



**SPECIAL AND REGULAR MEETING MINUTES**

**Date:** 11/19/2019  
**Time:** 5:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**5:30 p.m. State of the City**

SC1. Presentation

Mayor Mueller made the presentation at 5:37 p.m.

City Councilmember Carlton arrived at 5:57 p.m.

SC2. Reception

The meeting went to recess for the reception at 6:21 p.m.

**Special Meeting**

**A. Call To Order**

Mayor Mueller called the meeting to order at 6:41 p.m.

**B. Roll Call**

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

**C. Pledge of Allegiance**

Mayor Mueller led the Pledge of Allegiance.

**D. Commissioner Reports**

D1. Library Commission report ([Staff Report #19-252-CC](#))

Library Commission Chair Katie Hadrovic made the presentation (Attachment).

**E. Consent Calendar**

E1. Accept the City Council meeting minutes for October 1, 2019 ([Attachment](#))

E2. Award a construction contract to Guerra Construction Group, appropriate additional project funding, and adopt Resolution No. 6531 to install a passenger loading zone for the Oak Grove Avenue sidewalk and green infrastructure (for stormwater) improvement project ([Staff Report #19-253-CC](#))



## SPECIAL AND REGULAR MEETING MINUTES

**Date:** 11/19/2019  
**Time:** 5:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### 5:30 p.m. State of the City

#### SC1. Presentation

Mayor Mueller made the presentation at 5:37 p.m.

City Councilmember Carlton arrived at 5:57 p.m.

#### SC2. Reception

The meeting went to recess for the reception at 6:21 p.m.

### Special Meeting

#### A. Call To Order

Mayor Mueller called the meeting to order at 6:41 p.m.

#### B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

#### C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

#### D. Commissioner Reports

##### D1. Library Commission report ([Staff Report #19-252-CC](#))

Library Commission Chair Katie Hadrovic made the presentation (Attachment).

#### E. Consent Calendar

##### E1. Accept the City Council meeting minutes for October 1, 2019 ([Attachment](#))

##### E2. Award a construction contract to Guerra Construction Group, appropriate additional project funding, and adopt Resolution No. 6531 to install a passenger loading zone for the Oak Grove Avenue sidewalk and green infrastructure (for stormwater) improvement project ([Staff Report #19-253-CC](#))

- E3. Award a construction contract to Pacific Underground Construction, Inc. for the 2019 water main replacement project for Monte Rosa Drive ([Staff Report #19-247-CC](#))

**ACTION:** Motion and second (Nash/ Taylor) to approve the consent calendar, passed unanimously (Carlton recused from item E3).

#### **F. Informational Items**

- F1. City Council agenda topics: December 2019 to January 2020 ([Staff Report #19-240-CC](#))
- F2. Update on City's implementation of the Federal Communications Commission's new small wireless facility regulations ([Staff Report #19-254-CC](#))

Assistant City Attorney Cara Silver and Deputy City Manager Justin Murphy responded to City Council questions.

The City Council discussed the current ordinance pertaining to private property and not the public right-of-way and the pending ruling from the Ninth Circuit court in June 2020. The City Council received clarification that there are currently no 5-G cell towers in Menlo Park. City Council requested this item be returned as an action item.

#### **7:00 p.m. Regular Meeting**

#### **G. Public Comment**

- Natalie Zahr requested permission to attempt alternate grade placement for her son; the City Council clarified that the governing board of the Menlo Park City School District is the authority on Ms. Zahar's request (Attachment).

#### **H. Consent Calendar**

- H1. Waive the second reading and adopt Ordinance No. 1060 amending Chapter 13.24 [Heritage Trees] of Title 13 [Streets, sidewalks and utilities] ([Staff Report #19-255-CC](#))

City Councilmember Nash pulled item H1. and provided resident Kathy Nueman's letter to the City Council (Attachment).

The City Council expressed the importance of the City using its best efforts to collect and report on urban forest data to ensure the effectiveness of the updated ordinance and the protection of trees is realized.

**ACTION:** Motion and second (Taylor/ Nash) to waive the second reading and adopt Ordinance No. 1060 amending Chapter 13.24 [Heritage Trees] of Title 13 [Streets, sidewalks and utilities], passed unanimously.

#### **I. Public Hearing**

- I1. Introduce Ordinance No. ~~4064~~ 1061 to update the transportation impact fee program ([Staff Report #19-256-CC](#))

Acting Transportation Manager Kristiann Choy made the presentation (Attachment).

Mayor Mueller opened the public hearing.

By acclamation, Mayor Mueller closed the public hearing.

The City Council received clarification on potential revenue effects related to adjusting the fee rates for the transportation impact fee program.

**ACTION:** Motion and second (Nash/ Carlton) to introduce Ordinance No. 1061 to update the transportation impact fee program, passed unanimously.

## **J. Regular Business**

- J1. Request for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential lot at 180 Elliot Drive ([Staff Report #19-257-CC](#))

Associate Planner Ori Paz made the presentation (Attachment).

Applicant Travis Wood made a presentation (Attachment).

The City Council received clarification on the purpose and origin of the subdivision setback for new lots. City Attorney McClure further clarified that the lots were likely created before the requirement and that this is a unique situation that warrants a variance.

**ACTION:** Motion and second (Nash/ Taylor) to approve the for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential lot at 180 Elliot Drive, passed unanimously.

- J2. First reading and introduction of Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code, adopt a Resolution No. 6532 ratifying the Menlo Park Fire Protection District ordinance adopting amendments to the 2019 California Fire Code with modifications, and adopt Resolution No. 6530 to direct fines collected for violations of the construction and demolition recycling ordinance (12.48) to be used for zero waste initiatives ([Staff Report #19-250-CC](#))

Assistant Community Development Director - Building Chuck Andrews and Fire Marshall Jon Johnston made the presentation (Attachment).

The City Council discussed details of the proposed ordinance and continue the ordinance first reading to the December 10 meeting.

## **K. City Manager's Report**

City Manager Jerome-Robinson announced the grand opening Nealon Park on November 23 at 10 a.m. and the additional City Council meeting on December 16 from 4:30 p.m. – 6:30 p.m.

