



REGULAR MEETING AGENDA

Date: 1/22/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

B. Roll Call

C. Reports and Announcements

Under “Reports and Announcements,” staff and Commission members may communicate general information of interest regarding matters within the jurisdiction of the Commission. No Commission discussion or action can occur on any of the presented items.

D. Public Comment

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda, and items listed under Consent Calendar. Each speaker may address the Commission once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Consent Calendar

E1. Approval of minutes from the December 11, 2017, Planning Commission meeting. ([Attachment](#))

E2. Approval of minutes from the January 8, 2018, Planning Commission meeting. ([Attachment](#))

F. Public Hearing

F1. Use Permit Revision/Ann Crady Weiss/2108 Clayton Drive: Request for a use permit revision for excavation in the required left side and rear yard setbacks associated with landscape improvements on a standard lot in the R-1-S (Single-Family Suburban Residential) zoning district. ***Continued to a future meeting.***

F2. Use Permit/Ken Friedman/953 Hobart Street:
Request for a use permit to demolish an existing single-story single-family residence and construct a new two-story single-family residence with a detached two-car garage on a substandard lot with respect to width in the R-1-S (Single-Family Suburban Residential) zoning district. A heritage date palm in the rear yard was approved for removal in association with a previous use permit, and will be removed following demolition of the existing residence. ([Staff Report #18-008-PC](#))

F3. Conditional Development Permit Amendment and Development Agreement Amendment/Facebook, Inc./1 Hacker Way:
Request to amend the Development Agreement (DA) and the Trip Cap associated with the Conditional Development Permit (CDP) for the Facebook Classic Campus (East Campus), located at 1 Hacker Way. The amendments to the DA are limited to modifications negotiated and adopted in November 2016 as part of the Facebook Campus Expansion Project entitlements, and the amendment to the Trip Cap for the Classic Campus is a mitigation measure from the certified EIR for the Facebook Campus Expansion Project. **Continued to the meeting of February 5, 2018.**

F4. Development Agreement Annual Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project):
Annual review of the property owner's good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project. (Staff Report #18-009-PC)

F5. Municipal Code Amendments: Electric Vehicle Charger Requirements/City of Menlo Park:
Review and provide recommendations to the City Council on draft Building Code amendments for the creation of city-wide Electric Vehicle Charger requirements and minor modifications to the Zoning Ordinance for consistency with the new requirements. The City Council will be the final decision-making body on the proposed changes. (Staff Report #18-010-PC)

G. Regular Business

G1. Architectural Control/Charlie Troglia/840 Menlo Avenue:
Request for architectural control to construct a new, three-story mixed-use building on a vacant lot in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The building would consist of parking and lobby entrances on the ground floor, non-medical office on the second floor, and three dwelling units (with terraces) on the third floor. **Continued to a future meeting.**

H. Informational Items

H1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.

- Regular Meeting: February 5, 2018
- Regular Meeting: February 26, 2018
- Regular Meeting: March 12, 2018

I. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the Planning Division at 650-330-6702. (Posted: 01/17/18)

At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

Any writing that is distributed to a majority of the Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in Commission meetings, may call the City Clerk's Office at 650-330-6620.



REGULAR MEETING MINUTES - DRAFT

Date: 12/11/2017
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Drew Combs called the meeting to order at 7:00 p.m.

B. Roll Call

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

Staff: Deanna Chow, Principal Planner, Michele Morris, Assistant Planner, Kaitie Meador, Associate Planner; Arnold Mammarella, Consulting Architect

C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its December 12, 2017 meeting would select a Mayor and Mayor Pro Tem for 2018.

Commissioner Katherine Strehl said the New York Times in its November 24, 2017 edition had an article in the business section on Facebook and its settlement with residents in regard to gentrification and on December 3, 2017 in the business section an article called *Getting to Yes on NIMBY Street*, both of which might be of interest to Commissioners.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the December 4, 2017 Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Susan Goodhue/Henry Riggs) to approve the minutes of December 4, 2017 as presented; passes 6-0-1 with Commissioner Katherine Strehl abstaining.

F. Public Hearing

- F1. Use Permit/JiaPei Sun/752 Gilbert Avenue:
Request for a use permit to demolish an existing single-story, single-family residence and detached garage and construct a new two-story, single-family residence on a substandard lot with regard to lot area and lot width in the R-1-U (Single-Family Urban Residential) zoning district. One

heritage size Douglas fir tree is proposed for removal as part of this project. ([Staff Report #17-070-PC](#))

Staff Comment: Assistant Planner Michele Morris said two emails on the project were forwarded to the Commissioners and copies were available to the public on the table in the rear of the Chambers.

Applicant Presentation: Chris Spaulding, project architect, said the project would demolish an existing small residence and build a new two-story, single-family residence. He said they would like to address the neighbor's concerns about the windows on the second story referring to an email from the neighbor to the east. He said the windows of concern were in bedroom #2 at the front of the house, in the stairwell in the middle, and in the master bath to the rear. He said the windows in the stair could be made inoperable and have frosted glass. He said in the bedroom and the bath they could either make the window sill high or use frosted glass but they would want the windows operable for ventilation. He suggested a high window sill at five and a half feet. He noted this house would be .4 feet lower than the existing house, and they would replace the fence with a seven-foot high fence.

Commissioner Larry Kahle said although the house would be .4 feet lower than the existing house, it would still be two feet higher than the adjacent grade. Mr. Spaulding said the civil engineer wanted the increased grade to accommodate the drainage required by new codes. Commissioner Kahle asked about the window trim and materials for the arch bands over the porches. Mr. Spaulding said the arch bands would be stucco and a raised stucco band. He said the windows would be recessed with factory installed casings. Commissioner Kahle commented on the amount of stucco and asked if the applicants would be willing to add louvered vents on the gables as that would reduce the amount of stucco visible from the street. Mr. Spaulding said they were amenable to doing that.

Commissioner John Onken said neighbors had concerns about the height and size of the proposed house. He asked about the 10-foot ceilings on the first floor and nine-foot ceilings on the second floor. Mr. Spaulding said the ceiling heights were requested by his clients.

Chair Combs opened the public hearing.

Public Comment:

- Kristl Wong said she was the neighbor to the east and had a number of questions about the project. She said the existing house was very tall and even its first floor looked down on her property. She said a seven-foot fence would help. She said she thought the windows had been addressed. She said the staff report indicated that the arborist found the heritage tree in the back to have poor structure and be in poor condition. She said the tree was not in poor structure until workers were hired to hack away at limbs prior to this project application.
- Erick Selvik said his home was across the street and slightly east of the subject property. He said his concern was with how well the proposed structure would fit within the neighborhood context. He said the staff report noted a mix of single-family one- and two-story homes and multi-family residences in the area. He said there were not any multi-family residences on this block and the majority of homes on the block were single-story homes. He said the ratio of the height to the width of the proposed house on its substandard lot was off and the home would stand out awkwardly. He said 10-foot and nine-foot ceilings were very high. He said the existing

house was already one of the tallest buildings on the block and the new home would be 50% taller than the existing one.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken asked whether the suggested ill intent of harming the Douglas fir before the arborist inspection raised by one of the speakers was to be ignored by the Commission or whether there was specific proof the City Arborist could seek. Assistant Planner Morris said the City Arborist evaluated the tree in question and supported removal. She said it was hard for City staff to know of any actions that might have occurred on a tree prior to the time of tree inspection for its removal permit application if no information had been brought to City staff's attention previously.

Commissioner Kahle said he was concerned with the project height as it was in a predominately one-story neighborhood. He said the first floor had 10-foot ceilings and the second-floor had nine-foot ceilings but the plans indicated vaulted ceilings on the second floor which he expected would create 10- to 12-foot ceilings. He said he would like one to two feet of height removed which could occur a number of ways. He said the two-foot above grade was high and could be brought down to a standard curb detail. He said with vaulted ceilings it would be easy to take one foot off one of the floors. He suggested adding louvers in the gable ends, which he thought would help with the stucco massing. He said there would be a view of much of the long second-story roof and suggested breaking that up in some way. He said the windows appeared to be recessed two-inches with some trim but it was not clear from the elevations what the windows would look like.

Commissioner Onken said he would echo Commissioner Kahle's comments. He said along Gilbert Avenue there was another home similar to this proposal, but which stepped back from the street quite a bit. He said the lots on Gilbert Avenue were very tight and the existing homes were low ranch houses. He said a two-story was possible for this lot but it was a matter of getting the scale right. He thanked the architect for suggesting obscure glass for the stair well window. He said he was concerned with the very large window above the bathtub on the second story and suggested that have obscure glass or raised window sills.

Commissioner Andrew Barnes confirmed with the applicant that there was no FEMA grade requirement for the area, and asked why they wanted to build the home above grade. Mr. Spaulding said the crawl space for the existing home was not excavated very far. He said if they lowered the grade that the drainage code would require subsurface drainage requiring a percolation pit. He said his client was willing to drop the height by 18-inches with six-inches out of each floor and six-inches out of the grade.

Commissioner Barnes asked when the property was purchased and whether work was done on the Douglas fir prior to the use permit application. JiaPei Sun said she acquired the property the previous year and had a tenant occupying the house. She said the tenant had issues with the bathroom clogging, and they had contractors in to fix the plumbing problem but it continued to be problematic. She said one of the contractors recommended that getting rid of the trees as they were creating the problem.

Replying to Chair Combs, Assistant Planner Morris said a project arborist submits a report to the City Arborist, who then does an assessment of the property. She said the City Arborist looked at what the project arborist was recommending and then directed whatever tree protection measures

were needed. Replying further to Chair Combs, Principal Planner Chow said when incidences of heritage tree violations were brought to the City's attention those were reviewed on a case by case basis. She said if a violation occurred usually a fine was levied that was the value of the tree harmed or a flat fee, whichever was greater. She said the City Arborist reported on the condition of the heritage tree in question within the context of the proposed development. She said she did not know if he looked at the tree from the standpoint of a recent heritage tree violation noting those were generally brought up at the time of incident.

Commissioner Riggs moved to approve the use permit subject to modifications to include repair of the fence on the east side and using obscured glass or raising sills for windows with view to the eastside backyard. He said given the low roof that the privacy mitigation for the stair wells windows would need to be obscured glass. He said that gable vents as suggested should be added given the large expanse of stucco. He said regarding the height of the project that it was measured from existing grade and was a 27-foot high home where 28-feet was the maximum, and that the rise in the first floor height was taken from the overall height. He said it appeared from the street and the plans that there was sufficient screening particularly to the rear and left so the building height was not as challenging.

Commissioner Kahle said he would second the motion if the maker was amenable to accepting the applicant's offer to drop the height 18-inches and for the gable louvers to be painted wood rather metal louvers. Commissioner Riggs as the maker of the motion accepted requiring painted wood louvers for the gable ends.

In reply to Chair Combs, Principal Planner Chow said the motion by Commissioner Riggs and seconded by Commissioner Kahle with modifications was to approve the use permit with conditions for a seven-foot wood fence replacement, for the eastside windows of the bedroom, bathroom and stair well to include obscure glass or to raise window sills with the note that the stair well window most likely would be obscured as it already was close to the roof, for gabled end vents to be painted wood louvers and to drop the overall height by 18-inches either by lowering the ceiling heights or the overall grade subject to review and approval of the Planning Division (this last item proves later to not have been included in Commissioner Riggs' acceptance of Commissioner Kahle's second and requested modifications).

Commissioner Barnes said he saw a willful destruction of a heritage tree conveniently within the last year leading to its needed removal so it would not be an obstacle to development on the parcel. He asked if Commissioners had ideas on how to address this.

Commissioner Katherine Strehl said it was unknown where, when and how exactly the tree in question was trimmed, and did not think that the Commission was in a position to be the arbiter. She suggested that be left to the discretion of the City Arborist working with staff. She said she would prefer a reduction of 12-inches of the overall height and not 18 inches.

Commissioner Goodhue agreed with Commissioner Strehl that they did not necessarily know the facts about the treatment of the heritage tree. She said the arborist report noted the tree in question was a young tree. She said she did not know if the applicant would be able to build on the lot without that tree's removal as it was located within the building footprint.

Commissioner Riggs said technically as the maker of the motion that he had not accepted the roof height reduction as requested by Commissioner Kahle in his second. He asked for confirmation

from the applicant of their willingness to reduce the height of the building.

Recognized by the Chair, Mr. Spaulding said they were willing to reduce the overall height of the house by 18 inches. Commissioner Riggs asked if 12 inches was preferable. Mr. Spaulding agreed.

Commissioner Riggs said on principle he did not want to require a height change for a proposal that was within the building height maximum and met daylight plane requirements but in deference to other Commissioners he would support a reduction of 12 inches in the overall height.

Commissioner Kahle said as the maker of the second that he really wanted a 24-inch reduction in height and 18 inches was reasonable but he thought 12 inches was not enough. He retracted his second of Commissioner Riggs' motion.

Commissioner Riggs said he would be most comfortable with no reduction in height but he would include a condition for a 12-inch reduction in overall building height. He said regarding the tree he did not know if they were in a position to urge staff to ask the City Arborist to inspect the tree and make a determination on whether trimming of the tree had needed a permit and was not permitted. He said his motion would include reducing the overall building height 12 inches. Chair Combs confirmed with Commissioner Riggs that investigating the treatment of the heritage tree proposed for removal was not part of his motion but he would like staff to urge the City Arborist to look at the proposed tree removal more closely.

Chair Combs asked if there was any incongruity with the Commission approving the project with a concern that there might have been a violation in regards to the City's Heritage Tree Ordinance. Commissioner Riggs noted that approving the use permit would include the heritage tree removal approval. He asked if the latter could be deferred or given to the City Arborist for administrative decision outside this project approval.

Principal Planner Chow asked if the Commission intended for the tree in question to be kept or supported for removal regardless of the development. Chair Combs referred back to Commissioner Goodhue's observation that any development of this lot would require removal of the tree in question. Principal Planner Chow said staff could certainly pass on to the City Arborist the concerns expressed by a member of the public tonight about the treatment of the tree and the Commission's desire for this potential violation to be looked at more closely. She said the issue of potential Heritage Tree Ordinance violation was separate from the action the Planning Commission was taking tonight and that the Heritage Tree Removal permit was ultimately the City Arborist's authority to approve or deny. She said at this time the City Arborist was supportive of the tree removal and asked if the Commission was supportive of the project proposal.

Commissioner Riggs said at this point the heritage tree had been significantly and permanently damaged so the project should move ahead but assuming the tree work was done illegally that this should not relieve the parties of a fine if a violation was determined.

Commissioner Strehl said she would second the motion to include a height reduction of 12 inches. She said separate from the project approval the Commission was urging the City Arborist to make a determination as to whether the tree work had been done with or without a permit, and if the latter to issue appropriate fines.

Chair Combs said regarding the height reduction of 12 inches that he preferred Commissioner Kahle's request for a height reduction of 18 inches. He said this proposal was not the only two-story home on the block, but it was on a fairly confined lot. He said that although the maximum height allowed was 28 feet, that was not an absolute right but was contextual. He said for this proposal bringing the height down 18 inches was preferable but he could support the 12-inch height reduction if that was the direction of the Commission's consensus.

Commissioner Barnes said that if votes were lacking for the 12-inch reduction he would like to see the motion include 18-inch height reduction.

Principal Planner Chow said that Commissioner Kahle's now retracted second to the motion had included painted wood louvers on the gable ends and asked if that was part of the current motion and second. Commissioners Riggs and Strehl as the makers of the motion and second responded in the affirmative.

ACTION: Motion and second (Riggs/Strehl) to approve the use permit with the following modifications; passes 5-2 with Commissioners Kahle and Barnes voting in opposition.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Chris Spaulding Architect consisting of seven plan sheets, dated received December 6, 2017, and approved by the Planning Commission on December 11, 2017, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact

locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations in the arborist report by Arborlogic Consulting Arborists dated June 26, 2017 (dated received July 26, 2017)
4. **Approve the use permit subject to the following project specific conditions:**
- a. **Prior to the submittal of a complete building permit application, the applicant shall submit revised plans addressing the topics listed below, subject to the review and approval of the Planning Division. The Planning Commission shall be notified of these changes by email, and any Commissioner may request that the Planning Division's approval of the revised plans may be considered at the next available Planning Commission meeting. The revised plans shall be fully approved prior to issuance of the overall building permit. The specific topics to be addressed include:**
 - 1) **Install a new seven-foot fence on the east side of the property**
 - 2) **Change the glass of the stairway windows on the east to obscured glass or raise the window sill height**
 - 3) **Revise the gables and roofs to include louvers or gable vents; and**
 - 4) **Reduce the overall height by 12 inches through a reduction in ceiling heights or the foundation.**

F2. Use Permit Revision/Ann Crady Weiss/2108 Clayton Drive:
Request for a use permit revision for excavation in the required left side and rear yard setbacks associated with landscape improvements on a standard lot in the R-1-S (Single Family Suburban) zoning district. One heritage tree located in the left corner of the rear yard is proposed for removal as part of the proposed project. *Defer to a later meeting date.*

Chair Combs noted that item F2 was deferred to a later meeting date.

F3. Use Permit/Dan Rhoads/1008 Greenwood Drive:
Request for a use permit for a second story addition and exterior and interior modifications to an existing single-story, single-family nonconforming residence on a substandard lot with respect to lot area and depth in the R-1-U (Single Family Urban) zoning district. The proposed addition would exceed 50 percent of the existing floor area and the value of the proposed work would exceed 50-percent of the existing value within a 12-month period and is considered equivalent to a new structure. ([Staff Report #17-071-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no additions to the written report.

Applicant Presentation: Dan Rhoads, Young and Borlik Architects, said the property owners were also present. He said the proposed second story would include style change. He said they would use the existing footprint of the first story and noted the property was a corner lot so the rear was the side yard. He said the nonconformity there was the garage and it would remain in place. He said all of the additions were on the second story. He said they kept the height well below the allowable maximum height. He said the neighborhood was a mix of one- and two-story homes in a variety of styles.

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

Commission Comment: Commissioner Onken said that part of the use permit request approval was to allow for the continuation of a nonconforming garage location in the rear. He said that for a corner lot the back of the longer side was defined as the rear which created the nonconforming location for the garage. He said he could accept the garage location nonconformity. He said he was concerned with the number of windows untrimmed on the second story and asked if the architect could address the thinking behind that choice.

Mr. Rhoads referred to a transitional design style in keeping some of the traditional forms such as rooflines and massing and then stripping down some of the detail level for a more modern, contemporary look. He said that was the thinking for the window pattern. He said they used mostly hip rooflines for the first and second story with a few gables to break up massing so as not to have the appearance of a box on top of the existing first floor box.

Commissioner Kahle said his home was outside of the 500-foot radius that would have required his recusal. He said the staff report indicated the style was Mediterranean yet the only details of that style he saw were the stucco and some arches. He said the roof could be interesting as it was noted as a Tesla solar roof, and those were available with a Mission-style shape. He said a gable over the entry shown on the Greenwood Avenue elevation was somewhat misleading as the floor plan showed the gable extruding only an inch or two from the adjacent wall. He said it would not read as well as a gable as it could. He said the front elevation suffered from the staircase being placed there as the front lower roof could be something more unique if the second floor mass did not come out so far over the entry. He suggested that either a hip or gable could be there to highlight the entry. He said he appreciated the eight-foot second floor ceiling heights. He said he was concerned about the height of the second story windows as all the sills were three feet above the second floor. He said they appeared rather tall and encouraged the architect to raise the sills and think about their proportion. He said his concerns were minor and the project approvable, but he hoped they would take his comments under consideration.

Commissioner Onken moved to approve the project as recommended in the staff report.
Commissioner Barnes seconded the motion.

Commissioner Riggs said the stone at the base of the first floor was suspended above the ground on a pair of bay windows. He said he would vote against the project on that basis alone. He said regarding the entry that it could be made to read as an entry without stone pillars and a slender arch.

Recognized by the Chair, Mr. Rhoads said they could look at those details. He said with many of the lower details that the landscaping would fill that area in and those would tend to be a little more obscured. He said they could consider removing the stone from the bay windows. He said the left one was an existing bay window at a set height. He said the right one was a new one that could not count as floor area. Commissioner Riggs asked about the intent of putting stone along the chin of the bay window. Mr. Rhoads said it was to keep a consistent look across the bottom of the residence as it wrapped around and not have too many finishing conditions. Commissioner Riggs asked if the stone could be removed. Mr. Rhoads said he would confer with the property owner. Upon his return to the lectern, he said his clients wanted to keep the stone.

Commissioner Onken said the hovering stone veneer on the bay windows was not shown on the side elevations and only on the columns of the front elevation. He said he thought that was just a mistake. He said as the maker of the motion he could add that through the substantial conformance review process the applicant could offer an alternative treatment of the bay windows.

Commissioner Barnes asked why. Commissioner Onken said the stone veneer on the bay windows was problematic and he was conditioning that the floating stone veneer on the windows was not appropriate for use permit approval. Commissioner Barnes said he could accept that condition as the maker of the second to Commissioner Onken's motion.

Chair Combs said that he thought the stone veneer on the windows was purely aesthetic and he was not willing to deny the applicants their bay windows half-wrapped in stone if that was what they wanted.

Recognized by the Chair, Mr. Rhoads said the balance points in this second floor addition were in working with the existing structure, maintaining the clients' aesthetic, working within their budget, and making the project comply with the City's requirements. He said he felt good about their ability to do all those things equally. He said regarding the stone that this was a fenestration stone and he thought it a misconception that people would see the bottom of the home as built from stone. He said it was a fenestration decision and he was not trying to make any structural statement. He said the proposed stone was low at the level of landscaping below the windows and had not risen to his flag of feeling that it was an odd condition. He said it was the property owners' home and preference. He said he thought it worth proposing and still felt fine with supporting their proposal.

Commissioner Kahle said it was not appropriate to have the stone as proposed. He said there were other solutions such as having a tapered base in another material. He said landscaping was not an appropriate way to solve an issue like that. He said he would not approve the amended proposal.

Commissioner Barnes retracted his second to the motion. Commissioner Kahle seconded Commissioner Onken's motion (to approve the use permit with the added condition that through the substantial conformance review process the applicant provide an alternative treatment of the bay windows).

Mr. Rhoads asked if the base of the windows could be tapered and the stone applied to it. Commissioner Onken said that through the substantial conformance review process that they might propose dropping the stone, propose another material if desired, or taper the base of the windows to the ground.

Commissioner Kahle asked if the cantilevered bay window could have a tapered base that went to the ground without incurring additional square footage.

Principal Planner Chow said page A0.7 was the floor area diagram and included the left side bay but not the right side bay. She said she thought if they dropped the bay on the right it would count toward square footage and they would have to confirm if there was available square footage to use. She was given information that the applicants did not have additional square footage to use.

Commissioner Onken said his motion would be to approve the project per the recommendation in the staff report with a modification that the treatment of the bay window bottoms be something other than the proposed stone and for this to be approved through the substantial conformance review process. Principal Planner Chow asked whether a substantial conformance review memo would return to the Commission before the applicants proceeded with the building permit or if the intent was for staff to work with the applicant on an alternative material and proceed with the building permit. Commissioner Onken said he would like the Commission to receive the memo from staff.

Commissioner Strehl asked if the applicant understood what the Commission would be requesting. Mr. Rhoads said the left bay window counted toward floor area at the finished floor level already, and that if it were to extend down to the earth and not float that would not change the floor area and would solve the floating appearance that seemed to be what was being spoken against. He said the right bay window was located somewhat higher and if they removed the stone and made it look like a cantilevered bay window he thought that would address the concerns.

Chair Combs said he could not support the motion as he did not want to take away the applicant's desire to have floating stone and also because it would require a substantial conformance review process rather than having the applicant work with staff to resolve.

Commissioner Goodhue said that the stone was an aesthetic decision by the property owners and the proposal met all of the City's requirements so she could not support the motion either.

Commissioner Riggs said it was an aesthetic decision but there was a level of responsibility and expectation from the public. He asked if the makers of the motion and second would be willing to let the right side bay window simply have the stone removed from its chin and let staff proceed from there with the applicant.

Commissioner Barnes said he thought it was the applicants' right to style their house the way they wanted to and he did not think this was an issue worthy of Commission interjection. He said he would not support the motion as made but would support project approval without the additional condition.

Commissioner Strehl said she concurred with Commissioners Barnes, Combs and Goodhue and could not support the motion as made. She said she could support the project as proposed noting it was not her preferred style.

Commissioner Onken said he would be willing to let staff review changes and not require the substantial conformance review. He said he was happy for the motion to be voted upon but questioned the concept of applicants' rights to do whatever they liked on a house noting windows, mullions and trim.

Commissioner Kahle said as the maker of the second he was happy to support Commissioner Onken's amended motion to have staff review alternative treatment to the bay windows without the substantial conformance process review.

ACTION: Motion and second (Onken/Kahle) to approve the use permit with a modification for an alternative treatment of the bay windows subject to Planning Division review and approval; failed 3-4 with Commissioners Kahle, Onken and Riggs voting in support and Commissioners Barnes, Combs, Goodhue, and Strehl voting in opposition.

Commissioner Barnes moved to approve the project as recommended in the staff report. Commissioner Strehl seconded the motion.

ACTION: Motion and second (Barnes/Strehl) to approve the use permit; passes 4-3 with Commissioners Barnes, Combs, Goodhue and Strehl voting in support and Commissioners Kahle, Onken and Riggs voting in opposition.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects Inc., consisting of 19 plan sheets, dated received on November 20, 2017, and approved by the Planning Commission on December 11, 2017, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F4. Architectural Control and Major Subdivision/Vasile Oros/706-716 Santa Cruz Avenue: Request for architectural control for the demolition of an existing commercial building and the construction of a new three-story mixed use building with a below ground parking lot, retail and parking on the first floor, office on the second floor, and four residential units on the third floor in the SP-ECR/D (El Camino Real Downtown/Specific Plan) zoning district. Major subdivision to create six condominiums, including four residential units, one commercial/retail unit, and one office unit, with rights reserved to allow up to ten commercial condominium units. Below Market Rate (BMR) housing agreement for compliance with the City's below market rate housing program. Removal of one on-street parking space on Chestnut Street to meet fire access requirements. As part of the proposed project, two heritage trees will be removed; one on-site tree located in the parking lot at the rear of the property and one street tree on Chestnut Street. ([Staff Report #17-072-PC](#))

Staff Comment: Associate Planner Meador said the project was a subdivision that would allow up to 10 commercial condominiums. She said the original public notice indicated there would be four residential units and two commercial units only. She said under the subdivision they were allowed up to 10 commercial units and that had been updated for the agenda and the staff report. She said conditions of approval, 6.n. and 7.a.a currently referenced improvements to Oak Grove Avenue and that should be corrected to Santa Cruz Avenue, Chestnut Street and Chestnut Lane. She said staff had received two emails since publication of the staff report and those were printed for the Commission's review. She said the City's consulting architect was also available to answer questions.

Questions of Staff: Commissioner Strehl asked staff to restate the information related to the subdivision. Associate Planner Meador said the project would create four residential units and two commercial units. She said the two commercial units could be divided into up to 10 commercial condominiums. Commissioner Strehl confirmed with staff that the latter could occur without coming back to the Planning Commission for review.

Commissioner Barnes clarified with staff that there could potentially be 14 condominium units, four residential and 10 commercial.

Commissioner Strehl asked why the City would allow up to 10 future subdivisions for the project, and whether the purpose was to sell those units. Associate Planner Meador suggested asking the applicant about their intention.

Chair Combs asked why the project was not brought to the Commission as a study session as this proposal was the most complex project for the downtown Santa Cruz Avenue area that he had seen during his Commission tenure. Principal Planner Chow said that study sessions were discussed as appropriate when submitted projects raised questions about use or architecture, and/or based on public feedback after a project application notice was released. She said this was not a bonus level project. She said although the first project under the Downtown Specific Plan on Santa Cruz Avenue it met the guidelines and staff thought it appropriate to bring to the Commission as an action item.

Commissioner Strehl said she thought it would have been better for the project to come to the Commission as a study session first so guidance might be provided prior to being an action item.

Applicant Presentation: Ken Hayes, Hayes Group Architects, said he would make a project presentation on behalf of his client, Mr. Oros. He said present tonight were Mr. Oros, their landscape architect, utility consultant, and legal counsel.

Mr. Hayes said the project site was about .50-acres located on the corner of Chestnut Avenue and Santa Cruz Avenue. He said a private, paved surface parking lot was located at the rear of the site between Chestnut Lane and the existing building. He said the surrounding buildings were all one- or two-story commercial buildings with personal service, office and retail uses. He said the parcel was located in the downtown sub-district of the Downtown Specific Plan and allowed for 2.0 Floor Area Ratio (FAR), a façade wall height of 30-feet, building height of 38-feet, with a zero setback requirement, and in a zone permitting a variety of uses. He said they were proposing residential, retail and office use with retail on the first floor, office on the second floor, and residential on the third floor with outdoor common space and a private yard with balconies for both office and residential uses. He said the project would be fully parked in concealed, at grade, and underground parking areas, would respond to the neighborhood context and promote the pedestrian-oriented goals of the Downtown Specific Plan.

Mr. Hayes said the parcel was in a zero setback zone so the property lines basically defined the building envelope. He said they wanted to create lots of opportunities for windows, visual access inside and outside to promote pedestrian activity and friendliness on the sidewalk. He said the sidewalks would be completely improved using brick to match existing and wrapped frontages on Chestnut Avenue and Santa Cruz Avenue. He said they would provide a sidewalk on the Chestnut Lane side of the property for community connectivity that would extend to the properties further to the east. He said the building would have two entry points along Santa Cruz Avenue into the first floor retail space and another entry point on Chestnut Avenue for first floor retail. He said there was a kind of plaza area at the intersection of Chestnut Lane and Chestnut Street to create a pause in the streetscape. He said that would also be the main entrance for the upper floor users and would include elevator and stair access. He said access to the at-grade and underground parking garage was located on Chestnut Lane. He noted the second and third stories were set back from the first floor.

John Hanna, project attorney, said regarding the 10 condominium units question, that whereas they used to do condominium plans as part of the tentative map that had changed a few years ago so that a condominium map was done as a one-lot map. He said with this project they were doing a three lot map. He said one of the lots was being divided into the residential condominiums. He said the owner had no intention at the moment of doing anything other than leasing the first two floors. He said land developers in these cases want to have flexibility five or 10 years on to sell

either the retail on the ground floor or the office on the second floor. He said if no one purchaser was available for those properties the owner would have the ability to sell individual condominiums and divide into multiple units at that time. He said the subdivision map act said that once a map was approved for a condominium project that the further division of a lot on that map into condominium units did not constitute a subdivision requiring another map, provided that the number of units divided into that condominium plan did not exceed the maximum number approved by the City in the final map.

Mr. Hanna said regarding undergrounding utilities that they had gone back and forth with staff a number of times on the issue. He said a guideline for the Downtown Specific Plan stated that utilities should be underground for new projects. He said conditions 6.e and 7.q recommended by staff had to do with the architectural plan and the map. He said it was also posited there that staff would work with a developer with the undergrounding of the utilities as the plans were finalized. He said they understood that to mean that utilities necessary to serve this project would be undergrounded on Chestnut Lane where there were utility wires. He said on Chestnut Street the only undergrounding that would occur would be from the corner of Chestnut Lane partway down the block towards Santa Cruz Avenue, which would be the undergrounding for the utilities for this project, including the transformers. He said they would not take down the poles and underground all of the utilities that served other properties down Chestnut Street.

Commissioner Onken asked about the number seven vault adequacy for the utilities. Tim Fowle, RGA Design, said his firm was an applicant design consulting group. He said the number seven vault would have a single service transformer to feed the new development at 706 Santa Cruz Avenue. He said they intended to install two subsurface vaults to house PG&E junction boxes. He said they received recent criteria design from PG&E and would develop accordingly once the scope of the undergrounding was completed.

Commissioner Onken asked if there was any differentiation in the map act between residential and commercial condominium uses. Mr. Hanna said the residential owners would be required to have a Homeowners Association (HOA) composed of just them. He said the owner(s) of the commercial parcels would not be a member of that HOA but would be responsible for the overall exterior maintenance of the project.

Commissioner Barnes said the applicant's representatives seemed to indicate there was a consensus in terms of staff's understanding and the applicant's understanding as to what utilities needed to be undergrounded. He said the correspondence in the staff report indicated a difference of opinion about it. Associate Planner Meador said Mr. Hanna's reference and understanding was they would underground Chestnut Lane as required for fire access and then would only underground Chestnut Street if there was additional support from the City. She said staff's preference was for them to underground utilities on both Chestnut Lane and Chestnut Street depending on the feasibility. She said it might transpire that only Chestnut Lane was undergrounded but that would require additional staff review for that conclusion to be reached. Commissioner Barnes asked about the reasons behind staff's preference for what should be done. Associate Planner Meador said staff would prefer the undergrounding of Chestnut Street as it was more visible and would be an aesthetic improvement which was part of the Specific Plan guidelines.

Commissioner Barnes said that the term "feasibility" appeared with some frequency in the staff report and asked if that referred to what was feasible for this project to bear. Principal Planner

Chow said they would continue to work with the applicant and feasibility would look at the financial aspect, site constraints, and the needed coordination with a number of outside agencies such as the Fire District and PG&E. She said the Fire District might designate Chestnut Street as the fire access in which case undergrounding utilities there would be required to meet the Fire District's requirements. Commissioner Barnes asked if there was basic agreement that if the utility did not service this particular site that it should not be the responsibility of the applicant. Principal Planner Chow said staff's preference was to have the pole on Chestnut Street removed and utilities undergrounded along the frontage of this property to create a clean line. She said the discussion they wanted to continue with this applicant was what could be done now for undergrounding utilities as part of this project and what could be done with more partners in the future.

Commissioner Barnes asked about the sequence of approval for the project noting that such a discussion had monetary impacts. Principal Planner Chow said tonight the Planning Commission was asked to take action on the architectural control and the Below Market Rate Housing Agreement (BMR) and make a recommendation on the final map subdivision to the City Council. She said in the time before the building permit, they would resolve utility undergrounding and offsite improvements.

Commissioner Strehl said she did not understand the commercial condominium division and what entity would be responsible for the garage. She asked if each office condominium would be responsible toward some portion of the maintenance facilities. Mr. Hanna said the CC&R's that would be recorded for the project would address that issue. He said a percentage of the overall cost of insurance, maintenance and whatever overall was needed would be assigned to each one of the units and parcels in the project. He said hypothetically if the office parcel was assigned 33% of the cost that if then subdivided into three equal units each would have an 11% shared cost responsibility. Mr. Hanna said whatever the long-term undergrounding project was for the downtown area they were not dodging their responsibility towards but wanted to deter it until such a plan became effective with the undergrounding of an entire block, street or area and not have undergrounding done piecemeal.

Commissioner Riggs said he understood the applicant's perspective on undergrounding and the City's preference to have utilities on Chestnut Street undergrounded. He asked what the City's justification was in asking this developer, not asking for bonus level, to do more than what the Specific Plan stated in E.3.07, under Utilities Guidelines. He read: *All utilities in conjunction with new residential and commercial development should be placed underground.* He said the applicant seemed to be saying that the utilities used in conjunction with the site development would be undergrounded. Principal Planner Chow said she thought the City would look at utilities located across the frontage, and if some of those served others along the frontage they would look to see if that could be accommodated with the project. She said this was a conversation that needed to be continued as not all the answers were available tonight from all the different parties involved. She said they were trying to develop a solution that recognized the spirit of the Specific Plan, was feasible for the applicant, and allowed the project to move forward while being resolved.

Chair Combs opened the public hearing.

Public Comment:

- Evelyn McMillan said she was a 40 year Menlo Park resident. She said her family owned the building on Chestnut Lane directly across from the project and that would be the most impacted by it. She said their two-story building was mostly glass and the opening from the project's

garage would have vehicles driving directly toward their building. She said they were required to provide a five-foot easement when the building was developed in the 1950s and that ran the length of their property. She said one of their first floor retail tenants had been with them 45 years and another for 20 years. She said the upstairs office space had abundant natural light and had attracted architects, designers and artists over the years. She thought the construction impacts would force her tenants to leave either because of loss of business or noise. She said these spaces were small with reasonable rents that were hard to come by in Menlo Park. She said Mr. Hayes seemed to indicate the opening of the garage was midway down Chestnut Lane but on the drawings the garage was offset toward their building off Chestnut Lane and more at a two-thirds configuration rather than the exact center. She said she appreciated the property owner's right to develop but her family and her tenants for decades would lose revenue during the construction process. She said it was the long-term impact on Chestnut Lane that really concerned them.

