



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF OCTOBER 23, 2006
AGENDA ITEM C2

LOCATION:	75 Willow Road	APPLICANT	SummerHill Homes
		PROPERTY OWNER:	EJC Partners L.P.
EXISTING USE:	Office Building		
PROPOSED USE:	Single-Family Detached Residential	APPLICATIONS:	General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, Heritage Tree Permit, Environmental Review
EXISTING ZONING:	C-1 (Administrative and Professional District, Restrictive)	PROPOSED ZONING:	R-3-X (Apartment – Conditional Development District)
EXISTING GENERAL PLAN DESIGNATION:	Professional and Administrative Offices	PROPOSED GENERAL PLAN DESIGNATION:	Medium Density Residential

PROPOSAL

The applicant is proposing to demolish an existing 40,000 square-foot office building and construct 33 single-family residential units on an approximate 4.5-acre site located at 75 Willow Road. The proposal requires the approval of the following requests:

- **General Plan Amendment:** Change from Professional and Administrative Offices land use designation to Medium Density Residential;

- **Rezoning:** Change from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District);
- **Conditional Development Permit:** Establish specific uses and development regulations and architectural designs;
- **Tentative Subdivision Map:** Creation of 33 single-family lots and associated common areas and private street;
- **Heritage Tree Permit:** Removal of 46 heritage trees and relocation of 3 heritage trees; and
- **Environmental Review** of the proposed project in the form of an Environmental Impact Report (EIR).

The proposal requires review and recommendations by the Planning Commission on the General Plan Amendment, Rezoning, Conditional Development Permit, and EIR. The City Council is the final decision-making body on these applications. The City Council will also consider the recommendation of the Environmental Quality Commission in regard to the proposed Heritage Tree Permit and the recommendation by the Housing Commission in regard to the Below Market Rate Housing (BMR) Agreement.

BACKGROUND

Linfield/Middlefield/Willow Area Study

Since 2002, the City has been considering potential land use changes to the existing commercial properties in the Linfield/Middlefield/Willow (LMW) area as part of the review of specific development proposals and overall land use considerations for the area. The proposed project located at 75 Willow Road is one of the sites that have been discussed for an alternative land use by a private applicant. Neighborhood meetings and City Council sessions were conducted to provide input and direction on the process and review of the land uses for the various sites, including 321 Middlefield Road, which is also being considered at the October 23, 2006 Planning Commission meeting. With respect to 75 Willow Road, the City Council in June 2005 provided direction to pursue the potential land use change from office to residential. Additionally, on August 23, 2005, the City Council directed staff to proceed with a comprehensive traffic study of the LMW area (inclusive of 75 Willow Road, 321 Middlefield Road and 8 Homewood Place) with DKS Associates to identify potential traffic impacts and potential mitigation measures. The traffic study is included in the Draft Environmental Impact Report.

Planning Commission Study Sessions

The Planning Commission conducted two study sessions on the proposed project. The first session was held on September 26, 2005 and the second session was held on April 24, 2006. The staff reports are available at the Planning Division during business hours. The study sessions allowed the applicant to receive input from the Planning Commission and members of the public on the proposed project. In general, the Commission liked the site layout, the mix of unit types, and the architectural style and incorporation of quality materials, but questioned the appropriateness of tandem garage spaces on eight of the 33 residences. At the same time, Commissioners and several members of the public raised concern about the appropriateness of the change in land use and the consistency of the proposed project's density with the Linfield Oaks neighborhood.

Since that time, the applicant has worked to address concerns raised by the Commission and members of the public. To address parking issues, the applicant has reduced the number of Plan 4 units, which incorporated the tandem parking arrangement, and have provided an additional on-street parking space. These items and other updated items are further discussed in the Pedestrian and Vehicular Circulation and Parking and Architecture and Materials sections below.

Draft Environmental Impact Report Review

Based on the Initial Study, a Draft Environmental Impact Report (EIR) was prepared and circulated for 45 days, from July 18, 2006 to August 31, 2006. On July 31, 2006, the Planning Commission conducted a public hearing on the Draft EIR. The purpose of the meeting was to receive comments on the document by members of the Commission and the public. The staff report from the July 31, 2006 meeting is included as Attachment H. Minutes from the PC meeting are included in the Response to Comments of the Final EIR, distributed previously to the Planning Commission and available from the Planning Division.

Housing Commission - Below Market Rate Proposal

The BMR Guidelines specify that in residential developments of 20 or more units, the developer shall provide not less than 15 percent of the units at below market rates to very low-, low- or moderate-income households. In this case, the project would be required to provide 4.95 BMR units. If the number of BMR units includes a fraction of a unit, the developer shall provide either a whole unit or make a residential in-lieu payment for the fractional unit. The developer is proposing to round up and provide five on-site BMR units.

The applicant proposes five BMR units, which is slightly greater than the required 15 percent. The applicant has appeared before the Housing Commission at four meetings to receive input and to consider if the proposal meets the Housing Program requirements.

The applicant's proposal has evolved since the first Housing Commission meeting on October 5, 2005. The type of units, the distribution of BMR units amongst the unit types, and square footages have been modified based on input from the Housing Commission and comments provided by staff, the Planning Commission, Environmental Quality Commission and the public.

On September 6, 2006, the Housing Commission recommended approval of the on-site BMR proposal. The staff report for the September 6, 2006 Housing Commission meeting, which includes a brief synopsis of the previous meetings, is included as Attachment I. The Draft BMR Agreement is included as Attachment J.

During the review of the proposal, staff introduced a possible alternative approach to meeting the project BMR requirement. The alternative would involve the project applicant dedicating funds and/or expertise to assist in and help ensure the feasibility of the Habitat for Humanity project proposed on Terminal Avenue in lieu of the provision of on-site moderate-income BMR units. The basis for the alternative approach is a combination of a strong need for very-low and low-income BMR units and the difficulties of development Terminal Avenue site. A more detailed discussion is in the September 6, 2006 Housing Commission staff report. The Commission generally supported the alternative concept and recommended that the applicant further explore this approach. Commission support for the BMR proposal recognizes that the recommended proposal may be superseded at a later day by an alternative off-site BMR proposal.

The applicant is still actively exploring the alternative approach. Should the alternative come to fruition, staff has added a condition to allow the City Council the flexibility to modify the BMR proposal at a later date.

Environmental Quality Commission – Heritage Tree Permit

The subject site contains 199 trees, of which 102 are heritage size. The species vary, but are predominantly eucalyptus along the western and northern edges and a mix of coast redwood, eucalyptus, and deodar cedar within the interior of the site. The applicant proposes to remove 46 heritage trees and 53 non-heritage trees and relocate three heritage trees and nine non-heritage trees. Of the proposed heritage trees for removal, the majority of the trees are eucalyptus and red iron bark. Of the non-heritage size trees proposed for removal, the majority are deodar cedar and white birch. Many of the significant trees along the Willow Road frontage, including several clusters of heritage redwood trees, are proposed to remain. Additionally, several mature, heritage size trees from the site would be relocated to the frontage along Willow Road, including an elm tree and an olive tree.

The proposed heritage tree removal/relocation and replacement plan requires review and a recommendation by the Environmental Quality Commission (EQC) and review and approval by the City Council. The applicant attended two EQC meetings to discuss the tree removal and replacement plan. At the September 12, 2005 meeting, several Commissioners focused on the red iron bark trees along the western border. They felt

this was an effective screening for the existing properties and it would be appropriate for each individual property to seek removal as desired. The City's consulting arborist indicated that these trees were old, and would need to be removed within a few years and recommended that new trees be planted. Furthermore, the applicant indicated that all but one of the adjacent property owners, felt the removal of the eucalyptus trees was appropriate. The eucalyptus tree that was asked to be preserved at the edge of the property at Willow Road will be maintained and is shown on the proposed landscaping plan. As a replacement, the applicant is proposing 36-inch box trees that will have a height of at least 15 feet at the time of installation.

On May 3, 2006, the applicant returned to the EQC for a recommendation. At that meeting, the applicant provided a revised tree replacement plan, which included a few additional trees, which would also be larger than the typical 15-gallon replacement tree. The Commission, in general, was pleased with the proposal to plant many larger sized replacement trees (24-inch and 36-inch box sizes), but asked that more of the replacement trees be native species. The Commission supported the tree removal and replacement plan by a vote of 3-1-1. Since that time, the applicant has incorporated 24-inch box coast live oak trees into the landscaping palette. The staff report and minutes for the May 3, 2006 meeting are included as Attachment L and M, respectively.

ANALYSIS

The purpose of the October 23, 2006 public hearing on this proposal is to give the public and the Planning Commission an opportunity to comment on the project and the Final EIR that has been prepared. Subsequent to receiving public comment, the Commission should formulate and forward to the City Council its recommendation on the proposed project and Final EIR.

