



MEMORANDUM

DATE: November 13, 2006

TO: Planning Commission

FROM: Deanna Chow, Senior Planner
Community Development Department

RE: **Agenda Item C2: Possible Reconsideration of the Planning Commission's action on October 23, 2006 to Recommend Approval of a General Plan Amendment, Rezoning, Conditional Development Permit, Tentative Subdivision Map and Environmental Impact Report for a Residential Project at 75 Willow Road**

BACKGROUND

Planning Commission Meeting – October 23, 2006

On October 23, 2006, the Planning Commission conducted a public hearing on the following items for the demolition of an existing office building and the development of 33 single-family residences at 75 Willow Road:

- General Plan Amendment: Change from Professional and Administrative Offices land use designation to Medium Density Residential;
- 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; and
- Environmental Review of the proposed project in the form of an Environmental Impact Report (EIR).

At the meeting, the Planning Commission considered various items, including the staff report and related documents, presentations by the applicants, and verbal and written communication from the public prior to making a motion on the proposed project. A copy of the October 23, 2006 staff report and related documents are available for review at the Planning Division office. At the meeting, the only member of the public that spoke was a representative from Habitat for Humanity. She commented on the applicant's effort in working with the organization to find a solution to construct 22 new affordable

residential units at the Terminal Avenue site. The Planning Commission recommended to approve the proposed project subject to the findings and conditions in the staff report and those added at the meeting to address roadway widths, the preservation of trees, clarification on mitigation measures in the EIR, and a minor change to the fencing along Willow Road (6-0, Commissioner Deziel recused). Revised conditions of approval including the recommended changes are shown in underline and strikeout format in Attachment A.

The proposal requires review and recommendation by the Planning Commission on the above-mentioned requests, and the City Council is the final decision-making body. In addition, the City Council will also consider the recommendation of the Environmental Quality Commission in regard to the proposed Heritage Tree Permit for the removal of 46 heritage trees and relocation of 3 heritage trees, and the recommendation by the Housing Commission in regard to the Below Market Rate Housing (BMR) Agreement.

Additional Letter on the Final EIR Submitted Prior to the End of the Review Period

On October 24, 2006, the day following the Planning Commission meeting, staff became aware of a letter concerning the Final Environmental Impact Report (EIR) for the proposed project. The letter for the proposed project at 75 Willow Road is included as Attachment B. (A letter was also received for the proposed project at 321 Middlefield Road, which was also heard by the Planning Commission on October 23, 2006.) Although the correspondence was submitted by fax the afternoon of October 23, 2006, staff was unaware of the submittal and thus the letter was not provided at the Planning Commission meeting that evening. Because the letter was submitted during the public review period for the Final EIR, but was not made available to the Planning Commission during its review of the project, staff believes it essential to provide the Commission an opportunity to review the letter and determine whether to reconsider its action on the project based on the information contained in the letter. The consideration of the certification of the Final EIR was part of the Commission's action on October 23, 2006.

While staff believes the comment letter on the Final EIR does not provide new substantive material, staff has placed the item on the November 13, 2006 agenda to allow the Planning Commission the opportunity to reconsider its action. The letter claims that that Final EIR is inadequate in its response to concerns raised in the Draft EIR, and continues to state that the Draft EIR is inadequate and should be recirculated. The information contained in the letter on the Final EIR does not provide new information that was not previously stated or addressed through previous documents, which were considered at the Planning Commission meeting on October 23, 2006. The environmental consultant has prepared a letter, included as Attachment C, to address issues raised in the October 23, 2006 letter submitted by the Law Offices of Brian Gaffney on behalf of the Linfield Oaks Neighborhood Association (Attachment B). The consultant's letter reiterates how the environmental documents prepared for the proposed project address issues that were previously raised. The applicant has also submitted a letter addressing the concerns raised in the additional letter. The applicant's letter is included as Attachment D.

PLANNING COMMISSION OPTIONS

The following section outlines the Planning Commission's options for discussion at its meeting on November 13, 2006. In both scenarios, the Planning Commission should first consider the merits of the additional letter. As part of its consideration, the Planning Commission should accept public comments. The Commission should discuss whether the additional letter impacts its previous decision. The Commission could then proceed to either 1) uphold its October 23, 2006 action to approve the proposed project or 2) vote to reconsider the item. Both options are further discussed below in the respective sections.

