



REGULAR MEETING AGENDA

Date: 1/9/2017
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 December 5, 2016 Planning Commission meeting. ([Attachment](#))

F. Public Hearing

- F1. Use Permit Revision/Shannon Thoke/116 O'Connor Street:
Request for a use permit revision to add first- and second-story additions to an existing previously-approved nonconforming single-family, two-story residence with a basement on a substandard lot with regard to lot width in the R-1-U (Single-Family Urban) zoning district. The previous use permit was approved by the Planning Commission on March 5, 2012. *Continued to the Planning Commission meeting of January 23, 2017*
- F2. Use Permit/Brian Nguyen/445 Oak Ct:
Request for a use permit for the construction of a new two-story single-family residence with a basement, detached two-car garage, and secondary dwelling unit on a substandard lot with respect to width in the R-1-U (Single Family Urban Residential) Zoning District. The proposal includes the removal of two heritage trees. ([Staff Report #17-001-PC](#))

- F3. Use Permit/Peter Impala/720 Menlo Avenue:
Request for a use permit for the sale of alcohol to include the consumption of beer or wine on the premises within a restricted area of an existing grocery store (Trader Joe's) in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The applicant is simultaneously applying for a Type 42 ABC License. ([Staff Report #17-002-PC](#))
- F4. Use Permit/Molly Swenson/103 Gilbert Avenue:
Request for a use permit to convert a spa to a medical office within an existing building on a parcel that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district. The parcel has 23 usable parking stalls where 23 are required. However, because 10 of the 23 parking stalls are located completely within required setbacks, the stalls do not count as legal parking spaces and make the parcel substandard in parking. ([Staff Report #17-003-PC](#))
- F5. Development Agreement Annual Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project): Annual review of the property owner's good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project. ([Staff Report #17-004-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: January 23, 2017
 - Regular Meeting: February 6, 2017
 - Regular Meeting: February 27, 2017
 - Regular Meeting: March 7, 2017

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 www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the Planning Division at (650) 330-6702. (Posted: 01/05/17)

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.



REGULAR MEETING MINUTES - DRAFT

Date: 12/5/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:01 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Larry Kahle, John Onken, Henry Riggs, Katherine Strehl (Chair)

Absent: Susan Goodhue

Staff: Thomas Rogers, Principal Planner; Kaitie Meador, Associate Planner; Yesenia Jimenez, Associate Planner; Angela Obeso, Associate Engineer; Nikki Nagaya, Transportation Manager; Jennifer A. Bregante Beyers, City Attorney's Office

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council on November 15, 2016 undertook the main approvals for the Facebook Expansion Project and started review of the ConnectMenlo General Plan Update. He said the latter discussion was continued to the meeting of November 29, at which the City Council also adopted the ordinances associated with the Facebook Expansion Project and initiated revisions to the Building Codes. He said the Council at its December 6 meeting could adopt the ordinances associated with the ConnectMenlo General Plan Update and formally act on the revised Building Codes. He said there was also a follow up from the Housing and Economic Development Department that would require certain rental residential buildings to provide an option for one-year leases at a tenant's discretion.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the November 7, 2016 Planning Commission meeting. ([Attachment](#))

Commissioner Kahle referred to page 7: "*Commissioner Onken said Commissioner Kahle mentioned vinyl windows and he asked if that was called out in the plans. It wasn't clear from the recording but it seemed someone, perhaps Commissioner Kahle, indicated where the reference to vinyl windows was.*" Commissioner Kahle confirmed that he had made the reference.

ACTION: Motion and second (Riggs/Strehl) to approve the minutes of November 7, 2016 with the modification noted; passes 6-0-1 with Commissioner Goodhue not in attendance.

F. Public Hearing

- F1. Use Permit/Alina Robin/1019 Middle Avenue:
Consider a request for a use permit to remodel and add a one story addition to 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. ([Staff Report #16-096-PC](#))

Staff Comment: Associate Planner Kaitie Meador said staff had no additions to the written report.

Questions of Staff: Commissioner Larry Kahle asked about the accessory building. Associate Planner Meador said it was built as a cabana and not intended as a living unit. She said it seemed over the years there were some unpermitted additions that would be removed as part of this application. Commissioner Kahle asked about the two-inch note on the sunroom side addition and asked if that was outside or inside the setback. Associate Planner Meador said it was outside the setback.

Applicant Presentation: Ms. Alina Robin said she was representing the property owners and noted the existing home was a two-bedroom, two-bath. She said the addition was for another bedroom and bathroom with a one-story addition, interior modifications to the existing living area, and an exterior remodel including removal, addition and replacement of windows, skylights, exterior doors and finishes.

Horia Rus introduced his wife Sara Herman. He said they had moved from the East Coast and were happy to be moving to Menlo Park. He said they were adding a bedroom and wanted to open the house to the garden area.

Commissioner Kahle said a note indicated the windows would be metal clad. He asked if they were wood with metal clad. Mr. Rus said they would be wood. Commissioner Kahle asked if they had considered doing the whole roof as standing seam metal as the metal roof was part of the project tying it into the farmhouse theme. Mr. Rus said they considered the full metal roof and that was beyond their budget.

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

Commission Comment: Commissioner John Onken said he supported the project. He said it was currently nonconforming with encroachment into the setback. He said he appreciated that the additions were not exacerbating the encroachment and were relatively restrained. He said although there were different roof materials the new roof was on the back of the building which he found acceptable.

Commissioner Drew Combs said he supported the project noting that additions could be large on Middle Avenue and he appreciated the restraint of this project.

Commissioner Kahle said he supported the project, and moved to approve. Commissioner Henry Riggs seconded the project.

ACTION: Motion and second (Kahle/Riggs) to approve as recommended in the staff report; passes 6-0-1 with Commissioner Goodhue not in attendance.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act 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 DG Designs, consisting of 10 plan sheets, dated received November 3, 2016, and approved by the Planning Commission on December 5, 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 indicating the proposed foundation for the addition will be pier and grade beam foundation, subject to review and approval of the Planning Division.

F2. Use Permit/Scott Landry/628 Cambridge Avenue:

Consider a request for a use permit to demolish an existing detached one-car garage and build a new detached one-car garage and accessory studio building on a substandard lot in the R-2 (Low Density Apartment) Zoning District. (Staff Report #16-097-PC)

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

Questions of Staff: Commissioner Kahle said the proposal appeared to have the potential to easily convert into a secondary dwelling unit. Principal Planner Rogers said this was an R-2 zoned property and the secondary dwelling unit ordinance was structured around R-1 parcels. He said this parcel in the R-2 was too small to have two residential units and secondary dwelling units were not allowed. He said the permit approvals would lock in the use as a garage and an accessory building. He said should a complaint come forth that the structure was being used as a dwelling unit that violation could be enforced by the use permit. Commissioner Kahle said some cities require deed restrictions through the county for projects like this that look like it was possible to easily create a living unit. Principal Planner Rogers said deed restrictions have typically only been used for unusual situations and there had been stamping on plans stating buildings would not be used as a dwelling unit, but that most generally use permit conditions are the enforcement.

Applicant Presentation: Mr. Scott Landry, Studio One Designs, project architect, said the property was in the R-2 zone and the lot was substandard size. He said as part of the project a dilapidated one-car garage would be removed that lacked sufficient backup space between it and the house. He said the proposal was to build a 494 square foot accessory structure to include a one-car garage and an art studio space. He said the garage door would face Cambridge Avenue. He said the footprint was dictated by setback and easement requirements, the desire to maintain a heritage redwood tree, and the need for adequate and required backup distance. He said the existing structure was used as an art studio by neighborhood children. He said that was the future intended use as well and the property owners had no intent to use it as a dwelling unit. He said the primary residence on the property was a 725 square foot home. He said to meet the 40% landscape requirement the second parking space was proposed as tandem with the covered garage parking and that would allow some of the paved access area to the existing garage to become a small yard and provide a landscaped link from the home to the art studio. He provided a handout of photos of the existing garage building. He said the property owners have gone door-to-door to show their neighbors the proposed plans and renderings. He said the project has been well-received.

Commissioner Combs confirmed with Mr. Landry that this property shared a driveway with the next door property. Mr. Landry said that this property owned four feet into the driveway. He said the paving of the driveway was part of this project and he did not know if there was any financial arrangement for it with the neighbor.

Commissioner Riggs said the existing driveway was gravel and that they could use compacted Class 2 base rock according to staff. Mr. Landry said they would definitely be interested in having that option.

Associate Planner Jimenez said that Class 2 compacted base rock with 95% compaction was an acceptable option.

Commissioner John Onken asked if the driveway was eight-feet wide. Mr. Landry said it was about that. Commissioner John Onken asked about the backup sequence from the garage. Mr. Landry said currently the car was backed up on the paved area.

Chair Strehl asked about the loft area noting a washer, dryer, and sink. She said she assumed there were no washer and dryer in the house. Mr. Landry said that the loft would be for storage and potentially for a reading nook. He said it was not habitable space given the dimensions.

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

Commission Comment: Commissioner Onken said the building was nicely designed. He said how people used rear structures was up to them so long as it was not made a secondary dwelling unit. He said normally he would oppose vinyl fenestration but since it was the same on the house and was done in a fairly modern tasteful way that he was okay with it. He suggested to the applicant that the concealed gutter on the flat roof underneath a redwood tree would be useless and suggested looking at another way to drain the roof.

Chair Strehl moved to approve the project. Commissioner Riggs seconded the motion but asked if allowing the applicant flexibility to use the Class 2 compacted base rock for the driveway rather than pave was agreeable. Chair Strehl said she would accept that amendment.

ACTION: Motion and second (Strehl/Riggs) to approve as recommended in the staff report with one modification; passes 6-0-1 with Commissioner Goodhue not in attendance.

Make a finding that the project is categorically exempt Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.

1. 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.
2. 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 Studio One Designs, consisting of 9 plan sheets, dated July 7, 2016 and stamped received on November 7, 2016, and approved by the Planning Commission on December 5, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

3. **Approve the project subject to the project-specific conditions:**

- a. **Simultaneous with the submittal of a complete building permit application, the applicant may submit a revised proposed site plan indicating that the driveway leading up to the garage and the parking area in front of the garage be paved with "Class II aggregate base at 95 percent compaction."**

Chair Strehl noted that Commissioner Combs would need to recuse himself from the next two agenda item considerations.

- F3. Use Permit/Facebook, Inc./1050-1098 Hamilton Avenue:
Consider a request for a use permit to convert an existing research and development (R&D) building into office uses located in the M-2 (General Industrial) zoning district. The site is nonconforming with regard to parking. ([Staff Report #16-098-PC](#))

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

Applicant Presentation: Ms. Daniel Douthett, Facebook Facilities, said Facebook was proposing to convert 1050-1098 Hamilton Avenue to offices to use as an operations building. She said Facebook currently occupied 1080 Hamilton Avenue and this project would expand into the remaining two suites. She said the project was critical to Facebook and supported campus operations. She said the project was 30,000 square feet in a single-story building with no exterior changes. She said the project would not generate any additional trips based on their TDM Program and all employees would have access to the TDM Program.

Commissioner Kahle asked what the current use of the space was. Ms. Douthett said the tenants had vacated but it had been offices and some labs, and that this project was a remodel.

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

Commission Comment: Commissioner Onken noted the project parking rate was about 3.5 per 1,000 square feet and asked about parking requirements under the new M-2. Senior Planner Perata said parking was based on the defined use.

Chair Strehl asked how many employees there would be. Ms. Douthett said about 250 employees.

Commissioner Andrew Barnes asked if this was a one-off project or if there would be future adjacent projects.

Mr. Fergus O'Shea, Facebook, said they were looking at two other office buildings in the area after the tenants vacated their use. He said they already have the use permit for the health center and café. He said these were interim uses until they had planned the use of the entire space once all spaces were vacated.

Commissioner Barnes moved to approve as recommended in the staff report.

Commissioner Riggs said the staff report represents the project as a lower usage than other Facebook uses yet there would be 250 employees for 130 parking spaces. He said they were anticipating the same TDM at a remote building as the main campus. He asked if there was a trip cap for the Prologis site. Senior Planner Perata said there was a trip cap for the East Campus and a unified trip cap for the West Campus, Building 20 and the expansion.

Commissioner Riggs said he wanted to move things forward but he did not think parking requirements for R&D use should be included within the set trip cap. He said if they brought another building to be converted into office space that they should take a harder look at the parking need.

Chair Strehl asked if the Commission could require a trip cap on this building too. Senior Planner Perata said staff present lacked the expertise to formulate a trip cap. He said the Commission could look at a condition of approval to require the TDM program run with the building so any future uses would require a TDM Program. He said for a trip cap they would need to confer with the Transportation Division and do additional analysis as what that trip cap would be and how to monitor. He said this site has many access points whereas for the other campus there were cameras counting vehicles at limited access points. Replying to Commissioner Kahle, Senior Planner Perata said the Prologis site was not subject to Facebook's trip cap but the applicant had committed to using the TDM Program with all the same buses and shuttles.

Commissioner Onken said he found the application of the TDM Program acceptable and seconded Commissioner Barnes' motion to approve.

Commissioner Riggs said for the record he had an email exchange earlier with Senior Planner Perata and wanted to note that the City's understanding was the use permit would run with the building but if the building were sold or converted to another use the City's understanding and intention was that the reduced office intensity and the adherence to the TDM Program were considered to be part of the use permit. Senior Planner Perata said that was correct.

ACTION: Motion and second (Barnes/Onken) to approve as recommended in the staff report; passes 5-0-1-1 with Commissioner Combs recused and Commissioner Goodhue not in attendance.

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 and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by the Applicant consisting of six plan sheets, dated received November 29, 2016, and the project description letter dated November 23, 2016, and approved by the Planning Commission on December 5, 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 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Concurrent with the submittal of a complete building permit application, the applicant shall submit a change of address request to retire unused addresses at the site and designate a single address for the entire building, subject to review and approval of the Assistant Community Development Director/Building Official.

- F4. Development Agreement Annual Review/Facebook/1 Hacker Way and 1 Facebook Way: Conduct the annual review of the property owner's good faith compliance with the terms of the Development Agreements for their East and West Campus Projects. ([Staff Report #16-099-PC](#))

Staff Comment: Planner David Hogan said this was the Commission's fourth review of the Development Agreements between Facebook and the City. He said staff believed that Facebook has continued to implement and pursue in good faith the terms of their Development Agreements.

Commissioner Barnes noted this was the Commission's fourth review and asked in the past reviews whether any commitments to be made within a certain time hand not occurred. Planner Hogan said things have occurred when they were supposed to; he noted some of the infrastructure has been slowed due to the need to work with Caltrans.

Applicant Comment: Ms. Lauren Swezey, Facebook Facilities, said mitigations have been done, are ongoing, or in process. Replying to Commissioner Barnes, she noted reoccurring events and programs they have done and continue to do.

Chair Strehl noted the Facebooks program and that merchants in the Willows would like to be included. Ms. Swezey said that Facebooks had been offered for Café Zoe and other businesses in the Willows but it was difficult for employees to get there and it was easier for them to get downtown.

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

Commission comment: Commissioner Riggs said he appreciated Facebook's compliance with its Development Agreements and having the opportunity to have a check in. Commissioner Onken said that Facebook has met its obligations.

ACTION: Motion and second (Strehl/Barnes) to make a determination that Facebook, over the course of the past year, has demonstrated good faith compliance with the provisions of the Development Agreements for both the East and West Campuses for the period of October 2015 through September 2016; passes 5-1-1 with Commissioner Combs recused and Commission Goodhue not in attendance.

- F5. Zoning Ordinance Amendments: Child Day Care Homes and Centers:
Consider amendments to Zoning Ordinance Chapter 16.04 [Definitions] and Chapter 16.08 [Districts Established-General Regulations], in order to make City regulations consistent with applicable California law regarding child day care homes and centers. ([Staff Report #16-100-PC](#))

Staff Comment: Ms. Jennifer Bregante Beyers, City Attorney's Office, said the intention of the proposed amendments were to bring City ordinance into compliance with state law for small and large daycare homes. She said these standards and considerations might be revised and new additional restrictions might be added. She said the amendment also would revise the definition section to distinguish small and large daycare homes, and for child daycare centers.

Chair Strehl asked when the state law changed. Ms. Beyers said they were to be effective January 1, 2015. Commissioner Kahle asked if daycare homes were subject to conditional use permits. Ms. Beyers said they were not conditional use, and that the Commission would not see permits for small daycare homes but might see them for large daycare homes. Commissioner Kahle asked if the 7 p.m. closing time was dictated by state law. Ms. Beyers but was what other cities used as the closing time.

Commission Onken said in Section 6.08.085 that section 1 referred to the small child daycare home and section 2 referred to the large child daycare home but the following conditions seemed applicable to the large child daycare home. He said there seemed to be nothing applicable to the small child daycare home. Ms. Beyers said the conditions only applied to large child daycare homes as small child daycare homes were a permitted use under State law. Commissioner Onken said there were no hours of operation restrictions and no parking restrictions. Ms. Beyers said that was how it was drafted by State law and what was required.

Commissioner Combs asked how many daycare facilities were in Menlo Park. Principal Planner Rogers said just anecdotally he was aware of a few operating out of homes that either predated the zoning ordinance or had gotten use permits, but that staff didn't have a formal inventory. Commissioner Combs asked if an operator of a small daycare center needed to do anything such as get a business license from the City. Ms. Beyers said a state license was required but not a City business license.

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

Commission Comment: Commissioner Riggs moved to recommend to the City Council adoption of the revised ordinances.

Commissioners weighed in on concerns with daycare homes and impacts to traffic, parking and noise. Other Commissioners noted how large daycare homes often face considerable opposition when proposed, but once established were typically accepted and their operations were complaint

free. There was some individual disagreement about whether daycare homes caused negative impacts.

Commissioner Onken suggested an amendment to the recommendation to require all the conditions of the large daycare home for the small daycare home. Ms. Beyers said that was part of the pre-emption issue and they could not change the regulations for a small daycare home.

Commissioner Kahle seconded Commissioner Riggs motion. He commented that child daycare homes were badly needed in Menlo Park.

ACTION: Motion and second (Riggs/Kahle) to recommend that the City Council approve an Ordinance Amending Chapters 16.04 and 16.08 of the Menlo Park Municipal Code (Attachment A), in order to make City regulations consistent with applicable California law regarding child day care homes and centers; passes 6-0-1 with Commissioner Goodhue not in attendance.

6. Zoning Ordinance Amendments: Secondary Dwelling Units:
Consider amendments to Zoning Ordinance Chapter 16.04 [Definitions] and Chapter 16.79 [Secondary Dwelling Units], in order to make City regulations consistent with applicable California law regarding secondary (accessory) dwelling units. ([Staff Report #16-101-PC](#))

Staff Comment: Ms. Beyers said the proposed ordinance amendments were drafted to bring existing code into compliance with state law, were not intended to change or add any policy decisions, and generally use regulations in the current code were kept unless state law required otherwise. She said one proposed amendment to the ordinance not required by state law was included in the draft 16.79.040 subsection 14 to prohibit renting secondary dwelling units or primary dwelling units for less than 30 days. She said this was due to some short rentals such as Air B&B that had created some problems within neighborhoods.

Replying to Commissioner Kahle, Ms. Beyers referred to the redlined document. She said most of the changes proposed related to parking requirements, consistency with what was required as far as lot area, primary residence, and other minor regulations. Commissioner Onken asked if it was allowing tandem parking. Ms. Beyers said that it not only would allow tandem parking but there was also an exception to the parking regulations at subsection 11. Commissioner Onken asked if these developments were for Planning Commission review. Ms. Beyers said they were not conditional uses as state law does not permit conditional use permits for secondary dwelling units. She said part of the ordinance required a conditional use permit when the unit is not in conformance with other development regulations. Principal Planner Rogers said that was no different from the current ordinance in that an applicant only needed Planning Commission review when requesting something that did not meet certain standards in the secondary dwelling unit code.

Commissioner Kahle said the density was limited to one secondary dwelling unit. He said other cities have a review process allowing for another secondary dwelling unit within a certain distance. He asked if that had been considered. Ms. Beyers indicated they kept the City's existing ordinance and only changed what was called for by state law. Commissioner Kahle said 16.04.295 Section 5.b, 3rd page, started with language that detached secondary dwelling unit would have a minimum rear setback of 10 feet but the next paragraph indicated with written approval that the rear and side setbacks could be allowed at be five feet. Principal Planner Rogers said the language was setting a process by which a neighbor might approve a reduced setback. Commissioner Kahle asked about section 6, paragraph b, indicating the maximum increase in floor area to 640 square feet. Ms. Beyers said that was pulled from existing code. She said an attached secondary dwelling unit could only increase the floor area to 640 square feet. She said in other sections the total floor area

is limited to whatever is allowed in that particular zone. Commissioner Kahle asked where the 640 square foot number came from. Chair Strehl said she believed it came out of the Housing Element and that if applicant was building a secondary dwelling unit that was ADA compliant the floor area could increase to 700 square feet. Commissioner Kahle said one other requirement in the proposed amendment was for the unit to be within half-mile of transit. Ms. Beyers said the state did not define that so they added making that at the discretion of the Community Development Director. Commissioner Kahle confirmed that was the same process for the car share requirement.

Commissioner Riggs said item 7 on page 2 of the staff report noted that secondary dwelling units would have a setback of no more than five feet from the side rear lot line for a unit constructed above an existing garage. He said it did not stipulate an attached garage and questioned height limitations to add a second floor to a detached garage in the rear yard. Principal Planner Rogers said with the 2013 ordinance for secondary dwelling units while they believed every possible scenario had been addressed, one of their first inquiries for a secondary dwelling unit was to put it above an accessory building. He said in looking at that they found it was not prohibited but was somewhat restrained by the 17-foot height limit and daylight plane limits. He said for garage spaces not much space was needed for clearance so with deployment of shed dormers and careful plate heights it appeared feasible if not spacious.

Commissioner Barnes said page 1 of the staff report cited the City has issued an unprecedented number of building permits for secondary dwelling units and asked how many. Principal Planner Rogers said he pulled that language from the 2015 Housing Element Annual Report. He said before the 2013 ordinance was adopted the City had, on average, zero to two applications for secondary dwelling units per year. He said under the last full year the number of permits for secondary dwelling units had been eight, which was a significant increase. Commissioner Barnes said the amendment was not intended to decrease or increase applications for secondary dwelling units but asked if staff had a sense of the level of interest. Principal Planner Rogers said based on the number of inquiries made that interest seemed strong. He said some people were discouraged by the fees such as the Transportation Impact Fee. He said tandem parking was a good improvement to the requirements, which made many more secondary dwelling units feasible.

Chair Strehl opened public comment period.

- Pamela Jones said she was pleased there would not be a method for AirBnB due to disruptions to residents such use had caused. She asked what the expertise of the Community Development Director, or designee, was as their decision appeared to be final and not subject to appeal.

Principal Planner Rogers, responding to the Chair, said Arlinda Heineck, the Community Development Director, has 20-plus years of experience with the City. He said the process for the applicant would be similar to how items were brought to the Planning Commission with the spirit of problem solving and ordinance compliance. He said that it was not appealable as it was state law and not up to City discretion.

Chair Strehl closed the public comment period.

ACTION: Motion and second (Onken/Barnes) to recommend that the City Council approve an Ordinance Amending Chapters 16.04 and 16.79 of the Menlo Park Municipal Code (Attachment A) in order to make City regulations consistent with applicable California law regarding secondary dwelling units; passes 6-0-1 with Commissioner Goodhue not in attendance.

G. Regular Business

G1. Ravenswood Avenue Railroad Crossing Study Presentation:

The Ravenswood Avenue Railroad Crossing Study is evaluating the feasibility of replacing the existing at-grade crossing of the Caltrain tracks within the City of Menlo Park with a prioritization at Ravenswood Avenue. The project team will be presenting the project status and the preliminary alternatives to the Planning Commission to answer questions and to receive feedback to be considered in the study evaluations and analyses. ([Staff Report #16-102-PC](#))

Staff Comment: Associate Engineer Angela Obeso, Transportation Division, Public Works Department, introduced Etty Mercurio, Project Manager with AECOM. She said this evening they would present a report on the status of the Ravenswood Avenue Railroad Crossing Study and were not requesting a preference on alternatives but to get the Commission's feedback. She said they would take the study to other city commissions for feedback to be used to refine the study. She said they expected to bring that back to the Planning Commission in spring 2017 for a discussion on preferred alternatives.

Ms. Obeso said this was a study report and they were not doing environmental review or design at this time. She said this part of the project was funded by Measure A funds from the San Mateo County Transportation Authority as part of their grade separation program. She said one of the requirements of the grant was that at least one of the alternatives needed to include a third passing track option. She said that the High Speed Rail Authority has not decided or stated whether they plan to include a third passing track in Menlo Park area. She said all of the alternatives presented included a third passing track but they might or might not go forward with that element. She said grade separation benefits included increased safety at the intersection, improved circulation, improved emergency response, improved air quality and decreases in travel time and greenhouse gas emissions.

Project Manager Etty Mercurio, AECOM, said there had been several studies previously from which two alternatives were given them to study. She said they also developed a hybrid of the two alternatives for a third alternative. She said Alternative A was a single grade separation with Ravenswood Avenue completely below the tracks. She said Alternative B was two grade separations at Ravenswood and Oak Grove Avenues where the roads were compressed slightly and the tracks were elevated. She said the other alternative was three grade separations that would separate Ravenswood, Oak Grove, and Glenwood Avenues.

Ms. Mercurio made a presentation including visuals on the three Alternatives noting that Alternative A would have maximum excavation of about 22-feet. She said there would also be about 16-foot excavation at Merrill Street and six-foot excavation at Alma Street. She said in this Alternative, Alma Street would also be grade separated but would not be an intersection to Ravenswood Avenue. She said in reference to sidewalks they would lose access from Merrill Street to Ravenswood Avenue as well as Alma Lane to Ravenswood Avenue. She noted ramps to allow bicycles and pedestrians to get to the train station.

Ms. Mercurio said Alternatives B and C were very similar to Alternative A. She said that access issues and excavation depth were reduced in Alternative B at Ravenswood Avenue. She noted that excavation at Glenwood Avenue would have to be about 15-feet and there were driveway and access issues. She described Alternative C with excavation at Glenwood of about 12-foot and at Ravenswood Avenue at 10 feet.

Ms. Obeso said they would like the Commission to provide feedback on which access points were most critical to look at in more detail, the Alma and Ravenswood connection with the potential of

returning all movements back or having them separated, the number of grade separations, bike and pedestrian access issues, general aesthetics, and connectivity to adjacent developments.

Chair Strehl opened public comment.

- Milton Borg introduced Andrea Borg. He said they have owned the 7-11 property for 55 years. He said they had conversations with staff about the study and the engineer had indicated due to the expense and disruption that doing at least two separations was the only practical thing to do. He said he thought that would eliminate parking on Alma Street for the train station as there was no access. He said access to his business would be greatly impacted even with Alternative B. He said this would impact businesses and he said those business people needed to be involved in the planning
- Fran Dehn, Chamber of Commerce, asked that the alternatives look at the integration of the platform and address the length of the platform noting potential future electrification.

Chair Strehl closed the public comment period.

Commission Comment: Chair Strehl asked if Caltrain was participating in the study. Ms. Obeso said that they were one of the project sponsors and partners. Chair Strehl asked if they have identified Menlo Park as one of the locations for passing tracks. Ms. Obeso said one of the alternatives Caltrain identified had a passing track going through Menlo Park but there was no more information on that. Chair Strehl said she understood that if Menlo Park was chosen to have the third passing track that Caltrain would be obligated to pay for the grade separation as a mitigation by the PUC. Ms. Obeso said Caltrain would need to construct the third passing track.

Transportation Manager Nikki Nagaya said high speed rail has identified grade separation as mitigation for traffic impacts in environmental review but they haven't identified where those would occur or the method to assess.

Chair Strehl said a question staff might want to ask them was if they selected to do a third passing track through Menlo Park and if high speed rail would they be required by the PUC to mitigate and do the grade separation. Ms. Nagaya said they have asked that question and the understanding was the passing track did not necessitate grade separation. She said they would continue to ask.

Chair Strehl asked about the potential development at Garwood noting that Alternative B would probably have the worst impacts on that project and Oak Grove Avenue. Ms. Obeso said they have met with the Greenheart team and would continue to share files with them. She said in looking at uses, there was a garage entrance, some parking and retail along Oak Grove Avenue. She said they were meeting with all of the stakeholders as mentioned by Mr. Borg. She said they could not ask the developers to change their design but were looking at what the project could do to lessen impact. Chair Strehl asked how much real estate would have to be taken for the grade separations. Ms. Obeso said they did not have exact numbers on the right-of-way yet but preliminarily the Caltrain right-of-way through Menlo Park was fairly wide ranging from 60 to 120 feet. Chair Strehl confirmed that the historic train station would remain. She said a separation over Ravenswood Avenue would give the ability to lengthen the platform.

Commissioner Onken noted Alternative C and the related sloping train platform and asked what that was. Ms. Mercurio said the slope at the station would have to be constant at a maximum of 1%. Commissioner Onken said Ravenswood Avenue was classified as a higher use street than Glenwood and Encinal Avenues. He asked if they kept the grade at Ravenswood Avenue and

looked at other less primary roads like Glenwood and Encinal Avenues whether they would be the same separation as what was proposed for Ravenswood. Ms. Mercurio said the requirement of the deep cut was for a structure that would hold the railroad train. She said Caltrain has a criteria for vertical clearance of 15 ½ feet from the bottom of the structure to the top of roadway. Commissioner Onken asked how long this project would take. Ms. Obeso said they anticipated being done with the study in spring 2017 and would bring it to all the commissions and then to City Council. She said once Council gave direction on the preferred alternative they would begin the environmental and design process. She said environmental review would probably take about two years, design about two years and construction about two years. She said it could be a six, eight to 10 year timeframe before they would have something in place. Commissioner Onken said by then the poles for the electrification would have to be replaced. Ms. Obeso said they were coordinating with Caltrain's designers on electrification so they will know where the poles will be located and what they would look like.

Responding to Commissioner Combs, Ms. Mercurio said the passing track would not impact the height but would impact the width. Commissioner Combs asked about the impacts of the alternatives on the Middle Avenue bicycle/pedestrian crossing. Ms. Obeso said those improvements were south of Ravenswood by 800 to 900 feet. She said with Alternative A the rail elevations would not be changed so there would be no difference to existing conditions for the Middle Avenue undercrossing. She said for Alternatives B and C they would raise the tracks, which would create a benefit for the Middle Avenue undercrossing as excavation would not need to be as deep. She said the Middle Avenue undercrossing project was in the Transportation Division and its project manager and she were coordinating to make sure the projects were complementary.

Commissioner Combs noted impacts to access and whether the City would have to buy properties. Ms. Obeso said there were ways to work with the different accesses through the project design. She said there might not be a solution for some of them but there would be solutions for some of them. Commissioner Combs asked about funding for such projects. Ms. Obeso said they would be looking at all rail funding sources.

Chair Strehl said as part of state law a passing track has to substantially be within existing right of way.

Commissioner Barnes asked about other jurisdictions looking at grade separation. Ms. Obeso said the City of San Mateo was doing a separation site next to a redevelopment project so they were using some developer fees as well as funds from high speed rail. She said Burlingame was more similar to the City's situation and were likewise looking at funding sources. Commissioner Barnes asked about electrification and impacts on noise. Ms. Obeso said that electrification would decrease noise and elevating tracks should decrease sound although anecdotally some said depending on the location elevated tracks could increase noise.

Commissioner Barnes said the loss of an intersection of Alma Street and Ravenswood Drive would be a tough access problem to solve. He said from an aesthetics perspective he thought Alternative A would be best.

Replying to Commissioner Kahle, Ms. Obeso provided visuals of other nearby grade separation solutions providing some comparisons for the Alternatives presented. Commissioner Kahle said the City of Palo Alto was discussing trenching for high speed rail and asked if that was an option. Ms. Obeso said they had discussed that but they were not studying it with this study. She said a study from 2003-2004 looked at all different solutions for grade separation. She said they found to stay within the City limits, not impact the creek, and have constant 1% slope or less, the train

tracks could not get fully depressed by Ravenswood Avenue through trenching. Replying to Commissioner Kahle, Ms. Mercurio said Burlingame in their study found the cost of trenching to be triple the cost of other solutions. She said also Caltrain has never used trenching.

Commissioner Riggs said all of the simulations and photos showed how much acreage would be needed for an underpass. He said the area of Ravenswood Avenue and Alma Street were as much a part of Menlo Park as the downtown area and potentially it would be changed to look more like Pleasanton or Fremont. He said the berms that supported the tracks in San Carlos would not fit in Menlo Park and they would have to take swathes of properties to do something like that. He said he did not think residents wanted a wall running through Menlo Park. He said in 2008 there was a workshop among Atherton, Palo Alto and Menlo Park to look at planning solutions for grade separations. He said high speed rail in other countries when it enters urban areas goes underground. He said the Peninsula was an urban zone. He said if they were going to raise the train that they have an open structure underneath. He said when they look at sidewalks and it's part of the underpass that they not do what Redwood City at 5th Avenue had done noting the slope was challenging. Replying to Commissioner Riggs, Ms. Obeso said they would be meeting in the near future with Palo Alto and Atherton about their expected plans. She said they would add Redwood City to the stakeholder list. She noted that Ms. Nagaya pointed out the City has been meeting with the Cities of Palo Alto and Atherton for three years on high speed rail and solutions.

Commissioner Riggs questioned Caltrain's required height for clearance and suggested pushing back. He said the project could be made tolerable and he would like to see it a constant project from Palo Alto through Atherton.

Commissioner Onken said he too shared concerns with the impact of the berm and wall through Menlo Park. He said Alternative A would create a Redwood City Jefferson Avenue underpass and there were other options for access for properties in the area. He said the issue was the safety at this train and street intersection. He said that Alternatives B and C were too much and not needed.

Commissioner Kahle said he was glad to hear efforts to have continuity with neighboring cities. He said he was concerned that a walled grade separation would divide the City. He said he could support Alternative A and also link that to Alma Street.

Chair Strehl said she was concerned that Alternative A would close off opportunities for grade separations at Oak Grove and Glenwood Avenues in the future. She said she supported Alternative C.

Commissioner Onken said Alternative A supported bicycle crossing.

Commissioner Combs said with Alternative A he saw a lot of concrete that would not activate the area. He said he thought Alternative C provided a gradual progression through the City versus having a depression at Ravenswood Avenue. He said he would prefer berms rather than aqueduct design.

Commissioner Riggs said City pursued Alternative C that they request the train bridge be widened by six to eight feet to have bike path.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 12, 2016

- Regular Meeting: January 9, 2017
- Regular Meeting: January 23, 2017
- Regular Meeting: February 6, 2017

I. Adjournment

Chair Strehl adjourned the meeting at 9:59 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date: 1/9/2017
Staff Report Number: 17-001-PC

Public Hearing: Use Permit/Brian Nguyen/445 Oak Court

Recommendation

Staff recommends that the Planning Commission approve a request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U (Single-Family Urban Residential) zoning district, at 445 Oak Court. The proposal includes two heritage tree removals. The recommended actions are contained within 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 subject site is located at 445 Oak Court, between Menalto Avenue and Woodland Avenue in the Willows neighborhood. A location map is included as Attachment B. The subject parcel is substandard with regards to the lot width. The substandard width occurs at the rear portion of the property, while the front and center of the lot meet the minimum 65 foot lot width. The subject parcel is surrounded by single-family homes which are also in the R-1-U zoning district. This neighborhood has a mix of housing stock, which includes one and two-story single-family residences of various architectural styles including ranch, farmhouse, mission and craftsman style homes. Oak Court does not allow through access for vehicles between the 100- and 200-addressed properties, although pedestrians and bicyclists can travel the whole block.

Analysis

Project description

The applicant is proposing to demolish an existing single-story, single-family residence and construct a new two-story residence with a basement. On the first floor, the main entrance would open to an entry hall and dining room opposite a library. The entry hall would lead to a guest bedroom and bathroom, family room and kitchen. The dining room and family room would open out to a covered patio in the rear yard. The second floor would have three bedrooms, three bathrooms, laundry room, and balcony. The balcony would comply with the relevant side and rear yard setback requirements. The basement would include a

recreation room, home theater, tech room, wine cellar, bathroom and bedroom/study. Overall, the proposed residence would have five bedrooms and five bathrooms.

The applicant is proposing a detached two-car garage and a 699-square foot secondary dwelling unit in the rear of the property. Secondary dwelling units which comply with all aspects of the disabled access requirements for kitchens, bathrooms, and accessible routes established in the California Building Code for adaptable residential dwelling units are allowed to be a maximum of 700 square feet. One additional uncovered parking space would be provided adjacent to the detached garage for the secondary dwelling unit. Although the two-story residence requires use permit review by the Planning Commission, the secondary dwelling unit is a permitted use, as it would meet all applicable standards in the Zoning Ordinance. The proposed project also includes an outdoor built-in fire pit and counter area with seating.

The residence is proposed to be 27.6 feet in height at the uppermost ridge line, below the maximum permissible height of 28 feet, and the proposed structure would comply with daylight plane requirements. 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 proposed residence would be a modern, Spanish style home with a low pitched, mission tile roof. The front entry would feature an arched doorway with a custom wood stained door. The siding would be white washed stucco plaster with a smooth hand troweled finish. Additional architectural interest would be created by the wood stained rafter tails and wrought iron railing and awning details. The proposed windows would be consistent throughout the residence and feature casement clad wood with simulated divided lites in a bronze color. The design of the detached garage and secondary dwelling unit would be consistent with the main residence featuring the same stucco siding, architectural details, wood doors and windows. The garage door would be a custom carriage wood stained door.

The applicant states that the proposed residence is designed with a compact building footprint in order to lessen impacts to neighbors and allow more open space in the rear yard. The front setback would be almost 25 feet, in excess of the 20-foot minimum requirement, so that the proposed residence would generally align with the structures on the adjacent properties. The proposed first and second floor side setbacks would be larger than the minimum six foot setback required by the R-1-U zoning district, helping limit potential impacts related to the parcel's substandard width. In particular, at the upper level, both side setbacks would be over double the minimum requirement. Varying projections and articulations on the elevations would help to reduce the apparent massing, and the placement of the garage in the rear of the lot further reduces the building massing. In addition, as indicated on the front and rear elevations (Sheet A-5.0), the proposed residence would be well within the daylight plane requirements.

The proposed upper level windows on the side and rear elevations would have sill heights of three feet or more, with the exception of the bathroom window on the right elevation and master bedroom windows on the rear elevation. However, the lower sill heights of the master bedroom windows would be obscured by the three foot tall solid balcony railing. In addition, to further mitigate possible privacy impacts on the left elevation, the master bathroom and closet windows would be designed with translucent glazing. Staff believes that the scale, materials, and design of the proposed residence would be consistent with the

neighborhood's mix of architectural styles, and that the proposed materials and overall design integrity would result in an attractive and internally consistent aesthetic approach.

Trees and landscaping

At present there are 23 trees on or in close proximity to the project site. 12 of these trees are heritage trees, five of which are located on neighboring properties. The proposed project includes the removal of two heritage trees, one incense cedar (Tree #6) and one English walnut (Tree #8), which are in poor health. Eight non-heritage size trees throughout the site are proposed for removal. One heritage camphor tree (Tree #3) is also indicated for removal on the plans and was previously approved by the City Arborist for removal as it is dead. The original project proposal also included the removal of one magnolia tree (Tree #2), but applicant has since revised the plans to retain the tree. The applicant has submitted two arborist reports (Attachment F) detailing the species, size and conditions of the trees on or near the site. During the review process, the arborist reports and conceptual grading plan were reviewed by the City's independent consulting arborist, whose work is overseen by the City Arborist, to confirm the accuracy of the conclusions of the reports.

The arborist report indicates that the heritage trees would be protected by standard tree protection measures, such as tree protection fencing and increased irrigation during construction. During the walkway and driveway construction, additional protection measures are recommended for the heritage trees in close proximity to the proposed work. No-dig systems must be used and all excavation must be limited to the uppermost few inches of the soil, leaving the baserock intact. Additional protection measures are also recommended for trees number 9 (European beech) and 10 (coast redwood). All construction must be over existing grade and no trenching or excavation may occur within 25 feet of the trees. A special no-dig, no-cut raft slab foundation must be used for the secondary dwelling unit to minimize impacts to the trees. For tree number 11 (coast redwood), all proposed structures should be located 15 to 25 feet from the tree. If any structures are located within 15 feet of the tree, they must be built completely over grade and must use no-dig systems, and no excavation may occur. In addition to these tree specific protection measures, all new utilities on the site would need to be located at least 25 feet from any heritage tree. The report states that a project arborist should be present to inspect root damage and make mitigation recommendations during the construction process. This project should not adversely affect any of the trees as these tree protection measures will be ensured through standard condition 3g.

The applicant is also proposing new landscaping as part of the project. The new landscaping includes three 24-inch box replacement trees for the heritage trees proposed for removal. The proposed tree species and sizes meet the heritage tree replacement guidelines. In addition to the tree replacements, new screening shrubs will be planted along the side property lines. All new landscaping will be required to comply with the Water Efficient Landscaping Ordinance (WELo).

Correspondence

Staff received emails and letters from several neighbors regarding this project after the initial public notice. Recurring comments on the proposed project are included as Attachment G and summarized below.

- Concern with the location of the secondary dwelling unit in proximity to the heritage trees.

- Proposed project is too dense for the neighborhood.
- Concern that property would be subdivided in the future.
- Privacy impacts from second story windows and balcony of new two story home.
- Privacy impacts from new secondary dwelling unit.
- Overall impact to health of the heritage trees.
- Concern with the amount of paving and parking on the site.
- Overall design of the home not fitting with the neighborhood.
- Concerns with outdoor BBQ and pizza oven ventilation and air quality.
- Loss of solar access.
- Loss of sky views.

The proposed plans currently meet the development requirements for the R-1-U zoning district with regards to building coverage, floor area limit (FAL), and parking. It is not possible that this lot would be subdivided as it would not meet the minimum lot dimensions required for lots in the R-1-U zoning district. In addition, Zoning Ordinance Section 16.79.040(3) explicitly prohibits subdividing properties with a main dwelling and a secondary dwelling unit. As noted previously, specific tree protection measures are recommended and detailed in the arborist report to ensure that potential impacts to the heritage trees are mitigated throughout construction. Several comments reference to the applicant's motivations for developing the property; however, this speculation is not relevant for the Planning Commission. Use permit actions must be based on the proposed structure(s) and other site changes, not on any perceived attribute of an applicant.

In response to these comments, the applicant reached out to the neighbors who provided letters and emails in an effort to address the concerns. Below is a list of some the changes that the applicant made to the proposed plans as a result.

- Addition of shrubs along the side property lines for privacy screening.
- Translucent glass on the second story master bathroom and closet windows.
- Increased sill heights for the second story windows.
- Increased height of the balcony railing to 36 inches.
- Applicant intends to add lattice with vegetation to balcony to screen views.
- Height of secondary dwelling unit windows lowered to increase privacy.
- Applicant removed outdoor BBQ and pizza oven from the plans.

After revised plans were submitted with these changes, additional public comments were received which reiterated many of the previous comments. The correspondence from neighboring property owners and documents detailing the applicant's outreach efforts, including some supportive neighbor correspondence received directly by the applicant, are included as Attachment G.

Conclusion

Staff believes the scale, materials, and style of the proposed residence are compatible with the neighborhood, and that the proposed overall design would result in an attractive and consistent aesthetic approach. The applicant has designed the first and second floor setbacks to be greater than the minimum requirements in the R-1-U zoning district, in particular on the upper level where the side setbacks would

be over twice the minimum requirement, and the structure would be well within the daylight plane. Varying projects and articulations on the elevations of the proposed residence would further reduce the perception of mass. The recommended tree protection measures would help minimize impacts on nearby heritage trees, as confirmed by the City's independent consulting arborist after detailed review. The applicant has conducted outreach and has made changes in response to certain neighbor comments. 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 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. Arborist Report
- G. 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

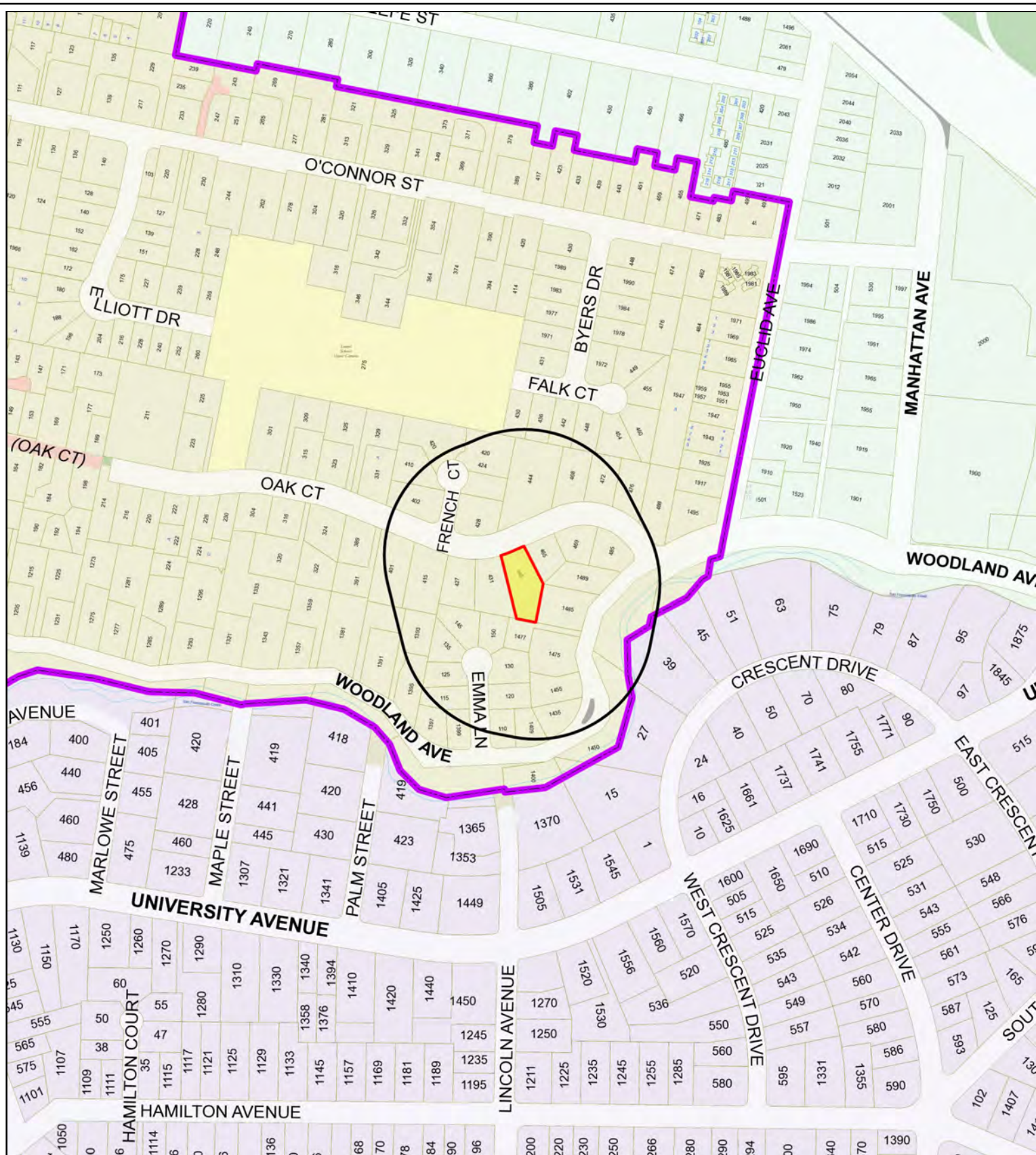
None

Report prepared by:
Kaitie Meador, Associate Planner

Report reviewed by:
Thomas Rogers, Principal Planner

445 Oak Court – Attachment A: Recommended Actions

LOCATION: 445 Oak Court	PROJECT NUMBER: PLN2016-00075	APPLICANT: Tom Sloan	OWNER: Brian Nguyen
REQUEST: Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regards to lot width located in the R-1-U (Single-Family Urban Residential) zoning district. The project includes the proposed removal of two heritage trees.			
DECISION ENTITY: Planning Commission	DATE: January 9, 2017	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 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. Approve the use permit subject to the following <i>standard</i> conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Metro Design Group consisting of nineteen plan sheets, dated received December 8, 2016, and approved by the Planning Commission on January 9, 2017, 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. 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. 			