## **L. City Councilmember Reports**

None.

## **M. Adjournment**

Mayor Mueller adjourned the meeting at 8:26 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of December 16, 2019.



# LIBRARY COMMISSION UPDATE TO COUNCIL

Katie Hadrovic, Chair



## NEW BELLE HAVEN BRANCH LIBRARY

- Participation in Conceptual Design phase of new branch library process
  - Focus group participation
  - Study session
  - Citywide survey
  - Public workshops
- Commission will continue to work with staff to keep neighborhood needs at the forefront of any design process
  - Joint session with Parks & Rec Commission?
  - Commission meetings at branch library





## LIBRARY INITIATIVES

- Review of Library policies
  - Library Use Policy
  - Computer Use Policy
- Dedication of Little Free Library in memory of former Commissioner Ester Bugna
- Partnerships with Rotary and BSA
- Support efforts to establish a Youth Advisory Committee
- Homework Center pilot at Belle Haven branch





## PROGRESS ON WORK PLAN

- New Belle Haven branch library
- Little Free Libraries
- Commission agenda calendar



## LOOKING AHEAD

- Belle Haven branch library work
- Continue meetings at branch
- Library policy updates
  - Diversity, inclusivity and equity
  - Library services to seniors and the homebound
  - Emergency preparedness and safety policy
- Review work plan
- Continue public engagement and outreach



**THANK YOU**

# request for permission to attempt alternate grade placement

## Ezekiel | Kindergarten | Laurel Elementary | Fall 2020

**DOB 12/10/2015**

**advanced placement cut-off 12/02/2015**

- I. Natalie Zahr, Ph.D. (Mom) | **SRI International** | since 2005
  - Title: Director of Translation Imaging | 2016
  - committed to academic Neuroscience
  
- II. single Mom with 2nd job
  - Neuroscience instructor at Santa Clara University
  
- III. purchased Menlo Park condo | January 2019
  - property tax 2019: \$15,000; preschool tuition 2019: \$12,000
  - estimated loss of \$15,000 post-tax income for 2020
  
- IV. Ezekiel
  - **socially ready:** solid emotional regulation; follows instructions; mindful of other children; shares well
  - **physically ready:** handles buttons and zippers; helps with laundry, cooking, and other chores; basic skills in a variety of sports
  - **academically ready:** long-term focus, highly verbal, creative problem solver

November 19, 2019

Dear Menlo Park City Council,

Please accept this document as my public comment regarding tonight's agenda item H1 related to amending the heritage tree ordinance, as I will not be able to attend the meeting in person.

Prior to approving the proposed amendment to Chapter 13.24 [Heritage Trees] of Ordinance No. 1060, please remedy the following concerns:

1) Lack of public recourse in section 13.24.060 Appeals for city staff decisions related to criteria 1-4 in section 13.24.050.

- As with criteria 5-6, the public should have an appeal process to the Environmental Quality Commission or City Council.

2) Lack of public review and oversight of the Administrative Guidelines.

- The Administrative Guidelines represent the regulations implementing and interpreting this ordinance, per the definition in 13.24.020. The draft presented on October 29, 2019, included detailed costs (e.g. permit requirements, replacement tree requirements, etc.) land access permissions, and penalties related to heritage tree removal. Section 13.24.080 Administrative Guidelines should include an approval process that allows the public an opportunity to review and provide feedback to the final Administrative Guidelines to be effective with this amended ordinance and to their future modifications.

3) Limited choice of arborists to a City-approved list of certified arborists.

- A select list of City approved arborists will restrict choice/competition, increase administrative duties, and open the door to questions of favoritism. This requirement should be "trimmed" to support standard arborist licensing and certifications without maintenance of a City certified list.

4) Overly restrictive resubmittal process.

- Section 13.24.060 #5 Resubmittal as written would prevent resubmittal of another Permit request for the same tree for a period of six months from a denial decision – regardless of the reason or criteria. By adding "for the same criteria" to this section, an applicant could address removal of a tree that experiences a new issue within the six month period. For example, if a removal application was denied under the development criteria #5 and a subsequent wind storm damaged the tree a month later, the applicant could request a new permit to remove the tree under tree risk rating criteria #2.

Thank you for the update to section 13.24.110 #2 requiring an annual report to measure the effectiveness of this Heritage Tree Ordinance. The overall canopy for Menlo Park is a shared responsibility of all residents, not just the responsibility of those who have heritage trees, and justifies reporting of effectiveness to ensure we all enjoy our city of trees.

Please accept my apologies for not being able to attend tonight's meeting, along with my sincere appreciation for your efforts and consideration.

Sincerely,

Kathy A. Neuman  
1045 Valparaiso Avenue  
Menlo Park, CA 94025



# TRANSPORTATION IMPACT FEE UPDATE

City Council Meeting – Public Hearing  
November 19, 2019



## RECAP OF NOVEMBER 5 MEETING

- Presented results of Nexus study
- Identified Maximum Allowable Rates for each type of land use
- Presented staff recommended rates based on prior direction from City Council
- Identified possible grandfathering of projects





## STAFF RECOMMENDED TIF RATES

Comparison of Maximum Allowable and Staff Recommended TIF Rates			
Land Use	Unit	Maximum Allowable	Staff Recommended
Office	Sq. Ft.	\$17.60	\$17.60
Restaurant <sup>1</sup>	Sq. Ft.	\$152.16	\$17.60
Retail <sup>1</sup>	Sq. Ft.	\$58.32	\$17.60
Research and Development	Sq. Ft.	\$7.50	\$7.50
Manufacturing	Sq. Ft.	\$10.26	\$10.26
Warehousing	Sq. Ft.	\$2.91	\$2.91
Medical Office	Sq. Ft.	\$52.97	\$52.97
Single Family <sup>1</sup>	Dwelling Units	\$15,155.24	\$7,577.62
Multi-family <sup>1</sup>	Dwelling Units	\$8,572.66	\$4,286.33
Hotel	Room	\$9,184.99	\$9,184.99
Childcare <sup>1</sup>	Sq. Ft.	\$170.23	\$2.91
Secondary Dwelling Unit	Units	\$3,449.40	\$0

<sup>1</sup> Fees for restaurant, retail, childcare, and residential land use categories include the direction from City Council received on May 14, 2019 to provide incentives for these uses.



