



REGULAR MEETING AGENDA

Date: 6/4/2018
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 May 7, 2018, Planning Commission meeting. ([Attachment](#))

E2. Sign Review/Sharon Land Company/3000 Sand Hill Road:
Request for sign review for a new monument sign that would feature text greater than 18 inches in height located near an existing office building in the C-1-C(X) (Administrative, Professional and Research District, Restrictive (Conditional Development)) zoning district. ([Staff Report #18-053-PC](#))

E3. Architectural Control/Katherine Glassey/25 Hallmark Circle:
Request for architectural control to perform exterior modifications and to add a new lower level and enclose a first floor deck to an existing single-family townhome in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district. ([Staff Report #18-054-PC](#))

F. Public Hearing

F1. Use Permit/Kevin Rose/635 Pierce Road:
Request for a use permit to partially demolish and construct a new addition and interior

modifications to an existing nonconforming one-story single-family residence, and construct a new detached one-car carport in the R-3 (Apartment) zoning district. The existing residence is nonconforming with respect to the right side yard setback. The value of the work would exceed the threshold for work to a nonconforming structure within a 12-month period. ([Staff Report #18-055-PC](#))

- F2. Use Permit/Ran Chen/1901 Menalto Avenue:
Request for a use permit to demolish an existing single-family residence and construct a new two-story single-family residence on a substandard lot with respect to lot width and area in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #18-056-PC](#))
- F3. Municipal Code Amendments:
Electric Vehicle Charging Space and Supply Equipment Requirements/City of Menlo Park: Review and provide a recommendation to the City Council on draft Building Code amendments for the creation of citywide electric vehicle charging space and supply equipment 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 #18-057-PC](#))

G. Regular Business

- G1. Below Market Rate Housing Program Guidelines Amendments/City of Menlo Park: Review and provide a recommendation to the City Council on modifications to the City's Below Market Rate (BMR) Program Guidelines. ([Staff Report #18-058-PC](#))
- G2. Nominate and recommend a commissioner to serve on the Heritage Tree Ordinance Taskforce. ([Staff Report #18-059-PC](#))

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: June 18, 2018
 - Regular Meeting: July 16, 2018
 - Regular Meeting: July 30, 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: 05/30/18)

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: 5/7/2018
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 7:03 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Camille Kennedy, John Onken, Henry Riggs, Katherine Strehl

Staff: Deanna Chow, Principal Planner; Fahteen Khan, Contract Planner; Ori Paz, Assistant Planner; Kyle Perata, Senior Planner; Thomas Rogers, Principal Planner

C. Reports and Announcements

Chair Combs welcomed newly appointed Planning Commissioner Camille Kennedy noting her prior service on the Housing Commission and other city-related initiatives, including Imagine Menlo. He recognized former Commissioner Larry Kahle for his service to the Planning Commission noting he appreciated and valued Mr. Kahle's insight, detail and preparation for meetings. He expressed some disappointment with the City Council deliberation process to appoint commissioners in that he thought Mr. Kahle had brought a high level of voice to the Planning Commission, and he did not consider his service on the Planning Commission to meet any quota. He said he thought his contributions and experience spoke for themselves, and had been substantive. He said he did appreciate Vice Mayor Mueller's comments specifically on the value of diversity when he was speaking to the number of African-American commissioners on city commissions. He said he was concerned with another voice on the Council who made had comments over Vice Mayor Mueller's remarks, and thought Menlo Park was better than those petty and divisive comments. He said that it had been an honor for him to serve four years on the Planning Commission and he was looking forward to the next four years of service. He expressed admiration for the level of expertise and knowledge of his fellow commissioners.

Principal Planner Thomas Rogers said the City Council at its April 24 meeting conducted a study session on the downtown parking garage. He said his understanding was that general interest was expressed in pursuing a garage project and looking at possible non-garage uses to be developed concurrently. He said that the project was generally understood to have potential delay due to various factors such as the departure of Housing and Economic Development Manager Jim Cogan. He said the City Council at its May 8 meeting would consider selecting a preferred alternative for a Ravenswood Grade Separation project. He said the project name was a bit misleading as the project had the potential to address other Caltrain railroad crossings, depending upon which alternative was selected. He said the Housing Commission at its May 9 meeting would consider an anti-discrimination ordinance, which was a Housing Element implementation measure.

He said it would not alter the BMR code, and the Housing Commissioner's recommendation would go directly to the City Council.

Commissioner Katherine Strehl thanked Chair Combs for his comments, welcomed Commissioner Kennedy, and noted former Commissioner Kahle's voice would be missed.

At Chair Combs' invitation, newly appointed Commissioner Kennedy expressed surprise and appreciation for her appointment noting the high caliber of fellow commissioners. She said she was committed in her service to the City and its constituents.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the April 9, 2018, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Strehl/Onken) to approve the minutes as presented; passes 7-0.

F. Public Hearing

- F1. Use Permit/Chi-Mei Chang/600 Olive Street:
Request for use permit to construct a new two-story single-family residence on a vacant substandard lot with respect to width and depth in the R-1-S (Single-Family Suburban Residential) zoning district. One non-heritage street tree is proposed to be removed and replaced. ([Staff Report #18-041-PC](#))

Staff Comment: Assistant Planner Ori Paz noted a correction to the project description in that the lot was substandard with respect to width but not depth. He said that had been corrected in the documents. He said a number of correspondences received after the staff report was published had been forwarded to the Commission by email. He said copies of those were at the dais and the table in the back for the public. He said those items included an updated timeline of neighbor outreach undertaken by the applicant. He said the correspondence included concerns about parking and pedestrian safety at the intersection of Olive Street and Oakdell Drive, concerns about stormwater and the proposed basement, and general concerns about groundwater. He said another expressed concern about a tree that might have been removed between the time the previous home was demolished and the time of the application submittal for a use permit. He said also there were privacy concerns. He said in response to those staff, was able to review the demolition permit and it did appear that a heritage tree was removed without permit by a previous owner. He said that a project-specific condition had been added for the provision of a heritage tree replacement on the left side of the lot. He said staff confirmed with the architect on behalf of the property owner that they would be agreeable to raising the sill height of the window closest to the left side neighbor, which was project-specific condition 4.c.

Applicant Presentation: Roger Kohler, project architect, Palo Alto, said they had been working with the homeowners to design a home for them to live in, and had multiple meetings with staff to devise a plan that would be approvable. He said the garage doors were not visible from the street and the second floor was pushed back. He said the large bedroom window facing the left would be

shrunk and windows would face front and back. He said they had also agreed to replace the tree that appeared to have disappeared between the time the previous home was demolished and now.

Commissioner Strehl asked why impermeable paving was being used rather than permeable paving. Mr. Kohler said there was a modest implication of pavers on the driveway. He said they would be using a pass through system in the driveway area and everything paved in front of the garage.

Commissioner John Onken said a basement movie theater under the two-car garage seemed an engineering feat, and asked if that was a final design. Mr. Kohler said his firm did a lot of such basements, and it required more structure than normal. He said the concrete depth on the floor above was 1 ½ inches to 3 inches.

Chair Combs opened the public hearing.

Public Comment:

- Lee Crowley said her home was next door and downhill from the proposed project. She said historically they have had trouble with rain runoff and the water table under their house. She said they were concerned with the large underground structure proposed and would like the project to absorb as much water as possible. She said she would give the balance of her speaking time to Kevin Harris and Jim Crowley.

Chair Combs said the next speaker was Jim Crowley and with time left from the previous speaker, Mr. Crowley would have 4 ½ minutes.

- Jim Crowley said they had met with the property owners of the subject property in January to discuss the proposed project plans. He said two of their concerns were addressed in the most recent plans, regarding the location and noise of the air conditioning units and parking spaces. He said that the scope and size of the proposed development had not changed at all. He said the lot was substandard and all the adjoining properties had the same classification. He said owners who lived in this area appreciated that they lived a bit closer together and needed to consider closer neighbors when developing properties. He said the proposal would be the largest structure in the immediate area and was appropriate for a much larger property. He said the floor area comprised of the basement, first and second floors, and garage was 6,665 square feet. He said the two adjacent homes on Olive Street had floor areas less than 2,500 square feet. He said the proposed project would be potentially detrimental to the neighborhood with respect to privacy, daylight, reflected light, parking, noise, and underground water absorption. He said the walled basement area of 3,400 square feet would displace at least 34,000 cubic feet of soil that would no longer be available for water absorption or retention. He said the only area for water absorption would be the perimeter of the property or the setbacks, which would mean runoff to other properties. He said it was not only runoff but an issue of soil saturation, and his property would most directly be impacted. He said their home was the raised floor construction type and that water percolates from the saturated surrounding soil area to the under-floor area of their house. He said the new proposed basement would have significant impact on the saturated soil in the vicinity of their house. He said they discussed this issue with the Planning Division and Public Works Department staff, and he thought a better standing of rain and groundwater issues needed to be developed before projects like this one with large basements were approved. He asked the Commission to consider for this and future

similar projects that the limitation on the size of a basement should take into account groundwater absorption retention, soil saturation and effects on surrounding properties. He said when a super basement was planned the impervious area worksheet and the grading and drainage plan should be required to be part of the project documentation submitted to the Planning Commission as the current process of requiring those items at the building permit phase did not allow for public review by neighbors who might be impacted by groundwater runoff or retention. He said for a super basement the water retention requirement should be revised so the water collected in a rain event could be pumped out to the street to protect the surrounding properties from runoff and soils saturation. He said they believed this project posed injury and harm to their home and property, and delayed until analysis could be presented to the Planning Commission from the developer on the impact of the large basement on the surrounding properties and plans to mitigate the risks to the surrounding properties.

- Kevin Harris said he lived on Olive Street and was also representing his Olive Street neighbors, Maurice and Marianne Schlumberger. He said they had observed a number of spec houses built on Olive Street over the last 10 years, and each of those followed the same process to come before the Planning Commission making representations about what they would do and that they would live in the house, but which after construction did not occur. He said they would like staff and the Commission to turn a stricter eye on developer spec house projects. He said the property owner was single and wanted to build a seven bedroom and eight bathroom house. He said the proposed project would cast a lot of shade on the Schlumberger's house noting houses next to the proposed project were set back from the street 40 feet and the proposal was set back 31 feet from the street. He said Mr. Schlumberger had observed that three trees were removed during the demolition and suggested that all of them should be replaced, and he was also concerned that setback measurements were from the existing fence as the fence was a foot into his property. Mr. Harris said a 3400 square foot basement was larger than any of the basements previously built on Olive Street. He said that these types of basements might be popular in Palo Alto but Palo Alto had adopted new rules on dewatering during basement construction as there were a lot of groundwater impacts. He said he was disappointed to find out that Menlo Park did not have such rules and did not monitor groundwater table during construction. He encouraged the City to look at the super-basement phenomenon and how that was measured in terms of the size of houses impacts on groundwater table. He said the project was too big and potentially detrimental in terms of flooding risks and the basement proposed should be revisited to address some of these issues.
- Doug Marks said he and his wife lived at 628 Olive Street, and their comments concerned vehicle parking, ingress and egress at the subject property, and general pedestrian and bicycle safety at the very busy T-intersection of Oakdell and Olive Street. He said they had a meeting in November with Michael Chang, the son of the property owner, and had shared those concerns. He said it appeared the plans submitted for approval addressed some of their comments by including a parking strip and more onsite parking. He said the referenced intersection was very busy especially in the morning and afternoon on school days and traffic related to both Oak Knoll and Hillview Schools, including students and adults walking and cycling. He said the configuration of seven bedrooms with attached bathrooms had the potential of housing a number of unrelated individuals. He said while a potential setup for an Air B&B and rental was a concern of theirs, they understood there was no prohibition against this type of floor plan. He said they would not support that type of use or business there should it occur. He said their concern was for the potential number of vehicles that could be entering and exiting this property at the intersection. He said where the proposed project was located

currently had no sidewalk or parking strip. He said there had been a great deal of construction in this area of Olive Street so residents and construction vehicles routinely parked in the roadway beginning at 7 a.m. forcing pedestrians and bicyclists into the roadway as there were no marked bicycle lanes. He said they brought this safety issue to the Transportation Commission and City last fall but nothing yet had occurred to address it. He requested that the Planning Commission consider: 1) Require this project and other properties located on Olive and Oakdell Streets to have a seven-foot wide parking strip or sidewalk where vehicles could park off the street; 2) work with the Transportation Commission to paint a white line along Olive Street delineating safe bicycle space; and 3) consider carefully the large number of bedrooms and attached bathrooms proposed for the project and its potential to be multi-tenant or shared housing as if that was the use the question was whether the available parking was adequate for potentially seven vehicles and what could be done to improve the ingress/egress.

- Haleh Aboofazeu, Roger Kohler Architects, said the property owner was on a business trip in Europe. She said the parents would live on the first floor, the son on the second floor, and the sister in the basement. She said they intended to live there forever and were working hard to have good relationships with the neighbors. She said her company builds many basements and there were no problems as the contractor worked with the soils report and followed rules so there was no problem with groundwater.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Henry Riggs asked about the borings for the geotechnical report and when those were done. Assistant Planner Paz said the geotechnical report and exploratory drilling had not been submitted to staff.

Commissioner Riggs noted a project in Portola Valley where they had relied on the geotechnical report showing no water down the depth of the boring. He said construction began and it turned out there was a natural spring running under the construction site. He said dependent upon when it was done, a boring might have very little indication on groundwater.

Commissioner John Onken said they had heard a number of comments about the size of the project and the hydrology. He said excavating large holes and dewatering might be a very large problem but it was outside the remit of the Planning Commission. He said the other comment was that the house was too big, and he questioned whether that was because of the number of bedrooms. He said the City had mechanisms to keep the project from being multi-tenanted if that became a nuisance. He said also no cars for the home could be parked on the street overnight so whatever cars were parked on site was a non-issue unless it became a nuisance. He said looking objectively at the proposed design the ceiling heights floor to floor were nine feet, which was not out of the ordinary. He said the house was long but was helped by the garage not facing the street.

Commissioner Kennedy said the home was large and was not the first home on the street to have that type of orientation. She indicated how the home would be used in the future was unknown and all they had was the property owner's stated intent to live there. She said having bathrooms with each bedroom would improve the resale value but many people wanted a private bathroom. She said she agreed with Commissioner Onken about the size of the home.

Commissioner Susan Goodhue said she agreed with most of Commissioner Onken's comments. She said whether the house design was liked or the house was the right one for the neighborhood,

the Commission had no lever to find that the house did not meet the development specifications for the lot. She said the lot was determined substandard because of width, but she did not think a 10,600 square foot lot was substandard considering the size of many lots in the City. She said she heard the neighbors' concerns, and if this project was built in her neighborhood, she would not like it. She said there was no law against developers building spec houses.

Chair Combs said a substandard lot gave the Commission additional purview. He said this project's basement would add a massive amount of space to the home and make it much bigger than in theory aboveground zoning would allow. He said his concern was whether this project based on its size might be substantively different from what was there currently. He asked staff about the City's processes for looking at rainwater and absorption for a parcel, and if that was standard, or whether in some areas of the City it was based on past flooding issues. He asked if the City would be looking closer at such massive basements that had been popular in Palo Alto for some time. Assistant Planner Paz said with the building permit process a number of reports would be submitted and if not, those would be requested by the Building and Engineering Divisions. He said Engineering Division in part would look at compliance with no net increase in stormwater runoff including the drainage systems designed for the site relative to their impervious areas. He said those divisions would review the geotechnical and hydrology reports for the site using a third party consultant to do that to ensure the soil would support the proposed structure.

Commissioner Andrew Barnes asked if the geotechnical report required some adjustment to the structure or footprint whether that would trigger the house to return to Planning for review. Assistant Planner Paz said it would depend. He said if it was reducing in size or intensity it might not come back but if it needed to change to make it a more intense use it would come back either as a memo or use permit revision. Commissioner Barnes asked about the property or others being used as Airbnb noting the City did not have an ordinance regarding that use. Principal Planner Rogers said he would read the definition of family from the City's zoning ordinance: *Family means a group of individuals living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.* He said his understanding was that this definition was the result of non-local court cases based on some previous definitions of family that required relationships by blood or marriage, which were deemed to be discriminatory.

Commissioner Strehl said with the neighbors' concerns about hydrology and soil saturation she thought it would have been appropriate for the geotechnical report to have accompanied the use permit application for the Commission's review, noting that occurred for other applications. She suggested continuing the project so that information might be provided.

Commissioner Riggs said he had argued for many years that substandard lots should not be the only reason projects come forward to the Planning Commission as there had been instances where the environment might be harmed by a project. He said in this instance the City had not restricted the type of project that could be built. He said he thought the lower floor of this home would end up as a room for rent. He said they should address the trees and to require that any paving in the front would be pervious. He said he thought they could encourage Council to look at an enforceable policy for a building that was used for rental in a single-family neighborhood and for dewatering. He said in this instance excavating 30% of the site would result in water. He said a geotechnical report for one week of a year was not sufficient to address that unless the geologist was requested to test for likelihood of groundwater so borings were done more than one time and to look at borings in the area done by the firm over the last 30 years. He moved to approve the use

permit with the additional condition that the paving at the front of the structure be pervious paving. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Riggs/Goodhue) to approve the use permit with the following modification, passes 5-2 with Commissioners Combs and Strehl opposing.

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 Roger Kohler Architects, consisting of 16 plan sheets, dated received May 1, 2018, and approved by the Planning Commission on May 7, 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 Kielty Arborist Services, LLC. dated October 15, 2017.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. The applicant shall submit building permit plans that include an elevator, subject to review and approval of the Planning Division. Should the applicant elect to remove the elevator at any point, the applicant is required to provide revised plans, which account for the added floor area from the previously-exempt elevator and comply with the floor area limit, for review by the Planning Division. Any change to the exterior building envelope of the residence would require review and approval by the Planning Commission as a substantial conformance memorandum.
 - b. Concurrent with submittal of a complete building permit, the applicant shall submit revised plans that include a 24-inch box heritage tree replacement in the required left side setback, subject to review and approval of the Planning Division.
 - c. Concurrent with submittal of a complete building permit, the applicant shall submit revised plans that include a revision to the left side elevation to raise the sill height of the windows in the master bedroom facing the neighboring property to five feet, subject to review and approval of the Planning Division.
 - d. Concurrent with submittal of a complete building permit, the applicant shall submit plans that include the installation of permeable paving for the driveway at the front, subject to review and approval of the Planning Division.**

Responding to Chair Combs and the question of bringing the two concerns raised by neighbors to Council with a recommendation to consider establishing policy, Principal Planner Rogers said individual commissioners were welcome to reach out to the Council and under "Commission Reports" on every Council meeting agenda commission chairs might make remarks. He said regarding a more formalized approach that required a work plan that the Council set its objectives at the beginning of the year. He said they would write this up and send to the City Manager but it might not move ahead as there might be competing priorities.

Commissioner Strehl asked whether the Commission needed to have a portion of a meeting where it discussed action items it felt needed addressing and then have the Chair take that to Council. Chair Combs suggested having the next Chair synchronize that with Principal Planner Rogers to move forward to the Council. He reminded the individuals who had spoke on this item that they might go to City Council and address them under general public comment about super-sized basements and hydrology and soil saturation.

- F2. Use permit/Calvin Smith/36 Politzer Drive:
Request for a use permit to partially demolish and construct first floor additions to an existing nonconforming single-family residence in the R-1-S (Single-Family Suburban Residential) zoning district. The work would exceed the 75-percent value threshold for work to a nonconforming structure within a 12-month period, and therefore requires Planning Commission review of the proposed project. ([Staff Report #18-042-PC](#))

Staff Comment: Assistant Planner Paz said he had no updates to the staff report.

Applicant Presentation: Steve Borlik, Young and Borlik Architects, said the property owners' primary goals for this project were to have a family-friendly, modernized house that worked within the neighborhood context and character of Politzer Drive, and to honor the neighbors' wishes for a single-story home. He said they designed a single-story home with the objective of expanding its size and making it appear smaller. He said the new project created a separate master bedroom wing with a large closet and dressing area, a master bathroom and poolside sitting area. He said the open family space and entertaining were all open, free-flowing, indoor and outdoor, with a great room to a courtyard. He said they pulled the garage forward to give more rear yard. He referred to sheet A31 and existing and proposed front elevations noting that they were knocking back part of the nonconforming gable roof to comply with daylight plane. He said the staff report contained a letter from neighbors that he believed was given to the selling agent when the property came on the market that expressed the neighborhood's preference for a one-story design.

Commissioner Onken confirmed with the applicant that no trees were being removed. He asked staff about the new spa next to the pool and whether there were restrictions on how close it could be to the neighbor's property. Assistant Planner Paz said spas were reviewed similar to pools and had a setback requirement of five feet unless it was abutting an alley.

Chair Combs opened the public hearing.

Public Comment:

- Earl Cisco, Menlo Park, said he was a water protector and earth defender. He commended the project for not removing any trees. He questioned why the Commission had not addressed the removal of trees for the previous project.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Barnes commended the one-story project for a great design and fitting within the neighborhood context. 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 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 & Borlik Architects, Inc. consisting of 22 plan sheets, dated received May 1, 2018, and approved by the Planning Commission on May 7, 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Urban Tree Management, Inc. on February 28, 2018.

F3. Use Permit/Kevin Rose/635 Pierce Road:
Request for a use permit to partially demolish and construct a new addition and interior modifications to an existing nonconforming one-story single-family residence in the R-3 (Apartment) zoning district. The structure is nonconforming with respect to the right side setback. The value of the work would exceed the threshold for new work to a nonconforming structure within a 12-month period. *Continued to a future meeting.*

F4. Use Permit/HongJie Ho/2058 Menalto Avenue:
Request for a use permit to demolish an existing single-story single-family residence and construct a new two-story single-family residence on a substandard lot with respect to lot area and width in the R-1-U (Single-Family Urban Residential) zoning district. The proposal includes a request to remove one heritage-size multi-trunk plum tree. (Staff Report #18-043-PC)

Staff Comment: Senior Planner Kyle Perata said staff had no additions to the written report.

Applicant Presentation: Chris Spaulding, project architect, introduced the property owner HongJie Ho. He said they would remove a fruiting plum tree that was located in the center of the building envelope and replace it with a coast live oak tree. He said while the new house would be larger than the existing house the impervious coverage was not increased. He said the home being on a corner lot meant it only had one neighboring property and the subject property was located north of that so no shade would be cast. He said they placed the bulk of the windows facing the streets rather than facing the neighbor's property. He said the right side elevation second story had only four windows, three of which were secondary for ventilation and one into the stairwell.

Chair Combs opened the public hearing.

Public Comment:

- Peter Altman said his home was on Menalto Avenue, and that the window at the top of the stairs and the one in bedroom #2 on the second story would look directly into his child's bedroom. He said particularly the window in bedroom #2 needed to be changed to protect his family's privacy. He said the project's driveway was creating an alley on the left side of his house and requested that it be moved one foot further away. He noted also the project had large awnings on that side and he thought his home was set back further than theirs. He said the project proposed tearing down a fence but that fence was his.
- Earl Cisco said he supported the comments made by the previous speaker. He said he operated a residential VA affiliated home with six beds on Menalto Avenue. He said another adjacent project tore down a fence his facility had already replaced. He said they were seeing more and more two-story homes being constructed in the area that maximized lot coverage and removed trees.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Onken said he thought the proposed home was fine. He said that he would like the applicant to consider smaller and higher windows for the bedroom located on the side facing the neighbor's home who spoke. He said he did not see a privacy issue with the window on the stair. He said the windows in the master bedroom were far enough away from the property line.

Commissioner Goodhue asked about the 12-foot setback on the left and the five-foot setback on the right and if that was a function of the house being on the corner or if the property had been under county jurisdiction previously. Senior Planner Perata said the 12-foot setback was a corner side setback requirement. He said in the R-1-U zoning district the interior side setback was 10% of the minimum lot width and it was not uncommon to have 50-foot wide lots throughout that district. He said the minimum required lot width was 65-feet. He said a five-foot interior side setback was fairly common in the R-1-U.

Recognized by the Chair, Mr. Spaulding said that only about 40% of the house would have the smaller setback and noted the second story was set back another four feet. He said most of the house had a 14 to 15-foot setback. He said the current fence wandered across the property line about three feet into the subject property. He said they had intended to build a new fence and return the land to the site but they could leave the fence. He said they were happy to make the referenced windows either have a high window sill or leave them as they were and use obscure

glass.

Commissioner Riggs asked about adding a window to the blank wall on the front elevation. Mr. Spaulding said that wall would have a car parked in front of it and was back far enough on the property that he did not think it needed anything.

Commissioner Barnes said there appeared to be flexibility of the applicant to work with the neighbor for resolution of the fence and modifications to the bedroom windows. He moved to approve the project with a condition for resolution of the fence and windows. Senior Planner Perata said the fence was a civil matter between the two property owners. He said the City regulated fences in terms of height but their location and construction was between the two neighbors and recommended that the fence should probably not be in the Commission's recommended actions. Commissioner Barnes asked about the windows. Senior Planner Perata asked for clarification on which windows on the second story right side. Commissioner Barnes said his understanding was to modify the windows for bedroom #2. Chair Combs recapped that the motion would be to approve with some treatment of the windows for bedroom #2 for privacy by either increased window sill height or use of obscure glass. Senior Planner Perata said that condition might read: Simultaneous with the submittal of a complete building permit, the applicant shall revise the window within bedroom #2 to either raise the sill height or modify the glass to be obscure, subject to review and approval by staff. Commissioner Barnes said that was acceptable. Commissioner Onken seconded the motion.

ACTION: Motion and second (Barnes/Onken) to approve the use permit with the following modification, 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 Chris Spaulding Architect consisting of eight plan sheets, dated received April 26, 2018, and approved by the Planning Commission on May 7, 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 Arborlogic Consulting Arborists, dated April 18, 2018

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 raise the sill height or use obscure glass for the southern facing (interior side) window in Bedroom 2, subject to review and approval by the Planning Division.***

- F5. Use Permit/Sepideh Agah/1655 Magnolia Court:
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 regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. ([Staff Report #18-044-PC](#))

Staff Comment: Contract Planner Fahteen Khan said she had a correction to the staff report on page 3, paragraph 3, to show the number of heritage trees as 12 rather than eight.

Applicant Presentation: Jack McCarthy, project designer, San Jose, said the subject property was very unusual with twists and turns. He said the Agahs had owned the home since 2002. He said the project would reorient the house so they could enjoy the backyard and that they wanted to keep all the existing trees. He said one dead magnolia tree had been removed through the heritage tree removal permit process. He said a pine tree in the front was recommended for removal but they wanted to try to keep it for the privacy of the lot. He said on the second story the bathroom windows were small and the corner bedroom window small to protect neighbor privacy. He said a master bedroom deck would look out into their own yard. He said the property owners talked to their neighbors about their project and the neighbors did not have any comments or questions on the project.

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

Commission Comment: Commissioner Barnes asked about illumination from the light well to the immediate right of the front door. Recognized by the Chair, Mr. McCarthy said they had centered it behind a large magnolia tree and that would filter the view of it.

Commissioner Riggs asked on the drawings, sheet 6, about an area indicated with horizontal lines similar to cable railings on the second story. Mr. McCarthy said he was going to do horizontal wood siding on the front and sides to break up the expanses to soften the view for the neighbor.