City of Menlo Park
 Location Map
 445 Oak Court



445 Oak Court – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area, gross	13,236 sf	13,236 sf	
Lot area, net	13,236 sf	13,236 sf	7,000 sf min.
Lot width	59.6 ft.	59.6 ft.	65 ft. min.
Lot depth	187.4 ft.	187.4 ft.	100 ft. min.
Setbacks			
Front	24.8 ft.	23 ft.	20 ft. min.
Rear	90.3 ft.	108 ft.	20 ft. min.
Side (left)	10.2 ft.	9.6 ft.	6 ft. min.
Side (right)	15.5 ft.	16.8 ft.	6 ft. min.
Building coverage	3,371.2 sf 25.5 %	2,210.8 sf 16.7 %	4,632.6 sf max. 35 % max.
FAL (Floor Area Limit)	4,358 sf	1,838.4 sf	4,359 sf max.
Square footage by floor	1,843.1 sf/1 st 1,366.1 sf/2 nd 445.6 sf/garage 373.5 sf/porches 10 sf/fireplace 699 sf/secondary dwelling unit 4.2 sf/area over 12' 1,692.9 sf/basement	1,125.4 sf/1st 713 sf/garage	
Square footage of building	6,434.4 sf	1,838.4 sf	
Building height	27.6 ft.	14 ft.	28 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Trees	Heritage trees	12*	Non-Heritage trees 11 New Trees 3
	Heritage trees proposed for removal	3**	Non-Heritage trees 8 Total Number of Trees 15

*Five heritage trees are located on adjacent properties.

**One camphor tree which was previously approved by the City Arborist.



The plans, ideas and design on this drawing are the property of the designer listed solely for this contract. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
445 OAK COURT RESIDENCE
445 OAK COURT
MENLO PARK, CA 95025

REVISIONS		
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.



445 OAK COURT RESIDENCE

GENERAL NOTES		AREA TABULATION	PROJECT INFORMATION	VICINITY MAP	SHEET INDEX										
<p>1. CODES AND REGULATIONS ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE FOLLOWING CODES, AS WELL AS ALL APPLICABLE STATE CODES & LOCAL CITY ORDINANCES, 2013 CALIFORNIA BUILDING CODE (C.B.C.) 2013 CALIFORNIA RESIDENTIAL CODE (C.R.C.) 2013 CALIFORNIA ELECTRICAL CODE (C.E.C.) 2013 CALIFORNIA PLUMBING CODE (C.P.C.) 2013 CALIFORNIA MECHANICAL CODE (C.M.C.) 2013 CALIFORNIA FIRE CODE (C.F.C.) 2013 CALIFORNIA ENERGY CODE (C.E.C.) 2013 CALIFORNIA GREEN CODE (C.G.C.) NOTHING ON THE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES & REGULATIONS.</p> <p>2. SITE VERIFICATION GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL EXAMINE THOROUGHLY THE SITE AND SATISFY THEMSELVES AS TO THE CONDITIONS TO WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS WORK, AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE SAME. NO EXTRA COST TO THE OWNER WILL BE ALLOWED RESULTING FROM HIS NEGLIGENCE TO EXAMINE OR FAILURE TO DISCOVER CONDITIONS AFFECTING HIS WORK.</p> <p>3. MEASUREMENTS CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON THE DRAWINGS BY TAKING FIELD MEASUREMENTS. FOR PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE ARCHITECT IN WRITING PRIOR TO COMMENCEMENT OF ANY RELATED WORK. IN THE EVENT OF THE CONTRACTOR'S FAILURE TO DO SO, THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE CORRECTION OR ADJUSTMENT OF ANY SUCH RELATED WORK OR ERRORS.</p> <p>4. DIMENSIONS DO NOT SCALE THESE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.</p>	<p>5. DISCREPANCIES MINOR DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL CONDITIONS ARE TO BE EXPECTED. CONDITIONS REQUIRING CLARIFICATION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>6. MANUFACTURER'S SPECIFICATIONS CONTRACTOR AND ALL SUBCONTRACTORS SHALL INSTALL OR APPLY, AND PROTECT ALL PRODUCTS, MATERIALS, PROCESSES, METHODS, COATINGS, EQUIPMENT, APPLIANCES, HARDWARE, SOFTWARE, ETC. IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS, DETAILS & INSTRUCTIONS, TYPICAL, ALL MANUALS OR INSTRUCTIONS PROVIDED BY THESE MANUFACTURERS FOR PROPER OPERATION AND MAINTENANCE OF THE ABOVE ARE TO BE DELIVERED TO THE OWNER AT THE COMPLETION AND FINAL INSPECTION OF THE PROJECT.</p> <p>7. WINDOWS AND DOORS CONTRACTOR SHALL VERIFY THE QUANTITY, ROUGH OPENINGS AND TYPES OF DOORS AND WINDOW AND DOOR SCHEDULES IN RELATION TO FINISHING PER FIELD PRIOR TO ORDERING. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.</p> <p>8. CALGREEN STANDARDS ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AND AEROSOL PAINT CONTAINMENTS MUST REMAIN ON THE SITE FOR FIELD VERIFICATION BY THE BUILDING INSPECTOR. PER CGRSC SEC. 4.504.2.4 PRIOR TO FINAL INSPECTION, A LETTER SIGNED BY THE GENERAL CONTRACTOR OR THE OWNER/BUILDER (FOR ANY OWNER/BUILDER) PROJECTS MUST BE PROVIDED TO THE CITY OF SAN JOSE. BUILDING OFFICIAL CERTIFYING THAT ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATINGS, AEROSOL PAINTS, AEROSOL COATINGS, CARPET SYSTEMS (INCLUDING CARPETING, CUSHION AND ADHESIVE), RESILIENT FLOORING SYSTEMS, AND COMPOSITE WOOD PRODUCTS INSTALLED ON THIS PROJECT ARE WITHIN THE EMISSION LIMITS SPECIFIED IN CGRSC SECTION 4.504.</p>	<p>1. SITE AREA GROSS AREA : = 13,236 SQ. FT. (0.30 AC) NET AREA : = 13,236 SQ. FT. (0.30 AC)</p> <p>2. SIDE SETBACK CALCULATION: MINIMUM LOT WIDTH: 59'-7 1/2" 59'-7 1/2" = 715" / 715.5' x 105% = 715.55' REQUIRED WIDTH = 45' - 75% x 45' = 46.75' 59'-7 1/2" > 46'-9"</p> <p>SIDE SETBACK = 6'-0"</p> <p>3. FLOOR AREA LIMIT (FAL): 3.1 FAL CALCULATION: 2,800 SQ. FT. + 26% (13,236 SQ. FT. - 7,000 SQ. FT.) = -2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT. FAL = 4,359 SQ. FT.</p> <p>3.2 PROPOSED FAL: PROPOSED RESIDENCE: = 3,213.33 SQ. FT. PROPOSED SEC. DWELLING: = 498.98 SQ. FT. PROPOSED GARAGE: = 455.44 SQ. FT. TOTAL: = 4,359.95 SQ. FT.</p> <p>4. MAXIMUM SECOND FLOOR AREA CALCULATION: 68.47' x 4.359 SQ. FT. = 298,286.37 SQ. FT. = 1,591.67 SQ. FT. (166.21' x 108.66' x 100') 2 = (374.81') 2 MAXIMUM SECOND FLOOR AREA = 1,591.67 SQ. FT.</p> <p>5. MAIN RESIDENCE FLOOR AREA: FIRST FLOOR AREA: = 1,847.27 SQ. FT. SECOND FLOOR AREA: = 1,366.06 SQ. FT. TOTAL: = 3,213.33 SQ. FT.</p> <p>6. BUILDING COVERAGE: 6.1 MAXIMUM BUILDING COVERAGE: 55% = 4,652.60 SQ. FT. 6.2 PROPOSED BUILDING COVERAGE: PROPOSED RESIDENCE: = 2,181.42 SQ. FT. PROPOSED SEC. DWELLING: = 744.17 SQ. FT. PROPOSED GARAGE: = 445.44 SQ. FT. TOTAL: = 3,371.03 SQ. FT.</p> <p>7. PARKING: 7.1 REQUIRED: DWELLINGS: 2 SPACES / UNIT MINI ONE IN A GARAGE OR CARPORT SECONDARY DWELLING: 1 OFF-STREET SPACE</p> <p>7.2 PROPOSED: 2 SPACES AT GARAGE 1 SPACE NEAR GARAGE</p>	<p>PROPERTY OWNER: BRIAN NGUYEN PHONE / email: (650) 269-6300 brian.nguyen@gmail.com</p> <p>MALLING ADDRESS: 1457 EDGEWOOD DRIVE PALO ALTO, CA 94303</p> <p>PROJECT ADDRESS: 445 OAK CT. MENLO PARK, CA 94025</p> <p>SITE GROSS AREA: 13,236 SQ. FT. (0.30 AC) SITE NET AREA: 13,236 SQ. FT. (0.30 AC) A.P.N.: 063-452-080 ZONING: R1-U</p> <p>SETBACK REQUIREMENTS</p> <table border="1"> <thead> <tr> <th>REQUIRED</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>FRONT: 20'-0"</td> <td>FRONT: 24'-9"</td> </tr> <tr> <td>SIDE (LEFT): 6'-0"</td> <td>SIDE (LEFT): 10'-2"</td> </tr> <tr> <td>SIDE (RIGHT): 6'-0"</td> <td>SIDE (RIGHT): 15'-6"</td> </tr> <tr> <td>REAR: 20'-0"</td> <td>REAR: 9'-3"</td> </tr> </tbody> </table> <p>LOCATED WITHIN DESIGNATED WILDLAND URBAN INTERFACE FIRE AREA: NO</p> <p>MAX HEIGHT: ALLOWED 28'-0" PROPOSED 27'-7 1/2"</p> <p>CONSTRUCTION TYPE: V-B OCCUPANCY: R-3/U STORIES: 2 FIRE SPRINKLERS: REQUIRED (NFPA-13D) EXISTING USE: RESIDENTIAL</p>	REQUIRED	PROPOSED	FRONT: 20'-0"	FRONT: 24'-9"	SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-2"	SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-6"	REAR: 20'-0"	REAR: 9'-3"	<p>PROJECT SITE</p>	<p>ARCHITECTURAL</p> <ul style="list-style-type: none"> A.0 SHEET INDEX, PROJECT INFORMATION, VICINITY MAP, PROJECT CONTACTS, GENERAL NOTES A.1.0 SITE PLAN A.1.1 AREA PLAN AND STREETSCAPE A.2.0 EXISTING HOUSE AND GARAGE FLOOR & ROOF PLANS A.2.1 EXISTING HOUSE AND GARAGE ELEVATIONS A.2.2 EXISTING HOUSE AND GARAGE RENDERINGS A.3.0 PROPOSED BASEMENT AND FIRST FLOOR PLAN A.3.1 PROPOSED SECOND FLOOR PLAN AND SQUARE FOOTAGE CALCULATION DIAGRAM A.3.2 PROPOSED SECOND DWELLING PLAN AND GARAGE FLOOR PLAN A.4 ROOF PLANS A.5.0 MAIN RESIDENCE EXTERIOR 1/4W & SE ELEVATIONS A.5.1 MAIN RESIDENCE EXTERIOR SW & NE ELEVATIONS A.5.2 SECONDARY DWELLING EXTERIOR ELEVATIONS A.5.3 GARAGE EXTERIOR ELEVATIONS A.6.0 MAIN RESIDENCE CROSS SECTIONS A.6.1 SECONDARY DWELLING AND GARAGE CROSS SECTIONS L-1 PRELIMINARY LANDSCAPE PLAN T-1 TOPOGRAPHIC SURVEY C-1 PRELIMINARY GRADING AND DRAINAGE PLAN <p>COVER SHEET</p> <p>GENERAL NOTES AREA TABULATION PROJECT CONTACTS PROJECT INFORMATION VICINITY MAP SHEET INDEX</p> <p>DATE : 11-15-16 SCALE : NO SCALE DRAWN BY : DZ CHECKED BY : TS ARCHITECT : TOM SLOAN PROJECT NO : 16624</p> <p>SHEET NUMBER A-0</p>
REQUIRED	PROPOSED														
FRONT: 20'-0"	FRONT: 24'-9"														
SIDE (LEFT): 6'-0"	SIDE (LEFT): 10'-2"														
SIDE (RIGHT): 6'-0"	SIDE (RIGHT): 15'-6"														
REAR: 20'-0"	REAR: 9'-3"														

REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.

PROPOSED SITE PLAN

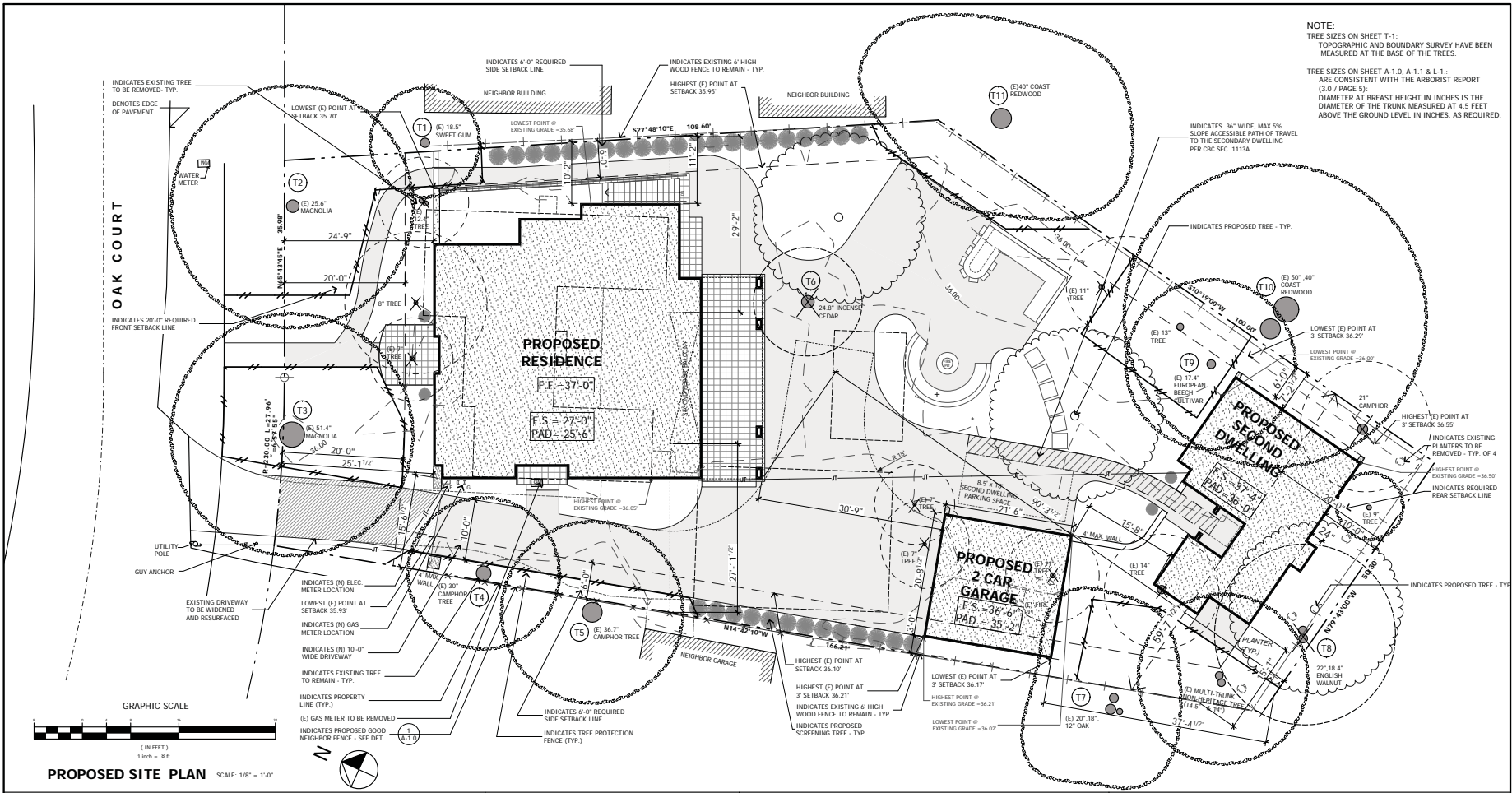
VICINITY MAP PROJECT INFORMATION
PROJECT AREA TABULATION
SITE PLAN LEGEND

DATE : 11-15-16
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-1.0

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1-1 ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.



PROPOSED SITE PLAN SCALE: 1/8" = 1'-0"

SITE PLAN LEGEND

PROPERTY LINE	---	EXISTING DRIVEWAY WIDENED AND RESURFACED	
SETBACK LINE	---	PROPOSED PAVERS AREAS	
(E) GRADE CONTOUR LINE	---	PROPOSED HARDSCAPE	
EXISTING FENCE TO REMAIN	---	EXISTING TREE TO REMAIN	(E)12" OAK
PROPOSED FENCE	---	EXISTING TREE TO BE REMOVED	(E)12" OAK
EXISTING HOUSE TO BE REMOVED	---	EXISTING TREE TO REMAIN	(E)18" OAK
EXISTING HARDSCAPE TO BE REMOVED	---	EXISTING TREE TO BE REMOVED	(E)18" OAK
JOINT TRENCH	---	EXISTING HERITAGE TREE TO BE REMOVED	
TREE PROTECTION FENCING	---	PROPOSED TREE	
PROPOSED RESIDENCE			

SITE ANALYSIS

LOT GROSS AREA : = 13,236 SQ. FT. (0.30 AC)
LOT NET AREA : = 13,236 SQ. FT. (0.30 AC)

ALLOWABLE FLOOR AREA:
2,800 SQ. FT. + 25% (13,236 SQ. FT. - 7,000 SQ. FT.) = 2,800 SQ. FT. + 1,559 SQ. FT. = 4,359 SQ. FT.

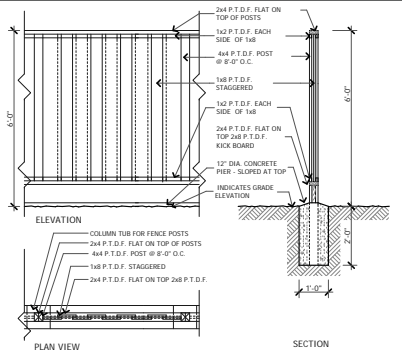
MAIN RESIDENCE FLOOR AREA:
FIRST FLOOR AREA : = 1,847.27 SQ. FT.
SECOND FLOOR AREA : = 1,366.06 SQ. FT.
TOTAL : = 3,213.33 SQ. FT.

PROPOSED RESIDENCE : = 3,213.73 SQ. FT.
PROPOSED SEC. DWELLING : = 696.98 SQ. FT.
PROPOSED GARAGE : = 445.64 SQ. FT.
TOTAL : = 4,357.95 SQ. FT.

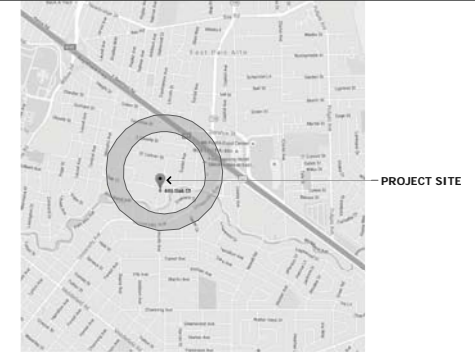
NO ATTIC SPACE OVER 5'-0"

LAND COVERED BY STRUCTURES: 3,371.23 SQ. FT. 25.47 %
LANDSCAPING: 4,810.18 SQ. FT. 36.34 %
PAVED SURFACES: 5,054.59 SQ. FT. 38.19 %
PARKING SPACES: 2 COV / 1 UNCOV
ALL GRADES TO REMAIN NATURAL

GOOD NEIGHBOR FENCE DETAIL



VICINITY MAP



PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.

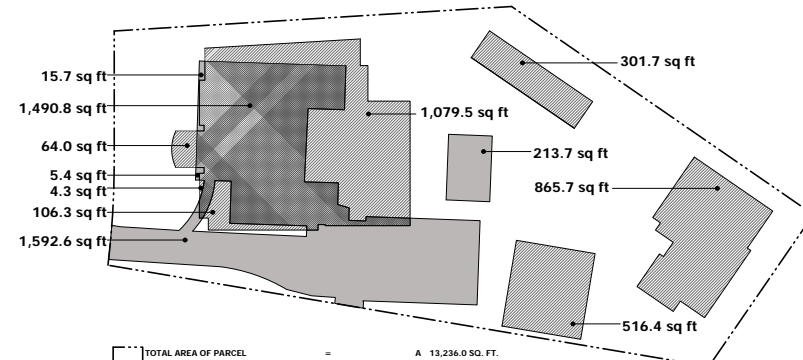
AREA PLAN

IMPERVIOUS AREA CALCULATION
STREETSCAPE

DATE : 11-15-16
SCALE : AS NOTED
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-1.1

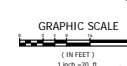
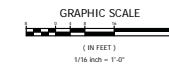


□	TOTAL AREA OF PARCEL	=	A	13,236.0 SQ. FT.
□	EXISTING PERVIOUS AREA	=	B	9,917.8 SQ. FT.
□	EXISTING IMPERVIOUS AREA	=	C	3,318.2 SQ. FT.
□	EXISTING % IMPERVIOUS	=	D	25.06 %
■	(E) IMPERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	E	1,490.8 SQ. FT.
■	(F) PERVIOUS AREA TO BE REPLACED W/ NEW IMPERVIOUS AREA	=	F	2,937.9 SQ. FT.
■	NEW IMPERVIOUS AREA	=	E + F = G	4,428.7 SQ. FT.
■	(H) IMPERVIOUS AREA TO BE REPLACED W/ NEW PERVIOUS AREA	=	H	1,827.4 SQ. FT.
■	NET CHANGE IN IMPERVIOUS AREA	=	F - H = I	1,110.5 SQ. FT.
■	PROPOSED PERVIOUS AREA	=	B - I = J	8,807.3 SQ. FT.
■	PROPOSED IMPERVIOUS AREA	=	C + I = K	4,428.7 SQ. FT.
■	VERIFY THAT J + K = A	=	8,807.3 SQ. FT. + 4,428.7 SQ. FT. =	13,236.0 SQ. FT.
■	PROPOSED % IMPERVIOUS	=	L	33.46 %

IMPERVIOUS AREA CALCULATION

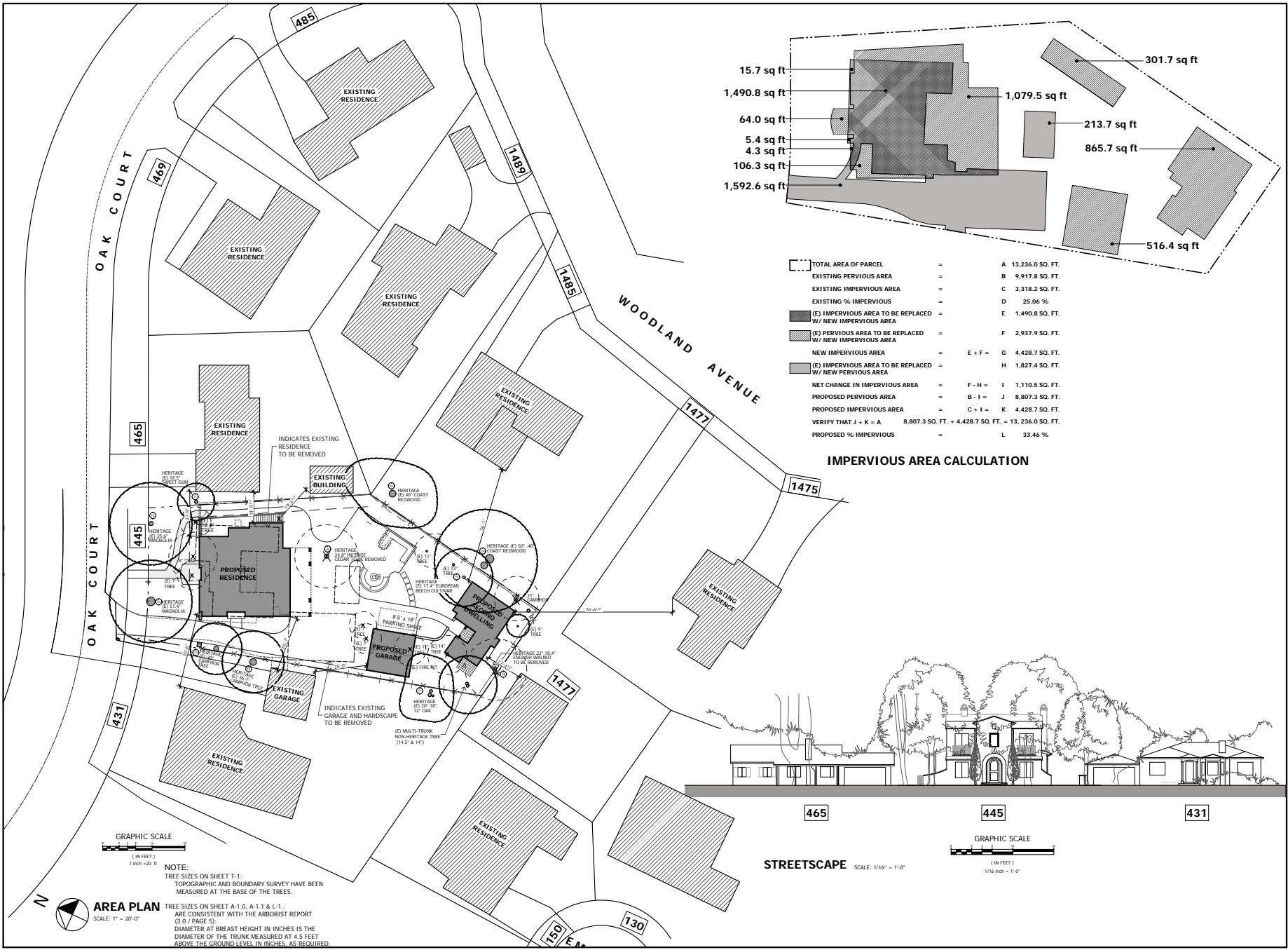


STREETSCAPE SCALE: 1/16" = 1'-0"



AREA PLAN
SCALE: 1" = 20'-0"

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.
TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 3).
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.





ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
CAMPBELL, CA 95008
(408) 871-1071 phone
(408) 871-1072 fax
www.metroarchitects.com

The plans, ideas and design on this drawing are the property of the designer and shall remain the property of the designer. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.

EXISTING HOUSE & GARAGE FLOOR PLAN

DATE : 11-15-16

SCALE : 1/4" = 1'-0"

DRAWN BY : BN

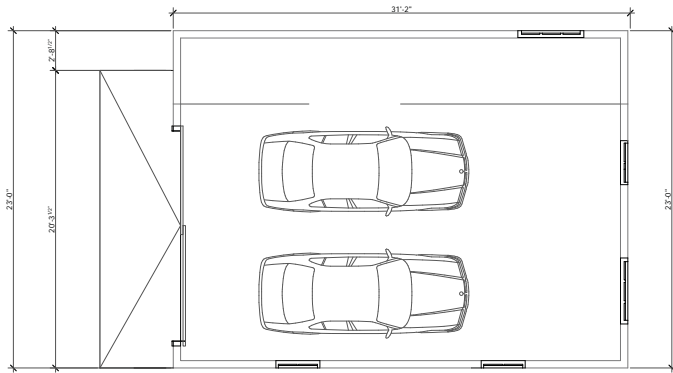
CHECKED BY : TS

ARCHITECT : TOM SLOAN

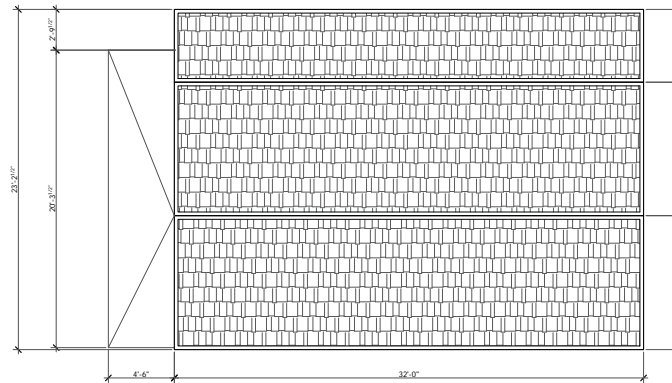
PROJECT NO : 16624

SHEET NUMBER

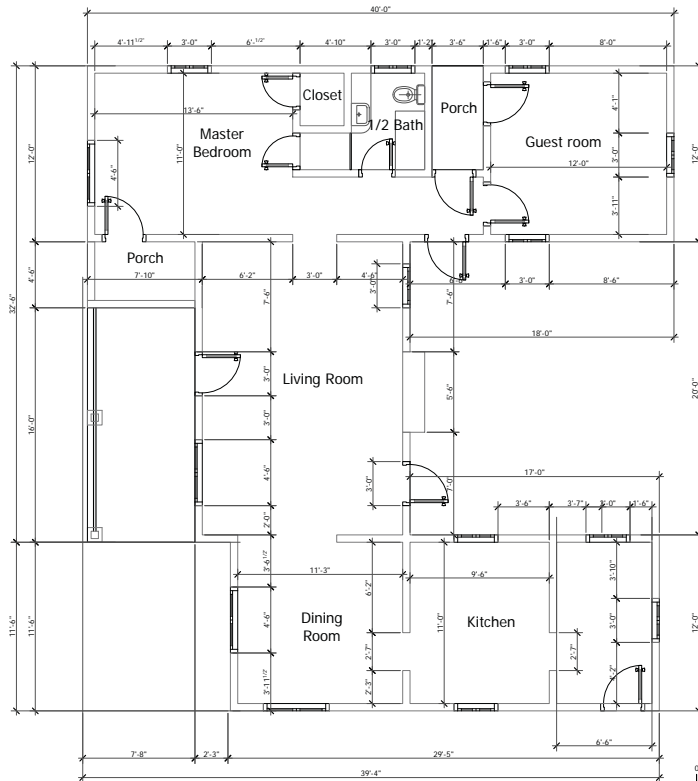
A-2.0



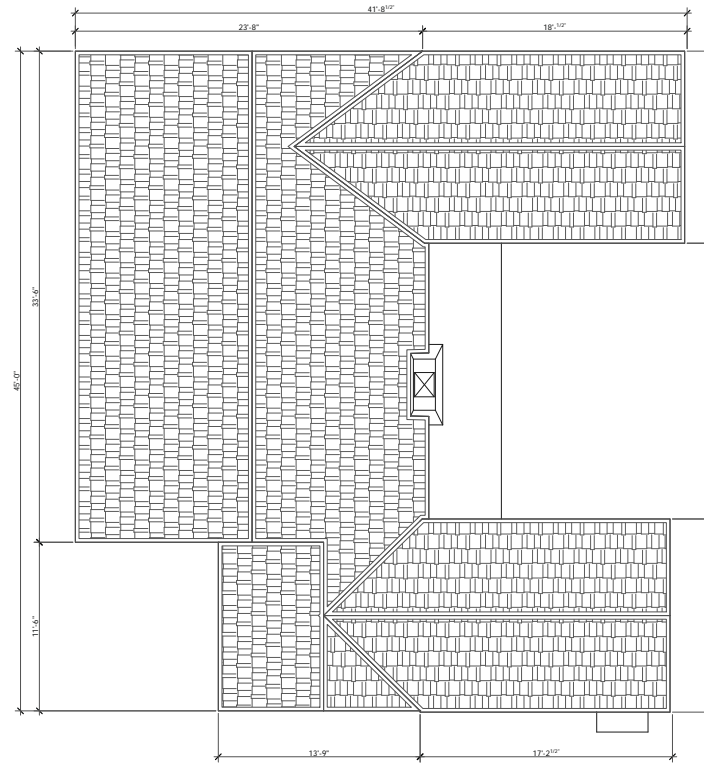
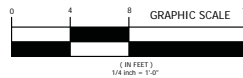
FLOOR PLAN OF EXISTING GARAGE TO BE REMOVED



ROOF PLAN OF EXISTING GARAGE TO BE REMOVED



FLOOR PLAN OF EXISTING HOUSE TO BE REMOVED



ROOF PLAN OF EXISTING HOUSE TO BE REMOVED



**METRO
DESIGN
GROUP**
ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
CAMPBELL, CA 95008
(408)711-1071 phone
(408)711-1072 fax
www.metroarchitects.com

The plans, ideas and design on this drawing are the property of the designer listed solely for this contract. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

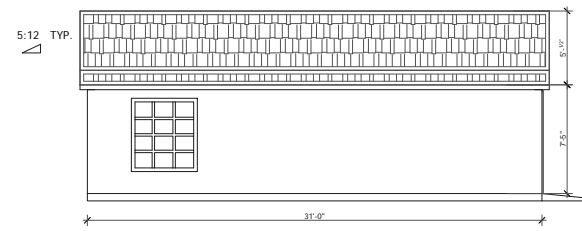
REVISIONS		
△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.

**EXISTING HOUSE
EXTERIOR
ELEVATIONS**

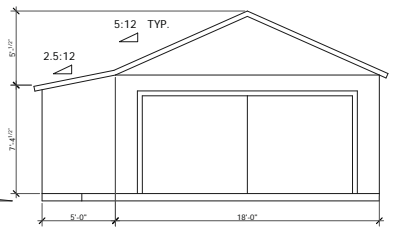
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : BN
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

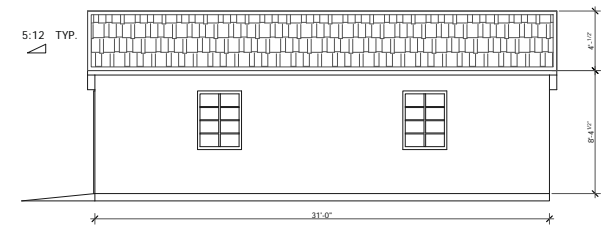
A-2.1



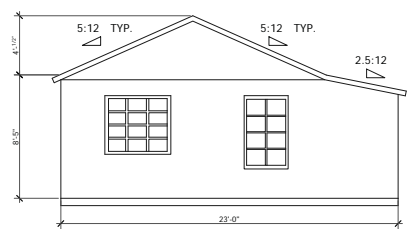
**EXISTING GARAGE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**



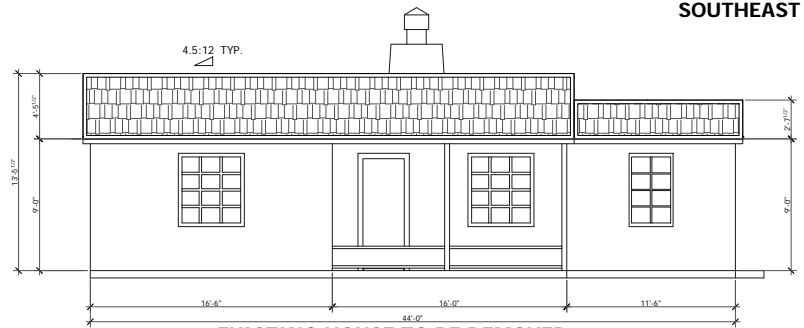
**EXISTING GARAGE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



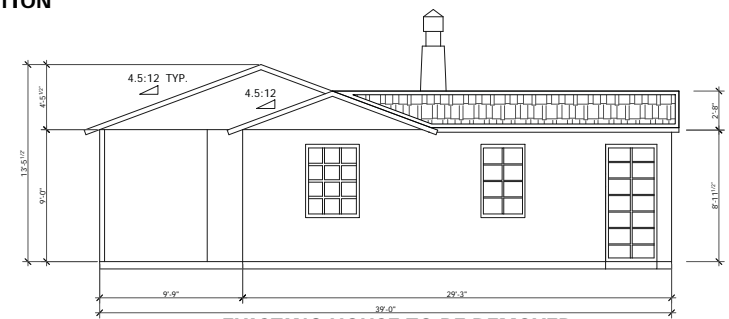
**EXISTING GARAGE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



**EXISTING GARAGE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



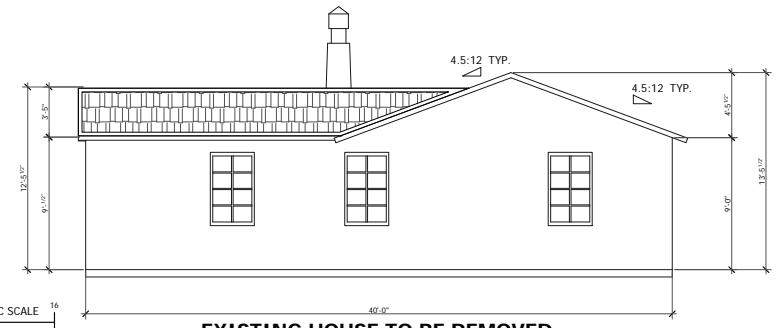
**EXISTING HOUSE TO BE REMOVED:
NORTHWEST (FRONT) ELEVATION**



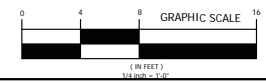
**EXISTING HOUSE TO BE REMOVED:
SOUTHWEST (RIGHT SIDE) ELEVATION**



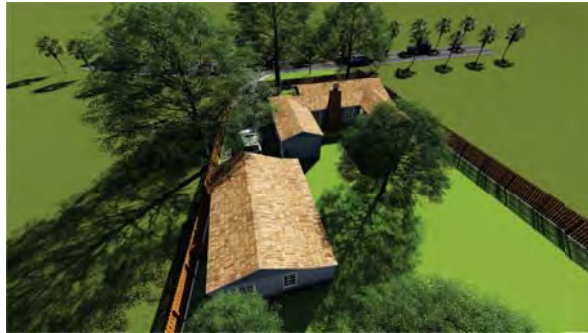
**EXISTING HOUSE TO BE REMOVED:
SOUTHEAST (REAR) ELEVATION**



**EXISTING HOUSE TO BE REMOVED:
NORTHEAST (LEFT SIDE) ELEVATION**



11/10/2016 2:28 PM
C:\PROJECTS\16624\A-2.1.dwg



ARCHITECTURE-PLANNING-INTERIORS
 1475 S BASCOM AVE SUITE 208
 CAMPBELL, CA 95008
 (408)871-1071 phone
 (408)871-1072 fax
 www.metroarchitects.com

The plans, ideas and design on this drawing are the property of the designer retained solely for this contract. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP

PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
 MENLO PARK, CA 95025

REVISIONS

NO.	DESCRIPTION	D.Z.
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.

EXISTING HOUSE RENDERINGS

DATE : 11-15-16
 SCALE : N.T.S.
 DRAWN BY : BN
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER

A-2.2

11/15/2016 2:28 PM C:\WORK\16624\11-15-16.rvt

PROJECT NAME
445 OAK COURT RESIDENCE

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

NO.	DESCRIPTION	DATE
1	PC1 10-11-16	D.Z.
2	PC2 11-15-16	D.Z.

PROPOSED MAIN RESIDENCE BASEMENT & FIRST FLOOR PLAN

DATE : 11-15-16

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

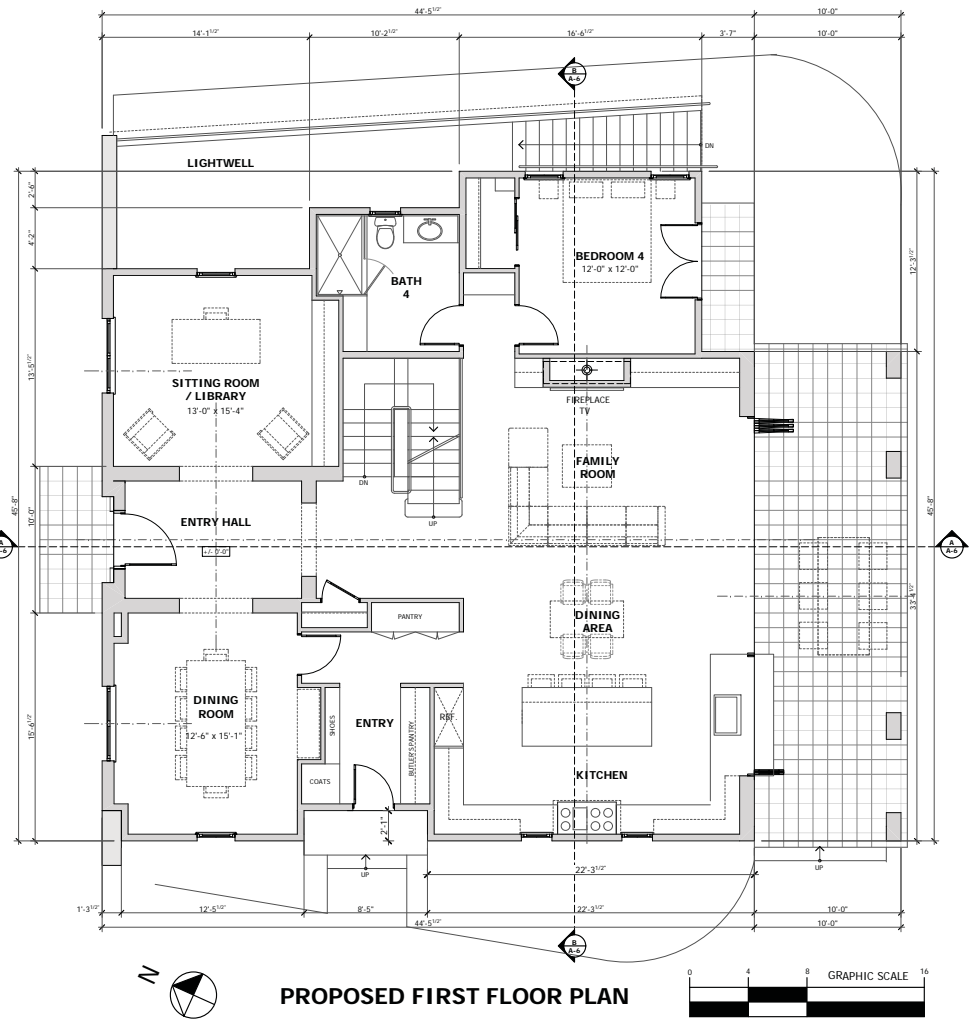
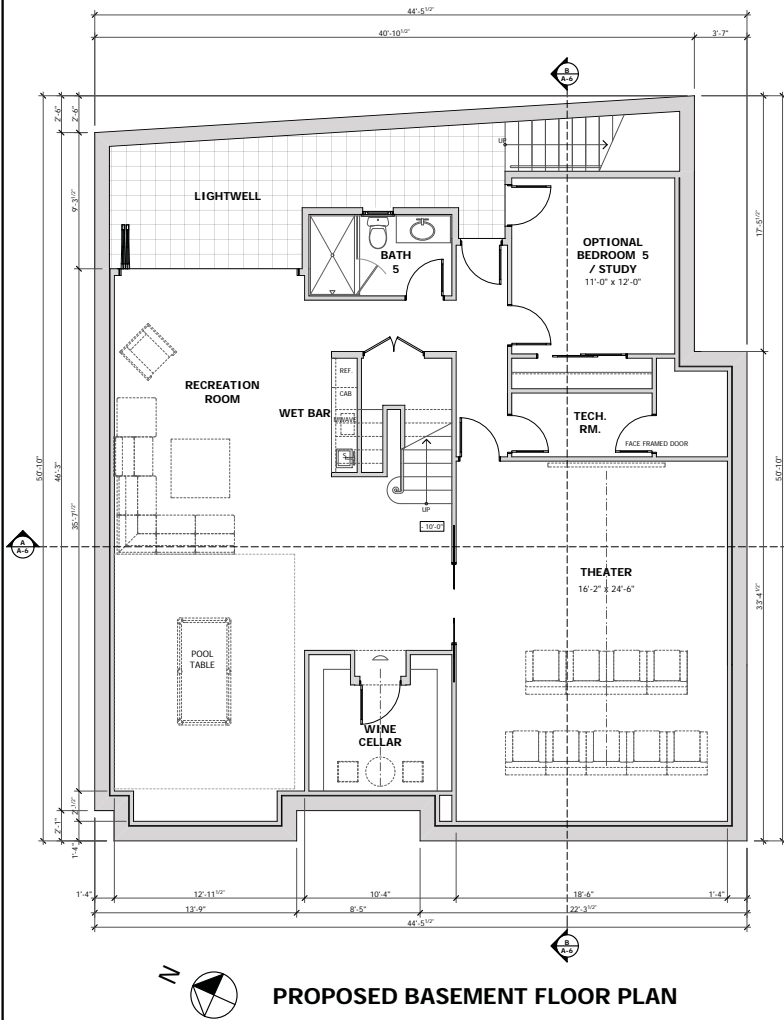
PROJECT NO : 16624

SHEET NUMBER

A-3.0

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP) MAY BE ADDED TO THE BAR AREA IN THE FUTURE.

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP) MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.

PROPOSED MAIN RESIDENCE SECOND FLOOR PLAN

SQUARE - FOOTAGE CALCULATION PLANS

DATE : 11-15-16

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

CHECKED BY : TS

ARCHITECT : TOM SLOAN

PROJECT NO : 16624

SHEET NUMBER

A-3.1

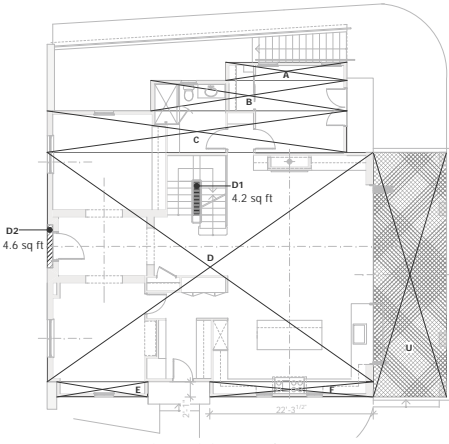
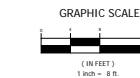
FLOOR AREA LIMIT CALCULATION

AREA	DIMENSIONS	SQ. FT.
A	16.54' x 2.48'	41.13
B	26.75' x 4.16'	111.30
C	40.89' x 5.64'	230.83
D	44.48' x 31.31'	1,392.69
E	12.46' x 2.06'	25.71
F	22.33' x 2.06'	46.01
FIRST FLOOR AREA = 1,847.67 SQ. FT.		
+D1	4.58' x 0.91'	4.20
+D2	5.87' x 0.79'	4.60
FIRST FLOOR AREA = 1,847.27 SQ. FT.		
G	15.12' x 11.64'	176.12
H	7.92' x 6.30'	49.83
I	16.54' x 11.45'	189.37
J	16.43' x 13.67'	224.63
K	14.82' x 3.66'	54.24
L	22.76' x 10.21'	232.38
M	37.88' x 11.64'	441.01
SECOND FLOOR AREA = 1,366.06 SQ. FT.		
MAIN RESIDENCE 3,213.33 SQ. FT.		
FLOOR AREA		
N	25.33' x 17.03'	431.38
O	22.74' x 2.39'	54.39
P	10.29' x 6.50'	66.90
Q	17.00' x 6.76'	114.95
R	9.00' x 3.48'	31.36
SECONDARY DWELLING FLOOR AREA = 698.98 SQ. FT.		
S	21.51' x 20.71'	445.64
GARAGE FLOOR AREA = 445.64 SQ. FT.		
TOTAL FAL 4,357.95 SQ. FT.		

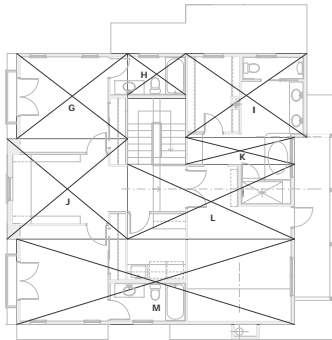
AREA	DIMENSIONS	SQ. FT.
BUILDING COVERAGE CALCULATION		
MAIN RESIDENCE -D1+D2 1,847.67		
FIRST FLOOR AREA		
U	33.37' x 10.00'	333.75
TOTAL RESIDENCE COVERAGE 2,181.42		
SEC. DWELLING FLOOR AREA 698.98		
V	5.41' x 6.50'	35.19
W	5.00' x 2.00'	10.00
TOTAL SEC. DWELLING COVERAGE 744.17		
GARAGE FLOOR AREA 445.64		
TOTAL GARAGE COVERAGE 445.64		
TOTAL BUILDING COVERAGE 3,371.23 SQ. FT.		