## COUNCIL DISCUSSION ON NOVEMBER 5

- Accepted Nexus Study
- Appointed Mayor Pro Tem Taylor and Council Member Nash to subcommittee to discuss alternative rates



## COUNCIL SUBCOMMITTEE DISCUSSION

- Focused on rates for residential, restaurant, retail and childcare uses
- Revenue neutral goal
- Grandfathering of projects



## SUBCOMMITTEE RECOMMENDATIONS

	Staff Recommendation	Subcommittee Alternative
Land Use	Waiver or Reduction	Waiver or Reduction
Restaurant	Tied to office fee	Reduced to incentivize use, similar to manufacturing rate, Re-evaluate after one year
Retail	Tied to office fee	Reduced to incentivize use, similar to manufacturing rate, Re-evaluate after one year
Single-Family	Reduced to 50 percent of maximum allowable	No reduction, maximum fee charged
Multi-Family	Reduced to 50 percent of maximum allowable	Reduced to 60 percent of maximum allowable
Childcare	Tied to warehousing fee	Waived
Affordable Units		Waived for units above city's BMR requirement
Secondary Dwelling Unit	Waived	No change



## SUBCOMMITTEE RECOMMENDATIONS

	Staff Recommendation		Subcommittee Alternative	
Office	\$17.60	per sq. ft.		
Research and Development	\$7.50	per sq. ft.		
Manufacturing	\$10.26	per sq. ft.		
Warehousing	\$2.91	per sq. ft.		
Restaurant	\$17.60	per sq. ft.	\$10.26	per sq. ft.
Retail	\$17.60	per sq. ft.	\$10.26	per sq. ft.
Single-Family	\$7,577.62	per unit	\$15,155.24	per unit
Multi-Family	\$4,286.33	per unit	\$5,108.02	per unit
Hotel	\$9,184.99	per room		
Medical Office	\$52.97	per sq. ft.		
Childcare	\$2.91	per sq. ft.	\$0	
Secondary Dwelling Unit	\$0.00	per unit		



## GRANDFATHERING OF PROJECTS

Projects with Entitlements but have not yet paid TIF		
Address	Type of Use	Size
840 Menlo Ave	Residential/Office	3 du, 6.6 ksf
40 Middlefield Road	Office	3.6 ksf
1540 El Camino Real	Residential/Office	27 du, 40.8 ksf
250 Middlefield Road	Office	3.9 ksf
409 Glenwood Avenue <sup>1</sup>	Residential	5 du
1345 Willow Road <sup>1</sup>	Residential	58 du
975 Florence Lane <sup>1</sup>	Residential	2 du
115 El Camino Real <sup>1</sup>	Residential/Retail	4 du, 1.5 ksf
301 Constitution Drive <sup>2</sup>	Hotel	200 rooms

du= dwelling units, ksf = 1,000 square feet

<sup>1</sup>Residential only or two-thirds residential projects (based on square footage)

<sup>2</sup>As outlined under the terms of the development agreement, this project will remain under the current fee program.



## NEXT STEPS & SCHEDULE

Schedule	Task
November 19, 2019	City Council public hearing of updated Transportation Impact Fee and first reading of the ordinance update
December 10, 2019	City Council adoption of updated Transportation Impact Fee and second reading of the ordinance update
January 9, 2020	Ordinance changes go into effect
February 8, 2020	New Transportation Impact Fee rates go into effect





## COUNCIL ACTION REQUESTED

- Confirm rates for resolution adoption and ordinance language for second reading on December 10
- Confirm approach for grandfathering of projects



**THANK YOU**



# OTHER CITIES TRANSPORTATION IMPACT FEES

**Table 2: Other Cities Transportation Impact Fees**

City	Residential (per dwelling unit)	Office (per sq. ft.)	Retail (per sq. ft.)	Last Updated
Redwood City, Downtown Area	\$1,212.00	\$1.79	\$2.96	2012
Redwood City, Non-Downtown	\$1,615.00	\$2.38	\$3.94	2012
San Carlos	\$3,052.00	\$4.55	\$11.32	2015
Sunnyvale, South of Route 237	\$3,114.00	\$4.64	\$5.78	2017
Sunnyvale, Moffett Park Area <sup>1</sup>	n/a	\$6.38	\$5.53	2017
San Mateo	\$3,422.00	\$3.14	\$5.89	2014
Mountain View	\$4,671.00	\$4.99	\$12.83	2018
East Palo Alto	\$2,358.00	\$7.33	\$7.33	2019
Palo Alto	\$7,886.00	\$11.75	\$29.26	2019
Menlo Park Maximum Allowable	\$15,155.24	\$17.60	\$58.32	2019

<sup>1</sup> Moffett Park Area of Sunnyvale does not have any residential or office rates and separates retail into destination and neighborhood retail. The rate for research & development uses is shown under office and the rate for neighborhood retail is shown under retail.



## MAXIMUM ALLOWABLE TIF RATES

Maximum Allowable Transportation Impact Fee		
Land Use	Unit	Maximum Allowable Fee
Office	Sq. Ft.	\$17.60
Restaurant	Sq. Ft.	\$152.16
Retail	Sq. Ft.	\$58.32
Research and Development	Sq. Ft.	\$7.50
Manufacturing	Sq. Ft.	\$10.26
Warehousing	Sq. Ft.	\$2.91
Medical Office	Sq. Ft.	\$52.97
Single Family	Dwelling Units	\$15,155.24
Multi-family	Dwelling Units	\$8,572.66
Hotel	Room	\$9,184.99
Childcare	Sq. Ft.	\$170.23
Secondary Dwelling Unit	Units	\$3,449.40
Does not fall in one of the above land uses	PM Peak Hour Trips	\$15,308.32



## 2019 TIF RESULTS

### Cost of improvements

- Identify Improvements
- Determine total cost of needed infrastructure

**\$164M**

### Allocate to new development

- Determine future growth
- Divide into portion that benefits
  - New development **17%**
  - Existing users **83%**

