

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2008-00136

Board Meeting Date: October 6, 2009

Prepared By: Erica Adams, Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

The Planning Commission recommends to the Board of Supervisors that they:

Regarding the Environmental Review, Find:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. The public review period for this document was July 3, 2009 to July 23, 2009.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. For impacts identified in the Initial Study/Negative Declaration as "significant unless mitigated," staff has proposed mitigation measures which, when implemented, ensure that impacts are not significant. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County. The Mitigated Negative Declaration was prepared by the project planner.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. Proposed mitigation measures are included as Conditions 1, and 15 through 37 in the recommended conditions of approval in this attachment.

Regarding the General Plan Land Use Map Amendment, Find:

5. That the General Plan Land Use Map amendment is compatible with, will create a harmonious arrangement of land uses with, and will not be in conflict with the General Plan as discussed in Section A.1 of this staff report; and
6. Adopt a resolution amending the County General Plan Land Use Map to change the subject parcels' General Plan Map designation from "Medium-Low Density Residential" to "Office Commercial."

Regarding the Planned Unit Development District Rezoning, Find:

7. That the proposed zoning of the area would be in harmony with the submitted plan of the subject area and its environs, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors, and that the specific PUD District under consideration:
 - a. Is a desirable guide for future growth of the subject area of the County.
 - b. Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.
 - c. Will be in harmony with the zoning in the adjoining unincorporated area.
 - d. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.
 - e. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.
 - f. Will not result in overcrowding of the land or undue congestion of population.

PUD-134 will allow for professional/commercial/administrative office uses, which are similar to other uses found in the vicinity, and have been historically compatible with each other. The intensity of the commercial use has been limited to ensure that it is appropriate for this site and does not negatively impact the adjacent high-density residential uses.

In respect to the allowed uses, and with respect to the specific design of the PUD, the proposed zoning is compatible with both County zoning districts and zoning districts located in the City of Menlo Park.

Environmental studies were conducted to ensure that there will not be any threat to public safety. The project has been reviewed and evaluated by the Menlo Park Fire Department. In addition, light and shadow studies have been conducted to maximize light, air, privacy and convenience; and

8. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134); and
9. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations, applicable only to the subject parcels.

Regarding the Grading Permit, Find:

10. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.
11. That the project conforms to the criteria of Chapter 8, Division VII of the County Grading Ordinance, including the standards referenced in Section 8605 thereof.

These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval by the Department of Public Works and implemented on the site. The proposed grading plan has been prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed during the period between April 15 and October 15. In addition, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

12. That the project is consistent with the General Plan with respect to grading allowed on land designated as "Office Commercial."

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on October 6, 2009. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans prior to being incorporated into building plans. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with, this approval.

2. Deliveries to the site shall be made, whenever possible, in vehicles which do not exceed 22 feet in length. A traffic control plan, which may require issuance of an encroachment permit from the Department of Public Works, is required for delivery vehicles which exceed 22 feet in length.
3. A shower stall and changing area shall be provided in the building, to facilitate bicycle commuting by office occupants of the building.
4. Access to the green roof above the rear portion of the first floor shall be modified to allow access through one door (all other doors shown on Alternate Plan shall be converted to half doors or windows).
5. Access to both green roofs (over the rear of the first floor and over the second floor) shall be allowed for maintenance only.
6. The landscape plan shall include the following:
 - a. A redwood tree hedge (consisting of redwood trees over 8 feet in height, planted not more than 5 feet apart, and shall be regularly pruned to ensure that it does not exceed the height of the building) shall be provided for screening on the southwest side of the property facing the White Oak residential development.
 - b. Tall trees shall be planted in the rear, northern side, of the property for screening for Menlo Commons.
7. The PUD-134 Ordinance shall be revised to read that medical and dental offices are explicitly prohibited.
8. The driveway entrance shall be flared to 24 feet as far back from the apron as feasible and a silent warning system shall be included to alert pedestrians on both sides of the driveway to vehicles approaching the street from the driveway.
9. Glare and light from the interior of the building shall be minimized by an automatic, opaque shade/blind system which will be timed and operated to function from sunset to sunrise on a year-round basis.
10. The PUD-134 Ordinance shall be revised to remove the residential use component on the site, since the alternative version of the project is the only one recommended to the Board of Supervisors for approval.
11. Charging stations for electric vehicles as well as standard plugs for plug-in hybrid electric vehicles shall be initially provided in at least 10 parking spaces, and construction design and electric wiring within the cement garage walls shall allow the remaining 10 non-tandem spaces to include charging stations as well as standard plugs in the future.

12. The approval for the grading permit shall be valid for one year from the decision date. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. The grading permit will only be issued in conjunction with the issued building permit. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.
13. The applicant shall submit the following fees to the Current Planning Section:

Within four (4) working days of the final approval date of this permit, the applicant shall pay an environmental filing fee of \$1,993.00 (fee effective January 1, 2009), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee (total \$2,043). The check shall be made payable to the San Mateo County Clerk, and submitted to the project planner to file with the Notice of Determination.
14. The applicant shall merge the two subdivided lots that comprise the subject parcel. The applicant shall submit to the project planner a new legal description of the merged parcels for final formatting with the Planning and Building Department. The merger document shall be prepared by the Planning Department and recorded prior to the issuance of a building permit for the project.
15. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
16. All new power and telephone utility lines from the street or nearest existing utility pole to the new building on the property shall be placed underground. No new utility pole(s) are permitted for installation.
17. Water conservation devices shall be installed throughout the new building and all landscaping shall be required to be water conserving and/or drought tolerant.
18. The number of employees on-site shall be restricted to a maximum of 40 to ensure that the proposed parking is adequate.
19. A Transportation Demand Management (TDM) program shall be prepared and submitted to the County for review and approval by all tenants occupying the proposed building. The TDM shall include an operational statement that identifies operational aspects about the business which impact parking demand on the site. These aspects include the forecasted maximum number of employees, weekly staffing patterns, hours of operation, frequency of special events or meetings which will cause more than 40 people to be on-site at a time, etc. The TDM shall be re-evaluated one year after the initial approval. Subsequent evaluation shall occur, if deemed necessary by the Community Development Director, should community concern arise about a noticeable change in parking demand on the

site. Subsequent evaluations shall not exceed a bi-annual timeframe. (A mitigation monitoring fee shall apply for each review.)

20. Only those trees identified on the Tree Removal Plan of the project submittal are approved for removal. Any additional tree removal is subject to the San Mateo County Significant or Heritage Tree Ordinance and will require a separate permit for removal.
21. The applicant shall be restricted to the one sign proposed to be in the front yard, along Sand Hill Road. The applicant shall submit a detailed sign plan design, for review and approval by the Community Development Director, including the use of a number and letter font that corresponds with a design in keeping with the building design. The sign shall not be lit in any fashion.
22. The applicant shall post a sign clearly visible on the driveway alerting those exiting the site to watch for oncoming pedestrian, bicycle and vehicular traffic to their left (traveling westward on Sand Hill Road). The sign message shall be reviewed by the Community Development Director prior to installation and the sign shall be installed prior to the final inspection approval of the building permit.
23. The applicant shall comply with the recommendations of the submitted arborist report (dated September 12, 2007) with regard to all tree preservation and maintenance action. The applicant shall retain the services of an arborist to confirm in writing that he has observed that the necessary tree protection measures have been implemented prior to the issuance of the building permit. It is the applicant's responsibility to ensure that all of the subject trees are protected and survive through the construction process.
24. The applicant shall implement all planting elements of the approved landscape plan prior to the applicant scheduling a final inspection and the Planning Department's final approval on the building permit.
25. A landscape plan showing a minimum of 16 replacement trees, of 5-gallon size and of an indigenous, non-invasive species, shall be submitted and approved by the Community Development Director, prior to the issuance of a building permit. Modifications to the plan shall be approved by the Community Development Director prior to installation. The trees shall be planted prior to the final occupancy inspection on the associated building permit. Photographs of the planted trees shall be provided to the Planning Department as proof of compliance with this condition and before a final sign off by the Current Planning Section on the building permit.
26. To protect the two trees on the adjacent parcel to the north, grading operations shall encroach no closer than five times the trunk diameter. A licensed arborist shall be on-site to supervise excavation near said trees. Should encroachment within the area become necessary, hand digging is mandatory.

27. The project driveway shall have no less than 12-foot transition section at 5% slope or less adjacent to the sidewalk.
28. Landscaping on both sides of the driveway shall consist of low-growth plants which typically do not exceed 2 feet in height, and shall be maintained to not exceed 3 feet in height (36 inches).
29. Signage shall be installed and maintained in the following manner "Caution Pedestrian Crossing" and shall be placed in a manner which is visible to vehicles exiting the garage. (See also Item 22 above.)
30. A silent signaling device shall be installed to alert pedestrians to exiting vehicles approaching from the driveway. (See also Item 8 above.)
31. During and upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch (1") in diameter be damaged, broken or severed, within 24 hours, root pruning, to include flush cutting and sealing of exposed roots, should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line.
32. Deliveries to the site shall be restricted to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday.
33. Construction hours shall conform with the City of Menlo Park's Noise Ordinance. Construction is allowed Monday-Friday, 8:00 a.m. to 6:00 p.m. Power equipment may not exceed 85 dBA at any time. No construction is permitted on weekends or holidays.
34. All project equipment shall, at the time of installation, not exceed the City of Menlo Park's Noise Ordinance, and be maintained in a manner that the noise produced by the equipment remains below the acceptable decibel levels; this includes that the placement of the equipment be in a shelter if necessary. Ambient decibel levels for the project shall not exceed those of the City of Menlo Park's Noise Ordinance.
35. All project structures shall meet the requirements and recommendations of the California Building Standards Code and local amendments, Structural Engineers Association of California, the County Geologist, and the soil and foundation investigation report submitted for the project site. Assumptions and design parameters are subject to approval by the County Geologist.
36. If, during the construction phase, any archaeological evidence is uncovered or encountered, all excavations on the site within 30 feet shall be halted, and the applicant shall retain an archaeologist to investigate the findings as well as informing the County. In addition, the Current Planning Section shall be notified of such findings and no additional work shall be done on-site until the archaeologist

has recommended appropriate measures and those measures have been approved by the Current Planning Section.

37. No site disturbance shall occur, including any grading or tree removal, until a grading permit and building permit have been issued concurrently.
38. Upon completion of the excavation for the below ground parking structure/building footprint, Paragon Geotechnical, Inc. (or another reasonably acceptable, qualified geotechnical engineer), shall observe the exposed sub-grade prior to construction of foundations/slab-on-grade to verify that the structure will be founded in the bearing material anticipated.
39. Groundwater control (i.e., watering, water-tight shoring) will be required for excavation extending into the groundwater table.
40. Below ground structures shall be waterproofed as appropriate. Waterproofing shall be designed by the project architect or structural engineer.
41. The project shall adhere to the Bay Area Air Quality Management District Particulate Matter emissions control measures during all demolition and construction activities.
42. To reduce the impact of construction activities on neighboring properties, applicant shall comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along Sand Hill Road right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Sand Hill Road. There shall be no storage of construction vehicles in the public right-of-way.
43. Prior to the beginning of any construction activities, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan, which shows how the transport and discharge of soil and pollutants shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan

shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for construction.
- d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

- I. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
44. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer. The engineer shall be responsible for the following:
- a. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation, as it deems necessary.
 - b. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
 - c. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
 - d. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
 - e. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
45. Prior to the issuance of a grading permit, if the applicant submits a grading plan which shows any deviation from the grading shown on the approved plans, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Community Development Director (Director), or his/her designee, shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised grading

permit and/or site development application. Additionally, if the requested changes require it, the applicant shall process a new environmental assessment for determination by the decision-making entity.

46. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
 - a. Water all construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
47. Pursuant to Section 8605.5 of the San Mateo County Grading Ordinance, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
48. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities, within thirty (30) days of the completion of grading:
 - a. The engineer shall submit written certification to the Department of Public Works and the Current Planning Section that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Building Inspection Section's Geotechnical Engineer and the Current Planning Section.
49. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.

50. All outdoor lighting shall be required to be directed downward or hooded to prevent glare.
51. All proposed and any future uses, building additions or building modifications shall comply with Ordinance PUD-134.

Building Inspection Section

52. At the time of application for a building permit(s), the applicant shall comply with the current building regulations and with local amendments, as required.
53. At the time of application for a building permit(s), the applicant shall comply with the current Green Building Program (Ordinance No. 4444) and any subsequent amendments to that program.

Department of Public Works

54. The applicant shall submit a detailed construction plan showing staging areas and equipment and material for lay down areas for review and approval to the Department of Public Works. The applicant shall provide a traffic control plan to the Department of Public Works for review and approval, prior to the issuance of a building permit.
55. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
56. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
57. No proposed construction work, for access and utility work only, within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
58. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
59. All grading shall be according to the conceptual grading and drainage plan prepared by BKF Engineers dated August 6, 2009. Revisions to the approved grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public Works and the Planning Department for concurrence "prior" to commencing any work pursuant to the proposed revision.

60. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Department and a grading permit "hard card" has been issued by the Planning Department. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. The applicant shall submit monthly updates of the schedule to the Department of Public Works and the Planning Department. All submitted schedules shall represent the work in detail and shall project the grading operations through completion.
61. Proposed construction shall meet all conditions and comments from County Flood Control District before building permit can be issued.

Menlo Park Fire Protection District

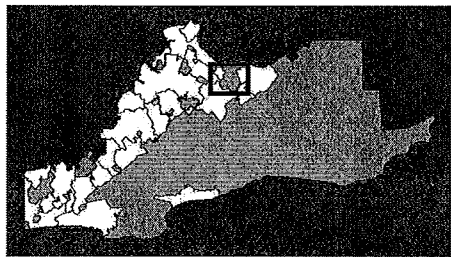
62. The building shall be provided with both a fire sprinkler system and a fire alarm system.
63. An automatic, supervised, listed and centrally monitored fire alarm system conforming to NFPA-72 requirements shall be provided.
64. Applicant to provide an additional fire hydrant to serve the site.
65. Plans and fees shall be submitted to the Menlo Park Fire Protection District for the automatic fire sprinkler and alarm systems.
66. An address shall be visible from the street and contrasting in color to its background and shall be a minimum 8 inches in size.
67. The parking garage shall be provided with standpipes for suppression operations. Location and numbers shall be determined by the Fire District in conjunction with the fire sprinkler contractor.
68. Fire Department emergency incident ventilation access to the parking garage for the "green roof" shall be provided. The design shall be determined in conjunction with the Fire District.
69. Ventilation and air changes for the parking garage shall be per both the 2007 California Building Code and California Fire Code requirements.
70. Fire hydrants shall be in place and tested before construction begins.
71. Fire sprinkler density for the building shall be 0.18 over 3,000; no exceptions. Sprinkler contractor system is to be a NFPA-13 system. If a residential unit is included as part of the building, it shall also meet NFPA-13 requirements. Please be aware of the Fire District's sprinkler standards.

72. Any/all gates shall have a minimum unobstructed linear width of 16 feet. All locking devices shall provide a Knox Box or Knox Override Key Switch for Fire District Emergency access. All gate plans shall be approved by the Menlo Park Fire District. Electric gates shall have a backup source of power to allow the opening of the gates during a power failure.
73. Architectural drawings shall be submitted under separate cover.
74. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s), i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.
75. Upon completion of work and prior to occupancy, contact Inspector Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

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ATTACHMENT B

000031



BK-74 pg. 10

R-1/S-72

BK-74 (45)
pg.

R-1/S-9

RE/S-9

Proposed Zoning PUD-134

San Mateo County Board of Supervisor's Meeting

Owner/Applicant: **Steven Baugher**

Attachment: B

File Numbers: **PLN2008-00136**

000032



San Mateo County Board of Supervisor's Meeting

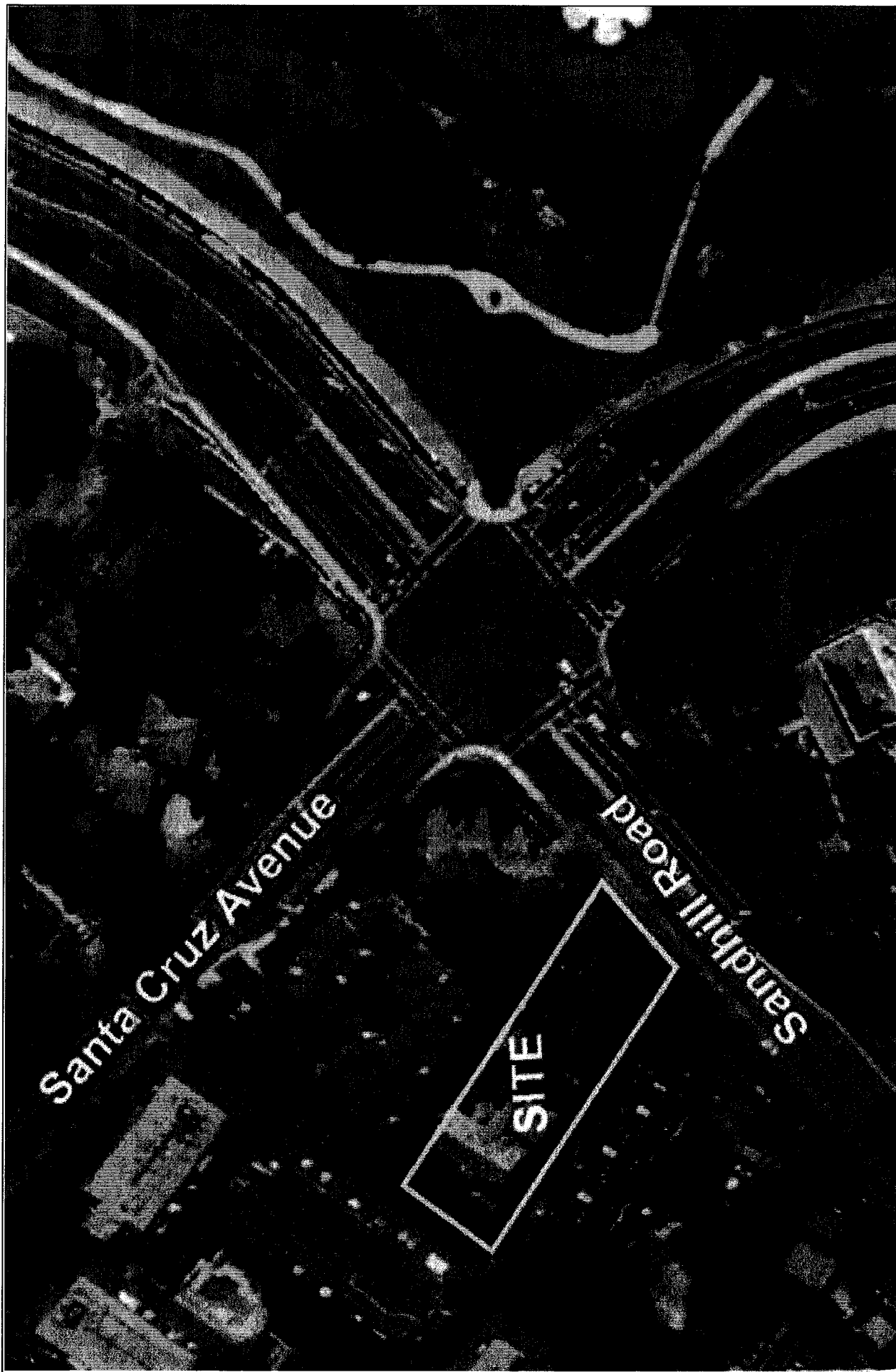
Applicant: **Steven Baugher**

Attachment: **B**

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File Numbers: **PLN2008-00136**

ATTACHMENT C



San Mateo County Board of Supervisor's Meeting

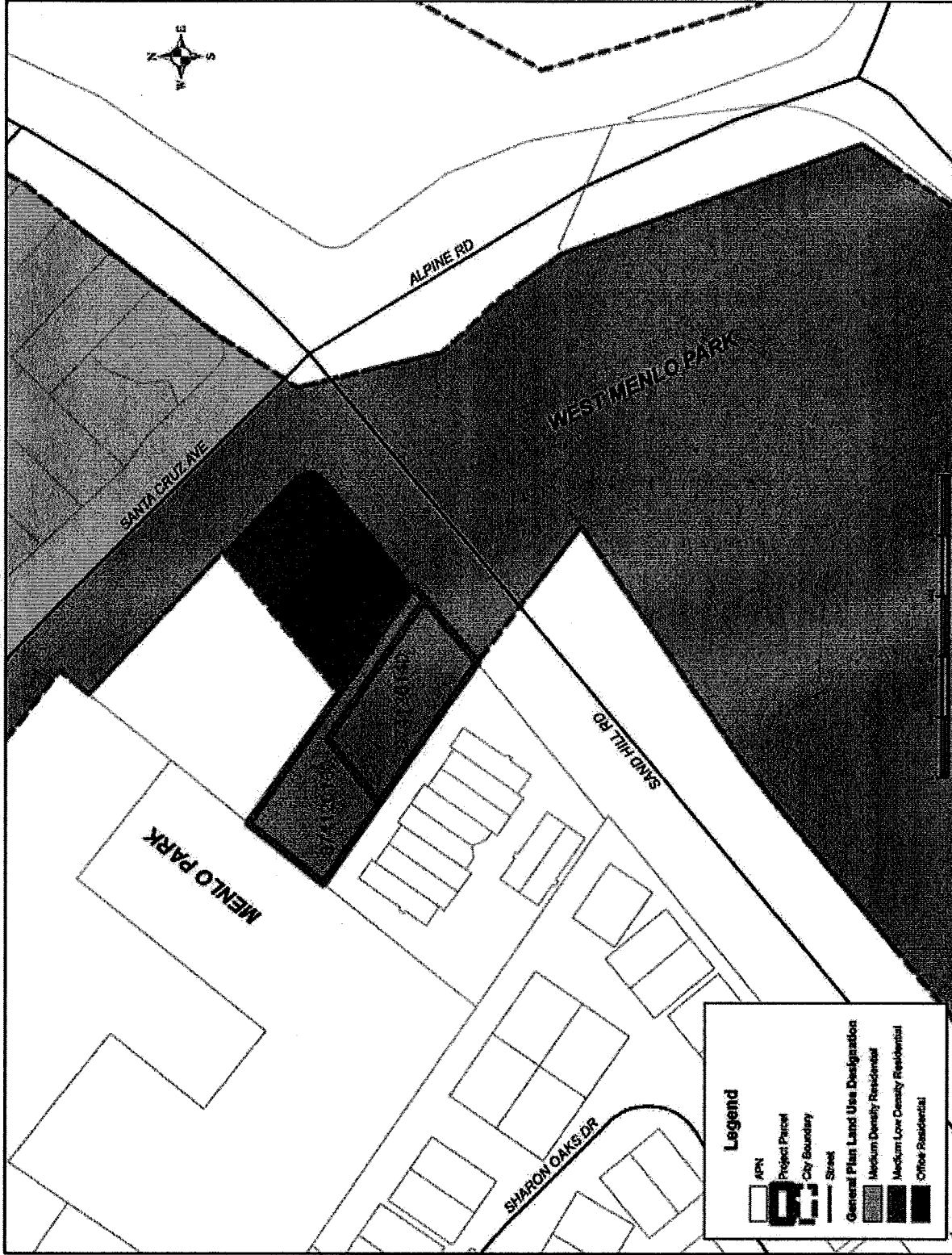
Owner/Applicant: **Steven Baugher**

File Numbers: **PLN2008-00136**

Attachment: **C**

ATTACHMENT D

PLN2008-00136 Land Use



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San Mateo County Board of Supervisor's Meeting

Owner/Applicant: **Steven Baugher**

File Numbers: **PLN2008-00136**

Attachment: **D**

ATTACHMENT E



San Mateo County Board of Supervisor's Meeting

Owner/Applicant: **Steven Baugher**

File Numbers: **PLN2008-00136**

Attachment: **E**

000036

File Numbers: **PLN2008-00136**

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[illegible]

SITE PLAN

PAA PROJECT NO.