- Wouter Suverkropp, Mountain View, said he was a member of the family who owned the building on Chestnut Lane directly opposite the proposed project. He said they acknowledged the rights of the applicant to develop their parcel but they would like to achieve a good outcome. He said they were very concerned about the long-term impacts of this project on their building and their tenants who have served residents for decades as well as for future development on Chestnut Lane. He said Chestnut Lane was currently 25 feet wide and with the proposed project sidewalk would be reduced to 20 feet wide. He said their concerns centered mostly on the entrance to the parking garage which at 30 feet in width would line up exactly with their building's storefront. He said their ground floor tenants and customers would look directly into the parking garage opening and all of the traffic going in and out, the increased noise, vehicle emissions, headlights, taillights, and increased safety hazards would be a constant source of distraction. He said their building had been hit twice already by cars exiting the existing surface parking of this property, and in the one incident, fortunately the building was unoccupied when a car drove through their glass storefront. He said trucks loading and unloading for the project's retail business would block Chestnut Lane including the fire access lane. He said the lane was two-way and cars would be driving closer to the curb making pedestrian access on Chestnut Lane less desirable. He said the plan had confusing and inconsistent information about trash pickup in that the conformance check list stated that trash containers would be accessed by Chestnut Lane but condition 16 seemed to prohibit that. He said the applicant was requesting a subdivision into six condominiums with the right in the future to expand into 14 condominiums. He said the effects of those future subdivisions were unstudied and might have unintended consequences. He said their attorney Camas Steinmetz would talk about a solution that would eliminate their concerns and the danger to their building while enhancing the village like pedestrian shopping area and retail experience on Chestnut Lane in compliance with the El Camino Real/Downtown Specific Plan.
- Ann McMillan said she was the daughter of the family who owned the building across Chestnut Lane from the project site and that she was ceding her three minutes of speaking time to Camas Steinmetz.
- Camas Steinmetz said she was an attorney representing the property owners of 1142 to 1150 Chestnut Lane directly across from the project site. She said a letter she submitted about this project was included in the staff report on pages 142 to 144. She said her clients had spoken tonight about how this proposed project would significantly impact their building and tenants. She said the proposed project also would threaten the overall consistency of the El Camino

Real/Downtown Specific Plan. She said one of the five guiding principles in the Specific Plan was to sustain Menlo Park's village character as described on page C4: *The Specific Plan recognizes and builds upon the unique qualities of downtown Menlo Park, in particular its small town character of lower scale buildings and diverse and local neighborhood serving businesses. The Specific Plan accommodates future development in ways that complement the area's existing character.* She said there were two changes to the proposed project that would both further this vision and alleviate impacts on her clients' building. She said first they suggested that the garage entrance be relocated to Chestnut Street. She said this was raised in her letter as their primary request but was not addressed in the staff report. She said in a conversation her clients had with the applicant last January she understood that the developer expressed interest in locating the project's first floor retail components directly across from her clients' building storefront. She said moving the parking garage entrance would permit that configuration and complement the existing character of the area, building upon the character of lower scale buildings and diverse and local neighborhood serving businesses. She said the existing surface parking for the proposed project was accessed from Chestnut Street so their suggested change would preserve an existing condition and align the garage entrance directly across from where Ryan Lane intersected Chestnut Street. She said they requested that the sidewalk along her clients' building be widened to provide a buffer from the project and its impacts. She said this would further all five guiding principles of the Specific Plan by improving the overall pedestrian experience. She said it would also help resolve the inequity of the fact that the City was treating similarly situated properties differently. She said her clients' property and their neighboring' properties were burdened with the five-foot sidewalk easement yet the City was requiring a similar sidewalk easement dedication of the project applicant. She said the resulting 15-foot width after subtracting the widening sidewalks and the sidewalk on the project site side would meet City standards if Chestnut Lane were restricted to one-way traffic. She said that was not addressed in the staff report. She said they realized this was the first redevelopment in the downtown and evaluated under the Specific Plan and would serve as a test case for upholding the Specific Plan vision. She said they urged the Commission to continue the hearing and direct staff to carefully study the two project changes they were requesting to insure that the project both mitigated its impacts on existing development and furthered Specific Plan goals and policies to the maximum extent possible.

- Richard Poe, Menlo Park resident, said he was a local real estate broker. He said he supported the project and understood there were many things for the Commissioners to consider but he thought it was time for the City to catch up with communities like Palo Alto and others who have had this type of development occur. He said in disclosure he was representing an owner who would be coming before the Commission for a project at 840 Menlo Avenue that was within the downtown corridor. He thanked Commissioners Barnes and Riggs for raising the question of whether the Specific Plan, the code and the staff's analysis of it has only to do with the undergrounding of the utilities that served a project or whether they were expecting developers to pay for undergrounding of utilities for other people in the neighborhood. He said he did not think staff's comments on that were complete and deserved the Commission's more careful attention. He said with his project that it was clear staff was requesting that the developer do offsite undergrounding. He said the position of most developers he dealt with was they liked undergrounding as it looked much better and increased property values but it was simply impossible and unrealistic to do on a project by project basis, and there had to be a comprehensive approach. He said he would encourage a common solution for owners to agree to long-term for the undergrounding. He asked about a red zone on Chestnut Street that was not a loading zone. He said there were four parking spaces there now. He asked if all four

spaces disappeared, how they would prevent trucks loading and unloading from parking on Chestnut Street.

- Kevin Cunningham said he was a resident of Orinda and a property owner in Menlo Park. He said he echoed the comments of the last speaker. He said the project proposal was a well-thought out project long overdue in the downtown Menlo Park. He said he thought a neighborhood could be revitalized and enhanced through development and still maintain the integrity of what made that area special. He said he understood this project fulfilled all of the obligations and was within the envelope of what was allowable under the Specific Plan. He said he thought the goal of the Specific Plan to enhance Menlo Park's character was met by this proposal. He said while no project was perfect that the benefits of this project to Menlo Park and its visitors was a large positive, and he enthusiastically supported it.
- Daniel Minkoff, Oakland resident, said he was a property owner in Menlo Park, and was currently working on a redevelopment of 650 and 660 Live Oak Avenue, which was a mixed-use project approved about one year prior by the Planning Commission. He said he commended the architectural and development team on this project. He said mixed-use projects were challenging and to have all three uses in one project work well and look good was something that all mixed-use projects should strive for. He said projects often had a front that looked good and a back that tended to get cheaper materials and less attention. He said it appeared that all of the three main elevations for this project had received attention noting the use of deep inset windows in a way that dealt with the particular environmental conditions of the different directions involved. He said he supported project approval.
- Fran Dehn, Chamber of Commerce, said since the Specific Plan approval the City had seen projects along El Camino Real that were reviewed and approved to date. She said 706 to 716 Santa Cruz Avenue was the first project to come forward in the traditional retail area. She gave the applicant kudos for moving ahead with a development project along Santa Cruz Avenue under the Specific Plan. She said regarding utility undergrounding in the staff report on page 7, paragraph 2, that there seemed to be an incorrect reference to C2-1 and referred to a different drawing, noting she did not have all the drawings. She said the ultimate desire to streamline the line of vision and underground all utilities was a good goal but perhaps conceptually flawed if it was to be achieved project by project as suggested in the initial paragraph of the staff report. She said the applicant has agreed to all of the solutions desired along Chestnut Lane but in terms of Chestnut Street the alternative option was more realistic, which she thought also met the requirements of the Menlo Park Fire Protection District without furthering burdening the applicant with a piecemeal solution to a downtown. She said there were other ways to accomplish the long-term goal such as the step process referred to by Planning staff and Mr. Hanna this evening in ongoing conversations with the City. She suggested establishing an effective process to accomplish the undergrounding goal of the Specific Plan. She said the utility pole in this situation actually serviced another property and she asked whether that was the applicant's responsibility to take care of something that serviced a completely different set of properties. She said she looked forward to the project moving ahead.
- Vasile Oros, project applicant, said Ms. McMillan and he were property owners, and he did not want to do anything that would take away value from her property. He said although she had a five-foot easement required on her property, he had 18 surface parking spaces he was required to preserve. He said he would like to have only a five-foot easement, build a two-story building

and not have to provide any parking spaces. He said the parking spaces were a grandfathered requirement and his understanding was whatever was grandfathered had to continue.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken said that page 4 of the staff report described parking and how the count was made. He said currently the site had 22 spaces. He asked what was required for the new project and how was that accomplished. Associate Planner Meador said the project was part of the P parking zone which meant the first 1.0 FAR had to be covered by the existing parking. She said for the existing parking that credit was given if the property owner had to make ADA compliant parking, and that was how they came to 18 existing spaces for this site. She said parking for the remaining office FAR used the standard Specific Plan ratio and one parking space was required for each residential unit. She said the parking was private to the site.

Commissioner Barnes asked about likely tenants for the 13,000 square foot retail space. Mr. Oros said he thought viable tenants would be restaurants noting that retail was challenging. Replying to Commissioner Barnes about potential tenants for the office space, Mr. Oros said he had no prospective tenants at this time. Commissioner Barnes asked if the four residential units on the third floor would be for sale upon completion. Mr. Oros said he hoped to lease the units. Commissioner Barnes asked why four units and not more. Mr. Oros said his thinking was that with fewer residential units there was less impact on the office and retail spaces as the main users would be commercial. Commissioner Barnes asked about bicycle parking for the project. Mr. Hayes said there would be long and short term spaces. He said short term spaces were near the residential entrance in the plaza-type area down by the corner of Chestnut Lane and Chestnut Street and there would be 12 short term bicycle parking racks, each holding two bicycles. He said there was an existing three bicycle parking rack that would be replaced as well. He said there were nine long-term bicycle parking spaces in the parking garage and they expected residents to take their bicycles by elevator to their units. Commissioner Barnes asked about the construction time length. Mr. Hayes said they had submitted a logistics plan to staff and the construction period was estimated at 14 months. He said a construction fence would be constructed along Chestnut Lane so that traffic was not stopped.

Commissioner Barnes said although he thought the garage location was appropriate for the site he was sensitive to the impact of cars traveling in and out of the garage on the neighbor's building across Chestnut Lane. He asked if they had thought about mitigations not just for construction impacts but for the cars traveling in and out of the parking garage. Mr. Hayes said they spoke with Ms. McMillan about a year ago and looked at some alternatives that did not work out. He said from that exercise they came up with planters to create some space on the building side so it did not feel it was right on top of Chestnut Lane. He said that having the garage entrance a bit wider than the minimum of 24-feet would create more room where the cars would be coming in and out. He said the existing building generated 47 peak hour trips with the current retail use. He said the proposed project would increase peak hour trips by 31 new net trips. He said striping both sides of Chestnut Lane would help mitigate traffic so people did not park on Chestnut Lane and deliveries would be prohibited there. He said deliveries did take place occasionally in that location now. Commissioner Barnes asked where deliveries would take place. Mr. Hayes showed a slide that deliveries were made early in the morning. He said staff did not want unloading to happen at Chestnut Lane but deliveries were made in that area now and no complaints were made. He said the property owner indicated that the trucks come early in the morning and left before the downtown woke up. He said mitigation for the neighbor included no deliveries on Chestnut Lane.

He said trash would be moved to a particular site with other trash facilities on garbage pickup day. Commissioner Barnes asked if there were food and beverage uses on the new site if the existing area shown in the blue level could be used by delivery trucks. Mr. Hayes said having a loading zone on these small parcels downtown impeded pedestrian friendliness and walkability. He said having a place the community could support for deliveries in certain hours of the day made a lot of sense. He said the particular noted location was one that had been working and it would be great if that could continue there.

Commissioner Barnes said it seemed reasonable to use a public lot to serve businesses there. He asked staff if thought had been given to where deliveries would be made and whether the space indicated with a blue oval was representative of a future loading zone area to service the new development. Associate Planner Meador said when staff reviewed potential loading zones for the project one option was double parking on Chestnut Street, which would be allowed. She said they did not explore the parking plaza as a loading zone. She said based on the use loading would be limited for the site or have a short, minimal loading time. Commissioner Barnes asked if they would allow loading in the public plaza and what the decision process was for that. Principal Planner Chow said they would need to talk further with the Transportation Division about that; she noted that Chestnut Street was the public right of way. She said if loading and unloading happened now in the parking plaza before and after hours that was an informal arrangement. She said parking plazas were intended to be used for parking and the parking plaza was not striped for loading.

Commissioner Strehl asked where retail customers would park. Mr. Hayes said there were nine covered spaces at grade that included an EV charging space and an accessible parking space. He said those spots were available for people doing business in the project building. Commissioner Strehl asked about the vehicle access plan for the garage whether the entrance was one way and the exit the other way. Mr. Hayes said the diagram showed that if there were two cars with one entering and one exiting the garage simultaneously that the one exiting the garage would not be able to turn left easily based on engineering radii.

Commissioner Strehl confirmed with staff that the sidewalk widening on Chestnut Lane would narrow the Lane. She asked why the sidewalk was not part of the project property as opposed to using public right of way. She said narrowing that Lane concerned her. She said it was a convenient way in and out of the public parking plaza. She understood why they would not want their garage entrance on Chestnut Street but it seemed to be a significant imposition to the property owners directly across the Lane. She asked if the proposed sidewalk to the parking plaza would have a zigzag alignment as buildings did not line up on the Lane. Associate Planner Meador said that currently the sidewalk would not be a straight line but would be connected and in the future when other properties redeveloped those would make the sidewalk a continuous line. Commissioner Strehl asked about garbage pickup. Mr. Hayes said it would not be on Chestnut Lane. He said they would need to pull dumpsters out and have them picked up on Chestnut Street or to an alternative location and then return them to the garage area.

Commissioner Onken said that the applicant had tried to address Chestnut Lane and the neighbors had very justifiable concerns. He said he thought the new sidewalk on the applicant's side of Chestnut Lane was pointless. He suggested if a do-over was possible that widening the sidewalk on the other side of Chestnut Lane to 10-12 feet with safety features would create a unique walkway in Menlo Park. He said additionally installing minimal safety features on the applicant's side and making the Lane one way so that people exiting the garage would turn right and exit through the public parking plaza seemed preferable. He asked how to make changes on the west

side of Chestnut Lane such as widening the sidewalk there. Principal Planner Chow said that they would want to involve Engineering and Transportation staff if this was something the Commission wanted pursued. She said increasing the pedestrian accessibility and connectivity was why they had added the sidewalk so there would be a sidewalk on each side of the lane. She said to change the direction of the Chestnut Lane public right of way would involve discussion with Transportation Division staff. She said if the Commission wanted that explored staff could return with feedback on that. Commissioner Onken said those measures would help to resolve the neighbors' concerns and he would like to see those in place before he approved the use permit. He said he was familiar with the building design proposed and he thought it would be an asset to the community. He said the façade could be varied more and that materials might be mixed more. He said he liked the terraces up Chestnut Street. He said knowing of these buildings in other cities there was a variety of retail that could be offered within a strong frame.

Commissioner Strehl said she did not understand why a sidewalk would be wanted on the project side as it would cross the garage driveway and would not be a very safe place for crossing. She said widening the sidewalk on the other side and tuning that up would make more sense.

Chair Combs said the space behind Ace Hardware was used by Menlo Presbyterian, and a person parking on Chestnut Street to reach that space would have an accessible advantage with the proposed new sidewalk on Chestnut Lane. He said he wanted to point out some value for locating the sidewalk there but he was not saying it outweighed the value of the solution being offered by Commissioners Onken and Strehl.

Commissioner Goodhue said the proposed rear elevation was not ugly but it was not as nice as the Santa Cruz Avenue and Chestnut Avenue elevations. She said weekly she drove on Chestnut Lane for an appointment along there. She said leaving the public parking plaza she then takes a left on Chestnut Avenue to get to Santa Cruz Avenue, noting that left turn was challenging. She said the whole area needed rethinking. She said if they wanted to make something unique on Chestnut Lane there was a tremendous opportunity to make the sidewalk on the opposite side more attractive rather than making a current situation worse with a rolled curb sidewalk for fire truck access. She said walking down Chestnut Lane that she tended to walk in the middle to be visible as the sidewalk was narrow. She said she was not sure the garage entrance was in the right place, and if Chestnut Lane was not made one-way, the garage entrance would cause problems at that intersection.

Mr. Hayes said having the sidewalk on the other side expanded was a good idea but noted the subject project imposed some constraints on that idea. He said the project building had a stairway coming down the back of it and a public way was needed to get people out of that area and away from the building as needed. He said if there was no sidewalk on the project side of the street that a crosswalk would be needed to get across to the widened sidewalk in front of the neighbor's building. He said this area was intended as the project's fire access lane and a 25-foot width was required for that which was why the Fire District wanted the curb rolled on the project side of the Lane. He said if there was no sidewalk on the project side that perhaps they could extend the base of the building two feet allowing for more space for ivy plantings. He said the sidewalk on the opposite side could not be widened to 10 feet as the project would still need to keep a 25-foot wide zone. He said if Chestnut Lane was one-way it could be narrower except they would have the same issue with the fire trucks needing 25-foot width.

Chair Combs said overall he liked the project and the mixed-use elements. He said he had a procedural concern in that the Commission had been presented with a substantial project for action that had impacts without having had an opportunity to get public concerns prior so those might be addressed before bringing the project forward for action. He said he was not a fan of the architectural style. He said although it was a base level development under the Specific Plan that within the Plan benefits were provided to developers. He said he was not sure this project's design elements were what the City or community expected in return. He said he expected something with a bit more character. He said the project spoke to existing architecture such as the Wells Fargo building but he did not think that architecture should be the measure for this project.

Commissioner Barnes said he would like to hear from the consulting architect noting that the Specific Plan was very prescriptive in what was expected for projects in the area. Arnold Mammarella, consulting architect, said there was discussion with the applicant, the architect, staff and him about the development of the building. He said one element was how to make this development a pedestrian-oriented, friendly, intimately scaled streetscape. He said the size of the building with three floors was not debated but the question was how to have it fit within the character of the downtown and how the downtown would develop. He said staff was pushing for more variety in the design and more things to make it pedestrian-oriented in terms of the architecture so that it was not quite as ordered and rigid. He said the project architect was very capable in developing this type of architecture and was able to articulate those forms without a lot of divisions in the fenestrations and the frames to meet the Specific Plan requirements. He said the question was whether the Commission supported this architectural plan or wanted to see something that was more intimate in scale and more diverse in its presentation. He said the Specific Plan provided some images that seemed to speak to such scale and diversity but it was not deliberate in saying that.

Commissioner Barnes said in his view the project conformed to the Downtown Specific Plan guidelines very ably. He said he liked the architecture and that it took the village character theme, which was articulated in the Plan. He said he would not have a basis for modulating the design based on preference as it conformed to everything set forth in the Plan. He said he recognized the difficulty of having three different uses in one building and he thought the proposal went far to accommodate all three uses. He said he liked the idea of expanding the sidewalk on the opposite side of the project on Chestnut Lane as well as providing some type of buffer for where the project's lot line ended and for traffic to turn in and out of the garage. He said the sidewalk width was important but the streetscape aspect from his perspective was less important. He said staff stated a preference for a sidewalk along the back of the project property that continued down Chestnut Lane to the public parking lot. He said continuing the sidewalk would remove all the parking behind the other buildings through the public parking lot. Principal Planner Chow said the sidewalk continuation would be to 700 Santa Cruz Avenue. She referred to sheet B1 of the staff report that showed the jog in the parcel lines. Commissioner Barnes asked the reason for the sidewalk. Principal Planner Chow said it was for safety and to have pedestrian access on both sides of Chestnut Lane. She said the Plan did not describe in detail how there would be connections on Chestnut Lane but page D19 described a connection behind the properties. Commissioner Barnes confirmed with staff that was a connection specifically at the corner of this property from Chestnut Lane to Chestnut Street. Commissioner Barnes asked if the sidewalk was eliminated and two-feet of space taken for the base of the building whether vehicles would be able to make a legitimate turn into the parking garage. Mr. Hayes said that if the radius to turn was tightened up vehicles would need to swing wider into Chestnut Lane to make the turn.

Commissioner Riggs said he did not know how the last car in the nine parking spaces would get out as there was no pocket to back into. He asked how the brick façade was expressed and whether the grout would have contrast to create a pattern or if the façade was muted. He said other questions he had included why five tree replacements had been reduced to three tree replacements and how construction would proceed on a zero lot line on Chestnut Lane. He asked what would happen to Chestnut Lane when the new building was constructed with zero lot line on all four sides and a sidewalk taken out of the 25-foot right of way. He said with the garage entry and Chestnut Lane connecting to the public parking lot that he did not think Chestnut Lane could afford to give up five feet of drive space, and that there would be impacts from vehicles trying to get in and out. He said a great deal of experience and skill had gone into the project plans and great problem solving. He said the height of the building was correct but looked oversized because of the brick frames and modulation. He said the building length was 200 feet when storefronts in Menlo Park were 25-foot wide or 50 to 60 foot wide which was why modulations were required. Mr. Hayes said the modulations were at 28 feet. Commissioner Riggs said if the streetscape had been illustrated with the adjacent buildings in their detail the pedestrian scale would be more visible. He said the formality and rhythm to the architecture could be read as rigid. He said the design would be fantastic on Page Mill Road and Sand Hill Road but it needed to be more intimate in this area. He said they might need another approach in façade and materials and that he could not support the project design.

Commissioner Kahle asked the applicant to pull up the slide of the rendering of the corner of Chestnut and Santa Cruz Avenues. He said he appreciated the design and the careful thought that went into it. He said he would have appreciated a study session to have an earlier look at this and have the opportunity to provide feedback as it was a much needed improvement to the downtown and was the first major project in the downtown Specific Plan area. He said he was not convinced the design was as best fitted to the site as it could be. He said at the corner of Chestnut and Santa Cruz Avenues would be a two-story brick clad cube and third story mass for residential unit 3. He said he was more drawn to the glass fins and the building's nice and unique character on the opposite corner noting the rendering of the corner of Chestnut Lane. He said more glass was apparent on the third floor with a thin roof line that drew him in more. He said he was not sure the Roman brick was the best direction for the project. He said the colors were a bit muted and he would like something as an accent or highlight that would draw a viewer in more. He said some of the more successful Hayes Group projects in downtown Palo Alto had great character at the street level façade and read more commercial than this proposal did. He said he appreciated the discussion on the wider sidewalk on Chestnut Lane and thought that would be a great solution. He said someone had mentioned earlier about potentially having the garage entrance elsewhere, and if they considered having it from the Chestnut Street side. Mr. Hayes said he never considered interrupting the sidewalk on Chestnut Street for that as under the Specific Plan the City was trying to create connectivity and continuity of retail storefronts that were pedestrian-friendly and walkable. He said if the garage driveway was put there it would interrupt the sidewalk and just 25-feet past the entrance the sidewalk would be interrupted again by Chestnut Lane. He said the place for the garage access was on Chestnut Lane. Commissioner Kahle said he liked the design but it needed a bit more finesse to fit the site better.

Commissioner Onken said the whole issue about Chestnut Lane which he saw as an important mitigation for this project was somewhat out of the Commission's hands. He said they could direct staff to look at changing Chestnut Lane and find out a month later that nothing would be done to it to change it or that the Fire District was stipulating the sidewalks were absolutely necessary, He moved to continue the project directing staff to specifically get input and response from Public

Works in terms of the commitment to improvements along Chestnut Lane before the Commission recommend the project to Council. Principal Planner Chow said they also needed the Fire District's requirements. Chair Combs said the motion as stated had no action items for the applicant and only for staff to resolve issues around Chestnut Lane. He suggested that was unnecessarily burdening the applicant for matters outside his control.

Principal Planner Chow clarified that the Commission had the authority to approve the architectural control and Below Market Rate (BMR) agreement and the only item continued on to the City Council with Planning Commission recommendation was the tentative map.

Commissioner Goodhue said she loved the multitude of uses in the project which was exactly what was needed downtown. She said she was struggling to want the building as presented, and thought the project should be continued. Mr. Hayes asked if it was the style. Commissioner Goodhue said she appreciated the thought given to the project but intimacy was the thing that was missing. Mr. Hayes noted that the Specific Plan dictated the floor heights of 15-foot and 12-foot ceilings and scale. Commissioner Riggs said the 30-foot height was fine but the sense of scale had to do with materials, arrangements and rhythms. Commissioner Goodhue said volumes. She said she agreed on the procedural level that this was a perfect candidate for a study session when the project was in the earlier stages.

Commissioner Strehl said she thought the project needed to be continued and more time spent on the design to improve it as well as get resolution of the issues on Chestnut Lane.

Commissioner Onken said he appreciated the aesthetic concerns but he thought those concerns were well resolved in the project.

Chair Combs asked staff about Commissioner Onken's motion noting it was to continue the project to investigate what could be done on Chestnut Lane. He said as is if seconded and approved, there was no direction for the applicant about the project itself. Principal Planner Chow said Commissioners had expressed concerns with the architecture, the massing, the materials, and the rhythms so potentially they would move in two steps. She said first staff could come back with more clarity about Chestnut Lane to the Commission, and at that time the Commission might provide additional direction to the applicant. She said if they wanted the applicant to change the design that potentially that could come back as a study session after information about Chestnut Lane was received. She said Commissioner Onken's motion as stated would not require the applicant to do anything at this time.

Commissioner Onken said the Commission could approve the BMR agreement and make the subdivision recommendation to City Council this evening. He said if there were aesthetic concerns that he did not think anything could be done for a project of this size until Chestnut Lane was resolved.

Commissioner Barnes said he thought they could vote on various parts of the actions required. He said regarding Chestnut Lane that there needed to be information upon which to make decisions. He said if it proved the aesthetics was the stickler then they could have a discussion on that.

Commissioner Riggs said he did not see this project process different from what the Commission has been asked to handle in the past. He said he would like to second the motion for continuation and request that it also include direction to the applicant to look at the design scale and how the facades worked particularly with the pedestrian scale in terms of the character and the difference

between facades that were rigid or were intimate. Commissioner Onken said to clarify that the applicant would look at aesthetics and character but staff and Public Works would be charged to look at Chestnut Lane as the answer to that would not come from the applicant.

Principal Planner Chow asked if the Commission's intent was to see a revised design when they brought this back with information clarifying what could be done on Chestnut Lane. She said staff once a determination was made on what was feasible with Chestnut Lane would then have the applicant work on a revised design based on that information. Chair Combs said the design revision should address all the concerns raised about the design and not just specifically in regards to what could be done on Chestnut Lane. He asked Commissioner Onken if he saw this coming back as an item for approval or in some other form. Commissioner Onken said he would like the project to return to the Commission as it came for this meeting with all actions to be taken.

Chair Combs said the motion was to continue this item to a future meeting to have staff address issues regarding Chestnut Lane and have the applicant and architect look at the issues raised about the façade to make the architecture a more intimate pedestrian scale and create a building with more character as suggested by Commissioner Riggs.

ACTION: Motion and second (Onken/Riggs) to continue the project to a future meeting date with the following direction; passes 7-0.

- Planning staff to confer with Public Works (Transportation/Engineering) and the Menlo Park Fire Protection District as to what could be committed to on Chestnut Lane to resolve concerns with pedestrian safety and vehicular impacts such as not requiring a sidewalk on the project side, expanding the sidewalk on the side opposite the project and installing safety barriers, and making traffic one-way.
- Applicant based on information provided on Chestnut Lane design feasibility to revise design accordingly and also look at revising design by using different materials, changing building rhythms, or some combination of efforts to create a building with more character and an intimate, pedestrian scale.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 8, 2018

Principal Planner Chow said the notice for the January 8 meeting would go out the following week and would potentially include some single-family residential developments and commercial projects. She said they planned to bring the Electric Vehicle Charger Ordinance back to the Planning Commission for recommendation sometime in January.

- Regular Meeting: January 22, 2018

Commissioner Barnes asked about fence requirements noting that houses were being required to be built above grade to accommodate drainage code requirements. Principal Planner Chow said that the measurement for an allowed seven-foot fence would be measured from grade if both

homes were at the same grade and if there was disparity in grade measured from the lower grade.

H. Adjournment

Chair Combs adjourned the meeting at 11:05 p.m.

Staff Liaison: Principal Planner Deanna Chow

Recording Secretary: Brenda Bennett



REGULAR MEETING MINUTES - DRAFT

Date: 1/8/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Drew Combs called the meeting to order at 7:02 p.m.

B. Roll Call

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

Staff: Kaitie Meador, Associate Planner; Michele Morris, Assistant Planner; Ori Paz, Assistant Planner; Kyle Perata, Senior Planner; Thomas Rogers, Principal Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said on January 10, 2018 the Housing Commission would meet and consider adjustments to the Below Market Rate Housing (BMR) Ordinance and Guidelines associated with changes in state law. He said one change re-enabled the City to apply BMR requirements to rental housing projects. He said the Planning Commission would see those BMR updates in early February. He said a meeting to discuss the siting and uses for the Main Library Reconstruction Project was tentatively scheduled for January 17, 2018. He said the City Council's annual goal setting exercise was tentatively scheduled for January 29, 2018.

Replying to Commissioner Andrew Barnes, Principal Planner Rogers said he understood that BMR requirements for rental projects were not applicable to projects that had already received their discretionary entitlements from the Planning Commission or City Council.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Architectural Control and Below Market Rate Housing Agreement/Elke MacGregor/
1490 O'Brien Drive:
Request for architectural control to construct a new steel mezzanine and stairs within an existing building located in the LS (Life Sciences) zoning district, and for approval of an associated Below Market Rate Housing Agreement. ([Staff Report #18-001-PC](#))

ACTION: Motion and second (John Onken/Susan Goodhue) to approve the consent calendar as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Approve the Below Market Rate Housing Agreement.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects + Engineers consisting of ten plan sheets, dated received October 27, 2017, as well as the Project Description Letter, dated received August 25, 2017, approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type, including curb, gutter, sidewalk, street trees, street lights, and undergrounding of overhead electric distribution and communication lines along the property frontage. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall comply with all applicable requirements of the ConnectMenlo General Plan Update Mitigation Monitoring or Reporting Program (MMRP), subject to review and approval of the Planning Division.

F. Public Hearing

- F1. Use Permit/Gerbrand Brouwer/112 Chester Street:
Request for a use permit to demolish a detached garage and a shed and construct a new detached garage and secondary dwelling unit with aesthetic characteristics different from the main residence. The subject parcel is a substandard through lot with regards to lot width in the R-1-U (Single-Family Urban Residential) zoning district, and the secondary dwelling unit would be located along the Haight Street frontage. ([Staff Report #18-002-PC](#))

Staff Comment: Assistant Planner Ori Paz said there were no additions or changes to the written staff report.

Questions of Staff: Commissioner Larry Kahle confirmed with staff that the property was located in a flood zone.

Applicant Presentation: Ana Williamson, project architect, said the process had been lengthy to bring the project forward and they were appreciative of the Commission's time to review it.

Commissioner Katherine Strehl asked whether the garage was for the secondary dwelling unit (SDU) or for the primary residence. Ms. Williamson said it was for the primary residence. Commissioner Strehl asked where the parking was for the SDU. Joe Gardella, Ana Williamson Architect, said for the main residence one parking space was located inside the garage and one was located outside the garage. He said the SDU space was tandem to the space inside the garage, in back of the garage door as shown on page A1.0. Replying to Commissioner Strehl, Mr. Gardella said the SDU had no laundry facilities and confirmed that access to the SDU was from Haight Street.

Replying to various questions from Commissioner Kahle, Mr. Gardella said the sump pump shown under the SDU was to pump water out if any flooding occurred. He said the owners wanted to make the SDU as energy efficient as possible, the roof was basically solar panels, and the intent was the solar to provide all the energy for the SDU. Commissioner Kahle confirmed with the architect that it was an electric mat system and they had run it through energy calculations.

Commissioner Goodhue asked if the parking pad on Chester Street would be removed as there were parking spaces in the rear. Mr. Gardella said there was no plan to demolish the parking pad. Commissioner Goodhue asked if the SDU was for rental or family. Ms. Williamson said the

property owners' grown child was returning home and might live there. She said both residences would be for family.

Commissioner Barnes said the staff report indicated informal discussions with neighbors and asked if the plans were shared with them. Mr. Gardella said he thought the adjacent neighbors had seen preliminary plans during discussions prior to the building submittal, but did not know if the neighbors had seen the most recent set of plans. Commissioner Barnes asked about the metal material for the garage and its maintenance. Mr. Gardella said he believed it was a Kynar finish, which was a long-lasting, durable paint. Commissioner Barnes asked about the lengthy process mentioned. Ms. Williamson they found it challenging to get specific information about the SDU design and they sometimes got conflicting information. She said flexibility was needed to allow an architect to do a good design not necessarily exactly like the existing home that had no particular architectural interest or heritage. She said she did not think the ordinance was written in such a way to foster good design.

Chair Combs asked if the lot could be subdivided in the future. Assistant Planner Paz said it was prohibited under the subdivision language in the SDU ordinance and also under the zoning ordinance as the lot lacked sufficient square footage.

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

Commission Comment: Commissioner Onken said the proposal was appropriate for Haight Street and the existing home was perfectly fine in its location. He said the relationship between the existing residence and the SDU was somewhat problematic. He said he could support the proposal.

Commissioner Goodhue said she agreed with Commission Onken's comments and found the SDU well-designed and thought it an improvement over the primary residence. She said it would be an asset to the neighborhood and she had no issue with the SDU not matching the primary residence.

Commissioner Kahle said he used to live very near this parcel and knew it was a unique lot. He said the proposal was a great use of the property. He said he liked the concept that the SDU should be similar in style to the main structure but due to the uniqueness of the lot and the great design, he could support the project. He said he appreciated that they were keeping the redwood trees.

Commissioner Riggs said the SDU was an admirable design. He said after this item finished he would like to request a discussion to provide input to staff and/or City Council related to SDUs matching or being compatible with the main residence.

Chair Combs said the City Council had discussed this ordinance language and had not wanted to change it.

Commissioner Barnes said the project was approvable but he was disappointed in the lack of articulation about neighbor outreach. He said having the SDU design compatible with the primary residence seemed a reasonable approach and he did not see the purpose of duplicating design styles that were obsolete. He moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion.

ACTION: Motion and second (Barnes/Strehl) to approve the use permit as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Ana Williamson Architect, consisting of 17 plan sheets, dated and received on January 3, 2018, and approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the Arborist Report prepared by Kielty Arborist Services and dated August 23, 2016.

Chair Combs referred Commissioner Riggs' request for discussion on the issue of design requirement for SDUs and primary residences to staff. He asked about moving it past most hearing items on the agenda. Principal Planner Rogers said the agenda did not include an action item for discussion about design language for SDUs. He said the text in the staff report about weighing in on the design requirement was to garner individual commissioner comments as the project was discussed. He suggested that if the Commission wanted to discuss the issue that it should not be a substantive discussion nor should any motions/actions be made. He said feedback of one to two minutes would be helpful.

Commissioner Riggs said the project architect's comments in the package were blunt but well made. He said matching rather ordinary 1940s and 1950s architecture was a poor choice although a conservative position. He said he did not have a problem with compatibility as a guideline. He said if staff felt determining compatibility was not doable that could be circulated as a memo to the Planning Commission. He said a simpler path would seem beneficial to all.

Commissioner Barnes said he recalled in the staff report that staff was inclined to support compatibility more than "similar to" aesthetics. Principal Planner Rogers said staff did not support any changes to the SDU ordinance language at this time due to staff resources and Council already weighing in on the matter in 2013 and not wanting the language changed.

Commissioner Barnes said he did not think the replication of functionally obsolete architecture was purposeful. He said prefab structures seemed to be becoming more mainstream in building projects and those were particularly appropriate cost wise for SDU type applications. He said that would mean a divergence of architectural styles, which made it valuable to reopen the discussion on aesthetic style for SDUs.

Commissioner Kahle said he thought there was importance to having similar design styles for SDUs. He said if someone wanted to propose something different they would have the use permit process to bring forth their project.

Replying to Commissioner Onken, Chair Combs said commissioners were weighing in on the issue raised by the applicant. He noted the matter had already been considered by Council with no direction from them to pursue, and staff had indicated staff resources were not such to tackle the issue. He said however the Commission would be on record to the extent commissioners wanted to express comments on what was a salient issue arising out of the last agenda item.

Commissioner Goodhue said she understood staff's position that the Council had already weighed in and how staff resources were directed, but noted considerable change in the City since 2013 and severely constrained housing stock in the area. She said any blocks put in the way of people trying to add supplemental units for either the housing created or the income provided was a mistake. She said the use permit process cost more money and required more architect time, which she felt was a roadblock to people adding more units.

Commissioner Barnes said he was making a distinction between "similar to" and "compatible with" and asked if that was relevant to this discussion. Principal Planner Rogers said in 2013 Council had been presented with a request to consider changing the language of "similar to" as that was pretty rigid to something like "compatible with," as that would allow for different styles that would be complementary. He said if "compatible with" language had been in the ordinance, staff potentially could have approved the last project with a building permit. Commissioner Barnes said he thought

that was an important distinction.

Commissioner Kahle said he liked “similar to” so there was some architectural character maintenance in housing stock. He said he realized the use permit process was an additional expense but these homes would be here for 100 years. He said he appreciated an opportunity to review such projects to make sure there was good design in Menlo Park.

Commissioner Strehl said she agreed with Commissioner Goodhue noting that the purpose of SDUs was to have family move in or have a caretaker live in for family members. She said the use permit process was costly including architect time and scheduling for the Planning Commission. She said many times an SDU was not visible to anyone but the resident of the property. She asked if there was any review of the SDU ordinance scheduled for the Housing or Planning Commissions before Council’s review. Principal Planner Rogers said not to his knowledge. He said there were a number of other housing element policies that staff had not been able to follow up on that could have more positive impact on units than this. He said focusing staff on processing larger development projects in the queue also had more potential to move things forward with regard to housing. He said for the project tonight the applicants had felt they were hindered by the regulation and a decent amount of time had been spent discussing it. He said he thought there were other ways to make a much more significant effect on housing production unrelated to the SDU aesthetics topic. Commissioner Strehl said she knew a number of residents who had gone through the SDU process and the design language was a big issue and she did not know if it netted anything better except more cost.

Commissioner Riggs said the concept of compatibility was typically what was used for use permits from project house to neighbor. He said that was a reasonable relationship. He said when talking about demanding a higher relationship within the lot that would make sense in a neighborhood that was all Eichler or Victorian but those were uncommon in Menlo Park.