### Determine fee by use

- E.g., by housing unit or square foot of office space
- Can lower or waive fees to incentivize certain uses

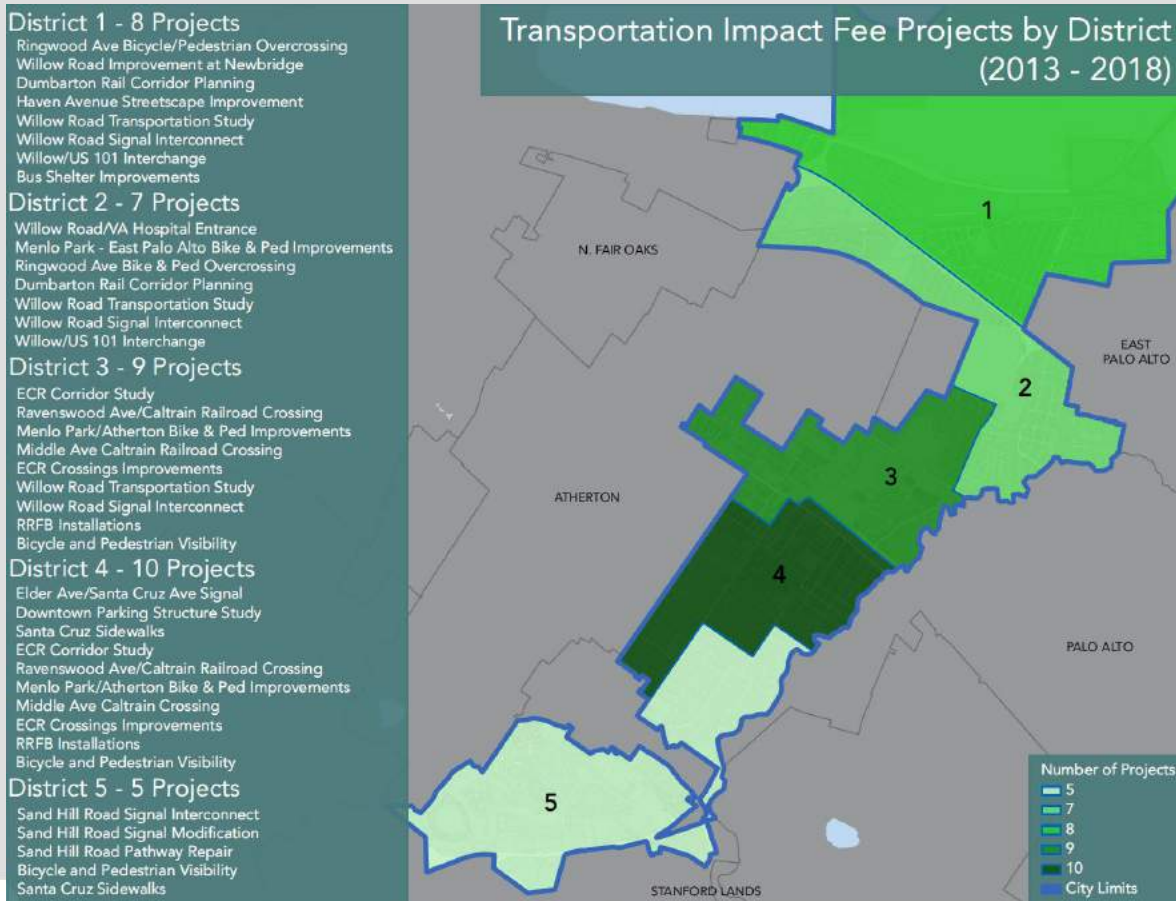


## OVERALL SCHEDULE

Schedule	Task
May 23, 2017	Council authorizes agreement with W-Trans to prepare TMP and TIF update
May 14, 2019	City Council study session of Draft Transportation Impact Fee Program update
June 13, 2019	Attended Chamber Business Issues & Transportation (BIT) committee meeting
October 29, 2019	Info session held for property owners
November 5, 2019	City Council review of Draft Transportation Impact Fee nexus study
November 19, 2019	City Council public hearing of updated Transportation Impact Fee and first reading of the ordinance update
December 10, 2019	City Council adoption of updated Transportation Impact Fee and second reading of the ordinance update
February 8, 2020	New Transportation Impact Fee rates go into effect



# MAP OF PAST TIF EXPENDITURES







## MENLO PARK TIF AMOUNTS

- Menlo Park currently imposes two TIFs
  
- Citywide Fee (2009)
  
- Supplemental Fee (2015)
  - El Camino/Downtown Specific Plan Area
  - Currently \$404.06 per PM peak hour trip

Citywide Transportation Impact Fee		
Land Use	Unit	2019 Current Fee
Office	Sq. Ft.	\$5.01
Restaurant <sup>1</sup>	Sq. Ft.	\$5.01
Retail <sup>1</sup>	Sq. Ft.	\$5.01
Research and Development	Sq. Ft.	\$3.60
Manufacturing	Sq. Ft.	\$2.46
Warehousing	Sq. Ft.	\$1.08
Medical Office	Sq. Ft.	\$11.62
Single Family	Dwelling Units	\$3,393.74
Multi-family	Dwelling Units	\$2,083.08
Hotel	Room	\$1,982.23
Childcare <sup>1</sup>	Sq. Ft.	\$5.01
Secondary Dwelling Unit	Units	\$772.43
Does not fall in one of the above land uses	PM Peak Hour Trips	\$3,359.56

<sup>1</sup> Fees for restaurant, retail and childcare land use categories are currently tied to the office fees.