4632 Wilshire Blvd., Suite 200
Beverly Hills, California 90210
310 556-0863 FAX 310 556-6118



PAUL HUBBARD ARCHITECTS

2125 SAND HILL ROAD
MILPITAS, CA 95035
TEL: 408/945-1100
FAX: 408/945-1101
WWW.PHARCHITECTS.COM

DATE: 08/14/08
PROJECT: SAN MATEO COUNTY BOARD OF SUPERVISORS MEETING CENTER
SHEET: A101
DRAWN BY: J. HUBBARD
CHECKED BY: J. HUBBARD
SCALE: 1/8" = 1'-0"

2125 SAND HILL ROAD
MILPITAS, CA 95035

DATE: 08/14/08

PROJECT: SAN MATEO COUNTY BOARD OF SUPERVISORS MEETING CENTER

SHEET: A101

DRAWN BY: J. HUBBARD

CHECKED BY: J. HUBBARD

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

000038

FLOOR PLAN - FIRST FLOOR

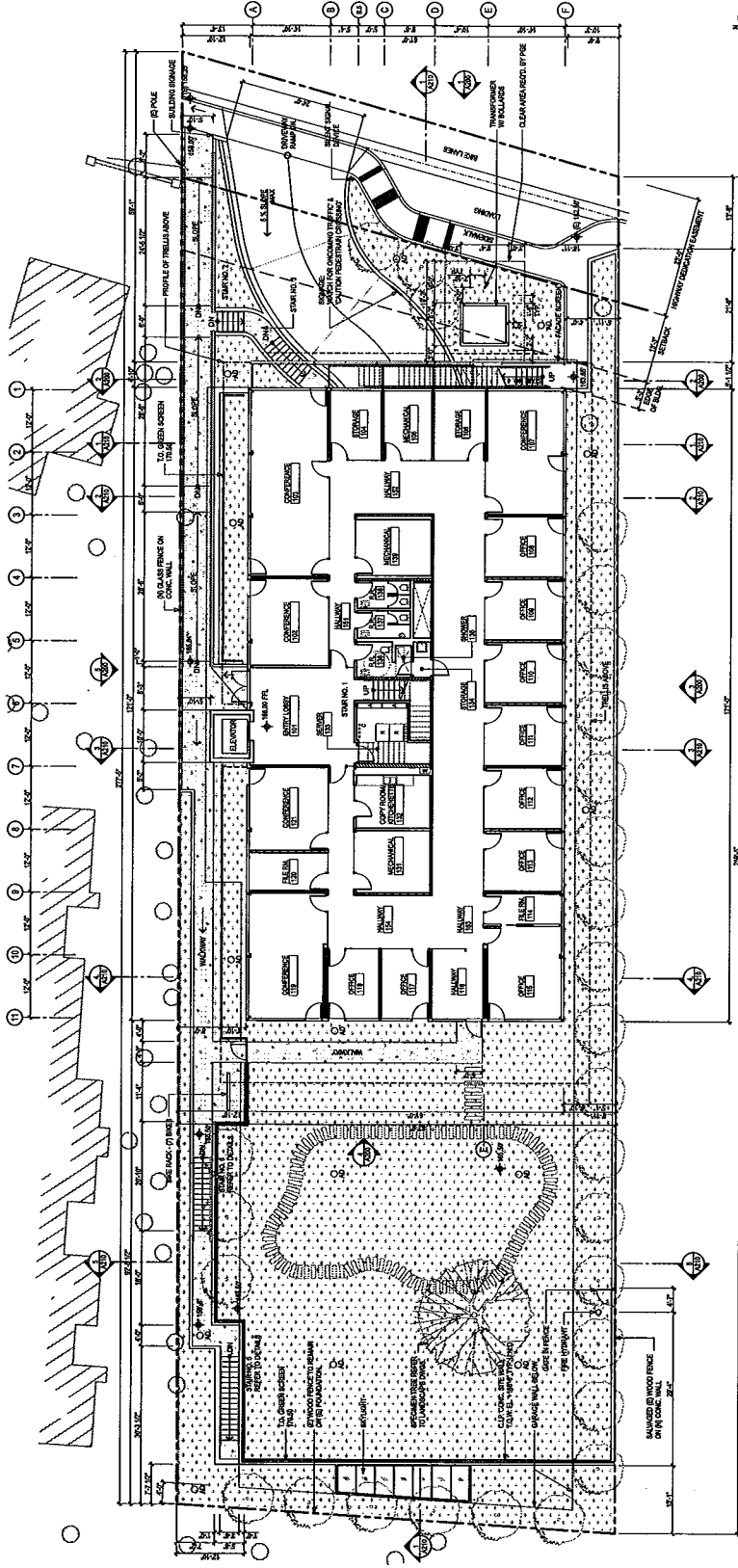
1/8" = 1'-0"

AREA CALCULATIONS

| | |
|-------------------|----------|
| OFFICES | 1,712 SF |
| CONFERENCE ROOM | 1,087 SF |
| RECEPTION | 1,087 SF |
| LOBBY | 1,087 SF |
| STORAGE | 1,087 SF |
| TOTAL OFFICE AREA | 5,060 SF |

SYMBOL LEGEND

| | |
|---------------|-----|
| PROPERTY LINE | --- |
| PLANNED AREA | --- |
| EXISTING WALL | --- |
| NEW WALL | --- |
| EXISTING DOOR | --- |
| NEW DOOR | --- |



San Mateo County Board of Supervisor's Meeting

Owner/Applicant: Steven Baugher

File Numbers: PLN2008-00136

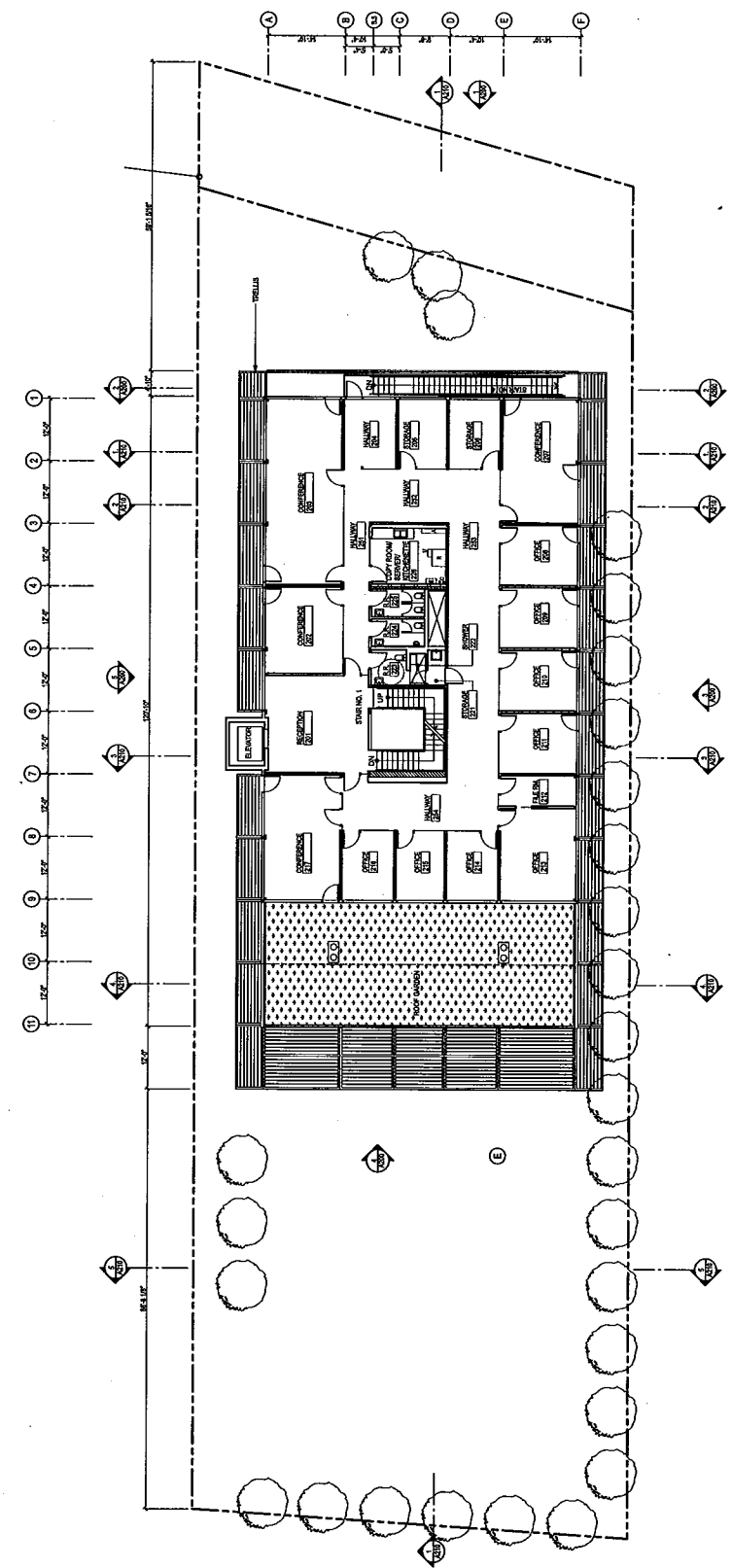
Attachment: E

**PAUL MURDOGH
ARCHITECTS**

1000 Wilshire Blvd. Suite 100
Beverly Hills, CA 90210
Tel: 310.274.1100
Fax: 310.274.1101
www.paulmurdoch.com

NO. 1016 - 1017
21000 WILSHIRE BLVD
BEVERLY HILLS, CA

PROJECT NO. 00000000
SHEET NO. 00000000
DATE 01/10/10



AREA CALCULATIONS

| ITEM | UNIT | AMOUNT |
|-----------------|----------------|---------------|
| OFFICE | SQ. FT. | 10,000 |
| CONFERENCE ROOM | SQ. FT. | 1,000 |
| RECEPTION | SQ. FT. | 500 |
| HALLWAY | SQ. FT. | 1,000 |
| STAIRS | SQ. FT. | 500 |
| ELEVATOR | SQ. FT. | 500 |
| TOILET | SQ. FT. | 500 |
| RESTROOM | SQ. FT. | 500 |
| STORAGE | SQ. FT. | 500 |
| MECHANICAL | SQ. FT. | 500 |
| LANDSCAPE | SQ. FT. | 500 |
| TOTAL | SQ. FT. | 15,000 |

SYMBOL LEGEND

| SYMBOL | DESCRIPTION |
|--------|------------------|
| --- | PROPERTY LINE |
| --- | PAVED AREA |
| --- | SEWER WALL |
| --- | DEMOUNTABLE WALL |

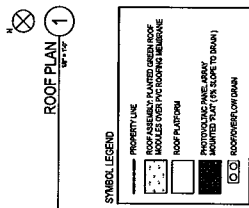
FLOOR PLAN - SECOND FLOOR

0000039

San Mateo County Board of Supervisor's Meeting

Owner/Applicant: **Steven Baugher**
File Numbers: **PLN2008-00136**

Attachment: **E**



| AREA CALCULATIONS | |
|--------------------|----------|
| PHOTOVOLTAIC ARRAY | 720 SF |
| PLANTED GREEN ROOF | 3,028 SF |
| ROOF PLATFORM | 1,414 SF |




000040

San Mateo County Board of Supervisor's Meeting

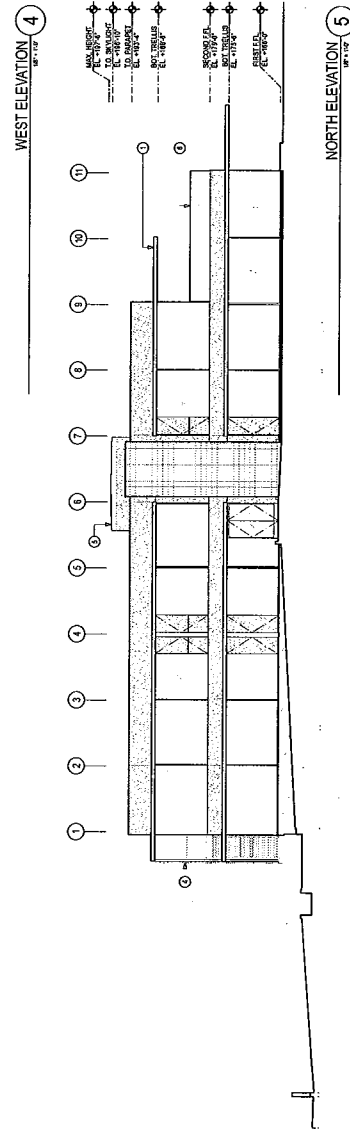
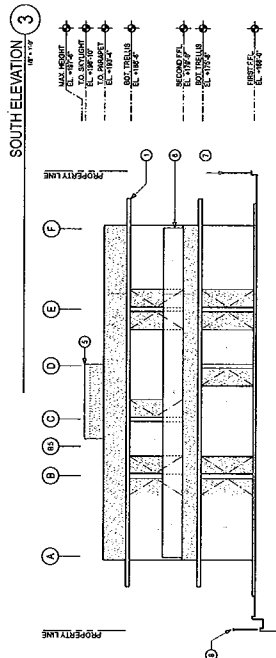
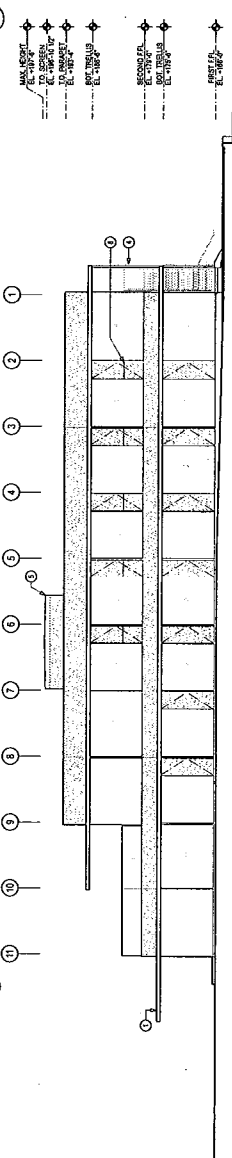
Owner/Applicant: **Steven Baugher**

File Numbers: **PLN2008-00136**

Attachment: E

| SYMBOL LEGEND | |
|---|--------------------|
|  | PROPERTY LINE |
|  | CONC. WALL COLUMN |
|  | STRIPED CLEAR AREA |

| GARAGE PLAN INFORMATION | |
|-------------------------------|----|
| TOTAL PARKING SPACES PROVIDED | 50 |
| STANDARD (S) | 10 |
| COMPACT (C) | 8 |
| CAR LIFT TANDUM (T) | 30 |
| ACCESSIBLE (A) | 1 |
| VAN ACCESSIBLE (VA) | 1 |



000042

San Mateo County Board of Supervisor's Meeting

Owner/Applicant: Steven Baugher

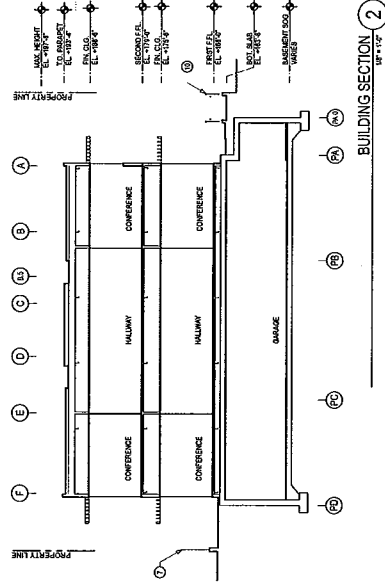
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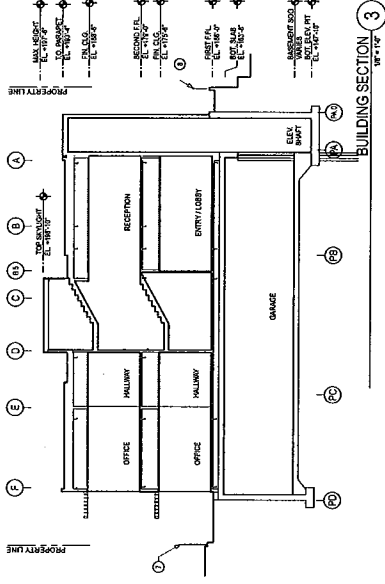
KEYNOTE LEGEND

- 1. VENTILATED ROOF
- 2. WOOD CLADDING
- 3. TRUSS
- 4. INSULATED GLAZING
- 5. CONCRETE RETAINING WALL
- 6. CHIMNEY ACCESS RAMP
- 7. RETAINED FENCE TO REMAIN
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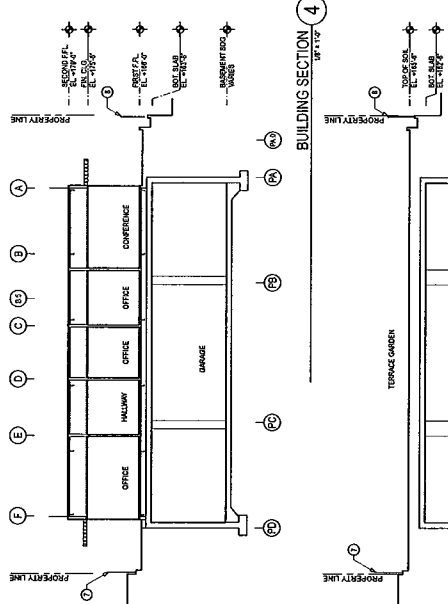
BUILDING SECTION 1
1/8" = 1'-0"



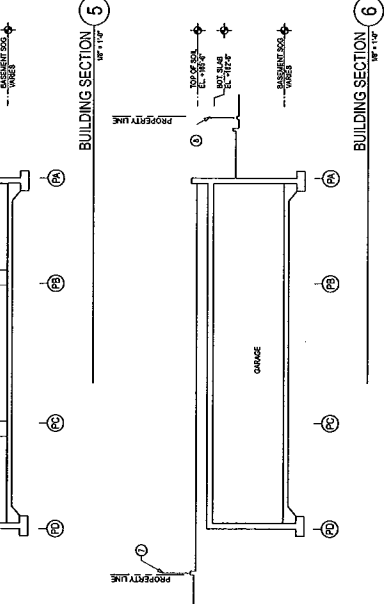
BUILDING SECTION 2
1/8" = 1'-0"



BUILDING SECTION 3
1/8" = 1'-0"



BUILDING SECTION 5
1/8" = 1'-0"



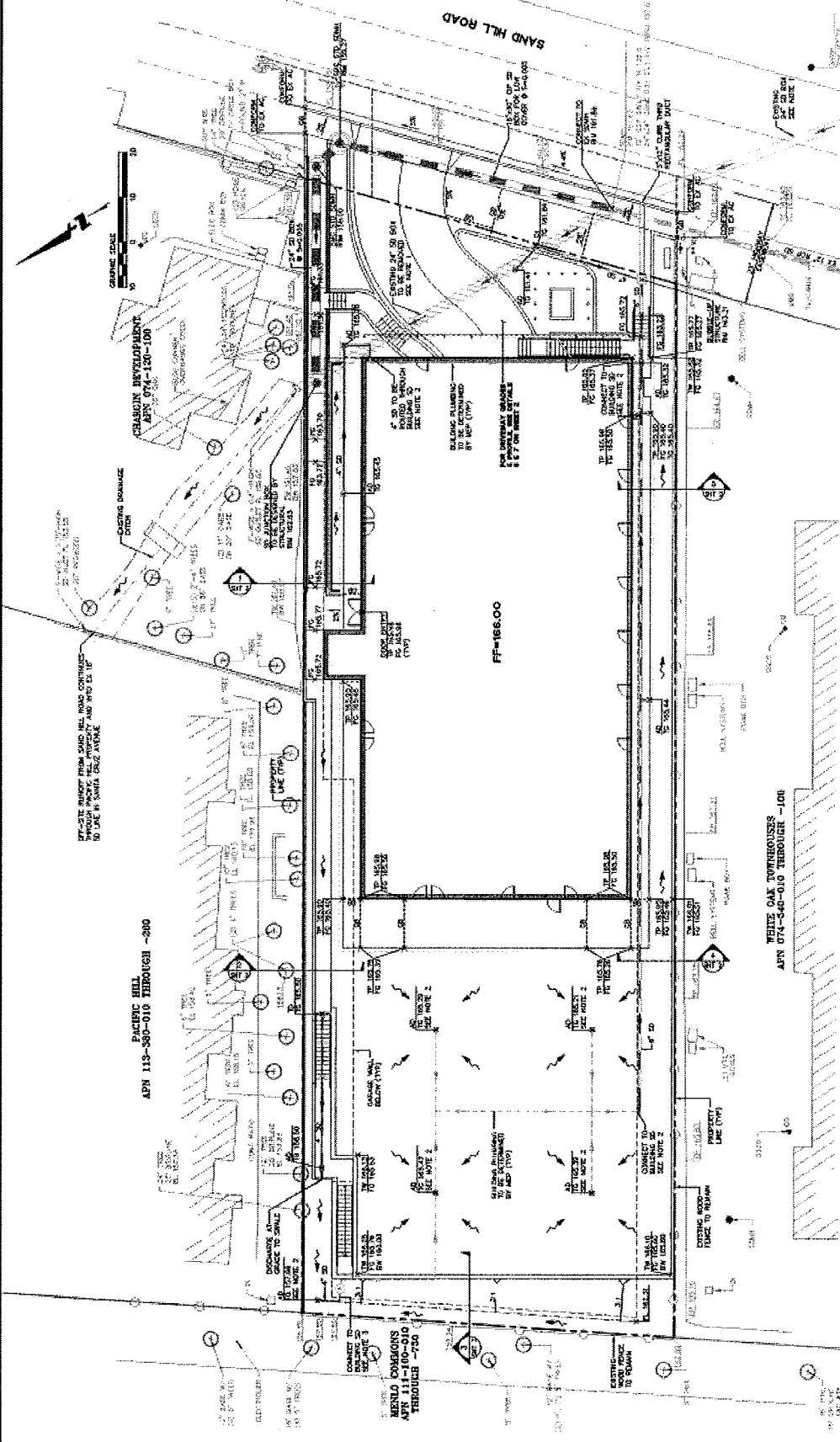
BUILDING SECTION 6
1/8" = 1'-0"

000043

San Mateo County Board of Supervisor's Meeting

Owner/Applicant: Steven Baugher

File Numbers: PLN 2008-00136

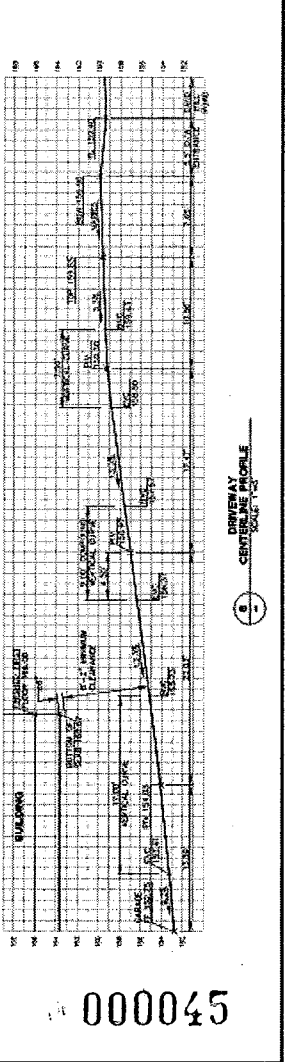
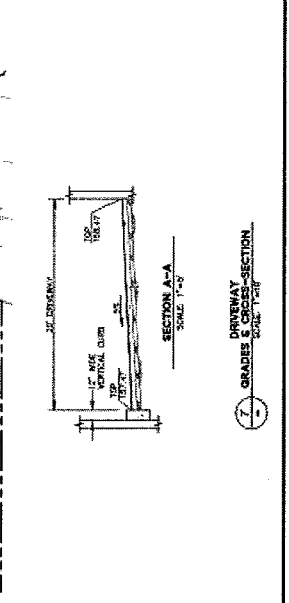
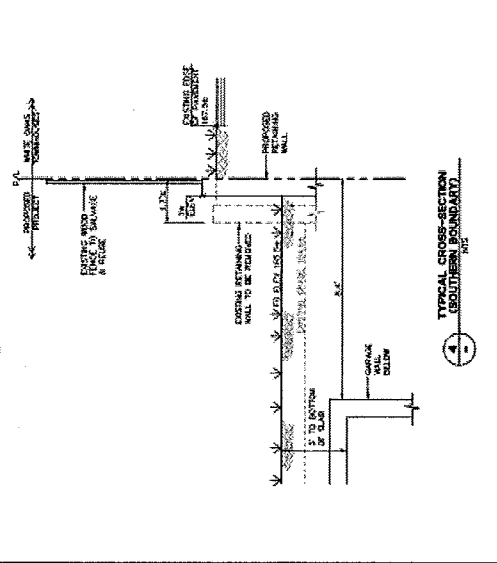
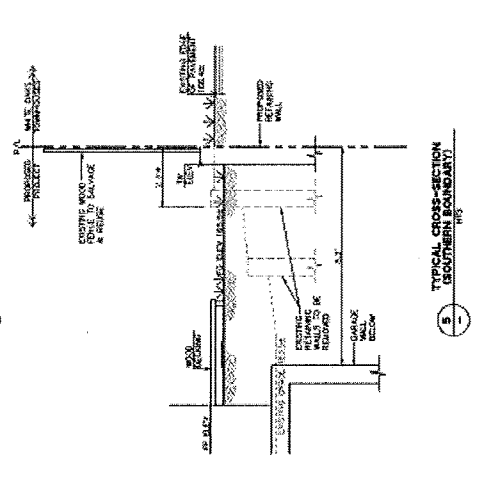
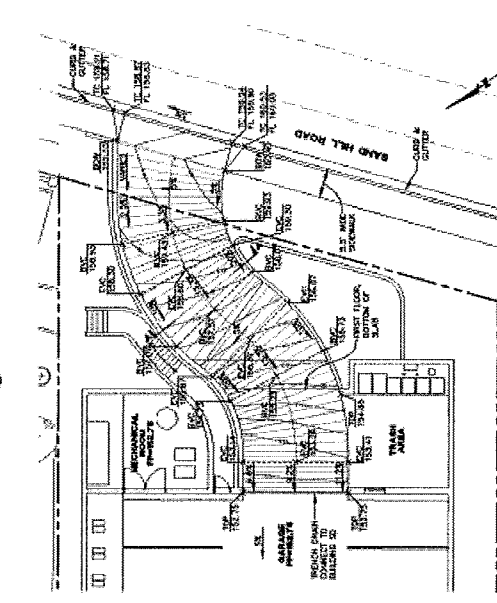
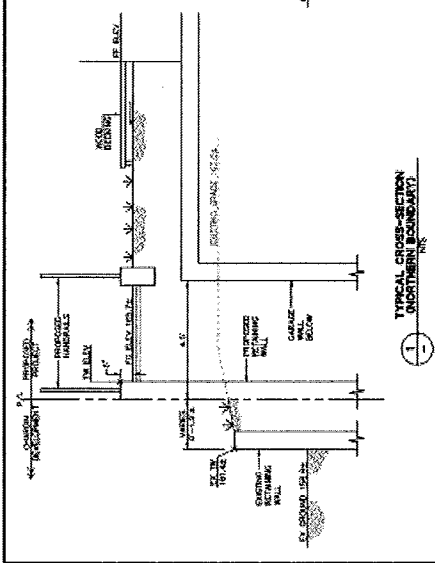
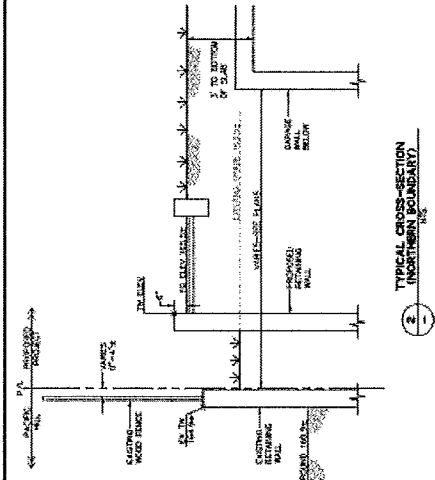
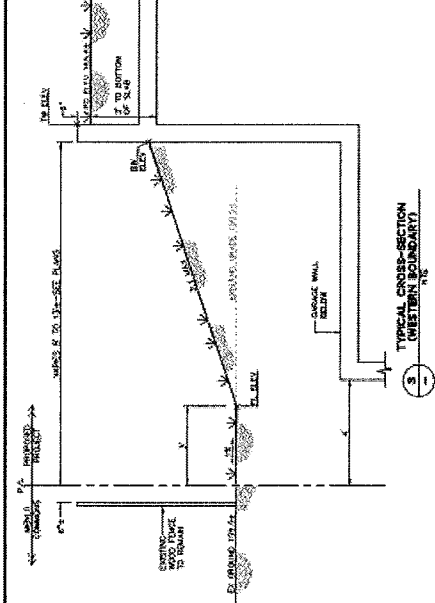
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000044

BKF
ENGINEERING & SURVEYING
215 HARBOR DRIVE, SUITE 200
REDWOOD CITY, CA 94063
650/462-8300
650/462-8399 (FAX)

2126/2128 SAND HILL ROAD PROJECT
PRELIMINARY GRADING & DRAINAGE PLAN
SAN MATEO COUNTY
CALIFORNIA

| NOT FOR CONSTRUCTION | |
|-----------------------|-----------------|
| SHEET 2 | OF 2 |
| DATE: 08/10/13 | BY: [Signature] |
| PROJECT NO: 2126/2128 | |
| CLIENT: [Name] | |
| LOCATION: [Address] | |



540000

San Mateo County Board of Supervisor's Meeting

Owner/Applicant: **Steven Baugher**

File Numbers: **PLN2008-00136**

Attachment: **E**

ATTACHMENT F

Operational Statement

2128 Sand Hill Road, LLC

2128 Sand Hill Road

Menlo Park, Ca 94025

RECEIVED

APR 28 2008

**San Mateo County
Planning Division**

Proposed Facility Use:

The use of the building will be for Professional Offices, typical to what is found along Sand Hill Road. A Foundation use is also envisioned for the site. No retail commercial use for the PUD is proposed. Hours of operation would be typical for what is found in the area, approximately 9-6. Staggering of arrival or departure times for employees will be adjusted if impacts are felt by the adjacent properties. The estimated number of daily visitors should not exceed what is typically found on the adjacent PUD. Peak use is expected to occur between the hours of 10am and 5pm. Number of people on site is expected to vary between 15 to 40. Deliveries are expected between 10am and 3pm. The residential units will be occupied at times independent of the office portion and should be what is typically found in immediate area.