Commissioner Onken asked if the City had similar guidelines for residential code that demanded the same thing of houses and extensions. Principal Planner Rogers said if something came before the Planning Commission for a use permit there was usually an implicit need to have an addition look like the building it was being added to, and similarly if there was a neighborhood with consistent architecture it was implicit with the use permit to match that. He said numerous building permits in the City were done for which no aesthetic criteria was applied for staff to follow. Commissioner Onken said there seemed to be an imbalance between the way larger projects and SDU projects were treated and that the strict aesthetic requirement for a SDU was necessary. He said conversely despite hours discussing residential design guidelines those had never been enabled for other projects.

- F2. Use Permit and Variances/Christina and James Courtney/904 Harmon Drive: Request for use permit to add a second floor, and conduct interior modifications, to a single-family residence that would exceed 100 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal also includes variance requests to allow the second floor stairwell to encroach into the required rear setback and to legalize the existing first floor rear setback of 16.5 feet for the purpose of rebuilding eaves up to three feet from the building wall. The subject parcel is located on a lot in the R-1-U (LM) (Single-Family Urban Residential, Lorelei Manor) zoning district. ([Staff Report #18-003-PC](#))

Commissioner Riggs confirmed with staff that his residence was located with the 500-foot radius

requiring his recusal for the project at 904 Harmon Drive. Commissioner Riggs was recused.

Staff Comment: Associate Planner Kaitie Meador said there were no additions to the staff report.

Questions of Staff: Commissioner Kahle said that a variance was not required to extend the walls from eight feet to 10 feet, and some cities would view that as an additional encroachment. Associate Planner Meador said Menlo Park did not as the nonconformity was not being increased as the setback remained the same. She said plate heights could be extended as long as it met daylight plane requirements without a variance.

Applicant Presentation: Alpheus Jessup said he was the project architect, and introduced the property owners Jamie and Christina Courtney.

James Courtney introduced his wife Christina. He said they wanted to increase their habitable space to accommodate their growing family. He said they loved the neighborhood. He said renovating their existing home was the best solution for their needs.

Commissioner Kahle said it looked like they were keeping an eight-foot wall height on the left side and raising the wall height on the right, and asked why not both sides. Mr. Jessup said there was no real need to raise the wall height on the left side and his clients liked the sense of a vaulted or elevated ceiling in the public spaces. He said the existing house with a low-sloped roof had a vaulted ceiling and was a feature they wanted to retain, noting the property owner was tall.

Commissioner Strehl asked why the fence did not meet City requirements. Mr. Jessup said the fences were existing and their intention was not to change them. He said if the City required the fence heights be reduced that they would comply. Commissioner Strehl asked if the fences had to be replaced at some point if they would be replaced consistent with the City's fence requirements. Mr. Jessup responded affirmatively.

Chair Combs opened the public hearing.

Public Comment:

- Michael McKay, Lorelei Manor, said he was on the board when Lorelei Manor put their overlay in place. He said he was very much in support of the project proposal as it would be a great improvement and fit very nicely within the neighborhood. He said the overlay rules were intended to help property owners in Lorelei Manor make building changes without so many of those projects having to come before the Planning Commission due to lot size. He said this corner lot was not helped by the overlay.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Kahle said he appreciated the difficulty of the lot noting the house was oriented toward adjacent houses. He said he could support the variance for the eaves in the rear but was having a harder time for the variance for the second floor. He said their packet contained options provided by the architect toward this issue and he thought some of those might work eliminating the need for a variance. He said variances should be given as a last resort not for expediency. He said keeping the left side wall at eight feet was problematic. He said comparing the west front elevation to the north left elevation windows would be at different heights, and there was

both a flat roof and a sloped roof. He said they should either raise everything up to 10 feet or not. He said the project was basically stucco with fiberglass windows and an accent material was needed. He said the control joints were very prominent in the drawing but he did not think they would read like that when constructed.

Commissioner Onken said he was fine with the proposed house and its idiosyncrasies. He said he appreciated the very low slope roof. He said the project proposal was consistent and in keeping with the aesthetic. He said he had concerns with the back stair options for the variance. He asked if the applicant or architect could explain the decision for a rear stair variance.

Mr. Jessup said there were several nonconformities to work with, a fairly constrained layout of the house, and accommodating the homeowners' program and what they were contending with in terms of their household and growing family. He said clearly they needed a second story. He said their objective was to limit the amount of impact from the stairway on the living space. He said with the other options explored for the stairway that either the powder room would be dropped, some or all of the master bedroom walk in closet lost, or the mudroom / laundry room would be particularly encumbered.

Commissioner Strehl said the project was supportable and moved to approve.

Commissioner Barnes said he was fine with the project architecturally but was having trouble with the variance requests. He said the idea that the variance for the stairwell was needed to expand a walk-in closet was not supportable for him. Chair Combs said he noted that the only neighbor to the rear was a parking lot for a church which helped him with his concerns with the stairway variance. Commissioner Barnes said he questioned whether granting this variance would be equitable to neighbors as not everyone had a church parking lot behind their property.

Commissioner Onken said the stairwell was within the existing setback of the house, which although nonconforming was still within the footprint of what was there before. He said in terms of additional planning harm he did not see that the stairwell variance would cause any. He said qualitatively he did not see the second story bedrooms were excessive in size or that the project would take advantage in any way. He said this lot and project were a unique situation and he was happy to support the variance requests.

Commissioner Goodhue said the project was a significant improvement over the existing situation and the pop out for the stairwell was within the setback. She said she thought it was important they bring the fence heights into compliance through their construction project than the stairwell variance.

Commissioner Kahle said the eave variance was easy to support as those were already there and being rebuilt. He said raising the wall height should be a variance too as it increased the nonconformity. He said he thought a better design would not require the stairwell variance.

Commissioner Goodhue seconded Commissioner Strehl's motion. Commissioner Strehl asked if Commissioner Goodhue would like the fence addressed. Associate Planner Meador said there was already a condition stating that the fences would have to be updated to be in compliance. Commissioner Strehl confirmed with staff that the fences would be updated as part of the construction.

Chair Combs recognized Mr. Courtney, who said that they spent considerable time with the architect on the stair layout. He said it was not as simple as discretion or vanity for a few feet of closet space as the alternatives they looked at really negatively impacted usable space in the common room upstairs for the children or hindered maintenance of the central hallway configuration.

ACTION: Motion and second (Strehl/Goodhue) to approve the use permit as recommended in the staff report; passes 5-1-1 with Commissioner Kahle voting in opposition and Commissioner Riggs recused.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of a variance to allow the second floor stairwell to encroach into the required rear setback and to legalize the existing first floor rear setback of 16.5 feet for the purpose of rebuilding eaves up to three feet from the building wall:
 - a. A hardship is presented given the unique orientation of the existing residence on the lot and the non-typical trapezoid-shaped parcel. This hardship is peculiar to the property and was not created by any act of the owner.
 - b. The requested variance for the building encroachments into the required rear yard setback are necessary to allow the property owners to conduct typical modifications that other conforming properties would be able to more easily achieve on a typical rectangular-shaped lot in the R-1-U (LM) zoning district. The requested variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming properties in the vicinity, and does not grant the property a special privilege.
 - c. Although the proposed second floor stairwell and eave encroachments would affect the required rear yard setback, the encroachments would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties. The adjacent buildings are located approximately 14.5 feet and 65.5 feet from the proposed project, the encroachments are modest in size, and the remodeled and expanded residence would comply with all other development regulations prescribed by the Zoning Ordinance, such as side floor area limits, building coverage, and building height.
 - d. Because the variance would be based on the unique conditions of a trapezoid-shaped parcel and the placement of the existing residence, the conditions would not be applicable, generally, to other properties within the same zoning classification.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

4. Approve the use permit and variances subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by M Designs Architects, consisting of 22 plan sheets, dated received December 14, 2017, and approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance; the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Henry Ardan and dated March 25, 2017.
5. Approve the use permit and variances subject to the following **project-specific** condition:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the fencing on the property will be revised to comply with the current fence height regulations. The plans shall be submitted for review and approval of the Planning Division.

- F3. Use Permit Revision/Keda Wang/1045 Trinity Drive:
Request for a use permit revision to partially remodel the first floor and reallocate floor area to allow for the expansion of the ground floor at the rear of a new two-story, single-family residence on a substandard lot with regard to lot width in the R-E-S (Residential Estate Suburban) zoning district. The project received a use permit on Nov. 7, 2016 to demolish the existing residence and

construct a new two-story, single-family residence. The residence is currently under construction. (Staff Report #18-004-PC)

Commissioner Riggs returned to the dais.

Staff Comment: Assistant Planner Michele Morris said an email received this afternoon from a neighbor at 1055 Trinity Drive expressed privacy concerns with the project, had been distributed to the Commission and was available to the public at the table in the rear of the room.

Applicant Presentation: Clara Ting, project engineer, said during the site visit May 2017 the contractor informed her that the original geotechnical report incorrectly stated that the existing pile was 20-foot deep and was only seven feet deep. She said they had to stop the job so they could strengthen the entire basement by providing 36-feet by 56-feet, 14-inch slab thickness with 26 piles.

Commissioner Kahle asked if there was a soils report. Ms. Ting said the geotechnical report was submitted to the City in 2014. She said the report stated 60 existing 12-inch diameter piles and that each of them was 20-feet deep. She said it turned out that they were only seven-feet deep in some of the locations. Commissioner Kahle confirmed there were roof trusses in the design. He said in the previous design that some of the attic space was counted toward square footage. Ms. Ting said previously the attic space was more than five feet in height and they had to count it. She said they were lowering the floor height to nine feet and instead of stopping at the roof overhang it now stopped at the wall which gave them an additional 10-inches in ceiling height.

Replying to Commissioner Kahle, Assistant Planner Morris said the attic space had been more than five feet tall making it added floor area. She said the applicant was using that floor area to expand the lower portion of the building. She said the roof pitches were being lowered with the same ceiling heights. She said the overall height of the building was being lowered as well, which was why the applicant was able to stay just under the floor area count.

Chair Combs opened the public hearing.

Public Comment:

- Tim Richardson, 1055 Trinity Drive, said his home was next door to the subject property. He read the email he had sent to staff: *My wife and I are concerned with the height of the rebuilt house on the side close to 1055 Trinity Drive and the numerous windows in those rooms. There were no windows in the previous building, which looked out onto us. The framing does not yet have any roof on top of it except the windows in the new room and the rebuilt drawing room, as he called it, look directly down onto their house, and we don't like it because we will lose privacy. I don't know if this was something that could reasonably be raised at this stage. It certainly was not apparent to us that there was going to be something which is significantly taller than what was there before.*

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken said he appreciated that the applicant catalogued what the Commission had approved before and what was new so it was easy to compare them. He said there was some confusion on the drawings as to what the east or west side was. He

suggested correcting those as the north arrow was pointing toward what was being referred to as the east elevation where the garage was. He said the ridge of the façade facing 1055 Trinity Drive was slightly higher and at a greater slope than what was approved before. He said he thought the overall mass of this side of the house was going to be less of an effect than what was there previously. He said he understood the concern with the additional glazing noting the fenestration had been rearranged and windows added. He said for the neighbor's privacy he would ideally like to see the new fixed window at the end of the façade W-11 removed or a different consideration made. He said he was not overly concerned with the windows at the lower grade line in the basement. He moved to approve with the added condition that the kitchen window, W11, at the end of the west facing elevation be removed.

Replying to Commissioner Riggs' concern regarding natural light for the area, Commissioner Onken said there were two large skylights above the area. He said as a side wall facing another's property the proposal was overly fenestrated. Commissioner Riggs seconded the motion.

Recognized by the Chair, Ms. Ting asked if they could keep the window and plant screening trees. Commissioner Onken said that trees were a temporary solution and windows were permanent. Ms. Ting noted the property owner was in China, and that her client insisted on that window for the view of the other side of the golf course.

Commissioner Onken said he did not want to change his motion unless the applicant wanted to return with a revised window plan. Ms. Ting declined noting the project needed to move forward.

ACTION: Motion and second (Onken/Riggs) to approve the use permit with the following modification; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Aclara Engineering Consulting consisting of 18 plan sheets, dated received January 2, 2018, 2017, and approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Arbor Gus Professional Treecare and dated February 2, 2017.

4. ***Approve the use permit subject to the following project-specific condition:***

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans which omit the proposed kitchen window on the right side elevation of the upper floor, subject to the review and approval of the Planning Division.***

F4. Use Permit Revision/Ohashi Design Studio/1220 Bay Laurel Drive:
Request for a use permit revision to make exterior changes to a new two-story, single-family residence with basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project received a use permit on May 9, 2016 to demolish the existing residence, remove a heritage Canary Island palm tree, and construct a new two-story, single-family residence. The residence is currently under construction. ([Staff Report #18-005-PC](#))

Staff Comment: Senior Planner Kyle Perata said there were no changes to the staff report.

Applicant Presentation: Philip Liang, ODS Architecture, said they had been working on the house for about two years and were nearing completion. He said they wanted to make modifications in terms of the materials as the client became concerned there was too much wood. He said they wanted to keep the aesthetic the same and reduce maintenance needs on the south side of the home.

Commissioner Kahle referred to perspectives A9.3, drawing 1A, and said it showed a wall to the

left of the garage that looked different from drawing 1B and asked about the change in material. Philip said the left rendering was done early on in the design and was a texture representation. He said the one on the right was the more correct representation of the tile layout, and that there was no change in what it was. Commissioner Kahle said on page A9.2 on the top that drawing 2A had a dark gray box that he thought was the master bathroom and in another drawing was a white box. Philip said the change was the color. Commissioner Kahle confirmed with Philip that the changes were the use of stucco instead of wood in certain areas, the color of the master bathroom, and that there were no other changes.

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

Commission Comment: Commissioner Barnes said he was sad to see the wood siding go but he thought it was an acceptable modification. He said he supported the project.

Commissioner Onken said the changes were de minimus, that any planning concerns were still mitigated with the project, and that it retained its integrity. He said he could approve.

Commissioner Kahle said he disagreed. He said the project had looked really great with the siding. He said he could support if they wanted to remove the wood siding from the rear where it was not visible from the street. He said keeping the cedar in the other two locations would not incur great cost to maintain.

Commissioner Riggs said he was personally disappointed with the change in materials but it remained a perfectly approval project.

Chair Combs said he thought similarly with Commissioner Kahle that this was a different project, and he had preferred the project they had originally approved. He said if this had been the original project proposal however it would have been approvable.

Commissioner Goodhue moved to approve as recommended in the staff report. Commissioner Strehl seconded the motion.

ACTION: Motion and second (Goodhue/Strehl) to approve the use permit as recommended in the staff report' passes 6-1 with Commissioner Kahle voting in opposition.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Ohashi Design Studio, consisting of 27 plan sheets, dated and received on January 2,

2018, and approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.

- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the Arborist Report prepared by Kielty Arborist Services and dated December 4, 2016.

F5. Use Permit and Architectural Control/City of Menlo Park/1221 Chrysler Drive: Request for architectural control to construct a new stormwater pump station to replace an existing pump station, and a request for a use permit for hazardous materials to install a new diesel emergency generator associated with the stormwater pump station, in the P-F (Public Facilities) zoning district. ([Staff Report #18-006-PC](#))

Staff Comment: Associate Planner Tom Smith said there were no modifications to the staff report, and there was an applicant presentation.

Applicant Presentation: Eric Hinkley, Assistant Engineer, City of Menlo Park, said also present were Azalea Mitch, City Engineer, and Steve Buchholz with Heller Manus Architects, the architects for the pump station and the adjacent Menlo Gateway development.

Mr. Hinkley said the pump station at 1221 Chrysler Drive was built in 1958 and was the City's only city-owned stormwater pump station. He said the station equipment was 60 years old and typically became worn out anywhere from 25 to 50 years. He said the pump station provided for flood protection for an area including a significant portion of properties in the M2 zoning district, a portion

of the Suburban Park residential neighborhood, and a portion of Highway 101. He said in 2016 the City independently began to design a new pump station on the existing parcel. He said as part of the Menlo Gateway Constitution Plan Development, Bohannon Development Group expressed interest in collaborating with the City to relocate the pump station and improve the aesthetics of the pump station. He said the City subsequently agreed to an exchange of properties with Bohannon Development Company. He said this moved the pump station back from Chrysler Drive allowing for more landscaping along the street frontage and improving the overall aesthetics of the area. He said Heller Manus developed the design for the exterior of the pump station. He said the cost for the design and construction of the exterior walls would be paid for by Bohannon Development Company through a funding agreement executed with the City. He said the City Council in May 2017 approved a \$6.2 million budget and appropriated funding for construction. He said the pump station was being designed to handle a potential storm event of a 100 year capacity and would be elevated to accommodate the potential two feet of sea level rise. He said the current pump station had the capacity to pump a 10 year storm event.

Steve Buchholz, Heller Manus, said there were four buildings on the Menlo Gateway project. He said they looked at the pump station as an opportunity with Bohannon Development and the City to improve the front door to their project, noting Chrysler Drive and Bayfront. He said the pump station would have the same metal material as their office buildings and parking structures. He presented slides of what the pump station would look like.

Commissioner Riggs asked about up lighting noting it could be a problem. Mr. Buchholz said they were trying to not have any light passing by the building into the night sky, and would continue to study it.

Commissioner Barnes asked about the funding agreement. Mr. Hinkley said when Bohannon Development approached the City with its proposal to collaborate on the relocation and design of the pump station the City executed a funding agreement that stipulated the basic requirements of the process to do a land exchange including obtaining necessary easements for all the underground utilities and drainage and what Bohannon Development's financial obligation would be for the design and construction of the pump station building. Commissioner Barnes clarified that the \$6.2 million authorized by the City Council and the increments from Bohannon Development would be used for the project. Replying further to Commissioner Barnes, Mr. Hinkley said he thought the project cost was estimated at \$7.1 million.

Commissioner Kahle said the design looked very expensive and asked if Bohannon Development Group was covering the costs. Azalea Mitch, City Engineer, said when they began discussions with Bohannon Group about the enhanced design the agreement was that Bohannon would be responsible for the delta or anything that would be more than the cost of a basic City design. She said Bohannon was currently funding the architectural design and would pay for the construction of the exterior shell of the pump station.

Commissioner Kahle asked if the storm easement shown was related to the pump station itself. Mr. Hinkley said all the easements were related to the pump station itself. Mr. Buchholz said initially the pump station was sited under the PG&E high voltage easement so it had to be shifted closer to the parking structure. He said it was pulled back from the street and would allow for an additional lane on Chrysler Drive in the future. Replying to Commissioner Kahle, Mr. Buchholz said the project would not be fenced and the landscaping from Menlo Gateway project would continue past the pump station. He said the pump station would be seen when driving on Bayfront Expressway.

Chair Combs asked if the City had allocated \$6 million for the working parts of the pump station with the idea that the exterior design would cost about \$1 million. Ms. Mitch said the City has \$6.2 million for the pump station project. She said she believed Bohannon's estimate for the building when it was a concrete façade would be about \$250,000. She said with the metal finish it would cost about \$350,000.

Commissioner Riggs said the landscaping was shown on renderings but there were no landscape plans, and if that was what the landscaping would look like. Mr. Buchholz said they were about to submit for a building permit for the landscaping of the entire Phase 2 project and the pump station would be included in that plan. He said the planting had to be low to the ground due to the underground easements and pipes.

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

Commission Comment: Commissioner Onken said it was important for the quality of the small details such as light fixtures to match the quality of the overall design and materials. He said the project was supportable.

Commissioner Barnes said he liked the project and partnership, and moved to approve the item as recommended in the staff report. Commissioner Kahle seconded the motion noting that such a nice design would not have been possible just using public funding.

ACTION: Motion and second (Barnes/Kahle) to approve the use permit and architectural control as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 2 (Section 15302, "Replacement or Reconstruction") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. Approve the use permit and architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Schaaf & Wheeler Consulting Civil Engineers consisting of 20 plan sheets, dated received November 29, 2017, as well as the Project Description Letter, dated received June 22, 2017, approved by the Planning Commission on January 8, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the Project Arborist's recommendations.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall comply with all applicable requirements of the ConnectMenlo General Plan Update Mitigation Monitoring or Reporting Program (MMRP), subject to review and approval of the Planning Division.
- i. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
- j. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- k. If operations discontinue at the premises, the use permit for hazardous materials shall expire unless a new user submits a new hazardous materials information form to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Chair Combs said Commissioner Goodhue and he would need to recuse themselves from item F6, and Vice Chair Kahle would chair the remainder of the meetings.

- F6. Development Agreement Annual Review/Facebook/1 Hacker Way and 1 Facebook Way: Annual review of the property owner's good faith compliance with the terms of the Development Agreements for their East Campus, West Campus, and Facebook Campus Expansion projects. ([Staff Report #18-007-PC](#))

Staff Comment: Senior Planner Perata said there was one more completed item for the Facebook Campus Project Development Agreement that was not identified in the staff report. He said there were four, not three, completed items and nine conditional or no action required at this time items. He said the fourth item was the payment of the Transportation Management Association (TMA) Feasibility and Implementation Strategy Fees. He said Facebook had paid \$100,000 in December 2017.

Applicant Presentation: Fergus O'Shea, Facebook, said it was their seventh year in Menlo Park, and they were pleased to provide updates on all of their development agreements. He said for the latest development agreement for the Buildings 21 and 22 project that they were able to provide 22 residential units of affordable housing for local teachers. He said the program was put into place at the beginning of this fiscal year.

Commissioner Strehl asked about the hours applicable to trip caps. Senior Planner Perata said the trip cap had three components with an a.m. period and a p.m. period. He said two hours applied to the a.m. period: 7 to 8 a.m. and 8 to 9 a.m. He said two hours applied to the p.m. period: 4 to 5 p.m. and 5 to 6 p.m. with 50% of the maximum applied to each period so there was basically a one hour window for the trips. He said also there was a total for the overall daily trips for both campuses. He said the west campus was essentially two projects at this point but the trip cap applied to the entire campus of Buildings 20 through 23, and the hotel once it was implemented.

Commissioner Strehl asked when the Regional Transportation Forum would be held. Mr. O'Shea said when this was included in the development agreement they first wanted to see the outcome of the Dumbarton Corridor Study. He said the goal was to finish the Study, determine next steps, and then move into the Regional Transportation Forum. He said no date was scheduled yet. Commissioner Strehl asked whether it was likely to occur in 2018. Mr. O'Shea said he would find out that information and get back to them.

Commissioner Strehl asked if the Housing Innovation Fund and the housing inventory were in progress. Senior Planner Perata said Facebook had started the process for that study with data gathering. Mr. O'Shea said they were working with UC Berkeley and had met with the City on a scope for the initial study. He said they would work with staff over the next year to do the study.

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

Commission Comment: Commissioner Barnes said item 9.1 had in the notes that it was housing

relating to investments and noted a shift to direct investment via the Catalyst Housing Fund. He said that was on page B3 for the East Campus development agreement.

Mr. O'Shea said his understanding was they had set up and announced the Housing Catalyst Fund last year. He said he believed they were working to get additional sources of funding toward that fund and had hired a fund foundation late last year to run the program, which they would set up. He said he would need to get back to them with any more specifics. Commissioner Barnes asked about the size of the fund. Mr. O'Shea said he thought it was in the tens of millions. Commissioner Barnes asked if its intent was to channel direct investment into low income housing developments. Mr. O'Shea said that was correct and also to look at preservation policy and other things besides building projects. He said he would talk to their Housing Program Manager, get the latest status, and provide that information in a report to staff and the Commission.

Commissioner Barnes asked about the process of the Dumbarton Transportation Corridor Study and when they would expect to see results from SamTrans. Mr. O'Shea said the SamTrans board adopted the study as a multi-modal corridor and Facebook was in direct discussions with SamTrans as to what the next steps would be. Commissioner Barnes said there were a number of iterations to the study, and asked if Facebook funded with a hands-off approach or whether Facebook was one of the voices that helped to shape what the SamTrans board eventually approved. Mr. O'Shea said SamTrans ran and led the study. Commissioner Barnes asked about this study and the Dumbarton Rail Trail Study. Mr. O'Shea said when Facebook originally started looking at the Dumbarton Corridor during the Building 20 project, they started working on their own design for a rail trail working directly with CalTrans. He said at the same time SamTrans came to Facebook and asked beyond just rail trail if they were interested in making further investments to see what could be completed along the entire corridor. He said they had finished some initial design concepts and then the rail trail was studied as part of the overall corridor study.

Replying to Commissioner Barnes, Senior Planner Perata said the City's Transportation Division was ready to move forward doing background work on best practices for a TMA, and begin development of a proposal for one. He said the City would be using the \$100,000 paid by Facebook for those actions.

Commissioner Barnes referred to Attachment C, page C6, and item 19 in the East Campus development agreement. He said the item showed completed and asked whether there was a tangible benefit to being either a provider or net receiver of TDM information. Mr. O'Shea said they received requests from all different types of agencies, public and private, about their TDM program noting their TDM program participation was at 50%. He said even going from a smaller to a large company they had been able to increase participation in their TDM program. He said other companies in developing their TDM programs asked Facebook about their TDM programs. He said there were best practices that were shared among different companies, both private and public. He said he did not know if there was an absolute tangible from doing that but Facebook tried to partner as much as possible to share what they do for TDM.

Replying to Commissioner Barnes, Senior Planner Perata said trip cap data was not currently published on the City's website or otherwise, but was a City record within the Transportation Division so it was a publicly accessible data set if requested.

Commissioner Onken said he was satisfied with the progress made to fulfill the development agreements and called out his particular appreciation for the funding mechanism Facebook created

to fund low income housing development noting changes in tax law and what had previously been federal tax credits or shelters.

Commissioner Riggs said item 18.1 on page B4 regarding local purchasing was shown as complete. He asked about a program to incentivize employees to frequent local businesses and how well that worked. Lauren Swezey, Sustainability and Outreach with Facebook, said they did three different programs over a period of several years. She said it was somewhat difficult as it was hard to get employees who did not have transportation to downtown Menlo Park. She said over 50% of Facebook employees get to campus some other way than by personal vehicle. She said people who lived in the area loved the program.

Commissioner Riggs said on page C1 that he understood the Local Community Fund was administered by Facebook, and that item 10 was one of three items he thought related to the Local Community Fund. He said the requirement was to provide support for local community needs, and asked what was done noting similar requirements on D1 and G3 for subsequent phases. Ms. Swezey said under the East Campus development agreement they established the Local Community Fund and chose Philanthropic Ventures Foundation to run the fund for them. She said their board members included externally one Menlo Park City Council member and one East Palo Alto City Council member, and internally three members, noting she was one of the three. She said Philanthropic Ventures Foundation organized and collected grant requests submitted for funding consideration. She said they just completed their sixth year of the program and that they distributed funds to a wide variety of small organizations. Commissioner Riggs said there were an original \$500,000 and then a follow up amount of \$100,000. Ms. Swezey said in 2017 they grant funded \$120,000 and in 2016 they granted \$200,000 in response to the volume of requests made.

Commissioner Riggs said on page G.4, item 9.1.6 was a requirement to support City services. He asked if this was a single payment of \$11,250,000 as the timeline indicated payment was required on July 1 of each fiscal year beginning in 2018. Senior Planner Perata said it would be five equal payments of the total made July 1 of each fiscal year or \$2.25 million yearly. Commissioner Riggs said the funds were for services that benefited the community and asked if that was for adjacent communities like Belle Haven, Suburban Park, and Lorelei Manor or did it mean citywide. Senior Planner Perata said it was money for City services that the City had sole discretion to determine how to spend with the understanding that it would be used to create a fourth police beat in the Bayfront area and fund personnel for that presumably up to five years.

Vice Chair Kahle asked how many more years of annual reviews there were for the development agreements. Senior Planner Perata said with the most recent development agreement there would be annual review for another 20 years. Vice Chair Kahle asked if there was a percentage of completed items under the development agreements. Senior Planner Perata said he did not have a percentage immediately but they could generally calculate looking at the individual tables for the first two development agreements noting most of the one-time items had been completed with ongoing items to be considered through annual reviews.

Commissioner Barnes moved as recommended in the staff report under Attachment A to make a determination that Facebook has made good faith efforts to implement the provisions of the three development agreements during the 2016-2017 Development Agreement Review Year. Commissioner Strehl seconded the motion.

ACTION: Motion and second (Barnes/Strehl) to approve the item as recommended in the staff

report; passes 5-0 with Commissioners Combs and Goodhue recused.

1. Make a finding that the Annual Review of the Development Agreements has no potential to result in an impact to the environment and does not meet the definition of a Project under the California Environmental Quality Act (CEQA).
2. Make a finding that Facebook has implemented the provisions of its three Development Agreements and associated amendments during the 2016 – 2017 Development Agreement Review Year.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 22, 2018

Principal Planner Rogers said that Deanna Chow would be staff liaison for the meeting. He said items for the meeting included use permit revisions, annual review for the Menlo Gateway development agreement, and some proposed ordinance changes including citywide EV charging station requirements. He said a project of interest would be the 840 Menlo Avenue Project, which was for a former loading dock that had been vacant for a number of years. He said the proposal was to construct office space with three residential units.

Commissioner Barnes asked about a project in front of the train station, noting he had been contacted by project principals to meet on that but that he had not met with any of them. He asked if there would be a study session or if there was some update on that project. Principal Planner Rogers said due to its location centrally to the City, its height within the allowed zoning for the area and definitely unique, and in response to some of the Commission's comments on the 706 Santa Cruz Avenue project that it potentially would have benefited with a study session, staff had recommended that the applicant for the Santa Cruz Avenue and Merrill Street project have a study session with the Planning Commission at the beginning of February.

Commissioner Barnes asked about the project at 40 Middlefield Road, the lot next to Willow Market. Principal Planner Rogers said the application was not complete and would not come before the Commission anytime soon. He said comments received on the proposal regarding parking reduction, vehicle safety, and traffic congestion would be closely reviewed.

Commissioner Strehl said the project on Santa Cruz Avenue and Merrill Street had been in planning for 16 months. She said if the Commission was to do study sessions on projects she thought it was fairer for the applicants to do them much sooner than 16 months. She said with a study session on it in early February she hoped the project would be able to come back to the Commission for approval in a very short amount of time. Principal Planner Rogers said he understood but he advised looking at applicants' description of their project time with some scrutiny as they might be counting how long they have been working on it and not how long the project has been a full, complete application. Commissioner Strehl confirmed with staff that an item for a study session needed to have the development program set.

- Regular Meeting: February 5, 2018

- Regular Meeting: February 26, 2018
- Regular Meeting: March 12, 2018

H. Adjournment

Vice Chair Kahle adjourned the meeting at 9:52 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date: 1/22/2018

Staff Report Number: 18-008-PC

Public Hearing: Use Permit/Ken Friedman/953 Hobart Street

Recommendation

Staff recommends that the Planning Commission approve a use permit to demolish a single-story, single family residence and construct a new two-story single family residence with a basement on a substandard lot with respect to lot width in the R-1-S (Single-Family Suburban) zoning district. A heritage date palm in the rear yard was approved for removal in association with a previous use permit, and will be removed following demolition of the existing residence. The recommended actions are included as Attachment A.

Policy Issues

Each use permit request is considered individually. The Planning Commission should consider whether the required use permit findings can be made for the proposal.

Background

Site location

The subject property is located on the south side of Hobart Street, between Santa Cruz and Middle Avenues in the West Menlo neighborhood. A location map is included as Attachment B. The surrounding area contains a mixture of older and newer single-family residences. The older residences are generally single-story, with detached garages at the rear of the property, while the newer residences are generally two-story in height, with attached front-loading garages or detached garages in the rear. A variety of architectural styles are present in the neighborhood including craftsman, traditional and contemporary. Many of the single-story residences are in the ranch style. All parcels in the general vicinity are also zoned R-1-S.

Previous use permit

On May 8, 2017, the Planning Commission approved a request for a use permit at this same address, 953 Hobart Street, with a 6-0-1 vote (one commissioner absent). The approved use permit was also to demolish the existing home and to construct a new two-story single-family residence with a basement. However, the previous proposal included excavation in the required right side yard setback associated with a lightwell for the basement. The proposal also featured a very modern design, with a large cantilevered area, pool, and outdoor entertainment area on the left side of the rear yard. The Planning Commission action included a condition requiring survey updates, landscaping information, and privacy enhancements, subject to Commission review via email.

On October 26, 2017, the applicants resubmitted plans for a new use permit. In a letter to their neighbors, they explained that they had reconsidered their design for something more traditional and that would be better accepted by the neighbors.

Analysis

Project description

The applicant is proposing to remove the existing single-story, single-family residence and detached two-car garage and pool to construct a new two-story, single-family residence with a basement and detached two-car garage. The lot is substandard with respect to minimum lot width, at approximately 71 feet where 80 feet is required in the R-1-S zoning district. A data table summarizing parcel and project attributes is included as Attachment C. The project plans and the applicant's project description letter are included as Attachments D and E, respectively.

The proposed residence would be a five-bedroom home. The first-story living space would feature an open floor kitchen and family room area, an open floor living and dining room area, a guest suite with an attached full bathroom and walk-in closet, and an office. The second-story living space would be comprised of three bedrooms and three bathrooms. The basement would have one bedroom, two full bathrooms, and a half bathroom. In addition, it would have a game room and media room area, a gym, a bar and wine room, a laundry room and storage area. Two below-grade patios are proposed, one accessed by the gym and the second accessed from the game and media room area, and another lightwell would provide access to the basement bedroom. All of the basement elements would adhere to the setback requirements, so separate use permit approval for lightwell/patio excavation would not be required.

The proposed project would adhere to all Zoning Ordinance regulations for setbacks, lot coverage, floor area limit, height, daylight plane, and parking.

Design and materials

The applicant states that the proposed residence would be constructed in a modern-influenced traditional design, with a gabled roof. The exterior materials would include a whitewashed smooth stucco plaster with a hard trowel finish, a gray composite shingle roof, and wood clad casement windows. The front door is proposed to be custom glass and metal, prefinished in bronze, while all other windows and doors would have a bronze-clad exterior with horizontal muntins. The gutters and downspouts would be bronze or galvanized.

A three-foot, six-inch stucco privacy wall would create a small patio area off the front of the house. A similar wall, with a cable-railing gate, is proposed on the right setback of the house. A cable railing with anodized steel post and handrail would surround the light well areas at the ground level. Doors from the family room would open to a large covered patio off the rear of the house. This proposed landscaping of the rear yard includes grass and stone.

Turf block and a scored concrete driveway would be used to access the detached garage on the left side of the rear yard. The proposed two-car garage would match the materials of the house, with a smooth

stucco finish and a composition shingle roof. The doors and windows would have a bronze-clad exterior with horizontal muntins, and the gutters and downspouts would be bronze or galvanized. The garage door would be a custom wood-clad flush panel door with clear rectangular windows. The location of the detached garage at the rear left corner of the property would both limit the aesthetic impact of this feature and replicate the historical development pattern of older residences in this area.

The second-story windows on the west and east elevations, which face single-story residences on each side, would have sill heights of at least three feet, with several at four feet, six inches and higher. In addition, the second floor would be well inset from the side property lines, at approximately 18 feet on the left and approximately 20 feet on the right, where only 10 feet setbacks are required. On the front elevation, the second-story window, above the front door, would have a two-foot sill height. The windows on the rear elevation would have three-foot sill heights. Staff believes that the current proposal has incorporated the Planning Commission's direction on the earlier proposal regarding privacy, through these enhanced second-floor setbacks and limited windows. In addition, the earlier proposal included a second-level deck, but such a feature is not part of the current application. As a result, staff does not believe that new landscape screening is needed, although the Commission can consider whether that should be a condition of approval. While the survey attached to the Commissioners' project plan packet has not yet been revised in response to the previous use permit's project-specific conditions, the applicant has communicated with the surveyor and the survey is currently being updated. Furthermore, the applicant is aware that the survey must be updated to incorporate the adjacent building lines within 10 feet of the property line, prior to receiving a building permit.

Staff believes that the architectural style of the proposed residence would be generally attractive and well-proportioned. The second level would be inset from the ground floor, helping minimize the perception of mass and enhance neighbor privacy. The modern-influenced traditional design would be consistent with the styles in the surrounding neighborhood.

Trees and landscaping

The applicant has submitted an arborist report (Attachment F) detailing the species, size, and conditions of the heritage and non-heritage trees on site. The report discusses the impacts of the proposed improvements and provides recommendations for tree maintenance and the removal of some trees, based on their health. As part of the project review process, the arborist report was reviewed by the City Arborist. All recommendations identified in the arborist report shall be implemented and will be ensured as part of condition 3g.

There are 16 trees located on or near the property, two of which are heritage size trees. Of those, one (a Spanish fir) is on the neighboring property on the left. The demolition of the existing residence and garage and the construction of the new home are not anticipated to adversely affect this Spanish fir, as it is far from the work area at the front left corner of the neighboring lot. The second of those heritage trees is a large date palm which was approved for removal in association with a previous use permit, and which will be removed after the demolition of the main residence. In addition, four heritage trees that were approved for removal in association with the previous use permit have since been removed.

Per previous discussion with the City arborist, it was determined that, given the species and health of this

date palm, relocation of the tree off site was a viable option. The applicant has coordinated with a palm vendor to deliver the tree to Stanford following its removal from the site. This action still requires a heritage tree removal permit, as it is being taken off the site, and since replanting success cannot be guaranteed.

Five non-heritage trees are proposed to be removed from the site, and five new trees would be planted. All five of the replacements are heritage tree replacements for the previously-approved removals. These consist of two coast live oaks at the front corners of the property and three ginkgo biloba trees proposed at the rear of the lot.