## RECOMMENDED TIF REDUCTIONS AND CREDITS

- Recommended fee reductions for certain land uses
  - Retail and restaurant uses have higher trip rate than office uses, but the fee recommended to be the same as office to encourage development
  - Reduced rate for child care and tie to warehousing use
  - Reduced rates for residential projects, waive fees for secondary dwelling units
  
- Continued TIF credits
  - Existing uses
  - When new development constructs TIF projects



# 180 ELLIOT DRIVE SUBDIVISION ORDINANCE VARIANCE

City Council Regular Business Item J1 – November 19, 2019



# AGENDA

- Staff Presentation
  - Process Overview
  - Project Attributes
  - Staff Analysis
  - Staff Recommendation
- Applicant Presentation





# WHY IS THIS ITEM BEFORE THE CITY COUNCIL?

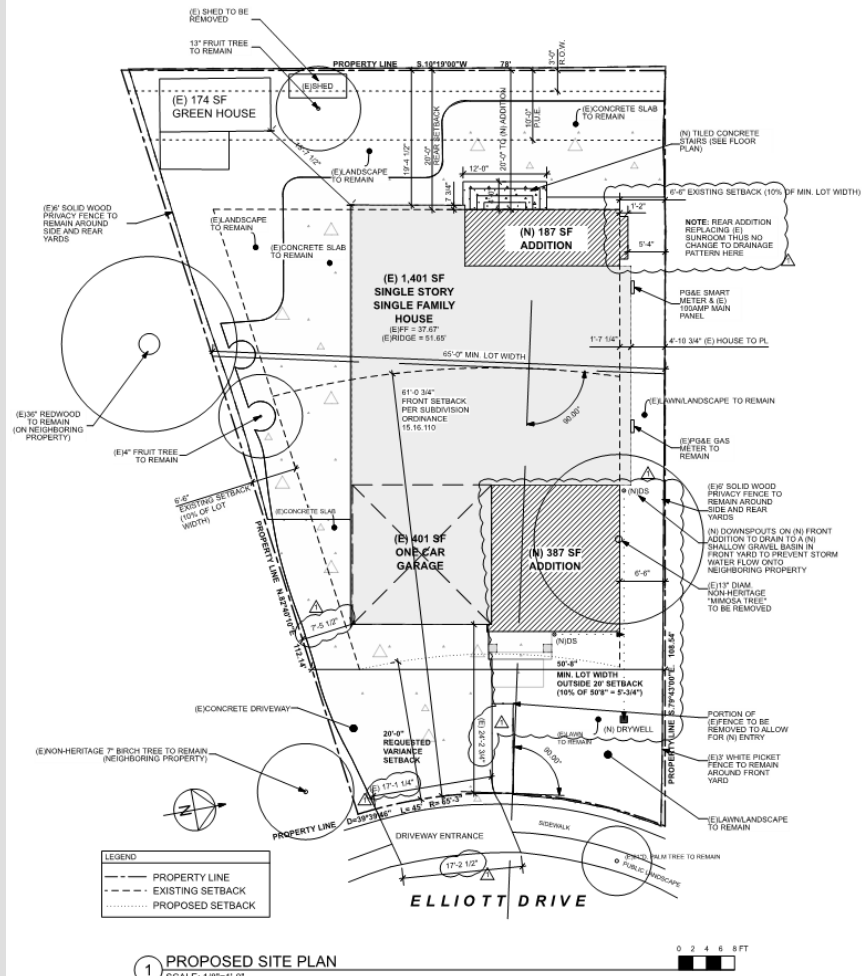


## Title 15 - Subdivision Ordinance

- Governs the creation of new lots (subdivisions)
- Applies to existing lots with a curved frontage (15.16.110)
- Variances can allow modifications
  - **Require City Council Review**

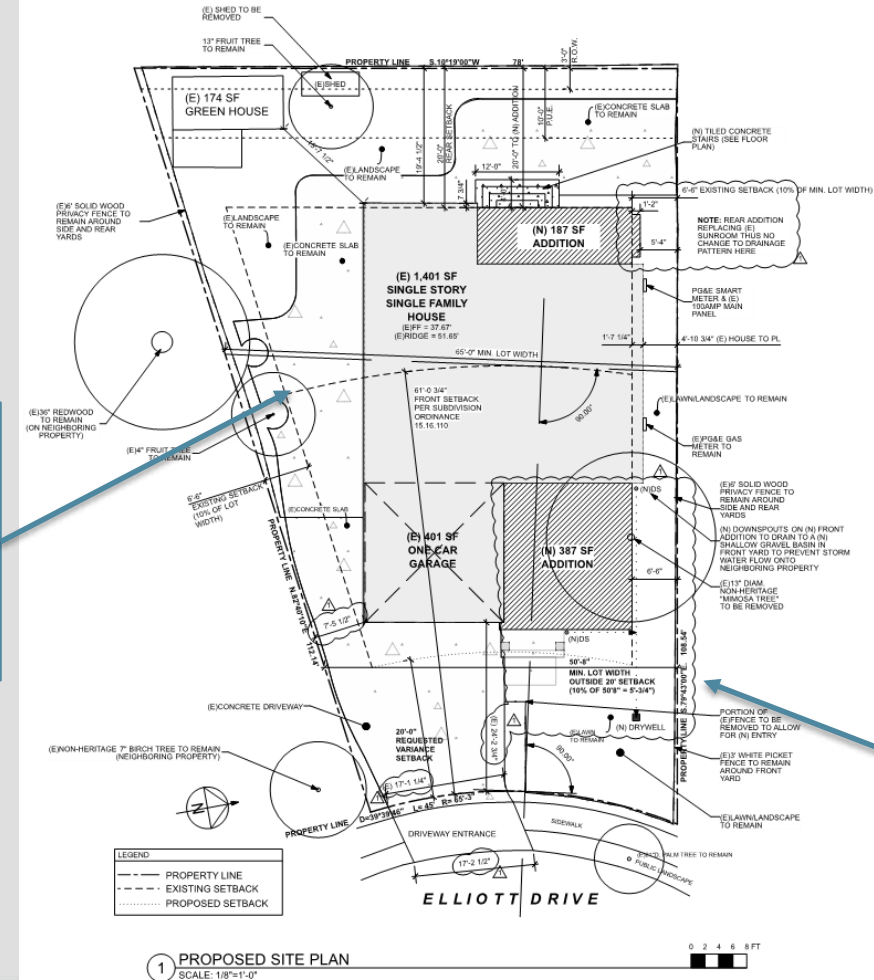
## Title 16 - Zoning Ordinance

- Governs development of private property
- R-1-U (Single-family urban residential) Zoning District rules apply (16.16.030)
- Variances can allow modifications
  - Heard by Planning Commission