Commissioner Onken said the house was difficult to fully understand the impacts of without seeing the location of trees and such in relationship. He said the rear elevation or right side facing the neighbors had potential problems with huge windows but the huge living room window was behind a huge light well and railings. He said the tall and rather monumental stair window was located behind a healthy redwood tree. He said it appeared that potential impacts had been carefully considered. He moved to approve the use permit as recommended in the staff report. Commissioner Riggs seconded the motion.

ACTION: Motion and second (Onken/Riggs) 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 Jack McCarthy Designer, Inc., consisting of 14 plan sheets, dated received April 19, 2018, 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 and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Advanced Tree Care dated April 7, 2018.

F6. Use Permit Revision/City of Menlo Park/333 Burgess Drive:
Request for a use permit revision to use and store hazardous materials on site for use with an emergency well previously permitted at the City's Corporation Yard. The materials will either be stored within an existing building or within a separate storage tank on site and will be used to help ensure safe drinking water during an emergency. The subject site is located in the P-F (Public Facilities) zoning district. *Continued to the Planning Commission meeting of May 14, 2018.*

F7. Zoning Ordinance Amendment/City of Menlo Park: Review and provide a recommendation to the City Council on an ordinance updating the community amenities requirement for bonus level development in the R-MU (Residential Mixed-Use) zoning district. ([Staff Report #18-045-PC](#))

Staff Comment: Principal Planner Deanna Chow provided a brief overview of the proposed Zoning Ordinance Amendment. She said the City Council in 2016 adopted the ConnectMenlo General Plan Update and the M-2 Zoning Area Update, with the latter creating three new zoning districts in the Bayfront Area: Office (O), Life Science (L-S), and Residential Mixed-Use (R-MU). She said they were now looking at potential changes to the R-MU zoning district, which was a residential and office land use designation. She said as part of the zoning update additional development opportunities were offered. She said for bonus level development if chosen and approved, applicants and developers might get higher floor area ratio and higher density in exchange for provision of community amenities. She said in the R-MU zoning district for bonus level development, the first community amenity had to be housing and an opportunity for the City to get affordable housing, and was established at a time when the City could not enforce its inclusionary zoning requirements. She said since then AB 1505 was adopted by the state and the City was now able to do exclusionary zoning. She said the City Council recently adopted changes amending the Below Market Rate Housing (BMR) Ordinance and BMR Guidelines to require 15% affordable housing units for bonus level development. She said currently bonus level development in the R-MU was requiring that in addition to the 15% affordable housing requirement as a community amenity that another 15% of affordable housing requirement was required to comply with the City's BMR Ordinance, or to provide 30% affordable housing. She said staff heard from various property owners that requirement was not feasible. She said from a study session held by the City Council they had heard that had not really been the intent. She said staff had made some modifications to the zoning ordinance that were presented to and supported by the Housing Commission, and were

now brought to the Planning Commission for its review and recommendation to the City Council. She said essentially they were removing the 15% affordable housing requirements from community amenities as projects would comply with the City's inclusionary zoning requirements. She said community amenities from the list created by the ConnectMenlo update were now available for use.

Commissioner Strehl asked if the 15% affordable housing applied across all housing in the R-MU whether it was rental housing or for sale multiple units, and for bonus level development whether the community amenity would be something other than housing. Principal Planner Chow said that was correct adding that the BMR Ordinance was applicable citywide and the R-MU zoning district had its own community amenity requirement. She said as the zoning ordinance was now written additional housing could be offered as a community amenity but it was an option and not a requirement.

Commissioner Riggs referenced the bottom of page 4 through page 5 of the staff report that indicated once a community amenity from the list was selected then it was no longer available for the next bonus development applicant to use as a community amenity. He asked if all of the community amenities were such that could be accomplished with one project. He said for streetscape improvements on the community amenity list for instance that it would seem that would apply to the block adjacent to the project. He asked if how this was written would prevent another project on another block to do streetscape improvements as a community amenity. Principal Planner Chow said she did not think so but they would clarify. She said staff could review with the City Attorney to see if there was ambiguity and address that.

Commissioner Riggs said further down on page 5 there was a discussion about smaller projects. He said it indicated there would be a market effect that would offset additional costs to the smaller project. He said he did not see why doing a smaller project would be given an advantage in the market that would outweigh the extra costs. Principal Planner Chow said it was not considered an advantage but a consideration for how it would impact an applicant's contribution toward community amenities. She said the consultant BAE and the City Attorneys had discussion indicating that the constraints of doing potential development on a smaller site would be included as part of the appraisal process. She said if there were monies reflected in that appraisal then the applicant would not spend as much toward the community amenity.

Chair Combs opened the public hearing.

Public Comment:

- Sateez Kadivar said he was a property owner in the R-MU zoning district, and hoped to bring forward a 90-unit rental housing project. He asked the Commission to recommend to the City Council ordinance language along the lines of the following: *Projects on less than an acre or that were producing less than 100 dwelling units shall be allowed to meet all of its BMR and community amenities requirements by providing 15% moderate level income rental dwelling units.* He said R-MU and BMR were discussed at recent Council meetings and it seemed clear that the Council and community supported accomplishing two main objectives in the R-MU: 1) incentivize smaller parcel developments, and 2) provide affordable housing for moderate income levels. He said the language he suggested would support both objectives. He said the staff report indicated discussions between BAE and the City Attorney regarding smaller parcels and economic impact of developing. He said there was a higher fixed cost for undertaking and

completing a small project compared to a larger project, and that was true in most cases. He suggested for smaller parcel projects that all of the 15% BMR required be at the moderate income level. He said for all projects that 15% BMR, publicly accessible open space, street improvements, and undergrounding power lines were required.

Chair Combs closed the public hearing.

Commission Comment: Replying to Commissioner Barnes, Principal Planner Chow said a resident in Belle Haven who might not live in an affordable unit would be the preferred individual to move into a designated affordable unit in the ConnectMenlo area. She said that was part of the originally adopted ConnectMenlo based on the sentiment that residents in the neighborhood feeling the potential impacts most from increased development levels should also benefit through the community amenities. Commissioner Barnes asked about the time frame for what was considered recently displaced. Principal Planner Chow said that would need to be defined. Commissioner Barnes asked why BMR provided at the moderate income level would be preferable to the developer of a smaller housing project. Principal Planner Chow said this was something that came up during the Council's study session and was included in the staff report for consideration.

Recognized by the Chair, Mr. Kadivar said it was financing for the pro forma to work as rents for moderate income level housing would be higher than that for low and very low income levels. Commissioner Barnes asked whether a blend of moderate, low and very low income level affordable housing might work. Mr. Kadivar said he could do 80% moderate income level and 20% low income level. He said the strategy he was seeing was that the Mid-Pen type organizations were providing the very low income level affordable housing, tech companies were providing the low income level affordable housing and private developers were providing the moderate level income affordable housing.

Commissioner Kennedy said she had last served on the Housing Commission, and that one of the ideas for allowing moderate income level affordable housing was that it created more financial stability in the structures themselves. She said if a person was living in a BMR unit and had a better financial prospect he/she were forced out of the unit and sometimes the unit would sit empty. She said if there was a way to shift the balance within the development of the units so it was a percentage of the units that allowed for greater community building and greater stability for families. She said regarding displacement in Belle Haven one idea that had been discussed was looking at residents displaced at the downturn of the economy in 2009.

Principal Planner Chow said the City Council recently adopted the flexibility for applicants to do a range of BMR income levels. She said applicants were able to request moderate level income BMR housing as part of their project, and that it required City Council approval.

Commissioner Strehl said it sounded as though someone displaced from Belle Haven 10 or 8 years ago and now having a permanent address somewhere else would not qualify for BMR units. She asked how that would now be different. Commissioner Kennedy said if that person was on the BMR list they were eligible. She said some of the issue was finding affected individuals and letting them know their eligibility.

Chair Combs said in theory the public speaker's proposal seemed reasonable but it was not clear what number of units would be applicable for such allowance. He said also this flexibility was already available through City Council purview.

Commissioner Onken said he was glad that the 15% BMR requirement was no longer doubled for bonus level development but was not precluded either.

Commissioner Goodhue asked what defined moderate income level. Principal Planner Chow said it was 80 to 120% of the area median income or for San Mateo County. Commissioner Goodhue said she thought the speaker's comments made sense but agreed she did not think she had the requisite information to determine what was a small project or not. She said to provide predictability to business owners and developers was preferable. She said she would urge the Council to determine what the number for a small project was and then language to provide all moderate income level housing for that defined small project. She said having to take a request proposal to Council could involve a lot of preparation and lack of predictability.

Chair Combs said the three provisions in theory for the Commission to make recommendations on were the minimum 15% BMR housing for all housing projects, 20% BMR if it was bonus level as an option or another community amenity from the list. Principal Planner Chow said the proposed language change in the zoning ordinance was shown as track changes in the staff report and clean text in the attached proposed zoning amendment ordinance. She said as mentioned by Chair Combs this would eliminate the 15% BMR requirement as part of the required community amenities. She said it was stating also that the affordable housing needed to be onsite. She said AB1505 provided flexibility of where and how BMR housing could be provided but the City's Housing Commission and City Council still thought it was appropriate to have units built rather than providing an in-lieu fee so this language kept it as an onsite requirements. She said there was cleanup deleted language as the appraisal process would be different if the 15% BMR requirement was not part of the community amenity list.

Commissioner Barnes said he thought it odd that a request for all moderate level income BMR housing would go directly to the City Council and not through Housing or Planning Commissions. He said the proposed amendment was fine as written and if a definition of small project was needed that was the Council's decision. He moved to recommend that the City Council approve the proposed ordinance amendment as written. Commissioner Onken seconded the motion.

ACTION: Motion and second (Barnes/Onken) to recommend that the City Council approve an ordinance updating the community amenities requirement for bonus level development in the R-MU(Residential Mixed-Use) zoning district as recommended in the staff report; passes 7-0.

G. Regular Business

- G1. Selection of Planning Commission Chair and Vice Chair for May 2018 through April 2019. ([Staff Report #18-046-PC](#))

ACTION: Motion and second (Strehl/Riggs) to select Susan Goodhue as Planning Commission Chair for May 2018 through April 2019, passes 7-0.

ACTION: Motion and second (Strehl/Goodhue) to select Andrew Barnes as Planning Commission Vice Chair for May 2018 through April 2019, passes 7-0.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: May 14, 2018

Principal Planner Chow said the May 14 meeting agenda would have the item for 333 Burgess Drive continued from this evening's agenda, a new office building at 40 Middlefield Road, the 1125 Merrill Street, 506-508 Santa Cruz Avenue mixed use project, a single-family residential project and consideration of the CIP consistency with the General Plan.

- Regular Meeting: June 4, 2018

Principal Planner Chow said staff was working on a number of projects and the EV Charger Ordinance was expected to come back to the Planning Commission for review in June.

Commissioner Goodhue said she would be away and not able to chair the June 4 meeting.

- Regular Meeting: June 18, 2018

I. Adjournment

Chair Combs adjourned the meeting at 9:49 p.m.

Staff Liaison: Thomas Rogers, Principal Planner
Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date: 6/4/2018
Staff Report Number: 18-053-PC

Consent Calendar: Sign Review/Ian Hamilton/3000 Sand Hill Road

Recommendation

Staff recommends that the Planning Commission approve a request for sign review for a new monument sign that would feature text greater than 18 inches in height. The signage would be located near an existing commercial building in the C-1-C(X) (Administrative, Professional and Research District, Restrictive (Conditional Development)) zoning district, at 3000 Sand Hill Road. The recommended actions are contained within Attachment A.

Policy Issues

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

Background

Site location

The subject property is located at 3000 Sand Hill Road in the Sharon Heights neighborhood, near the City's western boundary and Interstate 280. Although the site is addressed Sand Hill Road, the site is not visible from the main roadway. The site is accessed via a frontage road that connects to Sand Hill Circle. The subject property consists of four office buildings, associated surface parking, a restaurant doing business as Restaurant 3000, and a small fitness facility. The office site is surrounded by a number of residences in the R-2(X) (Low Density Apartment (Conditional Development)) district. Both the offices and these residences were developed through a Conditional Development Permit (CDP), which was originally approved in 1969.

The Sharon Heights Golf and Country Club, which is zoned OSC (Open Space and Conservation), encircles the residences. The Sand Hill Road corridor is primarily office uses, while the greater area also contains a mix of residential uses, the Sharon Heights Shopping Center, several parks, and the Rosewood Hotel. A location map is included as Attachment B.

Analysis

Project description

The applicant is requesting to install a new permanent sign that corresponds to the site's address number for their existing business. The design requires Planning Commission review due to the size of the

lettering. The proposed sign is shown on the project plans (Attachment C). The applicant has submitted a project description letter (Attachment D) that describes the proposal in more detail. In conjunction with the proposed sign, the applicant is also implementing site improvements that include new landscaping and pathways for the restaurant. These upgrades have been approved by staff through the building permit process, due to their substantial conformance with earlier discretionary approvals.

Staff reviews a sign application for conformance with both the Zoning Ordinance regulations and the Design Guidelines for Signs. If the request meets the requirements in both documents, staff can approve the sign request administratively. If, however, the sign request would not adhere to the regulations of the Zoning Ordinance and/or be incompatible with the Design Guidelines for Signs, the review of the application is forwarded to the Planning Commission, either through a variance application (in the case of noncompliance with the Zoning Ordinance) and/or as a general review of the sign for consistency with the Design Guidelines.

For this application, staff determined that the proposed sign would comply with all Zoning Ordinance regulations. In particular, the subject site is permitted to have a maximum of 100 square feet of signage. The proposed sign area is 64 square feet, and the existing sign area on the site is 17.3 square feet, which creates a total sign area of 81.3 square feet. However, the proposed sign would not be consistent with the Design Guidelines for Signs. Specifically, the sign would not comply with item B.4 of the Guidelines, which states that lettering between the size of eight and 18 inches is considered acceptable, and lettering larger than 24 inches may be considered for buildings with large setbacks from the street.

The proposed sign would be the number 3000 and would feature four-foot-tall numbers, which are larger than the size identified in the Design Guidelines for Signs. While the sign would not be visible from Sand Hill Road, it would be located relatively close to the street that provides access to the office complex and Restaurant 3000. Each individual number would be freestanding and sit directly on the ground. The numbers would be fabricated corten steel, which is a material used on other existing signage at this site. The apparent size of the numbers would be minimized because the space between and around the numbers would be open, and the solid area of the numbers would have a two-and-a-half-inch thickness. The overall length of the sign would be four feet tall by 16 feet wide. The sign would not be illuminated and would be placed near the entrance of Restaurant 3000. According to the applicant, the intention of the sign's design and placement is to establish a sense of place upon arrival at the property. The applicant also notes that "3000" is a key part of their brand identify as a venture capital destination, which the sign would reinforce.

Staff believes that the sign would be compatible with the business, and that the design of the proposed sign would be contemporary and attractive, and would complement the existing signage on the site.

Correspondence

Staff has not received any correspondence as part of the public notices.

Conclusion

Staff believes that the proposed modifications would result in a contemporary and attractive signage on

the site. The proposed signage would be compatible with existing entry, directional, and building signage, creating a unified theme for the site, and would be consistent with the business's brand identity. Additionally the sign would not be visible from Sand Hill Road and would only be visible after entering the site. Staff recommends approval of the sign request.

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 1 (Section 15301, "Existing Facilities") 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. Project Plans
- D. Project Description Letter

Disclaimer

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

Exhibits to Be Provided at Meeting

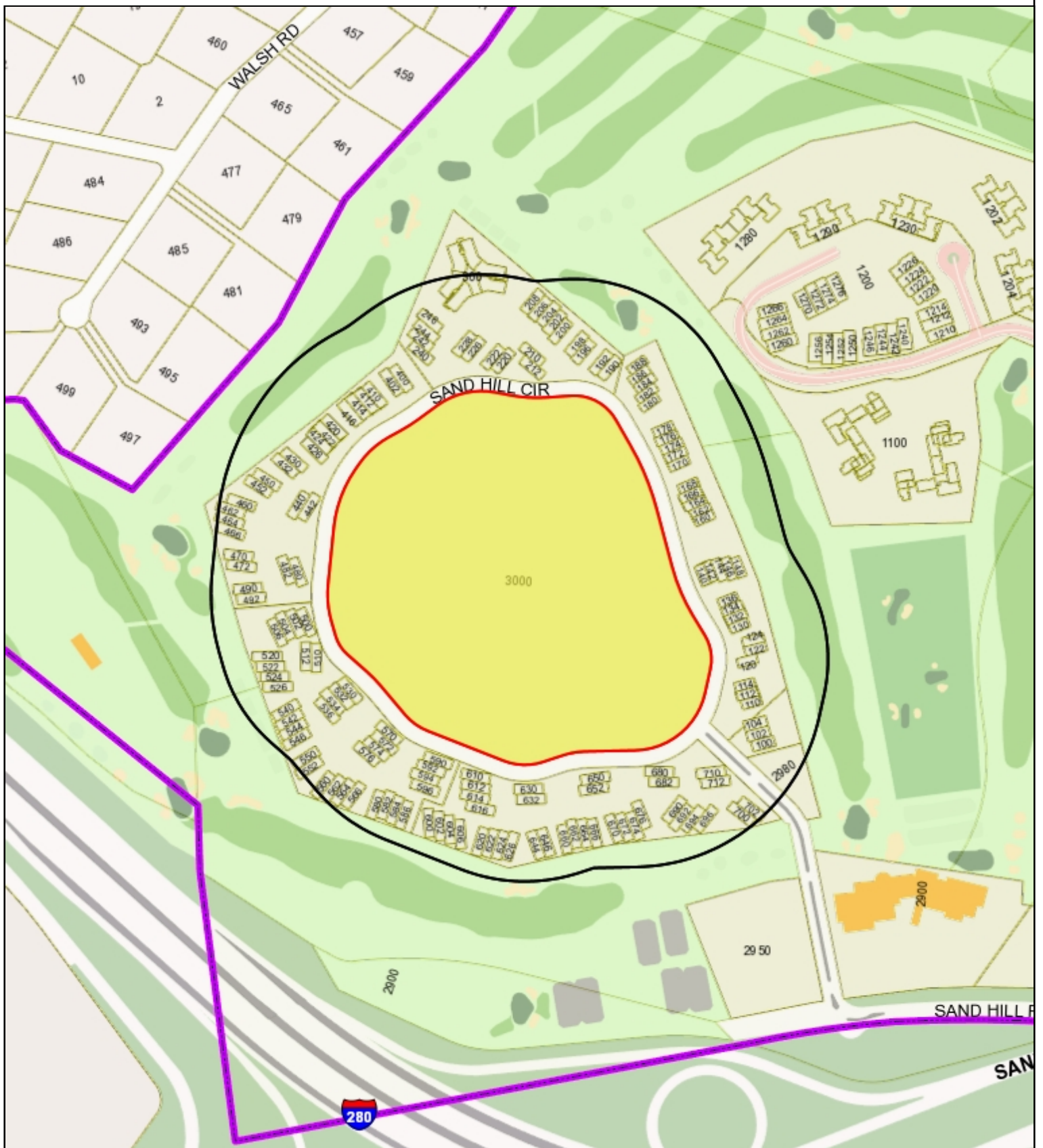
None

Report prepared by:
Kaitie Meador, Associate Planner

Report reviewed by:
Thomas Rogers, Principal Planner

3000 Sand Hill Road – Attachment A: Recommended Actions

LOCATION: 3000 Sand Hill Road	PROJECT NUMBER: PLN2018-00031	APPLICANT: Ian Hamilton	OWNER: Ford Land Company
PROPOSAL: Request for sign review for a new monument sign that would feature text greater than 18 inches in height. The signage would be located near an existing building in the C-1-C(X) (Administrative, Professional and Research District, Restrictive (Conditional Development)) zoning district.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 1. The project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make findings that the sign is appropriate and compatible with the businesses and signage in the general area, and is consistent with the Design Guidelines for signs. 3. Approve the sign review 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 C&C Studio Landscape Design, consisting of three sheets, dated received May 8, 2018, and approved by the Planning Commission on June 4, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division. b. The applicant shall comply with all West Bay 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. 			



CITY OF MENLO PARK

City of Menlo Park
 Location Map
 3000 Sand Hill Road



Scale: 1:4,000

Drawn By: KMM

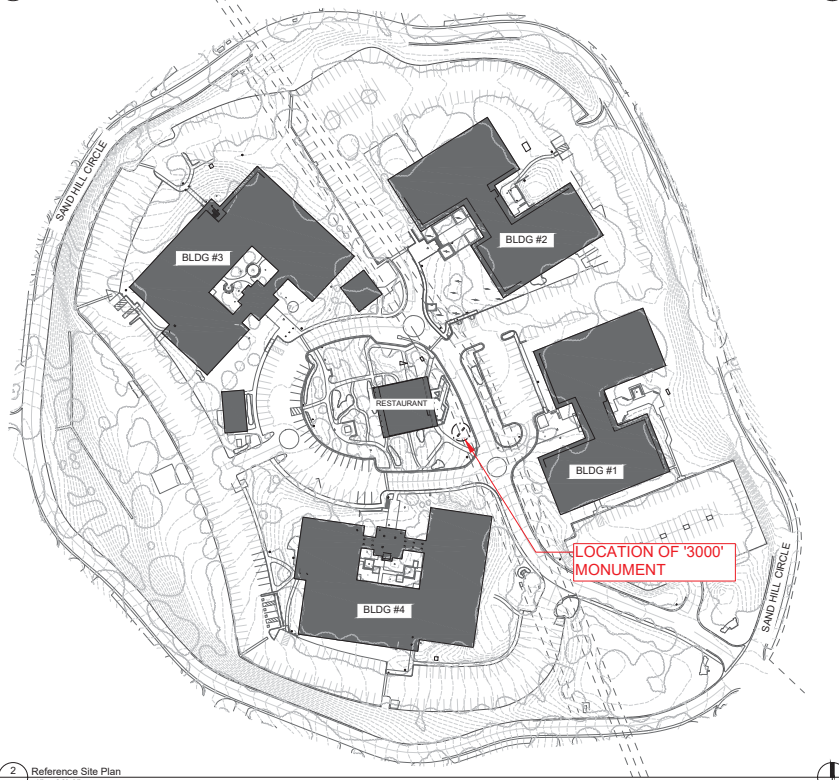
Checked By: THR

Date: 6/4/2018

Sheet: 1



1 Vicinity Map
L0.0 / N.T.S.



2 Reference Site Plan
L0.0 1" = 80'-0"

EXTERIOR IMPROVEMENTS FOR: 3000 SAND HILL ROAD, MENLO PARK, CA

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF A NEW MONUMENT SIGN.

SHEET INDEX

L0.0 Cover Sheet - Landscape
L2.0 Planting Plan
GR 1.0 Plaza Signage

PROJECT TEAM

OWNER: FORD LAND COMPANY
3000 SAND HILL ROAD, BLDG. 4, STE.
MENLO PARK, CA
TEL: 650. 854.3000
CONTACT: IAN HAMILTON
EMAIL: ian@fordlandco.com

LANDSCAPE DESIGNER: C&C STUDIO
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TEL: 415.205.5131
CONTACT: COLLIN JONES
EMAIL: collin@candc.studio

CIVIL ENGINEER: SANDIS ENGINEERING
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OAKLAND, CA 94607
TEL: 510.873.8866
CONTACT: NATHAN ALLEN
EMAIL: nallen@sandis.net

GRAPHIC DESIGNER: DEBRA NICHOLS DESIGN
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SAN FRANCISCO, CA 94111
TEL: 415.788.0766
CONTACT: BILL COMSTOCK
EMAIL: debranicholsdesign@gmail.com

GENERAL SYMBOLS & ABBREVIATIONS

---	LIMIT OF WORK
●	POINT OF BEGINNING
— —	CENTERLINE
— — —	ALIGN
⊕	CENTERLINE
⊕	C.P.
(E)	EXISTING
EQ	EQUAL
O.C.	ON CENTER
(N)	NEW
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
O.C.	ON CENTER
O.D.	OUTSIDE DIAMETER
OPP.	OPPOSITE SIDE
P.A.	PLANTING AREA
QTY.	QUANTITY
R	RADIUS
TYP.	TYPICAL
V.I.F.	VERIFY IN FIELD
S.A.D.	SEE ARCHITECTURAL DRAWINGS
S.G.D.	SEE GRAPHIC DESIGNER'S DRAWINGS
S.C.D.	SEE CIVIL DRAWINGS
S.S.D.	SEE STRUCTURAL DRAWINGS
S.M.D.	SEE MECHANICAL DRAWINGS
S.E.D.	SEE ELECTRICAL DRAWINGS
SIM.	SIMILAR
⊕	DETAIL CALLOUT
⊕	SECTION CALLOUT

GENERAL NOTES

- THESE DRAWINGS REFERENCE THE FOLLOWING BACKGROUND FILES, PREPARED BY OTHERS: FILE '2016-09-15_3000_2700 SANDHILL TOPO', PREPARED BY BKF ENGINEERS; 'EX-TOPO-revised' AND '216041 ESMNT EXH' PREPARED BY SANDIS ENGINEERS. LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY OR LIABILITY FOR COMPLETENESS OR ACCURACY OF PLANS PROVIDED BY OTHERS.
- REFER TO GEOTECHNICAL REPORT FOR REQUIREMENTS RELATED TO PAVEMENTS, FOUNDATIONS, SOIL COMPACTION, AGGREGATE BASE AND OTHER REQUIREMENTS.
- 'TYP' OR 'TYPICAL' MEANS THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY NOTED 'TYP' ONLY ONCE WHEN THEY FIRST OCCUR.
- NOTES AND SYMBOLS ON ONE DRAWING APPLY TO OTHER SIMILAR DETAILS AND CONDITIONS.
- CONTACT USANORTH811 ORG FORTY-EIGHT HOURS PRIOR TO BEGINNING WORK TO HAVE THE LOCATION OF EXISTING UNDERGROUND UTILITIES MARKED. BECOME ACQUAINTED WITH SUBGRADE UTILITIES, PIPES AND STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES. SHOULD UTILITIES OR OTHER WORK NOT SHOWN ON THE PLANS BE FOUND DURING EXCAVATIONS, PROMPTLY NOTIFY OWNER'S REPRESENTATIVE. FAILURE TO DO SO WILL MAKE CONTRACTOR LIABLE FOR DAMAGE ARISING FROM HIS OPERATIONS SUBSEQUENT TO DISCOVERY OF SUCH UTILITIES NOT SHOWN ON PLANS.
- DIMENSIONS ARE FROM OUTSIDE FACE OF BUILDING OR WALLS, UNLESS OTHERWISE NOTED, AND ARE TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION AND MAJOR EXCAVATION. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALING.
- UNLESS OTHERWISE NOTED, ANGLES TO BE RIGHT ANGLES, ARCS WHICH APPEAR TANGENT AND UNIFORM ARE TO BE TANGENT AND UNIFORM. LINES WHICH APPEAR PARALLEL ARE TO BE PARALLEL, AND ITEMS WHICH APPEAR CENTERED TO BE CENTERED, MAINTAIN LINES TRUE, LEVEL, PLUMB, AND SQUARE.
- REFER TO CIVIL PLANS FOR SITE DEMOLITION, GRADING, DRAINAGE, UTILITIES AND ADDITIONAL INFORMATION.
- LANDSCAPE ARCHITECT TO APPROVE LAYOUT IN THE FIELD PRIOR TO CONSTRUCTION, AT TIME OF FIRST SITE VISIT AND BEFORE ANY MAJOR EXCAVATION. THE GENERAL LAYOUT OF SITE ELEMENTS SHOULD BE CONFIRMED. IN A SEPARATE SITE VISIT, LANDSCAPE ARCHITECT TO CONFIRM LAYOUT OF FORMS.
- VERIFY THAT CONDUITS AND SLEEVES ARE PLACED PRIOR TO POURING CONCRETE PAVING.
- CAREFULLY REVIEW LANDSCAPE IRRIGATION PLANS AND NOTES TO IDENTIFY LOCATIONS WHERE PIPE, SLEEVES, SANDBED OR CONDUIT MUST BE PLACED PRIOR TO PLACEMENT OF FORMWORK FOR INSTALLATION OF CONCRETE, OTHER PAVING, OR WALLS. COORDINATE WITH OTHER TRADES TO INSTALL IRRIGATION PIPE, SLEEVE, SANDBEDDING, OR CONDUIT. SHOULD CONFLICTS ARISE REVIEW WITH OWNER'S REPRESENTATIVE FOR RESOLUTION.
- QUANTITIES PROVIDED ARE FOR INFORMATION ONLY. VERIFY QUANTITIES AND NOTIFY OWNER OF DISCREPANCIES.

c&c studio
LANDSCAPE DESIGN

3489 Moraga Blvd
Lafayette, CA 94549
415.205.5131

STAMP



'3000' Monument Project
3000 Sand Hill Road
Menlo Park, CA 94025

DRAWING STATUS
Drawing Commission Expires 5/1/2018

ADDRESS

Cover Sheet -
Landscape

DATE
4/26/2018

SCALE
As indicated

DATE PLOTTED
CJ CJ

L0.0

Ms. Kaitie Meador
City of Menlo Park Planning
701 Laurel Street
Menlo Park, CA 94025

RE: Project Description for “3000” Monument at 3000 Sand Hill Road

March 15, 2018

Dear Kaitie,

We plan to commence construction of the Plaza renovation project, located at the center of our property at 3000 Sand Hill Road, beginning this Spring, 2018. Our original plans included the placement of a Corten Steel **“Monument”** reading “3000”. Due to concerns and initial interpretations by Planning staff we have temporarily removed the Monument portion of the renovation project from the plans and we will proceed with the balance of the work under recently approved permit, #17-01464. Our goal is to ultimately add the Monument into the plaza renovation project as the final placement - much like placing a sculpture in a plaza, as a “topping- out” celebration of our main and pedestrian plaza.