BUILDING COVERAGE CALCULATION

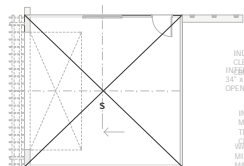
AREA	DIMENSIONS	SQ. FT.
BUILDING COVERAGE CALCULATION		
MAIN RESIDENCE -D1+D2 1,847.67		
FIRST FLOOR AREA		
U	33.37' x 10.00'	333.75
TOTAL RESIDENCE COVERAGE 2,181.42		
SEC. DWELLING FLOOR AREA 698.98		
V	5.41' x 6.50'	35.19
W	5.00' x 2.00'	10.00
TOTAL SEC. DWELLING COVERAGE 744.17		
GARAGE FLOOR AREA 445.64		
TOTAL GARAGE COVERAGE 445.64		
TOTAL BUILDING COVERAGE 3,371.23 SQ. FT.		



FIRST FLOOR DIAGRAM



SECOND FLOOR DIAGRAM



GARAGE DIAGRAM

INDICATES LEVEL MANEUVERING CLEARANCE AT INTERIOR DOORS
 INTERIOR DOOR SWING 90° SEC 11132A.3
 34" x 80" MIN. 1/2" MIN. 1/2" CLEAR
 OPENING - TYP.

INDICATES 30" x 48" CLEAR MANEUVERING SPACE OUTSIDE
 THE SWING OF THE DOOR /
 W/ 3/4" MIN. 1/2" SEC 11133A
 MIN. 30" WIDE
 MAX. 5% SLOPE
 SLIP - RESISTANT SURFACE - TYP.

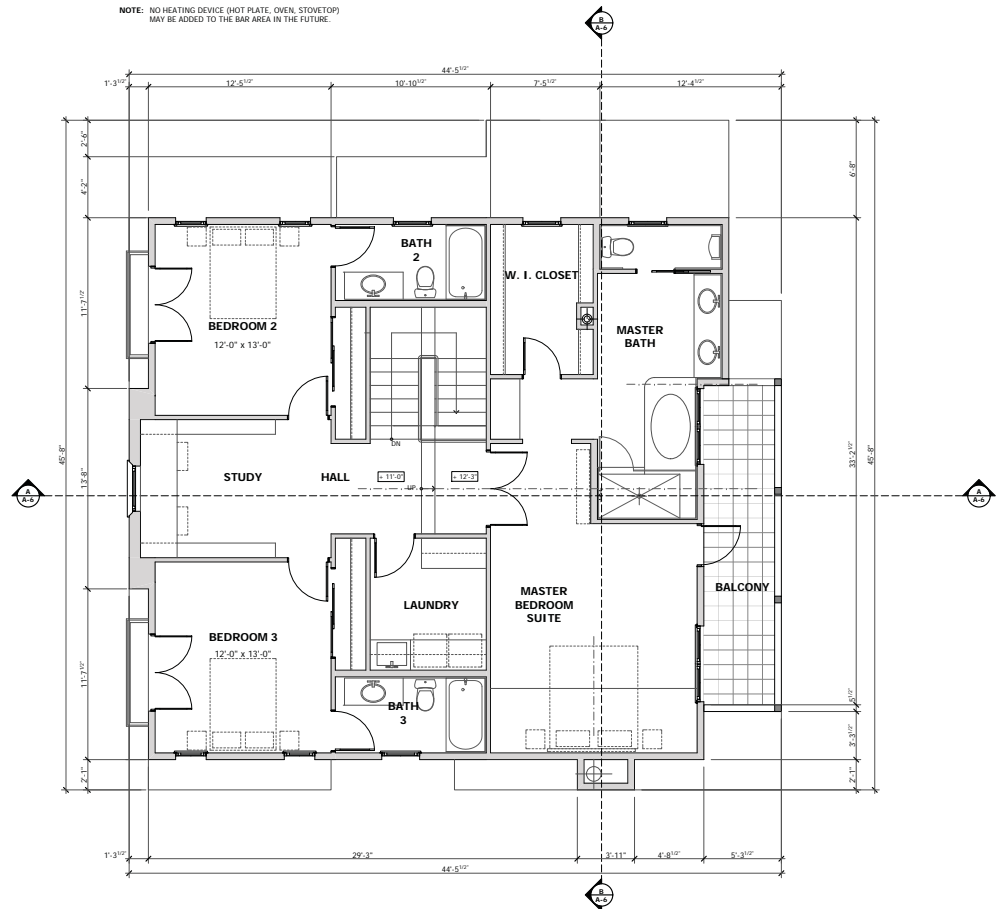
LEVEL FLOOR LANDING EACH
 SIDE OF THE EXIT DOOR W/
 MANEUVERING CLEARANCES AND
 MAX. 1/2" CHANGING ELEVATION
 AT 45° DOWN SLOPE TO THE DOOR
 30" MIN. CLEARANCE TO THE DOOR
 FRONT OR PARALLEL APPROACH AT
 ALL APPLIANCES / SEC SEC 11133A
 30" WIDE COUNTER TOP REPAIRS
 INSTALLATION WITH REMOVABLE
 BACK CABINET AND FINISH TOPPING
 BENEATH THE SINK / SEC SEC 11133A
 1/2" MIN. COUNTER TOP

SECONDARY DWELLING DIAGRAM

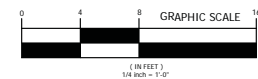
FAL & BUILDING COVERAGE CALCULATION DIAGRAM

SCALE: 1/8" = 1'-0"

NOTE: NO HEATING DEVICE (HOT PLATE, OVEN, STOVETOP)
 MAY BE ADDED TO THE BAR AREA IN THE FUTURE.



PROPOSED SECOND FLOOR PLAN



PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

REVISIONS

NO.	DESCRIPTION	DATE
PC1	10-11-16	D.Z.
PC2	11-11-16	D.Z.

**PROPOSED
SECONDARY
DWELLING AND
GARAGE
FLOOR PLAN**

DATE : 11-15-16

SCALE : 1/4" = 1'-0"

DRAWN BY : D.Z.

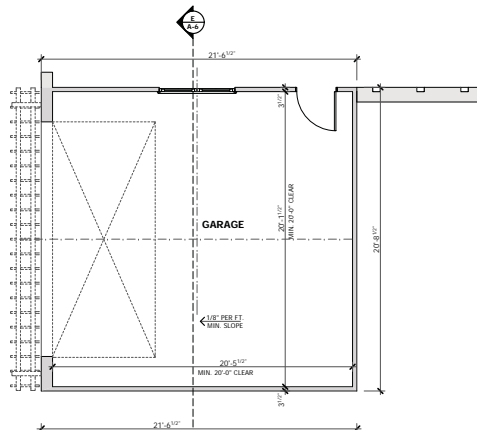
CHECKED BY : TS

ARCHITECT : TOM SLOAN

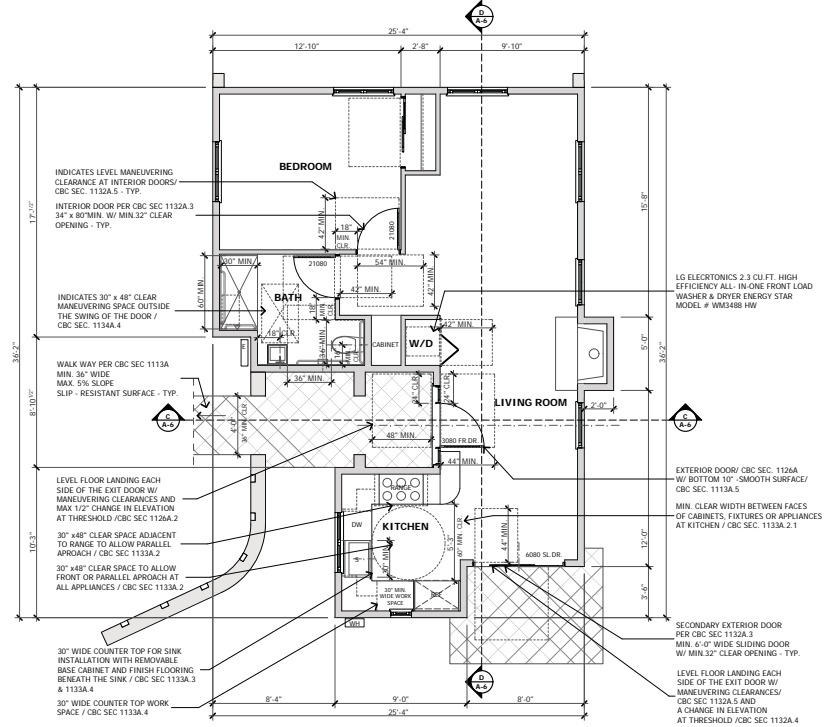
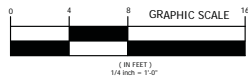
PROJECT NO : 16624

SHEET NUMBER

A-3.2



**PROPOSED GARAGE
FLOOR PLAN**



**PROPOSED SECONDARY DWELLING
FLOOR PLAN**

The plans, ideas and design on this drawing are the property of the designer listed solely for this contract. Plans shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

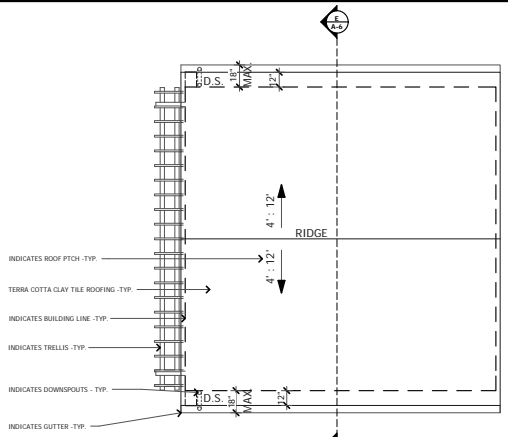
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.

**PROPOSED
ROOF PLANS**

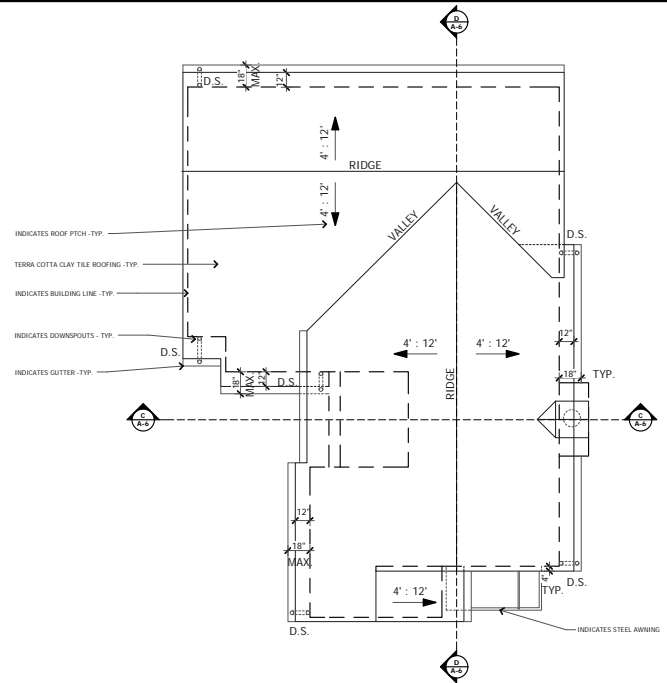
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

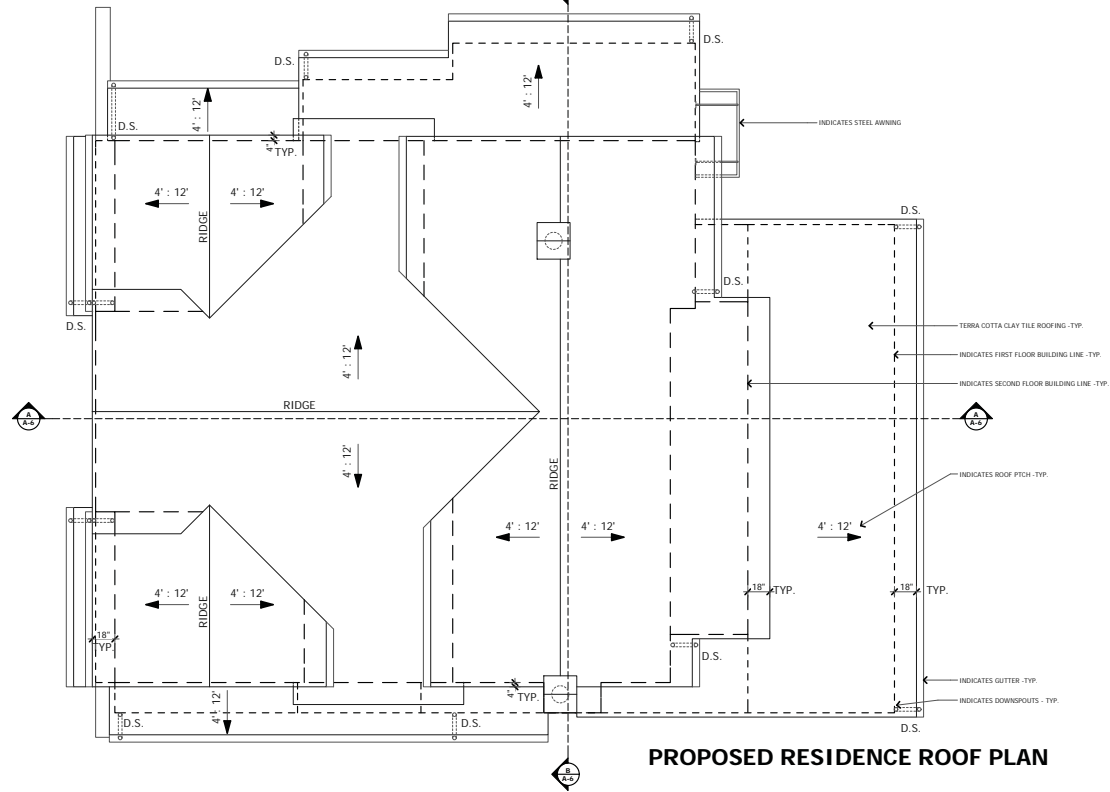
A-4



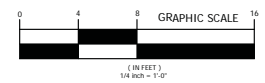
**PROPOSED GARAGE
ROOF PLAN**



**PROPOSED SECONDARY DWELLING
ROOF PLAN**



PROPOSED RESIDENCE ROOF PLAN



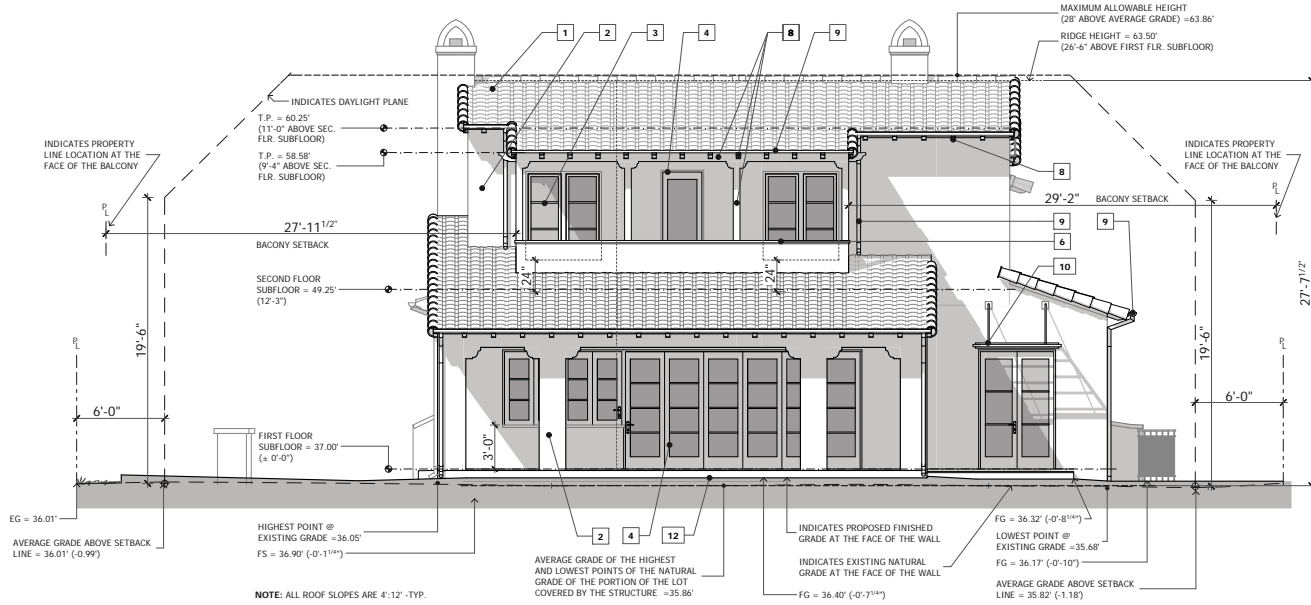
REVISIONS	
▲ PC1 10-11-16	D.Z.
▲ PC2 11-15-16	D.Z.

EXTERIOR FINISHES

- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
COLOR INTEGRAL STUCCO PLASTER
WHITE HARD TROWELED FINISH
- 2 EXTERIOR WALLS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 4 DOORS: "MARVIN" ULTIMATE PUSH OUT
FRENCH CASEMENT CLAD WOOD
W/SIMULATED DIVIDED LITES WITH
SPACE BAR - BRONZE COLOR
- 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7 GARAGE DOORS: CUSTOM "CARRIAGE"
WOOD STAINED DOOR - BROWN
- 8 RAFTER TAILS, BARGE BOARD, ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
- 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
- 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED
BLACK COLOR
- 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES
- BROWN COLOR
- 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE
PAVEMENT - TUMBLED TAN CHARCOAL
COLOR BY "BASALITE"

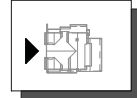


NORTHWEST (FRONT) ELEVATION



SOUTHEAST (REAR) ELEVATION

NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.



PROPOSED EXTERIOR ELEVATIONS

DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-5.0

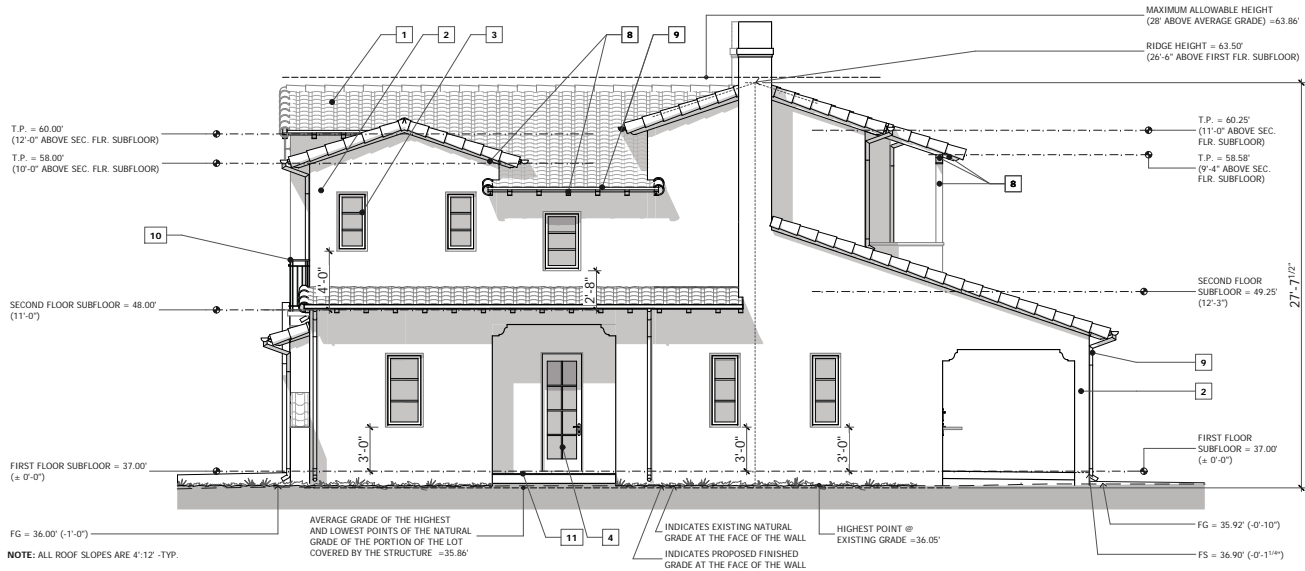
REVISIONS		
▲	PC1 10-11-16	D.Z.
▲	PC2 11-15-16	D.Z.

PROPOSED EXTERIOR ELEVATIONS

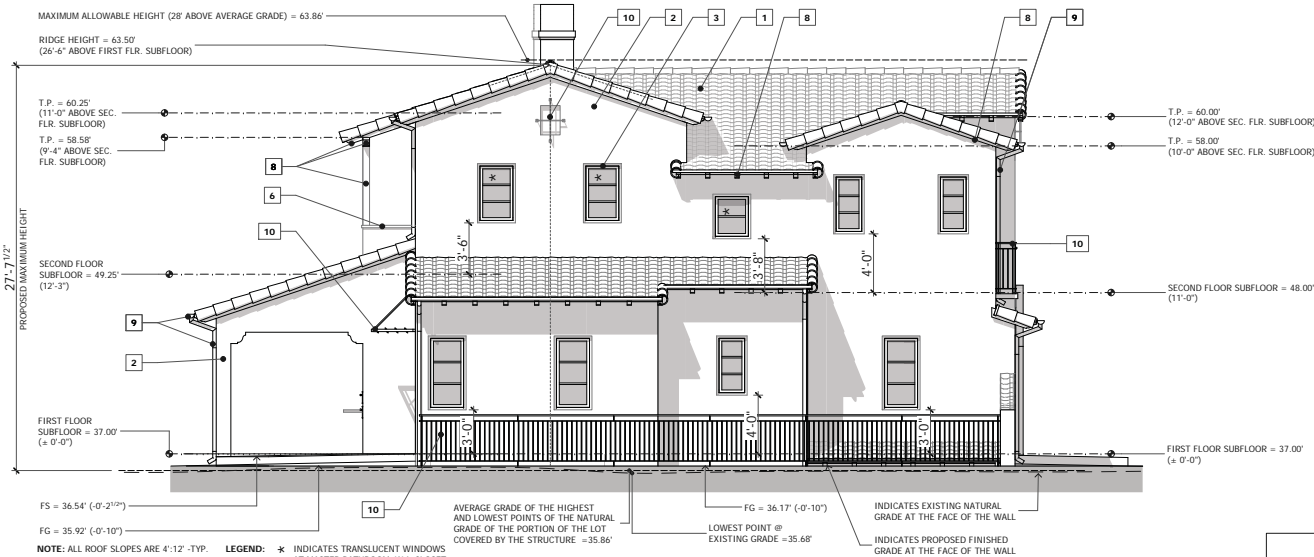
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-5.1



SOUTHWEST (RIGHT SIDE) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION

- EXTERIOR FINISHES**
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
 - 2 EXTERIOR WALLS: COLOR INTEGRAL STUCCO PLASTER WHITE HARD TROWELED FINISH
 - 3 WINDOWS: *MARVIN ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 4 DOORS: *MARVIN ULTIMATE PUSH OUT FRENCH CASEMENT CLAD WOOD W/SIMULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
 - 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
 - 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
 - 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN
 - 8 RAFTER TAILS, BARGE BOARD, ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS: STAINED WOOD - BROWN
 - 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
 - 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
 - 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
 - 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY SF-RIMA PERMEABLE PAVEMENT - TUMBLED TAN CHARCOAL COLOR BY *BASALITE*

NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

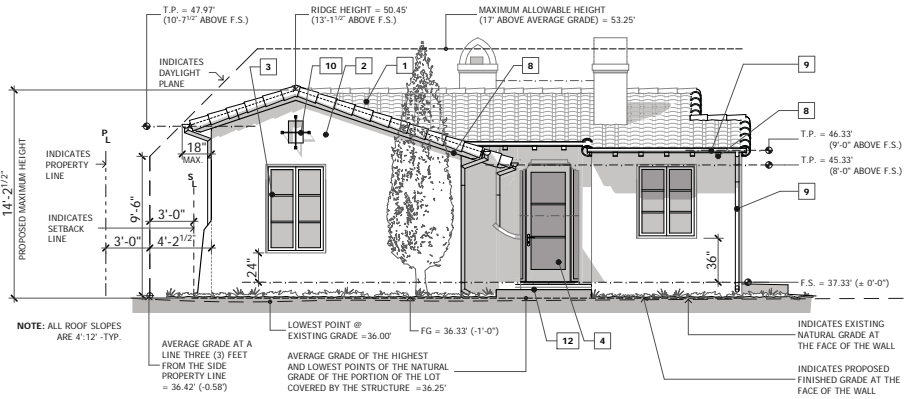
REVISIONS	
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.

PROPOSED SECOND DWELLING EXTERIOR ELEVATIONS

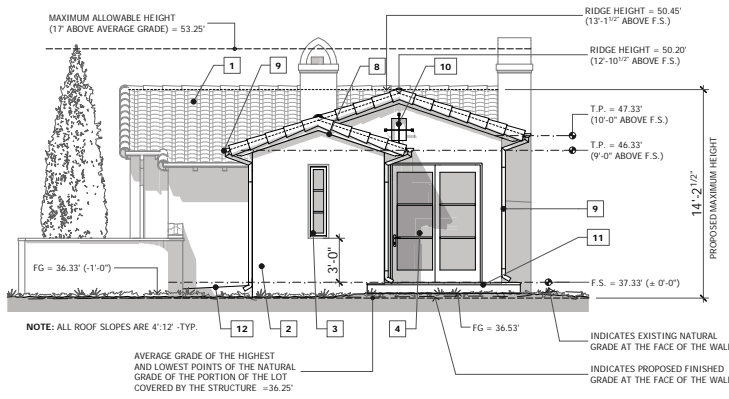
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : D.Z.
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

A-5.2



NORTHWEST (FRONT) ELEVATION



SOUTHWEST (RIGHT SIDE) ELEVATION

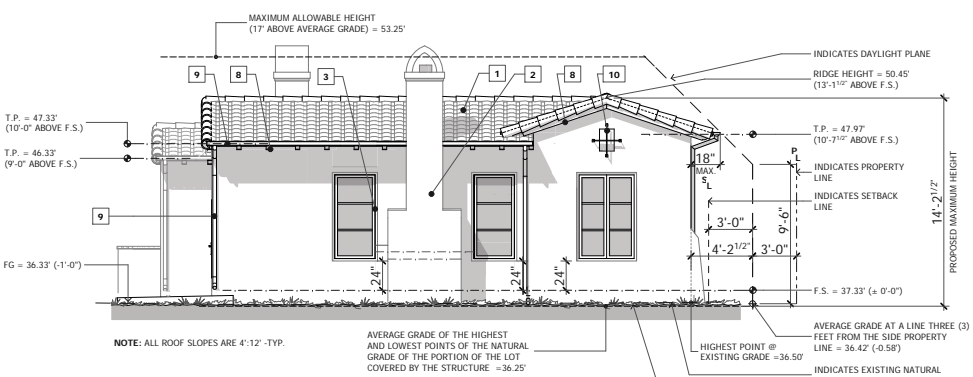


EXTERIOR FINISHES

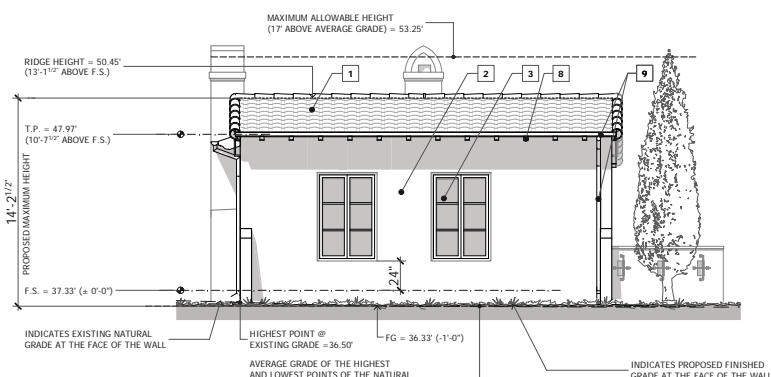
- 1 ROOF: MISSION CLAY TILE - CAP AND PAN
COLOR INTEGRAL STUCCO PLASTER
WHITE HARD TROWELED FINISH
- 2 EXTERIOR WALLS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSEMENT CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 3 WINDOWS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSEMENT CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 4 DOORS: "MARVIN" ULTIMATE PUSH OUT FRENCH CASSEMENT CLAD WOOD W/INSULATED DIVIDED LITES WITH SPACE BAR - BRONZE COLOR
- 5 ENTRY DOOR: CUSTOM STAINED WOOD DOOR
- 6 ARCHED ENTRY DOOR, PARAPET CAP: CAST STONE
- 7 GARAGE DOORS: CUSTOM "CARRIAGE" WOOD STAINED DOOR - BROWN

- 8 RAFTER TAILS, BARGE BOARD, STAINED WOOD - BROWN
ROOF DECKING @ O/HANGS, BLOCKINGS, TRELLIS:
- 9 GUTTERS & DOWNSPOUTS: 6" HALF ROUND COPPER GUTTERS AND 3" ROUND COPPER DOWNSPOUTS
- 10 ARTISTIC IRON WORK, RAILINGS, AWNINGS: IRON - POWDER COATED BLACK COLOR
- 11 STEPS, STAIRS, TERRACE, LIGHTWELL: TERRA COTTA STONE TILES - BROWN COLOR
- 12 DRIVEWAY, WALKWAYS AND PATIOS PERMEABLE PAVERS: ECO-FRIENDLY 5" RIMA PERMEABLE PAVEMENT - TUMBLE TAN CHARCOAL COLOR BY "BASALITE"

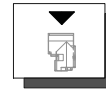
NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.



SOUTHEAST (REAR) ELEVATION



NORTHEAST (LEFT SIDE) ELEVATION



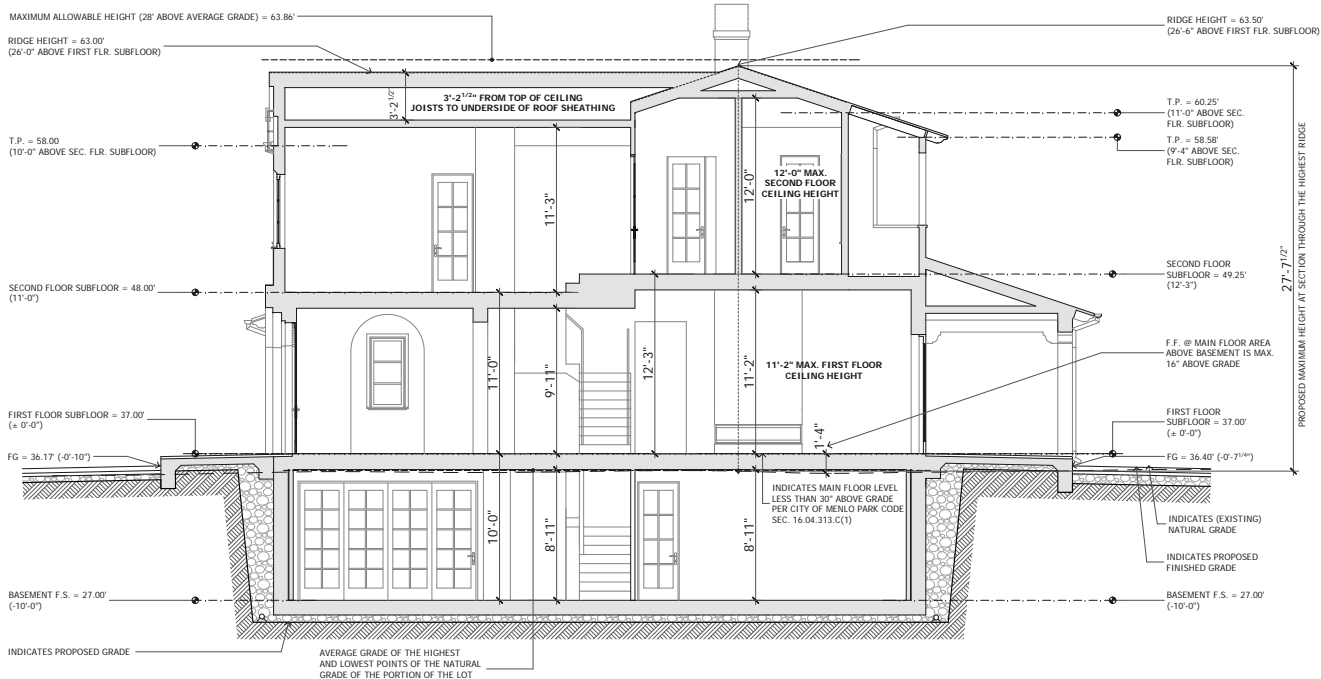
REVISIONS	
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.

MAIN RESIDENCE CROSS SECTIONS

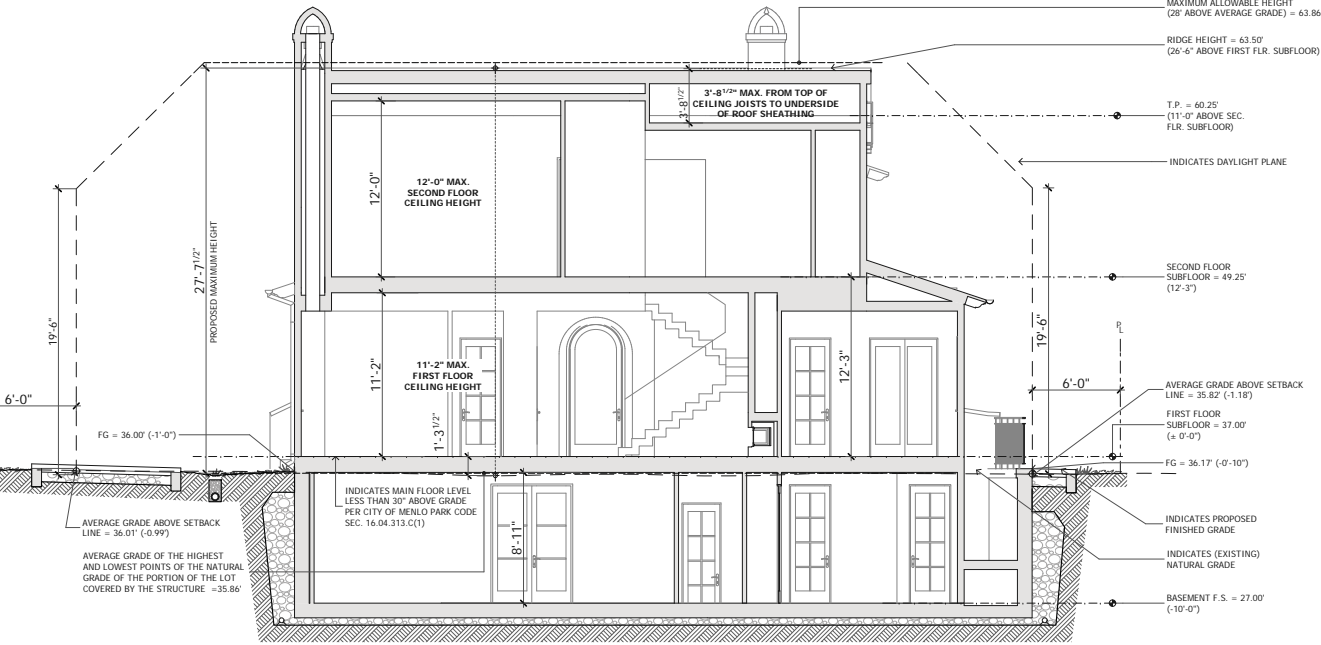
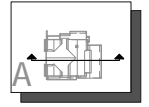
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

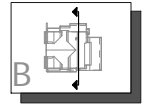
A-6.0



SECTION A



SECTION B



NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.



METRO
DESIGN
GROUP

ARCHITECTURE-PLANNING-INTERIORS

1475 S BASCOM AVE SUITE 208
CAMPBELL, CA 95008
(408)711-1071 phone
(408)711-1072 fax
www.metroarchitects.com

The plans, ideas and design on this drawing are the property of the designer and shall not be used, in whole or in part, for any purpose for which they were not intended without the written permission of METRO DESIGN GROUP.

PROJECT NAME
**445 OAK COURT
RESIDENCE**

445 OAK COURT
MENLO PARK, CA 95025

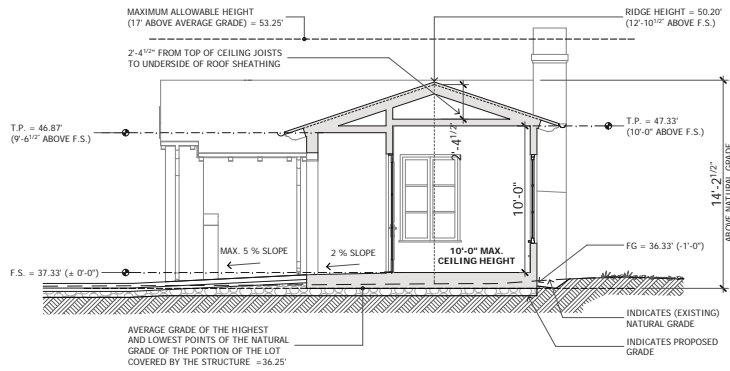
REVISIONS	
△ PC1 10-11-16	D.Z.
△ PC2 11-15-16	D.Z.

**SECONDARY
DWELLING
& GARAGE
CROSS SECTIONS**

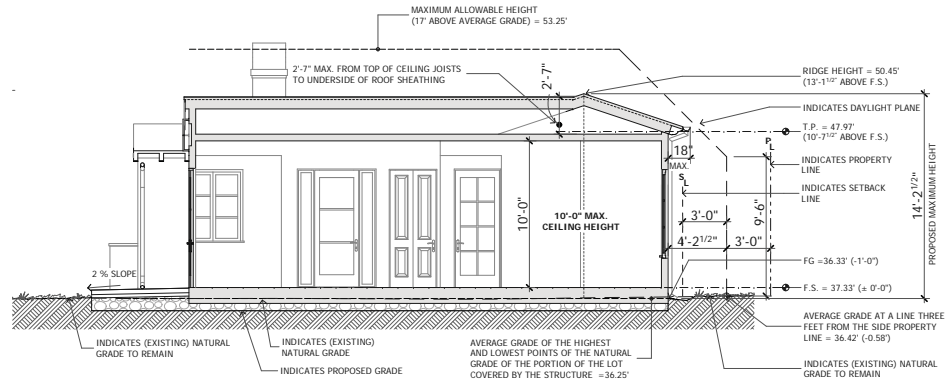
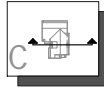
DATE : 11-15-16
SCALE : 1/4" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

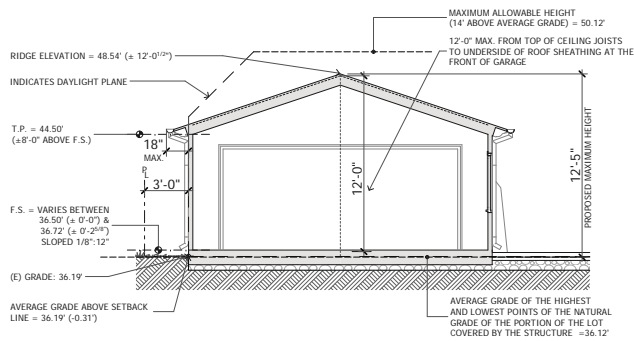
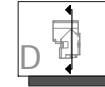
A-6.1



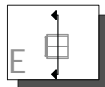
**SECONDARY DWELLING
SECTION C**



**SECONDARY DWELLING
SECTION D**



**GARAGE
SECTION E**

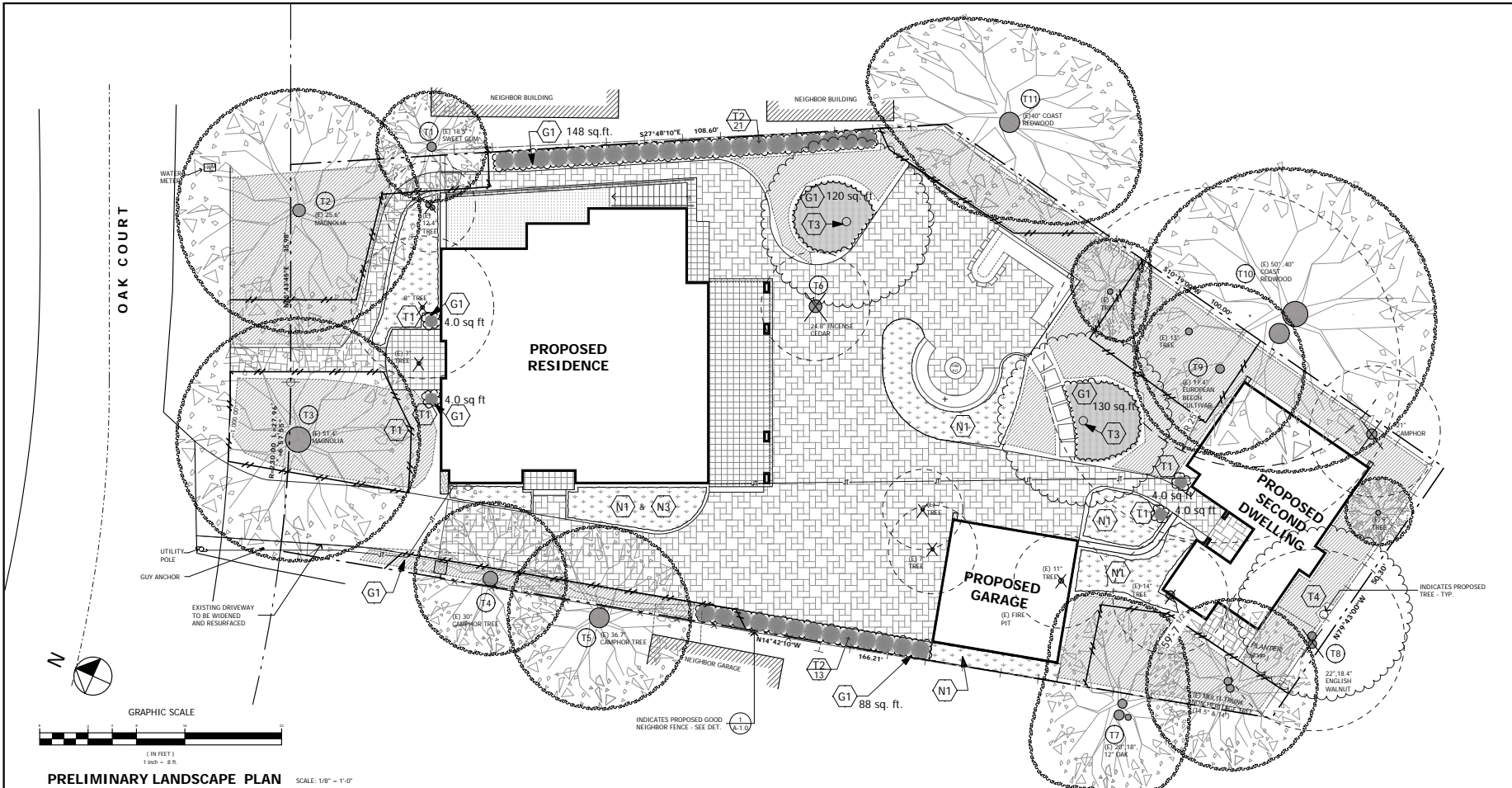


NOTE: ALL ELEVATIONS ARE UPDATED PER REVISED SURVEYOR'S TOPOGRAPHICAL INFORMATION.

REVISIONS

△	PC1 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.

PRELIMINARY LANDSCAPE PLAN



LEGEND	
PROPERTY LINE	EXISTING TREE TO REMAIN
(E) GRADE CONTOUR LINE	(E) 8" OAK
(E) FENCE TO REMAIN	MULCH - GROUND COVER AT IRRIGATED AREAS
(E) FENCE TO REMOVE	DECORATIVE MULCH - GROUND COVER AT NON-IRRIGATED AREAS
TREE PROTECTION FENCE	DROUGHT RESISTANT NATIVE GRASSES AND GROUND COVERS NON-IRRIGATED AREAS
PROPOSED BUILDING	PROPOSED TREE
PROPOSED CONCRETE TO LIGHTWELL	EXISTING TREE TO BE REMOVED
PROPOSED PRECAST CONCRETE PAVEMENT SYSTEM @ PATIO/ WALKWAY DRIVEWAY	
PROPOSED TILED AREAS	

EXISTING TREE LEGEND					
PER ARBORIST REPORT DATED 6/8/2016 PREPARED BY WALTER LEVISON					
TREE TAG NO.	GENUS & SPECIES	COMMON NAME	TREE SIZE	ON SITE/ OFF SITE	HERITAGE TREE STATUS
1	LIQUIDAMBAR STYRACIFLUA	SWEET GUM	18.5"	OFF SITE	YES TO REMAIN
2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	25.4"	ON SITE	YES TO REMAIN
3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	51.4"	ON SITE	YES TO REMAIN
4	CINNAMOMUM CAMPHORA	CAMPHOR TREE	30"	ON SITE	YES TO REMAIN
5	CINNAMOMUM CAMPHORA	CAMPHOR TREE	36.7"	OFF SITE	YES TO REMAIN
6	CALOCEDRUS DECURRENS	INCENSE CEDAR	24.8"	ON SITE	YES TO BE REMOVED
7	QUERCUS AGRIFOLIA	COAST LIVE OAK	20", 18", 12"	OFF SITE	YES TO REMAIN
8	JUGLANS REGIA	ENGLISH WALNUT	22", 18.4"	ON SITE	YES TO BE REMOVED
9	FAGUS SYLVATICA	EUROPEAN BEECH CULTIVAR	17.4"	ON SITE	YES TO REMAIN
10	SEQUOIA SEMPERVIRENS	COAST REDWOOD	50", 40"	OFF SITE	YES TO REMAIN
11	SEQUOIA SEMPERVIRENS	COAST REDWOOD	40"	OFF SITE	YES TO REMAIN

PLEASE SEE THE ARBORIST REPORT FOR MORE INFORMATION

PLANT LEGEND					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY	IRRIGATION
NATIVE DROUGHT TOLERANT GRASSES AND GROUND COVERS					
N1	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL	IN FIELD	NON IRRIGATED AREAS
N2	ARTEMISA CALIFORNICA 'MONTANA'	CALIFORNIA SAGEBRUSH	1 GAL	IN FIELD	NON IRRIGATED AREAS
N3	CEANOTHUS 'YANKEE POINT'	WILD LILAC	1 GAL	IN FIELD	NON IRRIGATED AREAS
GROUND COVER					
G1	MULCH				NON IRRIGATED AREAS
TREES - DESERT CONDITIONS, DROUGHT RESISTANT					
T1	CUPRESSUS SEMPERVIRENS DWARF COMPACTA	DWARF ITALIAN CYPRESS	24" BOX	4	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T2	CUPRESSUS SEMPERVIRENS 'MONSIEUR'	DWARF ITALIAN CYPRESS	24" BOX	24	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T3	ULMUS 'MORTON'	ACCOLADE ELM	24" BOX	2	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA
T4	GINKGO BILOBA	MAIDENHAIR	24" BOX	1	MAXIMUM 500 SQ. FT. OF IRRIGATED AREA

NOTE:
TREE SIZES ON SHEET T-1:
TOPOGRAPHIC AND BOUNDARY SURVEY HAVE BEEN MEASURED AT THE BASE OF THE TREES.

TREE SIZES ON SHEET A-1.0, A-1.1 & L-1:
ARE CONSISTENT WITH THE ARBORIST REPORT (3.0 / PAGE 5):
DIAMETER AT BREAST HEIGHT IN INCHES IS THE DIAMETER OF THE TRUNK MEASURED AT 4.5 FEET ABOVE THE GROUND LEVEL IN INCHES, AS REQUIRED.