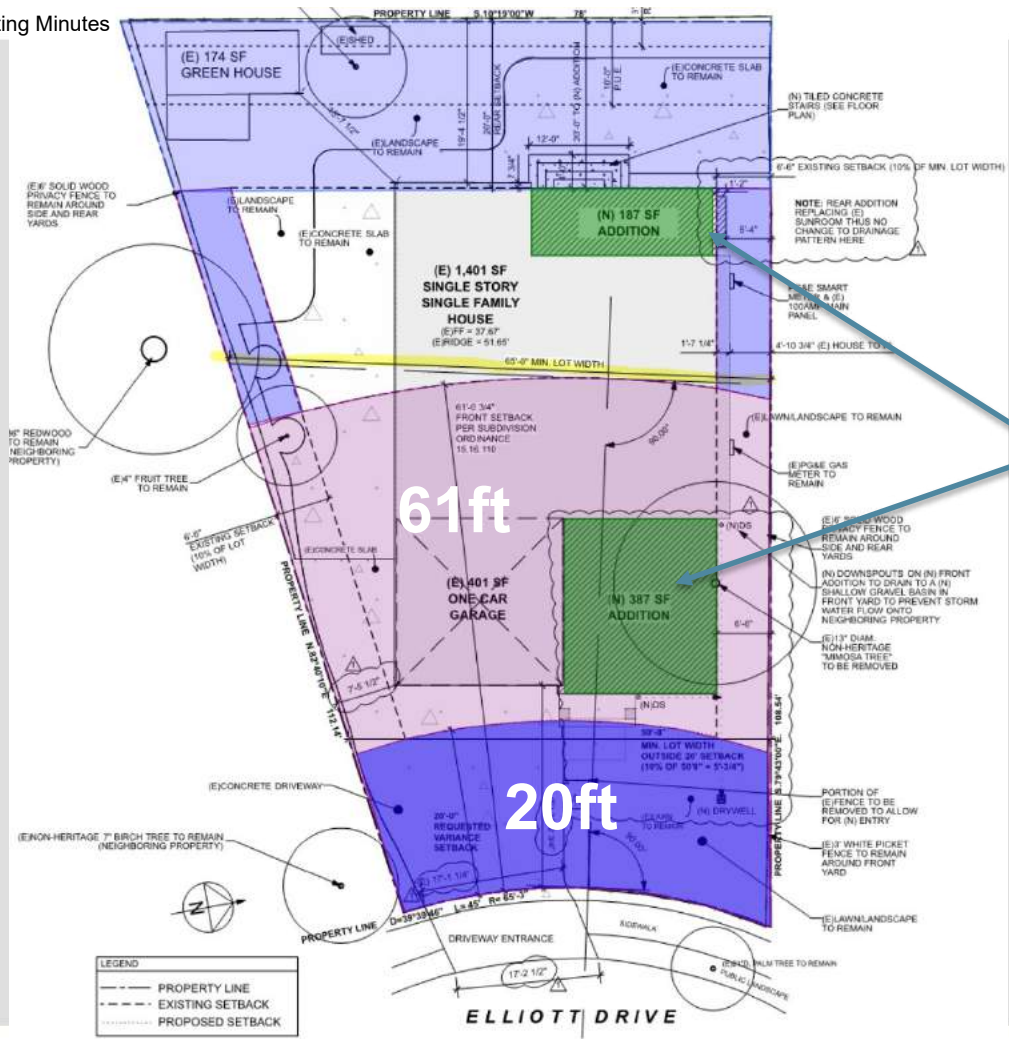


**Subdivision Ordinance Front Setback (61ft.)**



**Zoning Ordinance Front Setback (20ft.)**





Proposed Additions

LEGEND	
---	PROPERTY LINE
- - -	EXISTING SETBACK
.....	PROPOSED SETBACK

# SUBDIVISION ORDINANCE VARIANCE FINDINGS



## 15.32 Variances - 15.32.020 Criteria for Granting

- The City Council may grant variances from the foregoing requirements, when all of the following conditions are found to apply:
  1. That any variance granted shall be **subject to such conditions** as will assure that the adjustment thereby authorized shall **not constitute** a grant of **special privilege** inconsistent with the limitations upon other properties in the same vicinity;
  2. That because of **special circumstances** applicable to the subject property, including size, **shape**, topography, location or surroundings, the **strict literal application** of this title is found to **deprive subject property of privileges** enjoyed by other properties in the vicinity;
  3. That under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually **carries out the spirit and intent of this title**. (Prior code § 24.10(2)).



## RECOMMENDED ACTION

Approve the request for a variance to modify the Subdivision Ordinance front setback per the recommended actions in Attachment A.

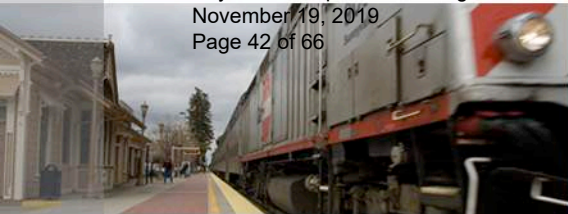


**THANK YOU**

A photograph of a construction site. In the foreground, a wooden frame structure is visible. Two workers wearing orange safety vests and hard hats (one yellow, one white) are working on the structure. In the background, there are several vertical rebar columns and a clear blue sky.

# ADOPTION OF THE 2019 CALIFORNIA BUILDING STANDARDS CODE

City Council December 10, 2019



## CITY COUNCIL ACTION

- Introduce Ordinance 1062 (1st Reading of Local Amendments)
- Adopt Resolution 6532 and Ratify MPFPD Ordinance
- Adopt Resolution 6530 directing fines for violations to zero waste initiatives





## BACKGROUND

- Building Standards Code released – July 1, 2019
- City Council adopted Building Standards Code and Reach Code – September 24
- City Council overview of local amendments – November 5
- Introduction of local amendments and associated resolutions – November 19 (continued)
- Staff refinements – water tanks and limits on alteration/remodel





## REVISION TO PROPOSED LOCAL AMENDMENTS #1 - WATER TANKS EXEMPT

- Chapter 12.08 (California Residential Code Amendments)

### **Existing (2016 Adopted Code)**

- Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.