000046

2128 Sand Hill Road, LLC

We are pleased to submit this Planned Unit Development (PUD) application for the redevelopment of 2126 and 2128 Sand Hill Road, Menlo Park. The PUD proposes to develop the site to an approximate 14,200 sf mixed use building of professional offices and residential units with a subterranean parking garage. The site is currently developed with two single family residential homes. Surrounding uses are higher-density residential and professional office. The goal of the development is to construct a Leadership in Energy environmental Design (LEED) green building.

In the spirit of this green development, the residence at 2128, constructed of brick and cinder block, will be deconstructed and existing overhead power and telephone lines will be placed underground, removing their visual unsightliness. All existing landscaping that is healthy, will be boxed and saved for replanting on the site or donated. The site currently exists as two legal parcels which would be joined as one legal parcel.

Attached to this narrative section are Exhibits "A" through "H". Exhibit "A" is photo journal of the site and surrounding area. Exhibit "B" contains letters from two adjoining properties and the County of San Mateo on concerns from the community, as well as comments from reviewing agencies. Exhibit "C" is LEED information and Exhibit "D" is a sample of a green roof system considered for the project. Exhibit "E" is a detailed operational statement as requested by the County Planning Department. Exhibit "F" notes conceptual interiors, finishes, building

placement and modules. Exhibit "G" is information on proposed car lifts and "H" is the Deeds and Title Reports.

Exhibit "A", the photo journal, details the site as currently developed, surrounding properties, and views from and across the site at different angles. The surrounding properties are generally bench leveled sites; the properties to the East are four plus feet down in elevation while the adjacent property to the West is elevated. As the pictures show, most of the surrounding developments look down upon the site. Existing and proposed landscaping help screen these developments and provide a green buffer.

The architecture of the surrounding area is varied in character and style. Surrounding construction is mainly of stick built, multi-leveled structures with wood or stucco exterior. We note the new development of the Hewlett Foundation Building across the street from the subject property, a modern designed structure that is LEED certified with a GOLD rating. The LEEDS program requires day lighting as a major component which has been incorporated into this design. The building has been moved as close to Sand Hill as possible to accommodate fire regulations and neighboring concerns. The area to the rear of the site will be developed into a large garden.

The building will be a landmark for the area as envisioned by world class designer Ray Kappe. Ray Kappe is known for his great sensitivity to environmental issues and his beautiful use of materials, proportion and scale. Livinghomes is known for their LEED certified buildings. Their model home in Santa Monica, California was the first residence in the United States to receive the highest rating, Platinum Certification. The proposed PUD building will be prefabricated off site reducing on-site the construction time by 50%. While the garage and foundation

are being constructed on site; the rest of the building is being prepared offsite. Once the foundation is completed, the building modules are placed on-site via crane, and compose the entire structure. The Livinghomes model home in Santa Monica took one day to erect. Please see Exhibit "F" for details of modules and placement. This larger building will likely take several days to place due to size but should not take more than ten working days.

The site design incorporates a rain water recapture system, allowing the water to be reused for irrigation purposes and assisting in storm water retention. Energy use of the building will be lowered with energy saving LED lighting, low impact HVAC and solar. Vertical and horizontal sunshades, made of steel and wood, shield the glass from direct sunlight acting to insulate and reduce heat gain. The view of the glass from the few neighboring windows will be shielded as well. Lighting strategies that are energy efficient, combined with shading devices and trellises, will minimize light outside of the building envelope. All interior fixtures and finishes will be 'Environmentally Preferred', high recycled content, low to no VOC content for all paints, furniture and fabrics. Low water consumption fixtures will be specified for the building and garden. A raised floor system may be used with integrated HVAC delivery and return air systems for higher efficiency. HVAC Systems will make use of geothermal, ground source heat pumps, radiant, or high efficiency forced air. Natural ventilation will be used with operable sliding glass doors and clerestory windows for cross ventilation throughout the building.

A green living roof has been incorporated into the building design to soften the feel visually for the neighbors, and has superior insulation properties and the added benefit of storm water retention. The living roof will incorporate sedums, native grasses, wild flowers and

ornamental perennials. We are also considering a solar array on the roof to assist in power generation. By locating the building within 150' building. This approximate 8,400 square feet of garden space will be a shared visual landscape, maintaining a greater amount of light and space between all buildings than previously existed. Storm water catchment and filtration are a part of the landscape and garden design. Exterior lighting will take into consideration the neighboring properties and limit the use of evening lighting except for safety corridors. Evening light emitting from the building will be handled by an automatic curtain system and the use of light limiting glass.

The subterranean garage allows cars to be hidden below grade so neighbors do not have to experience the normal negative impact of asphalt parking lots, visual blight, heat gain, and additional concentrated storm water runoff and bright lighting. The ingress/egress design for the garage allows additional planting space for landscape and trees along Sand Hill Road. Tandem parking is incorporated into parking spaces in the rear of the garage for employee use only and will be labeled as such. See Exhibit "G" for information on the tandem lifts. Electrical vehicle charging facilities will be located throughout the garage to accommodate their increased future use. Two separate stairways and the elevator lead from the garage to the building and garden.

On November 28, 2007 a Community Meeting was held at the Hewlett Foundation building to discuss the project, view conceptual ideas of the proposal, listen to concerns of the community and discuss the process for the applicant. We have included, as Exhibit "B", response letters from the County of San Mateo, the Pacific Hill and the White Oaks

development. Please refer to these letters for concerns from the community and comments from reviewing agencies.

The concerns of the Pacific Hill Development largely center on height, setbacks and sun lighting issues. As shown in the extensive shadow studies, the current and projected shadows do not differ to a great extent. The current 8' fence along the northeast boundary can be modified or removed to actually increase the overall lighting to Pacific Hill. Due to the difference in elevations between the properties, there are some safety issues to discuss if the fencing was removed, but we are willing to consider opening this area up for the neighbors. In regards to the setbacks, we have observed the current setbacks for the existing site zoning and note the proposed development will result in an elegant upgrade to what the existing improvements provide visually now. We hope the extensive use of glass will improve the surrounding quality of view and sense of space.

The White Oaks development concerns are similar to that of Pacific Hill including the development theme, additional traffic and noise generated from the development of the site. As the site map illustrates, the property is relatively narrow at approximately 85' in width and 250' in length. We refer to the photos in Exhibit "A" and views across the site in reference to concerns about blocking views and the shade study for day lighting and we foresee no negative impact. The building represents a superior architectural design and will effectively upgrade the neighborhood. In reference, the most recent development in the immediate area, the Hewlett Foundation Building across the street is of modern design as is the Stanford Linear Accelerator Administrative Building west of the site. The noise and traffic studies indicate there is no negative impact to surrounding

properties if the site were developed as proposed. Lastly, the PUD has the back residence area developed as an open garden which would benefit the White Oaks, Pacific Hill and Menlo Commons development who currently all look down upon the roof top of 2126 Sand Hill. We are open to working with the White Oaks Development in regards to developing an acceptable screening plan for the building and site. As letters from both the White Oaks and Pacific Hill development state (Exhibit B), they welcome the commercial use of the site.

The Key Comments and Concerns of the Community issued by the San Mateo County Planning and Building Departments letter dated December 14, 2007 highlight additional questions with the proposal. As noted, the site is limited to development of the first 150' from the center line curb of Sand Hill Road and limited in height to 30' based on the current fire code regulations on new developments. The several questions raised as to why two smaller buildings or one longer building were not considered are answered by this limitation, although as mentioned in this narrative, we did consider various configurations. As noted in the Operational Statement, hours of operation would be typical for professional office or a foundation type business, 9am to 6pm. The applicant is willing to limit the use of the building not to include any type of retail commercial business. In interviews with the various residents surrounding the site, all said they enjoy the peacefully nature of the adjacent Dennis Chargin PUD on the corner of Sand Hill and Santa Cruz Avenue. On the opposite side, we have heard complaints from the neighbors about the current residential use of the site due to activities and noise generated by past residents. The elegant design of the structure and accompanying gardens along with

the quiet nature of a professional office use will enhance the quality of the surrounding developments.

We welcome any ideas from the neighbors in regards to screening the site with landscaping, lowering or changing fencing along common boundaries to the benefit of the adjacent properties for day lighting and views. We propose to develop the landscaping to partially screen the building with native vegetation and Redwood trees. We understand the need to be flexible and have paid attention to the neighboring concerns in the development of this PUD application having met with residents of the Pacific Hill and White Oak developments and Dennis Chargin. Again, a subterranean garage will limit any traffic noise associated with the site's development and use and incorporating a garden area in the rear and on top of the building will benefit the surrounding properties and soften the feel. Various designs for the site were considered, based on the concerns of the neighbors and the Menlo Fire Department, we feel this concept represents a superior elegant design, smart use of space, as well as being environmentally conscious in its use of renewable materials and energy efficiency. The site as proposed for development impacts surrounding properties minimally and actually delivers an enhanced benefit in day lighting and visual architectural detail. We did consider a higher density residential use of the site. Based on our interviews with the neighbors, it was apparent that a preferred use would be for professional office, and per letters from both the White Oaks and Pacific Hill development state (Exhibit B), they welcome that use of the site.

2128 Sand Hill Road, LLC

As requested San Mateo County Planning Department, this addendum is presented regarding the proposed tandem parking for the 2128 Sand Hill Rd PUD.

The tandem parking stall system is to be employee parking only, used by trained employees of the building. Tandem parking lift systems successfully allow two cars to be stacked on one spot; the first car pulls in and is lift up allowing a second to pull in underneath. **The spots will be assigned to individual employees with a lift operation key provided so no other unauthorized people, nor the public, will be able to access and use the system.** A key for the vehicles used by the lifts will be located in an adjacent lock box.

000054

Transportation Statement

2128 Sand Hill Road, LLC

2128 Sand Hill Road

Menlo Park, Ca 94025

A transportation plan for the occupants of the project would center on minimizing vehicle trips to the site by employees through a variety of means. This would be achieved by the development of a Transportation Demand Management Program (TDMP) which would include rideshare, carpooling, biking and using available public transportation. In addition to these, onsite catering and flex time through working offsite would also be considered.

The Caltrans stop in Palo Alto is approximately three miles from the subject site. The Stanford Margarita Shuttle runs from the Caltrans stop to a drop off location at the corner of Sand Hill Rd and Sharron Heights Rd, approximately 1000' west of the subject. The shuttle is free to the public. The tenant of the building may try to encourage the use of the transit system through public transportation incentives.

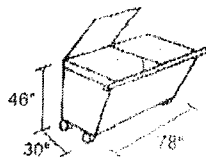
Bike lanes are found along Sand Hill Rd and many of the surrounding connecting roadways. The project

encourages the use of bikes by having bike racks in front of the building. The tenant of the building may provide the use of electric or hybrid vehicle for those employees who use the above commute methods for personal, local trips.

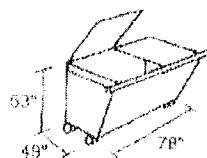
Car pooling and rideshare will also minimize vehicle trips. Organizations such as 511 Rideshare have been very successful with partnering people working in the area. This would help promote the eco friendly theme of the project by further reducing traffic congestion thus cleaning the air while reducing carbon emissions. The occupant of the building would team up with an organization like 511 to develop a Rideshare Employee Services program for the site to limit the number of possible employee trips and by planning and formulating a customized employer-organized commute program while looking to partner with other established rideshare programs currently in place at around the local area.

Rear-End Loader Containers

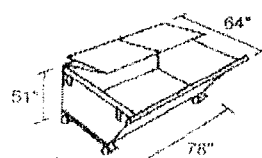
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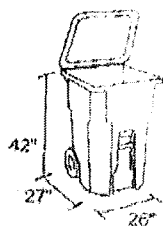
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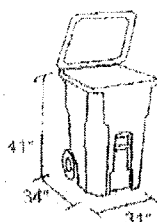
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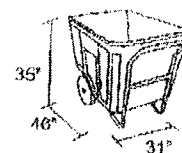
3 Yard Container



64 Gallon Cart



96 Gallon Cart



100 Gallon Cart

Experienced, Trained Team

Our team of experienced, highly trained drivers and support staff provide efficient, timely service and safe operation. Our waste services experts can help you choose the right container system, and advise you on environmental and workplace regulations that affect your particular waste collection needs. With our flexible scheduling, we can quickly respond to your changing service requirements.

Container Options

We offer a variety of container options to best suit your waste volume and accessibility needs. All bins are constructed of heavy-gauge steel which resists rust and leaks, reduces fire hazards and aids in pest control. Custom options include rolling casters, locks and plastic lids. All carts are constructed of durable injection molded plastic made to hold up to 200 pounds of material.

Allow a minimum of 12" on each side of the container for servicing.

Conversion Table for Cubic Foot Volume (approx.)

One cubic yard is equal to approximately:

27 cubic feet

203 gallons

Four 55-gallon drums

Eleven 20-gallon cans

Seven 30-gallon cans

3 yard rear-end loader container is available for garbage service only. 100 gallon cart is available for mixed paper and cardboard service only.

The following materials cannot be collected in rear-end containers: asbestos, batteries, hazardous waste, liquids, paints, oils, medical waste, tires, white goods (appliances) containing chlorofluorocarbons (CFCs), dirt, concrete and hot ashes.



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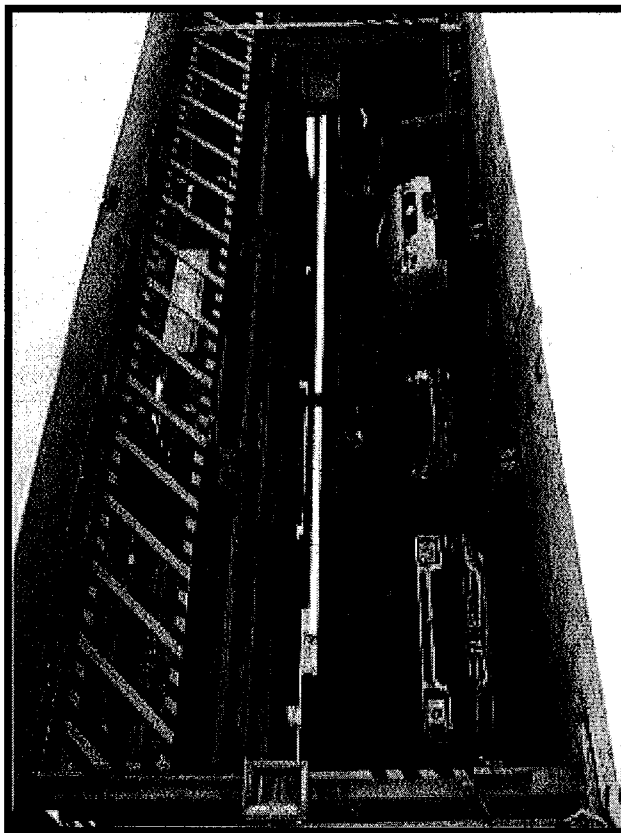


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CARMATRIX®

Multi-level Semi-Automated Parking System

Systems are individually configured to specific building designs and capacities





**HARDING
STEEL**

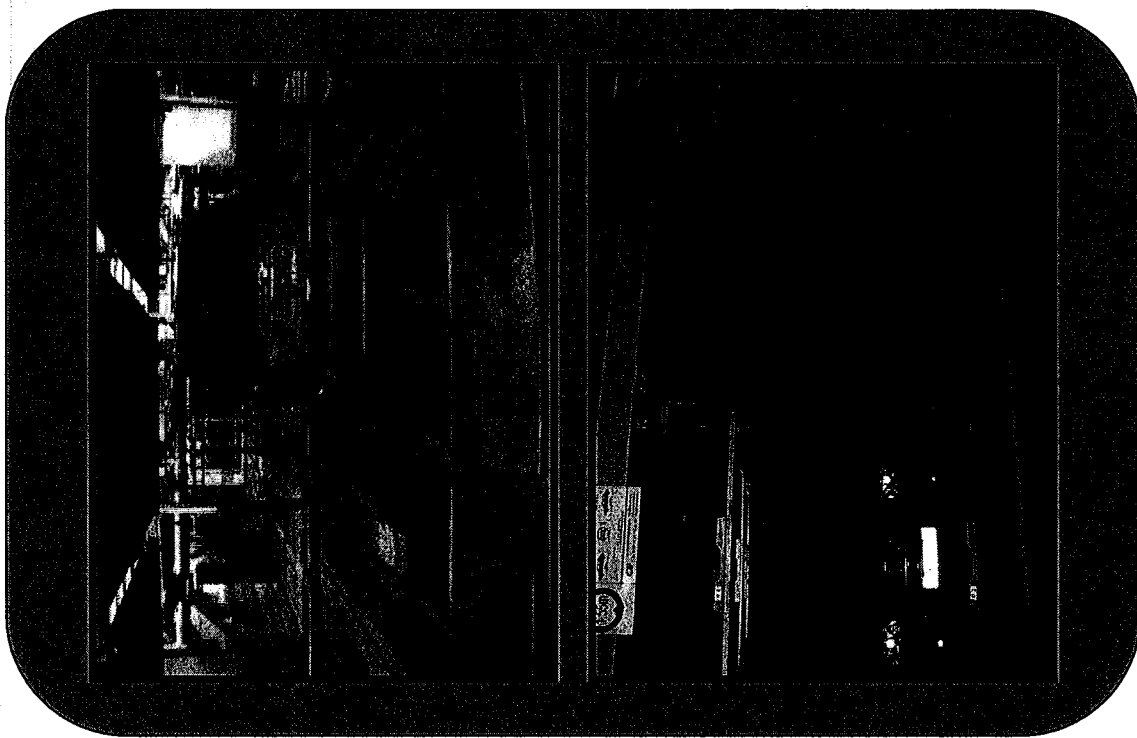
CARMATRIX® by Harding Steel

Soaring land prices and an appetite for more and more parking has changed the way the American real estate industry is viewing parking. Harding Steel has developed the CARMATRIX® puzzle system, a semi-automated mechanical parking system that is designed with the American consumer and American real estate developer in mind. These systems can be individually configured for each building, project, and parking requirement. The primary purpose of the CARMATRIX® is to provide high-density parking where users have the ability to park their **OWN** cars. CARMATRIX® virtually eliminates the need for attended or valet parking operators.

- All electric system...no hydraulics
- Chain driven lifting and sliding mechanisms (no cables)
- Comprehensive safety features
- Manufactured in ISO 9000 certified facilities
- Self-parking capable
- Key pad control system
- Automatic operation returns each car to grade level for rapid retrieval
- 220 3-phase 60 Hz electric motors

Because no two buildings are alike, Harding Steel is able to create a CARMATRIX® solution specifically for each building. These systems are constructed of premium steel with 100% galvanized steel platforms for durability and a clean appearance.

CARMATRIX® operates on a platform-based grid system. The grade level platforms move laterally while the upper and lower platforms move vertically to allow the needed vehicle to be accessed at grade level. For each grouping of platforms there will always be a vacant space at grade for the upper and lower vehicles to be accessed.

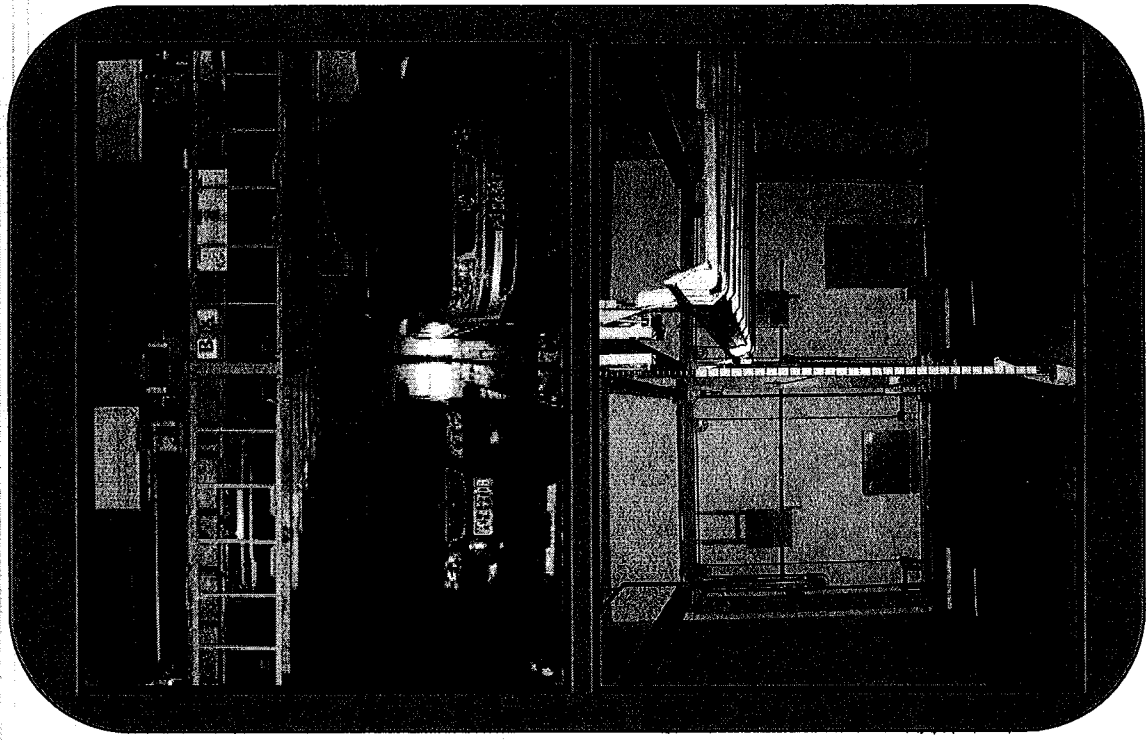


Harding Steel, Inc. • 730 17th Street #650 • Denver, CO 80202 • (800) PARK-DBL • www.hardingsteel.com

000059



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Features

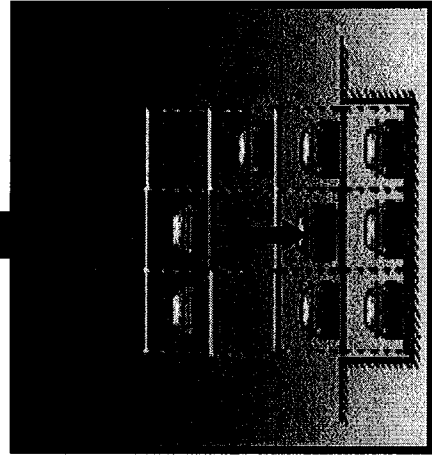
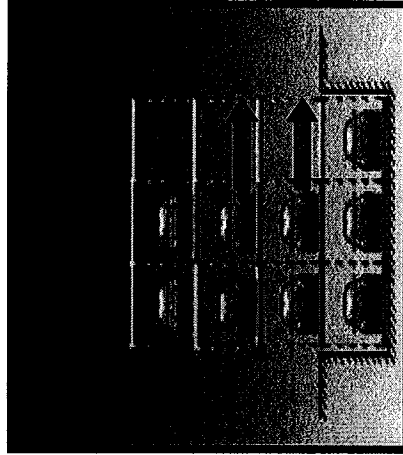
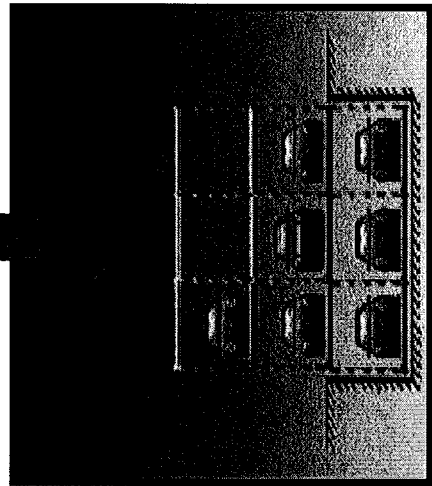
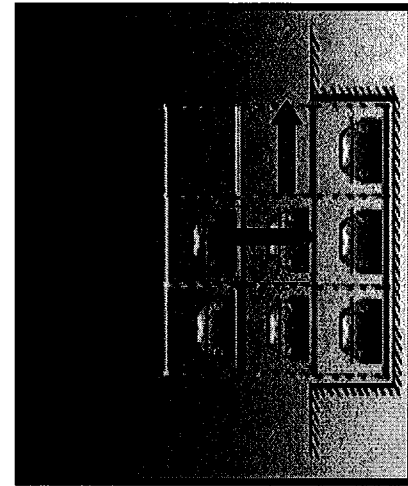
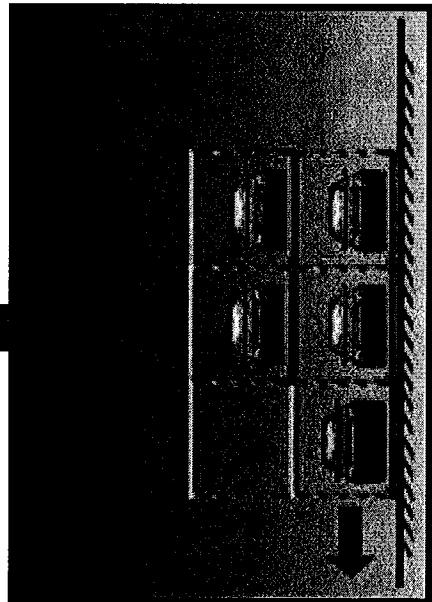
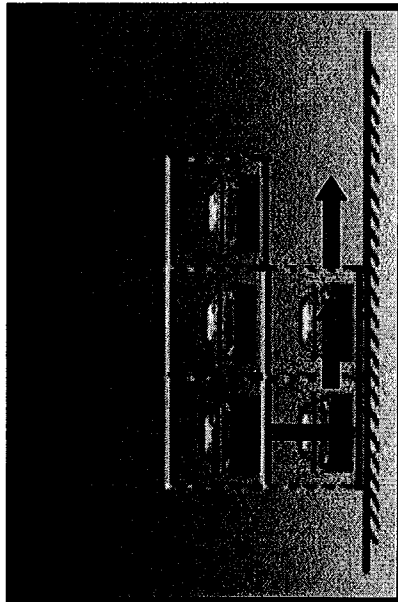
- 100% premium steel construction
- Commercial grade design and materials
- Electric drive motors with heavy-duty chain operation (no cables)
- Suitable for indoor or outdoor installation
- 100% galvanized steel diamond-plate platforms standard
- Support vehicles weighing up to 5,000 pounds
- Electro-mechanical steel locking system for safety

Safety

- At-grade platforms are free of trip hazards and gaps
- Central panel controls all platforms in each section
- Can be configured for self-park (unattended) parking
- Laser sensing emergency stop for all machine movement
- Wiring block for integrating safety interlock devices
- Systems are fully configured with sensors and interlock switches
- Systems are supplied with safety gates gated for safe operation.