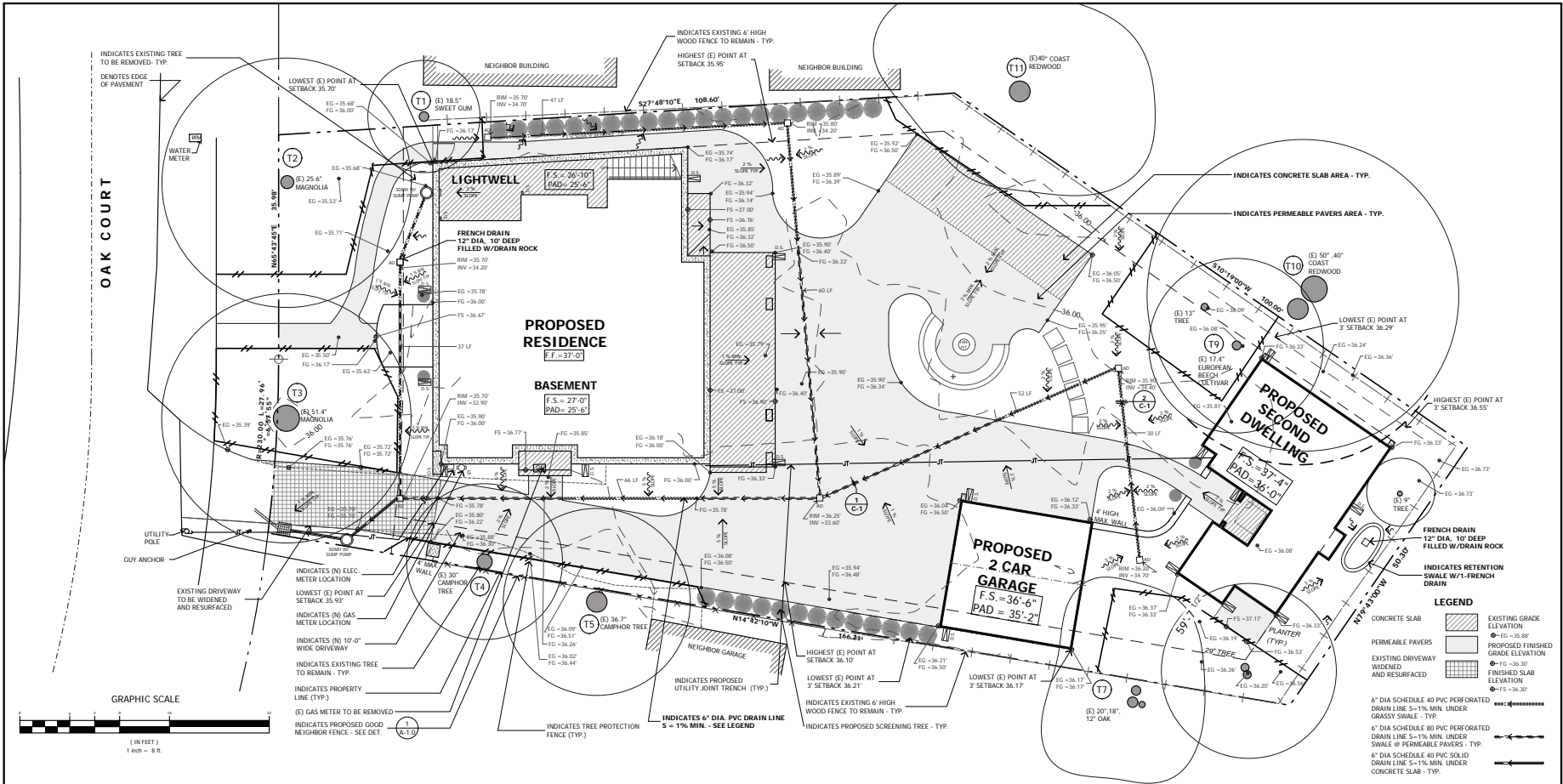
DATE : 11-15-16
SCALE : 1/8" = 1'-0"
DRAWN BY : DZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO : 16624

SHEET NUMBER

L-1

REVISIONS

△	PC2 10-11-16	D.Z.
△	PC2 11-15-16	D.Z.



STANDARD GRADING PLAN NOTES

- PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK/GRADING ACTIVITIES, THE PERMITTEE SHALL ARRANGE A PRE-CONSTRUCTION MEETING. THE MEETING SHALL INCLUDE THE CITY OF MENLO PARK GRADING INSPECTOR, THE GRADING CONTRACTOR AND THE PROJECT SOILS ENGINEER. THE PERMITTEE OR REPRESENTATIVE SHALL ARRANGE THE PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTHWORK/GRADING ACTIVITIES.
- APPROVAL OF THIS PLAN APPLIES ONLY TO THE EXCAVATION, PLACEMENT AND COMPACTION OF NATURAL EARTH. THIS APPROVAL DOES NOT CONFER ANY RIGHT OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS, ANY PROPOSED IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER PERMITS/APPROVALS SHALL BE OBTAINED.
- IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
- THE PERMITTEE SHALL MAINTAIN ALL STREETS, SIDEWALKS AND OTHER PUBLIC RIGHT OF WAYS IN A CLEAR, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM PUBLIC PROPERTY. ALL ADJACENT PROPERTY, BOTH PUBLIC AND PRIVATE, SHALL BE MAINTAINED IN A CLEAR SAFE AND USABLE CONDITION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH STANDARDS ESTABLISHED BY THE BAY AREA QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
- THIS PLAN SHALL NOT APPROVE THE REMOVAL OF ANY TREES. APPROPRIATE TREE PROTECTION MEASURES SHALL BE OBTAINED FROM THE COMMUNITY DEVELOPMENT DEPARTMENT. ANY REQUIRED TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL GRADING AND EARTHWORK ACTIVITIES SHALL CONFORM TO THE APPROVED PLANS AND SPECIFICATIONS. ALL GRADING AND EARTHWORK ACTIVITIES SHALL BE OBSERVED AND APPROVED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY GRADING OR EARTHWORK ACTIVITIES. UNOBSERVED OR UNAPPROVED WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION OF THE PROJECT SOILS ENGINEER.
- ALL CONSTRUCTION SITE ARE TO BE WINTERIZED WITH APPROPRIATE EROSION CONTROL MEASURES IN PLACE BY OCTOBER 15TH TO APRIL 15TH OF EACH YEAR.

LEGEND

DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
CENTER LINE	---	---
SECTION LINE	---	---
EDGE OF PAVEMENT	---	---
CURB AND GUTTER	---	---
DRAINAGE FLOW DIRECTION	---	---
FENCE (TYP)	---	---
STORM DRAIN	---	---
SUBURBAN SANITARY MANHOLE	---	---
STORM MANHOLE	---	---
STANDARD HOODED INLET	---	---
LARGE HOODED INLET	---	---
FLAT GRATE INLET	---	---
GAS LINE	---	---
WATER LINE	---	---
SUBURBAN GRADE ELEVATION	---	---
TREE	---	---
EXISTING GAS LINE TO BE REMOVED	---	---
NEW GAS LINE	---	---
NEW WATER LINE	---	---
NEW ELECTRIC LINE	---	---
JOINT TRENCH	---	---
NEW SANITARY SEWER LINE	---	---

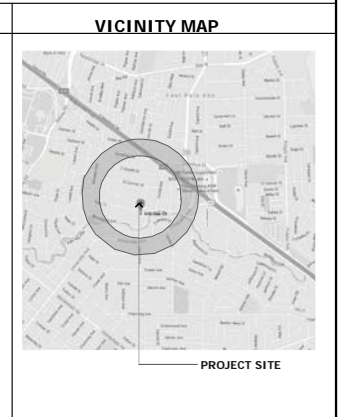
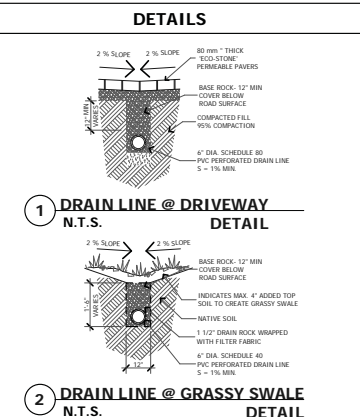
NOTES

NOTE: GEOTECHNICAL FIELD INSPECTION -
 THE GEOTECHNICAL CONSULTANT SHALL INSPECT, TEST (AS NEEDED), AND APPROVE ALL GEOTECHNICAL ASPECTS OF THE PROJECT CONSTRUCTION. THE INSPECTIONS SHOULD INCLUDE, BUT NOT NECESSARILY BE LIMITED TO: SITE PREPARATION AND GRADING, SITE SURFACE AND SUBSURFACE DRAINAGE IMPROVEMENTS AND EXCAVATIONS FOR FOUNDATIONS AND RETAINING WALLS PRIOR TO THE PLACEMENT OF STEEL AND CONCRETE. THE CONSULTANT SHALL VERIFY THAT FILL MATERIALS PLACED ON SLOPING GRADING ARE PROPERLY KEYED AND BENCHED INTO SUPPORTIVE MATERIALS, AS NECESSARY.

NOTES:

- ALL ROOF RAINWATER LEADERS ARE TO BE DISCHARGED ONTO SPLASH BLOCKS, WHICH ARE DESIGNED TO SPREAD OUT THE RAIN WATER SO THAT IT ENTERS THE LANDSCAPED AREAS AS SHEET FLOW.

TOPO SURVEY & CHRISTENSEN & PLOUFF PLS 9013
 1250 OAKMEAD PARKWAY #210
 SUNNYVALE, CA 94085
 (408) 755-9784 PHONE



CONCEPTUAL GRADING AND DRAINAGE PLAN

DATE : 11-15-16
 SCALE : 1/8" = 1'-0"
 DRAWN BY : D.Z.
 CHECKED BY : TS
 ARCHITECT : TOM SLOAN
 PROJECT NO : 16624

SHEET NUMBER
C-1



445 Oak Court
Menlo Park, CA 94025

Project Description

The new owners purchased the property with the intent to upgrade the existing home to meet their current and future requirements. These requirements include creating a comfortable home for a family of 4 and a secondary dwelling for the aging parents. The existing residence is a single story home with 2 bedrooms and a shared bathroom. The client's requirements dictate that each room of the existing home would need to be upgraded, enlarged and completely remodeled. The existing plumbing, mechanical and electrical fixtures and equipment would require replacement. The existing home is deemed as un-sustainable.

Providing a new home that meets the client's needs while enhancing the neighborhood with a home that reflects both the traditional native Spanish architecture on the exterior and modern, green and sustainable building products and design on the inside seemed like the commonsense approach.

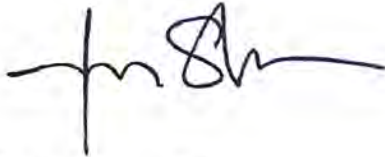
While several homes on Oak Court remain unchanged and single story, it appears that the current trend of creating a two story residence can be designed to preserve more open space for mutual enjoyment by the owners as well as the neighboring property owners. The new home will preserve the existing streetscape by keeping the existing mature Magnolia Trees and driveway apron and virtually maintain the existing building's footprint by not extending outward impacting the rear yard views from the neighboring homes.

A new Secondary Dwelling will be constructed to allow the new owner's aging parents to move from their current home in Palo Alto and age-in-place with their family. This new Dwelling was located a far toward the rear property line as practical in order to provide a larger and unified rear yard space. The interior floor plan has been designed to provide accessibility throughout. The exterior architectural style will match the match the Spanish architecture of the Main Dwelling.

A detached Garage, similar to the original, is located further back on the property and deemphasizes the visual impact of garage doors. A trellis above the Garage doors will provide shading and promote the growth of green plants such as a bougainvillea.

The Main Dwelling seeks to be compact rather than sprawling in nature in order to reduce its footprint, be energy efficient and lessen its impact to the neighboring residences. A Spanish Style Architecture provides a low pitched mission tiled roof; White-washed Stucco Plaster with a smooth, hard-troweled finish; wide, stained wood decorative rafter tails; wood windows and doors and wrought iron railings and architectural features.

Landscaping has been minimized in order to meet the Water Efficiency Landscape requirements as required by executive order of Governor Brown and the City of Menlo Park. The pre-existing trees proposed to be removed have been reviewed by the project's consulting Arborist and new trees will be planted in locations that are more conducive to mitigating visual impacts from providing privacy between neighboring properties.

A handwritten signature in black ink, appearing to read 'Tom Sloan', with a stylized flourish extending to the right.

Tom Sloan AIA
Principal Architect

**Assessment of and Recommendations for
Eleven (11) Trees at and Adjacent to**

**445 Oak Court
Menlo Park, California**

Prepared for:
Mr. Brian Nguyen, Property Owner
445 Oak Court

Field Visit:
Walter Levison, Consulting Arborist (WLCA)
6/6/2016

Report by WLCA
Version: 9/7/2016

Table of Contents

1.0 Summary	3
2.0 Assignment & Background	5
3.0 City of Menlo Park: What Private Trees are Protected?	5
4.0 Recommendations	6
5.0 Author's Qualifications	11
6.0 Assumptions and Limiting Conditions	12
7.0 Certification	13
8.0 Digital Images	13
9.0 Tree Data by WLCA	19
10.0 Tree Location and Protection Map Markup by WLCA	24

1.0 Summary

Walter Levison, Consulting Arborist (WLCA) tagged and assessed 11 tree specimens at and adjacent to 445 Oak Court, Menlo Park, California which are considered to be heritage size trees per the City of Menlo Park ordinance governing private trees.

The following is an overview of my findings and recommendations regarding the trees, provided in matrix format for ease of understanding. All eleven trees are protected "heritage trees" per the definition in the City of Menlo Park private tree ordinance:

<p>1. Total trees assessed by WLCA.</p>	<p>11 (Tags #1 through #11)</p>
<p>2. Trees on-site vs. off-site.</p>	<p>On-site: 2, 3, 4, 6, 8, 9.</p> <p>Off-site: 1, 5, 7, 10, 11.</p> <p>Off-site tree #1 is in poor overall condition. The project team will be directed to apply water to this tree's open soil root zone areas on a regular basis, to offset any impacts from site work. The proposed walkway within the canopy dripline will be built over-grade as a no-dig system per my discussions with the property owner. WLCA does not expect this tree to be impacted by site work.</p> <p>Off-site tree #5 is in fair overall condition. The proposed new driveway near this tree will be constructed by peeling out old asphalt only, without any excavation of, or alteration of the existing old baserock base section. WLCA does not expect the tree to be impacted. WLCA will direct contractor staff to irrigate the tree's root zone as best possible during construction, given the existing constraints of root zone impermeability.</p> <p>Off-site tree #7 will be fenced off with a very large root protection zone, and is not expected to be impacted by proposed site work.</p> <p>Off-site trees #10 and #11 are within an area where special raft slab foundation work will occur over grade, without any expected cuts to grade. I have requested that the project team place or otherwise build all duct work and other items (e.g. BBQ and pizza area) above grade such that the root zone areas within the canopy driplines of these two trees should remain as-is with no excavation of the soil surface for base preparation. This will help preserve the existing root systems of these two trees which extend westward into the 445 Oak Court work area.</p>
<p>3. Trees to be retained per current proposed site plan.</p>	<p>#1, 2, 3, 4, 5, 7, 9, 10, 11.</p>

<p>4. Trees to be removed per current proposed site plan.</p>	<p>#6, 8.</p>
<p>5. Additional trees recommended to be removed by author due to very poor overall condition (i.e. high risk of failure and impact, short expected useful remaining lifespan, etc.).</p>	<p>Neighbor-tree #1 is suggested to be removed due to potential high risk of failure and impact.</p>
<p>6. Suggested adjustments to the proposed site plan to optimize survival of retention trees. Note that the author has <u>not</u> reviewed utility plans, grading plans, drainage plans, etc. as of the date of writing.</p>	<p>Tree #1 (if retained): Keep all new walkway excavation minimized to the uppermost few inches of the soil profile (e.g. 3 inches max. cut below existing soil grade elevations). Heavy-irrigate open soil areas at limit of construction to promote root health.</p> <p>Trees #3, 4, and #5: Keep all new driveway renovation activity limited to surfacing renovation only (e.g. asphalt peel-off, etc.). Leave all existing baserock materials intact as-is, without removal of or excavation into the baserock base section.</p> <p>Tree #7: This tree was not previously plotted on the site plan, and will require a significantly large radius root protection zone area such as 15 to 20 feet radius from trunk in all directions. Toward this end, all utilities and other trenched-in items will need to be bundled and located offset at least 20 feet or more from the multiple trunks of this tree to avoid root damage and root loss.</p> <p>Trees #9 & #10: Utilize a raft-type foundation (i.e. a structural slab-type foundation) or another foundation type that does not involve any cuts whatsoever below existing soil grade elevations within 25 feet of the trunk edge of this tree, for construction of the proposed 2nd dwelling.</p> <p>Minimum offset of chain link root protection zone fence is typically 25 to 35 feet radius from trunk edge for high value trees of the trunk and canopy size exhibited by tree #10. Therefore, an offset of 25 feet would be considered a bare minimum, and almost negligence. Toward this end, use of a raft-type foundation footing or other “no dig, no cut” type foundation for the 2nd dwelling will be specified such that there are no foundation items that would involve any excavation for any reason. In other words:</p> <ul style="list-style-type: none"> • No excavation within 25 feet of tree for crawl space. • No excavation within 25 feet of tree for duct work or electrical work. • No trenching within 25 feet of tree for utilities, drain lines, irrigation, etc. • No excavation within 25 feet of tree for perimeter beam footings. • No excavation within 25 feet of tree for the slab itself.

	<p>Tree #11: The proposed new BBQ, walkway, and pizza oven should either be moved an additional 5 to 10 feet farther west of trunk edge (from current proposed locations) in order to better offset these items from trunk, such that the wide-extending root zone and low-hanging canopy dripline can be better preserved and protected (Optimal distance of all of these items would be 15 to 25 feet offset from trunk), or build up all foundation work over existing grade in a manner that requires zero excavation cut depth for base section installation. See recommendations section for more details.</p>
--	---

2.0 Assignment & Background

Walter Levison, Consulting Arborist (WLCA) was retained by the property owner to tag and assess all heritage trees on site and within 10 feet of the property lines of 445 Oak Court, Menlo Park, California. WLCA was further directed to prepare a formal written arborist report for submittal to the City as part of the submittal package related to a proposed single family residential site plan for this property.

The site survey was performed as a visual assessment only. Heights and canopy spread diameters were estimated visually. Trees were tagged at eye level using racetrack shaped aluminum tags numbering “1” through “11”.

Tree images are archived in section 8.0.

Tree data are located in a spreadsheet in section 9.0.

A tree location map markup is located in section 10.0. This sheet shows existing trees noted by tag number, and contains markings indicating the author’s suggested fence routing and/or other protection items that are designed to optimize tree survival based on arboriculture Best Management Practices. The sheet used to prepare the tree map is a PDF format architectural rendering provided by the property owner on 6/5/2016.

Note that the locations of trees #1, 7, 10, and 11 are “rough plotted” by WLCA, and are not considered accurate. These trees were not previously noted on the architectural rendering of the site plan reviewed by WLCA.

3.0 City of Menlo Park: What Private Trees are Protected?

All privately-owned trees meeting one of the following qualifications are considered protected heritage trees in the City of Menlo Park, per the City’s tree ordinance governing privately-owned trees as stated on the official City website:

- a. All species with at least one mainstem measuring 15.0 inches diameter at 4.5 feet above grade.
- b. Native oak species with at least one mainstem measuring 10.0 inches diameter at 4.5 feet above grade.

Per these definitions, all eleven trees in this study are considered “heritage trees”, and cannot be removed without a formal City tree removal permit.

4.0 Recommendations

1. Project Arborist ("PA"):

Initial Signoff

It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to City of Menlo Park planning division, Attn: project planner.

(If applicable): Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

"The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the City planner associated with this project, beginning with the initial tree protection verification approval letter".

2. Special Project Arborist Monitoring:

The PA shall pay special attention to **neighbor trees #1, 5, 7, 10, and #11** to help ensure that impacts to those trees from site work on 445 Oak Court are minimized as best possible. **Irrigation water** will be applied on multiple neighboring properties as necessary to help boost soil moisture within the root zones of the trees.

The PA shall monitor asphalt removal work along the driveway footprint between **trees #3, 4, and #5** in order to verify that existing baserock and base section materials remain as-is without disturbance.

The PA shall advise the project team on temporary irrigation of trees both on site and on neighboring properties.

The PA shall advise the project team on pruning of roots measuring 1-inch diameter and larger, within 20 feet of any survey tree to be retained on site and on neighboring properties.

3. Project Team Actions or Clarifications Requested:

- i. Tree Removal: Obtain formal City tree removal permits for heritage **trees #6 & #8**. Mitigate for the loss of the trees as required by Staff planners.
- ii. Utilities and Drainage: Project team shall route all proposed new trenched items such as utilities, drain pipes, etc. to at least 25 feet offset from the trunks of **all trees** being retained (refer to the arborist's tree protection map markup in this report).

- iii. New Landscape and Irrigation: Project team shall verify the types, trench depths, etc. of all irrigation main lines, valves, laterals, pop-ups, etc. (if any proposed) within 20 to 25 feet of **all trees** being retained on and adjacent to 445 Oak Ct.

Project team shall use only flexible poly tubing type irrigation pipes for all areas within 20 linear feet of **all trees** being retained on and adjacent to 445 Oak Ct.

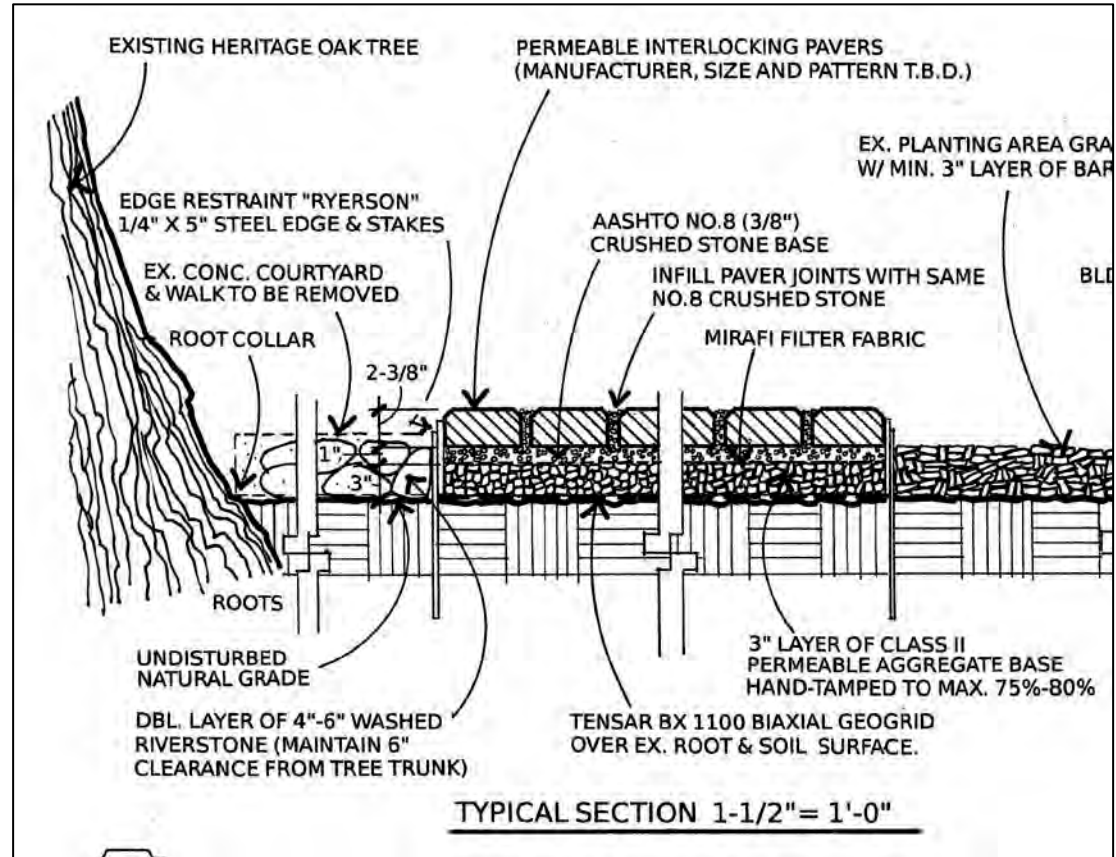
Project team shall verify that locations of proposed new tree plantings are at least 20 feet offset from **all trees** being retained on and adjacent to 445 Oak Ct.

- iv. Proposed 2nd Dwelling vs. Trees #9 & #10: Utilize a no-dig, no-cut type raft foundation (structural slab) per the current proposed site plan, that involves absolutely zero excavation below existing soil grade for any reason within 25 feet of the trunk edge of the trees.

Project contractor shall maintain a heavy 1x/week irrigation regime within the designated root protection zone, using garden hoses, etc. to provide at least 100 gallons once weekly to both **beech #9 and neighbor redwood #10**, within the temporary fenced off area.

- v. Proposed BBQ/Pizza Oven/Walkway vs. Redwood #11: All proposed work west of neighbor-owned redwood #11 shall be relocated to at least 15 to 25 feet offset from the trunk edge of the tree. If work shall occur within 15 feet of the trunk edge, then baserock base section shall be built completely over grade as a “no dig” zero excavation system to avoid all root loss to this neighbor tree.

Project contractor shall maintain a heavy 1x/week irrigation regime within the designated root protection zone, using garden hoses, etc. to provide at least 100 gallons once weekly to this neighbor tree within the temporary fenced off area.



vi. Driveway Renovations:

- Phase all proposed driveway renovation to the very end of project to allow the existing surfacing to remain during site plan work as a soil protection buffer.
- Per current plan, restrict driveway renovation work to scarification of the existing surfacing without cutting into the old baserock. Do not allow machinery bucket teeth to cut below the bottom elevation of the asphalt surfacing material when peeling out the existing old asphalt.
- Use a specification such as a no-dig type walkway/driveway spec to renovate in a tree root-friendly manner (i.e. no dig, no cut) without any cuts below existing top of baserock (see side cut view image above).

This specification utilizes Tensar Corp's BX-1100 biaxial geogrid which is a lateral load transferring material that looks like a two-dimensional plastic web. The web is pinned down over grade, and baserock and other materials are tamped down over it. This is the gold standard of tree root protection, and is locally available through Reed & Graham geosynthetics division. The biaxial geogrid disperses load forces laterally, to provide significant strength which allows for the baserock base section to be thinned by as much as 50% per the Tensar Corp official website.

- Irrigate alongside the new asphalt as necessary (i.e. within the fenced off root protection zone areas), on a 1x/week heavy basis, paying special attention to neighbor **tree #5** west of the driveway edge.
- Avoid use of any deep cut type edging. All edging installation along the west side of the driveway shall be restricted to 4 inches total height only, with maximum 2 inches depth of cut below top of baserock.

vii. Proposed Walkway:

The proposed walkway within the canopy dripline of neighbor tree #1 will be constructed over-grade as a no-dig system without any excavation for baserock installation.

4. Trunk Buffer Protection:

Prior to demolition commencement, install a trunk buffer around the lowermost 8 feet of the trunks of **magnolia #2 & #3, camphors #4 & #5, and beech #9.**

Wrap approximately 20 to 40 wraps of orange plastic snow fencing around the trunk between grade and 8 feet above grade to create a padding at least 1 to 2 inches thickness.



Stand 2x4 wood boards upright, side by side, around the entire circumference of the trunk. Affix using duct tape (do not use wires or ropes). See spec image at right.

5. Chain Link Fencing Protection:

Erect five-foot tall chain link fence on seven-foot long, two-inch diameter iron tube posts pounded 24 inches into the ground (see sample image at right).

Pre-demolition fence: Per the red dashed lines on the tree map mark-up in the author's arborist report (routes may be subject to change, depending on the finalized alignments of work items). Fencing for magnolia #2: to be determined (i.e. as far out from trunk edge of tree #2 as possible).

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction . No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring.

6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 20-linear feet of fencing, minimum 8"X11" size each, plastic laminated (wordage can be adjusted):



TREE PROTECTION ZONE FENCE ZONA DE PROTECCION PARA ARBOLES

**-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-**

**DO NOT MOVE OR REMOVE FENCE
WITHOUT WRITTEN PERMISSION FROM THE
PROJECT ARBORIST**

**PROJECT ARBORIST:
TELEFONO CELL:**

EMAIL:

7. Irrigation Temporary During Construction:

Apply temporary irrigation to certain specified trees being retained, at a frequency and duration or total output to be specified by the project arborist (PA).

Method of water delivery can be soaker hose, emitter line, garden hose trickle, water truck, tow-behind water tank with spray apparatus, etc. Image at right shows a sample system where the contractor installed over-grade PVC irrigation piping which fed pop-up risers timed to automatically activate twice or three times a week for heavy soaking of the trees' entire open soil root systems.

Initial suggestion by the PA is 1x/week heavy irrigation of **site trees #2, 3, 4, and #9, and neighbor-owned trees #5, 10, and #11**, at a rate of 100 gallons per week per tree throughout the root zone areas being protected by fencing. Irrigate on a single day for maximum root zone moisture absorption.

Neighbor tree #1 will require 1x/weekly irrigation of open soil root zone areas, possibly including neighbor-owned property sections.

In regards to neighbor-owned **redwoods #10 and #11**, irrigation systems may already be in place on the neighbor property, applied via an automatic timer system, but additional heavy irrigation is recommended to mitigate for loss of roots in the west sections of the root zones where construction work will occur on 445 Oak Court property.

General contractor shall keep an irrigation log book on site for viewing by the project arborist (PA) to verify when individual trees are being irrigated, volumes of water applied, etc.

8. Pruning (if applicable):

All pruning shall be performed only by, or under direct full time supervision of an ISA-Certified Arborist, and shall conform to the most current iteration of the American National Standard Institute pruning guidelines and accompanying ISA Best Management Practices / Pruning booklet:

- ANSI A300 (Part 1) tree, shrub, and other wood plant maintenance / standard practices (*pruning*). 2001.
- Best Management Practices / Tree Pruning: companion publication to the ANSI A300 Part 1: tree, shrub, and other wood plant maintenance / standard practices (*pruning*). International Society of Arboriculture. 2002.

Suggested Pruning Prescription: (None suggested at the time of writing, other than vertical clearance and horizontal clearance pruning as needed, such as on **beech #9**).



9. Root Pruning:

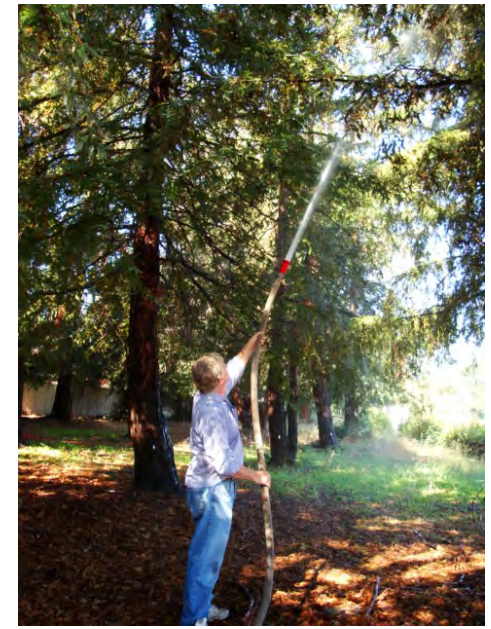
If woody roots measuring greater than 1-inch in diameter are encountered within 20-feet of any tree being retained during site work, contractors shall immediately alert the project arborist. **Do not prune roots without direct supervision by the PA.**

Woody roots shall not be shattered or broken in any way as a result of site activities. Shattered or broken areas shall be hand dug back into clear healthy root tissue and re-severed at right angles to root growth direction under the direct supervision of the project arborist (PA). Immediately (same day) backfill over roots and heavily irrigate (same day) after backfill to saturate the uppermost 24 inches of the soil profile.

10. Water Spray:

Spray off foliage of all trees within 30 feet of construction activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function (see image at right in which a fire hose system was used to wash approximately 50 redwood tree specimens in Sunnyvale during a one year long demolition period).

Spray should be applied approximately twice yearly, or when ambient airborne dust concentration is unusually high.



5.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
Community Development Department / Planning Division
2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000

- Associate Consulting Arborist
Barrie D. Coate and Associates
4/99-8/99
- Contract City Arborist, City of Belmont, California
Planning and Community Development Department
5/99-present
- ISA Certified Arborist #WC-3172
- Peace Corps Soil and Water Conservation Extension Agent
Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources
UC Santa Cruz, Santa Cruz, California 1990

(My full curriculum vitae is available upon request)

6.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:

- a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
- b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement.

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

7.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant



8.0 Digital Images

WLCA archived images of the survey trees on 6/6/2016:



Sweetgum #1 on neighbor's property as viewed from the street.



Magnolia #2 at the northeast corner of the property, as viewed from the street. This tree is proposed by the project team to be removed.



Magnolia #3 located adjacent to the existing driveway. The drive profile is buckled and raised above original grade due to roots apparently extended through the baserock below the drive. If this drive is renovated, the root system of this tree will be severely damaged, which could kill the tree. This is a subject for further discussion.



Magnolia #3 at left side of image, and camphors #4 and #5 along the right side of the drive at right side of image, as viewed from the street. The camphors are also threatened with severe root destruction if the driveway is renovated in a manner that involves excavation of and replacement of the old baserock in which the root systems are likely extended horizontally.



Looking north at camphor #5. Note how the root system extends both east and west through the old driveways of the 445 Oak Ct property and the neighbor's property to the west. Again, if the driveway of 445 Oak Ct is renovated using standard methods such as excavation of the old baserock, the root systems of the trees will be severely damaged, and the trees could rapidly decline and die prematurely.



Cedar #6 is in very poor condition, and is proposed to be removed by the project team.



Coast live oak #7 is a neighbor tree to be retained.



Coast live oak #7 has three mainstems (trunks) which are buried in fill soil, and require hand-excitation (this is a neighbor tree).



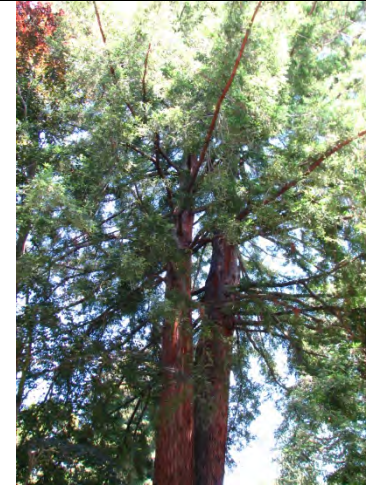
Walnut #8 to be removed.



Canopy view of walnut #8, showing very poor live twig density.



Beech tree #9 proposed by the project team to be removed. Note the close proximity of tree #9 to neighbor-owned coast redwood #10 in the background at right side of image.



View of the mid-elevation canopy of neighbor-owned coast redwood #10.



Coast redwood #10 as viewed from 445 Oak Ct. looking east at the wood property line fence. Note that the root system of this tree extends far westward into the project area, and will require that we maintain a very significant offset distance between the trunk edge and the proposed new 2nd dwelling foundation footing construction (e.g. 20 to 25 feet, etc.).



The mainstem (trunk) shown just behind the wood property line fence is coast redwood #11 owned by the neighbor to the east. This tree, as with redwood #10, is located very close to the property line, and has a root system that extends horizontally far into the 445 Oak Ct. project area.



Neighbor-owned coast redwood #11 canopy view from 445 Oak Ct.

9.0 Tree Data by WLCA

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
1	<i>Liquidambar styraciflua</i> (NEIGHBOR TREE)	Sweetgum	18.5	--	--	18.5	50/18	30/30	30% Poor	Yes	X		Minor to moderate (depends on depth of cut for pathway.					Codominant mainstems fork with bark inclusion issue at 12 feet (possible high risk of failure and impact). Poor live twig density. Suggest removal.	5 to 7 feet.	RPZ, W (if retained by neighbor owner)	
2	<i>Magnolia grandiflora</i>	Southern magnolia	25.6	--	--	25.6	35/40	45/40	40% Poor	Yes	X		Impacts from proposed work assumed less than significant. Tree was originally to be removed. WLCA assumes all utilities routed to far from trunk.					Sunscald damage noted along upper sides of limbs. Ganoderma fungal fruiting body noted at root crown, indicating likely decay issue at trunk base.	To be determined.	TB, RPZ, W	
3	<i>Magnolia grandiflora</i>	Southern magnolia	51.4	--	--	51.4	50/40	60/60	60% Fair	Yes	X		Minor to moderate (depends on depth of cut for driveway excavation if renovated)					Roots appear to be intact and growing under the existing older driveway. These roots may be damaged or destroyed if the old baserock is replaced during driveway renovation.	5 to 15 feet radius on various sides (see map)	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.	

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)ave Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
4	<i>Cinnamomum camphora</i>	Camphor tree	30.0	--	--	30.0	30/25	65/45	55% Fair	Yes		X		Possible severe impacts if excavate for baserock renovation during driveway work.					Tree was previously top pruned. Poor to moderate live twig density. Roots are assumed to extend though the old baserock of the existing driveway.	(As shown on map in this report).	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.
5	<i>Cinnamomum camphora</i>	Camphor tree	36.7	--	--	36.7	30/30	75/55	65% Fair	Yes		X		Possible severe impacts if excavate for baserock renovation during driveway work.					Tree was previously top pruned. Poor to moderate live twig density. Roots are assumed to extend though the old baserock of the existing driveway.	(As shown on map in this report).	TB, W, RPZ, and limit driveway work to asphalt repair only, without any cuts into old baserock.
6	<i>Calocedrus decurrens</i>	Incense cedar	24.8	--	--	24.8	40/18	20/20	20% Very Poor	Yes	X		(Tree to be removed per site plan)	South east	South east			Codominant mainstems with bark inclusion at 16 feet. Very poor twig density. Author suggests removal.	---	---	
7	<i>Quercus agrifolia</i> (NEIGHBOR TREE)	Coast live oak	20	18	12	50	45/30	80/65	75% Good	Yes		X		Minor					Proposed work appears to be limited enough and offset enough from this tree that the root system will remain basically intact.	15 to 20 feet radius (see author's tree map markup in this report)	RPZ
8	<i>Juglans regia</i>	English walnut	22	18.4	--	40.4	40/30	15/15	15% Very Poor	Yes	X		(Tree to be removed)	South	South			Poor live twig density, with advanced dieback evident. Author recommends removal of tree.	---	---	

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)ave Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
9	<i>Fagus sylvatica</i>	European beech cultivar	17.4	--	--	17.4	45/28	85/65	75% Good	Yes		X		Impacts from proposed work unknown. Tree was originally to be removed. WLCA assumes all utilities routed to far from trunk. Raft slab foundation will encroach within canopy dripline.	West	West			Good live twig density. Tree has phototropic lean and lopsidedness due to presence of other trees to east.	See map.	TB, RPZ, W
10	<i>Sequoia sempervirens</i> (NEIGHBOR TREE)	Coast redwood	Est. 50	Est. 40	--	Est. 90	70/50	85/75	80% Good	Yes		X		Possible severe impacts due to proposed new 2 nd dwelling foundation footprint within canopy dripline.					Canopy extends at high elevation into the proposed work area, with a radius of 20 to 25 feet southwest of trunk. Root crown not visible during assessment from afar, but assume that entire root system is healthy and intact in all directions as of the date of writing. The appraised value of this tree is approximately \$48,000.	15 to 50 feet radius from trunk in various directions (25 foot offset from trunk to foundation of 2 nd dwelling, if using a floating no-dig type foundation).	RPZ, W, and push proposed 2 nd dwelling foundation footprint to farther southwest to optimize root zone preservation. Optimal location of the 2 nd dwelling is 18 to 20 feet from trunk edge of this tree.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Heritage Tree?	(R)remove Tree	(S)save Tree	(D)isposition Unclear	Severity of Impacts Expected from Site Plan Related Work	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Buried Root Crown	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
11	<i>Sequoia sempervirens</i> (NEIGHBOR TREE)	Coast redwood	Est. 40	--	--	Est. 40	85/40	85/85	85% Good	Yes		X		Possible severe impacts to canopy and root system due to proposed new walkway, BBQ, and pizza oven.					Canopy extends at least 10 feet westward over the property line fence, hanging down to 1 or 2 feet above grade elevation. Root system assumed intact and extended at least 40 feet westward from trunk. The appraised value of this tree is approximately \$22,000.	15 to 20 feet radius from trunk in various directions (see author's tree map in this report).	RPZ, W, and push proposed BBQ, walkway, and pizza oven farther west to optimize root zone preservation. Limit walkway excavation to 4 inches total cut below existing soil grade elevation.

Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.



Maguire
TREE CARE, INC.

EVALUATION AND REQUEST FOR REMOVAL PERMITS ON 4 TREES

Report Prepared for:

Brian Nguyen
445 Oak Ct.
Menlo Park, CA

Report Prepared by:

Paul Maguire
Maguire Tree Care, Inc.
ISA Certified Arborist #5204A
Friday, April 15, 2016

ASSIGNMENT

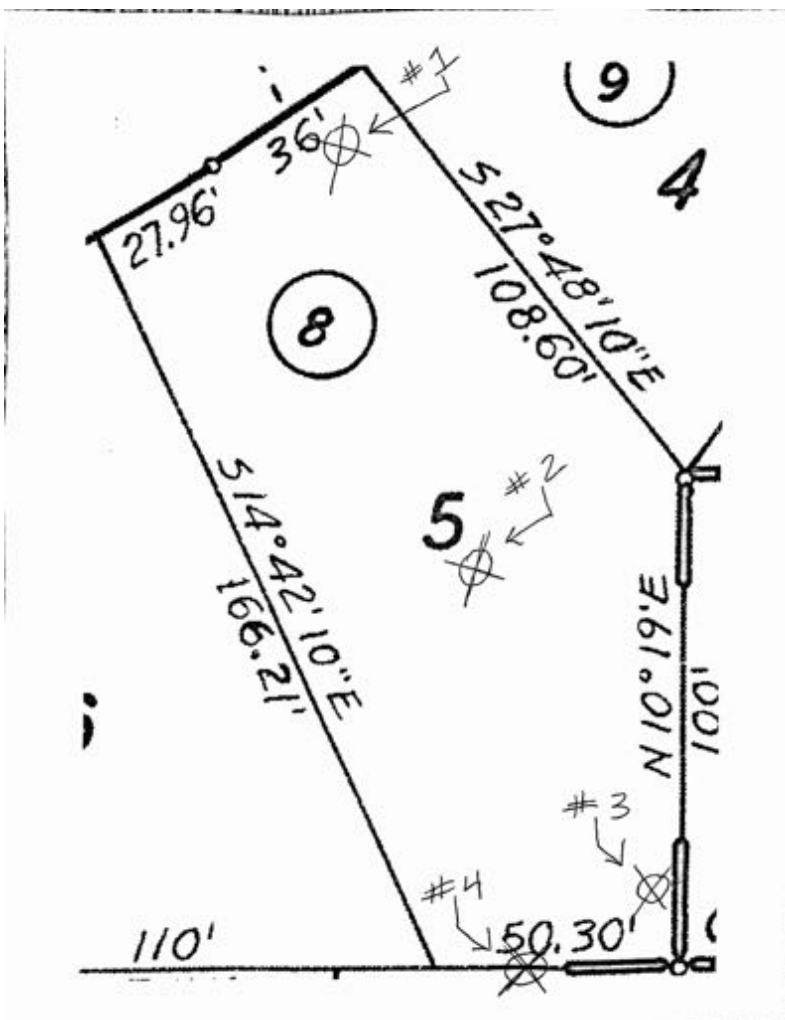
I was asked by Brian Nguyen to do an on site visit of his property located at 445 Oak Ct. in Menlo Park to asses and prepare a report, with the ultimate goal of obtaining a permit to remove 4 trees that stand on his property. I made my site visit on Wednesday, April 13 20016.

OBSERVATIONS

Site Description

Location of property is 445 Oak Ct in Menlo Park. This home was built in 1941, and is on a lot that is approximately 13,600 SQ FT. The home has a detached garage.

The lot is flat, and has numerous mature trees on the property. The following image is the parcel map of the property, and shows the approximate locations of the 4 trees we are requesting for removal permits.



Tree Descriptions

Tree 1: Southern Magnolia (*Magnolia grandiflora*)

DBH 36", approximately 40' tall with a canopy spread of 30'. This tree has a heart rot conk on the base of the trunk, near ground level. The overall condition of this tree is rated as medium. New growth looks to be weak, and there is a substantial amount of die off in the canopy, especially at the top. I am suspecting that the fungus on the trunk is responsible for this condition.

This tree has extensive surface rooting, which is quite common with this species. Because of the major mass of roots in front of the home, the sewage drain pipe coming from the house and going to the street is completely clogged. My client went to the City to see what his options were to fix this problem. Option one is to re route and replace the sewage line. Because there are two Magnolias in the front yard (the other tree is very significant in size), the routing of the pipe to the street cannot be straight, and would need to go between the two trees, causing damage to the root systems of both trees and putting both at risk. The other option is to route the sewage line close to the neighbors property, which my client understandably does not want to do. The third and final option is to remove the subject Magnolia and route the new line near this tree, and avoid the roots from the other Magnolia in the front yard. This seems like the best long term plan, and would preserve the much more significant Magnolia.



The picture to the right shows the subject tree. The two photos on the next page show the fungal growth on the base as well as the extensive network of surface roots. Looking above, you can see the sunken bark where the white conk is growing on the trunk.



Tree 2: Incense Cedar (*Calocedrus decurrens*)

DBH 32", approximately 40' tall with a canopy spread of 20'. This tree is being, and has been, engulfed by a rather large and old Wisteria which has caused significant die off of this tree. I would suspect that the wisteria vine has been tangled up in this tree for the past 10-15 years, as the vine has made it all the way to the top of the Cedar. The main reason for requesting a removal permit on this tree is because the new home design would place this tree right in the middle of the new home.

I would rate the condition of this tree as poor. The combination of drought, age and the wisteria climbing the tree have all contributed to the poor current health of this tree. Below shows a few shots of the tree, a profile and a view into the canopy.



Tree 3: Camphor (*Cinnamomum camphora*)

Not much to say about this tree, other than it's dead. There is only a section of standing trunk, with no branches on the tree at all. Appears to have been dead for quite a few years. Bark is falling off the trunk.



Tree 4: English Walnut (*Juglans regia*)

DBH 60" approximately 45' tall and 40' wide. This tree splits into two main leads at 36" above grade. The front lead is 22", and the back stem is 24". The condition of this tree at the time of my viewing was extremely poor. There was little to no leaf out going on.

This tree also appears to split my clients property and the back neighbors property, and is growing between the back fence line. The majority of this tree hangs over the back neighbors home, with very little branching coming into my clients yard. I also noted very heavy bird damage on the trunk of this tree, which is quite common. I was also told the back neighbor would like to have this tree removed. Here is a profile shot of the tree, and the pictures on the following pages show canopy views.







It should be noted that there are 3 other very significant trees on the property. As mentioned, there is a second very large Magnolia tree in the front yard. This tree is at the front/left corner of the lot, next to the driveway.

In the back yard, there are two very nice Beech trees. One is a Copper Beach, and the second is a sort of Weeping Beech variety. Both large trees. I rate the condition of these three trees to be very good. The Magnolia tree in front is one of the nicest Magnolia trees I have seen.

CONCLUSION

Based on my findings and the information that was provided to me, I find it's a very reasonable request to be allowed to remove the 4 subject trees. Because the front Magnolia tree has some problems, and the fact that it is causing significant problems with the sewage lines, it is in the best interest of the client to have this tree removed which will provide the long term solution to future sewage issues and would avoid trenching and damaging the roots from the other Magnolia in the front yard.

In the back yard, its apparent that the English Walnut is in very bad shape and is becoming quite a liability to both my client and his back neighbor. The tree is very heavily leaning over the back neighbors roof line.

The Camphor is dead.

The Incense Cedar is in poo condition, is engulfed in Wisteria and sits in the middle of the proposed new home build plan.

RECCOMENDATIONS

I recommend that the 4 trees be removed, with suitable replacement trees being installed after the construction of the new home. I also recommend that the front Magnolia be removed as soon as possible so that my client can deal with the major sewage problem affecting his home.

If I can be of further assistance, please do not hesitate to call.

Respectfully submitted,

Paul Maguire
Maguire Tree Care, Inc.

ADDENDUM

After completion of the report, more information was provided by my client with the location of the current sewage drain line from his home to the street. As suspected, the line exits the front/left corner of the house and travels directly under the Magnolia Tree's (tree 1) trunk and root system. Below is a mock up photo showing where the sewage line exits the house. This location was confirmed by two independent Plumbers, who have been unsuccessful so far at clearing the blockage in the sewage line.





This photo is raw sewage that is pooling up because of the clogged lines



The below letter is from the plumber who is working on trying to clear the line, and is having a very difficult time doing so.



Lic # 978643

Customer Name: Brian Nguyen
Site Address: 445 Oak Court, Menlo Park, CA 94025
Phone: (650) 269 - 6300
Email: brian.nguyen@gmail.com

Dear Mr. Nguyen:

Over the last couple of days, my plumbing team has attempted to resolve your drain clog issue(s). The clog is significant. Even with the use of the industrial drain cleaner machine, we cannot clear it. We discovered that the 3" cast iron pipe has either been blocked or ruptured by the large steel in the front.

The best way to resolve this is by replacing the sewage pipe from the house to the sewer main at the street. This will require careful work around the tree and its roots, which may require special authorization and permit(s) from the City of Menlo Park.

