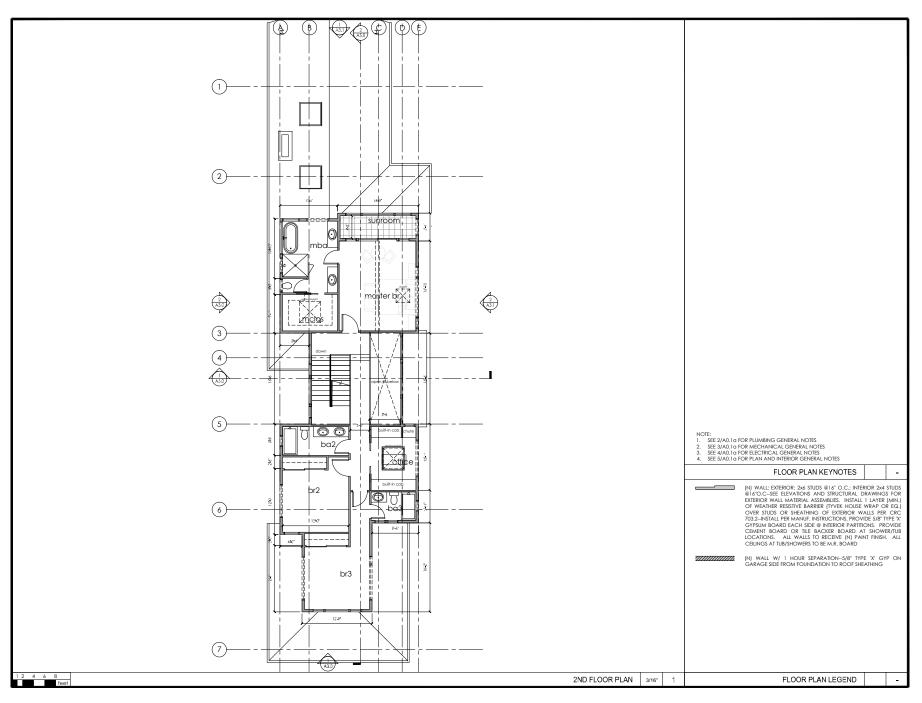
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1ST FLOOR PLAN







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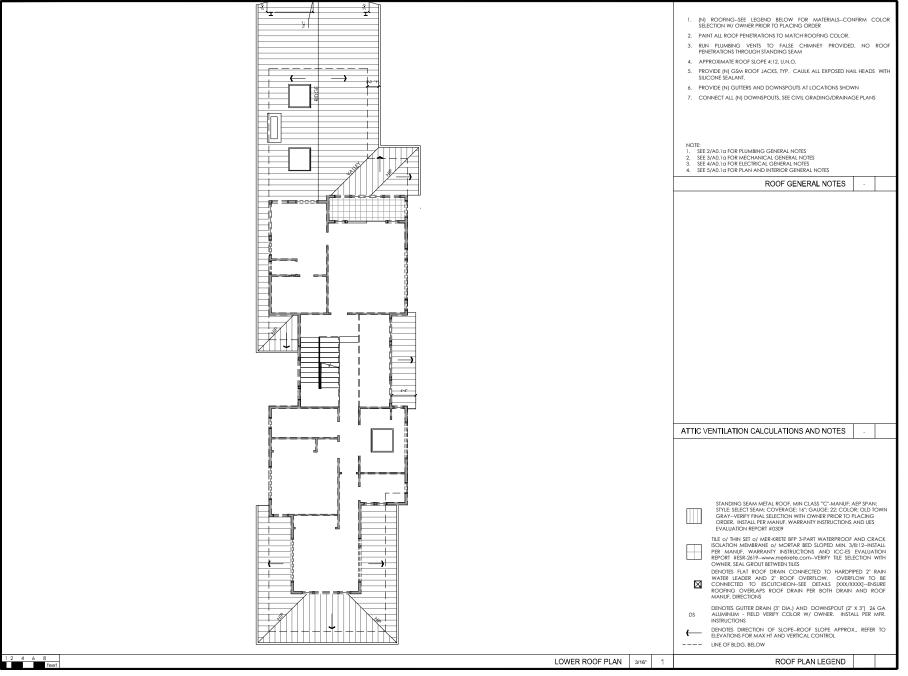
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2ND FLOOR PLAN







P: (408) 998 - 0983 F: (408) 404 - 0144

CHANG - SEN RESIDENCE
NEW SINGLE FAMILY RESIDENCE
1199 N LEMON AVENUE, MENIO PARK,

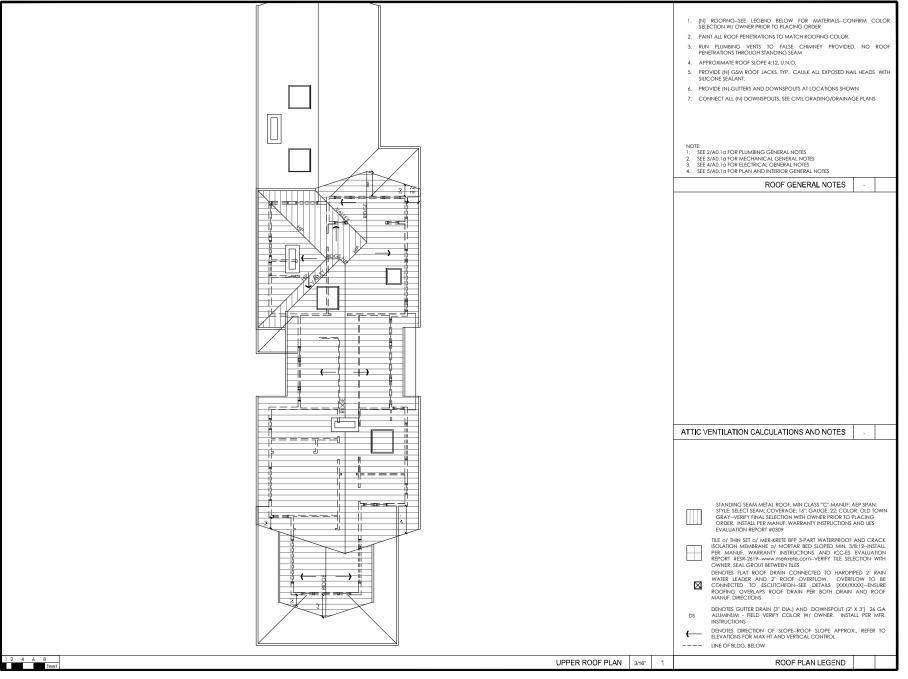
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LOWER ROOF PLAN







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CHANG - SEN RESIDENCE
NEW SINGLE FAMILY RESIDENCE
1199 N LEMON AVENUE, MENLO PARK,

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UPPER ROOF PLAN







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CHANG-SEN RESIDENCE

1199 N LEMON AVENUE, MENLO PARK, MINA



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**EXTERIOR ELEVATIONS** 







Š CHANG-SEN RESIDENCE

1199 N LEMON AVENUE, MENLO PARK, MINA CHANG



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**EXTERIOR ELEVATIONS** 











CHANG - SEN RESIDENCE
NEW SINGLE FAMILY RESIDENCE
1199 N LEMON AVENUE, MENLO PARK, C



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	06.23.2016	06.23.2016 VARIANCE PACKAGE RESUB DJ	DI

EXISTING PHOTOS



RIGHT ELEVATION | - | 5 | FRONT DOOR | - | 3 | FRONT ELEVATION | - |

RIGHT ELEVATION



REAR ELEVATION

6





DRIVEWAY





CHANG-SEN RESIDENCE

NEW SINGLE FAMILY RESIDENCE

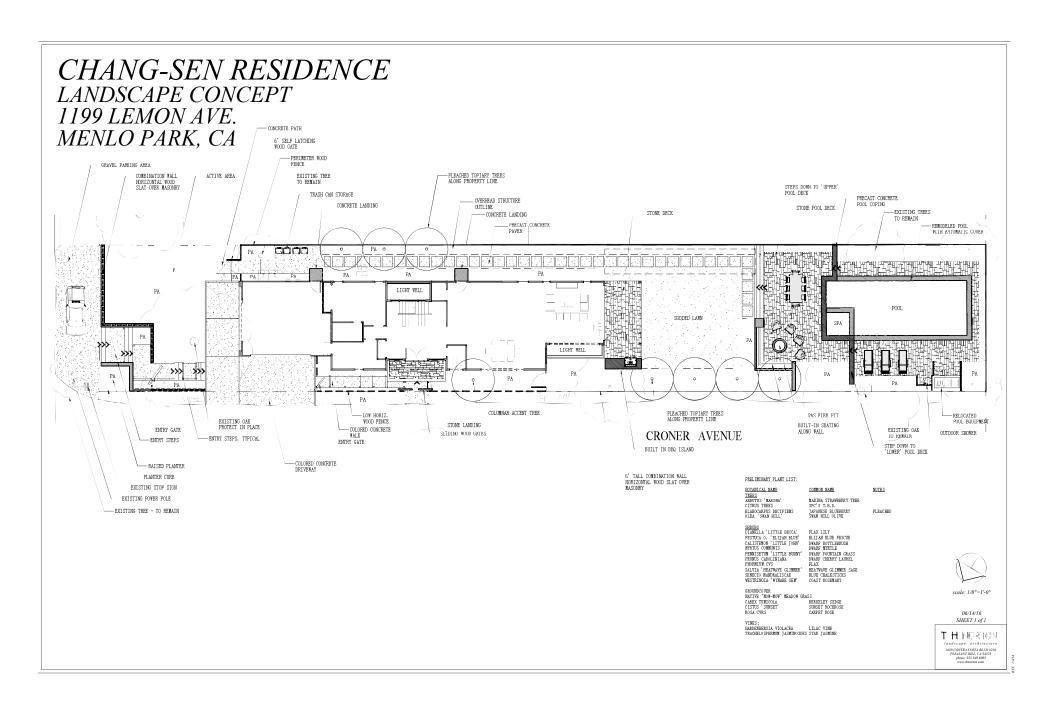
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**SECTIONS** 







# Studio S<sup>2</sup> Architecture, Inc.

19 N. 2<sup>nd</sup> Street, Ste. 205 San Jose, CA 95113 ph: (408) 998-0983 fax: (408) 998-0982 esakai@studios2arch.com

January 5, 2016

# City of Menlo Park Planning Department 701 Laurel Street Menlo Park, CA 94025

RECEIVED

JAN 06 7015

CITY OF MENLO PARK

1199 N Lemon Avenue (Mina Chang and Arnie Sen Residence) ANNING Studio S Squared job# 15043 Use Permit Application—Letter of Description

#### Dear Sir/Madam:

Thank you for taking the time to review our intake application. Below is our written "Letter of Description" as requested.

- PURPOSE: Variance for new home on a substandard lot in the R1-S zoning district.
- SCOPE: DEMOLISH AN EXISTING SINGLE STORY RESIDENCE AND BUILD A TWO STORY OVER FULL BASEMENT, 4 BR 5.5 BA SINGLE FAMILY RESIDENCE WITH 3,093.7 NEW LIVING S.F. ABOVE GRADE ON A 10,335 S.F. LOT WITH A NEW GARAGE OF 539.3 S.F. TOTALING 3,633.0 S.F. THE RESIDENCE ALSO INCLUDES A HABITABLE BASEMENT OF 1,650.5 S.F.
- STYLE: "Transitional Modern"-influenced wood framed home with a combination of stain grade cedar siding, painted wood or composite railings, and exterior trim, clad wood double paned windows.
- BASIS FOR SITE LAYOUT: comply with city ordinances, and requesting a variance to site setbacks and balcony due to narrow lot width. Maximize backyard and indoor/outdoor connection. Provide ample room for generous basement lightwell. Offer a balanced, unassuming front elevation to the street.
- EXISTING/PROPOSED USES: Single family house/Single family house

- NEIGHBOR OUTREACH: The property owner has contacted the below listed neighbors and shared our plans:
  - O 1189 N. Lemon Avenue
  - O 1201 N. Lemon Avenue
  - O 1190 N. Lemon Avenue
  - O 1202 N. Lemon Avenue

Thank you for your assistance with our project. Please do not hesitate to call our office should you have any questions.

Sincerely,

CIM

**Eugene H. Sakai, AIA, LEED AP**President, Studio S<sup>2</sup> Architecture, Inc.

cc: Deb and Chris Martin

file

6/14/16

Community Development Department Planning Division 701 Laurel St. Menlo Park, CA 94025

**RE: Variance Request for Setback Reduction** 

**Project Address:** 

1199 N. Lemon Ave. Menlo Park, CA 94025

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JUL 0 6 2016

CITY OF MENLO PARK BUILDING

**Project Description:** 

A new 3,633.8 SF two story home.

Variance Request for (1) Street Side Yard Setback Reduction and (2) Garage Setback

#### **Street Side Yard Setback Reduction:**

We are requesting a street side yard setback along Croner Ave reducing the setback from the required 12 feet to 6 feet. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard house. Receiving the variance would allow us to build a more typical size home with a width of approx. 25 feet, which is still modest and will not overwhelm the site. All other setbacks for the house including interior yard of 10 feet, and front/rear setbacks of 20 feet will be maintained/exceeded.

### **Garage Setback:**

We are requesting a garage setback of 10 feet along Croner Ave reducing the setback from the required 20 feet to 10 feet. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard attached garage to the house. Receiving the variance would allow us to build a more typical size attached garage to the house with a depth of approx. 20'-7", which is barely above the minimum recommended depth of a 2-car garage. All other zoning codes, other than the street side setback reduction requested above, will be maintained.

### **Responses to Findings**

#### **Street Side Setback Reduction:**

The lot size and location present several hardships, which creates challenges for building a typical size family home.

- 1. This lot sustains a hardship peculiar to the property which is not created by the owner.
  - a. Firstly, this lot has a sub-standard width of 41.3 feet. Most lots in this area are a minimum of 50 feet. In fact conforming lots in R-1-S are almost double the width of our lot at 80 feet wide. The narrowness of this lot means that a house can be no more than 19.3' of width if required setbacks are followed. This presents a hardship for creating a livable family house typical of suburban lots in Menlo Park.

- b. Secondly, the corner lot abuts a street on two sides. This results in a wider than usual 12' side yard street setback. These are substantially wider setbacks than many lots in Menlo Park. This setback, in combination with the 10' interior side and narrow lots creates a substantial hardship for developing this property to its fullest potential.
- c. Thirdly, there are two protected Oak trees on the lot which need to be avoided and protected. This limits the footprint and location of the structures.
- d. In summary, all other codes (except for the related garage setback), including front, rear, and interior side setbacks, lot coverage and FAL are being followed. We have worked diligently to limit the setback variance request to only one setback reduction to the house.
- 2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and the granting of a variance would not constitute a special privilege to the owner not enjoyed by surrounding neighbors. Allowing a reduction of the Croner Ave setback from the required 12 feet to 6 feet would allow 6 more feet of width to the house. The proposed house width is still modest ranging from 25'-2 1/8" to 17' and sensitive to the neighbor homes. This setback reduction is necessary for the enjoyment of the property rights since without it the house would be extremely long and narrow and unsuitable for family living. This proportion would also mean the house would need to be extended, which would reduce the privacy of adjacent lots. Other homes in the vicinity have more typical lot widths and lesser setbacks since they are not abutting two streets. Thus, they possess greater opportunities for improving their lots and building typical homes. In order to maintain the privacy, we have positioned the house towards the middle of the lot and all windows along the side yards are high and will protect the privacy of the neighbors and the outdoor deck has been setback substantially from the adjoining neighbor homes.
- 3. Granting this setback reduction would not be detrimental to the public health, safety, or welfare, and will not impair an adequate supply of light and air to adjacent property. Moreover, the light and air to the neighbor property on the other side of Croner Ave will not be affected since there is a street separating the house from the neighbor's house, which provides plenty of buffer. The interior side yard of 10 feet is being maintained and thus, the closest neighbors will have their light and air preserved as required by the Municipal Code.
- 4. The conditions upon which the requested variance is based upon would not be applicable to other property within the same zoning classification. The lots of most other properties in the same zoning classification are wider and do not have a 250 feet length along a street. Thus, this lot faces a unique set of restrictions that make it atypical for its zone and worthy of consideration for a setback variance.
- 5. The above conditions which the variance is being requested are based upon an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.

#### **Garage Setback:**

The lot size and location presents several hardships, which creates challenges for building an attached typical sized 2-car garage.

We are requesting a garage setback of 10 feet along Croner Ave reducing the setback from the required 20 feet to 10 feet. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard attached garage to the house. Receiving the variance would allow us to build a more typical size attached garage to the house with a depth of approx. 20'-7", which is barely above the minimum recommended depth of a 2-car garage. All other zoning codes, other than the street side setback reduction requested above, will be maintained.

- 1. This lot sustains a hardship peculiar to the property which is not created by the owner.
  - a. This lot has a sub-standard width of 41.3 feet and length of 250 feet which is unusually narrow. Most lots in this area are a minimum of 50 feet. In fact conforming lots in R-1-S are almost double the width of our lot at 80 feet wide. The narrowness of this lot means that it would not be possible to build a standard attached two car garage if required setbacks are followed.
  - b. Further, there are two protected Oak trees on the lot which need to be avoided and protected. This limits the footprint and location of the garage.
  - c. In summary, all other codes (except for the related side street setback), including front, rear, and interior side setbacks, lot coverage and FAL are being followed. We have worked diligently to limit the setback variance request to only the setback reduction to the house and the garage that will be adjoining the house.
- 2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and the granting of a variance would not constitute a special privilege to the owner not enjoyed by surrounding neighbors. Allowing a reduction of the garage setback from the required 20 feet to 10 feet would allow us to build a more typical size attached garage to the house with a width of approx. 20'-7," which is barely above the minimum recommended width of a 2-car garage. This setback reduction is necessary for the enjoyment of the property rights since without it a 2-car garage would not be able to fit along the side of the house. Other homes in the vicinity have more typical lot widths and lesser setbacks since they are not abutting two streets. Thus, they possess greater opportunities for improving their lots and building a typical garage.
- 3. Granting the garage setback in conjunction with the street side yard setback reduction would not be detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property. The light and air to the neighbor property on the other side of Croner Ave will not be affected since there is a street separating the house from the neighbor's house, which provides plenty of buffer. Moreover, the existing location of the garage and the entrance is thoughtfully placed in a location where it would have the no impact to our neighbor on the other side of Croner. The interior side yard of 10 feet is being maintained and thus, the closest neighbors will have their light and air preserved.

- 4. The conditions upon which the requested variance is based upon would not be applicable to other property within the same zoning classification. The lots of most other properties in the same zoning classification are wider and do not have a 250 feet length along a street. Thus, this lot faces a unique set of restrictions that make it atypical for its zone and worthy of consideration for a garage setback variance.
- 5. The above conditions which the variance is being requested are based upon an unusual factor that was not anticipated or discussed in detail during any applicable Specific Plan process.

# Kielty Arborist Services LLC

P.O. Box 6187 San Mateo, CA 94403 650-515-9783



January 4, 2016, Revised April 4, 2016

APR 0 5 2016

Mina Chang and Arnie Sen 310 Cresent Village Circle #1458 San Jose, CA 95134 CITY OF MENLO PARK BUILDING

Site: 1199 North Lemon, Menlo Park, CA

Dear Mina Chang and Arnie Sen,

As requested on Monday, December 21, 2015, I visited the above site to inspect and comment on the trees. A new home is planned for this site and your concern for the future health and safety of the trees has prompted this visit.

### Method:

All inspections were made from the ground; the trees were not climbed for this inspection. The trees in question were located on a map provided by you. The trees were then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). The trees were given a condition rating for form and vitality. The trees condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1 - 29 Very Poor

30 - 49 Poor

50 - 69 Fair

70 - 89 Good

90 - 100 Excellent

The height of the trees was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.

1199 : <b>Surve</b>	N. Lemon 1/4/16			(2)	
	Species	DBH	CON	HT/SI	Comments
1	Valley oak (Quercus lobata)	10.2	50	25/15	Good vigor, fair form, poor location under utilities, less than 1 foot from utility pole.
2*	Monterey pine	26est	45	40/35	Good vigor, poor form, topped at 25 feet, multi leader at 25 feet, 7 feet from property line.
3	Flowering plum (Prunus cerasifera)	5.6	50	15/15	Fair vigor, fair form, codominant at 6 feet.
4	Coast live oak (Quercus agrifolia)	25.3	55	30/40	Fair vigor, poor form, codominant at 3 feet with poor crotch formation, poor crotches throughout tree.
5	Flowering plum (Prunus cerasifera)	19.4	40	20/15	Poor vigor, poor form, multi leader at 3 feet with split crotch, mushrooms at base, in decline.
6	Coast live oak (Quercus agrifolia)	25.6	50	30/40	Fair vigor, poor form, multi leader at 5 feet, under utilities, topped for utilities, buried root crown.
7	Chitalpa (Chitalpa tashkenten	3.0 sis)	55	10/5	Good vigor, good form, recently planted.
8	Evergreen pear (Pyrus kawakamii)	5.3	50	20/20	Fair vigor, fair form, codominant at 3 feet, fire blight damage, under utilities.
9	Evergreen pear (Pyrus kawakamii)	4.8	45	20/20	Fair vigor, poor form, heavy lean, suppressed by neighbors tree.
10 * <i>Indi</i>	Flowering plum (Prunus cerasifera) icates neighbors trees	7.4	50	15/10	Fair vigor, poor form, multi leader at 3 feet, heavily trimmed.

# **Summary:**

The trees on site are a mix of imported and native trees. Tree #1 is a young valley oak tree with a diameter of 10.2 inches. This tree is growing underneath utility lines and is located less than 1 foot from the utility pole. In the future this tree will be a problem as it will grow in diameter and damage the utility pole. Also the tree will need to be pruned for utility line clearance. This tree is a city street tree and is managed by the city and by the utility company. No work shall take place on the tree as it is owned by the city.

Tree #2 is a large Monterey pine tree located on the neighbors property, 7 feet from the property line. This tree received a condition rating of 45, making it a poor tree. The tree has been topped at 25 feet in the past and is now a multi leader tree at the 25 foot height. Topping trees is never recommended as it leads to epicormic growth shoots that are weakly attached and are more prone to failure.

Tree #4 is a large coast live oak tree. This tree is codominant at 3 feet and has a poor crotch formation with included bark in this area. Also there are poor crotch formations throughout the tree. This tree will need ongoing maintenance consisting of lightening limbs, removing limbs that are in poor locations (structural pruning), and possibly cabling the codominant leaders together to offer extra support. There is a proposed driveway within the dripline of this tree. The driveway material should be a pervious material so the tree can still receive annual rainfall and be designed so that a minimal amount of excavation is needed. When installing the driveway near this tree hand tools in combination with an air spade should be used in order to expose the roots in this area to the required depth. All roots shall be left in place so the site arborist can inspect, document and offer mitigation measures. Once the area is exposed to the required depth, structural soil should be installed and packed around all of the existing roots with a layer of leveling sand packed on top. The pavers shall then be installed on top of the structural soil mix. Raising of the grade in this area shall not be raised more than 6 inches if needed be. The structural soil can be compacted to engineering standards while still allowing for future root growth. Root cutting in this area shall be kept to a minimum. If any roots over 2 inches in diameter are to be cut, they need to be first inspected by the site arborist so that mitigation measures can be applied. The driveway shall be installed at the end of the project so the tree can have a larger tree protection zone during the length of the construction. The tree protection fencing will need to be moved to do the driveway work. The site arborist will need to inspect the new fencing location in order to make sure tree protection fencing is properly maintained.

Tree #5 is a mature flowering plum tree. This tree is in a state of decline and should be removed and replaced where seen fit. This tree is multi leader at 3 feet with a split crotch. This split crotch is evidence that the tree has failed. Also there were mushrooms growing at the base of the tree, indicating possible root rot.

Coast live oak tree #6 is in fair condition. This tree is growing underneath utilities and has been pruned by the utility company in the past. This will be an ongoing maintenance problem for the utility company as the tree will continue growing towards the electrical lines. This type of pruning will make for a tree that will grow wide instead of tall. Long limbs will become hazardous in the future if not maintained. Limb reduction every 3-5 years would help the tree from losing a limb in the future. At the time of investigation this tree had a buried root crown. The root crown of this tree should be exposed in order to discourage fungus root growth and so the tree can receive sufficient oxygen to the root zone. A 6 foot wall is planned near this tree. When working underneath the dripline of this tree, great caution shall take place. The wall in this area should be supported by staggered piers, with the ability to move piers to a different location depending on the findings when digging for the piers. The piers holes shall be hand dug and inspected by the site arborist. Large roots over 2 inches in diameter shall be left intact. If

large roots are found the piers may need to be moved to a better fit location that will not have a high impact to the trees health. This work shall take place near the end of the project so that the tree can be properly protected during the building of the home. When the tree protection fencing is to be moved the site arborist will need to be on site so that the work near the protected tree can be documented.

Site plan A1.0 dated 1/11/16 was reviewed for this report. At this time impacts to the trees on site are expected to be minor as work done near the protected trees on site is a good distance from the trees. All trees in Menlo Park that are over 15 inches in diameter are protected by the town and will need a tree protection plan during construction. The following tree protection plan will help ensure the safety and health of the retained trees on site. Trees that are under the protected size but are still to be retained should be protected in the same manner.

### **Tree Protection Plan:**

### Tree Protection Zones

Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for tree protection zones should be 6' tall, metal chain link material supported by metal 2" diameter poles, pounded into the ground to a depth of no less than 2'. The location for the protective fencing should be as close to the dripline of desired trees as possible, still allowing room for construction to safely continue. No equipment or materials shall be stored or cleaned inside the protection zones. Areas outside protection zones, but still beneath the tree's driplines, where foot traffic is expected to be heavy, should be mulched with 4-6" of chipper chips. The spreading of chips will help to reduce compaction and improve soil structure.

### Root Cutting and Grading

Any roots to be cut shall be monitored and documented. Large roots (over 2" diameter) or large masses of roots to be cut must be inspected by the site arborist. The site arborist, at this time, may recommend irrigation or fertilization of the root zone. All roots needing to be cut should be cut clean with a saw or lopper. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist. The over dig for the foundation should be reduced as much as possible when roots are encountered.

### Trenching and Excavation

Trenching for irrigation, drainage, electrical or any other reason shall be done by hand when inside the dripline of a protected tree. Hand digging and the careful placement of pipes below or besides protected roots will significantly reduce root loss, thus reducing trauma to the tree. All trenches shall be backfilled with native materials and compacted to near its original level, as soon as possible. Trenches to be left open for a period of time, will require the covering of all exposed roots with burlap and be kept moist. The trenches will also need to be covered with plywood to help protect the exposed roots.

(5)

### Irrigation

Normal irrigation shall be maintained on this site at all times. The imported trees will require normal irrigation. On a construction site, I recommend irrigation during winter months, 1 time per month. Seasonal rainfall may reduce the need for additional irrigation. During the warm season, April – November, my recommendation is to use heavy irrigation, 2 times per month. This type of irrigation should be started prior to any excavation. The irrigation will improve the vigor and water content of the trees. The on-site arborist may make adjustments to the irrigation recommendations as needed. The foliage of the trees may need cleaning if dust levels are extreme. Removing dust from the foliage will help to reduce mite and insect infestation.

#### Demolition

All tree protection must be in place prior to the start of demolition. Demolition equipment must enter the project from the existing driveway. If vehicles are to stray off the drive the area within the dripline of a protected tree must be covered with 6 inches of chips and steel plates or 11/4 inch plywood. The town of Menlo Park will require a letter from the site arborist stating the tree protection fencing is up before the start of demolition.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kielty Certified Arborist WE#0476A David P. Beckham Certified Arborist WE#10724A



JAN 06 2016

**Project Address:** 

CITY OF MENLO PARK PLANNING

1199 N. Lemon Ave., Menlo Park (at the corner of Lemon Ave and Croner Ave)

**Project Description:** 

A new 3,633.8 SF two story home.

### Lot Size and Setback/Daylight Plane Reduction:

The project is about to be submitted for a Use Permit with a request to reduce the side yard setback on Croner Ave from 12 feet to 6 feet. In conjunction, we are requesting a street side yard daylight plane variance along Croner. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard house. Receiving this variance would allow us to build a more typical size home with a width of approx. 25 feet, which is still modest and will not overwhelm the site. All other zoning codes, including setbacks for interior side yard of 10 feet and front/rear setbacks of 20 feet, lot coverage and FAL will be maintained.

### **Neighborhood Contacts:**

We intend to work closely with the Menlo Park Planning Department and neighbors to respond to your requests and concerns. Please acknowledge below that we have shared the project drawings (Site Plan, Floor Plans, Elevations) with you. If you would also be willing to acknowledge your support for the project that would be greatly appreciated.

Thank you.

Name:

Comments:

THOMS A. BAKEN 1189 N. LEMON AVR MENLO PALK ents: WONDOWS A PADVACY

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Thank you.

Name: Sue Kinder

Address: 1201 N. Lemon Ave, Menlo Park 94025

Comments:

We met with Size's her son and went over plans in detail for approx. an honr. Afterwards, she declined to sign any acknowledgement.

- Mina Chang

### **Project Address:**

1199 N. Lemon Ave., Menlo Park (at the corner of Lemon Ave and Croner Ave)

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A new 3,633.8 SF two story home.

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The project is about to be submitted for a Use Permit with a request to reduce the side yard setback on Croner Ave from 12 feet to 6 feet. In conjunction, we are requesting a street side yard daylight plane variance along Croner. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard house. Receiving this variance would allow us to build a more typical size home with a width of approx. 25 feet, which is still modest and will not overwhelm the site. All other zoning codes, including setbacks for interior side yard of 10 feet and front/rear setbacks of 20 feet, lot coverage and FAL will be maintained.

### **Neighborhood Contacts:**

We intend to work closely with the Menlo Park Planning Department and neighbors to respond to your requests and concerns. Please acknowledge below that we have shared the project drawings (Site Plan, Floor Plans, Elevations) with you. If you would also be willing to acknowledge your support for the project that would be greatly appreciated.

Thank you.

Name:

Priya Bhusri

Address:

1202 N. Cerron Ave Menlo Park, CA 94025 Sounds Good!

Comments:

### **Project Address:**

1199 N. Lemon Ave., Menlo Park (at the corner of Lemon Ave and Croner Ave)

### **Project Description:**

A new 3,633.8 SF two story home.

### Lot Size and Setback/Daylight Plane Reduction:

The project is about to be submitted for a Use Permit with a request to reduce the side yard setback on Croner Ave from 12 feet to 6 feet. In conjunction, we are requesting a street side yard daylight plane variance along Croner. The 41.3' X 250' lot is unusually narrow and thus restrictive for building a standard house. Receiving this variance would allow us to build a more typical size home with a width of approx. 25 feet, which is still modest and will not overwhelm the site. All other zoning codes, including setbacks for interior side yard of 10 feet and front/rear setbacks of 20 feet, lot coverage and FAL will be maintained.

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Thank you.

Name: Suzanne Broin - Sugar Basin
Address: 1709 Chonet Ave 94023

Comments: I support their plans

### **Project Address:**

1199 N. Lemon Ave., Menlo Park (at the corner of Lemon Ave and Croner Ave)

### **Project Description:**

A new 3,633.8 SF two story home.

### Lot Size and Setback/Daylight Plane Reduction:

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Thank you.

Address: 1710 Croner Ale Menlo Park 94025

Augame Basin

Comments:

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1199 N. Lemon Ave., Menlo Park (at the corner of Lemon Ave and Croner Ave)

### **Project Description:**

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### **Neighborhood Contacts:**

We intend to work closely with the Menlo Park Planning Department and neighbors to respond to your requests and concerns. Please acknowledge below that we have shared the project drawings (Site Plan, Floor Plans, Elevations) with you. If you would also be willing to acknowledge your support for the project that would be greatly appreciated.

Thank you.

Name: ROH + Sherry DumonT Address: 1190 N. Lomon Ave.

Comments: \_\_\_\_

### Smith, Tom A

From:

Susan MacDonald <sumaccole@comcast.net>

Sent:

Tuesday, February 09, 2016 1:11 PM

To:

Smith, Tom A

**Subject:** 

1199 north lemon ave, menlo park

I live at 1106 north lemon. In my opinion any construction on this non standard lot should be one complimenting the narrow land it stands on - mindful it is the nob of an unusual lane, which is often used as a 'cut-thru.

The NE corner of Croner should remain a clear sightline for the many pedestrians, dog walkers, children on bikes enjoying 'the hill', not to mention cars coming on to N.Lemon from Croner.

There are no sidewalks. I realize we have few 'rural' interesting streets left in this town in which I have resided over 50 years. Putting a 3 story house on a narrow lane that will impede everyone's safety and many's privacy should not be considered prudent, or allowed.

Sincerely

Susan MacDonald Sent from my iPad To whom it may concern,

As a long time resident of N.Lemon and Croner Avenue, we have a couple concerns regarding the recent submission of plans for the new home on 1199 N. Lemon Ave.

Privacy issues
Set backs too close for the narrow street

### Balcony

This is a huge concern, as the current plans illustrate; the balcony is too close to the property line, creating a privacy issue. The balcony looks over the pool (and into the gazebo) that exists on the adjacent property.

### Set backs

On the Croner Avenue side of the house it is 12 feet they're asking for 6 feet that is way too close for such a narrow little street section (listed as parcel 2 on my deed).

This would negatively affect not just our home, but also, all that enjoy walking along this area. Our street is heavily trafficked by cyclists, walkers, children, and neighbors. The street is incredibly narrow as it is in the area in which they propose to build a two story home closer than the existing home. This not only creates an unpleasant visual atmosphere, but a safety concern as well. With a two story home, it will make the road less navigable for two lane traffic, there will be no place for vehicles to pull off, or allow space for pedestrians who are caught when two vehicles approach the hill at the same time. These pose a major concern for the residents of N. Lemon, and Croner Avenue.

The plans do not ask for a variance to get it closer to the other side (which is a 10 foot setback). As the houses next to that side do not have windows, there would be no privacy issues for those homes.

This would be a more appropriate side for the setback

to be reduced if needed.

Please note, I have same size lot and was able to adhere without a variance when our 2<sup>nd</sup> story was added with no problem. At the time, it was a 10' set back on each side. So, if they wanted the same size 2<sup>nd</sup> floor as we have, they could maintain the 12' setback on the street side and would only need a 2' variance on the other.

Additionally, every other house on Croner Avenue (including the new ones just built) has maintained the street setbacks. These houses are also on the widest part of our street.

I am currently out of the country, but, will be back on February  $18^{\rm th}$  and can address then any questions, etc then.

Sincerely,

Sue Kinder 1201 N. Lemon Ave. Menlo Park, CA 94025 suekinder@comcast.net (650) 714-7691

# **Community Development**



#### **STAFF REPORT**

Planning Commission

Meeting Date: 8/15/2016 Staff Report Number: 16-067-PC

Public Hearing: Use Permit/Forty Seven, Inc./1490 O'Brien Drive

#### Recommendation

Staff recommends that the Planning Commission approve a use permit for the storage and use of hazardous materials associated with the research and development of therapeutics to treat cancer, located in an existing building in the M-2 (General Industrial) zoning district at 1490 O'Brien Drive. All hazardous materials would be used and stored within the building. The recommended actions are included as Attachment A.

### **Policy Issues**

Each use permit request is considered individually. The Planning Commission should consider whether the required use permit findings can be made for the proposal.

### **Background**

#### Site location

The project site is an existing multi-tenant office and research and development (R&D) building located at 1490 O'Brien Drive, on the southern side of O'Brien Drive between Adams Drive and University Avenue. The subject property is also referred to as Building 10 of the Menlo Business Park. A location map is included as Attachment B. TeneoBio, Inc. and Progyny are located within the same building and previously received Planning Commission approval of use permits to store and use hazardous materials within the facility. Lagunita Biosciences is also located in the building and uses hazardous materials below use permit thresholds. Other properties in the vicinity, such as 1360 O'Brien Drive, 1505 O'Brien Drive, and 1525 O'Brien Drive, have also received hazardous materials use permits for similar R&D business operations.

Adjacent parcels to the north, east, and west (using O'Brien Drive in an east to west orientation) are also located in the M-2 zoning district, and primarily contain warehouse, light manufacturing, R&D, and office uses. Single-family residences in the City of East Palo Alto are located directly south of the business park. These parcels front onto Kavanaugh Drive, and many of the residential dwelling units are approximately 85 feet from the subject building. The subject building is located approximately 475 feet from Costano Elementary School, which is east of the project site, and approximately 650 feet from Green Oaks Academy and Cesar Chavez Elementary School, which are located on a shared campus to the southwest of the project site. Both school sites are located within the City of East Palo Alto. In addition, a preschool (Casa dei Bambini) is located at 1215 O'Brien Drive, which is located approximately 1,600 feet from the subject building. However, staff understands that Casa dei Bambini closed at the end of the recent school year, and that it is not expected to reopen at this location.

### **Analysis**

### **Project description**

Forty Seven, Inc. develops anti-CD47 therapeutics to treat cancer patients. The company is moving its operations from Palo Alto to 1490 O'Brien Drive, which will serve as its headquarters and research facility. The company currently has 11 employees and anticipates growing to as many as 40 employees within the next five years. At present, all of the company's employees are administrative and business personnel, but Forty Seven will be hiring six biologists who will work with limited amounts of chemicals as they complete experiments within the subject facility. The project plans and the applicant's project description letter are included as Attachments C and D, respectively.

### Proposed hazardous materials

Proposed hazardous materials include combustibles, corrosives, flammable liquids, toxic chemicals, and inert and oxidizing gases. The project plans provide the locations of chemical use and storage, as well as hazardous waste storage. In addition, the plans identify the location of safety equipment, such as emergency eyewash stations and showers, spill kits, and exit pathways. All hazardous materials would be used and stored inside of the building.

The Hazardous Materials Information Form (HMIF) for the project is provided as Attachment E. The HMIF contains a description of how hazardous materials are stored and handled on-site, including the storage of hazardous materials within fire-rated storage cabinets, segregated by hazard class. The applicant indicates that the storage areas would be monitored by lab staff and weekly documented inspections would be performed. The largest waste container would be a 5-gallon container, and all liquid wastes would be secondarily contained. Licensed contractors are intended to be used to haul off and dispose of the hazardous waste. The HMIF includes a discussion of the applicant's intended training plan, which encompasses the handling of hazardous materials and waste, as well as how to respond in case of an emergency. The applicant indicates that the procedures for notifying emergency response personnel and outside agencies are kept in the site's emergency response plan. Given the proximity of the subject site to the San Francisco Public Utilities Commission's (SFPUC) Bay Division pipelines, which run adjacent to the north property line of the subject site, the applicant will include the SFPUC Millbrae Dispatch Center in the emergency response plan contact list (Condition 4a). A complete list of the types of chemicals is included in Attachment F.

Staff believes that the proposed use and quantities of hazardous materials would be compatible and consistent with other uses in the area. Staff has included recommended conditions of approval that would limit changes in the use of hazardous materials, require a new business to submit a chemical inventory to seek compliance if the existing use is discontinued, and address violations of other agencies in order to protect the health and safety of the public.

#### Agency review

The Menlo Park Fire Protection District, City of Menlo Park Building Division, West Bay Sanitary District, and San Mateo County Environmental Health Services Division were contacted regarding the proposed use and storage of hazardous materials on the project site. Each entity found the proposal to be in compliance with all applicable standards (Attachment G). The West Bay Sanitary District requested confirmation that it is listed as an emergency contact in the emergency response plan, as well as Silicon Valley Clean Water, in case of an accidental discharge into the sanitary sewer system. This has been included as part of Condition 4a. The County Environmental Health Services Division approval indicates

that the Health Department must inspect the facility once it is in operation. Otherwise, there would be no unique requirements for the proposed use, based on the specific types and amounts of chemicals that are proposed.

### Correspondence

Staff has not received any items of correspondence on the proposed project.

### **Conclusion**

Staff believes that the proposed use and quantities of hazardous materials would be compatible and consistent with other uses in the area. The HMIF and chemical inventory include a discussion of the applicant's training plan and protection measures in the event of an emergency. Relevant agencies have indicated their approval of the proposed hazardous materials uses on the property. Staff recommends that the Planning Commission approve the proposed project.

### **Impact on City Resources**

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

#### **Environmental Review**

The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 1,320-foot radius of the subject property.

### **Appeal Period**

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

#### **Attachments**

- A. Recommended Actions
- B. Location Map
- C. Project Plans
- D. Project Description Letter
- E. Hazardous Materials Information Form
- F. Chemical Inventory
- G. Hazardous Materials Agency Referral Forms

#### **Disclaimer**

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 Community Development Department.

### **Exhibits to Be Provided at Meeting**

None

Report prepared by: Tom Smith, Associate Planner

Report reviewed by: Thomas Rogers, Principal Planner

#### 1490 O'Brien Drive – Attachment A: Recommended Actions

LOCATION: 1490
O'Brien Drive

PROJECT NUMBER: APPLICANT: Forty Seven, Inc.

OWNER: Menlo Business Park, LLC

**REQUEST:** Request for a use permit for the storage and use of hazardous materials associated with the research and development of therapeutics to treat cancer, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

**DECISION ENTITY:** Planning **DATE:** August 15, 2015 **ACTION:** TBD

Commission

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

### **ACTION:**

- 1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
- 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
- 3. Approve the use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of eight plan sheets, dated received June 16, 2016, as well as the Hazardous Materials Information Form (HMIF), dated received May 2, 2016, approved by the Planning Commission on August 15, 2016 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
  - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
  - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.

**PAGE**: 1 of 2

#### 1490 O'Brien Drive – Attachment A: Recommended Actions

LOCATION: 1490	PROJECT NUMBER:	APPLICANT: Forty	OWNER: Menlo
O'Brien Drive	PLN2016-00059	Seven, Inc.	Business Park, LLC

**REQUEST:** Request for a use permit for the storage and use of hazardous materials associated with the research and development of therapeutics to treat cancer, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building.

**DECISION ENTITY:** Planning **DATE:** August 15, 2015 **ACTION:** TBD

Commission

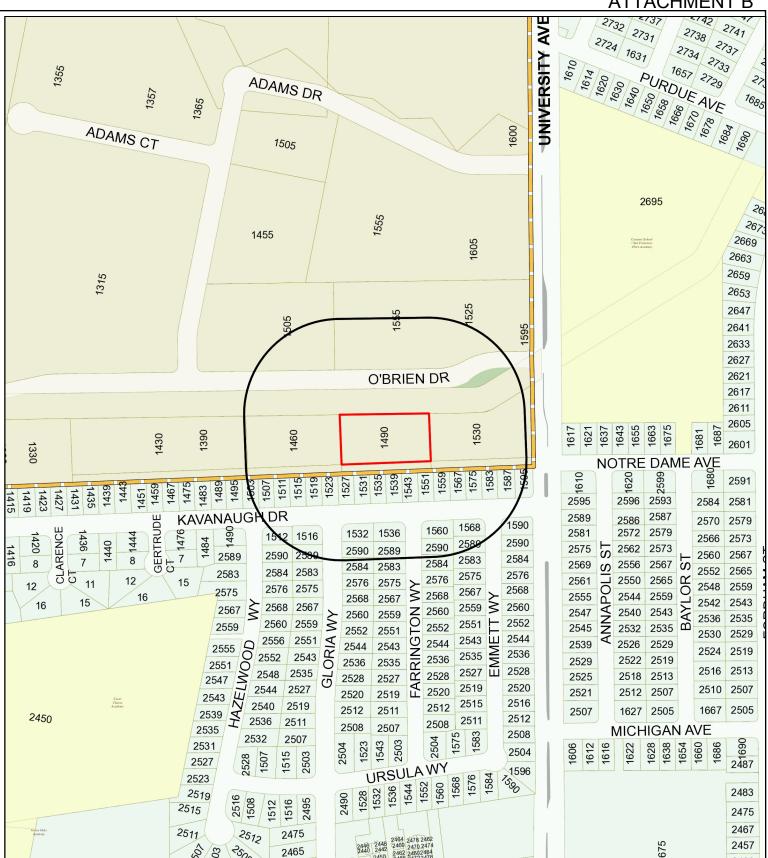
**VOTE:** TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

### **ACTION:**

- 4. Approve the use permit subject to the following *project-specific* conditions:
  - a. Prior to the use of hazardous materials, the applicant shall provide a copy of the emergency response plan, including the phone numbers of the West Bay Sanitary District, Silicon Valley Clean Water, SFPUC Millbrae Dispatch Center and all other standard relevant agencies in the event of an accidental spill or discharge, subject to approval of Planning Division staff.

**PAGE**: 2 of 2

ATTACHMENT B





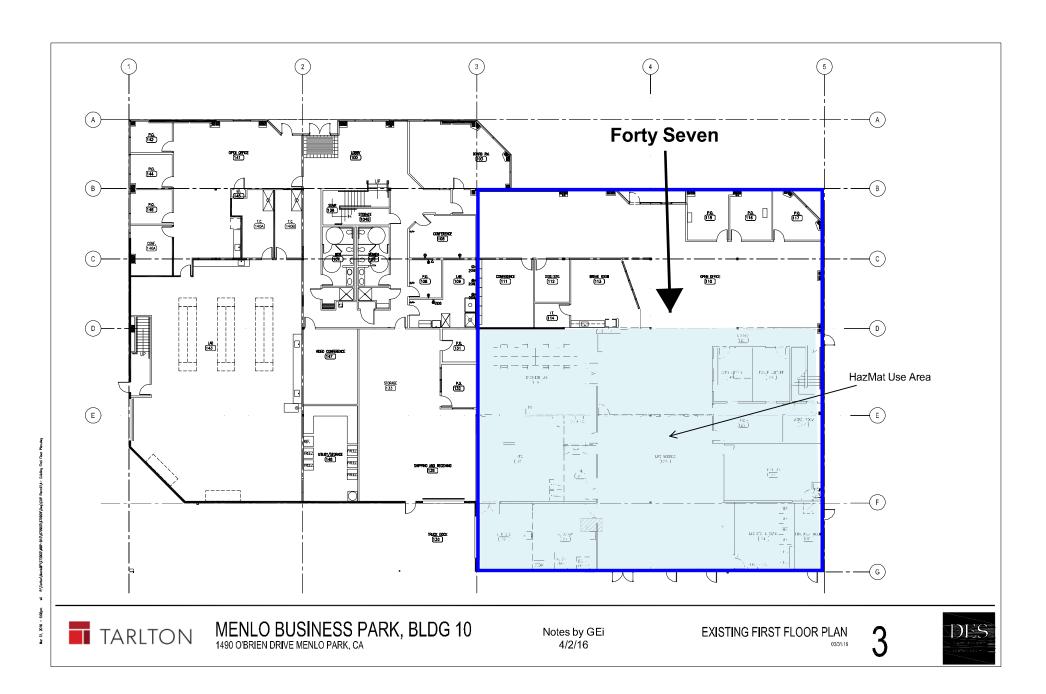
City of Menlo Park Location Map 1490 O'Brien Drive

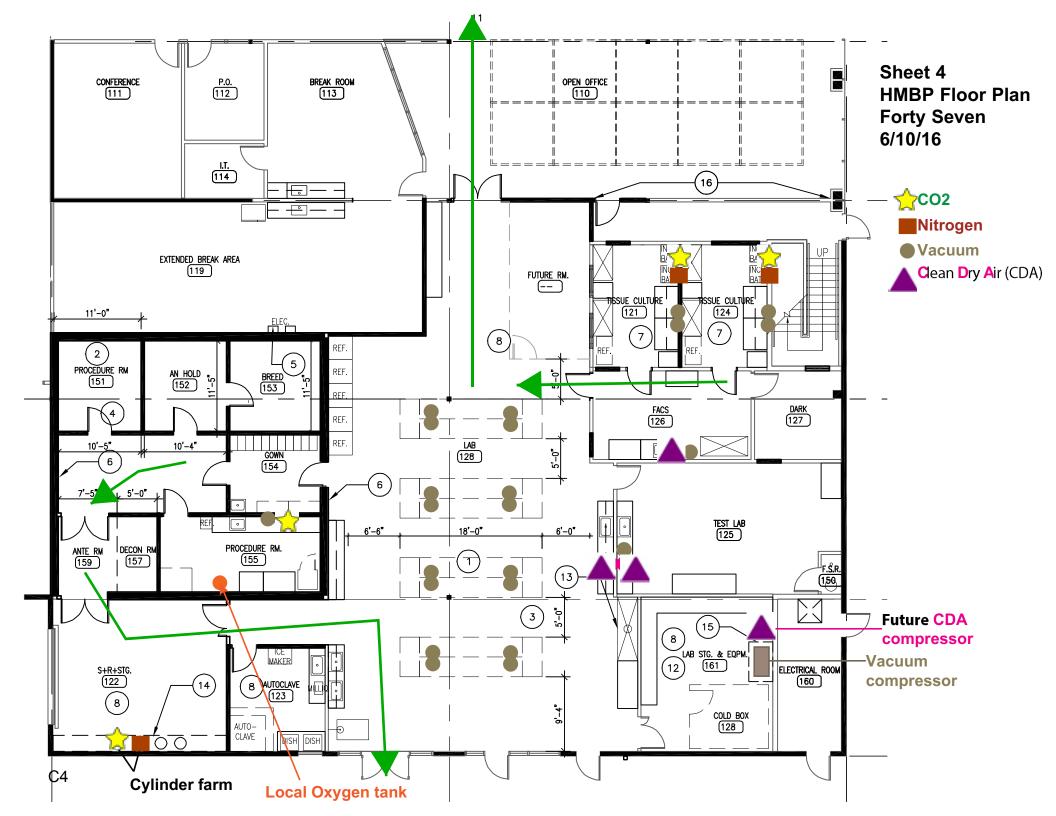


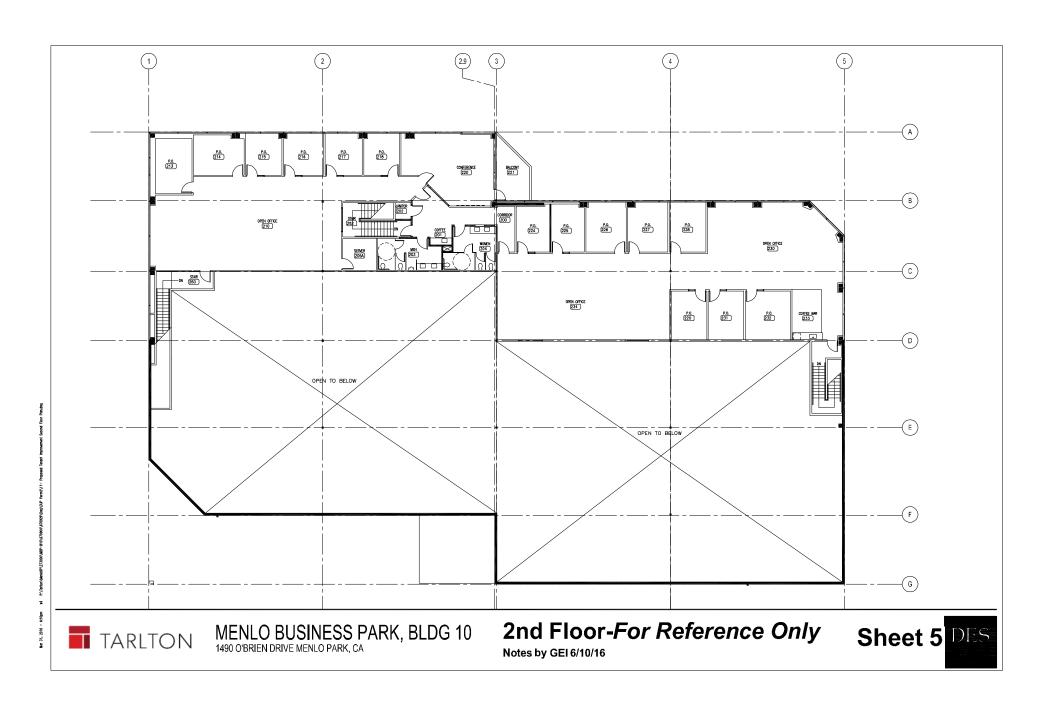
Scale: 1:3,600 Drawn By: TAS Checked By: THR Date: 8/15/2016 Sheet: 1

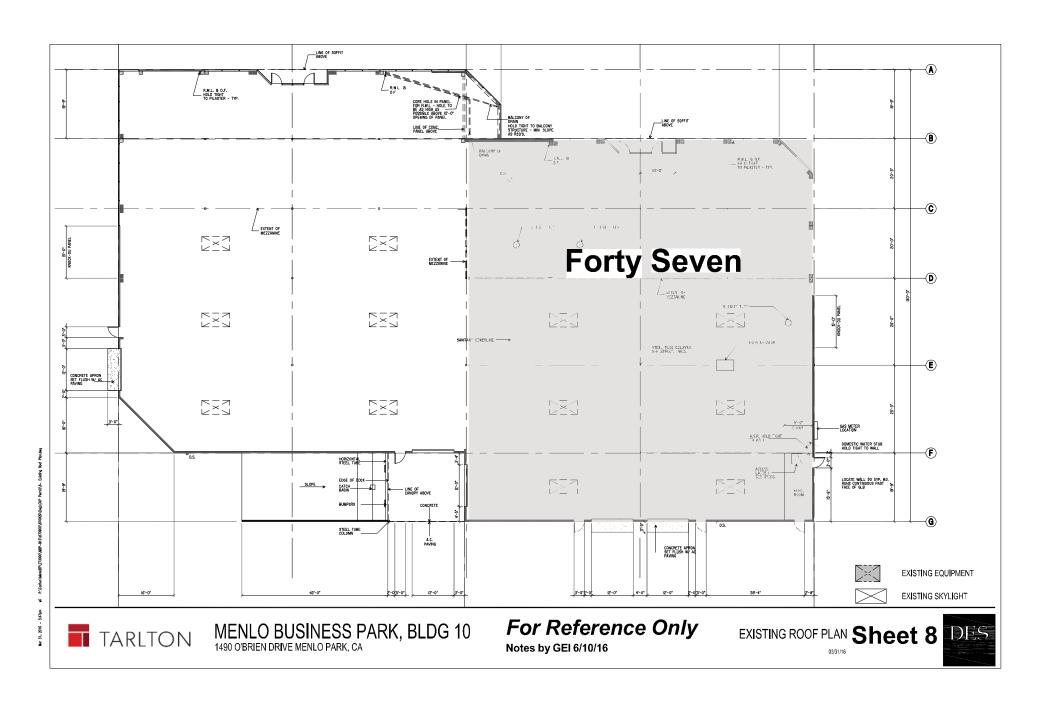
# ATTACHMENT C











### Forty Seven Project Description August 2016

Forty Seven Inc. is developing novel therapeutics (i.e., anti-CD47) to treat cancer patients.