Not unlike any of the other three, recent exterior upgrades to pedestrian areas in our other office building entries and plazas, this recently approved plan, includes the installation of pedestrian friendly walkways, upgrading our tenant directory, installation of tasteful but current outdoor seating and gathering areas and significant portions of our landscaping which are being converted to drought-tolerant and minimally watered material.

We are providing the following justification and photographs for your consideration and strongly request that the planning staff recommend approval of the installation of our planned “3000 Monument/Sculpture”

1. Our proposal to include a “3000” Monument placed in the middle of our 16-acre property, **is not intended** to be a sign or replication of an address. Our address is already placed at our front entry to our business park as part of our entry signage that was previously approved and installed in 2017. The intention of the design and placement of *this* Monument is to establish a sense of place and arrival much like when you arrive at **“Rockefeller Center”** in New York or the **“B of A Building”** (Bank of America - San Francisco). More contemporary examples of addresses that imply a place of significance rather than just an address, include **1 Hacker Drive** (Facebook campus- Menlo Park) and **1 Infinite Loop** (Apple Campus). These locations transcend their address much like 3000 Sand Hill Road has become more than its address. The Place we call **“3000”** has earned its reputation and image as a destination and center for the venture capital industry which has arguably been responsible for funding - if not indirectly - many of the giants that currently make up Silicon Valley. In all cases, these special locations have become “iconic.”

2. Our proposed 3000 Monument will also represent the location where it is placed as an iconic and architectural sculpture. The Monument has been professionally designed to present a complimentary aesthetic, look and feel to our recently installed entry and way-finding signage. In other words, it fits with the current environment and architectural programming that the City of Menlo Park has already approved in our earlier projects for this property. The ionic Monument will be made of Corten Steel. It is essentially a natural rust color that communicates strength, significance in presence, though airy and see-through, durability, and above all, timelessness. There is no intention for this to be a sign and we appeal to the City not to evaluate it on those terms.
3. The 3000 Monument will be located on our private property, nearly ¼ mile from the nearest City of Menlo Park public street and completely out of view from the public unless persons are to come further into our property.
4. In 2016, we voluntarily removed a 3-sided, 35-foot tall clock tower that hovered over this same plaza area for the last 50 years. It was removed for safety reasons after many years of weather and structural degradation. In contrast, our proposed 3000 Monument is merely four feet high and only 16 feet long. See photo attached of both the prior clock tower and the proposed monument for comparison.
5. In this justification, it is relevant to note that 3000 Sand Hill Rd has become synonymous with Venture capital, as Wall Street has become synonymous with Investment Banking. Frequently tour busses – in most cases from international origins - will arrive at our current property directory (only feet away from where we intend to erect the proposed Monument), for the sole purpose of taking “selfies” and large group photos. On more than one occasion, we have received visitors in our management office who present articles written completely in a foreign language referring to “3000 Sand Hill Road,” asking us to confirm if they are actually here.

Thank you for your considering our request for you to take our 3000 Monument before the Planning Commission as a Consent Calendar item as soon as possible.

Sincerely,

Ian Hamilton

cc. Gary Wimmer, (Ford Land Company, LLC)



STAFF REPORT

Planning Commission

Meeting Date: 6/4/2018
Staff Report Number: 18-054-PC

Consent Calendar: Architectural Control/Katherine L. Glassey/25 Hallmark Circle

Recommendation

Staff recommends that the Planning Commission approve architectural control to perform exterior modifications and to add a new lower level and enclose a first floor deck to an existing single-family townhome in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district at 25 Hallmark Circle. The recommended actions are contained within Attachment A.

Policy Issues

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

Background

Site location

The subject site is located at 25 Hallmark Circle, near the intersection of Oliver Court, in the Sharon Heights neighborhood. The other nearby parcels are also located within the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district, and contain townhouses. These properties were developed through a Conditional Development Permit (CDP), approved in 1974. In this area, the townhouse development adjoins Sharon Hills Park, as well as residential properties located within unincorporated West Menlo Park. As is common in Sharon Heights, the area is hilly. A location map is included as Attachment B.

Analysis

Project description

The subject townhouse is the right side unit of three attached townhouses, and the existing residence has two main levels, designed in a split-level floor plan. The applicant is proposing to create a lower level by modifying and expanding the existing crawl spaces beneath the living space on the main level and the large deck extending from the rear façade, where the grade dips significantly from the street level. A small recessed portion of the main floor deck is proposed to be filled in to create a sun room at the right side near the entry. The project plans are included as Attachment C and the project description letter is included as Attachment D. The applicant has included existing floor plans with demolition notes consistent with the scope outlined in the project description letter.

The project would not increase the height of the structure, would maintain the existing two-car parking situation, and would remain in compliance with the building coverage limits for the overall townhouse development. As a result, the proposed project would be in conformance with the approved CDP.

Design and materials

The existing residence has a composite shingle roof, double-pane glass windows with dark bronze metal and fiberglass frames, and is clad on all sides in panelized cedar shingles, to match the standards of the Sharon Hills Community Association (SHCA), which is the homeowners association for this area. All proposed material changes have been reviewed and approved by the SHCA.

The existing redwood railings for the decks at the main and second floor, visible from the right and rear, are proposed to be replaced with dark bronze powder-coated steel with horizontal stainless cables. An existing redwood railing around the air conditioning units at grade at the rear, beneath the main floor deck and at the bottom of the stairs leading to the lower floor deck, is proposed to remain. Large fixed windows are proposed at the rear of the new lower floor area, similar to those seen on the main floor above. New sliding glass doors with dark bronze metal or fiberglass frames to match the doors at the main floor deck are proposed at the lower floor, providing access to the new deck.

On the right side, a recess in the main floor would be fully filled in, bringing all of this façade to the same plane. Three large fixed windows are proposed in the revised façade. The newly enclosed area would also feature an asphalt shingle roof with two new skylights and the same slope as the other roof forms. Along the rear and right side, landscaping would continue to screen direct views of the residence.

Staff believes the project would be compatible with the existing architectural style of the larger development, which features a number of townhouses with similar infill additions. In addition, the project would have a relatively small impact to the neighbors given the location of the proposed expansion beneath the residence and the fact that views from the residences on Hillside Avenue would be significantly limited by mature vegetation and distance.

Correspondence

A letter from the SHCA relaying initial approval of the project is included as Attachment E. The applicant revised the plans to enclose a portion of the main level deck to create a sun room during review of this architectural control application, and submitted the revision to the SHCA. An updated letter from the SHCA identifying approval of the change is also included as part of Attachment E. Staff has not received any other correspondence regarding this project.

Conclusion

Staff believes that the proposed project would have minimal impacts to the neighbors given the location of the expansion beneath the existing structure and limited views of this area. Additionally, the proposal would be compatible with the existing architectural style of the larger development, and has been approved by the applicable homeowners association. 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 1 (Section 15301, "Existing Facilities") 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. Project Plans
- D. Project Description Letter
- E. Sharon Hills Community Association Approval

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

Color and materials board

Report prepared by:
Ori Paz, Assistant Planner

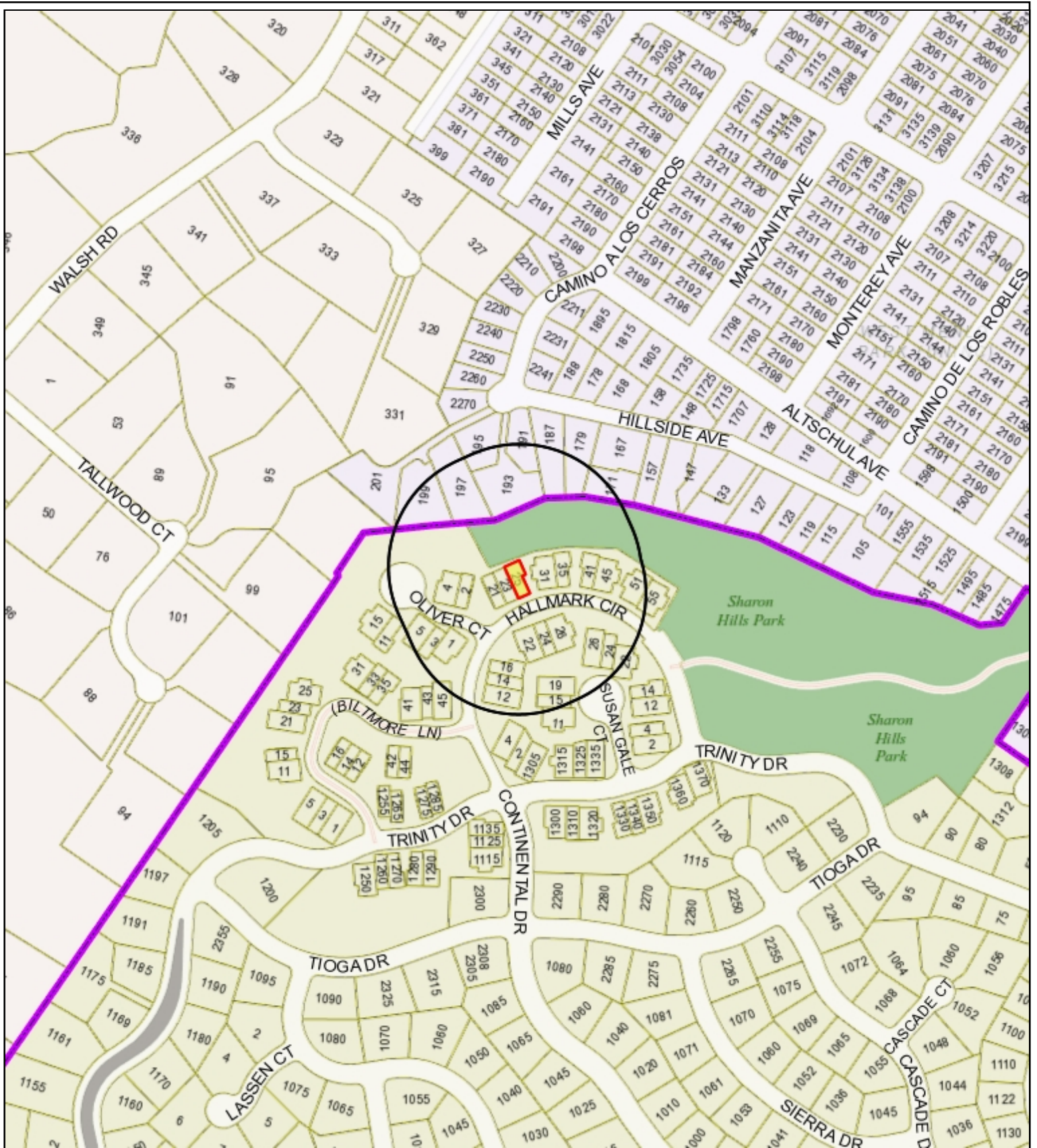
Report reviewed by:
Thomas Rogers, Principal Planner

25 Hallmark Circle – Attachment A: Recommended Actions

LOCATION: 25 Hallmark Circle	PROJECT NUMBER: PLN2017-00070	APPLICANT: Katherine L. Glassey	OWNER: Katherine L. Glassey
PROPOSAL: Request for architectural control to perform exterior modifications and to add a new lower level and enclose a first floor deck to an existing single-family townhome in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval: <ol style="list-style-type: none"> 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 architectural control 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 provided by Wegner Construction, consisting of 19 plan sheets, dated received May 24, 2018, and approved by the Planning Commission on June 4, 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, Recology, 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 			

25 Hallmark Circle – Attachment A: Recommended Actions

LOCATION: 25 Hallmark Circle	PROJECT NUMBER: PLN2017-00070	APPLICANT: Katherine L. Glassey	OWNER: Katherine L. Glassey
PROPOSAL: Request for architectural control to perform exterior modifications and to add a new lower level and enclose a first floor deck to an existing single-family townhome in the R-E-S(X) (Residential Estate Suburban, Conditional Development) zoning district.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
<p>ACTION:</p> <p>and approval of the Engineering Division.</p> <p>f. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.</p>			



CITY OF
MENLO PARK

City of Menlo Park
Location Map
25 Hallmark Circle



Scale: 1:4,000

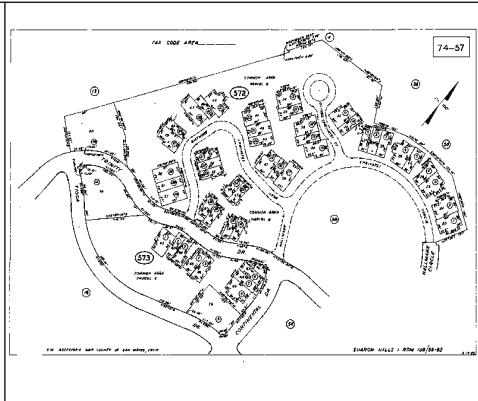
Drawn By: OP

Checked By: THR

Date: 6/4/2018

Sheet: 1

<p>A-01.- COVER SHEET A-02.- SITE PLAN A-03.- SURVEY A-04.- AREA CALCULATION A-05.- AREA CALCULATION A-06.- ROOF PLAN A-1.1.- EXISTING BASEMENT FLOOR PLAN A-1.2.- EXISTING MAIN FLOOR PLAN A-1.3.- EXISTING SECOND FLOOR PLAN A-2.1.- PROPOSED LOWER FLOOR PLAN A-2.2.- PROPOSED MAIN FLOOR PLAN A-2.3.- PROPOSED SECOND FLOOR PLAN A-3.1.- SOUTH ELEVATIONS A-3.2.- EAST ELEVATIONS A-3.3.- NORTH ELEVATIONS A-4.1.- SECTION A-4.2.- SECTIONS A-4.3.- SECTIONS A-4.4.- SECTIONS</p>	<p>E-1.1.- LOWER FLOOR ELECTRICAL PLAN E-1.2.- FIRST FLOOR ELECTRICAL PLAN 5-1.- LOWER FLOOR FRAMING & FOUNDATION PLAN 5-2.- 1ST FLOOR FRAMING & 1ST FLOOR FOUNDATION PLAN 5-3.- 1ST FLOOR ROOF FRAMING & 2ND FLOOR FRAMING PLAN 5-4.- UPPER ROOF FRAMING PLAN 5D-1 - 5D-4 - STRUCTURAL DETAILS & NOTES HFX-1 - HFX-3 - HARDY FRAME SHEETS T24-1 - T24-3 - ENERGY COMPLIANCE FORMS</p>
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SHEET INDEX	8
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VICINITY MAP	4
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<p>APN: 074572070 OCCUPANCY GROUP: R-3/11 CONSTRUCTION TYPE: TYPE V-B FIRE SPRINKLERS: NO ZONING: RES (X)</p>	7
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PROJECT DATA	7
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AERIAL VIEW	3
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<p>2016 CALIFORNIA RESIDENTIAL CODE 2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA ELECTRIC CODE 2016 CALIFORNIA ENERGY CODE 2016 CALIFORNIA FIRE CODE 2016 CAL GREEN ALONG WITH ALL OTHER LOCAL, STATE & FEDERAL LAWS & REGULATIONS. ASCE 7-05 (MINIMUM DESIGN LOADS) AISC 341-05 (2005 SEISMIC DESIGN FOR STEEL BUILDINGS) AISC 358-05 (PREQUALIFIED CONNECTIONS FOR SPECIAL & INTERMEDIATE MOMENT FRAMES) AISC 360-05 (2005 STEEL SPECS 15TH EDITION) ACI 318-08 (CONCRETE DESIGN) AISC 360-05 (MASONRY DESIGN) NFPA 103-05 (WOOD DESIGN)</p>	6
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	ACTUAL	ADJUSTED ACTUAL
EXISTING FIRST FLOOR AREA:	1,457.5 SQ. FT.	1,554.1 SQ. FT.
EXISTING 2ND FLOOR AREA:	1,355.7 SQ. FT.	1,693.8 SQ. FT.
EXISTING GARAGE AREA:	644.7 SQ. FT.	644.7 SQ. FT.
TOTAL EXISTING AREA (INCLUDING GARAGE)	3,457.9 SQ. FT.	3,892.6 SQ. FT.
FIRST FLOOR ADDITION:	128.19 SQ. FT.	128.19 SQ. FT.
LOWER FLOOR ADDITION:	1,019.0 SQ. FT.	1,019.0 SQ. FT.
TOTAL CONDITIONED AREA (EXISTING + ADDITION)	3,954.19 SQ. FT.	4,989.09 SQ. FT.
EXISTING LOT COVERED AREA (NO CHANGE)	3,321.0 SQ. FT.	
TOTAL COVERED AREA (INCLUDING GARAGE & DECKS)	NO NEW LOT COVERED AREA IS PROPOSED	

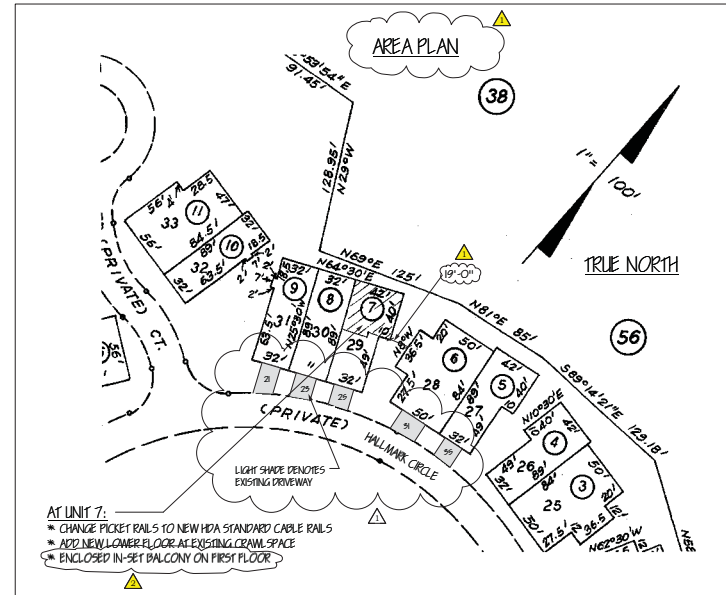
- SEE CHART ON SHEET A-1.6 & A-1.7 -

DESIGN DATA	6
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BUILDING DATA	2
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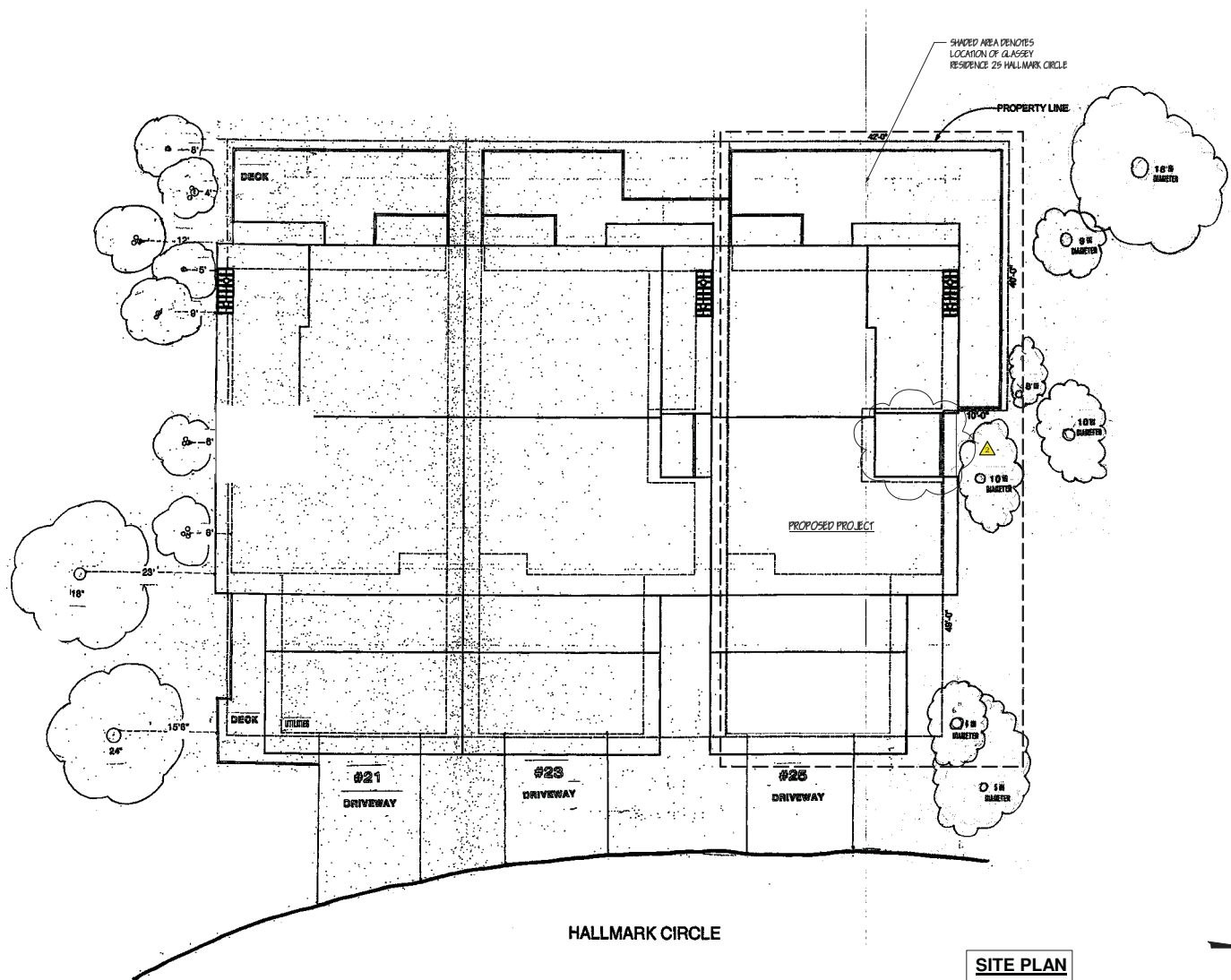
<p>OWNERS & APPLICANTS: MS. KATHERINE GLASSEY 25 HALLMARK AVENUE MENLO PARK, CA 94025</p> <p>STRUCTURAL ENGINEERING, ARCHITECTURAL PLANS & T-24: ATA ENGINEERING 1202 MAIN STREET REDWOOD CITY, CA 94063 TEL: (650) 363-2298 FAX: (650) 363-2031 ata@ataeng.net</p> <p>ARA ENGINEERING COMPANY 5069 NERISSA WAY SAN JOSE, CA 95124 TEL: (415) 970-0004 FAX: (408) 371-9162</p>	5
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PROJECT DIRECTORY	5
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SCOPE OF WORK	1
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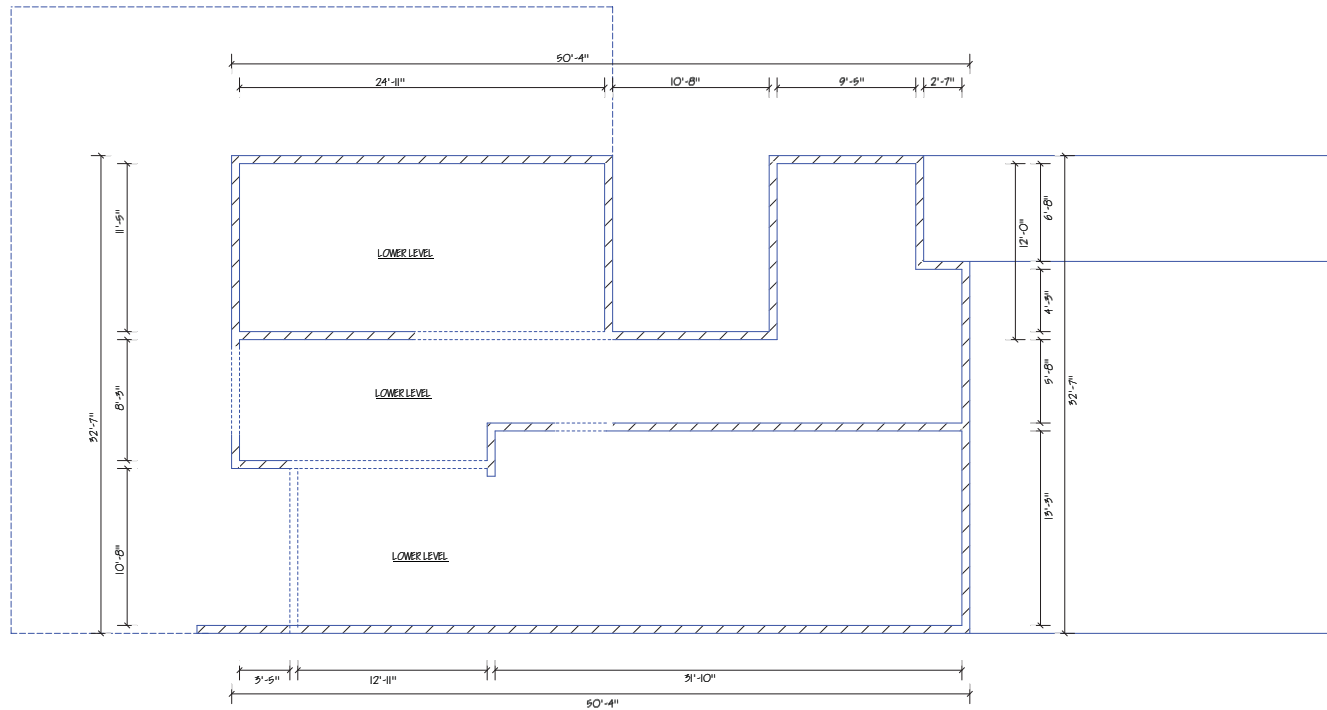


REVISIONS	BY
02-22-18 EXPANDED SCOPE OF WORK	▲
05-24-18 PLANNING SUB.	