Sorry for inconvenience that you are not able to live in your house. We will try our very best to resolve this issue as soon as possible.

Sincerely,

Hai Do
Lic # 978643

HAI DO | CONTRACTOR LICENSE # 978643 | DO CONSTRUCTION | 75 SOUTHWEST 5TH AVE | SUITE 100 | MIAMI, FL 33135 | (305) 595-2544

This is a very large problem, and because there are two very large Magnolia trees in the front, this problem would more than likely re occur. As you can see from the sewage exit line, working around that tree is extremely difficult. This next picture shows the placement of the other Magnolia in the front yard. I think its best to remove Magnolia number one, as previous stated, and route the line in an area where its clear of major roots. This would also reduce any impact on the larger Magnolia tree.



January 3, 2017

Members of the Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Use Permit Application and Proposed Development at 445 Oak Court.

To the Commissioners of the Menlo Park Planning Commission:

I am writing to express my objection to the development proposed for 445 Oak Court and ask that you consider the negative impacts to the neighborhood when you review the application. I live at 468 Oak Court.

I believe this home is way too big for the lot and is not in line with the character of the other homes on the street.

When I built my home at 468 Oak Ct twelve years ago, I worked very hard to preserve all the trees on the lot and complied with all the setbacks on my lot and did not apply for any variances. I also built my home with a design that complemented my neighbor's homes and did not "stick out" as a McMansion eye sore.

By stark contrast, the maxed-out development being proposed for 445 Oak Court is *dramatically* out of character. It is more than two and a half times larger than any other home in the neighborhood consuming almost all of the substandard lot. The design is an unattenuated 27'+ sheer wall cube. While this provides for the maximum amount of interior space for eventual resale, it detracts forever from the feeling and personality of the neighborhood.

Please work with the applicants to come up with a more reasonable design in line with our neighborhood character.

Thank you for your consideration.

Bob Arabian
468 Oak Court
bobarabian@gmail.com
(650) 996-4050

From: [John Kelly](#)
To: [Meador, Kaitlin M](#)
Cc: [Candace Hathaway](#)
Subject: Use Permit/Brian Nguyen/445 Oak Court
Date: Monday, January 02, 2017 5:47:43 PM

Hello Kaitie,

I have owned my house at 428 Oak court in Menlo Park almost 25 years and feel a deep connection to the neighborhood. Because of this I am very concerned by the Plans that Brian Nguyen has submitted to develop 445 Oak Court.

I feel that the destruction of two heritage trees and replacing one structure with three is completely out of character with the neighborhood and will result in a bare, crowded cityscape in place of the current and completely appropriate house and yard. This is not an appropriate use of a substandard lot.

Sincerely,
John J. Kelly

January 2, 2017

Members of the Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Use Permit Application and Proposed Development at 445 Oak Court.

To the Commissioners of the Menlo Park Planning Commission:

I am writing to express my objection to the development proposed for 445 Oak Court and ask that you consider the negative impacts to the neighborhood when you review the application. I live at 444 Oak Court and the proposed residence will be directly outside my living room and bedroom windows.

Since the lot is sub-standard, commissioners have the opportunity to consider the context of the development and direct the applicant to make modifications. As proposed, it is much too massive and unarticulated for the scale and character of the neighborhood.

Oak Court is a small “country lane” cul-de-sac off the creek along Woodland Avenue. It is one of the original residential streets in Menlo Park (since 1911) and one of the few areas that has been able to retain a unique pastoral character. There are a wide variety of architectural styles on Oak Court but they have a common denominator that creates our neighborhood character. All of the homes have architectural attenuation that softens the impact of their mass, offers interesting design elements, and respects neighbor privacy. Although this has not been legislated or directed, each homebuilder has contributed to sustaining the “sense of place” that defines Oak Court.

By stark contrast, the maxed-out development being proposed for 445 Oak Court is *dramatically* out of character. It is more than two and a half times larger than any other home in the neighborhood consuming almost all of the substandard lot. The design is an unattenuated 27'+ sheer wall cube. While this provides for the maximum amount of interior space for eventual resale, it detracts forever from the feeling and personality of the neighborhood. Why does this matter? Because neighborhood character is incredibly important to overall perception of neighborhood quality. It impacts the experience of quality of life and, ultimately, property values.

I encourage you to work with the applicants to identify a design for their “dream home” that does not create a neighborhood nightmare.

Thank you for your consideration.

Candace Hathaway
444 Oak Court
clhathaway9@gmail.com
(650) 208-6405

January 2, 2017

Members of the Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Use Permit Application and Proposed Development at 445 Oak Court

To the Commissioners of the Menlo Park Planning Commission:

My name is David Jones, and my wife and I have lived at 465 Oak Ct for over 10 years. Our home and property is directly adjacent to the proposed development (on the left side as viewed from the street). While we are supportive of the many remodels and residential redevelopments in our neighborhood and more broadly in Menlo Park, we will be directly and negatively affected by the proposed development, and the character of our neighborhood will be negatively affected. We ask that the use permit application not be granted without significant changes addressing our concerns.

We oppose the proposed development for 5 reasons, the first 3 are specific to our property and the last 2 are more broadly impacting our neighbors/neighborhood. They are: loss of privacy, loss of solar access, loss of significant sky view, negatively affecting the character of the neighborhood, and risks to and removal of heritage trees.

1. **Loss of Privacy.** The proposed new 2-story main residence has two components that directly and seriously impact our privacy – privacy in our entire backyard and privacy within our family/TV room through the windows. These components are:
 - a. The 5+ foot deep balcony off the second-floor master bedroom facing south has an open side and view toward and into our backyard.
 - b. Similarly, the southeast corner of the second floor has 3 windows on the east side of the 2nd floor that also have a direct view toward and into our windows and backyard.

We request that the master bedroom balcony should not be allowed to be built at all, and any windows on the back half east side of the second floor of the proposed main residence be either removed or must be constructed with a permanent privacy screen of some sort built into the windows (e.g., fixed translucent glass that allows light to enter the room but limits views and possible privacy impacts from the room, or some other permanent structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area). It's important that the privacy screen is permanent and cannot be removed by an owner or tenant after construction is complete.

2. **Loss of Solar Access.** The new 2-story main residence is so tall and so close to the property line and our home that it will block sunlight into: a) our family room windows (the only source of sun and light in our house), b) our garden and flowers outside of those windows, c) our exterior walls and roof, and d) the western portion of our backyard. The new 2-story main residence is a mere 14 feet 9.5 inches from our family room (see sheet number A-1.1 of the resubmittal document). It will also be 27 feet 4 inches tall, towering over our ranch style one-story home and backyard and blocking solar access.

The sun naturally heats the western side of the house and roof in the winter, saving on energy costs and reducing energy needs more broadly. This will be lost if the 2-story main residence is allowed to be built as is.

In addition, we have been planning to add solar electricity panels to our roof. The only location on the roof where solar panels make sense – per expert companies like SolarCity and SunRun (see appendix for SolarCity quotation excerpt re placement) – is directly above the family room in the southwest corner of our roof. The rest of the roof is covered by shade from the numerous heritage trees on our property, especially the silver maple heritage tree in the middle of the backyard. The only location recommended by Solar City for the solar panels is the exact area of the roof that will have reduced solar access from the proposed 2-story main residence. Reducing the total time the solar panels receive direct sunlight by 1 to 2 hours will reduce their energy output, cost effectiveness, and ROI. In short, the shadows, or blocked solar access, from the proposed 2-story main residence will mean we cannot add solar panels to our roof, thwarting our attempt to move towards renewable, clean energy and generating a direct higher net cost to us for electricity for every month, every year, and every decade going forward.

Since our home is generally laid out east-to-west, we get very little natural light into most of the rooms in our house that are located on the north side of the house. The back-side or south side of our home gets sunlight in the windows, but only into the master bedroom, the small kitchen, and the family room. The family room is the only room where we spend quite a bit of time during daylight hours. And, that is the only room that receives direct sun and sunlight into the entire house. Losing the sun coming into the family room windows, and generally darkening that whole side of the house and backyard in the afternoon and evening, will have a significant impact on our enjoyment of our home and our happiness.

The proposed new 2-story residence at 27 feet 4 inches tall also towers over our backyard, casting shadows in the afternoon and early evening across several areas of the backyard we use regularly. It will reduce our enjoyment because of the loss of natural daylight, but also because the backyard will become cooler earlier in the afternoon and evening. This means less usage and enjoyment and an increased use of propane heat lamps.

In summary, our understanding is that the daylight plane requirements that Menlo Park has in place are rather loose compared to other cities, and as a result, effectively only ensure daylight on adjacent properties during the middle part of the day. However, in this particular case – with a sub-standard lot that is very narrow, and a 27'4" high 2-story proposed new residence just 14 feet 9.5 inches from an existing one-story home, and directly on the west side of that home – these are extenuating circumstances that we request the Planning Commission take into account and require design changes that reduce or eliminate the loss of solar access to our adjacent property.

- 3. Loss of Significant Sky View, Replaced by the View of a 27+ Foot High Wall.** The 27+ foot high 2-story proposed new main residence blocks a significant portion of our view of the sky from our backyard in general and from our deck in particular (our family room windows, too). If approved, we will have the view of a 27+ foot high wall instead of westward views of the blue sky, sunsets, and stars at night.

Until reviewing the proposed development, we would have never thought as homeowners in a beautiful residential neighborhood that we might lose the right and ability to see blue sky to the west, beautiful California sunsets and stars – and have it replaced with the unpleasant view of a 27'4" wall – but that's exactly what will happen if the proposed development is approved.

We don't know of any building requirements related to this issue, but that does not detract in any way from the fact that this is a real issue for us as homeowners who are directly and negatively impacted by the proposed 2-story main residence.

The applicant has offered to put up some sort of trees to offset having to look at their 27+ feet high wall and house. However, we find this proposal both temporary and insufficient. The trees could take years to grow to the desired height. They could grow even taller and block even more sunlight and sky views. They could fail to grow high enough, or at all, or die and not be replaced. They could create other unintended issues downstream (canopy overhanging the properties, root structures so close to the buildings). We'd have no control over their pruning or care. And, even if everything goes perfectly for decades – very unlikely – this still only solves for blocking the unsightly view of a 2-story high wall, but it does not solve for loss of significant sky view and loss of solar access (in fact, it makes the loss of solar access worse because the blocking trees are even closer to our house and property.)

All three of these issues – loss of privacy, loss of solar access, and loss of western sky view – will significantly and negatively affect the quality of the countless hours spent in our backyard and home. It could very well also negatively affect our property value. Our beautiful ranch-style house with curb appeal, beautiful heritage trees around the property, and a wonderful green backyard with gardens, privacy, sunlight and beautiful views, will no longer be so wonderful with the proposed 27 feet 4 inches high main residence wall towering over the property just 14 feet 9.5 inches from our home.

At the Planning Commission meeting, I'll present some visuals that demonstrate the impact of these three issues.

4. **Negatively Affecting the Character of the Neighborhood.** The proposed development is massive and dramatically larger than any other property on Oak Ct. It is overbuilt and does not fit in with the character of the neighborhood.

Specifically, the total square feet of the proposed development is 6,139 square feet. The total livable area (which simply excludes the garage) is 5,650 square feet. Details are below:

Building	Floor	Area SF
Main Residence	First Floor	1,847
	Second Floor	1,366
	Sub-total	3,213
	Finished Basement	1,693
Second Residence	One floor	744
Garage	One floor	489
Total Square Feet		6,139
Total Livable Area (Minus Garage)		5,650

Source: 445 Oak Ct – Resubmittal.pdf from the Planning Department, sheet number A-0.

Let’s just pause for a moment and let that sink in – this is truly a massive development for the Oak Ct neighborhood.

Neither the 6,139 square feet of the proposed development nor the actual livable area of 5,650 sf – which will be heavily promoted when this completed development is put up for sale – are not explicitly stated anywhere in the submittal documents, perhaps because that would make it clear that it is a massive development.

(Only Building Coverage of 3,432.52 sf and FAL of 4,357.95 sf are clearly calculated and shown as those are some of the key metrics used for evaluating proposed developments.)

Note that the design for the basement include a 9-seat theater, a large recreation room with wet bar, a wine cellar, tech room and the 5th bedroom with full bathroom, so this is truly a finished basement fully part of the main residence.

How does 6,139 square feet of development compare with that of the 29 properties on the 300 and 400 blocks of Oak Ct?

Before sharing the results, let me first say a bit about the methodology of the analysis. I obtained property-specific data from an online real estate database that includes both county records and historical MLS listings. Then I took the higher of either source whenever there was a discrepancy on the Building Square Feet (as tax records are sometimes not current, but MLS listings where there is a listing for a property is usually correct), and added in the garage square feet to arrive at a total square feet. I would also typically include the finished basement square footage, however none of these 29 properties are known to have finished basements. The detailed data and analysis is in the appendix.

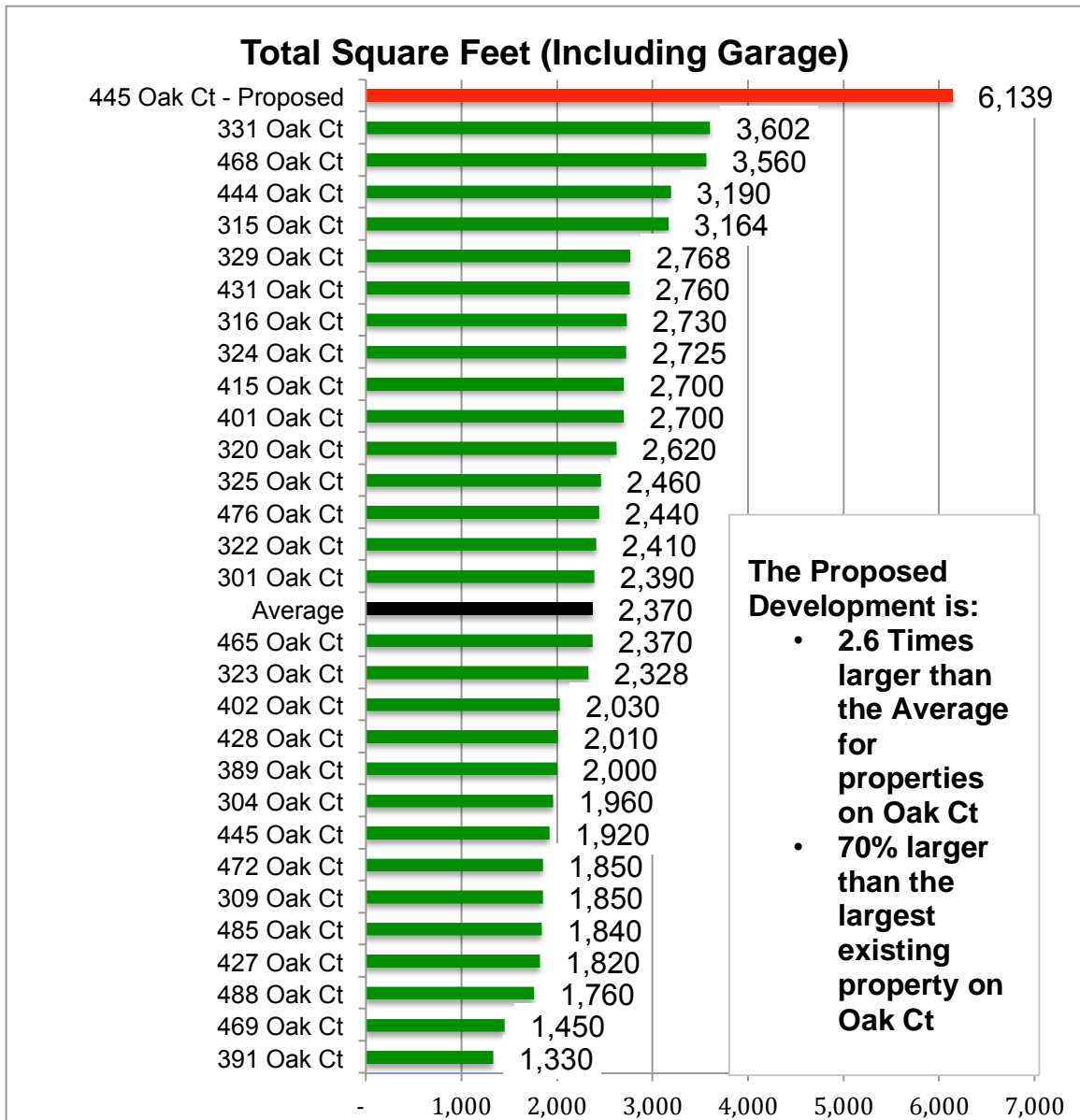
I understand in the past that some analyses like this have been dismissed as inaccurate or not done by someone with sufficient experienced. So, just to address any potential questions, I have a B.A. in Quantitative Economics from Stanford University, and for the last 25 years, I have done hundreds of detailed quantitative analyses for consulting

clients and the businesses I have worked at. See my LinkedIn profile at <https://www.linkedin.com/in/davidlawrencejones> for further information. I am extremely capable of correctly adding a few fields of data together and calculating percentages and averages. And, if you think real estate databases are not always correct, it is true that some data for some properties may be out of date or off. However, you'll see in the results below that I have kept the analysis very simple and at a high level so that the takeaways are crystal clear and compelling, and would not be impacted by any slight inaccuracies in underlying source data.

The results?

- **The average for the 29 properties in the 300 and 400 blocks of Oak Ct for Total Square Feet is 2,370 sf.**
- **The proposed development at 445 Oak Ct has a Total Square Feet of 6,139 sf.**
- **This is 2.6 times the average for the 29 neighboring properties.**
- **And, this is 70% higher than the current largest property on Oak Ct.**

To put that into perspective, see the following table.



Keep in mind that the lot size at 445 Oak Ct is not considerably larger than the other 28 properties around it on Oak Ct. In fact, 7 of the 28 other properties have lots that are larger than 445 Oak Ct. And, the largest is 26,000 sf, which is roughly twice the size of the lot at 445 Oak Ct. Therefore, the 445 Oak Ct proposed development is not massively larger than other properties because their lot size is dramatically larger than other lot sizes. It is simply very large, dense, and overbuilt, and maximizes square feet. You can see this in the data in the appendix, where the total square feet divided by lot size (the final column) averages 20% for the Oak Ct neighborhood, while the proposed development is 46%, 2.3 times the average.

Additionally, almost all of the other two-story buildings on the 300 and 400 blocks of Oak Ct, have setbacks or attenuation for their second floors, and they are typically on larger lots with greater separation from adjacent houses.

We believe that the new owners bought the property with the intention of tearing down the buildings, building the proposed development, and flipping it. There is considerable circumstantial evidence that supports this:

- They wildly overpaid for the property by 30% because they “knew” what they thought they could build on the lot and then what they could sell it for. After the death of the long-time owner, Harriet Lee, the house was listed at \$1.6 million. There were 2 offers on the house – one from a neighbor at \$2 million, and then the offer and final sales price from the applicant/current owner, which was for \$2.605 Million. This purchase price is \$605,000, or 30%, higher than the only other offer. Most young couples starting a family don’t overpay for an expensive property by 30%.
- While the owners represent themselves as a young couple starting a family and wanting to build their dream home, the house is owned by Brian and his sister, not Brian and Virginia.
- They both work in the real estate industry (developer/property management).
- Usually “dream homes” for a young couple hoping to start a family don’t max out the Floor Area to within a square foot of the Floor Area Limit. They typically have other designs and features in mind, like prioritizing a nice backyard for children to play in, maybe with a pool. (neither is the case for this development)
- Usually a couple buying and building their dream home typically have 2 cars, yet they have 3, including a contractor/construction-style pickup truck.

I could go on with additional circumstantial evidence. However, intention is difficult to prove up front – until it is too late and yet another maxed-out development is built under the auspices of being a dream home, then it’s sold, forever changing the character of the neighborhood.

This is being done everywhere – in Palo Alto just across the creek and elsewhere in Menlo Park. Developers are building large Spanish style mansions maximizing the square footage of the home, and then selling them soon after they are completed.

While the Planning Commission cannot prevent a developer from buying a property, building and selling it, it can prevent someone from forever changing the character of the neighborhood for the worse. Given the scale and density of the proposed development on this sized lot in this Oak Ct neighborhood, this “mega-mansion” or “compound” as many people call it, will negatively affect the character of the neighborhood. It’s up to you, the Planning Commission, to help prevent this from happening yet again in this neighborhood.

Finally, I'd like to highlight that the real estate market may be signaling that the Oak Ct neighborhood is not ready for a massively-developed and expensive property for sale like the proposed development at 445 Oak Ct.

- The largest house on Oak Ct just sold last month – 331 Oak Ct. It was essentially 2 new homes as they stripped the original house down to the frame and built a new house around it, adding more rooms to it, and tearing down the garage and building a second dwelling on the property, so when it was finished this summer, it went from 1,160 sf (in the tax records) to 3,350 sf (per MLS). It just became the largest house on Oak Court this summer, and it is gorgeous inside and out.
 - It was listed at \$3,888,888 on 9/16/16 and ultimately sold on 12/20/16 for \$3,400,000 after several price changes and weeks on the market. This is a 12.5% reduction from the original list price.
 - My interpretation of this information is that the market wasn't ready for a \$3.9 million, 3,350 sf (excludes the carport) property on Oak Ct.
 - Yet the applicant is proposing to build a 6,139 sf development – 70% larger than the one at 331 Oak Ct – on a lot that is only 24% larger (10,665 sf for 331 Oak Ct vs. 13,236 sf for 445 Oak Ct).
 - As a result, it is easy to conclude that the market very well may not be ready for the proposed development, which if valued at the same price per square foot (\$1,015/sf), would be approximately \$6 million.
5. **Risks to and Removal of Heritage Trees.** We are also very concerned about the heritage trees on the property and those on surrounding properties, the health and existence of which could very well be affected by the proposed development. We recognize the applicant has retained a well-respected expert as their consulting arborist and that efforts are being taken to protect the trees. However, several trees are particularly at risk, despite protection efforts, that we'd like to highlight.
- a. The two heritage camphor trees (T4 and T5) on the right between the applicant's driveway and the driveway of the adjacent property owner to the right, or west, side are significantly at risk since driveways on either side cover all but a strip of exposed ground that is less than 6 feet wide. Heavy construction equipment removing the existing driveway, and repeatedly driving over the ground above the roots over the course of both demolition of the existing structures and construction, could damage the third to a half of the root structure of each tree that is currently under the existing driveway to be removed.
 - b. The two heritage magnolia trees (T2 and T3) in the front yard have root structures that may be damaged by the construction of the basement. In order to build the "front wall" of the underground basement, excavation of at least 4 feet will be required in the direction of the 2 magnolias' root structures and the street. We are not aware of any mitigation efforts to address this risk, and worry that once any damage occurs, it will be too late to save the tree(s).
 - c. We have similar concerns about the heritage sweet gum tree (T1) to the right of our driveway on our property along the applicant's left property line. While a protective fence has been recommended by the arborist, we are concerned that construction of the light well and basement, and especially the required excavation for construction of the light well and basement, will damage the roots of the heritage sweet gum tree.

Please note that any suggestion of moving the proposed main residence further back

from the street to address heritage trees T1, T2 and T3 in points b) and c) above will significantly exacerbate the loss of privacy, loss of solar access, and loss of western sky view. Moving the building back, or deeper, into the property is not a good option, unless the main residence is redesigned to be only one story.

We could continue through the list of heritage trees at risk by this proposed development, but in the interest of brevity, I'll leave any further details to our neighbor(s) who we understand will be also commenting about the importance of protecting these heritage trees.

Solutions for Consideration

We ask that the Commission consider the following alternatives that could fully, or at least partially, solve for these impacts. **These are listed in preferred order from fully resolving these issues to only partially addressing these issues.**

1. **Change the design to only one-story buildings.** The applicant can build an amazing dream home – homes actually – that are spacious and beautiful, and do so with one-story homes (plus basement, as desired).
 - a. The example at 331 Oak Ct that just sold last month is a stunning example of how a beautiful, spacious one-story home with a detached secondary residence totaling 3,350 sf on a 10,663 sf lot can be built. The main residence is a 5BR/3.5Ba with 2720 sf, and the secondary house is a 1BR/1Ba 630 sf. (No basement.)
 - b. The applicant could accomplish the same result of coming within 1 square foot of the maximum FAL – presumably to maximize square footage and resale value – by building spacious and beautiful one-story residences. The maximum building coverage for the lot is 4,632.6 sf and the maximum floor area limit (FAL) is 4,359 sf. Since the applicant is proposing a building coverage of 3,432.52 sf (1,200 sf less than the maximum building coverage) and a proposed FAL of 4,357.95 sf (1 sf less than the maximum), the applicant could achieve the same overall proposed FAL all with one-story buildings, i.e., the maximum building coverage for the lot is not a constraint. Maxing out the FAL does not require a second story in the main residence. Also of note, a one-story design following all of the requirements would not even be sent to the Planning Commission (according to what I've been told by planning department staff).
 - c. This would solve for all 4 issues – privacy, solar access, loss of western sky view, and the character of the neighborhood. We strongly prefer this solution and we believe other residents on Oak Ct would as well.

2. **Second Floor Setback and Privacy-Related Changes.** This option has 4 components: 1) introduce a significant (12-18 feet) setback on the second floor along the left/east side, 2) do not allow a terrace/patio/balcony on or overlooking the newly created first-floor roof that results from the second floor setback, 3) do not allow any large window(s)/door(s) facing east overlooking the newly created first-floor roof that results from the second floor setback, and 4) do not allow the planned second floor southward facing master bedroom to have a balcony or terrace.
 - a. The second-floor setback would clearly reduce the square footage of the second floor significantly, and require layout changes as a setback would cut into space currently allocated to part of Bedroom 2, Bath 2, a closet, and the master bath.

- b. These changes would solve the privacy and solar access issues, but would only be a small improvement for the loss of the western sky view (assuming the peak of the roof would end up being slightly lower) and might be considered a small improvement in the issue that the proposed development negatively affects the character of the neighborhood.

- 3. **Move the 2-story main residence to the right, and move the garage and driveway to the left of the property.** This option requires re-orienting 2 of the 3 buildings to essentially place the new 2-story house roughly equidistant between both homes on either of the adjacent properties. Right now, there are 2 driveways between the proposed development and the home on the right, but no driveways separating the proposed development and our house on the left. This option would also need to not allow the 2nd floor master bedroom to have a balcony or terrace and address the privacy concern with the back left windows.
 - a. This option would solve for the privacy issue and the solar access issue, and partially solve for the loss of western sky view issue.
 - b. However, this option could only be achieved with the removal of the left front yard heritage magnolia tree (to make way for moving the driveway to the left), a tree we've fought to save and would still like to keep. As a result, while we present this option for completeness and because it does solve for several of the existing issues with only moderate changes to the proposed development, we cannot advocate for this option since it creates a new issue - it requires the removal of a heritage tree to implement it.

If none of these options are going to be implemented, then at the very least, the privacy issues with a) the second floor master bedroom balcony/terrace, and b) the "back left" corner windows – both overlooking our family room and the entire backyard – need to be resolved to our satisfaction.

There is a reason that sub-standard lots with proposed 2-story developments go in front of the Planning Commission for review and approval – it's because 2-story developments can cause significant impacts to surrounding neighbors and the neighborhood. That's exactly what's happening here – a sub-standard narrow lot results in a 2-story building towering over the adjacent one-story home and backyard, impacting privacy, solar access and blocked sky views.

Thank you for your careful and thorough consideration of these impacts of the proposed development on our adjacent/directly-impacted property, and those on the surrounding neighborhood.

David Jones and Edurne Jorda
465 Oak Ct

Appendix – Excerpt from Solar City Quotation

The only placement for solar panels that could work on our roof was in this precise location.

Solar System Design

Jones Residence



SYSTEM DESIGN

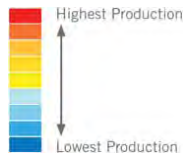
Estimated System Size
2.25 kW DC

Estimated Annual Production
1,992 kWh

Frame Type
Black



Panel Layout



Production Map

SYSTEM PRODUCTION

Annual Electricity Mix

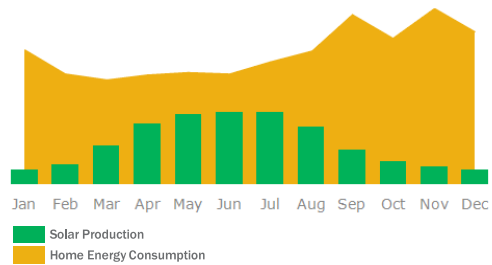
Solar
Electric



Electric Usage Offset **31%**

Electric Bill Offset **36%**

Solar Production vs. Home Energy Consumption



* Please note this proposal is an estimate and does not guarantee actual system production or savings. The system design may change based on a detailed engineering site audit. Actual system production and savings will vary based on the final system size, design, configuration, utility rates, applicable rebates and your family's energy usage. The electricity rates or lease payments set forth in this proposal are set by SolarCity. Utility rates, charges and fee structures imposed by your local utility are not affected by this proposal or any contract you may sign with SolarCity and are subject to change in the future at the discretion of the authority or entity that regulates or governs your local utility. © 2014 SolarCity Corporation. All rights reserved. CA CSLB 888104

Appendix – Analysis of Properties on the 300 and 400 Blocks of Oak Ct

Property Address	Lot Sq Ft	Bldg Sq Ft (TAX MLS)	Garage Sq Ft	2 Stories?	Building Sq Ft (Higher of TAX MLS)	Total Building Square Feet (incl garage)	% of Lot Size
301 Oak Ct	19,320	1,910	480		1,910	2,390	12%
304 Oak Ct	8,840	1,520	440	Y	1,520	1,960	22%
309 Oak Ct	9,500	Tax: 1,760 MLS: 1,850			1,850	1,850	19%
315 Oak Ct	9,548	2,704	460		2,704	3,164	33%
316 Oak Ct	8,500	2,310	420		2,310	2,730	32%
320 Oak Ct	14,600	1,920	700		1,920	2,620	18%
322 Oak Ct	9,120	1,900	510		1,900	2,410	26%
323 Oak Ct	8,800	Tax: 1,280 MLS: 1,568	760		1,568	2,328	26%
324 Oak Ct	10,752	Tax: 2,335 MLS: 1,500	390		2,335	2,725	25%
325 Oak Ct	11,150	1,870	590		1,870	2,460	22%
329 Oak Ct	10,736	Tax: 2,362 MLS: 2,378	390		2,378	2,768	26%
331 Oak Ct	10,665	Tax: 1,160 MLS: 3,350	252		3,350	3,602	34%
389 Oak Ct	9,315	1,530	470		1,530	2,000	21%
391 Oak Ct	9,000	1,100	230		1,100	1,330	15%
401 Oak Ct	16,200	2,320	380	Y	2,320	2,700	17%
402 Oak Ct	10,780	1,610	420		1,610	2,030	19%
415 Oak Ct	14,670	2,300	400	Y	2,300	2,700	18%
427 Oak Ct	10,250	1,390	430		1,390	1,820	18%
428 Oak Ct	10,752	1,420	590	Y	1,420	2,010	19%
431 Oak Ct	13,024	2,340	420		2,340	2,760	21%
444 Oak Ct	26,400	2,670	520	Y	2,670	3,190	12%
445 Oak Ct	13,600	1,180	740		1,180	1,920	14%
465 Oak Ct	7,885	Tax: 1,130 MLS: 1,990	380		1,990	2,370	30%
468 Oak Ct	12,400	Tax: 3,090 MLS: 1,020	470	Y	3,090	3,560	29%
469 Oak Ct	8,075	1,000	450		1,000	1,450	18%
472 Oak Ct	9,375	1,480	370		1,480	1,850	20%
476 Oak Ct	10,500	1,950	490		1,950	2,440	23%
485 Oak Ct	8,300	1,420	420		1,420	1,840	22%
488 Oak Ct	13,800	1,520	240		1,520	1,760	13%
445 Oak Ct Proposed	13,236			Y		6,139	46%
Average	11,581					2,370	20%

Detail	Resolution	Resolved?	Remarks
TREES: Concerned about adverse affects of Guest house on neighbor's Redwood Trees	TREES: floating a raft / structural slab foundation on grade and do not trench a perimeter footing, then the root system should be preserved adequately.	Y	Additionally, utility plans shall not obstruct, interfere, nor jeopardize tree root networks
PRIVACY: Top of Guest home windows too tall	PRIVACY: Guest windows will be changed to match Main, reducing height	Y	All windows consistent among all proposed structures
PRIVACY: Raise window sill of Guest to 36"	PRIVACY: Kept at 24" (from ground to bottom of window sill)	N	Irrelevant -- What does this even matter to neighbor?
PRIVACY: Raise height of Master balcony rail to 36"	PRIVACY: 36"	Y	
TREES: Concerns regarding "moderate to significant damage"/"destroy" neighboring heritage trees, "according" to arborist report	TREES: most trees are dying/dead and need removal to prevent fires.	Y	Only removing trees obstructive to new development; will not affect healthy trees on lot or neighbors's lots
PARKING: Expects 5-6 cars therefore expects more parking spots on property otherwise expects lots of cars to be parked in front of house = eyesore	Hypothetical issue imagined by commenter. No resolution needed.	N/A	Complaint with no merit. Cars will be parked in garage, and if guests stay the night, may use driveway
Assumes current owners are flippers. Expects owners to leave after project is complete	Hypothetical issue imagined by commenter. No resolution needed.	N/A	Complaint with no merit. Discriminatory language will not be tolerated.
Mature trees in backyard are jeopardized due to project	Trees are dying/dead. Were going to be removed regardless of project	Y	Only removing trees obstructive to new development; will not affect healthy trees on lot or neighbors's lots
Project too dense for lot	Subjective opinion. No resolution needed.	N/A	Design of proposed project is absolutely within allowance of Planning & Building guidelines
Expects owners to subdivide in 2 years	Hypothetical issue imagined by commenter. No resolution needed.	N/A	Complaint with no merit. Discriminatory language will not be tolerated.
TREE (T1): Sweet Gum on neighbor's lot; roots "could" be jeopardized by Pathway	TREE (T1): Pathway will be constructed using permeable pavers mounted atop the surface -- shall not affect tree roots.	Y	I requested Arborist to further strengthen the protocols for tree preservation to ensure absolute protection. Now included in updated Arborist Report for New Construction
TREE (T2): Magnolia on 445 property	TREE (T2): Mangolia Tree no longer applied for removal	Y	Contracted City Arborist, Deanne Ecklund, mentioned this tree did not look healthy so future monitoring is critical to avoid tree death/collapse, and inevitable damage to own and neighboring properties
PRIVACY: 2nd floor windows have direct sight into neighbor's backyard	PRIVACY: Opaque windows installed for Master Bath, Master Closet, and Bathroom windows (3 windows on second floor along East wall)	Y	Opaque windows will be used
PRIVACY: Master Balcony has direct sight into neighbor's backyard	PRIVACY: Lattice wood or vegetation will be planted along balcony as privacy screen	Y	Several options here. Also intend to plant tall Cypress Trees along property line (fence) between own lot and 465 Oak neighbor lot for enhanced privacy; they agree with tree choice
DESIGN: Afraid design will change neighborhood charm/openness/community feel	Design of house (Spanish style architecture) is not flashy, harsh, nor uncomplimentary.	N/A	In fact, there are other homes on Oak Court with similar design aesthetics.

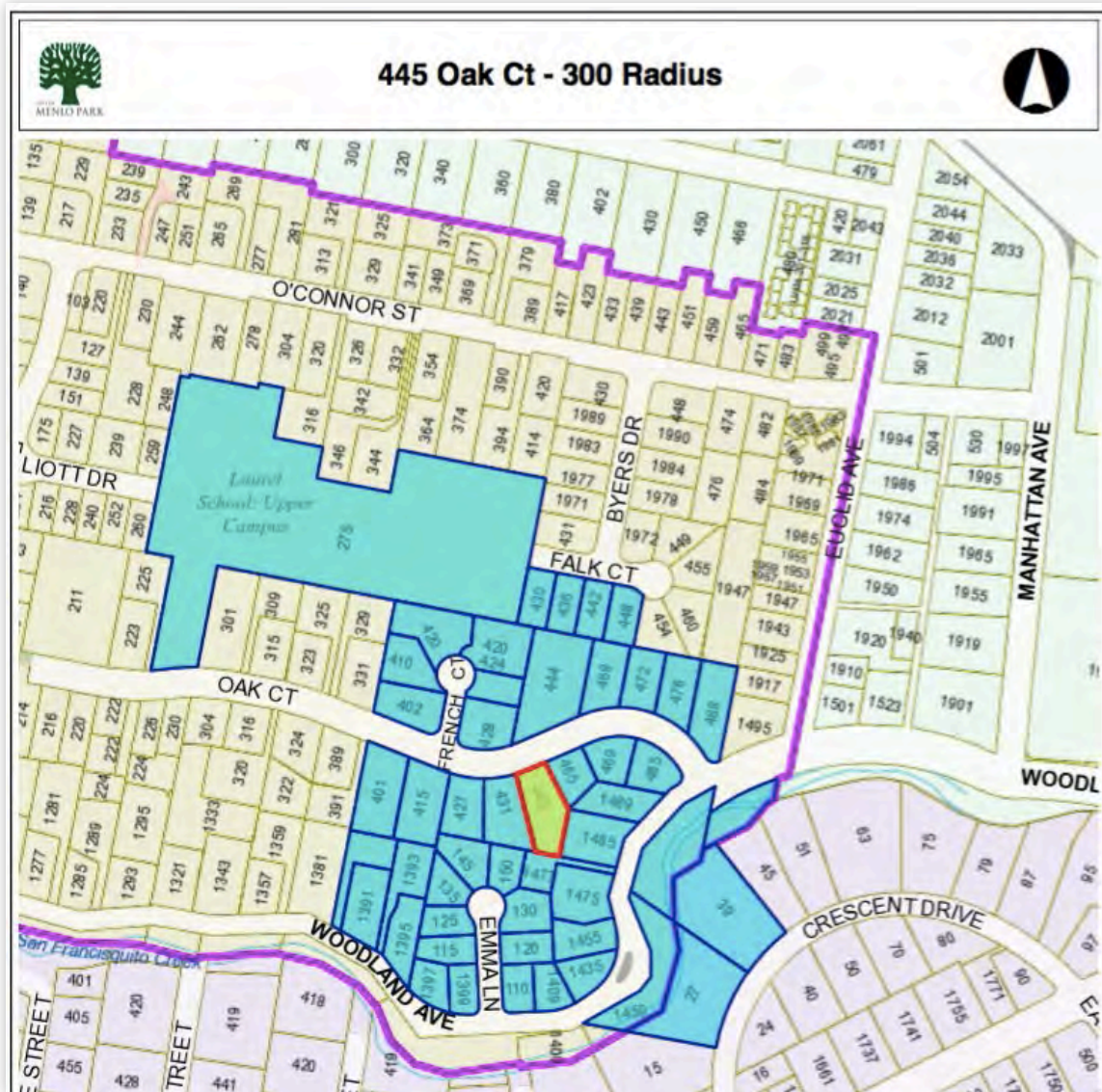
Project: 445 Oak Court – New Construction

Owner: Brian Nguyen

Subject: Timeline & Details of Neighborhood Outreach, and Positive Neighbor Responses

Date	Subject	Remarks
7/5/2016	Distribute Notice Letter to All Neighbors	Distribution coverage: 300 ft radius
7/14/2016	Receive 1 st Positive Response	From: 424 French Court
7/31/2016	Share plans, positive conversation (only)	From: 415 Oak Court
9/20/2016	Share updated plans, positive convo (only)	From: 415 Oak Court
9/20/2016	Receive 2 nd Positive Response	From: 427 Oak Court
9/20/2016	Receive 3 rd Positive Response	From: 427 Oak Court
9/21/2016	Receive 4 th Positive Response	From: 410 French Court
9/21/2016	Receive 5 th Positive Response	From: 1477 Woodland Ave
9/22/2016	Share updated plans, positive convo (only)	From: 431 Oak Ct
9/25/2016	Share updated plans, positive convo (only)	From: 465 Oak Ct

The following distribution map was provided by Ori Paz (City of Menlo Park, Planning Technician):



The following distribution list displays the addresses of all recipients that the Notice Letter was sent to (also provided by Ori Paz):

OccName	Name2	addr1	city	state	zip
CURRENT OCCUPANT		275 ELLIOTT DR	MENLO PARK	CA	94025
CURRENT OCCUPANT		110 EMMA LN	MENLO PARK	CA	94025
EVANGELINA SANTOS	OR CURRENT OCCUPANT	115 EMMA LN	MENLO PARK	CA	94025
SIDDHARTH RAM	OR CURRENT OCCUPANT	120 EMMA LN	MENLO PARK	CA	94025
CURRENT OCCUPANT		125 EMMA LN	MENLO PARK	CA	94025
BARBARA KENT	OR CURRENT OCCUPANT	130 EMMA LANE	MENLO PARK	CA	94025
SACHIN REKHI	OR CURRENT OCCUPANT	135 EMMA LN	MENLO PARK	CA	94025
LORI CALLAGHAN	OR CURRENT OCCUPANT	145 EMMA LN	MENLO PARK	CA	94025
MOHAMMAD REZA TRSHEIKHOESLAMI	OR CURRENT OCCUPANT	150 EMMA LN	MENLO PARK	CA	94025
GAD ZOHAR	OR CURRENT OCCUPANT	430 FALK CT	MENLO PARK	CA	94025
CHRISTINE SCOFIELD	OR CURRENT OCCUPANT	436 FALK COURT	MENLO PARK	CA	94025
INGEBURG IBROM	OR CURRENT OCCUPANT	442 FALK CT	MENLO PARK	CA	94025
LOMANGINO FELICE P	OR CURRENT OCCUPANT	448 FALK CT	MENLO PARK	CA	94025
CURRENT OCCUPANT		402 FRENCH CT	MENLO PARK	CA	94025
JEANNE DAVILA	OR CURRENT OCCUPANT	410 FRENCH COURT	MENLO PARK	CA	94025
CURRENT OCCUPANT		420 FRENCH CT	MENLO PARK	CA	94025
SANDRA LEE	OR CURRENT OCCUPANT	424 FRENCH CT	MENLO PARK	CA	94025
CHRISTOPHER JOHN WESELOH	OR CURRENT OCCUPANT	401 OAK ST	MENLO PARK	CA	94025
CURRENT OCCUPANT		402 OAK CT	MENLO PARK	CA	94025
HAROLD SWEENEY	OR CURRENT OCCUPANT	415 OAK CT	MENLO PARK	CA	94025
ROGER MURFF	OR CURRENT OCCUPANT	427 OAK CT	MENLO PARK	CA	94025
CURRENT OCCUPANT		428 OAK CT	MENLO PARK	CA	94025
SIMON HAYHURST	OR CURRENT OCCUPANT	431 OAK CT	MENLO PARK	CA	94025
CHARLES BERNSTEIN	OR CURRENT OCCUPANT	444 OAK CT	MENLO PARK	CA	94025
DAVID JONES	OR CURRENT OCCUPANT	465 OAK CT	MENLO PARK	CA	94025
BOBAK ARABIAN-KHOSHKHOU	OR CURRENT OCCUPANT	468 OAK CT	MENLO PARK	CA	94025
PHILIPPE DAVIS	OR CURRENT OCCUPANT	469 OAK CT	MENLO PARK	CA	94025
COURTNEY BRYANT	OR CURRENT OCCUPANT	472 OAK CT	MENLO PARK	CA	94025
CHARLES SCHWALBACH	OR CURRENT OCCUPANT	476 OAK CT	MENLO PARK	CA	94025
OMAR KINAAN	OR CURRENT OCCUPANT	485 OAK CT	MENLO PARK	CA	94025
BEACH	OR CURRENT OCCUPANT	488 OAK CT	MENLO PARK	CA	94025
MARK WHEELER	OR CURRENT OCCUPANT	1391 WOODLAND AVE	MENLO PARK	CA	94025
CURRENT OCCUPANT		1393 WOODLAND AVE	MENLO PARK	CA	94025
GILBERT MESEC	OR CURRENT OCCUPANT	1395 WOODLAND AVE	MENLO PARK	CA	94025
CALVIN LIU	OR CURRENT OCCUPANT	1397 WOODLAND AVE	MENLO PARK	CA	94025
V RAYMOND III SWOPE	OR CURRENT OCCUPANT	1399 WOODLAND AVE	MENLO PARK	CA	94025
WILLIAM EVANS	OR CURRENT OCCUPANT	1409 WOODLAND AVE	MENLO PARK	CA	94025
STEPHEN SCHOOLEY	OR CURRENT OCCUPANT	1435 WOODLAND AVE	MENLO PARK	CA	94025
CURRENT OCCUPANT		1450 WOODLAND AVE	MENLO PARK	CA	94025
KATHLEEN HOHALEK	OR CURRENT OCCUPANT	1455 WOODLAND AVE	MENLO PARK	CA	94025
BORISLAV DEIANOV	OR CURRENT OCCUPANT	1475 WOODLAND AVE	MENLO PARK	CA	94025
XIANMIN YI	OR CURRENT OCCUPANT	1477 WOODLAND AVE	MENLO PARK	CA	94025
ALEXANDER STRIFFLER	OR CURRENT OCCUPANT	1485 WOODLAND AVE	MENLO PARK	CA	94025
BARRY WADDELL	OR CURRENT OCCUPANT	1489 WOODLAND AVE	MENLO PARK	CA	94025
NATASHA CARLITZ	OR CURRENT OCCUPANT	1485 WOODLAND AVE	MENLO PARK	CA	94025
ROBERT SALDICH	OR CURRENT OCCUPANT	27 CRESCENT DR	PALO ALTO	CA	94301

Below is the copy of the outbound Notice Letter distributed to neighbors on **Tuesday, July 5th, 2016**:

Dear Neighbor --

July 5th, 2016

Hello from Virginia and Brian, your new neighbors at 445 Oak Court. We hope you are enjoying the beautiful summer season thus far! If we have not yet had the pleasure of meeting in-person, please do not hesitate to come by and say hello anytime (our contact information is below).

We are a young couple and look forward to raising our growing family in this wonderful neighborhood in the many years to come. We are writing this letter to you to inform you of our future plans to build a new home. The project scope includes a new single family residence with detached 2 car garage and secondary dwelling to replace the existing single family residence. The new residence is designed as a two-story home in a native California Colonial architectural style.

Our proposed residence will be constructed to retain the existing pattern of development. The new home retains the same setback distance as the neighboring homes as well as the existing home being replaced. The upper level is setback further from the lower level providing emphasis to its elements. The garage is detached and setback from the street providing a more pedestrian feeling to the streetscape and matching the architectural style of the main residence.

If you have any questions or comments, please feel free to contact us any time (email preferred).