Correspondence

The applicant states that he contacted the property owners of all properties within a 300-foot radius with a letter explaining the scope of the project and offering to address any concerns or questions that impacted property owners might have. In the project description letter, the applicant states that the adjacent property owners at 973 Hobart Street on the right and across the street at 980 Hobart Street met with the applicant to discuss the project and the expressed support for the project. The applicant also explains in the project description letter how the design of this new proposal takes into consideration concerns that neighbors expressed about the previously approved project, and hopes to address them. Staff has not directly received any correspondence on this proposal.

Conclusion

Staff believes that the design, scale and materials of the proposed residence are compatible with the surrounding neighborhood. The modern-influenced architectural style of the proposed residence would be generally attractive and well-proportioned. The second level would be inset from the ground floor, helping minimize the perception of mass and enhance neighbor privacy. The detached garage would replicate traditional development patterns and limit the visual impact of parking on the main building frontage. Staff recommends that the Planning Commission approve the proposed project.

Impact on City Resources

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Appeal Period

The Planning Commission action will be effective after 15 days unless the action is appealed to the City Council, in which case the outcome of the application shall be determined by the City Council.

Attachments

- A. Recommended Actions
- B. Location Map
- C. Data Table
- D. Project Plans
- E. Project Description Letter
- F. Arborist Report

Disclaimer

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

Exhibits to Be Provided at Meeting

None

Report prepared by:
Cecilia Conley, Contract Assistant Planner

Report reviewed by:
Thomas Rogers, Principal Planner

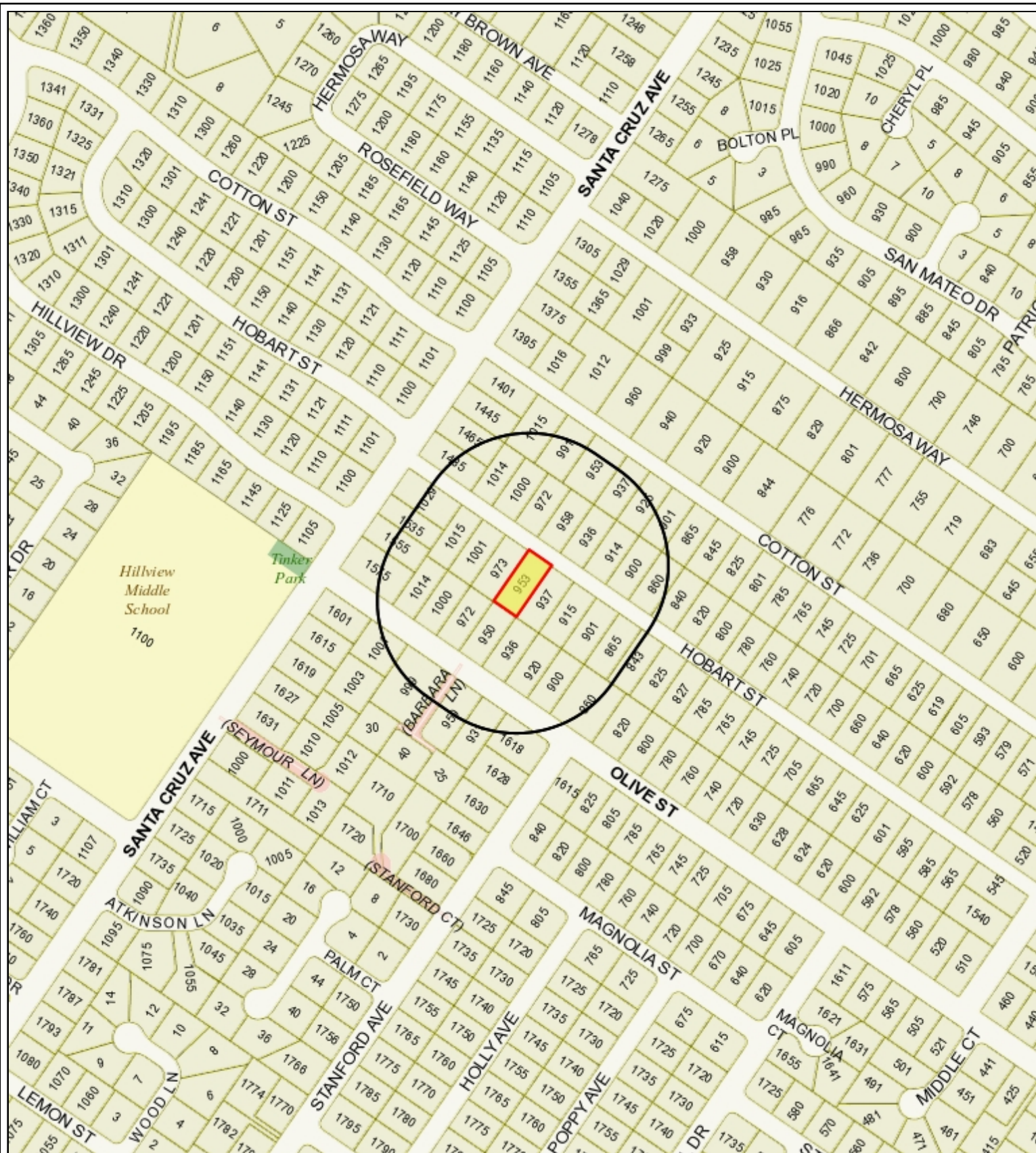
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953 Hobart Street – Attachment A: Recommended Actions

LOCATION: 953 Hobart Street	PROJECT NUMBER: PLN2017-00110	APPLICANT: Ken Friedman	OWNER: Ken Friedman
PROPOSAL: Request for a use permit to demolish a single-story, single family residence and construct a new two-story single family residence with a basement on a substandard lot with respect to lot width in the R-1-S (Single-Family Suburban) zoning district. A heritage date palm in the rear yard was approved for removal in association with a previous use permit, and will be removed following demolition of the existing residence.			
DECISION ENTITY: Planning Commission	DATE: January 22, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City. 3. Approve the use permit subject to the following standard conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by DG Design, consisting of 12 plan sheets, dated received January 2, 2018, and approved by the Planning Commission on January 22, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division. b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project. c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project. d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes. e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division. f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits. g. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Mayne Tree Expert Company, Inc. dated August 5, 2016 and revised on December 20, 2017. 			

953 Hobart Street – Attachment A: Recommended Actions

LOCATION: 953 Hobart Street	PROJECT NUMBER: PLN2017-00110	APPLICANT: Ken Friedman	OWNER: Ken Friedman
PROPOSAL: Request for a use permit to demolish a single-story, single family residence and construct a new two-story single family residence with a basement on a substandard lot with respect to lot width in the R-1-S (Single-Family Suburban) zoning district. A heritage date palm in the rear yard was approved for removal in association with a previous use permit, and will be removed following demolition of the existing residence.			
DECISION ENTITY: Planning Commission	DATE: January 22, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION:			
<p>4. Approve the use permit subject to the following project-specific conditions:</p> <ul style="list-style-type: none"> a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised project plans that include a revised survey noting the locations of the adjacent building lines within 10 feet of the property lines, subject to review and approval of the Planning Division. 			



City of Menlo Park
 Location Map
 953 Hobart Street



Scale: 1:4,000

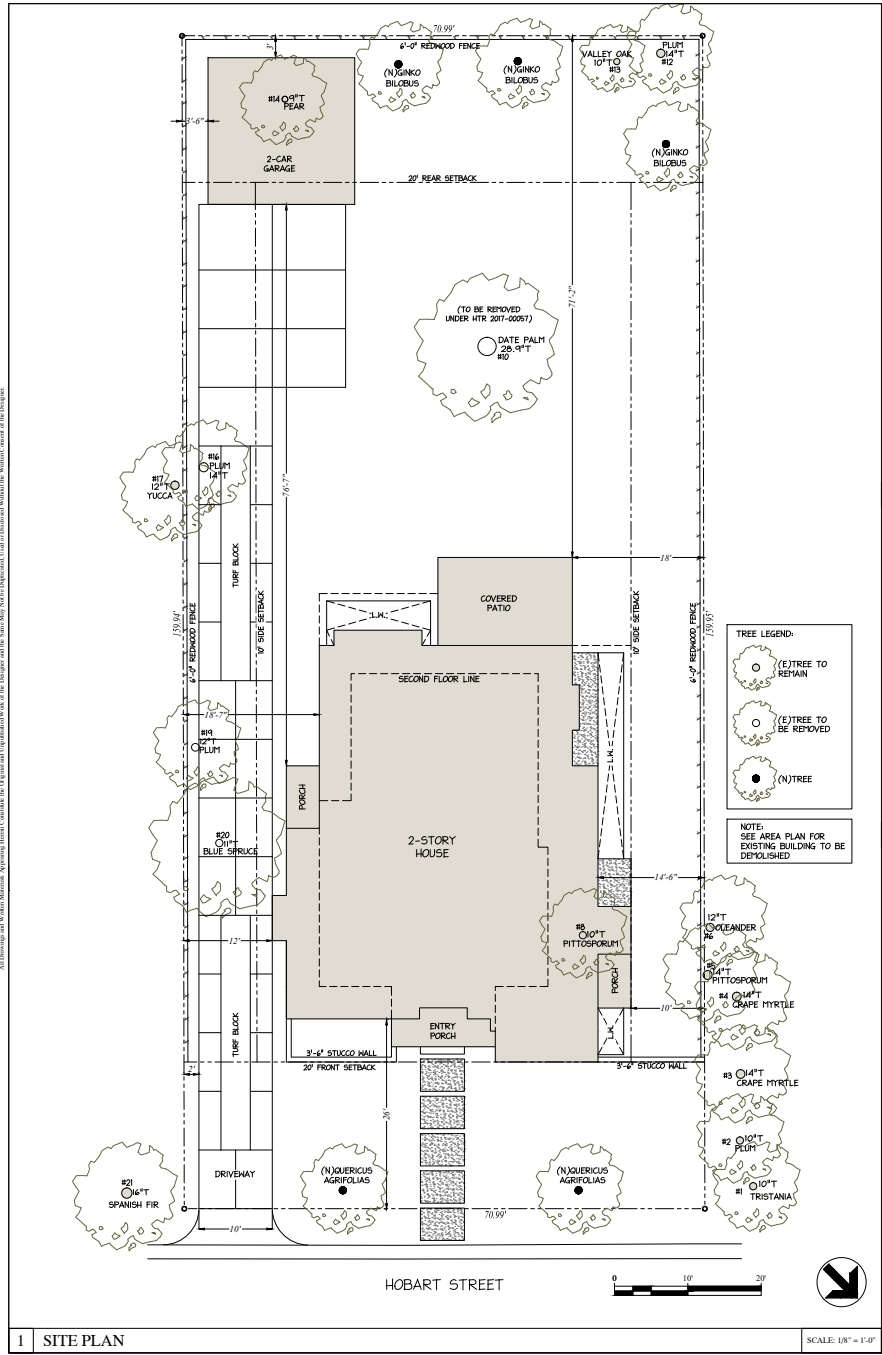
Drawn By: CLC


Checked By: THR

Date: 1/22/2018

Sheet: 1

	PROPOSED PROJECT	EXISTING DEVELOPMENT	ZONING ORDINANCE
Lot area	11,355 sf	11,355 sf	7,000.0 sf min.
Lot width	71.0 ft.	71.0 ft.	85.0 ft. min.
Lot depth	159.9 ft.	159.9 ft.	100.0 ft. min.
Setbacks			
Front	20.0 ft.	45.4 ft.	20.0 ft. min.
Rear	71.2 ft.	47.6 ft.	20.0 ft. min.
Side (left)	12.0 ft.	18.6 ft.	10.0 ft. min.
Side (right)	10.0 ft.	23.7 ft.	10.0 ft. min.
Building coverage	2,905.0 sf 25.6 %	1,989.0 sf 17.5 %	3,974.3 sf max. 35.0 % max.
FAL (Floor Area Limit)	3,810 sf	1,566.0 sf	3,888.8 sf max.
Square footage by floor	2,190.0 sf/basement 2,124.0 sf/1 st floor 1,258.0 sf/2 nd floor 428.0 sf/garage 353.0 sf/porches	1,566.0 sf/1 st floor 423.0 sf/garage	
Square footage of buildings	6,353.0 sf	1,989.0 sf	
Building height	26.4 ft.	20.0 ft.	28.0 ft. max.
Parking	2 covered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			
Trees	Heritage trees: 2*	Non-Heritage trees: 14**	New Trees: 5
	Heritage trees proposed for removal: 1***	Non-Heritage trees proposed for removal: 5	Total Number of Trees: 15
*Includes one heritage tree located on the neighboring property to the south-east **Includes seven non-heritage trees located on adjacent properties ***Includes one heritage tree approved for removal in association with a previous use permit, which will be removed following demolition of the existing residence			





NEW SINGLE FAMILY HOME

953 HOBART STREET
MENLO PARK, CA 94025

2 PROJECT

1. A1.1 COVER SHEET & SITE PLAN
2. A1.2 AREA PLAN & AREA CALCULATIONS
3. A1.3 DEMO PLAN
4. A2.1 FIRST FLOOR PLAN
5. A2.2 SECOND FLOOR PLAN
6. A2.3 BASEMENT FLOOR PLAN
7. A2.4 ROOF PLAN
8. A3.1 ELEVATIONS
9. A3.2 ELEVATIONS
10. A3.3 GARAGE PLAN & ELEVATIONS
11. A4.1 BUILDING SECTIONS
12. BOUNDARY & TOPOGRAPHIC SURVEY

3 SHEET INDEX

1. OCCUPANCY GROUP	R3U - SINGLE FAMILY RESIDENTIAL
2. ZONING	R-1-5
3. TYPE OF CONSTRUCTION	VB
4. NUMBER OF FLOORS	3
5. FIRE SPRINKLER	YES
6. PARKING SPACES	2 COVERED
7. LOT AREA	11,355 SF.
8. ALLOWABLE FLOOR AREA	2,800 + (11,355 - 7,000 x 25%) = 3,869 SF.
• PROPOSED FIRST FLOOR AREA	2,124
• PROPOSED SECOND FLOOR AREA	1,258
• PROPOSED DETACHED GARAGE	428
• TOTAL COUNTED FLOOR AREA	3,810 SF.
• BASEMENT FLOOR AREA	2,190 SF.
• TOTAL FLOOR AREA	6,000 SF.
9. ALLOWABLE BUILDING COVERAGE	11,355 x 35% = 3,974 SF.
• PROPOSED FIRST FLOOR AREA	2,124
• PROPOSED DETACHED GARAGE	428
• PROPOSED PORCHES & PATIO	353
• TOTAL PROPOSED BLDG. COVERAGE	2,905 SF.
10. PROPOSED IMPERVIOUS	46% (2,822(BLDG.) + 428(BLDG.) + 1,982(DRIVENWAY)) = 5,232 SF.
11. PROPOSED PERVIOUS SURFACES	54% (11,355(LOT AREA) - 5,232(IMP. AREA)) = 6,123 SF.

4 PROJECT INFORMATION

DG Design

215 ARIANNA LN
SAN RAMON, CA 94582

☎ 510-579-2004
☎ 925-362-3597
✉ dgdesign.ca@gmail.com

Drawings Prepared By:

DINO GARCIA
P.E.D.
215 Arianna Ln, San Ramon, CA 94582

MEMBER

A | I

B | D

AMERICAN INSTITUTE of
BUILDING DESIGN

Project Title

FRIEDMAN RESIDENCE
953 HOBART STREET
MENLO PARK, CA 94025

APN: 071211070

Revisions	Date	Description
1	11-2-17	Site Plan & Demo Plan
2	12-5-17	Application Comments
3	12-22-17	Application Comments

Mark	Date	Description

Issue Date: USE PERMIT

Issue Date: _____

CAD File Name: _____

Drawn By: DG

Checked By: KE

Plot Date: 10-23-2017

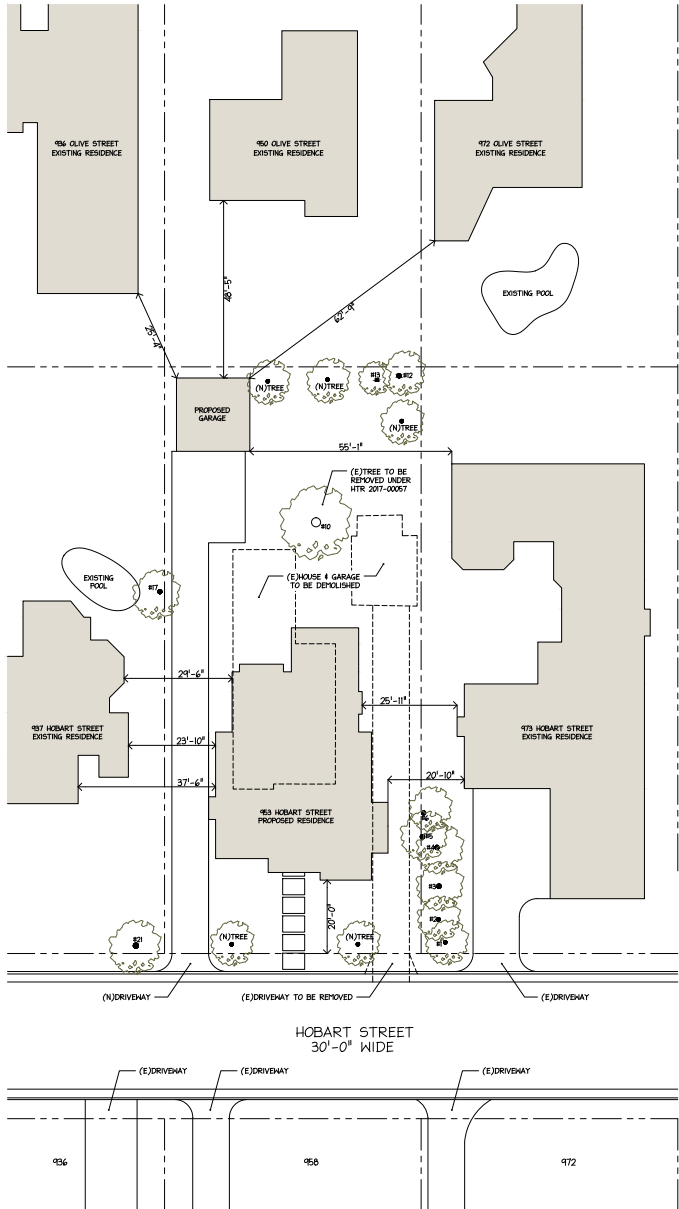
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**SITE PLAN,
COVER SHEET**

Drawing No.

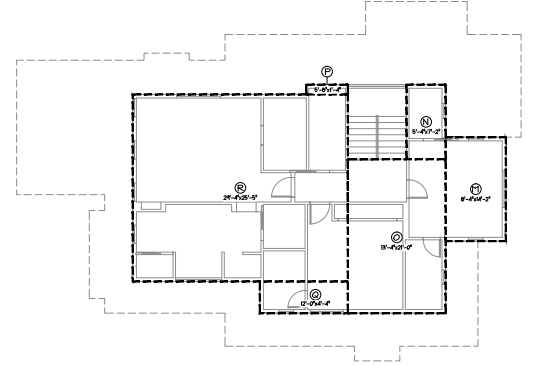
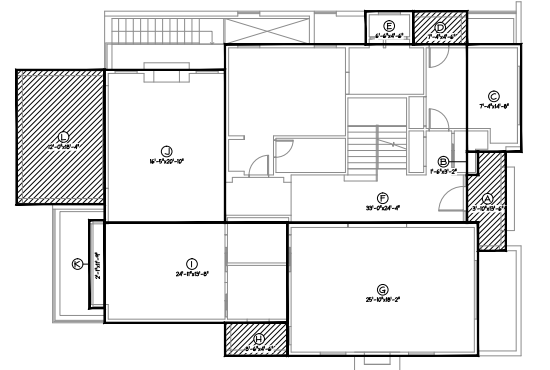
A1.1

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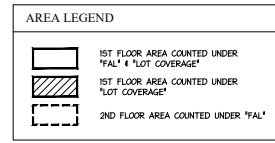
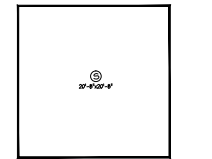


1 AREA PLAN

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



AREA	*FAL* SQ. FT.	*LOT COVERAGE* SQ. FT.
A	0	64
B	5	5
C	108	108
D	0	33
E	29	29
F	803	803
G	472	472
H	0	39
I	340	340
J	342	342
K	25	25
L	0	220
M	116	0
N	54	0
O	280	0
P	8	0
Q	52	0
R	748	0
S	428	428
TOTAL	3810	
TOTAL		2965



2 AREA CALCULATION

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

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 P.E.D.
 215 Arianna Ln, San Ramon, CA 94582

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B | D
 AMERICAN INSTITUTE of
 BUILDING DESIGN

Project Title:

FRIEDMAN RESIDENCE
 953 HOBART STREET
 MENLO PARK, CA 94025

APN: 071211070

Revisions:

Revisions	Date	Description
1	11-2-17	Site Plan & Demo Plan
2	12-5-17	Application Comments
3	12-22-17	Application Comments

Mark	Date	Description
		USE PERMIT

Issue Date:
CAD File Name:
Drawn By: DG
Checked By: KF
Plot Date: 10-23-2017

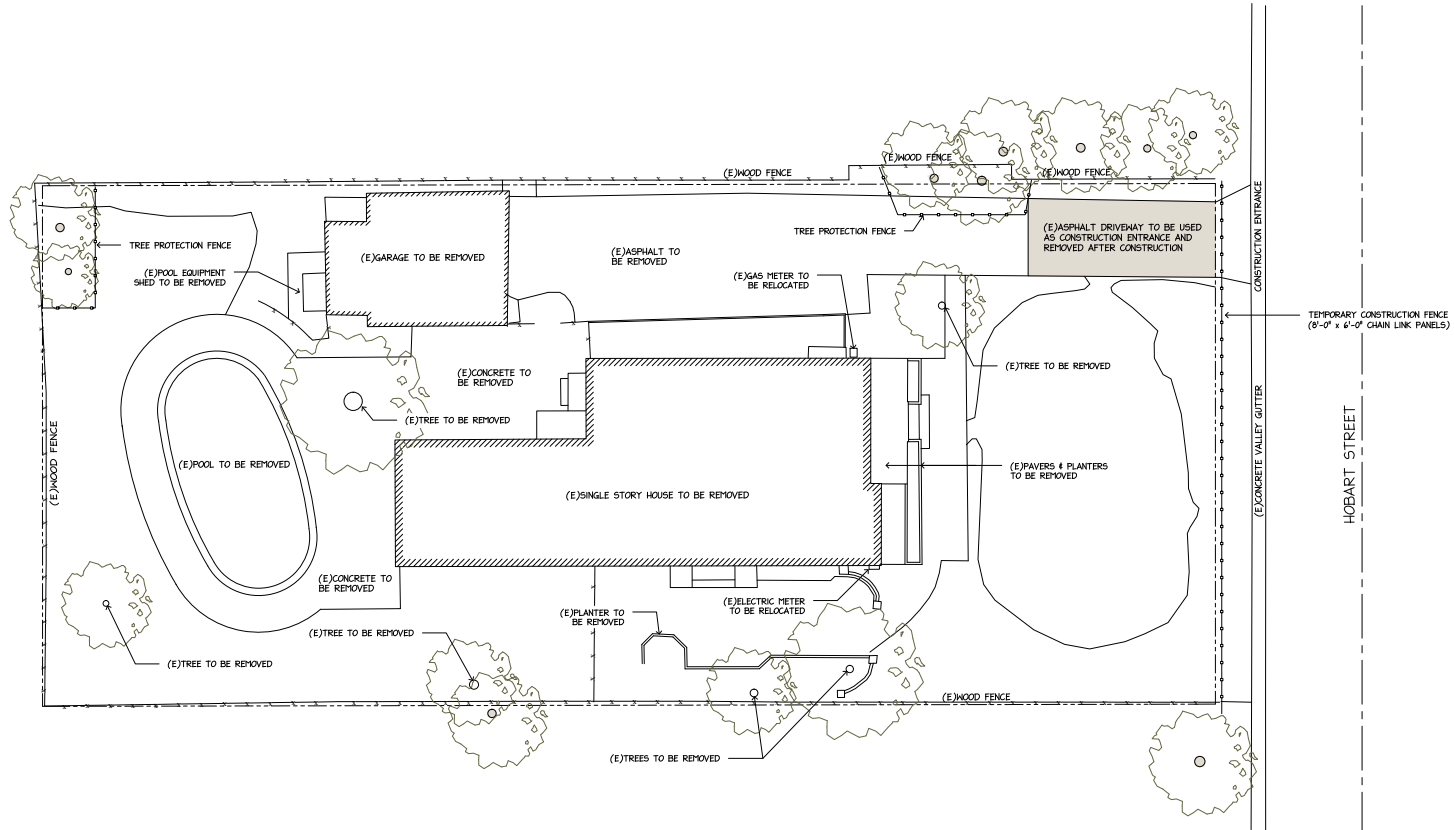
Sheet Title:

**AREA PLAN &
 AREA CALCULATION**

Drawing No.

A1.2

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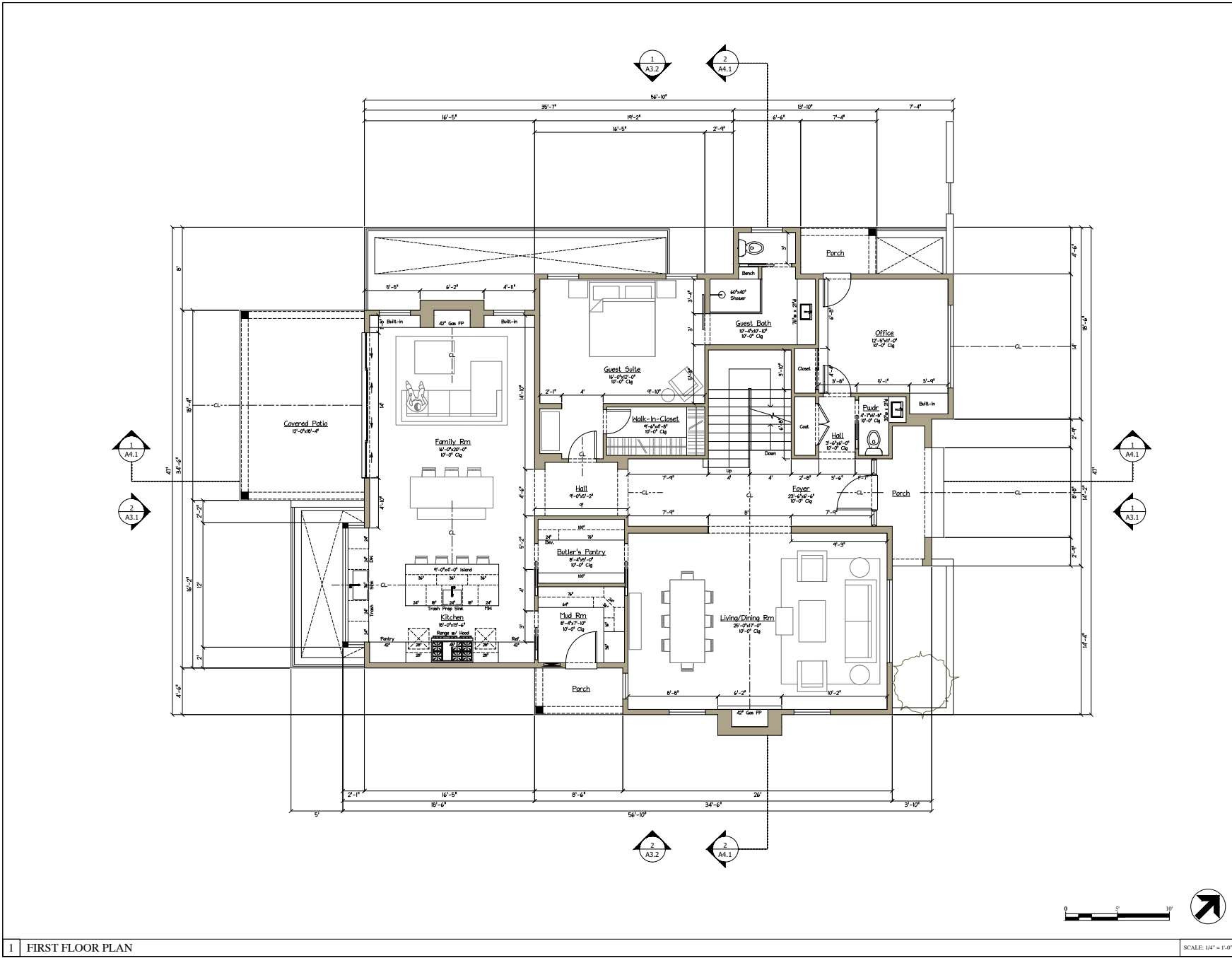
DEMO PLAN

Drawing No.

A1.3

1 DEMO PLAN

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



1 FIRST FLOOR PLAN

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

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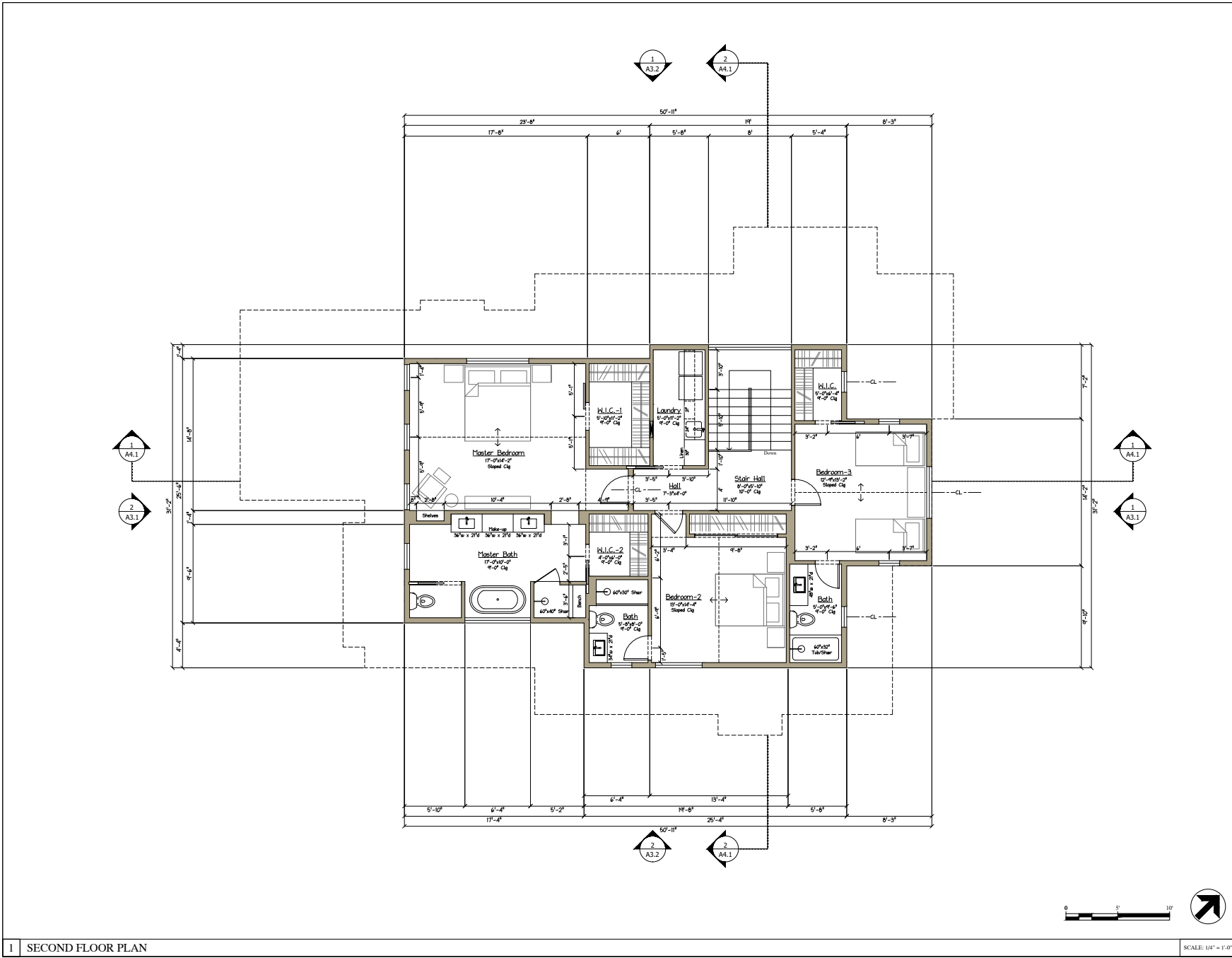
Mark	Date	Description
Issue:		USE PERMIT
Issue Date:		
CAD File Name:		
Drawn By:	DG	
Checked By:	KG	
Plot Date:	10-23-2017	

Sheet Title

FLOOR PLAN

Drawing No.

A2.1



1 SECOND FLOOR PLAN

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

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Issue Date:

CAD File Name

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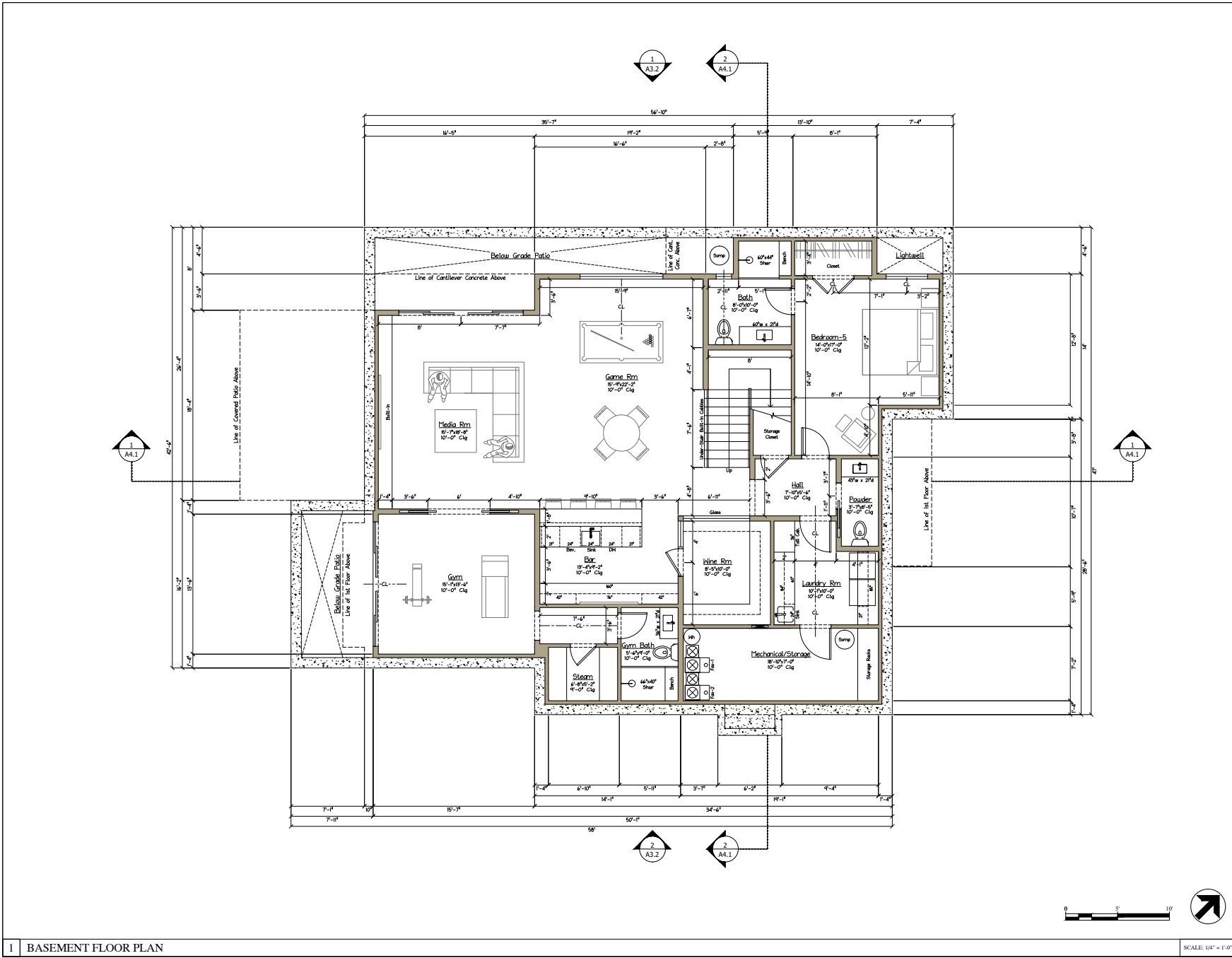
Plot Date: 10-23-2017

Sheet Title

FLOOR PLAN

Drawing No.