GLASSEY RESIDENCE
25 HALLMARK CIRCLE, MENLO PARK, CA

SITE PLAN

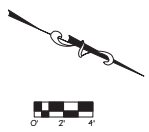
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SCALE	1/8"=1'-0"
DRAWN	
JOB	
SHEET	A-0.2
OF	SHEETS

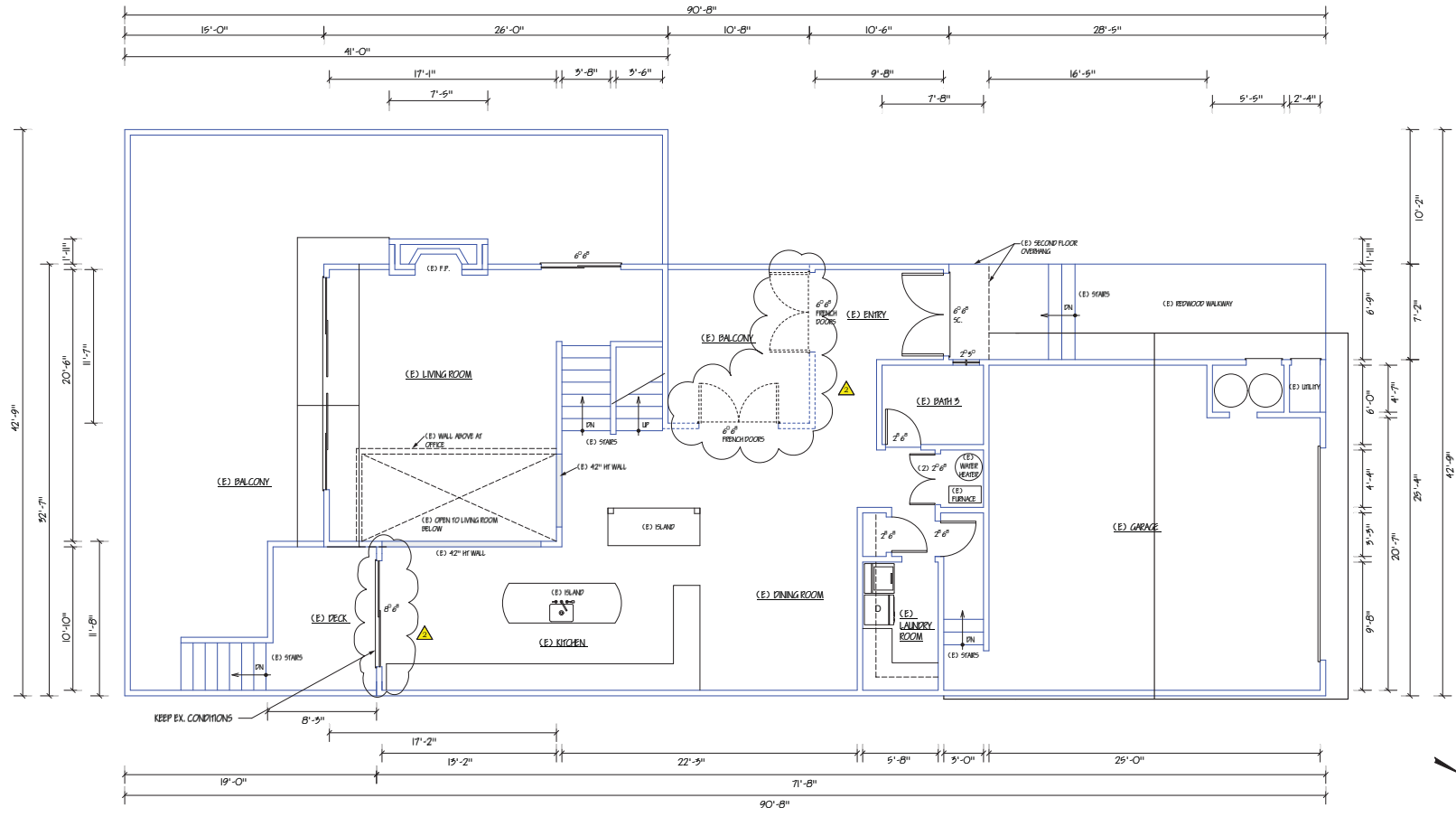


EXISTING/ DEMOLITION LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- DENOTES EXISTING WALLS TO BE REMOVED
- DENOTES EXISTING 2x4 WALLS
- DENOTES EXISTING 2x6 WALLS
- DENOTES DECK OUTLINE





EXISTING FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

LEGEND
 - - - - - DENOTES EXISTING WALLS, WINDOWS & DOORS TO BE REMOVED
 _____ DENOTES EXISTING 2x4 WALLS

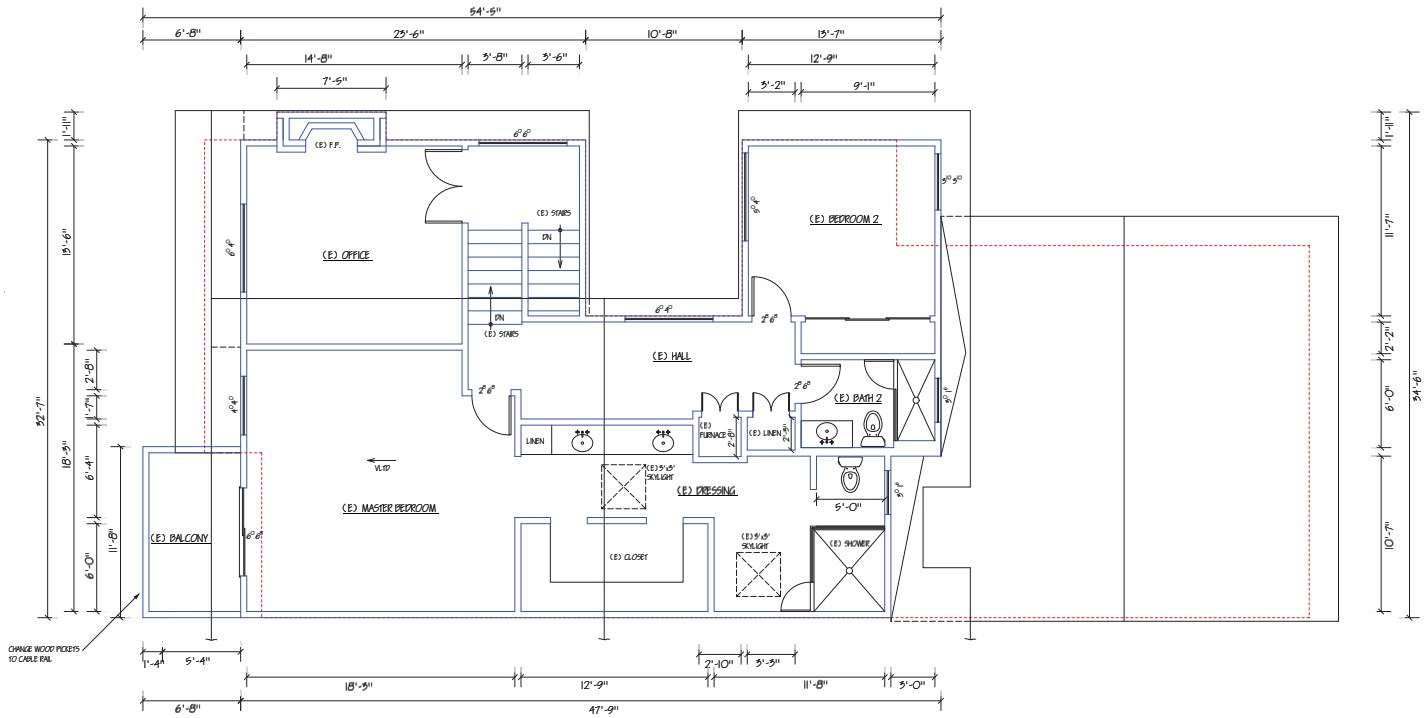
**EXISTING
 FIRST FLOOR PLAN**



HOUSE REMODEL:
GLASSY RESIDENCE
 25 HALLMARK CIRCLE
 MENLO PARK, CA

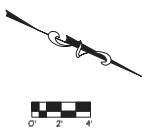
05-24-18
 PLANNING SUB.
 02-22-18
 EXPANDED
 SCOPE OF
 WORK
 DATE: 07-07-17

A-1.2
 OF SHEETS



EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

LEGEND
 DENOTES EXISTING 2x4 WALLS



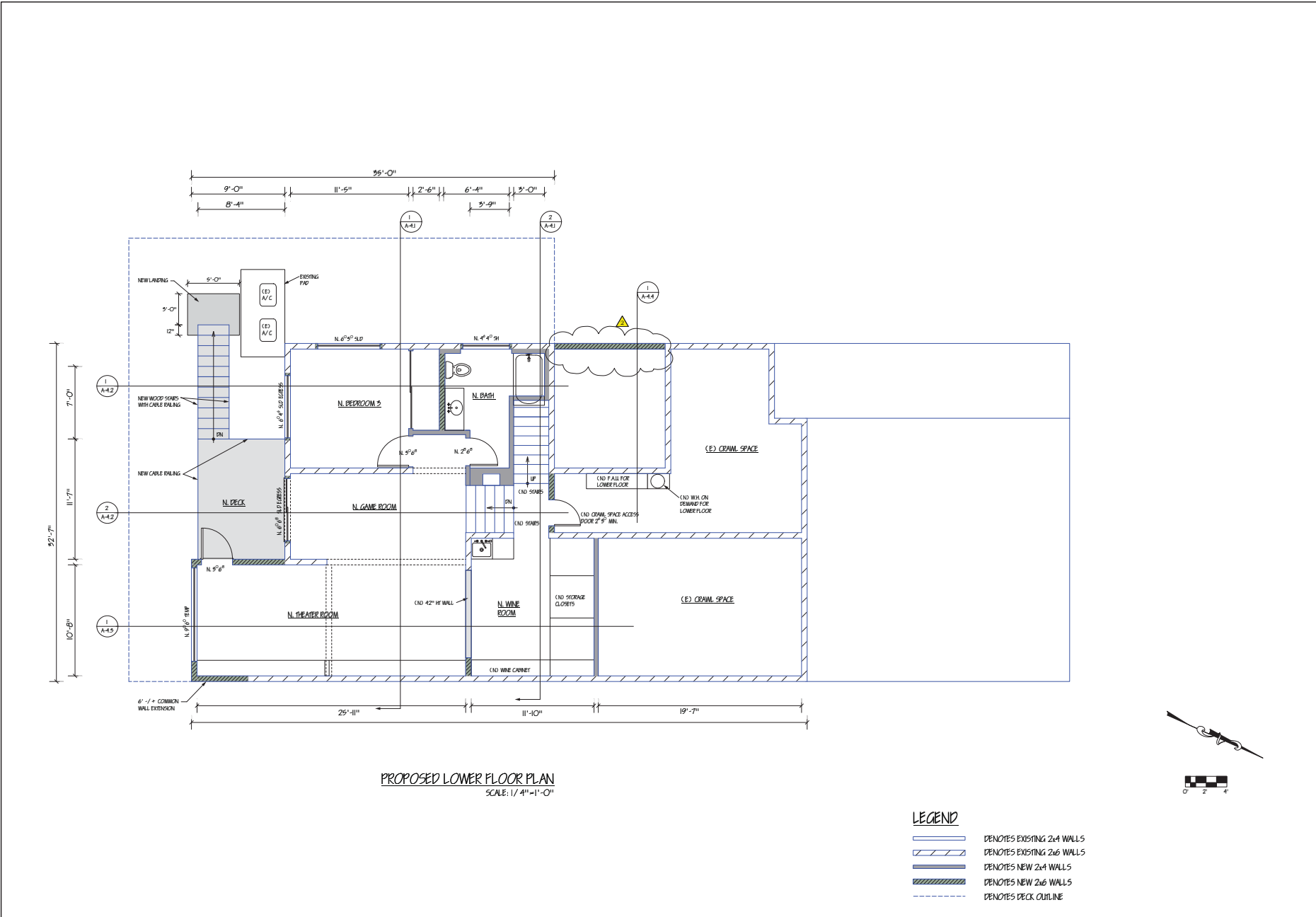
EXISTING SECOND FLOOR PLAN

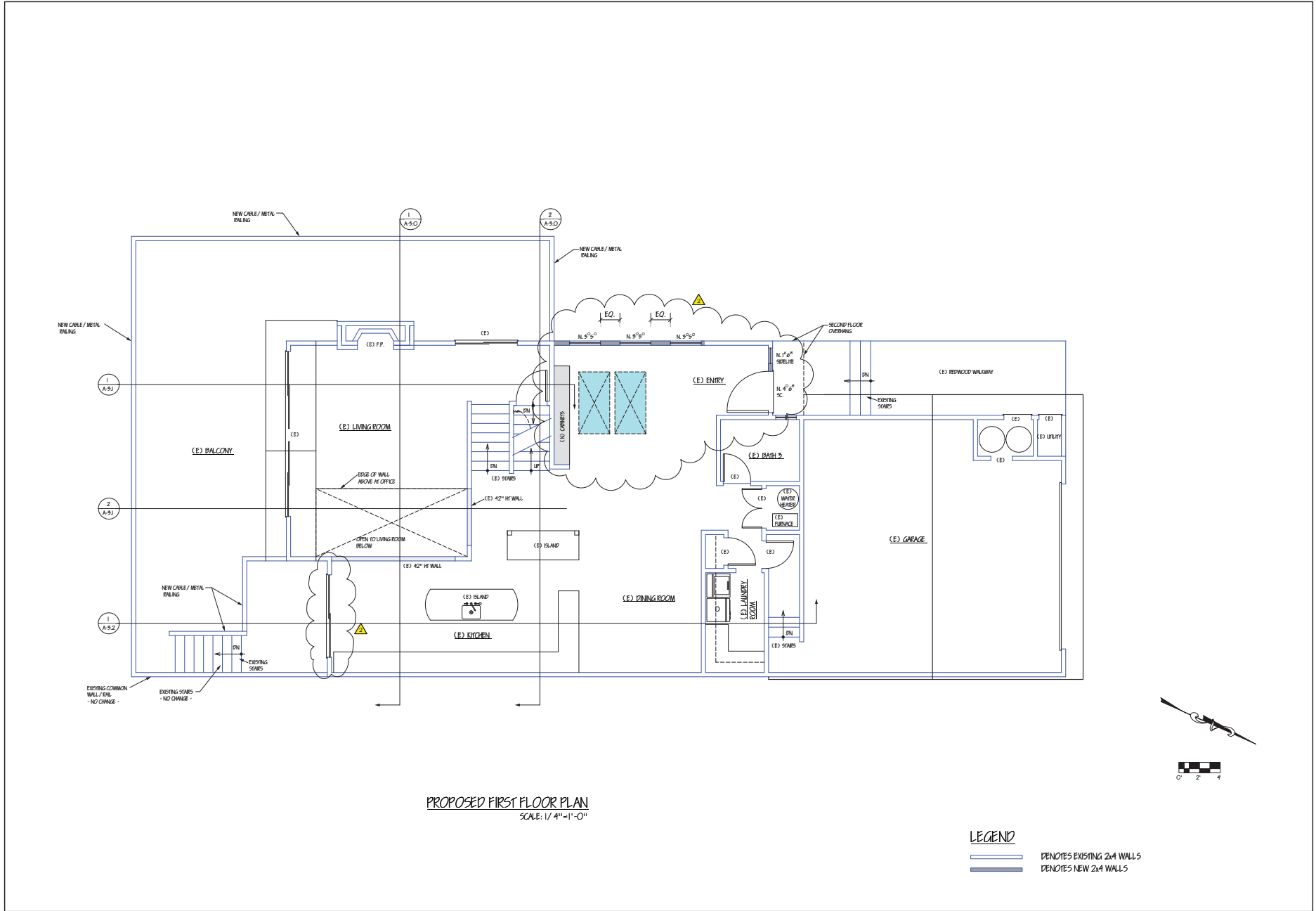


HOUSE REMODEL:
GLASSEY RESIDENCE
 25 HALLMARK CIRCLE
 MENLO PARK, CA

05-24-18
 PLANNING SUB.
 DATE: 07-07-17

A-1.3
 OF SHEETS



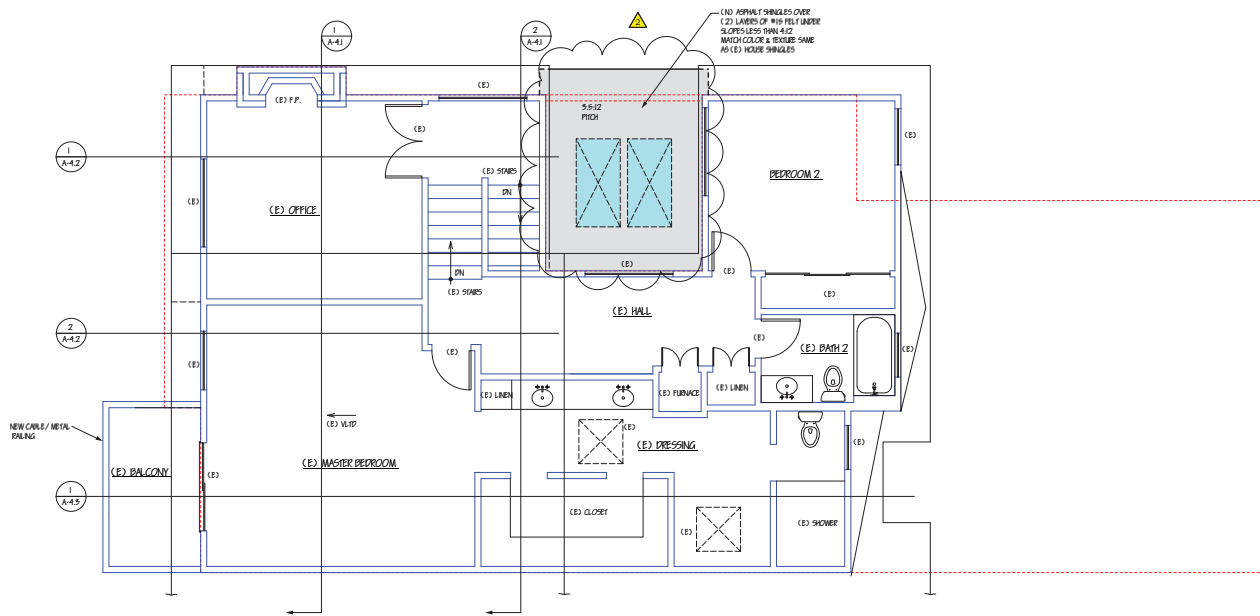


PROPOSED FIRST FLOOR PLAN



HOUSE REMODEL:
GLASSY RESIDENCE
 25 HALLMARK CIRCLE
 MENLO PARK, CA

05-24-18
 PLANNING SUB.
 02-22-18
 EXPANDED
 SCOPE OF
 WORK.
 DATE: 02-01-18



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

LEGEND

— DENOTES EXISTING 2x4 WALLS



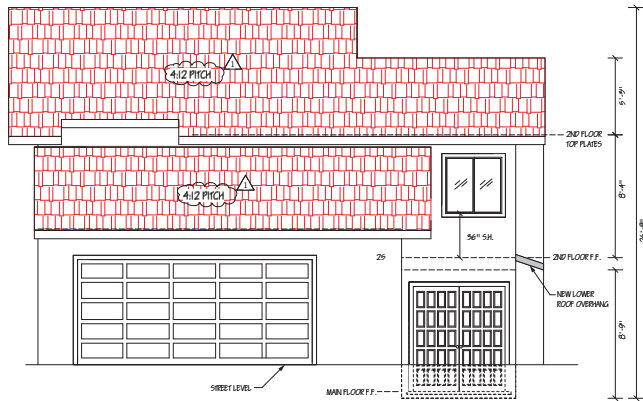
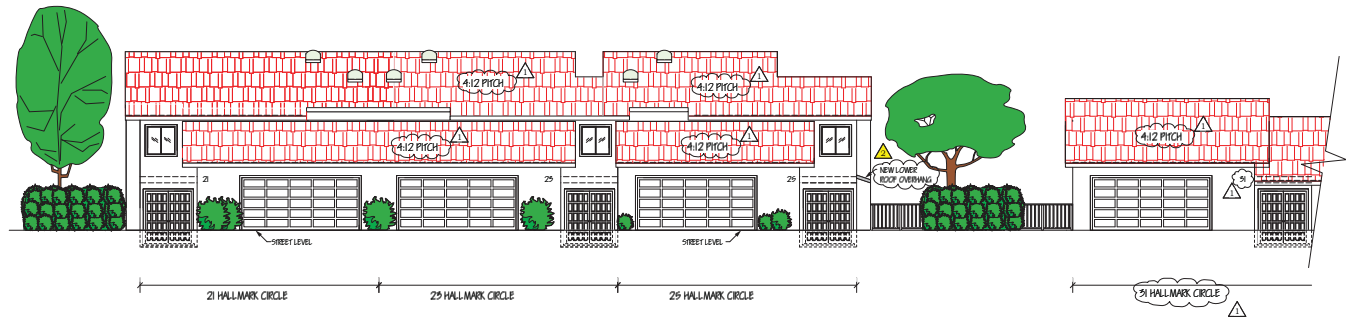
PROPOSED SECOND FLOOR PLAN



HOUSE REMODEL:
GLASSLEY RESIDENCE
25 HALLMARK CIRCLE
MENLO PARK, CA

05-24-18
PLANNING SUB.
02-22-18
EXPANDED
SCOPE OF
WORK
DATE: 07-07-17

A-2.3
OF SHEETS



MATERIALS LIST:
 MATCH HOA STANDARDS
 SEE MATERIAL BOARD FOR COLORS/SAMPLES
 BALCONY & DECK FRAMING: PRESSURE TREATED
 DOUGL FIR OR EQUIVALENT.
 EXISTING BALCONY & DECK RAILS: REDWOOD.
 NEW BALCONY RAILS: DARK BRONZE POWDER-COATED
 STEEL WITH STAINLESS CABLES.
 BALCONY DECK SURFACE: 2"X6" REDWOOD, PPE OR
 EQUIVALENT.

EXTERIOR DOORS:
 FRONT DOOR - WOOD
 GLASS & SLIDING DOORS - DOUBLE PANE GLASS
 WITH DARK BRONZE METAL OR FIBERGLAS FRAMES

ROOF:
 COMPOSITE SHINGLES.

SIDING: PANELIZED CEDAR SHINGLES.
 MATCH HOA STANDARDS.

TRIMS ON ALL DOORS & WINDOWS:
 MATCH HOA STANDARDS.

WINDOWS:
 DOUBLE PANE GLASS WITH DARK BRONZE METAL
 OR FIBERGLAS FRAMES.

NOTES:
 1- NO CHANGES IN GRADE IS PROPOSED.

2- ALL MATERIAL SHALL REMAIN AS IS.

3- NEW LOWER ROOF FRAMING HAS
 BEEN ADDED.

EXISTING FRONT SOUTH ELEVATION
 SCALE: 1/4"=1'-0"

S.H. = SILL HEIGHT



STREETSCAPE
 SCALE: N.T.S.



MATERIALS LIST:
 MATCH HOA STANDARDS.
 SEE MATERIAL BOARD FOR COLORS / SAMPLES

BALCONY & DECK FRAMING: PRESSURE TREATED DOUG FIR OR EQUIVALENT.
EXISTING BALCONY & DECK RAILS: REDWOOD.
NEW BALCONY RAILS: DARK BRONZE POWDER-COATED STEEL WITH STAINLESS CABLES.
BALCONY DECK SURFACE: 2"x6" REDWOOD, IPE OR EQUIVALENT.

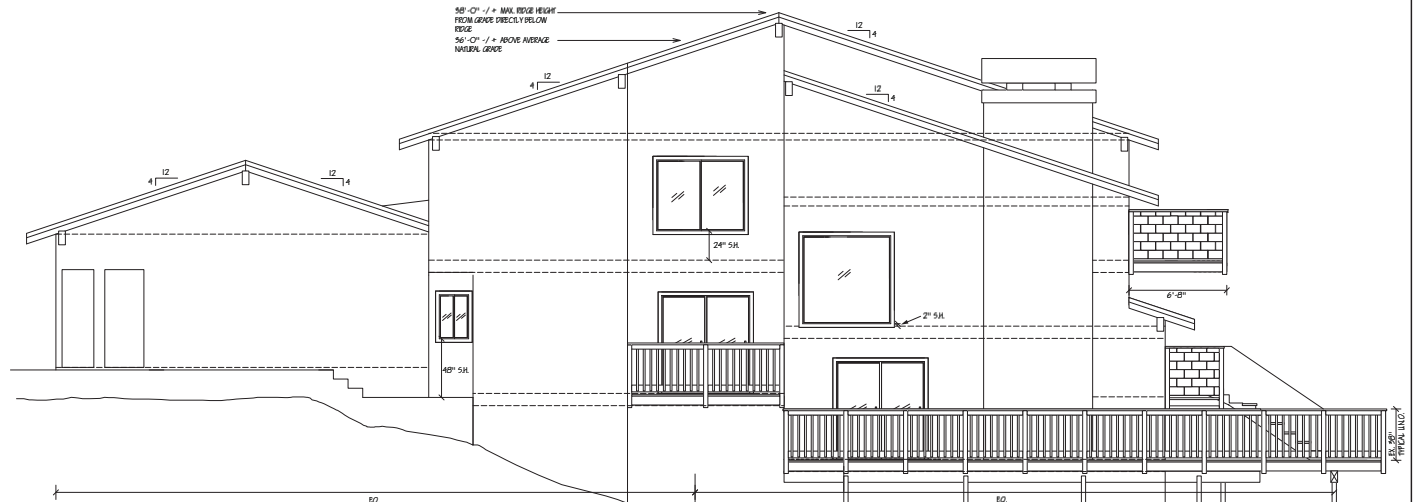
EXTERIOR DOORS:
FRONT DOOR - WOOD GLASS & SLIDING DOORS - DOUBLE PANE GLASS WITH DARK BRONZE METAL OR FIBERGLAS FRAMES

ROOF:
 COMPOSITE SHINGLES.