Site and Surrounding Context

The 4.5-acre site is generally rectangular in shape and is located at 75 Willow Road, between Waverley Street and Middlefield Road in the Linfield Oaks area. The property is developed with an approximate 40,000-square foot commercial office building, which is partially occupied. The subject site is surrounded by multi-family residential uses to the west and single-family residential units (under construction) to the north at 175 Linfield Drive. Two projects, one at 175 Linfield Drive and one at 110 Linfield Drive were recently approved by the City Council in March 2006 for a combined 56 single-family residential units. Office buildings are located to the north and to the south across Willow Road.

Proposed Project

The proposed project would consist of demolition of the existing office building and the construction of 33 single-family residences, the associated common areas, including several passive open space areas and a pedestrian pathway to the adjacent residential

project at 175 Linfield Drive, and a new private street accessed from Willow Road. The site plan integrates the various components into one comprehensive development plan.

The 33 residential units range in size from 1,713 square feet to 2,389 square feet, exclusive of the attached garage. Five of the units would be Below Market Rate (BMR) housing units. There are five primary floor plans, with two of the floor plans having slight variations for a few of the units. The units would contain three or four bedrooms and two and one-half baths each. The applicant has provided a letter to highlight aspects of the project and changes since the last Planning Commission meeting in July. The letter is included as Attachment K.

Architecture and Materials

The proposed project includes traditional architectural styles that reflect elements of the Linfield Oaks neighborhood and the nearby Sunset Publishing buildings. The project provides 13 different, but compatible elevations, to provide variation and individuality to the homes. The exterior finish of the buildings would utilize a variety of quality materials and decorative elements such as architectural sectional garage doors, simulated divided light wood windows, shutters, planter boxes, and heavy composition shingle roofing. Decorative paving would be used at the front entry of the development as well as on driveways with different patterns to enhance the streetscape. Furthermore, all of the Plan 5 units would include a “hollywood strip” in their driveway. The grass strip inlaid into the driveway between the widths of the wheels can add a decorative element, and also reduce the amount of impervious surface to the site.

At the July 31, 2006 Planning Commission meeting, the Commission commented on the desire to integrate “green building” materials and sustainable building design features into the project. The proposed project would include both standard features, including meeting Energy Star Guidelines for increased energy efficiency, use of recycled content decking, and flyash concrete, a waste product of coal power plants on all foundations. Optional features offered include tankless water heaters, whole house vacuums, and recycled material countertops, which would be at each homeowner’s discretion. An itemized list is included in Attachment K.

Pedestrian and Vehicular Circulation and Parking

The development is accessed via a new private road from Willow Road. The new street would form a loop with one ingress and egress point. The street would provide two 10-foot wide travel lanes with the exception of a small portion between the linear park and units 31 and 32, which would narrow to approximately an 18.5 feet-foot width. The road width should maintain a constant 20-foot travel lane and staff has added a condition to require revised plans. The slight increase in road width could impact several existing non-heritage trees and reduce the overall landscaping and increase the impervious surface on site.

Most of the residential units would face the road with the exception of those units facing Willow Road or those located in a flag lot configuration. However, all vehicular access to the residential units would be from the new internal private street. The site layout provides an attractive streetscape along Willow Road as well as within the project.

Thirty of the units contain a two car, side-by-side garage and three units include a tandem garage arrangement. The Commission had previously raised concern about the appropriateness of a tandem parking situation in the Plan 4 units. Partly in response to the Commission's concern, the applicant explored design alternatives and created Plan 5, which contains similar square footages as Plan 4, but with a two-car, side-by-side garage. The proposed number of tandem parking spaces has been reduced from eight to three. All of the garages would provide a minimum dimension of 20 feet by 20 feet for a two car, side-by-side garage or 10 feet by 40 feet for a two-car tandem garage. Additionally, each of the units would provide a driveway, which on average would provide an additional two, off-street parking spaces. A parking diagram is included in Attachment B. The applicant has indicated that the Conditions, Covenants and Restrictions (CC&Rs) for the development would include provisions to require that the garage be maintained to accommodate two vehicles.

The proposed project would also provide 12 designated street parking spaces, which would be available for guests. The parallel stalls are situated along the inner edge of the ring road and located throughout the development. Similar to the City's regulation, the applicant is proposing to restrict overnight parking on the private street.

The site design considers pedestrian and bicycle linkages within the site and connections to the neighborhood. The applicant proposes to continue the pedestrian and bicycle path from the recently approved residential development at 175 Linfield Drive. The path would connect to a sidewalk within the project site, which would lead to Willow Road where it would have access to the Willow Place bicycle and pedestrian bridge to the City of Palo Alto.

During one of the study sessions, the Planning Commission asked about the possibility of creating a sidewalk along the internal edge of the ring road. The proposed project includes a continuous sidewalk along the outer edge of the ring road where a majority of the homes are accessed. The sidewalk would be a minimum of four feet in width to comply with Americans with Disabilities Act (ADA), but would increase to five feet for the portion between the pedestrian path and the front entrance along the western side of the development, which would likely be the more traveled route to Willow Road given its shorter distance. While a second sidewalk could be desirable, staff does not believe it is warranted from a pedestrian safety perspective. Staff also believes the lack of a second sidewalk allows for the preservation of existing trees, provides larger front and side yards to the various units, and reduces the amount of impervious surfaces.

Heritage Trees and Landscaping

The applicant has proposed a comprehensive landscaping plan which preserves many heritage trees and provides for the installation of 50 24-inch and 36-inch box trees, which would be installed with a minimum height of 15 feet. Some of these trees would be used for screening along the northern and western property lines that are adjacent to residential uses. Additionally, the applicant has offered to upsize seven trees from 15 gallon to 36-inch box size located along the rear property line of 175 Linfield Drive to provide more immediate screening benefit due to the unanticipated removal of the eucalyptus trees along the rear border at the time the project was approved.

The project incorporates several passive open space areas. The main feature is a passive open space area located at the front entrance of the development. This space, with mature landscaping, benches and a water feature, is currently an interior courtyard in the existing building, which is not visible from the street. The applicant proposes to preserve this space and create it as a focal point to the front entrance of the proposed project. The second passive space is smaller and linear and would also incorporate the preservation of existing trees. Both of these open space areas would be accessible by the general public, but would not be dedicated as City parkland. Maintenance of these areas would be provided by the development's Homeowners Association (HOA). The project would also contribute to the City's park system through the payment of the Recreation In-Lieu Fee.

Project Land Use Entitlements

The proposed project would require changes to the General Plan and the Zoning Map. The General Plan designation is Professional and Administrative Offices and the zoning is C-1 (Administrative and Professional District, Restrictive). The applicant is proposing to change the General Plan designation to Medium Density Residential and change the underlying zoning classification to R-3 (Apartment District) to be consistent with the land use designation and the adjacent residential properties along Waverley Street and Linfield Drive. The proposal includes the use of the "X" (Conditional Development) zoning designation in order to consider alternative development standards as described below.

The following table provides the density, floor area ratio, the building coverage, height, paving, and landscaping calculations compared to the requirements of the underlying R-3 zoning district.

Density, FAR, Building Coverage, Height, Paving and Landscaping Comparisons

	75 Willow Road	Maximum Allowed in R-3 District
Density (dwelling unit per acre)	7.3 du/ac	18.5 du/ac
Floor Area Ratio (FAR)	36%	45%
Coverage	25%	30%
Paving	25%	20%
Landscaping	50%	50%
Note: All calculations are based on the gross land area		

The table shows that the project will be within the standard R-3 requirements for all of the items, except for paving, which includes the street, sidewalks and driveways. This figure, however, does not take into consideration the features that have been incorporated into the design of the project to reduce the amount of impervious surface. Some of the driveways include permeable pavers and Hollywood grass strips to reduce the amount of paving. The provided paved areas provides a safe vehicular and pedestrian circulation system. The increase in paving is counterbalanced by a decrease in lot coverage by a corresponding five percent.

In addition to the increase in maximum paving, the applicant is requesting an exception to the following development standards through the Conditional Development zoning and permit process:

- Decrease in the minimum lot area and dimension requirements;
- Decrease in the minimum setback requirements from property lines and buildings; and
- Exception to independently accessible parking spaces for three units.

The following table provides the lot sizes, setbacks and heights compared to the requirements of the underlying R-3 zoning district.