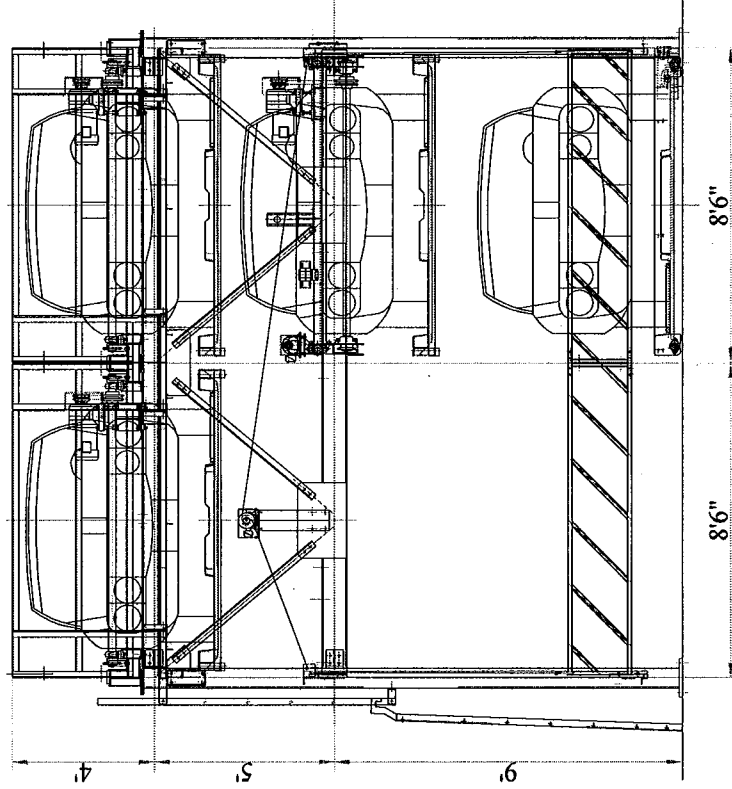
**HARDING
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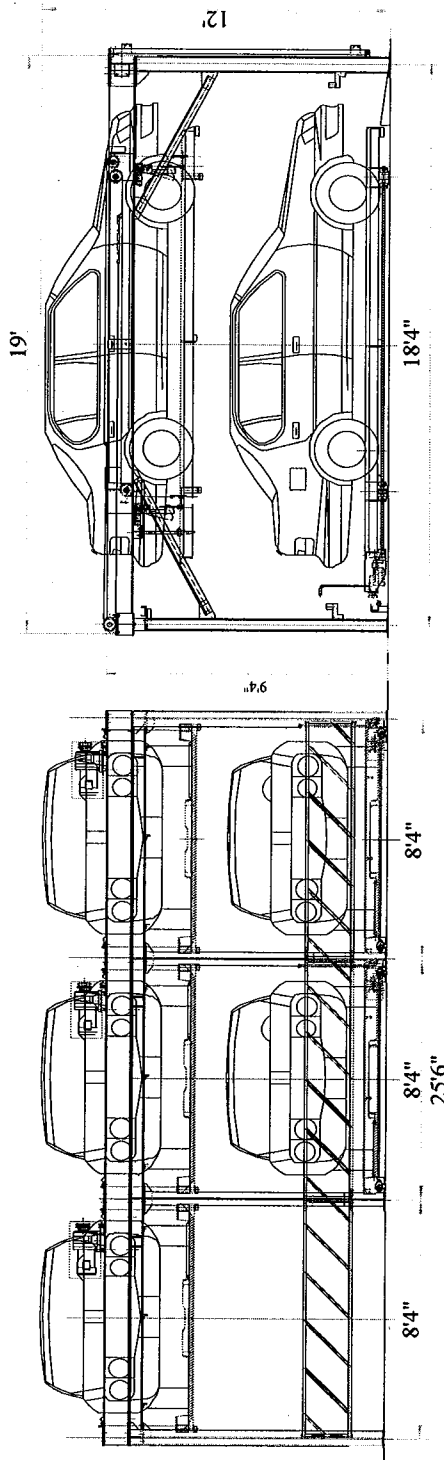
Four-car system



*Actual system dimensions subject to final shop drawings and building dimensions



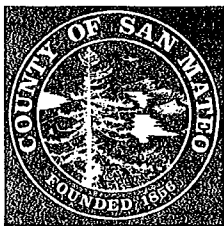
**HARDING
STEEL**



Five-car system

*Actual system dimensions subject to final shop drawings and building dimensions

ATTACHMENT G



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122

plngbldg@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

Please reply to: **Erica Adams**
(650) 363-1828

September 14, 2009

Mr. Steven Baugher
955 West Edmundson Avenue
Morgan Hill, CA 95037

Dear Mr. Baugher:

Subject: Letter of Decision – File Number: PLN2008-00136
2126 and 2128 Sand Hill Road
APNs: 074-120-160 and 074-120-140

On September 9, 2009 the Planning Commission approved amendments to the minutes of the August 26, 2009 meeting, with regard to PLN2008-00136, to more precisely express the analysis of the project by the Commission. These revisions do not change the Planning Commission's recommendation, or the appeal period for the project. These modifications have been added to the original decision letter and are identified in underlined italics.

On August 26, 2009, the San Mateo County Planning Commission reconsidered a General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial and a rezoning from R-1/S-92 to Planned Unit Development-134 (PUD-134), pursuant to Sections 6190, 6192 and 6550 of the San Mateo County Zoning Regulations. The purpose of the General Plan and zoning amendments is to allow construction of a 12,600 sq. ft., 2-story commercial office building and underground parking. The property is located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area.

Based on information provided by staff and evidence presented at the hearing the Planning Commission recommended approval of the smaller, 12,600 square foot "Alternate" proposal, with additional conditions as attached.

1. Certify the revised Mitigated Negative Declaration as complete and adequate in accordance with the California Environmental Quality Act (CEQA), **and**

000064

Mr. Steven Baugher
September 14, 2009
Page 2

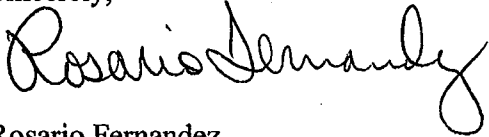
2. Recommend that the Board of Supervisors:

- a. Approve the resolution to change the subject parcel's General Plan Land Use designation from "Medium-Low Density Residential" to "Office Commercial."
- b. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134).
- c. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations for a 12,600 sq. foot-2-story professional/administrative office building, applicable only to the subject parcels.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on September 10, 2009.**

If you have questions regarding this matter, please contact the Project Planner listed on page one.

Sincerely,



Rosario Fernandez
Planning Commission Secretary
Pcd0826t_rf(RevSandhill).doc

cc: Department of Public Works
Building Inspection Section
Environmental Health Division
CALFIRE
County Assessor
Ilsabe Niemayer
Sandy Sloan
Carolyn Jones
Charles Botsford

Diane Clapp
Janet Davis
Ron Snow
Patricia Penning
Shirley Stewart
Judith Bass; Donna Lee
Dennis Charbin
Debra Reif

000065

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2008-00136

Hearing Date: August 26, 2009

Prepared By: Erica Adams, Project Planner

For Adoption By: Planning Commission

FINDINGS

The Planning Commission recommends to the Board of Supervisors that they found:

Regarding the Environmental Review:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. The public review period for this document was July 3, 2009 to July 23, 2009.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. For impacts identified in the Initial Study/Negative Declaration as "significant unless mitigation," staff has proposed mitigation measures which, when implemented, ensure that impacts are not significant. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County. The Mitigated Negative Declaration was prepared by the project planner.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. Proposed mitigation measures are included as Conditions 1, and 15 through 37 in the recommended conditions of approval in this attachment. **Regarding the General Plan Land Use Map Amendment:**

5. That the General Plan Land Use Map amendment is compatible with, will create a harmonious arrangement of land uses with, and will not be in conflict with the General Plan as discussed in Section A.1 of this staff report.
6. Recommend to the Board of Supervisors that they adopt a resolution amending the County General Plan Land Use Map to change the subject parcels' General Plan Map designation from "Medium-Low Density Residential" to "Office Commercial."

Regarding the Planned Unit Development District Rezoning:

7. That the proposed zoning of the area would be in harmony with the submitted plan of the subject area and its environs, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Commission, and that the specific PUD District under consideration:
 - a. Is a desirable guide for future growth of the subject area of the County.
 - b. Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.
 - c. Will be in harmony with the zoning in the adjoining unincorporated area.
 - d. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.
 - e. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.
 - f. Will not result in overcrowding of the land or undue congestion of population.

PUD-134 will allow for professional/commercial/administrative office uses, which are similar to other uses found in the vicinity, and have been historically compatible with each other. The intensity of the commercial use has been limited to ensure that it is appropriate for this site and does not negatively impact the adjacent high-density residential uses.

In respect to the allowed uses and, and with respect to the specific design of the PUD, the proposed zoning is compatible with both County zoning districts and zoning districts located in the City of Menlo Park.

Environmental studies were conducted to ensure that there will not be any threat to public safety. The project has been reviewed and evaluated by the Menlo Park Fire Department. In addition, light and shadow studies have been conducted to maximize light, air, privacy and convenience.

Regarding the Grading Permit:

8. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.
9. That the project conforms to the criteria of Chapter 8, Division VII of the County Grading Ordinance, including the standards referenced in Section 8605 thereof.

These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval by the Department of Public Works and implemented on the site. The proposed grading plan has been prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed during the period between April 15 and October 15. In addition, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

10. That the project is consistent with the General Plan with respect to grading allowed on land designated as "Office Commercial."

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on _____. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans prior to being incorporated into building plans. Minor adjustments to the project may be approved by the Community Development Director if

they are consistent with the intent of, and are in substantial conformance with, this approval.

2. Project approval is based upon the inclusion of a loading zone designed to avoid vehicles stopping (and impeding through traffic) on Sand Hill Road and which meets the safety standards set by the Public Works. If such a loading zone cannot be included, the project shall return to the Planning Commission for further review
3. A shower stall and changing area shall be provided in the building, to facility bicycle commuting by office occupants of the building.
4. Access to the green roof above the rear portion of the first floor shall be modified to allow access through one door (all other doors shown on Alternate plan shall be converted to half doors or windows).
5. Access to both green roofs (over the rear of the first floor and over the second floor shall be allowed for maintenance only.
6. The landscape plan shall include the following:
 - a. A redwood tree hedge (consisting of redwood trees over 8 feet in height, planted not more than 5 feet apart, and shall be regularly pruned to ensure that it does not exceed the height of the building) shall be provided for screening on the south west side of the property facing the White Oak residential development.
 - b. Tall trees shall be planted in the rear, northern side, of the property for screening for Menlo Commons.
7. The PUD-134 Ordinance shall be revised to read that medical and dental offices are explicitly prohibited
8. The driveway entrance shall be flared to 24 feet as far back from the apron as feasible and a silent warning system shall be included to alert pedestrians on both sides of the driveway to vehicles approaching the street from the driveway.
9. Glare and light from the interior of the building shall be minimized by an automatic, opaque shade/blind system which will be timed and operated to function from sunset to sunrise on a year-round basis.
10. The PUD-134 Ordinance shall be revised to remove the residential use component on the

site, since the alternative version of the project is the only one recommended to the Board of Supervisors for approval.

11. Charging stations for electric vehicles as well as standard plugs for plug-in hybrid electric vehicles shall be initially provided in at least 10 parking spaces and construction design and electric wiring within the cement garage walls shall allow the remaining 10 non-tandem spaces to include charging stations as well as standard plugs in the future.
12. The approval for the grading permit shall be valid for one year from the decision date. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. The grading permit will only be issued in conjunction with the issued building permit. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.
13. The applicant shall submit the following fees to the Current Planning Section:

Within four (4) working days of the final approval date of this permit, the applicant shall pay an environmental filing fee of \$1,993.00 (fee effective January 1, 2009), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee (total \$2,043). The check shall be made payable to the San Mateo County Clerk, and submitted to the project planner to file with the Notice of Determination.
14. The applicant shall merge the two subdivided lots that comprise the subject parcel. The applicant shall submit to the project planner a new legal description of the merged parcels for final formatting with the Planning and Building Department. The merger document shall be prepared by the Planning Department and recorded prior to the issuance of a building permit for the project.
15. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
16. All new power and telephone utility lines from the street or nearest existing utility pole to the new building on the property shall be placed underground. No new utility pole(s) are permitted for installation.
17. Water conservation devices shall be installed throughout the new building and all landscaping shall be required to be water conserving and/or drought tolerant.

18. The number of employees on-site shall be restricted to a maximum of 40 to ensure that the proposed parking is adequate.
19. A Transportation Demand Management (TDM) program shall be prepared and submitted to the County for review and approval by all tenants occupying the proposed building. The TDM shall include an operational statement that identifies operational aspects about the business which impact parking demand on the site. These aspects include the forecasted maximum number of employees, weekly staffing patterns, hours of operation, frequency of special events or meetings which will cause more than 40 people to be on-site at a time, etc. The TDM shall be re-evaluated one year after the initial approval. Subsequent evaluation shall occur, if deemed necessary by the Community Development Director, should community concern arise about a noticeable change in parking demand on the site. Subsequent evaluations shall not exceed a bi-annual timeframe. (A mitigation monitoring fee shall apply for each review.)
20. Only those trees identified on the Tree Removal Plan of the project submittal are approved for removal. Any additional tree removal is subject to the San Mateo County Significant or Heritage Tree Ordinance and will require a separate permit for removal.
21. The applicant shall be restricted to the one sign proposed to be in the front yard, along Sand Hill Road. The applicant shall submit a detailed sign plan design, for review and approval by the Community Development Director, including the use of a number and letter font that corresponds with a design in keeping with the building design. The sign shall not be lit in any fashion.
22. The applicant shall post a sign clearly visible on the driveway alerting those exiting the site to watch for oncoming pedestrian, bicycle and vehicular traffic to their left (traveling westward on Sand Hill Road). The sign message shall be reviewed by the Community Development Director prior to installation and the sign shall be installed prior to the final inspection approval of the building permit.
23. The applicant shall comply with the recommendations of the submitted arborist report (dated September 12, 2007) with regard to all tree preservation and maintenance action. The applicant shall retain the services of an arborist to confirm in writing that he has observed that the necessary tree protection measures have been implemented prior to the issuance of the building permit. It is the applicant's responsibility to ensure that all of the subject trees are protected and survive through the construction process.

24. The applicant shall implement all planting elements of the approved landscape plan prior to the applicant scheduling a final inspection and the Planning Department's final approval on the building permit.
25. A landscape plan showing a minimum of 16 replacement trees, of 5-gallon size and of an indigenous, non-invasive species, shall be submitted and approved by the Community Development Director, prior to the issuance of a building permit. Modifications to the plan shall be approved by the Community Development Director prior to installation. The trees shall be planted prior to the final occupancy inspection on the associated building permit. Photographs of the planted trees shall be provided to the Planning Department as proof of compliance with this condition and before a final sign off by the Current Planning Section on the building permit.
26. To protect the two trees on the adjacent parcel to the north, grading operations shall encroach no closer than five times the trunk diameter. A licensed arborist shall be on-site to supervise excavation near said trees. Should encroachment within the area become necessary, hand digging is mandatory.
27. The project driveway shall have no less than 12-foot transition section at 5% slope or less adjacent to the sidewalk.
28. Landscaping on both sides of the driveway shall consist of low-growth plants which typically do not exceed 2 feet in height, and shall be maintained to not exceed 3 feet in height (36 inches).
29. Signage shall be installed and maintained in the following manner "Caution Pedestrian Crossing" and shall be placed in a manner which is visible to vehicles exiting the garage (See also Item 22 above).
30. A silent signaling device shall be installed to alert pedestrians to exiting vehicles approaching from the driveway (see also Item 8 above).
31. During and upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch (1") in diameter be damaged, broken or severed, within 24 hours, root pruning, to include flush cutting and sealing of exposed roots, should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line.
32. Deliveries to the site shall be restricted to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday.

000072

33. Construction hours shall conform with the City of Menlo Park's Noise Ordinance. Construction is allowed Monday-Friday, 8:00 a.m. to 6:00 p.m. Power equipment may not exceed 85 dBA at any time. No construction is permitted on weekends or holidays.
34. All project equipment shall, at the time of installation, not exceed the City of Menlo Park's Noise Ordinance, and be maintained in a manner that the noise produced by the equipment remains below the acceptable decibel levels; this includes that the placement of the equipment be in a shelter if necessary. Ambient decibel levels for the project shall not exceed those of the City of Menlo Park's Noise Ordinance.
35. All project structures shall meet the requirements and recommendations of the California Building Standards Code and local amendments, Structural Engineers Association of California, the County Geologist, and the soil and foundation investigation report submitted for the project site. Assumptions and design parameters are subject to approval by the County Geologist.
36. If, during the construction phase, any archaeological evidence is uncovered or encountered, all excavations on the site within 30 feet shall be halted, and the applicant shall retain an archaeologist to investigate the findings as well as informing the County. In addition, the Current Planning Section shall be notified of such findings and no additional work shall be done on-site until the archaeologist has recommended appropriate measures and those measures have been approved by the Current Planning Section.
37. No site disturbance shall occur, including any grading or tree removal, until a grading permit and building permit have been issued concurrently.
38. Upon completion of the excavation for the below ground parking structure/building footprint, Paragon Geotechnical, Inc. (or another reasonably acceptable, qualified geotechnical engineer), shall observe the exposed sub-grade prior to construction of foundations/slab-on-grade to verify that the structure will be founded in the bearing material anticipated.
39. Groundwater control (i.e., watering, water-tight shoring) will be required for excavation extending into the groundwater table.
40. Below ground structures shall be waterproofed as appropriate. Waterproofing shall be designed by the project architect or structural engineer.

000073

41. The project shall adhere to the Bay Area Air Quality Management District Particulate Matter emissions control measures during all demolition and construction activities.
42. To reduce the impact of construction activities on neighboring properties, applicant shall comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along Sand Hill Road right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Sand Hill Road. There shall be no storage of construction vehicles in the public right-of-way.
43. Prior to the beginning of any construction activities, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan, which shows how the transport and discharge of soil and pollutants shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).

000074

- c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
 - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
44. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and

000075

sediment control plan shall be prepared and signed by the engineer. The engineer shall be responsible for the following:

- a. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation, as it deems necessary.
 - b. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
 - c. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
 - d. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
 - e. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
45. Prior to the issuance of a grading permit, if the applicant submits a grading plan which shows any deviation from the grading shown on the approved plans, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Community Development Director (Director), or his/her designee, shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised grading permit and/or site development application. Additionally, if the requested changes require it, the applicant shall process a new environmental assessment for determination by the decision-making entity.
46. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:

- a. Water all construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
47. Pursuant to Section 8605.5 of the San Mateo County Grading Ordinance, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
48. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities, within thirty (30) days of the completion of grading:
- a. The engineer shall submit written certification to the Department of Public Works and the Current Planning Section that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Building Inspection Section's Geotechnical Engineer and the Current Planning Section.
49. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
50. All outdoor lighting shall be required to be directed downward or hooded to prevent glare.

51. All proposed and any future uses, building additions or building modifications shall comply with Ordinance PUD-134.

Building Inspection Section

52. At the time of application for a building permit(s), the applicant shall comply with the current building regulations and with local amendments, as required.
53. At the time of application for a building permit(s), the applicant shall comply with the current Green Building Program (Ordinance No. 4444) and any subsequent amendments to that program.

Department of Public Works

54. The applicant shall submit a detailed construction plan showing staging areas and equipment and material for lay down areas for review and approval to the Department of Public Works. The applicant shall provide a traffic control plan to the Department of Public Works for review and approval, prior to the issuance of a building permit.
55. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
56. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
57. No proposed construction work, for access and utility work only, within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
58. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
59. All grading shall be according to the conceptual grading and drainage plan prepared by BKF Engineers dated August 6, 2009. Revisions to the approved grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public

Works and the Planning Department for concurrence "prior" to commencing any work pursuant to the proposed revision.

60. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Department and a grading permit "hard card" has been issued by the Planning Department. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. The applicant shall submit monthly updates of the schedule to the Department of Public Works and the Planning Department. All submitted schedules shall represent the work in detail and shall project the grading operations through completion.
61. Proposed construction shall meet all conditions and comments from County Flood Control District before building permit can be issued.

Menlo Park Fire Protection District

62. The building shall be provided with both a fire sprinkler system and a fire alarm system.
63. An automatic, supervised, listed and centrally monitored fire alarm system conforming to NFPA-72 requirements shall be provided.
64. Applicant to provide an additional fire hydrant to serve the site.
65. Plans and fees shall be submitted to the Menlo Park Fire Protection District for the automatic fire sprinkler and alarm systems.
66. An address shall be visible from the street and contrasting in color to its background and shall be a minimum 8 inches in size.
67. The parking garage shall be provided with standpipes for suppression operations. Location and numbers shall be determined by the Fire District in conjunction with the fire sprinkler contractor.
68. Fire Department emergency incident ventilation access to the parking garage for the "green roof" shall be provided. The design shall be determined in conjunction with the Fire District.

000079

69. Ventilation and air changes for the parking garage shall be per both the 2007 California Building Code and California Fire Code requirements.
70. Fire hydrants shall be in place and tested before construction begins.
71. Fire sprinkler density for the building shall be 0.18 over 3,000; no exceptions. Sprinkler contractor system is to be a NFPA-13 system. If a residential unit is included as part of the building, it shall also meet NFPA-13 requirements. Please be aware of the Fire District's sprinkler standards.
72. Any/all gates shall have a minimum unobstructed linear width of 16 feet. All locking devices shall provide a Knox Box or Knox Override Key Switch for Fire District Emergency access. All gate plans shall be approved by the Menlo Park Fire District. Electric gates shall have a backup source of power to allow the opening of the gates during a power failure.
73. Architectural drawings shall be submitted under separate cover.
74. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s), i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.
75. Upon completion of work and prior to occupancy, contact Inspector Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

000080

ATTACHMENT H

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: August 26, 2009

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Reconsideration of a General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial and a rezoning from R-1/S-92 to Planned Unit Development-134 (PUD-134), pursuant to Sections 6190, 6192 and 6550 of the San Mateo County Zoning Regulations. The purpose of the General Plan and zoning amendments is to allow construction of a 14,400 sq. ft., 2-story commercial office building with two residential units and underground parking. The property is located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area.

PROPOSAL

The applicant is proposing to change the General Plan land use designation from Medium-Low Density Residential to Office Commercial and to rezone the subject property, at 2126 and 2128 Sand Hill Road, in unincorporated West Menlo Park, from Single-Family Residential (R-1/S-92) to Planned Unit Development (PUD). A previous version of this proposal was evaluated by the Planning Commission on March 25, 2009. Modifications consisting of a new front yard setback, relocation of the elevator and a new tandem parking system have been made to the proposal; and a revised Mitigated Negative Declaration has been circulated. The project also requires the merger of two parcels and a grading permit for excavation in the amount of 12,200 cubic yards (9,800 cubic yards of cut and 2,400 cubic yards of fill), pursuant to Section 8602 of the County Ordinance Code.

RECOMMENDATION

1. Certify the revised Mitigated Negative Declaration as complete and adequate in accordance with the California Environmental Quality Act (CEQA), **and**
2. Recommend that the Board of Supervisors:
 - a. Approve the resolution to change the subject parcel's General Plan Land Use designation from "Medium-Low Density Residential" to "Office Commercial."
 - b. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134).

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- c. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations, applicable only to the subject parcels.

SUMMARY/DISCUSSION

The project was first submitted for review as a Major Development Pre-Application on June 29, 2007. On November 28, 2007, the required public meeting was held to introduce the conceptual project to the surrounding community and collect preliminary comments. On March 25, 2009, the project was presented to the Planning Commission for consideration. The Planning Commission found that the Mitigated Negative Declaration inadequately addressed pedestrian and bicycle safety and noise, and could not be certified. In addition, the Commission could not make the required findings for the requested General Plan amendment and zoning change based on environmental considerations, site design, and proposed development standards such as setbacks and parking, and therefore recommended denial of the project to the Board of Supervisors.