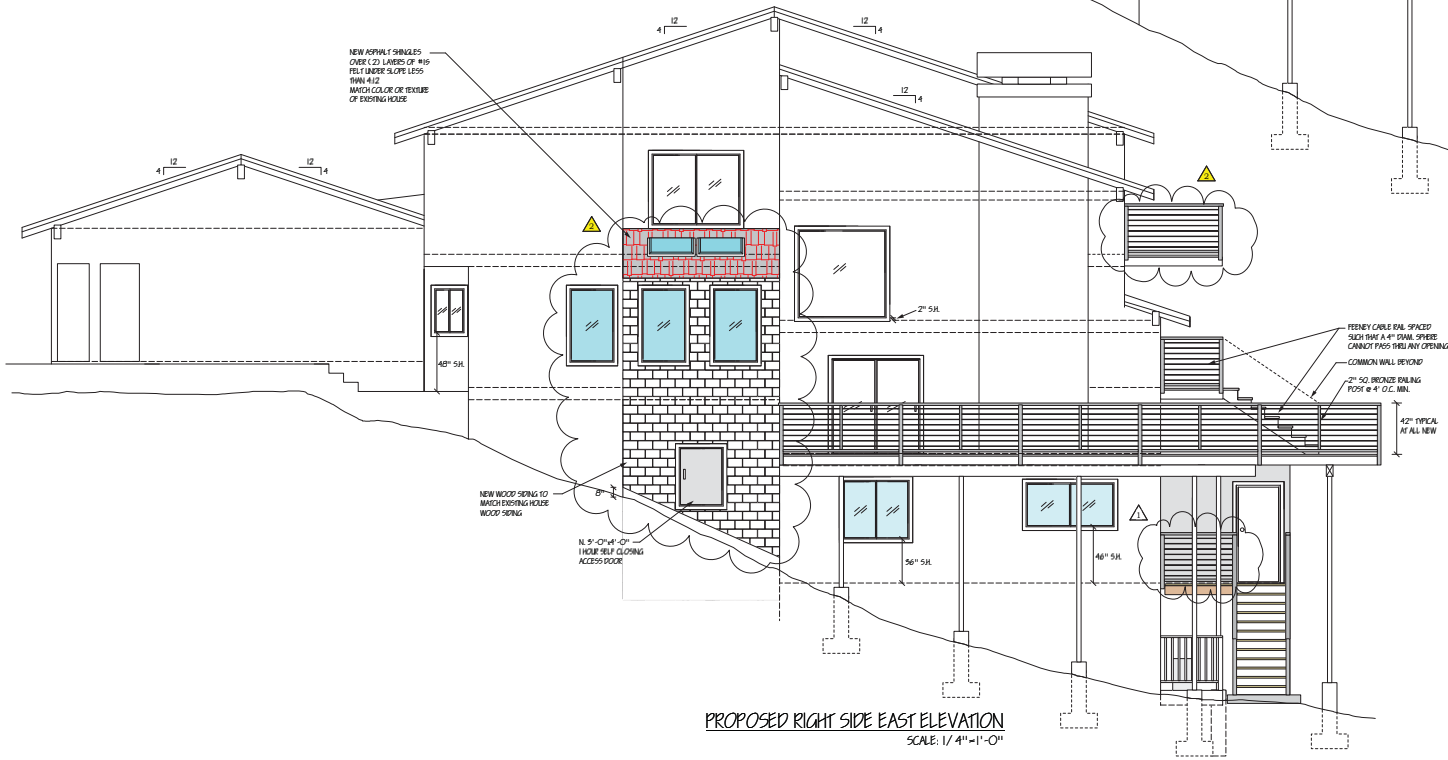
SIDING: PANELIZED CEDAR SHINGLES. MATCH HOA STANDARDS.

TRIMS ON ALL DOORS & WINDOWS: MATCH HOA STANDARDS.

WINDOWS: DOUBLE PANE GLASS WITH DARK BRONZE METAL OR FIBERGLAS FRAMES.



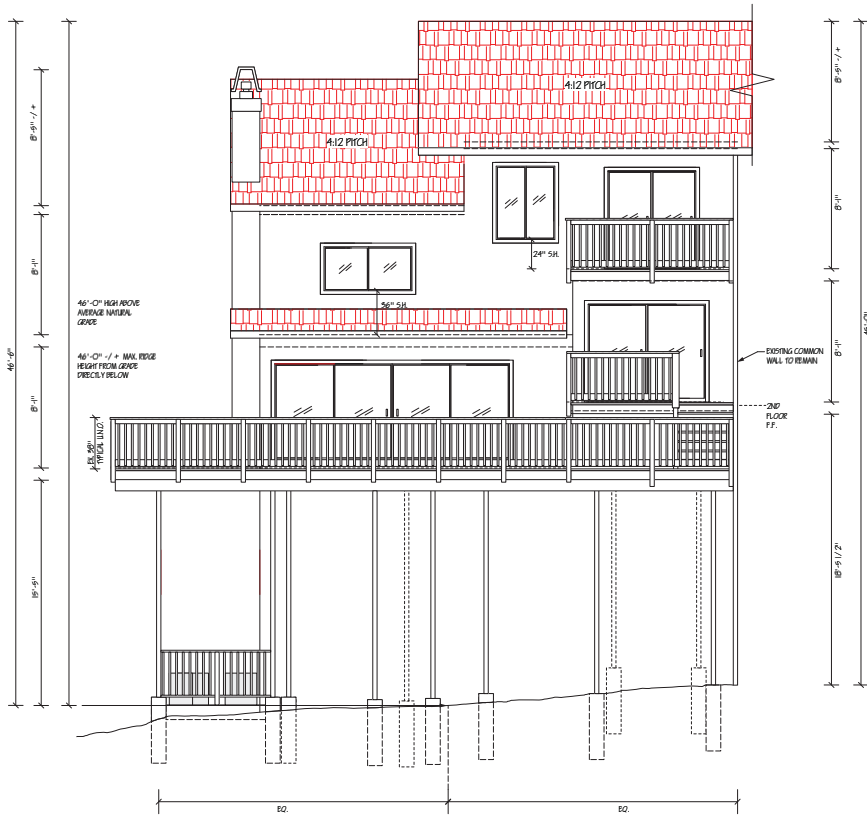
EXISTING RIGHT SIDE EAST ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED RIGHT SIDE EAST ELEVATION
 SCALE: 1/4" = 1'-0"

5H. = 5/8" HEIGHT





EXISTING REAR NORTH ELEVATION
SCALE: 1/4"=1'-0"

MATERIALS LIST:
MATCH HOA STANDARDS
SEE MATERIAL BOARD FOR COLORS/ SAMPLES

BALCONY & DECK FRAMING: PRESSURE TREATED DOUG. PINE OR EQUIVALENT.
EXISTING BALCONY & DECK RAILS: REDWOOD.
NEW BALCONY RAILS: DARK BRONZE POWDER-COATED STEEL WITH STAINLESS CABLES.
BALCONY DECK SURFACE: 2"x6" REDWOOD, PINE OR EQUIVALENT.

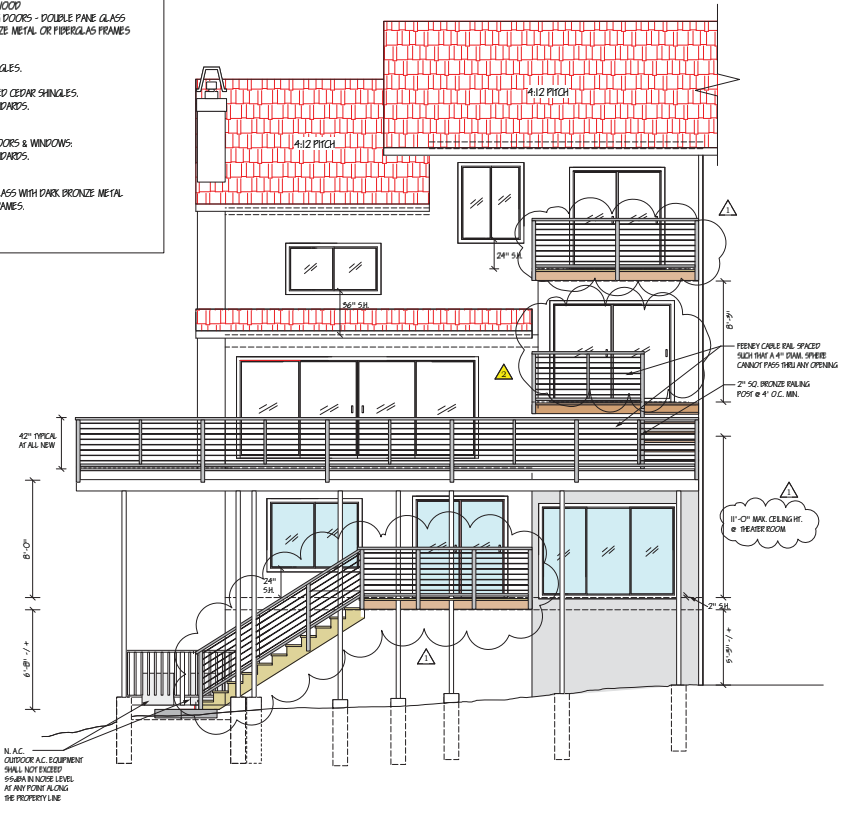
EXTERIOR DOORS:
FRONT DOOR - WOOD
GLASS & SLIDING DOORS - DOUBLE PANE GLASS WITH DARK BRONZE METAL OR FIBERGLAS FRAMES

ROOF:
COMPOSITE SHINGLES.

SIDING: PANELIZED CEDAR SHINGLES.
MATCH HOA STANDARDS.

TRIMS ON ALL DOORS & WINDOWS:
MATCH HOA STANDARDS.

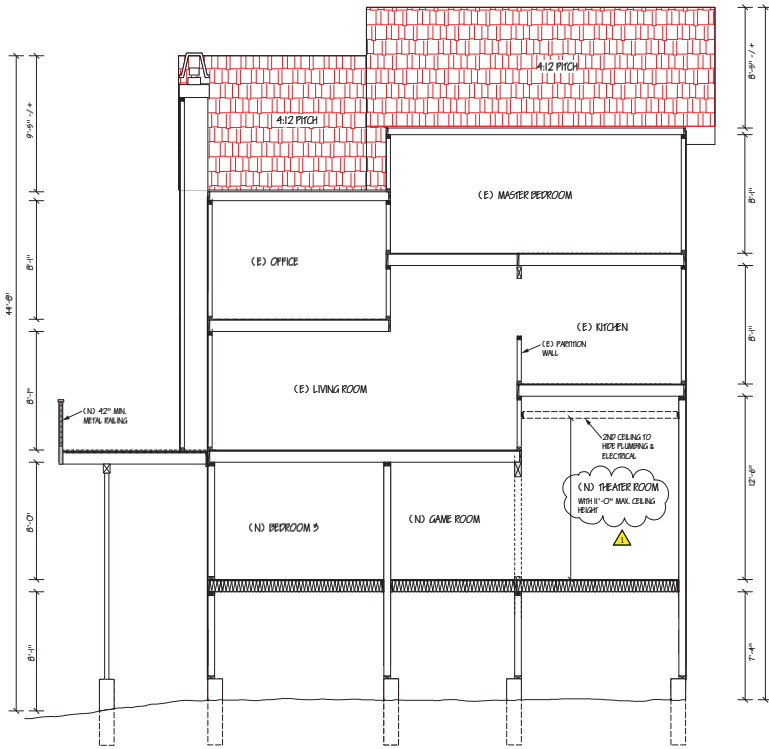
WINDOWS:
DOUBLE PANE GLASS WITH DARK BRONZE METAL OR FIBERGLAS FRAMES.



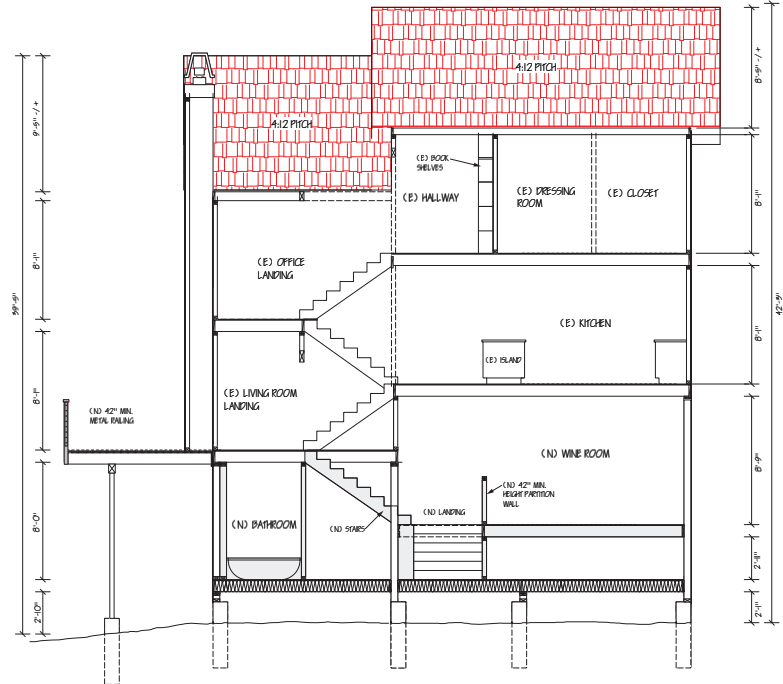
PROPOSED REAR NORTH ELEVATION
SCALE: 1/4"=1'-0"

5H - SILL HEIGHT





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



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



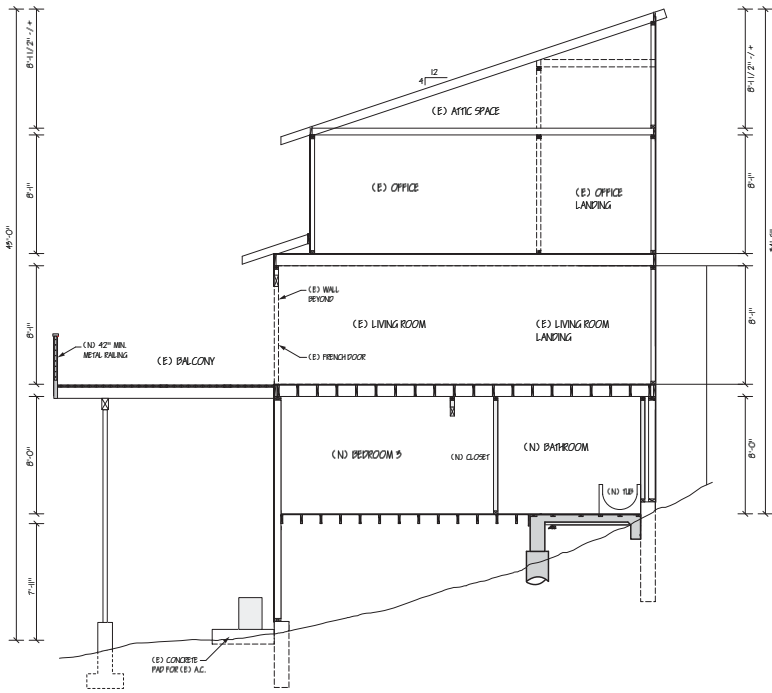
SECTIONS



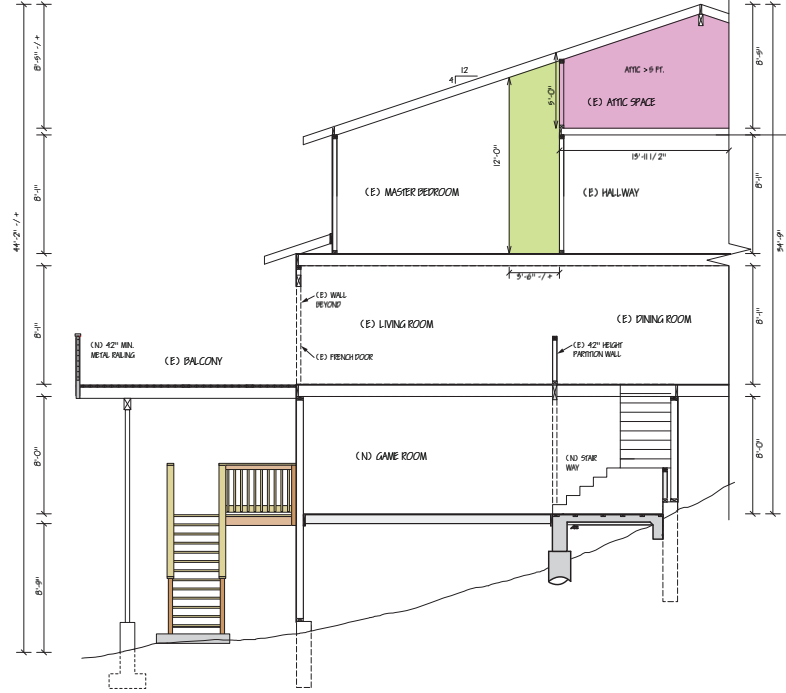
HOUSE REMODEL:
GLASSBY RESIDENCE
25 HALLMARK CIRCLE
MENLO PARK, CA

05-24-18
PLANNING SUB.
01-18-18
PLANNING PC
DATE: 07-07-17

A-4.1
OF SHEETS



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



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



SECTION

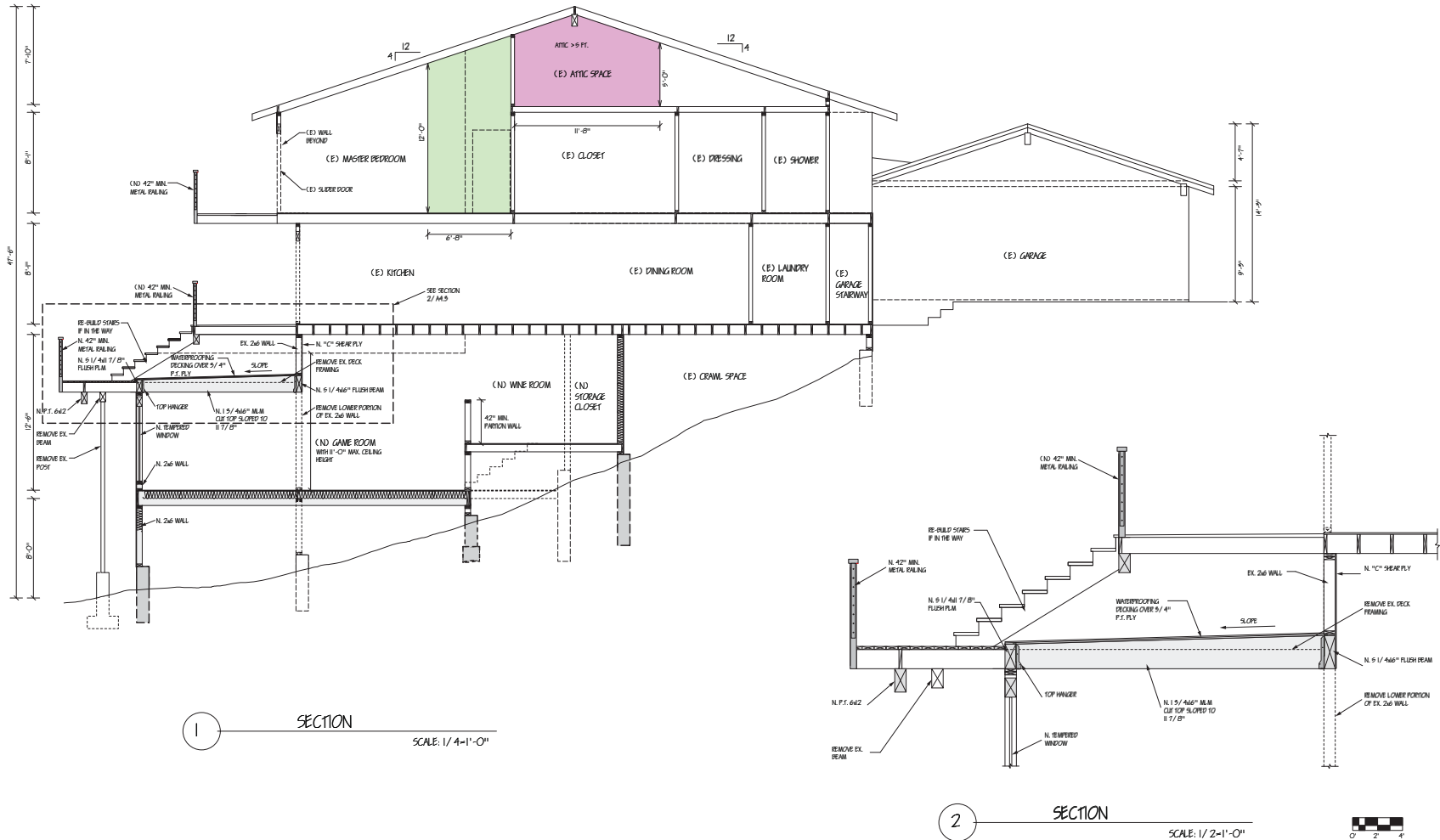


HOUSE REMODEL:
GLASSEY RESIDENCE
25 HALLMARK CIRCLE
MENLO PARK, CA

05-24-18
PLANNING SUB.
DATE: 07-07-17

A-4.2

OF SHEETS



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

2 SECTION SCALE: 1/2"=1'-0"



SECTION

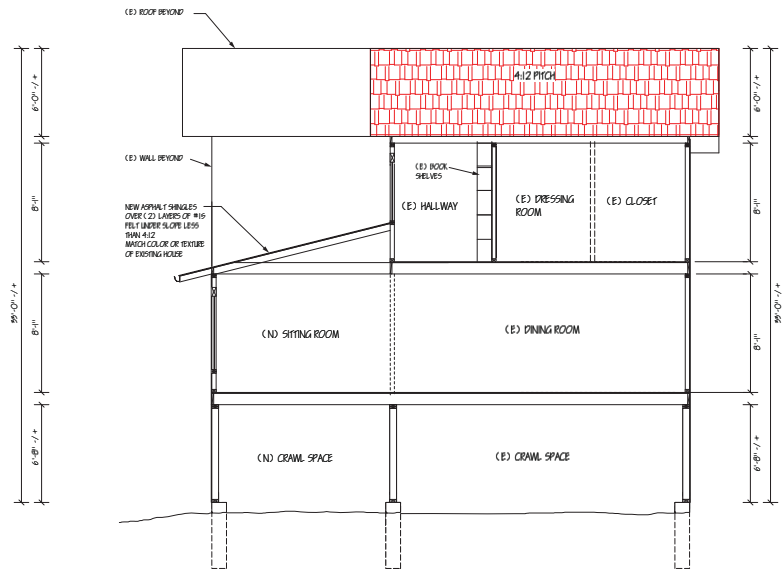


HOUSE REMODEL:
GLASSEY RESIDENCE
 25 HALLMARK CIRCLE
 MENLO PARK, CA

05-24-18
 PLANNING SUB.
 DATE: 07-07-17

A-4.3

OF SHEETS



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

NEW SHEET



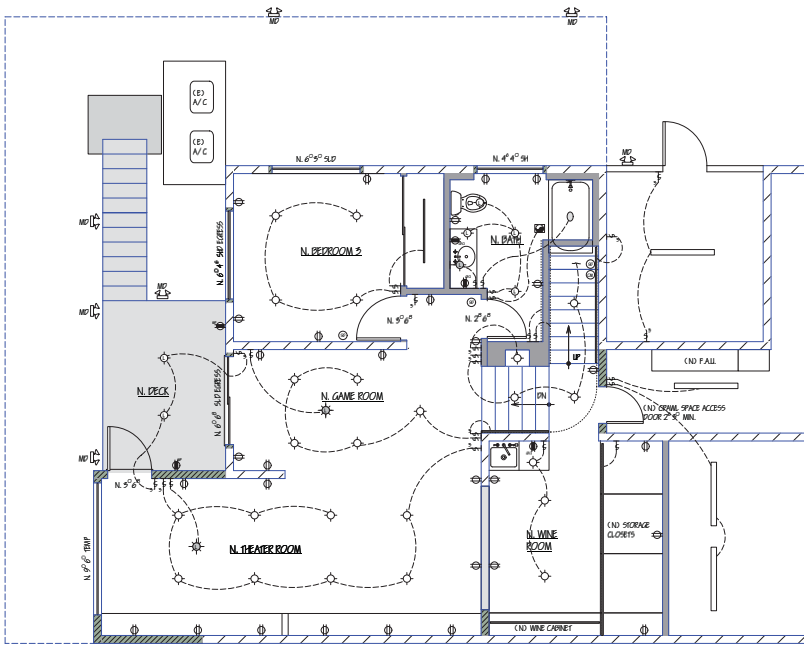
SECTIONS



HOUSE REMODEL:
GLASSEY RESIDENCE
25 HALLMARK CIRCLE
MENLO PARK, CA

05-24-18
PLANNING SUB.
02-22-18
EXPANDED
SCOPE OF
WORK

A-4.4
OF SHEETS



PROPOSED LOWER FLOOR ELECTRICAL PLAN
SCALE: 1/4"=1'-0"

ELECTRICAL SYMBOLS	
	4" OR 6" RECESSED LIGHT
	4" OR 6" RECESSED LIGHT - FLUORESCENT OR LED
	SURFACE MOUNTED LED LIGHT FIXTURE
	SWITCH SINGLE
	5 WAY SWITCH
	OUTLET DOUBLE SHALL BE AFCI
	OUTLET GFCI
	OUTLET DOUBLE GFCI WEATHERPROOF
	EXHAUST FAN 80 CFM MIN. AT BATHROOMS 150 CFM MIN. AT KITCHEN LIGHT MAY BE INCLUDED - SEE NOTES 20.1 & 2
	SMOKE DETECTOR - SEE NOTE 24
	CARBON MONOXIDE - SEE NOTE 24
	MOTION DETECTED SPOT
	LED STRIP LIGHT
	CHANDELER
	PIECE LED TAPE
	MOTION SENSOR
	12 VOLT OVAL CAN WITH HANDPRINT

LEGEND	
	DENOTES EXISTING 2x4 WALLS
	DENOTES EXISTING 2x6 WALLS
	DENOTES NEW 2x4 WALLS
	DENOTES NEW 2x6 WALLS

ELECTRICAL NOTES: TYPICAL ALL MAY NOT APPLY.