Forty Seven is moving its operations from 1661 Page Mill Road to 1490 Obrien Drive. The new facility will be the company's headquarters. Forty Seven Inc. currently has eleven employees and expects to grow to as many as 40 employees in Menlo Park over the next five years.

Forty Seven's current employees are all administrative and business personnel. In the new facility, Forty Seven will start research operations by hiring research employees who will work with very limited amounts of chemicals, in the properly equipped labs on the 1<sup>st</sup> floor.

These materials will be used in fume hoods or other appropriately exhausted space. Small quantities of chemicals such as acids are used in preparing experimental solutions. Other various solvents, including isopropyl alcohol, are used to clean and process our components. The container size for most hazardous substances are one gallon or less.

Forty Seven will not manufacture any materials for sale at the Obrien site but will produce small research batches of special proteins from cell culture of 10-100 liters per year.

Neither an air emissions permit nor a wastewater discharge permit is anticipated to be required for the facility.

Chemicals and other reagents will be delivered by common carrier. Delivery frequency will vary with the pace of manufacturing, but is not expected to exceed bi-monthly. Hazardous waste is removed from site by a licensed hauler; removal is generally on a bi-monthly basis.



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

701 Laurel Street Menlo Park, CA 94025 phone: (650) 330-6702 fax: (650) 327-1653 planning@menlopark.org http://www.menlopark.org

#### HAZARDOUS MATERIALS INFORMATION FORM

In order to help inform City Staff and the external reviewing agencies, the Planning Division requires the submittal of this form, If the use permit application is approved, applicants are required to submit the necessary forms and obtain the necessary permits from the Menlo Park Fire Protection District, San Mateo County Environmental Health Services Division, West Bay Sanitary District, and other applicable agencies. Please complete this form and attach additional sheets as necessary.

List the types of hazardous materials by California Fire Code (CFC) classifications. This
list must be consistent with the proposed Hazardous Materials Inventory Statement
(HMIS), sometimes referred to as a Chemical Inventory. (The HMIS is a separate
submittal.)

Please see attached spreadsheet.

- 2. Describe how hazardous materials are handled, stored and monitored to prevent or minimize a spill or release from occurring (e.g., secondary containment, segregation of incompatibles, daily visual monitoring, and flammable storage cabinets).
  - Flammable materials will be stored within rated storage cabinets and segregated by hazard class. Storage areas for chemicals will be monitored by lab staff during normal business hours (visual). Weekly documented inspections of hazardous waste storage areas are performed.
- 3. Identify the largest container of chemical waste proposed to be stored at the site. Please identify whether the waste is liquid or solid form, and general safeguards that are used to reduce leaks and spills.
  - The largest waste container will be 5-gallon capacity. All liquid wastes are secondarily contained, and a Spill Kit is stored on site.

4. Please explain how hazardous waste will be removed from the site (i.e. licensed haulers, or specially trained personnel).

Licensed waste haulers will be used. If Forty Seven qualifies as a Very Small Quantity Generator, they may use the San Mateo County VSQG disposal program.

- 5. Describe employee training as it pertains to the following:
  - a. Safe handling and management of hazardous materials or wastes:
  - b. Notification and evacuation of facility personnel and visitors;
  - c. Notification of local emergency responders and other agencies;
  - d. Use and maintenance of emergency response equipment;
  - e. Implementation of emergency response procedures; and
  - f. Underground Storage Tank (UST) monitoring and release response procedures.

Lab employees receive training on management of chemicals and waste. All employees receive training on what do do in case of emergencies, including chemical spills. The site's emergency response plan includes procedures to notify first responders and make reports to outside agencies. There are no USTs at the site.

6. Describe documentation and record keeping procedures for training activities.

All training is documented, and training records are kept by the Manager responsible for safety issues.

7. Describe procedures for notifying onsite emergency response personnel and outside agencies (e.g. Fire, Health, Sanitary Agency-Treatment Plant, Police, State Office of Emergency Services "OES") needed during hazardous materials emergencies.

The procedures for notifying emergency response personnel and outside agencies are contained in the site's written emergency response plan. This plan describes various emergency scenarios and specifically who to call and how to respond, internally and in conjunction with responding agencies.

8. Describe procedures for immediate inspection, isolation, and shutdown of equipment or systems that may be involved in a hazardous materials release or threatened release.

EHS/Facilities personnel are authorized to shut down utilities if a spill requires such action. Spills are contained using materials from Spill Kit, and if larger than internal capabilities, the outside emergency response contractor is called. If danger exists, MP FPD is also called.

9. Identify the nearest hospital or urgent care center expected to be used during an emergency.

Stanford Hospital, Palo Alto

v:\handouts\approved\hazardous materials information form.doc

# Forty Seven Hazardous Materials Inventory

Chemical	Primary Fire Code Class	Secondary Fire Code Class	S, L or G?	Initial Storage Quantity	Projected Storage Quantity
Histo Clear	Comb II		L	1 gal	2 gal
Total Combustible II					2 gal
2-Mercaptoethanol	Comb IIIA	toxic	L	25 ml	100 ml
ionomycin	Comb IIIA		L	1 mg	100 mg
Paraformaldehyde	Comb IIIA	Corrosive	L	300 ml	1 L
protease inhibitor cocktail	Comb IIIA	Corrosive	L	1 ml	100 ml
			Total	Combustible IIIA	0.34 gal
(+)-alpha-tocopherol acetate	Comb IIIB		L	10 g	100 g
Dimethyl Sulfoxide	Comb IIIB		L	450 ml	1 L
formamide	Comb IIIB		L	600 ml	2 L
glycerol	Comb IIIB		L	1 L	2 L
Monothioglycerol	Comb IIIB		L	25 ml	100 ml
Triton X-100	Comb IIIB		L	200 ml	500 ml
300.000	- William		Total	Combustible IIIB	1.5 gal
acetic acid	Corrosive		L	1L	1 gal
bleach	Corrosive		L	7 gal	12 gal
bouin's fluid	Corrosive		L	1 gal	
Coomassie Brilliant Blue G-250	Corrosive		L	1L	1 gal
decalcifier	Corrosive		L	1.25 gal	3 gai
Hydrochloric acid	Corrosive		L	500 ml	0.5 gal
N,N'-dicyclohexylcarbodiimide	Corrosive	toxic	L	0	0.5 gal
Paraformaldehyde 4%	Corrosive	flam solid	S	25 g	0.5 lb
pefabloc SC	Corrosive		S	100 mg	0.5 lb
phenylmethanesulfonyl fluoride	Corrosive	toxic	S	1 g	0.5 lb
phosphoric acid	Corrosive		L	100 ml	0.5 gal
ponceau s solution	Corrosive		L	1 L	1 gai
potassium hydroxide	Corrosive	WR1, toxic	L	100 ml	0.26 gai
trizol	Corrosive	toxic	L	100 ml	0.26 gal
Sulfuric acid, 2.5N	Corrosive	WR1, toxic	L	1 L	
waste corrosives	Corrosive		L	1 gal	5 ga
				Total Corrosives	27.5 gal +1.5 lb
		Total Corrosives (			
Nitrogen (liquid)	Cryogen		L	600 L	250 ga
	Total Inert Cryogens 250 gal				250 gal
2-propanol	Flam IB		L	5 L	1
Acetone	Flam IB		L	1 L	
Ethanol	Flam IB		L	1.5 ga	
HARLECO EMC Hemacolor Solution I	Flam IB		L	4 L	
Methanol	Flam IB		L	8 L	Ť
Waste solvents	Flammable			1	

# Forty Seven Hazardous Materials Inventory

Chemical	Primary Fire Code Class	Secondary Fire Code Class	S, L or G?	Initial Storage Quantity	Projected Storage Quantity
			Tot	tal Flammable IB	17 gal
1-butanol	Flam IC		L	500 ml	1 gal
Total Flammable IC 1					1 gal
(S)-( )-Camptothecin	Toxic		S	100 mg	0.5 lt
phenylephrine hydrochloride	Toxic			5 g	0.5 lt
verapamil hydrochloride	Toxic			1 g	0.5 lb
XAV939	Toxic			5 mg	0.5 lb
				Total Toxics	2 lb
		Total Toxics (	including sec	ondary hazards)	27.5 lb
Arsenic Trioxide	H toxic	corrosive	s	5 g	10 g
cytochalasin D	H toxic	corrosive	s	5 mg	15 mg
potassium cyanide	H toxic		S	25 g	50 ç
	Total Highly Toxics				0.15 lb
Carbon dioxide	NFG		G	976 cf	1952 c
Nitrogen	NFG		G	488 cf	976 c
				Total Inert Gases	2928 cf
Oxygen	OX gas		G	488 cf	976 c
			Total	Oxidizing Gases	976 cf
caffeine	WR3		S	5 g	15 (
potassium chloride	WR 1		L	100 ml	200 m
			Total Water	Reactive Class 1	0.8 gal
			Total Water	Reactive Class 2	0
			Total Water	Reactive Class 3	0.05 gal



### DEVELOPMENT SERVICES PLANNING DIVISION

Contact: Tom Smith 650-330- 6730 or tasmith@menlopark.org

701 Laurel Street Menlo Park, CA 94025 PHONE (650) 330-6702 FAX (650) 327-1653

## AGENCY REFERRAL FORM RETURN DUE DATE: Thursday, May 24, 2016

DATE: May 10, 2016

TO: CITY OF MENLO PARK BUILDING DIVISION

701 Laurel Street Menlo Park, CA 94025 (650) 330-6704

Applicant	plicant Forty Seven, Inc.			
Applicant's Address	Applicant's Address 1490 O'Brien Drive, Menlo Park, CA 94025			
Telephone/FAX	Tel: 650-508-8018 (Consu	ltant)		
Contact Person	Ellen Ackerman (1140 O'B	Brien Drive)		
Business Name	Forty Seven, Inc.			
Type of Business	Forty Seven is a smaller research and development company hoping to grow to about 40 employees in their new headquarters at 1490 O'Brien Dr. in Menlo Park. The company is developing novel therapeutics (i.e. anti-CD47) to treat cancer patients. Their new facility will include a vivarium (small animal facility) to aid in research efforts. Forty Seven will use small quantities of some hazardous materials within their properly equipped labs (fume hoods, etc.) on the first floor. Forty Seven will not manufacture any materials for sale at the O'Brien site, but will produce small batches of special proteins from cell culture of 10-100 L/yr.			
Project Address 1490 O'Brien Drive, Menlo Park, CA 94025				
	FOR OFFICE	E USE ONLY		
<ul> <li>□ The hazardous materials listed are not of sufficient quantity to require approval by this Division.</li> <li>□ The Building Division has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable California Building Code requirements.</li> <li>□ The Building Division has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures).</li> <li>The applicant's proposal has been reviewed by the City of Menlo Park's Building Division by:</li> </ul>				
Signature/Date Name/Title (printed)				
		Ron LaFrance, Building Official		
Comments:				



# DEVELOPMENT SERVICES PLANNING DIVISION

Contact: Tom Smith 650-330- 6730 or tasmith@menlopark.org

701 Laurel Street Menlo Park, CA 94025 PHONE (650) 330-6702 FAX (650) 327-1653

### AGENCY REFERRAL FORM RETURN DUE DATE: Thursday, May 24, 2016

DATE: May 10, 2016

TO:

MENLO PARK FIRE PROTECTION DISTRICT

Jon Johnston

170 Middlefield Road Menlo Park, CA 94025

(650) 323-2407

Applicant	Forty Seven, Inc.			
Applicant's Address	1490 O'Brien Drive, Menlo Park, CA 94025			
Telephone/FAX	Tel: 650-508-8018 (Consultant)			
Contact Person	Ellen Ackerman (1140 O'Brien Drive)			
Business Name	Forty Seven, Inc.			
Type of Business	Forty Seven is a smaller research and development company hoping to grow to about 40 employees in their new headquarters at 1490 O'Brien Dr. in Menlo Park. The company is developing novel therapeutics (i.e. anti-CD47) to treat cancer patients. Their new facility will include a vivarium (small animal facility) to aid in research efforts. Forty Seven will use small quantities of some hazardous materials within their properly equipped labs (fume hoods, etc.) on the first floor. Forty Seven will not manufacture any materials for sale at the O'Brien site, but will produce small batches of special proteins from cell culture of 10-100 L/yr			
Project Address	1490 O'Brien Drive, Menlo Park, CA 94025			
FOR OFFICE USE ONLY				
The hazardous materials listed are not of sufficient quantity to require approval by this agency.  The Fire District has reviewed the applicant's plans and use of listed hazardous materials/chemicals and has found the proposal to be in compliance with all applicable Fire Codes.				
☐ The Fire District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures).				
The applicant's proposal has been reviewed by the Menlo Park Fire Protection District by:				
Signature/Date  SIMPKINGS N  SIMPKINGS N  CONTRACT FIRE INSPECTOR				
Comments: PROPOSIED USE DOES NOT PRESENT ANY				
FLIRA OR DIN	ARY MAZARDS. APPLICANT WILL BE SUBJE			



### DEVELOPMENT SERVICES PLANNING DIVISION

Contact: Tom Smith 650-330- 6730 or tasmith@menlopark.org

701 Laurel Street Menlo Park, CA 94025 PHONE (650) 330-6702 FAX (650) 327-1653

# AGENCY REFERRAL FORM RETURN DUE DATE: Thursday, May 24, 2016

DATE: May 10, 2016

TO: SAN MATEO COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION

Darrell Cullen, Hazardous Materials Specialist San Mateo County Environmental Health 2000 Alameda de las Pulgas, Ste 100 San Mateo, CA 94403

(650) 372-6235

Applicant	plicant Forty Seven, Inc.		
Applicant's Address	1490 O'Brien Drive, Menlo Park, CA 94025		
Telephone/FAX	Tel: 650-508-8018 (Consu	ltant)	
Contact Person	Ellen Ackerman (1140 O'B	rien Drive)	
Business Name	Forty Seven, Inc.		
Type of Business	Forty Seven is a smaller research and development company hoping to grow to about 40 employees in their new headquarters at 1490 O'Brien Dr. in Menlo Park. The company is developing novel therapeutics (i.e. anti-CD47) to treat cancer patients. Their new facility will include a vivarium (small animal facility) to aid in research efforts. Forty Seven will use small quantities of some hazardous materials within their properly equipped labs (fume hoods, etc.) on the first floor. Forty Seven will not manufacture any materials for sale at the O'Brien site, but will produce small batches of special proteins from cell culture of 10-100 L/yr		
Project Address	Project Address 1490 O'Brien Drive, Menlo Park, CA 94025		
	FOR OFFICE		
☐ The hazardous mater	ials listed are not of sufficier	nt quantity to require approval by this agency.	
	☐ The Health Department has reviewed the applicant's plans and use of listed hazardous materials/chemicals and has found the proposal to be in compliance with all applicable Codes.		
□ The Health Department has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures). The Health Department will inspect the facility once it is in operation to assure compliance with applicable laws and regulations.  The applicant's proposal has been reviewed by the San Mateo County Environmental Health Services Division by:			
Signature/Date Amy E [	Signature/Date Amy E DeMasi 5-20-16 Name/Title (printed) 650-339-5849		
Comments: Facility will	Comments: Facility will be regulated by San Mateo Co Env Health for storage of bazardous materials and		

Comments: Facility will be regulated by San Mateo Co Env Health for storage of hazardous materials and generation of hazardous waste. Please submit electronic HMBP and contact inspector.



# DEVELOPMENT SERVICES PLANNING DIVISION

701 Laurel Street Menlo Park, CA 94025 PHONE (650) 858-3400 FAX (650) 327-5497

#### AGENCY REFERRAL FORM

DATE: May 12th, 2016

TO: WEST BAY SANITARY DISTRICT

500 Laurel Street Menlo Park, CA 94025 (650) 321-0384

Applicant	Forty Seven, Inc.			
Applicant's Address	1490 O'Brien Drive, Menlo Park, CA 94025			
Telephone/FAX	Tel: 650-508-8018 (Consultant, see below)			
Contact Person	Ellen Ackerman of Green Environment (650- 508-8018)			
Business Name	Forty Seven, Inc.			
Type of Business	Forty Seven is a smaller research and development company hoping to grow to about 40 employees in their new headquarters at 1490 O'Brien Dr. in Menlo Park. The company is developing novel therapeutics (i.e. anti-CD47) to treat cancer patients. Their new facility will include a vivarium (small animal facility) to aid in research efforts. Forty Seven will use small quantities of some hazardous materials within their properly equipped labs (fume hoods, etc.) on the first floor. Forty Seven will not manufacture any materials for sale at the O'Brien site, but will produce small batches of special proteins from cell culture of 10-100 L/yr			
Project Address	1490 O'Brien Drive, Menlo Park, CA 94025			

### FOR OFFICE USE ONLY The hazardous materials listed are not of sufficient quantity to require approval by this agency. The Sanitary District has reviewed the applicant's proposed plans and use of listed hazardous materials/chemicals and has found that the proposal meets all applicable Code requirements. The Sanitary District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures to be made a part of the City's Use Permit approval (please list the suggested conditions and mitigation measures). The applicant's proposal has been reviewed by the West Bay Sanitary District by: \_\_\_\_\_Jed Beyer Inspector Name/Title (printed) Signature/Date Web 5-12-16 Phil Scott / District Manager Comments: This facility will require a walkthrough inspection within the first month of occupancy. Please see that WBSD and SVCW are listed as Emergency Contacts in the event of an accidental spill/discharge to the sanitary sewer system.

### **Community Development**



#### **STAFF REPORT**

Planning Commission
Meeting Date: 8/15/2016
Staff Report Number: 16-068-PC

Public Hearing: Architectural Control, Use Permit, Below Market

Rate (BMR) Rental Housing Agreement/650 Live

Oak LLC/650-660 Live Oak Avenue

#### Recommendation

Staff recommends that the Planning Commission approve a request for architectural control and a use permit to demolish an existing commercial building (on a parcel zoned SP-ECR/D) and two residential units (on a substandard parcel zoned R-3), and construct a new linked office-residential mixed use development at 650-660 Live Oak Avenue. The project would include 16,854 square feet of non-medical office and 17 dwelling units. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of two Below Market Rate (BMR) housing units, where only 0.53 units are required, to be memorialized via a BMR Rental Housing Agreement. A new public plaza would also be provided as a benefit. The recommended actions are included as Attachment A.

#### **Policy Issues**

Each architectural control, use permit, and BMR Rental Housing Agreement request is considered individually. The Planning Commission should consider whether the required architectural control and use permit findings can be made for the proposal, and whether the BMR proposal would be in compliance with the BMR Ordinance and Guidelines.

#### **Background**

#### Site location

The subject site is located at 650-660 Live Oak Avenue, just off the El Camino Real corridor. A location map is included as Attachment B. The project site is comprised of two parcels, with the following attributes:

	Table 1: Project Parcels			
	650 Live Oak Ave	660 Live Oak Ave		
Zoning District SP-ECR/D (El Camino Real/Downtown Specific Plan)		R-3 (Apartment)		
General Plan Land Use Designation	El Camino Real/Downtown Specific Plan	Medium-Density Residential		
Lot Size 22,473 square feet		7,799 square feet		
Current Use	Office building	Two residential units		

Due to Zoning Ordinance requirements for mixed-zoning properties, the parcels would not be merged as part of the project. Each parcel would adhere to its respective Zoning District regulations (setbacks, Floor

Area Ratio (FAR), etc.), although the project would represent a unified proposal, with easements or similar mechanisms used to link certain elements (e.g., access).

The other nearby El Camino Real-fronting parcels are also part of the SP-ECR/D zoning district and are occupied by a mix of uses, including retail stores, restaurants and cafes, personal services, offices, and a movie theater. Like the parcel at 650 Live Oak Avenue, these nearby properties are within the Specific Plan's ECR SW (El Camino Real South-West) sub-district. The R-3 district is the predominant zoning district along the rest of Live Oak Avenue, and these properties are occupied by a mixture of residential types. Much of the nearby development is between one and two stories in scale, although three- and four-story office buildings are located close by, on the opposite side of El Camino Real.

#### Previous Planning Commission review

The Planning Commission held a study session on May 18, 2015 on the Public Benefit Bonus and the overall proposal, including design and aesthetics. The project at this time proposed as its Public Benefit a community garden and one BMR unit. At this meeting, the Planning Commission provided comments for the consideration of the applicant and staff. In general, staff understood the Planning Commissioners' feedback regarding the community garden to be mixed or unfavorable, while the BMR element was regarded more positively. Staff also believes that the Commission comments regarding the overall design and land uses were generally positive. The applicant has since revised the Public Benefit to include two BMR units, as well as a public plaza in lieu of a community garden, as is discussed in more detail in a following section.

#### Housing Commission recommendation

On March 2, 2016, the Housing Commission considered a Draft Below Market Rate Housing (BMR) Agreement Term Sheet associated with the proposal. At that time, the applicant was still proposing to address the BMR requirements by providing one BMR unit. The Housing Commission unanimously recommended approval of the term sheet at this meeting. The applicant has since revised the proposal to include two BMR units, as is discussed in more detail in a following section. Staff believes this revision is consistent with the Housing Commission earlier recommendation, since the change would be an enhancement.

#### **Analysis**

#### **Project description**

The applicant is proposing to demolish the existing site improvements and construct a new mixed-use residential-office development. The proposal would include two BMR units and a public plaza as a public benefit. While the 650 and 660 Live Oak Avenue properties would remain separate parcels, no additional subdivisions are proposed; all of the residences would be rental in nature.

On the 650 Live Oak Avenue parcel, two three-story buildings would be constructed over a two-level underground garage. A mixed-use building would feature non-medical office at the front of the ground floor and on the second and third levels, with five residences (four studios and one one-bedroom unit) at the rear of the ground level. At the rear of the parcel, a residential building would feature five one-bedroom units and five two-bedroom units. An outdoor courtyard would separate the two structures.

The development would exceed the Base level density/intensity standards of the ECR SW sub-district, as may conditionally be permitted with provision of a negotiated Public Benefit Bonus, as follows:

	Table 2: Density/Intensity		
	Base Level Public Benefit Bonus Level		Proposed
FAR (Overall)	1.1	1.5	1.5
FAR (Non-Medical Office)	0.55	0.75	0.75
Dwelling Units/Acre	25	40	29.1

The structures on this parcel would adhere to the ECR SW sub-district height maximums, which have an overall limit of 38 feet and a façade height limit of 30 feet on the front and rear. In this case, "rear" refers to the boundary of the Specific Plan area, which is the functional left side of the parcel, adjacent to 660 Live Oak Avenue. The façade limit on this side serves as a transition between the more active and varied SP-ECR/D district along El Camino Real, and the lower-scale and residential-oriented R-3 area along the remainder of Live Oak Avenue. Within the Specific Plan, new construction requires architectural control approval. Both office uses and residential units are permitted uses in the El Camino Real Mixed Use Land Use Designation. As specified by the Specific Plan, the development would be required to achieve LEED Silver certification (condition 6b).

On the 660 Live Oak Avenue parcel, a public plaza would be located at the front of the lot, and a two-unit residential structure (consisting of two three-bedroom residences) would be located at the middle/rear of the lot. Because this parcel has a substandard width, use permit approval is required for this construction. The development on this parcel would adhere to the standard R-3 zoning district requirements, with a 0.45 maximum FAR and a parcel-size-based limit of two dwelling units. The two residences would be distinct visually, but would be structurally attached (condition 6i). Parking for these units would be provided in the 650 Live Oak Avenue underground garage, with access provided by an elevator, stair, and pathway.

A data table summarizing parcel and project attributes is included as Attachment C. The FAR has been calculated per the definition of gross floor area (GFA), which counts the full size of a building, with limited exceptions for elements such as covered parking (including bicycle parking), trash/recycling enclosures, vent shafts, non-habitable areas, enclosures for noise-generating equipment, and porches and similar areas that are open. The project plans are included as Attachment D, and the applicant's project description letter and public benefit bonus proposal are included as part of Attachment E.

#### Design and materials

Staff has prepared a detailed Standards and Guidelines Compliance Worksheet (Attachment F), which discusses all relevant Specific Plan Chapter E (Land Use and Building Character) requirements in detail. The proposal complies with all standards (which are required), and the majority of guidelines (which are recommended). Where guidelines are only partially complied with, the basis/context for that is noted.

#### Design concept, organization and spatial characteristics

The proposal consists of two properties, 650 and 660 Live Oak Avenue, which are treated as part of one architectural and programmatic composition. Office and public space uses would be located along the street, and housing would be located behind, with most housing placed in structures detached from the three-story office building. The public entry to the office structure would be along the Live Oak Avenue public sidewalk, and would be delineated by a recessed section of the façade and an overhead canopy. Public access to all housing would be by a walkway abutting the left side wall of the office building (i.e., along the shared property line between the two properties), with a secondary pedestrian pathway at the right side of the property.

Parking for all uses on both properties would be underground within a two-level underground structure located on the 650 Live Oak Avenue property. Vehicular access to the parking garage would be at a street-facing opening in the building façade at the left-front corner of the office building. An elevator and a stair would be provided from the parking levels to the courtyard to allow access to all residences, separate from the elevator and stair to the office structure.

The office structure would have open space with terraces on the second and third levels. The housing would be organized around a courtyard, with most of the units similar to stacked townhouses. The courtyard would provide a common open space for the residential units. The overall placement of program, with the more active office building facing the street and the more private housing behind, would create a balanced mixed-use project.

#### Materials

In regard to building materials, finishes, and colors, the design would feature grey architectural concrete, metal panels with clear or near black color depending on location, cream-colored limestone tiles with a honed finish (smooth but not glossy), medium-grey, integrally-colored, smooth texture exterior plaster, and cedar siding with a clear finish. Metal panels would also be used for siding at some locations and at the front stair a die-cut metal screen is proposed to wrap the exterior stair at the right-front building corner. Horizontal wood louvered screens set on metal supports would project from the building, to provide visual interest as well as sun shading. Glazing would be clear/near clear, except where fritted glass is used for privacy and set in black metal frames.

Hardscape paving would be used extensively with a mixture of grey concrete paving and grey concrete pavers around the office structure, within the public plaza, and for walkways connecting to the rear portion of the lot. The residential courtyard over the podium and extending into the 660 Live Oak Avenue lot would have ipe wood decking.

#### Architectural character

The design's form and massing as seen from the street would be a clean, modern expression of rectangular elements with strongly defined edges in varied materials. The volume of the building would be articulated by wall planes, deck enclosures, and sunshades that project outward from a glazed box. The upper floor of the office building would set back from the building perimeter to create a roof terrace over the second floor, and the roof edge at the upper floor would be expressed as a thin horizontal line rendered in architecture concrete with a deep eave. Mechanical equipment and penthouse structures would be located in the middle of the upper roof and would be screened from view, as required by the Specific Plan.

At the ground level, structural columns would be expressed with glazing behind. Pedestrians along the sidewalk would be able to see into office use spaces and the entry, provided interior window treatments were not used to obscure views into the spaces. The building entry would be treated as a recessed vertical slot with a glass curtain wall and vertical fins. An entry canopy at the ground level would float in the void to provide shelter and signage. The horizontally proportioned limestone tile clad solid forms to each side of the entry with projecting exposed concrete boxes filled with horizontal louver sunshades would anchor the façade at the mid-level of the building.

Overall, the character of the architecture would be a contemporary take on International Style as the major points of the style are suggested by the design, with aspects including: use of pilotis for support and lifting the building above the ground plane, plan and façade organized freely of structure, ribbon windows, and roof gardens. Shading systems at the exterior of the building would also express the modern aesthetic and functional values of modern architecture. The detailing would be clean, with sharp corners and edges

expressed to show off the material variation.

As a contemporary structure, the materiality would be more varied than with early modern precedents. Exposed architectural concrete would be used to create sharp edged forms and express primary building elements such as columns and floor and roof cantilevers, but honed limestone tile, decorative metal panels, and glass are featured as wall surfaces. Landscaping would also be featured on the front elevation, with planters along the edge of the roof over the second level at the street and a green wall along the left side wall of the structure, across from the public plaza.

The residential structures, including the duplex on 660 Live Oak Avenue, would feature a similar modern use of materials and forms, but with more vertical and repetitive forms to accentuate the grouping of individual units and softer use of materials. Horizontal cedar wood siding would be used instead of limestone tile to define rectangular forms, and large, vertically proportioned corner windows would be used along with vertical slots of glazing at the stair towers. Stucco and metal siding panels are also used. The forms would be generally lively, well-proportioned, and visually pleasing. Windows would be set back from the exterior wall surface and treated as a grouping with a thin projecting surround that matches the windows system material. Windows would also continue the detailing at edges of forms and openings that are used in the office structure. While the residential structure would have differences from the office structure, the overall character of the design, materials, and detailing would be similar.

#### Summary

Staff believes that the proposal would produce a visually refined piece of modern architecture with facades that are active and playful (i.e. not too minimal or sterile). Material variation and landscape would augment the development of the forms, and sun shading is provided for much of the glazed surface. As required by the Specific Plan, building entries would be clearly defined by the plan arrangement and in elevation, and usable open spaces would be provided for a variety of functions. Underground parking would have a positive impact on the overall character of the site development.

#### Parking and circulation

#### Vehicular

The two-level underground garage on the 650 Live Oak Avenue site would provide all of the required offstreet parking for the linked development. Easements or similar mechanisms would ensure that the residents of 660 Live Oak Avenue would retain rights for parking and access, even if the properties are subsequently sold. Covered parking and associated circulation (elevators/stairs) is exempt from the FAR calculations, as noted earlier.

The garage would be accessed by a single driveway near the center of the overall project site. One set of stairs and an elevator would provide access from the garage to all office levels of the front building, and another stair and elevator would connect the garage and the center-rear courtyard. The development would provide parking at the following minimum ratios, as required by the Specific Plan and the Zoning Ordinance:

	660 Live Oak Ave	
Residential	1 space per unit (15)	2 spaces per unit (4)
Non-Medical Offices	3.8 spaces per 1,000 square feet of gross floor area (65)	n/a

A total of 84 parking spaces would be provided in the underground garage.

#### Bicycle

The project would provide required bicycle parking for the 650 Live Oak Avenue uses, in both short-term and long-term configurations. Short-term bicycle parking would be provided via racks in the public right-of-way, as well as planters at the front of the office building, which would feature bike parking slots and lock connectors.

Long-term bicycle parking would be located in both garage levels, with access provided both by the garage ramp as well as the elevators and stairs, as well as in under-stair areas in ground-floor residential units. Similar to vehicular parking, covered bicycle parking is exempt from FAR calculations. Along with the bicycle parking on basement level 1, the applicant is proposing to provide a unisex bathroom and shower, for the benefit of bicyclists who may need to clean up and change clothes after a commute. The Zoning Ordinance does not specify whether such areas are included or excluded from FAR, but staff believes this bathroom/shower can be exempted since it would clearly be associated with the bicycle parking, and the FAR has been calculated this way.

The 660 Live Oak Avenue parcel does not have any bicycle parking requirements, but the applicant is proposing that under-stair areas be used for this purpose, which staff supports.

#### Pedestrian

Pathways would be located on both sides of the main front building, providing pedestrian access to the rear residences. The main gate/buzzer system would be at the back right side of the public plaza (on the left side of 650 Live Oak Avenue), with mailboxes also located toward the front of this path.

For the 650 Live Oak Avenue property, the Specific Plan specifies that the Live Oak Avenue sidewalk should have a 12-foot total width, made up of a four-foot furnishings zone and an eight-foot clear walking zone. As shown on the site plan and landscape plan, trees and bicycle racks would be located in the improved furnishings zone, and a minimum of eight feet of unobstructed sidewalk would be provided on the interior side of the furnishings zone. Bicycles locked into the building's integrated planters would extend out perpendicularly, but would not block the clear walking zone. A portion of the sidewalk would extend onto the subject property, so a Public Access Easement (PAE) would be recorded (condition 6c).

#### Trees and Landscaping

The 650 Live Oak Avenue portion of the project would meet the ECR SE minimum open space requirement of 30 percent of the lot, with 55 percent proposed. Most of the open space would be met at ground level through at-grade patios, the front setback, and various landscaped areas. However, the podium level office balconies and the residential rooftop patios would also count toward this requirement, as they would provide usable open space. All residences on 650 Live Oak Avenue would have either a semi-private open space at their entry or a private roof deck, with the exception of one one-bedroom unit.

The 660 Live Oak Avenue portion of the project would likewise exceed the R-3 requirement of 45 percent landscaping, with 72 percent proposed. This parcel's open space would benefit by the public plaza being located on the front third, as well as by the parking being provided in the adjacent underground garage, which would preserve more open space at grade level. The two units at 660 Live Oak Avenue would each have ground level private patios.

The sites do not currently have any heritage trees, and generally feature limited landscaping. However, adjacent sites do feature four heritage trees that could potentially be affected by the proposed construction.

The applicant has submitted an arborist report, which is included as Attachment G. The arborist has established tree protection zones (TPZ) for each of these trees, which are shown on Plan Sheet L0.0. The report and this sheet also specify a number of construction-related preservation measures, and the report states that adherence to these measures would help mitigate or avoid impacts. As part of the project, eight non-heritage trees would be removed, including four street trees that were planted as part of an earlier architectural refresh project at 650 Live Oak Avenue.

The project plans include a landscape plan, which shows a number of new trees being added at the functional rear of the parcel, in order to provide landscape screening between the new residential units on this site, and the adjacent commercial uses. Landscaping would also be added in the interior courtyards, and a consistent treatment of new street trees is proposed at the front. All new trees would be minimum 24-inch box size, with the exception of two specimen trees in the public plaza and at one end of the interior courtyard, which would be 60-inch box size. All landscaping on the site would be required to meet the City's water-efficient landscaping requirements.

The seven screening trees shown within the courtyard (see L1.3) would be planted on the podium in planters. In response to staff inquiries about whether the planters provide sufficient resources for the trees to grow, the applicant's architect and landscape designer have confirmed that they believe these Brisbane box trees will be able to reach sizes that would help screen views between the two buildings on either side of this courtyard.

Along the street, five new street trees are proposed. The planter strip/furnishings zone between the sidewalk and the street would have pockets of landscape (grasses) with bike stands between. The public plaza is shown on the plans to have approximately 2,300 square feet of space located at the front portion of the 660 Live Oak Avenue property and the adjacent edge of the 650 Live Oak Avenue property, which is shared with the residential entry walk (see Plan Sheet A0.2A for open space diagram and tabulation). The space would have landscaping, built-in wood benches, fencing, and planters. The center of the space is shown paved and left open. It would double as a fire truck access during emergencies. The transformer would be located at the back rear corner of this area, and would be screened by a fence.

#### Below Market Rate (BMR) Housing

For the residential component of the proposal, the residences would be rental units, for which the City does not currently have an enforceable Below Market Rate (BMR) requirement. However, the City has BMR requirements for commercial uses, and the proposed increase in office square footage would result in a requirement for 0.53 of one BMR unit.

In this case, the applicant is proposing to designate two of the 15 dwelling units (in particular, one of the one-bedroom residences) on the 650 Live Oak Avenue parcel BMR units, which would comply with the BMR requirements. In acknowledgement of exceeding the minimum requirement, the applicant is requesting that the remainder requirement (1.47 unit) be considered a public benefit, as discussed in the following section. The BMR requirement would be memorialized through the BMR Rental Housing Agreement, included as Attachment H. As noted earlier, the Housing Commission recommended approval of the earlier proposal for one BMR unit, and staff believes that the enhanced proposal for two BMR units remains in compliance with that recommendation. The applicant has provided a few questions on the BMR Agreement that are under consideration by the City Attorney, and as a result some updates may be provided at the August 15, 2016 Planning Commission meeting, although staff does not expect they will affect the substance of the BMR proposal.

The City is currently considering changes to the BMR requirements, which could include increases to

existing commercial fees and/or the adoption of new requirements for rental housing projects. As part of any such potential changes, the City Council will consider whether pending projects would be required to adhere to new regulations, or whether waivers or discounts would be applied to proposals that are already in the development pipeline. As a result, the subject proposal could be required to address new/modified BMR requirements in the future, depending on the results of the future City Council action on that topic, and whether the project has received vested rights by that point.

#### **Public Benefit Bonus**

The Specific Plan establishes two tiers of development:

- <u>Base</u>: Intended to inherently address community goals, such as: encourage redevelopment of underutilized parcels, activate train station area and increase transit use, and enhance downtown vibrancy and retail sales.
- <u>Public Benefit Bonus</u>: Absolute maximums subject to provision of negotiated public benefit. A public study session is required prior to a full application, and is informed by appropriate fiscal/economic analysis. The list of recommended public benefits was also expanded with public suggestions, and a process was established to review and revise the list over time.

The proposed development at 650 Live Oak Avenue would be at 1.50 FAR at the Public Benefit Bonus level, and would exceed the Base level density/intensity standards of 1.10 FAR. The maximum residential density of 29.2 dwelling units per acre (du/ac) would likewise exceed the Base-level limit of 25 du/ac, but would be below the Public Benefit Bonus level limit of 40 du/ac.

The applicant is proposing to provide two full BMR housing units as the primary public benefit, where only 0.53 of a BMR unit is required based on current BMR regulations. The two BMR units would be located at the rear ground level of the office-residential building, and would consist of a studio and a one-bedroom unit. Like all residences on the property, these would be rental (apartment) units.

As noted earlier, the Planning Commission previously held a study session on the project and the initial public benefit proposal of a community garden and one BMR unit, and staff believes the Planning Commission's feedback on the garden was not generally positive, while the BMR provision appeared to be viewed more positively. The approved excerpt minutes from this meeting are included for reference as Attachment I.

Staff believes the enhanced proposal to provide two BMR units would help address the Commission's stated desire to see more affordable housing in this area. The Specific Plan lists "affordable residential units" as one potential public benefit basis. Although this is a general recommendation without specific standards for evaluation, the proposal's additional 1.47-unit BMR increment would represent a 2.8-fold increase above the project's minimum BMR requirement, which staff considers significant.

With regard to the value of the BMR units, the City's current BMR in-lieu fees would equate a 1.47-unit requirement with \$490,029. This estimate would well exceed the \$339,000 in additional profit that the City's independent fiscal consultant estimated would be created by developing at the Public Benefit Bonus level, versus a likely Base level alternative project.

The applicant is also proposing to provide a public plaza in the space previously proposed for a community garden. Staff believes this would be an attractive feature, although its location and limited program could minimize its benefit to the public (in contrast to the approved plaza at 1020 Alma Street, which will be located in a more central area and activated with a coffee kiosk). This plaza could be of more value to

occupants of the office building and residential units, and would also serve as a fire truck staging area. However, as it is proposed for public use, it would be part of the project if the overall development is approved.

#### Trash and recycling

The development would have a shared trash and recycling area at the right side of the 650 Live Oak Avenue mixed-use building. The bins would be wheeled out to the street on the service day for collection. The plans have been reviewed and tentatively approved by the City's refuse collector, Recology.

#### Correspondence

Staff has not received any correspondence regarding the proposal.

#### Conclusion

Staff believes that the proposal would produce a visually refined piece of modern architecture with facades that are active and playful. Material variation and landscape would augment the development of the forms, and sun shading is provided for much of the glazed surface. Underground parking would have a positive impact on the overall character of the site development. The proposal would adhere to the extensive standards and guidelines established by the Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet.

Vehicular and bicycle parking requirements would be met, and the development would also provide a positive pedestrian experience. New trees and landscaping would be planted throughout the site, and the open space for both parcels would exceed the minimum standards. The provision of two BMR units would significantly exceed the minimum BMR requirements, and staff believes this can be considered a public benefit. The plaza would also be an attractive amenity, although staff considers it to be of lesser importance to the public. Staff recommends that the Planning Commission approve the architectural control, use permit, and BMR Rental Housing Agreement requests.

#### **Impact on City Resources**

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project. In addition, the proposed development would be subject to payment of Transportation Impact Fee (TIF), Specific Plan Transportation Infrastructure Proportionate Cost-Sharing Fee, and the El Camino Real/Downtown Specific Plan Preparation Fee. These required fees were established to account for projects' proportionate obligations.

#### **Environmental Review**

An Initial Study and Mitigated Negative Declaration, collectively referred to as the MND, have been prepared and circulated for public review in compliance with the California Environmental Quality Act (CEQA). The public review period began on July 25, 2016 and ends on August 15, 2016. The MND is available for review at the Planning Division office and library reference desk during business hours. The MND is also available for review on the City's website

(http://www.menlopark.org/ArchiveCenter/ViewFile/Item/4442). As of the preparation of this staff report, staff has received not received any correspondence on the MND.

The MND analyzes the potential environmental impacts of the project across a wide range of impact areas.

In general, the MND determines that the development on 650 Live Oak Avenue (which is in the El Camino Real/Downtown Specific Plan) is consistent with the program Environmental Impact Report (EIR) that was prepared for the Specific Plan, and that the development on 660 Live Oak Avenue (which is in the R-3 zoning district) represents a minimal change since the existing two dwelling units would be replaced with two new residences.

Relevant mitigation measures from the Specific Plan program EIR have been applied and would be adopted as part of the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment J. Full compliance with the MMRP would be ensured through condition 6a. Mitigations include construction-related best practices regarding air quality and noise, air filtration for the residential units, payment of transportation impact-related fees (condition 6h), and implementation of a Transportation Demand Management (TDM) program. No new significant impacts have been identified for the proposed project.

The MMRP includes two fully completed mitigation measures relating to cultural resources. For Mitigation Measure CUL-1: due to the age of the structures being greater than 50 years, a historic resource evaluation was conducted by a qualified architectural historian and concluded that the 650 Live Oak Avenue structure is not a historic resource. For Mitigation Measure CUL-2a: a cultural resources study performed by a qualified archaeologist/cultural resources professional determined that the proposed project would have no impact on cultural resources. All studies and documents are available for review upon request.

#### Specific Plan Maximum Allowable Development

Per Section G.3, the Specific Plan establishes the maximum allowable net new development as follows:

Residential uses: 680 units; and

Non-residential uses, including retail, office and hotel: 474,000 square feet.

These totals are intended to reflect likely development throughout the Specific Plan area. As noted in the Plan, development in excess of these thresholds would require amending the Specific Plan and conducting additional environmental review.

If the project is approved and implemented, the Specific Plan Maximum Allowable Development would be revised to account for the net changes on the 650 Live Oak Avenue parcel as follows:

Table 4: Specific Plan Max	able 4: Specific Plan Maximum Allowable Development		
	Dwelling Units S		
Existing	0	5,996 sq.ft.	
Proposed	15	16,854 sq.ft.	
Net Change	15	+10,858 sq.ft.	
% of Maximum Allowable Development	+2.2%	+2.3%	

#### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject property.

#### **Appeal Period**

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

#### **Attachments**

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Specific Plan Standards and Guidelines Compliance Worksheet
- G. Arborist Report
- H. Draft BMR Rental Housing Agreement
- I. Planning Commission Approved Excerpt Minutes May 18, 2016
- J. Mitigation Monitoring and Reporting Program (MMRP)

#### **Disclaimer**

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 Community Development Department.

#### **Exhibits to Be Provided at Meeting**

Color and materials board

Report prepared by:

Thomas Rogers, Principal Planner

#### 650-660 Live Oak Avenue – Attachment A: Recommended Actions

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

**REQUEST:** Request for architectural control and a use permit to demolish an existing commercial building (on a parcel zoned SP-ECR/D) and two residential units (on a substandard parcel zoned R-3), and construct a new linked office-residential mixed use development. The project would include 16,854 square feet of non-medical office and 17 dwelling units. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of two Below Market Rate (BMR) housing units, where only 0.53 units are required. A new public plaza would also be provided.

DECISION ENTITY: Planning
Commission

DATE: August 16, 2016

ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

- 1. Make the following findings relative to the environmental review of the proposal and adopt the Mitigated Negative Declaration:
  - a. A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;
  - b. The Planning Commission has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period;
  - c. 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;
  - d. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment J), which is approved as part of this finding; and
  - e. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 10,858 square feet of non-residential uses and 15 dwelling units, accounting for the 650 Live Oak Avenue parcel's net share of the Plan's overall projected development and associated impacts.
- 2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F).
- 3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and

**PAGE**: 1 of 7

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

<b>DECISION ENTITY:</b> Planning	<b>DATE:</b> August 16, 2016	ACTION: TBD
Commission		

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

- 4. Approve the Below Market Rate Rental Housing Agreement. (Attachment H).
- 5. Approve the architectural control and use permit subject to the following *standard* conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Brick, consisting of 82 plan sheets, dated received on August 4, 2016, and approved by the Planning Commission on August 15, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
  - e. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
  - f. Prior to building permit issuance, applicant shall coordinate with California Water Company to confirm the existing water mains and service laterals meet the domestic and fire flow requirements of the project. If the existing water main and service laterals are not sufficient as determined by California Water Company, applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements.
  - g. Prior to building permit issuance, applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are not sufficient as determined by West Bay Sanitary District, applicant may, as part of the project, be required to construct and install new sanitary sewer mains and service laterals sufficient to meet such

**PAGE**: 2 of 7

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

DECISION ENTITY: Planning<br/>CommissionDATE: August 16, 2016ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

requirements.

- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
- i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a building permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection.
- k. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection
- I. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.
- m. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an Off-Site Improvements Plan for review and approval of the Engineering Division. The Off-Site Improvements Plan shall include all improvements within public

**PAGE**: 3 of 7

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

<b>DECISION ENTITY:</b> Planning	<b>DATE</b> : August 16, 2016	ACTION: TBD
Commission		

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

right-of-way including water and sanitary sewer. The Off-Site Improvements Plan shall be approved prior to issuance of a building permit.

- n. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- o. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- p. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division.
- q. Simultaneous with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
- r. Prior to issuance of building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- s. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.
- t. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization

**PAGE**: 4 of 7

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

DECISION ENTITY: Planning
Commission

DATE: August 16, 2016

ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.

- u. The applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.
- v. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations of the arborist report prepared by Arbor Resources, dated October 30, 2015.
- w. All Public Works fees are due prior to issuance of building permit. Refer to City of Menlo Park Master Fee Schedule.
- 6. Approve the architectural control and use permit subject to the following *project-specific* conditions:
  - a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment J). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
  - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.
  - c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft Public Access Easement (PAE) along the property frontage to accommodate the full 12-foot wide sidewalk (as measured from back of curb) along the frontage of 650 Live

**PAGE**: 5 of 7

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

<b>DECISION ENTITY:</b> Planning	<b>DATE:</b> August 16, 2016	ACTION: TBD
Commission		

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

Oak Avenue, as well as the public plaza on 660 Live Oak Avenue. Said PAE dedication shall be subject to review and approval of the Engineering and Transportation Divisions, and shall be accepted by the City Council and recorded with the San Mateo County Recorder's Office prior to building permit final inspection.

- d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a utility plan that shows undergrounding of overhead utilities, subject to the approval of the Engineering Division.
- e. Simultaneous with the submittal of a complete building permit application, stormwater main size and horizontal alignment shall be designed to the satisfaction of City Engineer.
- f. Covenants, Conditions & Restrictions (CC&Rs) will be required for the development as a whole (both properties), addressing overlapping topics such as shared parking and access, stormwater treatment areas, and storm drains. CC&R's need to be submitted, reviewed, and approved by Planning, Public Works, and the City Attorney prior to building permit issuance. Easements, deed restrictions, or other alternate mechanisms may be used for these requirements, as specified by the City Attorney.
- g. Prior to issuance of building permit, the applicant shall submit the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$35,849.25 (\$1.13 x 10,725 net new square feet).
- h. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. Such fees include:
  - i. The TIF is estimated to be \$79,175.99. This was calculated by multiplying the fee of \$4.63 per square foot for office space by the net new office space of 10,858 s.f. and multiplying the fee of \$1,927.02 per multi-family by 15 net new multi-family units. Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.
  - ii. The City has adopted a Supplemental Transportation Impact Fee for the infrastructure required as part of the Downtown Specific Plan. The fee is calculated at \$379.40 per PM peak hour vehicle trip. The proposed project is estimated to generate 36 PM peak hour trips, so the supplemental TIF is estimated to be \$13,658.40. Payment is due before a building permit is issued and the supplemental

**PAGE**: 6 of 7

#### 650-660 Live Oak Avenue – Attachment A: Recommended Actions

<b>LOCATION:</b> 650-660	PROJECT NUMBER:	APPLICANT: 650 Live	OWNER: Carol Ann
Live Oak Avenue	PLN2014-00068	Oak LLC	Johnston Trust

**REQUEST:** Request for architectural control and a use permit to demolish an existing commercial building (on a parcel zoned SP-ECR/D) and two residential units (on a substandard parcel zoned R-3), and construct a new linked office-residential mixed use development. The project would include 16,854 square feet of non-medical office and 17 dwelling units. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of two Below Market Rate (BMR) housing units, where only 0.53 units are required. A new public plaza would also be provided.