A2.2



1 BASEMENT FLOOR PLAN

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

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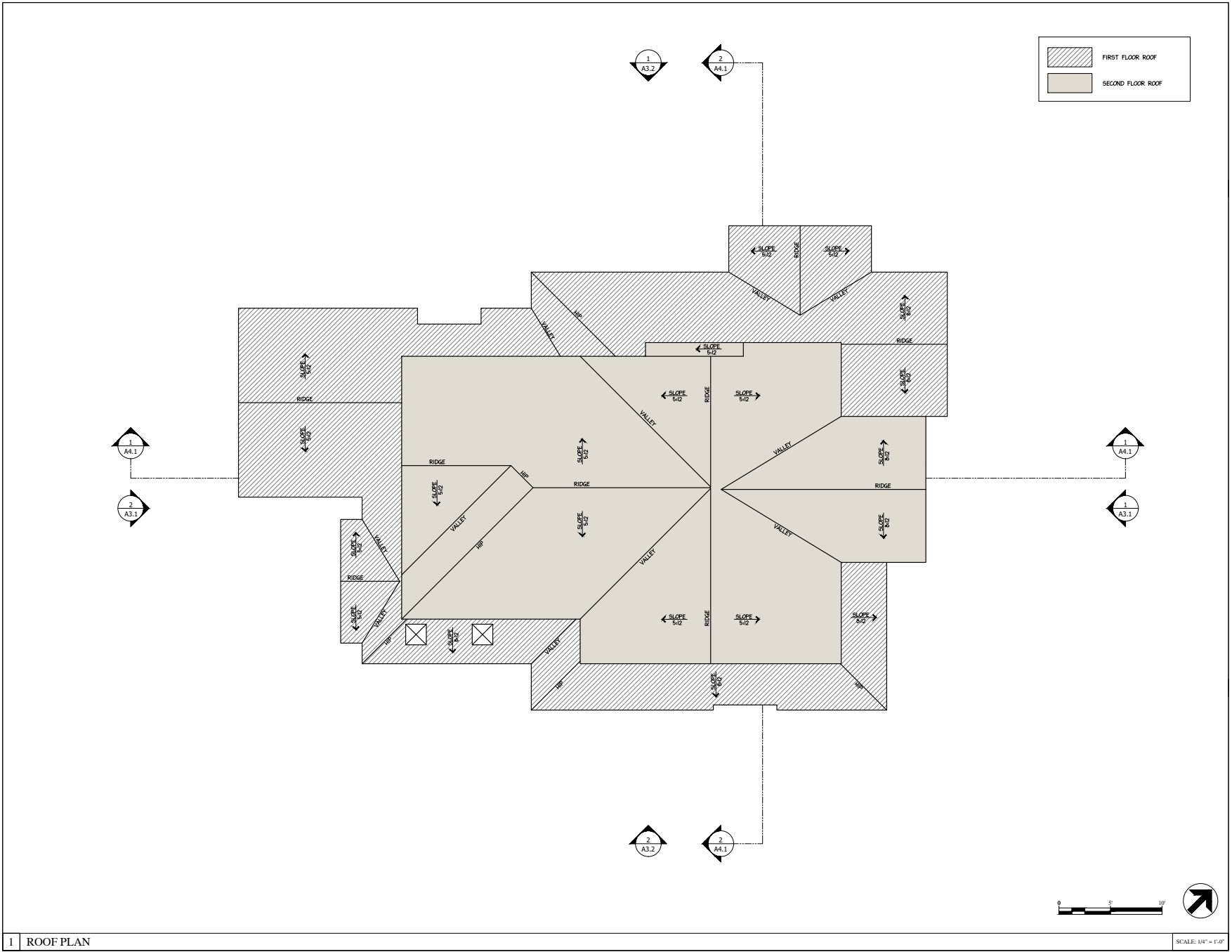
Plot Date: 10-23-2017

Sheet Title

FLOOR PLAN

Drawing No.

A2.3



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Issue: USE PERMIT

Issue Date:

CAD File Name

Drawn By: DG

Checked By: KF

Plot Date: 10-23-2017

Sheet Title

ROOF PLAN

Drawing No.

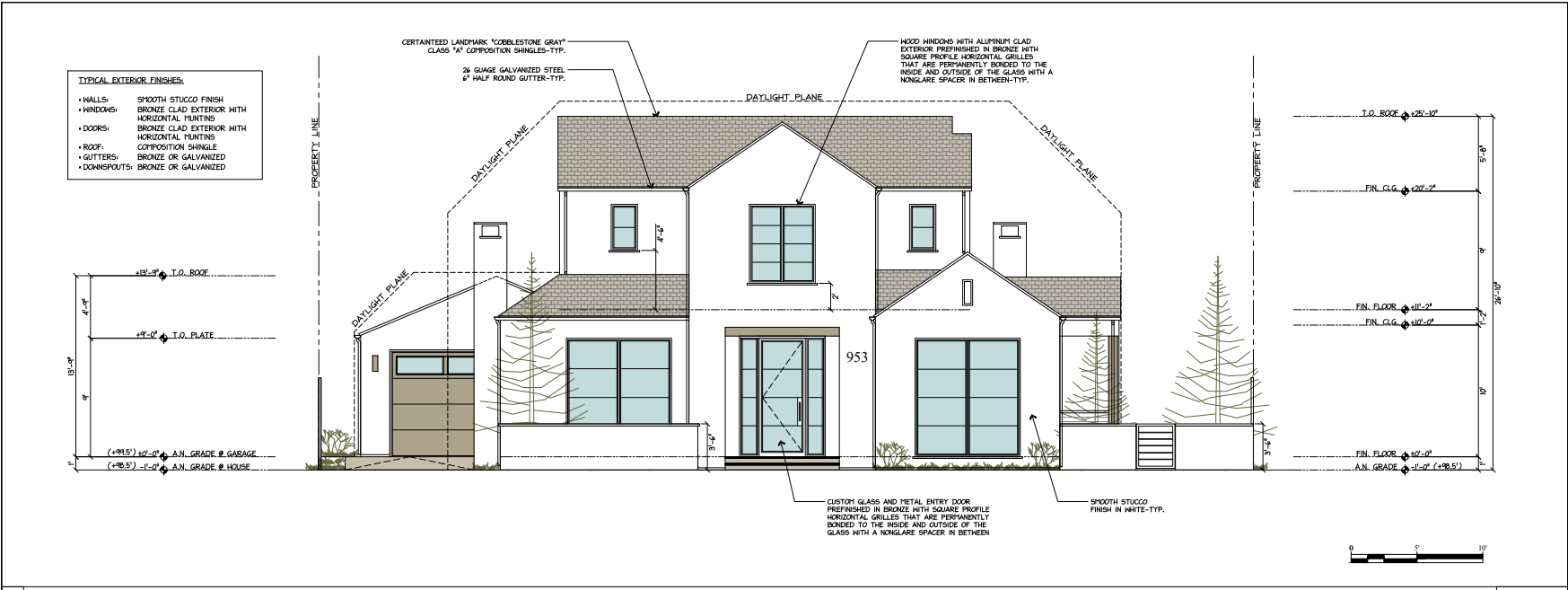
A2.4

1 ROOF PLAN

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

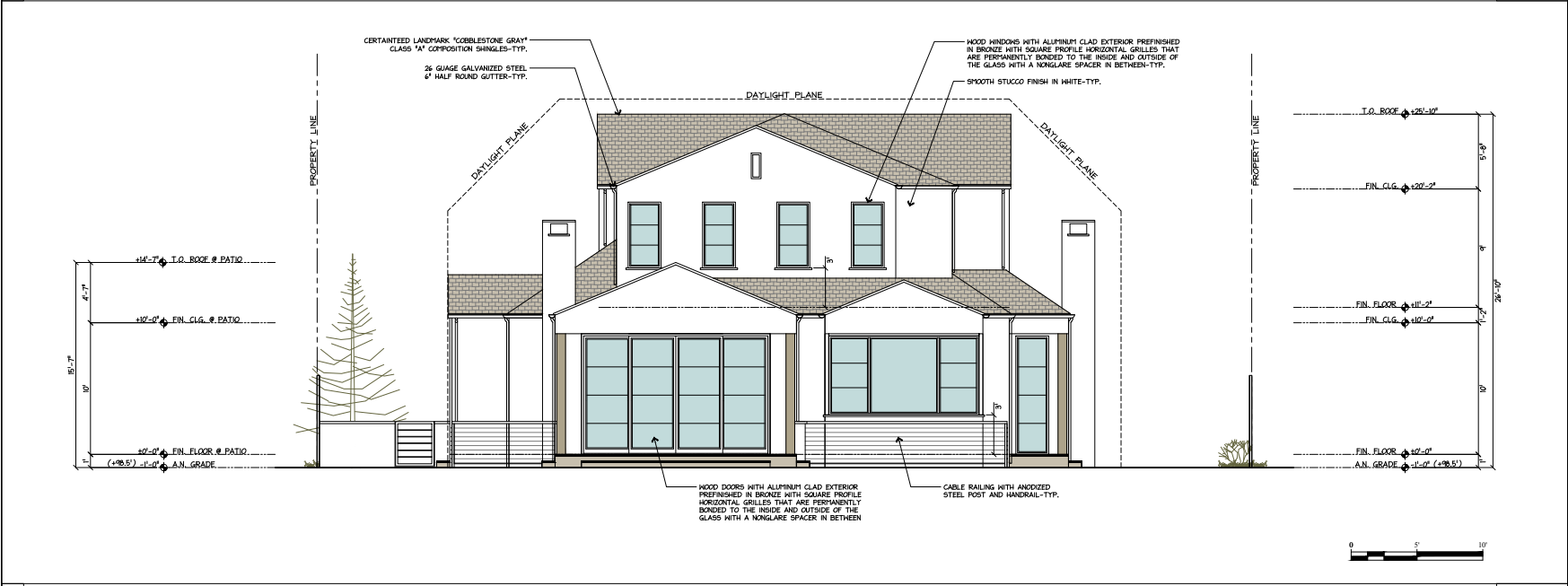
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1 NORTH ELEVATION

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



2 SOUTH ELEVATION

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

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Drawn By:	DG	
Checked By:	KE	
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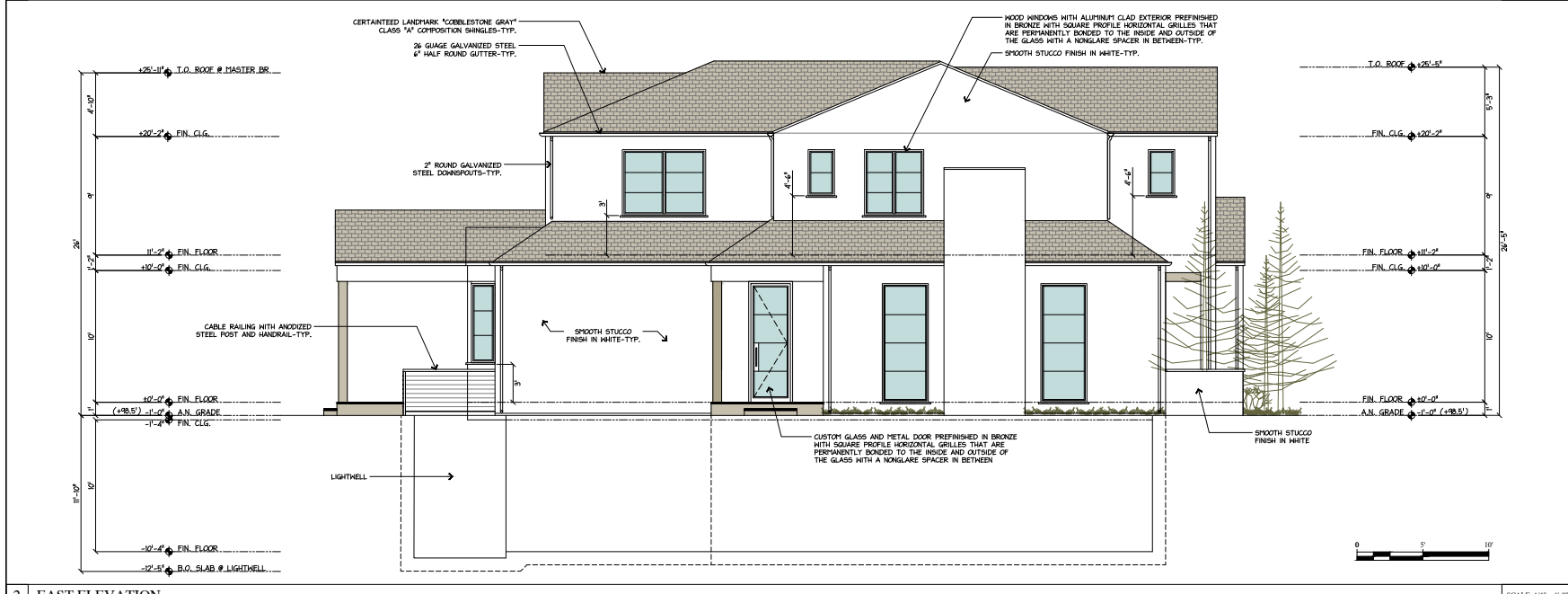
Sheet Title
ELEVATIONS

Drawing No.
A3.1



1 WEST ELEVATION

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



2 EAST ELEVATION

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

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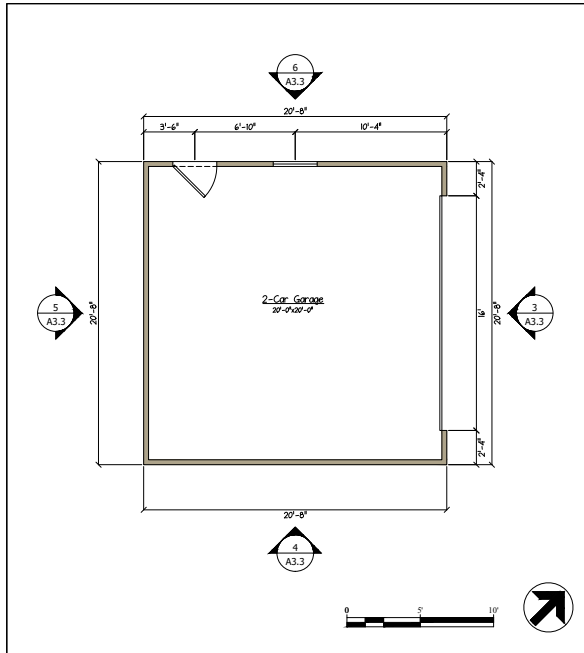
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		Checked By: XE
		Plot Date: 10-23-2017

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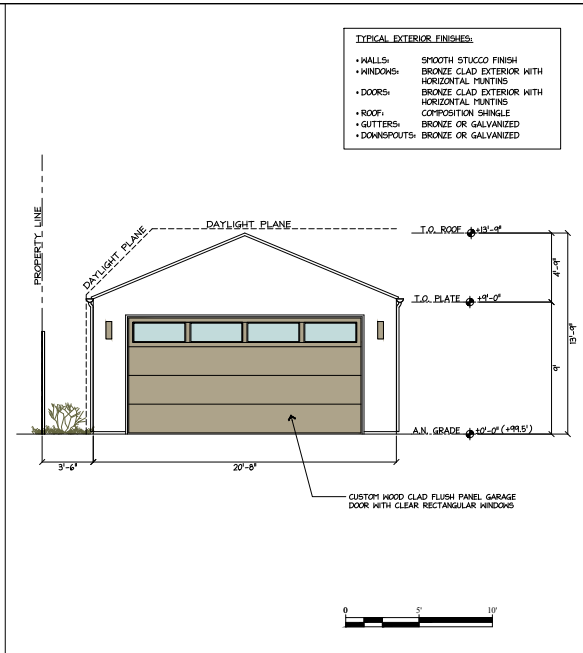
ELEVATIONS

Drawing No.

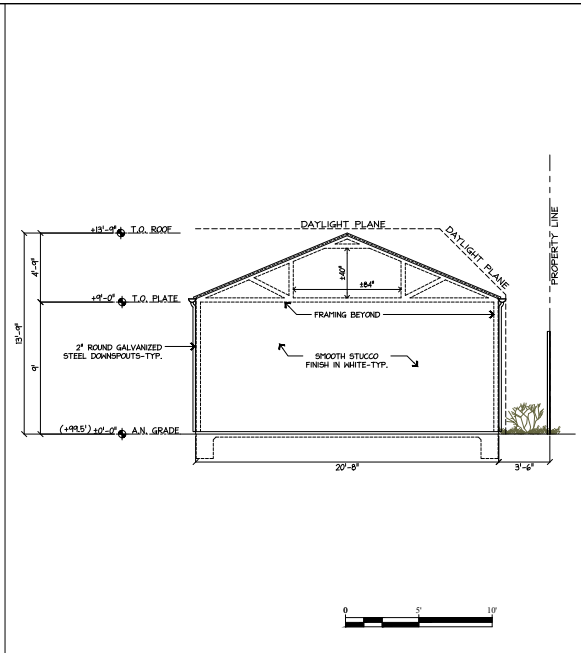
A3.2



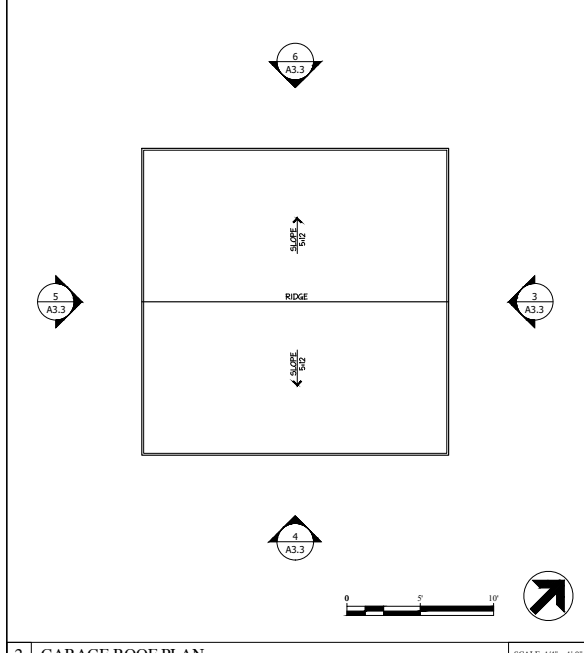
1 GARAGE PLAN SCALE: 1/4" = 1'-0"



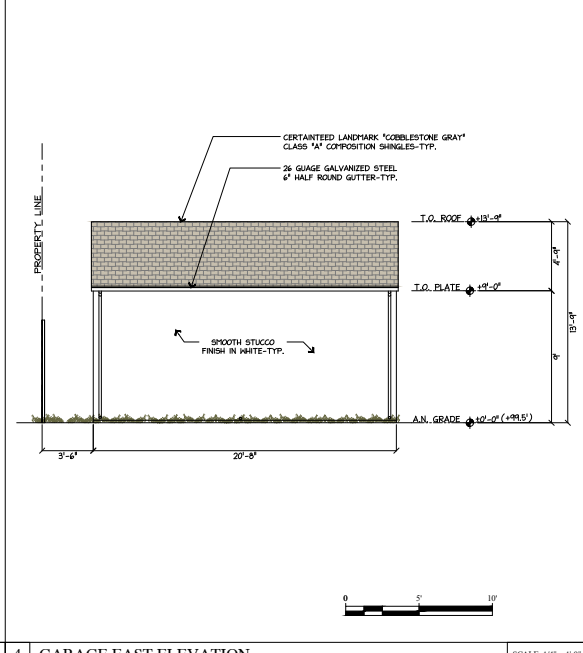
3 GARAGE NORTH ELEVATION SCALE: 1/4" = 1'-0"



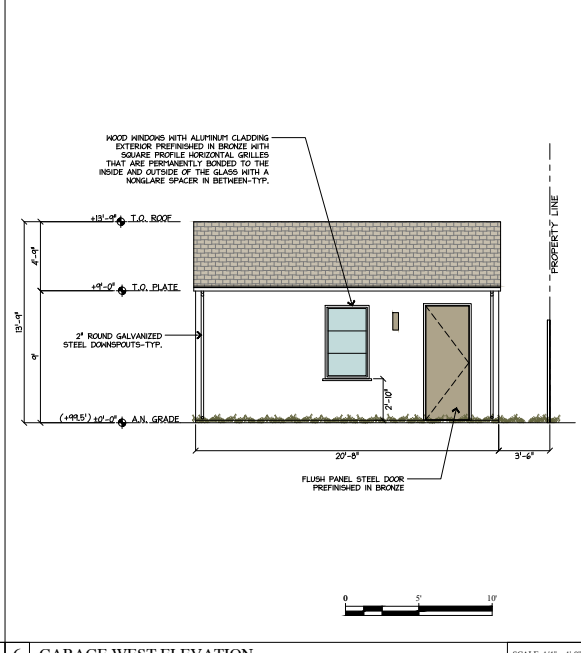
5 GARAGE SOUTH ELEVATION SCALE: 1/4" = 1'-0"



2 GARAGE ROOF PLAN SCALE: 1/4" = 1'-0"



4 GARAGE EAST ELEVATION SCALE: 1/4" = 1'-0"



6 GARAGE WEST ELEVATION SCALE: 1/4" = 1'-0"

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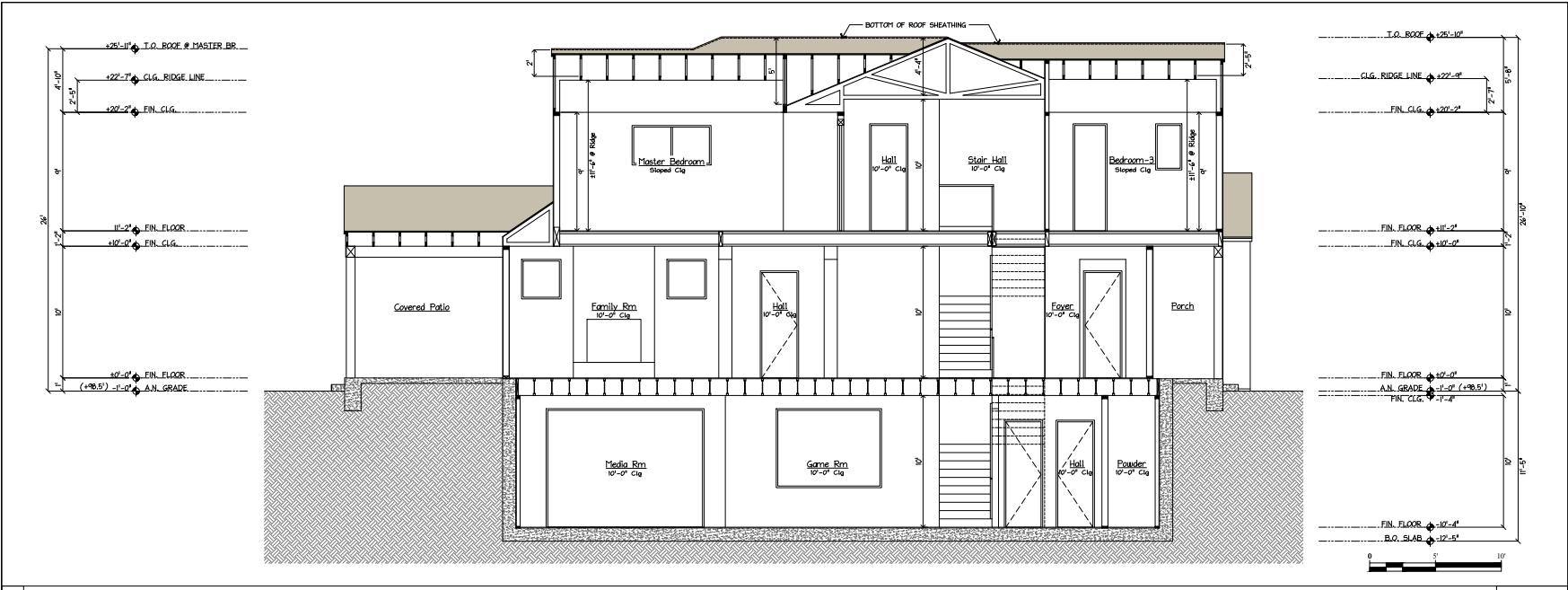
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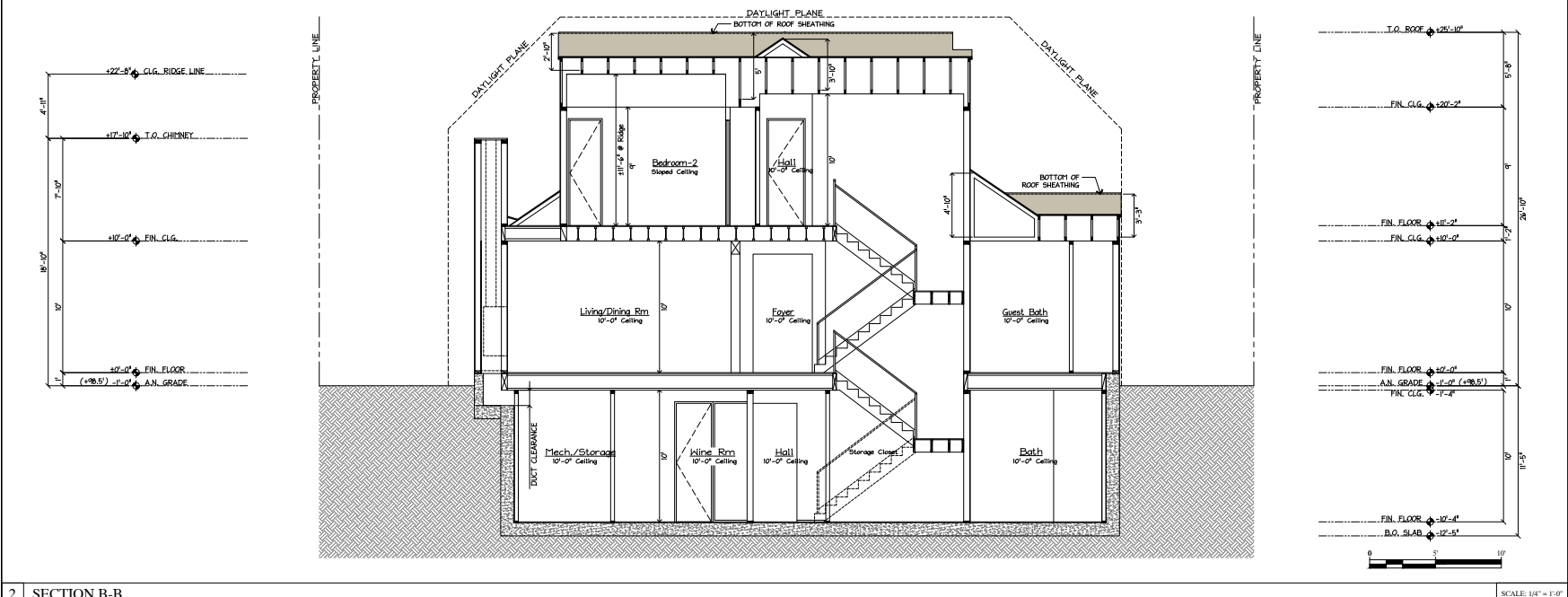
Sheet Title
GARAGE PLAN & ELEVATIONS

Drawing No.
A3.3



1 SECTION A-A

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



2 SECTION B-B

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

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Project Title

FRIEDMAN RESIDENCE
953 HOBART STREET
MENLO PARK, CA 94025

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Drawn By:	DG	
Checked By:	KE	
Plot Date:	10-23-2017	

Sheet Title

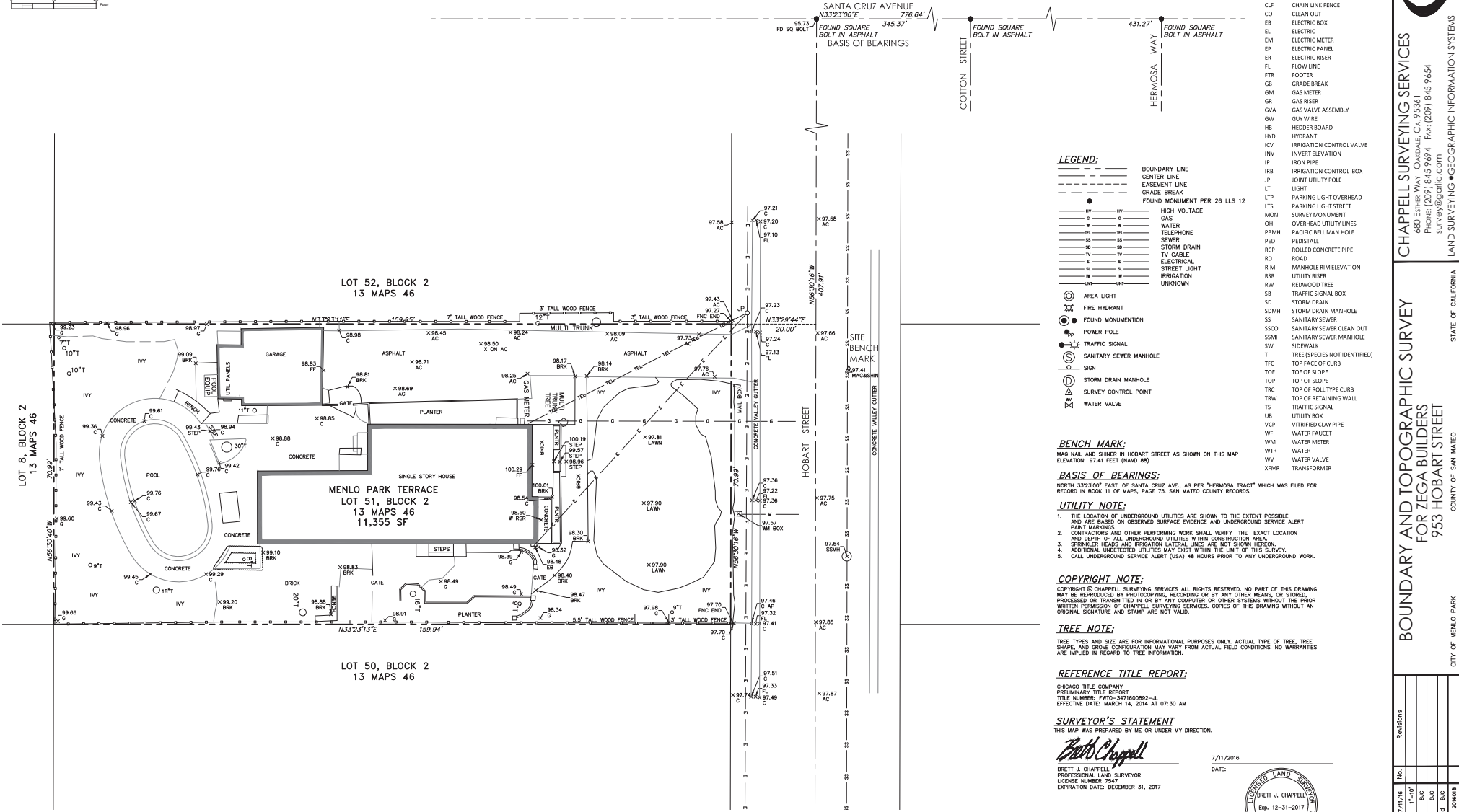
BUILDING SECTIONS

Drawing No.

A4.1



0 10 20 Feet



LEGEND:

---	BOUNDARY LINE
---	CENTER LINE
---	EASEMENT LINE
---	GRADE BREAK
●	FOUND MONUMENT PER 26 LLS 12
○	AREA LIGHT
⊙	FIRE HYDRANT
⊗	FOUND MONUMENT
⊕	POWER POLE
⊛	TRAFFIC SIGNAL
⊙	SANITARY SEWER MANHOLE
⊕	SIGN
⊙	STORM DRAIN MANHOLE
⊕	SURVEY CONTROL POINT
⊕	WATER VALVE
---	HIGH VOLTAGE
---	GAS
---	WATER
---	TELEPHONE
---	SEWER
---	STORM DRAIN
---	TV CABLE
---	ELECTRICAL
---	STREET LIGHT
---	IRRIGATION
---	UNKNOWN
---	ASPHALT
---	AREA DRAIN
---	ACCESSIBILITY RAMP
---	BUILDING CORNER
---	BACK FLOW PREVENTOR
---	BOLLARD POLE
---	BACK ROLL CURB
---	BRICK
---	CONCRETE
---	CATCH BASIN
---	CHAIN LINK FENCE
---	CLEAN OUT
---	ELECTRIC BOX
---	ELECTRIC
---	ELECTRIC METER
---	ELECTRIC PANEL
---	ELECTRIC RISER
---	FLOW LINE
---	FOOTER
---	GRADE BREAK
---	GAS METER
---	GAS RISER
---	GAS VALVE ASSEMBLY
---	GUY WIRE
---	HIDDEN BOARD
---	HYDRANT
---	ICV
---	INVERT ELEVATION
---	IRON PIPE
---	IRRIGATION CONTROL BOX
---	JOINT UTILITY POLE
---	LIGHT
---	LTP
---	PARKING LIGHT OVERHEAD
---	PARKING LIGHT STREET
---	SURVEY MONUMENT
---	OVERHEAD UTILITY LINES
---	PACIFIC BELL MAN-HOLE
---	PED
---	ROLLED CONCRETE PIPE
---	ROAD
---	MANHOLE RIM ELEVATION
---	UTILITY RISER
---	REDWOOD TREE
---	TRAFFIC SIGNAL BOX
---	STORM DRAIN
---	STORM DRAIN MANHOLE
---	SANITARY SEWER
---	SANITARY SEWER CLEAN OUT
---	SANITARY SEWER MANHOLE
---	SIDEWALK
---	TREE (SPECIES NOT IDENTIFIED)
---	TOP FACE OF CURB
---	TOP OF SLOPE
---	TOP OF SLOPE
---	TOP OF ROLL TYPE CURB
---	TOP OF RETAINING WALL
---	TRAFFIC SIGNAL
---	UTILITY BOX
---	UTILITY VALVE
---	VITRIFIED CLAY PIPE
---	WATER FAUCET
---	WATER METER
---	WTR
---	WATER VALVE
---	TRANSFORMER

BENCH MARK:

MAGNANAL AND SPINER IN HOBART STREET AS SHOWN ON THIS MAP ELEVATION: 87.41 FEET (QAND 85)

BASIS OF BEARINGS:

NORTH 33°20'00" EAST OF SANTA CRUZ AVE., AS PER "HERMOSA TRACT" WHICH WAS FILED FOR RECORD IN BOOK 11 OF MAPS, PAGE 75. SAN MATEO COUNTY RECORDS.

UTILITY NOTE:

1. THE LOCATION OF UNDERGROUND UTILITIES ARE SHOWN TO THE EXTENT POSSIBLE AND ARE BASED ON OBSERVED SURFACE EVIDENCE AND UNDERGROUND SERVICE ALERT PAINT MARKINGS.
2. CONTRACTORS AND OTHER PERFORMING WORK SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES WITHIN CONSTRUCTION AREA.
3. SPRINKLER HEADS AND IRRIGATION LATERAL LINES ARE NOT SHOWN HEREON.
4. ADDITIONAL UNDETECTED UTILITIES MAY EXIST WITHIN THE LIMIT OF THIS SURVEY.
5. CALL UNDERGROUND SERVICE ALERT (USA) 48 HOURS PRIOR TO ANY UNDERGROUND WORK.

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TREE NOTE:

TREE TYPES AND SIZE ARE FOR INFORMATIONAL PURPOSES ONLY. ACTUAL TYPE OF TREE, TREE SHAPE, AND GROVE CONTRIBUTION MAY VARY FROM ACTUAL FIELD CONDITIONS. NO WARRANTIES ARE IMPLIED IN REGARD TO TREE INFORMATION.

REFERENCE TITLE REPORT:

CHICAGO TITLE COMPANY
PRELIMINARY TITLE REPORT
TITLE NUMBER: FW0-347160892-A
EFFECTIVE DATE: MARCH 14, 2014 AT 07:30 AM

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

Brett Chappell

7/1/2016
DATE:

BRETT J. CHAPPELL
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 7547
EXPIRATION DATE: DECEMBER 31, 2017



CHAPPELL SURVEYING SERVICES
680 ESTHER WAY OAKDALE, CA 95361
PHONE: (209) 845 7694 FAX: (209) 845 7654
survey@chappell.com
LAND SURVEYING • GEOGRAPHIC INFORMATION SYSTEMS

BOUNDARY AND TOPOGRAPHIC SURVEY
FOR TEGA BUILDERS
953 HOBART STREET
COUNTY OF SAN MATEO
CITY OF MENLO PARK
STATE OF CALIFORNIA

Revisions	No.	Date	By	Check

20160181P

1 OF 1

**Project Description Letter
953 Hobart Street
Amended 22 Nov 2017**

Purpose

We seek a use permit for a new home on a substandard lot, with respect to width, in the R-1-S (single family suburban) zoning district.

Scope of work

Demolish a single-story family residence with detached garage (the garage is sited in the right-side setback) and construct a new two-story single family residence over a full basement on a substandard lot with respect to width in the R-1-S (Single-Family Suburban) zoning district with a detached garage in the left rear corner of the lot.

Total proposed floor area of 3,8108 sq. ft., proposed building coverage of 2,905 sq. ft., and height of 26' 10" are below the maximum amounts permitted by the Zoning Ordinance, The structure complies with the daylight plane for a two-story home. The new residence would adhere to all setback requirements.

Previously approved project

The previously approved project was a much more modern design than what is being proposed with this submittal. The home met with some resistance from the adjacent neighbors on both sides of the property. Each neighbor had a different concern and both have been addressed with this new design. The neighbor to the Northeast had concerns that the previous home placed the entertaining space on the side of the lot between this home and hers. The new design places the entertaining space in the back of the lot as she desired. The neighbor on the Northwest did not like the longitudinal orientation of the home because the second story overlooked her private living space (her bedroom). The new design has the house moved towards the front of the lot. It is as close to the front setback as possible and does not overlook her private living space.

Style

Modern influenced wood framed home with white-washed stucco plaster with a smooth, hard trowel finish, gray composite roof and wood/clad casement windows.

Basis for site layout

The basis of the site layout is to comply with city ordinances and maximize indoor/outdoor connection. Provide ample room for generous basement lightwells.

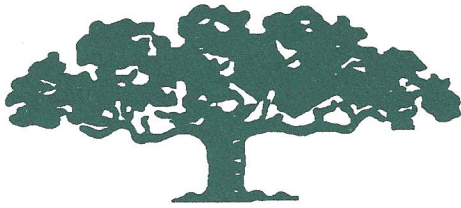
Offer a balanced front elevation set in excess of minimum required front setback to reduce appearance of mass from street and a muted materials palette.