- 01- LAYOUTS ARE SCHEMATIC ONLY. CONTRACTOR SHALL SIZE ALL NECESSARY EQUIPMENT TO FURNISH A COMPLETE HEATING AND ELECTRICAL SYSTEM. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS AND CALCULATIONS PER CODES.
- 02- CONTRACTOR SHALL VERIFY SIZE OF ELECTRICAL PANELS AND / OR SERVICE AND SHALL NOTIFY THE OWNER & ARCHITECT IF ADDITIONAL CAPACITY AND / OR EQUIPMENT IS REQUIRED. CONTRACTOR SHALL INCLUDE UPGRADE, IF REQUIRED, WITH BID.
- 03- ALL ELECTRICAL AND MECHANICAL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND STANDARDS.
- 04- UNLESS OTHERWISE NOTED, ALL EQUIPMENT SUCH AS SUBPANELS, WIRING JUNCTION BOXES, SWITCHES, OUTLETS, RECESSED FIXTURES, ETC. TO BE SUPPLIED ELECTRICAL SUBCONTRACTOR.
- 05- SEE TITLE 24 COMPLIANCE NOTES FOR ADDITIONAL REQUIREMENTS.
- 06- SMOKE DETECTORS SHALL BE HARDWIRED AND INTERCONNECTED. ALL SHALL BE 110 VOLTS WITH BATTERY BACKUP.
- 07- BATHROOM FANS SHALL PROVIDE FIVE (5) AIR CHANGES PER HOUR MINIMUM.
- 08- COUNTER RECEPTACLES AT KITCHEN TO BE GFCI PER CEC SECTION 210.8(a,c).
- 09- PROVIDE 20 AMP DEDICATED CIRCUIT AT BATHROOMS AND TWO SMALL APPLIANCE BRANCH CIRCUITS AT KITCHEN COUNTER PER CEC ARTICLES 210-92 & 210-92(k).1.
- 10- ALL 125-VOLT, SINGLE PHASE, 15- AND 20- AMPERE RECEPTACLES INSTALLED IN BATHROOMS, GARAGE, OUTDOORS, CRANAL SPACES, UNFINISHED BASEMENTS, KITCHEN, AND COUNTERTOP SURFACES WITHIN 6 FEET (1.83 M) OF A WET BAR SINK OR A KITCHEN SINK SHALL HAVE GROUND-FALLT CIRCUIT INTERRUPTER PROTECTION FOR PERSONNEL. PER CEC SECTION 210-9.8.
- 11- IN THE KITCHEN, AN OUTLET SHALL BE INSTALLED AT EACH WALL COUNTERTOP SPACE 12" OR MORE. OUTLETS SHALL BE INSTALLED SO THAT NO POINT ALONG THE WALL LINE IS MORE THAN 24 INCHES, MEASURED HORIZONTALLY, FROM AN OUTLET IN THAT SPACE. COUNTERTOP SURFACES SEPARATED BY RANGE TOPS, REFRIGERATORS, OR SINKS SHALL BE CONSIDERED AS SEPARATE COUNTERTOP SPACES. OUTLET LAYOUT IS REQUIRED TO START AT KITCHEN SINK.
- 12- IN THE KITCHEN, OUTLETS SERVING COUNTERTOP SURFACES SHALL BE SUPPLIED BY NOT LESS THAN TWO SMALL APPLIANCE BRANCH CIRCUITS. (NO LIGHTING IS PERMITTED ON THESE CIRCUITS).
- 13- IN THE KITCHEN, SEPARATE CIRCUITS ARE REQUIRED FOR ALL APPLIANCES (BUILT-ND, PLUG IN APPLIANCES SHALL HAVE THE PLUG ACCESSIBLE FOR DISCONNECT WITHOUT REMOVING THE APPLIANCE).
- 14- FLUORESCENT GENERAL LIGHTING FIXTURES IN BATHROOMS AND KITCHEN ARE IDENTIFIED AND SHALL BE ACTIVATED BY THE FIRST SWITCH INSIDE THE DOOR.
- 15- COOK TOP HOOD EXHAUST TERMINATION SHALL BE A MINIMUM OF 4 FEET FROM ANY WINDOW OR DOOR.
- 16- IN DWELLING UNITS, A DETECTOR SHALL BE INSTALLED IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN THE CORRIDOR OR AREA GIVING ACCESS TO EACH SEPARATE SLEEPING AREA. PER CEC SECTION 910.9.1.4.
- 17- ALL NON-GFCI RECEPTACLES AND LIGHT FIXTURES SHALL BE PROTECTED BY AFCI INTERRUPTERS (AFCI) PER CEC SECTION 210.12b.
- 18- SEE MORE ELECTRICAL NOTES ON SHEET A-0.2 GENERAL NOTES.
- 19- TEMPER RESISTANT RECEPTACLES.
- 20- FAN WITH LIGHT HAS TO HAVE SEPARATE SWITCH.
- 21- FAN HAS TO HAVE HUMIDISTAT.
- 22- SHOWER / BATH TUB LIGHTS LL LISTED FOR WET LOCATION.
- 23- ALL OUTLETS IN WET AREAS SHALL BE GFCI.
- 24- SMOKE DETECTOR & CARBON MONOXIDE SHALL BE WIRE INTERCONNECTED (110 V) & WITH BATTERY BACK UP.



PROPOSED LOWER
FLOOR ELECTRICAL PLAN

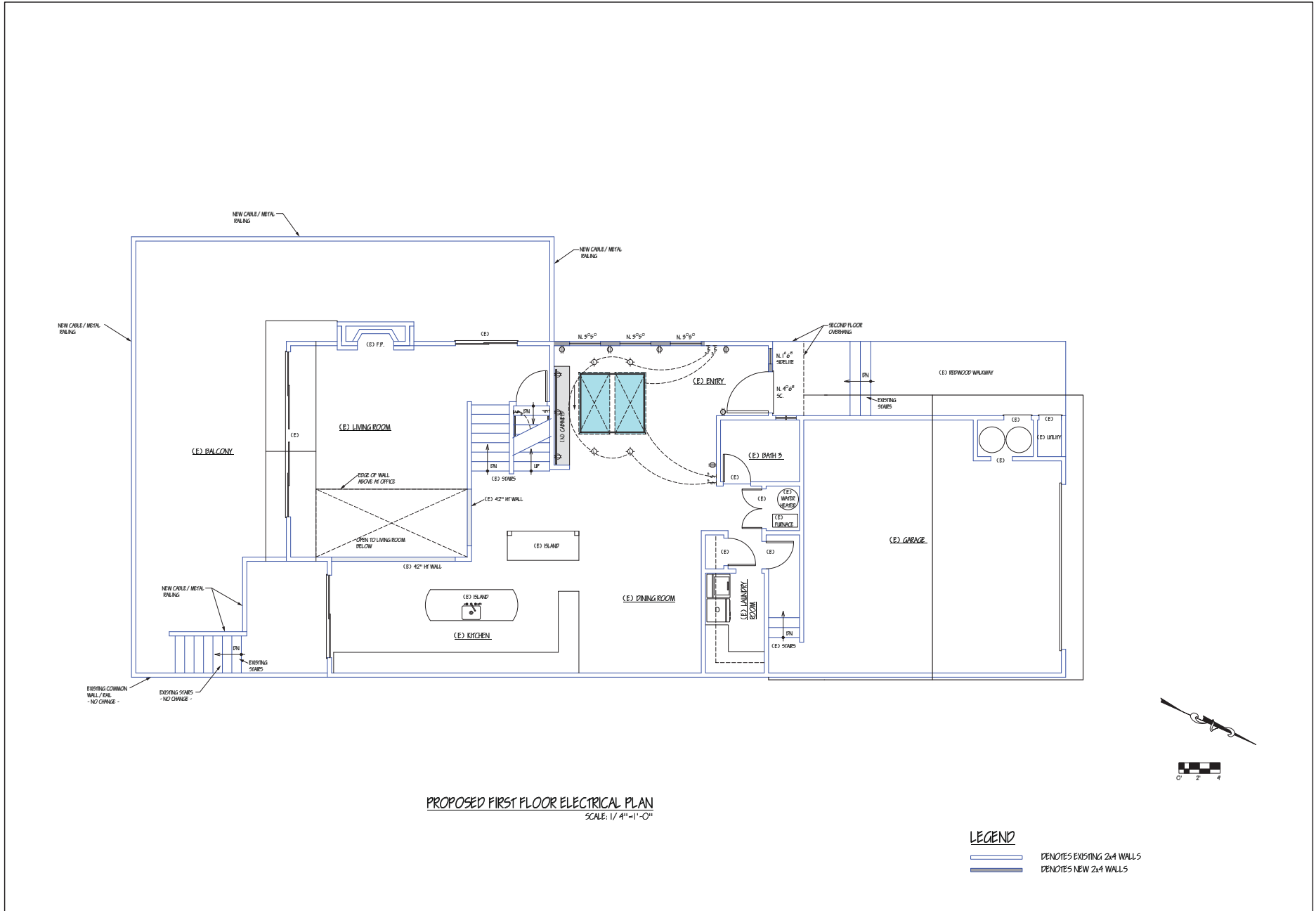


HOUSE REMODEL:
GLASSY RESIDENCE
25 HALLMARK CIRCLE
MENLO PARK, CA

05-24-18
PLANNING SUB.
DATE: 07-07-17

E-1.1

OF SHEETS



**PROJECT DESCRIPTION– 25 HALLMARK CIRCLE
KATHERINE GLASSEY ARCHITECTURAL APPLICATION**

RECEIVED

MAR 14 2018

PURPOSE OF PROPOSAL:CITY OF MENLO PARK
PLANNING DIVISION

Gain City of Menlo Park Planning Department approval for remodel of townhome at 25 Hallmark Circle. This townhouse is the right side unit of three attached townhouses, and the subject property has two existing main levels, designed in a split-level floor plan. The first level contains the garage, entry, a bathroom, laundry room, dining room, kitchen, living room, and nook, along with balconies/decks at the rear, right side and inset at the middle of the property. The living room is split from the rest of the first floor and is slightly lower. At the second floor, the area above the open, inset, lower level balcony creates a U-shaped floor plan. The second Floor contains the Master Bedroom and Bath, Bedroom 2, Bath 2. An office is split from the second floor and is slightly lower.

SCOPE OF WORK:

- Without a change in grade, convert approximately 1100 square feet of the very tall space under the house into finished space adding Bedroom 3, Bath 4, a theater room, wine room, and a game room. Interior access to the lower level is from the living room, and exterior access is from an attached deck and ground level stairs. All lower level construction is completely contained within the existing building envelope and plat boundary.
- On Level 1, enclose the inset, exterior balcony by the front entry in order to create a single story entry sitting area with skylights.
- Convert all railings on existing and new balconies to cable rails. Leave the picket railing enclosure on the air conditioning.

ARCHITECTURAL STYLE: Meet architectural standards as approved by HOA.

BASIS FOR SITE LAYOUT: Completely contained within existing building envelope and plat with no new easements.

EXISTING AND PROPOSED USAGE: Single family residence.

OUTREACH TO NEIGHBORING PROPERTIES: Plan approved by HOA architectural committee and HOA board. Please see attached letters.

FRONT ELEVATION

1. At the present time, there is no change to the front elevation. Eventually, the front door will be changed, but this has not been approved by the HOA. Two parking spaces are available on the driveway, and two parking spaces are available in the garage.

EAST ELEVATIONLower Level

2. Two new double pane windows with dark bronze metal or fiberglass will be visible under the existing side deck:
 - a. 4'0 x 4'0 in bathroom (Sill Height = 2'4")
 - b. 6'0 x 3" in Bedroom 3 (Sill Height=3'10")
3. Stairs to the new lower-level deck are visible under the existing rear deck. These stairs and deck will have cable railings.

PROJECT DESCRIPTION– 25 HALLMARK CIRCLE KATHERINE GLASSEY ARCHITECTURAL APPLICATION

First Floor

4. The kitchen deck extension sits above the living room deck, and the 42" railing with its dark bronze metal posts and cable system is visible.
5. The entire existing redwood picket railing on the side living room deck is being replaced by 42" dark bronze metal posts and cable system.
6. All existing living room level decking is to remain as is.

Second Level

7. The second floor master bedroom deck is being replaced by 42" dark bronze metal posts and cable system.

REAR ELEVATION

Lower Level

8. Stairs from the ground to the new lower-level deck are visible below the existing rear deck. The new deck will be approximately 12' by 8'. This deck railing will be cable rail system.
9. The two new double pane windows and a sliding door with dark bronze metal or fiberglass will be visible:
 - a. 6'0 x 4'6 in Bedroom 3 to be used for egress (Sill Height=2'4")
 - b. 6'0" x 6'8" sliding door to the game room will be visible off the new lower level deck.
 - c. 9'0 x 6'0" picture window in the theater room (Sill Height = 4")
10. The existing air conditioners and their camouflage fences will remain in place.

First Floor

11. The existing redwood picket railing on the rear deck and kitchen deck is being replaced by dark bronze metal posts and stainless cable system at 42" code height.
12. On Level 1, enclose the inset, exterior balcony by the front entry in order to create a single story entry sitting area with skylights.



Sharon Hills Community Association

1661 Tice Valley Blvd. Suite 200, Walnut Creek, CA 94595
Phone: 925-746-0542 or 800-610-0757 Fax: 925-746-0554
www.bayservice.net

ATTACHMENT E

March 23, 2018

Katherine Glassey
25 Hallmark Circle
Menlo Park, CA 94025

Re Address: 25 Hallmark Circle

Dear Katherine Glassey:

The Board of Directors has reviewed your architectural application dated 2/09/2018 for the following project:

- To enclose the existing main level atrium and convert it into a single story “sunroom”. It will have a new pitched roof (similar angle to roof on existing home) with a flat skylight and 3 casement windows on the exterior wall. The entire project will be within the existing boundaries of the house, the new roof will be lower than the present 2nd story roof, so it will have no impact of the view from any neighbor. Window, siding, trim and roof materials will match existing home. Skylight will be treated to minimize glare and will have integrated sun management.
- Replace east face of master bedroom balcony railing to match all other new cable railings. Again, only 31 Hallmark can see this upper balcony – and only from the outer edge of their back deck.

We are pleased to inform you that the Board has approved your project with the following conditions. Please provide the needed information as soon as possible so as not to delay your project. Once the conditions have been met to the Association’s satisfaction, the project may begin.

- Homeowners must adhere to the current Sharon Hills Community Association - Rules Regarding Remodeling and Renovating Townhouses.
- The approval is good for one year and the construction must start within the one-year period.
- Homeowners are responsible for obtaining a city of Menlo Park building permit (if needed). All modifications must conform to Menlo Park building code.
- Work hours can only be Monday to Friday from 8am to 5 pm.

A copy of the approved application is enclosed with this letter for your records. If you have any questions, please contact the BAPS office at 800-610-0757 or send an email to customerservice@bayservice.net.

Sincerely,

Sharon Hills Community Association

Cc: Unit File
Board of Directors



Sharon Hills Community Association

1661 Tice Valley Blvd. Suite 200, Walnut Creek, CA 94595
 Phone: 925-746-0542 or 800-610-0757 Fax: 925-746-0554
 www.bayservice.net

May 22, 2017

Katherine Glassey
 25 Hallmark Circle
 Menlo Park, CA 94025

RECEIVED

MAR 14 2018

CITY OF MENLO PARK
 PLANNING DIVISION

Re Address: 25 Hallmark Circle

Dear Katherine Glassey:

At the May 15, 2017 Board of Director meeting, the Board has approved your proposal for the deck railing replacement and the basement build-out per the following stipulations:

- The only modifications allowed are as follows:
 - a. Replace existing wood picket railing with steel cable railing, consisting of vertical metal posts, horizontal cables and wood cap. Posts to be dark bronze in color to match house trim and cap shall be painted to match house body.
 - b. Finish the lower level under the existing home. 4 windows and 2 exterior doors and a deck with steps to the ground will be added to this lower level. The exterior deck will not exceed 12' by 8'6". The entire lower level work including the new lower deck will be inside the perimeter of the existing deck of the home.
- Provide the license, insurance, and contact information for your contractor.
- Homeowners are responsible for obtaining a City of Menlo Park permit, if necessary to complete their project.
- Homeowners must adhere to the current Sharon Hills Community Association - Rules Regarding Remodeling and Renovating Townhouses.
- The approval is good for one year and the construction must start within the one year period.
- Work hours can only be Monday to Friday from 8am to 5 pm.

Sincerely,

Sharon Hills Community Association

Cc: Unit File
 Board of Directors



STAFF REPORT

Planning Commission

Meeting Date: 6/4/2018
Staff Report Number: 18-055-PC

Public Hearing: Use Permit/Kevin Rose/635 Pierce Road

Recommendation

Staff recommends that the Planning Commission approve a request to construct a new addition and conduct interior modifications to an existing nonconforming one-story single-family residence, and construct a new detached one-car carport in the R-3 (Apartment) zoning district, at 635 Pierce Road. The structure is nonconforming with respect to the right side and front setbacks, although the front setback nonconformity would be removed as part of the project. The value of the work would exceed the threshold for work to a nonconforming structure within a 12-month period. The recommended actions are contained within 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 site is located at 635 Pierce Road, between Henderson Avenue and Windermere Avenue in the Belle Haven neighborhood. The subject site is an interior lot adjacent to residences that are also in the R-3 zoning district, but the surrounding neighborhood is mainly in the R-1-U (Single-Family Urban) zoning district. The subject parcel is substandard with regard to lot area, width, and depth. A sound wall running along the western side of Pierce Road serves as a barrier from US Highway 101. There is a mix of one and two-story single-family residences, and two-story multifamily residences surrounding the project site with a variety of traditional architectural styles. Several churches are also located in the general vicinity. A location map is included as Attachment B.

Analysis

Project description

The existing residence is a ranch style, one-story home, where the applicant proposes to remodel the interior of the home and add square footage to the left-rear corner of the residence. The existing accessory structures toward the rear of the property would be removed during construction. The right side of the existing residence encroaches into the required 10-foot side setback, making it a nonconforming structure with regard to the provisions of the Zoning Ordinance. The existing front porch likewise intrudes

into the front setback, although this nonconformity would be removed as part of the project. The remodeling and addition would exceed 50 percent of the existing replacement value in a 12-month period, as discussed in more detail in the Valuation section. The addition would comply with all the setback requirements, and the framing members of the nonconforming wall and roof would be retained on the right side.

The property is nonconforming with regard to parking, which appears to be the result of the previous owner removing a two-car garage without permits, prior to the current owners' acquisition of the property. In response, the applicant proposes to construct a detached, one-car carport in the rear of the property, with an uncovered space directly adjacent to the new carport, which would make the property conforming with regard to parking. The existing and proposed paving for driveway and uncovered parking exceed the allowable paving for the site. However, measures for reducing the paving for the site would be ensured by recommended condition 4a, which requires paving not to exceed 20 percent of the subject property. This may be resolved by using a pervious paver system for a portion of the driveway, as that surface is counted as 50 percent paving and 50 percent landscaping in the R-3 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.

Design and materials

The applicant proposes to retain the existing ranch style by matching the design and materials of the existing home. The new windows and new patio door would consist of vinyl double glazed panes, and the new roof would match the pitch and material of the existing asphalt shingle roof. The exterior of the addition would match the existing plaster finish of the home. A new one-car carport with redwood posts would be added to the rear of the lot. Staff believes that the proposed residence would be compatible with the mix of architectural styles in the overall neighborhood, and the addition and carport would not be particularly visible from the public right-of-way due to the existing wood gate and fence on the left side of the residence.

Trees and landscaping

There are three privet trees, two of which are heritage size, beyond the front of the property in the right-of-way and one heritage tree in the back yard of the neighbor's property at the rear. No trees are proposed for removal at this time. The proposed site improvements should not adversely affect any of the trees as tree protection measures will be ensured through standard condition 3g.

Valuation

The City uses standards established by the Building Division to calculate the replacement and new construction costs on which the use permit threshold is based. The City has determined that the replacement cost of the existing structure would \$266,600, meaning that the applicant would be allowed to proposed new construction and remodeling at this site totaling less than \$133,300 in any 12-month period without applying for a use permit. The City has determined that the value of the proposed work would be approximately \$206,010. Based on this estimate, the proposed project exceeds 50 percent of the replacement cost of the existing structure, therefore requiring use permit approval by the Planning

Commission.

Correspondence

The architect states that the owners have done outreach to the adjacent neighbors, and that there are no objections. Staff has not received any correspondence from neighbors at the time of writing this report.

Conclusion

Staff believes the scale, materials, and style of the home are compatible with those of the greater neighborhood. The carport and uncovered parking space would return the property to conformance with regard to parking requirements, and the removal of the front porch would likewise correct the front setback nonconformity. The addition would match the existing architectural characteristics of the existing residence and the surrounding properties. 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 1 (Section 15301, "Existing Facilities") 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

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:

Michele T. Morris, Assistant Planner

Report reviewed by:

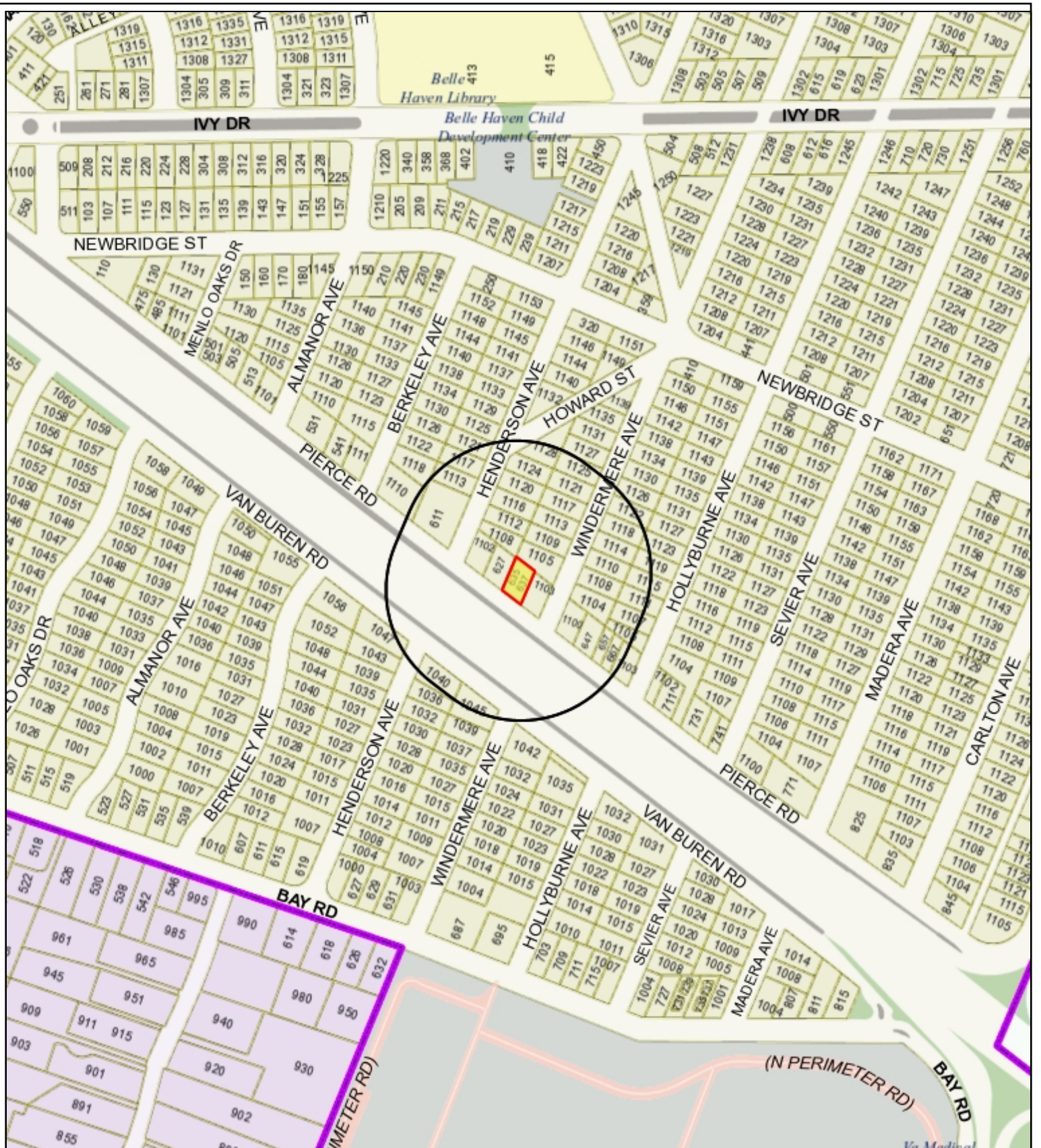
Thomas Rogers, Principal Planner

635 Pierce Road – Attachment A: Recommended Actions

LOCATION: 635 Pierce Road	PROJECT NUMBER: PLN2017-00116	APPLICANT: Kevin Rose	OWNERS: Kevin Rose
PROPOSAL: Request for a use permit to construct a new addition and interior modifications to an existing nonconforming one-story single-family residence, and construct a new detached one-car carport in the R-3 (Apartment) zoning district. The existing residence is nonconforming with respect to the right side and front yard setbacks, although the front setback nonconformity would be corrected as part of the project. The value of the work would exceed the threshold for new work to a nonconforming structure within a 12-month period.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
ACTION:			
<ol style="list-style-type: none"> 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 <i>standard</i> conditions: <ol style="list-style-type: none"> a. Development of the project shall be substantially in conformance with the plans prepared by BD Square Architecture consisting of 17 plan sheets, dated received May 23, 2018, and approved by the Planning Commission on June 4, 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. 			

635 Pierce Road – Attachment A: Recommended Actions

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PROPOSAL: Request for a use permit to construct a new addition and interior modifications to an existing nonconforming one-story single-family residence, and construct a new detached one-car carport in the R-3 (Apartment) zoning district. The existing residence is nonconforming with respect to the right side and front yard setbacks, although the front setback nonconformity would be corrected as part of the project. The value of the work would exceed the threshold for new work to a nonconforming structure within a 12-month period.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, Onken, Riggs, Strehl)			
<p>ACTION:</p> <p>4. Approve the use permit subject to the following <i>project-specific</i> condition:</p> <ul style="list-style-type: none"> a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans which shows the square-footage of driveways and uncovered parking (paving) is limited to no more than 20 percent of subject property, subject to the review and approval of the Planning Division. 			



CITY OF
MENLO PARK

City of Menlo Park
Location Map
635 PIERCE ROAD



Scale: 1:4,000

Drawn By: MTM

Checked By: THR

Date: 6/4/2018

Sheet: 1

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	5,466 sf	5,466 sf	7,000 sf min.
Lot width	60.9 ft.	60.9 ft.	70 ft. min.
Lot depth	92.7 ft.	92.7 ft.	100 ft. min.
Setbacks			
Front	20.4 ft.	14.4 ft.	20 ft. min.
Rear	20.3 ft.	20.3 ft.	15 ft. min.
Side (left)	13.5 ft.	13.5 ft.	10 ft. min.
Side (right)	5.1 ft.	5.1 ft.	10 ft. min.
Building coverage	1,618.2 sf 29.6 %	1,493 sf 27.3 %	1,639.8 sf max. 30 % max.
FAR (Floor Area Ratio)	1,400.2 sf 25.6 %	1,317.2 sf 24 %	2,459.7 sf max. 45 % max.
Landscaping	2,968 sf 54.2 %	2,483 sf 45.4 %	2,733 sf min. 50 % min.
Paving	1,246.7 sf 22.8 %	1,490 sf 27.3 %	1,093.2 sf max. 20 % max.
Square footage by floor	1,400.2 sf/1st 218 sf/detached carport	1,333 sf/1st 58 sf/covered porch 102 sf/accessory buildings	
Square footage of buildings	1,618.2 sf	1,493 sf	
Building height	14 ft.	14 ft.	35 ft. max.
Parking	1 covered/1 uncovered	2 uncovered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees	Heritage trees	3*	Non-Heritage trees	1	New Trees	0
	Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	0	Total Number of Trees	4

*One heritage tree is on a neighboring property and two heritage trees are in the public right-of-way.



ROSE'S RESIDENCE

INTERIOR REMODEL & HORIZONTAL EXTENSION

635 PIERCE ROAD (BAYSHORE FWY)

MENLO PARK, CA 94025 (USE PERMIT REVIEW)

SHEET INDEX	
ARCHITECTURE	COVER SHEET
A0.01	BOUNDARY AND TOPOGRAPHIC SURVEY(REFERENCE)
AS1.00	DEMOLITION/EXISTING SITE PLAN
AS2.00	DEMOLITION/EXISTING SITE PLAN
AS2.10	PROPOSED ARCHITECTURAL SITE PLAN
AS2.20	AREA PLAN
A0.05	FLOOR AREA AND NEW WORK VALUE CALCULATIONS AND DIAGRAMS
A0.06	AREA DIAGRAM
A0.07	NONCONFORMING NEW WORK VALUE CALCULATIONS / ELEVATIONS
A1.00	DEMOLITION/EXISTING FLOOR PLAN
A1.10	DEMOLITION/EXISTING RCP PLAN
A1.20	DEMOLITION/EXISTING ROOF PLAN
A2.00	PROPOSED FLOOR PLAN
A2.10	PROPOSED RCP PLAN
A2.20	PROPOSED ROOF PLAN
A4.00	DEMOLITION EXTERIOR ELEVATIONS
A4.10	PROPOSED EXTERIOR ELEVATIONS
A4.20	SECTIONS / ELEVATION

PROJECT DIRECTORY	
PROPERTY OWNER: 635 PIERCE ROAD, MENLO PARK, CA CONTACT: KEVIN ROSE TEL: 1.647.369.4096	
DESIGNER: BD SQUARE 903 SNEATH LANE, SUITE 230, SAN BRUNO, CA 94066 CONTACT: MATTHEW SUM TEL: 1.650.288.4708	
STRUCTURAL: TSA STRUCTURAL ENGINEER INC 433 AIRPORT BLVD, SUITE 106 BURLINGAME, CA 94010 CONTACT: TONY SAMRA TEL: 650.620.9555	
ENERGY CONSULTANT: AM CONSULTANTS 2292 CRESTLINE ROAD, PLEASANTON, CA 94666 CONTACT: EL BRADY TEL: 1.925.462.8108	
GENERAL CONTRACTOR: T.B.O.	