DECISION ENTITY: Planning
Commission

DATE: August 16, 2016

ACTION: TBD

VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)

#### **ACTION:**

TIF will be updated annually on July 1st along with the TIF.

i. Simultaneous with the submittal of a complete building permit application, the applicant shall a structural analysis of the proposed 660 Live Oak Avenue structure, verifying that the connection between the two units meets the Zoning Ordinance definition of "Buildings, structurally attached", subject to review and approval of the Building and Planning Division.

**PAGE**: 7 of 7





### OF MENLO PARK

**LOCATION MAP** 650-660 LIVE OAK AVENUE

DRAWN: THR CHECKED: THR DATE: 08/15/16 SCALE: 1" = 300' SHEET: 1



650	LIVE	OAK	AVE
-----	------	-----	-----

	PROPO PROJ		_	TING OPMENT		ONING DINANCE
Lot area	22,473	sf	22,473	sf	n/a	sf min.
Setbacks						
Front	6.8	ft.	1.2	ft.	5-8	ft. minmax.
Rear (left)	10.0	ft.	3.7	ft.	10	ft. min.
Side (right, grnd.)	5	ft.	52.7	ft.	0	ft. minmax.
Side (right, upper)	5	ft.	n/a	ft.	5	ft. minmax.
Side (rear, grnd.)	14	ft.	81.3	ft.	0	ft. minmax.
Side (rear, upper)	14	ft.	n/a	ft.	5	ft. minmax.
Density*	15.0	du	0.0	du	20	du max.
•	29.1	du/acre	0.0	du/acre	40.0	du/acre max.
FAR (Floor Area Ratio)*	33,709.0	sf	5,996.4	sf	33,709.0	sf max.
	150.0	%	26.7	%	150.0	% max.
Square footage by use						
Residential	16,854	sf	0.0	sf	33,709	sf max.
Non-Med Office	16,854	sf	5,996.4	sf	16,854	sf max.
Open Space	12,375	sf	not available	sf	6,742	sf min.
	55.1	%		%	30.0	% min.
Building height	38.0	ft.	19	ft.	38.0	ft. max.
Parking						
Residential	15 sp	aces	n	/a	1 space	per du min.
Commercial	65 spaces		36 sp	paces	3.8 space	s per 1,000 sf
					min. (non-	medical office)
	Note: Areas shown highlighted indicate a nonconforming or substandard situation.					tion.
	*Density and FAI	R are proposed a	at the Public Ben	efit Bonus level		

#### 660 LIVE OAK AVE

000 LIVE OAK AVE					
	ZONING ORDINANCE				
Lot area	7,799 sf	7,799 sf	7,000 sf min.		
Setbacks					
Front	20.0 ft.	not available ft.	20 ft. min.		
Rear	20.0 ft.	not available ft.	20 ft. min.		
Side (left)	6.6 ft.	not available ft.	10 ft. min.		
Side (right)	5.8 ft.	not available ft.	10 ft. min.		
Density	2 du	2 du	2 du max.		
FAR (Floor Area Ratio)	3,509 sf	not available sf	3,509 sf max.		
	45 %	%	45 % max.		
Open Space	5,633 sf	not available sf	3,899.5 sf min.		
	72.2 %	%	50.0 % min.		
Building height	22.8 ft.	not available ft.	35.0 ft. max.		
Parking	4 spaces (on 650 Live Oak)	not available	2 space per du min.		
	Note: Areas shown highlighted indicate a nonconforming or substandard situation.				

#### TREES - COMBINED SITE

_		-			
Heritage trees	4**	Non-Heritage trees	8***	New Trees	33
Heritage trees proposed	0	Non-Heritage trees	8***	Total Number	37
for removal		proposed for removal		of Trees	
**All of these trees are on the adjacent rear property.					
***Includes four street trees.					

# ATTACHMENT D



brick

ARCHITECT brick. 1266 68th street, suite 1 emeryville, ca 94608 510.516.0167 www.brick-inc.com

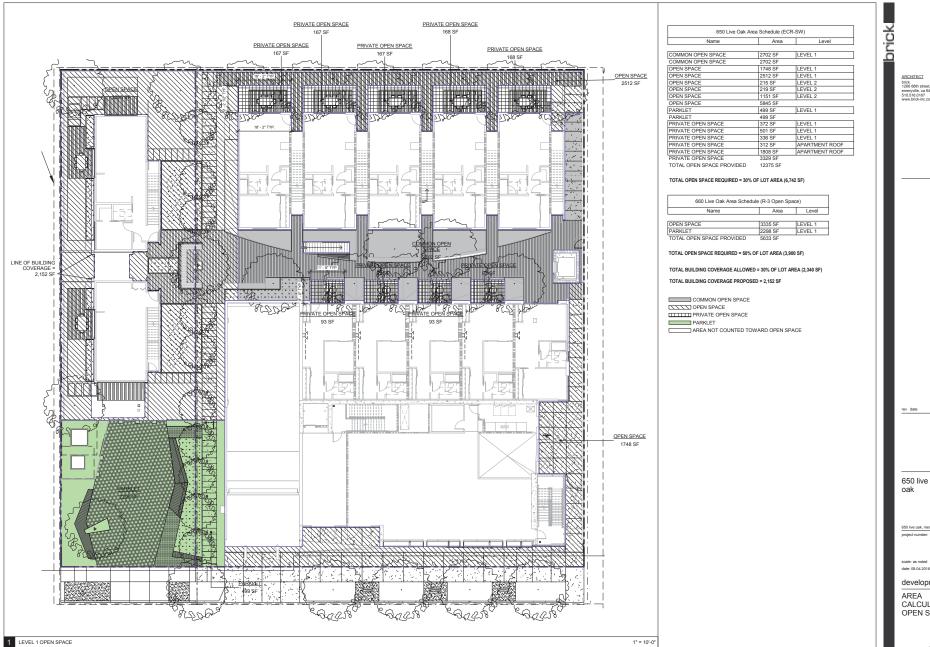
ev date iss

650 live

650 live oak, menlo park, california

scale: as noted date: 08.04.2016

development review COVER



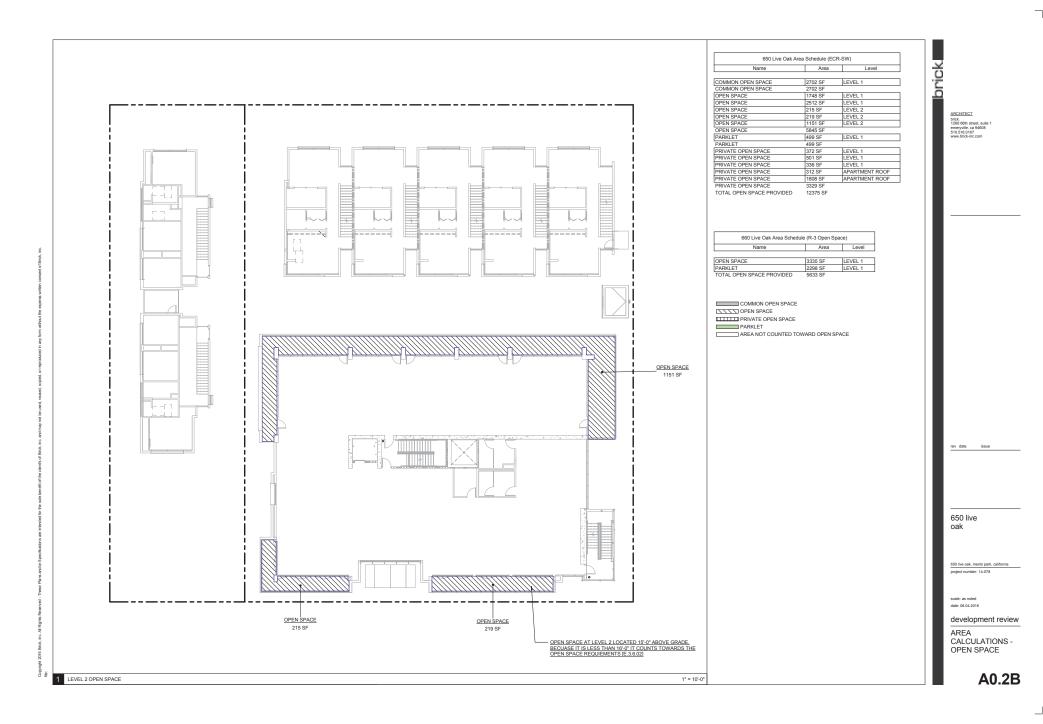
650 live oak, menlo park, california

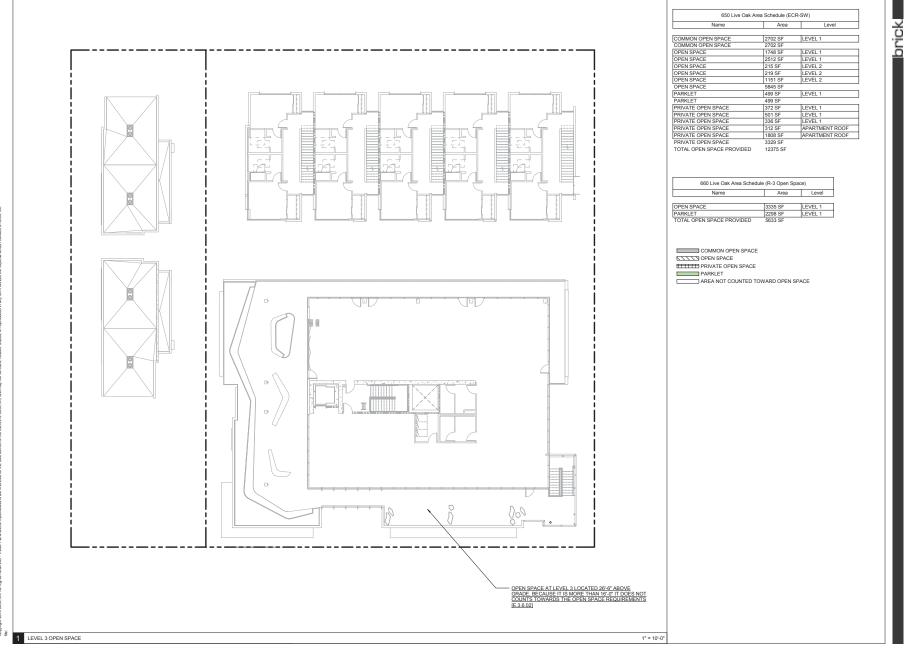
date: 08.04.2016

development review AREA

CALCULATIONS -OPEN SPACE

A0.2A





ARCHITECT brick. 1266 66th street, suite 1 emeryville, ca 94608 510.516.0167 www.brick-inc.com

rev date issue

650 live oak

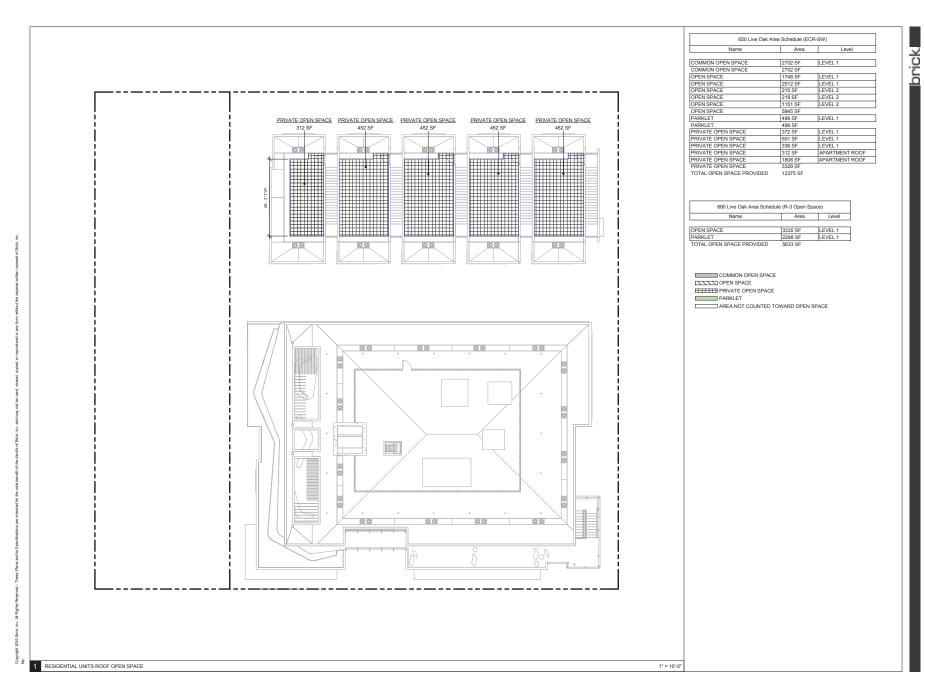
650 live oak, menlo park, california project number: 14-078

date: 08.04.2016

development review

AREA CALCULATIONS -OPEN SPACE

A0.2C



ARCHITECT

brick. 1266 68th street, suite 1 emeryville, ca 94608 510.516.0167 www.brick-inc.com

650 live oak

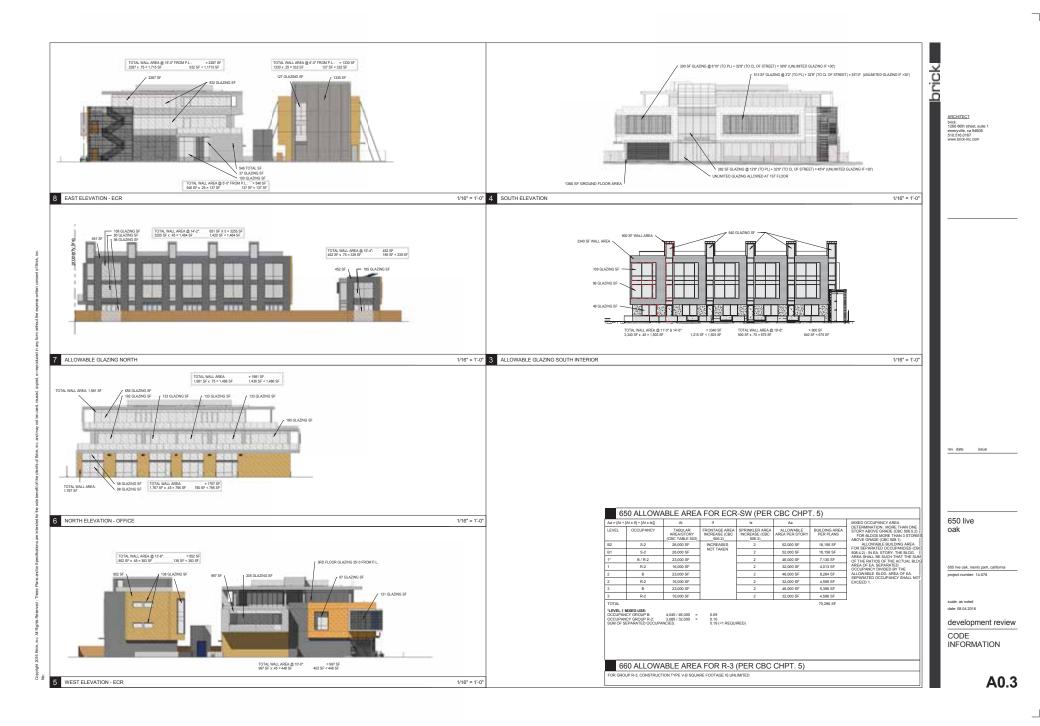
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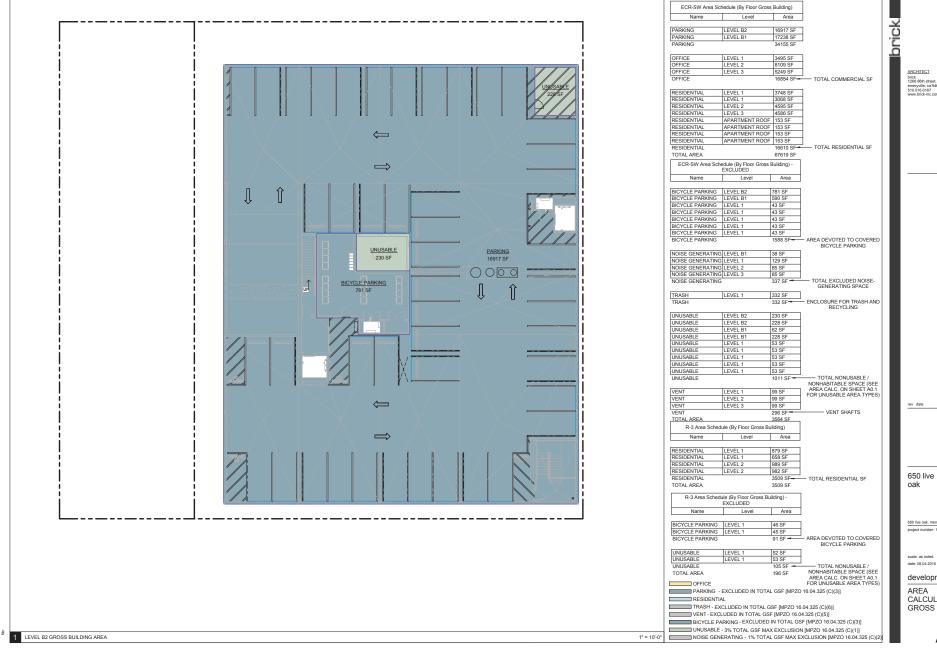
date: 08.04.2016

development review

AREA CALCULATIONS -OPEN SPACE

A0.2D





ARCHITECT brick. 1266 68th street, suite 1 emeryville, ca 94608 510.516.0167 www.brick-inc.com

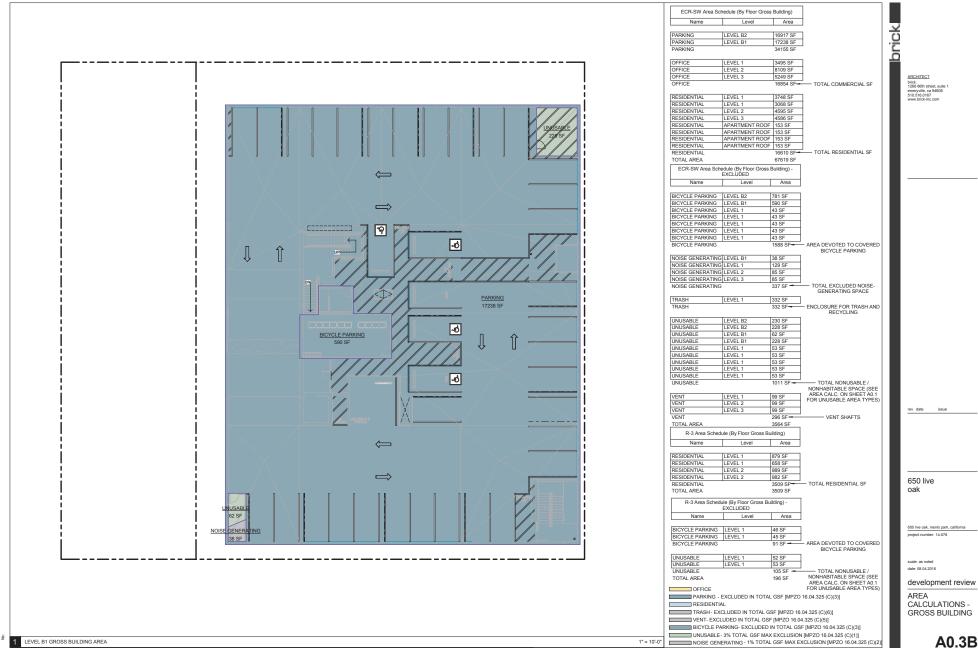
650 live

650 live oak, menlo park, california project number: 14-078

development review

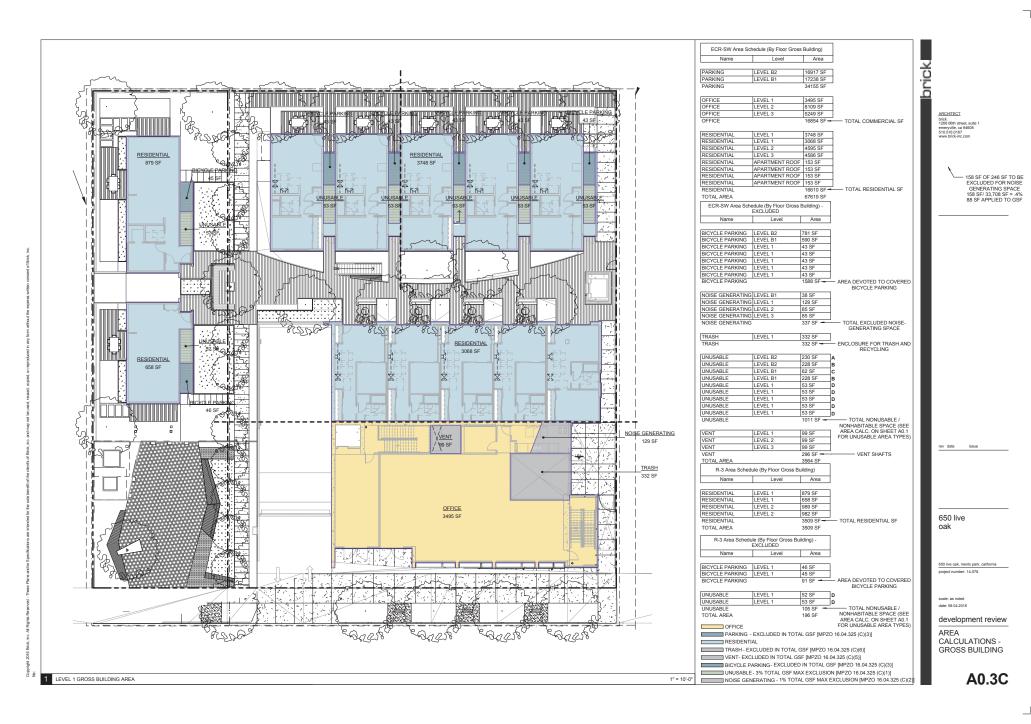
CALCULATIONS -**GROSS BUILDING** 

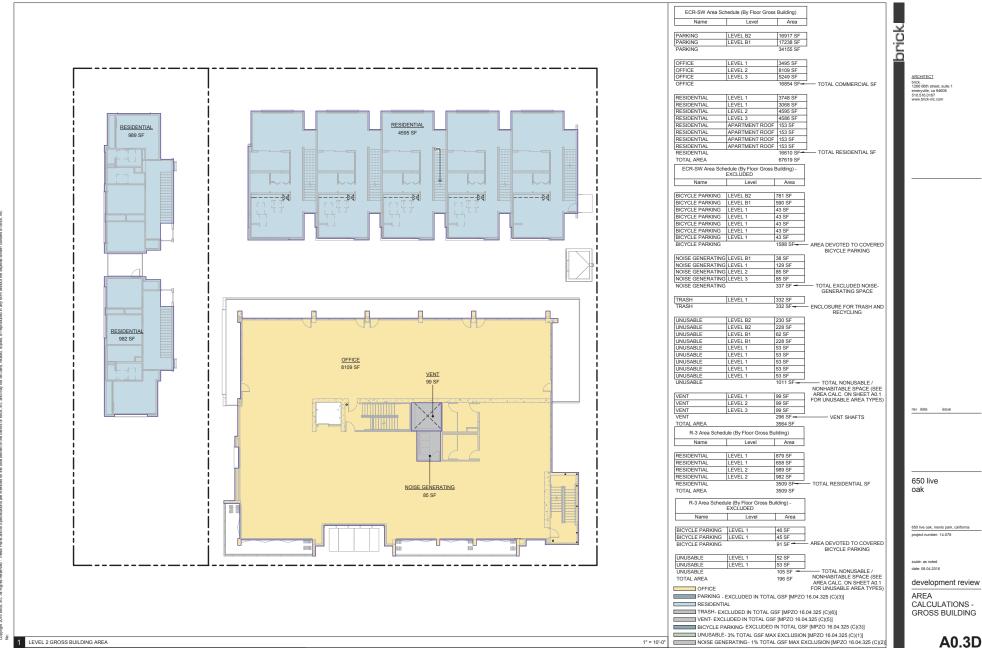
A0.3A



CALCULATIONS -**GROSS BUILDING** 

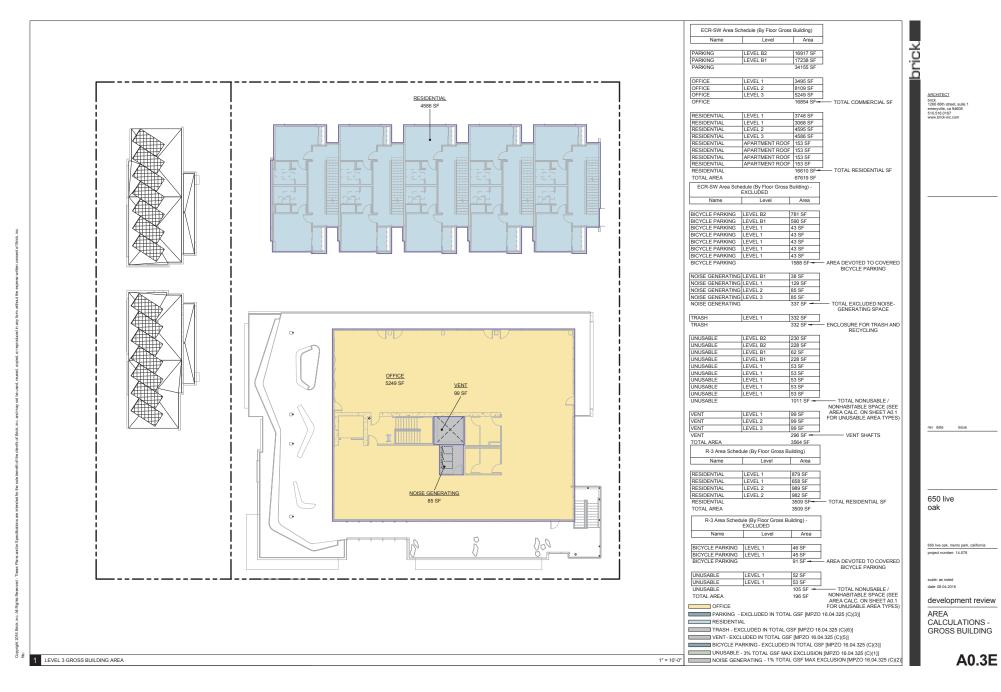
A0.3B

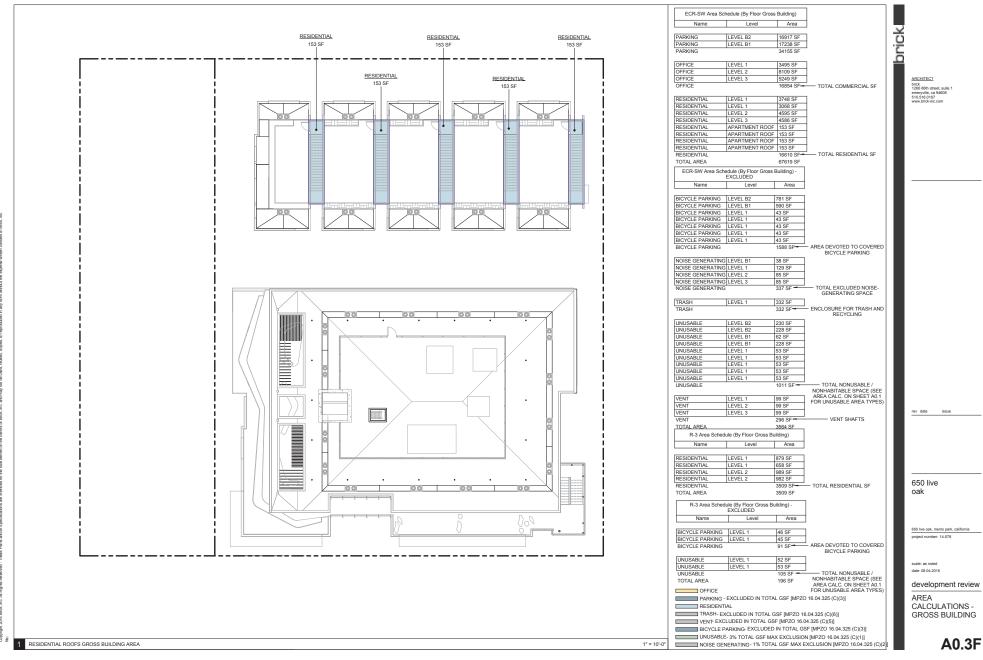




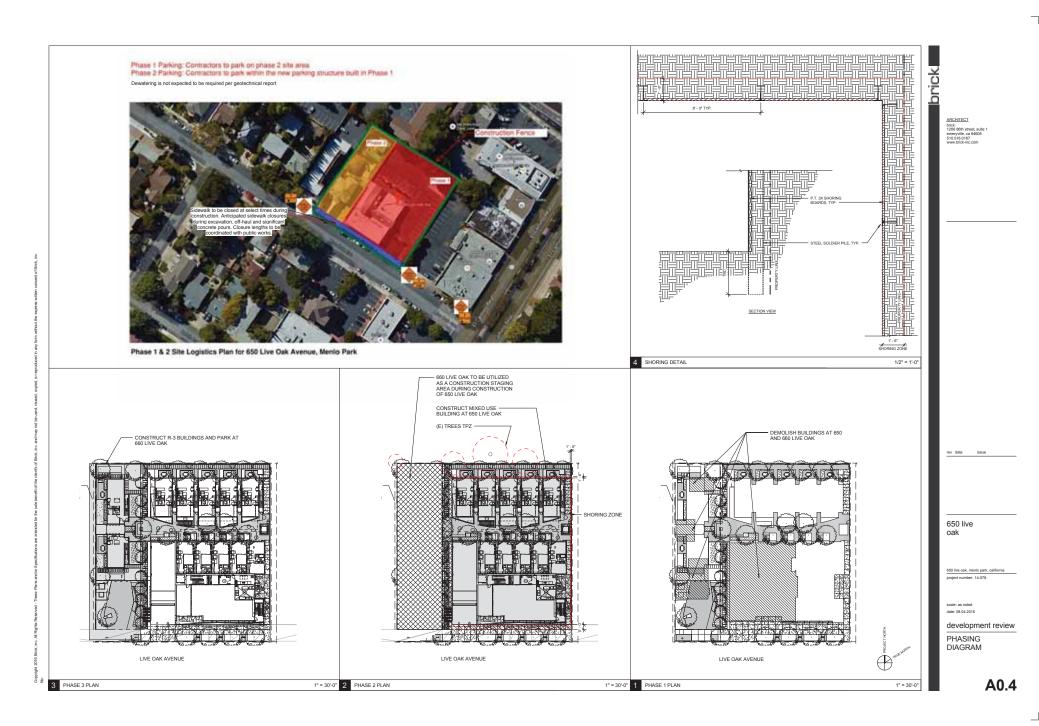
development review

CALCULATIONS -**GROSS BUILDING** 





development review



ARCHITECT brick. 1286 68th street, suite 1 emeryville, ca 94608 510.516.0167 www.brick-inc.com 650 live oak 650 live oak, menlo park, california project number: 14-078



ARCHITECT brick. 1266 68th street, su emeryville, ca 9460 510.516.0167

rev date issue

650 live oak

0 live oak, menlo park, california

e: as noted

PERSPECTIVE VIEW FROM LIVE OAK





ARCHITECT brick. 1266 68th street, sui emeryville, ca 94608 510.516.0167

TOV GUIC 12

650 live oak

> 50 live oak, menlo park, california roject number: 14-078

cale: as noted

development review

PERSPECTIVE NIGHT VIEW FROM LIVE OAK

ARCHITECT brick. 1266 68th stree

66 68th street, suite neryville, ca 94608 0.516.0167 ww.brick-inc.com

rev date issue

650 live oak

> 50 live oak, menlo park, california roject number: 14-078

scale: as noted date: 08.04.2016

development review

PERSPECTIVE VIEW OF COMMUNITY GARDEN

ARCHITECT brick. 1266 66th street, s emeryville, ca 946

rev date issu

650 live oak

0 live oak, menlo park, california

cale: as noted

development review

PERSPECTIVE VIEW OF RESIDENTIAL WALKWAY

650 live oak

scale: as noted date: 08.04.2016

development review

PERSPECTIVE
VIEW OF
INTERIOR
COURTYARD AND
APARTMENTS
A0.12

#### **LEGEND**

ABBF	RE	VIATIONS:			
AB		AGGREGATE BASE	MAX		MAXIMUM
AC AC	_	ASPHALT CONCRETE			MECHANICAL/ELECTRICAL/PLUME
40		ADCA ODAIN		_	MANHOLE MANHOLE
ADA			MIN	_	MANNIOLE
ASB	_	ACCRECATE SURRASE	MPVC	_	MINIMUM MIDPOINT OF VERTICAL CURVE MONUMENT
BC BFP BLDC BLDG BOD	Ξ	RECINING OF CURVE	MON	_	MIDPOINT OF VERTICAL CORVE
BEP	_	RACK FLOW PREVENTOR	N		NORTH
BIDC	_	BUILDING CORNER	NTS		NOT TO SCALE
BLDG		BUILDING	NTS P PIV		PAVEMENT ELEVATION
BOO	_	BOTTOM OF DOCK	DIV		POST INDICATOR VALVE
BOL	_		PL	-	PROPERTY LINE
ROS	_	ROTTOM OF STEP	PMH POC	_	PROPERTY LINE POWER MANHOLE POINT ON CURVE POWER POLE
BOW	_	FG @ BOTTOM OF WALL BEGIN VERTICAL CURVE	POC	_	POINT ON CURVE
BVC	_		PP	_	POWER POLE
BW	_	BACK OF WALK	PRC PVC	_	POINT OF REVERSE CURVATURE
C.	_	CONCRETE OR CIVIL	PVC	_	POLYVINYL CHLORIDE PIPE
C C&G CB	_	CONCRETE OR CIVIL CURB AND GUTTER	R RC		
		CATCH BASIN	RC.	_	RADIUS RELATIVE COMPACTION REINFORCED CONCRETE PIPE RIJSE TO GRADE RIGHT OF WAY SLOPE OR SOUTH SEE ARCHTECTURAL DRAWNGS SEDMENT BASIS STORM DRAIN STORM DRAIN CATCH BASIS STORM DRAIN DRAIN CATCH DRAIN STORM DRAIN DAINCTON BOX STORM DAINCTON BOX STORM DAINCTON BOX STORM DRAIN DAINCTON BOX STORM DAINCTON BOX
	_			_	REINFORCED CONCRETE PIPE
CIP	_	CAST IRON PRE CONTRE LINE OR CLASS CONTRELLE OR CONTRELLE CONTRELLE CONTRELLE OR CONTRELLE CONTRELLE CONTRELLE OR CONTRELLE CONTRELLE OR CONTRELLE CONTRELLE OR CONT	RTG	_	RAISE TO GRADE
CL	_	CENTER LINE OR CLASS	P/W	_	PICHT OF WAY
CMP	_	CORRUGATED METAL PIPE	ry "	_	CLADE AD CALITY
CMV	_	CITY OF MOUNTAIN VIEW	2 4 0		CEE ADOLITECTUDAL DOAMNICO
CO	_	CLEANOUT	S.A.D.		CEDIMENT DACIN
CONC	_	CONCRETE	CDD		DEDENDATED STORM DOAIN
CONST	_	CONSTRUCTION OR CONSTRUCT	SDN		CTODIA ODANI
CY	_	CUBIC YARD	CODII		CTODM ODAIN DUDDUE OUT
DCD4	_	DOUBLE CHECK DETECTOR ASSEMBLY	2000	_	CTOOM DRAIN CATCU DACIN
DUDI	_	DROP INIFT	2000	_	CTOOM DRAIN CATCH BASIN
DIP	_	DUCTUF IRON PIPF	COAR	_	CTORM DRAIN CLEAN OUT
DOM	_	DOMESTIC	COM	_	CTORM DRAIN MANUOLE
DW	_	DOMESTIC WATER	COTO	_	CTORM DRAIN TRENCH DRAIN
DWG	_	DRAWNG	SED	_	CEE ELECTRICAL DRAWNOC
F	_	FAST	S.E.D.	_	CILT FENCE
FC.	_	FND OF CURVE	Sr CC	_	CHANDANE
FP	_	FOGE OF PAVEMENT	51.0	_	SEE LANDSCADE DRAWNICS
FR	_	FND OF RETURN	CHO.	_	CEE INCOUNTION DOLUMNOS
EVC	_	FND VERTICAL CURVE	CIAL		CICHAL MANUOLE DIAMINOS
FIFV	_	FLEVATION	CDD		CEE DI HADINO DOAMNOS
FX. FXIST.	_	EXISTING	CC.		CANITADY CENED
FC	_	FACE OF CURB	ccm		CANITADY CEMED CLEAN OUT
FDC	_	FIRE DEPARTMENT CONNECTION	STA		CTATION
FF	_	FINISHED FLOOR	STD	_	STANDARD
FG	_	FINISHED GRADE	CAN	_	SIDEWALK TOP OF CURB TRENCH DRAIN TOP OF DOCK
FH FL FOUND	_	FIRE HYDRANT	S/W TC TD	_	TOD OF CUIDD
FL.	_	FLOW LINE	70	_	TOP OF CORD
FOUND	_	FOUNDATION	TD TOD TOF	_	TOD OF DOOR
FS	_	FINISHED SURFACE	TOE	_	TOE OF SLOPE
FT	_	FOOT FIRE WATER			TOP OF STAIR
FW	_	FIRE WATER	TOW	_	FG @ TOP OF WALL
G	_	GROUND ELEVATION	TC	_	TOP OF SLAB
GB	_	GRADE BREAK	TVD		TYPICAL
GV	_	GATE VALVE	HOM		UNLESS OTHERWISE NOTED
HCR	_	ACCESSIBLE RAMP	U (0		UNDERGROUND
HP	_	HIGH POINT	U/G VC	_	UNDERGROUND
INV		INVERT ELEVATION	MW.	-	VERTICAL CURVE WATER METER
	-	JOINT POLE	WV		WATER VALVE
JT	_	JOINT TRENCH	W V		WATER VALVE WEST
LIP	_	LID OF CLITTED	WWF		WELDED WIRE FABRIC
LP	-	LOW POINT LANDSCAPE ARCHITECT		-	
LSA	-	LANDSCAPE ARCHITECT	W/	-	WITH

#### UNAUTHORIZED CHANGES AND USES

CAUTION: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of the plans.



#### SURVEY NOTES:

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREON IS BASED UPON A TOPOGRAPHIC SURVEY DONE BY SANDIS, UNDER THE DIRECTION OF LAURA CABRAL, PLS 7756.
- 3. DATE OF FIELD SURVEY: FEBRUARY 2015

#### BENCHMARK:

BUILTIO, ESPREED BY NOS AS BENCH MARK DOX SET IN MASSIVE STRUCTURE, LOCATED AT MEND PARK, Of MEE SOUTHWEST OF THE MOTORISM CONTROL OF THE MOTORISM CON THE NORTHEAST CURB OF THE HIGHWAY, 0.3 FOOT SOUTHWEST OF THE SOUTHWEST BRICK WALL, AND 2.0 FEET ABOVE THE SIDEWALK.

#### BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCSB3, ZONE 3, NADB3(NA2011), COURDINATE STSTEM OF 1983, COSBS, ZONE 3 , NAUDS(NAZOTT), EPOCH 2015;5, DETERMINED BY CLOBAL NAVIGATION SATELLITE SYSTEM SURVEY METHODS UTILIZING THE LEICA SMARTINET AND REAL-TIME KINEMATIC METHOOS.

#### FLOOD ZONE NOTE:

THE SITE CURRENTLY FALLS WITHIN ZONE X ON MAP 06081C0308E, PANEL 0308E, DATED COTOBER 16, 2012. ZONE X IS THE AREA OF 0.2% ANNUAL CHANGE FLOOD, AREAS OF 18 XANUAL CHANGE FLOOD WITH AREAGE DEP OF LESS THAN 1 FOOT OR WITH DRAWNGE AREAS LESS THAN 1 SOURCE WAY AND AREAS PROTECTED BY LEVES FROM 1% ANNUAL CHANGE FLOOD.

#### APN NUMBER:

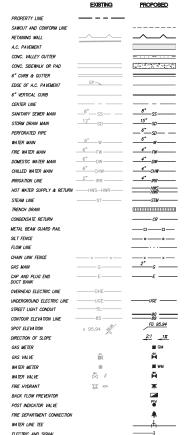
# UNDERGROUND UTILITY NOTES:

THE TIPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SUMELY ARE APPROXIMETE AND WERE DEFINED FROM THE CHARMED FROM THE STREET WHITE THE STREET WHITE THE CHARMED FROM THE STREET WHITE THE CHARMED FROM THE STREET WHITE THE CHARMED FROM THE STREET WHITE THE THE TIPE THE CHARMED FROM THE STREET WHITE THE TIPE THE TIP

#### IMPORTED FILL NOTES:

ANY IMPORTED FILL MUST MEET THE CITY OF MENLO PARK'S REQUIREMENTS. DOCUMENTATION DEMONSTRATING THAT THE FILL MEETS THE CITY'S REQUIREMENTS MUST BE SUBMITTED TO AND APPROVED BY THE BUILDING OFFICIAL PRIOR TO FILL BEING BROUGHT ON STE.

DECLI OCATION



ACCESSIBLE RAMP CONCRETE THRUST BLOCK REDUCER SANITARY SEWER MANHOLE SANITARY SEWER CLEANOUT SSCO SSCO STORMCEPTOR STORM DRAIN AREA DRAIN STORM DRAIN CATCH BASIN □ CB STORM DRAIN CLEANOUT JOINT POLE

EXISTING

**PROPOSED** 

### **DISCREPANCIES:**

IF THERE ARE ANY DISORPANCIES BETHEN DIMENSIANS IN DRAWNGS AND EXISTING CONDITIONS WHICH MILL PRIFEE THE WORK THE CONTRICTOR SALLE BRIEF SUCH SHOULD SHOULD

CIVIL	
C1.0	COVER SHEET
C2.0	TOPOGRAPHIC SURVEY
C3.0	DEMOLITION PLAN
C4.0	GRADING PLAN
C4.1	GRADING PLAN
C5.0	UTILITY PLAN
C5.1	UTILITY PLAN
C6.0	STORMWATER MANAGEMENT PLAN
C7.0	STORM DRAIN EASEMENT EXHIBIT PLAN
C8.0	CONSTRUCTION DETAILS
C8.1	CONSTRUCTION DETAILS
C8.2	CONSTRUCTION DETAILS

#### SHEET INDEX

- DEMOLITION OF EXISTING ONE STORY SINGLE FAMILY RESIDENCE AND ONE STORY IN-LAW LIMIT THAT PROVIDES ON STIE UNCOVERED MAKING SPACES.

  WHICH THAT PROVIDES ON STIE UNCOVERED MAKING SPACES.

  WORKINGS TO LOUDEANT OF THE STIE DEVELOP A NEW COMMAINTY GASDEN AS A PUBLIC BENEFIT IN THE SOLUTHEAST QUADRANT OF THE SITE. PARKING FOR DUPLEX TO BE PROVIDED ON ADJOENT ECRS WILL DEVELOP A WORK OF THE SITE. PARKING FOR DUPLEX TO BE PROVIDED ON ADJOENT ECRS WILL DEVELOP THE SITE. PARKING FOR DUPLEX TO BE

- DEMOLITION OF EXISTING ONE STORY OFFICE BUILDING CONSISTING OF 6,345 SQ.FT. THAT
- DEBOLLION OF LESS INVOICES STORY OF FICE BUILDING LOSS STORY OF SLAPS SULF. I THAT DEPELLOP A REP STORY MIXED USE BUILDING AND A SEPERATED 3 STORY MULTI-MILLY HOUSING BUILDING OVER TWO LEVELS OF SUBTERRAMENA PARKING GRANGE, BICLLIONS OF POPELLOP A REP STORY MIXED USE SUBLINO MAINTS THE SOUTHWEST COST OF THE THIRD LEVEL OF THE COMMERCIAL OFFICE BUILDING IS SET BACK FROM THE PROPERTY UNITED STATEMENT AND THE RIFERT YOU LIVEL SIMTH PROVIDEND OF FOOT GAMEDISM OF A ON THE SOUTHWEST EDGE OF THE SHARED COURT AND. THE MULTI-THAT LY HOUSING BUILDING IS LOCATED ON THE KORTHWESTERN EDGE OF THE SITE.

VICINITY MAP

PROJECT DIRECTORY

AIR RELEASE VALVE

CLIENT

DANIEL MINKOFF
THE MINKOFF GROUP
6272 VIRGO ROAD
OAKLAND, CA 94611
O: 415-730-2802
DMINKOFF@MINKOFFGROUP.COM

O: 510-516-0167 CVANDENBRINK@BRICK-LLP.COM CIVIL SANDIS CIVIL ENGINEERS, SURVEYORS, PLANNERS

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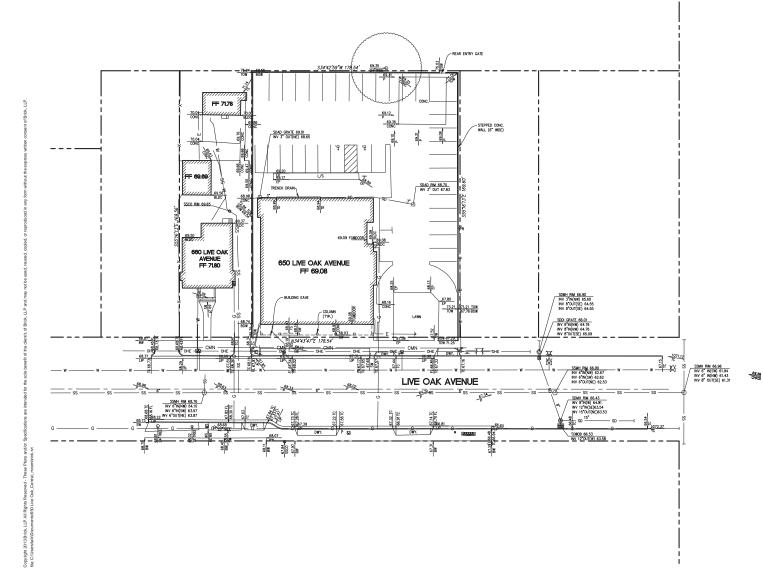
ARCHITECT BRICK 11D

LANDSCAPE CREO STRUCTURAL

PROJECT DESCRIPTION

scale: NOT TO SCALE

**COVER SHEET** 





#### LEGEND



#### UNDERGROUND UTILITY NOTE

NET TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTIANED FROM SOURCES OF VARYING RELABILITY, ONLY ACTUAL EXCAVATION MILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. AND RESPONSIBLE OF OR THE CONTROLLED OF THE CONTROLLED OF

#### SYMBOLS AND ABBREVIATIONS

A/S D V ARR D V BBDC + S BDC +	ASPHALD COMMETE ACCESSEE AND ACCESSEE ACCESS	SE CONTROL OF SECURITY OF SECU	JANCIOS BOX LP OF GUTTE LAMBOUTE LAMBOU
GV D		WF WM ☑	WOOD FENCE WATER METER
HE-IXI- IF	IRON FENCE IRRIGATION PULLBOX	WPB 🔀	WATER PULLBOX WATER VALVE

#### BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA THE BEARMING SHOWN PIECUN ARE BASED UPON THE CALLFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, ADABS/MA2011), EPOCH 2015.25, DETERMINED BY GLOBAL NAVIGATION SATELLITE SYSTEM SURVEY METHODS UTILIZING THE LEICA SMARTNET AND REAL-TIME KINEMATICS METHODS.

#### BENCHMARK

BM UU110, DESCRIBED BY NOS AS BENCH MARK DISK SET IN MASSIVE STRUCTURE, LOCATED AT MENLO, PARK, O.1 MILE SOUTHWEST OF THE SOUTHERN PAGRIC COMPANY RAILROAD STATION, AT THE INTERSECTION OF SANTA CRUZ AVENUE AND EL CAMINO REAL (U.S. HICHWAY 101), AT THE ELLOT BULLIONG, IN THE TOP PROJECTION OF THE GRANTIE BLOCK COUMBATON, BETWEEN TWO GRANTE BLOCK COLUMNS, 15.9 FEET SOUTHEAST OF THE SOUTHEAST CURB OF THE AVENUE, L25 FEET NORTHEAST OF THE MORTHEAST CHE OF THE HIGHWAY, 0.3 FEET SOUTHWEST OF THE SOUTHWEST BRICK WALL, AND 2.0 FEET ABOVE THE SIDEWALK.

ELEV. = 71.13 FEET

# PARCEL LOT AREAS

### TOPOGRAPHIC SURVEY NOTE:

CERTIFY THAT THIS PARCEL'S BOUNDARY WAS RETRACED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYORS ACT, ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO EMABLE THE SURVEY TO BE RETRACED.

ANDREW S. CHAFER

scale: 1" = 10'

**TOPOGRAPHIC** SURVEY



# **LEGEND**

REMOVE AC PAVEMENT AND BASE MATERIAL

REMOVE CONCRETE PAVEMENT AND BASE MATERIAL

CLEAR AND GRUB

— — — SAWCUT LINE

BUILDING TO BE DEMOLISHED. SEE STRUCTURAL PLANS FOR DETAIL.