Existing and proposed uses

Existing Use: Single Family Residence Proposed Use: Single Family Residence

Outreach to neighboring properties

Property owner contacted all properties within a 300' radius with a personal letter explaining scope of project and an offer to address any concerns, or interest, affected property owners might have. Two adjacent property owners (973 Hobart and 980 Hobart) met with property owner to discuss proposed project. Both owners appreciated contact and expressed support of the project. The property owner of 936 Olive (adjacent property on right rear corner) also contacted homeowner, via e-mail, to express appreciation for "thoughtfulness of contact".



Mayne Tree Expert Company, Inc.

ESTABLISHED 1931

STATE CONTRACTOR'S LICENSE NO. 276793

CERTIFIED FORESTER • CERTIFIED ARBORISTS • PEST CONTROL • ADVISORS AND OPERATORS

RICHARD L. HUNTINGTON
PRESIDENT

JEROMEY INGALLS
CONSULTANT/ESTIMATOR

535 BRAGATO ROAD, STE. A
SAN CARLOS, CA 94070-6311

TELEPHONE: (650) 593-4400

FACSIMILE: (650) 593-4443

EMAIL: info@maynetree.com

August 5, 2016
(Revised December 20, 2017)

Mr. Ken Friedman
Zega Builders, Inc.
411 Arlington Wy.
Menlo Park, CA 94025

Dear Mr. Friedman,

RE: 953 HOBART STREET, MENLO PARK

At your request, I visited the above site on July 19, 2016. The purpose of my visit was to inspect and comment on the trees located on the property and within 10 feet of the property line larger than 8 inches in diameter.

Limitations of this report

This report is based on a visual-only inspection that took place from ground level. I accept no responsibility for any unseen or undocumented defects associated with the trees in this report.

Method

Each tree was identified and given an identification number. This number is scribed onto a metal foil tag and placed at eye level on the trunk of the tree. This number has also been placed on to a corresponding site map to show the approximate locations of the trees on the property. The diameter of the trees was found by measuring 54 inches above the natural grade as described in the City of Menlo Park Heritage Tree Ordinance. The height and canopy spread of each tree was estimated to give the tree's approximate dimensions. A condition rating has been given to the trees. This rating is based on form and vitality and can be further defined by the following table:

0	–	29	Very Poor
30	–	49	Poor
50	–	69	Fair
70	–	89	Good
90	–	100	Excellent

Lastly, a comments section has been provided to give more individual detail about the tree and its surroundings.

Tree Survey

Tree #	Species (Common)	Diameter (inches)	Condition (percent)	Height (feet)	Spread (feet)	Comments
1	Tristania	10.0 (est.)	65	15	10	Routinely shaped into rounded form; located on neighboring property; no tag.
2	Plum	10.0 (est.)	45	15	10	Multi-stem at 3 feet; routinely shaped into a rounded form; located on the neighboring property; no tag.
3	Crape Myrtle	14.0 (est.)	50	18	10	Multi-stem at the base; routinely shaped into a rounded form; located on the neighboring property; no tag.
4	Crape Myrtle	14.0 (est.)	50	18	10	Multi-stem at the base; routinely shaped into a rounded form; located on the neighboring property; no tag.
5	Pittosporum tobira	14.0 (est.)	45	15	12	Multi-stem at the base; provides good screening; routinely side-pruned along driveway.
6	Oleander	12.0 (est.)	40	18	12	Multi-stem at the base; provides good screening.
8	Pittosporum tobira	10.0 (est.)	55	13	18	Multi-stem at the base; root crown covered; good vigor fair form.
10	Date Palm	28.9	65	35	28	Large amount of exposed roots at the base; cracking the planter; healthy canopy poor location.
12	Plum	14.0 (est.)	50	21	18	Multi-stem at the base; root crown covered; healthy canopy.
13	Valley Oak	9.9	45	30	33	Root crown covered; leans east due to a competition for light with the Oleander; codominant attachment at 10 feet; good vigor; poor form.
14	Pear	9.0 (est.)	50	15	15	Two-stem at the base; root crown covered; fire blight present in the canopy; good vigor.
16	Plum	14.2	25	12	9	Mostly dead trunk with single lower green branch; significant cavity at the base.
17	Yucca	12.0 (est.)	45	25	9	Slight lean to the east; located on the neighboring property; no tag; good vigor.

Tree #	Species (Common)	Diameter (inches)	Condition (percent)	Height (feet)	Spread (feet)	Comments
19	Plum	12.0 (est.)	25	20	18	Codominant at base with included bark; Ganoderma conk at 1 foot; mostly dead top.
20	Colorado Blue Spruce	11.5	85	30	12	Roots lifting the brick planter; good form and vigor; abundance of interior deadwood.
21	Spanish Fir	16.0 (est.)	65	35	15	Located in the neighboring property; top side-pruned by PG&E; no tag.

Observations

During my inspection of this property, I found that the majority of the trees on this site appeared to have received routine maintenance in the past. Trees #1-#4, #17, and #21 are all located on adjacent properties within 10 feet of the property line.

Trees #5 and #8 are both *Pittosporum tobira* trees located on opposite sides of the driveway. Both of these trees have multi-stem trunks and have good vigor. Tree #5 provides good screening of the neighboring property.

Tree #6 is an overgrown Oleander shrub located along the right side of the driveway. This tree has a multi-stem attachment at its base and provides good screening of the neighboring property.

Tree #10 is a Date Palm located at the back right corner of the home, in a small raised planter bed. There is an abundance of exposed roots near the base of this tree and the planter has been cracked by the tree's root crown tree. The upper canopy is healthy and vigorous with a small number of dead fronds. This tree is less than 6 feet from the edge of the pool.

I believe this tree is too large for its current location. I recommend considering the removal of this tree in the near future.

Tree #12 is a Plum tree located at the right rear corner of the property. This tree appears to be a volunteer that has poor form. I also found a small 7-inch diameter Valley Oak located near the base of this tree. This Valley Oak has poor form due to a competition for light and leans over the neighboring property.

Removal of the Plum tree is recommended in the near future. In addition, the small Valley Oak should be considered for removal at the same time.

Tree #13 is a Valley Oak located at the right rear corner of the property. This tree leans significantly to the east due to a competition for light with the larger group of Oleander (tree #11). There is a codominant attachment at 10 feet and a combination of ivy and other organic material cover the root crown of this tree.

I recommend routine tree maintenance that should include end weight reduction on the leaning side of the canopy and exposing this tree's root crown in the near future.

Tree #14 is a fruiting Pear tree located at the left rear corner of the property. This tree has a covered root crown, a two stem attachment at the base, and fire blight in random locations around the canopy. The overall vigor of this tree is good.

I recommend routine maintenance that should include exposing the root crown of the tree and pruning out the fire blight. In addition, I recommend sterilizing the pruning utensils between each cut to minimize the spread of the fire blight.

Tree #16 is a mostly dead Plum tree located on the left side of the home. This tree has a significant cavity at its base and only one green sprout on the lower trunk.

I believe this tree is a hazard and should be removed.

Tree #19 is a Plum tree located on the left side of the home. This tree has a codominant attachment at its base with included bark. I found a Ganoderma conk at its base and the upper canopy is mostly dead.

Due to its poor health, I recommend removal of this tree in the near future.

Tree #20 is a Colorado Blue Spruce located at the front left corner of the home. This tree has good form and vigor with a minor amount of interior deadwood.

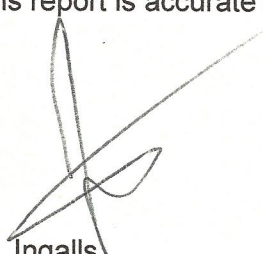
I recommend routine maintenance that should include interior deadwood removal and aeration of the root zone with new mulch placed around the root zone.

Summary

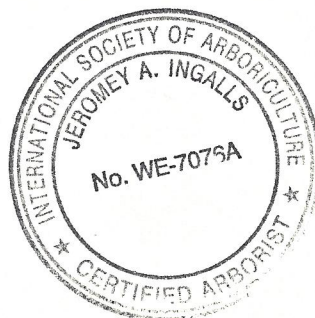
Trees #1-#4, #17, and #21 are all located on adjacent properties within 10 feet of the property line; they require no work at this time. Trees #10, #12, and #16 should all be considered for removal due to their location, health, or structural defects. The remaining trees should receive routine tree maintenance such as exposing the root crowns, deadwood removal, and end weight reduction.

All work performed as a result of this report should be performed by a qualified licensed tree care professional. If I can be of further assistance, please contact me at my office. I believe this report is accurate and based on sound arboriculture principles and practices.

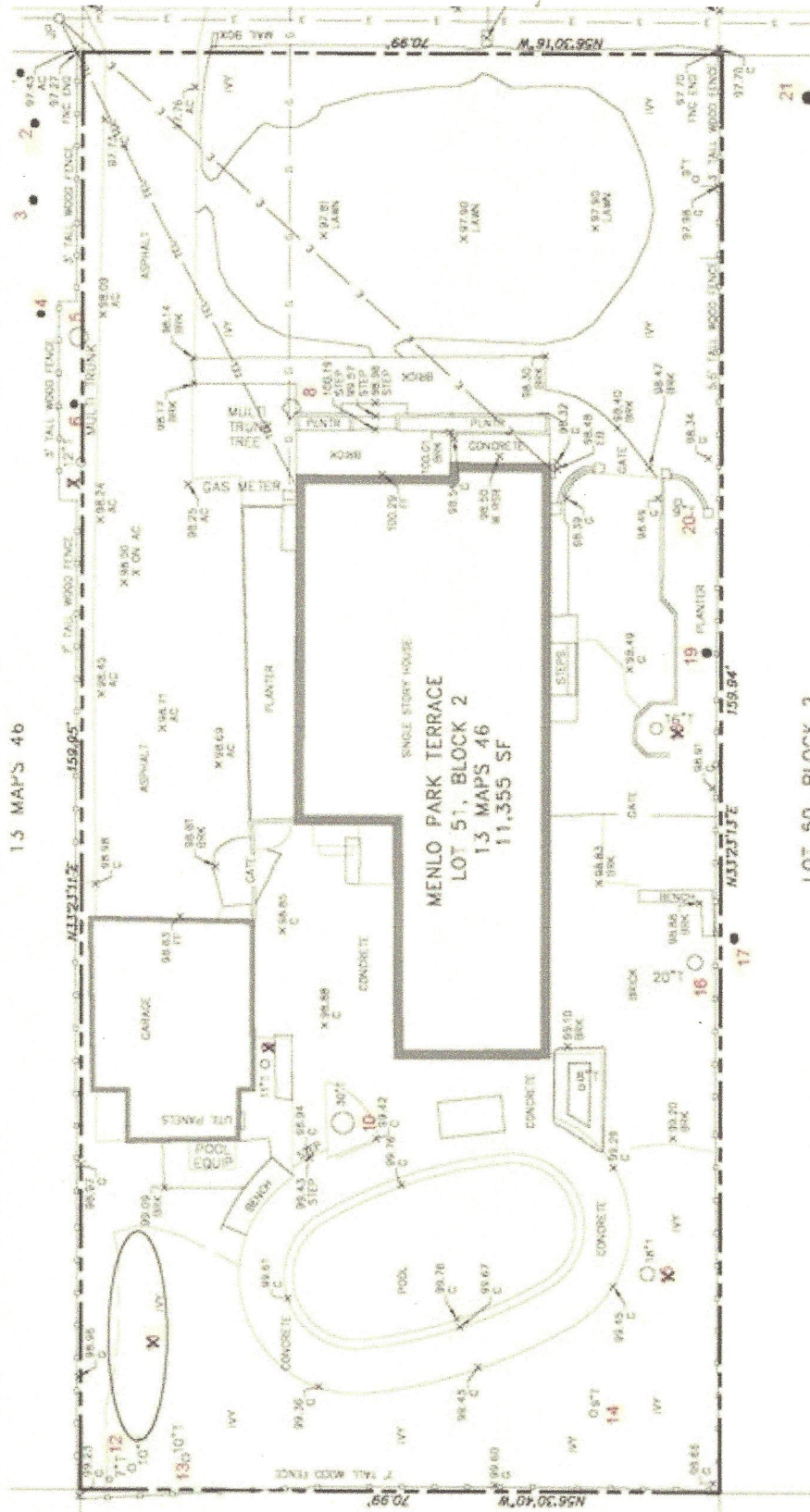
Sincerely,



Jeromey A. Ingalls
Certified Arborist WE #7076A



JAI:pmd



See tree inventory numbers site plan (pdf) attached to email with this letter.



STAFF REPORT

Planning Commission

Meeting Date: 1/22/2018
Staff Report Number: 18-009-PC

Public Hearing: Menlo Gateway Development Agreement –
Seventh Annual Review

Recommendation

Staff recommends that the Planning Commission review the information provided and make a determination that the property owner, over the course of the past year, has demonstrated good faith compliance with the provisions of the Menlo Gateway Development Agreement for the period of January 2017 through January 2018. The recommended actions are included as Attachment A.

Policy Issues

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

Background

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

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

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

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

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

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

At present, none of the buildings are completed or occupied, but construction is nearly complete on the Independence Site hotel, garage/health club, and office building. The three buildings are anticipated to open within the first quarter of 2018.

In October 2017, the applicant requested substantially consistent minor modifications to the approved plans for the Constitution Site office buildings. The changes were requested to enhance the functionality of the proposed buildings and site. The proposed changes included:

- Removal of the planters and foliage along each level and elevation of the parking structure facades, and installation of dichroic glass panels on the north and southern elevations of each structure to create a unique, iconic sculptural element on each of the parking structures;
- Replacement of the “lamella” trellis structure between the two Constitution office buildings with two aerial pedestrian bridges to provide connectivity for workers; and
- An increase in the height of the roof canopy of the Constitution office buildings from 12 feet to 13 feet to accommodate screening for elevator hoistways and cooling tower penthouses.

Following a notification to the Planning Commission of the proposed changes, the substantially consistent minor modifications were approved by the Community Development Director on December 15, 2017.

Beginning in late September 2017 through December 2017, the applicant submitted building permit plans for the construction of the two parking garages and two eight-story office buildings approved for the Constitution Site. The plans are consistent with the substantially consistent minor modifications approved by the Community Development Director. Demolition and grading have begun on portions of the Constitution Site, and staff is currently reviewing permits for the foundation and structural frame of the new buildings. Construction of the new buildings and structures on the Constitution Site is likely to begin this year.

The Planning Commission has conducted six annual reviews of the project between December 2011 and January 2017. In each instance, the Commission found that the property owner had complied in good faith with the terms and conditions of the Development Agreement.

Analysis

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

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

In addition, the approved Development Agreement for the Menlo Gateway project, Section 7.1, sets forth the following requirement for the Annual Review: "The City shall, at least every twelve (12) months during the term of this Agreement, review the extent of Owner's good faith compliance with the terms of this Agreement pursuant to Government Code § 65865.1 and Resolution No. 4159. Notice of such annual review shall be provided by the Director to Owner not less than thirty (30) days prior to the date of the hearing by the Planning Commission on Owner's good faith compliance with this Agreement and shall to the extent required by law include the statement that any review may result in amendment or termination of this Agreement. A finding by City of good faith compliance by Owner with the terms of Agreement shall conclusively determine the issue up to and including the date of such review."

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

Section 3.2 of the Menlo Gateway Development Agreement outlines the project phasing. This section requires the construction of the hotel to occur prior to or concurrently with the construction of any of the office buildings. Section 3.2 also requires the hotel to pass sheet rock inspection for 80 percent of the hotel building as determined by the Building Official prior to final inspection of any office building shell or building permit issuance for any tenant improvements. With the hotel, garage, and office building on the Independence Site nearly complete and the hotel having passed the 80 percent sheet rock inspection in fall 2017, the project currently meets the phasing requirements of the Agreement.

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

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

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

The fourth category, described as Unacceptable Progress implies that, at least potentially, good faith compliance for that item may not have occurred. However, a determination that substantial and persistent non-implementation of the Development Agreement would have to occur before a lack of good faith compliance could truly be determined. None of the Development Agreement requirements have been identified as unacceptable progress during the 2017-2018 Development Agreement review year.

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

Development Agreement progress

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

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

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

CDP implementation progress

As part of this annual review, staff has also reviewed the status of seven major infrastructure improvements identified in the project CDP related to the Independence Site. As shown in the table below, the applicant has made good progress at meeting its obligations under the CDP.

Completion Status	Number of Projects
Complete	4
Under Construction	3
Project in design development / Permits not issued / Construction not started	0

The applicant has completed or contributed a fair share amount toward four identified infrastructure projects. For the remaining three projects, the applicant received necessary permits from the City, Caltrans, and/or other applicable reviewing agencies for each Independence Site-related item in the CDP in 2017. Completion of the improvements currently under construction is anticipated to occur in 2018 now that all permits have been issued by the relevant agencies. Details of the individual items are described in Attachment E.

Correspondence

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

Conclusion

Since May 2015, the applicant’s project development team has met with City staff on a weekly basis to provide updates on the development of the project and compliance with the requirements of the Development Agreement and CDP. Construction is nearly complete for the hotel, garage/health club, and office building on the Independence Site, which occurred within the Development Agreement term to retain development rights. With regard to Independence Site-related requirements in the Development Agreement and CDP, the applicant has made good progress in the past year and continues to work toward achieving all of the outstanding items during the coming year.

In the final months of 2017, the applicant submitted building permit applications to construct the Constitution Phase of the approved project, well ahead of the required term specified in the Development Agreement. Based on the progress made over the past 12 months, staff recommends that the Planning Commission make a determination that the property owner has demonstrated good faith compliance with

the provisions of the Development Agreement for the period of January 2017 through January 2018.

Impact on City Resources

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

Environmental Review

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

Public Notice

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

Attachments

- A. Recommended Actions
- B. Location Map
- C. Letter from Bohannon Development Company
- D. Development Agreement Obligations Status Summary
- E. CDP Independence Phase Infrastructure Improvements Summary

Report prepared by:
Tom Smith, Associate Planner

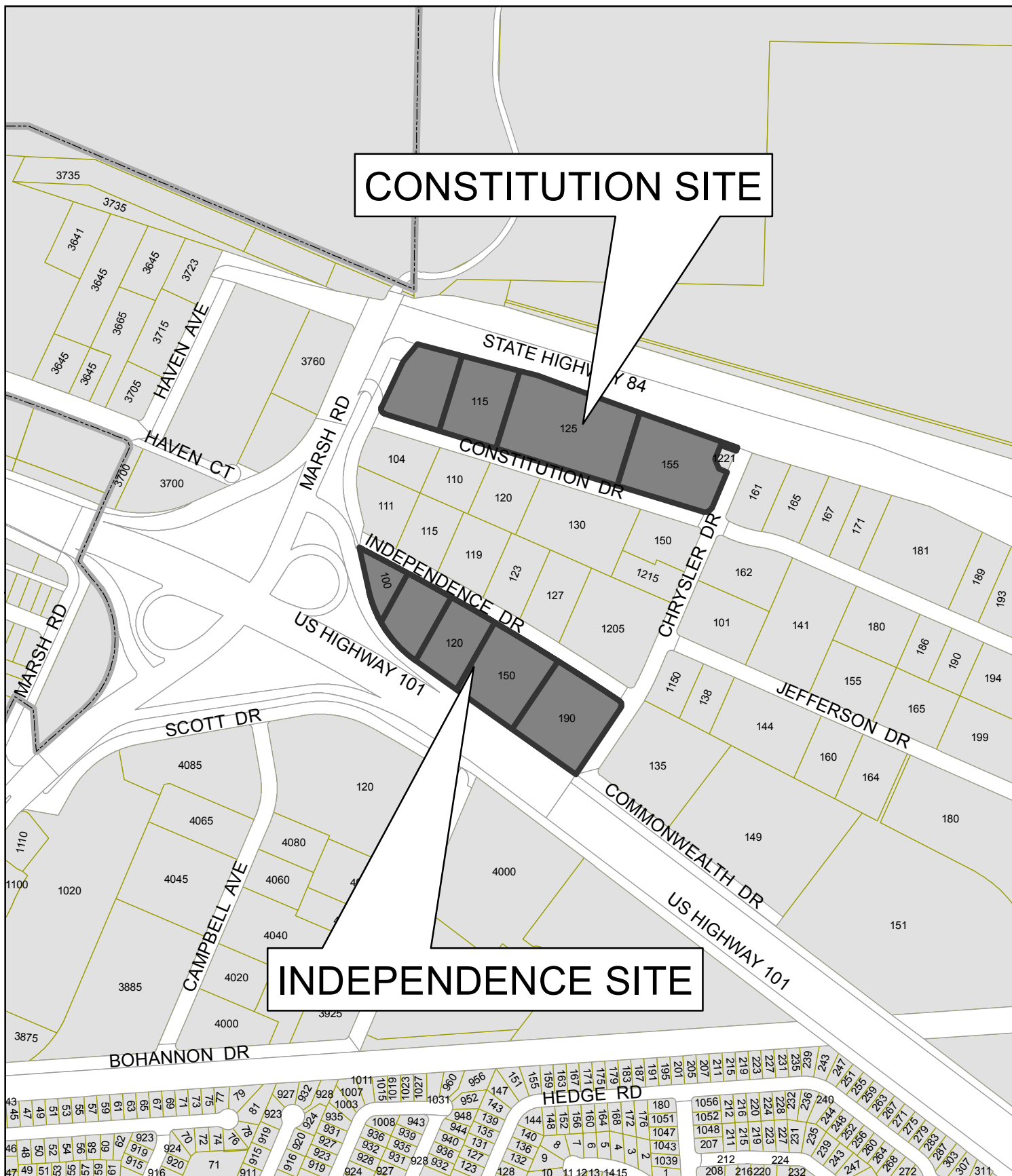
Report reviewed by:
Thomas Rogers, Principal Planner

Menlo Gateway Development Agreement – Attachment A: Recommended Actions

LOCATION: 100-190 Independence Drive, 101-155 Constitution Drive	PROJECT NUMBER: N/A	APPLICANT: Bohannon Development Company	OWNER: Bohannon Development Company
PROPOSAL: Make a determination that Bohannon Development Company has made good faith efforts to implement the provisions of the Menlo Gateway development agreement during the 2017-2018 Development Agreement Review Year.			
DECISION ENTITY: Planning Commission	DATE: January 22, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kahle, Onken, Riggs, Strehl)			
ACTION: <ol style="list-style-type: none"> 1. Make a finding that the Annual Review of the Development Agreement has no potential to result in an impact to the environment and does not meet the definition of a Project under the California Environmental Quality Act (CEQA). 2. Make a finding that Bohannon Development Company has implemented the provisions of its Development Agreement during the 2017-2018 Development Agreement Review Year. 			

CONSTITUTION SITE

INDEPENDENCE SITE



CITY OF MENLO PARK

CITY OF MENLO PARK

LOCATION MAP

MENLO GATEWAY PROJECT

DRAWN: TAS CHECKED: THR DATE: 1/22/17 SCALE: 1" = 500' SHEET: 1





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

December 18, 2017

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

Dear Tom:

We understand that in January 2018, the City will conduct its annual review of Bohannon's compliance with the terms of the Development Agreement for the Menlo Gateway Project, located at 100 to 200 Independence Drive and 101 to 155 Constitution Drive, both in the City of Menlo Park, California. This will be the City's seventh annual review.

We are pleased to report that 2017 was another great year for the Project. The Independence Phase is almost complete, with both the hotel and office building slated for completion in February 2018. Construction of the Constitution Phase is scheduled to commence in early 2018 after the tenants vacate the existing buildings.

To help facilitate this annual review, we have prepared a summary of our progress on implementing the Development Agreement, attached as Exhibit A. We have also included a summary of the major infrastructure improvements identified in the Conditional Development Permit, attached as Exhibit B, which are incorporated by reference into the Development Agreement. As you can see, we continue to make significant progress towards satisfying all of the Development Agreement's requirements; however, because most of the requirements are triggered either by issuance of building permits or occupancy of the buildings, many of the items remain "in progress." Accordingly, we respectfully request that staff recommend that the Planning Commission find and determine, on the basis of substantial evidence, that Bohannon has, for the period between January 2017 and December 2018, complied in good faith with the terms and conditions of the Development Agreement.

We are delighted that the Independence Phase is nearly complete and are anxious to begin the Constitution Phase. As always, we appreciate the City's ongoing cooperation and good faith efforts to help this Project move forward. Please do not hesitate to contact me if you have any questions, or if there is any further information we can provide to facilitate the Planning Commission's review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Bohannon', written over a faint blue line.

David D. Bohannon

Attachment C: Development Agreement Obligations Status Summary

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.1	<p><u>Guarantee Payments.</u> Applicant shall be obligated to make to the City the Guarantee Payments to the extent required.</p>	<p>Applicant’s obligation to make Guarantee payments, if any, commence as of the first day of the first full calendar quarter following the earlier of: (a) the third anniversary date of the Hotel Opening Date, or (b) the fourth anniversary of the date the City allows occupancy of the office building on the Independence Site, unless the Guarantee Payment Period shall be earlier terminated in accordance with this Agreement.</p>	<p>Conditional, No Action Required</p>	<p>No change since last annual review.</p>
§5.2	<p><u>Capital Improvements.</u> Applicant shall make capital improvements to the Belle Haven neighborhood (not less than \$750,000) and Bedwell Bayfront Park or other city-wide recreational improvements (approximately \$500,000) in the amount of up to \$1,250,000.</p>	<p>Applicant shall pay for and cause the construction of such capital improvements to be completed prior to the date of the City’s final building inspection of the first office building in the Independence Phase.</p>	<p>In Progress</p>	<p>Applicant and City finalized a Memorandum of Understanding (MOU) which establishes Applicant’s funding contribution and obligations. The City conducted a public outreach process as part of the Bedwell Bayfront Park Master Plan to determine the scope and cost of the</p>

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

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				<p>capital improvements. The Master Plan was adopted by City Council on November 14, 2017. Applicant is responsible for designing and constructing capital improvements identified in the Master Plan if the estimated costs are within 5% of Applicant's required funding contribution.</p> <p>If the City does not determine specific capital improvements by June 1, 2018 for Applicant to design and construct, then Applicant would pay its required funding contribution and the City would design and construct the capital improvements.</p>
§5.3	<u>Off-Site Landscaping Improvements.</u> Applicant shall pay for and cause to be constructed off-site landscaping improvements, which may include pedestrian/bicycle	Applicant shall pay for and cause the construction of such landscaping improvements to be completed in two phases: 1) prior to the date of the City's final building inspection of the first office building in the	In Progress	City and Applicant finalized an MOU which establishes Applicant's funding contribution and obligations. City and Applicant are collaborating on a public planning

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	pathways, hardscape, and other architectural and landscape features in addition to plantings, in certain areas surrounding the Property in an amount not to exceed \$500,000.	Independence Phase; and 2) prior to the date of the City's final building inspection of the first office building in the Constitution Phase.		<p>process to identify the scope of the improvements. As part of the planning process, a community meeting will be held on January 25, 2018 to solicit community input and feedback.</p> <p>Following the planning process, City and Applicant will decide the improvements to be constructed, and Applicant is responsible for the design and construction of the selected improvements.</p>
§5.4	<u>TOT Amount.</u> Applicant agrees that, during the term of this Agreement and for so long as the Hotel is operating, the TOT applicable to the Hotel shall be assessed at 1.0% above the Citywide TOT rate in effect.	The TOT can only be imposed on applicable hotel room rents and other receipts.	Conditional, No Action Required	No change since last annual review. Collection of TOT will begin with the opening of the hotel in the first quarter of 2018.
§5.5	<u>Priority Hiring Program.</u> Applicant shall create a priority-hiring	This obligation begins with construction.	In Progress	Applicant has developed a priority hiring program, which was approved by

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	<p>program that will use JobTrain, or a comparable program selected by Applicant if JobTrain is not able to operate such program, as the first source for referral of qualified applicants for entry-level job openings related to both the Hotel and office uses, as well as construction positions.</p>			<p>City staff. Per the Partial Assignment of the Development Agreement to the hotel owner, the hotel owner is responsible for compliance with this requirement for the hotel building.</p> <p>With respect to construction jobs, Webcor has continued to meet with JobTrain to determine how to utilize JobTrain graduates for the project's entry-level labor needs. Webcor has also utilized JobTrain's Labor Training Class to build the Perimeter Site barricade, picnic tables and benches; hired one worker for the Core & Shell team; donated over \$4,000 worth of tools and materials; and extended an open invitation to both the Labor and Carpenter classes to visit the Site. Additional opportunities for JobTrain will be available as the Constitution Phase of the</p>

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				<p>project commences beginning in the second quarter of 2018. Further, Michael Chavez with Webcor Builders continues to serve on JobTrain's advisory committee.</p> <p>Hotel representatives have been actively engaged with JobTrain, yielding positive results. For example, the hotel hosted on-site job fairs on November 30, December 4, and December 7, 2017. A total of 28 people attended, applied, and interviewed for cook, steward, maintenance engineer, and front desk positions. As a result, two guest facing employees have been hired to date. In addition, hotel executives plan to attend an ESL class in January 2018 to speak to students about job opportunities with the hotel. The tenant's lease requires it to meet with JobTrain and</p>

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				cooperate with Applicant to implement the approved program.
§5.6	<u>LEED Certifications.</u> Applicant shall cause (a) the Hotel to qualify for the “LEED Silver Certification”, and (b) the office buildings included in the Project to qualify for the “LEED Gold Certification.”	Applicant shall submit each application for such LEED certification following Applicant’s Completion of Construction of the Hotel or the applicable office building and shall use diligent, good faith efforts to obtain such LEED certifications, providing City with evidence of such applications and efforts to achieve such certifications.	In Progress	No change since last annual review. LEED Certification for the Hotel and Office Building are on target for: Hotel: LEED New Construction Silver Office/Garage: LEED Core and Shell Gold
§5.7	<u>Vehicle Trip Reduction.</u> Applicant shall reduce Net New Vehicle Trips for the Project to be reduced from 11,113 Net New Vehicle Trips to 9,242 Net New Vehicle Trips.	Net New Vehicle Trips can only be monitored once the buildings have been occupied.	Conditional, No Action Required	No change since last annual review.
§5.8	<u>GHG Emissions Reductions.</u> Applicant shall enroll all buildings in PG&E’s ClimateSmart program. In the event such ClimateSmart program is		Conditional, No Action Required	PG&E no longer operates the Climate Smart Program, and Applicant has investigated several alternatives to compliance with this condition including

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	discontinued or becomes financially burdensome on the Project, Applicant may propose substitution of a comparable GHG offset program selected by Applicant, subject to the City Manager's reasonable approval for the Project.			purchasing Renewable Energy Credit (REC) offsets. A substantially similar substitute program, requiring enrollment in Peninsula Clean Energy (PCE) ECOPlus (which is 75% greenhouse gas-free) and an offset of the remaining 25% with green-e certified RECs annually, was proposed and accepted by the City. However, the tenants of each of the buildings intend to enroll in PG&E's 100% renewable program, which would render the need to purchase RECs unnecessary.
§5.9	<u>Parking Structures.</u> Applicant shall engage in a design development process with City staff to improve the aesthetics of the parking structures on Constitution and the parking structure on Independence.		Independence Phase - Complete; Constitution Phase - Conditional, No Action Required	City approved the use of dichroic glass on the Independence parking garage to be installed by mid-2018. To ensure there is no delay in occupancy of the hotel or office building, the City has agreed to allow the Independence parking garage to proceed to final

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
				inspection before the installation of metal panels and a dichroic glass feature on the Independence parking garage façade in 2018. Additional dichroic glass installations will be featured on the Constitution parking structures per the substantially consistent minor modifications approved in December 2017.
§5.10	<u>Utility Undergrounding.</u> Applicant agrees to work collaboratively with and support City efforts to underground existing electric transmission lines located on the Constitution Site.		Conditional, No Action Required	No change since last annual review. Applicant anticipates that this work will occur in connection with the redevelopment of the Constitution Site.
§5.11	<u>School District Boundaries.</u> In the event the City, one or more property owners, or the Ravenswood School District initiates an effort to reorganize school district boundaries, Applicant		Conditional, No Action Required	No change since last annual review.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
	agrees to cooperate with any such future effort.			
§5.12	<u>Construction Sales Taxes.</u> Applicant agrees to make diligent good faith efforts to include a provision in all construction contracts with all qualifying parties holding reseller's permits to obtain a sub-permit from the California State Board of Equalization to book and record construction materials purchases/sales as sales originating within the City of Menlo Park.	Obligation begins when Applicant enters into construction contracts.	In Progress	No change since last annual review. Applicant is complying with this provision and has directed its contractors to obtain sub-permits to book and record construction material purchases/sales as originating in Menlo Park for qualifying contracts.
§5.13	<u>Housing Sites.</u> Applicant shall actively participate in a citizen advisory committee to assist the City in identifying future housing sites within the City when the City updates the Housing Element of the General Plan if the City decides to create such a committee.	Housing Element was adopted on April 1, 2014.	Completed	Applicant participated in the update of the Housing Element of the General Plan.

DA TERM	TASK/REQUIREMENT/ACTION ¹	TIMING	STATUS	NOTES
§5.14	<p><u>Fire Impact Fee Study/Fire Impact Fee/Traffic Signal Priority System.</u> The City Manager shall have the discretion to require Applicant to pay up to \$25,000 to the City to cover any City contribution toward the cost of a fire impact fee study. Prior to issuance of a building permit for the Independence site, Applicant shall coordinate with the City and the Fire District to provide up to \$100,000 either for installation of traffic signal priority systems on Middlefield and Marsh Roads or an advance against any fire impact fee imposed on the Project.</p>		Completed	Applicant made the required payment.

Attachment D: CDP Independence Phase Infrastructure Improvements Summary

CDP Requirement	Timing	Status
<p>CDP § 8.63: Payment of \$125,000 as a contribution toward signal timing improvements based on impacts to the intersections of Willow Road/Newbridge Street</p>	<p>Prior to building permit issuance for the first building permit for foundation of the Independence Phase.</p>	<p>Completed</p>
<p>CDP § 8.64: Eastbound right turn lane from Willow Road to Bayfront Expressway</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; submit plans and seek approval from Caltrans for a period of 5 years from the date of occupancy of the first building.</p>	<p>Completed</p>
<p>CDP § 8.66: Eastbound left turn lane from Chrysler Drive to Bayfront Expressway</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>Under Construction All approvals obtained; work has commenced.</p>
<p>CDP § 8.67: Pedestrian improvements at Bayfront Expressway and Haven Avenue</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>Under Construction This improvement is under construction by a different developer and is no longer Owner's obligation. Owner has paid a fair share contribution of \$143,899.87.</p>

CDP Requirement	Timing	Status
<p>CDP § 8.68: Install a traffic signal and proposed lane geometry modifications at Constitution Drive and Chrysler Drive</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>Under Construction</p> <p>All approvals obtained; work has commenced.</p>
<p>CDP § 8.71: Construct a westbound right turn lane from Marsh Road to Florence Street; pursue preservation of certain trees and submit a planning plan</p>	<p>Submit plans concurrent with the building permit submittal for the first building of the Independence Phase; construction to be completed prior to occupancy of the first building in the Independence Phase.</p>	<p>Complete</p> <p>Applicant completed concepts for installation of bike lanes on Marsh Road as an alternative to this improvement, due to concerns about heritage tree impacts and lack of interest from Redwood City.</p>
<p>CDP § 8.74: Provide a fair-share contribution for a westbound right turn lane from Marsh Road to Florence Street in the Town of Atherton</p>	<p>Prior to building permit issuance for the first building of the Independence Phase.</p>	<p>Complete</p> <p>Owner paid a fair share contribution of \$198,709.47.</p>



STAFF REPORT

City Council

Meeting Date:

1/22/2018

Staff Report Number:

18-010-CC

Public Hearing:

Consider Zoning Code and California Green Building Standards Code Ordinances Related to Requirements for Electric Vehicle Charging Spaces

Recommendation

Staff recommends that the Planning Commission recommend the City Council approve ordinance amendments to Title 12 (Buildings and Construction) and Title 16 (Zoning) of the Menlo Park Municipal Code to update the requirement for electric vehicle charging spaces in projects involving tenant improvements or new construction and to make the regulations applicable citywide.

Policy Issues

The adoption of more stringent requirements for electric vehicle charging spaces would be considered a local amendment to the 2016 California Green Building Standards Code, and would require the City Council to adopt an ordinance at a future meeting.

Background

Existing Electric Vehicle Charging Space Requirements

In December 2016, the City Council adopted new green and sustainable building regulations for three new zoning districts - Life Science (LS), Office (O) and Residential Mixed Use (R-MU) as part of the General Plan and M-2 Area Zoning Update (ConnectMenlo). The new zoning standards reflect input and guidance from the City Council, Planning Commission and the General Plan Advisory Committee (GPAC) on how best to balance growth and potential impacts. At its core, the green and sustainable building regulations were developed to support the *Sustainable Environmental Planning Guiding Principle*, one of nine General Plan Guiding Principles.

As part of the green building standards for the O, LS and R-MU districts, requirements for electric vehicle charging spaces (EV spaces) for both residential and non-residential developments beyond what is required by state regulations were established. With increasing traffic congestion and gas vehicles being one of the top emitters of greenhouse gas emissions, the desire for alternative modes of transportation, including the support of new technologies such as electric vehicles, was a key focus of the General Plan Update. In addition to the O, LS and R-MU zoning districts, EV space requirements exist in the R-4-S (High Density Residential, Special) zoning district as well as in the El Camino Real/Downtown Specific Plan Area for new residential developments.