	75 Willow Road	R-3 District Requirement
Lot Area	2,702 sf	7,000 sf
Lot Width	36.5	70 ft. min.
Lot Depth	65	100 ft. min.
Setbacks		
Front	12 ft.	20 ft. min.
Rear	13 ft.	15 ft. min.
Side	5 ft.	10 ft. min.
Side	5 ft.	10 ft. min.
Between Buildings	10 ft.	35 ft. max.
Height	32 ft. (28.2*)	35 ft. max
Note: The listings reflect the extreme condition (minimum or maximum)		
*Measured from finished grade		

The chart reflects the extreme condition for the proposed development. For example, the lot sizes range from 2,702 square feet to 7,173 square feet, with an average lot size of approximately 4,700 square feet. The development provides articulation through the use of front porches (minimum 12-foot setback) and recessed garages, which have a minimum setback of 18 feet from the new street. The maximum height of the residences would be 28.2 feet from finished grade, which can be a similar height to a two-story single-family residence. The applicant proposes to cut and fill the site to achieve the desired grading. The finished grade would range from minus one-foot to plus 3.6 feet, with an average fill of 1.4 feet above existing grade. The maximum height, therefore, measured from existing grade would be a maximum of 32 feet, which is approximately one foot taller than the existing office building. No exceptions are needed for height.

General Plan Amendment and Rezoning

The proposed residential development has been identified as a potential housing site by the City Council. The Planning Commission may wish to consider the goals and policies contained in the General Plan that are related to residential development. Two of the goals most applicable to the proposal are listed below.

- **Land Use I-A:** To maintain and improve the character and stability of Menlo Park's existing residential neighborhoods while providing for the development of a variety of housing types. The preservation of open space shall be encouraged.
- **Housing III-A:** To promote the development of a balanced range of housing types and densities for all economic segments and all geographic areas of the community.

Other land use policies that the Planning Commission may wish to consider relate to encouraging design that improves the stability and character of the individual neighborhood, providing quality design that also encourages open space and the character of Menlo Park, and providing housing opportunities at higher densities throughout the City, particularly near public transit and transportation corridors.

Staff believes that the project is consistent with the proposed land use designation and goals and policies of the General Plan and that it is appropriate to make the required finding. The proposed housing diversifies the City's housing stock by providing single-family residences on smaller lots, provides housing for a range of economic groups with varying square footages, and includes five BMR units. The proposed layout provides residential units with the incorporation of two open space areas, one of which is being preserved from the existing use, and a pedestrian and bicycle pathway. The pathway provides connectivity within the neighborhood, which should encourage pedestrian activity. The proposed amenities serve and enhance the quality of the neighborhood.

The proposed land use change is appropriate given the location of the site surrounded by two properties with similar land use designations and commercial office buildings. The proposed residential development would be approximately one mile to various local and regional public transportation systems and the downtown area, which is consistent with the policies of the General Plan. The proposed project matches the character and style of the traditional homes of the Linfield Oaks neighborhood by incorporating similar architectural design and materials. With several of the homes fronting onto Willow Road, the development pattern matches those of the single-family residences further west along Willow Road. Staff believes the proposal is consistent with the goals and policies of the General Plan.

Conditional Development Permit

The Conditional Development Permit (CDP) establishes the development regulations for the properties and the conditions of approval. The CDP (Attachment G) includes terms for minor changes to the exterior of the units, landscaping, and fencing through an administrative review process. Major modifications to the exterior of the units, landscaping and fencing may be considered through an architectural control application to the Planning Commission. Modifications involving room additions or other expansion, construction of accessory structures, or a change in land use, development standards or conditions would require an amendment to the CDP and City Council approval.

Staff believes that the use of the Conditional Development Permit is appropriate. The proposed development meets the major development requirements of floor area ratio, lot coverage, and landscaping. The exceptions related to lot area, setbacks and parking are appropriate given the overall site design and the preservation of the mature trees, which 1) provides an attractive and compatible design comparable to the neighborhood, 2) allows for private open space on each individual lot as well as two common, open space areas that include variety of native trees, plants shrubs and decorative pavers for the nearby residents to enjoy, 3) creates similar orientation of the units along Willow Road to maintain the consistency of development pattern, and 4) integrates sustainable materials and reduces the amount of impervious surface on the site. The development standards and conditions of approval have been created to ensure that the proposed components of the project are built and operating consistent with the intent of the project.

Tentative Subdivision Map

The applicant is proposing to subdivide the 4.5-acre site into 33 lots plus two common areas labeled as Parcel 'A' and Parcel 'B'. The Engineering Division and affected agencies and utilities have reviewed the map and have determined that it is technically correct and in compliance with the State Subdivision Map Act and the City's Subdivision Ordinance subject to the conditions of approval.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) was prepared for the proposed project, and was released for public comment from July 18, 2006 to August 31, 2006. Staff received seven comment letters from several public agencies, residents, and a law firm representing the Linfield Oaks Neighborhood Association. These comments, in addition to comments received at the Draft EIR public hearing on July 31, 2006, are included in the Response to Comments on the Draft EIR. Staff also received one additional comment letter during the review period, but was inadvertently not attached to the Response to Comments. This letter with responses by the EIR Consultant are included as Attachment N. The Final EIR review period will be extended to include the additional letter. The Response to Comments and the Draft EIR comprise the Final EIR for the project. The comments question the adequacy of the Draft EIR and raise concerns about the loss of trees, traffic impacts and the proposed land use change. Staff also received one letter following the close of the public review period, which is included as Attachment O.

The Final EIR was released for public review on October 10, 2006. Staff plans to continue the review period of the Final until November 13, 2006 at 5:30 p.m. To date, no letters have been received on the Final EIR. Staff would note one clarification in the existing Final EIR document. Item 3.14 in response to comment F-5 indicates that the City has an adopted General Plan and the project does not include an amendment to the plan. To clarify, the proposed project is not requesting an amendment to the General Plan text, but is requesting an amendment to the map for a change in land use designation.

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

As identified in the Draft EIR Analysis of Impacts section below, the project will result in significant, unavoidable aesthetic and traffic impacts. In order to approve the project with significant and unavoidable adverse environmental impacts, the City Council must adopt a Statement of Overriding Considerations. This is a specific finding that the project includes substantial public benefit that outweighs its significant adverse environmental impact. The Statement of Overriding Considerations is part of the Findings for Certification, which is included as Attachment C.

The Planning Commission should review and forward a recommendation to the City Council on the adequacy of the Final EIR, Findings for Certification, the Statement of Overriding Consideration, Statement of Certification and Mitigation Monitoring and Reporting Program. The City Council will be the final decision-making body on all documents associated with the certification of the Final EIR.

EIR Analysis of Impacts

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

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

Aesthetics

Although the applicant will retain many of the existing heritage trees on site, the Draft EIR concludes that the proposed project and the project's contribution to cumulative tree removals would result in significant unavoidable impacts to scenic resources due to the removal of 46 heritage trees. The City's requirements for removing heritage trees require the replanting of suitable trees, but will take a number of years to grow to sizes comparable to the trees slated for removal. The Draft EIR concludes that there are no feasible mitigation measures to address this visual impact.

Transportation

The transportation analysis considered impacts to signalized and unsignalized intersections, roadway segments, transit, bicycle and pedestrian access, and site access, circulation and parking. The proposed project was considered in the LMW Area-Wide Transportation Impact Analysis which included proposed projects located at 321 Middlefield Road and 8 Homewood Place.

During the LMW Analysis review by the City Council, staff provided a list of mitigation measures that would be shared amongst the applicants. The table, included as Table

4.3-9 of the Draft EIR, identifies the measures, the percent allocation for each improvement by each applicant, and the method for meeting the requirement.

Specific to 75 Willow Road, the following mitigation measures/improvements were identified. As noted later in the report, not all are feasible.

- *Intersection of Alma Street and Ravenswood Avenue:* Prohibition of left and through movements from Alma Street during the AM peak period. The prohibition shall become effective prior to occupancy of the first project completed.
- *Intersection of El Camino Real and Ravenswood Avenue:* Include the addition of a third through lane in the northbound and southbound directions on El Camino Real, a northbound right-turn lane, and an exclusive westbound right turn lane.
- *Project Contributions to Intersection Impacts or Related Benefits:*
 - Adaptive signal timing improvements at the intersection of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400;
 - Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000; and
 - Upgrades to the Caltrain bike shelter: \$6,500.

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

Together with 321 Middlefield Road and the 8 Homewood Place, the proposed project would affect operating conditions in the AM peak hour at 11 of the 15 study intersections, which are identified on Figure 4.3-1 of the Draft EIR. However, the average delay of nine of the intersection would range from 0.2 and 0.8, which would be below the City's threshold for significance. The northbound approach from Alma Street to Ravenswood Avenue would continue to operate at LOS E and the average delay would increase by 5.2 seconds and would be considered a significant impact.

In the PM peak hour, 14 of the 15 study intersections would be impacted. The intersection at El Camino Real and Ravenswood Avenue would continue to operate at LOS E, and the average delay would increase by approximately 5.4 seconds. The increase in average delay for critical movements on the east and westbound approaches would be approximately 3.6 and 30 seconds, respectively. The increase in delay exceeds the 0.8-second threshold of the City of Menlo Park's Transportation Impact Analysis (TIA) Guidelines and therefore, the project impacts in the PM peak hour to the intersection of El Camino Real and Ravenswood Avenue would be considered significant.