Option 1: Motion to Reaffirm the Planning Commission's October 23, 2006 Action

If the Planning Commission believes the additional letter does not provide new substantial information that would change its previous decision, the Planning Commission should make a motion to that affect, thereby reaffirming its previous action of October 23, 2006 to recommend approval of the proposed project, including the Draft and Final EIRs, to the City Council. Since the Planning Commission would not be reconsidering the proposed item, the previous recommendation to the City Council would stand. The City Council would then conduct a public hearing on the proposed project at its November 14, 2006 meeting. The City Council is the final decision-making body on the proposed project.

Option 2: Motion to Reconsider the Planning Commission's October 23, 2006 Action

If the Planning Commission believes the additional letter provides substantial new information that would result in a change to the Commission's previous action, the Commission should reconsider the item. In order for the Planning Commission to reconsider the item, a motion would need to be made by a Commissioner who voted in the affirmative on October 23, 2006 to recommend approval of the proposed project. A majority of the Planning Commission would need to support the motion in order for the item to be reconsidered. If the motion is supported, the previous action would become void and the Planning Commission would then reconsider the item and take a new action. The Planning Commission could recommend approving, modifying or denying the proposed application. Subsequently, the item would be deferred from the November 14, 2006 City Council meeting to give staff and the public time to review the action. The City Council meeting would be rescheduled and renoticed to a date uncertain at this time.

CORRESPONDENCE

At the time of printing of the memorandum, staff had not received additional correspondence from the public on the Addendum to the Final EIR or the opportunity for the potential reconsideration of the item. If comments are received, staff will provide them to the Planning Commission at the meeting of November 13, 2006.

RECOMMENDATION

Staff believes that the Planning Commission recommendation and conditions of approval as stated in the October 23, 2006 staff report and those identified at the October 23, 2006 meeting are appropriate and take into consideration concerns raised throughout the process on the proposed project. The additional letter does not identify new issues or impacts and staff believes the Final EIR adequately addresses similar comments that were previously raised. The Planning Commission's action considered these comments and therefore, staff recommends that the Planning Commission reaffirm its decision from the October 23, 2006 meeting to recommend approval of the proposed project at 75 Willow Road.

ATTACHMENTS

- A. Findings and Conditions of Approval, dated October 23, 2006
- B. Correspondence from Law Offices of Brian Gaffney, dated October 23, 2006
- C. Correspondence from Impact Sciences, dated November 9, 2006
- D. Correspondence from Berliner Cohen, dated November 2, 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
- Planning Commission Staff Report, dated October 23, 2006

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FINDINGS AND ACTIONS

75 Willow Road

October 23, 2006

Redlined Conditions of Approval

*Showing Changes Incorporated at the October 23, 2006 Meeting in
Underline and ~~Strikeout~~ Format*

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.

DRAFT
CONDITIONAL DEVELOPMENT PERMIT
October 23, 2006

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.~~

5.165.15 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 _____.

5.175.16 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.

5.185.17 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.

5.195.18 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 be revised to incorporate the preservation of tree #208 (18-inch deodar cedar). The landscaping 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.

5.205.19 Prior to building permit issuance, the applicant shall pay all applicable school impact fees associated with the project.

5.20 Concurrent with the building permit submittal, the applicant shall provide a revised detailed drawing of the proposed two-rung split rail fence along Willow Road. A revised Willow Road streetscape shall also be submitted that shows the proposed fencing and homes in context with the adjacent Sunset building and existing split rail fencing subject to the review and approval of the Planning Division.

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, the applicant shall pay \$4,000 to the City to install signage to prohibit left turns and through movements from Alma Street during the AM peak period (similar to current operations during the PM peak period). The signage shall be installed prior to occupancy. The condition is only applicable if the improvement has yet been funded by another project. (MM TRAF- 1a)

5.23 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)

5.235.24 Concurrent with the ~~building permit submittal for the first house~~demolition permit submittal, a soils report shall be prepared, detailing how expansive soils must be treated or replaced when forming the foundation support. The report shall also incorporate all the recommended measures set forth in the Preliminary Geotechnical Investigation prepared by Lowney Associates. These recommended measures include: site specific preparation and grading techniques, specific foundation design (footings, post tension slab, drilled cast in place concrete piers), concrete slab-on-grade floors, a capillary moisture barrier, and adherence to the UBC seismic design. 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)

5.245.25 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)

5.255.26 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)

5.265.27 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)

5.275.28 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)

5.285.29 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)

5.295.30 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)

5.305.31 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)

5.315.32 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)

5.325.33 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)

5.335.34 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

Arlinda Heineck, Community
Development Director

Approved by the
Menlo Park City Council on
_____, 2006

Silvia M. Vonderlinden, City Clerk