During the ConnectMenlo process, staff learned that the EV space regulations constituted an amendment to the Green Building Standards Code (also known as CALGreen) as they were more restrictive than current State regulations. On March 14, 2017, the City Council adopted an ordinance amending the 2016 California Green Building Standards Code to increase the number of required EV spaces in the O, LS, and R-MU

districts, consistent with the Council's previous adoption of the new green and sustainable building regulations. Attachment C includes a summary of the recently adopted EV space requirements and Attachment D provides a summary of the existing EV space requirements in the R-4-S zoning district and the El Camino Real/Downtown Specific Plan. For developments not located in one of the above-mentioned zoning districts, projects must comply with CALGreen requirements. For a summary of the current CALGreen requirements, please refer to the May 2, 2017 City Council information item on EV spaces, included as Attachment E.

Work Plan for Revisions to the Electric Vehicle Charging Space Requirements

During the Council's adoption of the requirements for EV chargers in March 2017, several members expressed interest in expanding the regulations citywide and further increasing the requirements. On May 2, 2017, the City Council discussed an information item related to the potential for such changes to the EV space requirements. On May 23, 2017, the City Council appointed a two-member subcommittee (Council Members Carlton and Cline) to work with staff and provide guidance on the potential revisions to the EV space ordinance. The Council supported a three-tiered work plan for the revisions that involved feedback from small group discussions with stakeholders, a community meeting for broader outreach, and input from the Planning Commission on the proposed revisions prior to the Council's consideration of the item.

Staff conducted two small group discussions in September 2017 to receive input from several large property owners and businesses in the City who could be most affected by the change in the requirements. These meetings were followed by a larger community meeting in October, which was attended by a mix of property owners, residents, real estate representatives, and sustainability advocates. Based on feedback for greater clarity in implementation, consideration for costs and feasibility, and changing technology and input from the City Council Subcommittee, staff prepared a modified ordinance (Attachments A and B). The proposed ordinance revisions are discussed below in the Analysis section.

Analysis

The International Council of Clean Transportation published a briefing in May 2017 on California's electric vehicle market, which provides a summary of the electric vehicle market in California and other metropolitan cities through 2016. (https://www.theicct.org/sites/default/files/publications/CA-cities-EV-update_ICCT_Briefing_30052017_vF.pdf). According to the study, the market for EV cars is strong. In 2016, California accounted for almost half of the U.S market for plug-in vehicles, in contrast to contributing towards 12 percent of the population. However, electric vehicle sales as a percentage of overall sales of light-duty vehicles (e.g. passenger vehicles) remains extremely low at approximately four percent. At the city level, Menlo Park was 20th in electric vehicles sales (vehicle registrations) by number in California in 2016. However, in terms of market share (percentage of 2016 vehicle sales that are electric), Menlo Park ranked 4th in California, with over 15%, which is an increase from the previous year.

The report further states that cities with the most extensive public charging infrastructure tend to have the highest electric vehicle market share. Access to charging gives drivers more confidence to utilize electric vehicles and extends the functional daily range. In addition to the market data noted above, the Menlo Park City Council has also expressed a need for more local EV charging stations based on resident input. Staff is proposing modifications to the EV charging space ordinance to increase the requirements and to make the regulations applicable citywide to address existing and potential future demand.

Proposed EV Charging Space Requirements in Menlo Park

Staff is proposing a two-tier system based on the existing EV space regulations of the O, LS and R-MU zoning districts. Depending on the proposed scope of work (new development vs. alteration and/or addition), the EV charging station requirement would vary. The requirement would also vary depending on whether the land use is non-residential or residential, and if residential, the number of dwelling units in the development.

Currently, EV space requirements are stated in the Zoning Ordinance (Title 16), the Building Code (Title 12), and the mitigation and monitoring reporting program for the El Camino Real/Downtown Specific Plan. Staff proposes to consolidate the requirements to Title 12 to reduce redundancy, minimize confusion, and eliminate potential discrepancies whenever there is a code change. Attachment A includes the proposed amendments to Chapter 12.18 (California Green Building Standards Code Amendments), shown in underline and strikeout format, to reflect the proposed revisions to the EV space requirements. No other edits are proposed to Title 12. Attachment B includes the proposed amendments to various chapters in Title 16. The proposed amendments would delete the specific EV space requirements from the applicable zoning districts and would reference the EV space requirements in Chapter 16.72 (Off-Street Parking), which would subsequently reference Chapter 12.18 for the details. Staff is also proposing a few clarifications for implementation, which are noted in Attachment B, and are further discussed below in the Implementation Clarifications and Clean Up section.

Proposed Non-Residential Development EV Charging Station Requirements

The proposed ordinance uses the O and LS zoning districts' EV space requirements as the basis for the proposed revisions. Table 1 below is a summary of the non-residential development EV space requirements.

Table 1: Proposed Non-Residential EV Charging Spaces Requirements				
New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces	Square Footage of Conditioned Area	Number of Required EV Charging Spaces
1 sq. ft. – 9,999 sq. ft.	0-9	0	1 sq. ft. – 9,999 sq. ft.	0
	10-25	1		
	26-50	2		
	51-75	4	10,000 sq. ft. – 25,000 sq. ft.	Minimum of 5% of total required number of parking stalls and install EVSE in a minimum of 1 charging space.
Greater than 9,999 sq. ft.	N/A	Minimum of 15% of total required number of parking stalls and install EVSE in 10% of the total required number of parking stalls, with a minimum of 1, in charging space(s)	Greater than 25,000 sq. ft.	Minimum of 10% of total required number of parking stalls and install EVSE in 1 plus 1% of the total required number of parking stalls in charging space(s).

The proposed ordinance would generally increase the current requirement for EV spaces capable of supporting electric vehicle supply equipment (EVSE) and the number of spaces with EVSE for all new developments greater than 9,999 square feet. The proposed changes would simplify the regulations to one

standard instead of a tiered system, and would increase the percentage of parking capable of EVSE installation from five to 15 percent. The required number of stalls with EVSE installation would be 10 percent of the total required number of parking spaces for the building where the work is performed. For new development, EV spaces include the construction of both the conduit and wiring, making any future EVSE installation fairly easy.

Commercial alterations and/or additions would also be required to comply with EV space requirements, but the proposed standards would be less than those for new developments. Staff is proposing to tier the requirement by increasing the percentage of EV spaces capable of supporting EVSE installation from five to 10 percent for buildings greater than 25,000 square feet, with a minimum of one EVSE installation. For projects less than 10,000 square feet, there is no EV space requirement. The current requirement for pre-wiring would be eliminated. The proposed regulation would require conduit only, in response to feedback staff received from participants during the outreach process. The cost associated with the installation of EV space infrastructure and the EVSE themselves for existing buildings can vary depending on several factors, including the type of equipment, the distance of the EV space(s) from the electrical supply equipment and the capacity of the electrical supply equipment. Concerns regarding the potential cost impacts on smaller projects and potential technology changes in the future, which could make what works today obsolete in the future, influenced the modifications to the proposed requirements.

Residential Development

Similar to the non-residential development requirements, the proposed regulations for residential developments would increase the EV space requirements and simplify the requirement to one standard for any size development that contains five or more units.

Table 2 is a summary of the EV space requirements for residential developments.

Table 2: Proposed Residential EV Charging Spaces Requirements			
New Construction		Additions and/or Alterations	
		1 sq. ft. to 9,999 sq. ft.	10,000 sq. ft. – 25,000 sq. ft. 25,001 sq. ft. and above
Five or more multi-family units	Minimum of 10% of total required number of parking stalls and install EVSE in 3% of the total required number of parking stalls, with a minimum of 1, in charging space(s)		N/A (Voluntary)

The previous threshold for new development was 10,000 square feet or more, but staff believes unit count is the more appropriate metric for residential developments as the same square footage could translate into a range of units between projects. Because there were concerns about potentially negatively impacting small multi-family developments and single-family residences, five units is appropriate. Five units is also the base threshold for the City’s Below Market Rate (BMR) Housing Program.

Staff is proposing to increase the number of EV spaces capable of supporting EVSE (conduit and wiring)

from five to 10 percent, and require at least three percent (minimum 1 space) to be installed with EVSE. For residential additions and/or tenant improvements, staff is proposing no changes from the existing R-MU regulation, which requires no EV spaces. Some participants in the outreach process expressed interest in seeing additional regulations for residential renovations. However, staff believes that there is not the same momentum for EV spaces in the residential sector as the commercial development sector. Should the demand change, the regulations can be reviewed and updated, likely every few years. There is nothing, however, that would prohibit individual homeowners or property owners from voluntarily installing an EVSE, should all other zoning and building codes be met.

Implementation Clarifications and Clean Ups

As part of Title 12, the implementation of the EV charger requirements would be consistent with the application of other building code amendments. The requirements would be applicable to any development, meeting the specified criteria, unless a complete building permit application has been received prior to the effective date. The building permit does not need to be issued prior to the effective date.

Staff is proposing several modifications to Chapter 16 to clarify how to apply the EV space requirements. Staff is recommending to modify Chapter 16.72 (Off-Street Parking) to clarify that EV spaces count towards meeting the overall parking requirement because EV spaces are a subset of the parking space demand, not in addition to non-EVs. While this has been the practice, it is not explicit in the Zoning Ordinance. In addition, staff is proposing a cap to the maximum number of required EV spaces that would be equivalent to the number of spaces required for new construction of the same size, as shown in Section 16.72.010(4)(A). Lastly, Section 16.82.010(4)(B) clarifies that the EV requirements are based on the square footage of the building where the work is being performed, when calculating the percentage of required parking that either need to be capable of supporting EVSE installed with EVSE. The proposed requirement is consistent with determining the required number of disabled access parking spaces. While the existing regulations would require the percentage to be calculated on the overall required parking for a site, staff has heard that it can be impractical, particularly for development with multiple buildings/and or developments with a large gross floor area. The Planning Commission may wish to provide feedback to staff on whether the revision is appropriate. An alternative implementation strategy would be to base the requirement on the parking associated with the affected area, but this would further reduce the number of EV spaces. For developments where the current parking conditions are nonconforming, the EV space requirement would be applied to the existing condition instead of the required parking.

The Nonconforming Uses and Buildings Section of the Zoning Ordinance (Chapter 16.80) also includes a provision that does not deem properties nonconforming with regard to parking when spaces are lost due to meeting disabled access parking requirements. EV spaces require accessible stalls, in multiple sizes that would affect parking spaces in a similar manner as non-EV charging spaces. Staff is proposing a similar provision (Section 16.80.020) that would allow developments to convert parking spaces to EV disabled access parking without replacing the parking or being deemed nonconforming with regard to parking. The conversion of a non-EV parking stall into an EV space should not affect the count of parking spaces.

Next Steps

The Planning Commission is recommending to the City Council on the proposed ordinance amendments. The Planning Commission should review and discuss the amendments and provide feedback to staff with a recommendation for the City Council to consider. The City Council is tentatively scheduled to review the item in March 2018. An ordinance amendment requires the Council to introduce the ordinance at a public meeting, followed by a second meeting to adopt the ordinance. The proposed ordinance would become effective 30 days after adoption, unless otherwise specified.

Correspondence

Staff received three pieces of correspondence regarding the proposed EV charging spaces revisions, which are included as Attachment F. One commenter could not attend the community meeting but wanted to express that ordinance changes should be market driven than mandated. Following the community meeting, correspondence from Diane Bailey and the Environmental Quality Commission who showed support for the effort, but also wanted to express interest in continuing the effort residential development and increase the requirement for non-residential developments.

Impact on City Resources

Staff time spent on researching and drafting the ordinance would be absorbed by the General Fund.

Environmental Review

The adoption of the proposed local amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Draft Ordinance Amending Title 12 (Buildings and Construction) to Amend the 2016 California Green Building Standards Code, Part 11 of the 2016 California Building Standards Code
- B. Draft Ordinance Amending Various Chapters in Title 16 (Zoning) to update Electric Vehicle Charging Station Requirements
- C. Current EV Charger Requirements for the LS, O and R-MU Zoning Districts
- D. Current EV Charger Requirements for the R-4-S and El Camino Real/Downtown Specific Plan Area
- E. City Council Staff Report from May 2, 2017
- F. Correspondence

Report prepared by:

Ron La France, Assistant Community Development Director/Building Official

Deanna Chow, Principal Planner

Report reviewed by:

Mark Muenzer, Assistant Community Development Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO AMEND THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, PART 11 OF THE 2016 CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS. The following local geologic conditions justify modifications to California Building Standards Code.

- A. Geological: The City is located in Seismic Risk Zones D, E, and F, which are the most severe earthquake zones in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zones D, E and F can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.
- B. Climatic: The City is located in a climatic zone with precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting from 25 to 35 miles per hour. These climatic conditions require compliance with energy efficiency standards for building construction.
- C. Topographic: Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of

dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: AMENDMENT OF CODE: Chapter 12.18 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

CALIFORNIA GREEN BUILDING STANDARDS CODE AMEDEMMENTS

Sections:

- 12.18.010 Section 4.408.1 of Chapter 4 amended
- 12.18.020 Section 5.408.1 of Chapter 5 amended
- 12.18.030 Section 4.106.4.2 of Chapter 4 amended
- 12.18.040 Section 4.106.4.2.3 of Chapter 4 amended
- 12.18.050 Section 4.106.4.2.4 of Chapter 4 amended
- 12.18.060 Section 5.106.5.3 of Chapter 5 amended
- 12.18.070 Section 5.106.5.3.1 of Chapter 5 amended
- 12.18.080 Section 5.106.5.3.2 of Chapter 5 amended
- 12.18.090 Table 5.106.5.3.3 of Chapter 5 amended

12.18.010 Section 4.408.1 of Chapter 4 amended

Section 4.408.1 of Chapter 4 is amended to read as follows:

4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 4.408.2, 4.408.3 or 4.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.020 Section 5.408.1 of Chapter 5 amended

Section 5.408.1 of Chapter 5 is amended to read as follows:

5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and

65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 5.408.2, 5.408.3 or 5.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.030 Section 4.106.4.2 of Chapter 4 amended

Section 4.106.4.2 of Chapter 4 is amended to read as follows:

~~**4.106.4.2 New multifamily dwellings.** New multifamily dwelling construction located in the City of Menlo Park's R-MU zoning districts shall comply with the R-MU Zoning District's requirement for the installation and pre-wire of EV chargers.~~

~~In all other new multifamily dwelling construction, where 17 or more multifamily dwelling units are constructed on a building site, 3 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.~~

~~**Note** Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.~~

4.106.4.2 New multifamily dwellings.

Where 5 or more multifamily dwelling units are constructed on a building site, the following shall apply:

- 10 percent of the total number of **required** parking spaces **associated with the building where the work is being performed, inclusive of landscape reserve parking provided** for all types of parking facilities, but in no case less than one, shall be **electric vehicle charging spaces (EV spaces) capable of supporting electric vehicle supply equipment (EVSE)-EVSE** including the installation of **raceway(s) and wiring as specified in section 4.106.4.2.3;**
- Install EVSE in 3 percent of the total number of **required** parking **spaces** provided for all types of parking facilities, but in no case less than one, in the EV spaces capable of supporting EVSE; and

- Install a 40 amp, 240 volt receptacle for electric vehicle charging at each structural column of residential carports if constructed.

Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

12.18.040 Section 4.106.4.2.3 of Chapter 4 amended

Section 4.106.4.2.3 of Chapter 4 is amended to read as follows:

~~4.106.4.2.3 Single charging space requirements. Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV spaces. Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit over-current protection device.~~

4.106.4.2.3 Single charging space requirements. When a single charging space is required per Section 4.106.4.2, the following are to be installed at the time of construction:

- A raceway; and
- Wiring, where 5 or more multifamily dwelling units with a combined total square footage equal to or greater than 10,000 square feet are constructed on a building site.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1"
4. The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

12.18.050 Section 4.106.4.2.4 of Chapter 4 amended

Section 4.106.4.2.4 of Chapter 4 is amended to read as follows:

~~**4.106.4.2.4 Multiple charging space requirements.** Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify that the electric panel service capacity and electrical system, including any on-site distribution transformer(s) have sufficient capacity to simultaneously charge all EV's at all required EV spaces at the full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.~~

4.106.4.2.4 Multiple charging space requirements. When multiple charging spaces are required ~~per Section 4.106.4.2-Section~~, the following are to be installed at the time of construction:

- A raceway; and
- Wiring, where 5 or more multifamily dwelling units with a combined total square footage equal to or greater than 10,000 square feet are constructed on a building site.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

1. The type and location of the EVSE.
- ~~1.2.~~ Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
- ~~2.3.~~ The raceway(s) and wiring shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
- ~~3.4.~~ Plan design shall be based upon 40-ampere minimum branch circuits.
- ~~4.5.~~ Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
- ~~5.6.~~ The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

12.18.060 Section 5.106.5.3 of Chapter 5 amended

Section 5.106.5.3 of Chapter 5 is amended to read as follows:

~~**5.106.5.3 Electric Vehicle (EV) charging.** New construction and alterations to existing buildings located in the City of Menlo Park's LS, O or non-residential occupancies in R-MU zoning districts shall comply with the Zoning District's requirement for the installation and pre-wire of EV chargers. New construction not located in the City of Menlo Park's LS, O or R-MU zoning districts shall comply with Sections 5.106.5.3.1 of section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE is/are installed, it shall be in accordance with the *California Building Code*, *California Electric Code* and as follows:~~

5.106.5.3 Electric Vehicle (EV) charging. Section 5.106.5.3 shall apply to newly constructed buildings or additions and/or alterations to existing buildings as established in Table 5.106.5.3.3. Construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE is/are installed, it shall be in accordance with the California Building Code, the California Electrical Code and as follows:

12.18.070 Section 5.106.5.3.1 of Chapter 5 amended

Section 5.106.5.3.1 of Chapter 5 is amended to read as follows:

5.106.5.3.1 Single charging space requirements. ~~[N]~~ When only a single charging space is required ~~to be installed~~ per Table 5.106.3.3, ~~a raceway is required to be installed at the time of construction and shall be installed in accordance with the California Electrical Code.~~ the following are to be installed at the time of construction:

- A raceway; and
- Wiring, when required.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

Newly constructed buildings

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1"

4. The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

Additions and/or alterations

1. The type and location of the EVSE.
2. A listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1"
4. The raceway shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

12.18.080 Section 5.106.5.3.2 of Chapter 5 amended

Section 5.106.5.3.2 of Chapter 5 is amended to read as follows:

5.106.5.3.2 Multiple charging space requirements. ~~[N]~~ When multiple charging spaces are required to be installed per Table 5.106.5.3.3 raceways(s) and wiring, if required, is/are required to be installed at the time of construction and shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to, the following:

Newly constructed buildings

1. The type and location of the EVSE.
- ~~1.2.~~ Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
- ~~2.3.~~ The raceway(s) and wiring shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the

proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.

- ~~3.4.~~ Plan design shall be based upon 40-ampere minimum branch circuits.
- ~~4.5.~~ Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
- ~~5.~~ The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.
- ~~6.~~

Additions and/or alterations

- 1. The type and location of the EVSE.
- ~~1.2.~~ Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
- ~~2.3.~~ The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
- ~~3.4.~~ Plan design shall be based upon 40-ampere minimum branch circuits.
- ~~4.5.~~ Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
- ~~5.6.~~ The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

12.18.090 Table 5.106.5.3.3 of Chapter 5 amended

Table 5.106.5.3.3 of Chapter 5 is amended to read as follows:

Table 5.106.5.3.3

<u>Total Number of Actual Parking Spaces</u>	<u>Number of Required EV Charging Spaces</u>
<u>0-9</u>	<u>0</u>
<u>10-25</u>	<u>1</u>
<u>26-50</u>	<u>2</u>
<u>51-75</u>	<u>4</u>
<u>76-100</u>	<u>5</u>
<u>101-150</u>	<u>7</u>
<u>151-200</u>	<u>10</u>
<u>201 and over</u>	<u>6 percent of total¹</u>

1. Calculations for spaces shall be rounded up to the nearest whole number

Table 5.106.5.3.3

New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces	Square Footage of Conditioned Area	Number of Required EV Charging Spaces
1 sq. ft. – 9,999 sq. ft.	0-9	0	1 sq. ft. – 9,999 sq. ft.	0
	10-25	1		
	26-50	2		
	51-75	4	10,000 sq. ft. – 25,000 sq. ft.	Minimum of 5% of total required number of parking stalls ¹ and install EVSE in a minimum of 1 charging space. ²
Greater than 9,999 sq. ft.	N/A	Minimum of 15% of total required number of parking stalls ¹ and install EVSE in 10% of the total required number of parking stalls, with a minimum of 1, in charging space(s) ²	Greater than 25,000 sq. ft.	Minimum of 10% of total required number of parking stalls ¹ and install EVSE in 1 plus 1% of the total required number of parking stalls in charging space(s). ²

1. The EV space requirement is based on the required parking associated with the building where the work is being performed, inclusive of landscape reserve parking.

2. Calculations for spaces shall be rounded up to the nearest whole number

SECTION 3: EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 4: SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective on the later of _____ or thirty (30) days from adoption.

SECTION 6: POSTING. Within fifteen (15) days of its adoption, the Ordinance shall be posted in three (3) public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of ____, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of____, 2018, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

Peter I. Ohtaki
Mayor

ATTEST:

Clay J. Curtin, Interim City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO AMEND THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, PART 11 OF THE 2016 CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS. The following local geologic conditions justify modifications to California Building Standards Code.

- A. Geological: The City is located in Seismic Risk Zones D, E, and F, which are the most severe earthquake zones in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zones D, E and F can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.
- B. Climatic: The City is located in a climatic zone with precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting from 25 to 35 miles per hour. These climatic conditions require compliance with energy efficiency standards for building construction.
- C. Topographic: Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of

dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: AMENDMENT OF CODE: Chapter 12.18 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

CALIFORNIA GREEN BUILDING STANDARDS CODE AMEDEMMENTS

Sections:

12.18.010	Section 4.408.1 of Chapter 4 amended
12.18.020	Section 5.408.1 of Chapter 5 amended
12.18.030	Section 4.106.4.2 of Chapter 4 amended
12.18.040	Section 4.106.4.2.3 of Chapter 4 amended
12.18.050	Section 4.106.4.2.4 of Chapter 4 amended
12.18.060	Section 5.106.5.3 of Chapter 5 amended
12.18.070	Section 5.106.5.3.1 of Chapter 5 amended
12.18.080	Section 5.106.5.3.2 of Chapter 5 amended
12.18.090	Table 5.106.5.3.3 of Chapter 5 amended

12.18.010 Section 4.408.1 of Chapter 4 amended

Section 4.408.1 of Chapter 4 is amended to read as follows:

4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and 65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 4.408.2, 4.408.3 or 4.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.020 Section 5.408.1 of Chapter 5 amended

Section 5.408.1 of Chapter 5 is amended to read as follows:

5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of both inert and non-inert nonhazardous demolition waste and

65 percent of both inert and non-inert nonhazardous construction waste in accordance with Section 5.408.2, 5.408.3 or 5.408.4 and meet the requirements of Chapter 12.48 Recycling and Salvaging of Construction and Demolition Debris City of Menlo Park Municipal Code.

Exceptions:

1. Excavated soil and land clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

12.18.030 Section 4.106.4.2 of Chapter 4 amended

Section 4.106.4.2 of Chapter 4 is amended to read as follows:

4.106.4.2 New multifamily dwellings. Where 5 or more multifamily dwelling units are constructed on a building site, the following shall apply:

- 10 percent of the total number of required parking spaces associated with the building where the work is being performed, inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting electric vehicle supply equipment (EVSE) including the installation of raceway(s) and wiring as specified in section 4.106.4.2.3;
- Install EVSE in 3 percent of the total number of required parking spaces for all types of parking facilities, but in no case less than one, in the EV spaces capable of supporting EVSE; and
- Install a 40 amp, 240 volt receptacle for electric vehicle charging at each structural column of residential carports if constructed.

Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

12.18.040 Section 4.106.4.2.3 of Chapter 4 amended

Section 4.106.4.2.3 of Chapter 4 is amended to read as follows:

4.106.4.2.3 Single charging space requirements. When a single charging space is required per Section 4.106.4.2, the following are to be installed at the time of construction:

- A raceway; and
- Wiring, where 5 or more multifamily dwelling units with a combined total square

footage equal to or greater than 10,000 square feet are constructed on a building site.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1"
4. The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

12.18.050 Section 4.106.4.2.4 of Chapter 4 amended

Section 4.106.4.2.4 of Chapter 4 is amended to read as follows:

4.106.4.2.4 Multiple charging space requirements. When multiple charging spaces are required Section 4.106.4.2, the following are to be installed at the time of construction:

- A raceway; and
- Wiring, where 5 or more multifamily dwelling units with a combined total square footage equal to or greater than 10,000 square feet are constructed on a building site.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway(s) and wiring shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
4. Plan design shall be based upon 40-ampere minimum branch circuits.

5. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
6. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

12.18.060 Section 5.106.5.3 of Chapter 5 amended

Section 5.106.5.3 of Chapter 5 is amended to read as follows:

5.106.5.3 Electric Vehicle (EV) charging. Section 5.106.5.3 shall apply to newly constructed buildings or additions and/or alterations to existing buildings as established in Table 5.106.5.3.3. Construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE is/are installed, it shall be in accordance with the California Building Code, the California Electrical Code and as follows:

12.18.070 Section 5.106.5.3.1 of Chapter 5 amended

Section 5.106.5.3.1 of Chapter 5 is amended to read as follows:

5.106.5.3.1 Single charging space requirements. When only a single charging space is required per Table 5.106.3.3, the following are to be installed at the time of construction:

- A raceway; and
- Wiring, when required.

The raceway and wiring shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to the following:

Newly constructed buildings

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1"
4. The raceway and wiring shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.

6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

Additions and/or alterations

1. The type and location of the EVSE.
2. A listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway shall not be less than trade size 1”
4. The raceway shall originate at a service panel or a subpanel serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
5. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40-ampere dedicated branch circuit for the future installation of the EVSE.
6. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to charge required EV at its full rated amperage.

12.18.080 Section 5.106.5.3.2 of Chapter 5 amended

Section 5.106.5.3.2 of Chapter 5 is amended to read as follows:

5.106.5.3.2 Multiple charging space requirements. When multiple charging spaces are required to be installed per Table 5.106.5.3.3 raceways(s) and wiring, if required, is/are required to be installed at the time of construction and shall be installed in accordance with the California Electric Code. Construction plans and specifications shall include, but are not limited to, the following:

Newly constructed buildings

1. The type and location of the EVSE.
2. Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
3. The raceway(s) and wiring shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
4. Plan design shall be based upon 40-ampere minimum branch circuits.
5. Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.

- The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

Additions and/or alterations

- The type and location of the EVSE.
- Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.
- The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
- Plan design shall be based upon 40-ampere minimum branch circuits.
- Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EV's at its full rated amperage.
- The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for future installation of the EVSE.

12.18.090 Table 5.106.5.3.3 of Chapter 5 amended

Table 5.106.5.3.3 of Chapter 5 is amended to read as follows:

Table 5.106.5.3.3

New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces	Square Footage of Conditioned Area	Number of Required EV Charging Spaces
1 sq. ft. – 9,999 sq. ft.	0-9	0	1 sq. ft. – 9,999 sq. ft.	0
	10-25	1		
	26-50	2		
	51-75	4	10,000 sq. ft. – 25,000 sq. ft.	Minimum of 5% of total required number of parking stalls ¹ and install EVSE in a minimum of 1 charging space. ²
Greater than 9,999 sq. ft.	N/A	Minimum of 15% of total required number of parking stalls and install EVSE in 10% of the total required number of parking stalls ¹ , with a minimum of 1, in charging space(s). ²	Greater than 25,000 sq. ft.	Minimum of 10% of total required number of parking stalls ¹ and install EVSE in 1 plus 1% of the total required number of parking stalls in charging space(s). ²

- The EV space requirement is based on the required parking associated with the building where the work is being performed, inclusive of landscape reserve parking.
- Calculations for spaces shall be rounded up to the nearest whole number.

SECTION 3: EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is

not a project that has the potential for causing a significant effect on the environment.

SECTION 4: SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective on the later of _____ or thirty (30) days from adoption.

SECTION 6: POSTING. Within fifteen (15) days of its adoption, the Ordinance shall be posted in three (3) public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the ___ day of _____, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ___ day of _____, 2018, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

Peter I. Ohtaki
Mayor

ATTEST:

Clay J. Curtin, Interim City Clerk

DRAFT – January 22, 2018

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING VARIOUS CHAPTERS IN TITLE 16 [ZONING] OF THE MENLO
PARK MUNICIPAL CODE TO UPDATE ELECTRIC VEHICLE CHARGING
REQUIREMENTS**

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

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. On December 6, 2016, the Menlo Park City Council adopted three new zoning districts (O, LS and R-MU) as part of the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update to help foster a live/work/play environment for the new Bayfront (M-2 Area) area. Each of the districts includes development regulations, design standards, transportation demand management, and green and sustainable building requirements.
- B. On March 14, 2017, the Menlo Park City Council adopted an ordinance amending the 2016 California Green Building Standards Code (also known as CALGreen) to increase the number of electric vehicle (EV) charging stations in the O, LS, and R-MU districts, consistent with the Council's previous adoption of the new green and sustainable building regulations.
- C. Pursuant to the City Council's interest in expanding the EV charging station regulations citywide and further increasing the requirements, which would support the General Plan Land Use for Sustainable Services Goal (Goal LU-7), a City Council subcommittee was formed to provide guidance to staff. In addition, staff conducted two outreach meetings with stakeholders and a community meeting in the Fall of 2017 to receive feedback on the proposed revisions to the EV charging station ordinance.
- D. The Planning Commission held a duly noticed public hearing on January 22, 2018 to review and consider the proposed amendments in this ordinance, whereat all interested persons had the opportunity to appear and comment.
- E. The amendments to Chapter 16.23 (R-4-S), Chapter 16.43 (O), Chapter 16.44 (LS), and Chapter 16.45 (R-MU) of Title 16 of the Menlo Park Municipal Code would delete the previously adopted EV charging station requirements and update the sections to refer to Title 12 of the Menlo Park Municipal Code where the EV charging station requirements would be referenced for all zoning districts in the City, which would further promote Land Use Policy LU-7.1 (Sustainability), which promotes sustainable site planning, development, landscaping and operation practices that conserve resources and minimize waste.
- F. The amendments to Chapter 16.58 (SP-ECR/D El Camino Real/Downtown Specific Plan), Chapter 16.72 (Off Street Parking) and Chapter 16.80 (Nonconforming Uses and Buildings)

of Title 16 of the Menlo Park Municipal Code would create clarity in implementation of the EV charging requirements.

- G. The City Council held a duly noticed public hearing on February ____, 2018 to review and consider the proposed amendments, whereat all interested persons had the opportunity to appear and comment.
- H. After due consideration of the proposed amendments to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendments to Title 16 are consistent with the ConnectMenlo General Plan and are appropriate.

SECTION 2. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 3. Section 16.72.010, Requirements generally, of Chapter 16.72, Off-Street Parking, of Title 16, Zoning, is hereby amended as follows to implement the EV charging requirement (with the added text appearing in underline and deleted text in strikeout):

16.72.010 Requirements generally.

~~Unless otherwise provided for a specific zoning district, off-street parking requirements in all districts and for all uses shall be as stated in this chapter; except in the single family residential districts, subject to approval of the planning commission, a portion of required parking area may be developed with appropriate landscaping. All required parking spaces and access thereto shall conform to city parking standards, as adopted by the city council. Assessment district, or other cooperative method approved by the city council, may be used in lieu of the stated requirements. Reductions in parking requirements for commercial and industrial land uses may be allowed through an administrative permit as outlined in Chapter 16.82 of this title.~~

Unless otherwise provided for a specific zoning district, off-street parking requirements in all districts and for all uses shall be as stated in this chapter.

- (1) Except in the single family residential districts, subject to approval of the planning commission, a portion of required parking area may be designated landscape reserve parking and developed with appropriate landscaping.
- (2) All required parking spaces and access thereto shall conform to city parking standards, as adopted by the city council.
- (3) Assessment district, or other cooperative method approved by the city council, may be used in lieu of the stated requirements.
- (4) Reductions in parking requirements for commercial and industrial land uses may be allowed through an administrative permit as outlined in Chapter 16.82 of this title.
- (5) Requirements for electric vehicle charging spaces (EV spaces) are applicable to development in all zoning districts, including the SP-ECR/D district, subject to meeting certain criteria, and are specified in Chapter 12.18 (Buildings and Construction) of the City of Menlo Park Municipal Code.
 - (A) The maximum number of required EV spaces shall not exceed the requirement for EV spaces for new construction of an equivalent development on a parcel or project site.

- (B) The EV spaces requirement is based on the required parking associated with the building where the work is being performed, inclusive of landscape reserve parking.
 - a. A proportional amount of EV spaces may be set aside in landscape reserve parking, where approved.
- (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement shall be based on the existing number of parking spaces, not the required number of parking spaces.
- (D) EV spaces can be used to meet the off-street parking requirement. The EV spaces requirements and the primary off-street parking requirements are not additive.
- (E) For development projects within the SP-ECR/D district where the EV spaces requirement cannot be met on-site for the first 100 percent floor area ratio in the Downtown Shared/Unbundled Parking Area, an applicant shall pay an in-lieu fee to meet this requirement as established by the City of Menlo Park.

SECTION 4. Section 16.80.020, Nonconforming uses, of Chapter 16.80, Nonconforming Uses and Buildings, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline):

16.80.020 Nonconforming uses.

Nonconforming uses may continue subject to the following provisions:

- (1) A conditional use permit shall be obtained for all commercial uses located in a residential zoning district.
- (2) No nonconforming use may be enlarged or expanded, except as otherwise provided in this chapter.
- (3) If any nonconforming use is discontinued for a period of ninety (90) days, any subsequent use of the land or structure housing such use shall conform to the regulations specified for the zoning district in which such land or structure is located.
- (4) A nonconforming use may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit therefor; however, a nonconforming use may not be changed to a less restrictive use.
- (5) Any use occupying a structure which is nonconforming because it does not satisfy the parking requirements for the zoning district in which it is located may be changed to a similar or more restrictive use, subject to the obtaining of a use permit therefor. A blanket use permit may be granted specifying one (1) or more potential future uses based on the actual parking available. Properties where required spaces have been eliminated due to compliance with the Americans with Disabilities Act or the electrical vehicle charging space requirement per Chapter 16.72.010 of the City of Menlo Park Municipal Code are not considered nonconforming in regard to parking for purposes of this section. (Ord. 936 § 8 (part), 2005: Prior code § 30.602).

SECTION 5. Section 16.23.050, Development regulations, of Chapter 16.23, R-4-S, High Density Residential, Special, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in strikethrough):

16.23.050 Development regulations.

Development regulations are as follows in the R-4-S district:

		Regulation¹	Notes
Minimum Lot Area		20,000 sf	
Minimum Lot Width		100 ft.	See Section 16.04.430 for definition.
Minimum Lot Depth		100 ft.	See Section 16.04.420 for definition.
Density	Minimum	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	Maximum	30 du/ac	
Minimum Yards	Front	10 ft.	See Section 16.04.720 for definition.
	Interior Side	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Section 16.04.740 for definition.
	Corner Side	10 ft.	
	Rear	10 ft.	See Section 16.04.730 for definition.
Maximum Floor Area Ratio		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Sections 16.04.315 and 16.04.325 for definitions.
Maximum Building Coverage		40%	See Section 16.04.120 for definition.
Minimum Open Space (Landscaping)		25%	See Section 16.04.500 for definition.
Height	Maximum Building Height	40 ft.	See Section 16.04.330 for definition of height of structure.
Building Profile		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	
Parking	Vehicular	2 spaces for units w/2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio. Spaces cannot be located in required front yard setbacks or in tandem.	

		Regulation¹	Notes
	Electric Vehicle	<p>A minimum of 3 percent of the required number of parking spaces shall provide dedicated electric vehicle/plug-in hybrid electric charging stations and a minimum of 2 percent of the required number of parking spaces shall be pre-wired for such equipment.</p> <p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p>	
	Bicycle	<p>Long term—1 space per unit where a private garage (per unit) is not provided</p> <p>Short term (visitor)—1 space per every 10 units</p>	

¹A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Chapter [16.82](#).

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SECTION 6. Table 16.43.140(1)(B), Nonresidential Green Building Requirements, of Section 16.43.140, Green and sustainable building, of Chapter 16.43, O, Office, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{5,63.4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,63.4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ^{4-Code} ² and meet Section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ^{4-Code} ² and meet Section 16.43.140(2)(B)
Electric Vehicle (EV) Chargers Charging Spaces	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ² • Minimum of 5% of total required	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ² • Minimum of 5% of total required number of parking stalls	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ² • Minimum of 5% of total required number of parking stalls	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> N/A (voluntary)	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ² • Minimum of 5% of total required number of parking stalls AND	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ² • Minimum of 5% of total required number of parking stalls AND

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{5,63.4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,63.4}
	number of parking stalls AND Install EV Chargers ³ ■ Minimum of 2 in the pre-wire locations	AND Install EV Chargers ³ ■ Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations	AND Install EV Chargers ³ ■ Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations		Install EV Chargers ³ ■ Minimum of 2 chargers in the pre-wire locations	Install EV Chargers ³ ■ Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations)
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² "Pre-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

³ "Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.