With the proposed mitigation measures, the impact at the intersection of Alma Street and Ravenswood Avenue in the AM peak hour would be reduced to a less than significant level. However, the impact at the intersection of El Camino Real and Ravenswood Avenue would remain significant and unavoidable because implementation of the proposed mitigation measures pose some constraints given the

existing right-of-way limitations and the fact that City does not have jurisdiction over the intersection.

Near Term Impacts to Project Area Streets: Average Daily Trips

The addition of project traffic, added to the near-term scenario, would be greater than the significance criteria in the TIA Guidelines on six of the ten study roadway segments for the three projects in the LMW Study. For the project at 75 Willow Road, individually, the EIR states that the project would result in impacts at two of the six roadway segments as follows:

- Ravenswood Avenue (Laurel Street to Alma Street) and
- Ravenswood Avenue (Alma Street to El Camino Real).

Adaptive signal timing, as identified above in the list of project mitigation measures, has been considered for Ravenswood Avenue. However, the improvement may only decrease the delay by five to 10 percent. Ravenswood Avenue would continue to have a significant and unavoidable impact because adaptive signal timing improves delay, but does not decrease volumes.

Cumulative Impacts to Project Area Intersections: Peak-Hour Traffic

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

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

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

given the location of the 75 Willow Road project, it is not expected to contribute financially toward a potential improvement.

Cumulative Impacts Project Area Streets: Average Daily Trips

Under the cumulative scenario, two additional roadway segments (Middlefield Road and Laurel Street) would be greater than the significance criteria in the TIA Guidelines for the three projects. For 75 Willow Road, individually, the EIR states that the project would result in impacts to the same two roadway segments as the near term, and not the two additional segments.

CORRESPONDENCE

Staff has received various correspondence letters from residents regarding the project. These have been included in previous documents. Since the Draft EIR review period, staff has received one letter, included as Attachment O. The letter expresses concern about the loss of heritage trees and the creation of a private street. The resident believes the new street should be public and that the removed heritage trees should be moved to public streets and that the trees should be replaced at a one-to-one ratio and planted on or near public streets around the project.

The proposed project intends to create a parkstrip with trees along the frontage of the property where street trees do not exist. Furthermore, the applicant is proposing to install 76 replacement trees, of which 50 are at 24-inch box or greater, for the loss of 46 heritage trees. Additionally, the applicant will be relocating two olive trees (one heritage size and one non-heritage size) to the neighboring property at 85 Willow Road.

RECOMMENDATION

The proposed single-family residential development is well designed, compatible with the surrounding mix of residential and office uses, and appropriate in scale and density for the site. The proposed General Plan Amendment, Rezoning, and Conditional Development Permit are necessary for the development of the proposed project, which is consistent with several goals and policies of the City's General Plan. As indicated in the Draft EIR, the proposed project would have a less than significant impact in all environmental impact areas except for traffic and aesthetics due to loss of trees. Staff believes that the benefits of the proposed project outweigh the potential significant and unavoidable impacts. Staff recommends that the Planning Commission recommend certification of the EIR and Statement of Overriding Considerations, and recommend approval of the General Plan Amendment, Rezoning, the Conditional Development Permit, and the Tentative Subdivision Map as follows:

Environmental Review

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

General Plan Amendment

3. Make a finding that the proposed General Plan amendment to change the land use designation of property located at 75 Willow Road from Professional and Administrative Offices to Medium Density Residential for the development of 33 single-family, detached residential units, associated common areas and a private street would be consistent with the adopted General Plan.
4. Approve a resolution amending the General Plan to change the land use designation of property located at 75 Willow Road from Professional and Administrative Offices to Medium Density Residential.

Rezoning

5. Make a finding that the proposed rezoning of property located at 75 Willow Road from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District) is consistent with the General Plan land use designation of Medium Density Residential.
6. Introduce an ordinance rezoning property located at 75 Willow Road from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment - Conditional Development District).

Conditional Development Permit

7. Make a finding that the proposed conditional development permit will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
8. Make a finding that the conditional development permit allows for development that provides opportunities for the City to increase and diversify its housing stock, provide five Below Market Rate housing units in compliance with the City's guidelines, provides open space within the development and pedestrian pathways to connect the neighborhood, and incorporates quality design and "green" building materials to promote sustainable development.

9. Approve the Conditional Development Permit for the construction of 33 single-family, detached residential units, associated common areas and a private street for property located at 75 Willow Road subject to the terms and conditions of the Conditional Development Permit.

Tentative Subdivision Map

10. Make a finding that the tentative subdivision map has been reviewed by the Engineering Division and has been found to be technically correct and in accordance with the State Subdivision Map Act and the City's Subdivision Ordinance.

11. Approve the Tentative Subdivision Map.

Deanna Chow
Senior Planner
Report Author

Justin Murphy
Development Services Manager

PUBLIC NOTIFICATION

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and residents. The notice was mailed to owners and residents within a 300-foot radius of the subject property and all owners and residents in the area roughly bounded by Nash Avenue to the east, San Francisquito Creek to the south, Alma Street to the west, and Ravenswood Avenue to the north. Planning Commission action will be in the form of a recommendation to the City Council.

ATTACHMENTS

- A. Location Map
- B. Project Plans
- C. Findings for Certification of the Environmental Impact Report, including the Statement of Overriding Considerations
- D. Mitigation Monitoring and Reporting Program for the Environmental Impact Report
- E. Draft Resolution amending the General Plan to change the land use designation of the property located at 75 Willow Road from Professional and Administrative Offices to Medium Density Residential
- F. Draft Ordinance rezoning property located at 75 Willow Road from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District)
- G. Draft Conditional Development Permit, dated October 23, 2006
- H. Planning Commission staff report for the meeting of July 31, 2006 (without attachments)

- I. Housing Commission staff report for the meeting of September 6, 2006 (without attachments)
- J. Draft Below Market Rate Agreement for 75 Willow Road
- K. Letter from SummerHill Homes, dated October 18, 2006
- L. Environmental Quality Commission staff report for the meeting of May 3, 2006 (without attachment)
- M. Environmental Quality Commission Minutes for the meeting of May 3, 2006
- N. Letter from Don Brawner, dated August 31, 2006 and Response to Comments (to be part of Final EIR)
- O. L. Peter Deutsch, dated October 9, 2006

Previous Documents Available for Review During Business Hours at the Planning Division

- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, June 22, 2004
- City Council Study Meeting on Linfield/Middlefield/Willow Study Area Staff Report, October 19, 2004
- Neighborhood meeting to receive input on the Linfield/Middlefield/Willow Study Area presentation, April 28, 2005
- City Council Meeting to Review Neighborhood Input and Direction on Future Land Uses and Review Process for Development Proposals in the Linfield/Middlefield/Willow Area, June 14, 2005
- City Council Staff Report to Review the Scope of Work for a Comprehensive Traffic Study for Development Proposals in the Linfield/Middlefield/Willow Area, August 23, 2005
- Environmental Quality Commission Staff Report and Minutes, September 12, 2005
- Planning Commission Study Session Staff Report, September 26, 2005
- Housing Commission Staff Report, October 5, 2005
- City Council Staff Report on LMW Area-Wide Transportation Impact Analysis, March 14, 2006
- Housing Commission Staff Report, April 5, 2006
- Planning Commission Study Session Staff Report, April 24, 2006
- Housing Commission Staff Report, dated July 5, 2006
- Draft Environmental Impact Report, dated July 2006
- Planning Commission Staff Report, July 31, 2006
- Final Environmental Impact Report, dated October 2006

EXHIBITS TO BE PROVIDED AT MEETING

- Colors and Material Board

Note: Attached are reduced versions of maps and diagrams submitted by the applicant. The accuracy of the information in these drawings is the responsibility of the

applicant, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

V:\STAFFRPT\PC\2006\75 Willow\102306-75 Willow Road.doc

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

75 WILLOW ROAD RESIDENTIAL PROJECT

I. INTRODUCTION

On February 25, 2005, the City received an application from SummerHill Homes for a General Plan Amendment, Rezoning, Conditional Development Permit, and Tentative Subdivision Map at the site for 75 Willow Road Project. The approximately 4.5-acre project site is located at 75 Willow Road, between Middlefield Road and Waverley Street. Site access is from Willow Road. The site is developed with a two-story office building with an area of approximately 39,600 square feet, parking lots, and landscaped areas. The application proposes the following: to demolish the existing building, remove 105 trees (including 46 heritage trees) and relocate 12 trees (including 3 heritage trees), construct 33 single-family detached homes, construct a private road and guest parking spaces, provide about 9,200 square feet of landscaped common open space within the site boundaries, reconstruct the sidewalk along the Willow Road street frontage, and install new street trees and landscaping along the Willow Road street frontage. The proposal would require approval of the following:

- General Plan Amendment: Amendment to the General Plan Land Use Map for the site to change the land use designation for the site from Professional and Administrative Office to Medium Density Residential;
- Zoning Ordinance Amendment/Rezoning: Amendment to the Zoning Map for the site from Zone C-1 (Administrative and Professional, Restrictive) to Zone R-3-X (Medium Density Residential – Conditional Development District);
- Conditional Development Permit;
- Tentative Subdivision Map; and
- Heritage Tree Removal Permits.