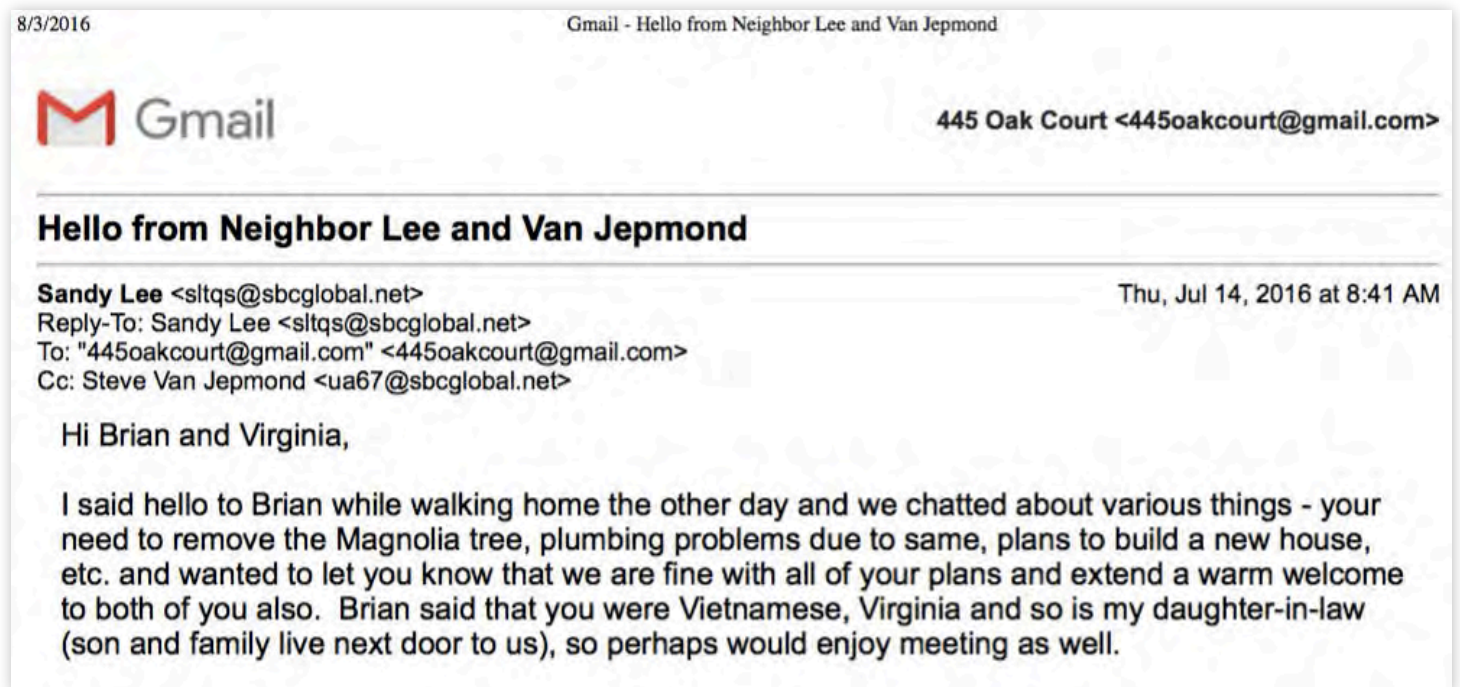
Sincerely,

BRIAN + VIRGINIA

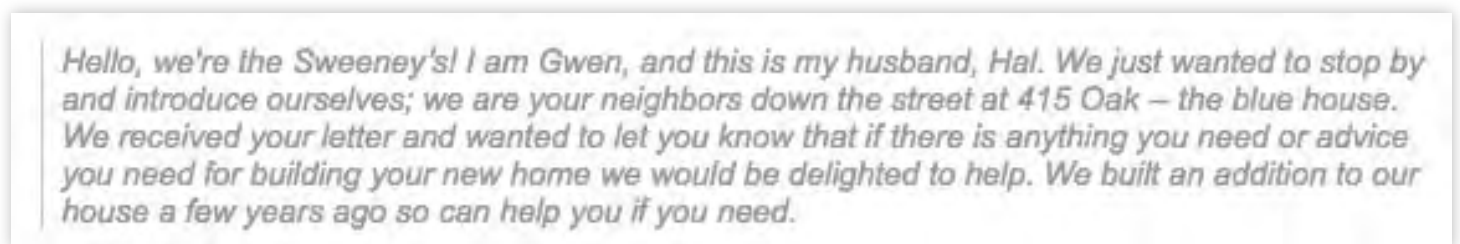
Brian & Virginia

The following includes the positive responses from neighbors received in chronological order:

Date: Thursday, 7/14/2016 @ 8:41AM
From: Sandy Lee (424 French Court)
Via: Email



Date: Sunday, 7/31/2016 @ 6:15PM
From: Harold & Gwen Sweeney (415 Oak Court)
Via: In-Person Conversation



Date: Tuesday, 9/20/2016 @ 7:00PM
From: Harold & Gwen Sweeney (415 Oak Court)
Via: In-Person Conversation

[Harold & Gwen Sweeney offered a formal invitation to view their home at 415 Oak Court to view additions and remodeling done to their home in the 1970s. They also offered advice regarding the process of adding a second floor, and the relevant permits and processes required to do so. They have been very gracious and welcoming towards our family, and our plans.]

Date: Tuesday, 9/20/2016 @ 10:11AM, 3:33PM

From: Greta & Roger Murff (427 Oak Court)

Via: Email



Brian Nguyen <briant.nguyen@gmail.com>

445 Oak Court

MARGARET KIM <gretakim@gmail.com>

Tue, Sep 20, 2016 at 10:11 AM

To: Brian Nguyen <briant.nguyen@gmail.com>

Cc: Roger Murff <rmurff@gmail.com>, Virginia Lam <5virginialam@gmail.com>

Hi Brian,

Thanks for running your project by us and talking with us about it - that was a really helpful conversation. Do you need neighbor support if your plans meet MP building regulations? We're really happy to have you and Virginia in the neighborhood.

That was really great news that you were able to preserve the heritage Magnolia in the front yard. Mature trees are the biggest asset for Oak Court, so the more we all work to keep the leafy, shady feel of the street, the better for all.

Our other concern was that the secondary dwelling looks too close to the 50' Coast Redwood in the adjacent yard. There is a dying 40 ft. Redwood on Woodland Ave. that is scheduled to be removed as a result of building too close to the root system so maybe relook at that structure.

We are excited for the new school and like the evolution of the neighborhood, but the more we can reflect the architectural vernacular and proportions, the better for maintaining the charm of the street. The house currently on the market down the street did a great job of that.

Hope that helps.
Greta



Brian Nguyen <briant.nguyen@gmail.com>

445 Oak Court

roger murff <rmurff@gmail.com>

Tue, Sep 20, 2016 at 3:33 PM

To: Greta Kim <gretakim@gmail.com>

Cc: Brian Nguyen <briant.nguyen@gmail.com>, Virginia Lam <5virginialam@gmail.com>

Hi - I'm kinda the silent partner on this stuff but let me just echo what Greta said:

- Very happy to have you in the hood
- We really like the trees and so anything that is good for trees is good for me
- It was great to be included in the planning process and to get a chance to drink some wine and get to know you. Let's do again but with our two very sweet dogs.

--

roger murff

rmurff@gmail.com | [206.851.2140](tel:206.851.2140) | www.rogermurff.com

Date: Wednesday, 9/21/2016 @ 7:30AM

From: Jonrie Davila (410 French Court)

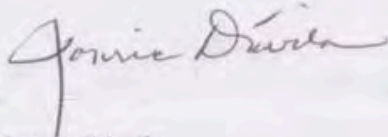
Via: Handwritten Letter

Sept. 21, 2016

Brian and Virginia,

Thank you for reaching out to me in regards to your plans regarding the construction of your new home on Oak Court. I think it will be a nice addition to our neighborhood and I look forward to continuing to get to know you both and your growing family in coming years.

Best,



Jonrie Davila
410 French Court
Menlo Park, CA 94025

(W) 650-725-4363
(L) 650-327-8047
(C) 650-823-3280

Date: Wednesday, 9/20/2016 @ 9:00PM
From: Wendy Dai & Xianmin Yi (1477 Woodland Ave)
Via: Letter

Xianmin Yi & Wendy Dai
1477 Woodland Ave
Menlo Park
CA 94025

September 20, 2016

Brian Nguyen & Virginia Lam

445 Oak Ct
Menlo Park
CA 94025

Dear Brian and Virginia,

Thanks for taking our opinions into consideration regarding building your new home on Oak Court. It seems to be a lot of work, however, we support your plan. Welcome to the neighborhood!

Also, thank you very much for giving us an update about the removal of the dying walnut tree. It is great to be able to remove it. Thank you very much for all your time and effort. Greatly appreciate it.

Have a great week.

Best,

Xianmin Yi & Wendy Dai


The image shows two handwritten signatures in black ink. The signature on the left is 'Wendy Dai' and the signature on the right is 'Xianmin Yi'. Both are written in a cursive, flowing style.

In addition to receiving positive neighbor feedback, we did receive some comments from neighbors addressing their concerns with the project. Additional outreach towards these said neighbors was conducted to address their concerns and to invite them to discuss plans in-person. However, not all have responded.

Date	Subject	Remarks	Status
Neighbor Comments Received			
8/15/2016	Receive Neighbor Comments via City	From: 444 Oak Court (C. Bernstein)	Received
8/15/2016	Receive Neighbor Comments via City	From: 444 Oak Court (C. Hathaway)	Received
8/15/2016	Receive Neighbor Comments via City	From: 485 Oak Court (O. Kinaan)	Received
8/15/2016	Receive Neighbor Comments via City	From: 427 Oak Court (Murff Family)	Received
8/16/2016	Receive Neighbor Comments via City	From: 465 Oak Court (D. Jones)	Received
8/22/2016	Receive Neighbor Comments via City	From: 1485 Woodland Ave (A. Striffler)	Received
Response Sent to Neighbors			
8/19/2016	Send Feedback to Neighbor	To: 444 Oak Court	Responded
8/19/2016	Send Feedback to Neighbor	To: 485 Oak Court	Responded
8/19/2016	Send Feedback to Neighbor	To: 465 Oak Court	Responded
8/19/2016	Send Feedback to Neighbor	To: 1485 Woodland Ave	Responded
8/19/2016	Send Feedback to Neighbor	To: 427 Oak Court	Responded

Below is the response letter sent to all neighbors included on the aforementioned list:

Date: Friday, 8/19/2016 @ 1:00PM
To: [Various Neighbors, See List Above]
Via: Email

 Brian Nguyen <briant.nguyen@gmail.com>

445 Oak Court - Update

Brian Nguyen <briant.nguyen@gmail.com> Fri, Aug 19, 2016 at 1:15 PM
To: clhathaway9@gmail.com
Cc: Virginia Lam <5virginialam@gmail.com>

Hi Candace --

This is Brian & Virginia from 445 Oak Court. We hope you are doing well!

As you know, we recently submitted an application for our new home. We would like to invite you over to review our plans and answer any questions or concerns you may have (however, if you're unable to visit, feel free to call or email as well -- we are always accessible).

Some updates to the plans:

- **Heritage Trees (on 445 Oak):**
 - **Magnolia Tree:** we have concluded a happy resolution and can avoid removing the Magnolia Tree in our front yard, which as may you know, has been an on-going issue that disrupted our plumbing back in March 2016. We received feedback from you and other neighbors to preserve the tree. After lengthy consideration of weighing options and additional subsequent effort, the tree will be able to remain for the neighborhood's enjoyment. We are very delighted. As such, we will rescind our application for its removal and the hearing scheduled for late September 2016 shall effectively be canceled. (I have communicated this request to the Planning Commission and am awaiting their response).
 - **Other Heritage Trees:** There are 3 other trees that we must proceed with removal for the following reasons (also cited on the Arborist Report):
 - Incense Cedar (located in middle of property): VERY poor health, obstruct to new construction
 - Camphor Tree (located in rear along back property line): DEAD
 - English Walnut (located in rear along back property line): DEAD (our neighbor at 1477 Woodland, who shares this tree along the property line, also requests its removal for safety reasons)
- **Heritage Trees (of adjacent neighbors):** There have been concerns that neighboring heritage trees may be potentially affected by new construction, which is completely unacceptable, and something we would never allow. In particular, there are 2 magnificent Redwoods on our neighbor's property (1485 Woodland Ave), and a Sweet Gum Tree (465 Oak Court). At first glance, it can appear alarming that construction could interfere or jeopardize the trees' root network. However, our architect and arborist have agreed to use structural Raft Slabs placed directly on top of the ground surface that requires no digging of footings. In addition, they will take high protocols to preserve these heritage trees during new construction. As explained to me and approved by the arborist, these methods will not harm the trees as the proper protocols are followed.

Beyond the tree issues, you may have further questions/concerns and if you'd like to visit our home in person to discuss them, let us know.

Thank you for your feedback, Candace, and have a peaceful weekend!

Best Regards,
Brian & Virginia

--
Brian T. Nguyen
briant.nguyen@gmail.com
650.269.6300

Aug 22, 2016

Dear Planning Commission,

I'm writing to oppose the Building Permit requested at 445 Oak Ct, Menlo Park, CA 94025. I am the neighbor at 1485 Woodland Ave. My backyard backs up to the side of the 445 Oak Ct backyard. Over the past 30 years, our house's previous owners and ourselves have had a strong relationship with Harriet who lived next door, even to the point of having a gate separating our two yards so that we could walk back and forth to share tea or the odd "cup of sugar." We expected some change from any new property buyer but are very concerned with how this is playing out currently.

I did not receive any formal notification of this construction permit in the mail and only heard about it from my neighbors who have expressed great concern regarding this building permit. The Nguyens bought 445 Oak Ct and immediately put into plans to raze the lot and build 3 new buildings, cutting down as many of the trees that they can, even exploiting planning department loopholes to do so. Given the speed and secrecy with which they worked - claiming they need to remove trees for the sewer and hiding the true nature of their intent to build a massive compound, it seems like the Nguyens are "flippers" who have no interest in actually living in the monstrosity that they create.

When I spoke to the Planning Department Aug 9 and met in-person on Aug 11th in-person, Katie informed me that the August 15 deadline was not really a deadline. I shared my concerns that the deadline was set for Aug 15, which is when most neighbors were on vacation and requested an extension.

Please re-extend the deadline for the neighbors who are on vacation in August. Please re-send new notices to the neighbors with a new deadline for feedback. Many neighbors did not hear about the developers construction plans and need time to study the developers requests.

I have summarized my concerns across 6 main themes:

- **Design Style & Impacts to the Neighbors & Neighborhood** - The developers choice of design elements does not include a regard for the pre-existing neighborhood and neighbors. In fact, they are proposing to change the neighborhood to fit their vision of an incongruent style and ecosystem.
- **Deforestation & Environmental Quality** - The developers have purchased a forested lot adjacent to the riparian San Francisquito Creek ecosystem and have exhibited every intention to apply deforestation to their lot and the adjacent surroundings through both directly and indirect actions using Building Code loopholes.

- **Lot Issues** -The developers have taken a brute force approach to building a 3 structure compound on this lot working to fit in maximum square footage instead of developing an integrated plan that flows with the surrounding neighborhood.
- **Privacy** - The developers have chosen not to embrace the adjacent neighborhood lot layouts, destroying neighbors' privacy.

Design / Style

A mediterranean style home in the current forested ecosystem at 445 Oak Ct near the riparian San Francisquito Creek presents problems that the developers have failed to address. Specifically, the developers are attempting to create a “hot dry” architectural style in a lot that normally sees tremendous shade and tree cover. In all the renderings of the designs, the developers are showing open air images which assume that they will be allowed to cut down the current trees in the area. They are proposing that they replace the cut down trees with large bush-style trees on either side of the front doors of their two dwelling units, which does not sufficiently replace the tree cover and canopy. Furthermore they are almost doubling the amount of paved driveway by pushing the current garage back about 40’ and including two new parking spots in the middle of their house lot, including paving for cars to turn around. Last, you can see that the renderings were chosen to make the garage look like it was attached to the 3rd new proposed structure on the property, making the compound look much less massive than it really is. Having 3 new massive structures on this lot, spread out in a random layout surrounding paved parking, with existing forest canopy clear cut is a poor design and does not embrace the creek-side ecosystem of the neighborhood.

Deforestation

It is clear from their design decisions that the developers do not want the current lush forest, tree-filled environment of the existing neighborhood. They want to cut most of the trees down, in fact, as many as they can as demonstrated by their plans and the lack of trees in the renderings.

Many people prefer to have abundant sunlight on their homes and do not like trees, but those people should not purchase forested lots. There are many other locations that do not already have trees. Why buy this gorgeous forested lot if you don’t want a forest?

There are several examples of the developers inappropriate tree removal plans:

First, I am shocked that the developers have the audacity to propose building a 700sq ft 3rd building (865 sq ft roof area) approx 8 feet from my massive Heritage Redwood Trees. Excavation and long-term weight of the foundation, plumbing and electrical lines would cause severe impacts to my tree. I don’t see how anyone can think that is a safe or healthy thing to do for the trees, unless they truly want to kill the tree. The developers may have paid an arborist to document construction instructions, but that does not mean that the arborist thinks it is a sane thing to do, nor does it mean that the contractors will follow the instructions. Given how much the neighbors want to clear cut the trees on their property, I have zero confidence that they truly care about this tree at all, nor do they care about the effects of impacting the root system of such a large tree. If this tree’s roots were to be compromised, it would put the lives of many of our neighbors at risk. In speaking with the MP Planning Department, I understand that the

developers even tried to place a bar/outdoor kitchen right next to our other large Heritage Redwood trees. Upon pushback from the Planning Department, the developers moved their proposed outdoor kitchen away from my other two Heritage Redwoods. I am amazed that the developers are willing to move an outdoor kitchen from my redwood trees, but not a whole house!!??

The developers are showing that they are willing to play with fire. Bluntly, they scare me. And they scare the other neighbors.

Second, the developers are requesting to remove some of the most beautiful trees along the property line of our two houses. Amazingly, these trees have a wonderful leaf that changes into a red color in the spring and creates a beautiful sparkle as the sun passes through them. They provide beauty, keep the surrounding area cool from the shade and act as a privacy barrier between our two lots.

Third, the developers are attempting to remove the trees along their back property line which also helps create the shade canopy and privacy barrier between their lot and the lot behind them.

Last, I'd like to address their attempt to use Planning Commission loopholes to remove the Heritage Magnolia in their front yard. They claim that they need a new sewer line because of the roots of the Magnolia tree affecting their sewer - but they are unwilling to simply hire a plumber to either root it out, or place a new trenchless sewer. They are attempting to remove the Heritage tree removal permit from the overall Building permit process claiming that they can't live in the home the way it is. This does not make sense because they are clearly trying to demolish the current house and garage and replace it with 3 whole new maximum size structures. Given the secretive way they have gone about this process, the only logical reason that they want to remove the Heritage Magnolia is that they want to install a massive new sewer line that can support 3 new structures and an outdoor kitchen! And, conveniently, they want to use the space from the removed tree in order to move a crane and construction materials into the site.

Therefore, under no circumstance should the City allow the developers to remove the Magnolia removal request from the overall building permit process. They are inextricably linked.

Instead, the developers should spend the time and money to route their new sewer line without affecting the Heritage tree, either with a trenchless sewer, hand digging or routing the sewer down the driveway. It is not fair for the city to create Heritage tree removal restrictions, but then simply allow these developers to purchase a property with Heritage trees and remove them at will.

If the developers are worried about the costs involved with the sewer, they should seek compensation from the property sellers, not from the current neighbors by cutting down valued Heritage trees.

Finally, the City needs to account for the fact that these trees create an ecosystem for the nearby San Francisquito Creek. This is not an urban environment. This is not just a developer's plan to maximize square footage and profit. This permit will impact the creek and how native wildlife and ecosystems move to and from the creek. They depend on the forest in our immediate area as much as they depend on the water from the creek. The wholesale clear cutting of trees will have extended impacts to overall ecosystem.

Overall Lot Issues

There are overall issues with the proposed lot layout.

First, the developers are attempting to move the current garage backward approximately 30-40'. Normally, this might be expected if the developers were going to build their secondary dwelling unit attached to the garage like you would expect to maximize the lot. Most housing developments are laid out driveway-to-driveway as a common architectural element. This allows neighboring detached garages to but up against each other and create open space on the other side of the yard. The developers of 445 Oak Court are not taking this design element into account and are not creating their 3rd building along the garage side. This is making their lot layout a patchwork rather than an integrated whole and ruining neighbor privacy in doing so.

Instead, the proposed lot layout has several issues. As previously mentioned, this needlessly gives the developers unwarranted reasons for cutting down the trees in the forested backyard. Furthermore, the developers are attempting to place two new parking spots and turn-around area within the center of the lot itself! By this request, the developers are attempting to mimic the famous Counting Crows song and "pave paradise, to put up a parking lot."

The developer's proposed backyard parking lot will further impact water run-off. By doubling the size of the paved square footage on the lot, the developers will create several issues. First, it's just plain ugly. We go from having a beautiful backyard to a parking lot, which will impact neighbor privacy. Second, the noise from cars starting, stopping, idling and alarms being clicked on and off, will definitely impact neighbors. Third, there will be nowhere for the rainwater to run-off to. Ironically, the owners will need to build a larger rain collection system - a bigger sewer line - which we already know affects their Heritage Trees. Fourth, adding surface level water run-off onto Oak Court will impact the routes to school for Elementary students attending the Upper Laurel Elementary school through a resultant "Oak Court Lake." Oak Court does not have a sidewalk due to its rural feel. The combined effect of the developers' requests to clear cut trees, plus paving the backyard, will deeply affect rain run-off.

I would like the City to perform an official Public Works review on rain water run-off.

Privacy

There are several significant issues with respect to privacy with the requested development:

In typical suburban layouts, houses back to each other so that the backyard backs up to the backyard. There is usually a very large “common sense setback” from the back of one structure to the back of the one behind it because of the two back yards that separate the two of them. And the setbacks we usually deal with guide the side-to-side distance between neighbors. We are in a predicament in our case because the city planners who divided our land knew we did not have a mirrored backyard neighbor, so instead they designed the 445 Oak lot to have its house as far forward (closest to the street) to give both of us privacy. By adding a 3rd structure (secondary dwelling unit) so far back, they kill the concept of a backyard and encroach on the privacy.

We would like the Planning Commission to look privacy impacting elements such as the main structure’s doors and windows and decks. Please consider raising the railings to create a privacy barrier, ensure window sizes are adjusted to code to minimize sound and light, outdoor lighting is minimized and set to timers and that decorative elements are added so as not to appear as an imposing wall.

Similarly, with the 3rd structure, we recommend moving the 3rd structure against the other fence along the driveway, integrating it with the existing garage. Also, window bases should be 36” from the ground. Top half-circle window elements should be removed for privacy and lighting concerns. Design elements should be added, such as shutters on the walls on either sides of the windows.

I would ask that the Planning Commission deny the developer’s request to install a parking lot in their backyard. The cars parking and car alarms going on and off in my backyard will be an invasion of privacy, especially considering the use of short-term rentals like AirBnB where multiple tenants will be coming and going.

By moving the 3rd structure to the driveway and integrating it into the garage, that will leave room for the new owners to use their lush backyard for recreation. As such, they can move their entertaining space farther back and create a more open feel. It won’t have the same “compound” feel that it currently has with all the privacy impacts.

I am also concerned about the air conditioning in this new compound. As local residents know, air conditioning is not needed in this area. The trees create shade and we see a 5-10 degree cooler feel here than anywhere else. If the developers clear cut the canopy, then they will be the single-handed cause of warming for their lot and the neighbors lot. Our neighbors should not be forced to install new air conditioners in our houses because of our neighbors lack of environmental concern.

The point on air conditioning also impacts neighbor privacy. Most neighbors leave their doors and windows open during the summer and happily enjoy the sounds of birds chirping and

leaves rustling. The maximum zoning attempt by these developers will be an unnecessary imposition on the neighbors affecting the audio privacy we have enjoyed for years.

To that point, the developers will have created a downward spiral. By clear cutting their forest trees, they will require greater air conditioning to cool the houses that are otherwise naturally cooled. In order to do compensate for their tree removal, the developers will need to install massive air conditioning systems which will generate hot air, blowing on neighbors yards. Furthermore, there will be a significant noise from the air conditioners that will affect the neighbors who sleep with their windows open. Air conditioners should be baffled, using the quietest ones available and moved to the driveway side.

Last, we have a backyard that intersects between 5-6 other homes. We are all cognizant of the impacts on leaving lights on in our backyards, minimizing the lights shining on each other. The new compound is likely to have many new lights coming from many new angles causing tremendous light pollution. Exterior lighting should be limited so that it is not left out all night. External lights should be set on timers or motion sensors.

Further Dialogue

Moving forward, I would ask that the Planning Commission deny the developer's requests and allow more time for neighbor review and input given the issues with adjacent neighbors who were not informed and not aware of the massive impacts of this proposed compound. Furthermore, we need more time for the Upper Laurel Elementary School commute inputs to be taken into account.

More time is needed to gather further inputs from neighbors, independent arborists, local school and transportation commissions, Department of Public Works, research into noise and light pollution, sewer line issues, electrical upgrades for electric vehicles, etc.

It is unfair to rush this through during an August month when most neighbors are out of town on previously scheduled vacations and unable to invest the time necessary to review in detail.

The developer has chosen to sneak their Heritage Tree Removal through a loophole and hide their true intentions to build a massive compound from their neighbors. The developers need time to invest in building a relationship with their neighbors. They may want to "flip this house" but will find that taking time to be part of the existing community is the best way.

Please deny the developer's permit request and delay review period into November. Thank you.

Alex Striffler
1485 Woodland Ave
Menlo Park, CA 94025

Charles D. Bernstein
444 Oak Court
Menlo Park, CA 94025
650-325-3365

August 15, 2016

Kaitie Meador, Associate Planner
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025-2483
[Also sent to kmmeador@menlopark.org]

Re.: Objection to Use Permit Application for 445 Oak Court

Dear Kaitie:

Please accept these comments on the application of Brian Nguyen for a Use Permit for 445 Oak Court. As you will see from my address, above, I live directly across from the subject property and I have lived here for 41 years.

General Comments

The only documents I have access to are the plans posted on the city's website and an arborist's report obtained by another neighbor. It is possible that my comments are not fully informed.

I have not met the applicant. However, it seems obvious that the applicant is either a spec developer, or an agent for a spec developer, who is intent on maximizing every possible dollar from this investment. According to online records, the 1,180 sq. ft., two-bedroom-one-bath property on 0.31 acre was listed for \$1.6 million and then pulled off the market and sold for \$2.6 million. The proposed development totals 6,051 sq. ft: it includes a 5,312 sq. ft. (including basement), five-bedroom-five-bath primary residence PLUS a 699 sq. ft. one-bed-one-bath secondary residence. That is too much for a substandard lot.

From available records, it appears that the applicant works for a real estate company, Bentek Properties. His girlfriend, Virginia Lam, who is co-signing letters distributed to neighbors, appears to be a senior executive at a family-owned business whose president is George Lam: AGH Management Corporation, a real estate investment, development, construction, and property management company.

The applicant's realtor, who shares a last name with him, works for GrandStone Real Estate Services. The two brokers

at the firm are both named Nguyen and there are several other agents named Nguyen. The brokerage's website (<http://grandstonerealty.com>) touts its financial, investment, and business expertise.

Real estate professionals deserve to have homes in neighborhoods of their choice. However, I have seen too many spec developers trot out their aging mother or new baby as props to convince neighbors of the sincerity of their motives not to be a bit skeptical. In the present case, the "growing family" includes the couple's dog, "Ness." It is, of course, impossible to know the applicant's precise motives. Regardless, he obviously intends to maximize his investment, leaving the neighbors to pay for and suffer the consequences of this massive overdevelopment.

Purpose of Use Permit is to Protect Neighborhoods

A Use Permit in Menlo Park can only be granted if the proposed use is not (Code § 16.82.030):

- "... detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or ..."
- "... injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city."

The applicant's own arborist's report is enough to deny the proposed project without further ado. Nevertheless, there are additional factors that will serve as rationale for denial.

The for-sale description of this house emphasized the nature of the neighborhood:

Charming two bedroom, one bath home on a sprawling 13,600 square foot lot located in the Willows neighborhood. This inviting home features a fireplace in the living room, built-in cabinets in the formal dining room, recently refinished hardwood floors, multiple large walk-in closets, and a detached garage with attached bonus room. The large backyard boasts mature trees and a separate patio area. Fantastic quiet location close to both downtown Menlo Park and downtown Palo Alto. [Zillow]

My goal is to retain the quality of the neighborhood, as described above.

Damage to Heritage Trees

The report of arborist Walter Levison, dated June 8, 2016, documents the damage to heritage trees, including those on the subject property and those on neighboring properties, as a result of the development (pp. 18-20). Moreover, the recommendations of the arborist to protect some trees, specifically, pertaining to excavation of the driveway, almost certainly cannot be implemented given the improvements proposed.

The for-sale description, above, mentioned the Willows neighborhood, which is known for its trees. It mentions the mature trees in the backyard, half of which are proposed for removal in this project, and all of which are threatened by the project, in large part because of the excavation for a large basement.

It is bad enough that the proposed development will have negative consequences for the subject property. That they have negative consequences for the neighboring properties is a result that cannot be ignored. The Use Permit for the project as currently defined cannot be approved because the detriment and injury caused by the development are obvious.

Incomplete and Misleading Application

Other required documents—Fire District report, flood elevations for FEMA, impervious surface calculations, and hydrology report—were not available on the city's website and may not have been submitted. These are important for assessing the impact of the development. For example, the Fire District would likely require one or more emergency exits from the basement, especially from the basement bedroom, which would encroach even further into the already minimum setbacks, further threatening tree roots.

The rendering of the front elevation is misleading because it suggests that the narrow lot is spacious enough for the proposed development. If people had wide-angle eyes, it might be possible to see it as portrayed, but they do not. The vantage point for that perspective would be somewhere in our yard, and the actual view would be obscured by a hedge, a tree, and plantings within our yard.

Similarly, the vantage point for the rendering of the secondary dwelling would be somewhere inside the primary residence. No observer could obtain such a view.

There are some unanswered questions raised by the application. Your "Notice of Application Submittal," for example indicates that the "secondary dwelling unit ... exceeds 700 square feet in size." However, the plans indicate that the unit is 699 sq. ft. Obviously, the discrepancy means that more needs to be known.

The report should include all relevant documents. The false renderings should be redone. All of this must be done before the project proceeds to a formal public hearing.

Too Much Density

The six-bedroom development would likely require more on-site parking than is required by code. The secondary unit would probably require two spaces and the five-bedroom primary unit could easily require three or four spaces.

Even with a scaled-back project, five or six parking spaces should be required. Without more onsite parking, neighbors will suffer the constant headache of cars parked in front of their homes.

One of the reasons a minimum lot width is required is the protection of privacy for adjacent neighbors. There is no other rationale for going to minimum setbacks for the proposed project except the desire of the applicant to maximize the size of the project and optimize the return on investment. Meanwhile, the minimum side and back setbacks, the addition of a second story a few feet away from adjacent homes, and the proposed removal of trees on the property lines will result in the loss of privacy for neighbors.

The project as proposed is too dense. Increasing the living space on the property six-fold is not warranted by the nature of the property or any "public benefits" that would accrue. The only beneficiary would be the investor. Protecting neighbors and the neighborhood is precisely the reason that substandard lots require a Use Permit, which should be denied for the project as defined.

Parking and Driveway are Insufficient

There is no way that three cars, let alone the likely five or six cars, can be manipulated on the property as shown.

The additional cars will end up on the street or on additional impervious surface installed either in the front or back yards.

For the density of this project, a double-wide driveway would be advisable. Alternatively, a parking pad could be added. Both of these have negative consequences for the development that would require redesign, but the property should be burdened with the solutions, not the neighbors or the very narrow street (that soon may have to accommodate school buses, without the benefit of sidewalks).

Prelude to a Subdivision?

Given the real estate background of the applicant and the relatively large size of the lot, it would be a short leap to a conclusion that the applicant intends to subdivide the property in two years prior to a sale. The drawbacks of the project as currently defined—and the adverse impacts on the neighborhood—would be magnified further if the property were to be under the control of two different owners.

It may be that the 7,000 sq. ft. minimize size for a subdivision would preclude the subdivision of this property, but it would not be unusual for a spec developer to proceed to step two of an incremental development process and seek a variance that would permit the subdivision. If a secondary dwelling is permitted, I ask that the city do whatever it can to preclude any future subdivision of the property, including a deed restriction.

Public Policy Considerations

This property was inhabited by a 92 year-old, barely mobile woman who lived there until her death. As a two-bedroom, one-bath residence, it is an ideal home for a young family, a senior couple with occasional visitors, or a single professional using one bedroom as an office. As currently designed, the home would become practical and affordable only for an upper income, very large family. While a homeowner would normally have the right to expand his home, a substandard property owner does not have the right to do so. Violating normal standards to make the home unaffordable and unusable by the majority of potential residents violates the norms of Menlo Park's public policies.

Letter re Use Permit for 445 Oak Court, 8/15/16, p. 6

The two-bedroom home is currently accessible (or "near accessible" legally) to disabled or elderly people. Adding a basement and a second story without an elevator would make the home inaccessible, thereby removing one unit of accessible housing from the city's stock. Even if the secondary dwelling unit were accessible, the total accessible units on the property will not have increased, so no "bonus" should be awarded.

There are few residents who require five bedrooms. Even then, there is a sixth bedroom available in the secondary unit. Because a larger home is economically more valuable, it would increase the purchase price or even lease cost for a smaller family. In a leasing situation, the home could be rented to four or five adults (like Stanford students), perhaps even more, requiring many more parking spaces than the two normally required.

Ultimately, the property would serve the needs of very few families. Once built, it would become unaffordable for almost all existing Menlo Park residents. In an economic downturn, it would likely be affordable only if used as a boarding house or pseudo-apartment building. None of this is in the public interest. It clearly degrades the neighborhood.

* * * * *

If substantially modified, this project could complement the neighborhood. That would require elimination of the secondary dwelling, the basement, and, perhaps, the second story. If that were done, trees would be saved, privacy would be maintained, and parking would be adequate. I trust that the Planning Division will work to protect the character and integrity of the neighborhood in this matter.

If you have any questions, you may reach me at my office (650-424-1155, X1).

Yours truly,



Charles D. Bernstein
650-424-1155 (w)
cbernstein@headsup.org

CDB/ms

465 Oak Ct
Menlo Park, CA 94025

August 15, 2016

Kaitie Meador, Associate Planner
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025-2483
(Also sent to kmmeador@menlopark.org)

Re: 445 Oak Ct Use Permit Application

Dear Kaitie:

My wife and I would like to provide our comments on the new planned development at 445 Oak Court, adjacent to and directly impacting our property. We live at 465 Oak Ct, to the left of 445 Oak Ct when looking at it from the street.

1) Privacy from second floor windows with view into our backyard — We have a small property with a small backyard that represents our only outdoor privacy for our property. We bought our house with the reasonable expectation that a new 2-story home would not be built with second-floor windows and balcony providing clear view of our backyard, yet that is the case with the planned development. (Note that the vast majority of houses on Oak Ct are only one story.) We can't build a fence high enough for visual privacy, and there is little room between our current house and the planned 2-story building along our shared property line to plant tall, fast-growing trees to provide visual privacy. We would like to request that the developer not be allowed to put in windows on the northeast / left side of the house on the second floor – specifically for the walk-in closet, master bath, and bath 2 (per sheet number A-3.1). And, if that is not possible, then we request that these windows be very small with non-transparent / opaque glass. I know that's very specific, but that would solve the problem and is a reasonable request.

2) Privacy from the second floor backyard master bedroom balcony with a view into our backyard — We have a similar problem with this balcony, as the left side of the balcony when standing on it would, again, provide an unrestricted view to virtually our entire backyard. We request that the balcony be required to have a solid wall or some non-see-through material (e.g., lattice wood) on the northeast / left side of the backyard second floor balcony. This is a reasonable compromise, as they will be looking primarily straight out their balcony to their well-developed backyard and shouldn't be looking into our backyard.

3) Tree T1 - the Sweet Gum tree on our property, not theirs, is likely to be damaged or killed by the planned development. Their arborist report (by Walter Levison / WLCA) states on page 18 that there are minor to moderate impacts from the planned development due to the depth of the cut for the pathway. They recommend a 5 to 7 foot radius root protection fence, yet the report also states the canopy spread is 18 feet, and most root structures continue out to the drip line. In short, I don't think a pathway for their development should be putting a heritage tree on my property at risk. The pathway shouldn't damage the roots of my heritage tree, or the pathway shouldn't be built. Or the pathway should be altered so that the roots are not damaged. Or, the entire building with pathway may need to be pushed back several feet to avoid injuring the root system of this heritage tree.

4) Tree T2 — the Southern Magnolia on the left side of the front yard — This tree is slated to be removal per the site plan. In fact, the plans have assumed this to be the case, so the plans don't contemplate the planned development's impact on this tree. However, the tree exists, is in medium condition (according to an independent arborist report I have in my possession and that I can share with you) and the fungal disease at the root crown can be treated.

The request for heritage tree removal of this tree is currently under appeal by several neighbors (including myself). The appeal is scheduled to be heard by the Environmental Quality Commission (EQC) at the end of September. We believe we have sufficient grounds for the removal to be prevented, so you should not assume in your assessment that this tree will not exist.

The current owners blamed the tree for a sewer line blockage or rupture, and requested the tree to be removed essentially for the convenience of repairing that sewer line. We have information from a sewer line specialist who repaired and replaced sewer lines on Oak Ct and an arborist who has cared for that tree previously, and another arborist, none of whom have ever had to remove a heritage tree to repair or replace a sewer line. In addition, the concept of removing a beautiful heritage tree, in order to fix a sewer line, to an old house that won't be there in a few months, simply defies logic. Unless, of course, the owners wanted to find a way to remove the tree before their planned development is evaluated.

Because of our appeal and the scheduling of the hearing, it now looks like the appeal will be heard around the same time as the use permit application will be evaluated by the planning commission. If we lose the EQC appeal, we will further appeal this to City Council, which will take another month or two to be resolved. As a result, the heritage tree removal appeal will not be resolved before your review and recommendations to the planning commission on this use permit. As a result, you will have to evaluate whether they should be allowed to remove another heritage tree for this project (keep in mind, they are removing others, and impacting adjacent-property heritage trees, too).

I believe the reason they tried to get the tree removed before the planned development is that a 4-foot excavation out towards the street and heritage tree T2 from the front wall of the future basement will clearly require them to cut major root systems of that tree, injuring and probably killing the tree. I suspect they wanted it removed beforehand so this didn't cause problems with their use permit application, or the subsequent construction process itself.

I don't believe they should be allowed to remove the heritage tree for convenience. I don't believe they should be allowed to damage the root system of a heritage tree in order to build a basement (a feature that is rare in the Willows and designed to maximize the square footage and value of the property).

As a result, the best solution would be to move the 2-story building further back away from the street so as to not damage the heritage tree's root system. Since I am told the root system extends out to the drip line of the tree, and the tree's drip line is close to the current structure's front wall and the new building's planned front wall, then if the excavation width required for construction is 4-feet for the basement, then maybe they should be required to move the new 2-story house 4 or more feet further back from the street to prevent damage to the root structure of this magnolia heritage tree. (This has the added benefit of not damaging the root system of tree T1 — the Sweet Gum heritage tree on my property (see the earlier point on this).)

The owners of 445 Oak Ct have a large lot and can build a large house with multiple dwellings on it, all without damaging or removing heritage trees. It is the responsibility of all homeowners in Menlo Park to protect heritage trees. There is no reason to maximize space and square footage of multiple dwellings on this project by taking down heritage trees or injuring them.

5) Impacts on several of the heritage trees both on the 445 property and adjacent properties — Candace Hathaway has done a thorough job detailing neighbors' concerns with the planned development and the impact on many trees on the 445 Oak Ct property, and several off of their property. My wife and I agree completely with her points.

6) BBQ and Pizza Oven Area. This will be built right next to our backyard cottage – just feet away from it. I hope the BBQ and Pizza Oven area will be built to code without exceptions, and that they will have proper ventilation so as to not negatively affect the air quality for visitors staying in our cottage. We don't want the smells permeating the walls, the bedding, etc. I also hope the BBQ and Pizza Oven area and walkway in no way can be allowed to impact the health of heritage tree T11, one of the two Sequoia Redwood trees at risk from this development (T10 is the other one) – please review the arborist report in detail for this.

If you have any questions, I can be reached at davidlawjones@gmail.com or 650-678-2208.

Thank you very much for your kind attention to these matters.

Regards,

David Jones & Edurne Jorda-Sierra

From: [Greta Kim](#)
To: [Meador, Kaitlin M](#)
Cc: [Roger Murff](#)
Subject: 445 Oak Court / Comments & Questions
Date: Monday, August 15, 2016 4:08:23 PM

Hi Katie,

Thank you for the notice regarding the project at 445 Oak Court. I am a neighbor at 427 Oak Court, 2 houses down from the project site.

Apologies for not submitting questions and concerns prior, I was out of town last week. I was very surprised to see the drawings and plans. Brian and Virginia Nguyen introduced themselves and said that they were excited to be in the neighborhood and planned to do a remodel and start a family. The square footage and proposed house, secondary dwelling and garage seem like they are developing the property for an entirely different reason. It looks like they are getting around setback regulations by using ADA compliance to maximize the lot. The most troubling aspect of the proposed demolition and building is that they plan to remove so many heritage trees.

My husband Roger Murff (cc'd on mail) chose Menlo Park in 2012 for the mature trees and leafy neighborhoods (and of course fantastic schools). We rented a house at 225 Oak Court and liked the street so much that we purchased a house on the same street. Trees are such a signature, natural element of Menlo Park; the more that we can all retain those valuable assets the better, right? Some developers and builders have an attitude that trees are a crop and make building more difficult, but responsible building is possible. I shared a Sunset Magazine article with Brian and Virginia about how to build houses responsibly and preserve trees, no response.

A few comments:

- The 25' ft Magnolia in the front yard should be retained if at all possible, it provides a nice canopy over the street.
- The secondary dwelling looks too close to the 50' Coast Redwood along the east elevation and exceeds setback distance.

Hope this is useful information in case you haven't seen the site. Let me know if you need photos or further information to save you a trip to the site.

Is there a good time to meet to review the drwgs.? Please let me know what works well for your schedule this week or next.

Best Regards,
Greta Kim & Roger Murff

427 Oak Court
Menlo Park, CA 94025
T: 415-290-5906

444 Oak Court
Menlo Park, CA 94025

August 15, 2016

Kaitie Meador, Associate Planner
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025-2483
(Also sent to kmmeador@menlopark.org)

Re: 445 Oak Court Use Permit Application

Dear Kaitie:

I am writing to object to the development proposed for 445 Oak Court. It would have a significant negative impact on neighborhood character and be a violation of the Menlo Park Heritage Tree Ordinance.

The arborist report prepared for the project states that one heritage tree would be removed from the property "per site plan." This assumption is made in spite of the fact that six neighbors are currently appealing the removal of this tree. In addition, the arborist report states that the proposed development would "significantly damage and potentially destroy" the roots of another heritage tree on the property, cause "moderate damage" to a neighboring heritage tree, and cause a "severe impact" on four more neighboring heritage trees. These detrimental impacts are all due to an overly aggressive project that does not fit into the existing neighborhood.

Oak Court is a country lane without sidewalks or street trees. Instead, large healthy trees on private property provide its streetscape and create a unique character that is a beautiful and natural habitat extension from the adjacent San Francisquito Creek. Unfortunately, we recently lost four neighborhood heritage trees due to prolonged drought conditions. This loss of our precious urban forest is a situation that is all-too-familiar in Menlo Park. To lose or threaten seven additional heritage trees for the sake of maxing out the development potential of a substandard lot is both irrational and irresponsible.

The Menlo Park City website makes the following statements about our Heritage Tree Ordinance (*italics added*):

"The primary purpose is to protect and preserve the scenic and natural environment of the city, prevent erosion of topsoil and sedimentation in waterways, encourage quality development, provide shade and wildlife

habitat, counteract pollutants in the air, and decreased wind velocities and noise."

"The primary intention of the ordinance is to ensure that there will be a significant population a large, healthy trees over the long-term in Menlo Park."

"Heritage trees are required to be preserved and maintained in a state of good health. The intention of this provision is to require reasonable measures such as correct watering, periodic inspection, proper pruning and not engaging in practices that are detrimental to the tree."

"Requires any person who conducts grading, excavation, demolition or construction activity on the property to do so in a manner that does not threaten the health or viability or cause the removal of any heritage tree."

The website also states that there may a consideration for removing a heritage tree if there is *"the necessity* to remove the tree or trees in order to construct the proposed improvements to the property." The arborist report for 445 Oak Court states that a neighbor's 85' tall coast redwood in good condition would sustain "Possible severe impacts to canopy and root system due to proposed new walkway, BBQ, and pizza oven." I cannot imagine how this qualifies as a necessity in a city that values and protects its heritage trees.

It is not necessary to remove or cause severe damage to the heritage trees on and adjacent to 445 Oak Court in order for the applicants to improve the property. A less aggressive plan that respects the character of the neighborhood and the irreplaceable value of our heritage trees should be proposed.

Candace Hathaway
444 Oak Court

From: [Omar Kinaan](#)
To: [Meador, Kaitlin M](#); [PlanningDept](#)
Subject: [Sent to Planning]Use Permit Application for 445 Oak Court
Date: Monday, August 15, 2016 5:05:41 PM

Dear Planning Department,

I am writing to object to the application for 445 Oak Court. I am 100% against any plan that requires the removal of healthy heritage trees. The fact that this application is even considered when it calls for the removal of healthy heritage trees, clearly jeopardizes other heritage trees on the lot and moreover, jeopardizes heritage trees on neighboring properties makes no sense to me at all.

While I am a big supporter of individual property rights I would like to make the point that heritage trees belong to the neighborhood.

I urge you to limit or augment the plan so as to protect the heritage trees at 445 Oak Court and the surrounding neighborhood.

Thanks for your consideration.

Omar Kinaan
Realtor, GRI, CDPE, CLHMS,
Certified International Property Specialist
Dreyfus Sotheby's International Realty
650.776.2828
CalBRE #01723115



STAFF REPORT

Planning Commission

Meeting Date: 1/9/2017
Staff Report Number: 17-002-PC

Public Hearing: Use Permit/Peter Impala/720 Menlo Avenue

Recommendation

Staff recommends that the Planning Commission approve a request for a use permit for the sale of alcohol to include the consumption of beer or wine on the premises within a restricted area of an existing grocery store (Trader Joe's) at 720 Menlo Avenue in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The applicant is simultaneously applying for a Type 42 California Department of Alcoholic Beverage Control (ABC) License. The recommended actions are contained within 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 subject property is located on Menlo Avenue between Curtis Street and Chestnut Street, in the Downtown area. The parcel includes a private parking area at the corner of Menlo Avenue and Curtis Street. The surrounding properties are also located in the SP-ECR/D zoning district. Using Menlo Avenue in the north to south orientation, the parcel to the north and across Curtis Street is occupied by a salon and personal service uses. The parcel to the south and across Gilbert Avenue is developed with offices. The properties to the west and across Parking Plaza 7 are a combination of retail and service uses, which include Bank of the West. The properties to the east and across Menlo Avenue are developed with an office and multifamily residences. A location map is included as Attachment B.

Previous use permits

The subject site has been occupied by various grocery and market uses, and Planning Commission has reviewed several architectural control and use permits for changes of use and renovations to the original building over the years. The current occupant, Trader Joe's, is a grocery store operating with an off-sale beer, wine, and distilled spirits license originally granted by the ABC in 1992. The license has been continuously held since that time.

Analysis

Project description

The applicant is proposing to add on-site beer and wine consumption for tastings at the existing grocery store, Trader Joe's. The store currently provides off-site sale and consumption of alcoholic beverages. The overall store operations would not change, and the tasting hours would be consistent with the regular store hours of 8:00 AM to 9:00 PM daily. The project plans indicate restroom and other layout changes unrelated to the proposed tasting area; however these changes are not part of this use permit and are being processed through a separate building permit. The applicant has submitted proposed plans (Attachment C) and a project description letter describing the proposal in more detail (Attachment D).

Trader Joe's is intending to add tastings to the store to offer customers sample amounts of beer or wine that is available for purchase in the store. Specifically, the applicant is proposing to continue the existing Class 21 ("Off-Sale General") license and add a Class 42 ("On-Sale Beer & Wine – Public Premises") license. The primary distinction between the two license types is that the proposed Class 42 license would allow the sale of beer and wine for consumption both on and off the premises. The Class 21 license type permits minors within the overall grocery store; however, the Class 42 license would not allow minors within the tasting area specifically. All employees administering the tastings would be trained in standard practices of safe distribution of beer and wine, and all customers entering the tasting area would have their identifications (IDs) checked.

To facilitate the on-site alcohol consumption, a permanent tasting area would be constructed in the rear southeast corner of the store. The tasting area would be located near the alcohol beverage selection and visible to cashiers and managers at the front of the store. The total tasting area would be approximately 105 square feet in area. The tasting area would be enclosed by a four foot cedar wall and include a counter for drink service. The proposed walls would delineate the permitted tasting area from the rest of the store. No seating would be provided in the tasting area to discourage excessive alcohol consumption and promote the area as a tasting only area.

A review of the online ABC License Query System for 720 Menlo Avenue found the existing license in good standing, with no current or historical disciplinary activity. The Menlo Park Police Department was also consulted with regard to the application and indicated no concerns with the proposed Class 42 license. If the use permit is approved, any future citation or notice of violation by the ABC or similar agency could be grounds for considering revocation of the use permit (condition 4a). A listing of common ABC licenses and their basic privileges is included as Attachment E. Staff believes that the proposed sale of beer and wine on-site would be consistent with the services of similar businesses elsewhere within the city. In particular, both BevMo (700 El Camino Real) and the recently-closed Beltramo's (1540 El Camino Real) have used Type 42 ABC licenses to offer tastings, and Safeway (525 El Camino Real) and Willows Market (60 Middlefield Road) have used the similar Type 86 ABC license to conduct limited tasting events. Staff is not aware of any recurring issues with these businesses' operations.