### **Proposed (State Base Code)**

- Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.



## REVISION TO PROPOSED LOCAL AMENDMENTS #2 – LIMITS ON ALTERATION / REMODEL



- Chapter 12.08 – Limits on Alterations and Remodels (Definition of new construction versus alteration)
  - 11/19/19 - Limits on repair / remodel for R3 and U occupancies. When the scope of work for R3 and U occupancies involves the **alteration or removal of structural framing that meets or exceeds 75% or greater of the square footage of the building or 75% or greater of the exterior walls linear footage of the building, cumulative within a one-year period**, the project shall be considered as a new construction; and the entire building shall comply with all current state base codes, local ordinances and the Menlo Park Fire Protection District Ordinance 45-2019.
  - 12/10/19 - Limits on repair/remodel for R3 and U occupancies. When the scope of work for R3 and U occupancies involves the alteration or removal of **any existing** structural framing that meets or exceeds 75 percent or greater of the **linear footage of interior and exterior walls, including the removal of roof structure in those wall areas**, cumulative within a **two**-year period, the project shall be considered as new construction.



## CITY COUNCIL ACTIONS

### December 10th

- Introduce Ordinance 1062 (1st Reading of Local Amendments)
- Adopt Resolution 6532 and Ratify MPFPD Ordinance
- Adopt Resolution 6530 directing fines for violations to zero waste initiatives

### December 17th

- Adopt Ordinance 1062 (2nd Reading Local Amendments)
  - Ordinance effective on January 17, 2020



**THANK YOU**



## POLICY

- The City of Menlo Park adopted the 2019 California Building Standards Code and Reach Code September 24, 2019
- This ordinance implements local amendments to the remaining building codes



# THE CALIFORNIA CODE OF REGULATIONS



- Comprised of 28 Titles
- Title 24 is California Building Standards Code
  - ❖ Title 1: General Provisions
  - ❖ Title 2: Administration
  - ❖ Title 3: Food and Agriculture
  - ❖ Title 4: Business Regulations
  - ❖ Title 5: Education
  - ❖ Title 6: Governor's Regulations (empty)
  - ❖ Title 7: Harbors and Navigation
  - ❖ Title 8: Industrial Regulations
  - ❖ Title 9: Rehabilitative and Developmental Services
  - ❖ Title 10: Investment
  - ❖ Title 11: Law
  - ❖ Title 12: Military and Veterans
  - ❖ Title 13: Motor Vehicles
  - ❖ Title 14: Natural Resources
  - ❖ Title 15: Crime Prevention and Corrections
  - ❖ Title 16: Professional and Vocational Regulations
  - ❖ Title 17: Public Health
  - ❖ Title 18: Public Revenues
  - ❖ Title 19: Public Safety
  - ❖ Title 20: Public Utilities and Energy
  - ❖ Title 21: Public Works
  - ❖ Title 22: Social Security
  - ❖ Title 23: Waters
  - ❖ **Title 24: California Building Standards Code**
  - ❖ Title 25: Housing and Community Development
  - ❖ Title 26: Toxics
  - ❖ Title 27: Environmental Protection
  - ❖ Title 28: Managed Health Care



# ONE WALL ALTERATIONS / REMODELS



One wall Construction Alteration / Remodel



New Home was originally Alteration / Remodel



# TYPICAL NEW HOME FRAMING



Typical New Construction Framing



Typical Framing for One Wall Framed Construction

# TYPICAL ALTERATION / REMODEL FRAMING



Typical New Construction Framing Over Existing Floors



## POLICY

- California Building Standards Code
- Triennial Code cycle
- Adoption of Building Standards Code and Reach Codes
- Ordinance implements local amendments to remaining building codes





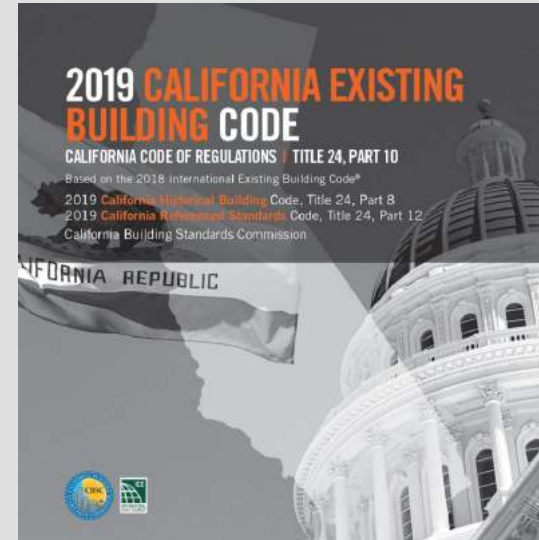
# BACKGROUND OF THE BUILDING STANDARDS CODE

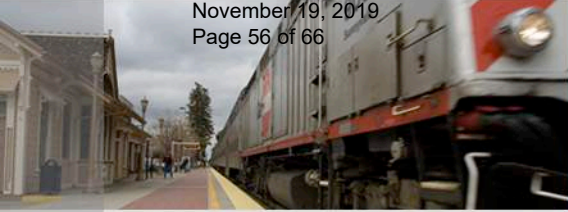




# STATE CODES

- Code of Regulations
- Title 24 (Building Standards Code)
  - 12 Parts
- Updated every 3 years
  - Codes are developed by professional organizations
  - State considers their recommendations for adoption