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

The City of Menlo Park prepared and circulated a Notice of Preparation for the EIR to interested agencies and members of the public and to the State Clearinghouse on April 10, 2006.

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

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

II. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

A Notice of Preparation (NOP) for this EIR was distributed on April 10, 2006 to state, regional, and local agencies and interested parties for a 30-day review period. This Draft EIR was circulated for a 45-day review period beginning on July 18, 2006. The City prepared written responses to the comments received during the comment period. The Final EIR was published on October 5, 2006.

B. Record of Proceedings and Custodian of Record

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

1. The Final EIR for the 75 Willow Road Project and all reports, documents, studies, memoranda, and maps related thereto.

2. The Notice of Preparation and other public notices issued by the City in conjunction with the Draft EIR for the 75 Willow Road Project.
3. All written and oral comments submitted by agencies or members of the public during the public review period for the EIR and any public hearings or meeting held on Project approvals.
4. All other public reports, documents, studies, memoranda, maps, or other planning documents related to the 75 Willow Road Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the project Entitlements.
5. All matters of common knowledge to this Commission and Council, including, but not limited to:
 - a. the Menlo Park General Plan and other applicable policies;
 - b. the Menlo Park Zoning Ordinance and other applicable ordinances;
 - c. information regarding the City's fiscal status;
 - d. applicable City policies and regulations;
7. Reports, projections, and documentation regarding development within and surrounding the City; and
8. Federal, state, and county laws, regulations, guidelines, and publications.

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

C. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the 75 Willow Road Project, shall continue in full force and effect unless amended or modified by the City.

III. CERTIFICATION OF THE FINAL EIR

The Final EIR and Planning Commission staff report dated October 19, 2006 was presented to the City Council, acting as the decision making body of the Lead Agency for the project, and the City Council reviewed and considered the information contained in the Final EIR prior to approving the project.

The City Council hereby finds that the Final EIR for the 75 Willow Road project is adequate, accurate and objective and reflects the independent judgment of the City; and the Final EIR contains no significant revisions to the Draft EIR.

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

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Aesthetics

Visual: Project and Cumulative Impacts to Scenic Resources

Implementing the proposed project would result in the removal of 46 heritage trees. The required replacement planting at the project site would meet the City's requirements for replacement of heritage trees. However, the project would not result in plantings of mature trees of the same species in the same locations on the project site, nor would the required replacement trees possess the same features of existing heritage trees.

Mitigation Measures. No mitigation measures are feasible for removal of Heritage Trees given the quantity, size and location of the trees proposed for removal and the fact that any replacement tree will take a number of years to reach comparable sizes as the trees removed.

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

1. Effects of Mitigation: No mitigation is feasible for removal of Heritage trees.

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

B. Transportation and Circulation

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

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

Mitigation Measures.

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

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

Traffic 8c: Intersection of Middlefield Road and Willow Road

The Circulation Element of the City's General Plan outlines a proposed mitigation plan that includes the addition of a second southbound left turn lane (using existing right of way) resulting in two dedicated left turn lanes, one through lane and one through-right turn lane; re-striping the eastbound approach; and modifying signal phasing.

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

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

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

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

The proposed development at 75 Willow Road would result in significant roadway impacts at two of the six roadway segments that are identified as experiencing significant impacts from the three cumulatively proposed projects. Only two segments on Ravenswood Avenue would experience significant impacts: from Laurel Street to Alma Street, and from Alma Street to El Camino Real. Cumulative development would contribute additional daily traffic to eight local street segments. Based on the future cumulative plus project scenario, significant and unavoidable impacts would occur on Linfield Drive (two segments), Waverley Street, Willow Road, Middlefield Road, and Ravenswood Avenue.

Mitigation Measures.

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

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

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

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

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

A. Hydrology and Water Quality

Hydrology-3 and Water Quality:

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

Mitigation Measures:

The project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist. Specific guidelines that would apply to the project site include (but would not be limited to) #1 (use of on-site infiltration as much as possible as a means of handling roof and site drainage); #4 (Design of the site drainage so the storm water will flow to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales or underground pipes), #5 (drainage from roof downspouts to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.)

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

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

2. Remaining Impacts: Any remaining impacts to hydrology would not be significant.

B. Transportation and Circulation***Traffic-1: Impacts to Project Area Intersections***

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

Mitigation Measures:

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

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

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

Traffic 1c: Project Contributions to Intersection Impacts

Prior to building permit issuance, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

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

Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.

Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.

Upgrades to the Caltrain station bike shelter: \$6,500.

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

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

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

Traffic-8 Cumulative Impacts: Project Area Intersections

Cumulative development would cause or contribute to unacceptable levels of service at the intersections of Alma Street/Ravenswood Avenue (AM peak hour), El Camino Real/Ravenswood Avenue (PM peak hour), and Middlefield Road/Willow Road (both peak hours).

Mitigation Measures.

Traffic 8a: Intersection of Alma Street/Ravenswood Avenue

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

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

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

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

C. Geology

Geology 3h: Expansive Soils

The project site is blanketed by about 23 to 27 feet of hard clay with low to moderate expansivity, which has the potential for volume changes during seasonal fluctuations in moisture content.

Mitigation Measure

Expansive soils must be treated or replaced when forming the foundation support. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level.

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

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

2. Remaining Impacts: Any remaining impacts to the expansivity of soils would not be significant.

D. Air Quality

Air Quality 5a: Air Quality Standards

Construction and grading activities could generate emissions from sources such as on-site stationary equipment, heavy-duty construction vehicles, construction worker vehicles, and other energy use. Fugitive dust is the primary air pollutant emitted by these activities. Although the project's construction-related emissions would be temporary in duration, in the absence of control measures, the emissions could be substantial. Mitigation would reduce fugitive dust emissions and other construction-related impacts to air quality to a less-than-significant level

Mitigation Measure

Mitigation Measures.

Basic Control Measures (for all construction sites)

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

Enhanced Control Measures (for individual or combined construction sites of larger than four acres)

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

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

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

Limit the area subject to excavation, grading, and other construction activity at any one time.

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

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

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

E. Water Quality

Water 4c: Discharge into San Francisquito Creek

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

Mitigation Measure 4.3: See mitigation measure Hydrology-3 above

F. Biological Resources

Biology 7a: Endangered and Threatened Species

The existing office building on the site provides suitable roosting habitat for several special-status bat species. Should these bat species roost on the site, the demolition of the building could result in the loss of an active roost. The loss of an active bat roost would be a potentially significant impact. Mitigation would reduce roost-related impacts to a less-than-significant level.

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

and the California Fish and Game Code. Mitigation would reduce impacts to nesting birds to a less-than-significant level.

Mitigation Measure 7.1: No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be approved by the California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist.

Mitigation Measure 7.2: The applicant shall retain a qualified biologist (with selection to be approved by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The survey area shall include all potential nesting habitat on the project site within 200 feet of the grading boundaries. If the 200-foot distance encompasses trees on adjacent properties, the biologist shall survey the trees using binoculars. The survey shall be conducted no more than 14 days prior to commencement of construction activities.

Mitigation Measure 7.3: If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

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

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

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

Biology 7b: Locally Designated Species

The project would affect locally designated species (e.g., heritage trees). The proposed project would be required to comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, which delineate the ratio of trees a developer must replace for every heritage tree removed. Current landscape conceptual plans provided by the applicant shows that the proposed project could feasibly meet the tree planting requirements set by City staff. Mitigation would reduce the potential impacts to a less-than-significant level.

Mitigation Measure 7.4: The project applicant shall comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, and with the tree replacement ratios recommended by City staff. The final landscaping plans for the project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy.

Mitigation Measure 7.5: The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan includes measures related to the tree protection zone (TPZ), pruning and brush clearance, fencing and signage, fertilization, pest and disease control, and tree health and maintenance (including root cutting).

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

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

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

G. Hazardous Materials

Hazards 9a: Release of Hazardous Substances

Two water wells on site have not been properly abandoned, creating potential pathways for groundwater contamination during construction.

Mitigation Measure 9.1: The project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division.

No asbestos was found on site during a 1990 study, but there is a potential for asbestos-containing materials to be present in the building that could be released during demolition. Mitigation will ensure that an asbestos survey will be conducted prior to demolition, reducing potential hazard-related impacts to a less-than-significant level.

Mitigation Measure 9.2 Prior to demolition of the existing building, the applicant shall survey the building for the presence of asbestos and lead-based paint. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when demolishing the building. If lead-based paint is present, the applicant shall determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall

be contacted in advance or determine any specific requirement they may have regarding the disposal of lead-based paint materials.