GENERAL NOTES

- CONTRACTOR AND SUB-CONTRACTOR SHALL ADHERE TO ALL CODES, RULES AND REGULATIONS GOVERNING CONSTRUCTION, BUILDING ACCESS AND THE USE OF FACILITIES AS SET BY FEDERAL, STATE AND LOCAL CODES, BUILDING DEPARTMENT AGENCIES AND THE BUILDING OWNERS.
- CONTRACTORS AND SUB-CONTRACTOR SHALL VERIFY EXISTING CONDITIONS, COMPLETE LAYOUT OF NEW WORK, AND CONTRACT DESIGNER/ENGINEER IN CASE OF CONFLICTS BETWEEN EXISTING AND NEW WORK BEFORE PROCEEDING W/ ORDERING OF MATERIALS AND CONSTRUCTION. COMMENCEMENT W/ ORDERS AND CONSTRUCTION WILL INDICATE THE CONTRACTOR'S ACCEPTANCE OF EXISTING CONDITIONS AND THE IMPROVEMENT CAN BE BUILT ACCORDING TO THESE PLANS.
- THESE DRAWINGS ARE NOT TO BE SCALED U.O.N.
- DIMENSIONS AND CONDITIONS SHOWN ON PLANS MAY VARY FROM ACTUAL FIELD DIMENSIONS AND CONDITIONS. REPORT ANY DISCREPANCIES TO THE DESIGNER IMMEDIATELY UPON DISCOVERY BEFORE PROCEEDING W/ WORK. COMMENCEMENT OF WORK IMPLIES THAT THE CONTRACTOR ACCEPTS THE EXISTING CONDITIONS.
- CONTRACTOR SHALL VERIFY DIMENSION AND COORDINATE WORK WITH INSTALLATION OF N.I.C. ITEMS.
- LARGE SCALE DRAWING TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS. DETAILS TAKE PRECEDENCE OVER ALL. CONTRACTOR SHALL NOTIFY DESIGNER OF CONFLICTS IN WRITING.
- GENERAL CONTRACTOR TO INCLUDE FINAL CLEANING, INCLUDING, BUT NOT LIMITED TO: GLASS, GLOSSY SURFACES, FLOORS, DOORS AND FRAMES, AND WALL BASE.
- PROVIDE SEALANT AND CAULKING AT ALL RATED WALL PENETRATIONS, HIGH MOISTURE AREAS AND RATED ACOUSTICAL WALLS.
- ALL HEIGHT REFERENCES ON PLANS ARE TAKEN FROM DATUM FINISH.
- ALL WALLS TO RECEIVE R-19 BATT INSULATION - U.O.N. AND ROOF (INCLUDING CEILING) TO RECEIVE R-13 INSULATION. INSULATION SHALL CONFORM TO THE REQUIREMENTS OF CRC ENERGY CODE.
- DETAILS ARE KEPT AND NOTED "TYP." ONLY ONCE ON THE PLANS, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE OF SIMILAR CONDITIONS THROUGHOUT, U.O.N.
- INSTALL PLUMBING IN ACCORDANCE WITH CURRENT CALIFORNIA PLUMBING CODE.
- FILL CONC. FLR. TO LEVEL TOLERANCES PRIOR TO INSTALLATION OF FLOOR COVERINGS AND FINISHES.
- PORTABLE FIRE EXTINGUISHERS WHERE INDICATED ON DRAWINGS. PLACE ON FLOOR ADJACENT TO INTENDED INSTALLATION LOCATION AND VERIFY EXTINGUISHER TYPES AND PLACEMENT WITH THE FIRE PREVENTION BUREAU PRIOR TO INSTALLATION. EXTINGUISHERS TO BE MULTIPURPOSE TYPE 2A-10BC AND LOCATED IN RECESSED CABINETS.
- NO PORTION OF THE WORK REQUIRING A SHOP DRAWING OR SAMPLE SUBMISSION SHALL BE COMMENCED UNTIL THE SUBMISSION HAS BEEN REVIEWED AND ACTED UPON BY THE DESIGNER. ALL SUCH PORTIONS OF THE WORK SHALL BE IN ACCORDANCE WITH THE REVIEWED SHOP DRAWINGS AND SAMPLE.
- THE CONTRACTOR SHALL CONFINE OPERATIONS AT THE SITE TO AREAS PERMITTED BY LAW, ORDINANCES, PERMITS AND CONTRACT DOCUMENTS, AND SHALL NOT UNREASONABLY ENCUMBER THE SITE WITH ANY MATERIAL OR EQUIPMENTS.
- SHOULD AN ERROR APPEAR IN SPECIFICATIONS OR DRAWINGS, OR IN WORK DONE BY OTHERS, AFFECTING THIS WORK, NOTIFY THE DESIGNER AT ONCE FOR INSTRUCTION AS TO PROCEDURE, IF CONTRACTOR PROCEEDS WITH WORK AFFECTED WITHOUT INSTRUCTION FROM THE DESIGNER, THE CONTRACTOR SHALL MAKE GOOD ANY RESULTING DAMAGE OR DEFECT.
- ALL PATCHING, REPAIRING AND REPLACING OF MATERIALS AND SURFACES CUT OR DAMAGED IN EXECUTION OF WORK SHALL BE DONE WITH APPLICABLE MATERIALS SO THAT SURFACES REPLACED WILL, UPON COMPLETION MATCH FOR SURROUNDING SIMILAR SURFACES.
- THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE DESIGNER AND SHALL NOT BE USED ON ANY WORK EXCEPT BY AGREEMENT OF THE DESIGNER.
- CONSTRUCTION LIABILITY: CONSTRUCTION CONTRACTOR AND HIS SUBCONTRACTORS AGREE THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR AND HIS SUBCONTRACTORS WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR AND HIS SUBCONTRACTORS FURTHER AGREE TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

SCOPE OF WORKS

- CONTRACTOR SHALL RESPONSIBLE DEBRIS REMOVAL DURING DEMOLITION AND CONSTRUCTION. CLEAN THE SUITE THROUGHOUT OF THE AREAS OF WORK AFTER CONSTRUCTION COMPLETED.
- ALL WORK INSTALLATION SHOULD BE FOLLOW BY PRODUCT MANUFACTURE SUGGESTED RECOMMENDED METHODS OR BETTER.
- GENERAL CONTRACTOR REQUIRES FIELD VERIFY ALL (E) CONDITION RELATED CONDITION PRIOR TO COMMENCING WITH THE WORK.
- THE CONTRACTOR SHALL PROVIDE BAKING PLATES OR BLOCK FOR ALL CASEWORK, COUNTERTOPS, FIXTURES, AND SPECIAL EQUIPMENT U.N.O.
- GENERAL CONTRACTOR PROVIDE R-19 INSULATION IN WALL, AND R30 AT ATTIC SPACE IF REQUIRES.
- ALL PARTITIONS TO BE LOCATED ON CENTER LINE OF COLUMNS OR ALIGNED WITH COLUMNS, U.O.N.
- ALL DIMENSIONS SHOWN ARE TO FACE OF FINISH, U.O.N.
- ALL WORK SHALL BE IN COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- ALL NEW ELECTRICAL ITEMS TO BE U.L. RATED.
- ALL NEW ELECTRICAL EQUIPMENT AND APPLIANCES TO BE INSTALLED ACCORDING TO MANUFACTURERS' RECOMMENDATIONS.
- LIGHTING IN CLOSETS SHALL COMPLY WITH C.E.C.
- OUTLETS IN BATHROOMS SHALL BE ONE 20 AMPERE CIRCUIT AND PROTECTED BY AN GROUND FAULT CIRCUIT INTERRUPTER.
- ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE PHASE, 15- AND 20-AMPERE OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, BEDROOMS, CLOSETS, HALLWAYS, KITCHEN, LAUNDRY OR SIMILAR AREA SHALL BE ARC-FAULT CIRCUIT INTERRUPTER(AFCI) PROTECTED PER CEC220.12(B)
- ALL (N) GENERAL OUTLET SHALL BE LISTED TAMPER RESISTANCE RECEPTACLES PER CEC 406.11
- LIGHTING IN BATHROOM MUST BE HIGH EFFICACY OR MUST BE CONTROLLED BY A VACANCY SENSOR SWITCH OR SEPARATE MANUAL SWITCH FOR ONE HIGH EFFICACY LIGHT AND A VACANCY SENSOR SWITCH FOR LOW EFFICACY LIGHTING.
- ALL LIGHTING MUST BE HIGH EFFICACY OR ON A VACANCY SENSOR SWITCH OR DIMMER IN HALLWAY, HOME OFFICE, BEDROOMS PER CEC 150(K)(1).
- ALL SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY SOURCE OF POWER FROM BUILDING WIRING WITH BATTERY BACK-UP.
- MAX. 2.0GPM FOR SHOWER HEADS PER DCMC 15.66
- MAX. 1.5 GPM FOR LAVATORY FAUCETS PER DCMC 15.66
- MAX. 1.28 GPF FOR NEW TOILET PER DCMC 15.66
- (N) WASHER SHALL HAVE A WATER FACTOR EQUAL TO RO LESS THAN 6.0 PER DCMC 15.66
- MAX. 1.8 GPM FOR KITCHEN FAUCETS, FAUCET MAY TEMPORARILY DISCHARGE 2.2 GPM USING PUSH BUTTON-REVERT BACK TO 1.8 GPM AFTER SHUT-OFF.
- PLASTIC PLUMBING PIPE SHALL NOT BE USED FOR DOMESTIC WATER SUPPLY AND /OR SANITARY WASTE SYSTEM PER (PACIFICA MUNICIPAL CODE).
- PROVIDE A MECHANICAL VENTILATOR CAPABLE OF 5 AIR CHANGE PER BATHROOM
- WATER CLOSET SHALL HAVE 1.28 GPF
- PROVIDE MIN. 50% OF FLUORESCENT LIGHT FIXTURE IN KITCHEN

LEGEND

--- DEMOLITION OF WALL, DOORS, WINDOW, AS INDICATED.
(E) STRUCTURE, WALL AND DOOR TO REMAIN.

PROVIDE INT. WALL W/ SOUND BATT INSUL. AT EXT. WALL W/ R-13 INSULATION, 1/2" GYPSUM BOARD AT INTERIOR SIDE. PROVIDE WATER RESISTANCE GYP NEAR WATER AREA.
2" SOLID WOOD FRAMING W/ 1-LAYER OF 1/2" GYP. ON EACH SIDE ON WALL. PROVIDE WATER RESISTANCE GYP AT NET SIDE.
(N) ARC FAULT CIRCUIT INTERRUPTER OUTLETS PER CEC. PROVIDE GFCI AT NET AREA.
(N) ARC FAULT CIRCUIT INTERRUPTER OUTLETS PER CEC. PROVIDE GFCI SWITCH OR DIMMER IN HALLWAY, HOME OFFICE, BEDROOMS PER CEC 150(K)(1).

(N) PHONE AND DATA OUTLET. CONSULT WITH OWNER ON SPECIFICATION.
HARD WIRED W/ BATTERY BACK-UP SMOKE MONOXIDE ALARM.
HARD WIRED W/ BATTERY BACK-UP SMOKE MONOXIDE ALARM.
ELECTRICAL JUNCTION BOX RECESSED IN WALL.
(N) CEILING MOUNTED EXHAUST FAN, SPEC. T.B.D. BY OWNER.
SURFACE MOUNTED HIGH EFFICACY LIGHT FIXTURE, SPEC. T.B.D. BY OWNER.
WALL MOUNTED HIGH EFFICACY LIGHT FIXTURE. PROVIDE WEATHER RESISTANCE TYPES FOR OUTDOOR INSTALLATION.
RECESSED LED LIGHT FIXTURE, NUMBER DENOTE THE SIZE OF LIGHT. SPEC. T.B.D. BY OWNER.
WIRE CONNECTIONS
LIGHT SWITCH, 0-DIMMER, S-SENSOR, WS-MOTION SENSOR, NUMBER DENOTE 3 OR 4 WAYS
GAS LINE
WATER LINE
MEAN EXISTING
EXISTING DOOR TO REMAIN

NEW DOOR

NOTES:

- BD SQUARE HAS PREPARED THESE DOCUMENTS ONLY FOR THE IMPROVEMENTS & CONSTRUCTION NOTED, INDICATED OR SHOWN AS 'NEW WORK', & ASSUMES NO LIABILITY FOR ALL OTHER CONSTRUCTION, MATERIALS OR EQUIPMENT NOTED, INDICATED OR SHOWN AS EXISTING OR AS PROVIDED BY BD SQUARE HAS NEVER CHECKED OR VERIFIED THE STRUCTURAL INTEGRITY, QUALITY OF CONSTRUCTION, ACCESSIBILITY TO, EGRESS FROM OR DESIGN OF THE EXISTING CONSTRUCTION OR ANY OTHER WORK NOT INCLUDED AS PART OF THE IMPROVEMENTS SPECIFIED, DETAILED OR SHOWN ON THESE DOCUMENTS.
- REPRESENTATION OF EXISTING CONDITION ARE MADE W/THE BEST KNOWLEDGE AVAILABLE & ARE TO BE FIELD VERIFIED BY THE CONTRACTOR WHEN IN QUESTION.
- THIS PROJECT WILL BE CONDUCT AS DESIGN BUILD BY GENERAL CONTRACTOR. ALL GENERAL DETAILS INCLUDE WATER PROOFING AREA DESIGN AND PROVIDE BY GENERAL CONTRACTOR OR BY THE OWNER OF THE PROJECT AS A GENERAL CONTRACTOR.

TITLE 24 NOTES

- ALL 15 AND 20 AMPERE RECEPTACLES SHALL BE TAMPER RESISTANT.
- PROVIDE MAX. 1.28 GPF WATER CLOSET. SPEC. T.B.D. BY OWNER.
- PROVIDE SHOWER HEADS MAX. 2 GPM @ 80 PSI. SPEC. T.B.D. BY OWNER.
- PROVIDE MAX. 1.5 GPM @ 60 PSI; MIN. .8 GPM @ 20 PSI ON LAVATORY FAUCETS.
- PROVIDE MAX. 1.8 GPM @ 60 PSI KITCHEN FAUCET.
- ONE (N) OPERABLE WINDOWS MUST BE INSTALL NOT MORE THAN 44" ABOVE FINISH FLOOR AND MUST HAVE MIN. OF NET CLEAR OPENING 5.7 SQUARE FEET. HAVE 20" MIN. NET CLEAR WIDTH AND 24" MIN. NET CLEAR HEIGHT PER CRC R310
- GENERAL CONTRACTOR PROVIDE R-19 INSULATION IN WALL, AND R30 AT ATTIC SPACE.
- PROVIDE (N) GFCI OUTLETS WHERE LOCATED WITHIN 6 FEET OF NET AREA.
- PROVIDE WEATHER PROTECTION BOX AT GFCI OUTLET ON EXTERIOR WALL.
- ALL RECESSED LIGHT FIXTURES SHALL BE INSULATED CONTACT RATED AND AIR TIGHT.
- PROVIDE AT LEAST 50% OF A KITCHEN'S PERMANENT LIGHTING WATTAGE SHALL COME FROM HIGH EFFICACY LIGHT FIXTURE

LOCAL MAP

SUBJECT PROPERTY

CODE

CALIFORNIA BUILDING CODE 2016:
 A. CALIFORNIA BUILDING CODE VOLS 1 & 2
 B. CALIFORNIA RESIDENTIAL CODE
 C. CALIFORNIA PLUMBING CODE
 D. CALIFORNIA MECHANICAL CODE
 E. CALIFORNIA ELECTRICAL CODE
 F. CALIFORNIA ENERGY CODE
 G. CALIFORNIA GREEN BUILDING CODE
 H. CALIFORNIA FIRE CODE
 I. CITY OF MENLO PARK MUNICIPAL CODE

PROJECT DATA

PLANNING INFO:
 JURISDICTION: CITY OF MENLO PARK
 ZONING: R-3
 PARCEL NO.: 062 071 190
 LOT SIZE: ±5,466 S.F. (PER CIVIL PLAN, SEE AS1.00)

BLDG. HEIGHT: 14'
MAX. BLDG. HEIGHT: 35'
YEAR BUILT: 1926
LOT COVERAGE: 30% OF 5,466 S.F. = 1,639.8 S.F. (ALLOWED)
EXISTING LOT COVERAGE: EXISTING STRUCTURE 1,333 S.F. < 1,639.8 S.F. = 0.K.
PROPOSED LOT COVERAGE: PROPOSE STRUCTURE 1,333 S.F. + (N) ADDITION 83 S.F. + CARPORT 218 S.F. = 1,634 S.F. < 1,639.8 S.F. = 0.K., 4.8 S.F. LOWER
PROPOSED LOT COVERAGE INCREASED 83 S.F.
FLOOR AREA RATIO: 45% OF 5,466 S.F. = 2,459.7 S.F. ALLOWED
EXISTING FLOOR AREA: FIRST FLOOR 1,333 S.F.(INCLUDED PORCH) < 2,459.7 S.F.
PROPOSED FLOOR AREA: (E) FIRST FLOOR 1,317 S.F.(REMOVED PORCH) + (N) ADDITION 83 S.F. = 1,400 S.F. < 2,459.7 S.F. 0.K.
SETBACK: FRONT - 20'
 SIDE - 10'
 REAR - 15'
MIN. LANDSCAPE AREA: 50% OF 5,691 S.F. LOT AREA = 2,845.5 S.F.
 (E) LANDSCAPE AREA 2,891 S.F. > 2,845.5 S.F. = 0.K.

PARKING: (N) 2 CARS PARKING, 1 PARKING COVERED CARPORT 10'x20', 1 UNCOVER PARKING

BUILDING INFO	EXISTING	PROPOSED	ALLOWABLE	CHANGED
CONSTRUCTION TYPE	V-B	V-B	V-B	
OCCUPANCY TYPE	R3	R3	R3	
BUILDING HEIGHT	±14'	NO CHANGE	35'	
FIRE SPRINKLER	NON-SPRK.	YES	N/A	

DATE: 07/31/2017
JOB #: 2017-16
DRW BY: -
SCALE: -
 Sheet

(N) PATIO ABOVE GRADE APPLIED ON LOT COVERAGE., NOT APPLIED ON FLOOR AREA.

Per Record

Date	Description
10.17.2017	PRELIMINARY PLANNING REVIEW
11.20.2017	PLANNING SUBMITTAL REVIEW
02.22.2018	PLANNING RESUBMITTAL USE PERMIT
04.30.2018	USE PERMIT REVIEW RESUBMIT
05.21.2018	USE PERMIT REVIEW RESUBMIT

Revision Record

Date	Description
02.22.2018	PLAN CHECK COMMENT 1 USE PERMIT
04.30.2018	PLAN UPDATES
05.09.2018	PLANNING UPDATES
05.21.2018	INTERIOR LAYOUT UPDATE



Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
(BAYSHORE FWY)
MENLO PARK,
CA 94025
(USE PERMIT REVIEW)

Plant:
COVER SHEET

A0.01



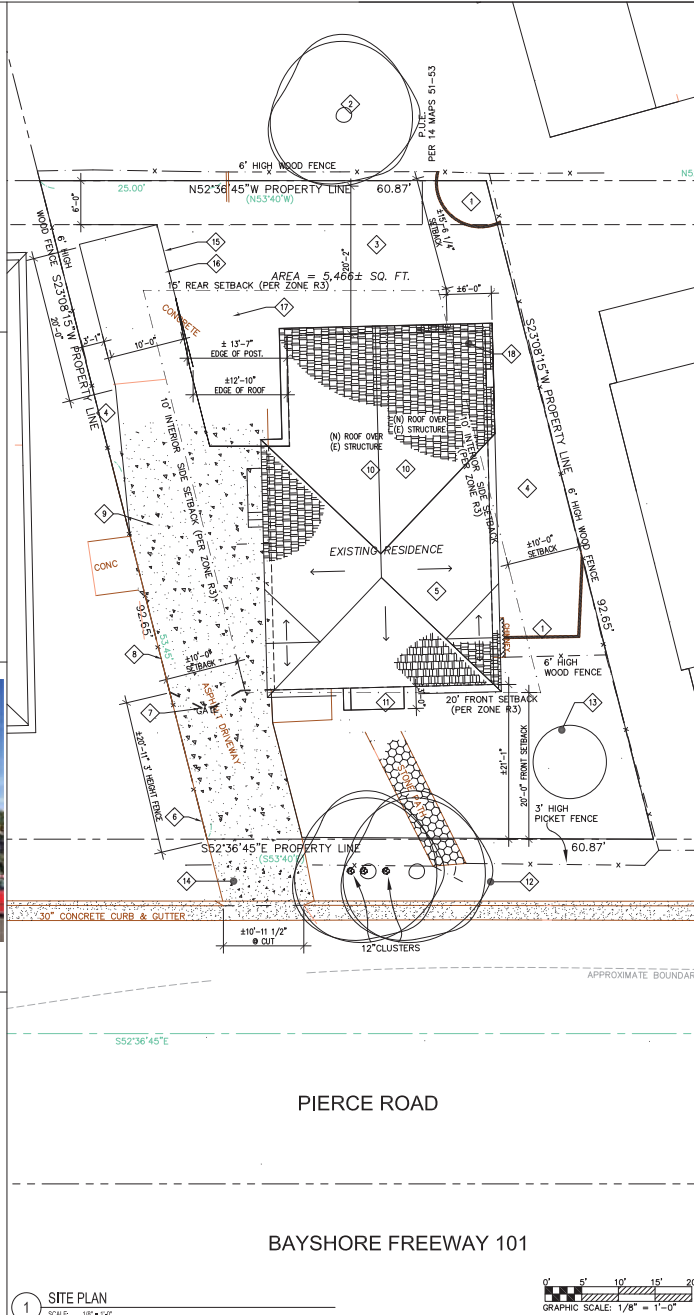
13 REFERENCE PHOTOS - SIDE YARD.
SCALE: N.T.S.



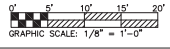
14 REFERENCE PHOTOS - REAR YARD
SCALE: N.T.S.



15 REFERENCE PHOTOS - FRONTYARD
SCALE: N.T.S.



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



- KEYNOTES:**
- 1 (E) PLANTER TO REMAIN
 - 2 (E) HERITAGE TREE TO PROTECT DURING CONSTRUCTION. G.C. PROVIDE BARRIER BELOW THE DRIP LINE OF THE TREE. NO MATERIALS TO BE PLACED OR STORED W/IN THE DRIP LINE AREA.
 - 3 (E) REAR YARD TO REMAIN, REFER TO 13/-
 - 4 (E) SIDE YARD TO REMAIN, REFER TO 14/-
 - 5 (E) ROOF TO REMAIN
 - 6 (E) WOODEN FENCE 3 FEET IN HEIGHT, REFER TO 15/-
 - 7 (E) WOODEN GATE 6' IN HEIGHT, REFER TO 15/-
 - 8 (E) WOODEN FENCE 6' IN HEIGHT.
 - 9 (E) CONC. PAVED AREA TO REMAIN.
 - 10 PROPOSED (N) ROOF AREA, REFER TO A2.20 FOR INFO.
 - 11 PATCH (E) PORCH AREA WITH NEW STEPS.
 - 12 (E) CLUSTER OF TREE AT FROM TO REMAIN.
 - 13 A (N) 10' DIA. OF SLIGHT DEPRESSION AREA FOR STORM WATER RETENTION FILLED WITH RIVER ROCKS HARDSCAPE, OVER LANDSCAPE FABRIC - DETAIL OF DEPRESSION AREA FOLLOW BY SPECIFICATION OF CITY OF MENLO PARK DETAIL 1.
 - 14 REPAIR CURB RAMP W/ REINFORCED CONC. PER CITY ENGINEERING STANDARD IN PUBLIC RIGHT OF WAY AREA. G.C. SHALL ACQUIRE PROPER PERMITS AND LICENSES PRIOR START.
 - 15 AREA OF COVERED CARPORT
 - 16 AREA OF CLEAR 10'X20' PARKING AREA
 - 17 AREA OF CLEAR 9'-6" X 16'-6" UNCOVER PARKING AREA
 - 18 AREA OF EXISTING STRUCTURE W/IN SIDE SETBACK TO REMAIN.

SITE ANALYSIS

LOT SIZE: ±5,466 S.F. (PER CIVIL PLAN, SEE A51.00)

PROPOSED BLDG. HEIGHT: 14'
MAX. BLDG. HEIGHT: 35'

LOT COVERAGE:
50% OF 5,466 S.F. = 1,639.8 S.F. (ALLOWED)

EXISTING LOT COVERAGE:
EXISTING STRUCTURE 1,333 S.F. < 1,639.8 S.F. = 0.K.

PROPOSED LOT COVERAGE:
PROPOSE STRUCTURE 1,333 S.F. + (N) ADDITION 82.9 S.F. + CARPORT 218 S.F. = 1,633.9 S.F. < 1,639.8 S.F. = 0.K., 5.9 S.F. LOWER

PROPOSED LOT COVERAGE INCREASED 309 S.F.

FLOOR AREA RATIO: 45% OF 5,466 S.F. = 2,459.7 S.F. ALLOWED

EXISTING FLOOR AREA:
FIRST FLOOR 1,333 S.F. < 2,459.7 0.K.

PROPOSED FLOOR AREA:
(E) FIRST FLOOR 1,333 S.F. + (N) ADDITION 82.9 S.F. = 1,415.9 S.F. < 2,459.7 0.K.

SETBACK: FRONT - 20'
SIDE - 10'
REAR - 15'

MIN. LANDSCAPE AREA:
50% OF 5,466 S.F. LOT AREA = 2,733 S.F.
(E) LANDSCAPE AREA 2,891 S.F.
PROPOSED LANDSCAPE AREA TOTAL ± 2,968 S.F. > 2,733 S.F. = 0.K.

HARDSCAPE AREAS:
ASPHALT: ± 1,027 S.F.
CONCRETE: ± 708 S.F.
STONE: ± 71 S.F.