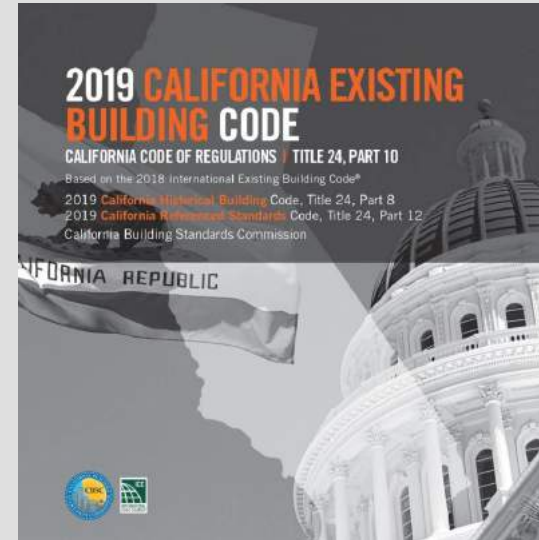




# THE CALIFORNIA BUILDING STANDARDS CODE IS COMPRISED OF 12 PARTS



- Part 1 Administrative Code
- Part 2 **Building Code**
- Part 2.5 Residential Code
- Part 3 Electrical Code
- Part 4 Mechanical Code
- Part 5 Plumbing Code
- Part 6 Energy Code
- Part 7 Vacant
- Part 8 Historical Building Code
- Part 9 Fire Code
- Part 10 Existing Building Code
- Part 11 Green Building Standards (Cal Green)
- Part 12 Reference Standards





## PROFESSIONAL ORGANIZATIONS

- International Association of Plumbing and Mechanical Officials
- International Code Council
- National Fire Protection Association





# BUILDING STANDARDS CODE ADOPTION

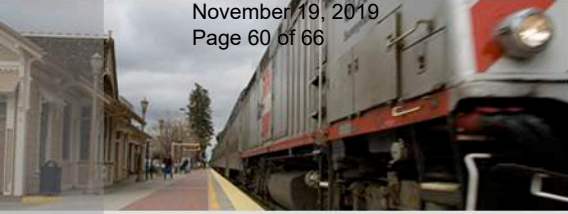


- Building Standards Codes become available on July 1, 2019.
  - Effective 180 days after its publication
  
- Application
  - Current code cycle (2016)
    - Building Permit Submittal on or before December 31, 2019
  
  - New code cycle (2019)
    - Building Permit Submittal on or after January 1, 2020



# LOCAL AMENDMENTS

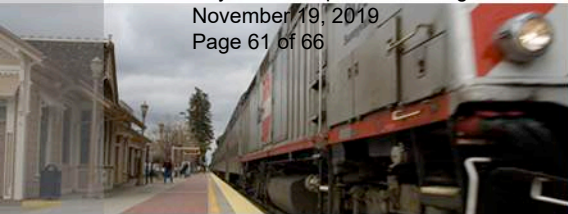
- Health and Safety Code
  - Must be more stringent
  - Jurisdiction to show findings for:
    - Geological
    - Climatic
    - Topographical
- Local amendments
  - Carry forward
    - Previously adopted local amendments
  - Development and change to code
    - Review the newly published State Code
    - Change code to fit Menlo Park



# NEW PROPOSED LOCAL AMENDMENTS



- 12.04 – Building permit issuance for a residential unit when original permit does not exist (Senate Bill 1226)
- 12.08 – Limits on Alterations and Remodels (Definition of new construction versus alteration)
- 12.08 – Tiny Homes
- 12.28 – Standards for Address Identification
- 12.48 – Cal Green Construction Material Diversion Requirement
- Minor text changes for clarity



## LIMITS ON ALTERATION / REMODEL



- Ordinance language:
- Limits on repair / remodel for R3 and U occupancies. When the scope of work for R3 and U occupancies involves the **alteration or removal of structural framing that meets or exceeds 75% or greater of the square footage of the building or 75% or greater of the exterior walls linear footage of the building, cumulative within a one-year period**, the project shall be considered as a new construction; and the entire building shall comply with all current state base codes, local ordinances and the Menlo Park Fire Protection District Ordinance 45-2019.
- Building
- R3 Occupancies - Where the occupants are primarily permanent in nature (Single Family homes, Townhomes) non- transient housing.
- U Occupancies - Accessory and miscellaneous structures (garages, carports)

# CALIFORNIA FIRE CODE REVIEW PROCESS



- The Menlo Park Fire Protection District (MPFPD) is an independent agency
- MPFPD has adopted the 2019 fire code and has authority to amend to meet the needs of Menlo Park
- All MPFPD adopted amendments are required to be ratified by City Council for them to become enforceable
  - Life safety and maintenance code
  - Residential fire sprinklers for additions and alterations
  - No significant changes from three years ago keeping with Council direction

# NEW PROPOSED LOCAL AMENDMENTS



- 12.04 – Building permit issuance for a residential unit when original permit does not exist (Senate Bill 1226)
- 12.08 – Limits on Alterations and Remodels (Definition of new construction versus alteration)
- 12.08 – Tiny Homes
- 12.28 – Standards for Address Identification
- 12.48 – Cal Green Construction Material Diversion Requirement
- Minor text changes for clarity





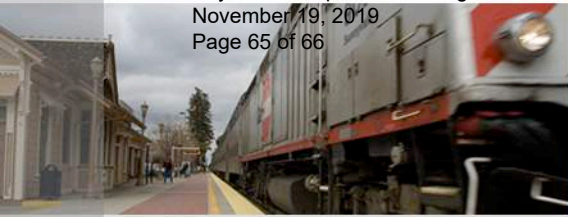
# TINY HOMES



Under California Residential Code (Jurisdiction)



Considered Mobile Home is not a Tiny home (Controlled by the State)



# NEW PROPOSED LOCAL AMENDMENTS



- 12.04 – Building permit issuance for a residential unit when original permit does not exist (Senate Bill 1226)
- 12.08 – Limits on Alterations and Remodels (Definition of new construction versus alteration)
- 12.08 – Tiny Homes
- 12.28 – Standards for Address Identification
- 12.48 – Cal Green Construction Material Diversion Requirement
- Minor text changes for clarity



## DEFINITION OF “GRADE”

- GRADE (Adjacent Ground Elevation) The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet ( 1524 mm) from the building, between the building and a line 5 feet (1524 mm) from the building. See Health and Safety Code Section 19955.3(d).