-/-/-/-/-/- DEMOLISH AND REMOVE EXISTING UTILITIES

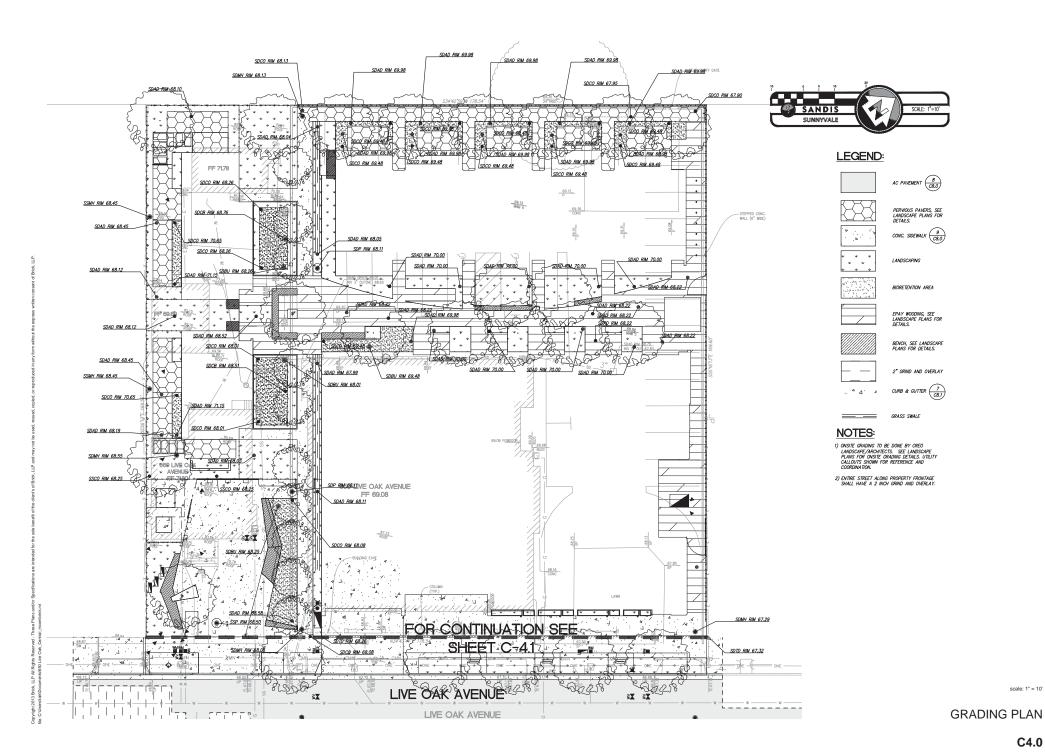
\*\*\*\*\*\*\*\*\*\*\*\* REMOVE EXISTING CURB AND MATERIAL BASE

STRUCTURE TO BE DEMOLISHED AND REMOVED

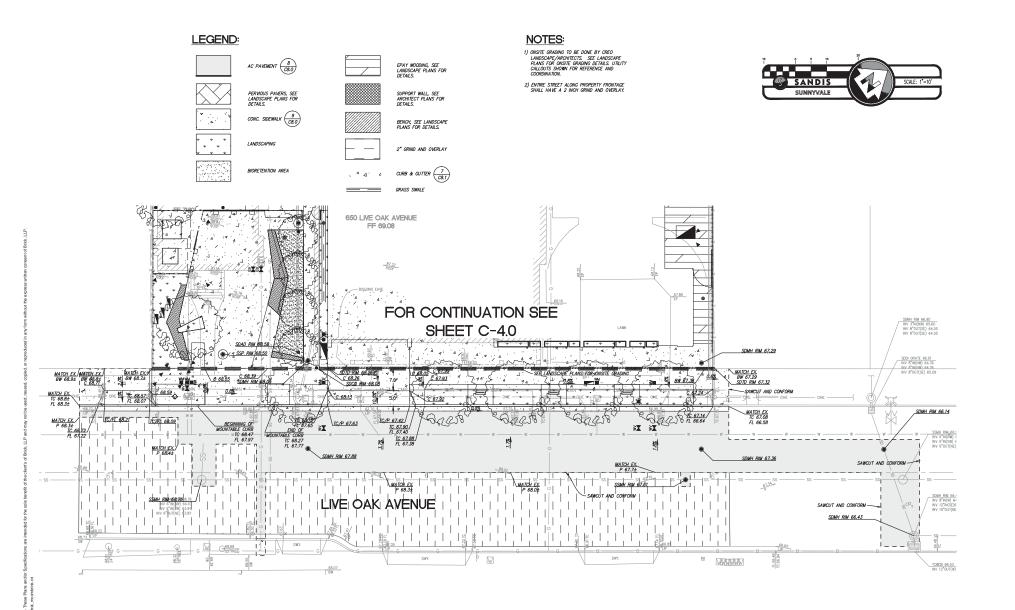
# NOTE:

1) ABANDON EXISTING SERVICES AT THE WATER MAIN AND INSTALL NEW SERVICE STRAIGHT OUT FROM THE WATER MAIN AS SHOWN IN CITY STANDARDS.

2) CONTRACTOR IS RESPONSIBLE TO REMOVE ALL NECESSARY UTILITIES TO COMPLETE PROPOSED WORK.



scale: 1" = 10'



scale: 1" = 10'

**GRADING PLAN** 

C5.0

scale: 1" = 10"

**UTILITY PLAN** 

SCALE: 1"=10

# LEGEND:



BIO-RETENTION (2)



PERVIOUS PAVERS (S.L.P)



BACKFLOW PREVENTOR







TRENCH DRAIN



GRASS SWALE

# UTILITY NOTE:

- 1) CONTRACTOR TO COORDINATE ALL UTILITY
  WORK WITH GOVERNING JURISDICTION.
  2) EXISTING OVERHEAD ELECTRICAL LINE RUNNING
  THROUGH STE TO REMAIN. CONTRACTOR TO
  PROCEED WITH WORK WITH EXTREME CAUTION.

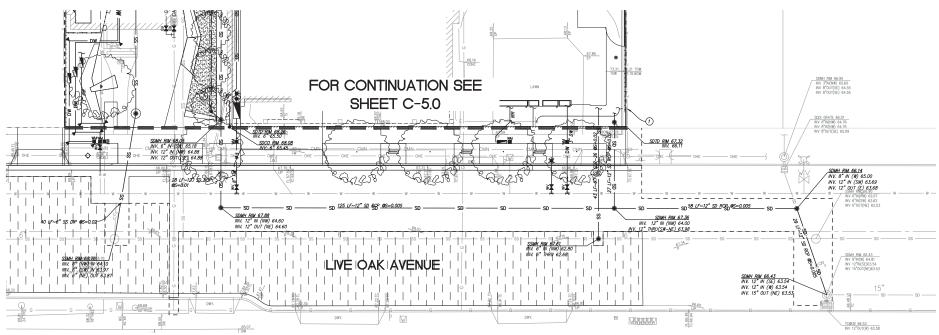
# UTILITY/POTHOLE NOTE

THE TIPES, LOCATIONS, SZES AND /OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ARE APPROXIMER, AND INTEREST ASS SHOWN ARE MARRING RELIABILITY, ONLY ACTUAL EXCANDING MILL WAS ARREST OF THE AREA OF THE STATE OF THE STATE OF THE PROPERTY ASS SEARCH WAS AREA OF THE STATE OF THE STATE OF THE PROPERTY MARRINGROUND UTILITIES, HOWEVER, ARE EXHAUSTED AND MARRINGROUND UTILITIES, HOWEVER, THE EXHAUSTE CAN ASSOCIATE OF THE STATE OF THE STATE OF THE STATE OF THE MARRINGROUND OF THE STATE OF THE CONTRACTOR SHALL BE RESPONDED FOR LOCATION ALL UNDERGROUND FRACILIES AND UTILITIES HOW OF THE OF THE OF THE COMMENTAGE OF OSTITUTIONS OF THE OF THE COMMENTAGE OF THE LOCATION ALL UNDERGROUND FRACILIES AND UTILITIES BY POINCLING PRICE TO COMMENTAGE OSTITUTIONS.

#### SHEET NOTE:

EXISTING OVERHEAD ELECTRICAL LINE TO BE PLACED UNIDERGROUND, SEE ELECTRICAL DRAWINGS (FUTURE SUBMITTAL) FOR DETAILS.



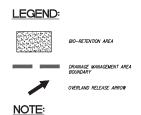


scale: 1" = 10'

**UTILITY PLAN** 

C5.1



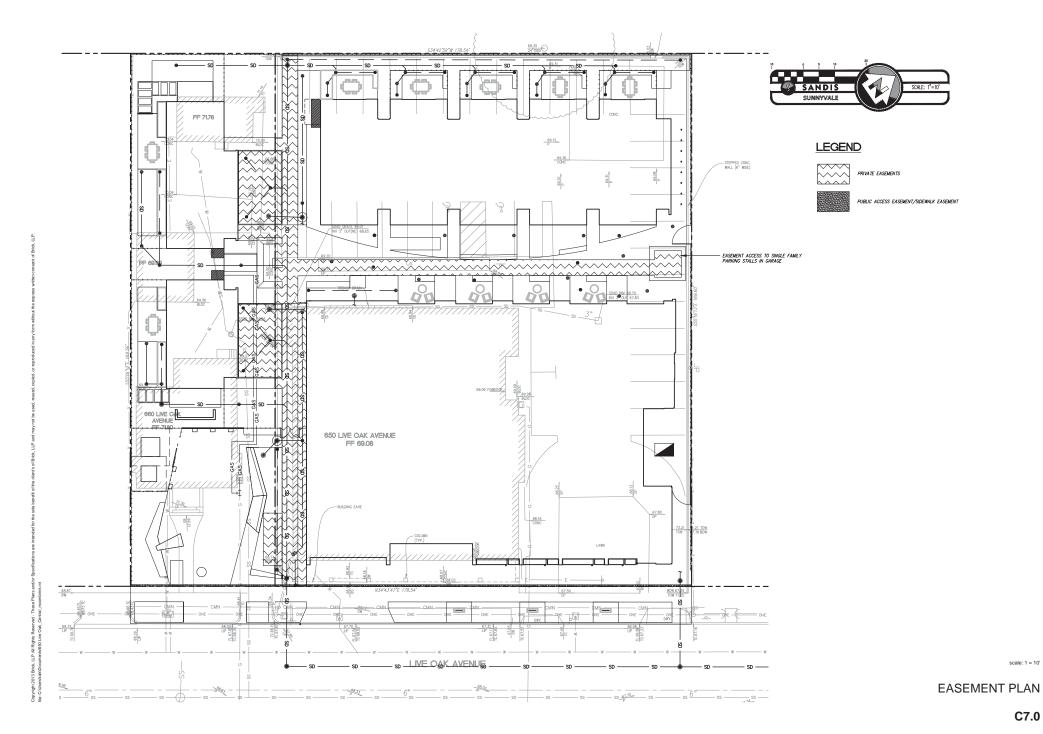


1) BIO-RETENTION AREAS WITHIN SAME DRAINAGE AREA ARE HYDRAULICALLY CONNECTED.

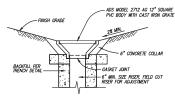
Treatment Control	Drainage	Total Area	Treatment Control	New/Replaced Impervious Area	Self-Treating/ Pervious Area		*Treatme nt Area Required	Treatme nt Area Provided	Overfl ow Riser Height Above Finish
Measure #	Area ID	(sf)	Measure Type	(sf)	(sf)	TCM Sizing Method	(sf) (4%)	** (sf)	ed
Watershed 1	1	5,518	Bio-Retention Area	5,184	334	4% Rule	207	334	6
Watershed 2	2	3,525	Bio-Retention Area	3,365	160	4% Rule	135	160	6
Watershed 3	3	1,042	Bio-Retention Area	978	64	4% Rule	39	64	6
Watershed 4	4	1,035	Bio-Retention Area	991	44	4% Rule	40	44	6
Watershed 5	5	902	Bio-Retention Area	840	62	4% Rule	34	62	6
Watershed 6	6	903	Bio-Retention Area	840	62	4% Rule	34	62	6
Watershed 7	7	903	Bio-Retention Area	840	62	4% Rule	34	62	6
Watershed 8	8	902	Bio-Retention Area	840	62	4% Rule	34	62	6
Watershed 9	9	976	Bio-Retention Area	887	89	4% Rule	35	89	6
Watershed 10	10	5,597	Bio-Retention Area	4,020	1,577	4% Rule	161	179	6
Watershed 11	11	1,373	Self Treating Pavers		1,373	Self Treating	0	1373	6
Watershed 12	12	817	Landscape		817	Self Treating	0	1180	- 6
Watershed 13	13	607	Self Treating Pavers		607	Self Treating	0	186	6
Watershed 14	14	355	Landscape		355	Self Treating	0	356	6
Watershed 15	15	461	Landscape		461	Self Treating	0	526	6
Watershed 16	16	265	Self Treating Pavers		265	Self Treating	0	162	6
Watershed 17	17	5,096	Bio-Retention Area	4,587	508	4% Rule	183	289	6
TOTAL		30,276		23,372	6,904	4% Rule	935	5191	6

scale: 1' = 10'

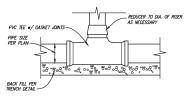
**STORMWATER MANAGEMENT PLAN** 



C7.0

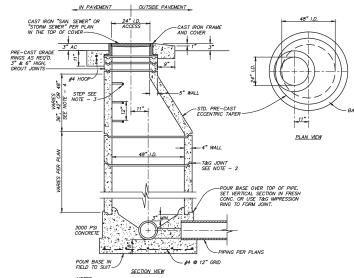


GRATE & RISER DETAIL



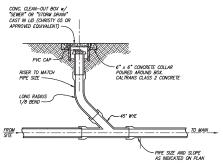
TEE & RISER DETAIL

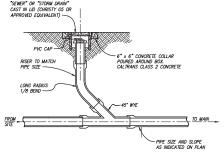
AREA DRAIN



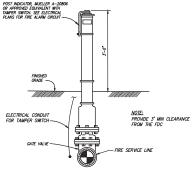
- NOTES:
  1. PRE-CAST MANHALE MATERIAL SHALL BE MANUFACTURED TO ASTM SPECIFICATION C478.
  2. GROUT CONTS WITH 1-3 MORTAM MAX OR USE RAM-MEX ADM COMPOUND.
  3. USE POLY CONDED STRES, 3/4 PAGE AGAILY STEEL STRESS PAGE SPACED 12° O.C. VERTICALLY AND 6° FROM
  4. A 36° TAPER MAY BE COMMINED WITH A 12° VERTICAL TO FORM 4 46° TAPER SECTION.
  4. A 36° TAPER MAY BE COMMINED WITH A 12° VERTICAL TO FORM 4 46° TAPER SECTION.
  5. ALL CONCRETE SOME SHALL BE HAVEB, WESTED, A MORTABED PROFE TO SETTING THE MEXT SECTION
  THE ADMINISTRESS SHALL BE ADMINISTRATED SECRET TO SECRETARY WITH MAY BE STATED.
  6. MANHALE SHALL BE ST IT O GROWE SUSSECURIT TO FARM OR ACO REC.
  6. STEPS NOT REQUIRED IN MANHALES 3.5 FEET OR LESS IN DEPTH.

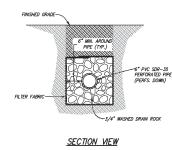
TYPICAL MANHOLE DETAIL





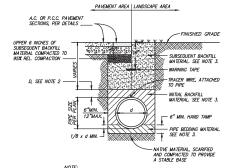
CLEANOUT WITH LATERAL STUB





PERFORATED PIPE IN TRENCH

# POST INDICATOR ASSEMBLY



NOTE:

1. PLACE CUT OFF PLUG OF IMPERMEABLE MATERIAL WHERE ALL TRENCHES ENTER A PAVEMENT AREA.

2. D=6" MIN. FOR PIPE SIZES \( 12\) NICHES

D=12" MIN. FOR PIPE SIZES \( 21\) NICHES

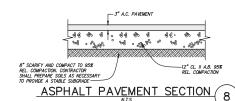
3.	COMPACT BACKFILL AND BEDDING MATERIALS TO THE FOLLOWING PERCENT RELATIVE COMPACTION:	
	COMPACTION REQUIREMENTS	

COMPACTION REQUIREMENTS							
	TRENCH SAND	TRENCH GRAVEL	APPROVED NATIVE	IMPORTED FILL	CLASS II AGGREGATE BASE		
SUBSEQUENT BACKFILL MATERIAL (UNDER PAVEMENT)	N/A	N/A	95%	95%	95%		
SUBSEQUENT BACKFILL MATERIAL (IN LANDSCAPE)	N/A	N/A	95%	95%	95%		
INITIAL BACKFILL MATERIAL	95%	95%	N/A	N/A	N/A		
BEDDING MATERIAL	95%	95%	N/A	N/A	N/A		

NOTE:

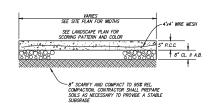
1. ENGINEER SHALL CONFIRM COMPACTION REQUIREMENTS WITH PROJECT GEOTECHNICAL ENGINEER. VALUES SHOWN ARE ONLY TYPICAL VALUES AND ARE NOT SITE SPECIFIC.

#### TRENCH DETAIL 6



- CAST BRASS "AUTO SPRINKLER" 2-WAY SIAMESE FDC WITH INDEPENDENT CLAPPER VALUES, 2-2 1/2" HPT HOSE CONNECTIONS WITH CAPS AND CHAINS. UL LISTED AND FM APPROVED. 4" WAFER CHECK VALVE UL LISTED AND FM APPROVED -

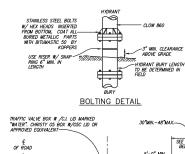
FIRE DEPARTMENT CONNECTION

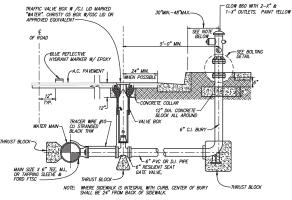


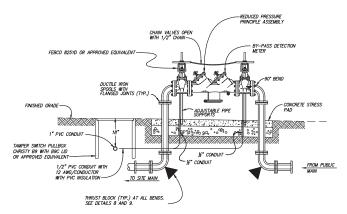
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CONCRETE SIDEWALK

CONSTRUCTION **DETAILS** 





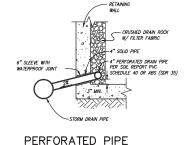


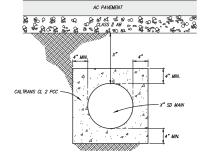
#### NOTES:

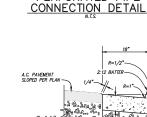
1. ALL WORK AND MATERIALS SHALL BE PER CITY OF MENLO PARK STANDARD DETAILS.

2. ALL ABOVE GROUND MATERIAL TO PAINTED PER CITY OF MENLO PARK STANDARD DETAILS.

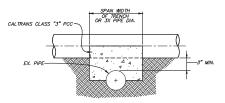
# REDUCED PRESSURE PRINCIPLE ASSEMBLY 2







PIPE ENCASEMENT 6



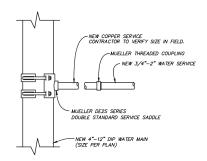
FIRE HYDRANT ASSEMBLY

CALTRANS CLASS "3" PCC-

PIPE SADDLE DETAIL 4



1 1/4"





	THRUST BLOCK TABLE							
TYPE OF FITTING		90° BEND & BURIES	45° BEND	22 1/2° BEND	11 1/4° BEND	TEE OR DEAD END		
TYPICAL PLAN VIEW								
	RI	EQUIRED BE	ARING TOTA	AL AREA IN	SQUARE FE	EΤ		
	4"	2.6	1.4	0.8	0.4	1.9		
Size	6*	5.3	2.9	1.5	0.8	3.8		
	8*	9.1	5.0	2.6	1.3	6.5		
Pipe	10"	13.7	7.5	3.8	1.9	9.7		
	12"	19.4	10.5	5.4	2.7	13.7		

#### THRUST BLOCK NOTES

- 1. Thrust blocks to be constructed of 2500 Class 3 Caltrans concrete.
- 2. Blocks to be poured against undisturbed soil.
- 3. Joints to be kept free of concrete. Allow working room.
- 4. Abrupt changes in vertical alignment shall be anchored per gravity block detail.
- Areas given are for PVC C900 class 200 pipe at a static test pressure of 200 psi in soil with 2,000 psf bearing capacity. Subject to field conditions.
- 6. Tapping sleeves shall have thrust blocks sized the same as tees.



	THRUST CALCULATION TABLE							
TYPE OF FITTING		90° BEND & BURIES	45* BEND	22 1/2* BEND	11 1/4° BEND	TEE OR DEAD END		
TYPICAL PLAN VIEW								
		THR	UST FORCE	T, IN POU	INDS			
	4"	5120	2770	1415	710	3620		
Size	6*	10580	5725	2920	1470	7480		
	8"	18200	9850	5020	2525	12865		
Pipe	10"	27370	14815	7555	3795	19355		
	12"	38710	20950	10680	5370	27370		

#### THRUST CALCULATION NOTES

- 1. CALCULATIONS BASED ON NFPA 24, TABLE A-8-6.2, 2000 EDITION
- 2. THRUST CALCULATED FOR 200 PSI STATIC PRESSURE

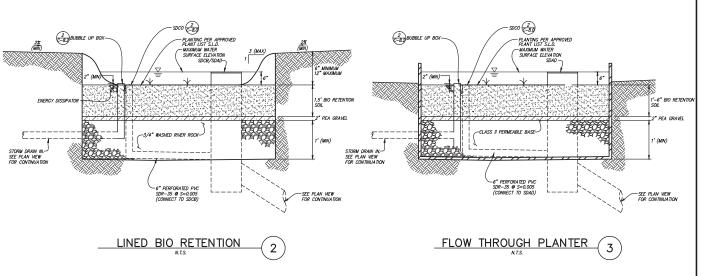


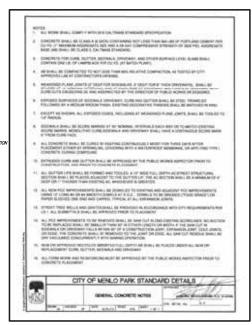
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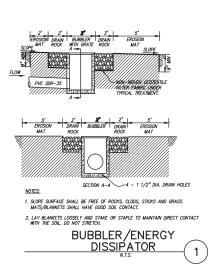
CONSTRUCTION DETAILS

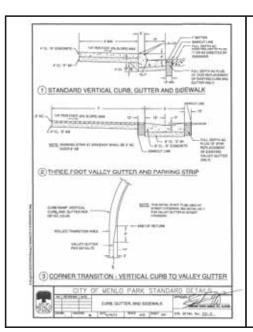
D31

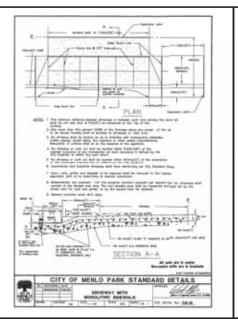
C8.1

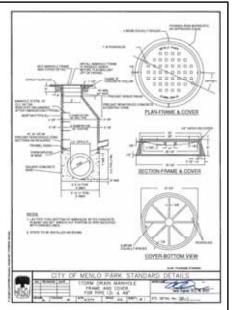








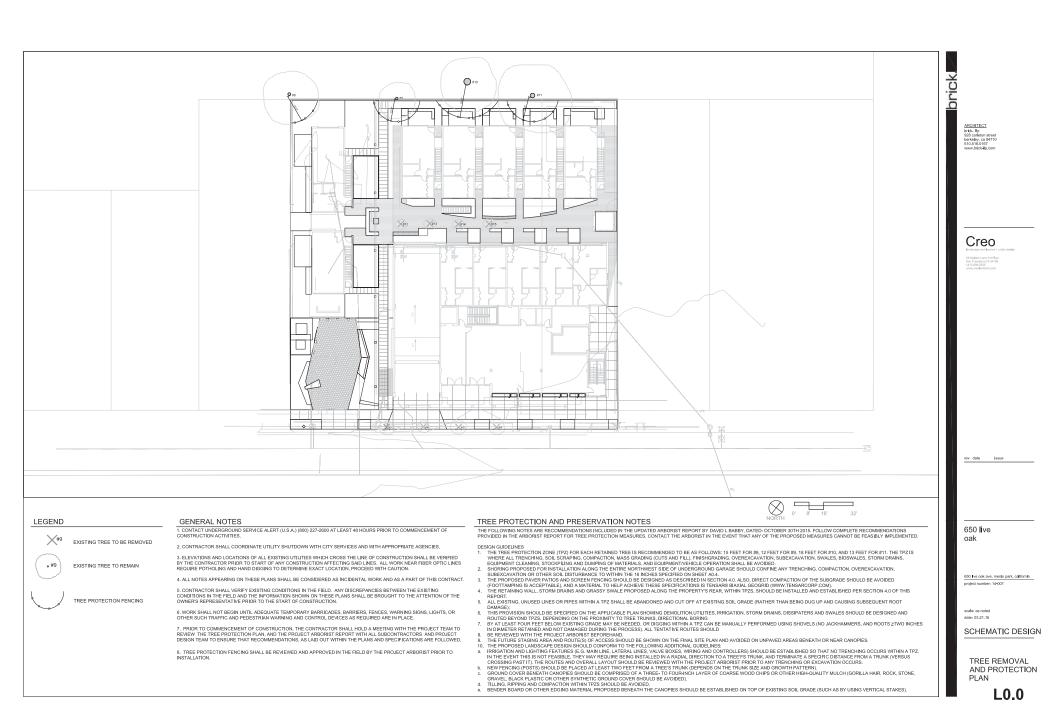




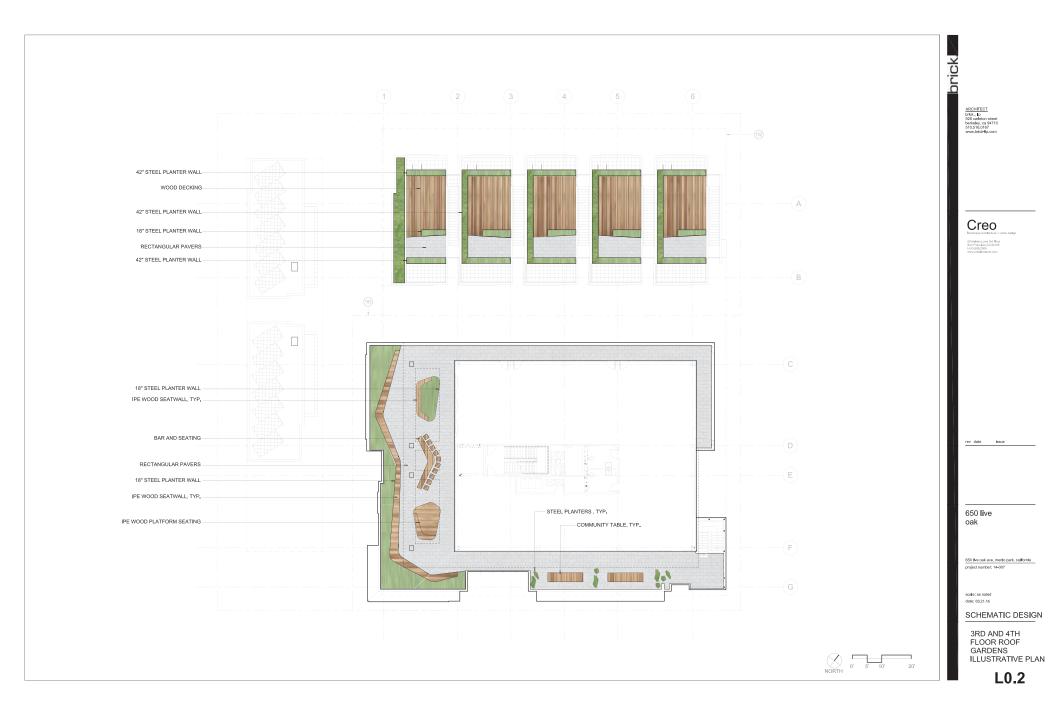
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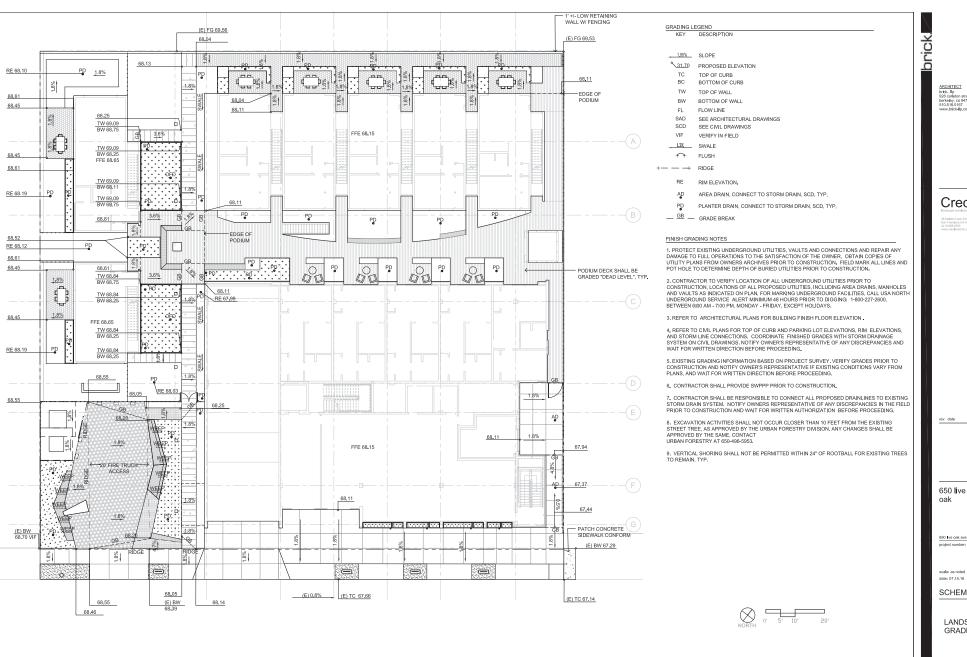
CONSTR. DETAILS

D32 C8.2









Creo

650 Ive oak ave. menlo park, california

date: 07.14.16

SCHEMATIC DESIGN

LANDSCAPE GRADING PLAN

L1.0

rev date issue

650 live

650 Ive oak ave. menio park, california project number: 14-007

scale: as noted date: 07.14.16

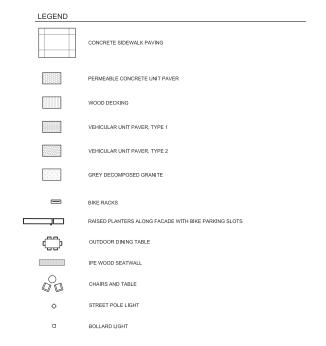
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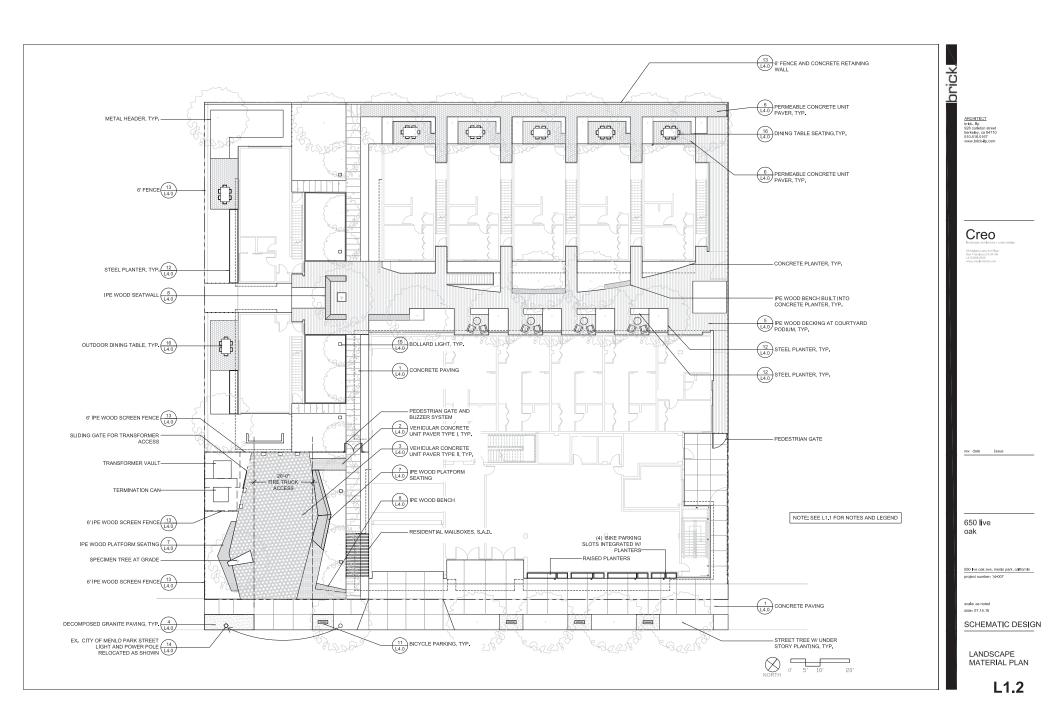
LANDSCAPE MATERIAL NOTES AND LEGENDS

L1.1

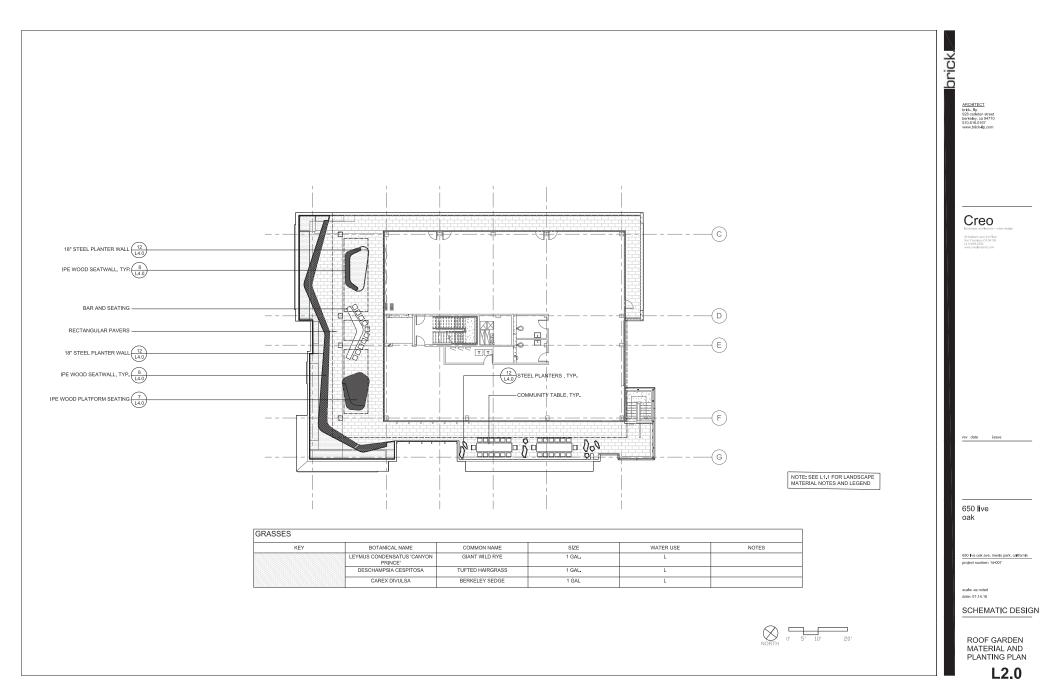
## GENERAL NOTES

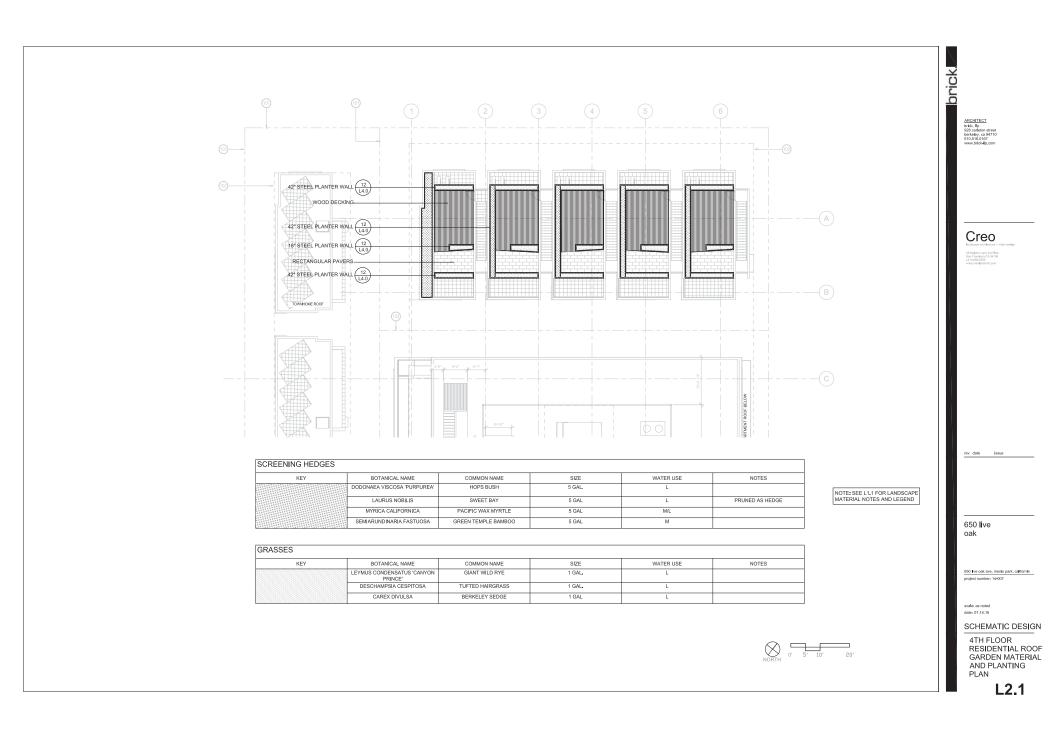
- 1. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION INCLUDING LOCATIONS OF FIBER OPTIC LINES, PROPOSED UTILITIES, AREA DRAINS, MANHOLES, AND VAULTS AS INDICATED ON THE PROJECT SURVEY AND ANY CIVIL UTILITY PLANS, FOR MAKING UNDERGROUND FACILITIES, CALL LINDERGROUND SERVICE ALERT MINIMUM TWO DAYS PRIOR TO DIGGING: 1-800-227-2600, BETWEEN 8:00 AM-7:00 PM, MONDAY- FRIDAY, EXCEPT HOLIDAYS.
- 2, CONTRACTOR SHALL POTHOLE EXISTING FIBER OPTIC LINE TO VERIFY DEPTH AND LOCATION PRIOR TO CONSTRUCTION, NOTIFY OWNER'S REPRESENTATIVE OF ANY CONFLICT AND WAIT FOR WRITTEN AUTHORIZATION PRIOR TO PROCEEDING.
- 3, REFER TO CIVIL DRAWINGS FOR LOCATION OF ALL UNDERGROUND UTILITIES EXISTING AND PROPOSED, AND NOTIFY OWNERS REPRESENTATIVE OF ANY CONFLICT AND WAIT FOR WRITTEN AUTHORIZATION PRIOR TO PROCEEDING.
- 4. STAKE LOCATION OF LANDSCAPE ELEMENTS INCLUDING PAVING, BENCHES, POTS, ETC. FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION,
- 5. SPACING OF SCORE MARKS EQUALS WIDTH OF WALK, EXCEPT WHERE DRAWN OTHERWISE. ALIGN WITH OBVIOUS PAVING EDGES, AND PERPENDICULAR TO EDGE OF CURVED WALKWAYS UNLESS SHOWN OTHERWISE.
- 6. PROVIDE EXPANSION JOINTS WHERE CONCRETE PAVING MEETS EXISTING PAVING WHETHER SHOWN ON PLAN OR NOT. AT NEW CONCRETE PAVING, SPACING OF EXPANSION JOINTS IS TYPICALLY 20 MIN, O.C., OR WHERE SHOWN, REFER TO SPECIFICATIONS, PROVIDE DOWELS INTO BACK OF CURB, FACE OF WALL, BOTTOM OF STAIRS, ETC. TO PREVENT DIFFERENTIAL SETTLEMENT AS SHOWN ON DETAILS.
- ALL CURVES SHALL BE CONSTRUCTED SMOOTH AND TANGENT WITH OTHER CURVES OR STRAIGHT LINES WHEREVER POSSIBLE. TRANSITIONS BETWEEN CHANGES IN VERTICAL CURVATURE OF PAVING SHALL BE SMOOTH AND GRADUAL WITH NO ABRUPT CHANGES.











IO-RETENTION PLANT	ING				
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES
	DESCHAMPSIA CEPITOSA	TUFTED HAIRGRASS	1 GAL.	L	
	PRINCE'	GIANT WILD RYE	1 GAL.	L	
	RHAMNUS CALIFORNICA	CALIFORNIA COFFEEBERRY	5 GAL,	L	
	SANTOLINA SPP.	SANTOLINA	1 GAL.	L	
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	L	
				•	
REES					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES
BET NIG	BETULA NIGRA	RIVER BIRCH	24" BOX	Н	
GIN BIL	GINKGO BILOBA	MAIDENHAIR TREE	60" BOX	М	NON-FRUITING VARIETY ONLY
OLE EUR	OLEA EUROPEA	OLIVE	60" BOX	VL	
LOP CON	LOPHOSTEMON CONFERTUS	BRISBANE BOX	24" BOX	М	
MEL QUI	MELALEUCA QUINQUENERVIA	PAPER BARK TREE	24" BOX	L	

SCREENING HEDGES						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES	
	DODONAEA VISCOSA 'PURPUREA'	HOPS BUSH	5 GAL.	L		
		SWEET BAY	5 GAL	L	PRUNED AS HEDGE	
	MANDICA CALIFORNICA	PACIFIC WAX MYRTLE	5 GAL	M/L		
	SEMIARUNDINARIA FASTUOSA	GREEN TEMPLE BAMBOO	5 GAL	М		

60" BOX

MAIDENHAIR TREE

NON-FRUITING VARIETY ONLY

SHRUBS							
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES		
	AGAVE PARRYI 'TRUNCATAI'	MESCAL AGAVE	5 GAL.	L			
	RHAMNUS CALIFORNICA	CALIFORNIA COFFEEBERRY	5 GAL.	L			
	SALVIA CLEVELANDII	CLEVELAND SAGE	5 GAL.	L			
	WESTRINGIA FRUCTICOSA 'MORNING LIGHT'	COAST ROSEMARY	5 GAL	L			

GROUNDCOVERS						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES	
	CEANOTHUS GRISEUS HOR. 'YANKEE POINT'	CEANOTHUS YANKEE POINT	5 GAL.	L		
	BULBINE FRUTESCENS 'HALLMARK'	ORANGE STALKED BULBINE	5 GAL	Ĺ		
	ROSEMARINUS OFFICINALUS HORIZONTALIS	CREEPING ROSEMARY	5 GAL.	L		
	SENECIO MANDRALISCAE	BLUE CHALKSTICKS	5 GAL.	L		

GRASSES						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES	
	LEYMUS CONDENSATUS 'CANYON PRINCE'	GIANT WILD RYE	1 GAL.	L		
	DESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	1 GAL.	L		
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	L		
NO-MOW SOD						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES	
	DELTA GRASSLAND MIX	DELTA GRASSLAND MIX	SOD	L	FROM DELTA BLUEGRASS CO.	

VINES					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	NOTES
▼	PASSIFLORA 'QUASAR'	PASSION FLOWER HYBRID	5 GAL.	М	

650 Ive oak ave mento park, california project number: 14-007

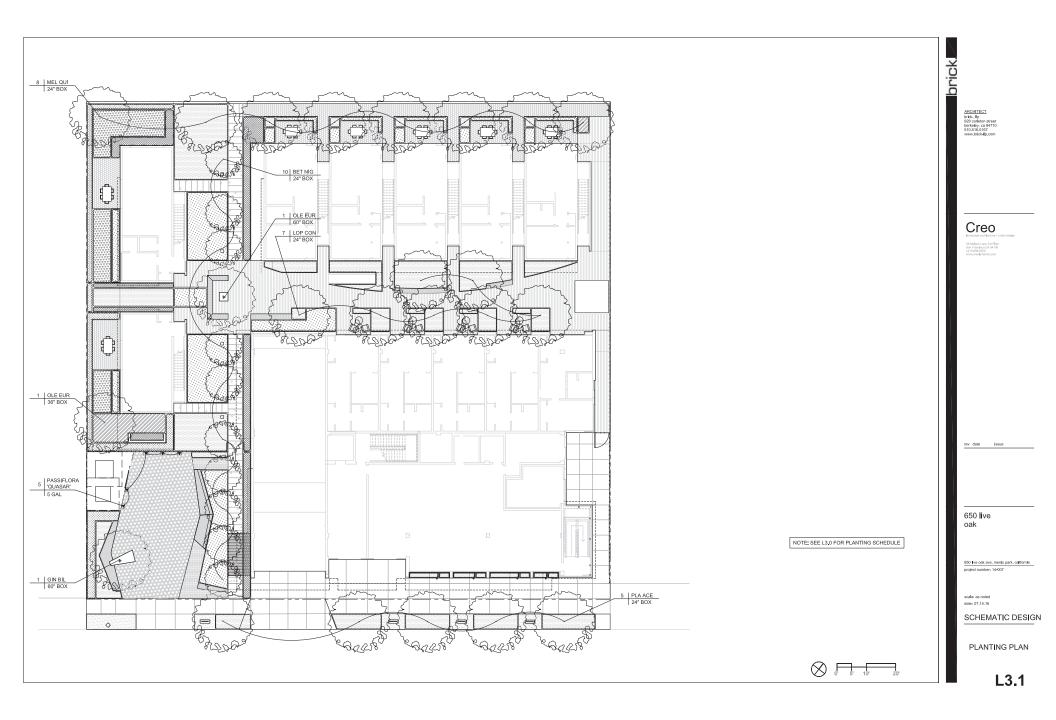
SCHEMATIC DESIGN

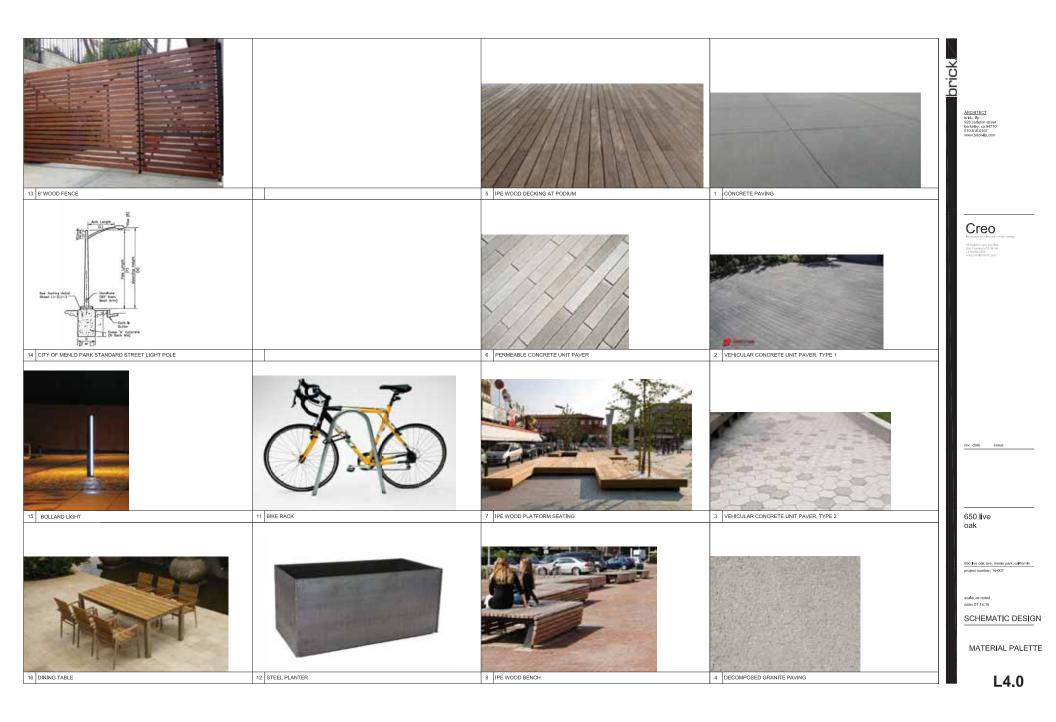
PLANTING SCHEDULE

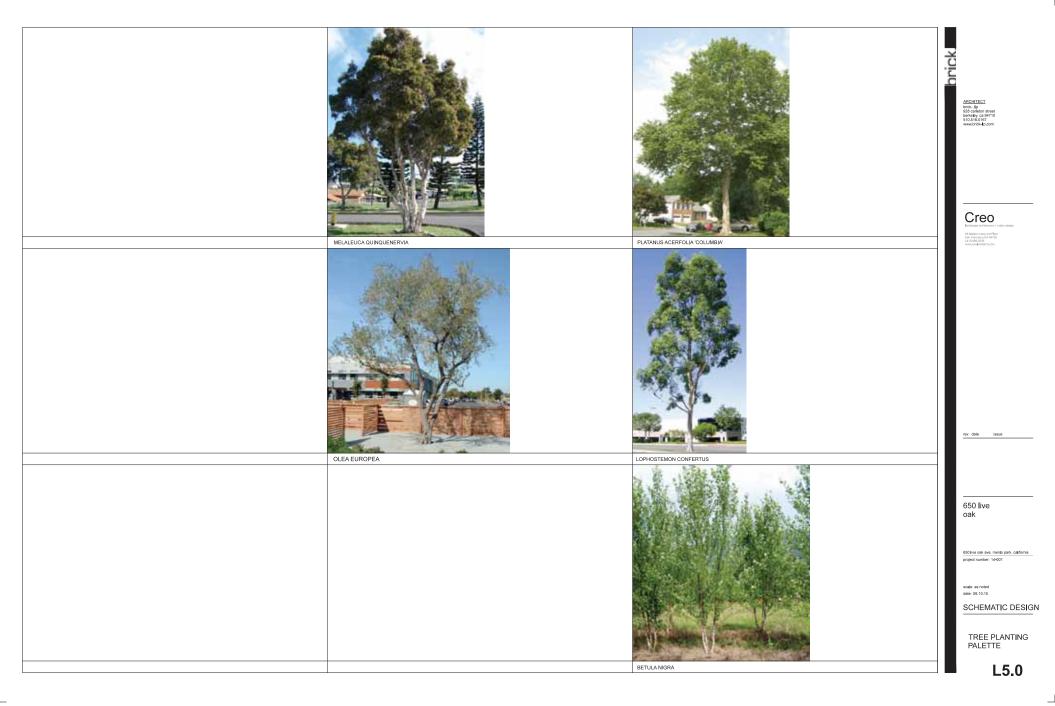
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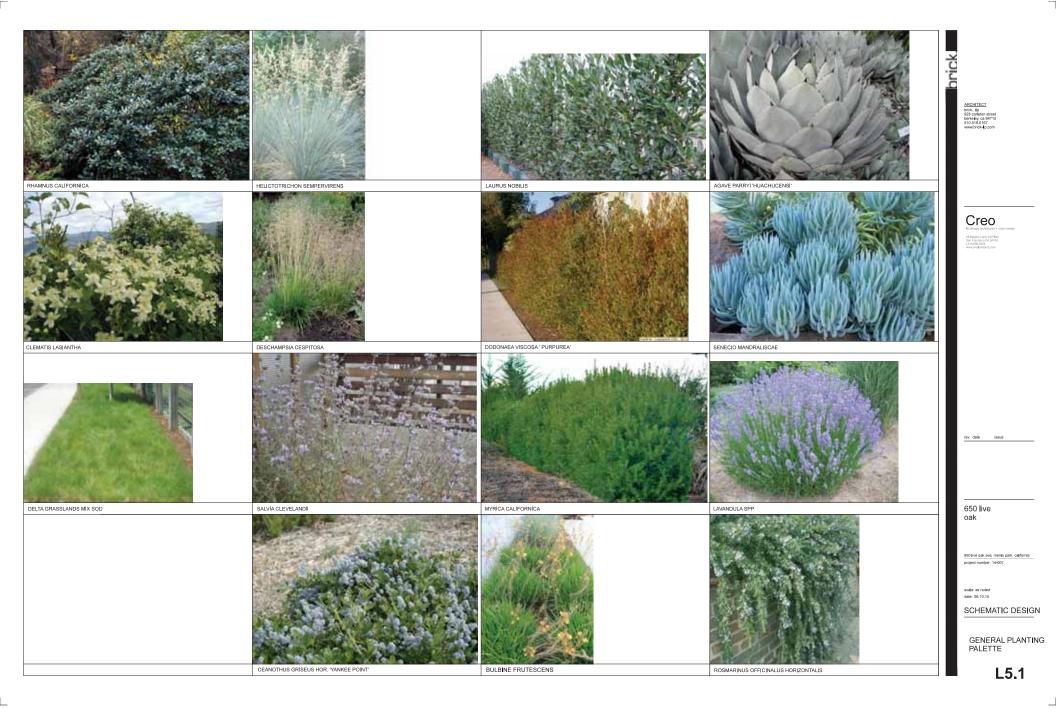
GIN BIL

GINKO BILOBA











650 live oak

scale: as noted date: 08.04.2016

1" = 30'-0"