To allow the Board of Supervisors to have full consideration of both options of approving or denying the project, additional environmental studies were conducted to address deficiencies in the Mitigated Negative Declaration. A revised Mitigated Negative Declaration was prepared and circulated for review July 3, 2009 through July 23, 2009. No comments were received from the public or any agencies. New mitigation measures were added to the list of conditions of approval to address pedestrian and bicycle safety, none were required for noise. Mitigation Measure 18 (in Attachment O of the staff report) requires the building driveway to be redesigned to create a 12-foot transition area at 5% slope or less before the driveway intersects with the sidewalk.

The project has been revised by the applicant to address the environmental issues and some concerns raised at the March 25 Planning Commission hearing. The front yard setback has been changed by 16 feet to increase pedestrian safety and allow adequate height at the garage entrance to access the building for emergency vehicles. This modification also causes a change in the parking lot configuration. The parking proposed for the site is 50 spaces, which includes ten standard-size spaces, eight compact spaces, two handicap-accessible spaces, and 30 spaces which will utilize a mechanical lift system which moves cars up or down to provide access to vehicles. Six individual mechanical units will provide parking for five cars. Each unit requires three standard size parking spaces. The number of tandem parking spaces increased but the equipment is a more advanced technology.

The applicant is presenting two possible versions of the project for consideration. One version is a commercial building that will include two residential units. The second version reduces the bulk of the building, eliminates the residential units, reduces the size of the second floor and square footage, and creates a larger green roof on the top floor of the building. Both versions of the project include the new 36-foot front yard setback, footprint, the 5-car mechanical parking equipment, and similar exterior appearance. The required findings can be made for both versions of the proposal; however, staff finds that the version without a residential component more closely complies with the requested General Plan designation of "Office Commercial."

Proposed development standards which will deviate from those on adjacent or surrounding properties include: the requested side yard setbacks (5 feet instead of 10 feet), the absence of

daylight planes, and parking exceptions. Staff evaluated these differences and concludes that the proposal is adequately compatible with surrounding uses and is appropriate development for the site. The requested General Plan designation of "Office Commercial" is consistent with the proposed use and does not impair or allow incompatible growth in the area. The PUD development standards for PUD-134 do not vary greatly from the existing zoning and are comparable to other office commercial zone districts in the County. The proposed use has been adequately defined, limited and conditioned to be a complementary land use mix.

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**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: August 26, 2009

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Reconsideration of a General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial and a rezoning from R-1/S-92 to Planned Unit Development-134 (PUD-134), pursuant to Sections 6190, 6192 and 6550 of the San Mateo County Zoning Regulations. A previous version of this proposal was evaluated by the Planning Commission on March 25, 2009. Modifications have been made to the proposal, and a revised Mitigated Negative Declaration has been circulated. The project also requires the merger of two parcels and a grading permit for excavation in the amount of 12,200 cubic yards (9,800 cubic yards of cut and 2,400 cubic yards of fill), pursuant to Section 8602 of the County Ordinance Code. The purpose of the General Plan and zoning amendments is to allow construction of a 14,400 sq. ft., 2-story commercial office building with two residential units and underground parking. The property is located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area.

County File Number: PLN 2008-00136 (Baughner)

PROPOSAL

The applicant is proposing to change the General Plan land use designation from Medium-Low Density Residential to Office Commercial and to rezone the subject property, at 2126 and 2128 Sand Hill Road, in unincorporated West Menlo Park, from Single-Family Residential (R-1/S-92) to Planned Unit Development (PUD). The PUD zoning would allow the construction of a 2-story 14,400 sq. ft., LEED Certified, mixed-use building which will contain approximately 12,400 sq. ft. of commercial space, 2,000 sq. ft. of residential space, and a 14,500 sq. ft. underground parking garage with 50 spaces. A grading permit to allow excavation of up to 9,800 cubic yards and 2,400 cubic yards of fill is also required.

The project site is approximately 0.46 acres, and is comprised of two legal parcels (8,662 sq. ft. and 11,900 sq. ft.), which are a part of a small unincorporated area that is within the sphere of influence of the City of Menlo Park, and adjacent to it on three sides. The current zoning on both parcels is R-1/S-92, single-family residential with a 10,000 sq. ft. minimum lot size. Public utilities will be provided by the Menlo Park Municipal Water District, and West Bay Sanitary District.

000084

Each parcel is currently developed with a single-family residential unit and associated drive-ways, garages, paving, and landscaping. The existing houses will be demolished prior to construction. Adjacent uses are primarily high-density residential although there are commercial uses located along Sand Hill Road to the west and south.

The proposed use is a professional office building which will conduct the majority of business during the hours of 9:00 a.m. to 6:00 p.m. and have most deliveries during 10:00 a.m. and 3:00 p.m. No retail commercial use is proposed with this PUD proposal. Two versions of the project are presented for consideration. The primary difference between them is that one contains residential units and one does not. There are 17 offices and nine conference rooms proposed in one version of the commercial building and 18 offices, eight conference rooms, and a residential component (two, 1-bedroom apartment units) proposed in the other version of the building. As discussed in this report, the required findings can be made for both versions of the proposal.

The proposed building will be two stories, and have a modern style. It will be constructed of primarily glass and steel with a wood-like veneer for a natural wood appearance. Architectural styles in the area range from historical bungalow/craftsman style to large multi-story residential buildings with stucco and wood siding and wood trim. The subterranean parking garage extends under most of the two parcels; however, above ground, the building will only occupy two thirds of the site, allowing a park area to be created in the rear third of the project area. The parking proposed for the site is 50 spaces, which includes 10 standard size spaces, eight compact spaces, two handicap accessible spaces, and 30 spaces which will utilize a mechanical lift system which moves cars up or down to provide access to vehicle. Six individual mechanical units will each provide parking for five cars. Each unit requires the space equivalent to three standard size parking spaces.

RECOMMENDATION

1. Certify the revised Mitigated Negative Declaration as complete and adequate in accordance with the California Environmental Quality Act (CEQA), **and**
2. Recommend that the Board of Supervisors:
 - a. Approve the resolution to change the subject parcel's General Plan Land Use designation from "Medium-Low Density Residential" to "Office Commercial."
 - b. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134).
 - c. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations, applicable only to the subject parcels.

BACKGROUND

Report Prepared By: Erica Adams, Project Planner, Telephone 650/363-1828

000085

Property Owner: 2128 Sand Hill, LLC

Project Applicant: Steve Baugher

Location: 2126 and 2128 Sand Hill Road, West Menlo Park

APNs: 074-120-140 and 074-120-160

Parcel Sizes: 8,662 and 11,900 sq. ft. (total of 20,562 sq. ft.)

Parcel Legality: Two legal parcels; subdivision approved (County File Number X6E-1138)

Existing Zoning: R-1/S-92 (Single-Family Residential/10,000 sq. ft. minimum parcel size)

General Plan Designation: Medium-Low Density Residential (2.4 to 6.0 dwelling units per acre)

Sphere-of-Influence: City of Menlo Park

Existing Land Use: Two single-family residences

Water Supply: Menlo Park Water District

Sewage Disposal: West Bay Sanitary District

Flood Zone: Flood Zone X; Area of Minimal Flooding

Environmental Evaluation: A Mitigated Negative Declaration was circulated for a 20-day review period from January 12, 2009 through February 4, 2009. In response to the Planning Commission's determination that the document was incomplete and could not be certified, a revised Mitigated Negative Declaration was prepared and circulated for a 20-day review period from July 3, 2009 through July 23, 2009 (see Section B - Environmental Review for discussion).

Setting: The site is part of a small unincorporated "island" consisting of three parcels surrounded by the City of Menlo Park on three sides. It is approximately 120 feet south of the northwest corner of Sand Hill Road and Santa Cruz Avenue intersection. The subject property is located on, and takes access from, the north side of Sand Hill Road. The 20,522 sq. ft. of land was once a single parcel which was legally subdivided, by Subdivision X6E-1138. Currently, the site consists of two legal parcels; an 11,900 sq. ft. flag lot parcel and a second, 8,662 sq. ft. parcel. A condition of approval is recommended to merge the parcels prior to the issuance of building permits.

The property has a gentle slope of less than 10% and is developed with two, single-family residences, constructed in 1955 and 1957. There are 17 trees on the site, most of which appear to have been planted as part of the single-family residential development. All of the trees on the site are proposed to be removed to accommodate construction of the building.

000086

As illustrated by the City of Menlo Park Zoning Map (Exhibit D), Sand Hill Road is primarily zoned for commercial and high density residential uses. Surrounding uses are medium and high-density residential and commercial. Menlo Commons, a 74-unit senior-living complex, is to the northwest. Pacific Hill is a 3-story, 26-unit condominium complex located northeast of the project site. The White Oak townhouse complex is located to the west, and was built in 1971, and consists of 10 units.

Zoning on the adjacent parcel to the east in unincorporated San Mateo County is PUD-129 approved in 2001 by the Board of Supervisors. PUD-129 allowed a 12-employee office building and two residential units. Construction was completed in 2003.

Other nearby land uses include a golf course owned by Stanford on the northeast corner of the Sand Hill Road and Santa Cruz Avenue intersection, and the Hewlett Foundation Headquarters, a conference center/commercial complex which was approved in 1999, across Sand Hill Road. Stanford University buildings are to the southwest of the subject site along Sand Hill Road, and a housing subdivision is on the northwest corner of the intersection, and a commercial shopping center is approximately a quarter mile south of the project site.

History: The project was first submitted for review as a Major Development Pre-Application on June 29, 2007. On November 28, 2007, the required public meeting was held to collect preliminary comments.

The pre-application meeting introduced the conceptual project to the surrounding community. At the meeting, there were some aspects of the project which raised concern. These included (1) aesthetics, with respect to size and style, (2) traffic, and (3) the change in use that was proposed. A traffic study, driveway design/safety study, noise study, daylight plane and shadow study, geotechnical study, and a tree survey were completed for the project to assess its impact on the surrounding community. The applicant's formal application was submitted on April 28, 2008.

On March 25, 2009, the project was presented to the Planning Commission for consideration. The Planning Commission found that the Mitigated Negative Declaration inadequately addressed pedestrian and bicycle safety and noise, and could not be certified. In addition, the Commission could not make the required findings for the requested General Plan amendment and zoning change due to the environmental issues, site design, and proposed development standards such as setbacks and parking; therefore, the Commission recommended denial of the project to the Board of Supervisors (see Attachment M - Planning Commission letter dated May 29, 2009).

Additional environmental studies were conducted to address deficiencies in the Mitigated Negative Declaration. A revised Mitigated Negative Declaration was prepared and circulated for review July 3, 2009 through July 23, 2009. No comments were received from the public or any agencies. New mitigation measures (Measures 18-21 in Attachment O) were added to the list of conditions of approval. (See Section B of this report for further discussion of the project's environmental review.)

Modifications consisting of a new front yard setback, relocation of the elevator and a new tandem parking system have been made to the proposal. The applicant is now presenting two versions of the project for consideration. One version is a commercial building that will include

two residential units. The second version reduces the bulk of the building, eliminates the residential units, reduces the size of the second floor and square footage, and creates a larger green roof on the top floor of the building. Both versions of the project include the new 36-foot front yard setback, first floor footprint, elevator located on the side of the building, the 5-car mechanical parking equipment, and similar exterior appearance.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Land Use

The project site is part of an “urban area” as defined by General Plan Policy 7.8, since it is surrounded by incorporated areas of the City of Menlo Park. The General Plan addresses urban development land uses in two sections. Chapter 7, “General Land Use,” discusses appropriate designation of land, and Chapter 8, “Urban Land Use,” discusses policy guidelines to ensure the appropriateness of an urban land use in a community.

General Plan Policy 7.15 (*Designation of Land Uses*) states that the land use designations, which have been established and are listed in Table 7.1P, should be applied where appropriate to meet land use objectives. The requested land use designation is “Office Commercial,” which Table 7.1P describes as “service uses including but not limited to business and professional offices; trade and distribution uses including, but not limited to, retail trade.” In addition, general development standards for urban development address (1) consistency with land use designations (Policy 8.34) and (2) allowance of uses that are consistent with the overall land use designation (Policy 8.35). A professional office building is proposed for this site; therefore, office commercial is an appropriate designation. Residential uses are allowed with this designation, however, do not represent the intent of the designation. As proposed, the residential uses are subordinate to the commercial use; therefore, both versions of the proposal meet the objective of this policy.

Policy 7.16 (*Land Use Objective for Urban Areas*) states that land uses in urban areas should (1) maximize the efficiency of public facilities and services, (2) minimize energy consumption, (3) encourage the orderly formation and development of local government agencies, (4) protect and enhance the natural environment, (5) revitalize existing developed areas, and (6) discourage urban sprawl.

The project is compliant with the General Plan guidelines for desirable development based on the following factors: (1) The project will utilize existing public facilities and services from the City of Menlo Park. Sewer and water service connections, and existing electric and telephone utility lines are of adequate capacity to serve the proposed project. (2) Several design and construction features have been incorporated into the project that will reduce energy and water consumption

000088

significantly enough to allow the project to attain the goal of Leadership in Energy and Environmental Design (LEED) Platinum status. Solar panels are proposed for the building, the building will have a green roof, and the majority of runoff water will be captured on-site and used for irrigation; all of which will minimize energy consumption. (3) There are no new agency services required by the new development, and the project does not impair orderly formation and development of local agencies. (4) The project site and the surrounding areas are already developed, and there is no natural environment that will be impacted. (5) The project will offer a new use, which would contribute to the revitalization of the area. (6) The project is infill development, which is encouraged by Policy 8.29, and will not create sprawl, since the project site is adjacent to an incorporated city and there is no expansion of any public utility service areas involved with the project.

Other general development standards for urban development include (1) appropriate density of development (Policy 8.36); (2) parcel size (Policy 8.37); (3) height, bulk and setbacks (Policy 8.38); and (4) parking requirements (Policy 8.39). The application includes a request of PUD zoning, which is a set of site-specific, use-specific development standards. Staff has evaluated these and other standards with respect to the proposed use(s) and the surrounding development and recommends that the proposal is appropriate for the site and community. The compatibility of the proposed project with existing zoning development standards is addressed in detail below in the Zoning Section of this report. Parking is addressed in both the Transportation Section and Zoning Section.

General Plan Policies 8.15, 8.17, and 8.18 for commercial uses call for land use compatibility, buffers between commercial and residential uses, and development standards for high quality projects. The project site is surrounded by primarily residential and commercial uses. Office commercial uses, such as the one proposed, complement residential uses, since they typically operate at different times of the day, have different traffic patterns, and can help create a work/life balance in a community. The proposed project includes a building and a green space/park in the rear, which along with the trees along the side property lines will create buffering on the site. The project is consistent with these policy objectives.

Policy 8.30 encourages mixed-use development. Only two residential units are proposed; therefore, the “mixed-use” aspects of the proposal represent minimal compliance with this policy since the dwelling units are less than 10% of the total square footage, and a small portion of the overall project.

Additional applicable General Plan Policies are found in chapters for Soil Resources, Visual Quality, Water Supply, Wastewater, Transportation, Solid Waste, Housing, and Fire Safety.

Soil Resources

General Plan Chapter 2, Soil Resources Policies, contains Goals and Objectives 2.1 through 2.3 which state that soils should be protected, soil erosion minimized, and

soil contamination prevented. Policy 2.17 requires new development to minimize soil erosion and sedimentation. To accomplish these requirements, the proposed development includes several design features, which reduce the amount of impervious area and minimize the likelihood of erosion. These include features such as a green roof, pervious pavers and a large green space. In addition, several conditions of approval have been included which require the applicant to implement an erosion and sediment control plan for all stages of construction as part of the project. The design features as well as the conditions of approval will ensure that the project is in compliance with the Soil Resources Policies.

Visual Quality

Sand Hill Road is designated as a "Scenic Road," per Table 4.6/Policy 4.39; a "Scenic Road" is described as a travel route that should provide attractive urban development. Beyond this description, the General Plan does not identify any site planning guidelines for development along scenic roads. The proposed building has a stylized, contemporary design with more architectural features than more traditional office commercial buildings.

Visual quality goals and objectives include General Plan Policy 4.1.b which emphasizes a positive visual quality for all development and minimization of adverse visual impacts; and Policy 4.4 for urban development promotes aesthetically pleasing development, and requires that development be regulated to promote and enhance good design, site relationships and other aesthetic considerations. In addition, general development standards specific to urban development include guidelines to (1) maintain and, where possible, improve upon the appearance and visual character of development in an urban area (Policy 4.35.a), and (2) ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality (4.35.b).

Some of the residents on adjacent parcels have expressed concern about the side yard setbacks, the lack of a daylight plane, and the modern design of the proposed building. These concerns were raised at the Major Development Pre-Application Review meeting, in correspondence subsequent to the filing of the PUD application, and at the March 25, 2009 Planning Commission hearing. The subject property is long and narrow. The proposed development is in the front center of the property to meet fire access requirements. The building (with the exception of the elevator and trellises) is proposed to be 13 feet from the eastern property line and 10 feet from the western property line.

The applicant conducted a daylight plane/shadow study to provide information about the impact of the proposed development on surrounding buildings. This is compliant with General Plan Policy 4.36 for urban areas, which requires that special studies be conducted to identify and mitigate design problems in commercial and mixed-density residential areas. Evaluation of the proposal shows that, by integrating daylight planes into the proposed design, shadows could be reduced, but not eliminated. The submitted studies also reveal that both of the existing residential developments on

adjacent parcels, White Oak and Pacific Hill, cast shadows onto the subject property and on the building site.

The front yard setback has increased to 36 feet from the property line (24 feet from sidewalk). A 2-story building which is set further back into the property will have an improved visual impact from Sand Hill Road. The proposed materials are wood and glass, and the building will have no adverse visual impacts from Sand Hill Road. The revised front yard setback is comparable to adjacent developments, which allows the proposed PUD to be more harmonious with the surrounding development.

Staff finds that the proposed design is in substantial compliance with the General Plan's goal to encourage developments with positive visual qualities and minimal adverse visual impacts. Staff finds that with consideration of the site limitations, the type of development on surrounding parcels and the proposed development, visual quality goals and objectives are met.

Water Supply

Water Supply Policy 10.3 (*Water Conservation*) promotes the conservation and efficient use of water supplies. The project will utilize public water supplies from the Menlo Park Municipal Water District. The proposed building will be fitted with water saving features as part of the LEED certification goal. In addition, there will be a water retention and treatment tank on-site to allow for the reuse of rainwater to irrigate the site. A condition of approval will require that water saving fixtures be used throughout the building. These aspects of the project ensure compliance with General Plan water conservation policies.

Transportation

General Plan Policy 12.19, for parking standards, allows for the consideration of the needs of the individual land use and the creation of a specific parking management strategy. Parking solutions for this PUD project include a "tandem" parking process, which will utilize a mechanical lift system that raises and shuffles cars, in addition to both compact and standard size parking spaces.

San Mateo County Parking standards require one parking space for every 200 sq. ft. of accessible/non-private floor space. Originally, the project required 50 parking spaces to meet the County's parking standards. Reconfiguration of floor space within the building changed the number of spaces necessary to meet the County's standard. Fifty-three (53) parking spaces would be required if a residential component is included, and 54 parking spaces are required if the residential use is omitted, since the parking ratio per square foot is higher for office than residential.

Since a PUD District can include parking provisions tailored to the proposed project, 50 on-site parking spaces are proposed for that PUD project, with or without residential units. Ten of the proposed 50 spaces fully meet the County's parking standard of being "free and clear" and 9'x19' in size; eight compact parking spaces

are 8'x19' in size; two handicap-accessible spaces meet ADA size requirements, and the remaining 30 "tandem" spaces meet the size requirement but are not "free and clear." The proposed tandem parking involves a mechanical lift system. The mechanical equipment for parking can be operated by the owner of a vehicle without coordination with the owner or other vehicles parked in the lift system, and therefore is an improvement over the equipment initially proposed.

The proposed building will have 17 or 18 offices, depending on the project version selected. If residential uses are constructed, two spaces must be dedicated for use solely in connection with the units, and there will be 48 spaces available for the commercial/office use. Although the number of employees is not known at this time, the proposed interior configuration would suggest an employee base of about 25-30 people. The applicant's operational statement indicates that the number of people on the site is expected to range from 15 to 40 people using the building. To ensure that the proposed parking is adequate, a condition of approval has been added to restrict the number of employees who can utilize the site to 40 as the maximum number.

The project is pursuing a LEED Platinum certification. Points can be gained through alternative parking programs which include parking reductions. The site is not along a public bus route; therefore, the encouragement of ridesharing, flex-time work hours and telecommuting is necessary to both reduce parking needs and achieve LEED points.

Policy 12.36 (*Bicycle Storage Facilities*) promotes the provision of bicycle lockers and other storage facilities, and Policy 12.39 (*Pedestrian Paths*) encourages the provision of safe and adequate pedestrian paths in new development. Bicycle racks are proposed with the development. Since the Palo Alto Caltrain Station is 2.3 miles from the project site, the provision of bicycle racks on the site is also a parking reduction measure.

Sidewalks exist in front of the subject property for pedestrian safety. Pedestrian safety has been evaluated and ensured through design, building setbacks and signage and is discussed in the PUD Findings Section.

To reinforce the adequacy of the proposed parking initially, and into the future, a condition has been added requiring a Transportation Demand Management (TDM) program be prepared and submitted to the County for review and approval by all tenants occupying the proposed building. The TDM shall include an operational statement that identifies operational aspects about the business which impact parking demand on the site. These aspects include the forecasted maximum number of employees, weekly staffing patterns, hours of operation, frequency of special events or meetings which will cause more than 40 people to be on-site at a time, etc. A one-year evaluation of the effectiveness of the TDM shall be conducted by the County. Further evaluation shall be on an "as-necessary" basis, as determined by the Community Development Director, should community concern arise about a noticeable change in parking demand on the site. Subsequent evaluations shall not exceed a bi-annual timeframe.

Staff finds that with the configuration of the building (17-18 offices), the restriction on the type and number of personnel that can occupy the building (40 maximum), and the submission and implementation of a TDM plan, that the proposed amount of on-site parking is adequate for the project.

Housing

Both versions of the project are consistent with Housing Element Policy 14.3 (*Provide Housing Near Employment, Transportation, and Community Services*), since the new commercial building will provide employment opportunity near residential developments. In one of the proposals, two residential units are included as part of the project, so there is no loss in the number of dwelling units. Although loss of housing stock is discouraged within the General Plan, there is no policy which prohibits the loss of residential units.

Solid Waste

The project will use a private refuse collection company to serve the building. Collection will be similar to that on adjacent properties, where approximately 100-gallon receptacles are rolled to the trash truck. The rubbish collection policy, Policy 13.25, addresses the location of the receptacles. The collection receptacles will be located in the underground parking garage. There will be an enclosure around the receptacle and ventilation within the garage.

Man-Made Hazards - Noise

The subject property is near a busy intersection identified by 1981 County noise maps as experiencing noise levels from 60 to 65 Community Noise Equivalent Level (CNEL). This qualifies the site as a "Noise Impact Area," as defined by General Plan Policy 16.9. San Mateo County General Plan's acceptability standards for noise are established by (1) the State of California's standard for exterior noise exposure - 70 CNEL from multiple sources as the maximum external noise level compatible with ordinary residential use; and (2) the Environmental Protection Agency's standard - 75 weighted decibels (dBA) as the maximum 8-hour equivalent noise exposure to prevent hearing loss. Both types of measurements take into account a full day of noise measurement, and generate an average through weighting of the basic measurement unit, the decibel. For the purposes of this report, the units are interchangeable.

According to standards found in the General Plan, the existing noise levels are acceptable for the proposed commercial use. Environmental noise assessment studies for the project, dated April 15, 2008 and May 5, 2009, were submitted. The April 15 study showed the existing environmental noise levels at the site range from a high of 72 dBA at the proposed building facade along Sand Hill Road to a low of 56 dBA on the northern corner of the site. The report also states that it is expected that there will be a 1-dBA increase over the next year or so due to increased traffic.

Key General Plan Policies related to the man-made hazard of noise are Policy 16.1 (*Strive Toward a Livable Noise Environment*) and 16.2 (*Reduce Noise Impacts Through Noise/Land Use Compatibility and Noise Mitigation*). In addition, the General Plan cites regulation methods for noise for development involving site planning (Policy 16.13), architectural design (Policy 16.15), and construction techniques (Policy 16.16).

Sound level readings of existing levels were taken where the building was initially proposed, at 50 feet from Sand Hill Road. The proposed residential units are now located on the second floor, approximately 65 feet from Sand Hill Road. The additional 15 feet of distance between the building and Sand Hill Road will allow the project to more closely comply and/or meet the State's recommended noise level.

Policy 16.16 (*Construction Techniques Noise Control*) promotes measures that incorporate noise control into the construction of existing and new buildings, including, but not limited to, use of dense noise insulating building materials. The 2007 California Building Code requires that construction yield interior sound levels of not greater than 45 decibels (db). Construction features such as dual pane windows and insulation will be necessary to ensure that the interior decibel levels meet the acceptable level. Such insulation and dual pane windows are a condition of approval for this project. In addition, a condition of approval requiring an acoustical evaluation of the noise level in the dwelling units has been added to ensure that the construction measures are adequate.

Policy 16.11 (*Regulate Distribution of Land Uses*) regulates the distribution of land uses to attain noise compatibility. Policy 16.12 (*Regulate Noise Levels*) regulates noise levels emanating from noise generating land uses through measures which establish maximum land use compatibility and nuisance thresholds. Noise generated on-site by the project is from mechanical equipment, human activity, and vehicle traffic. Mechanical equipment for the project is proposed to be located in the underground parking garage and at manufacturer's specifications, the equipment will not be audible above the ambient traffic noise. The proposed location of the elevator has been modified to the east side of the building at a 5-foot, 6-inch setback. Mechanical equipment for the elevator will be in the underground parking garage and interior of the building. The specifications for the proposed elevator show that the noise level is approximately 50-55 db, at 3 feet from the elevator. This level is lower than the existing ambient noise level and will not be discernable to nearby residents.

The site has a rear yard area which will be utilized by small numbers of employees for breaks, lunch and personal phone calls. As discussed in the Mitigated Negative Declaration, the human voice in a conversational tone at 3 feet ranges from 50 to 70 decibels. Noise from conversations will be intermittent and is both lower than allowed by community noise levels, and lower than the existing ambient noise levels.