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

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

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

H. Noise

Noise 10b: Exposure to Severe Noise Levels

Construction activities for the proposed project could result in increased short-term noise levels. These noise levels would be temporary and would occur intermittently during the 12-month construction process. The closest sensitive receptors to the project site are multifamily residences to the south of the site. The homes are located just beyond the site boundary, and are separated from the site by a fence and trees. Typical noise levels of construction equipment can range from 76 dB(A) to 89 dB(A) at 50 feet. Based on the types of equipment used, duration, and proximity, the construction activities of the proposed project could result in intermittent (outdoor) noise levels of up to 89 dB(A) at the nearest sensitive receptors. Mitigation would reduce the potential impacts to a less-than-significant level.

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

The proposed project would require a total of 7,278 cubic yards of cut and 13,399 yards of fill. Approximately 752 cubic yards of cut material (the existing parking lot asphalt) would be removed from the site; the remaining cut material would be re-used on site. Approximately 6,873 cubic yards of fill material would be imported to the site. Fill dirt is

typically hauled to a site in trucks with a 12- or 24-cubic yard capacity. Using the smaller trucks, project construction would involve about 573 round trips (6,873 cubic yards divided by 12 cubic yards) or 1,146 trips total over the 30-to 45-day grading period. With a 30-day grading period, there would be about 19 round trips (38 total trips) each day. The noise levels produced by heavy-duty trucks such as haul trucks can reach 82 dB(A) at 50 feet from the noise source. Nearby sensitive receptors, including surrounding residential areas, could be affected by construction and construction-related traffic noise; this would be a significant impact. Mitigation would reduce the potential impacts to a less-than-significant level.

Mitigation Measure 10.2: The project construction contractors shall use designated haul routes for all hauling-related trips to and from the project site. The routes shall be chosen by the City with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors.

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

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

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

I. Cultural Resources

Cultural 14b: Archaeological Resources

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

Mitigation Measure 14.1: If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators

of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the archaeologist shall meet to determine the appropriate course of action. In the event that human remains are discovered, an appropriate representative of the Native American groups and the County Coroner shall be notified and consulted, as required by state law. All cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and report prepared according to current professional standards.

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

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

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

V. PROJECT ALTERNATIVES

A. Background - Legal Requirements

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

B. Identification of Project Objectives

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

The general goal of the proposed project is construction of residential infill housing projects to provide market rate and below market housing, develop high-quality improvements, provide visual and physical access to the site, and preserve, protect and enhance the natural setting.

C. Alternatives Analysis in EIR

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

Alternative 1: No Project Alternative

The No Project Alternative is discussed on page 6.0-6 of the EIR.

Findings: The No Project Alternative, both scenario one and two, is rejected as an alternative because it would not achieve the objectives of the Project Sponsor or of the City for construction of residential infill housing to provide market rate and below market housing, develop high-quality improvements, provide visual and physical access to the site, and preserve, protect and enhance the natural setting.

Explanation: Scenario One would not meet most of the project objectives, in that it would not provide market-rate or below-market-rate housing or develop high-quality improvements. Objectives related to tree preservation would be met under Scenarios One. Scenario Two would not meet the project objectives related to housing, but could meet the objectives related to preserving and enhancing the natural setting and tree preservation.

Alternative 2: Medical Office Building

The Medical Office Building Alternative is discussed on page 6.0-15 of the EIR.

Findings: The Medical Office Building alternative is rejected because it would not achieve the objectives of the Project Sponsor or of the City for construction of residential infill housing to provide market rate and below market housing, develop high-quality improvements, provide visual and physical access to the site, and preserve, protect and enhance the natural setting.

Explanation: The Medical Office Building Alternative would not meet most of the project objectives, in that it would not provide market-rate or below-market-rate housing or develop high-quality improvements. The objectives related to preservation and enhancement of the natural setting and tree preservation would be met.

VI. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

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

Significant Unavoidable Impacts

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

Overriding Considerations

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

Benefits of the Project

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

1. The housing project implements the goals and policies of the Housing Element, including the conversion of non-residential parcels to residential use (Goal III-A and Policy III.A.10).
2. The project involves the demolition of buildings that have the potential for jobs and replaces them with buildings with the potential for employed residents thereby reducing the City's jobs housing imbalance.
3. The housing project contributes to meeting the City's Regional Housing Needs Determination by providing 33 units, including units available to affordable to moderate income households.
4. The project will be of high quality housing at a density almost half of the legally allowed maximum, that is compatible with the densities of the surrounding multi-family and single-family residential neighborhood.
5. The project reduces the amount of impervious surface area thereby not exasperating an existing storm drainage system that lacks adequate capacity.
6. The project will contribute \$1,056,000 toward the recreation-in-lieu fund to be utilized to increase availability of City's recreation facilities.

VII. CERTIFICATION OF THE FEIR

The FEIR and City Council staff report dated October 19, 2006 was presented to the City Council, acting as the decision making body of the lead agency for the project, and the City Council reviewed and considered the information contained in the FEIR prior to approving the project.

The City Council hereby finds that the FEIR for the 75 Willow Road project is adequate, accurate and objective and reflects the independent judgment of the City; and the FEIR contains no significant revisions to the DEIR.

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

MITIGATION MONITORING AND REPORTING PLAN

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

75 Willow Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	HYDROLOGY AND WATER QUALITY		
<i>Hydrology-3</i>	<p>Hydrology-3: The project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist. Specific guidelines that would apply to the project site include (but would not be limited to) #1 (use of on-site infiltration as much as possible as a means of handling roof and site drainage); #4 (Design of the site drainage so the storm water will flow to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales or underground pipes), #5 (drainage from roof downspouts to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (This mitigation measure is identified as Mitigation Measure 4.2 in the Initial Study.)</p>	Public Works Director	<p>Verify submittal of Storm Drainage, Grading, Erosion, and Sedimentation Control Plans by project sponsor.</p> <p>Periodic inspection to verify implementation of Plan during construction by contractors.</p>
	TRANSPORTATION AND CIRCULATION		
<i>Traffic-1 & 8: Project and Cumulative Impacts to Project Area Intersections</i>	<p>Traffic 1c: Project Contributions to Intersection Impacts Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:</p> <ul style="list-style-type: none"> • Alma Street/Ravenswood Avenue right turn only restriction (if the improvement has not yet been funded by another project): \$4,000. • Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400. • Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000. • Upgrades to the Caltrain station bike shelter: \$6,500. 	Transportation Manager	Determine that fees for mitigations and/or improvements have been paid prior to building permit issuance.
	INITIAL STUDY SUMMARY		
<i>Geology 3h: Expansive</i>	Mitigation Measure 3.1: Concurrent with the building permit submittal for the first	Building Official	Periodic inspection

75 Willow Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
<i>Soils</i>	house, a soils report shall be submitted a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division.		during construction by contractors.
<i>Air Quality 5a: Air Quality Standards</i>	<p>Mitigation Measure 5.1 Basic Control Measures (for all construction sites)</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>Enhanced Control Measures (for individual or combined construction sites of larger than four acres)</p> <ul style="list-style-type: none"> • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour (mph). • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. <p>Optional Measures (strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason may warrant additional emissions reductions)</p> <ul style="list-style-type: none"> • Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas. • Suspend excavation and grading activity when sustained winds exceed 25 mph. 	Building Official	Prior to demolition permit issuance/Periodic inspection during construction by contractors.

75 Willow Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	<ul style="list-style-type: none"> Limit the area subject to excavation, grading, and other construction activity at any one time. 		
<i>Biology 7a: Endangered and Threatened Species</i>	<p>Mitigation Measure 7.1: No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be approved by the California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist.</p> <p>Mitigation Measure 7.2: The applicant shall retain a qualified biologist (with selection to be approved by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The survey area shall include all potential nesting habitat on the project site within 200 feet of the grading boundaries. If the 200-foot distance encompasses trees on adjacent properties, the biologist shall survey the trees using binoculars. The survey shall be conducted no more than 14 days prior to commencement of construction activities.</p> <p>Mitigation Measure 7.3: If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.</p>	<p>Community Development Director</p> <p>California Department of Fish and Game.</p>	<p>Verify that a survey has been conducted by project sponsor with a qualified biologist (ornithologist) no more than 14 days prior to the initiation of construction in the period of February through April and no more than 30 days in the period of May through August.</p> <p>If raptors are encountered, verify that a report has been submitted by the qualified biologist (ornithologist) to the Community Development Director and the California Department of Fish and Game.</p>
<i>Biology 7b: Locally Designated Species</i>	<p>Mitigation Measure 7.4: The project applicant shall comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, and with the tree replacement ratios recommended by City staff. The final landscaping</p>	<p>Community Development Director</p>	<p>Prior to building permit issuance of the first house/Review project</p>