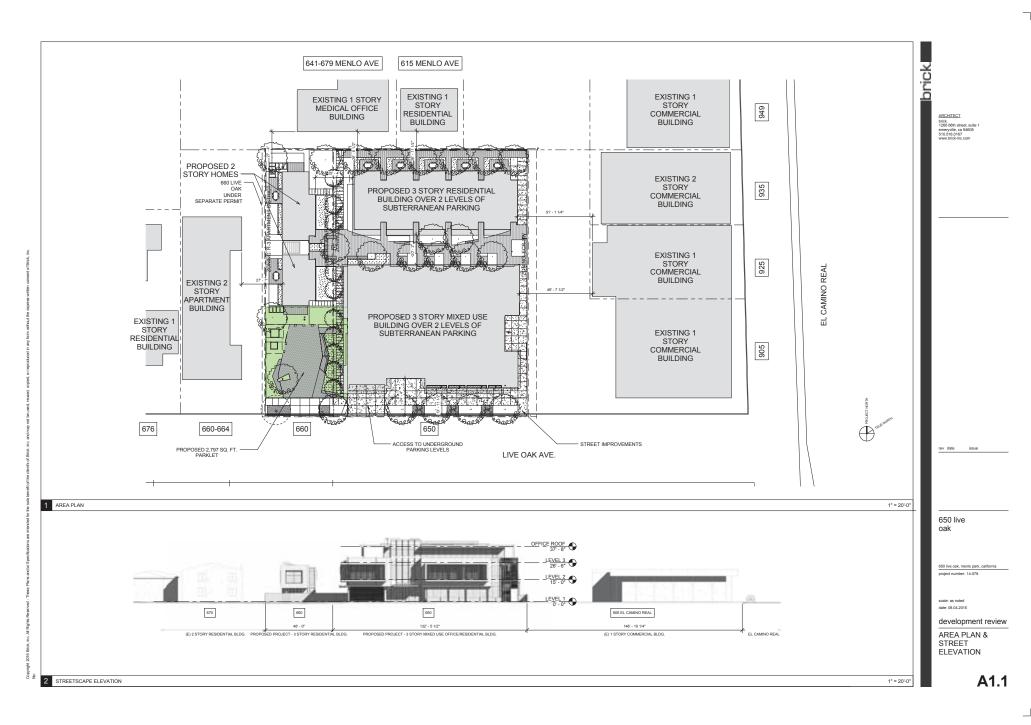
development review

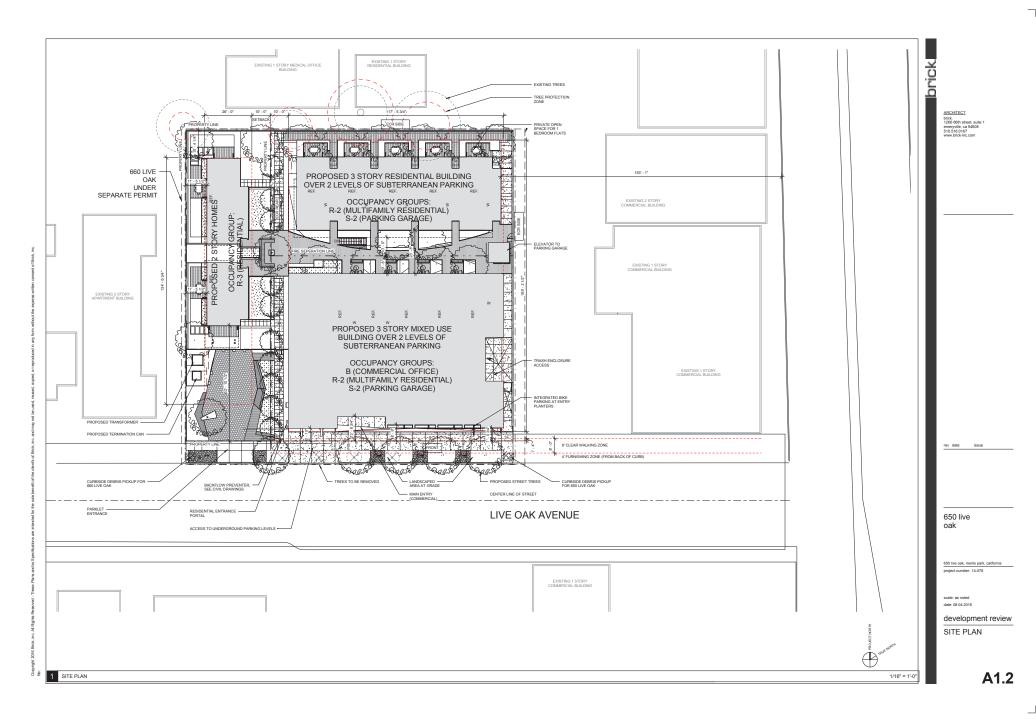
CONTEXTUAL SITE PLAN

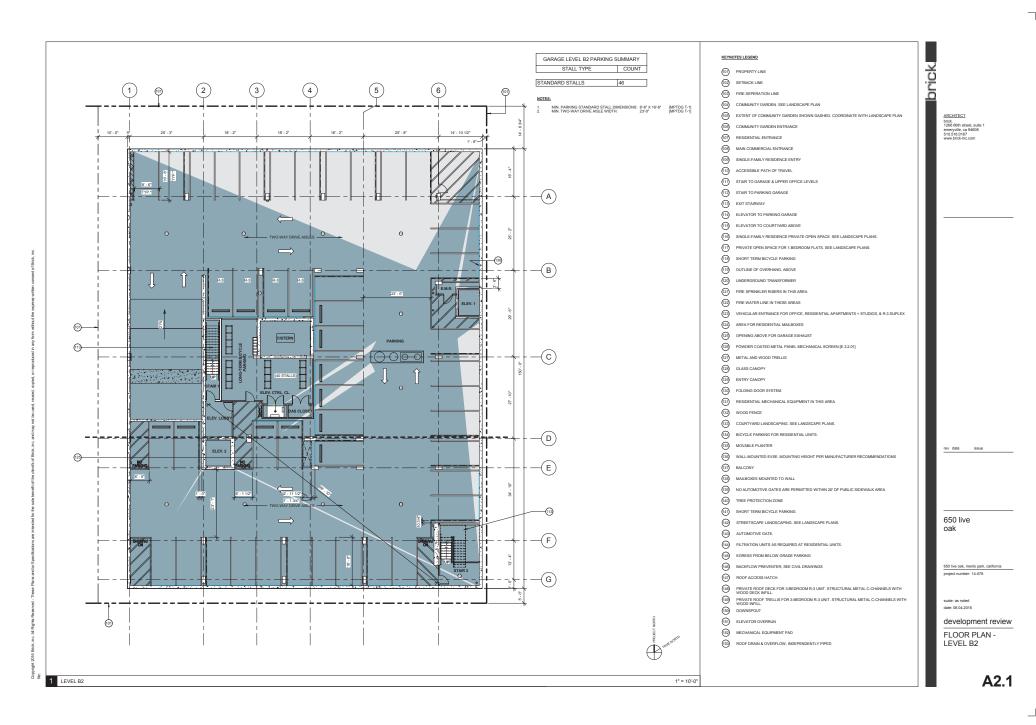
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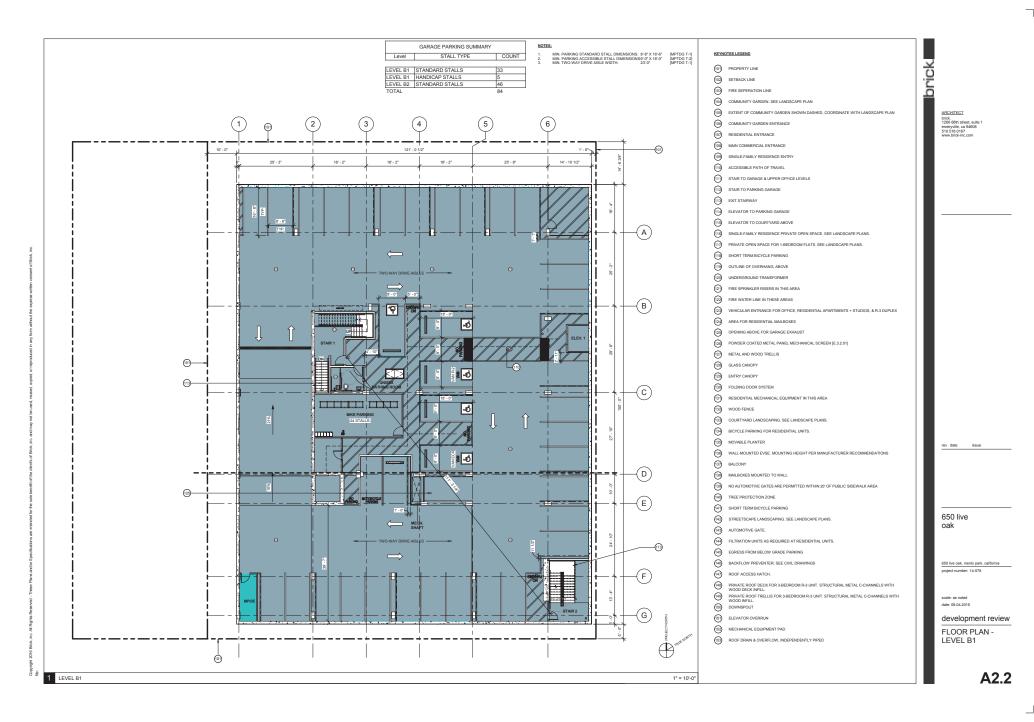
PROPOSED 3 STORY MIXED USE BUILDING OVER 2 LEVELS OF SUBTERRANEAN PARKING LIVE OAK AVE.

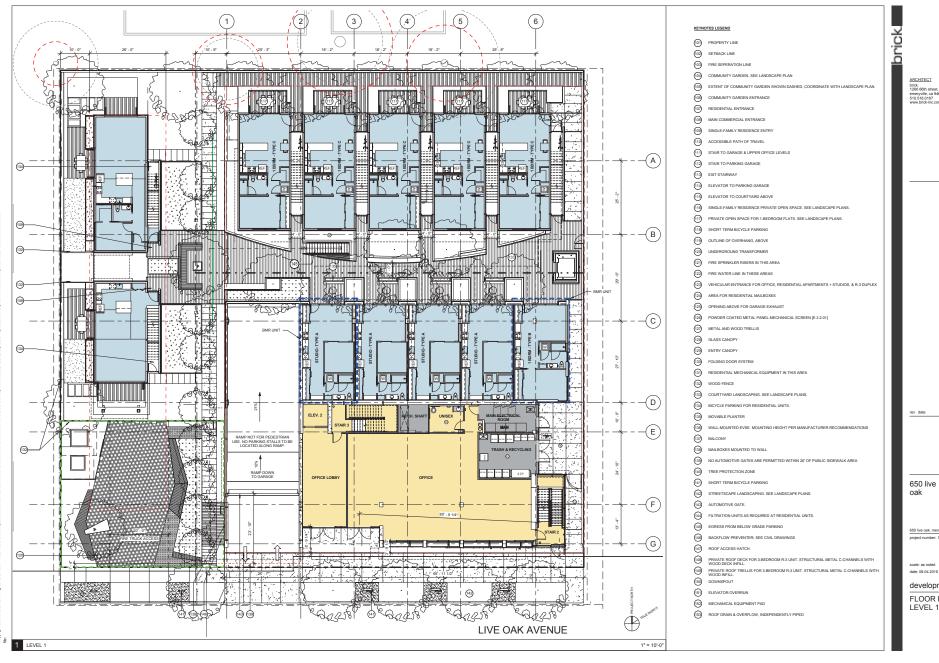
1 CONTEXTUAL SITE PLAN









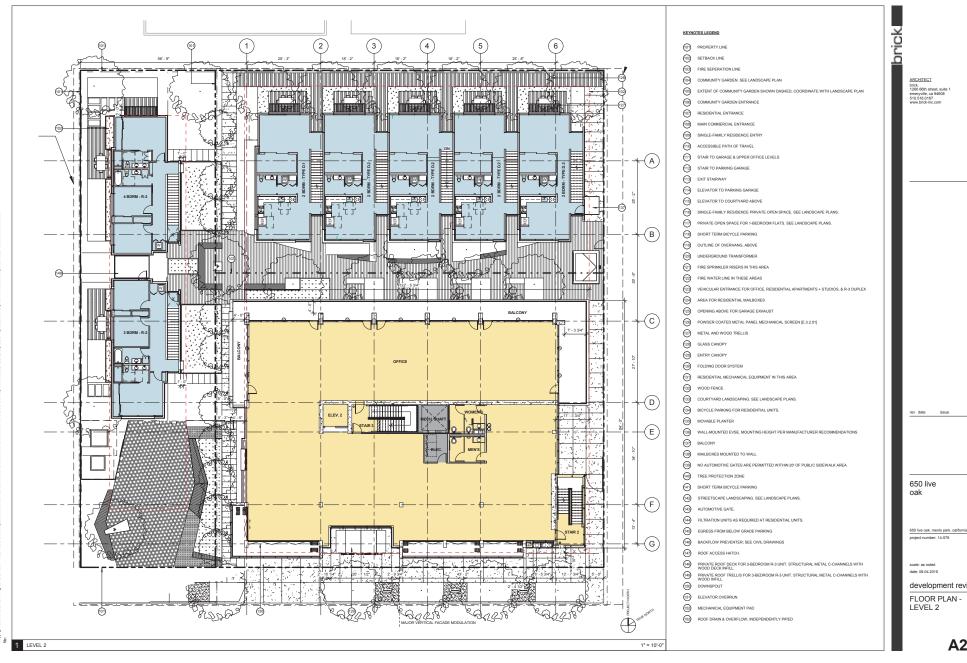


650 live oak, menlo park, california

date: 08.04.2016

development review

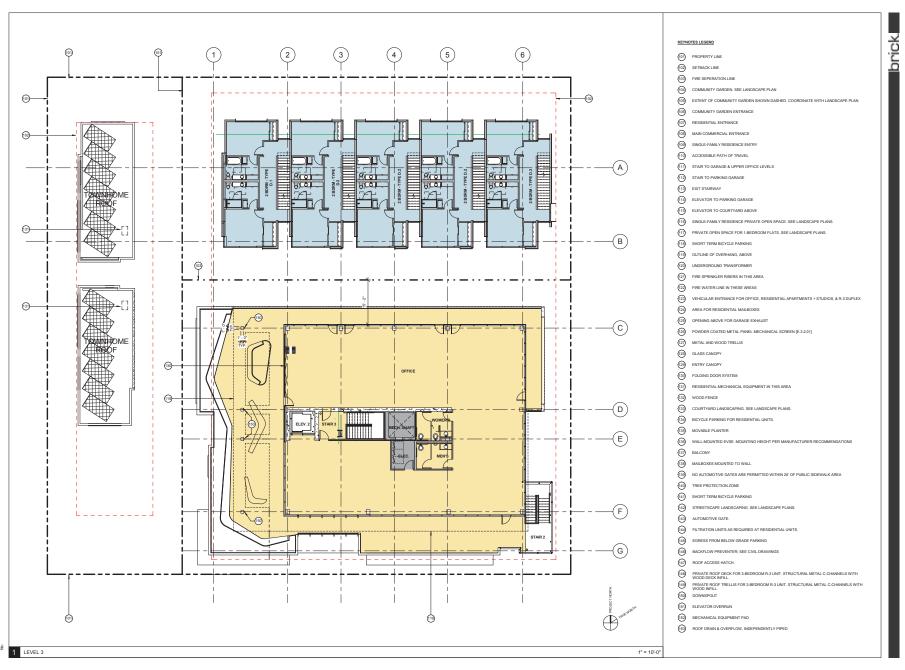
FLOOR PLAN -LEVEL 1



project number: 14-078

development review

FLOOR PLAN -LEVEL 2



RCHITECT
TOPPOSE SEEN STORES SAME 1
memoryale. ca 34600
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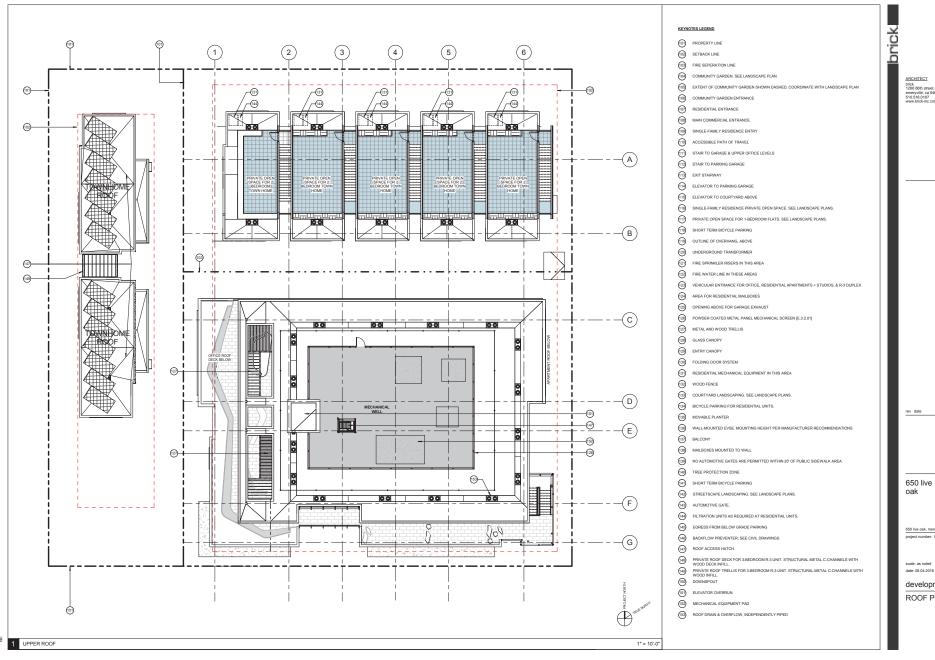
650 live oak

650 live oak, menlo park, california project number: 14-078

date: 08.04.2016

development review

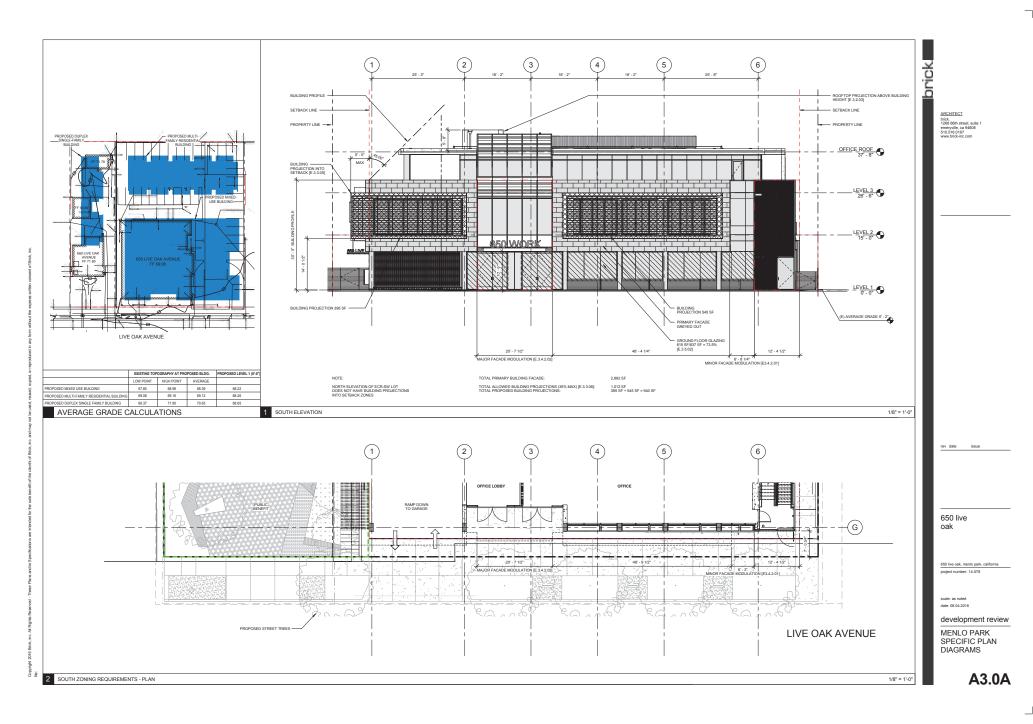
FLOOR PLAN -LEVEL 3

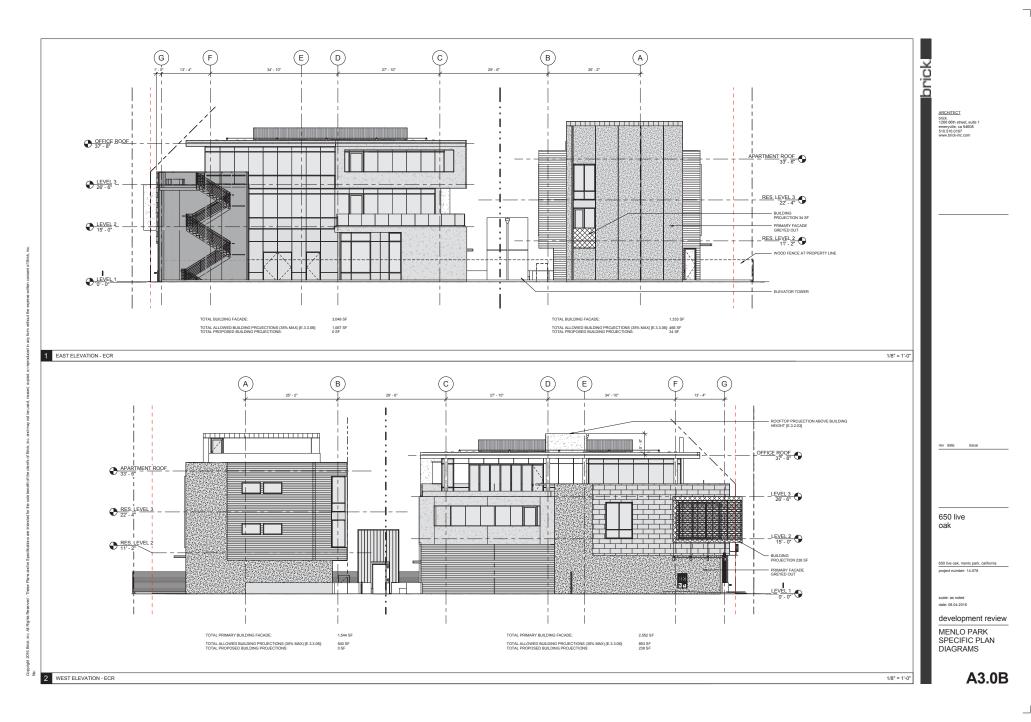


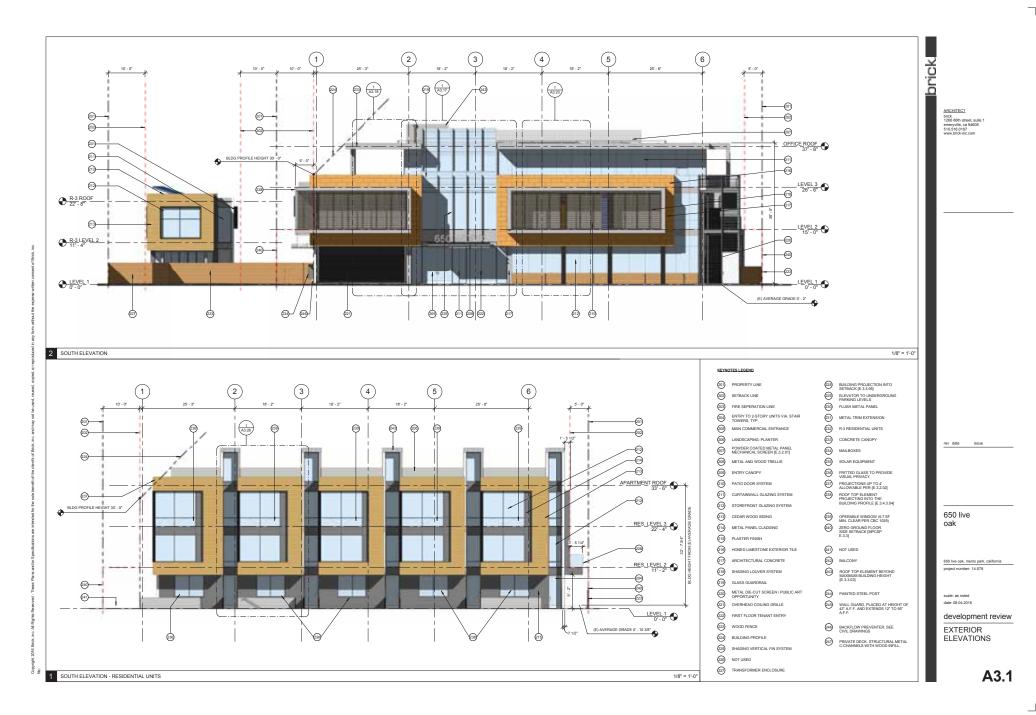
650 live oak, menlo park, california

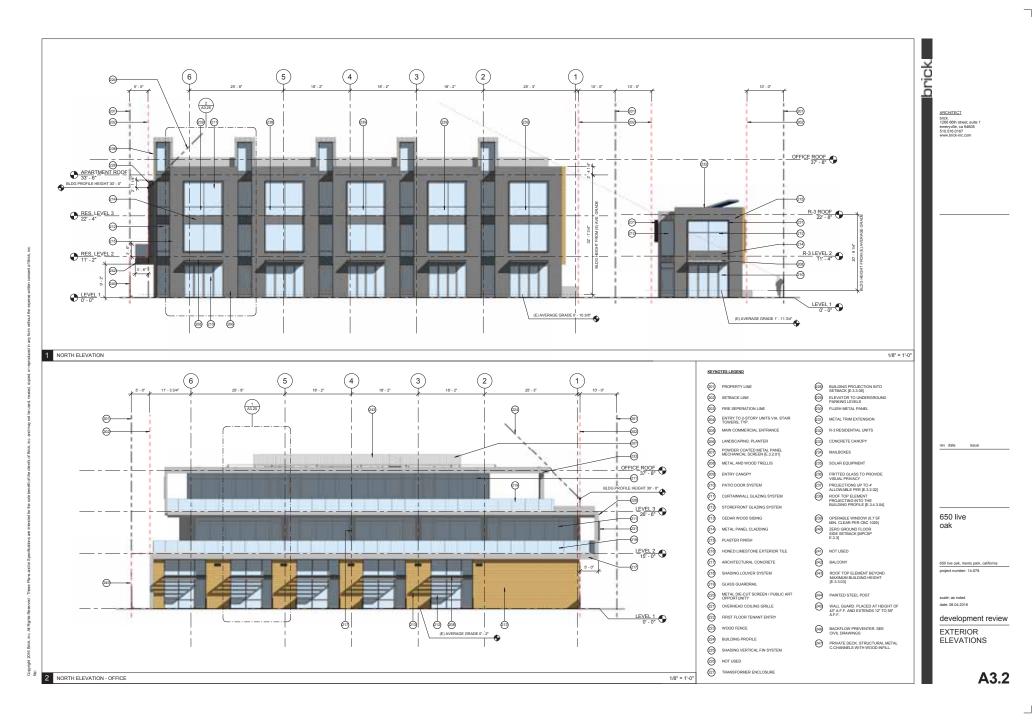
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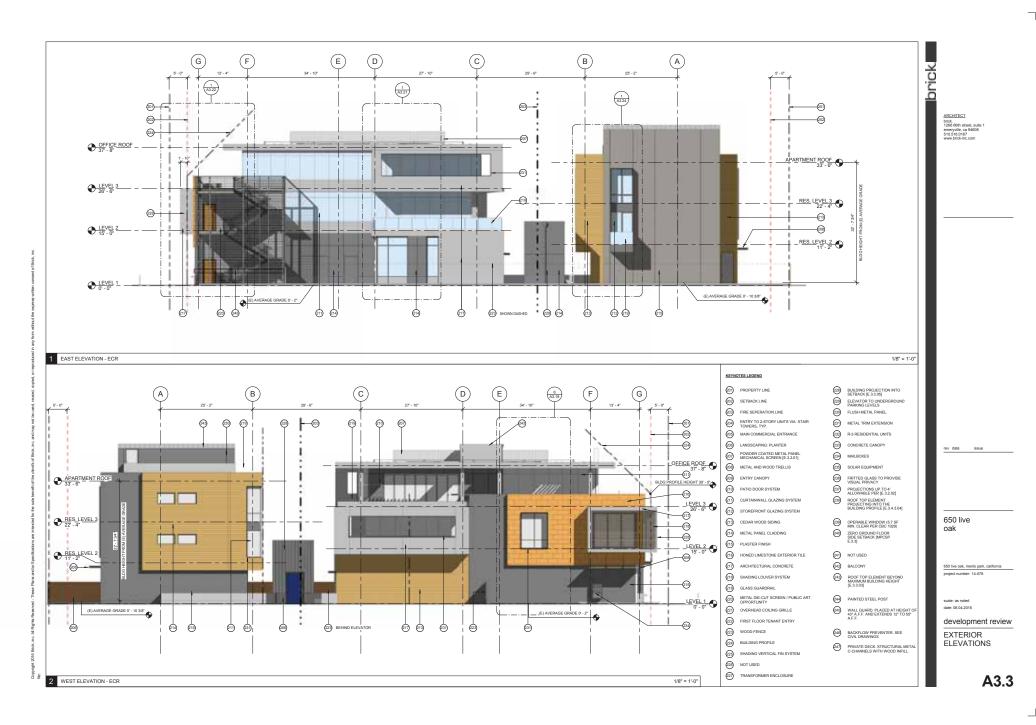
development review ROOF PLAN