Human activity and associated noise will occur primarily during ordinary business hours (9:00 a.m. to 6:00 p.m.); whereas noise from adjacent properties will occur primarily in the morning, evening and weekends. In addition, the proposed PUD

Zoning District regulations include performance standards that limit the hours of office deliveries to the site so that associated noise impacts on adjacent neighbors are restricted to occur only during ordinary business hours.

Noise during construction will be mitigated by restricting the allowed times of construction activities. The City of Menlo Park Noise Ordinance is more restrictive than the County Noise Ordinance, and prescribes that the maximum noise limits for all sources of sound measured from a residential property as 50 dBA for “Nighttime Hours” which are 10:00 p.m. to 7:00 a.m. and 60 dBA for “Daytime Hours” which are 7:00 a.m. to 10:00 p.m. Due to the project’s proximity to the incorporated City of Menlo Park, the construction for the project will be conditioned to comply with the City of Menlo Park’s standards.

Based on the historical information about the site pertaining to noise levels, the submitted noise study, and the proposed uses, staff finds that the proposal, with the mitigation measures and conditions of approval, is consistent with the General Plan Policies to manage the man-made hazard of noise. Staff concludes there will not be excessive noise generated on the site and the inhabitants of the proposed building will not be subjected to unhealthy noise levels.

Fire

The General Plan requires that new development located outside of fire hazard areas is reviewed for fire safety (Policy 15.29) and that standards for water supply and fire flow are met (Policy 15.30).

The project was referred to and reviewed by the Menlo Park Fire Protection District (District). Typical fire safety and access concerns prevent any portion of the building from being more than 150 feet from the public right-of-way. The building is proposed to be located 85 feet from the rear of the property and 175 feet from Sand Hill Road. Menlo Park Fire Protection District provided construction requirements, which have been added as conditions of approval to ensure that the location and construction of the building meet all fire safety regulations. One fire hydrant is located near the southwest front corner of the property. In addition, a second fire hydrant is being proposed on-site as additional fire suppression for both the proposed development and White Oaks development to the west. The proposal is acceptable to the District with fire hydrant, additional water sprinklers, and fireproof construction techniques.

2. Compliance with Zoning Development Standards

The project involves two parcels which are currently zoned R-1/S-92. The project includes a proposal to change the zoning of the parcels to a Planned Unit Development (PUD) zoning. The proposed PUD zoning will create standards specific for the proposed development. To assess the appropriateness of the requested zoning, it must be evaluated against the existing zoning on the site and surrounding zoning. The

chart below compares development standards of the proposed zoning to the existing zoning in the unincorporated County and the incorporated City of Menlo Park.

| Standard | Existing Zoning R-1/S-92 | Adjacent Menlo Park Zoning | | | Proposed Zoning PUD |
|--------------------------------------|--|---|---|---|---|
| | | R-2 (X) Low-Density Apartment District (Conditional) West Side | R-4 High Density Residential East Side | R-L-U Retirement Living Units District North Side | |
| Building Site Width | 50 ft. average | N/A | 100 ft. | 100 ft. | 87 ft. |
| Building Site Area | 10,000 sq. ft. | 7,000 sq. ft. | 20,000 sq. ft. | 20,000 sq. ft. | 20,562 sq. ft. |
| Development Density | 6 dwelling units/acre | 1/3,500 sq. ft. | 40/acre | 1/800 sq. ft. | 2 units/0.46 acres |
| Building Setbacks | | | | | |
| Front | 20 ft. | 20 ft. | 20 ft. | 25 ft. | 36 ft. to 57 ft. to property line 24 ft. to 42 ft. to sidewalk |
| Sides | 10 ft. | 10% lot width but, between 5-10 ft. | 15 ft. | 30 total (10 ft. min.) | 5 ft. 6 in. and 5 ft. 1 in. |
| Rear | First story 20 ft. Second story 40 ft. | 20 ft. | 10 ft. | 25 ft. | 92 ft. 11 in. |
| Building Floor Area Ratio | 50% | 40% | 100% | 150% | 70% with residential 63% w/o residential |
| Building Site Coverage Area Ratio | .26 (building site area – 5,000) + 2,800 sq. ft. (6,846 sq. ft.) | 35% building 40% landscape | 40% | 35% | 35% |
| Building Height | 28 ft. or 30 ft.* | 28 ft. | 40 ft. | 35 ft. | 31.5 ft. |
| Daylight Plane | 45° @ 20 ft.* | 45° @ 19.5 ft.* | None | None | None |

*Other options with minor differences exist for this development standard.

Setbacks

The proposal will conform to the existing front and rear yard residential development standards. However, the placement of the elevator on the side of the building will create a 5-foot, 6-inch side yard on the east side, and the trellis will create a 5-foot, 1-inch setback on the west side. The building (with the exception of the elevator and trellises) is proposed to be 13 feet from the eastern property line and 10 feet from the western property line. The setbacks experienced at the ground level are comparable to commercial districts.

Within commercial districts which do not abut residential development, zero yard setbacks are allowed, and typically a 5-foot setback is required when residential abuts commercial. PUD zoning allows site-specific setbacks; however, the submitted proposal has setbacks which are both consistent with other commercial zoning districts in the County and complementary to the surrounding residential uses.

Daylight Plane

The City of Menlo Park does not require daylight planes in two of the three adjacent zoning districts. Additionally, daylight planes are typically not required in the County for commercial zoning districts. The proposed building does not have a daylight plane.

Parking

The standards for parking for commercial development in surrounding communities are similar to the County's. The City of Menlo Park requires 1.2 spaces per 200 sq. ft. and both Redwood City and Palo Alto require 0.8 parking spaces for 200 sq. ft.

For business and professional office uses, the County requires one parking space for every 200 sq. ft. of publicly accessible/non-private floor space. Residential uses require 1.2 spaces for a 1-bedroom unit. Based on the County parking standards, the project would require 50 parking spaces (48 parking spaces for the office development, and two parking spaces for the residential units). From this total, two spaces are required to be handicapped accessible, and two parking spaces, one per unit, will be dedicated to the 1-bedroom apartments.

As discussed in the General Plan Section of this report, General Plan Policy 12.19 for parking standards allows for the consideration of the needs of the individual land use, and for the creation of a specific parking management strategy. The proposed PUD has 50 parking spaces through a combination of types, including standard, compact spaces and tandem spaces, to meet the parking requirements for the project. As previously discussed in the General Plan Section of this report, staff finds that with the configuration of the building (17-18 offices), the restriction on the type and number of personnel that can occupy the building (40 maximum), and the submission and implementation of a TDM plan, the proposed amount of on-site parking is adequate for the project.

Conformance to PUD

Zoning Regulations Section 6191 (PUD Districts) states that no PUD District shall be enacted for any area unless and until the Planning Commission has first:

Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Commission.

The project includes the proposed rezoning of subject parcels to Planned Unit Development (PUD). To enact the PUD Zoning District, the Planning Commission must, after reviewing the project, find that the proposed zoning is in harmony with the precise plan, and not in conflict with the County Master Plan, or with any other current land use plan.

There is no precise plan for this County area; and based on the preceding discussion in the General Plan and Zoning sections of this report, staff finds that the proposal, with mitigations and conditions, does not conflict with any land use plan.

Additional required findings, specific to the PUD District under consideration are listed below in italics. Each is followed by staff's discussion:

a. *Is a desirable guide for future growth of the subject area of the County.*

The proposed development has desirable elements and can be used as a guide for future growth in the area. Both versions of the proposal introduce a compatible use to the surrounding area. The professional office building is a compatible use which, unlike a similar high residential use, will not replicate and compound associated land use impacts. Based on existing conditions, construction features, conditions of approval and the nature and scope of the proposed commercial use, the project will not significantly intensify the existing impacts from high-density residential, with respect to traffic patterns accessing Sand Hill Road, and the increased noise levels.

The proposed residential use will most likely replicate traffic and noise patterns of the adjacent single-family residential uses; however, there are only two additional units proposed, where nearly 100 exist on adjacent parcels. The proposal for the mixed-use project is not the preferred proposal; however, unlike the commercial only use, it does not reduce the number of dwelling units available in the County.

Finally, since the project is designed to attain LEED certification status, the project is developed with a high level of attention to the environmental impact that would be created by construction, as well as, the ongoing use and maintenance of the building.

b. *Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.*

The proposed office will not involve manufacturing, sales or distribution, or medical offices. It is anticipated that the office building will experience peak activity when there is minimal activity on surrounding parcels. The restrictions on the type of commercial uses allowed with this PUD zoning, and the nature of the use, help ensure that there is adequate parking, limited noise, and that no adverse impacts are experienced on adjacent properties. There is also an increased economic benefit to the area since both the office employees and residents will utilize surrounding retail businesses. This combination of activity makes the proposed PUD compatible with surrounding high-density residential development.

c. *Will be in harmony with the zoning in adjoining unincorporated area.*

The surrounding zoning is PUD for an office complex and residential use in the unincorporated area, and high-density residential in the incorporated areas of the City of Menlo Park. Both types of zoning are compatible with the proposed

use. Either version of the project will involve use(s) which will have non-significant environmental impacts when mitigated, such as noise and traffic. Environmental impacts from the site on surrounding uses have been evaluated and with design features and limitations on the use, the intent of the proposed project is to create a harmonic situation.

- d. *Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.*

The project site is not adjacent to any County highway; however, it is adjacent to a major arterial road. As discussed in the revised Mitigated Negative Declaration, the applicant conducted a traffic study, and driveway design study to evaluate the impact of the project on Sand Hill Road.

The reports were reviewed by the Department of Public Works and it was determined that there would not be a significant impact to the Level-of-Service on the road created by the proposed development. In addition, the project's ingress and egress locations were evaluated to ensure that there is adequate pedestrian and bicycle safety, as well as line-of-sight clearance and space between driveways on adjacent properties.

The City of Menlo Park reviewed the project and their Public Works Department recommended a 24-foot wide driveway. County Public Works is satisfied that the 20-foot driveway meets County standards and that it will be adequate to serve the proposed use since traffic entering and exiting the site will primarily be in one direction throughout the day and the anticipated volume of traffic is not high.

When asked to reevaluate the project for pedestrian and bicycle safety, the San Mateo County Department of Public Works required a 16-foot transition section at less than 5% grade prior to intersecting the sidewalk to ensure that drivers could stop on a level surface to look for pedestrians and cyclists. The initial driveway design did not offer this design for adequate safety. The driveway was redesigned and the new design provides 12 feet of driveway intersection at a 5% grade prior to the sidewalk. The redesigned driveway was acceptable to the Department of Public Works.

To further increase pedestrian safety, mitigation measures for signage warning drivers to watch for vehicles and a silent alarm system that alerts pedestrians of vehicles exiting the garage were required. Both of these mitigation measures were included in the Mitigated Negative Declaration based on the building having a front yard setback of 16 feet from the sidewalk versus the 30 feet that is proposed now. The new front yard setback, which increases the distance of the driveway from the garage to the sidewalk, is a form of increased safety. With this additional distance and the new building location, staff believes that

the mitigation measure requiring a pedestrian warning system is not necessary for the project.

- e. *Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.*

The proposed design features a building constructed primarily from glass and wood. Therefore, the offices will have adequate light. There is a small park/green space proposed to the rear of the building.

No access concerns were raised in the traffic study or raised by the reviewing agencies. There are no mapped dangers, and the review and conditioning of the project by Menlo Park Fire and San Mateo County Building Section manage typical risks from dangers such as fire.

- f. *Will not result in overcrowding of the land or undue congestion of population.*

The proposed use is a more intense use of the land than the existing single-family residences. However, the proposed commercial building is an appropriate use for the proposed site. The surrounding, high-density residential buildings complement the commercial/office use in that traffic and noise generation patterns will not occur at the same times and compound issues for residents. In addition, the office presents an opportunity for there to be a "life/work" balance for nearby residents.

3. Conformance with the Grading Ordinance

The project's compliance with the findings necessary to grant a grading permit is discussed below.

- a. That the granting of the permit will not have a significant adverse effect on the environment.

Please see Environmental Review Section of this report, Section B below.

- b. That the project conforms to the criteria of this chapter, including the standards referenced in Section 8605.

The proposed grading will be subject to standard conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance. Erosion and sediment control measures have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval and implemented on the site. The proposed grading was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works. Grading is only allowed during April 15

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and October 15. In addition, due to the amount of grading that is being requested, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board.

- c. That the project is consistent with the General Plan.

As discussed extensively in the General Plan Compliance Section of this report, the project, as conditioned, complies with all applicable General Plan goals and policies.

B. ENVIRONMENTAL REVIEW

An Initial Study was completed and a Mitigated Negative Declaration was issued and circulated for this project according to the California Environmental Quality Act (CEQA) requirements, with a review period from January 12, 2009 through February 4, 2009. A revised Mitigated Negative Declaration with a circulation review period of July 3 through July 23, 2009 was prepared to more thoroughly address pedestrian and bicycle safety and noise (see Attachment P).

A revised Initial Study was completed and a revised Mitigated Negative Declaration was issued and circulated July 3, 2009 through July 23, 2009. Additional evaluation was required to evaluate pedestrian and bicycle safety.

Mitigation Measure 18 requires the building driveway to be redesigned to create a 12-foot transition area at 5% slope or less before the driveway intersects with the sidewalk. To achieve this change, the building is required to be located 16 feet into the subject property to allow adequate height at the garage entrance to access the building for emergency vehicles. This modification also caused a change in the parking lot configuration. To continue to meet the proposed 50 parking spaces, a mechanical parking system where each of the six machines occupies the space of three traditional parking spaces, but can accommodate five vehicles.

No additional comments were received during the comment period. After the comment period, some plans were revised to show more parking, different side yard setbacks, and wood, instead of steel, facades on the building. Changes to the revised Mitigated Negative Declaration under consideration are indicated with underlined notation. Four new mitigation measures were added to increase pedestrian and bicycle safety; no additional mitigation measures were required to address noise.

None of the changes are substantial, nor impact the environmental discussions or the conclusions contained within the report.

C. REVIEWING AGENCIES AND ORGANIZATIONS

County Building Inspection Section
County Department of Public Works

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County Counsel
State Regional Water Quality Control Board
City of Menlo Park
City of Menlo Park Department of Public Works
Menlo Park Fire Protection District
West Bay Sanitary District
California Water Service Company
White Oaks Homeowners Association
Sharon Heights Condominium Association
Pacific Hill Homeowners Association

ATTACHMENTS

- A. Required Findings and Conditions of Approval
- B. Detailed Location Map (Showing Surrounding Zoning and Uses)
- C. Aerial Location Map
- D. General Plan Land Use Map
- E. City of Menlo Park Zoning Map
- F. Project Site Plan and Floor Plans
- G. Parking Garage Plan and Spec Sheets for Tandem Machines
- H. Proposed Office Building Elevations
- I. Proposed Office Building Roof and Section Plans
- J. Grading, Drainage and Erosion Control Plans
- K. Project Rendering
- L. Operational Statement
- M. Planning Commission Decision Letter (dated May 29, 2009)
- N. Correspondence Subsequent to March 25, 2009 Planning Commission Meeting
- O. Revised Initial Study and Mitigated Negative Declaration (includes all special studies)
- P. Draft Resolution and Map to Amend General Plan
- Q. Draft "PUD-134" District Regulations Ordinance

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2008-00136

Hearing Date: August 26, 2009

Prepared By: Erica Adams, Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

The Planning Commission recommends to the Board of Supervisors that they find:

Regarding the Environmental Review:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. The public review period for this document was July 3, 2009 to July 23, 2009.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. For impacts identified in the Initial Study/Negative Declaration as "significant unless mitigation," staff has proposed mitigation measures which, when implemented, ensure that impacts are not significant. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County. The Mitigated Negative Declaration was prepared by the project planner.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. Proposed mitigation measures are included as Conditions 1, and 15 through 37 in the recommended conditions of approval in this attachment.

Regarding the General Plan Land Use Map Amendment:

5. That the General Plan Land Use Map amendment is compatible, will create a harmonious arrangement of land uses and will not be in conflict with the General Plan as discussed in Section A.1 of this staff report.

6. Recommend to the Board of Supervisors that they adopt a resolution amending the County General Plan Land Use Map to change the subject parcels' General Plan Map designation from "Medium-Low Density Residential" to "Office Commercial."

Regarding the Planned Unit Development District Rezoning:

7. That the proposed zoning of the area would be in harmony with the submitted plan of the subject area and its environs, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Commission, and that the specific PUD District under consideration:
 - a. Is a desirable guide for future growth of the subject area of the County.
 - b. Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.
 - c. Will be in harmony with the zoning in adjoining unincorporated area.
 - d. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.
 - e. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.
 - f. Will not result in overcrowding of the land or undue congestion of population.

PUD-134 will allow for commercial and residential uses, which are similar to other uses found in the vicinity, and have been historically compatible with each other. The intensity of the commercial use has been limited to ensure that it is appropriate for this site and does not negatively impact the adjacent high-density residential uses. In respect to the allowed uses and, with respect to the specific design of the PUD, the proposed zoning is compatible with both County zoning districts and zoning districts located in the City of Menlo Park.

Environmental studies were conducted to ensure that there will not be any threat to public safety. The project has been reviewed and evaluated by the Menlo Park Fire Department. In addition, light and shadow studies have been conducted to maximize light, air, privacy and convenience.

Regarding the Grading Permit:

8. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of

approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.

9. That the project conforms to the criteria of Chapter 8, Division VII of the County Grading Ordinance, including the standards referenced in Section 8605 thereof.

These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval by the Department of Public Works and implemented on the site. The proposed grading plan has been prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed during the period between April 15 and October 15. In addition, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

10. That the project is consistent with the General Plan with respect to grading allowed on land designated as "Office Commercial."

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on _____. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans prior to being incorporated into building plans. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with, this approval.
2. The approval for the grading permit shall be valid for one year from the decision date. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. The grading permit will only be issued in conjunction with the issued building permit. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.
3. The applicant shall submit the following fees to the Current Planning Section:

Within four (4) working days of the final approval date of this permit, the applicant shall pay an environmental filing fee of \$1,993.00 (fee effective January 1, 2009), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee (total \$2,043). The check shall be made payable to the San Mateo County Clerk, and submitted to the project planner to file with the Notice of Determination.

4. The applicant shall merge the two subdivided lots that comprise the subject parcel. The applicant shall submit to the project planner a new legal description of the merged parcels

for final formatting with the Planning and Building Department. The merger document shall be prepared by the Planning Department and recorded prior to the issuance of a building permit for the project.

5. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
6. All new power and telephone utility lines from the street or nearest existing utility pole to the new building on the property shall be placed underground. No new utility pole(s) are permitted for installation.
7. Water conservation devices shall be installed throughout the new building and all landscaping shall be required to be water conserving and/or drought tolerant.
8. The number of employees on-site shall be restricted to a maximum of 40 to ensure that the proposed parking is adequate.
9. A Transportation Demand Management (TDM) program shall be prepared and submitted to the County for review and approval by all tenants occupying the proposed building. The TDM shall include an operational statement that identifies operational aspects about the business which impact parking demand on the site. These aspects include the forecasted maximum number of employees, weekly staffing patterns, hours of operation, frequency of special events or meetings which will cause more than 40 people to be on-site at a time, etc. The TDM shall be re-evaluated one year after the initial approval. Subsequent evaluation shall occur, if deemed necessary by the Community Development Director, should community concern arise about a noticeable change in parking demand on the site. Subsequent evaluations shall not exceed a bi-annual timeframe. (A mitigation monitoring fee shall apply for each review.)
10. Only those trees identified on the Tree Removal Plan of the project submittal are approved for removal. Any additional tree removal is subject to the San Mateo County Significant or Heritage Tree Ordinance and will require a separate permit for removal.
11. The applicant shall be restricted to the one sign proposed to be in the front yard, along Sand Hill Road. The applicant shall submit a detailed sign plan design, for review and approval by the Community Development Director, including the use of a number and letter font that corresponds with a design in keeping with the building design. The sign shall not be lit in any fashion.
12. The applicant shall post a sign clearly visible on the driveway alerting those exiting the site to watch for oncoming traffic to their left (traveling westward on Sand Hill Road). The sign message shall be reviewed by the Community Development Director prior to installation and the sign shall be installed prior to the final inspection approval of the building permit.

13. The applicant shall comply with the recommendations of the submitted arborist report (dated September 12, 2007) with regard to all tree preservation and maintenance action. The applicant shall retain the services of an arborist to confirm in writing that he has observed that the necessary tree protection measures have been implemented prior to the issuance of the building permit. It is the applicant's responsibility to ensure that all of the subject trees are protected and survive through the construction process.
14. The applicant shall implement all planting elements of the approved landscape plan prior to the applicant scheduling a final inspection and the Planning Department's final approval on the building permit.
15. Prior to occupancy, the applicant shall submit an acoustical analysis of the noise level in the dwelling units to ensure that the interior noise level does not exceed 45 db.
16. A landscape plan showing a minimum of 16 replacement trees, of 5-gallon size and of an indigenous, non-invasive species, shall be submitted and approved by the Community Development Director, prior to the issuance of a building permit. Modifications to the plan shall be approved by the Community Development Director prior to installation. The trees shall be planted prior to the final occupancy inspection on the associated building permit. Photographs of the planted trees shall be provided to the Planning Department as proof of compliance with this condition and before a final sign off by the Current Planning Section on the building permit.
17. To protect the two trees on the adjacent parcel to the north, grading operations shall encroach no closer than five times the trunk diameter. A licensed arborist shall be on-site to supervise excavation near said trees. Should encroachment within the area become necessary, hand digging is mandatory.
18. The project driveway shall have no less than 12-foot transition section at 5% slope or less adjacent to the sidewalk.
19. Landscaping on both sides of the driveway shall consist of low-growth plants which typically do not exceed 2 feet in height, and shall be maintained to not exceed 3 feet in height (36 inches).
20. Signage shall be installed and maintained in the following manner "Caution Pedestrian Crossing" and shall be placed in a manner which is visible to vehicles exiting the garage.
21. A silent signaling device shall be installed to alert pedestrians to exiting vehicles.
22. During and upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch (1") in diameter be damaged, broken or severed, within 24 hours, root pruning, to include flush cutting and sealing of exposed roots, should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line.

23. Deliveries to the site shall be restricted to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday.
24. Construction hours shall conform with the City of Menlo Park's Noise Ordinance. Construction is allowed Monday-Friday, 8:00 a.m. to 6:00 p.m. Power equipment may not exceed 85 dBA at any time. No construction is permitted on weekends or holidays.
25. All project equipment shall, at the time of installation, not exceed the City of Menlo Park's Noise Ordinance, and be maintained in a manner that the noise produced by the equipment remains below the acceptable decibel levels; this includes that the placement of the equipment be in a shelter if necessary. Ambient decibel levels for the project shall not exceed those of the City of Menlo Park's Noise Ordinance.
26. All project structures shall meet the requirements and recommendations of the California Building Standards Code and local amendments, Structural Engineers Association of California, the County Geologist, and the soil and foundation investigation report submitted for the project site. Assumptions and design parameters are subject to approval by the County Geologist.
27. If, during the construction phase, any archaeological evidence is uncovered or encountered, all excavations on the site within 30 feet shall be halted, and the applicant shall retain an archaeologist to investigate the findings as well as informing the County. In addition, the Current Planning Section shall be notified of such findings and no additional work shall be done on-site until the archaeologist has recommended appropriate measures and those measures have been approved by the Current Planning Section.
28. No site disturbance shall occur, including any grading or tree removal, until a grading permit and building permit have been issued concurrently.
29. Upon completion of the excavation for the below ground parking structure/building footprint, Paragon Geotechnical, Inc. (or another reasonably acceptable, qualified geotechnical engineer), shall observe the exposed sub-grade prior to construction of foundations/slab-on-grade to verify that the structure will be founded in the bearing material anticipated.
30. Groundwater control (i.e., watering, water-tight shoring) will be required for excavation extending into the groundwater table.
31. Below ground structures shall be waterproofed as appropriate. Waterproofing shall be designed by the project architect or structural engineer.
32. The project shall adhere to the Bay Area Air Quality Management District Particulate Matter emissions control measures during all demolition and construction activities.
33. To reduce the impact of construction activities on neighboring properties, applicant shall comply with the following:

- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along Sand Hill Road right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Sand Hill Road. There shall be no storage of construction vehicles in the public right-of-way.
34. Prior to the beginning of any construction activities, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan, which shows how the transport and discharge of soil and pollutants shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).
 - c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
35. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer. The engineer shall be responsible for the following:
- a. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation, as it deems necessary.
 - b. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
 - c. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.

- d. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
 - e. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
36. Prior to the issuance of a grading permit, if the applicant submits a grading plan which shows any deviation from the grading shown on the approved plans, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Community Development Director (Director), or his/her designee, shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised grading permit and/or site development application. Additionally, if the requested changes require it, the applicant shall process a new environmental assessment for determination by the decision-making entity.
37. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
- a. Water all construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
38. Pursuant to Section 8605.5 of the San Mateo County Grading Ordinance, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
39. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities, within thirty (30) days of the completion of grading:
- a. The engineer shall submit written certification to the Department of Public Works and the Current Planning Section that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance.

- b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Building Inspection Section's Geotechnical Engineer and the Current Planning Section.
- 40. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
- 41. All outdoor lighting shall be required to be directed downward or hooded to prevent glare.
- 42. All proposed and any future uses, building additions or building modifications shall comply with Ordinance PUD-134.

Building Inspection Section

- 43. At the time of application for a building permit(s), the applicant shall comply with the current building regulations and with local amendments, as required.
- 44. At the time of application for a building permit(s), the applicant shall comply with the current Green Building Program (Ordinance No. 4444) and any subsequent amendments to that program.

Department of Public Works

- 45. The applicant shall submit a detailed construction plan showing staging areas and equipment and material for lay down areas for review and approval to the Department of Public Works. The applicant shall provide a traffic control plan to the Department of Public Works for review and approval, prior to the issuance of a building permit.
- 46. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
- 47. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
- 48. No proposed construction work, for access and utility work only, within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
- 49. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

50. All grading shall be according to the conceptual grading and drainage plan prepared by BKF Engineers dated August 6, 2009. Revisions to the approved grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public Works and the Planning Department for concurrence "prior" to commencing any work pursuant to the proposed revision.
51. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Department and a grading permit "hard card" has been issued by the Planning Department. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. The applicant shall submit monthly updates of the schedule to the Department of Public Works and the Planning Department. All submitted schedules shall represent the work in detail and shall project the grading operations through completion.
52. Proposed construction shall meet all conditions and comments from County Flood Control District before building permit can be issued.