Correspondence

In addition to the City's public notices, the applicant mailed a project announcement letter to the occupants of the properties within a 500 foot radius of the subject property (Attachment F). Staff has not received any correspondence as part of the public notices.

Conclusion

Staff believes that the proposed sale of beer and wine for consumption on the premises is consistent with the services of similar food and beverage retailers elsewhere in the city. The proposed tasting area would be a small area relative to the overall size of the store and would not contain any seating to ensure the use of the area for tastings only. The applicant would address safety concerns by requiring safe alcohol service training for employees. The applicant has operated this store for a number of years in good standing with the ABC. The use permit would be subject to revocation in the case of an ABC citation or notice of violation. The Menlo Park Police Department has reviewed the applicant's proposal and has expressed no concerns with the on-sale of beer and wine for tasting purposes on the premises. 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 500-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. ABC License Types List
- F. Correspondence

Disclaimer

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

Exhibits to Be Provided at Meeting

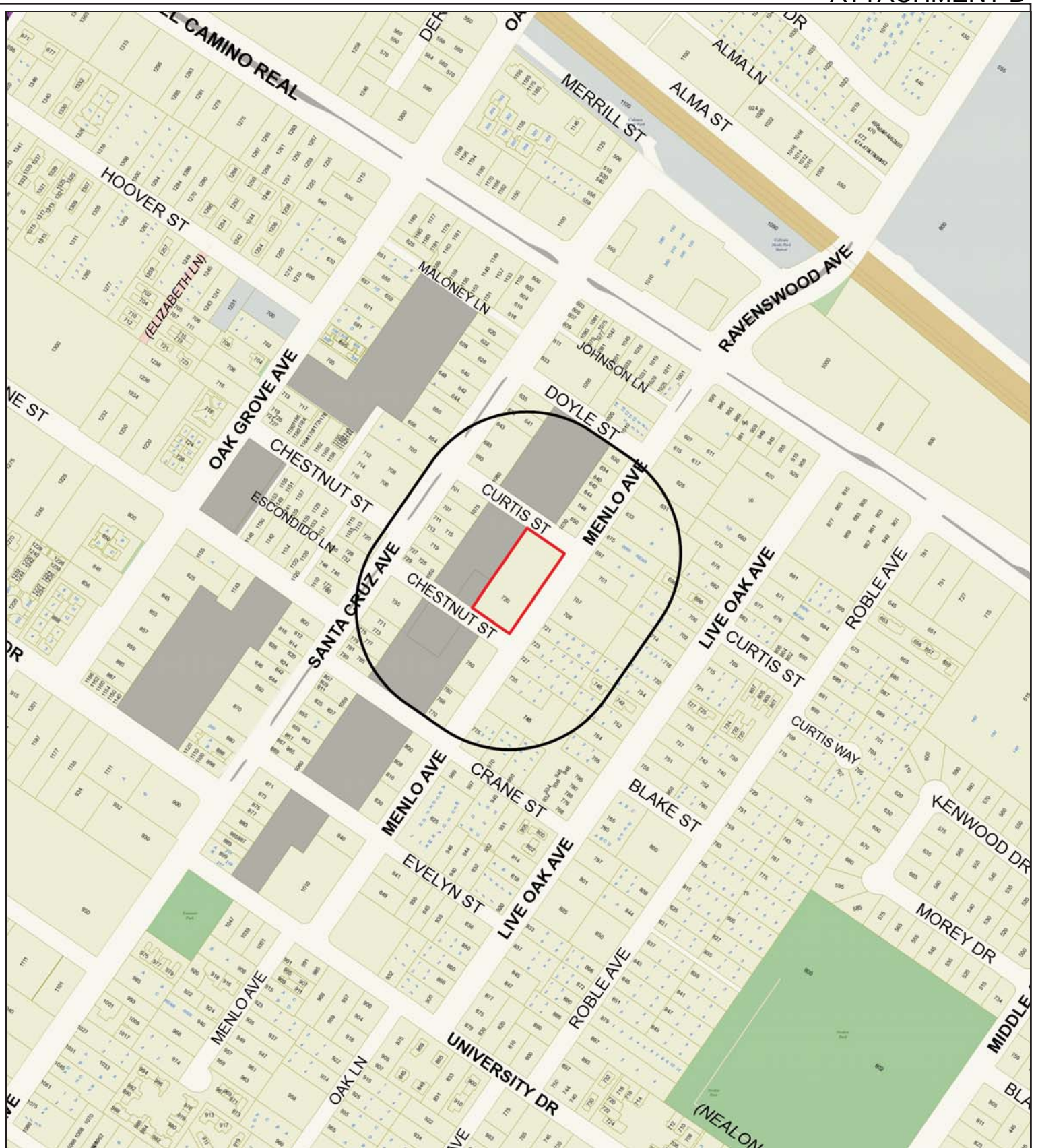
None

Report prepared by:
Kaitie Meador, Associate Planner

Report reviewed by:
Thomas Rogers, Principal Planner

720 Menlo Avenue – Attachment A: Recommended Actions

LOCATION: 720 Menlo Avenue	PROJECT NUMBER: PLN2016-00098	APPLICANT: Peter Impala	OWNER: Ann M. Proctor
REQUEST: Request for a use permit for the sale of alcohol to include the consumption of beer or wine on the premises within a restricted area of an existing grocery store (Trader Joe's) in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The applicant is simultaneously applying for a Type 42 ABC License.			
DECISION ENTITY: Planning Commission	DATE: January 9, 2017	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the sketches prepared by Kip Klayton Architects, consisting of five sheets, dated received December 15, 2016, and the project description letter, dated received January 4, 2017, and approved by the Planning Commission on January 9, 2017, 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. 4. Approve the use permit subject to the following project-specific conditions: <ol style="list-style-type: none"> a. Any citation or notification of violation by the California Department of Alcoholic Beverage Control or other agency having responsibility to assure public health and safety for the sale of alcoholic beverages will be grounds for considering revocation of the use permit. 			



City of Menlo Park

Location Map
720 Menlo Ave.



Scale: 1:4,000

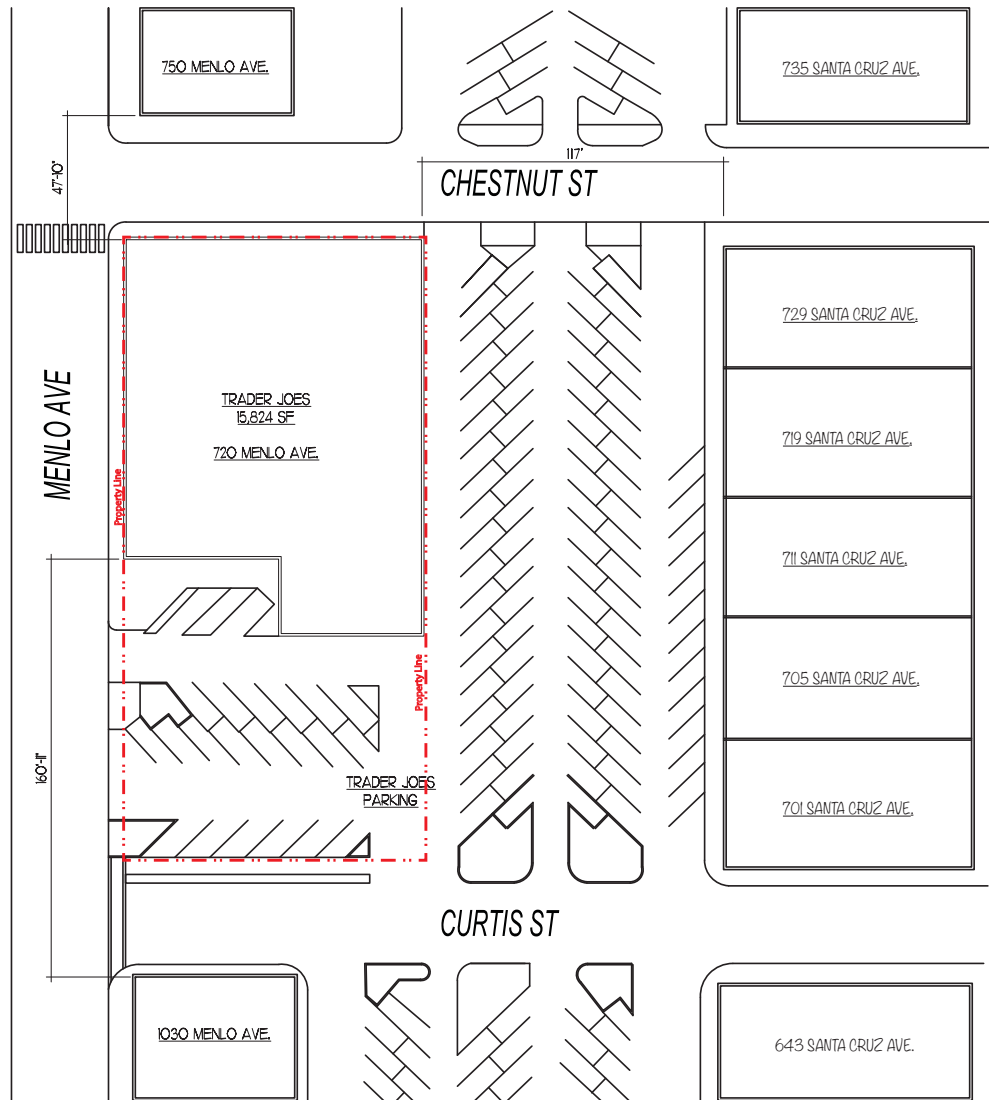
Drawn By: KMM

Checked By: THR

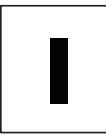
Date: 1/9/2017

Sheet: 1

BUILDING AND SITE CHARACTERISTICS	
EXISTING STORE	
RETAIL SQ FT	10,960
STORAGE SQ FT	4,864
TOTAL SQ FT	15,824
PROPOSED STORE:	
RETAIL SQ FT	12,586
STORAGE SQ FT	4,177
TOTAL SQ FT	16,763
PARKING COUNTS:	
TOTAL PARKING LOT SPACES	80+
HANDICAP SPACES	4+



SITE PLAN



09.09.16

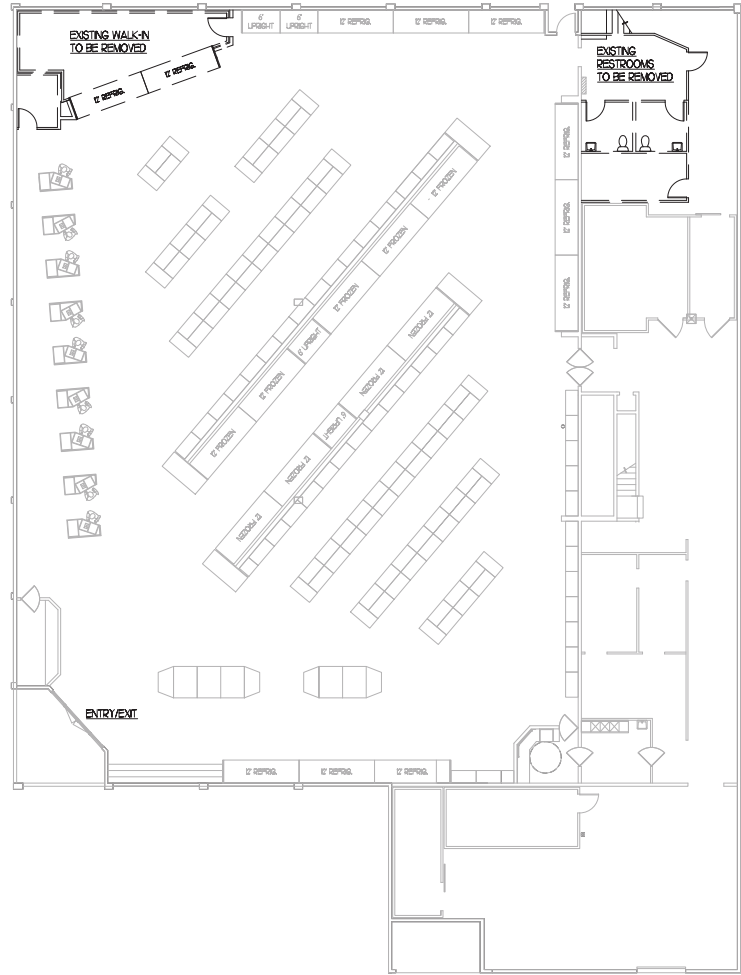


KIP KLAYTON
ARCHITECTS
84 West Chapman Avenue
Orange, California 92668
P: (714) 269-9884 F: (714) 269-9003

ABC DRAWING PACKAGE

SCALE 1"=20'-0"

TRADER JOES - 720 MENLO AVE
MENLO PARK, CA 94025



BUILDING AND SITE CHARACTERISTICS	
EXISTING STORE	
RETAIL SQ FT	10,960
STORAGE SQ FT	4,864
TOTAL SQ FT	15,824
PROPOSED STORE	
RETAIL SQ FT	12,586
STORAGE SQ FT	4,177
TOTAL SQ FT	16,763
PARKING COUNTS:	
TOTAL PARKING LOT SPACES	80+
HANDICAP SPACES	4+

WALL LEGEND:
 EXISTING TO REMAIN
 =====
 EXISTING TO BE REMOVED
 - - - - -

EXISTING/DEMO PLAN



09.09.16



KIP KLAYTON
 ARCHITECTS
 884 West Chapman Avenue
 Orange, California 92668
 P. (714) 269-6364 F. (714) 269-9009



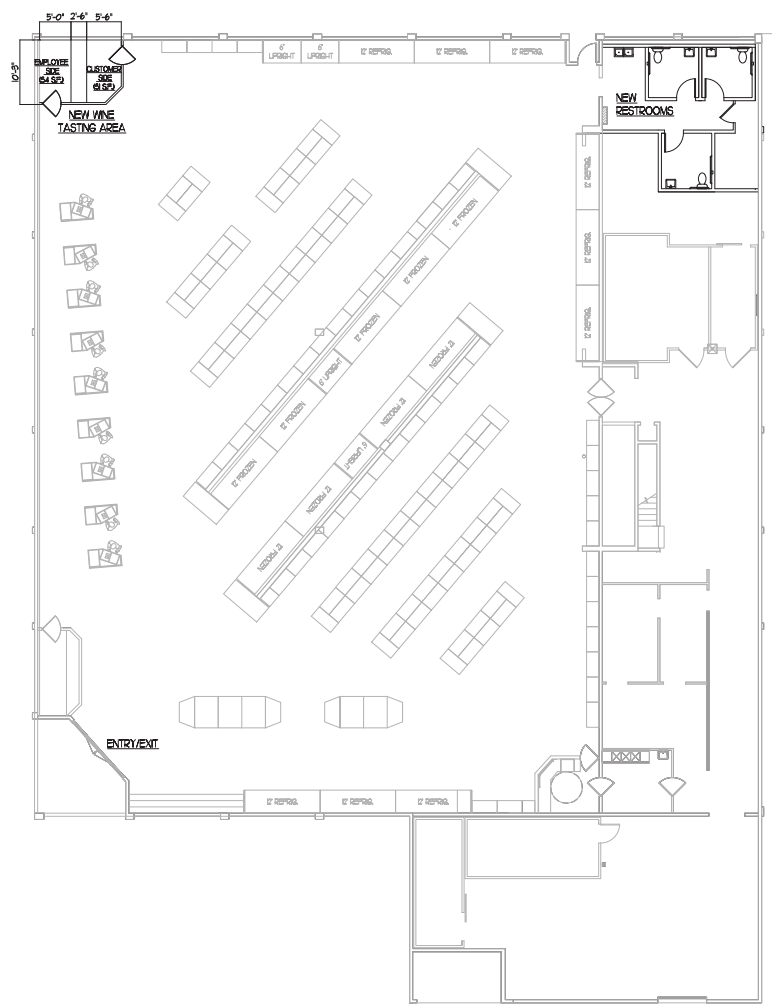
ABC DRAWING PACKAGE

SCALE 1/8"=1'-0"

**TRADER JONES - 720 MENLO AVE
 MENLO PARK, CA 94025**



BUILDING AND SITE CHARACTERISTICS	
EXISTING STORE	
RETAIL SQ FT	10,960
STORAGE SQ FT	4,864
TOTAL SQ FT	15,824
PROPOSED STORE	
RETAIL SQ FT	12,586
STORAGE SQ FT	4,177
TOTAL SQ FT	16,763
PARKING COUNTS:	
TOTAL PARKING LOT SPACES	80+
HANDICAP SPACES	4+



PROPOSED PLAN



09.09.16



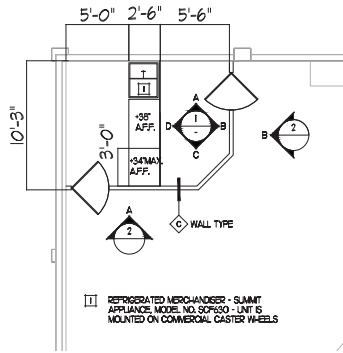
KIP KLAYTON
ARCHITECTS
814 West Chapman Avenue
Orange, California 92668
P. (714) 269-9364 F. (714) 269-9009



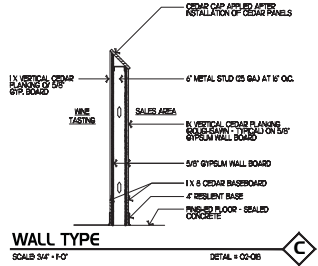
ABC DRAWING PACKAGE

SCALE 1/8"=1'-0"

**TRADER JOES - 720 MENLO AVE
MENLO PARK, CA 94025**



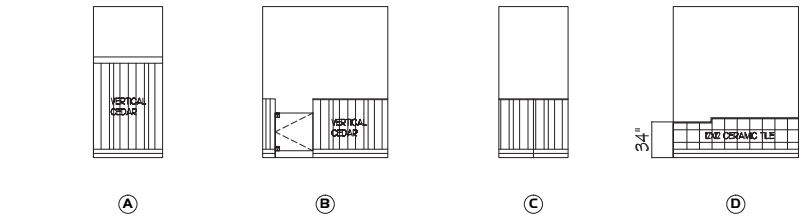
ENLARGED PLAN



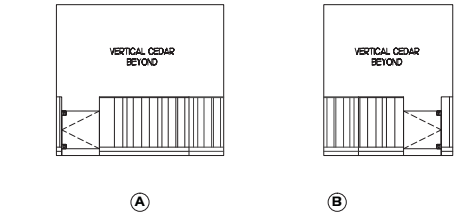
WALL TYPE

SCALE 3/4" = 1'-0"

DETAIL: C-02-08

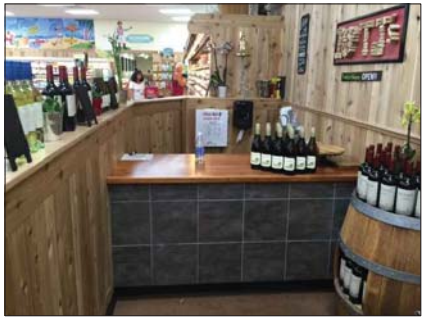


1 INTERIOR ELEVATIONS (NO SEATING)



2 EXTERIOR ELEVATIONS (NO SEATING)

BUILDING AND SITE CHARACTERISTICS	
EXISTING STORE	
RETAIL SQ FT	10,960
STORAGE SQ FT	4,864
TOTAL SQ FT	15,824
PROPOSED STORE	
RETAIL SQ FT	12,586
STORAGE SQ FT	4,177
TOTAL SQ FT	16,763
PARKING COUNTS:	
TOTAL PARKING LOT SPACES	80+
HANDICAP SPACES	4+



INTERIOR EXAMPLE #1



INTERIOR EXAMPLE #2



EXTERIOR EXAMPLE #1



EXTERIOR EXAMPLE #2



KIP KLAYTON
ARCHITECTS
884 West Chapman Avenue
Orange, California 92668
P. (714) 269-2364 F. (714) 269-9009

ENLARGED PLAN & ELEVATIONS

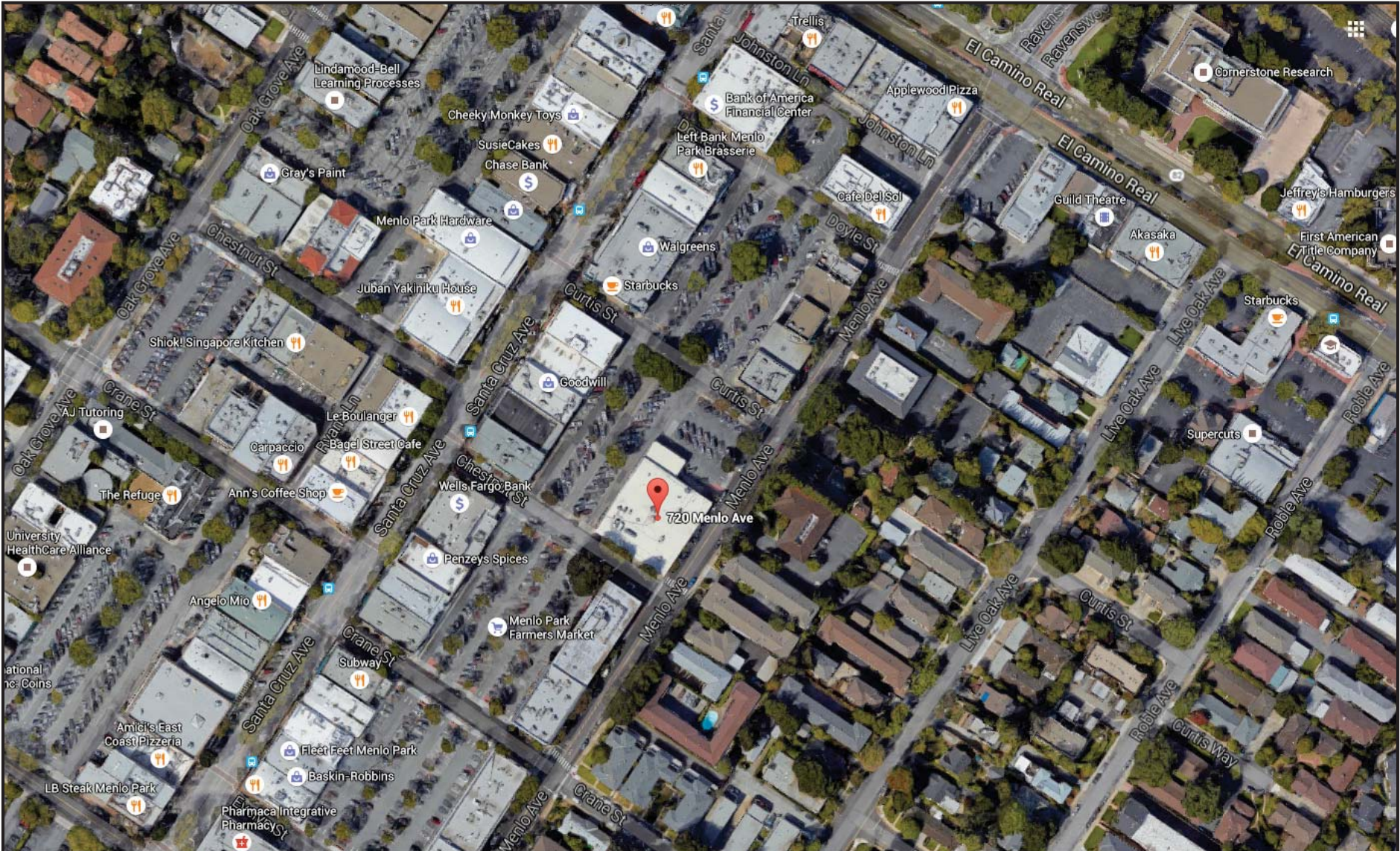


09.09.16

ABC DRAWING PACKAGE

SCALE 1/4"=1'-0"

**TRADER JOES - 720 MENLO AVE
MENLO PARK, CA 94025**



Trader Joe's #69
720 Menlo Ave.
Menlo Park, CA 94025

Area Plan

ATTACHMENT D
RECEIVED
JAN 04 2017
CITY OF MENLO PARK
BUILDING

PROJECT DESCRIPTION LETTER

APPLICANT: TRADER JOE'S 69

PROPERTY: 720 MENLO AVE., MENLO PARK, CA 94025

REFERENCE: REQUESTING DETERMINATION TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION PER TYPE-42 ABC LICENSE IN CONJUNCTION WITH THE CONTINUED OPERATION OF A SUPERMARKET

Trader Joe's seeks to open a tasting area in conjunction with a store remodel at the 720 Menlo Ave. Trader Joe's location. Trader Joe's seeks to operate this section under a Type-42 ABC license.

The hours of operation for the store will continue to be 8:00am-9:00pm daily. The tasting area will only be open during these hours, and tastings will be offered free of charge.

A number of Trader Joe's stores, including the Temecula and Del Mar Heights locations, have permanent beer and wine tasting areas that operate under a Type-42 ABC license, and both locations are very well-run and safe, with no detrimental effects on the rest of the store. Trader Joe's is intended to expand tastings to the Menlo Park store in an effort to respond to consumer preferences and offer services for which customers have voiced support. Offering on-site tastings in conjunction with a Type-42 license allows customers to sample small amounts of beer or wine that are sold in the store in a controlled and safe environment.

As shown in the plans, Trader Joe's has decided to locate this tasting area at the Southeast corner of the store, as this location is near the alcoholic beverage section while also being within view of the check-out areas at the front of the store. The location in this corner allows the tasting area to be visible to those shopping for alcoholic beverages while increasing security by allowing surveillance by Trader Joe's managers and cashiers at the front of the store. While those administering the tastings will be trained in effective practices of alcoholic beverage tasting distribution, Trader Joe's plans to further discourage excessive alcohol consumption and promote the area as only an area for tasting by refusing to provide seating for those tasting alcohol.

This operation will be different from the operation of Type-86 ABC license in that this tasting area will be permanent, not temporary. This organization makes it safer as it is more difficult for minors to enter the permanent tasting area than a temporary area. Further, in contrast to a Type-86 license in which beer/wine distributors administer the tastings, Trader Joe's will be administering the tastings in this area of the store. All distributors will be well-trained in standard practices of safe distribution of beer and wine tastings, and all customers entering the wine tasting area will have their IDs checked.

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE —Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.



SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

1. "Minor" means any person under 21 years of age.
2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.
3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)

4. Licensees whose license allows minors on the premises may have a “house policy” restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.
5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).

709 E. Colorado Boulevard, Suite 200, Pasadena, CA 91101

VIA USPS

October 27, 2016

Dear Resident,

You have been sent this letter because your property is within 500 feet of the Trader Joe's store located at 720 Menlo Ave., Menlo Park, CA 94025. This store recently applied for a Use Permit with the City of Menlo Park to establish an on-site tasting area. If approved, the store will have authorization to hold tastings of beer and wine for customers over the age of 21 in the store.

A number of Trader Joe's locations in California are already serving small tastings to patrons, and neither these stores nor the surrounding communities have experienced any significant negative effects. Rather, patrons have been pleased to have the opportunity to taste certain brands of beer and wine prior to purchase. Tastings will only be held in an area of the store that is completely separated from the rest of the store by short walls and doors. This physical set-up prevents minors from entering the tasting area. All employees administering tastings are to be trained in proper administering of tastings to ensure all tastings are held in a safe manner.

In an effort to increase transparency and allow for public feedback, we at Art Rodriguez & Associates, acting as the representatives for the applicant, wanted to send you this letter to inform you of the application. If you have any comments or questions about this application, please feel free to contact me:

Peter Impala
Art Rodriguez & Associates
709 E. Colorado Blvd., Suite 200
Pasadena, CA 91101
Peter@aralicens.com
(626) 683-9777

Thank you for your assistance, and please do not hesitate to let me know if there's anything I can do for you.

Sincerely,

Peter Impala



STAFF REPORT

Planning Commission

Meeting Date: 1/9/2017
Staff Report Number: 17-003-PC

Public Hearing: Use Permit/Molly Swenson/103 Gilbert Avenue

Recommendation

Staff recommends that the Planning Commission approve a use permit to convert a spa to a medical office within an existing building on a parcel that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district. The parcel has 23 usable parking stalls where 23 are required. However, because 10 of the 23 parking stalls are located completely within required setbacks, the stalls do not count as legal parking spaces and make the parcel substandard in parking. 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 subject site is located at the southwest corner of Gilbert Avenue and Menalto Avenue in the Willows neighborhood. As defined by the Zoning Ordinance, the Menalto Avenue side of the property is considered the legal front of the property, as it is the shorter of the two sides facing a public street. The property is bounded by a mix of single and two-story, single family residences to the west across an alley, commercial uses across Gilbert Avenue, and single family residences across Menalto Avenue. Two two-story single family residences are currently proposed to the south, at a site formerly occupied by a church. That proposal will require Planning Commission review at a future meeting.

Analysis

Project description

The applicant is requesting approval of a use permit to locate a pediatric medical office within an existing commercial building which previously housed a day spa. The medical office use is a permitted use on the C-2 (Neighborhood Shopping) zoning district; however, because the parcel does not meet the required parking regulations in the Zoning Ordinance and a change of use is involved, the proposal requires use permit approval. In the subject zoning district, parking is required at a rate of six spaces per 1,000 square feet of gross floor area, and it cannot be located in any required setback or loading area. Based on this rate, the parcel is required to provide 23 parking spaces. While 23 existing, usable parking spaces are

provided on-site, 10 of the spaces are located completely within required setbacks, and do not count toward the parking requirement.

The site itself is substandard in regard to lot width, lot depth, and lot area, with a width of 100 feet where a minimum of 200 feet is required, an average lot depth of 150.5 feet where a minimum of 200 feet is required, and a lot area of 15,050 feet where a minimum of three acres (130,680 square feet) is required. The site is currently developed with a single-story commercial building and a detached accessory building with a combined square footage of 3,829 square feet. The main building is nonconforming with respect to the right and rear setbacks, possessing a right side setback of zero feet where a minimum of 20 feet is required, and a rear setback of 3.4 feet where a minimum of 20 feet is required. Only interior renovations are proposed for the main building, to include converting spa rooms into exam rooms, physician offices, and medical support spaces. The proposed work would be less than 50 percent of the replacement value of the existing building and would not require a separate use permit. Minor interior improvements are proposed for the accessory building, which would be used as a breakroom, storage, and support space. No exterior changes are proposed for either building. The property is located within the "AE" zone established by the Federal Emergency Management Agency (FEMA), and the Engineering Division has included project-specific conditions associated with this. The project would also pay a Transportation Impact Fee (TIF), as required by the Transportation Division.

Parking

The applicant proposes to occupy the site and operate a pediatric practice, which, as noted above, is a permitted use at this location. The facility would operate Monday through Friday from 8am to 5pm and would be staffed with eight full-time employees, including three pediatricians. The applicant has indicated that a maximum of nine patients are anticipated to be present at any given time, and that together with staff, the maximum number of people on-site would range from 17 to 22. With 23 existing usable off-street parking spaces, the facility would be able to satisfy the anticipated parking demand. The applicant proposes to install bicycle racks, in order to serve patients and parents from the surrounding neighborhood who may opt to bicycle to their appointments.

In comparison, the day spa use had projected to have at maximum occupancy, 19 employees and nine to 13 customers on-site, for a total of 28 to 32 people in the building at any one time. The day spa use received use permit approval in 2001 and to date, the City has not received any complaints regarding parking at this location.

Staff believes that the existing off-street parking on-site is adequate to meet the demand for the proposed use. Based on the gross floor area of the buildings, 23 parking spaces are required per the Zoning Ordinance, and 23 parking spaces would be provided. Although 10 of the spaces are located completely within required setbacks and do not count as legal parking spaces, all 23 parking spaces would be available for use by employees, patients and their family. Staff also believes that the pediatric office may be equally or less parking intensive than the day spa use, based on the projected number of patrons. The proposed addition of bicycle racks may also help reduce parking demand.

Correspondence

The applicant indicated to staff that she contacted neighboring property owners and business owners by mail and in person regarding the proposal and received general inquiries and support for the project. Staff has not received any items of correspondence on the proposed project.

Conclusion

Staff believes that the proposed change in use at the subject location would not result in negative impacts. Although the site does not technically have the 23 parking spaces to meet the required parking regulations in the Zoning Ordinance, it has 23 usable parking spaces. Bicycle racks may reduce the parking demand. In addition, the project may be equally or less intense than the previous day spa use. For these reasons, 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 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

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:

Yesenia Jimenez, Associate Planner

Report reviewed by:

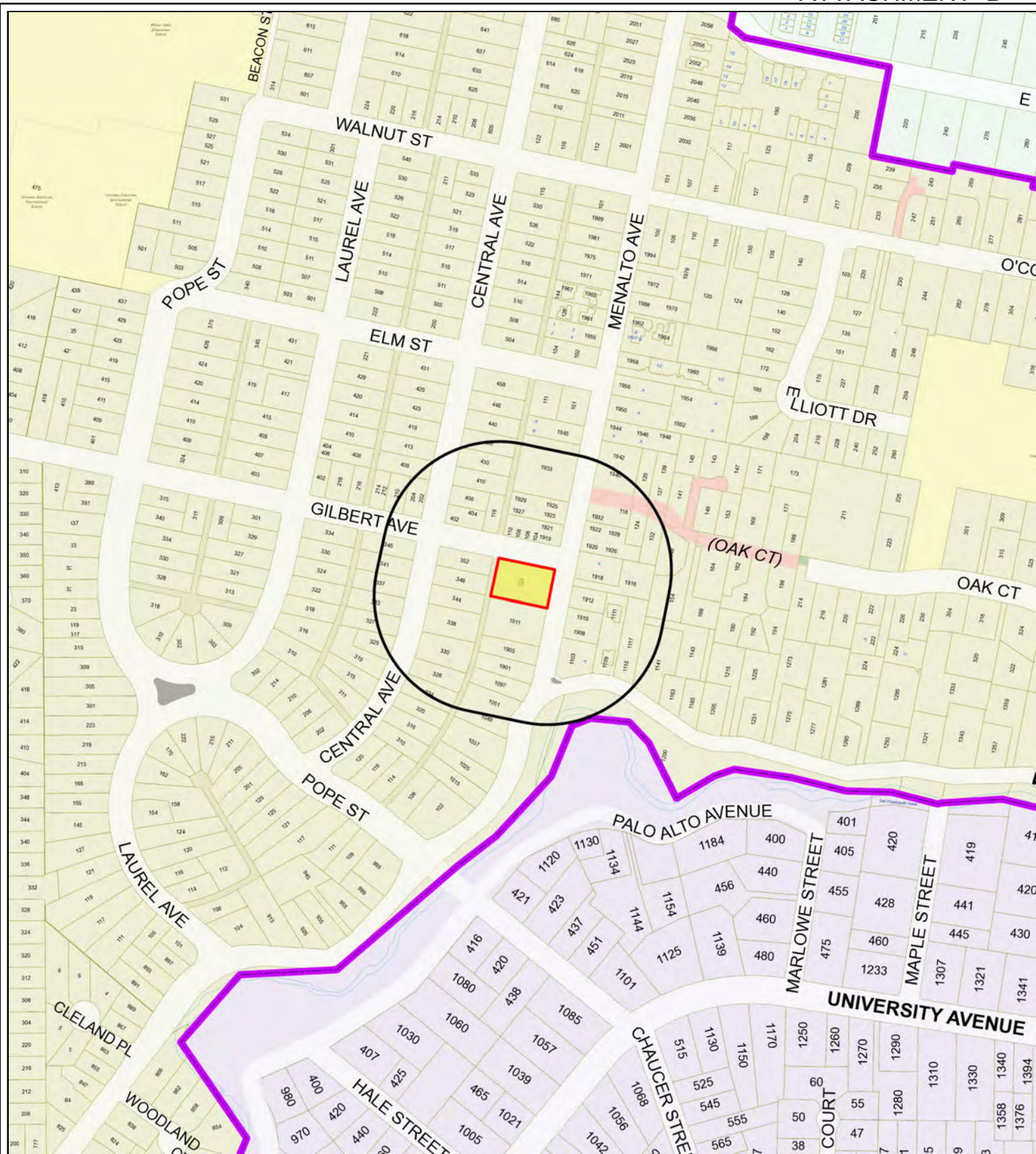
Thomas Rogers, Principal Planner

103 Gilbert Avenue – Attachment A: Recommended Actions

LOCATION: 103 Gilbert Avenue	PROJECT NUMBER: PLN2016-00091	APPLICANT: Molly Swenson, Stanford Medicine	OWNER: 103 Gilbert, LLC
REQUEST: Request for a use permit to convert an existing spa to a medical office within an existing building on a parcel that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district.			
DECISION ENTITY: Planning Commission	DATE: January 9, 2017	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by Greenbough Design, consisting of 7 plan sheets, dated December 18, 2016 and stamped received on January 3, 2017, and the project description letter dated December 22, 2016 and stamped received January 3, 2017, and approved by the Planning Commission on January 9, 2017, 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. 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 conditions: <ol style="list-style-type: none"> a. Simultaneous with a building permit application, a floodproofing certificate shall be submitted, for review and approval by the Engineering Division. b. Prior to building permit issuance, the property owner shall enter into an agreement with the City regarding the operation and maintenance of all dry-flood proofing measures, as required by the Engineering Division. 			

103 Gilbert Avenue – Attachment A: Recommended Actions

LOCATION: 103 Gilbert Avenue	PROJECT NUMBER: PLN2016-00091	APPLICANT: Molly Swenson, Stanford Medicine	OWNER: 103 Gilbert, LLC
REQUEST: Request for a use permit to convert an existing spa to a medical office within an existing building on a parcel that is substandard with regard to parking in the C-2 (Neighborhood Shopping) zoning district.			
DECISION ENTITY: Planning Commission	DATE: January 9, 2017	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
<p>ACTION:</p> <ul style="list-style-type: none"> c. Prior to building permit issuance, a Flood Emergency Action Plan shall be submitted for review and approval by the Engineering Division, which demonstrates that the floodproofing components will operate properly under all conditions, including power failures. d. Prior to building permit issuance, the applicant shall pay the Transportation Impact Fee, currently estimated at \$22,515, as required by the Transportation Division. 			



City of Menlo Park
 Location Map
 103 Gilbert Avenue



Scale: 1:4,000

Drawn By: YJ

Checked By: YJ

Date: 1/9/2017

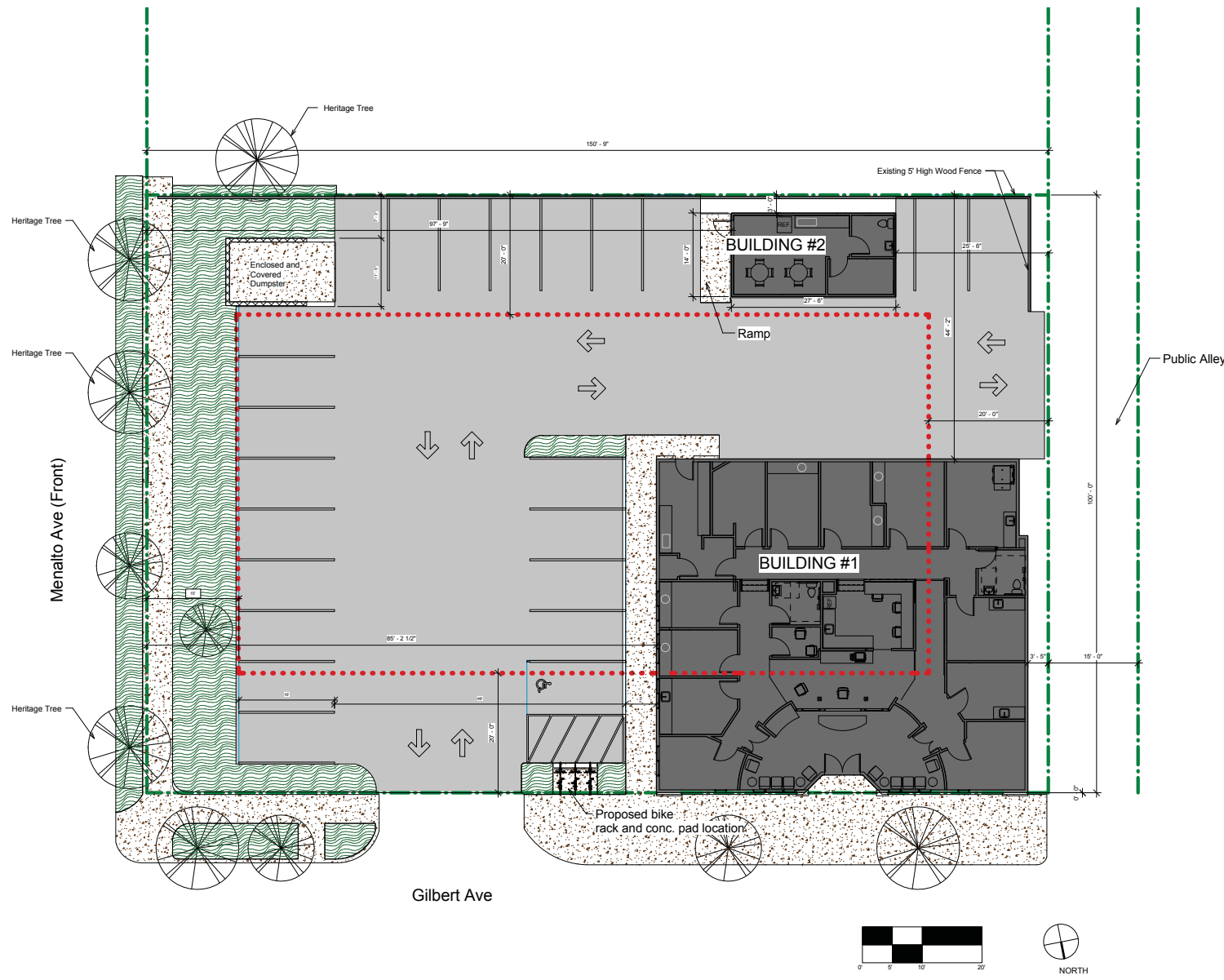
Sheet: 1

103 Gilbert Avenue – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	15,050 sf	15,050 sf	3 ac min.
Lot width	100 ft.	100 ft.	200 ft. min.
Lot depth	150.5 ft.	150.5 ft.	200 ft. min.
Setbacks			
Front	15 ft.	15 ft.	15 ft. min.
Rear	3.4 ft.	3.4 ft.	20 ft. min.
Side (left)	44.2 ft.	44.2 ft.	10 ft. min.
Side (right)	0 ft.	0 ft.	20 ft. min.
Building coverage	3,829 sf 25.4 %	3,829 sf 25.4 %	7,525 sf max. 50 % max.
FAR (Floor Area Ratio)	3,829 sf 25.4 %	3,829 sf 25.4 %	6,020 sf max. 40 % max.
Square footage by floor	3,443 sf/main 386 sf/detached	3,443 sf/main 386 sf/detached	
Square footage of buildings	3,829 sf	3,829 sf	
Building height	15 ft.	15 ft.	15 ft. max.
Parking	23* spaces	23* spaces	23 spaces
Basis for Parking	6 spaces per 1,000 sf of gross floor area		
Landscaping	1,500+/- sf 10 %	1,500+/- sf 10 %	1,505 sf min. 10 % min.
Paving	8,425 sf 56 %	8,425 sf 56 %	

Note: Areas shown highlighted indicate a nonconforming or substandard situation.

*Although there are 23 parking spaces on the property, 10 of these are located completely within required setbacks and do not count as legal parking spaces.