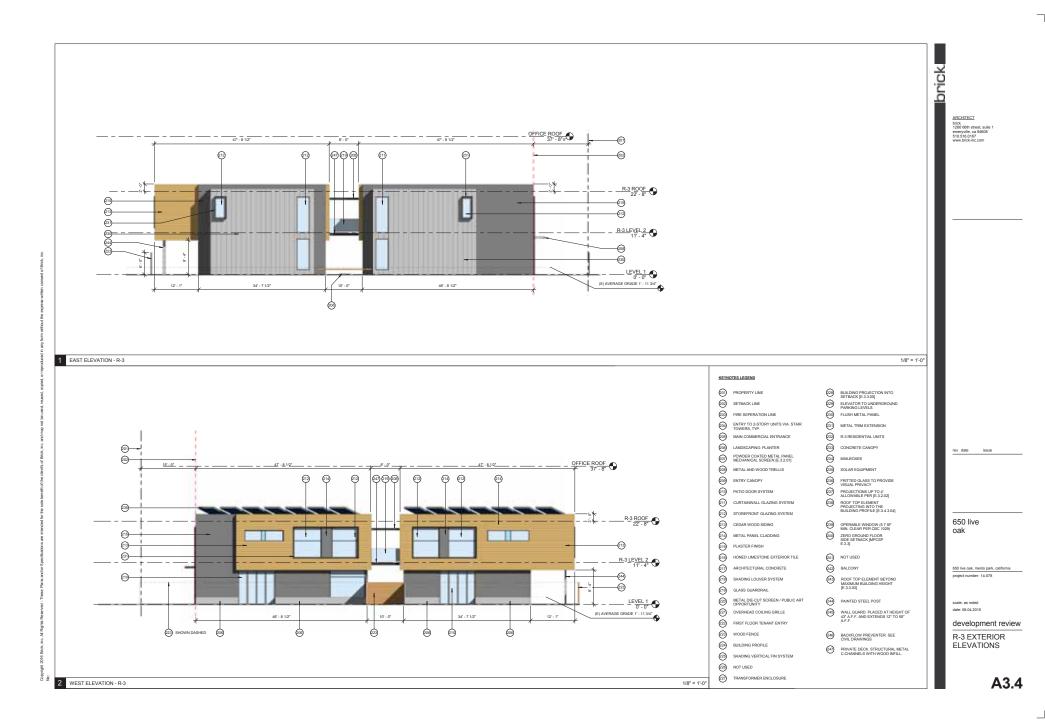


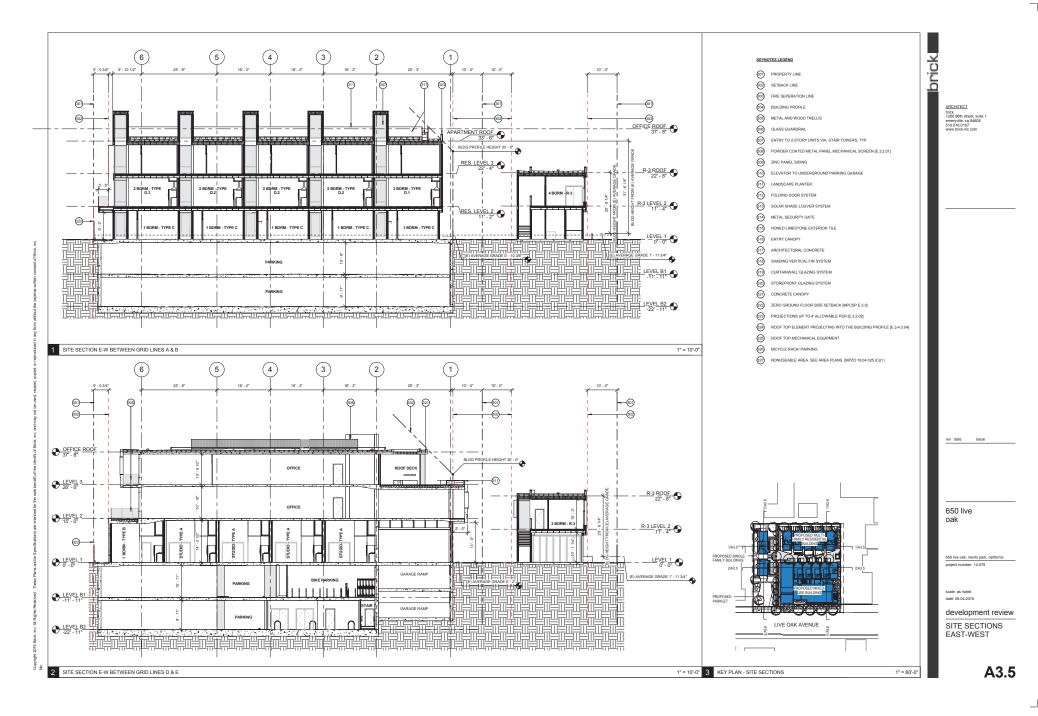


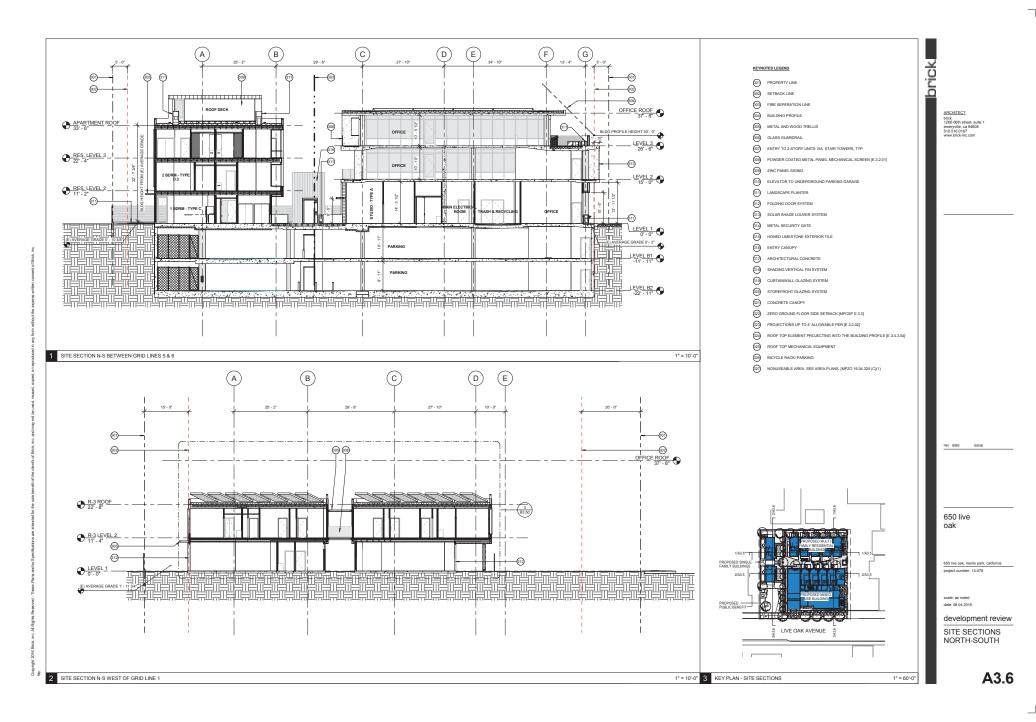


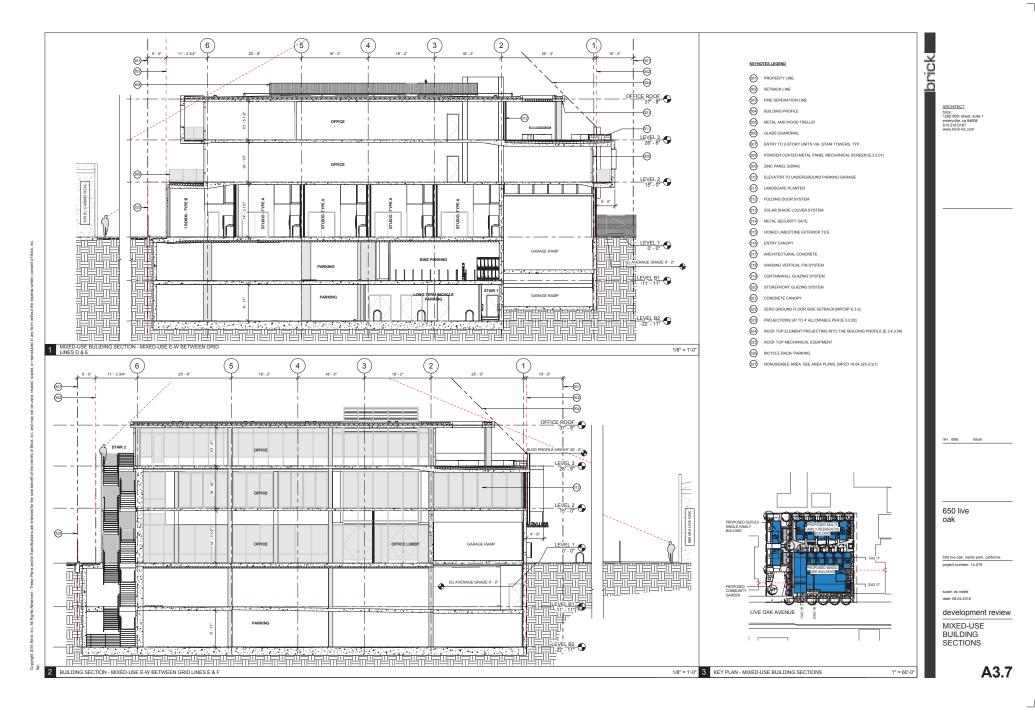


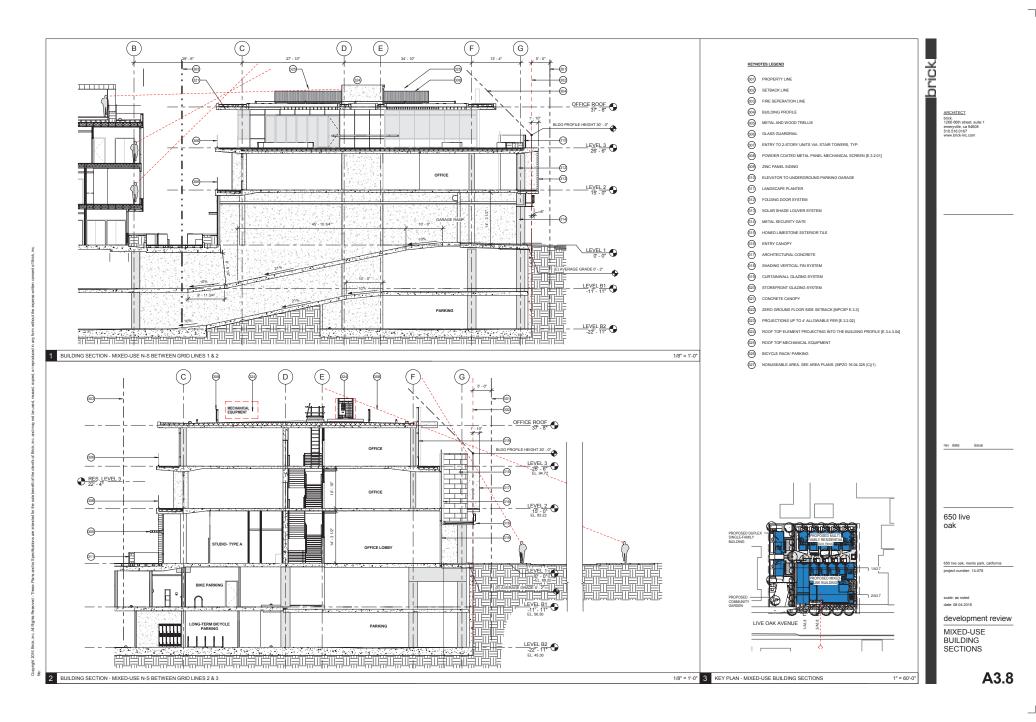


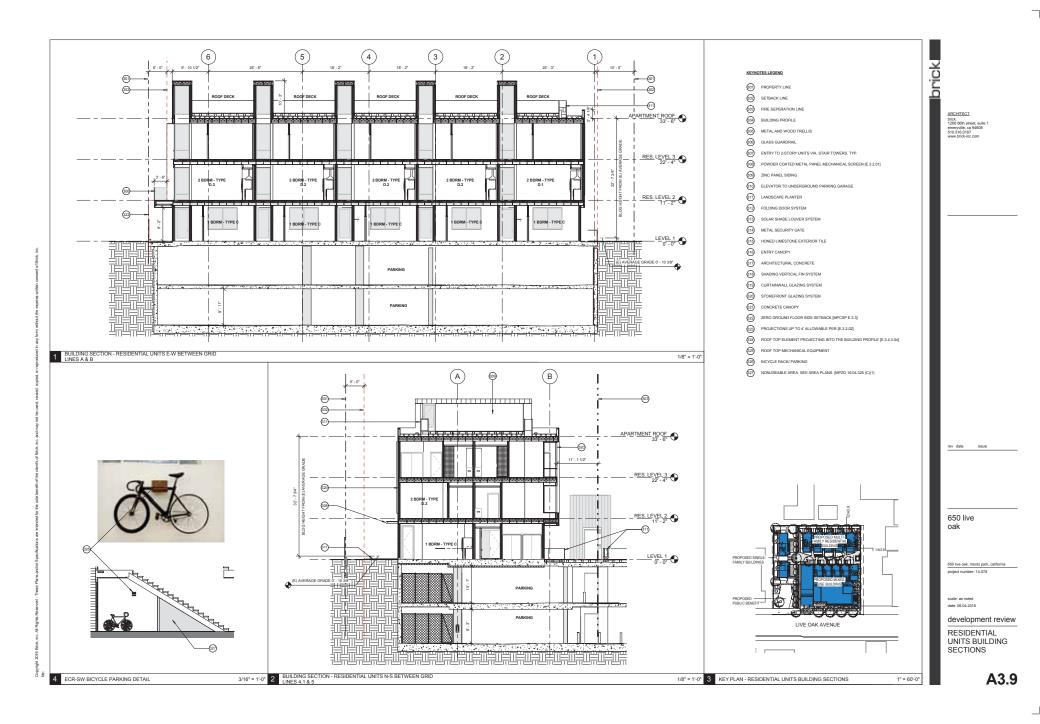


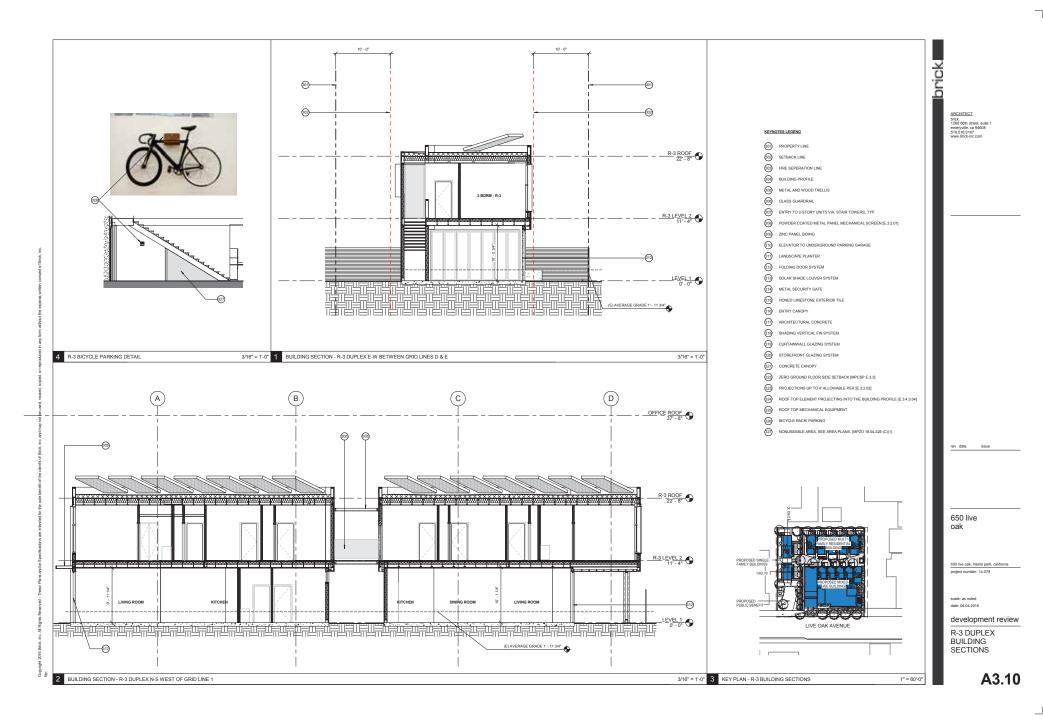


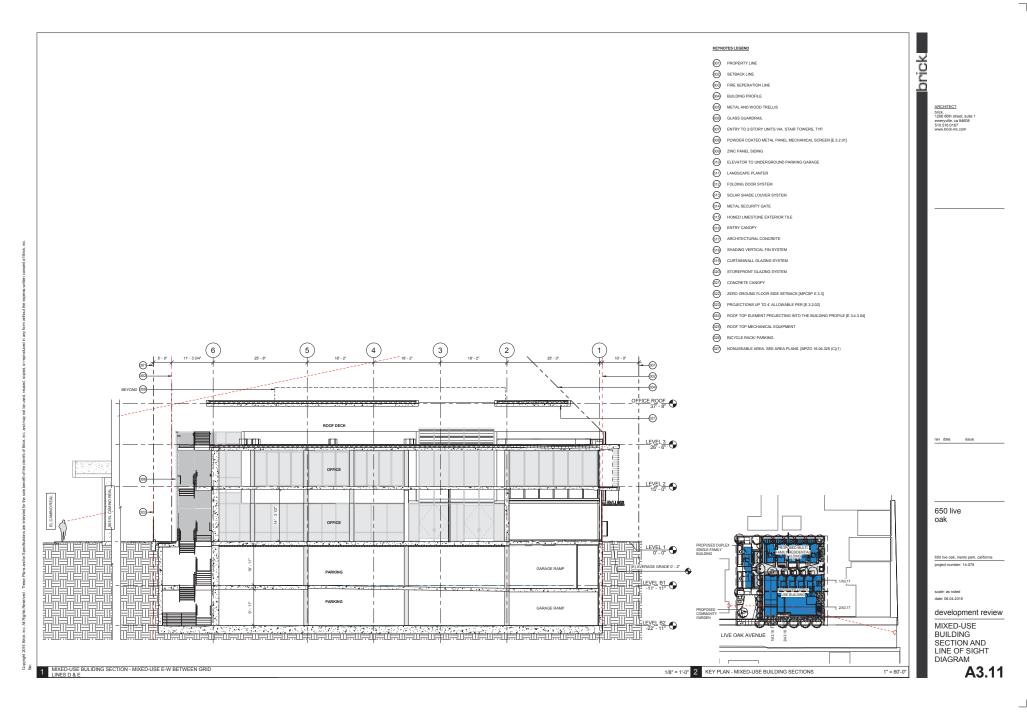


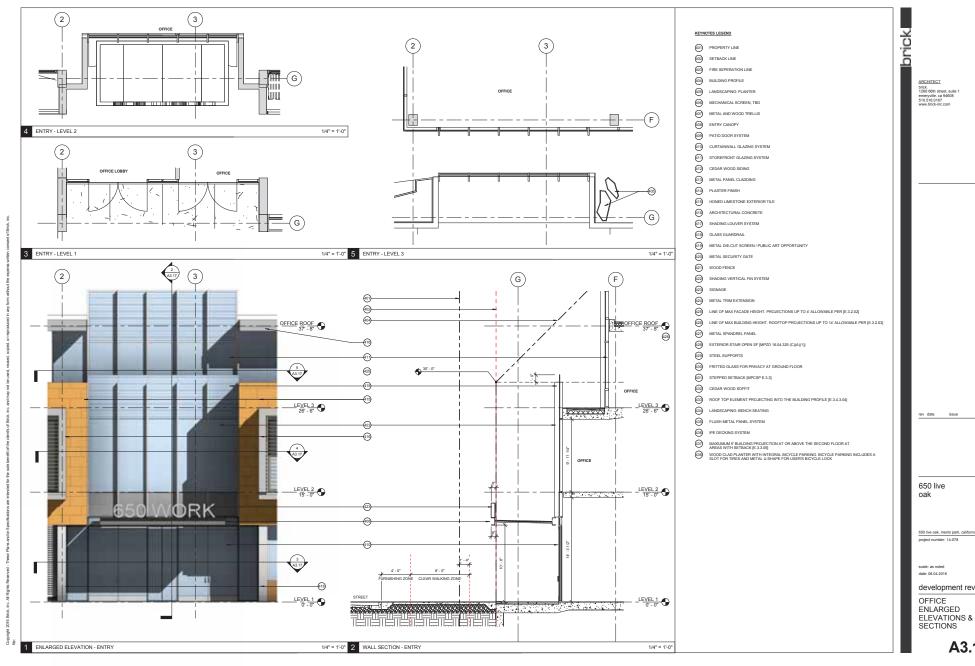








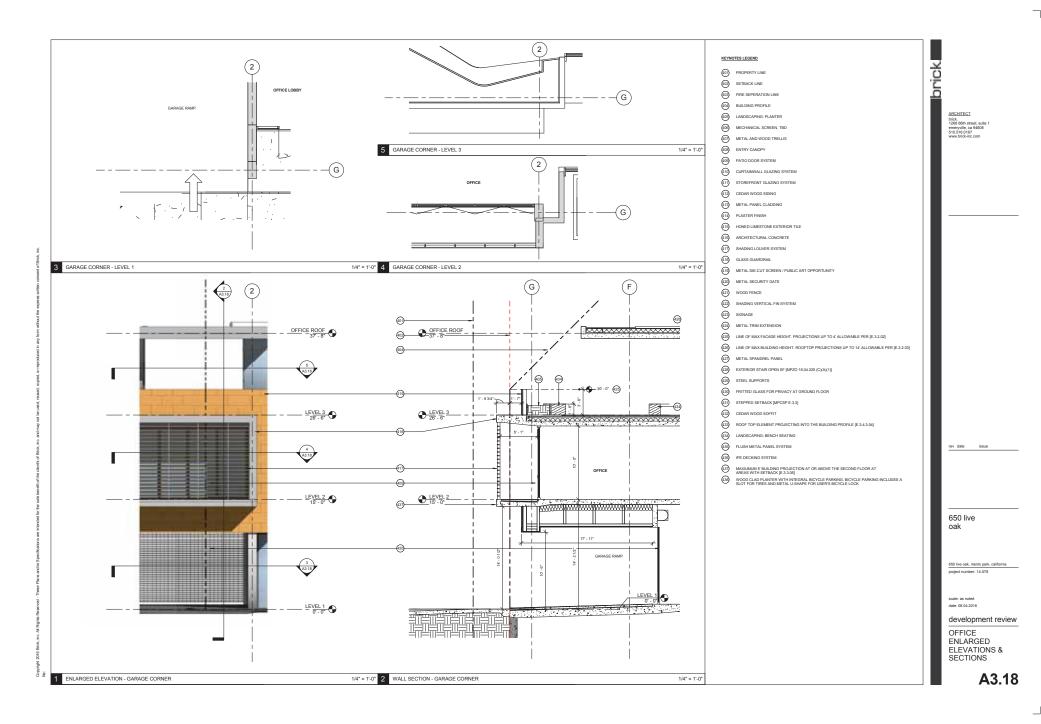


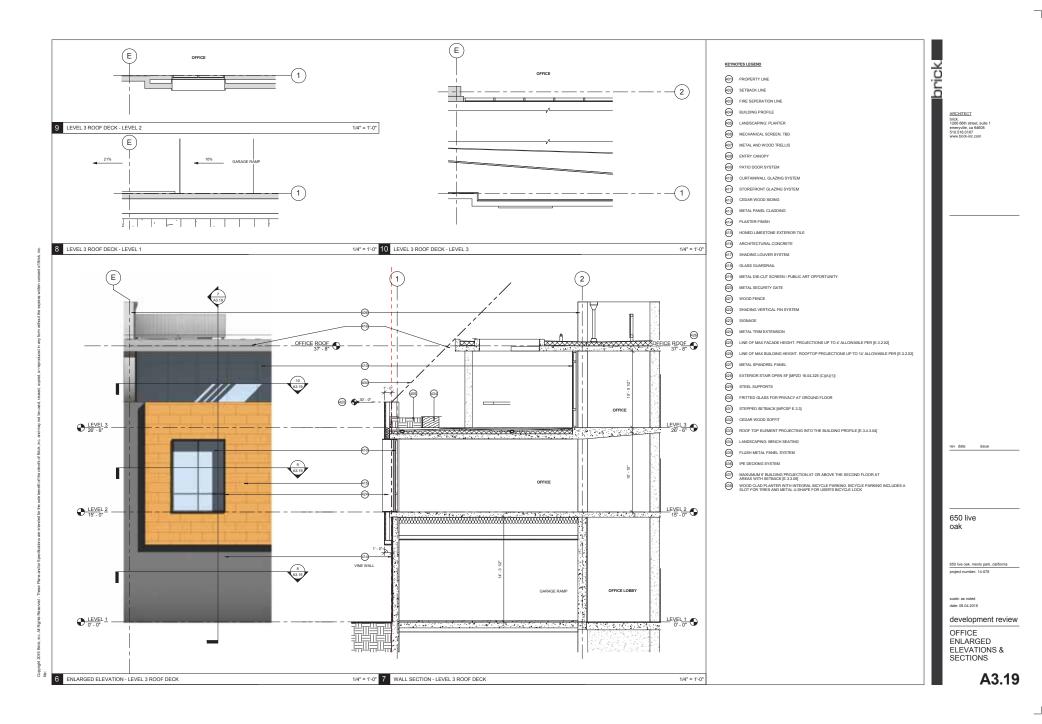


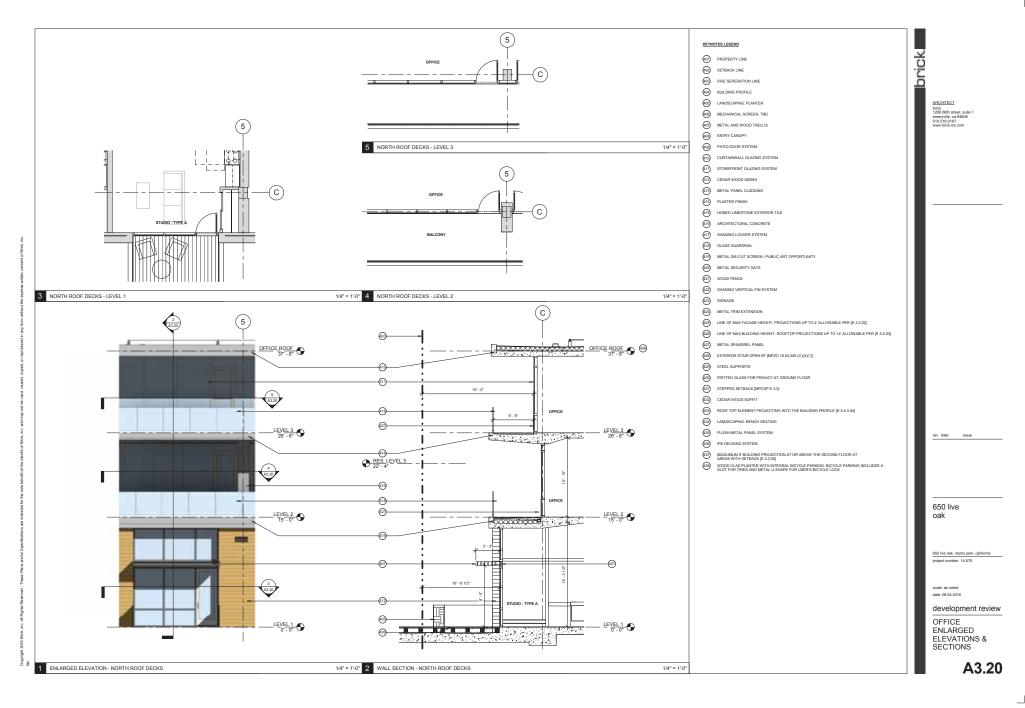
development review

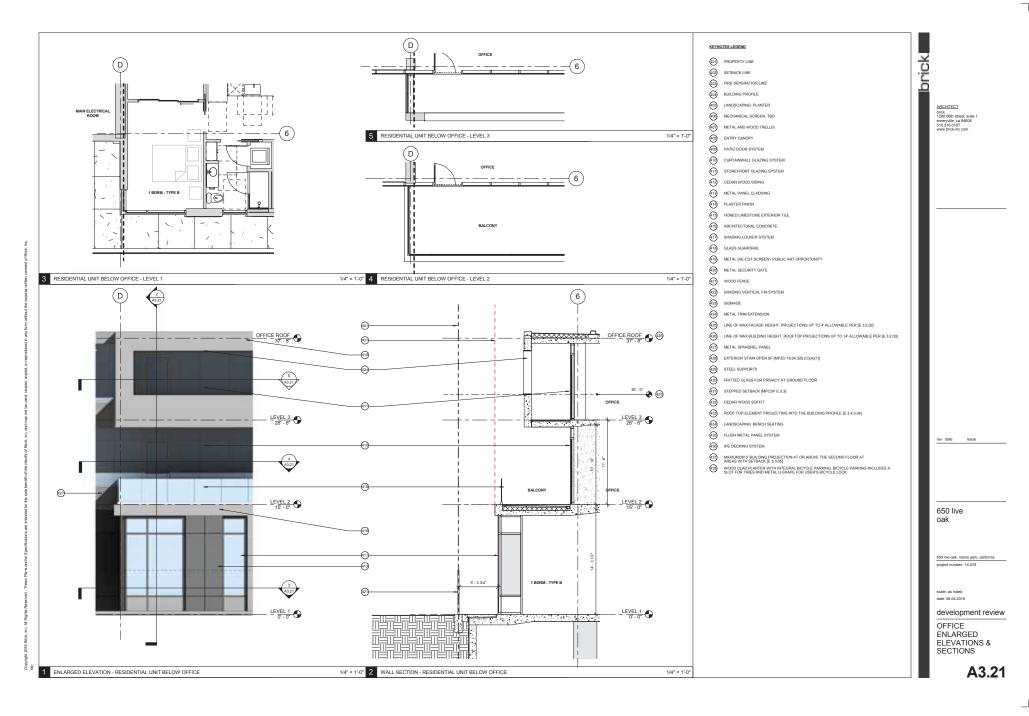
ELEVATIONS & SECTIONS

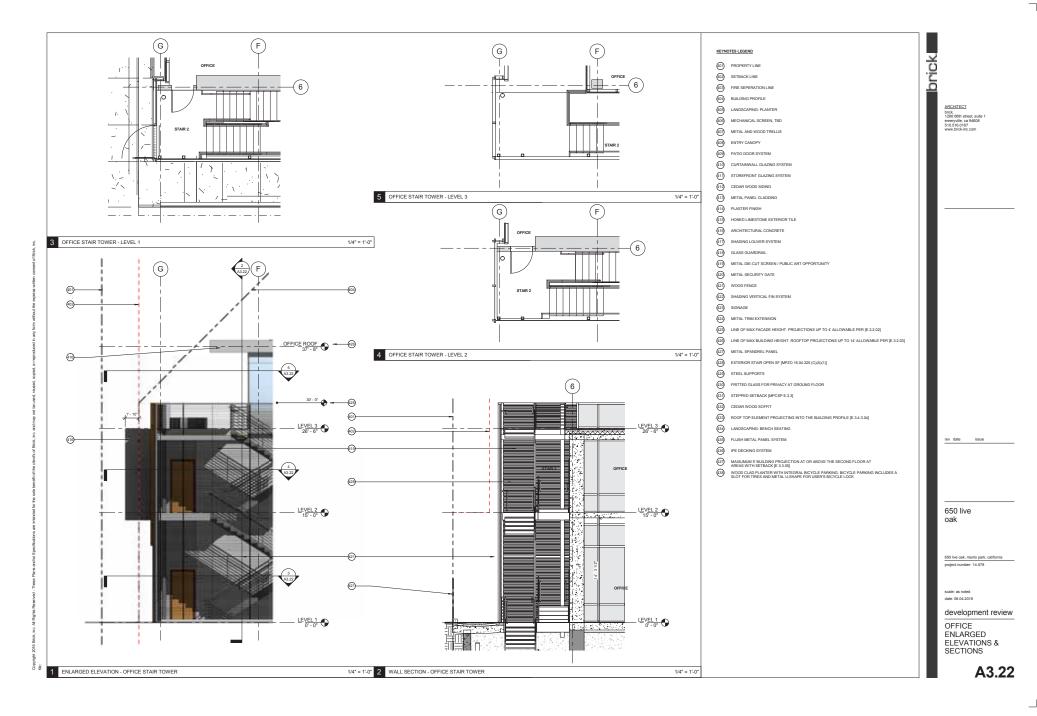
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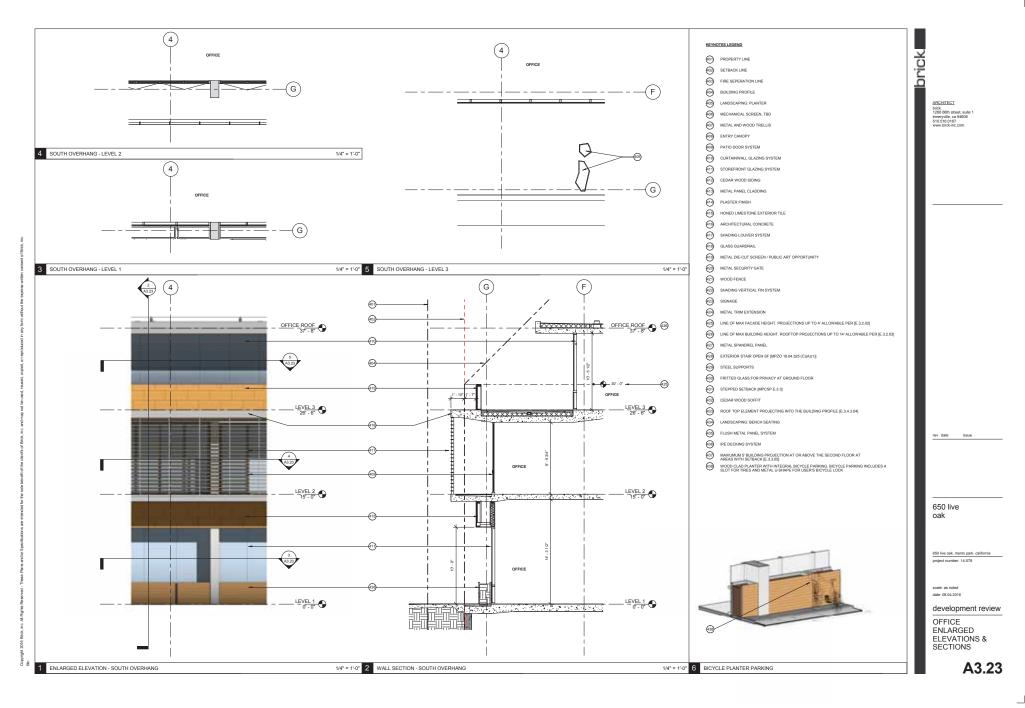


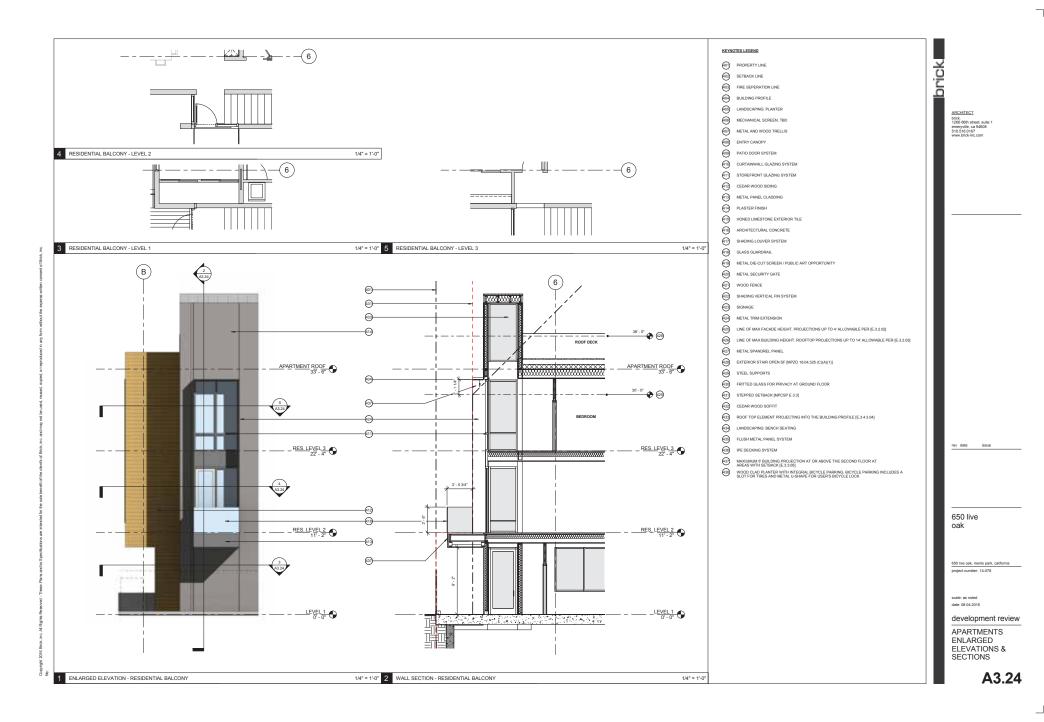


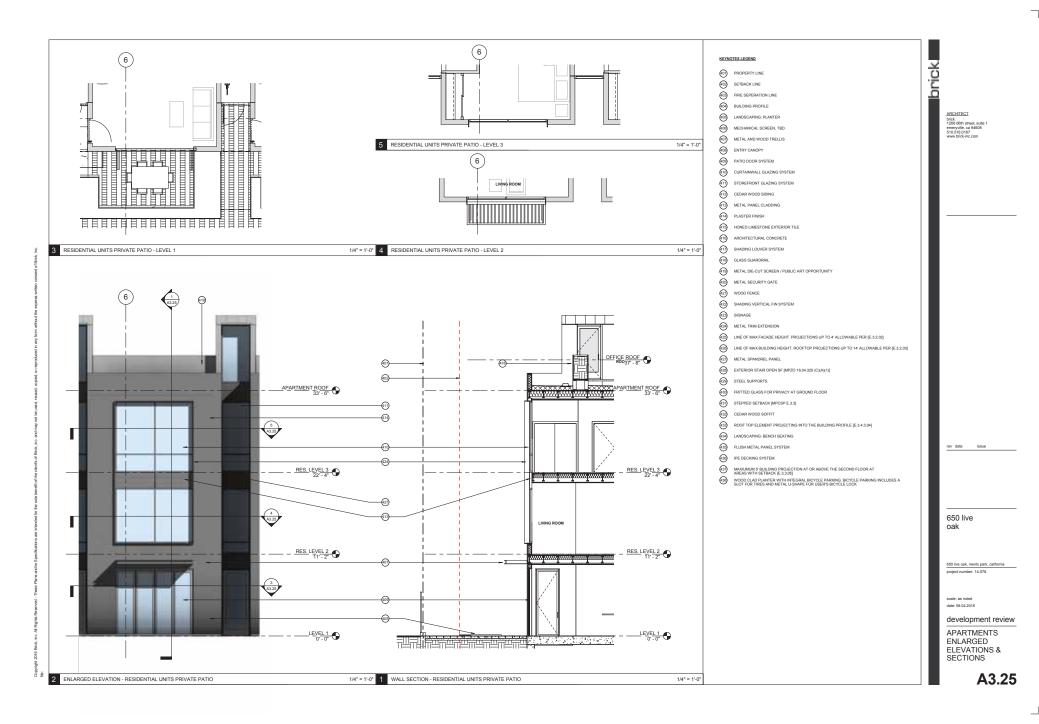


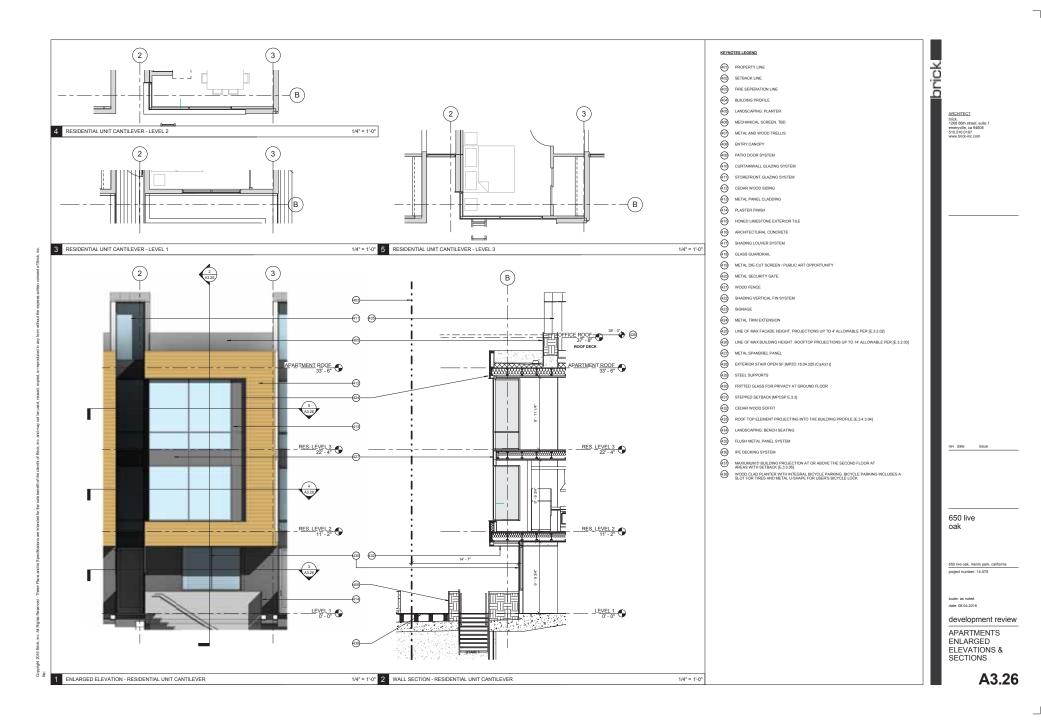


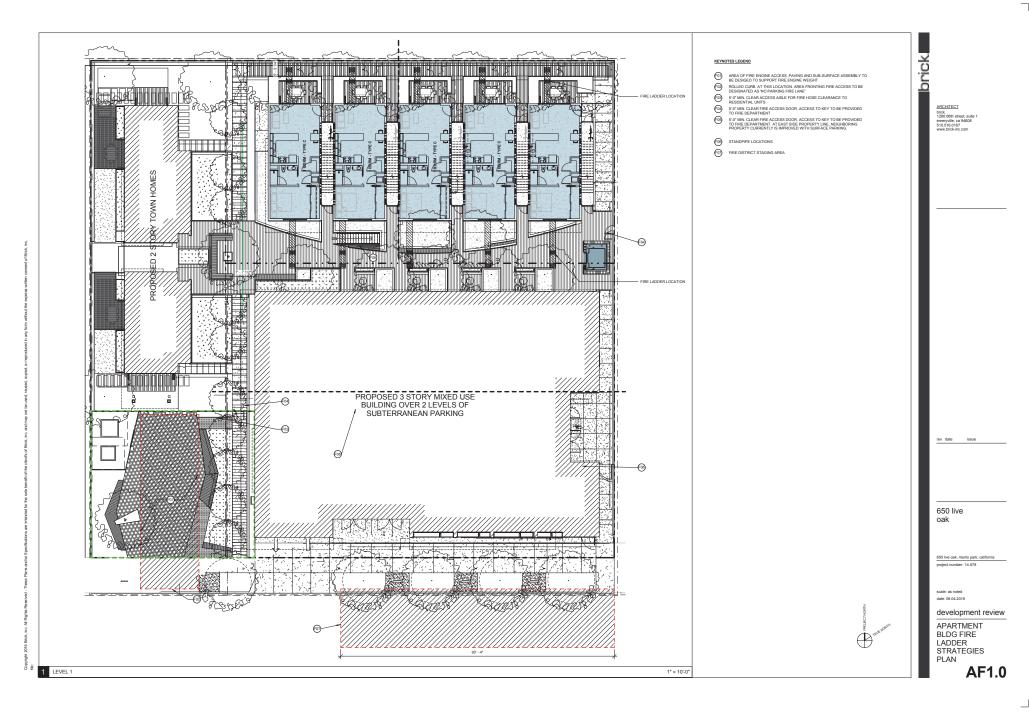


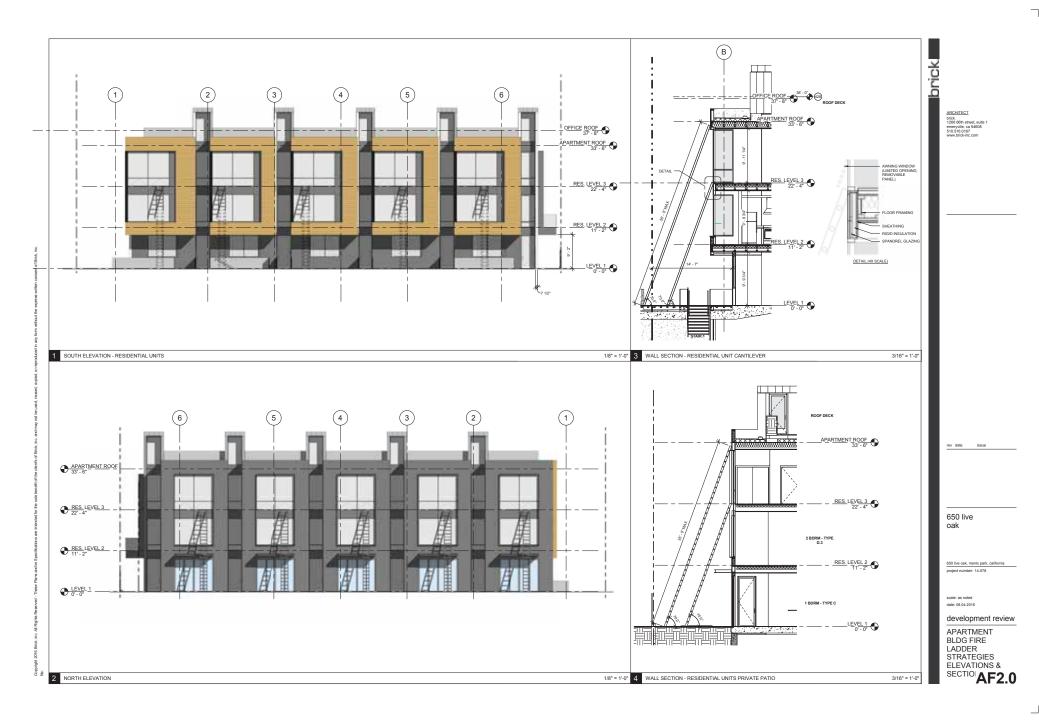


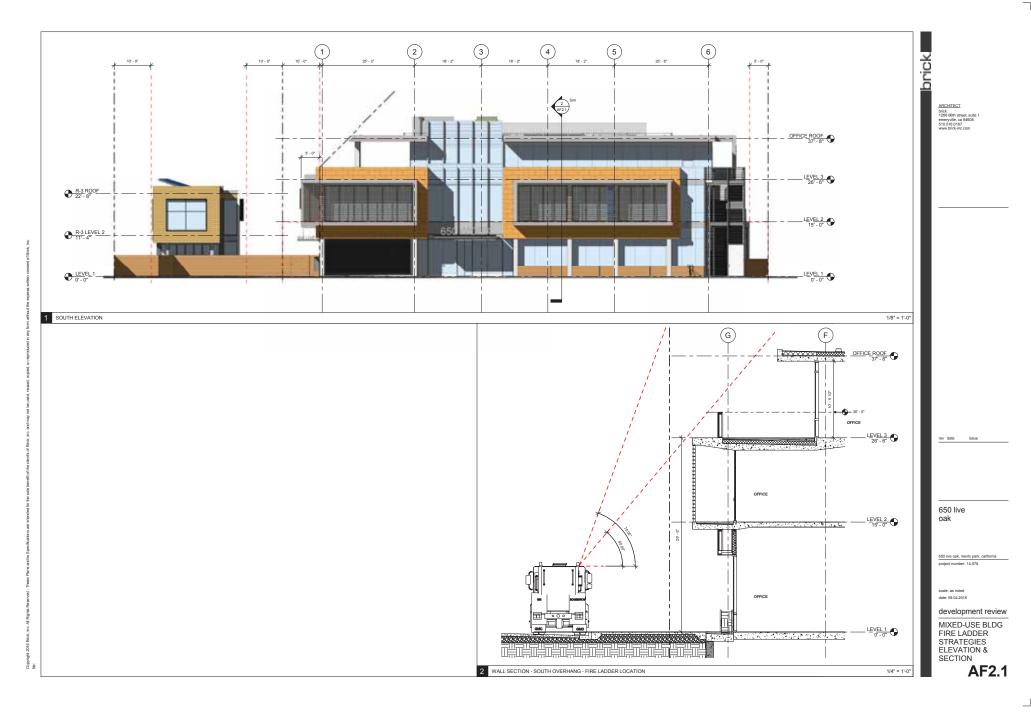












### 650/660 LIVE OAK AVENUE

#### **PROJECT DESCRIPTION**

650 Live Oak Avenue is located on a 22,473 square foot parcel of land (0.51 acres) on Live Oak Avenue near El Camino Real in Menlo Park. The Assessor's Parcel Number (APN) is 071-288-550. The Downtown Specific Plan Designation is El Camino Real South-West and the zoning Designation is ECR SW. This site is within the designated 'Station Area Sphere of Influence' of the Specific Plan's Parking Area. The proposed project is comprised of two new structures on the site: a three-story mixed use commercial office/residential building and a three-story residential building over two levels of subterranean parking. The commercial office/ residential building inhabits the southeast, quadrant of the site. The third level is set back from the street side farther than the first two levels with provisions for roof gardens and decks on levels two and three. The residential portion of this building is located at grade facing an interior courtyard space which creates a common open space for the use of the development's residential occupants. The residential building inhabits the northwest quadrant of the site; each unit has access to private open space.

660 Live Oak Avenue is located on a 7,783 square foot parcel of land (0.17 acres) on Live Oak Avenue. The Assessor's Parcel Number (APN) is 124-33-055. The Menlo Park District Designation is Apartment District. The Zoning Designation is R-3. The proposed project is a two story residential building comprised of (2) units inhabiting the northwest half of the site. A neighborhood park is proposed for the southeast half of the site as part of a Public Benefit Bonus.

#### **EXISTING CONDITIONS**

The existing 650 Live Oak site currently is improved with a 6,355 one-story wood frame building that has been occupied as an office building for the last 5 years and a mortuary previously. The existing 660 Live Oak site is currently improved with 2 houses.

The building is located in the southeast quadrant of the site along Live Oak Ave. There are five lots abutting the site, 2 along Live Oak Ave and 3 along the site's interior side (functional rear) lot line. To the northeast of the site along Live Oak Ave is a 1-story commercial retail building with a surface parking lot that sits against the shared property line. To the northwest of the site along the interior side lot line of the site is a 1 story commercial building with a surface parking lot, a 2-story residential building, a 1 story residential building, and a 1 story medical office building with surface parking.

#### PROJECT PROPOSAL

The proposed building(s) are part of a mixed-use and residential development that creates community on multiple levels.

The commercial portion of the commercial office / residential building faces Live Oak Ave and steps back at the ground floor to create an inviting entrance for office users and a varied streetscape for

pedestrians. The at-grade residential portion of the building includes (5) at-grade flats facing an interior courtyard that is shared with the residential building at the functional rear of the site. The residential building is comprised of (5) 2-story town homes over (5) at-grade flats, connected with the common courtyard. The (5) at-grade flats are each afforded a private yard while the (5) town homes each have access to a private roof deck.

The 2-story residential buildings on the R-3 lot are set back from Live Oak Ave. as much as possible to provide for the neighborhood park. These buildings provide for (2) residential units with the required parking provided for in the underground parking on the adjacent ECR SW site. Vehicular access to these units will be through the underground parking, and pedestrian access is through a secured fence located between the neighborhood park and commercial building.

There will be two stories of underground parking with 84 stalls including electrical vehicle charging stations. There will also be underground storage for 64 bicycles and a fix-it station for minor repairs.

#### **DESIGN CONCEPT**

The goal of the project is to create a community oriented design that elevates the profile of the site and surrounding neighborhood.

The Live Oak Ave. elevation, the primary public facade of the project, is articulated and refined, and provides for sun-shading devices and overhangs to address the southeast exposure. Two welcoming volumes lead the eye and the pedestrian to an elegant entry sequence. The entrance to the underground parking garage is located at the west side of the ECR lot, visually tucking underneath one of the volumes. The mass of this elevation is stepped back at the 3<sup>rd</sup> level, providing for a scale more in tune with buildings opposite Live Oak Ave. as well as providing for an outdoor roof deck for the office users. The pedestrian who follows these volumes along Live Oak Ave. will be led to the proposed neighborhood park.

The neighborhood park is a visually dynamic gathering space for the local community. The west elevation of the office faces the park and responds to this public edge, carefully placing the fenestration locations while allowing for each of the development's component's to come together.

The entrance for the Residential Users is located on the Live Oak sidewalk and invites inhabitants to a distinct entry sequence located between the main Live Oak Ave. facing building and the neighborhood park. Special care was taken to separate the residential entry sequence from the more public park. Moving through a secured gate that opens up to an interior courtyard, which then becomes the organizing element of the various structures on the site. A specimen tree is located at the intersection of the two residential axis, the entry axis and the courtyard axis. From this point, the organizing element for the office can be understood fully. A concrete ribbon weaves from the 1<sup>st</sup> floor up, defining the floor line and multiple outdoor spaces as it finds its way to the roof. The ribbon sits over Residential units at grade, which are clad in a warm wood material that speak to the facing Residential stacked townhomes that create the opposite edge of the courtyard.

The massing of the stacked townhomes is designed to create a pedestrian zone at grade while still allowing for an expansive open space between the townhomes and the office. The warm wood materiality of these units creates a more appropriate feeling for those who will live here. Wrapping the upper two stories in wood helps to articulate the programmatic function, creating transparency where it's needed and opacity where it's not. The north elevation of these units are set back from the property line creating a private entry sequence and patio area for each grade level unit.

The office and residential townhomes sit on the courtyard axis, which is bookended on either end by the residential elevator from the garage and the residential units on the R-3 lot.

All of these elements come together to create a community of public and private spaces and building forms that will serve to engage the public and users of the site while fitting within the surrounding neighborhood.

#### **PUBLIC BENEFIT BONUS**

As part of the project, a public benefit bonus is being requested in order to create a neighborhood park, with a variety of seating options, undergrounding of utilities, and 2 on-site affordable housing units. The public benefit bonus will increase the allowable F.A.R. for the project site at 650 Live Oak Ave. The Base F.A.R for the site is 0.55 for commercial office and 0.55 for residential, including an allowable 25 dwelling units per acre. The public benefit bonus allows for an F.A.R. of 0.75 for commercial office and 0.75 for residential, including an allowable 40 dwelling units per acre. The allowable and proposed F.A.R. increases are listed below. Our proposal takes full advantage of the commercial office increase and a portion of the residential increase including 2 additional residential units.

The proposal for the public benefit involves utilizing the adjacent R-3 lot along with the ECR-SW lot and improving them with a neighborhood park. The park will be for the use of the residents of Menlo Park, in an area that has many multi-family buildings without quality outdoor space or city parks. The site takes advantage of the proximity to El Camino Real and the pedestrian environment at the site will be enhanced to create a purposeful arrival for those seeking to view or participate in the public benefit. The site, being located less than a block from the Downtown Core, will make for an ideally situated addition to other public open space in the city, many over a ½ mile from Downtown.

The design of the park is meant to maximize the diversity of activities within the space including areas for gathering, sitting, playing, resting, and connecting with people in the surrounding neighborhood. The neighborhood park is oriented towards the public realm and offers a much needed open space amenity that is specifically for the use of the neighborhood. Separate outdoor amenities designed for the use of Office and Residential users of the project are included on the Offices 3<sup>rd</sup> level roof deck and 2<sup>nd</sup> level balconies and the Residential courtyard, backyards and roof decks.

The Public Benefit is a mixture of several strategies that each in their own right provide a service to the community. These are quantified below as a means to illustrate the benefit to the city and the public.

BONUS FAR + DU/ACRE @ 650-660 Live Oak			
Office SF Allowed under Base FAR	12,360		
Office SF Allowed under Public Benefit FAR	16,854		
Office SF Proposed	16,854		
Net Bonus Office SF Proposed	4,494		
Residential SF Allowed under Base FAR	12,360		
Residential SF Allowed under Public Benefit FAR	16,854		
Residential SF Proposed	16,610		
Net Bonus Residential SF Proposed	4,250		
Residential Units Allowed under Base	13	or	25 DU/acre
Residential Units Allowed under Public Benefit	20	or	40 DU acre
Residential Units Proposed	15	or	29.2 DU/acre
Net Bonus Residential Units	2		4.2 DU/acre
OPEN SPACE @ 650-660 Live Oak			
Open Space Required on 650 Live Oak	6,742		
Open Space Provided on 650 Live Oak	12,375		
Open Space Provided in Excess of Requirement at 650 Live Oak	5,633		
Open Space Required on 660 Live Oak	3,900		
Open Space Provided on 660 Live Oak	5,633		
Open Space Provided in Excess of Requirement at 660 Live Oak	1,733		
TOTAL Open Space Required	10,642		
TOTAL Open Space Provided	18,008		

7,366

TOTAL Open Space Provided in Excess of Requirement

#### PUBLIC BENEFIT @ 650-660 Live Oak

Cost of Public Benefit at 650-660 Live Oak	
BMR at 1.475 Unit	\$ 471,434
Construction Costs for Undergrounding Utilities	\$ 500,000
Construction Costs for Neighborhood Park	\$ 250,000
Value of Land for Neighborhood Park	gratis
Value of Public Benefit Provided	\$ 1,221,434
Profit from Public Benefit Project per BAE Study	\$ 5,140,615
Profit from Base Project per BAE Study	\$ 4,801,527
Net additional profit from Public Benefit Project per BAE Study	\$ 339,088
Multiple of Public Benefit provided compared to Profit per BAE Study	3.6x
Multiple of BMR only portion of Public Benefit provided compared to Profit per BAE Study	1.4x

#### Comparison to May 2015 Study Session:

2015 proposal included a public community garden plus 1 BMR unit. 2016 proposal includes a publicly accessible park area plus 2 BMR units.

#### Comparison of Base to Public Benefit Scenario

#### **Base FAR Scenario**

12,328 sf Office
12,328 sf Residential
10 Residential units
No BMR Units
No Park
Surface and Underground Parking
Code Required Open Space

#### **Public Benefit FAR Scenario**

16,854 sf Office
16,610 sf Residential
15 Residential units
Two BMR units
Publicly Accessible Park Area
All Parking is Underground
Maximized Open Space

#### **ENVIRONMENTAL STEWARDSHIP**

The new construction at 650 and 660 Live Oak is designed to be a good neighbor to the local community and to the global environment. To meet the expected LEED Gold Certification, multiple strategies are employed throughout to reduce the environmental impact. The project meets the stringent C3.0 requirements to treat rainwater that falls on site with the use of bio swales and raised flow-through planters that both clean site water and provide a refined landscape palette for the enjoyment of the users. Water infiltration on site and especially at the Publicly Accessible Parklet is maximized through the use of permeable pavers that are as functional as they are visually pleasing. Open space in excess of 1.7 times the required provides a diversity of planting types that encourages connection to the outdoors. Passive solar strategies influence both the building placement and articulation of architectural elements, to maximize natural light where it's desired (northern exposures) and to screen direct southern exposures through the use of building projections and louvers that reduce the overall cooling load of the mechanical systems. Solar Photo Voltaic panels are proposed for the R-3 buildings, providing clean energy and further reducing mechanical heating and cooling requirements.

Section	Standard or	<u>Requirement</u>	<u>Evaluation</u>
F 3.1 Deve	Guideline lopment Intensit	v	
E.3.1.01	Standard	Business and Professional office (inclusive of medical and dental office) shall not exceed one half of the base FAR or public benefit bonus FAR, whichever is applicable.	Complies: 16,854 SF total commercial floor area shown and permitted per 50% public benefit bonus FAR.
E.3.1.02	Standard	Medical and Dental office shall not exceed one third of the base FAR or public benefit bonus FAR, whichever is applicable.	Not applicable: Proposed project does not propose medical or dental offices. Note: no medical dental office permitted in future.
E.3.2 Heigh	nt		
E.3.2.01	Standard	Roof-mounted mechanical equipment, solar panels, and similar equipment may exceed the maximum building height, but shall be screened from view from publicly-accessible spaces.	Complies: Roof-mounted elements will be screened from publicly-accessible spaces by metal screen. Line-of-sight diagrams show compliance from various distances on building sections, including sheets A3.7, A3.8. Mechanical equipment is shown on roof plan A2.6.
E.3.2.02	Standard	Vertical building projections such as parapets and balcony railings may extend up to 4 feet beyond the maximum façade height or the maximum building height, and shall be integrated into the design of the building.	Complies: Proposed vertical building projections, parapets, guardrails, mechanical screen do not exceed 4 feet beyond the 30-foot maximum façade height at on interior setbacks and 38-foot maximum building height. See sheet A3.1, A3.2, A3.3.
E.3.2.03	Standard	Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed 14 feet beyond the maximum building height. Such rooftop elements shall be integrated into the design of the building.	Complies: Proposed project rooftop elements (elevator tower on office building and stairs on residential building) exceed the 38-foot maximum building height by approximately 6 feet on the office building and 10 feet on residential building. The office building's penthouse structure is set toward the middle of the roof, so that it appears minimally visible from street. The residential rooftop elements have forms integral to the massing/façade composition and are clad in exterior plaster (stucco) or zinc/metal panels. See sheets A3.1, A3.2, A3.3.
E.3.3 Setba	cks and Project	ions within Setbacks	
E.3.3.01	Standard	Front setback areas shall be developed with sidewalks, plazas, and/or landscaping as appropriate.	Complies: As shown in the landscape plan, the primary Live Oak Avenue setback area will be developed with street trees and sidewalks. See sheets L-1, A0.8, A2.3
E.3.3.02	Standard	Parking shall not be permitted in front setback areas.	Complies: No parking is proposed in the Live Oak Avenue setback area. See sheet A2.3.
E.3.3.03	Standard	In areas where no or a minimal setback is required, limited setback for store or lobby entry recesses shall not exceed a maximum of 4-foot depth and a maximum of 6-foot width.	N/A: Project is not located in a no/minimal setback area.

<u>Section</u>	Standard or Guideline	<u>Requirement</u>	<u>Evaluation</u>
E.3.3.04	Standard	In areas where no or a minimal setback is required, building projections, such as balconies, bay windows and dormer windows, shall not project beyond a maximum of 3 feet from the building face into the sidewalk clear walking zone, public right-of-way or public spaces, provided they have a minimum 8-foot vertical clearance above the sidewalk clear walking zone, public right-of-way or public space.	N/A: Project is not located in a no/minimal setback area.
E.3.3.05	Standard	In areas where setbacks are required, building projections, such as balconies, bay windows and dormer windows, at or above the second habitable floor shall not project beyond a maximum of 5 feet from the building face into the setback area.	Complies: Proposed project includes a number of building projections, including balconies and main floor overhangs.  None of these projections would extend more than five feet into the respective setback area. See sheets A3.1 through A3.26.
E.3.3.06	Standard	The total area of all building projections shall not exceed 35% of the primary building façade area. Primary building façade is the façade built at the property or setback line.	Complies: Proposed project building projections does not exceed 35%. See sheets A3.0A and A3.0B.
E.3.3.07	Standard	Architectural projections like canopies, awnings and signage shall not project beyond a maximum of 6 feet horizontally from the building face at the property line or at the minimum setback line. There shall be a minimum of 8-foot vertical clearance above the sidewalk, public right-of-way or public space.	Complies: Proposed project entry door canopies extend less than six feet into the setback. In addition, they are all over eight feet above the adjacent grade. See sheet A3.17.
E.3.3.08	Standard	No development activities may take place within the San Francisquito Creek bed, below the creek bank, or in the riparian corridor.	N/A: Project is not located in or near the San Francisquito Creek bed.
	ing and Modulat		
	Iding Breaks		T
E.3.4.1.01	Standard	The total of all building breaks shall not exceed 25 percent of the primary façade plane in a development.	N/A: Project location does not require a building break.
E.3.4.1.02	Standard	Building breaks shall be located at ground level and extend the entire building height.	N/A: Project location does not require a building break.
E.3.4.1.03	Standard	In all districts except the ECR-SE zoning district, recesses that function as building breaks shall have minimum dimensions of 20 feet in width and depth and a maximum dimension of 50 feet in width. For the ECR-SE zoning district, recesses that function as building breaks shall have a minimum dimension of 60 feet in width and 40 feet in depth.	N/A: Project location does not require a building break.
E.3.4.1.04	Standard	Building breaks shall be accompanied with a major change in fenestration pattern, material and color to have a distinct treatment for each volume.	N/A: Project location does not require a building break.
E.3.4.1.05	Standard	In all districts except the ECR-SE zoning district, building breaks shall be required as shown in Table E3.	N/A: Project location does not require a building break as it is north of Live Oak

Section	Standard or	Requirement	Evaluation
	Guideline		
E.3.4.1.06		In the ECR-SE zoning district, and consistent with Table E4 the building breaks shall:  Comply with Figure E9; Be a minimum of 60 feet in width, except where noted on Figure E9; Be a minimum of 120 feet in width at Middle Avenue; Align with intersecting streets, except for the area between Roble Avenue and Middle Avenue; Be provided at least every 350 feet in the area between Roble Avenue and Middle Avenue; where properties under different ownership coincide with this measurement, the standard side setbacks (10 to 25 feet) shall be applied, resulting in an effective break of between 20 to 50 feet.  Extend through the entire building height and depth at Live Oak Avenue, Roble Avenue, Middle Avenue, Partridge Avenue and Harvard Avenue; and	N/A: Project is not located in the ECR-SE zoning district.
E.3.4.1.07	Standard	Include two publicly-accessible building breaks at Middle Avenue and Roble Avenue.  In the ECR-SE zoning district, the Middle Avenue break shall include vehicular access; publicly-accessible open space with seating, landscaping and shade; retail and restaurant uses activating the open space; and a pedestrian/bicycle connection to Alma Street and Burgess Park. The Roble Avenue break shall include publicly-accessible open space	N/A: Project is not located in the ECR-SE zoning district.
E.3.4.1.08	Guideline	with seating, landscaping and shade.  In the ECR-SE zoning district, the breaks	N/A: Project is not located in the ECR-SE
E 2 / 2 Foo	ade Modulation	at Live Oak, Roble, Middle, Partridge and Harvard Avenues may provide vehicular access.	zoning district.
E.3.4.2 Faç	Standard	Building façades facing public rights-of-	Complies: Minor façade modulation
2.0.4.2.01	Stanuaru	way or public open spaces shall not exceed 50 feet in length without a minor building façade modulation. At a minimum of every 50' façade length, the minor vertical façade modulation shall be a minimum 2 feet deep by 5 feet wide recess or a minimum 2 foot setback of the building plane from the primary building façade.	occurs near right end of façade along Live Oak Avenue. The minor modulation meets the minimum dimensions of two feet deep by five feet wide. The resulting building lengths do not exceed 50 feet. See sheet A3.0A.

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.4.2.02	Standard	Building façades facing public rights-of-way or public open spaces shall not exceed 100 feet in length without a major building modulation. At a minimum of every 100 feet of façade length, a major vertical façade modulation shall be a minimum of 6 feet deep by 20 feet wide recess or a minimum of 6 feet setback of building plane from primary building façade for the full height of the building. This standard applies to all districts except ECR NE-L and ECR SW since those two districts are required to provide a building break at every 100 feet.	Complies: Proposed project includes a major façade modulation along Live Oak Avenue. The major modulation meets the minimum dimensions of and 6 feet deep by 20 feet wide for major modulations. The resulting building lengths do not exceed 100 feet. See sheet A3.0A.
E.3.4.2.03	Standard	In addition, the major building façade modulation shall be accompanied with a 4-foot minimum height modulation and a major change in fenestration pattern, material and/or color.	Complies: A major change in fenestration pattern, material, and color occurs (honed limestone to glass). See sheet A3.0A, A3.17. The 4-foot height variation at the upper roofline beyond the primary façade consists of a raising of the height in this area, in contrast to the Specific Plan diagram that shows 4-foot height reduction; staff believes that this meets the technical requirement for a height change at the modulation, although the Planning Commission can comment on it.
E.3.4.2.04	Guideline	Minor façade modulation may be accompanied with a change in fenestration pattern, and/or material, and/or color, and/or height.	Complies: Proposed project minor façade modulation includes a change in fenestration pattern, material, and color from limestone cladding and metal panels at sides of modulation to glazing at modulation. See sheets A0.3A, A3.1.
E.3.4.2.05	Guideline	Buildings should consider sun shading mechanisms, like overhangs, <i>bris soleils</i> and clerestory lighting, as façade articulation strategies.	Complies: Proposed project major façade modulation includes an entry canopy and vertical fins. Front and left side façade have projecting sunshades. See sheet A3.1.
E.3.4.3 Bui	Iding Profile		
E.3.4.3.01	Standard	The 45-degree building profile shall be set at the minimum setback line to allow for flexibility and variation in building façade height within a district.	Complies: The building profile is correctly set at the minimum setback lines on the applicable facades. See sheets A3.1, A3.2, A3.3, A3.5, A3.6, A3.7, A3.8, A3.17, A3.18, A3.19, A3.22, A3.24.
E.3.4.3.02	Standard	Horizontal building and architectural projections, like balconies, bay windows, dormer windows, canopies, awnings, and signage, beyond the 45-degree building profile shall comply with the standards for Building Setbacks & Projection within Setbacks (E.3.3.04 to E.3.3.07) and shall be integrated into the design of the building.	Complies: Proposed project does not include any eave overhangs that project horizontally into the building profile.
E.3.4.3.03	Standard	Vertical building projections like parapets and balcony railings shall not extend 4 feet beyond the 45-degree building profile and shall be integrated into the design of the building.	Complies: Vertical projections for parapets and guardrails at the residential building extend into the building profile less than 4 feet and are integrated with the design. See A3.1, A3.2, A3.5. No vertical projections at office building.

<u>Section</u>	Standard or Guideline	<u>Requirement</u>	<u>Evaluation</u>
E.3.4.3.04	Standard	Rooftop elements that may need to extend beyond the 45-degree building profile due to their function, such as stair and elevator towers, shall be integrated into the design of the building.	Complies: Proposed project includes rooftop elements (stair towers) that project beyond the building profile. These are integrated with the building design with regard to color/materials/form. See sheets A3.2, A3.5, A3.7, A3.24
	er Story Façade		
E.3.4.4.01	Standard	Building stories above the 38-foot façade height shall have a maximum allowable façade length of 175 feet along a public right-of-way or public open space.	N/A: Proposed project does not exceed 38 feet in height.
		ent, Entry and Commercial Frontage	
	or Treatment		
E.3.5.01	Standard	The retail or commercial ground floor shall be a minimum 15-foot floor-to-floor height to allow natural light into the space.	Complies: Proposed project includes 15- foot ground floor-to-floor height. See sheet A3.17.
E.3.5.02	Standard	Ground floor commercial buildings shall have a minimum of 50% transparency (i.e., clear-glass windows) for retail uses, office uses and lobbies to enhance the visual experience from the sidewalk and street. Heavily tinted or mirrored glass shall not be permitted.	Tentatively Complies: Proposed project includes 73.5% transparency for office use at ground floor. See sheet A3.0A. Spandrel Panel will also be used at the front entrance glazing.
E.3.5.03	Guideline	Buildings should orient ground-floor retail uses, entries and direct-access residential units to the street.	Complies: Building ground-floor tenant space is oriented to the street. See sheet A2.3.
E.3.5.04	Guideline	Buildings should activate the street by providing visually interesting and active uses, such as retail and personal service uses, in ground floors that face the street. If office and residential uses are provided, they should be enhanced with landscaping and interesting building design and materials.	Complies: Glazing, signage, and façade articulation are provided at building wall. Landscape is provided along the street edge. Visually interesting and active uses, including a community plaza are provided.
E.3.5.05	Guideline	For buildings where ground floor retail, commercial or residential uses are not desired or viable, other project-related uses, such as a community room, fitness center, daycare facility or sales center, should be located at the ground floor to activate the street.	N/A: Project includes ground-floor commercial uses.
E.3.5.06	Guideline	Blank walls at ground floor are discouraged and should be minimized. When unavoidable, continuous lengths of blank wall at the street should use other appropriate measures such as landscaping or artistic intervention, such as murals.	Complies: Project proposed varied materials and no blank walls.
E.3.5.07	Guideline	Residential units located at ground level should have their floors elevated a minimum of 2 feet to a maximum of 4 feet above the finished grade sidewalk for better transition and privacy, provided that accessibility codes are met.	N/A: Residential units are not directly facing the street. (Architect's note: Residential units at ground level rear are not elevated due to accessibility requirements.)