Menlo Park Fire Protection District

53. The building shall be provided with both a fire sprinkler system and a fire alarm system.
54. An automatic, supervised, listed and centrally monitored fire alarm system conforming to NFPA-72 requirements shall be provided.
55. Applicant to provide an additional fire hydrant to serve the site.
56. Plans and fees shall be submitted to the Menlo Park Fire Protection District for the automatic fire sprinkler and alarm systems.
57. An address shall be visible from the street and contrasting in color to its background and shall be a minimum 8 inches in size.
58. The parking garage shall be provided with standpipes for suppression operations. Location and numbers shall be determined by the Fire District in conjunction with the fire sprinkler contractor.
59. Fire Department emergency incident ventilation access to the parking garage for the "green roof" shall be provided. The design shall be determined in conjunction with the Fire District.
60. Ventilation and air changes for the parking garage shall be per both the 2007 California Building Code and California Fire Code requirements.
61. Fire hydrants shall be in place and tested before construction begins.

62. Fire sprinkler density for the building shall be 0.18 over 3,000; no exceptions. Sprinkler contractor system is to be a NFPA-13 system. If a residential unit is included as part of the building, it shall also meet NFPA-13 requirements. Please be aware of the Fire District's sprinkler standards.
63. Any/all gates shall have a minimum unobstructed linear width of 16 feet. All locking devices shall provide a Knox Box or Knox Override Key Switch for Fire District Emergency access. All gate plans shall be approved by the Menlo Park Fire District. Electric gates shall have a backup source of power to allow the opening of the gates during a power failure.
64. Architectural drawings shall be submitted under separate cover.
65. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s), i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.
66. Upon completion of work and prior to occupancy, contact Inspector Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

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ATTACHMENT I

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: March 25, 2009

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial and a rezoning from Single-Family Residential (R-1/S-92) to Planned Unit Development-134 (PUD-134). The project also requires the merger of two parcels and a grading permit for excavation in the amount of 5,500 cubic yards. The purpose of the amendment is to construct a 14,200 sq. ft., 2-story commercial/office building with two residential units and underground parking, and requires the demolition of two single-family residential units. The property is located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area.

PROPOSAL

The proposal is to change land use designation and zoning on two parcels to allow a mixed-use commercial/office building, with two residential units and underground parking, where two single-family residences exist. The project will require a general plan amendment, zoning change, merger of two parcels, and a grading permit for excavation in the amount of 5,500 cubic yards.

RECOMMENDATION

Recommend that the Board of Supervisors:

1. Certify the Mitigated Negative Declaration as complete and adequate in accordance with the California Environmental Quality Act (CEQA).
2. Approve the resolution to change the subject parcel's General Plan Land Use designation from "Medium-Low Density Residential" to "Office Commercial."
3. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134).
4. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations, applicable only to the subject parcels.

BACKGROUND/DISCUSSION

The subject property is adjacent to the City of Menlo Park. Surrounding uses are primarily high density residential. Commercial uses are located across, and to the west along Sand Hill Road. The proposed PUD zoning is specific to the site and use and would provide for a set of zoning regulations customized to fit the particular development proposal, including the restriction to an administrative office use.

The project was first submitted for review as a Major Development Pre-Application on June 29, 2007. On November 28, 2007, the required public meeting was held to introduce the conceptual project to the surrounding community and collect preliminary comments. At the meeting, there were some aspects of the project which were of concern to those in attendance. These included: (1) aesthetics, with respect to size and style; (2) traffic; and (3) the change in use that was proposed. The applicant was asked to submit analysis for the environmental review, which included a traffic study, noise study, daylight plane and shadow study, a geotechnical study, and a tree survey. Correspondence was submitted subsequent to the meeting and is attached in Attachments M-Q.

A formal application was submitted, and the required environmental document was circulated for review. The subsequent correspondence indicates that the project submitted for the public hearing process did not address all of the original concerns raised by some neighbors at the meeting and in the initial correspondence.

Approximately one month prior to the hearing date, the applicant modified the building design to show 5-foot wide trellises instead of 6-foot wide trellises, and replaced a facade of metal beams with a wood exterior. The plans also show a new location for the garage elevator, and longer walkway along the north side of the property. Other than these modifications, the proposal is substantially similar to the preliminary project presented at the major development meeting.

Proposed development standards which will deviate from those on adjacent or surrounding properties include: the requested front yard setback ranging from 8 feet to 26 feet (average of 17 instead of 20), side yard setbacks (5 and 8 instead of 10 feet), the absence of daylight planes, parking space sizes, and the office use. Staff evaluated these differences and concludes that the proposal is compatible with surrounding uses and appropriate development for the site. The requested General Plan designation of "Office Commercial" is consistent with the proposed use and does not impair or allow incompatible growth in the area. The PUD development standards for proposed PUD-134 are comparable to other office commercial zone districts in the County. To address parking adequacy for the project, a condition of approval is included to limit the number of employees on the site to a maximum of 40. Staff recommends that the Planning Commission find that the proposed use has been adequately defined, limited, and conditioned to be a complementary land use for the site and mix for the community.

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**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: March 25, 2009

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial and a rezoning from Single-Family Residential (R-1/S-92) to Planned Unit Development-134 (PUD-134), pursuant to Sections 6190, 6192 and 6550 of the San Mateo County Zoning Regulations. The project also requires the merger of two parcels and a grading permit for excavation in the amount of 5,500 cubic yards, pursuant to Section 8602 of the County Ordinance Code. The purpose of the amendment is to construct a 14,200 sq. ft., 2-story commercial/office building with two residential units and underground parking, and requires the demolition of two single-family residential units. The property is located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area.

County File Number: PLN 2008-00136 (Baugher)

PROPOSAL

The applicant is proposing to change the General Plan land use designation from Medium-Low Density Residential to Office Commercial and to rezone the subject property, at 2126 and 2128 Sand Hill Road, in unincorporated West Menlo Park, from Single-Family Residential (R-1/S-92) to Planned Unit Development (PUD). The PUD zoning would allow the construction of a two-story 14,200 sq. ft., LEED Certified at Platinum level, mixed-use building which will contain approximately 12,200 sq. ft. of commercial space, 2,000 sq. ft. of residential space, and a 12,000 sq. ft. underground parking garage with 50 spaces. A grading permit to allow excavation of approximately 5,500 cubic yards is also required.

The project site is approximately 0.46 acres, and is comprised of two legal parcels (8,662 sq. ft. and 11,900 sq. ft.), which are a part of a small unincorporated area that is within the sphere of influence of the City of Menlo Park, and adjacent to it on three sides. The current zoning on both parcels is R-1/S-92, single-family residential with a 10,000 sq. minimum ft. lot size. Public utilities will be provided by the Menlo Park Municipal Water District, and West Bay Sanitary District.

Each parcel is currently developed with a single-family residential unit and associated drive-ways, garages, paving, and landscaping. The existing development will be demolished prior to construction. Adjacent uses are primarily high-density residential.

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The proposed use is a professional office building which will conduct the majority of business during the hours of 9:00 a.m. to 6:00 p.m. and have most deliveries during 10:00 a.m. and 3:00 p.m. No retail commercial use is proposed with this PUD proposal. There are 27 offices proposed, and a residential component, which will consist of two, 1-bedroom apartment units within the proposed commercial building.

The proposed building will be two stories, and have a modern style. It will be constructed of primarily glass and steel with a wood-like veneer for a natural wood appearance. Architectural styles in the area range from historical bungalow/craftsman style to large multi-story residential buildings with stucco and wood siding and wood trim. The underground parking garage extends underground on most of the two parcels; however, above ground, the building will only occupy two thirds of the site, allowing a park area to be created in the rear third of the project area. The number of parking spaces proposed for the site meet the parking requirements. The 50 spaces are not all standard 9'x19' in size, and include 21 standard spaces, nine compact spaces, nine tandem spaces, which will utilize a mechanical lift system which raises one car so that another can park underneath, nine 2-car per space stalls/18-car parking) and two handicap accessible spaces.

A General Plan Amendment to change the land use designation from Medium-Low Density Residential to Office Commercial, a rezoning from R-1/S-92 to Planned Unit Development (PUD), and a grading permit to allow excavation of approximately 5,500 cubic yards are required to allow construction of the proposed development.

RECOMMENDATION

Recommend that the Board of Supervisors:

1. Certify the Mitigated Negative Declaration as complete and adequate in accordance with the California Environmental Quality Act (CEQA).
2. Approve the resolution to change the subject parcel's General Plan Land Use designation from "Medium-Low Density Residential" to "Office Commercial."
3. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-1/S-92 (Single-Family Residential/10,000 sq. ft. Minimum Parcel Size) to "PUD-134" (Planned Unit Development-134).
4. Adopt the ordinance to enact the "PUD-134" (Planned Unit Development-134) Regulations, applicable only to the subject parcels.

BACKGROUND

Report Prepared By: Erica Adams, Project Planner, Telephone 650/363-1828

Property Owner: 2128 Sand Hill, LLC

Project Applicant: Steve Baugher

Location: 2126 and 2128 Sand Hill Road, West Menlo Park

APNs: 074-120-140 and 074-120-160

Parcel Sizes: 8,662 and 11,900 sq. ft. (total of 20,562 sq. ft.)

Parcel Legality: Two legal parcels; subdivision approved (County File Number X6E-1138)

Existing Zoning: R-1/S-92 (Single-Family Residential/10,000 sq. ft. minimum parcel size)

General Plan Designation: Medium-Low Density Residential (2.4 to 6.0 dwelling units per acre)

Sphere-of-Influence: City of Menlo Park

Existing Land Use: Two single-family residences

Water Supply: Menlo Park Water District

Sewage Disposal: West Bay Sanitary District

Flood Zone: Flood Zone X; Area of Minimal Flooding

Environmental Evaluation: A Mitigated Negative Declaration was circulated for a 20-day review period from January 12, 2009 through February 4, 2009.

Setting: The site is part of a small unincorporated "island" consisting of three parcels, which are adjacent to the city limits of the City of Menlo Park on three sides. It is approximately 120 feet south of the northwest corner of Sand Hill Road and Santa Cruz Avenue intersection. The subject property is located on, and takes access from, the north side of Sand Hill Road. The 20,522 sq. ft. of land was once a single parcel which was legally subdivided, by Subdivision X6E-1138. Currently, the site consists of two legal parcels; an 11,900 sq. ft. flag lot parcel and a second, 8,662 sq. ft. parcel. A condition of approval has been added to merge the parcels prior to the issuance of building permits.

The property has a gentle slope of less than 10% and is developed with two, single-family residences, constructed in 1955 and 1957. There are 17 trees on the site, most of which appear to have been planted as part of the single-family residential development. All of the trees on the site are proposed to be removed to accommodate construction of the building, and will be replaced with 28 trees as part of the submitted landscape plan (Attachment F).

As illustrated by the City of Menlo Park Zoning Map (Exhibit D), Sand Hill Road is primarily zoned for commercial and high density residential uses. Surrounding uses are medium and high-density residential and commercial. Menlo Commons, a 74-unit senior-living complex, is to the northwest. Pacific Hill is a 3-story, 26-unit condominium complex located northeast of the project site. The White Oak townhouse complex is located to the west, and was built in 1971, and consists of 10 units.

Zoning on the adjacent parcel to the east is PUD-129 approved in 2001 by the Board of Supervisors. PUD-129 allowed a 12-employee office building and two residential units. Construction was completed in 2003.

Other nearby land uses include a golf course owned by Stanford on the northeast corner of the Sand Hill Road and Santa Cruz Avenue intersection, and the Hewlett Foundation Headquarters, a conference center/commercial complex which was approved in 1999, across Sand Hill Road. Stanford University buildings are to the southwest of the subject site along Sand Hill Road, and a housing subdivision is on the northwest corner of the intersection, and a commercial shopping center is approximately a quarter mile south of the project site.

The proposed building will be approximately 8 feet from the road right-of-way (R-O-W) on the south side of the parcel and 26 feet on the north side (average of 17 feet). The rear yard setback is approximately 9 feet and the proposed side yard setbacks are 5'-1", and 8 feet. Buildings on adjacent properties are approximately 17.5 feet from the side property line to the west and 19 feet from the side property line to the east.

History: The project was first submitted for review as a Major Development Pre-Application on June 29, 2007. On November 28, 2007, the required public meeting was held to collect preliminary comments.

The pre-application meeting introduced the conceptual project to the surrounding community. At the meeting, there were some aspects of the project which raised concern. These included (1) aesthetics, with respect to size and style, (2) traffic, and (3) the change in use that was proposed. Correspondence was submitted subsequent to the meeting and is attached (see Attachments M-Q). Some of the concerns raised have been assessed in the submitted studies completed for the project. These include a traffic study, noise study, daylight plane and shadow study, a geotechnical study, and a tree survey. The initial submission was substantially similar to the preliminary project presented at the major development meeting. The applicant's formal application was submitted on April 28, 2008. The Initial Study and Mitigated Negative Declaration for the original project was circulated for review from January 12, 2009 through February 4, 2009 (see Section B of this report for further discussion of the project's environmental review).

On February 23, 2009, the applicant submitted revised building plans to address some of the concerns raised by the public. On the plans, the building facade changed from steel to wood, the trellises were reduced by 1 foot to extend 5 feet instead 6 from the building, and the building was shifted slightly to achieve a minimum side yard setback of 5 feet which is the setback which is typically required in the County's other commercial districts when development is adjacent to residential uses.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Land Use

The project site is part of an urban area as defined by General Plan Policy 7.8, since it is surrounded by incorporated areas of the City of Menlo Park. The General Plan addresses urban development land uses in two sections. Chapter 7, "General Land Use," discusses appropriate designation of land, and Chapter 8, "Urban Land Use," discusses policy guidelines to ensure the appropriateness of an urban land use in a community.

General Plan Policy 7.15 (*Designation of Land Uses*) states that the land use designations, which have been established and are listed in Table 7.1P, should be applied where appropriate to meet land use objectives. The requested land use designation is "Office Commercial," which Table 7.1P describes as "service uses including but not limited to business and professional offices; trade and distribution uses including but not limited to retail trade." A mixed-use professional office building is proposed for this site. Therefore, office commercial does describe the proposed primary use on the site and is an appropriate designation.

Policy 7.16 (*Land Use Objective for Urban Areas*) states that land uses in urban areas should (1) maximize the efficiency of public facilities and services, (2) minimize energy consumption, (3) encourage the orderly formation and development of local government agencies, (4) protect and enhance the natural environment, (5) revitalize existing developed areas, and (6) discourage urban sprawl.

The project is compliant with the General Plan guidelines for desirable development based on the following factors: (1) The project will utilize existing public facilities and services from the City of Menlo Park, and sewer and water service connections, existing electric, and telephone utility lines are of adequate capacity to serve the proposed project; (2) Design and construction features have been incorporated into the project that will reduce energy and water consumption significantly enough to allow the project to attain the goal of Leadership in Energy and Environmental Design (LEED) Platinum status. Solar panels are proposed for the building, the building will have a green roof, and the majority of runoff water will be captured on-site and used for irrigation; all of which will minimize energy consumption; (3) There are no new agency services required by the new development, and the project does not impair orderly formation and development of local agencies; (4) The project site and the surrounding areas are already developed, and there is no undisturbed, natural environment that will be impacted; (5) The project will offer a new use which would contribute to the revitalization of the areas; and (6) The project is infill development, which is encouraged by Policy 8.29, and will not create sprawl.

General development standards for urban development address: (1) consistency with land use designations (Policy 8.34); (2) allowance of uses that are consistent with the overall land use designation (Policy 8.35); (3) appropriate density of development (Policy 8.36); (4) parcel size (Policy 8.37); (5) height, bulk and setbacks (Policy 8.38); and (6) parking requirements (Policy 8.39). The application includes a request of PUD zoning, which is a set of site-specific, use-specific development standards. The following discussion summarizes why staff finds the requested PUD zoning will be compatible with surrounding land use designations. The compatibility of the proposed project with existing zoning development standards, including parking, is addressed in detail below in the zoning section of this report.

General Plan Policies 8.15, 8.17, and 8.18 for commercial uses call for land use compatibility, buffers between commercial and residential uses, and development standards for high quality projects. The project site is surrounded by residential and commercial uses. The project itself is mixed-use, which is encouraged by Policy 8.30, and contains both commercial and residential components. The site will be developed with a building and a green space/park in the rear, which along with the trees along the side property lines will create buffering on the site. Office commercial uses, such as the one proposed, complement residential uses, since they typically operate at different times of the day, have different traffic patterns, and can create a work/life balance in a community. The project is consistent with these objectives.

Additional applicable General Plan policies are found in chapters for Soil Resources, Visual Quality, Water Supply, Wastewater, Transportation, Solid Waste, Housing, and Fire Safety.

Soil Resources

General Plan Chapter 2, Soil Resources Policies, contains Goals and Objectives 2.1 through 2.3 which state that soils should be protected, soil erosion minimized, and soil contamination prevented. Policy 2.17 requires new development to minimize soil erosion and sedimentation. To accomplish these goals, the proposed development includes several design features, which reduce the amount of impervious area and minimize the likelihood of erosion. These include features such as a green roof, pervious pavers and a large green space. In addition, several conditions of approval are proposed which require the applicant to implement an erosion and sediment control plan for all stages of construction as part of the project. The design features as well as the conditions of approval will ensure that the project is in compliance with the soil resource policies.

Visual Quality

Sand Hill Road is designated as a "Scenic Road," per Table 4.6/Policy 4.39; a "Scenic Road" is described as a travel route that should provide attractive urban development. Beyond this description, the General Plan does not identify any site planning guidelines for development along scenic roads.

Primarily, the visual quality goals and objectives include General Plan Policy 4.1.b which emphasizes a positive visual quality for all development and a minimization of adverse visual impacts, and Policy 4.4 for urban development promotes aesthetically pleasing development, and requires that development be regulated to promote and enhance good design, site relationships and other aesthetic considerations. In addition, specific to urban development, there are guidelines to: (1) maintain and, where possible, improve upon the appearance and visual character of development in an urban area (Policy 4.35.a); and (2) ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality (4.35.b).

Staff finds that the proposed design is in substantial compliance with the General Plan's goal to encourage developments with positive visual qualities and minimal adverse visual impacts. The proposed building will have a stylized, contemporary design with more architectural features than more traditional office commercial buildings. The proposed materials are wood and glass, and the building will have no adverse visual impacts from Sand Hill Road. The new development does differ from the standards required by the existing zoning, but not greatly from those used for surrounding developments, and therefore the proposed PUD development will be harmonious with the surrounding development. (Refer to the zoning section below, Section 2, of this report for further detail.)

Some of the residents on adjacent parcels have expressed concern about the side yard setbacks, the lack of a daylight plane and the modern design on the proposed building. These concerns were raised at the Major Development Pre-Application Review meeting and in correspondence subsequent to the filing of the PUD application.

In support of the proposed 5'-1" side yard setback, the applicant states that the trellis is part of the energy saving features of the building. To address the side yard setback concerns, the applicant reduced the trellis from 6 feet to 5 feet, to meet side yard setbacks which are typical for commercial zones within the County when they are adjacent to residential zones. Additionally, the project site faces some restrictions which limit development. Fire safety and access concerns prevent any portion of the building from being more than 150 feet deep into the lot. Since the subject property is long and narrow, approximately 260 feet long and 87 feet wide, as much of the first 150 feet of the lot as possible is proposed to be used for the building. The building will be in the front 150-foot portion of the property. The building does not fully front any of the surrounding buildings, which protects some, but not all, of the views and privacy of surrounding residents.

The applicant conducted a daylight plane/shadow study to provide information about the impact of the proposed development on surrounding buildings. This is compliant with General Plan Policy 4.36 for urban areas, which requires that special studies be conducted to identify and mitigate design problems in commercial and mixed density residential areas. Evaluation of the proposal shows that, by integrating daylight planes into the proposed design, shadows could be reduced, but not eliminated. The submitted studies also reveal that both of the existing residential developments on

adjacent parcels, White Oak and Pacific Hill, cast shadows onto the subject property and on the building site. The Pacific Hill, a 3-story residential building, located to the east of the subject property, will be the building most impacted by sun blockage and shadows in the afternoon and early evening. The proposed development is two stories above ground, is smaller in mass, and is parallel to the apartment for approximately 30 feet of the full 120-foot length of the Pacific Hill building. The proposed building will not cast shadows along the majority of the building; however, there will be an increase in sun blockage for a portion of the building.

Staff finds that with consideration of the site limitations, the type of development on surrounding parcels and the proposed development, visual quality goals and objectives are met.

Water Supply

Water Supply Policy 10.3 (*Water Conservation*) promotes the conservation and efficient use of water supplies. The project will utilize public water supplies from the Menlo Park Municipal Water District. The proposed building will be fitted with water saving features as part of the LEED certification goal. In addition, there will be a water retention and treatment tank on site to allow for the reuse of rainwater to irrigate the site. A condition of approval will require that water saving fixtures be used throughout the building. These aspects of the project ensure compliance with General Plan water conservation policies.

Transportation

General Plan Policy 12.19 for parking standards allows the consideration of the need of the individual land use and the specific parking management strategy. A PUD District can include parking provisions tailored to the proposed project. As discussed below in the development standards section of this report, although parking solutions for the project include tandem parking, which will utilize a mechanical lift system which raises one car so that another can park underneath, and compact parking spaces, the proposed amount of on-site parking meets the General Plan guidelines and is adequate for the proposed use.

Housing

The project is consistent with Housing Element Policy 14.3 (*Provide Housing Near Employment, Transportation, and Community Services*), since the new commercial building will provide employment opportunity near residential developments. In addition, although the project involves the demolition of two single-family residences, two residential units are included as part of the project. Therefore, despite the change in type of dwelling units, there is no loss in the number of dwelling units.

Solid Waste

The project will use a private refuse collection company to serve the building. The rubbish collection policy, Policy 13.25, addresses the location of the receptacles. The

collection receptacle will be located in the underground parking garage. There will be an enclosure around the receptacle and ventilation within the garage.

Man-Made Hazards - Noise

The subject property is near a busy intersection identified by 1981 County noise maps as experiencing noise levels from 60 to 65 Community Noise Equivalent Level (CNEL). This qualifies the site as a "Noise Impact Area," as defined by General Plan Policy 16.9. San Mateo County General Plan's acceptability standards for noise are established by: (1) the State of California's standard for exterior noise exposure - 70 CNEL from multiple sources as the maximum external noise level compatible with ordinary residential use; and (2) the Environmental Protection Agency's standard - 75 weighted decibels (dBA) as the maximum 8-hour equivalent noise exposure to prevent hearing loss. Both types of measurements take into account a full day of noise measurement, and generate an average through weighting of the basic measurement unit, the decibel. For the purposes of this report, the units are interchangeable.

According to standards found in the General Plan, the existing noise levels are acceptable for the proposed commercial use. An environmental noise assessment study for the project, dated April 15, 2008, was submitted. The study showed the existing environmental noise levels at the site range from a high of 72 dBA at the proposed building facade along Sand Hill Road to a low of 56 dBA on the northern corner of the site. The report also states that it is expected that there will be a 1-dBA increase over the next year or so due to increased traffic.

Key General Plan policies related to the man-made hazard of noise are Policy 16.1 (*Strive Toward a Livable Noise Environment*) and 16.2 (*Reduce Noise Impacts Through Noise/Land Use Compatibility and Noise Mitigation*). In addition, the General Plan cites regulation methods for noise for development involving site planning (Policy 16.13), architectural design (Policy 16.15), and construction techniques (Policy 16.16).

The proposed residential units are located on the second floor, approximately 50 feet from Sand Hill Road, where sound levels were measured at 72 CNEL, which is slightly higher than the State's 70 CNEL and lower than the EPA's 75 dBA. Policy 16.16 (*Construction Techniques Noise Control*) promotes measures that incorporate noise control into the construction of existing and new buildings, including, but not limited to, use of dense noise insulating building materials. Due to site limitations created by the narrowness of the subject property and by fire safety requirements, relocation of the building is not an option, and the implementation of construction techniques must be utilized to mitigate noise hazards. The 2007 California Building Code requires that construction yield interior sound levels of not greater than 45 decibels (db). Construction features such as dual pane windows and insulation will be necessary to ensure that the interior decibel levels meet the acceptable level. Such insulation and dual pane windows are a condition of approval for this project. In addition, a condition of approval requiring an acoustical evaluation of the noise level

in the dwelling units has been added to ensure that the construction measures are adequate.

Policy 16.11 (*Regulate Distribution of Land Uses*) regulates the distribution of land uses to attain noise compatibility. Policy 16.12 (*Regulate Noise Levels*) regulates noise levels emanating from noise generating land uses through measures which establish maximum land use compatibility and nuisance thresholds. Noise generated on site by the project is from both human activity and vehicle traffic, and will occur primarily during ordinary business hours (9:00 a.m. to 6:00 p.m.); whereas noise from adjacent properties will occur primarily in the morning, evening and weekends. In addition, the proposed PUD Zoning District regulations include performance standards that limit the hours of office deliveries to the site so that associated noise impacts on adjacent neighbors are restricted to occur only during ordinary business hours.

Noise during construction will be mitigated by restricting the allowed times of construction activities. The City of Menlo Park Noise Ordinance is more restrictive than the County Noise Ordinance, and prescribes that the maximum noise limits for all sources of sound measured from a residential property as 50 dBA for "Nighttime Hours" which are 10:00 p.m. to 7:00 a.m. and 60 dBA for "Daytime Hours" which are 7:00 a.m. to 10:00 p.m. Due to the project's proximity to the incorporated City of Menlo Park, the construction for the project will be conditioned to comply with the City of Menlo Park's standards.

Based on the historical information about the site pertaining to noise levels, the submitted noise study, and the proposed uses, staff finds that the proposal, with the mitigation measures and conditions of approval, is consistent with the General Plan policies to manage the man-made hazard of noise. Staff concludes there will not be excessive noise generated on the site and the inhabitants of the proposed building will not be subjected to unhealthy noise levels.