Legend

- Parking/Vehicular Circulation
- Landscape area
- Concrete Sidewalk
- Building footprint
- Property Line
- Zoning setback
- Tree Location

Site, Building and Parking Information

Site
 Lot Size - 15,050 +/- SF
 Zoning - C-2

Building 1
 Existing SF - 3,443 SF
 Proposed SF - 3,443 SF
 Existing use - Day Spa
 Proposed Use - "B" Occupancy Medical Office

Building 2
 Existing SF - 386 SF
 Proposed SF - 386 SF
 Existing use - Laundry - Mechanical - Support - Storage
 Proposed Use - Break Room - Mechanical - Support - Storage

Parking
 Existing - 23 Stalls (Including 1 accessible)
 Existing - 23 Stalls (Including 1 accessible)

Greenbough Design
 Phone 831.685.6744 • PO Box 1398 Single Springs, CA 95022 • www.GreenboughDesign.com
 Copyright Greenbough Design 2016

Consultant Info

Packard Children's Health Alliance
Clinic Assessment
 103 Gilbert Ave, Menlo Park CA

No.	Description	Date

Jurisdiction info #

Greenbough Design Project #	16016
Drawn By	MFR
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit



Sheet Name
Existing/Proposed Site Plan

Sheet Number
A001

12/25/2016 9:08:15 PM

① Existing/Proposed Site Plan
 1/8" = 1'-0"



Consultant Info

**Packard Children's
Health Alliance**
Clinic Assessment
103 Gilbert Ave, Menlo Park CA

No.	Description	Date

Jurisdiction info #

Greenbough Design Project #	16016
Drawn By	Author
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit



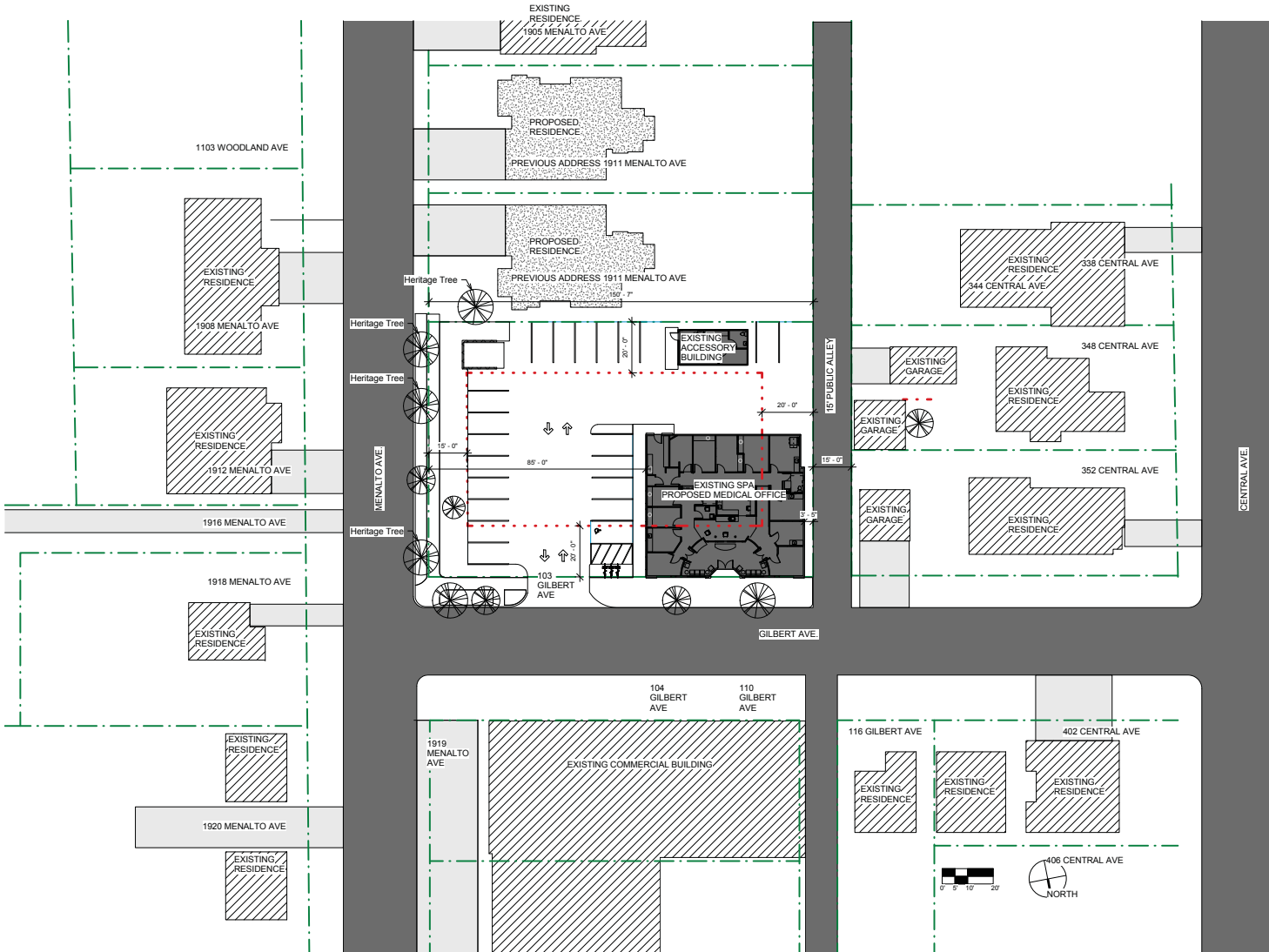
Sheet Name

Area Plan

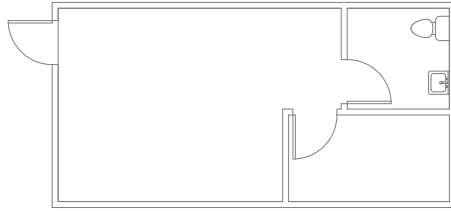
Sheet Number

A001A

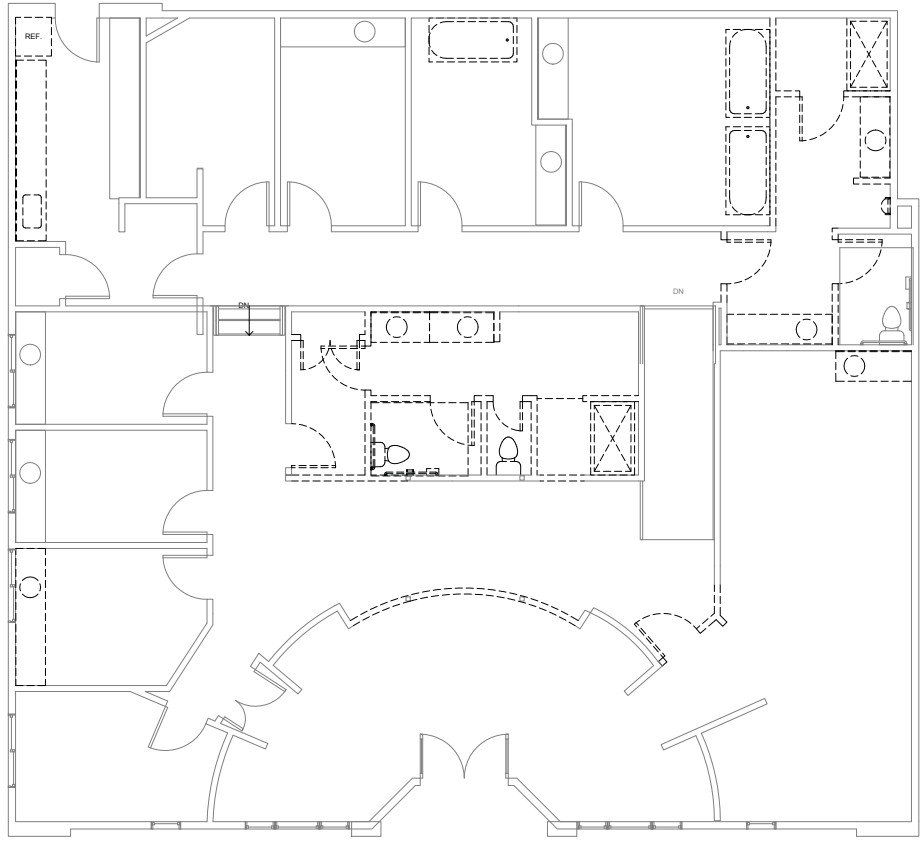
12/25/2016 9:08:16 PM



① Area Plan
1" = 20'-0"



2 Accessory Building Demo Plan
1/4" = 1'-0"



1 Main Building Demo Plan
1/4" = 1'-0"

Consultant Info

**Packard Children's
Health Alliance
Clinic Assessment**
103 Gilbert Ave, Menlo Park CA

No.	Description	Date

Jurisdiction info #

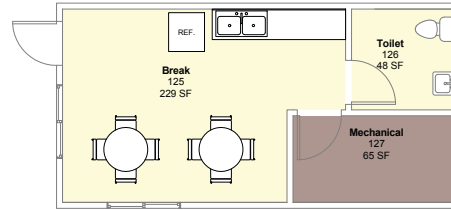
Greenbough Design Project #	16016
Drawn By	Author
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit



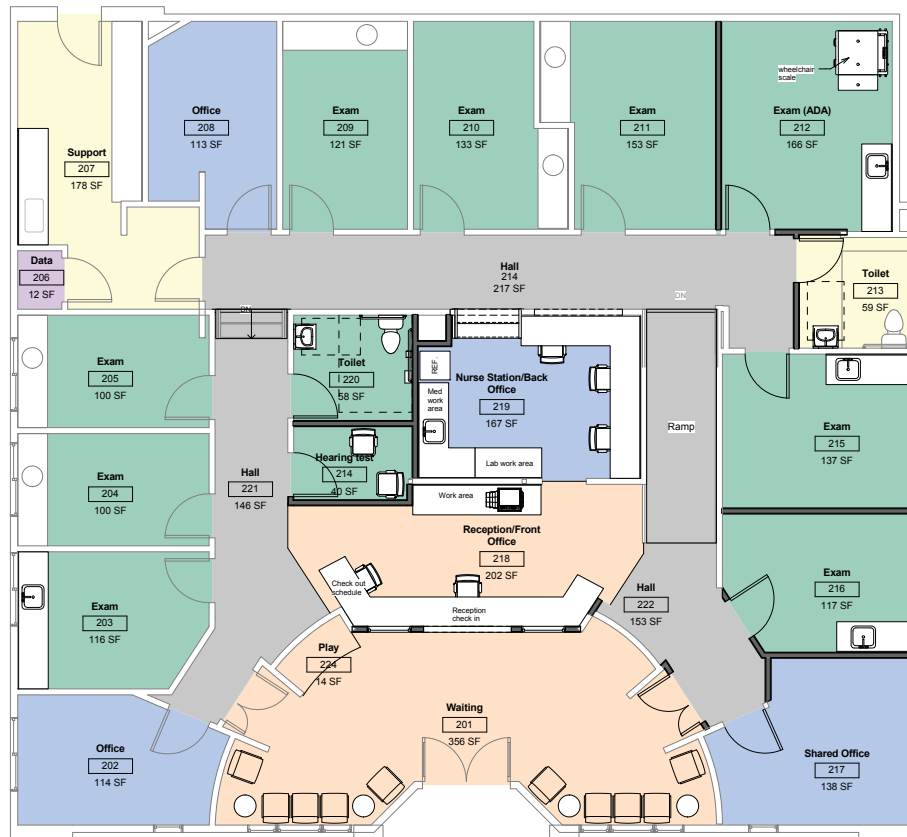
Sheet Name
Proposed Demo Plan

Sheet Number
A101

12/25/2016 9:08:19 PM



2 Accessory Building New Plan
1/4" = 1'-0"



1 Main Building New Plan
1/4" = 1'-0"

Department Legend

- Administration
- Circulation
- Clinic/Support
- Mechanical
- Reception Waiting
- Staff Amenities
- Utility

Consultant Info

**Packard Children's
Health Alliance**
Clinic Assessment
103 Gilbert Ave, Menlo Park CA

No.	Description	Date

Jurisdiction info #

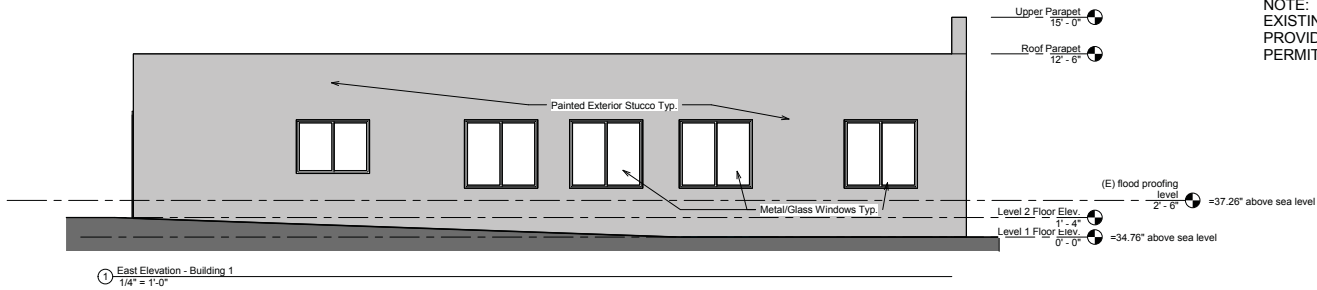
Greenbough Design Project #	16016
Drawn By	MFR
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit



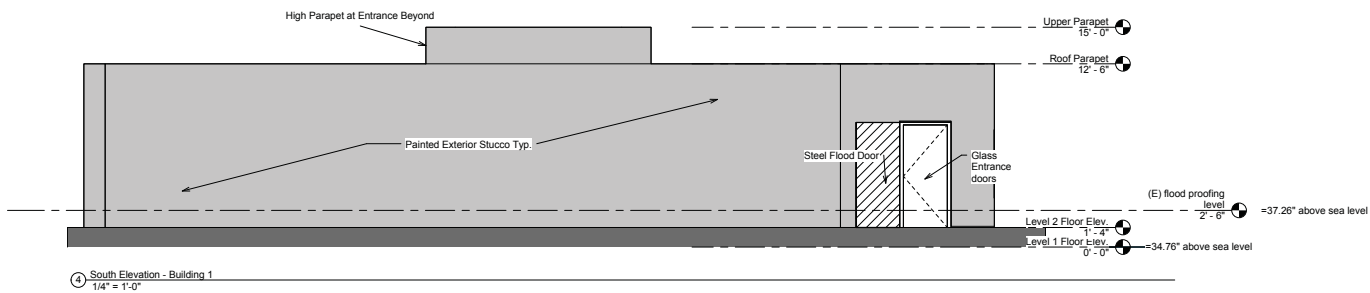
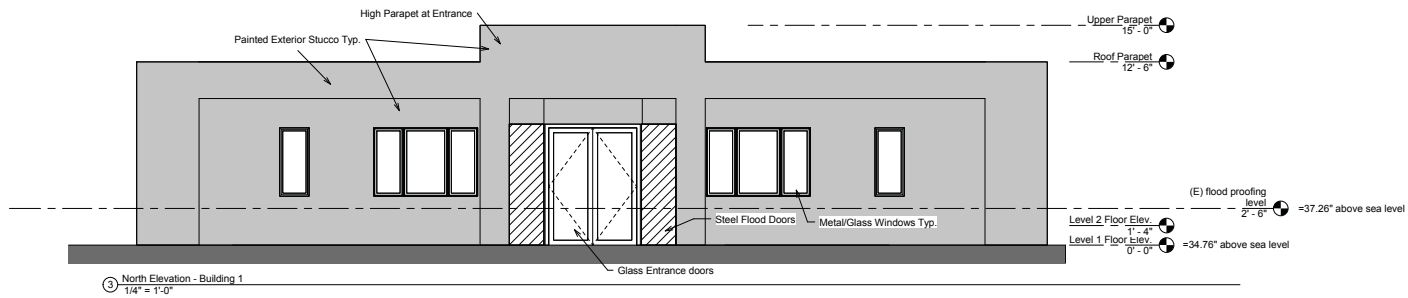
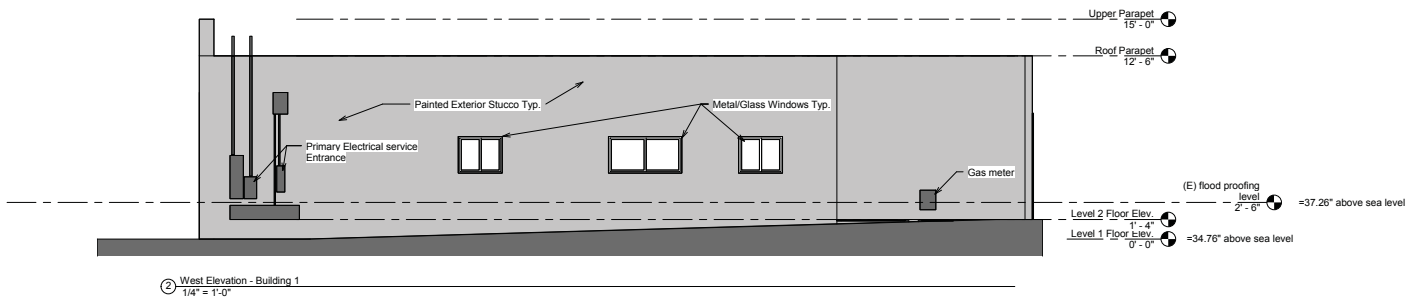
Sheet Name
Proposed Floor Plans

Sheet Number
A102

12/25/2016 9:08:22 PM



NOTE:
EXISTING BUILDING FLOOD PROOFING
PROVIDED UNDER CITY OF MENLO PARK
PERMIT NUMBER 38493



Consultant Info

**Packard Children's
Health Alliance**
Clinic Assessment
103 Gilbert Ave, Menlo Park CA

No.	Description	Date

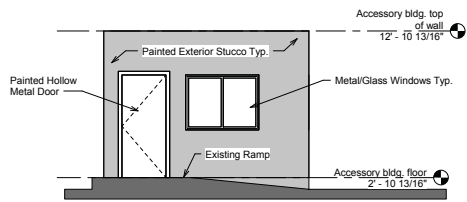
Jurisdiction info #

Greenbough Design Project #	16016
Drawn By	Author
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit

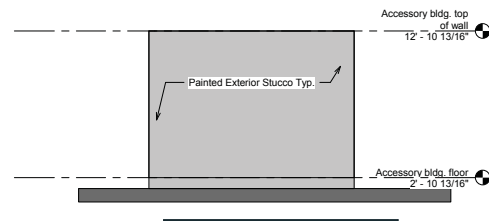


Sheet Name
**Existing Exterior
Elevations - Main
building**
A003

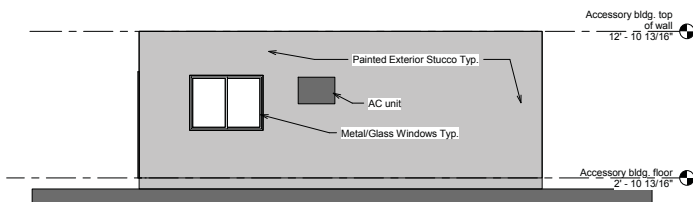
12/25/2016 9:08:18
PM



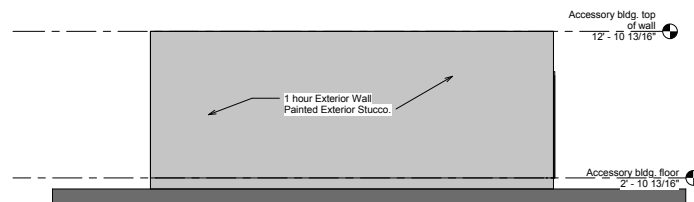
① East Elevation Accessory Building
1/4" = 1'-0"



② West Elevation Accessory Building
1/4" = 1'-0"



③ North Elevation Accessory Building
1/4" = 1'-0"



④ South Elevation Accessory Building
1/4" = 1'-0"

Consultant Info

**Packard Children's
Health Alliance**
Clinic Assessment
103 Gilbert Ave, Menlo Park CA

No.	Description	Date

Jurisdiction info #

Greenbough Design Project #	16016
Drawn By	Author
Checked By	Checker
Issue Date	12-18-16
Issue Purpose	Conditional Use Permit



Sheet Name
**Existing Exterior
Elevations**
Accessory Building
A003A

12/25/2016 9:08:18
PM



RECEIVED

JAN 03 2017

CITY OF MENLO PARK
BUILDING

December 22, 2016

Yesenia Jimenez
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Use Permit Application for 103 Gilbert Avenue: Response to Comments

Applicant: Packard Children's Health Alliance (PCHA)
Address: 103 Gilbert Avenue, Menlo Park
APN#: 062-368-030
Project #: PLN2016-00091

Dear Yesenia,

Packard Children's Health Alliance ("PCHA") has prepared the enclosed Conditional Use Permit Application materials in support of its application to allow for a change of use at the property located at 103 Gilbert Avenue.

Background

The subject property is located within the C-2 Neighbor7d Shopping District, and medical professional services are a permitted use per Section 16.38.010(3) of the Municipal Code. However, because the site is technically nonconforming with respect to parking-10 of the property's 23 stalls are located completely within required setbacks, and are thus not counted toward the overall site parking—a use permit revision is required per Section 16.80.020 of the Code.

Description of Proposed Use and Consistency with the Zoning Code

PCHA proposes to locate a pediatric practice at the subject property, with the intent of serving the surrounding neighborhood. In order to prepare the property to accommodate a pediatric practice, PCHA proposes interior renovations to the main structure as shown in the accompanying plan set (see Sheet A102), namely conversion of the existing spa treatment and support spaces into exam rooms, physician offices, and medical support spaces. The existing reception and waiting area is also proposed to be renovated to create a child-friendly environment.

The detached accessory building shown on Sheet A001 would be utilized as storage as well as a staff break room, and only minor interior cosmetic improvements are proposed for this space, consisting of installation of new casework and sink.

No changes are proposed to the exterior of either the main structure or accessory building, though PCHA may seek a permit to allow for exterior signage after the City of Menlo Park has completed its use permit review.

PCHA intends to staff the facility with eight (8) full-time employees, as indicated below:

- (3) Full-Time Pediatricians
- (2) Medical Assistants (MAs)
- (1) Registrar
- (1) Receptionist
- (1) Clinic Manager

Proposed hours of operations would be from 8am to 5pm.

As noted in the preceding section, the proposed use is consistent with the zoning for the site, as medical professional services are a permitted use in the C-2 neighborhood shopping district. (Section 16.38.010(3)).

Anticipated Parking Needs for the Proposed Use

PCHA anticipates that a maximum of nine patients would be present on site at an given time, accounting for overlap between appointments, assuming three patients per physician, and all exam rooms are occupied. Taken together with staff, PCHA anticipates an overall maximum headcount for the building of 17 to 22, accounting for early arrivals as well as full exam room occupancy.¹ This proposed use would be less parking intensive than the current day spa use, which assumed a staffing level of 19, and an additional 9 to 13 customers on site, for a maximum of 28 to 32 people in the building at any one time.

The site provides 23 parking spaces, which is more than needed to accommodate the maximum staff and patient parking demand, assuming all staff and patients traveled to the site in single-occupant vehicles. However, given that PCHA intends to serve the surrounding neighborhood with this pediatric clinic, it is possible that some patients and parents would walk or bicycle to their appointments, thereby reducing parking demand. In addition, it is possible that some staff would commute to the site using alternative modes of transit. In the unlikely event that additional parking should be needed during times of peak occupancy, on-street parking could accommodate any additional parking needs.

Use Permit Approval Requirements

As outlined below, this proposed use meets the requirements of Section 16.82.030 of Menlo Park Zoning code.

- **The proposed used 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.** The proposed pediatric clinic use will maintain standard (8am-5pm) operating hours, will provide sufficient off-street parking for its patients and staff, and will not be disruptive to the surrounding residential and commercial users. The pediatric clinic is expected to be a benefit to the neighborhood, in that it will provide pediatric health care services to the immediate community.
- **The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.** As noted above, the clinic will provide a community benefit, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

Community Outreach

At the time of preparing its Use Permit application, PCHA prepared a postcard mailing to all residents / property owners within 300' of the subject property, advising them of plans to renovate the space at 103 Gilbert to accommodate a three-physician general pediatric practice. The postcard provided Stanford Children's Health contact

¹ Note that each patient would be accompanied by a parent/caregiver. Parents and caregivers are not included in the headcount figures presented above, as they would be traveling together with the child/patient, and would not generate additional parking demand.

information (e-mail and telephone) for any community questions or concerns- and only one inquiry was received. (The inquiry was from a nearby resident who was interested to learn more about why this particular location was chosen- and a prompt response was provided.)

Stanford Children's Health has also met several of the neighboring business owners, who have expressed support for the proposed use, and look forward to the possibility of a pediatric clinic in the neighborhood.

In support of this application, we have enclosed the following materials:

1. Signed Menlo Park Planning Application Form and fee deposit
2. Planning Division Data Sheet for the subject property
3. Plans showing the existing conditions and proposed improvements
4. Color photographs of the site / street frontages

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



Vanessa Eng
Project Manager
Facilities, Planning, Design + Construction
Stanford Health Care



STAFF REPORT

Planning Commission

Meeting Date: 1/9/2017
Staff Report Number: 17-004-PC

Public Hearing: Menlo Gateway Development Agreement – Sixth Annual Review

Recommendation

Staff recommends that the Planning Commission review the information provided and make a determination that the property owner, over the course of the past year, has demonstrated good faith compliance with the provisions of the Menlo Gateway Development Agreement for the period of January 2016 through January 2017.

Policy Issues

The Planning Commission should consider whether or not the property owner has demonstrated good faith compliance with the provisions of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project on nine properties addressed 100 to 190 Independence Drive (Independence Site) and 101 to 155 Constitution Drive (Constitution Site).

Background

In June 2010, the City Council voted to approve the Menlo Gateway project, subject to voter approval of a ballot measure for the November 2, 2010 general election. The voters approved Measure T, and the project approvals became effective with the certification of the election results on December 7, 2010. The project involved General Plan and Zoning Ordinance Amendments and a number of other approvals, including a Conditional Development Permit (CDP) and Development Agreement, to allow the construction of an office, research and development (R&D), hotel, and health club development on two sites (referred to as the Independence Site and Constitution Site) located between US 101 and Bayfront Expressway adjacent to the Marsh Road interchange. A location map is included as Attachment A.

In March 2015, the applicant requested substantially consistent major modifications to the CDP to accommodate a different hotel format than the one anticipated as part of the original approval. This was mainly due to a change in market conditions and the discontinuation of the hotel concept that was originally proposed. In May 2015, the Planning Commission and City Council recommended the City Manager to approve the following major modifications to the original project:

- An increase in the number of hotel rooms from 230 to 250;
- An increase in the hotel square footage by approximately 24,000 from 173,000 to 197,000;
- Incorporation of the health and fitness facility into a parking structure on the Independence Site;
- A decrease in the health and fitness facility square footage by approximately 28,000 from 69,000 to 41,000; and
- A net decrease in square footage by approximately 4,400 for the total project.

On July 28, 2015, the City Manager issued a letter approving these major modifications to the CDP.

The following table summarizes some of the key features of the overall project on approximately 15.9 acres:

Table 1: Menlo Gateway Project Summary			
Land Use	Constitution Site (Closest to SR 84)	Independence Site (Closest to US 101)	Total
Office/R&D	494,664 s.f	200,000 s.f.	694,664 s.f.
Hotel	n/a	197,000 s.f./ 250 rooms	197,000 s.f./ 250 rooms
Health Club	n/a	41,000 s.f.	41,000 s.f.
Total	494,664 s.f.	438,000 s.f.	932,664 s.f.

At present, none of the buildings are completed or occupied, but construction is underway on the Independence Site hotel, garage/health club, and office building, and will continue through the coming year.

The Planning Commission has conducted five annual reviews of the project between December 2011 and January 2016. In each instance, the Commission found that the property owner had complied in good faith with the terms and conditions of the Development Agreement.

Analysis

A Development Agreement is a legally binding contract between the City of Menlo Park and an applicant that delineates the terms and conditions of a proposed development project. A Development Agreement allows an applicant to secure vested rights and allows the City to secure benefits that are generally not obtainable otherwise. Development Agreements are commonly used for land use developments which are implemented in phases over a period of time. Development Agreements provide assurances to both the applicant and the City that the terms of the agreement will be in force until the completion of the project, and in some cases, elements of the Development Agreement could be in effect for the life of the project. Development Agreements are enabled by California Government Code Sections 65864-65869.5.

The City Council adopted Resolution No. 4159 in January 1990, establishing the procedures and requirements for the consideration of Development Agreements. Resolution No. 4159 calls for the Planning Commission to conduct a public hearing at which the property owner (or representative for the property owner) must demonstrate good faith compliance with the terms of the agreement. The Planning Commission is to determine, upon the basis of substantial evidence, whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the Agreement. The decision of the Planning Commission is final, unless it is appealed to the City Council. These provisions implement Government Code Section 65865.1 which requires the periodic review, at least once every 12 months, to determine compliance with the terms of the agreement.

In addition, the approved Development Agreement for the Menlo Gateway project, Section 7.1, sets forth the following requirement for the Annual Review: “The City shall, at least every twelve (12) months during the term of this Agreement, review the extent of Owner’s good faith compliance with the terms of this

Agreement pursuant to Government Code § 65865.1 and Resolution No. 4159. Notice of such annual review shall be provided by the Director to Owner not less than thirty (30) days prior to the date of the hearing by the Planning Commission on Owner's good faith compliance with this Agreement and shall to the extent required by law include the statement that any review may result in amendment or termination of this Agreement. A finding by City of good faith compliance by Owner with the terms of Agreement shall conclusively determine the issue up to and including the date of such review."

Section 2 of the Menlo Gateway Development Agreement identifies the term for retaining development rights. The initial term of the Development Agreement was five years from the effective date of December 7, 2010. By the fifth year of the agreement, which ended December 7, 2015, the applicant was required to make a complete building permit submittal. However, Section 8.2 of the Development Agreement gives the City Manager authority to extend for a reasonable period, not to exceed 180 days, the time to satisfy the actions identified in Section 2, provided the owner is using diligent efforts. On November 30, 2015, the City Manager authorized a 180-day time extension for the applicant to submit a substantially complete building permit application on or before June 7, 2016. On May 12, 2016, the applicant submitted a 100 percent construction document permit set for the hotel, which met the Development Agreement requirements to retain development rights. As a result, an automatic three year extension of the Development Agreement to December 7, 2018 was granted according to the terms in Section 2. With construction underway on the Independence Site, the applicant has until the 15th year from the effective date of the Development Agreement (December 7, 2025) to start construction on the first office building on the Constitution Site. Upon beginning construction on the first Constitution Site office building, the applicant would have an additional five years (i.e., 20 years from the effective date) to start construction of the second Constitution Site office building.

Section 3.2 of the Menlo Gateway Development Agreement outlines the project phasing. This section requires the construction of the hotel to occur prior to or concurrently with the construction of any of the office buildings. With the hotel, garage, and office building on the Independence Site under construction, the project currently meets the phasing requirements of the Agreement.

The applicant has provided a letter (Attachment B), and two matrices indicating the status of Development Agreement obligations (Attachment C) and CDP-related infrastructure improvements tied to the Independence Site phase of the project (Attachment D), which have been reviewed by staff.

In evaluating the applicant's progress at implementing other aspects of the Development Agreement, staff has developed a classification system to describe how the specific requirements are being fulfilled using four categories. Three of these categories are consistent with the principle of good faith compliance with the terms of the agreements and are as follows:

- **Completed:** A one-time action was completed or an ongoing activity occurred during the Development Agreement review year.
- **In Progress:** A one-time action is underway (acceptable progress).
- **Conditional, No Action Required:** The triggering event, condition, or requirement to undertake an item has not occurred; no action is necessary.

The fourth category, described as Unacceptable Progress implies that, at least potentially, good faith compliance for that item may not have occurred. However, a determination that substantial and persistent non-implementation of the Development Agreement would have to occur before a lack of good faith compliance could truly be determined. None of the Development Agreement requirements have been

identified as unacceptable progress during the 2016-2017 Development Agreement review year.

To ensure that the City is aware of the status of their compliance and any challenges they may be having achieving compliance, the applicant meets with City staff weekly and provides periodic updates on the status of all applicable requirements. These updates, as well as supporting correspondence and written documentation have been used to develop the Development Agreement Implementation tables attached to this staff report.

Development Agreement progress

The Development Agreement includes 14 requirements that are associated with the annual Development Agreement tracking. A summary of the implementation status of the 14 Development Agreement requirements is provided in the following table.

Implementation Status	Number of Requirements
Completed	3
In Progress (Acceptable Progress)	5
Conditional, No Action Required	6
Unacceptable Progress	0

Details of the individual items are described in Attachment C, as mentioned previously.

CDP implementation progress

As part of this annual review, staff has also reviewed the status of major infrastructure improvements identified in the project CDP related to the Independence Site. As shown in the table below, the applicant has made good progress at meeting its obligations under the CDP, considering that construction on the site began within the past few months.

Completion Status	Number of Projects
Complete	3
Under construction	1
Project in design development / permits not issued / Construction not started	3

The applicant has contributed a fair share amount toward identified infrastructure projects or submitted 100 percent design plans to the City, Caltrans, and/or other applicable reviewing agencies for each Independence Site-related item in the CDP. Construction of many of the outstanding improvements is anticipated to take place in 2017 as permits are issued by the relevant agencies.

Correspondence

Staff has not received any correspondence regarding the applicant’s progress in meeting the provisions of the Development Agreement.

Conclusion

Since May 2015, the applicant's project development team has met with City staff on a weekly basis to provide updates on the development of the project and compliance with the requirements of the Development Agreement and CDP. In May 2016, the applicant submitted a 100 percent construction document permit set for the hotel, as well as the garage/health club, and office building on the Independence Site, which met the Development Agreement requirements for phasing and timing to retain development rights. During the second half of 2016, construction of all three buildings commenced and has continued throughout the fall and winter months. With regard to Independence Site-related requirements in the Development Agreement and CDP, the applicant has made good progress in the past year and continues to work toward achieving all of the items in a timely manner.

In addition, the applicant has initiated discussions with City staff regarding development of the Constitution Site, which is planned to begin within or before the deadlines set in the Development Agreement. Based on the progress made over the past 12 months, staff recommends that the Planning Commission make a determination that the property owner has demonstrated good faith compliance with the provisions of the Development Agreement for the period of January 2016 through January 2017.

Impact on City Resources

The applicant is required to pay all costs associated with this review to fully cover the cost of staff time spent on the review of these projects.

Environmental Review

The California Environmental Quality Act (CEQA) requires that activities which meet the definition of a Project be evaluated for their potential impacts on the environment. The Annual Review of the Development Agreement has no potential to result in an impact to the environment and does not meet the definition of a Project under CEQA; as a result, no environmental review or determination is needed. The environmental impacts of the original project and the associated Development Agreement were evaluated and considered at the time the project was initially approved by the City in 2010.

Public Notice

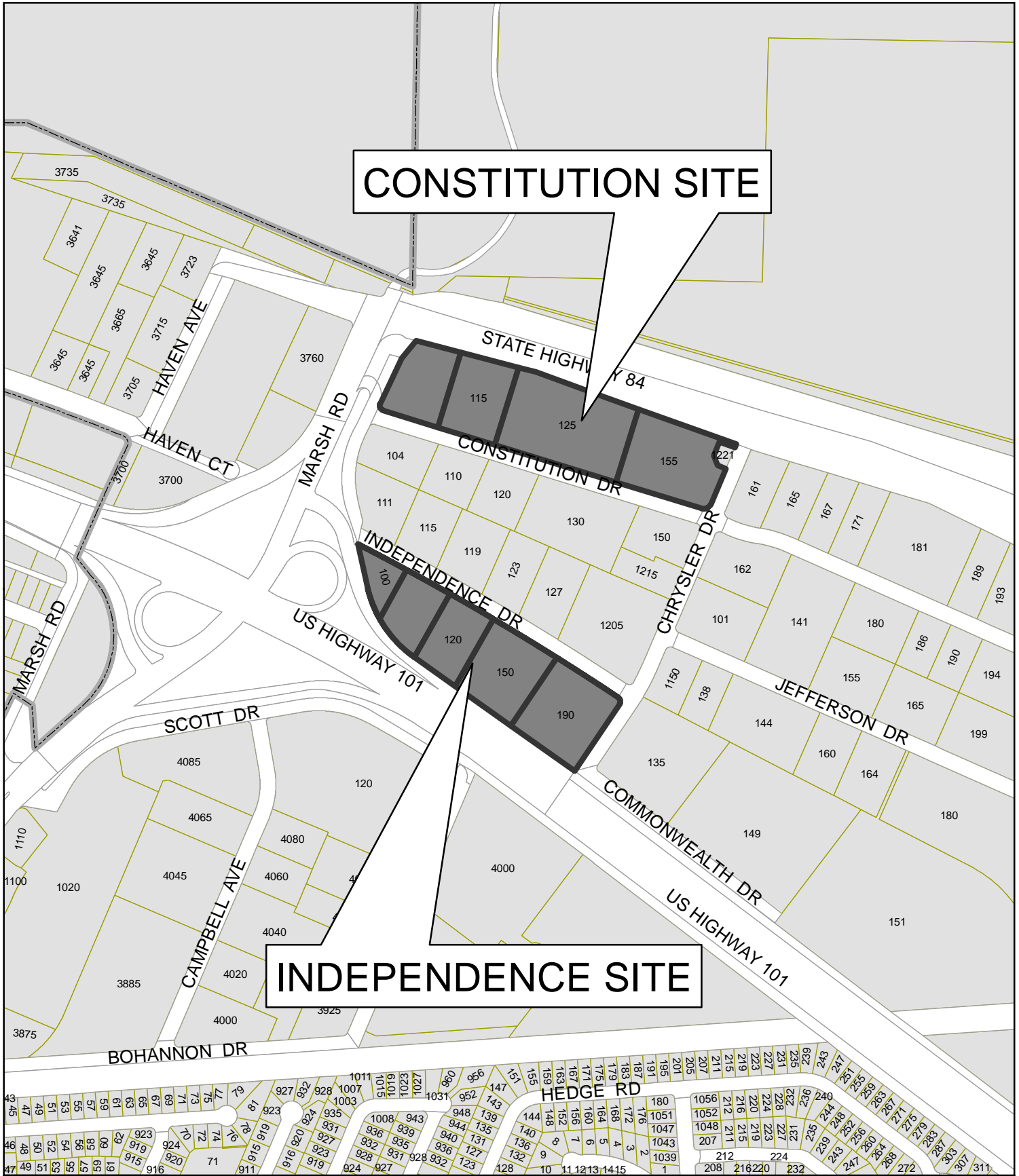
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject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

Attachments

- A. Location Map
- B. Letter from Bohannon Development Company
- C. Development Agreement Obligations Status
- D. Status of CDP Infrastructure Improvements for Independence Phase

Report prepared by:
Tom Smith, Associate Planner

Report reviewed by:
Thomas Rogers, Principal Planner



CONSTITUTION SITE

INDEPENDENCE SITE



CITY OF MENLO PARK
 LOCATION MAP
 MENLO GATEWAY PROJECT



DRAWN: TAS CHECKED: THR DATE: 1/9/17 SCALE: 1" = 500' SHEET: 1



Bohannon Development Company T 650.345.8222
 Sixty 31st Avenue F 650.573.5457
 San Mateo, CA 94403-3404 W ddbo.com

January 3, 2017

Tom Smith
 City of Menlo Park
 701 Laurel Street
 Menlo Park, CA 94025

Dear Tom:

We understand that on January 9, 2017, the City will conduct its annual review of Bohannon's good faith compliance with the terms of the Development Agreement for the Menlo Gateway Project, located at 100 to 190 Independence Drive and 101 to 155 Constitution Drive, both in the City of Menlo Park, California.

The purpose of this letter is to help facilitate this annual review by providing some background and then reporting on the status of the various initiatives described in the Development Agreement. As demonstrated below, we believe that Bohannon has demonstrated its good faith compliance with the Development Agreement. We therefore respectfully request that the staff recommend that the Planning Commission find and determine, on the basis of substantial evidence, that Bohannon has, for the period between December 2015 and December 2016, complied in good faith with the terms and conditions of the Development Agreement.

Background

In June 2010, the City Council voted to approve the Menlo Gateway Project, subject to voter approval of a ballot measure for the November 2, 2010 general election. The voters approved Measure T, and the Project approvals became effective with the certification of the election results on December 7, 2010.

As part of the Project approvals, the City and Bohannon¹ entered into a Development Agreement for the Menlo Gateway Project on December 7, 2010, and it was duly recorded in the Official Records of San Mateo County, California on January 12, 2011, as Instrument No. 20 11-004374 (the "Development Agreement"). The initial term of the Development Agreement was set to expire on December 7, 2015, but was subsequently extended for an additional 180 days by the City as evidenced by a letter from the City Manager dated December 2, 2015, granting a 180 day extension to the initial term of the Development Agreement through June 7, 2016, in accordance with Section 8.2 of the Development Agreement. Upon submittal of a substantially complete building permit, the DA was further extended until December 7, 2018.

¹ "Bohannon" refers to the Bohannon Development Company, a California corporation, David D. Bohannon Organization, a California corporation; 125 Constitution Associates, LP, a California limited partnership; Bohannon Trusts Partnership II, a California limited partnership; and Menlo Gateway, LP, a California Limited Partnership, the non-City parties to the Development Agreement.

2016 was a great year for the Project. We have continued to work closely with our hotel partners, Ensemble Investments and AECOM Capital, and City staff to move the Independence Phase of the Project forward. In fact, we finalized an agreement with Ensemble Investments and AECOM Capital, completed the design for the Independence Site, broke ground on March 23, 2016, and held a “topping off” ceremony for the office building on October 20, 2016. At this time, one can view the buildings going up over the 101 Freeway; and design work has recently commenced on the Constitution phase.

In addition, the City has conducted five annual reviews of the Menlo Gateway Project. In each instance, the Commission found that the property owner had complied in good faith with the terms and conditions of the Development Agreement.

Status of Compliance with the Terms of the Development Agreement

To facilitate the Planning Commission’s annual review, we have prepared a summary of our progress on implementing the Development Agreement, attached as Exhibit A. We have also included a summary of the major infrastructure improvements identified in the Conditional Development Permit, which are incorporated by reference into the Development Agreement. The table attached hereto as Exhibit B summarizes the status of the infrastructure requirements contained in the Conditional Development Permit. As you can see, we continue to make significant progress towards satisfying all of the Development Agreement’s requirements; however, because most of the requirements are triggered either by issuance of building permits or occupancy of the buildings, many of the items remain “in progress.” As construction continues over the course of the next year, we anticipate that many of the requirements will be completed.

We are immensely proud of all that has been accomplished to date, and are delighted that this landmark project is becoming a reality. As always, we appreciate the City’s ongoing cooperation and good faith efforts to help this project move forward. Please do not hesitate to contact me if you have any questions, or if there is any further information we can provide to facilitate the Planning Commission’s review.

Sincerely,



David D. Bohannon

Exhibit A – Summary of Status of Development Agreement Obligations

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.1	<u>Guarantee Payments.</u> Owner shall be obligated to make to the City the Guarantee Payments to the extent required.	Owner's obligation to make Guarantee payments, if any, commence as of the first day of the first full calendar quarter following the earlier of: (a) the third anniversary date of the Hotel Opening Date, or (b) the fourth anniversary of the date the City allows occupancy of the office building on the Independence Site, unless the Guarantee Payment Period shall be earlier terminated in accordance with this Agreement.	Conditional/ Not Yet Triggered	No change since last annual review.
§5.2	<u>Capital Improvements.</u> Owner shall make capital improvements to the Belle Haven neighborhood (not less than \$750,000) and Bedwell Bayfront Park or other city-wide recreational improvements (approximately \$500,000) in the amount of up to \$1,250,000.	Owner shall pay for and cause the construction of such capital improvements to be completed prior to the date of the City's final building inspection of the first office building in the Independence Phase.	In Progress	Owner had conducted community outreach, including meetings with City officials and staff and stakeholders within Belle Haven, and was in the process of refining the conceptual design for these projects. However, in February 2016, Owner met with City staff, at which point staff indicated that the City would prefer to conduct its own outreach process to identify improvements as part of a future planning process.

¹ The DA requirements listed here may be summarized. The complete terms can be found in the recorded Development Agreement.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				Thereafter, by letter dated May 12, 2016, the City indicated its intent to defer determination of the capital improvements to be provided under Section 5.2 of the DA to coincide with the development of a Bedwell Bayfront Park master plan and a City-led outreach to the Belle Haven neighborhood; City staff has agreed to “freeze” the funding amount as of March 2016.
§5.3	<u>Off-Site Landscaping Improvements.</u> Owner shall pay for and cause to be constructed off-site landscaping improvements, which may include pedestrian/bicycle pathways, hardscape, and other architectural and landscape features in addition to plantings, in certain areas surrounding the Property in an amount not to exceed \$500,000.	Owner shall pay for and cause the construction of such landscaping improvements to be completed in two phases: 1) prior to the date of the City’s final building inspection of the first office building in the Independence Phase ; and 2) prior to the date of the City’s final building inspection of the first office building in the Constitution Phase.	In Progress	Owner had conducted community outreach, including meetings with City officials and staff and stakeholders within Belle Haven, and was in the process of refining the conceptual design for these projects. However, in February 2016, Owner met with City staff, at which point staff indicated that the City would prefer to conduct its own outreach process to identify improvements as part of a future planning process. Thereafter, by letter dated May

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				12, 2016, the City indicated its intent to defer determination of the capital improvements to be provided under Section 5.2 of the DA to coincide with the development of a Bedwell Bayfront Park master plan and a City-led outreach to the Belle Haven neighborhood. City staff has agreed to “freeze” the funding amount as of March 2016.
§5.4	<u>TOT Amount.</u> Owner agrees that, during the term of this Agreement and for so long as the Hotel is operating, the TOT applicable to the Hotel shall be assessed at 1.0% above the Citywide TOT rate in effect.	The TOT can only be imposed on applicable hotel room rents and other receipts.	Conditional/ Not Yet Triggered	No change since last annual review.
§5.5	<u>Priority Hiring Program.</u> Owner shall create a priority-hiring program that will use	This obligation begins with construction.	In Progress	Owner has developed a priority hiring program, which was approved by City staff.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	<p>JobTrain, or a comparable program selected by Owner if JobTrain is not able to operate such program, as the first source for referral of qualified applicants for entry-level job openings related to both the Hotel and office uses, as well as construction positions.</p>			<p>With respect to construction jobs, Webcor has continued to meet with JobTrain to determine how to utilize JobTrain graduates for the project's entry-level labor needs. Webcor has also utilized JobTrain's Labor Training Class to build the Perimeter Site barricade, picnic tables and benches; hired one worker for the Core & Shell team; donated over \$4,000 worth of tools and materials; and extended an open invitation to both the Labor and Carpenter classes to visit the Site. Additional opportunities for JobTrain graduates are likely to be available once the Menlo Gateway hotel is prepared for finish and carpentry work in the middle part of 2017. Further, Michael Chavez, the Construction Manager for the Project, continues to serve on JobTrain's advisory committee.</p>

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.6	<p><u>LEED Certifications.</u> Owner shall cause (a) the Hotel to qualify for the “LEED Silver Certification”, and (b) the office buildings included in the Project to qualify for the “LEED Gold Certification.”</p>	<p>Owner shall submit each application for such LEED certification following Owner’s Completion of Construction of the Hotel or the applicable office building and shall use diligent, good faith efforts to obtain such LEED certifications, providing City with evidence of such applications and efforts to achieve such certifications.</p>	<p>In Progress</p>	<p>No change since last annual review.</p> <p>LEED Certification for the Hotel and Office Building are on target for:</p> <p>Hotel: LEED New Construction Silver</p> <p>Office/Garage: LEED Core and Shell Gold</p>
§5.7	<p><u>Vehicle Trip Reduction.</u> Owner shall reduce Net New Vehicle Trips for the Project to be reduced from 11,113 Net New Vehicle Trips to 9,242 Net New Vehicle Trips.</p>	<p>Net New Vehicle Trips can only be monitored once the buildings have been occupied.</p>	<p>Conditional/ Not Yet Triggered</p>	<p>No change since last annual review.</p>

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.8	<p><u>GHG Emissions Reductions.</u> Owner shall enroll all buildings in PG&E’s ClimateSmart program. In the event such ClimateSmart program is discontinued or becomes financially burdensome on the Project, Owner may propose substitution of a comparable GHG offset program selected by Owner, subject to the City Manager’s reasonable approval for the Project.</p>		Conditional/ Not Yet Triggered	PG&E no longer operates the Climate Smart Program, and Owner has investigated several alternatives to compliance with this condition including purchasing Renewable Energy Credit Offsets. A substantially similar substitute program, requiring enrollment in PCE ECOPlus, which is 75% GHG free, and offset the remaining 25% with green-e certified RECs annually, was proposed and accepted by the City.
§5.9	<p><u>Parking Structures.</u> Owner shall engage in a design development process with City staff to improve the aesthetics of the parking structures on Constitution and the parking structure on Independence.</p>		Completed as to Independence Phase	A meeting with City staff took place in October 2016 to review a revised design, and City staff approved the use of Dichroic Glass. An artist has been engaged to further enhance the Dichroic Glass Fins design, which is still in progress.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.10	<u>Utility Undergrounding.</u> Owner agrees to work collaboratively with and support City efforts to underground existing electric transmission lines located on the Constitution Site.		Conditional/ Not Yet Triggered	No change since last annual review. Owner anticipates that this work will occur in connection with the redevelopment of the Constitution Site, which will occur as a future phase.
§5.11	<u>School District Boundaries.</u> In the event the City, one or more property owners, or the Ravenswood School District initiates an effort to reorganize school district boundaries, Owner agrees to cooperate with any such future effort.		Conditional/ Not Yet Triggered	No change since last annual review.
§5.12	<u>Construction Sales Taxes.</u> Owner agrees to make diligent good faith efforts to include a provision in all construction contracts with all qualifying parties holding reseller's permits	Obligation begins when Owner enters into construction contracts.	In Progress	No change since last annual review. Owner is complying with this provision and has directed its contractors to obtain sub-permits to book and record

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	to obtain a sub-permit from the California State Board of Equalization to book and record construction materials purchases/sales as sales originating within the City of Menlo Park.			construction material purchases/sales as originating in Menlo Park for qualifying contracts.
§5.13	<u>Housing Sites.</u> Owner shall actively participate in a citizen advisory committee to assist the City in identifying future housing sites within the City when the City updates the Housing Element of the General Plan if the City decides to create such a committee.	Housing Element was adopted on April 1, 2014.	Completed	Owner participated in the update of the Housing Element of the General Plan.
§5.14	<u>Fire Impact Fee Study/Fire Impact Fee/Traffic Signal Priority System.</u> The City Manager shall have the discretion to require Owner to pay up to \$25,000 to the City to cover any City contribution toward the		Completed	Owner made the required payment.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	<p>cost of a fire impact fee study. Prior to issuance of a building permit for the Independence site, Owner shall coordinate with the City and the Fire District to provide up to \$100,000 either for installation of traffic signal priority systems on Middlefield and Marsh Roads or an advance against any fire impact fee imposed on the Project.</p>			

Exhibit B – Status of Bohannon CDP Infrastructure Improvements for Independence Phase

CDP Requirement	Timing	Status
<p>CDP § 8.63: Payment of \$125,000 as a contribution toward signal timing improvements based on impacts to the intersections of Willow Road/Newbridge Street</p>	<p>Prior to building permit issuance for the first building permit for foundation of the Independence Phase.</p>	<p>Completed. Payment was made on April 28, 2016.</p>
<p>CDP § 8.64: Eastbound right turn lane from Willow Road to Bayfront Expressway</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; submit plans and seek approval from Caltrans for a period of 5 years from the date of occupancy of the first building.</p>	<p>This improvement has already been completed by another developer and is no longer Owner’s obligation, which was confirmed in a letter from Arlinda Heineck to David Bohannon dated April 19, 2016.</p>
<p>CDP § 8.66: Eastbound left turn lane from Chrysler Drive to Bayfront Expressway</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>100% complete Design Plans have been submitted to the City and Caltrans for Bayfront/Chrysler signal. 100% Design plans have been submitted to the City for remaining portion of improvement; Final Design plans are anticipated to be approved and permitted by end of January 2017.</p>
<p>CDP § 8.67: Pedestrian improvements at Bayfront Expressway and Haven Avenue</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>This improvement is under construction by a different developer and is no longer Owner’s obligation. Owner has paid a fair share contribution of \$143,899.87.</p>

CDP Requirement	Timing	Status
<p>CDP § 8.68: Install a traffic signal and proposed lane geometry modifications at Constitution Drive and Chrysler Drive</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>100% Design plans have been submitted to the City; Final Design plans are anticipated to be approved and permitted by end of January 2017.</p>
<p>CDP § 8.71: Construct a westbound right turn lane from Marsh Road to Florence Street; pursue preservation of certain trees and submit a planning plan.</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>City staff has requested that Owner refrain from developing plans for this Improvement and instead explore an alternative concept. Owner completed concepts for installation of bike lanes on Marsh Road as an alternative to this improvement. City staff may request one final round of refinement to concepts. This improvement is no longer Owner's obligation.</p>
<p>CDP § 8.74: Provide a fair-share contribution for a westbound right turn lane from Marsh Road to Florence Street in the Town of Atherton</p>	<p>Prior to building permit issuance for the first building of the Independence Phase.</p>	<p>Completed. Owner paid a fair share contribution of \$198,709.47.</p>