⁴ Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy

Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

⁵—³If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

⁶—⁴For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 6. Table 16.44.130(1)(B), Nonresidential Green Building, of Section 16.44.130, Green and sustainable building, of Chapter 16.44, LS, Life Sciences, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in strikeout):

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{5,6,3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,6,3,4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ -Code ² and meet Section 16.44.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ -Code ² and meet Section 16.44.130(2)(B)

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{5,63.4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,63.4}
Electric Vehicle (EV) Chargers Charging Spaces	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum of 2 in the pre-wire locations 	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations 	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <ul style="list-style-type: none"> Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations 	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <p>N/A (voluntary)</p>	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum of 2 chargers in the pre-wire locations 	<p>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations)
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{5,63.4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,63.4}
	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city	documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² ~~"Pre-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.~~

³ ~~"Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.~~

^{4 2} Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section [16.44.130\(2\)\(B\)](#). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section [16.44.130\(2\)\(B\)](#), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

^{5 3} If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

^{6.4} For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 7. Table 16.45.130(1)(B), Residential Green Building Requirements, of Section 15.45.130, Green and sustainable building, of Chapter 16.45, R-MU, Residential Mixed Use, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ⁵ <u>size</u> ³	25,001 sq. ft. and above of conditioned area, volume or size ⁵ <u>size</u> ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ - <u>Code</u> ² and meet Section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ - <u>Code</u> ² and meet Section 16.45.130(2)(B)
Electric Vehicle (EV) Chargers Charging Spaces⁶	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ²	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ²	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> Pre-Wire ²	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> N/A (voluntary)	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> N/A (voluntary)	<u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u> N/A (voluntary)

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ⁶ size ³	25,001 sq. ft. and above of conditioned area, volume or size ⁶ size ³
	<ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ • Minimum of 2 in the pre-wire locations 	<ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations 	<ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations 			
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

~~² "Pro-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.~~

~~³ "Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.~~

~~⁴₂ Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.~~

~~⁵₃ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.~~

~~⁶ At minimum, a forty (40) amp, two hundred forty (240) volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.~~

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ⁵³	25,001 sq. ft. and above of conditioned area, volume or size ⁵³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update	Designed to meet LEED Gold ID+C ¹ or update core

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ⁵³	25,001 sq. ft. and above of conditioned area, volume or size ⁵³
					core and shell of entire building to current California Energy Code ⁴² and meet Section 16.45.130(2)(B)	and shell of entire building to current California Energy Code ⁴² and meet Section 16.45.130(2)(B)
Electric Vehicle (EV) Chargers Charging Stations	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum of 2 in the pre-wire locations 	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking 	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum total of 6 plus 1% of the total parking 	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>N/A (voluntary)</p>	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum of 2 chargers in the pre-wire locations 	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p>Pre-Wire²</p> <ul style="list-style-type: none"> Minimum of 5% of total required number of parking stalls <p>AND</p> <p>Install EV Chargers³</p> <ul style="list-style-type: none"> Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ⁵³	25,001 sq. ft. and above of conditioned area, volume or size ⁵³
		stalls in the pre-wire locations	stalls in the pre-wire locations			
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

~~² "Pre-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.~~

~~³ "Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.~~

4-2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

5-3 If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

SECTION 8. Section 16.58.020, El Camino Real/Downtown specific plan, of Chapter 16.58, SP-ECR/D El Camino Real/Downtown Specific Plan, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline):

16.58.020 El Camino Real/Downtown specific plan.

With the exception of electric vehicle charging requirements listed in Chapter 16.72 (Off-Street Parking), Uses, development regulations, guidelines, definitions, off-street parking requirements, and other parameters for public and private development are established through the El Camino Real/Downtown specific plan. All modifications to this chapter or to the El Camino Real/Downtown specific plan require review and recommendation by the planning commission and review and approval by the city council through public hearings in accordance with Chapter 16.88 and applicable law.

SECTION 9: This Ordinance shall become effective on the later of _____ or thirty (30) days from adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the ___ day of _____, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the ___ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki
Mayor, City of Menlo Park

ATTEST:

Clay J. Curtin
Interim City Clerk

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING VARIOUS CHAPTERS IN TITLE 16 [ZONING] OF THE MENLO
PARK MUNICIPAL CODE TO UPDATE ELECTRIC VEHICLE CHARGING
REQUIREMENTS**

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

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. On December 6, 2016, the Menlo Park City Council adopted three new zoning districts (O, LS and R-MU) as part of the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update to help foster a live/work/play environment for the new Bayfront (M-2 Area) area. Each of the districts includes development regulations, design standards, transportation demand management, and green and sustainable building requirements.
- B. On March 14, 2017, the Menlo Park City Council adopted an ordinance amending the 2016 California Green Building Standards Code (also known as CALGreen) to increase the number of electric vehicle (EV) charging stations in the O, LS, and R-MU districts, consistent with the Council's previous adoption of the new green and sustainable building regulations.
- C. Pursuant to the City Council's interest in expanding the EV charging station regulations citywide and further increasing the requirements, which would support the General Plan Land Use for Sustainable Services Goal (Goal LU-7), a City Council subcommittee was formed to provide guidance to staff. In addition, staff conducted two outreach meetings with stakeholders and a community meeting in the Fall of 2017 to receive feedback on the proposed revisions to the EV charging station ordinance.
- D. The Planning Commission held a duly noticed public hearing on January 22, 2018 to review and consider the proposed amendments in this ordinance, whereat all interested persons had the opportunity to appear and comment.
- E. The amendments to Chapter 16.23 (R-4-S), Chapter 16.43 (O), Chapter 16.44 (LS), and Chapter 16.45 (R-MU) of Title 16 of the Menlo Park Municipal Code would delete the previously adopted EV charging station requirements and update the sections to refer to Title 12 of the Menlo Park Municipal Code where the EV charging station requirements would be referenced for all zoning districts in the City, which would further promote Land Use Policy LU-7.1 (Sustainability), which promotes sustainable site planning, development, landscaping and operation practices that conserve resources and minimize waste.
- F. The amendments to Chapter 16.58 (SP-ECR/D El Camino Real/Downtown Specific Plan), Chapter 16.72 (Off Street Parking) and Chapter 16.80 (Nonconforming Uses and Buildings)

of Title 16 of the Menlo Park Municipal Code would create clarity in implementation of the EV charging requirements.

- G. The City Council held a duly noticed public hearing on February ____, 2018 to review and consider the proposed amendments, whereat all interested persons had the opportunity to appear and comment.
- H. After due consideration of the proposed amendments to Title 16, public comments, the Planning Commission recommendation, and the staff report, the City Council finds that the proposed amendments to Title 16 are consistent with the ConnectMenlo General Plan and are appropriate.

SECTION 2. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 3. Section 16.72.010, Requirements generally, of Chapter 16.72, Off-Street Parking, of Title 16, Zoning, is hereby amended as follows to implement the EV charging requirement (with the added text appearing in underline and deleted text in strikeout):

16.72.010 Requirements generally.

Unless otherwise provided for a specific zoning district, off-street parking requirements in all districts and for all uses shall be as stated in this chapter.

- (1) Except in the single family residential districts, subject to approval of the planning commission, a portion of required parking area may be designated landscape reserve parking and developed with appropriate landscaping.
- (2) All required parking spaces and access thereto shall conform to city parking standards, as adopted by the city council.
- (3) Assessment district, or other cooperative method approved by the city council, may be used in lieu of the stated requirements.
- (4) Reductions in parking requirements for commercial and industrial land uses may be allowed through an administrative permit as outlined in Chapter 16.82 of this title.
- (5) Requirements for electric vehicle charging spaces (EV spaces) are applicable to development in all zoning districts, including the SP-ECR/D district, subject to meeting certain criteria, and are specified in Chapter 12.18 (Buildings and Construction) of the City of Menlo Park Municipal Code.
 - (A) The maximum number of required EV spaces shall not exceed the requirement for EV spaces for new construction of an equivalent development on a parcel or project site.
 - (B) The EV spaces requirement is based on the required parking associated with the building where the work is being performed, inclusive of landscape reserve parking.
 - a. A proportional amount of EV spaces may be set aside in landscape reserve parking, where approved.
 - (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement shall be based on the existing number of parking spaces, not the required number of parking spaces.

- (D) EV spaces can be used to meet the off-street parking requirement. The EV spaces requirements and the primary off-street parking requirements are not additive.
- (E) For development projects within the SP-ECR/D district where the EV spaces requirement cannot be met on-site for the first 100 percent floor area ratio in the Downtown Shared/Unbundled Parking Area, an applicant shall pay an in-lieu fee to meet this requirement as established by the City of Menlo Park.

SECTION 4. Section 16.80.020, Nonconforming uses, of Chapter 16.80, Nonconforming Uses and Buildings, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline):

16.80.020 Nonconforming uses.

Nonconforming uses may continue subject to the following provisions:

- (1) A conditional use permit shall be obtained for all commercial uses located in a residential zoning district.
- (2) No nonconforming use may be enlarged or expanded, except as otherwise provided in this chapter.
- (3) If any nonconforming use is discontinued for a period of ninety (90) days, any subsequent use of the land or structure housing such use shall conform to the regulations specified for the zoning district in which such land or structure is located.
- (4) A nonconforming use may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit therefor; however, a nonconforming use may not be changed to a less restrictive use.
- (5) Any use occupying a structure which is nonconforming because it does not satisfy the parking requirements for the zoning district in which it is located may be changed to a similar or more restrictive use, subject to the obtaining of a use permit therefor. A blanket use permit may be granted specifying one (1) or more potential future uses based on the actual parking available. Properties where required spaces have been eliminated due to compliance with the Americans with Disabilities Act or the electrical vehicle charging space requirement per Chapter 16.72.010 of the City of Menlo Park Municipal Code are not considered nonconforming in regard to parking for purposes of this section. (Ord. 936 § 8 (part), 2005: Prior code § 30.602).

SECTION 5. Section 16.23.050, Development regulations, of Chapter 16.23, R-4-S, High Density Residential, Special, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

16.23.050 Development regulations.

Development regulations are as follows in the R-4-S district:

	Regulation¹	Notes
Minimum Lot Area	20,000 sf	
Minimum Lot Width	100 ft.	See Section 16.04.430 for definition.

		Regulation¹	Notes
Minimum Lot Depth		100 ft.	See Section 16.04.420 for definition.
Density	Minimum	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	Maximum	30 du/ac	
Minimum Yards	Front	10 ft.	See Section 16.04.720 for definition.
	Interior Side	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Section 16.04.740 for definition.
	Corner Side	10 ft.	
	Rear	10 ft.	See Section 16.04.730 for definition.
Maximum Floor Area Ratio		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Sections 16.04.315 and 16.04.325 for definitions.
Maximum Building Coverage		40%	See Section 16.04.120 for definition.
Minimum Open Space (Landscaping)		25%	See Section 16.04.500 for definition.
Height	Maximum Building Height	40 ft.	See Section 16.04.330 for definition of height of structure.
Building Profile		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	
Parking	Vehicular	2 spaces for units w/2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio. Spaces cannot be located in required front yard setbacks or in tandem.	
	Electric Vehicle	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.	
	Bicycle	Long term—1 space per unit where a private garage (per unit) is not provided Short term (visitor)—1 space per every 10 units	

¹A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Chapter [16.82](#).

SECTION 6. Table 16.43.140(1)(B), Nonresidential Green Building Requirements, of Section 16.43.140, Green and sustainable building, of Chapter 16.43, O, Office, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.43.140(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.43.140(2)(B)
Electric Vehicle Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

TABLE 16.43.140(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
	compliance as required by the city	compliance as required by the city	compliance as required by the city	compliance as required by the city		

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

⁴ For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 6. Table 16.44.130(1)(B), Nonresidential Green Building, of Section 16.44.130, Green and sustainable building, of Chapter 16.44, LS, Life Sciences, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

TABLE 16.44.130(1)(B): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ^{3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{3,4}
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.44.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.44.130(2)(B)
Electric Vehicle Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section [16.44.130\(2\)\(B\)](#). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section [16.44.130\(2\)\(B\)](#), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

⁴ For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

SECTION 7. Table 16.45.130(1)(B), Residential Green Building Requirements, of Section 15.45.130, Green and sustainable building, of Chapter 16.45, R-MU, Residential Mixed Use, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline and deleted text in ~~strikeout~~):

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy

TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
					Code ² and meet Section 16.45.130(2)(B)	Code ² and meet Section 16.45.130(2)(B)
Electric Vehicle Charging Spaces	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section [16.45.130\(2\)\(B\)](#). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section [16.45.130\(2\)\(B\)](#), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be

initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ² and meet Section 16.45.130(2)(B)
Electric Vehicle Charging Stations	The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star	Enroll in EPA Energy Star	Enroll in EPA Energy Star	Enroll in EPA Energy Star	Enroll in EPA Energy Star	Enroll in EPA Energy Star

TABLE 16.45.130(1)(C): NONRESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size³	25,001 sq. ft. and above of conditioned area, volume or size³
	Building Portfolio Manager and submit documentation of compliance as required by the city	Building Portfolio Manager and submit documentation of compliance as required by the city	Building Portfolio Manager and submit documentation of compliance as required by the city	Building Portfolio Manager and submit documentation of compliance as required by the city	Building Portfolio Manager and submit documentation of compliance as required by the city	Building Portfolio Manager and submit documentation of compliance as required by the city

¹ "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

² Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

³ If over a period of five (5) years (or sixty (60) months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e., ten thousand (10,000) square feet or twenty-five thousand one (25,001) square feet), the subject property shall be required to comply with the green and sustainable building requirements of this table.

SECTION 8. Section 16.58.020, El Camino Real/Downtown specific plan, of Chapter 16.58, SP-ECR/D El Camino Real/Downtown Specific Plan, of Title 16, Zoning, of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text appearing in underline):

16.58.020 El Camino Real/Downtown specific plan.

With the exception of electric vehicle charging requirements listed in Chapter 16.72 (Off-Street Parking), uses, development regulations, guidelines, definitions, off-street parking requirements, and other parameters for public and private development are established through the El Camino Real/Downtown specific plan. All modifications to this chapter or to the El Camino Real/Downtown specific plan require review and recommendation by the planning commission and review and approval by the city council through public hearings in accordance with Chapter 16.88 and applicable law.

SECTION 9: This Ordinance shall become effective on the later of _____ or thirty (30) days from adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the ___ day of _____, 2018.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the ___ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Peter I. Ohtaki
Mayor, City of Menlo Park

ATTEST:

Clay J. Curtin
Interim City Clerk

Existing Nonresidential Electric Vehicle Charging Space Requirements						
Project Type	New Construction			Additions and/or alterations		
Nonresidential	10,000 sq. ft. - 25,000 sq. ft.	25,001 sq. ft. - 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft of conditioned area, volume or size	10,000 sq. ft. - 25,000 sq. ft. of conditioned area, volume or size	25,001 sq. ft. and above of conditioned area, volume or size
O & LS	Pre-Wire ¹			Pre-Wire ¹		
	5% of total number of parking stalls.	5% of total number of parking stalls.	5% of total number of parking stalls.	N/A (Voluntary)	5% of total number of parking stalls.	5% of total number of parking stalls.
	Install EV Chargers ²			Install EV Chargers ²		
	2 in the pre-wire locations.	2 plus 1% of the total parking stalls in the pre-wire locations.	6 plus 1% of the total parking stalls in the pre-wire locations.	N/A (Voluntary)	Minimum of 2 in the pre-wire locations.	Minimum of 2 + (1% spaces) in the pre-wire locations
R-MU	Pre-Wire ¹			N/A (Voluntary)		
	5% of total number of parking stalls.	5% of total number of parking stalls.	5% of total number of parking stalls.			
	Install EV Chargers ²					
	2 in the pre-wire locations.	2 plus 1% of the total parking stalls in the pre-wire locations.	6 plus 1% of the total parking stalls in the pre-wire locations.			

1. "Pre-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

2. "Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.

Existing Residential Electric Vehicle Charging Space Requirements						
Project Type	New Construction			Additions and/or alterations		
Nonresidential	10,000 sq. ft. - 25,000 sq. ft.	25,001 sq. ft. - 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft of conditioned area, volume or size	10,000 sq. ft. - 25,000 sq. ft. of conditioned area, volume or size	25,001 sq. ft. and above of conditioned area, volume or size
R-4-S	<u>Install EV Chargers¹</u> 3% of total number of parking stalls.			N/A (Voluntary)		
	<u>Pre-Wire²</u> 2% of total number of parking stalls in addition to charger stalls.					
ECR/D	<u>Install EV Chargers¹</u> 5% of the total required residential stalls.			N/A (Voluntary)		

1. "Charger" is defined as follows: one (1) electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of forty (40) amps and two hundred forty (240) volts such that it can be used by all electric vehicles.

2. "Pre-wire" is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.



STAFF REPORT

City Council

Meeting Date:

5/2/2017

Staff Report Number:

17-103-CC

Informational Item:

Update - Status of Potential Revisions to the 2016 California Green Building Standards Code - Electric Vehicle Chargers

Recommendation

This is an informational item and no action is requested of the City Council.

Policy Issues

The adoption of more stringent requirements for electrical vehicle chargers would be considered a local amendment to the 2016 California Green Building Standards Code, and would require the City Council to adopt an ordinance at a future meeting.

Background

In December 2016, the City Council adopted new green and sustainable building regulations for three new zoning districts - Life Science (LS), Office (O) and Residential Mixed Use (R-MU) as part of the General Plan and M-2 Area Zoning Update (ConnectMenlo). Over the course of two years, the ConnectMenlo team hosted a number of meetings and workshops, including a “deep dive” meeting on the proposed green and sustainable regulations and a Planning Commission study session on the draft zoning ordinances, to engage with and receive feedback from the community. The public comment emphasized a desire for flexibility, predictability and clarity in the zoning regulations. The new zoning standards reflect input and guidance from the City Council, Planning Commission and the General Plan Advisory Committee (GPAC) on how best to balance growth and potential impacts. At its core, the green and sustainable building regulations were developed to support the *Sustainable Environmental Planning Guiding Principle*, one of nine General Plan Guiding Principles.

The adopted requirements incorporated sustainability standards related to the following categories: 1) green building, 2) energy, 3) water use and recycled water, 4) hazard mitigation and sea level rise resiliency, 5) waste management, and 6) bird-friendly design.

The O, LS and R-MU districts include a requirement for electric vehicle (EV) chargers for both residential and non-residential developments beyond what is required by state regulations. With increasing traffic congestion and gas vehicles being one of the top emitters of greenhouse gas emissions, the desire for alternative modes of transportation, including the support of new technologies such as electric vehicles, was a key focus of the General Plan Update.

During the ConnectMenlo process, staff learned that the EV charger regulations constituted an amendment to the Green Building Standards Code (also known as CALGreen) as they were more restrictive than current State regulations. On February 28, 2017, the City Council introduced an ordinance amending the 2016 California Green Building Standards Code to increase the number of EV charging stations in the LS, O

and R-MU districts, consistent with the Council's previous adoption of the new green and sustainable building regulations. The Council adopted the ordinance amendment on March 14, 2017 and the changes become effective on April 28, 2017. Attachment A includes the recently adopted EV charger requirements.

During the Council's recent discussion on the requirements for EV chargers, several members expressed interest in expanding the regulations citywide and further increasing the requirements. This informational item is to provide background information and an overview of the potential changes that staff will be bringing forward for the Council's review at a future meeting. Should the Council have comments on the proposed direction, staff would appreciate Council's guidance.

Analysis

CALGreen was the first state-adopted green building code in the nation. Local jurisdictions have authority to adopt their own EV charger regulations beyond CALGreen requirements. This section will identify what is currently required by CALGreen for both residential and non-residential developments, compare CALGreen mandatory versus voluntary measures for EV chargers, describe the likely costs associated with the installation of EV chargers and identify the proposed changes for the City's EV charger regulations.

There are multiple terms used in the 2016 California Building Standards Code (Building Code) that are associated with EV chargers, some of which are shared by the City's new sustainable building regulations for the LS, O and R-MU districts. Staff has included explanations of these terms as used in the Building Code, and where the term differs in the City's sustainable building regulations, the applicable definition is provided for clarity below.

- Electric Vehicle capable (EV capable) – CALGreen defines EV capable as the installation of conduit from the main electrical panel or subpanel to the garage and the electrical panel have excess electrical capacity to support the future installation of a 40 amp breaker should an EV charger be installed.
- Pre-Wired - The City's sustainable building regulations include the EV capable requirements established in CalGreen plus requires the wiring itself be installed so all that is needed is the installation of the charger.
- Electrical Vehicle Charging Space (EV space) – An EV space is a parking stall with a specific dimension dedicated for the use of EV charging if a charger is installed. Generally, this would be a larger space. If a charger is not installed, the space can be used as a regular parking space.

CALGreen

The 2016 CALGreen code has mandatory requirements for new residential and non-residential buildings as well as voluntary measures that exceed the mandatory requirements. There is no requirement for the installation of EV chargers or infrastructure in existing buildings undergoing remodels and additions. The voluntary measures are organized into two tiers with the Tier 2 measures being more restrictive than the Tier 1 measures. These measures were included in CALGreen by the State to aid jurisdictions in adopting additional sustainable building measures by establishing prewritten standards that jurisdictions can select from.

Residential

The EV charger requirement for new single-family homes and duplexes with an attached garage is for the garage to be built EV capable to support the future installation of one EV charger. The intent of the code is to ensure the garage is capable of having an EV charger installed without having to undergo major construction efforts.

The requirements for new multi-family homes apply only when 17 or more multi-family dwelling units are being built. CALGreen requires that three percent of the total number of parking spaces, but in no case less than one, shall be an EV space (with regards to dimensions) and EV capable (conduit etc.). The minimum stall size for an EV space is nine feet wide and 18 feet deep, which is larger than a current required parking space size, thus requiring more room to meet parking requirements. One in every 25, but not less than one, EV space shall include an eight foot wide aisle adjacent to the space. The stalls with the additional eight foot aisle are known as van accessible stalls.

Non-Residential

CALGreen establishes the number of required EV capable charging stalls for new non-residential buildings in Table 5.106.5.3.3 of CalGreen which has been included below.

CALGreen does not establish the minimum EV space size for non-residential occupancies because they are established in the disabled access requirements in the Building Code. There are three different stall types, van accessible, standard and ambulatory. The van accessible space is 12 feet wide by 18 feet deep with a five foot aisle, the standard stall size is nine feet wide by 18 feet deep with a five foot aisle and an ambulatory stall size is 12 feet wide by 18 feet deep without an access aisle. Additionally, the Building Code establishes the number of EV charger stalls that are required to be disabled accessible stalls according to a ratio. The EV charger requirements affect the size and parking area because the dimensions are greater than a regular parking stall.

CALGreen Tiers

CALGreen has two tier levels establishing additional or more restrictive voluntary measures known as Tier 1 and Tier 2 for both residential and non-residential buildings. Typically, the Tier 2 measures are more restrictive than the Tier 1 measures. The Tier 1 and Tier 2 EV charger measures for new single family homes and duplexes with an attached garage are the same but include the installation of wiring in addition to the circuit breaker. Similarly, the Tier 1 and Tier 2 EV charger measures are the same for multi-family homes of 17 units or more but includes the installation of the wiring and an increase in the percentage for installation of these components from three percent to five percent.

The new non-residential Tier 1 and 2 do not include the installation of the wiring, but increase the number of stalls as follows:

Table 1: Comparison of CALGreen EV charger Requirements		
Total Number of Actual Parking Stalls	Number of EV Charge Spaces – Tier 1	Number of EV Charging Spaces – Tier 2
0-9	0	1
10-25	2	2
26-50	3	4
51-75	5	6
76-100	7	9
101-150	10	12
151-200	14	17
201 and over	8 percent of total	10 percent of total

Table excerpted from CalGreen Table 5.106.5.3.3

Cost Associated With EV Charger Installation

The cost associated with the installation of EV charger infrastructure and the chargers themselves for existing buildings can vary depending on several factors, including the type of charger, the distance of the EV charging stall(s) from the electrical supply equipment and the capacity of the electrical supply equipment.

There are three types of charging options: electrical outlet, level 2 chargers and level 3 chargers. Most electric vehicles have an onboard charger that can be used by plugging the car into an electrical outlet. This type of charging typically provides about four miles of charge or driving range per hour. The level 2 charger is the most common charger in use and will add about 10 to 30 miles of charge per hour. Finally, the level 3 charger, also known as fast chargers, can provide up to 80 percent of a charge in 30 minutes. A typical level 2 charger costs around \$7,500 with additional cost for the installation and the costs for a level 3 charger would be greater.

The cost associated with the installation of the conduit and wiring typically includes the cost of materials and the labor associated with the cutting of concrete and asphalt, trenching and the installation of the conduit and wiring, with the cost increasing when the EV charging stall is further from the electrical supply equipment. A typical cost for a distance of less than 100 feet is approximately \$25,000 for a single charger installation. There is some economy of scale for a multiple charger installation, however, the cost does increase.

There is a potential significant cost if the existing electrical supply equipment does not have enough capacity to provide the electricity to the EV chargers. The faster the charger, the more electricity is needed. Much of the existing multi-family building stock has a 100 amp “house meter” which provides electricity to the areas of the property that are not leased by the tenants for site lighting, irrigation controllers, and other similar uses. The non-residential building stock’s existing electrical equipment is typically capable of providing 400 amps of electricity. Given today’s electrical demand due to computers, copiers, and other

electronic equipment, the demand on the older electrical equipment is high which does not allow for the potential significant increase in demand associated with the installation of EV chargers.

The cost to upgrade the existing electrical equipment is dependent upon different factors including the age of the existing electrical equipment, the space available for the new electrical equipment in the existing building, and whether or not the PG&E supply is coming from overhead or underground. . It should be noted that if the existing electrical service from PG&E is underground and the conduit is not of sufficient size to accommodate the increase in wire size associated with the larger service need, the PG&E conduit will need to be replaced, which would be a significant expense to the property owners and/or tenants. The installation of, and pre-wiring for EV chargers as part of a new development would generally be less costly and complex than retrofitting buildings and parking spaces in an existing development for future EV-charging needs.

EV Charger Requirements in Surrounding Jurisdictions

All jurisdictions in California are subject to the CALGreen mandatory measures. Some jurisdictions, like the City of Menlo Park, have opted for more stringent standards. Table 2 below highlights the varying level of requirements in several local jurisdictions.

Table 2: Comparison of EV Charger Requirements			
City	CAL Green Mandatory	CALGreen Tier 2	Local Amendment
Menlo Park (Citywide, except LS, O and R-MU zoning districts)	X		
Menlo Park (LS, O and R-MU zoning districts)			X
San Mateo		X	
Mountain View		X	
Palo Alto			X
Atherton	X		
San Carlos	X		
Redwood City	X		
Foster City	X		

While a few jurisdictions have subscribed to the voluntary Tier 2 measures, Palo Alto has crafted local regulations.

The City of Palo Alto has also adopted advanced EV charger requirements, including pre-wiring requirements for single-family residences, and various requirements for new hotel, non-residential and multi-family residential developments.

http://www.cityofpaloalto.org/gov/depts/ds/green_building/compliance.asp

Proposed EV Charging Requirements in Menlo Park

In an effort to meet the City Council's interest in increased EV charger requirements, staff is proposing a two-tier system. Depending on the proposed scope of work (new developments vs. alterations and/or additions), the EV charger requirement would vary. In addition, the requirement would vary depending on whether the land use is non-residential or residential, and if residential, the number of dwelling units in the development. This proposal would increase the percentage of EV chargers that must be installed and the percentage of EV capable spaces that need to be pre-wired for all new developments. Staff believes it would be appropriate to increase the EV charger requirements for new developments. The proposed changes would simplify the regulations to one standard, regardless of the size of the new development. The proposed regulations would increase the percentage of pre-wire parking spaces from five percent to 10 percent and would generally increase the number of installed EV chargers from a minimum number of stalls to a percentage of the total number of parking stalls. The current requirements for developments only involving an alteration and/or addition would remain unchanged. However, the requirements would be applied citywide. Table 3 below identifies the proposed changes. Unless Council directs otherwise, staff will prepare the draft ordinance language for review by the Council, tentatively scheduled for July 2017.

Table 3: Proposed Modifications of EV Charger Regulations

		New Construction		Additions and/or Alterations	
		1 sq. ft. to 9,999 sq. ft. of conditioned area, volume or size	10,000 sf. ft. – 25,000 sf. ft. of unconditioned area, volume or size	25,001 sf. ft and above of conditioned area, volume or size	
Residential (Five or more units)	<u>Pre-Wire</u>				
	Minimum of 10% of total required number of parking stalls				
	AND	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)
	<u>Install EV Chargers</u>				
	Minimum of 3% of the total required number of parking stalls, with a minimum of 1 ¹				

	<u>Pre-Wire</u>		<u>Pre-Wire</u>	<u>Pre-Wire</u>
	Minimum of 10% of total required number of parking stalls		Minimum of 5% of total required number of parking stalls.	Minimum of 5% of total required number of parking stalls.
	AND		AND	AND
Non-Residential	<u>Install EV Chargers</u>	N/A (Voluntary)	<u>Install EV Chargers</u>	<u>Install EV Chargers</u>
	Minimum of 3% of the total required number of parking stalls, with a minimum of 1 ¹ parking stalls,		Minimum of 2 chargers in pre-wire locations	Minimum of 2 plus 1% of the total parking stalls in pre-wire locations

¹ Calculation for spaces shall be rounded up to the nearest whole number.

On a countywide level, the Clean Coalition, along with a broad range of collaborators, is leading the Peninsula Advanced Energy Community (PAEC). The PAEC is an initiative to streamline policies and highlight projects that facilitate local renewables and other advanced energy solutions like energy efficiency, energy storage, and electric vehicle charging infrastructure. The Clean Coalition’s PAEC, located in the southern portion of San Mateo County, California, received a grant from the California Energy Commission. One of the tasks associated with the grant is to review charging infrastructure to support the growth in electric vehicles, and research is currently underway. Research from this effort may also further help guide future direction on EV charger requirements if additional research is desired.

Next Steps

In order to pursue the amendments in a timely manner, staff would conduct public outreach in conjunction with the preparation of the draft ordinances for the City Council’s review, which would tentatively be scheduled for July 2017. Changes to the local building code are within the purview of the City Council and staff is not intending to include formal review by other Commissions.

If Commission review is desired, the schedule would be extended by an additional two to three months and would impact staff’s ability to work on development projects and the Council’s work plan items. An ordinance amendment requires the Council to introduce the ordinance at a public meeting, followed by a second meeting to adopt the ordinance. An ordinance typically becomes effective 30 days after adoption.

Impact on City Resources

Staff time spent on researching and drafting the ordinance would be absorbed by the General Fund.

Environmental Review

The adoption of the proposed local amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Current EV Charger Requirements for the LS, O and R-MU Zoning Districts

Report prepared by:

Ron La France, Assistant Community Development Director/Building Official

Deanna Chow, Principal Planner

Report reviewed by:

Arlinda Heineck, Community Development Director

	Electrical Vehicle (EV) Charger Requirement					
	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size	25,001 sq. ft. and above of conditioned area, volume or size¹
Non-Residential Uses in O, LS and R-MU Districts	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Residential Uses in the R-MU District³	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p><u>Pre-Wire¹</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers²</u></p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)

¹ Pre-wire is defined as conduit and wire installed from electrical panel board to junction box at parking stall, with sufficient electrical service to power chargers at all pre-wire locations.

² Charger is defined as follows: One electric vehicle (EV) charger or charger head reaching each designated EV parking stall and delivering a minimum of 40 amps and 240 volts such that it can be used by all electric vehicles.

³ At minimum, a 40 amp, 240 volt receptacle shall be installed at each structural column of residential carports for electrical vehicle charging. This requirement is in addition to pre-wire and installation of EV charger regulations.

From: Chow, Deanna M
To: Chow, Deanna M
Subject: FW: EQC recommendations: EV charging infrastructure
Date: Wednesday, January 17, 2018 2:35:00 PM

From: Janelle London [<mailto:jlondon@stanfordalumni.org>]
Sent: Tuesday, November 28, 2017 5:47 PM
To: Lucky, Rebecca L
Subject: FW: EQC recommendations: EV charging infrastructure

Here you go!

From: Janelle London [<mailto:jlondon@stanfordalumni.org>]
Sent: Tuesday, November 28, 2017 11:36 AM
To: 'Cat Carlton'; 'racline@menlopark.org'
Subject: EQC recommendations: EV charging infrastructure

Dear Cat and Rich,
 Below please find the EQC's recommendations regarding EV charging infrastructure in Menlo Park. I'd be happy to discuss after you have a chance to review.
 Thanks!
 Janelle
 415 250 2839

Dear Menlo Park City Council Subcommittee on EV Charging Infrastructure,
 The EQC applauds the City's intent to make electric vehicle charging infrastructure (EVCI) requirements further-reaching than the existing state standards, and believes this is an important step in reducing transportation-related GHG emissions while also helping the city to achieve its 2020 climate action targets. In particular, we support the proposed non-residential requirements for new construction as presented in the October 25, 2017 community meeting.
 Regarding residential requirements, given the growing number of electric vehicles registered in Menlo Park (approximately 14% in 2015 and 16% in 2016) and the movement by auto manufacturers to phase out combustion engine vehicles, we believe that residential development should prepare for a future of mass EV adoption and home charging. Accordingly, we recommend a requirement for all new residential construction (single family, duplex, and 3+ units) of including one minimum 240 volt, 40 amp outlet for at least one parking space per unit, similar to Palo Alto's policy.
 We also believe there should be requirements for providing EV charging infrastructure at **existing** multi-family units, which could be financed through market mechanisms to reduce or eliminate costs.
 In order to balance the urgency of setting EVCI requirements now, before additional development takes place, with the complexities of installing charging in existing commercial and residential multi-unit dwellings and allocating costs, we recommend the City Council 1) set the EVCI requirements for all **new commercial and residential construction** right away, and 2) plan a Phase 2 to study the issue of EVCI in **existing commercial and residential**

buildings and come up with a fair, viable set of requirements.

Thank you for your leadership on this important issue.

Sincerely,

Janelle London

Chair, Menlo Park Environmental Quality Commission

From: Diane Bailey <diane@menlospark.org>
Sent: Wednesday, November 1, 2017 4:16 PM
To: Paz, Ori; Chow, Deanna M
Cc: Sven Thesen; London, Janelle; Lafrance, Ron J; Lucky, Rebecca L
Subject: City EV Charging Policy proposal

Ori, Deanna, Ron, thanks for taking the time to meet last week and for the excellent presentation at the workshop. It's great to see how engaged the business community is on this.

I don't want to slow the process down at all, but wanted to follow up on a few comments from the workshop. Please consider the following for the EV Charging policy:

- Modify pre-wire requirements so that all new spaces that aren't required to have chargers are "EV Capable" (eliminating the need for expensive copper wiring but allowing a quick addition of chargers when needed in the future) - As San Francisco & other cities have recently required;
- Require electrical capacity in new buildings sized to simultaneously charge vehicles in 20% of parking spaces (similar to recent San Francisco requirement);
- Raise the EVSE requirements for new multi-family to match commercial (10% minimum for new parking facilities whether carports or uncovered surface lots)
- Provide flexibility for existing commercial retrofits that are inside the building, in case the EVSE and pre-wire requirements on parking are extremely expensive and not otherwise a part of the remodel; and consider dropping all pre-wire requirements for existing buildings where renovations don't include parking facilities.

Please note that some EV Charging Stations do not require electrical connections and we hope these would be allowed and possibly encouraged for retrofit requirements where grid connections may be costly. They include solar and battery energy storage, so they operate independently from the Grid (for example, capable of providing 700 e-miles per day). One example is:

<http://www.envisionsolar.com> (the "EV Arc" and larger "Solar Tree" charging stations)

Lastly, if an upgrade or streamlining of the permitting process for EV chargers is underway, could you share that draft policy?

Thanks very much for your work to update and increase EV Charging requirements in Menlo Park. With at least 7 nations moving to phase out diesel and gas cars in the near term (The Netherlands, France, Germany, Norway, Britain, China, India), and at least 5 major automakers expanding their focus on EVs (Volvo, VW, Daimler, BMW, Jaguar Land Rover), this is an important step for Menlo Park to take to support the transition away from fossil fuel vehicles.

Warm regards,
Diane

From: "Paz, Ori" <OriPaz@menlospark.org>
Date: Wednesday, October 25, 2017 at 1:20 PM
To: Diane Bailey <diane@menlospark.org>
Cc: "Chow, Deanna M" <DMChow@menlospark.org>
Subject: EV Presentation from EQC

Hi Diane,

It was a pleasure meeting with you and Sven this morning. Please find the slides from the EQC presentation attached. As I mentioned we are working to update the presentation for tonight's meeting. The regulations are the same.

Best regards,

Ori Paz
Planning Technician
City of Menlo Park|Community Development Department
701 Laurel Street | Menlo Park, CA 94025
650.330.6711 direct | 650.330.6702 main
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From: Anita & Bruce Ochieano <baochieano@gmail.com>
Sent: Tuesday, October 24, 2017 6:33 PM
To: Chow, Deanna M
Subject: New EV requirements for Menlo Park

Deanna,

I cannot attend the meeting but had a comment. Shouldn't this be market driven rather than mandated? Often such mandates are needed because cannot be justified economically. Why should taxpayers give such large subsidies to the minority who drive electric cars. They already get a \$10,000 tax credit, HOV usage, and no payment of highway taxes (i.e. gas taxes). Won't landlords, employers, and developers put these chargers when they cannot find tenants, employees, and developers put these in voluntarily when there is a demand?

BTW - Most of these cars are not emission free vehicles. The emissions just occur during manufacture, at the power plants, and when the batteries are disposed.

Regards,

Anita Ochieano
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Menlo Park