Fire

The General Plan requires that new development located outside of fire hazard areas is reviewed for fire safety (Policy 15.29) and that standards for water supply and fire flow are met (Policy 15.30).

The project was referred to and reviewed by the Menlo Park Fire Protection District. Fire safety and access concerns prevent any portion of the building from being more than 150 feet deep into the lot. The parking garage is allowed to extend underground with additional water sprinklers and fireproof construction techniques. The off-site emergency water source is within the required distance, and has been tested for pressure. Finally, Menlo Park Fire Protection District provided construction requirements, which have been added as conditions of approval to ensure that the location and construction of the building meet all fire safety regulations.

2. Compliance with Zoning Development Standards

The project involves two parcels which are currently zoned R-1/S-92. The project includes a proposal to change the zoning of the parcels to a unique PUD zoning. The chart below compares development standards of the proposed zoning to the existing zoning in the unincorporated County and the incorporated City of Menlo Park. Staff finds that the development standards for the proposed zoning are similar to the existing zoning and the three (adjacent) City of Menlo Park residential zoning districts, with the exception of yard setbacks and daylight plane.

| Standard | Existing Zoning R-1/S-92 | Adjacent Menlo Park Zoning | | | Proposed Zoning PUD |
|-----------------------------------|--|---|---|---|---------------------------------|
| | | R-2 (X) Low-Density Apartment District (Conditional) West Side | R-4 High Density Residential East Side | R-L-U Retirement Living Units District North Side | |
| Building Site Width | 50 ft. average | N/A | 100 ft. | 100 ft. | 87 ft. |
| Building Site Area | 10,000 sq. ft. | 7,000 sq. ft. | 20,000 sq. ft. | 20,000 sq. ft. | 20,562 sq. ft. |
| Development Density | 6 dwelling units/acre | 1/3,500 sq. ft. | 40/acre | 1/800 sq. ft. | 2 units/0.46 acres |
| Building Setbacks | | | | | |
| Front | 20 ft. | 20 ft. | 20 ft. | 25 ft. | 8-26 feet from Sand Hill R-O-W |
| Sides | 10 ft. | 10% lot width but, between 5-10 ft. | 15 ft. | 30 total (10 ft. min.) | 5'-1" left 8 ft. right |
| Rear | First story 20 ft. Second story 40 ft. | 20 ft. | 10 ft. | 25 ft. | 98 ft. 8'-11" elevator shaft |
| Building Floor Area Ratio | 50% | 40% | 100% | 150% | 58% |
| Building Site Coverage Area Ratio | .26 (building site area – 5,000) + 2,800 sq. ft. (6,846 sq. ft.) | 35% building 40% landscape | 40% | 35% | 37% |
| Building Height | 28 ft. or 30 ft.* | 28 ft. | 40 ft. | 35 ft. | 29 ft. |
| Daylight Plane | 45° @ 20 ft.* | 45° @ 19.5 ft.* | None | None | None |

*Other options with minor differences exist for this development standard.

Setbacks

The proposed setbacks are less than the current S-92 zoning setbacks and adjacent Menlo Park zoning. The rear yard setback for the building is 98 feet, and the setback for the elevator shaft is 8'-11". Side yard setbacks are 5'-1" on the south side and 8 feet on the north side, as one faces the building from Sand Hill Road. The building's front yard setback will be an average of 17 feet; 8 feet on the southwest side and 26 feet on the northeast side. There are existing improvements, consisting of a bicycle lane and sidewalk, within an easement across the front 23 feet of the subject property adjacent to the Sand Hill R-O-W. There is a 5-foot wide sidewalk between the building and Sand Hill Road so the building will appear to be 13 feet from the road at its nearest point. The proposed setbacks are similar to most commercial zoning in the County.

As discussed in the General Plan section for fire safety, the parcel's narrowness is a factor in the placement of the proposed building. The building site is restricted to the first 150 feet of the parcel to meet fire safety regulations. The resulting placement of the proposed building is not in direct alignment with any of the surrounding buildings. Although some residents in existing buildings or adjacent parcels will be

impacted, views and privacy between the subject property and surrounding parcels are more protected by the proposed alignment since no building will have the same setbacks. To further reduce the impact of the proposed building's close proximity to property lines, the applicant has proposed landscaping in the form of trees and shrubs for the front and sides of the building. Staff finds that the proposal has setbacks which are both consistent with other commercial zoning districts in the County and is complementary to the surrounding residential uses.

Daylight Plane

The proposed building does not have a daylight plane. The applicant is using prefabricated modules to construct the proposed building. The selection of this method of construction limits the opportunities to include daylight planes. The City of Menlo Park does not require daylight planes in two of the three adjacent zoning districts. Additionally, daylight planes are typically not required in the County for commercial zoning districts.

Parking

For business and professional office uses, the County requires one parking space for every 200 sq. ft. of publicly accessible/non-private floor space. Residential uses require 1.2 spaces for a 1-bedroom unit. Based on the County parking standards, the project would require 50 parking spaces (48 parking spaces for the office development, and two parking spaces for the residential units). From this total, two spaces are required to be handicapped accessible, and two parking spaces, one per unit, will be dedicated to the 1-bedroom apartments.

The standards for parking for commercial development in surrounding communities are similar to the County's. The City of Menlo Park requires 1.2 spaces per 200 sq. ft. and both Redwood City and Palo Alto require 0.8 parking spaces for 200 sq. ft.

The applicant is proposing 50 spaces through a combination of parking space types, including compact spaces and tandem spaces, to meet the parking requirements for the project. General Plan Policy 12.19 for parking standards allows the consideration of the need of the individual land use and the specific parking management strategy. Included in this PUD zoning request are parking solutions which would allow both compact spaces and tandem parking. Twenty-one of the proposed 50 spaces fully meet the County's parking standard of being "free and clear" and 9'x19' in size; 18 tandem spaces meet the size requirement, but nine of these spaces are not "free and clear"; and there are nine compact parking spaces (8'x19").

The proposed tandem parking involves a mechanical lift system. The lift system allows one car to be raised up, off the garage floor so that a second vehicle can be parked underneath the raised vehicle. Concerns about the tandem parking include safety and accessibility. This system will not be suitable for oversized vehicles and may be confusing to drivers encountering it for the first time. In response to staff's concerns, the applicant stated that the tandem/lift spaces will be assigned to employees, and key operated by the space holder. The applicant also submitted an

addendum to the operational statement to clarify the restrictions on the use of the mechanical system for the tandem parking (see Attachment L).

The proposed building will have 27 offices in addition to a reception area and six conference rooms. There are 48 spaces available for the commercial/office use. Although the number of employees is not known at this time, the proposed interior configuration would suggest an employee base of about 30-32 people. If 32 employees use parking spaces, there are 16 spaces remaining for guest and visitor parking, nine of which are tandem spaces. The applicant's operational statement indicates that the number of people on the site is expected to range from 15 to 40 people using the building. To ensure that the proposed parking is adequate, a condition of approval has been added to restrict the number of employees who can utilize the site to 40 as the maximum number.

Staff finds that the configuration of the building (27 offices), and the restriction on the number of personnel that can occupy the building both support a recommendation that the proposed amount of on-site parking is adequate.

Conformance to PUD

Zoning Regulations Section 6191 (PUD Districts) states that no PUD District shall be enacted for any area unless and until the Planning Commission has first:

Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Commission.

The project includes the proposed rezoning of subject parcels to Planned Unit Development (PUD). To enact the PUD Zoning District, the Planning Commission must, after reviewing the project, find that the proposed zoning is in harmony with the precise plan, and not in conflict with the County Master Plan, or with any other current land use plan.

There is no precise plan for this County area; and based on the preceding discussion in the General Plan section of this report, staff finds that the proposal does not conflict with any land use plan.

Additional required findings, specific to the PUD District under consideration are listed below in italics. Each is followed by staff's discussion:

- a. *Is a desirable guide for future growth of the subject area of the County.*

The proposed development has desirable elements and can be used as a guide for future growth in the area. First, the project is a mixed-use building, which also introduces a compatible use to the surrounding area. Secondly, it does not reduce the number of dwelling units available in the County. Finally, since the

project is designed to attain LEED Platinum status, the project is developed with a high level of attention to the environmental impact that would be created by construction, as well as, the ongoing use and maintenance of the building.

- b. *Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.*

The proposed office will not involve manufacturing, sales or distribution. It is anticipated that the office building will experience peak activity when there is minimal activity on surrounding parcels. The restrictions on the type of commercial uses allowed with this PUD zoning, and the nature of the use, help ensure that there is adequate parking, limited noise, and that no adverse impacts are experienced on adjacent properties. There is also an increased economic benefit to the area since both the office employees and residents will utilize surrounding retail businesses. This combination of activity makes the proposed PUD compatible with surrounding high-density residential development.

- c. *Will be in harmony with the zoning in adjoining unincorporated area.*

The surrounding zoning is PUD for an office complex and residential use in the unincorporated area, and high-density residential in the incorporated areas of the City of Menlo Park. Both types of zoning are compatible with the proposed use. As previously stated, the project involves uses which will have impacts such as noise and traffic at different times and therefore lessen the overall impact levels for the area, thereby creating a harmonic situation.

- d. *Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.*

The project site is not adjacent to any County highway; however, it is adjacent to a major arterial road. As discussed in the Initial Study, environmental document, the applicant conducted a traffic study to evaluate the impact of the project on Sand Hill Road. The report was reviewed by the Department of Public Works and it was determined that there would not be a significant impact to the Level-of-Service on the road which is currently "C" and anticipated to be "C-". In addition, the project's ingress and egress locations were evaluated to ensure that there is adequate line-of-sight clearance and space between driveways on adjacent properties.

- e. *Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.*

The proposed design features a building constructed primarily from glass and wood. Therefore, the offices will have adequate light. There is an

000130

approximately 8,000 sq. ft. park/green space proposed to the rear of the building.

No access concerns were raised in the traffic study or raised by the reviewing agencies. There are no mapped dangers, and the review and conditioning of the project by Menlo Park Fire and San Mateo County Building Section manage typical risks from dangers such as fire.

- f. *Will not result in overcrowding of the land or undue congestion of population.*

The proposed use is a more intense use of the land than the existing single-family residences. However, the proposed commercial building is an appropriate use for the proposed site. The surrounding, high-density residential buildings complement the commercial/office use in that traffic and noise generation patterns will not occur at the same times and compound issues for residents. In addition, the office presents an opportunity for there to be a "life/work" balance for nearby residents.

3. Conformance with the Grading Ordinance

The project's compliance with the findings necessary to grant a grading permit is discussed below.

- a. That the granting of the permit will not have a significant adverse effect on the environment.

Please see Environmental Review Section of this report, Section B below.

- b. That the project conforms to the criteria of this chapter, including the standards referenced in Section 8605.

The proposed grading will be subject to standard conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance. Erosion and sediment control measures have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval and implemented on the site. The proposed grading was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works. Grading is only allowed during April 15 and October 15. In addition, due to the amount of grading that is being requested, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board.

- c. That the project is consistent with the General Plan.

000131

As discussed extensively in the General Plan Compliance Section of this report, the project, as conditioned, complies with all applicable General Plan goals and policies.

B. ENVIRONMENTAL REVIEW

An Initial Study was completed and a Mitigated Negative Declaration was issued and circulated for this project according to the California Environmental Quality Act (CEQA) requirements, with a review period from January 12, 2009 through February 4, 2009 (see Attachments S and T). During the comment period, two written comments were received, which are summarized (in *italics*) below, each followed by staff's response. After the comment period, some plans were revised to show more parking, different side yard setbacks, and wood, instead of steel, facades on the building. Minor changes to the Mitigated Negative Declaration under consideration are indicated with strike through notation. None of the changes are substantial, nor impact the environmental discussions or the conclusions contained within the report.

1. *Marc D. Sanders of Pacific Hill Condominiums noted that Pacific Hill Condominiums consists of 26 units.*

The Mitigated Negative Declaration was modified to reflect that Pacific Hill has 26 units.

2. *The California Department of Transportation (CalTrans) issued a response to the Negative Declaration and Traffic Impact Analysis. The correspondence requested additional analysis to determine the impact the project would have on roads that they are responsible for, El Camino Real/State Route 82. El Camino Real is approximately 2.2 miles away from the subject property.*

Staff had subsequent conversations with CalTrans and San Mateo County Public Works Department regarding these comments. It was determined that the project is not close enough to El Camino Real to impact the road. Additionally, the project application and traffic analysis were sent to the City of Menlo Park, which did not indicate any concerns about the project impacting its roads.

C. REVIEWING AGENCIES AND ORGANIZATIONS

County Building Inspection Section
County Department of Public Works
County Counsel
State Regional Water Quality Control Board
City of Menlo Park
Menlo Park Fire Protection District
West Bay Sanitary District
California Water Service Company
White Oaks Homeowners Association
Sharon Heights Condominium Association
Pacific Hill Homeowners Association

000132

ATTACHMENTS

- A. Required Findings and Conditions of Approval
- B. Detailed Location Map (Showing Surrounding Zoning and Uses)
- C. Aerial Location Map
- D. General Plan Land Use Map
- E. City of Menlo Park Zoning Map
- F. Project Site Plan (Includes Landscaping)
- G. Parking Plan
- H. Project Elevations, Floor, Roof, and Section Plans
- I. Project Grading, Drainage and Erosion Control Plans
- J. Summary of Comments and Questions from Major Development Meeting (dated December 14, 2007)
- K. Project Rendering
- L. Operational Statement
- M. Dave Sloan's Comment Letters (dated November 18, 2008, November 30, 2007, and January 11, 2009)
- N. Charles and Sara Botsford's Comment Letter (dated November 23, 2008)
- O. Pacific Hills Condominiums HOA Board of Director's Comment Letter (dated December 19, 2007)
- P. Gail Wardwell's Comment Letter (dated January 8, 2008)
- Q. Ilsabe C. Niemeyer's Comment Letter (dated January 13, 2008)
- R. Initial Study and Mitigated Negative Declaration
- S. Marc Sanders' Comment Letter in Response to the Mitigated Negative Declaration (dated January 19, 2009)
- T. California Department of Transportation's Response to the Mitigated Negative Declaration
- U. Traffic Impact Analysis dated April 2008
- V. Noise Analysis
- W. Light/Shadow Study
- X. Geotechnical Investigation Report dated December 2007
- Y. Arborist Report dated September 12, 2007
- Z. Draft Resolution and Map to Amend General Plan
- AA. Draft "PUD-134" District Regulations Ordinance

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000133

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2008-00136

Hearing Date: March 25, 2009

Prepared By: Erica Adams, Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

The Planning Commission recommends to the Board of Supervisors that they find:

Regarding the Environmental Review:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. The public review period for this document was January 9, 2009 to February 4, 2009.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. For impacts identified in the Initial Study/Negative Declaration as "significant unless mitigation," staff has proposed mitigation measures which, when implemented, ensure that impacts are not significant. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County. The Mitigated Negative Declaration was prepared by the project planner.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. Proposed mitigation measures are included as Conditions 1, and 15 through 34 in the recommended conditions of approval in this attachment.

Regarding the General Plan Land Use Map Amendment:

5. That the General Plan Land Use Map amendment is compatible, will create a harmonious arrangement of land uses and will not be in conflict with the General Plan as discussed in Section A.1 of this staff report.

6. Recommend to the Board of Supervisors that they adopt a resolution amending the County General Plan Land Use Map to change the subject parcels' General Plan Map designation from "Medium-Low Density Residential" to "Office Commercial."

Regarding the Planned Unit Development District Rezoning:

7. That the proposed zoning of the area would be in harmony with the submitted plan of the subject area and its environs, and would not be in conflict with the County Master Plan [i.e., 1986 General Plan], or with any current land use plan for a sub-area of the County previously adopted by the Commission, and that the specific PUD District under consideration:
 - a. Is a desirable guide for future growth of the subject area of the County.
 - b. Will not be detrimental to the character and social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.
 - c. Will be in harmony with the zoning in adjoining unincorporated area.
 - d. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.
 - e. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.
 - f. Will not result in overcrowding of the land or undue congestion of population.

PUD-134 will allow for commercial and residential uses, which are similar to other uses found in the vicinity, and have been historically compatible with each other. The intensity of the commercial use has been limited to ensure that it is appropriate for this site and does not negatively impact the adjacent high-density residential uses. In respect to the allowed uses and, with respect to the specific design of the PUD, the proposed zoning is compatible with both County zoning districts and zoning districts located in the City of Menlo Park.

Environmental studies were conducted to ensure that there will not be any threat to public safety. The project has been reviewed and evaluated by the Menlo Park Fire Department. In addition, light and shadow studies have been conducted to maximize light, air, privacy and convenience.

Regarding the Grading Permit:

8. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.

9. That the project conforms to the criteria of Chapter 8, Division VII of the County Grading Ordinance, including the standards referenced in Section 8605 thereof.

These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval by the Department of Public Works and implemented on the site. The proposed grading plan has been prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed during the period between April 15 and October 15. In addition, the project is required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

10. That the project is consistent with the General Plan with respect to grading allowed on land designated as "Office Commercial."

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on _____. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans prior to being incorporated into building plans. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with, this approval.
2. The approval for the grading permit shall be valid for one year from the decision date. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. The grading permit will only be issued in conjunction with the issued building permit. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.
3. The applicant shall submit the following fees to the Current Planning Section:

Within four (4) working days of the final approval date of this permit, the applicant shall pay an environmental filing fee of \$1,993.00 (fee effective January 1, 2009), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee (total \$2,043). The check shall be made payable to the San Mateo County Clerk, and submitted to the project planner to file with the Notice of Determination.
4. The applicant shall merge the two subdivided lots that comprise the subject parcel. The applicant shall submit to the project planner a new legal description of the merged parcels for final formatting with the Planning and Building Department. The merger document shall be prepared by the Planning Department and recorded prior to the issuance of a building permit for the project.

5. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
6. All new power and telephone utility lines from the street or nearest existing utility pole to the new building on the property shall be placed underground. No new utility pole(s) are permitted for installation.
7. Water conservation devices shall be installed throughout the new building and all landscaping shall be required to be water conserving and/or drought tolerant.
8. The number of employees on-site shall be restricted to a maximum of 40 to ensure that the proposed parking is adequate.
9. Only those trees identified on the Tree Removal Plan of the project submittal are approved for removal. Any additional tree removal is subject to the San Mateo County Significant or Heritage Tree Ordinance and will require a separate permit for removal.
10. The applicant shall be restricted to the one sign proposed to be in the front yard, along Sand Hill Road. The applicant shall submit a detailed sign plan design, for review and approval by the Community Development Director, including the use of a number and letter font that corresponds with a design in keeping with the building design. The sign shall not be lit in any fashion.
11. The applicant shall post a sign clearly visible on the driveway alerting those exiting the site to watch for oncoming traffic to their left (traveling westward on Sand Hill Road). The sign message shall be reviewed by the Community Development Director prior to installation and the sign shall be installed prior to the final inspection approval of the building permit.
12. The applicant shall comply with the recommendations of the submitted arborist report (dated September 12, 2007) with regard to all tree preservation and maintenance action. The applicant shall retain the services of an arborist to confirm in writing that he has observed that the necessary tree protection measures have been implemented prior to the issuance of the building permit. It is the applicant's responsibility to ensure that all of the subject trees are protected and survive through the construction process.
13. The applicant shall implement all planting elements of the approved landscape plan prior to the applicant scheduling a final inspection and the Planning Department's final approval on the building permit.
14. Prior to occupancy, the applicant shall submit an acoustical analysis of the noise level in the dwelling units to ensure that the interior noise level does not exceed 45 db.
15. A landscape plan showing a minimum of 16 replacement trees, of 5-gallon size and of an indigenous, non-invasive species, shall be submitted and approved by the Community Development Director, prior to the issuance of a building permit. Modifications to the plan shall be approved by the Community Development Director prior to installation. The trees

shall be planted prior to the final occupancy inspection on the associated building permit. Photographs of the planted trees shall be provided to the Planning Department as proof of compliance with this condition and before a final sign off by the Current Planning Section on the building permit.

16. To protect the two trees on the adjacent parcel to the north, grading operations shall encroach no closer than five times the trunk diameter. A licensed arborist shall be on-site to supervise excavation near said trees. Should encroachment within the area become necessary, hand digging is mandatory.
17. During and upon completion of any trenching/grading operation within a tree's dripline, should any roots greater than one inch (1") in diameter be damaged, broken or severed, within 24 hours, root pruning, to include flush cutting and sealing of exposed roots, should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line.
18. Deliveries to the site shall be restricted to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday.
19. Construction hours shall conform with the City of Menlo Park's Noise Ordinance. Construction is allowed Monday-Friday, 8:00 a.m. to 6:00 p.m. Power equipment may not exceed 85 dBA at any time. No construction is permitted on weekends or holidays.
20. All project equipment shall, at the time of installation, not exceed the City of Menlo Park's Noise Ordinance, and be maintained in a manner that the noise produced by the equipment remains below the acceptable decibel levels; this includes that the placement of the equipment be in a shelter if necessary. Ambient decibel levels for the project shall not exceed those of the City of Menlo Park's Noise Ordinance.
21. All project structures shall meet the requirements and recommendations of the California Building Standards Code and local amendments, Structural Engineers Association of California, the County Geologist, and the soil and foundation investigation report submitted for the project site. Assumptions and design parameters are subject to approval by the County Geologist.
22. If, during the construction phase, any archaeological evidence is uncovered or encountered, all excavations on the site within 30 feet shall be halted, and the applicant shall retain an archaeologist to investigate the findings as well as informing the County. In addition, the Current Planning Section shall be notified of such findings and no additional work shall be done on-site until the archaeologist has recommended appropriate measures and those measures have been approved by the Current Planning Section.
23. No site disturbance shall occur, including any grading or tree removal, until a grading permit and building permit have been issued concurrently.

24. Upon completion of the excavation for the below ground parking structure/building footprint, Paragon Geotechnical, Inc. (or another reasonably acceptable, qualified geotechnical engineer), shall observe the exposed sub-grade prior to construction of foundations/slab-on-grade to verify that the structure will be founded in the bearing material anticipated.
25. Groundwater control (i.e., watering, water-tight shoring) will be required for excavation extending into the groundwater table.
26. Below ground structures shall be waterproofed as appropriate. Waterproofing shall be designed by the project architect or structural engineer.
27. The project shall adhere to the Bay Area Air Quality Management District Particulate Matter emissions control measures during all demolition and construction activities.
28. To reduce the impact of construction activities on neighboring properties, applicant shall comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along Sand Hill Road right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Sand Hill Road. There shall be no storage of construction vehicles in the public right-of-way.
29. Prior to the beginning of any construction activities, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan, which shows how the transport and discharge of soil and pollutants shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).
 - c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
 - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
30. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and

sediment control plan shall be prepared and signed by the engineer. The engineer shall be responsible for the following:

- a. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation, as it deems necessary.
 - b. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
 - c. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
 - d. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
 - e. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
31. Prior to the issuance of a grading permit, if the applicant submits a grading plan which shows any deviation from the grading shown on the approved plans, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Community Development Director (Director), or his/her designee, shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised grading permit and/or site development application. Additionally, if the requested changes require it, the applicant shall process a new environmental assessment for determination by the decision-making entity.
32. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
- a. Water all construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.

- d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
33. Pursuant to Section 8605.5 of the San Mateo County Grading Ordinance, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
34. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities, within thirty (30) days of the completion of grading:
- a. The engineer shall submit written certification to the Department of Public Works and the Current Planning Section that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Building Inspection Section's Geotechnical Engineer and the Current Planning Section.
35. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
36. All outdoor lighting shall be required to be directed downward or hooded to prevent glare.
37. All proposed and any future uses, building additions or building modifications shall comply with Ordinance PUD-134.

Building Inspection Section

38. At the time of application for a building permit(s), the applicant shall comply with the current building regulations and with local amendments, as required.
39. At the time of application for a building permit(s), the applicant shall comply with the current Green Building Program (Ordinance No. 4444) and any subsequent amendments to that program.

Department of Public Works

40. The applicant shall submit a detailed construction plan showing staging areas and equipment and material for lay down areas for review and approval to the Department of Public Works. The applicant shall provide a traffic control plan to

the Department of Public Works for review and approval, prior to the issuance of a building permit.

41. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
42. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
43. No proposed construction work, for access and utility work only, within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
44. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
45. All grading shall be according to the conceptual grading and drainage plan prepared by HMM Engineers, dated April 21, 2008. Revisions to the approved grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public Works and the Planning Department for concurrence "prior" to commencing any work pursuant to the proposed revision.
46. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Department and a grading permit "hard card" has been issued by the Planning Department. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. The applicant shall submit monthly updates of the schedule to the Department of Public Works and the Planning Department. All submitted schedules shall represent the work in detail and shall project the grading operations through completion.
47. Proposed construction shall meet all conditions and comments from County Flood Control District before building permit can be issued.

Menlo Park Fire Protection District

48. The building shall be provided with both a fire sprinkler system and a fire alarm system.
49. Plans and fees shall be submitted to the Menlo Park Fire Protection District for the automatic fire sprinkler and alarm systems.

50. An address shall be visible from the street and contrasting in color to its background and shall be a minimum 8 inches in size.
51. The parking garage shall be provided with standpipes for suppression operations. Location and numbers shall be determined by the Fire District in conjunction with the fire sprinkler contractor.
52. Fire Department emergency incident ventilation access to the parking garage for the "green roof" shall be provided. The design shall be determined in conjunction with the Fire District.
53. Ventilation and air changes for the parking garage shall be per both the 2007 CA Building Code and CA Fire Code requirements.
54. Fire hydrants shall be in place and tested before construction begins.
55. Fire sprinkler density for the building shall be 0.18 over 3,000; no exceptions. Sprinkler contractor system is to be a NFPA-13 system. If a residential unit is included as part of the building, it shall also meet NFPA-13 requirements. Please be aware of the Fire District's sprinkler standards.
56. Any/all gates shall have a minimum unobstructed linear width of 16 feet. All locking devices shall provide a Knox Box or Knox Override Key Switch for Fire District Emergency access. All gate plans shall be approved by the Menlo Park Fire District. Electric gates shall have a backup source of power to allow the opening of the gates during a power failure.
57. Architectural drawings shall be submitted under separate cover.
58. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to his review and/or subsequent field inspection(s), i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.
59. Upon completion of work and prior to occupancy, contact Inspector Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

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