75 Willow Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	<p>plans for the project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to project occupancy.</p> <p>Mitigation Measure 7.5: The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan includes measures related to the tree protection zone (TPZ), pruning and brush clearance, fencing and signage, fertilization, pest and disease control, and tree health and maintenance (including root cutting).</p>		plans and arborist report to ensure compliance.
<i>Hazards 9a: Release of Hazardous Substances</i>	<p>Mitigation Measure 9.1: The project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division.</p> <p>Mitigation Measure 9.2: Prior to demolition of the existing building, the applicant shall survey the building for the presence of asbestos and lead-based paint. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when demolishing the building. If lead-based paint is present, the applicant shall determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance or determine any specific requirement they may have regarding the disposal of lead-based paint materials.</p>	Building Official	Review survey to be conducted by project sponsor. Verify that project plans include removal of asbestos-containing materials or lead paint if necessary.
<i>Noise 10b: Exposure to Severe Noise Levels</i>	<p>Mitigation Measure 10.1: The project applicant shall incorporate noise reduction measures into project construction activities. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences and businesses in advance of construction work, and installing temporary barriers around construction noise sources.</p> <p>Mitigation Measure 10.2: Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts he project construction contractors shall use designated haul routes for all</p>	Community Development Director	Review noise reduction measures prior to issuance of demolition permit; periodic inspection during demolition and construction by contractors.

75 Willow Road Mitigation Monitoring and Reporting Plan

Category/Impact	Mitigation Measure	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement
	hauling-related trips to and from the project site. The routes shall be chosen by the City with the intent of minimizing noise impacts by keeping truck traffic away from sensitive receptors.		
<i>Cultural 14b: Archaeological Resources</i>	Mitigation Measure 14.1: If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the archaeologist shall meet to determine the appropriate course of action. In the event that human remains are discovered, an appropriate representative of the Native American groups and the County Coroner shall be notified and consulted, as required by state law. All cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and report prepared according to current professional standards.	Community Development Director Public Works Director	Participate in meeting to determine appropriate course of action; verify that report has been submitted to appropriate State agencies.

ATTACHMENT E

DRAFT
October 23, 2006

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION
FOR CERTAIN PROPERTY LOCATED AT 75 WILLOW ROAD**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the adoption of an amendment to the General Plan to change the land use designation for certain property located at 75 Willow Road to allow for the development of 33 single-family, detached residential units, associated common areas and a private street; and

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

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

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

I, Silvia M. Vonderlinden, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the ___th day of _____, 2006 by the following vote:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this _____ day of _____, 2006.

City Clerk

ATTACHMENT F

DRAFT
October 23, 2006

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF MENLO PARK, REZONING
PROPERTY LOCATED AT 75 WILLOW ROAD**

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

SECTION 1. The zoning map of the City of Menlo Park is hereby amended such that certain real property located at 75 Willow Road (062-422-130) and more particularly described in Exhibit "A" and Exhibit "B" is rezoned from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment – Conditional Development District).

SECTION 2. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ____ day of _____, 2006.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of _____, 2006, by the following vote:

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

APPROVED:

Nicholas Jellins
Mayor, City of Menlo Park

ATTEST:

Silvia M. Vonderlinden, City Clerk

ATTACHMENT G

DRAFT **CONDITIONAL DEVELOPMENT PERMIT** *October 23, 2005*

75 Willow Road

1. GENERAL INFORMATION:

- 1.1 Applicant: SummerHill Homes
- 1.2 Nature of Project: General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map, and Heritage Tree Permit to allow for the construction of 33 single-family residential units, including five (5) Below Market Rate (BMR) units.
- 1.3 Property Location: 75 Willow Road
- 1.4 Assessor's Parcel Numbers: 062-422-130
- 1.5 Area of Property: 4.52 acres
- 1.6 Present Zoning: C-1 (Administrative and Professional District, Restrictive)
- 1.7 Proposed Zoning: R-3-X (Apartment - Conditional Development District)

2. DEVELOPMENT STANDARDS:

- 2.1 Floor Area Ratio (FAR) shall not exceed **36 percent** of the project site.
- 2.2 Lot coverage shall not exceed a **25 percent** of the project site.
- 2.3 Minimum landscaping shall be a minimum **50 percent** of the project site.
- 2.4 The maximum amount of pavement shall not exceed **25 percent** of the project site.
- 2.5 Building height shall not exceed **28.5 feet** from the finished grade (32 feet from existing grade).
- 2.6 Building setbacks and parking shall be in accordance with the approved plans.
- 2.7 The on-site circulation shall be installed according to the approved plans.

3. USES

- 3.1 Permitted uses in the R-3-X District: Single-family residences
- 3.2 Conditionally permitted uses in the R-3-X District: None

4. TERMS OF THE PERMIT

- 4.1 The Conditional Development Permit shall expire **one year** from the date of approval if the applicant does not submit a complete building permit application within that time. The Community Development Director may extend this date per Municipal Code Section 16.82.170.
- 4.2 Minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved Conditional Development Permit and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission for architectural control approval. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- 4.3 Major modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be allowed subject to obtaining an architectural control permit from the Planning Commission, based on the determination that the proposed modification is compatible with the other building and design elements of the approved Conditional Development Permit and will not have an adverse impact on the character and aesthetics of the site. A public hearing could be called regarding such changes if deemed necessary by the Planning Commission.
- 4.4 Major revisions to the development plan which involve material changes in land use, expansion or intensification of development or a material relaxation in the standards of development set forth in Section 2 above constitute permit amendments that require public hearings by the Planning Commission and City Council.
- 4.5 Any application for amendment shall be made by at least one property owner, in writing, to the Planning Commission. The Planning Commission shall then forward its recommendation to the City Council for action.

5. PROJECT CONDITIONS:

- 5.1 Development of the project shall be substantially in conformance with the plans by Wilsey Ham and Dahlin Group, dated received by the Planning Division on October 18, 2006, consisting of 53 plan sheets, except as modified by the conditions contained herein.

- 5.2 Within one year from the date of approval of the tentative subdivision map, the applicant shall submit a Final Map for review and approval of the City Engineer. The subdivision map shall use a benchmark selected from the City of Menlo Park benchmark list as the project benchmark and the site benchmark.
- 5.3 Concurrent with Final Map submittal, the applicant shall submit covenants, conditions and restrictions (CC&Rs) for the approval of the City Engineer and the City Attorney. The Final Map and the CC&Rs shall be recorded concurrently. The CC&R's shall include language that:
 - 5.3.1. Prohibits all owners, tenants, and guests from parking any form of vehicle except in defined parking spaces.
 - 5.3.2. Prohibits parking on private streets overnight consistent with the Menlo Park Municipal Code Section 11.24.050.
 - 5.3.3. Requires that each homeowner maintain the garage to accommodate two vehicles.
 - 5.3.4. Requires the Homeowners Association to maintain the common landscaped areas within the subject site and in City's right-of-way along the entire property frontage.
- 5.4 Prior to Final Map approval, the applicant shall pay any applicable recreation fees (in lieu of dedication) per the direction of the City Engineer in compliance with Section 15.16.020 of the Subdivision Ordinance. The estimated value is \$1,056,000 (based on \$4 million value of acreage).
- 5.5 Prior to Final Map approval, the applicant shall submit improvement plans for all on-site and off-site improvements. The plans shall include details for utility systems, curbs, gutters, sidewalks, street lights, etc. The plans shall be subject to review and approval of the Public Works Department.
- 5.6 Concurrent with the improvement plan submittal, the applicant shall submit a Grading and Drainage Plan, including an Erosion and Sedimentation Control Plan, for review and approval of the City Engineer. The Grading and Drainage Plan shall be prepared based on the City's Grading and Drainage Plan Guidelines and Checklist and the Project Applicant Checklist for the National Pollution Discharge Elimination System (NPDES) Permit Requirements.
- 5.7 Prior to recordation of the Final Map, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- 5.8 Prior to recordation of the Final Map, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- 5.9 Prior to recordation of the Final Map, the existing structures shall be demolished after obtaining a demolition permit.
- 5.10 Prior to recordation of the Final Map, the applicant shall remove and replace all damaged, significantly worn, cracked, uplifted or depressed frontage improvements (e.g., curb, gutter, sidewalk) and install new improvements per City standards along the entire property frontage subject to the review and approval of the Engineering Division. The applicant shall obtain an encroachment permit prior to commencing any work within the right-of-way or public easements. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.11 Prior to recordation of the Final Map, the applicant shall install new utilities to the point of service subject to review and approval of the City Engineer. All electric and communication lines servicing the project shall be placed underground. Each lot/unit shall have separate utility service connections. If determined appropriate and subject to the approval of the Engineering Division, the applicant may enter into an agreement and provide a bond for the completion of the work prior to the recordation of the Final Map.
- 5.12 Prior to grading permit issuance, the applicant shall submit a rough grading plan for review and approval of the Building and Engineering Divisions.
- 5.13 Concurrent with the submittal for a demolition permit and a rough grading permit, the applicant shall submit a plan for construction safety fences around the periphery of the construction area for review and approval of the Building Division. The fences shall be installed according to the plan prior to commencing construction.
- 5.14 Prior to grading permit issuance, the applicant shall pay the applicable Building Construction Street Impact Fee.
- 5.15 Concurrent with the building permit submittal for site improvements, the applicant shall submit a revised plan and street section, showing a minimum of a 20-foot travel lane and a four-foot sidewalk, for the proposed new private street subject to review and approval of the Transportation Division.
- 5.16 Prior to building permit issuance for the first house, the applicant may propose an alternative approach to meeting the BMR requirements. The alternative approach would include dedicated funds and/or expertise equal to or greater than the value of the on-site BMR units to assist in and help ensure the feasibility of the Habitat for Humanity project proposed on Terminal Avenue. An alternative BMR agreement is subject to review and recommendation by the Housing Commission and review and approval of the City Council and would be in-lieu of some or all on-site BMR units and, if approved, would supersede the BMR agreement, dated _____.
- 5.17 Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning,

Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- 5.18 Prior to demolition and building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code.
- 5.19 Prior to building permit issuance for the first house, the applicant shall submit a detailed landscape plan, including the size, species, and location, and irrigation plan for review and approval of the Planning Division and the Public Works Department. The plan shall comply with the Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Landscaping within the City right-of-way shall include City approved street plant materials. The landscaping for each house shall be installed prior to final building inspection of the subject house.
- 5.20 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.
- 5.21 Prior to grading permit issuance, the project applicant shall implement Best Management Practices for water quality treatment on the project site, per the City of Menlo Park Grading and Drainage Plan Guidelines and checklist, subject to review and approval by the Engineering Division. Specific guidelines that would apply to the project site include (but would not be limited to) #1 (use of on-site infiltration as much as possible as a means of handling roof and site drainage); #4 (Design of the site drainage so the storm water will flow to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales or underground pipes), #5 (drainage from roof downspouts to on-site lawn or pervious landscaped areas, or detention/retention and filtration systems through vegetated/grassed swales), and #11 (use of on-site infiltration, vegetated swales or other comparable BMPs prior to discharge). BMPs shall include trash-collecting devices at storm drain inlets and regular maintenance of such devices. Prior to grading permit issuance the applicant shall also submit a grading and drainage plan, which includes BMPs subject to review and approval the City's Engineering Division. (MM 4.2)
- 5.22 Prior to building permit issuance of the first house, the applicant shall pay fees as contributions to the following mitigations and/or improvements identified in the Linfield Middlefield Willow Area-wide Transportation Impact Analysis, performed by DKS Associates, dated March 2, 2006, or as subsequently directed by the City Council:

- Alma Street/Ravenswood Avenue right turn only restriction (if the improvement has not yet been funded by another project): \$4,000.
- Adaptive signal timing improvements at the intersections of Middlefield Road and Ringwood Avenue and Middlefield Road and Ravenswood Avenue: \$2,400.
- Installation of video detection devices at the intersections of Middlefield Road and Ringwood Avenue, Middlefield Road and Ravenswood Avenue, and Ravenswood Avenue and Laurel Street: \$44,000.
- Upgrades to the Caltrain station bike shelter: \$6,500. (MM TRAF-1c)

5.23 Concurrent with the building permit submittal for the first house, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. If importation of off-site soils is required during construction, the project sponsor and its contractors shall avoid the use of expansive soils. The project sponsor's contractors shall keep soils moist at all times before and during construction by either covering exposed soil when construction is not active or regularly watering the exposed soil to maintain a consistent moisture level. The soils report shall be subject to review and approval by the Building Division. (MM 3.1)

5.24 Prior to demolition permit issuance, implement the following air quality control measures, subject to review and approval by the Building Division:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Encourage the implementation of the following optional measures:
 - Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
 - Suspend excavation and grading activity when sustained winds exceed 25 mph.

- Limit the area subject to excavation, grading, and other construction activity at any one time. (MM 5.1)

5.25 No earlier than 14 days prior to the commencement of demolition activities, a survey shall be conducted by a qualified biologist to determine if active bat roosts are present on the project site. If no bats are observed, then no further action would be required and demolition can proceed. Should an active roost be identified, a determination shall be made regarding whether the roost is used as a night-roost, day-roost, or maternity-roost. Should a night-roost be identified, the roost structure shall be removed during daylight hours while the roost is not in use. Should an active day-roost be identified, roosting bats shall be evicted through the use of humane exclusionary devices. Prior to implementation, the proposed methods for bat exclusion shall be reviewed and approved by the Planning Division and California Department of Fish and Game. The roost shall not be removed until it has been confirmed by a qualified biologist that all bats have been successfully excluded. Should an active maternity-roost be identified (the breeding season of native bat species in California generally occurs from April 1 through August 31), the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. (MM 7.1)

5.26 Prior to the commencement of grading, the applicant shall retain a qualified biologist (with selection to be approved by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The survey area shall include all potential nesting habitat on the project site within 200 feet of the grading boundaries. If the 200-foot distance encompasses trees on adjacent properties, the biologist shall survey the trees using binoculars. The survey shall be conducted no more than 14 days prior to commencement of construction activities, and shall be subject to review and approval by the Planning Division. (MM 7.2) If active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together, apply to all native nesting birds) are present in the construction zone or within 200 feet of this area, temporary construction fencing shall be erected within the project site at a minimum of 100 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist. Clearing and construction within the fenced area shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. (MM 7.3)

5.27 Prior to building permit issuance for the first house, the project applicant shall comply with the Menlo Park Heritage Tree Ordinance and the City's Heritage Tree Replacement procedures, and with the tree replacement ratios recommended by City staff. The final landscaping plans for the project shall reflect compliance with the ordinance and procedures, and the applicant shall demonstrate that the required number of trees have been planted prior to

project occupancy. The final landscaping plans shall be subject to review and approval by the Planning Division. (MM 7.4)

- 5.28 The project applicant shall adhere to the tree protection and preservation plan included in the Tree Survey Report prepared by Walter Bemis, Consulting Arborist. The plan includes measures related to the tree protection zone (TPZ), pruning and brush clearance, fencing and signage, fertilization, pest and disease control, and tree health and maintenance (including root cutting). (MM 7.5)
- 5.29 Prior to grading permit issuance, the project applicant shall remove the wells on the project site and properly abandon them prior to or as part of site redevelopment. The wells shall be abandoned according to the requirements of the Department of Water Resources and San Mateo County Environmental Health Services Division, and subject to review and approval by the Building Division. (MM 9.1)
- 5.30 Prior to demolition permit issuance, the applicant shall survey the building for the presence of asbestos and lead-based paint. The survey shall be subject to review and approval by the Building Division. If asbestos is found, the applicant shall comply with Bay Area Air Quality Management District Regulation 11, Rule 2 (Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing) when demolishing the building. If lead-based paint is present, the applicant shall determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance or determine any specific requirement they may have regarding the disposal of lead-based paint materials. (MM 9.2)
- 5.31 Prior to demolition permit issuance, the project applicant shall incorporate noise reduction measures into project construction activities, subject to review and approval by the Planning and Building Divisions. These measures may include, but shall not be limited to, the use of mufflers and other devices on equipment, locating stationary construction equipment away from sensitive receptors, shutting off idling equipment, notifying adjacent residences and businesses in advance of construction work, and installing temporary barriers around construction noise sources. (MM 10.1)
- 5.32 Concurrent with the demolition permit submittal, the project construction contractors shall submit a plan designating haul routes for all hauling-related trips to and from the project site during construction. The applicant shall submit a plan with the intent of minimizing noise impacts by keeping truck

traffic away from sensitive receptors, subject to review and approval by the Planning and Transportation Divisions. (MM 10.2)

5.33 If archeological resources such as chipped stone or groundstone, historic debris, building foundations, or human bone or any other indicators of cultural resources are discovered during ground-disturbing activities, construction activities will halt and a qualified archeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of the City, construction contractor, and the archaeologist shall meet to determine the appropriate course of action. In the event that human remains are discovered, an appropriate representative of the Native American groups and the County Coroner shall be notified and consulted, as required by state law. All cultural materials recovered as part of the monitoring program would be subject to scientific analysis, professional museum curation, and report prepared according to current professional standards. (MM 14.1)

Recommended for Approval by the
Menlo Park Planning Commission on
October 23, 2006

Approved by the
Menlo Park City Council on
_____, 2006

Arlinda Heineck, Community
Development Director

Silvia M. Vonderlinden, City Clerk

v:\staff\prpt\pc\2006\pc\75 Willow\102306- 75 Willow - CDP.doc