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.5.08	Guideline	Architectural projections like canopies and awnings should be integrated with the ground floor and overall building design to break up building mass, to add visual interest to the building and provide shelter and shade.	Complies: Architectural projections integrated with the ground floor and overall building design. See Sheets A3.1, A3.2, A3.3, A3.17, A3.20, A3.23, A3.24.
Building E		I 5 7 6 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	
E.3.5.09	Standard	Building entries shall be oriented to a public street or other public space. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street. From the street, these entries and courtyards provide additional visual interest, orientation and a sense of invitation.	Complies: Mixed-Use Building entry oriented to the public street. Residential Building oriented to a central courtyard and accessed along path at left side of building. Path is articulated by living landscape wall and signage at street. See Sheet A2.3, A0.10.
E.3.5.10	Guideline	Entries should be prominent and visually distinctive from the rest of the façade with creative use of scale, materials, glazing, projecting or recessed forms, architectural details, color, and/or awnings.	Complies: Entry is visually distinctive from the rest of the façade with the use of recessed forms, architectural details, color and canopy. The location of the entry with the major façade modulation achieves this naturally, since that element is also required to be visually distinct. See Sheet A3.1.
E.3.5.11	Guideline	Multiple entries at street level are	Complies: Multiple entries are provided for at street level.
E.3.5.12	Guideline	encouraged where appropriate.  Ground floor residential units are encouraged to have their entrance from the street.	Complies: Ground floor residential units have their entries facing a central courtyard, although the access path would be prominent and visually distinct, at the left side of the main building.
E.3.5.13	Guideline	Stoops and entry steps from the street are encouraged for individual unit entries when compliant with applicable accessibility codes. Stoops associated with landscaping create inviting, usable and visually attractive transitions from private spaces to the street.	N/A: The overall site program has placed the residential units at the rear. These units at ground level are not elevated due to accessibility requirements. However, landscape planters and private entry patios substitute for stoops to make entries more private and inviting. See A0.12, A2.3, L-0.1.
E.3.5.14	Guideline	Building entries are allowed to be	Complies: Building entry is recessed from
	-	recessed from the primary building façade.	the primary building façade. See sheet A3.1.
Commercia	al Frontage		
E.3.5.15	Standard	Commercial windows/storefronts shall be recessed from the primary building façade a minimum of 6 inches	Complies: Commercial windows/ storefronts are recessed from the primary building façade approximately 2 feet. See sheet A2.3.
E.3.5.16	Standard	Retail frontage, whether ground floor or upper floor, shall have a minimum 50% of the façade area transparent with clear vision glass, not heavily tinted or highly mirrored glass.	Complies: Although retail is not proposed, the ground floor frontage has a minimum of 50% façade transparency with clear vision glass. See sheet A3.0A.
E.3.5.17	Guideline	Storefront design should be consistent with the building's overall design and contribute to establishing a well-defined ground floor for the façade along streets.	Complies: Ground floor design is consistent with the buildings overall design, establishing a well-defined ground floor for the façade along Live Oak. See sheet A3.1

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.5.18	Guideline	The distinction between individual storefronts, entire building façades and adjacent properties should be maintained.	Complies: Although retail is not proposed, the storefront-style ground floor would be distinct from the overall building façade, but still of a consistent style/rhythm.
E.3.5.19	Guideline	Storefront elements such as windows, entrances and signage should provide clarity and lend interest to the façade.	Complies: Ground floor elements provide clarity and lend interest to the façade. See sheets A3.1, A3.17.
E.3.5.20	Guideline	Individual storefronts should have clearly defined bays. These bays should be no greater than 20 feet in length. Architectural elements, such as piers, recesses and projections help articulate bays.	Complies: Structural piers provide dimensions of less than 20 foot width at glazed storefront areas.
E.3.5.21	Guideline	All individual retail uses should have direct access from the public sidewalk. For larger retail tenants, entries should occur at lengths at a maximum at every 50 feet, consistent with the typical lot size in downtown.	N/A: No individual retail uses. Office entry is recessed with direct access from the public sidewalk. See sheet A2.3.
E.3.5.22	Guideline	Recessed doorways for retail uses should be a minimum of two feet in depth. Recessed doorways provide cover or shade, help identify the location of store entrances, provide a clear area for outswinging doors and offer the opportunity for interesting paving patterns, signage and displays.	N/A: No retail entries. Doorways at the ground floor for office building and ground floor tenant are recessed and under cover. See sheet A2.3.
E.3.5.23	Guideline	Storefronts should remain un-shuttered at night and provide clear views of interior spaces lit from within. If storefronts must be shuttered for security reasons, the shutters should be located on the inside of the store windows and allow for maximum visibility of the interior.	Tentatively Complies: Ground floor design allows for clear views of interior spaces. No exterior shutters planned at this time.
E.3.5.24	Guideline	Storefronts should not be completely obscured with display cases that prevent customers and pedestrians from seeing inside.	N/A: Retail uses are not proposed.
E.3.5.25	Guideline	Signage should not be attached to storefront windows.	Complies: No signage attaching to storefront windows planned.
E.3.6 Open			
E.3.6.01	Standard	Residential developments or Mixed Use developments with residential use shall have a minimum of 100 square feet of open space per unit created as common open space or a minimum of 80 square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of 6 feet by 6 feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to 1.25 square feet for each one square foot of private open space that is not provided.	Complies: Private open space provided for all residential units except one, with compliant dimensions as noted on the plans. Additional common open space is provided at the courtyard between residential units. The public plaza also usable by project occupants. See sheets A0.2A-A0.2D.

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.6.02	Standard	Residential open space (whether in common or private areas) and accessible open space above parking podiums up to 16 feet high shall count towards the minimum open space requirement for the development.	Complies: The open space calculations include the podium-level office decks, as well as the residential rooftop patios. See sheets A0.2A-A0.2D.
E.3.6.03	Guideline	Private and/or common open spaces are encouraged in all developments as part of building modulation and articulation to enhance building façade.	Complies: Private and common open spaces provided. See sheets A0.2A-A0.2D.
E.3.6.04	Guideline	Private development should provide accessible and usable common open space for building occupants and/or the general public.	Complies: Accessible and usable common open space provided for building occupants and open space via public benefit public plaza provided for the general public. See sheets A0.2A-A0.2D.
E.3.6.05	Guideline	For residential developments, private open space should be designed as an extension of the indoor living area, providing an area that is usable and has some degree of privacy.	Complies: Private open space is designed as an extension of the indoor living area at ground level units, and is usable, while supporting privacy to some degree. Dining tables and seating can be part of lower unit patios per sheet L1.2.
			At upper 2-story units, rooftop patios are shown. These are not directly off of the living areas but provide a private terrace area for each unit with stair towers used between units to assist with privacy between facing roof patios.
E.3.6.06	Guideline	Landscaping in setback areas should define and enhance pedestrian and open space areas. It should provide visual interest to streets and sidewalks, particularly where building façades are long.	See sheets L0.1, L0.2, L1.1, L1.2, L1.3  Complies: Landscaping in setback areas enhance pedestrian access, particularly with use of green wall along main pedestrian walkway, and open space areas at courtyard and along interior side yards. See sheets L0.1, L1.0., L3.1.
E.3.6.07	Guideline	Landscaping of private open spaces should be attractive, durable and drought-resistant.	Complies: Landscaping of private open spaces is attractive, durable and drought resistant. Compliance with water-efficient landscaping requirements will be ensured. See sheet L1.0.
	ng, Service and Irking and Service		
E.3.7.01	Guideline	The location, number and width of parking and service entrances should be limited to minimize breaks in building design, sidewalk curb cuts and potential conflicts with streetscape elements.	Complies: Only one parking entrance provided, and the width of this element is minimized. Service path at right side for trash pickup would be limited in width as well.
E.3.7.02	Guideline	In order to minimize curb cuts, shared entrances for both retail and residential use are encouraged. In shared entrance conditions, secure access for residential parking should be provided.	Complies: Shared entrances for residential and commercial uses provided. Secure entrance provided for all parking, with gate pushed back over 20 feet from sidewalk edge, in order to ensure that a waiting vehicle does not block the clear sidewalk. See sheet A2.3.

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.7.03	Guideline	When feasible, service access and loading docks should be located on secondary streets or alleys and to the rear of the building.	N/A: No secondary streets or alleys are located adjacent to the project site.
E.3.7.04	Guideline	The size and pattern of loading dock entrances and doors should be integrated with the overall building design.	N/A: No loading dock proposed.
E.3.7.05	Guideline	Loading docks should be screened from public ways and adjacent properties to the greatest extent possible. In particular, buildings that directly adjoin residential properties should limit the potential for loading-related impacts, such as noise. Where possible, loading docks should be internal to the building envelope and equipped with closable doors. For all locations, loading areas should be kept clean.	N/A: Proposed uses do not require significant loading activities, and as such no loading docks are proposed.
E.3.7.06	Guideline	Surface parking should be visually attractive, address security and safety concerns, retain existing mature trees and incorporate canopy trees for shade. See Section D.5 for more compete guidelines regarding landscaping in parking areas.	N/A: No surface parking proposed.
Utilities			
E.3.7.07	Guideline	All utilities in conjunction with new residential and commercial development should be placed underground.	Complies: Power lines will be undergrounded. See civil drawings.
E.3.7.08	Guideline	Above ground meters, boxes and other utility equipment should be screened from public view through use of landscaping or by integrating into the overall building design.	Complies: The transformer has been screened and integrated into the project design. Backflow preventers and similar devices have been screened by landscaping to the extent feasible.
Parking Ga	arages	design:	randodping to the extent redelete.
E.3.7.09	Standard	To promote the use of bicycles, secure bicycle parking shall be provided at the street level of public parking garages. Bicycle parking is also discussed in more detail in Section F.5 "Bicycle Storage Standards and Guidelines."	N/A: Project does not propose any public parking garage.
E.3.7.10	Guideline	Parking garages on downtown parking plazas should avoid monolithic massing by employing change in façade rhythm, materials and/or color.	N/A: Project is not a public parking garage on a downtown parking plaza.
E.3.7.11	Guideline	To minimize or eliminate their visibility and impact from the street and other significant public spaces, parking garages should be underground, wrapped by other uses (i.e. parking podium within a development) and/or screened from view through architectural and/or landscape treatment.	Complies: Parking garage placed underground. See sheets A2.1, A2.2.
E.3.7.12	Guideline	Whether free-standing or incorporated into overall building design, garage façades should be designed with a modulated system of vertical openings and pilasters, with design attention to an overall building façade that fits comfortably and compatibly into the pattern, articulation, scale and massing of surrounding building character.	Complies: The garage entry is integrated into the rhythm and materials of the overall design.

<u>Section</u>	Standard or Guideline	<u>Requirement</u>	<u>Evaluation</u>		
E.3.7.13	Guideline	Shared parking is encouraged where feasible to minimize space needs, and it is effectively codified through the plan's offstreet parking standards and allowance for shared parking studies.	N/A. A ULI Shared Parking has not been pursued for this project, which is fully parked per the applicant's preference.		
E.3.7.14	Guideline	A parking garage roof should be approached as a usable surface and an opportunity for sustainable strategies, such as installment of a green roof, solar panels or other measures that minimize the heat island effect.	N/A: Parking garage is underground, covered by the building itself.		
	inable Practices				
Overall Sta	ndards				
E.3.8.01	Standard	Unless the Specific Plan area is explicitly exempted, all citywide sustainability codes or requirements shall apply.	Tentatively Complies: Project designed to meet LEED Silver standard, and compliance will be required as part of the building permit.		
Overall Gu	Overall Guidelines				
E.3.8.02	Guideline	Because green building standards are constantly evolving, the requirements in this section should be reviewed and updated on a regular basis of at least every two years.	Tentatively Complies: Acknowledged by project architect.		
Leadership	eadership in Energy and Environmental Design (LEED) Standards				

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.8.04	Guideline	The development of larger projects allows for more comprehensive sustainability planning and design, such as efficiency in water use, stormwater management, renewable energy sources and carbon reduction features. A larger development project is defined as one with two or more buildings on a lot one acre or larger in size. Such development projects should have sustainability requirements and GHG reduction targets that address neighborhood planning, in addition to the sustainability requirements for individual buildings (See Standard E.3.8.03 above). These should include being certified or equivalently verified at a LEED-ND (neighborhood development), Silver level or higher, and mandating a phased reduction of GHG emissions over a period of time as prescribed in the 2030 Challenge.  The sustainable guidelines listed below are also relevant to the project area. They relate to but do not replace LEED certification or equivalent standard rating	N/A – project is less than 1 acre.
Duilding D	asiam Cuidalina	requirements.	
E.3.8.05	esign Guidelines Guideline	Buildings should incorporate narrow floor plates to allow natural light deeper into the interior.	Complies: Buildings designed to provide abundant natural light.
E.3.8.06	Guideline	Buildings should reduce use of daytime artificial lighting through design elements, such as bigger wall openings, light shelves, clerestory lighting, skylights, and translucent wall materials.	Complies: The proposal features large, floor to ceiling windows throughout the building in order to reduce the need for daytime artificial lighting.
E.3.8.07	Guideline	Buildings should allow for flexibility to regulate the amount of direct sunlight into the interiors. Louvered wall openings or shading devices like <i>bris soleils</i> help control solar gain and check overheating. <i>Bris soleils</i> , which are permanent sunshading elements, extend from the sunfacing façade of a building, in the form of horizontal or vertical projections depending on sun orientation, to cut out the sun's direct rays, help protect windows from excessive solar light and heat and reduce glare within.	Complies: Shading devices provided throughout the development to regulate direct sunlight. See sheets A3.1, A3.2, A3.4.
E.3.8.08	Guideline	Where appropriate, buildings should incorporate arcades, trellis and appropriate tree planting to screen and mitigate south and west sun exposure during summer. This guideline would not apply to downtown, the station area and the west side of El Camino Real where buildings have a narrower setback and street trees provide shade.	N/A: Project is on the west side of El Camino Real. Street trees and some trellis-type elements are included, regardless.

<u>Section</u>	Standard or Guideline	<u>Requirement</u>	<u>Evaluation</u>
E.3.8.09	Guideline	Operable windows are encouraged in new buildings for natural ventilation.	Complies: The proposal includes a number of operable windows and balcony doors to allow for natural ventilation.
E.3.8.10	Guideline	To maximize use of solar energy, buildings should consider integrating photovoltaic panels on roofs.	Partially Complies: The following is stated by the project architect: Based on site orientation, mechanical screen, elevator overrun, and mechanical equipment (including any special tenant specific equipment that is unknown at this time), it is challenging to find an optimum location for solar panels on 650 Live Oak. We will run conduit to the 650 Live Oak roof to make the building solar-ready if there is space for solar panels in the future. We are also providing solar panels on the roof of both 660 Live Oak residences.
E.3.8.11	Guideline	Inclusion of recycling centers in kitchen facilities of commercial and residential buildings shall be encouraged. The minimum size of recycling centers in commercial buildings should be 20 cubic feet (48 inches wide x 30 inches deep x 24 inches high) to provide for garbage and recyclable materials.	N/A: Project does not include a commercial or communal residential kitchen component.
		er Management Guidelines	
E.3.8.12	Guideline	Buildings should incorporate intensive or extensive green roofs in their design. Green roofs harvest rain water that can be recycled for plant irrigation or for some domestic uses. Green roofs are also effective in cutting-back on the cooling load of the air-conditioning system of the building and reducing the heat island effect from the roof surface.	Partially Complies: The following is stated by the project architect: Green roofs require a deeper section taller parapet. It is already challenging to fit 3 floors in 38 feet while maintaining a 15 foot first floor. Also, green roofs are not practical in mechanical well zone which is majority of 650 Live Oak roof. Planting is provided on 3rd floor of 650 Live Oak building and roof terraces of multifamily building.
E.3.8.13	Guideline	Projects should use porous material on driveways and parking lots to minimize stormwater run-off from paved surfaces.	N/A: No surface parking.
Landscapii	ng Guidelines		
E.3.8.14	Guideline	Planting plans should support passive heating and cooling of buildings and outdoor spaces.	Complies: Planting plans consider passive heating and cooling of buildings and outdoor spaces.
E.3.8.15	Guideline	Regional native and drought resistant plant species are encouraged as planting material.	Complies: Most plants require low water usage. Some regional/native plants used. See sheet L3.0, L3.1.
E.3.8.16	Guideline	Provision of efficient irrigation system is recommended, consistent with the City's Municipal Code Chapter 12.44 "Water-Efficient Landscaping".	Complies: Per project architect: Efficient irrigation system considered as part of the Landscape Design.
Lighting St		Efficient Landscaping .	

Section	Standard or Guideline	Requirement	<u>Evaluation</u>
E.3.8.17	Standard	Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.	Complies: Per project architect: Lighting design and strategy will minimize building lighting from exterior sources. Fixture types and locations will be designed to prevent light from escaping the project boundaries and will meet all the requirements of CBC Title 24 and LEED credits for light pollution reduction. Cut sheets for light fixtures that we have used on similar projects to meet these requirements submitted separately from building plans. Paradox 7 used for uplighting of building entrance canopy and Bega used for accenting of building.
E.3.8.18	Standard	Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.	Complies: The majority of parking garage lighting will be underground, and will not be seen by surrounding properties. Garage entrance lighting will be designed in such a way as to limit any potential disturbance while maintaining public safety.
Lighting G E.3.8.19	Guidelines Guideline	Energy-efficient and color-balanced	Tentatively Complies: The following is
		outdoor lighting, at the lowest lighting levels possible, are encouraged to provide for safe pedestrian and auto circulation.	stated by the project architect: Energy- efficient and color-balanced outdoor lighting at the lowest lighting levels possible to be considered as part of the Building Design.
E.3.8.20	Guideline	Improvements should use ENERGY STAR-qualified fixtures to reduce a building's energy consumption.	Tentatively Complies: The following is stated by the project architect: The project will strive to use ENERGY STARqualified fixtures to be shown at the building permit submission.
E.3.8.21	Guideline	Installation of high-efficiency lighting systems with advanced lighting control, including motion sensors tied to dimmable lighting controls or lighting controlled by timers set to turn off at the earliest practicable hour, are recommended.	Tentatively Complies: The following is stated by the project architect: This project does not include tenant improvements for which lighting controls will be applicable.
	ding Material Gι		
E.3.8.22	Guideline	The reuse and recycle of construction and demolition materials is recommended. The use of demolition materials as a base course for a parking lot keeps materials out of landfills and reduces costs.	Tentatively Complies: The following is stated by the project architect: As part of our specifications, we will include that demolished concrete on-site is re-used as the base aggregate in new concrete flat work. Other strategies to reuse and recycle construction materials will be researched leading up to building permit submittal.
E.3.8.23	Guideline	The use of products with identifiable recycled content, including post-industrial content with a preference for post-consumer content, are encouraged.	Tentatively Complies: The following is stated by the project architect: It is our experience that recycled content can be utilized in materials such as woods and plastics. As these materials will undoubtedly be used in both the residential and commercial buildings the team will strive to include recycled materials in the building design. This will also help us achieve a LEED credit we are planning on achieving.

Section	Standard or Guideline	<u>Requirement</u>	<u>Evaluation</u>
E.3.8.24	Guideline	Building materials, components, and systems found locally or regionally should be used, thereby saving energy and resources in transportation.	Tentatively Complies: The following is stated by the project architect: The project will strive to source local and regional materials where possible. It is our experience that this is often more difficult to achieve than other green building measures.
E.3.8.25	Guideline	A design with adequate space to facilitate recycling collection and to incorporate a solid waste management program, preventing waste generation, is recommended.	Tentatively Complies: The following is stated by the project architect: We are actively working with Recology to integrate appropriate waste programs with our building design. See sheet Debris Calculation on sheet A0.1, and Debris Room layout on sheet A2.3.
E.3.8.26	Guideline	The use of material from renewable sources is encouraged.	Tentatively Complies: The following is stated by the project architect: The project is providing solar energy at the R-3 lot.

# <u>UPDATED ARBORIST REPORT</u>

# 650 LIVE OAK AVENUE

MENLO PARK, CALIFORNIA

#### Submitted to:

Mr. Daniel Minkoff The Minkoff Group, LLC 6272 Virgo Road Oakland, CA 94611

### Prepared by:

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October 30, 2015

(prior: January 30, 2015)

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# **EXHIBITS**

<u>EXHIBIT</u>	<u>TITLE</u>
Α	TREE INVENTORY TABLE (two sheets)
В	AERIAL MAP (one sheet)
С	PHOTOGRAPHS (two sheets)

#### 1.0 INTRODUCTION

Mr. Daniel Minkoff of the Minkoff Group has retained me to prepare this *Arborist Report* in connection with the redevelopment of **650 and 660 Live Oak Avenue**, Menlo Park (project is titled 650 Live Oak Avenue). Specific tasks assigned to perform are as follows:

- Visit the site during two occasions, once on 1/19/15 and again on 10/21/15.
- Identify trees located within the project site, along the street frontage, and heritage trees
  originating from neighboring properties and potentially affected by future improvements.
- Determine each tree's trunk diameter in accordance with Section 13.24.020 of the City
   Code; all diameters are rounded to the nearest inch.
- Identify which trees are defined as "heritage trees."
- Estimate each tree's height and average canopy spread (rounded to the nearest fifth).
- Ascertain each tree's health and structural integrity, and assign an overall condition rating (e.g. good, fair, poor or dead).
- Determine each tree's suitability for preservation (e.g. good, moderate or low).
- Comment on pertinent health, structure or site conditions.
- Sequentially assign tree numbers, and plot them on the aerial photo (*Google Earth*) in Exhibit B (numbers are roughly placed on top of canopies).
- Affix round, silver metal tags with engraved, corresponding numbers to the trunks or major limbs of trees #4 thru 7.
- Review the full set of project plans, to include architectural and landscape (dated 10/20/15) and civil (dated 10/19/15), and identify the tree disposition, potential impacts and mitigation measures.
- Obtain photographs; see Exhibit C.
- Provide protection measures to help mitigate or avoid impacts to retained trees.
- Prepare a written report that presents the aforementioned information, and submit via email as a PDF document.

<sup>&</sup>lt;sup>1</sup> Section 13.24.020 of the City Code defines a "heritage tree" as follows: [1] any oak tree that is native to California, ≥12' tall, and has a trunk diameter ≥10" at 54" inches above natural grade; [2] any tree not native to California, ≥12' tall, and with a trunk diameter ≥15" at 54" above natural grade; [3] any multitrunk tree ≥12' tall and with a trunk diameter of ≥15" measured at the point where the trunks divide; and [4] any tree or group of trees specifically designated by the City Council for protection because of historical significance, special character or community benefit.

#### 2.0 TREE COUNT AND COMPOSITION

**Twelve (12) trees** of six various species were inventoried for this report. They are numbered as #4 thru 15,<sup>2</sup> and the table below identifies their names, assigned numbers, counts and overall percentages.

NAME	TREE NUMBER(S)	COUNT	% OF TOTAL
Chinese pistache	1, 2, 3	3	20%
flowering pear	4, 5, 6, 7	4	27%
coast live oak	8	1	7%
coast redwood	9, 10	2	13%
Italian stone pine	11	1	7%
Thundercloud plum	12, 13, 14, 15	4	27%

Total 15 100%

**Specific information** regarding each tree is presented within the table in **Exhibit A**. The trees' **numbers** and approximate **locations** can be viewed on the aerial photo in **Exhibit B**, and photographs are presented in **Exhibit C**.

Trees #4 thru 7 are street trees aligning the planter strip along Live Oak Avenue, within the public right-of-way between the sidewalk and street curb; they are flowering pears along the frontage of 650 Live Oak.

**Trees #8 thru 11** have trunks situated on **neighboring** northwestern properties, and each is defined by City Code as a **heritage tree**.

Trees #12 thru 15 are within property limits, in a row along the rear of 650 Live Oak.

650 Live Oak Avenue, Menlo Park The Minkoff Group, LLC

My prior 1/30/15 identifies three trees along Live Oak Avenue, assigned #1 thru 3, between the project site and El Camino Real (as part of a prior sidewalk improvement component). Proposed improvements for that section of sidewalk have been omitted (and hence, the trees are not included herein).

#### 3.0 SUITABILITY FOR TREE PRESERVATION

Each tree has been assigned either a "good," "moderate" or "low" suitability for preservation rating as a means to cumulatively measure their existing health, structural integrity, anticipated life span, location, size, particular species, tolerance to construction impacts, growing space, and safety to property and persons within striking distance. A description of these ratings are presented below; the "good" category comprises **two trees**, the moderate" category **ten trees**, and the "low" category **no trees**.

### **Good**: Applies to trees #8 and 10.

These two trees, coast live oak and coast redwood, respectively, are situated on a neighboring northwestern property. From what could be observed on the project site, they appear relatively healthy and structural stable; have no apparent, significant health issues or structural defects; present a good potential for contributing long-term to the site; and require regular care and monitoring to maintain their longevity and structural integrity.

#### **Moderate**: Applies to trees #4, 5-7, 9 and 11-15.

These contribute to the site, but at levels less than those assigned a good suitability; have health and/or structural issues that could potentially be reasonably addressed and properly mitigated; and frequent care is typically required for their remaining lifespan.

#### **Low**: Applies to **none**.

These trees have serious or significantly weakened health and/or structural defects that are expected to worsen regardless of tree care measures employed (i.e. beyond recovery).

### 4.0 PROPOSED TREE DISPOSITION

The three street trees, #4 thru 7, will be removed for streetscape improvements.

**Trees #12 thru 15** will also be removed due to being within the footprint of the future mixed-use building.

Trees planned for **retention** and protection include #8 **thru 11**, all of which are located on neighboring properties in close proximity to the site.

**Tree #8** is at the northwest corner of the project site, adjacent to the residential property of 660 Live Oak. The project proposes a two-story townhouse building within the tree's immediate vicinity. My review of proposed plans reveals the building is sufficiently setback, and only minor impacts and pruning are anticipated for construction.

**Trees #9 thru 11** align the rear of a proposed three-story residential building above a two-level underground parking garage roughly 14 feet from the property line. At this distance, these three trees are anticipated to be adequately protected, provided recommendations presented in Section 5.0 of this report are followed.

For **trees #9 and 10**, branches overhanging the site were, sometime ago, trimmed back from the entire canopy (i.e. top to bottom) to around the property line; as such, no pruning of these is needed to establish clearance during construction.

Tree #11 has a notably high canopy due to its lower-half being pruned back to the main trunk sometime ago. A small amount of remaining canopy will require pruning to achieve building clearance, as well as for erecting construction scaffolding and to provide space for operation of a drill rig and pile driver.

Also near trees #9 thru 11, plans indicate a paver walk and courtyard patios will be installed along the tree side of the future northwest building. To reduce the potential for root loss, I recommend they are designed to be on top of existing parking lot grade, or if

needed, on top of existing base material immediately beneath the pavement surface; to include for pavers, base material, edging and forms (applicable to where within tree protection zones outlined in Section 5.1 of this report). Additionally, the **screen fencing** for courtyards should consist of post footings spaced as far apart as possible, the sections between posts established above or entirely on top of existing grade (i.e. a no-dig design except vertically for the posts), and the ground between posts not compacted.

A one-foot tall **retaining wall** proposed along the property's rear, and to avoid significant impacts, the wall must require no horizontal or vertical excavation into soil along the neighbor's side of fence, and should utilize the void created following removal of the existing wall, and/or use a drystack wall with no footing.

A **storm drain** line is proposed along the property's rear, roughly 3.5 feet from the boundary. Trenching to install the line utilizing traditional mechanical methods will result in the loss of large roots, and I suggest the following options to mitigate potential impacts, listed in order of least to greatest impacts (pertains to areas within tree protection zones outlined in Section 5.1 of this report):

- a. Directionally bore the line by at least three feet below grade, and all access pits, cleanouts, area drains, etc. established beyond the tree protection zones.
- b. Dig the trench using a pneumatic air device (such as an Air-Spade®), and all roots two inches and greater in diameter retained during the process.
- c. Manually dig to the required depth using shovels and picks (no jackhammer), and the work shall be performed slowly to protect and not damage roots with diameters of two inches and greater.

There is also a **grassy swale** proposed near the rear property line, and to minimize impacts, it should be built on and above the ground, with a cut no deeper than two inches below existing grade, and roots two inches and greater in diameter retained and not damaged.

There also a dense row of small, loquat trees along the front of the site, originating from the neighboring eastern property. To my understanding, these trees will remain and are not planned for removal by the subject project.

### **5.0 TREE PROTECTION MEASURES**

Recommendations presented within this section serve as protection measures to help mitigate or avoid impacts to trees being retained, namely #8 thru 11. They should be carefully followed and incorporated into the project plans, and are subject to revision upon reviewing any revised or updated project plans; I (hereinafter, "**project arborist**") should be consulted in the event any cannot be feasibly implemented. Please note that all referenced distances from trunks should be obtained the closest edge (face of) of their outer perimeter at soil grade.

### 5.1 Design Guidelines

- 1. The **Tree Protection Zone** (**TPZ**) for each retained tree is recommended to be as follows: 15 feet for #8, 12 feet for #9, 18 feet for #10, and 13 feet for #11. The **TPZ** is where all trenching, soil scraping, compaction, mass grading (cuts and fill), finish-grading, overexcavation, subexcavation, swales, bioswales, storm drains, equipment cleaning, stockpiling and dumping of materials, and equipment/vehicle operation shall be avoided.
- 2. **Shoring** proposed for installation along the entire northwest side of underground garage should confine any trenching, compaction, overexcavation, subexcavation or other soil disturbance to within the 18 inches specified on Sheet A0.4.
- 3. The proposed **paver patios and screen fencing** should be designed as described in Section 4.0. Also, direct compaction of the subgrade should be avoided (foottamping is acceptable), and a material to help achieve these specifications is Tensar<sup>®</sup> Biaxial Geogrid (*www.tensarcorp.com*).
- 4. The **retaining wall**, **storm drains** and **grassy swale** proposed along the property's rear, within TPZs, should be installed and established per Section 4.0 of this report.
- 5. All **existing, unused lines or pipes** within a TPZ shall be **abandoned** and cut off at existing soil grade (rather than being dug up and causing subsequent root damage); this provision should be specified on the applicable plan showing demolition.

- 6. Utilities, irrigation, storm drains, dissipaters and swales should be designed and routed beyond TPZs. Depending on the proximity to tree trunks, directional boring by at least four feet below existing grade may be needed, or digging within a TPZ can be manually performed using shovels (no jackhammers, and roots ≥two inches in diameter retained and not damaged during the process). All tentative routes should be reviewed with the project arborist beforehand.
- 7. The future **staging area** and **route(s) of access** should be shown on the final site plan and avoided on unpaved areas beneath or near canopies.
- 8. The proposed **landscape design** should conform to the following additional guidelines:
  - a. **Irrigation and lighting features** (e.g. main line, lateral lines, valve boxes, wiring and controllers) should be established so that no trenching occurs within a TPZ. In the event this is not feasible, they may require being installed in a radial direction to a tree's trunk, and terminate a specific distance from a trunk (versus crossing past it). The routes and overall layout should be reviewed with the **project arborist** prior to any trenching or excavation occurs.
  - b. **New fencing** (posts) should be placed at least two feet from a tree's trunk (depends on the trunk size and growth pattern).
  - c. **Ground cover** beneath canopies should be comprised of a three- to four-inch layer of coarse wood chips or other high-quality mulch (gorilla hair, rock, stone, gravel, black plastic or other synthetic ground cover should be avoided).
  - d. **Tilling, ripping and compaction** within TPZs should be avoided.
  - e. Bender board or other **edging material** proposed beneath the canopies should be established on top of existing soil grade (such as by using vertical stakes).

### 5.2 Before Demolition, Grading and Construction

- 9. **Recommendations** presented in **Section 5.1** of this report shall be considered part of this section.
- 10. A site meeting between the general contractor and project arborist should be conducted several weeks prior to demolition for the purpose of reviewing tree fencing locations and other protection measures presented in this report.

- 11. **Tree protective fencing** must be installed prior to any demolition and grading for the purpose of restricting access into unpaved sections of ground within a TPZ, and should remain intact throughout construction. For **tree #8**, it shall consist of a minimum five-foot high chain link mounted on eight-foot tall, two-inch diameter galvanized steel posts that are driven into the ground 24 inches deep, and spaced apart by no more than approximately ten feet. For **trees #9 thru 11**, where there is existing pavement up to the property line, the fence for the demolition phase could consist of chain link panels mounted on concrete blocks or metal stands; once the pavement is removed, I recommend the fence is converted to chain link mounted on driven posts (as described for tree #8). **Note** that prior to the City issuing a permit, they require I provide a letter confirming fencing has been installed per this report.
- 12. An **alternative to fencing** for **#9 thru 11** is to retain, throughout the entire construction process, the sections of existing pavement and wall within TPZs; in effect, the pavement will optimize access around the building and garage while serving as a superior root zone buffer and barrier.
- 13. For **tree** #8, a four- to five-inch layer of **coarse wood chips** (½- to ¾-inch in size) from a tree-service company should be spread over existing unpaved ground within its TPZ, and remain throughout, and possibly beyond, the entire construction process.
- 14. **Prior to shoring** being installed, the precise locations where a drill rig and pile driver will operate should be reviewed to ensure no conflicts with tree #11's canopy, and to allow adjustments be made as necessary. This will also allow any pruning or tying back of limbs/branches to occur, if needed, prior to work commencing.
- 15. The **pruning** of **trees** #8 and 11 should be performed under direction of the project arborist. The work shall be performed in accordance with ANSI A300-2001 standards, by a California licensed tree-service contractor (D-49) that has an ISA certified arborist in a supervisory role, carries General Liability and Worker's Compensation insurance, and abides by ANSI Z133.1-2006 (Safety Operations).

### 5.3 During Demolition, Grading and Construction

- 16. **Recommendations** presented in **Section 5.2** of this report shall be considered part of this section.
- 17. **Great care** shall be taken during **demolition** of existing pavement, wall and wood fence within the TPZs to avoid damaging a tree's trunk, roots or soil within a TPZ.
- 18. The **removal of base material** beneath existing pavement should be performed under direction of the project arborist (roots, particularly of #11, can be expected beneath the existing pavement surface). Another option, which may ultimately be recommended, if for existing base material to remain in place and utilized as the future base course for the proposed patios (depending on the depth #11's shallow roots are found to be).
- 19. In the event existing pavement within the TPZs of **trees #9 thru 11** is removed during demolition, a four- to five-inch layer of **coarse wood chips** (½- to ¾-inch in size) from a tree-service company shall be spread, one to two days after, over the newly exposed ground. The chips should remain throughout construction.
- 20. **Tree trunks** shall not be used as winch supports for moving or lifting heavy loads.
- 21. Any authorized access, digging or trenching within designated-fenced areas shall be foot-traffic only and **manually performed** without the use of heavy equipment.
- 22. **Roots** with diameters of two inches and greater should not be damaged or cut without prior assessment by the **project arborist**. Should roots of this size be encountered, within one hour of exposure, they should either be covered by burlap that should remain moist until the root is covered by soil. If they are approved for severing, the root shall be cleanly severed at 90-degrees to the angle of root growth against the cut line (using loppers or a sharp hand saw), and then immediately after, the cut end either buried with soil or covered by a plastic sandwich bag (and secured using a rubber band, and removed just before backfilling). Roots encountered that have **diameters less than two inches** and require removal can be cleanly severed at right angles to the direction of root growth.

- 23. **Supplemental water** is needed to help mitigate root loss/disturbance, and the amount, frequency and methodology can be most effectively recommended near the time a building permit is obtained. Various application methods include flooding the inside of a 12-inch tall berm formed around the canopy perimeter (or as close as possible), using soaker hoses, or through deep-root injection.
- 24. **Spoils** created during digging shall not be piled or spread on unpaved ground within a TPZ. If essential, spoils can be temporarily piled on plywood or a tarp.
- 25. Digging **holes for fence posts** within a TPZ should be manually performed using a post-hole digger or shovel, and in the event a root or two inches and greater in diameter is encountered during the process, the hole should be shifted over by 12 inches and the process repeated.
- 26. Great care must be taken by **equipment operators** to position their equipment to avoid the trunks and branches, including the scorching of foliage. Where a conflict exists, the project arborist can be consulted to provide a feasible solution.
- 27. The **disposal** of harmful products (such as cement, paint, chemicals, oil and gasoline) is prohibited beneath canopies or anywhere on site that allows drainage beneath or near TPZs. **Herbicides** should not be used with a TPZ; where used on site, they should be labeled for safe use near trees. **Liming** shall not occur within 50 feet a tree's canopy.

### 6.0 ASSUMPTIONS AND LIMITING CONDITIONS

- All information presented herein reflects my observations and/or measurements obtained from the ground and project site on 1/19/15 for trees #4 thru 11, and 10/21/15 for trees #12 thru 15.
- Condition and suitability ratings of dormant trees are subject to change once they can be observed following the growth of new leaves.
- My observations were performed visually without probing, coring, dissecting or excavating into the tree.
- The assignment pertains solely to trees listed in Exhibit A. I hold no opinion towards other trees on or surrounding the project area.
- I cannot provide a guarantee or warranty, expressed or implied, that deficiencies or problems of any trees or property in question may not arise in the future.
- No assurance can be offered that if all my recommendations and precautionary measures (verbal or in writing) are accepted and followed, that the desired results may be achieved.
- I cannot guarantee or be responsible for the accuracy of information provided by others.
- I assume no responsibility for the means and methods used by any person or company implementing the recommendations provided in this report.
- The information provided herein represents my opinion. Accordingly, my fee is in no way contingent upon the reporting of a specified finding, conclusion or value.
- Tree numbers shown on the aerial photo in Exhibit B are intended to only roughly approximate a tree's location and shall not be considered as surveyed.
- This report is proprietary to me and may not be copied or reproduced in whole or part without prior written consent. It has been prepared for the sole and exclusive use of the parties to who submitted for the purpose of contracting services provided by David L. Babby.
- If any part of this report or copy thereof be lost or altered, the entire evaluation shall be invalid.

Prepared By:

David L. Babby

Registered Consulting Arborist® #399 Board-Certified Master Arborist® #WE-4001B

6. h



Date: October 30, 2015

# **EXHIBIT A:**

# TREE INVENTORY TABLE

(two sheets)

### TREE INVENTORY TABLE

			SIZE		C	ONDITIO	N			
TREE/ TAG NO.	TREE NAME	Trunk Diameter (in.)	Tree Height (ft.)	Canopy Spread (ft.)	Health Condition (100%=Best, 0%=Worst)	Structural Integrity (100%=Best, 0%=Worst)	Overall Condition (Good/Fair/Poor/Dead)	Suitability for Preservation (Good/Moderate/Low)	Heritage Tree	Street Tree
	flowering pear									
4	(Pyrus calleryana)	4	15	10	80%	40%	Fair	Moderate		X

Comments: Along street frontage of 650 Live Oak. Dormant. Beneath high-voltage wires. Bamboo nursery stake bound against trunk, and support stakes remain. Multiple, codominant tops.

	flowering pear								
5	(Pyrus calleryana )	4	15	10	80%	40%	Fair	Moderate	X

Comments: Along street frontage of 650 Live Oak. Dormant. Beneath high-voltage wires. Bamboo nursery stake bound against trunk, and support stakes remain.

1		g :								
		flowering pear								
	6	(Pyrus calleryana )	4	15	10	80%	50%	Fair	Moderate	X

Comments: Along street frontage of 650 Live Oak. Dormant. Beneath high-voltage wires. Bamboo nursery stake bound against trunk, and support stakes remain. Multiple, codominant tops.

7	flowering pear	3	15	10	80%	70%	Good	Moderate	Y
/	(Pyrus calleryana )	3	15	10	80%	/0%	Good	Moderate	Λ

Comments: Along street frontage of 650 Live Oak. Dormant. Beneath high-voltage wires. Bamboo nursery stake bound against trunk, and support stakes remain. Single trunk.

	coast live oak									
8	(Quercus agrifolia)	19	40	45	70%	60%	Fair	Good	X	

Comments: Offsite, center of trunk about five feet from fence. Canopy overhangs site by around 17 feet. Structure is formed by four codominant leaders. Lower trunk not visible.

	coast redwood									
9	(Sequoia sempervirens)	16	40	25	60%	70%	Fair	Moderate	X	

Comments: Offsite, center of trunk about four feet from wall. Lower trunk not visible. All branches have been cut back to approximately above the wall. Sparse canopy.

Project: 650 Live Oak Avenue, Menlo Park Prepared for: The Minkoff Group, LLC

Prepared by: David L. Babby 1 of 2 October 30, 2015

### TREE INVENTORY TABLE

			SIZE		C	ONDITIO	N			
TREE/ TAG NO.	TREE NAME	Trunk Diameter (in.)	Tree Height (ft.)	Canopy Spread (ft.)	Health Condition (100%=Best, 0%=Worst)	Structural Integrity (100%=Best, 0%=Worst)	Overall Condition (Good/Fair/Poor/Dead)	Suitability for Preservation (Good/Moderate/Low)	Heritage Tree	Street Tree
10	coast redwood (Sequoia sempervirens)	44	85	35	70%	80%	Good	Good	X	

Comments: Offsite, center of trunk about 12 feet from wall. Lower trunk not visible. All branches have been cut back to approximately above the wall.

	Italian stone pine									
11	(Pinus pinea)	30	45	45	70%	30%	Fair	Moderate	X	

Comments: Offsite, center of trunk about four feet from wall. Lower trunk not visible. High canopy as lower one-half has been cut back to main trunk and/or limbs for clearance above wall. The remaining limbs overhanging and immediately adjacent to the site are at risk of breaking or cracking (and limb weight needs reduction), and contains numerous dead branches. There are a few raised mounds in asphalt parking lot due to roots. Currently has a large broken limb overhanging the parking lot.

	12	Thundercloud flowering plum ( <i>Prunus c</i> . 'Thundercloud')	2	10	10	60%	50%	Fair	Moderate		
	Comments: Low-branching structure. Staked.										
_						T	Π	Π	1		
	13	Thundercloud flowering plum ( <i>Prunus c</i> . 'Thundercloud')	2	10	10	60%	40%	Fair	Moderate		
		Comments:	Leans south	nwest. Lo	w-branchi	ng structur	e. Staked.				
				T				T			
	14	Thundercloud flowering plum ( <i>Prunus c</i> . 'Thundercloud')	2	10	10	60%	60%	Fair	Moderate		
		Comments:	Low-branch	hing struc	ture. Stak	ed.					

10

Comments: Low-branching structure. Staked.

10

Project: 650 Live Oak Avenue, Menlo Park Prepared for: The Minkoff Group, LLC Prepared by: David L. Babby

Thundercloud flowering plum (*Prunus c* . 'Thundercloud')

15

G16

by: David L. Babby 2 of 2 October 30, 2015

60%

60%

Fair

Moderate

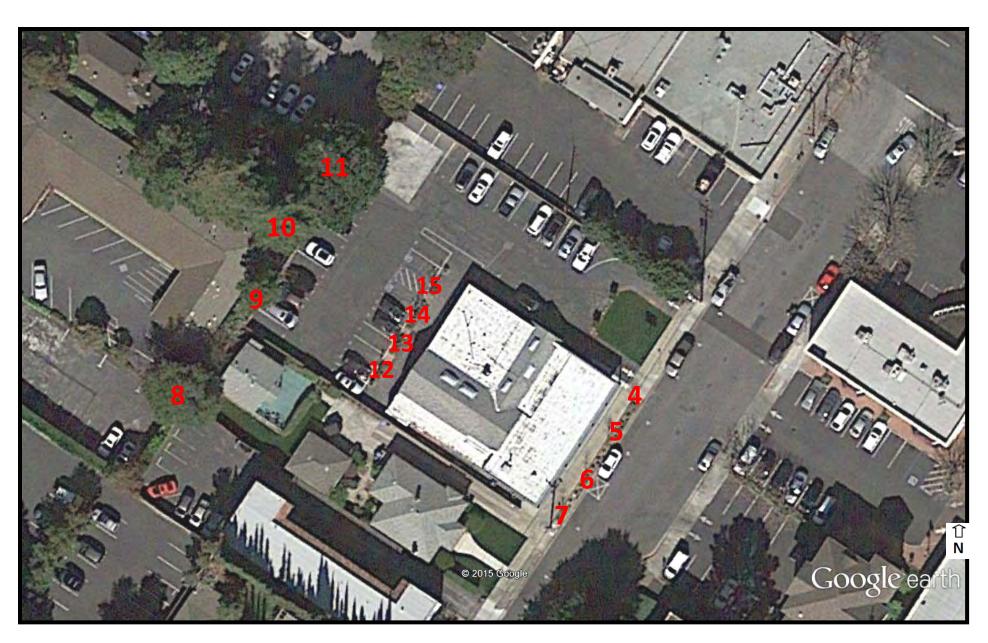
# **EXHIBIT B:**

# **AERIAL MAP**

(one sheet)

# **650 LIVE OAK AVENUE**

Menlo Park, California



# **EXHIBIT C:**

### **PHOTOGRAPHS**

(two sheets)

# **Photo Index**

Page C-1: Trees #4 thru 9

**Page C-2:** Trees #10 and 15













650 Live Oak Avenue, Menlo Park The Minkoff Group, LLC

Page C-1











650 Live Oak Avenue, Menlo Park The Minkoff Group, LLC

Page C-2

RECORDING REQUESTED BY: AND WHEN RECORDED MAIL TO:	)
City of Menlo Park 701 Laurel Street Menlo Park, California 94025 Attention: City Clerk	) ) ) ) ) ) This document is exempt from the payment of
	a recording fee pursuant to Government Code Section 27383.

#### BELOW MARKET RATE RENTAL HOUSING AGREEMENT

THIS	<b>BELOW</b>	MARKET	<b>RATE</b>	RENTAL	HOUSING	<b>AGREEMENT</b>
("Agreement")	is entered	into as of _			, 2016,	by and between
the CITY OF	MENLO P	ARK, a Cali	ifornia mu	nicipal corp	ooration (the	"City"), and 650
LIVE OAK LL	C, a Califor	nia limited p	artnership	(the "Less	ee").	

#### RECITALS

- A. Lessee has a long-term ground lease on certain real property located in the City of Menlo Park, County of San Mateo, State of California (the "Property"), more particularly described in <a href="Exhibit A">Exhibit A</a>, attached hereto and incorporated herein by this reference. The Property is commonly known as 650-660 Live Oak Avenue and consists of assessor's parcel numbers 071-288-550 and 071-288-290.
- B. The Property is owned by the Carol Ann Johnston Trust dated July 24, 1985 (the "Owner"). The obligations in this Agreement shall attach to that certain Ground Lease between Carol Ann Johnston, Trustee of the Carol Ann Johnston Trust Dated July 24, 1985 as Landlord and Live Oak Property Investments, LLC, a California limited liability company, or Assignee as Tenant Dated January 31, 2011 ("Ground Lease"). Lessee represents that Lessee has the authority under the Ground Lease to enter into this Agreement.
- C. Lessee plans to develop the Property with a mixed-use project ("Project") consisting of 16,854 square feet of non-medical/dental office and 17 rental dwelling units. The Project is proposed at the Public Benefit Bonus level of development, which allows higher intensities in exchange for benefits provided to the public.
- D. Pursuant to Menlo Park Municipal Code Chapter 16.96 ("BMR Ordinance"), and the City of Menlo Park BMR Housing Program Guidelines ("Guidelines") as adopted by the City Council of Menlo Park and amended from time to

1

time, attached hereto as <u>Exhibit B</u>, Lessee is required to provide approximately 0.53 BMR units as a result of the net increase in office square footage.

E. To address both compliance with the BMR Ordinance and the Guidelines for commercial developments and to provide an additional public benefit, Lessee is proposing that two (2) of the 17 dwelling units be rented to qualified "Low Income" households, as defined below. The "Low Income" rental units are hereinafter referred to as "BMR Units" (individually, "BMR Unit").

**NOW, THEREFORE**, the parties hereto agree as follows:

#### 1. CONSTRUCTION OF THE IMPROVEMENTS.

- **1.1 Construction of the Project**. The Lessee agrees to construct the Project in accordance with the Menlo Park Municipal Code and all other applicable local codes, rehabilitation standards, ordinances and zoning ordinances.
- 1.2 City and Other Governmental Permits. Before commencement of the Project, the Lessee shall secure or cause its contractor to secure any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. The Lessee shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; City staff will, without incurring liability or expense therefore, process applications in the ordinary course of business for the issuance of building permits and certificates of occupancy for construction that meets the requirements of the Menlo Park Municipal Code, and all other applicable laws and regulations.
- 1.3 **Compliance With Laws**. The Lessee shall carry out the design, construction and operation of the Project in conformity with all applicable laws, including all applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the Menlo Park Municipal Code, and all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq., Government Code Section 4450, et seq., Government Code Section 11135, et seq., and the Unruh Civil Rights Act, Civil Code Section 51, et seq.

#### 2. OPERATION OF HOUSING

**2.1 BMR Units**. As described in Recital D. above, the Lessee agrees to make available, restrict occupancy to, and lease two (2) of the Project's residential rental units on the Property to Low Income Households, pursuant to the terms set forth below. The BMR Units shall be of a quality comparable to all of the other rental units in the Project. The BMR Units shall be distributed in accordance with <a href="Exhibit C">Exhibit C</a>. Thereafter, the location of the individual BMR Units may float to the next available unit and as otherwise necessary for the smooth and professional maintenance of the Project provided that the distribution of BMR Units are equitably disbursed throughout the Project and the City's Director of Community Development ("Director") shall be notified of any change or relocation of BMR Units.

For purposes of this Agreement, "Low Income Households" shall mean those households with incomes that do not exceed sixty percent (60%) of San Mateo County median income, adjusted for family size, as established and amended from time to time by the United States Department of Housing and Community Development ("HCD").

On or before July 1 of each year, commencing with the calendar year that the first residential unit in the Project is rented to a tenant, and annually thereafter, the Lessee shall obtain from each household occupying a BMR Unit and submit to the City a completed income computation and certification form, which shall certify that the income of the household is truthfully set forth in the income certification form, in the form attached hereto as <a href="Exhibit D">Exhibit D</a> unless a different form is proposed by Lessee and approved by the Director. The Lessee shall certify that each household leasing a BMR Unit meets the income and eligibility restrictions for the BMR Unit.

The Property, provided that the Project remains on the Property, shall be subject to the requirements of this Article 2 from the date first set forth above until the fifty-fifth (55th) anniversary of such date. The duration of this requirement shall be known as the "Affordability Period."

2.2 Affordable Rent. The maximum Monthly Rent chargeable for the BMR Units and paid by a Low Income Household shall be thirty percent (30%) of the Low Income Limits, adjusted for family size, as established and amended from time to time by the HCD. The Monthly Rent for the BMR Units rented to Low Income Households and paid by the household shall be based on an assumed average occupancy per unit of one person per studio unit or one person per bedroom, unless otherwise approved by the Director for an unusually large unit with a maximum of one person per bedroom, plus one.

For purposes of this Agreement, "Monthly Rent" means the total of monthly payments made by the tenant for (a) use and occupancy of each BMR Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by the Lessee which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, and which are not paid directly by the Lessee, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Lessee. A sample utility allowance schedule prepared by San Mateo County as of the date of this Agreement is attached as Exhibit E.

2.3 Agreement to Limitation on Rents. As described in the Recitals above, Lessee has received additional development capacity from the City for the Project under the Public Benefit Bonus provisions of the El Camino Real/Downtown Specific Plan, which is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Sections 1954.52(b) and 1954.53(a)(2) of the Costa-Hawkins Act provide that, where a developer has received such assistance, certain provisions of the Costa-Hawkins Act do not apply if a developer has

so agreed by contract. The Lessee hereby agrees to limit Monthly Rent as provided in this Agreement in consideration of the Lessee's receipt of the assistance and further agrees that any limitations on Month Rents imposed on the BMR Units are in conformance with the Costa-Hawkins Act. The Lessee further warrants and covenants that the terms of this Agreement are fully enforceable.

- **2.4** Lease Requirements. Within forty-five (45) days of the date of this Agreement, the Lessee shall submit a standard lease form for approval by the Director. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required pursuant to the Guidelines. The Lessee shall enter into a written lease, in the form approved by the City, with each new tenant of a BMR Unit upon such tenant's rental of the BMR Unit. Each lease shall be for an initial term of not less than one year, and shall not contain any of the provisions which are prohibited pursuant to the Guidelines.
- 2.5 Selection of Tenants. Each BMR Unit shall be leased to tenant(s) selected by the Lessee who meet all of the requirements provided herein, and, to the extent permitted by law, with priority given to those eligible households who either live or work in the City of Menlo Park. The City may, from time to time, provide to the Lessee names of persons who have expressed interest in renting BMR Units for the purposes of adding such interested persons to Lessee's waiting list, to be processed in accordance with Lessee's customary policies. The Lessee shall not refuse to lease to a holder of a certificate or a rental voucher under the Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.
- Maintenance. The Lessee shall maintain or cause to be maintained the 2.6 Property and the interior and exterior of the Project in a decent, safe and sanitary manner, and the standard of maintenance of first class multifamily apartment projects within San Mateo County, California of the age of the improvements. If at any time Lessee fails to maintain the Property or the Project in accordance with this Agreement and such condition is not corrected within five (5) days after written notice from the City with respect to graffiti, debris, waste material, and general maintenance, or thirty (30) days after written notice from the City with respect to landscaping and building improvements (or such longer time in accordance with Section 3.1 hereof), then the City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Property and perform all acts and work necessary to protect, maintain, and preserve the Property and the Project, and to attach a lien upon the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by the City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Lessee to the City upon demand.
- **2.7 Monitoring and Recordkeeping.** Throughout the Affordability Period, Lessee shall comply with all applicable recordkeeping and monitoring requirements set forth in the Guidelines and shall annually complete and submit to City by July 1st a Certification of Continuing Program Compliance in a form approved by the City.

Representatives of the City shall be entitled to enter the Property, upon at least twenty-four (24) hour notice, to monitor compliance with this Agreement, to inspect the records of the Project with respect to the BMR Units, and to conduct, or cause to be conducted, an independent audit or inspection of such records. The Lessee agrees to cooperate with the City in making the Property available for such inspection or audit. If for any reason the City is unable to obtain the Lessee's consent to such an inspection or audit, the Lessee understands and agrees that the City may obtain at Lessee's expense an administrative inspection warrant or other appropriate legal order to obtain access to and search the Property. The Lessee agrees to maintain records in businesslike manner, and to maintain such records for the fifty-five (55) year term of this Agreement.

- **2.8 Non-Discrimination Covenants**. Lessee covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall Lessee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property.
- **2.9 Subordination**. This Agreement shall run with the land. At Lessee's option, this Agreement shall be subordinate to the lien of the deeds of trust and other financing documents which secure the financing used to construct and/or operate the Project, provided any such financing does not exceed eighty percent (80%) of the fair market value of the appraised fair market value of the Lessee's interest in the Property at the time of any such subordination. The City Manager (or designee) is hereby authorized to execute such subordination agreements and/or such other documents as may be necessary to evidence such subordination.

#### 3. DEFAULT AND REMEDIES

- 3.1 Events of Default. The following shall constitute an "Event of Default" by Lessee under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of Section 3 of this Agreement, the specific provision shall control.
- **3.2** Remedies. The occurrence of any Event of Default under Section 3.1 shall give the non-defaulting party the right to proceed with an action in equity to require the defaulting party to specifically perform its obligations and covenants under this

Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

- Obligations Personal to Lessee. The liability of the Lessee under this Agreement to any person or entity is limited to the Lessee's interest in the Project, and the City and any other such persons and entities shall look exclusively thereto for the satisfaction of obligations arising out of this Agreement or any other agreement securing the obligations of the Lessee under this Agreement. From and after the date of this Agreement, no deficiency or other personal judgment, nor any order or decree of specific performance (other than pertaining to this Agreement, any agreement pertaining to any Project or any other agreement securing the Lessee's obligations under this Agreement), shall be rendered against the Lessee, the assets of the Lessee (other than the Lessee's interest in the Project), its partners, members, successors, transferees or assigns and each of their respective officers, directors, employees, partners, agents, heirs and personal representatives, as the case may be, in any action or proceeding arising out of this Agreement or any agreement securing the obligations of the Lessee under this Agreement, or any judgment, order or decree rendered pursuant to any such action or proceeding. No subsequent owner of the Project shall be liable or obligated for the breach or default of any obligations of the Lessee under this Agreement on the part of any prior Lessee. Such obligations are personal to the person who was the Lessee at the time the default or breach was alleged to have occurred and such person shall remain liable for any and all damages occasioned thereby even after such person ceases to be the Lessee. Each Lessee shall comply with and be fully liable for all obligations the Lessee hereunder during its period of ownership of the Project.
- Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.
- **3.5 Attorneys' Fees**. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorneys' fees.

- **3.6** Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.
- **3.7 Waiver of Terms and Conditions**. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.
- **3.8** Non-Liability of City Officials and Employees. No member, official, employee or agent of the City shall be personally liable to the Lessee or any occupant of any BMR Unit, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Lessee or its successors, or on any obligations under the terms of this Agreement.
- 3.9 **Defend, Indemnify and Hold Harmless.** The Lessee shall defend, indemnify and hold harmless the City, and its elective and appointive boards, commissions, agents, officers and employees from any and all claims, causes of action or proceedings arising out of or in connection with, or caused on account of, this Agreement and the development and occupancy of BMR Units.

#### 4. GENERAL PROVISIONS

- **4.1 Guidelines.** This Agreement incorporates by reference the provisions of Sections 1, 2, 5.1, 5.2, 5.3, 7.2.4, 7.2.5, 11.1.1, 11.2.2, 11.1.3, 11.1.5, 11.1.6, 11.1.7 and 11.1.8, and of the Guidelines as of the date of this Agreement and any successor sections as the Guidelines may be amended from time to time and expresses the entire obligations and duties of Lessee with respect to the Lessee's obligations under the Guidelines. No other requirements or obligations under the Guidelines shall apply to Lessee except as expressly provided for in this Agreement. In the event of any conflict or ambiguity between this Agreement, the requirements of state and federal fair housing laws and the Guidelines, the terms and conditions of this Agreement and the requirements of state and federal fair housing laws shall control.
  - **4.2 Time**. Time is of the essence in this Agreement.
- **4.3 Notices**. Any notice requirement set forth herein shall be deemed to be satisfied three (3) days after mailing of the notice first-class United States certified mail, postage prepaid, or by personal delivery, addressed to the appropriate party as follows:

Lessee: 650 Live Oak LLC

6272 Virgo Rd Oakland CA 94611

Attention: Daniel Minkoff

Email: dminkoff@minkoffgroup.com

City: City of Menlo Park701 Laurel Street

Menlo Park, California 94025-3483

Attention: City Manager Fax: (650) 328-7935

Such addresses may be changed by notice to the other party given in the same manner as provided above.

- **4.4 Successors and Assigns**. This Agreement constitutes a covenant and legal restriction on the Property and shall run with the land, provided the Project remains on the Property, and all of the terms, covenants and conditions of this Agreement shall be binding upon the Lessee and the permitted successors and assigns of the Lessee. If the Project remains on the Property, this Agreement shall survive the termination of the Ground Lease. Whenever the term "Lessee" is used in this Agreement, such term shall include any other permitted successors and assigns as herein provided. Owner shall provide or cause Lessee to provide City notice of any change to the Lessee under the Ground Lease.
- **4.5 Intended Beneficiaries**. The City is the intended beneficiary of this Agreement, and shall have the sole and exclusive power to enforce this Agreement. It is intended that the City 'may enforce this Agreement in order to, satisfy its obligations to improve, increase and preserve affordable housing within the City, as required by the Guidelines, and to provide that a certain percentage of new housing is made available at affordable housing cost to persons and families of very low income, as required by the Guidelines. No other person or persons, other than the City and the Lessee and their assigns and successors, shall have any right of action hereon.
- **4.6 Partial Invalidity**. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.
- **4.7 Governing Law**. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto. The venue for any action shall be the County of San Mateo.
- **4.8** Amendment. This Agreement may not be changed orally, but only by agreement in writing signed by Lessee and the City.

Approvals. Where an approval or submission is required under this 4.9 Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement, and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

<b>IN WITNESS WHEREOF</b> , the Housing Agreement as of the date and	•				ecut	ed t	his A	Affordable
	LESS	SEE:						
		<b>LIVE</b> ership	OAK	LLC	, а	Cali	ifornia	a limited
		Ву:	Danie repre	el Min	nkoff, ative	auth	orize	ed .
	CITY:							
		<b>OF</b> cipal co	<b>MEN</b> orporat		PAR	kK,	a	California
		Ву:	City I	Mana	ger			
ACKNOWLEGED:								
Owner								

ATTEST:		
City Clerk		

List of Exhibits

Exhibit A: Property Description

Exhibit B: Below Market Rate Housing Program Guidelines

Exhibit C: Initial Distribution of BMR Units

Exhibit D: Compliance Forms and Certifications

Exhibit E: Sample Utility Allowance



### PLANNING COMMISSION MINUTES - EXCERPTS

Regular Meeting
May 18, 2015 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER - 7:01 p.m.

ROLL CALL - Combs, Ferrick, Goodhue, Kadvany, Kahle, Onken (Vice Chair), Strehl

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Jean Lin, Associate Planner; Arnold Mammarella, Contract Planner; Stephen O'Connell, Contract Planner; Tom Smith, Associate Planner; Thomas Rogers, Senior Planner

#### E. STUDY SESSION

E2. Study Session/650 Live Oak LLC/650-660 Live Oak Ave: Request for a study session for the Public Benefit Bonus proposal associated with the architectural control request to demolish an existing commercial building and two dwelling units and construct a new mixed-use project with office and residential uses on two sites in the SP-ECR/D (El Camino Real/Downtown Specific Plan) and R-3 (Apartment) zoning districts. The proposed development would be at the public benefit bonus level, which would exceed the Base level floor area ratio (FAR). The public benefit bonus proposal includes a community garden and gathering space, as well as the provision of a full Below Market Rate (BMR) housing unit, where only a partial unit is required. No actions will take place at this meeting, but the study session will provide an opportunity for the Planning Commission and the public to become more familiar with the proposal and to provide initial feedback on the applicability of the Public Benefit Bonus. (Attachment)

Staff Comment: Senior Planner Rogers said the El Camino Real/Downtown Specific Plan (Specific Plan) set up two tiers of development. He said the base level was meant to achieve inherent community goals encouraging redevelopment of underused parcels, activating the train station area, increasing transit use and enhancing downtown vibrancy. He said those projects require a detailed architectural control process. He said the public benefit bonus development level has a case-by-case negotiated review process informed by a fiscal economic review. He said the City looked at the benefit to the developer to have the bonus density and also the value of the proposed public benefit to the City. He said for the two remaining study session items, staff had prepared questions to guide the Commission's consideration and discussion.

Public Comment: Mr. Dan Minkoff, lease hold owner for the next 96 years of the property at 650 and 660 Live Oak, which included the former mortuary and three residential homes on an R3 lot, said a community garden at this location would serve residents in the area that did not have yards. He said they also planned to offer Below Market Rate (BMR) housing. He said they have started their public outreach.

Mr. Rob Zirkle, Brecht Architects, said the site was very proximate to the downtown core and Caltrain station. He said being near transit was a driver for their request for more density. He provided visuals of the surrounding neighborhood noting that there were apartments and a

general dearth of public green space. He said thinking about the public benefit their project could provide led them to think about the spaces between the buildings. He said their proposed public benefit was a 3,000 square foot community garden with 16 elevated planter beds, outdoor community dining area, and small outdoor kitchen. He noted the increased front setback to create a sidewalk space that would spill into the site. He said they were looking at a 16,800 square foot office building facing Live Oak Avenue, 10 apartment units in the rear of the site and shared outdoor amenities, and five single-family residences at the back of the office building facing the apartment building in the back. He said there were two attached, 3 and 4 bedroom homes on the R3 parcel adjacent to the community garden, shared courtyard space between the apartment homes and the office building, with their own yards as well. He discussed their LEED platinum goal.

Mr. Ben Feschman, Menlo Park, said he owned the property on El Camino Real next to the subject property. He said he was concerned about the impact of this major construction on the retail tenants and residents in the area, noting the noise and amount of time the project might take. He said he would like to see before and after photos to get a sense of how this project would relate to his property. He said his parking was already full and he did not want contractors parking there. He said there was limited street parking.

Commissioner Combs referred to the 90-year lease and asked who the property owner was. Mr. Minkoff said it was the Carol Johnson Trust, a descendent of the person who built the mortuary about 55 years prior.

Vice Chair Onken closed public comment.

Commission Comment: Vice Chair Onken said they were considering the proposed public benefit of the community garden and the one BMR unit as well as the design. He said public benefit consideration looked at whether a defined project feature was desirable and offset the increased density, or whether financial remuneration should be the exchange. He said he did not know if this would be the best site to have a community garden and asked others what they thought about having a community garden pretty much next to El Camino Real.

Commissioner Goodhue said she was thinking similarly about a community garden. She asked if Belle Haven was the only other site of a community garden, which Senior Planner Rogers confirmed. Commissioner Goodhue said the applicant indicated they would do neighbor outreach about the community garden. She said she supported community gardens but wondered if this was the right site and whether it was needed. She said her experience with community gardens, and referred to Johnson Park in Palo Alto, was they worked best when they were part of a larger park where people gathered anyway. She said garden plants don't look so nice after their peak growing period and at that time the elevated planters might not look attractive and might detract from the overall project.

Mr. Tom Lansing, Krale Landscape Architecture, said they were working with a community garden expert who did the restaurant garden for Sons and Daughters in San Francisco and who would help them plan the types of plants. He said part of the garden would be a demonstration garden and the consultant would help manage the garden. Commissioner Goodhue asked if they had considered a pocket park. Mr. Lansing said they had looked at pocket parks or maybe creating a plaza, but they though the latter was too urban for the site. He said urban agriculture was a big movement, sustainable and was very good in bringing the community together.

creating education and promoting health. Commissioner Goodhue asked about their community outreach to determine interest. Mr. Lansing said they started the process in January working with their design team and garden consultant, and talked with Glen Rojas about the Belle Haven community garden. He said Mr. Rojas indicated more community gardens were needed in Menlo Park. He said they reached out to other community gardeners in the South Bay, all of whom indicated there needed to be more community gardens. He said they prepared a report on the benefits of community gardens and talked with 20-some people in Menlo Park, held a quick informal meeting at Kepler's Bookstore talking with customers and employees. He said people were excited about the idea and provided feedback. He said they would continue the outreach. Vice Chair Onken asked about water. Mr. Lansing said they had not determined that yet but would look into reclaimed water or using rain barrels to harvest rain from the buildings. He said vegetable gardens did not use a tremendous amount of water as they were small.

Commissioner Kadvany said that he also questioned whether this was the right place for a community garden. He suggested there might be a playground or more traditional park there. He said the community garden was very expensive to create and maintain. He said the increased development value was the office space noting an increase of 4,500 square feet and the base development value was already much higher than the previous zoning. He said he thought the public benefit numbers should be significantly higher than what was proposed.

Commissioner Kahle said he liked that a park was being proposed and thought where it was located it would be used. He said he would however like a smaller community garden and more tables and chairs in the space. He said the City's Parks and Recreation Division was trying to get more space in the downtown area and suggested the applicant talk to them. He asked about the amenities and how the open space would be used including at night. Mr. Menchoff said lighting was needed at night for safety but they would not be inclined to have the space used for night time parties. He said talking to Parks and Recreation was a good idea. He said that financial remuneration was always possible to the City. He said carving out space for community space was important to them, and noted that land was scarcer than money.

Vice Chair Onken said there was obvious need for money to support services in the City but he thought most people would prefer a bike tunnel over \$10,000,000 from Stanford. He said he was not sure the City needed a community garden, however. He said he agreed with the applicant that having land and an activity coming out of that rather than paying a fee to the City had a benefit that went beyond the actual value of the number.

Commissioner Kadvany said the point about the land was a good one. He said his question was whether community garden was the right thing.

Mr. Minkoff said buildings last a long time. He said the 3,200 square feet of open space was adaptable over time and perhaps in the future a playground was needed or some other thing. He said the economic value of this project did not include a calculation for the land to be kept open, but there was a value to that.

Commissioner Combs said initially he thought the community garden was kind of different. He said after thinking about it he decided he was willing to support the concept. He said he liked that the applicant approached it differently to create an active area rather than a passive park.

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Commissioner Goodhue asked regarding public benefit where they should next go. She said she liked the park concept and the way the buildings were broken up with private and public place. She said she would like to see how the applicants came up with their valuation to offer the community garden. She said her concern was the area might become the public area for the office and hoped that the gardens would not be considered to be for the elite only.

Mr. Lansing said from a visibility standpoint and pursuant to the question about the space serving the office building they considered ways to advertise the availability of these garden plots to residents. He said their first instinct had been to put a park there, but it would be a small park. He said with its proximity to the office building there would be a propensity to consider it a park for those tenants. He said the community garden idea came out of this discussion as it would be a designation use. He said it was its programmatic element that took it out of the domain of the office building or just the houses there.

Commissioner Kadvany asked about the R3 lot and the open space, and if it could be used for anything else with the proposed project. Senior Planner Rogers said the R3 had different limits including the dwelling unit limit, which the applicant was proposing to the limit accommodated on this site or two units. He said there was building coverage limit and a landscaping requirement of 50% so the garden would contribute to that. He said they would provide the parking for the R3 units in the underground garage so the driveways could be combined. He said if the City did not support the community garden the design could include parking on the site for those units.

Mr. Minkoff said the requirement for both lots was 4,483 square feet of open space or 20% and they were proposing 16,445 square feet open space. He said if they did not seek the public benefit density they would have a traditional driveway and detached homes rather than attached homes.

Commissioner Kahle said the community garden concept was worthy of looking into and he thought residents would be the primary users and that might inform what it should be in the future.

Commissioner Kadvany said they should not look at programming. He said if they thought it was worthwhile to have this plot of land to be used for some potential range of valuation that was okay, but if that range was not a good range, they should forget it. He suggested they look at land value. He figured this community garden plot might be worth \$500,000. He said a starting point was whether the City wanted to buy that land for some use. He said they should consider how much a year the applicant would make annually on the extra office space square footage they were allowed with the public density benefit. He said they needed to establish a paradigm to assess public benefit and value.

Vice Chair Onken suggested rather than a paradigm that a calculation method be established and rather than leaving the determination of what public benefit was through an open-ended creative process. He said the community could provide the Council with their opinion on what the right direction for public benefit was and whether this was an acceptable example of what a public benefit was.

Replying to Vice Chair Onken, Senior Planner Rogers said there was not a clear answer on public benefit, which could be the recommendation for the Council to consider.

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Commissioner Combs said the financial analysis was important and the value contribution to the City was important. He said however they could run in circles trying to identify the exact value in the exchange of higher density for public benefit. He said he wanted what was most valuable for the City and he did not know if they could assign a specific dollar amount to that. He said they had not gotten consensus at the Commission level on this and he expected the same at the Council level. He said looking at these projects he wanted something that provided a community benefit of value and was less interested in making sure the City got its fair cut of whatever value the extra density would bring the developer.

Commissioner Ferrick said she appreciated the Commissioners' comments. She said she liked the urban design concepts and the provision of an amenity rather than an ingress/egress driveway in the proposed open space, She said she wasn't sure if a community garden was what the community needed or wanted. She said the BMR unit was a valuable thing but she wouldn't want to assert to have two BMR units rather than the community garden. She suggested the applicants stay for the next study session whose applicants were offering a different set of things for public benefit.

Commissioner Kadvany said he agreed with Commissioner Combs but thought that value should be considered. He said the City of Palo Alto recently stated that they could have received more value for the extra density they allowed and they were now overdeveloped, and had shortchanged themselves.

Vice Chair Onken said regarding architectural control that this was a good project. He said he would like to see it on El Camino Real because of its urban quality, He suggested they needed to be careful about the porcelain tile noting they had shown buildings in Menlo Park where it was used and did not work. Mr. Minkoff said they showed those buildings as contextual within the neighborhood. Vice Chair Onken said if this was before the Commission for a use permit he would want a condition to see exact material samples.

Senior Planner Rogers noted that procedurally the Commission concluded its meetings at 11:30 p.m. unless at 10:30 p.m. the Commission voted by a three-quarter majority vote to continue past 11:30 p.m. He also said there were some references to the Council seeing this project, but clarified it would only be seen by the Council if it was appealed.

Vice Chair Onken said he thought they could wrap up by 11:30 p.m. Commissioners Ferrick and Strehl agreed. Commissioner Kadvany said he thought they should vote to go past 11:30 p.m. if needed.

Commissioner Ferrick said she really liked the overall design of the project but also was wary of using the porcelain tiles. She said she liked the mixed use and adding more housing in the area. She said her concern was the homes would be very expensive. She said she liked the articulation and inside and outside spaces.

Commissioner Strehl said she agreed with other Commissioners' comments about the architecture. She said she also liked the mixed use, the housing, and that they were providing parking for the two townhomes. She asked if the public benefit discussion would come back to the Commission. Senior Planner Rogers said if the applicant elected to proceed with the public

benefit density project the Commission would need to approve the building and the benefit together.

Commissioner Goodhue said it was a good use of the space. She said she had same thought as Vice Chair Onken about having the project related more to El Camino Real. She said the proposal was a great illustration of what the Specific Plan was calling for, and she wanted to encourage it.

Commissioner Kadvany said this was a good application of the Specific Plan ideas. He said to relate it to the valuation issue that a project which achieved many Plan goals had intrinsic benefit in itself. He said he didn't understand how privacy was provided for the units in the rear noting their bedrooms facing the common patio area and the big windows looking over to the office building. He said there was a project downtown with big windows that they approved but now the windows are always screened with drapes. He said there were mixed uses in Palo Alto with residences in the back and office building in the front and the residences felt like they were in the back of a big parking lot.

Commissioner Kahle said he was generally supportive of the design but had some concerns with the massing and the monolithic appearance of the northern corner, noting the porcelain tile. He suggested more of an offset there. He said there seemed to be a lot of deck space on the third floor and thought maybe it was too much. He suggested using some of the roof space for solar.

Summary: Planning Commission conducted a study session on the proposed mixed-use development. The applicant's team presented an overview of the proposal, which was followed by an opportunity for public comment (one speaker), and Commission questions/comments on the proposal. Topics discussed included:

- Community garden need in this area, and its potential management/operations
- Possible alternate public space proposals, such as a playground or general plaza/park
- Whether public benefit should generally be a monetary contribution, a physical improvement, or a combination of elements
- Potential alternate valuations for public benefit
- Generally positive comments on the mix of uses and design, with some questions/caveats
- Need to see exact material samples when project is next reviewed

#### **ADJOURNMENT**

The meeting adjourned at 11:28 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 29, 2015.

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650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
IMPACT BEING ADDRESSED: Impact AIR-1: Implementation of	AIR QUALITY	ad lang tarm amissions	of oritorio pollutante oc	sociated with
construction activities that could contribute substantially to a		ea long-term emissions	or criteria ponutants as	ssociated with
Mitigation Measure AIR-1a: During construction of individual projects under the Specific Plan, project applicants shall require the construction contractor(s) to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic dust control procedures required for construction sites. For projects for which construction emissions exceed one or more of the applicable BAAQMD thresholds, additional measures shall be required as indicated in the list following the Basic Controls.		Measures shown on plans, construction documents and ongoing during demolition, excavation and construction.	Project sponsor(s) and contractor(s)	PW/CDD
Basic Controls that Apply to All Construction Sites  1. All exposed surfaces (e.g., parking areas, staging areas, soil biles, graded areas, and unpaved access roads) shall be watered two times per day.  2. All haul trucks transporting soil, sand, or other loose material biff-site shall be covered.  3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.	Exposed surfaces shall be watered twice daily.  Trucks carrying demolition debris shall be covered.  Dirt carried from construction areas shall be cleaned daily.			
4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Speed limit on unpaved roads shall be 15 mph. Roadways, driveways, sidewalks and building pads shall be laid as soon as possible after grading.  Idling times shall be minimized to 5 minutes or less; Signage posted at all access points.			
7. All construction equipment shall be maintained and properly uned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	Construction equipment shall be properly tuned and maintained.			

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	Signage will be posted with the appropriate contact information regarding dust complaints.			
Additional Measures for Development Projects that Exceed Significance Criteria  1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.				
<ol> <li>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</li> <li>Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.</li> </ol>	Halt excavation, grading and demolition when wind is over 20 mph. Install wind breaks on the windward side(s) of disturbed construction areas.			
<ol> <li>Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> </ol>	Vegetative ground cover shall be planted in disturbed areas as soon as possible.			
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	Ground-disturbing construction activities shall not occur simultaneously.			
<ul><li>6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</li><li>7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</li></ul>	Trucks and equipment shall be washed before exiting the site. Cover site access roads.			
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.	Erosion control measures shall be used.			
Minimizing the idling time of diesel powered construction equipment to two minutes.	Idling time of diesel powered equipment will not exceed two minutes.			

Mitigation Measure	Live Oak Ave - Mitigation Monitoring and Re Action	Timing	Implementing Party	Monitoring Party
O. The project shall develop a plan demonstrating that the off- pad equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor	Plan developed that demonstrates emissions from use of off-road equipment during construction will be reduced as specified.			,
rehicles) would achieve a project wide fleet-average 20 percent altrogen oxides reduction and 45 percent particulate matter reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, rengine retrofit technology, after-treatment products, add-on levices such as particulate filters, and/or other options as such recome available.				
Use low volatile organic compound (VOC) (i.e., reactive rganic gases) coatings beyond the local requirements (i.e., legulation 8, Rule 3: Architectural Coatings).	Low VOC coatings shall be used.			
enerators be equipped with Best Available Control Technology	Require Best Available Control Technology for all construction equipment, diesel trucks, and generators.			
Requiring all contractors use equipment that meets the california Air Resources Board's most recent certification tandard for off-road heavy duty diesel engines.	Equipment shall meet standards for off-road heavy duty diesel engines.			
mpact AIR-2: Implementation of the Specific Plan would resu hat would contribute substantially to an air quality violation.		eria pollutants from inc	reased vehicle traffic and	d on-site area source
Mitigation Measure AIR-2: Mitigation Measure TR-2 of Section .13, Transportation, Circulation and Parking, identifies ransportation Demand Management (TDM) strategies to be	See Mitigation Measure TR-2.			
nplemented by individual project applicants, although the precise ffectiveness of a TDM program cannot be guaranteed. As the ansportation demand management strategies included in				
Mitigation Measure TR-2 represent the majority of available neasures with which to reduce VMT, no further mitigation neasures are available and this impact is considered to be ignificant and unavoidable.				
mpact AIR-5: Implementation of the Specific Plan would loca raffic which may lead to considerable adverse health effects.	•	d concentrations of tox	ic air contaminants asso	ociated with roadway
ditigation Measure AIR-5: The Mitigation Monitoring and Reporting Program shall require that all developments that include sensitive receptors such as residential units that would be	A health risk analysis shall be prepared.  If one or more thresholds are exceeded, a filtration system shall be installed; Certified engineer to provide report documenting that	Simultaneous with a building permit submittal	Project sponsor(s)	CDD

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
health risk analysis to determine if cancer risk, hazard index, and/or PM <sub>2.5</sub> concentration would exceed BAAQMD thresholds. If one or more thresholds would be exceeded at the site of the subsequent project, the project (or portion of the project containing sensitive receptors, in the case of a mixed-use project) shall be equipped with filtration systems with a Minimum Efficiency Reporting Value (MERV) rating of 14 or higher. The ventilation system shall be designed by an engineer certified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, who shall provide a written report documenting that the system reduces interior health risks to less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD or the City for health risks. The project sponsor shall present a plan to ensure ongoing maintenance of ventilation and filtration systems and shall ensure the disclosure to buyers and/or renters regarding the findings of the analysis and inform occupants as to proper use of any installed air filtration. Alternatively, if the project applicant can prove at the time of development that health risks at new residences due to DPM (and other TACs, if applicable) would be less than 10 in one million, or less than any other threshold of significance adopted by BAAQMD for health risks, or that alternative mitigation measures reduce health risks below any other City-adopted threshold of significance, such filtration shall not be required.	Plan developed for ongoing maintenance and disclosure to buyers and/renters.			
Impact AIR-6: Implementation of the Specific Plan would locate may lead to considerable adverse health effects. (Potentially S		vatea comcontrations of	1 III 2.5 GOODGIACG WIGHT	oudinay damo minon
<b>Mitigation Measure AIR-5</b> associated with Impact AIR-5 regarding DPM exposure would also reduce PM <sub>2.5</sub> exposure impacts along EI Camino Real and other high volume streets to a less than significant level.	See Mitigation Measure AIR-5.			
Impact AIR-7: Implementation of the Specific Plan would expo operations which may lead to considerable adverse health eff	ects. (Potentially Significant)			
Reporting Program shall require that all developments that include sensitive receptors such as residential units that would be located within approximately 1,095 feet of the edge of the Caltrain	filtration system shall be installed; Certified engineer to provide report documenting that	Simultaneous with a building permit submittal	Project sponsor(s)	CDD

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program					
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party	
one or more thresholds would be exceeded at the site of the	Plan developed for ongoing maintenance				
subsequent project, the project (or portion of the project	and disclosure to buyers and/renters.				
containing sensitive receptors, in the case of a mixed-use project)					
shall be equipped with filtration systems with a Minimum					
Efficiency Reporting Value (MERV) rating of 14 or higher. The					
ventilation system shall be designed by an engineer certified by					
the American Society of Heating, Refrigeration and Air-					
Conditioning Engineers, who shall provide a written report					
documenting that the system reduces interior health risks to less					
than 10 in one million, or less than any other threshold of					
significance adopted by BAAQMD or the City for health risks. The					
project sponsor shall present a plan to ensure ongoing					
maintenance of ventilation and filtration systems and shall ensure					
the disclosure to buyers and/or renters regarding the findings of					
the analysis and inform occupants as to proper use of any					
installed air filtration. Alternatively, if the project applicant can					
prove at the time of development that health risks at new					
residences due to DPM (and other TACs, if applicable) would be					
less than 10 in one million, or less than any other threshold of					
significance adopted by BAAQMD for health risks, or that					
alternative mitigation measures reduce health risks below any					
other City-adopted threshold of significance, such filtration shall					
not be required.					
BIOLOGICAL RESOURCES					
Impact BIO-1: The Specific Plan could result in the take of spe	ecial-status birds or their nests. (Potentially	y Significant)			

650-660	650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program					
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party		
Mitigation Measure BIO-1a: Pre-Construction Special-Status Avian Surveys. No more than two weeks in advance of any tree or shrub pruning, removal, or ground-disturbing activity that will commence during the breeding season (February 1 through August 31), a qualified wildlife biologist will conduct pre-construction surveys of all potential special-status bird nesting habitat in the vicinity of the planned activity. Pre-construction surveys are not required for construction activities scheduled to occur during the non-breeding season (August 31 through January 31). Construction activities commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any breeding birds taking up nests would be acclimated to project-related activities already under way). Nests initiated during construction activities would be presumed to be unaffected by the activity, and a buffer zone around such nests would not be necessary. However, a nest initiated during construction cannot be moved or altered.	A nesting bird survey shall be prepared if tree or shrub pruning, removal or ground-disturbing activity will commence between February 1 through August 31.	Prior to tree or shrub pruning or removal, any	Qualified wildlife biologist retained by project sponsor(s)	CDD		
If pre-construction surveys indicate that no nests of special- status birds are present or that nests are inactive or potential habitat is unoccupied: no further mitigation is required.  If active nests of special-status birds are found during the surveys: implement Mitigation Measure BIO-1b.						

	Live Oak Ave - Mitigation Monitoring and Re		Implementing Barter	Monitorina Dort
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
Mitigation Measure BIO-1b: Avoidance of active nests. If active nests of special-status birds or other birds are found during surveys, the results of the surveys would be discussed with the California Department of Fish and Game and avoidance procedures will be adopted, if necessary, on a case-by-case pasis. In the event that a special-status bird or protected nest is found, construction would be stopped until either the bird leaves the area or avoidance measures are adopted. Avoidance measures can include construction buffer areas (up to several nundred feet in the case of raptors), relocation of birds, or seasonal avoidance. If buffers are created, a no disturbance zone will be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted will take into account factors such as the following:  1. Noise and human disturbance levels at the Plan area and the nesting site at the time of the survey and the noise and disturbance expected during the construction activity;  2. Distance and amount of vegetation or other screening between the Plan area and the nest; and  3. Sensitivity of individual nesting species and behaviors of the nesting birds.	If active nests are found during survey, the results will be discussed with the California Department of Fish and Game and avoidance procedures adopted.  Halt construction if a special-status bird or protected nest is found until the bird leaves the area or avoidance measures are adopted.	Prior to tree or shrub pruning or removal, any ground-disturbing activities and/or issuance of demolition, grading or building permits.		CDD
Impact BIO-3: Impacts to migratory or breeding special-status				
Mitigation Measure BIO-3a: Reduce building lighting from exterior sources.  a. Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid uplighting of rooftop antennae and other tall equipment, as well as of any decorative features;  b. Installing motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour;  c. Utilize minimum wattage fixtures to achieve required lighting levels;  d. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting  e. Use cutoff shields on streetlight and external lights to prevent	Reduce building lighting from exterior sources.	Prior to building permit issuance and ongoing.	Project sponsor(s) and contractor(s)	CDD
ipwards lighting.  Mitigation Measure BIO-3b: Reduce building lighting from	Reduce building lighting	Prior to building permit	Project sponsor(s) and	CDD
nterior sources. a. Dim lights in lobbies, perimeter circulation areas, and atria;	from interior sources.	issuance and ongoing.	contractor(s)	

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program					
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party	
b. Turn off all unnecessary lighting by 11pm thorough sunrise,					
especially during peak migration periods (mid-March to early June					
and late August through late October);					
c. Use gradual or staggered switching to progressively turn on					
building lights at sunrise.					
d. Utilize automatic controls (motion sensors, photosensors, etc.)					
to shut off lights in the evening when no one is present;					
e. Encourage the use of localized task lighting to reduce the need					
for more extensive overhead lighting;					
f. Schedule nightly maintenance to conclude by 11 p.m.;					
g. Educate building users about the dangers of night lighting to					
birds.					
Impact BIO-5: The Specific Plan could result in the take of specific			_	_	
,	Retain a qualified bat biologist to conduct pre		Qualified bat biologist	CDD	
direct and indirect disturbances to special-status bats will be	construction survey for bats and potential	removal or issuance of	retained by project		
identified by locating colonies and instituting protective measures	roosting sites in vicinity of planned activity.	demolition, grading or	sponsor(s)		
prior to construction of any subsequent development project. No		building permits.			
more than two weeks in advance of tree removal or structural	Halt construction if bats are discovered				
alterations to buildings with closed areas such as attics, a	during construction until surveys can be				
qualified bat biologist (e.g., a biologist holding a California	completed and proper mitigation measures				
Department of Fish and Game collection permit and a Memorandum of Understanding with the California Department of	implemented.				
Fish and Game allowing the biologist to handle and collect bats)					
shall conduct pre-construction surveys for potential bats in the					
vicinity of the planned activity. A qualified biologist will survey					
buildings and trees (over 12 inches in diameter at 4.5-foot height)					
scheduled for demolition to assess whether these structures are					
occupied by bats. No activities that would result in disturbance to					
active roosts will proceed prior to the completed surveys. If bats					
are discovered during construction, any and all construction					
activities that threaten individuals, roosts, or hibernacula will be					
stopped until surveys can be completed by a qualified bat					
biologist and proper mitigation measures implemented.					
If no active roosts present: no further action is warranted.					
·					
If roosts or hibernacula are present: implement Mitigation Measures BIO-5b and 5c.					

650-660	Live Oak Ave - Mitigation Monitoring and R	eporting Program			
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party	
Mitigation Measure BIO-5b: Avoidance. If any active nursery or maternity roosts or hibernacula of special-status bats are located, the subsequent development project may be redesigned to avoid impacts. Demolition of that tree or structure will commence after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies forms the following year (i.e., prior to March 1). For hibernacula, any subsequent development project shall only commence after bats have left the hibernacula. No-disturbance buffer zones acceptable to the California Department of Fish and Game will be observed during the maternity roost season (March 1 through July 31) and during the winter for hibernacula (October 15 through February 15). Also, a no-disturbance buffer acceptable in size to the California Department of Fish and Game will be created around any roosts in the Project vicinity (roosts that will not be destroyed by the Project but are within the Plan area) during the breeding season (April 15 through August 15), and around hibernacula during winter (October 15 through February 15). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, the "take" of individuals is prohibited.	If any active nursery or maternity roosts or hibernacula are located, no disturbance buffer zones shall be established during the maternity roost and breeding seasons and hibernacula.	Prior to tree removal or pruning or issuance of demolition, grading or building permits	Qualified bat biologist retained by project sponsor(s)	CDD	
Mitigation Measure BIO-5c: Safely evict non-breeding roosts. Non-breeding roosts of special-status bats shall be evicted under the direction of a qualified bat biologist. This will be done by opening the roosting area to allow airflow through the cavity. Demolition will then follow no sooner or later than the following day. There should not be less than one night between initial disturbance with airflow and demolition. This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed should first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. However, the "take" of individuals is prohibited.	A qualified bat biologist shall direct the eviction of non-breeding roosts.	Prior to tree removal or pruning or issuance of demolition, grading or building permits.	Qualified bat biologist retained by project sponsor(s)	CDD	
CULTURAL RESOURCES					
Impact CUL-1: The proposed Specific Plan could have a significant impact on historic architectural resources. (Potentially Significant)					
Mitigation Measure CUL-1: Site Specific Evaluations and Treatment in Accordance with the Secretary of the Interior's Standards:	A qualified architectural historian shall complete a site-specific historic resources study. For structures found to be historic,	Simultaneously with a project application submittal.	Qualified architectural historian retained by the Project sponsor(s).	CDD - STATUS: COMPLETE: A historic resources evaluation	

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program						
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party		
Site-Specific Evaluations: In order to adequately address the level of potential impacts for an individual project and thereby design appropriate mitigation measures, the City shall require project sponsors to complete site-specific evaluations at the time that individual projects are proposed at or adjacent to buildings that are at least 50 years old.	specify treating conforming to Secretary of the Interior's standards, as applicable.			prepared by Page & Turnbull, Inc., dated August 25, 2014, determined that neither 650 nor 660 Live Oak Avenue are historic structures.		
The project sponsor shall be required to complete a site-specific historic resources study performed by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.				Situctures.		
Treatment in Accordance with the Secretary of the Interior's Standards. Any future proposed project in the Plan Area that would affect previously recorded historic resources, or those identified as a result of site-specific surveys and evaluations, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995). The Standards require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.						

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program						
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party		
Mitigation Measure CUL-2a: When specific projects are proposed that involve ground disturbing activity, a site-specific cultural resources study shall be performed by a qualified archaeologist or equivalent cultural resources professional that will include an updated records search, pedestrian survey of the project area, development of a historic context, sensitivity assessment for buried prehistoric and historic-period deposits, and preparation of a technical report that meets federal and state requirements. If historic or unique resources are identified and cannot be avoided, treatment plans will be developed in consultation with the City and Native American representatives to mitigate potential impacts to less than significant based on either the Secretary of the Interior's Standards described in Mitigation Measure CUL-1 (if the site is historic) or the provisions of Public Resources Code Section 21083.2 (if a unique archaeological site).	ļ ·	Simultaneously with a project application submittal.	Qualified archaeologist retained by the project sponsor(s).	CDD - STATUS: COMPLETE: A cultural resources assessment report prepared by William Self Associates, Inc., dated February 2015, determined that on 650-660 Live Oak Avenue, no cultural materials were identified within the proposed project area, and no adverse impacts are anticipated during development of the project.		
Mitigation Measure CUL-2b: Should any archaeological artifacts be found during construction, all construction activities within 50 feet shall immediately halt and the City must be notified. A qualified archaeologist shall inspect the findings within 24 hours of the discovery. If the resource is determined to be a historical resource or unique resource, the archaeologist shall prepare a plan to identify, record, report, evaluate, and recover the resources as necessary, which shall be implemented by the developer. Construction within the area of the find shall not recommence until impacts on the historical or unique archaeological resource are mitigated as described in Mitigation Measure CUL-2a above. Additionally, Public Resources Code Section 5097.993 stipulates that a project sponsor must inform project personnel that collection of any Native American artifact is prohibited by law.	during demolition/construction, all ground disturbing activity within 50 feet shall be halted immediately, and the City of Menlo Park Community Development Department shall be notified within 24 hours.  A qualified archaeologist shall inspect any archaeological artifacts found during construction and if determined to be a resource shall prepare a plan meeting the specified standards which shall be implemented by the project sponsor(s).	construction.	Qualified archaeologist retained by the project sponsor(s).	CDD		

	Live Oak Ave - Mitigation Monitoring and R		T	•
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
Mitigation Measure CUL-3: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance. Training on paleontological resources will also be provided to all other construction workers, but may involve using a videotape of the initial training and/or written materials rather than in-person training by a paleontologist. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards. (SVP, 1996)	avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP	Prior to issuance of grading or building permits that include subsurface excavations and ongoing through subsurface excavation.	Qualified archaeologist retained by the project sponsor(s).	CDD
Impact CUL-4: Implementation of the Plan may cause disturb	ance of human remains including those into	erred outside of formal	cemeteries. (Potentially	Significant)
Mitigation Measure CUL-4: If human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) shall be followed, which is as follows:  * In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:  1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:  a) The San Mateo County coroner must be contacted to determine that no investigation of the cause of death is required; and b) If the coroner determines the remains to be Native American:	If human remains are discovered during any construction activities, all ground-disturbing activity within the site or any nearby area shall be halted immediately, and the County coroner must be contacted immediately and other specified procedures must be followed as applicable.	On-going during construction	Qualified archeologist retained by the project sponsor(s)	CDD

1. The corroner shall contact the Native American Heritage Commission within 24 hours; 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American; 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097-98; or  2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.  a) The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendent failed to make a recommendation; or  c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.  GREENHOUSE GASES AND CLIMATE CHANGE  "mpact GHG-2: The Specific Plan could conflict with applicable plans, policies or regulations of an agency with jurisdiction over the Specific Plan adopted for reducting the emissions of GHAs. (Significant)  Initigation Measure GHG-2: All residential and/or mixed use levelopments of sufficient size to require LEED certification more the Specific Plan shall install one declarated electric vehicle recharging station for every Oresidential parking spaces provided. Per the Climate Action Plan the complying application could receive incentives, such as treamlined permit processing, fee dediscounts, or design		ve Oak Ave - Mitigation Monitoring and Re		Landon antina Banto	Manitania a Danta
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HAZARDOUS MATERIALS		LIAZADDOUG MATERIALO			

Impact HAZ-1: Disturbance and release of contaminated soil during demolition and construction phases of the project, or transportation of excavated material, or contaminated groundwater could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (Potentially Significant)

650-660	Live Oak Ave - Mitigation Monitoring and Re	eporting Program		
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
Mitigation Measure HAZ-1: Prior to issuance of any building permit for sites where ground breaking activities would occur, all proposed development sites shall have a Phase I site assessment performed by a qualified environmental consulting firm in accordance with the industry required standard known as ASTM E 1527-05. The City may waive the requirement for a Phase I site assessment for sites under current and recent regulatory oversight with respect to hazardous materials contamination. If the Phase I assessment shows the potential for hazardous releases, then Phase II site assessments or other appropriate analyses shall be conducted to determine the extent of the contamination and the process for remediation. All proposed development in the Plan area where previous hazardous materials releases have occurred shall require remediation and cleanup to levels established by the overseeing regulatory agency (San Mateo County Environmental Health (SMCEH), Regional Water Quality Control Board (RWQCB) or Department of Toxic Substances Control (DTSC) appropriate for the proposed new use of the site. All proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional in accordance with Cal/OHSA regulations (contained in Title 8 of the California Code of Regulations) and approved by SMCEH prior to the commencement of groundbreaking.	Prepare a Phase I site assessment.  If assessment shows potential for hazardous	Prior to issuance of any grading or building permit for sites with groundbreaking activity.	Qualified environmental consulting firm and licensed professionals hired by project sponsor(s)	CDD - STATUS: IN PROGRESS: Phase I ESA submitted, and will be reviewed in more detail with building permit submittal.
Impact HAZ-3: Hazardous materials used on any individual si improper handling or storage. (Potentially Significant)	te during construction activities (i.e., fuels,	lubricants, solvents) co	ould be released to the e	environment through
	reduce the release of hazardous materials during construction.	Prior to building permit issuance for sites disturbing less than one acre and on-going during construction for all project sites	Project sponsor(s) and contractor(s)	CDD
	NOISE			

Impact NOI-1: Construction activities associated with implementation of the Specific Plan would result in substantial temporary or periodic increases in ambient noise levels in the Specific Plan area above levels existing without the Specific Plan and in excess of standards established in the local general plan or noise ordinance, or applicable

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program					
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party	
Mitigation Measure NOI-1a: Construction contractors for subsequent development projects within the Specific Plan area shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers,	A construction noise control plan shall be prepared and submitted to the City for review.  Implement noise control techniques to reduce ambient noise levels.	Prior to demolition, grading or building permit issuance Measures shown on plans, construction documents and specification and ongoing through construction		CDD	
* Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler shall achieve lower noise levels from the exhaust by approximately 10 dBA. External jackets on the tools themselves shall be used where feasible in order to achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible;					
* Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible; and					
* When construction occurs near residents, affected parties within 400 feet of the construction area shall be notified of the construction schedule prior to demolition, grading or building permit issuance. Notices sent to residents shall include a project hotline where residents would be able to call and issue complaints. A Project Construction Complaint and Enforcement Manager shall be designated to receive complaints and notify the appropriate City staff of such complaints. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and day and evening contact numbers, both for the construction contractor and City representative(s), in the event of problems.					

Measures for Pile Driving: Should pile-driving be necessary for a subsequently proposed development project, the project sponsor would require that the project contractor predict into set (if the sable based on solis) for piles to the maximum feasible depth to minimize noise and vibration and limit activity operation being the sable based on solis) for piles to the maximum feasible depth to minimize noise and vibration from pile driving. Should pile-driving be necessary to from the construction possible that the construction contractor (init pile driving activity to result in the least situativance to neighboring uses.  Miligation Measure NOI-1c: The City shall condition approval of project, the project sponsor (is) and complaints from adjacent sensitive receptors are sidences and schools, such that, in the event of a justified complaint from adjacent sensitive receptors are sidences and schools, such that, in the event of a justified complaint from adjacent sensitive receptors for a noise exposure changes in construction noise control plan.  Impact NOI-3: The Specific Plan a real shall be assessed by a justified acoustical engineer to determine if sound rated walls submitted to the City showing conceptual window and wall assemblies with Sound Transmission Class (STC) ratings evel standard of 45 dBA, Ldn. The results of each study shall be maked windows would be required to meth the Tite 24 interior noise exposure without and wall assemblies with Sound Transmission Class (STC) ratings every standard of 45 dBA, Ldn. The results of each study shall be maked without the required to the project to standard of the plan area.  Impact TR-1: Traffic from future development in the Plan area would adversely affect operation of large and the project to standard of the plan area.  Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)  Project sponsor(s)  PW/CDD  Project sponsor(s)  PW/CDD  Project sponsor(s)  PW/CDD  Project sponsor(s)  PW/CD	650-660	Live Oak Ave - Mitigation Monitoring and Re	eporting Program		
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origination from prediffict holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving. Should olicid-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least slisturbance to neighboring uses.  **Condition projects such that if justified complaints from adjacent sensitive receptors sensitive to construction noise, such that, in the event of a justified and complaints from adjacent sensitive receptors sensitive to construction noise, the city would have the soliding to require changes in the construction control noise plan to address complaints.  **Impact NOI-3: The Specific Plan would introduce sensitive receptors to a noise environment with noise levels in excess of standards considered acceptable under the City Menlo Park Municipal Code. (Potentially Significant) Militigation Measure NOI-3: Interior noise exposure within homes proposed for the Specific Plan area shall be assessed by a submitted to the City showing conceptual window and wall assemblies with Sound Transmission Class (STC) ratings necessary to achieve the noise reductions for the project to statify the interior noise environment of the Plan area would adversely affect operation of least statify the interior noise environment in the Plan area would adversely affect operation of local statisty. The project sponsor(s) p	necessary for a subsequently proposed development	to minimize noise and			
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Mitigation Measures TR-1a through TR-1d: (see EIR for details)  Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)  Mitigation Measure TR-2: New developments within the Specific Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  **Commute alternative information;  Payment of fair share funding.  Prior to building permit issuance.  Prior to building permit. Project sponsor(s)  PW/CDD  Poject sponsor(s)  PW/CDD  PW/CDD	Impact TD 4: Traffic from future development in the Plan area	•		.41	
funding. issuance.  Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)  Mitigation Measure TR-2: New developments within the Specific Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  **Commute alternative information;					DW/CDD
Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)  Mitigation Measure TR-2: New developments within the Specific Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  * Commute alternative information;  * Commute alternative information;	iviligation weasures TN-Ta tillough TN-Tu. (See LIIX for details)			Troject sponsor(s)	I W/CDD
Mitigation Measure TR-2: New developments within the Specific Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  * Commute alternative information;  Develop a Transportation Demand Management program.  Submit draft TDM program with building permit. City approval required before permit issuance.  Implementation prior to project occupancy.	Impact TR-2: Traffic from future development in the Plan area	<u> </u>		nificant)	
Plan area, regardless of the amount of new traffic they would generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  **Commute alternative information;  Management program.  Management program.  Program with building permit. City approval required before permit issuance.  Implementation prior to project occupancy.					PW/CDD
generate, are required to have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  * Commute alternative information;	·	<b>■</b>		, , , , , , , , , , , , , , , , , , , ,	
Transportation Demand Management (TDM) program prior to project occupancy to mitigate impacts on roadway segments and intersections. TDM programs could include the following measures for site users (taken from the C/CAG CMP), as applicable:  * Commute alternative information;					
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Implementation prior to project occupancy.  Implementation prior to project occupancy.  * Commute alternative information;			1		
measures for site users (taken from the C/CAG CMP), as applicable:  * Commute alternative information;					
applicable:  Commute alternative information;			1 -		
* Commute alternative information;			,		
	••				
	* Bicycle storage facilities;				

650-660 Live Oak Ave - Mitigation Monitoring and Reporting Program				
Mitigation Measure	Action	Timing	Implementing Party	Monitoring Party
* Showers and changing rooms;				
* Pedestrian and bicycle subsidies;				
* Operating dedicated shuttle service (or buying into a shuttle				
consortium);				
* Subsidizing transit tickets;				
* Preferential parking for carpoolers;				
* Provide child care services and convenience shopping within				
new developments;				
* Van pool programs;				
* Guaranteed ride home program for those who use alternative				
modes;				
* Parking cashout programs and discounts for persons who				
carpool, vanpool, bicycle or use public transit;				
* Imposing charges for parking rather than providing free parking;				
* Providing shuttles for customers and visitors; and/or				
* Car share programs.				
Impact TR-7: Cumulative development, along with development in the Plan area, would adversely affect operation of local intersections. (Significant)				
Mitigation Measures TR-7a through TR-7n: (see EIR for details)	Payment of fair share	Prior to building permit	Project sponsor(s)	PW/CDD
	funding.	issuance.		
Impact TR-8: Cumulative development, along with developme	-	pperation of local roadw	ay segments. (Significa	nt)
Mitigation Measure TR-8: Implement TR-2 (TDM Program).	See Mitigation Measure TR-2.			