PARKING: (N) 2 CARS PARKING, 1 PARKING COVERED CARPORT 10'X20', 1 UNCOVER PARKING 9'-6" X 16'-6"



Plot Record

Date	Description
10.17.2017	PRELIMINARY PLANNING REVIEW
11.20.2017	PLANNING SUBMITTAL REVIEW
02.22.2018	PLANNING RESUBMITTAL USE PERMIT
04.30.2018	USE PERMIT REVIEW RESUBMIT
05.21.2018	USE PERMIT REVIEW RESUBMIT

Revision Record

Date	Description
02.22.2018	PLAN CHECK COMMENT 1 USE PERMIT
04.30.2018	PLAN UPDATES
05.09.2018	PLANNING UPDATES
05.21.2018	INTERIOR LAYOUT UPDATE



Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
(BAYSHORE FWY)
MENLO PARK,
CA 94025
(USE PERMIT REVIEW)

Plans:
PROPOSED ARCHITECTURAL SITE PLAN

DATE:	07.31.2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

Sheet
AS2.10

NONCONFORMING STRUCTURE - NEW WORK VALUE CALCULATION

Address:	835 Pierce Road, Menlo Park CA 94025		
Case No.:			
50% of Existing Value	\$133,300.00		
75% of Existing Value	\$199,950.00		
Value of Proposed Project	\$266,009.70	77%	

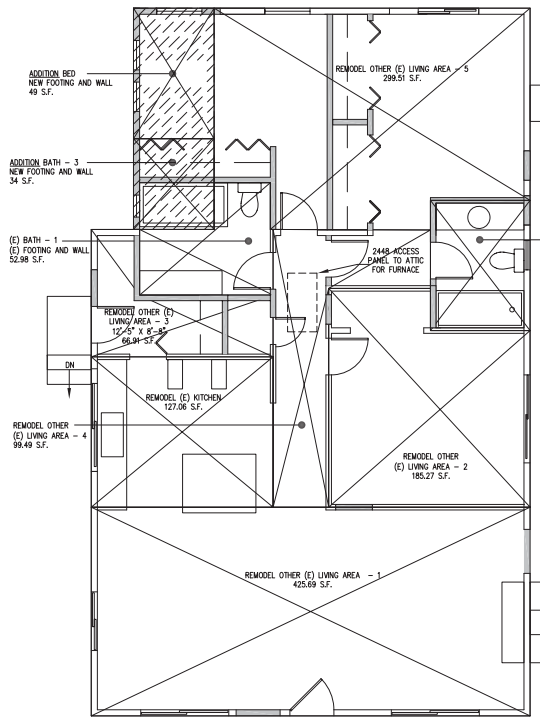
Existing Development

Non-Conforming Structure Type	Square Footage	Construction Cost	Existing Value
Existing 1st floor	1,333.00	K \$200/Sq Ft	\$266,600.00
Existing 2nd floor (NO WORK)	-	K \$200/Sq Ft	\$0.00
Existing Basement (NO WORK)	-	K \$200/Sq Ft	\$0.00
Existing Garage (NO WORK)	-	K \$70/Sq Ft	\$0.00
Total	1333		\$266,600.00

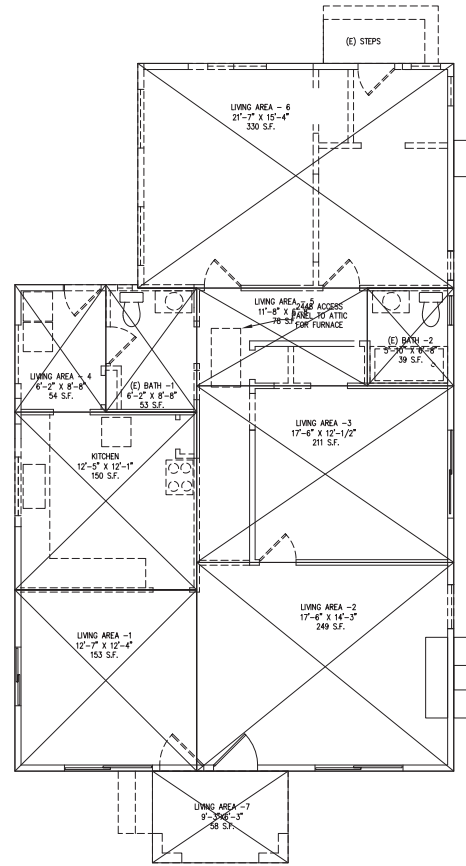
Note: This spreadsheet is only used on one nonconforming structure at a time. If there are detached structures on the same site, they are either subject to their own spreadsheet (if they are also nonconforming and subject to new work) or ignored (if not).

Proposed Development

Proposed Development Type	Square Footage	Construction Cost	Development Value
Category 1: New square footage (areas of new foundation and/or wall forms)			
1st Floor Addition	63	K \$200/Sq Ft	\$12,600.00
2nd Floor Addition (NO WORK)	-	K \$200/Sq Ft	\$0.00
Basement Floor Addition (NO WORK)	-	K \$200/Sq Ft	\$0.00
Garage Addition (NO WORK)	-	K \$70/Sq Ft	\$0.00
Category 2: Remodel of existing square footage (foundation and wall forms are both retained)			
Remodel of Kitchen	127.06	K \$130/Sq Ft	\$16,517.80
Remodel of Bathrooms (80,305 F. +52,985 F.)	113.26	K \$130/Sq Ft	\$14,726.40
Remodel of Other Living Areas	1076.89	K \$100/Sq Ft	\$107,689.00
Remodel of Garage	0	K \$35/Sq Ft	\$0.00
Category 3: Exterior modifications to existing structure			
Window and exterior door replacements are included in areas remodel area accounted for in Category 2. New roofs and re-siding on existing portions of the structure are not included in Category 2 or Category 1 and should be accounted for using the correct			
New Roof Structure Over Existing Sq. Ft.	465.00	K \$50/Sq Ft	\$23,250.00
Replacement of Existing Windows/Exterior Doors	36.20	K \$35/Sq Ft	\$1,267.00
Replacement of Existing Siding	568.00	K \$35/Sq Ft	\$19,880.00
Total	2091.32		\$266,009.70



2 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



1 EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

* SEE SHEET A0.06 FOR ELEVATION AREA REFER TO ATTACHED PACKAGE FOR VALUE CALCULATION.

* THE EXISTING NONCONFORMING WALLS AT THE RIGHT SIDE CANNOT BE DEMOLISHED PAST THE FRAMING MEMBERS. IF THE WALLS ARE DEMOLISHED AS PART OF THE PROJECT, THEY CANNOT BE REBUILT IN ITS CURRENT NONCONFORMING LOCATION, AND WILL BE REQUIRED TO MEET THE CURRENT ZONING ORDINANCE SETBACK REQUIREMENTS.



BD Square Architecture
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[Building | Design | Development | Architecture]
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TEL: 1.650.288.4708
EMAIL: bdsquarearchitecture@gmail.com

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Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
(BAYSHORE FWY)
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(USE PERMIT REVIEW)

Plans:
FLOOR AREA AND
NEW WORK VALUE
CALCULATIONS AND
DIAGRAMS.

DATE:	07.31.2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

Sheet
A0.05



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Design for Sustainable Living

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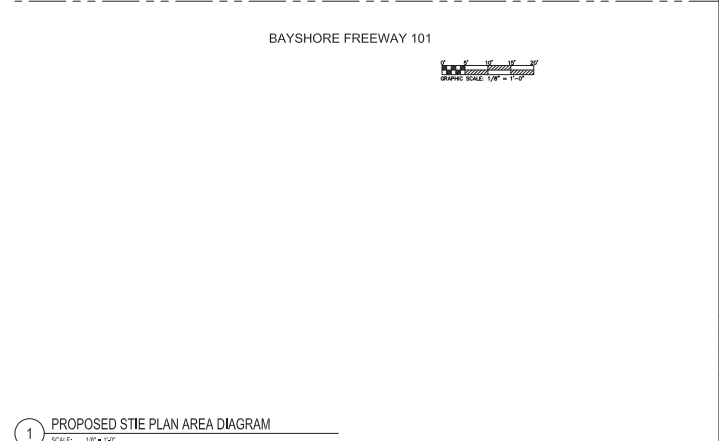
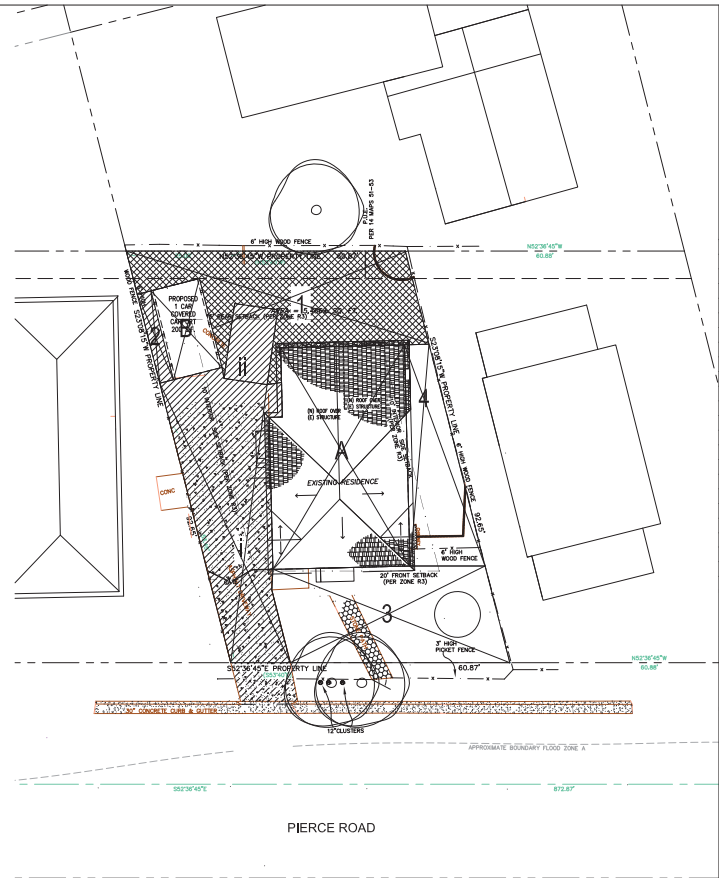


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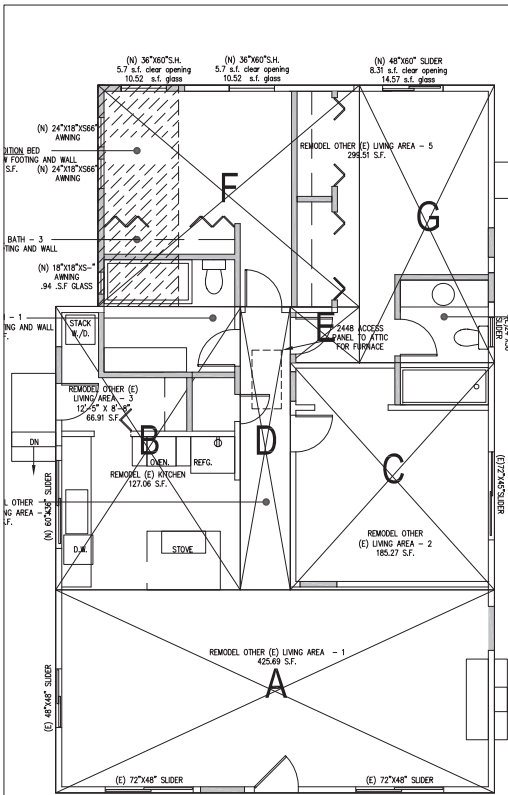
Plan:
AREA DIAGRAM

DATE: 07/31/2017
JOB #: 2017-16
DRW BY: -
SCALE: -

Sheet
A0.06



1 PROPOSED STIE PLAN AREA DIAGRAM
SCALE: 1/8" = 1'-0"

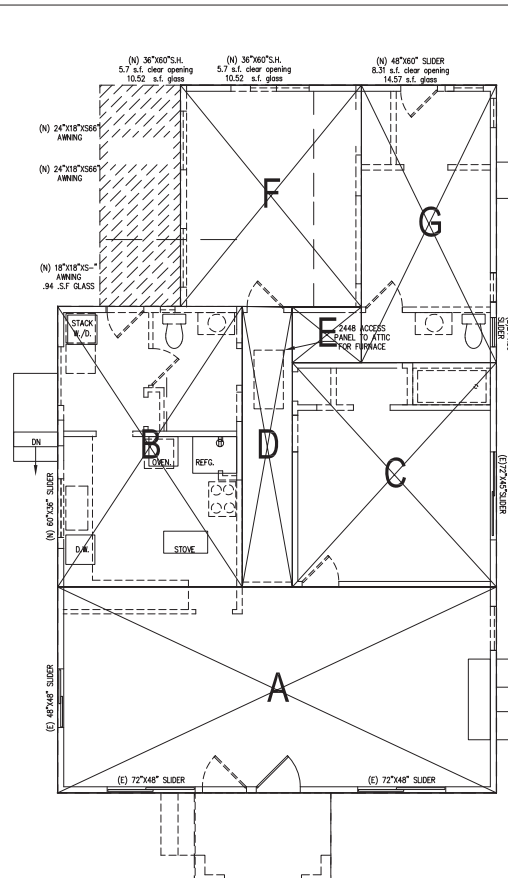


3 PROPOSED FLOOR AREA DIAGRAM
SCALE: 1/8" = 1'-0"

ROOM	DIMENSION	SQUARE FOOTAGE
A	29'11" X 13'10"	420.07
B	12'7" X 19'4"	240.65
C	13'11" X 15'3-1/2"	212.81
D	3'5" X 19'3"	65.20
E	4'8-1/2" X 3'9-1/2"	17.85
F	12'4" X 15'1"	186.34
G	9'2-1/2" X 18'11"	174.23
		1317.15

ROOM	DIMENSION	SQUARE FOOTAGE
A	29'11" X 14'1/2"	414.15
B	12'7" X 19'1-1/2"	242.98
C	13'11" X 15'6"	215.55
D	3'5" X 19'3-1/2"	65.92
E	4'8-1/2" X 3'9-1/2"	17.88
F	17'10" X 15'3"	269.25
G	9'2-1/2" X 18'11"	174.23
		1400.00
Area increased	1400.00 s.f. - 1317.15 s.f.	82.85

Dimension of each area is approximate measurement



2 EXISTING FLOOR AREA DIAGRAM
SCALE: 1/8" = 1'-0"

AREA	DIMENSION	SQUARE FOOTAGE
1	REAR YARD	1020.20
2	SIDE YARD	61.81
3	FRONT YARD	994.42
4	SIDE YARD	524.84
		2601.27
A	MAIN STRUCTURE	1400.00
B	CARPORT	218.00
		1618.00
1	ASPHALT DRIVEWAY (Included Open Parking @ 156.75 s.f.)	1246.73
		5466.00

Dimension of each area is approximate measurement



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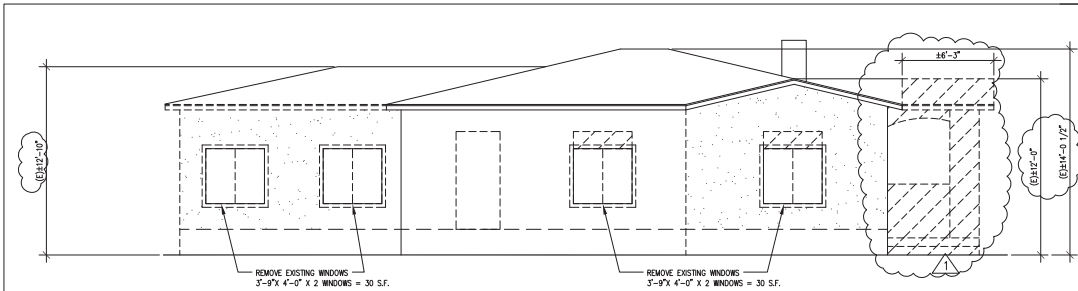


Project:
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CA 94025
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Plans:
**NONCONFORMING
NEW WORK VALUE
CALCULATIONS
ELEVATIONS**

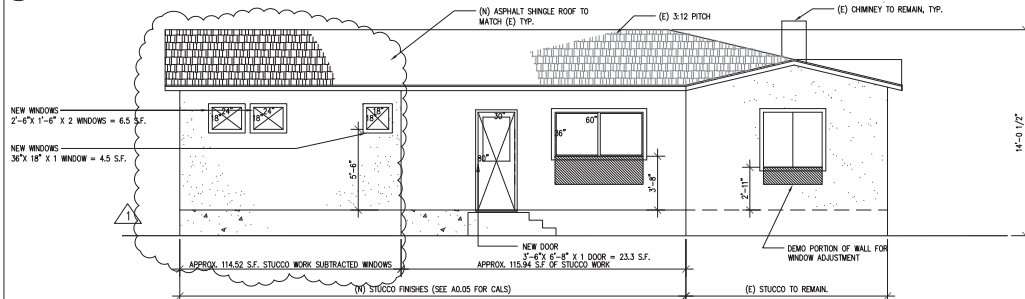
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JOB #:	2017-16
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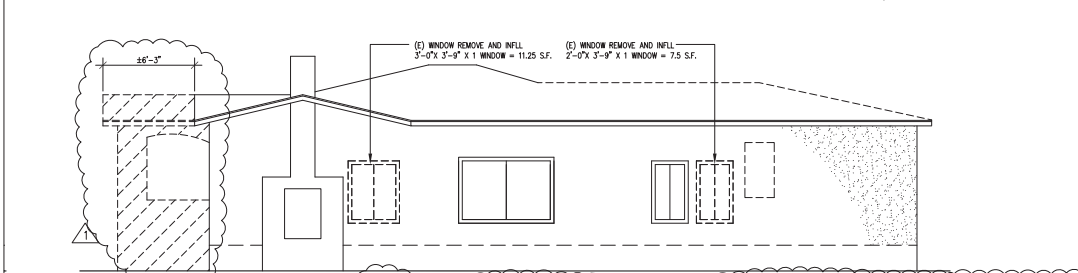
5 EXISTING/DEMO NORTH ELEVATION

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



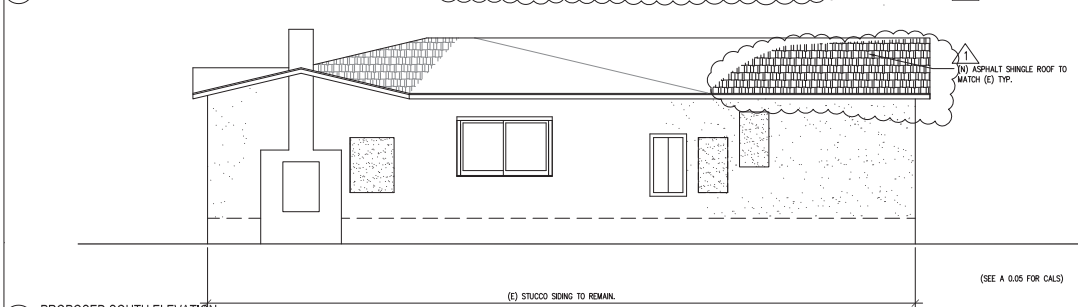
6 PROPOSED NORTH ELEVATION

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



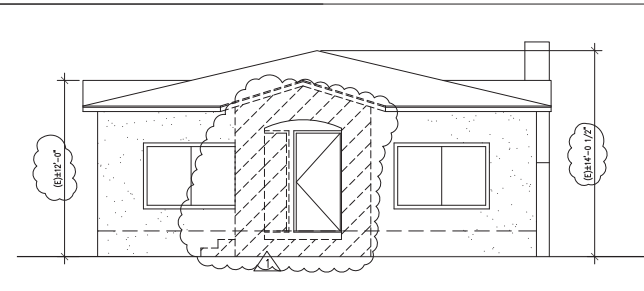
7 EXISTING/DEMO SOUTH ELEVATION

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



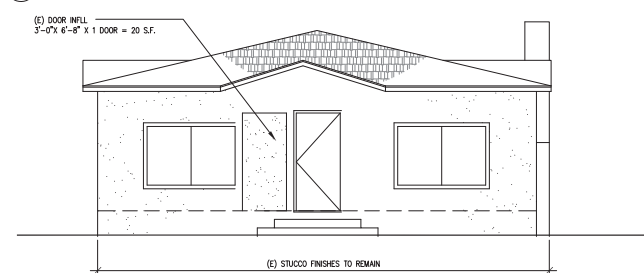
8 PROPOSED SOUTH ELEVATION

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



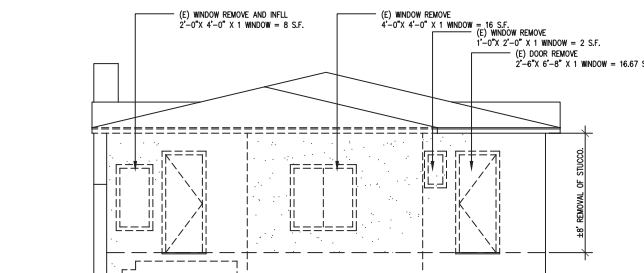
1 EXISTING/DEMO WEST ELEVATION

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



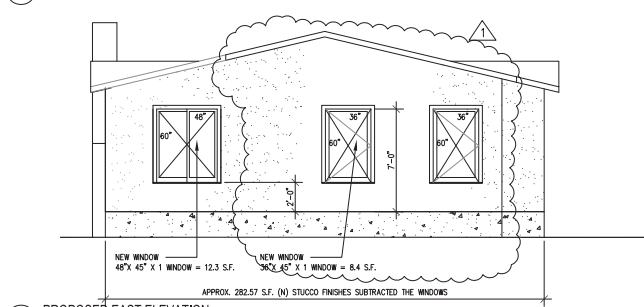
2 PROPOSED WEST ELEVATION

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



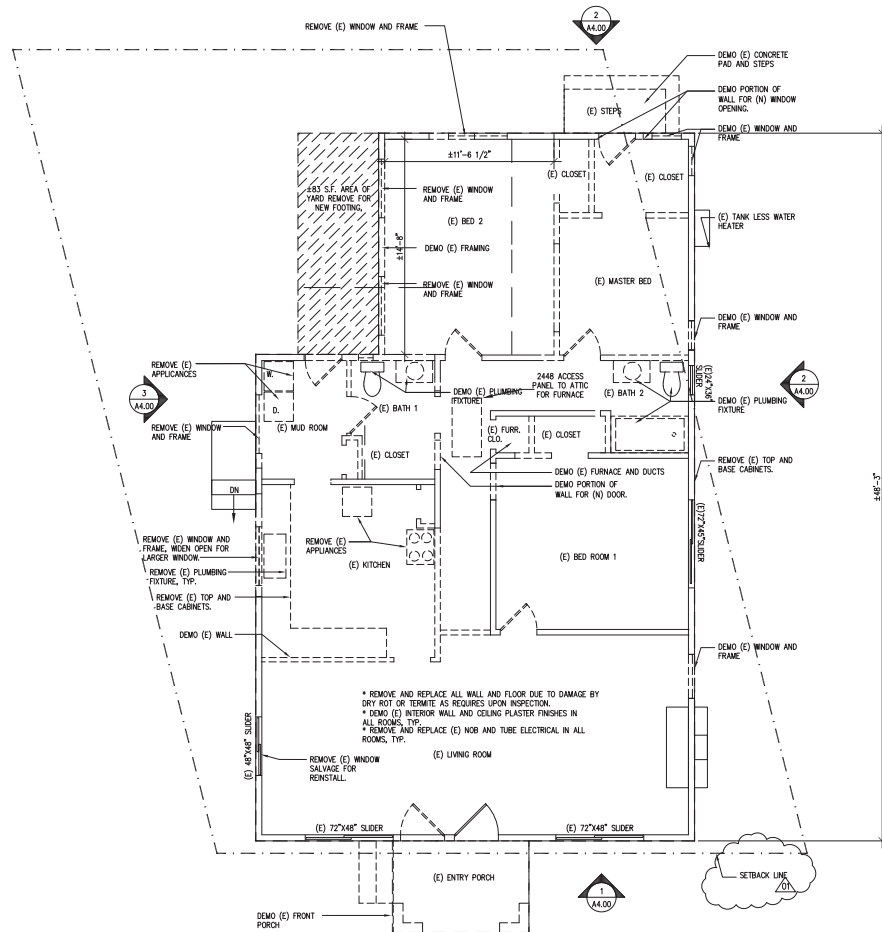
3 EXISTING/DEMO EAST ELEVATION

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



4 PROPOSED EAST ELEVATION

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



1 EXISTING / DEMO FLOOR PLAN
SCALE: 1/4" = 1'-0"

General Notes:

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Keynotes:



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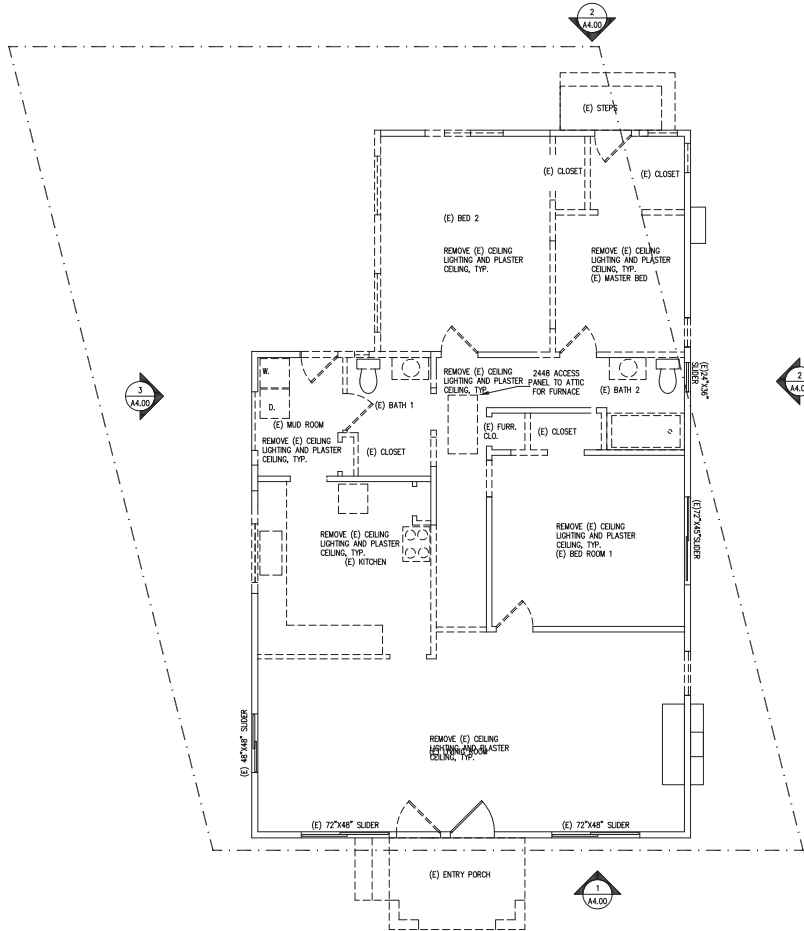


Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
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MENLO PARK,
CA 94025
(USE PERMIT REVIEW)

Plant:
**DEMOLITION /
EXISTING FLOOR
PLANS**

DATE:	07.31.2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

Sheet
A1.00



1 EXISTING / DEMO RCP PLAN
SCALE: 1/8" = 1'-0"

20 SCALE: N.T.S.

16 SCALE: N.T.S.

12 SCALE: N.T.S.

8 SCALE: N.T.S.

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Keynotes:

- 1 FLOORING TO REMAIN, REFINISH PER OWNER SPEC. UNLESS OTHER WISE NOTICE BY OWNER.
- 2 TUB, SPEC. BY OWNER, INSTALL BY G.C.
- 3 TOILET, FIXTURE MUST MEET TITLE 24 GFCI REQUIREMENT.
- 4 LAVATORY SINK AND FAUCET SPEC. BY OWNER, INSTALL BY G.C., FIXTURE MUST MEET TITLE 24 GPM REQUIREMENT.

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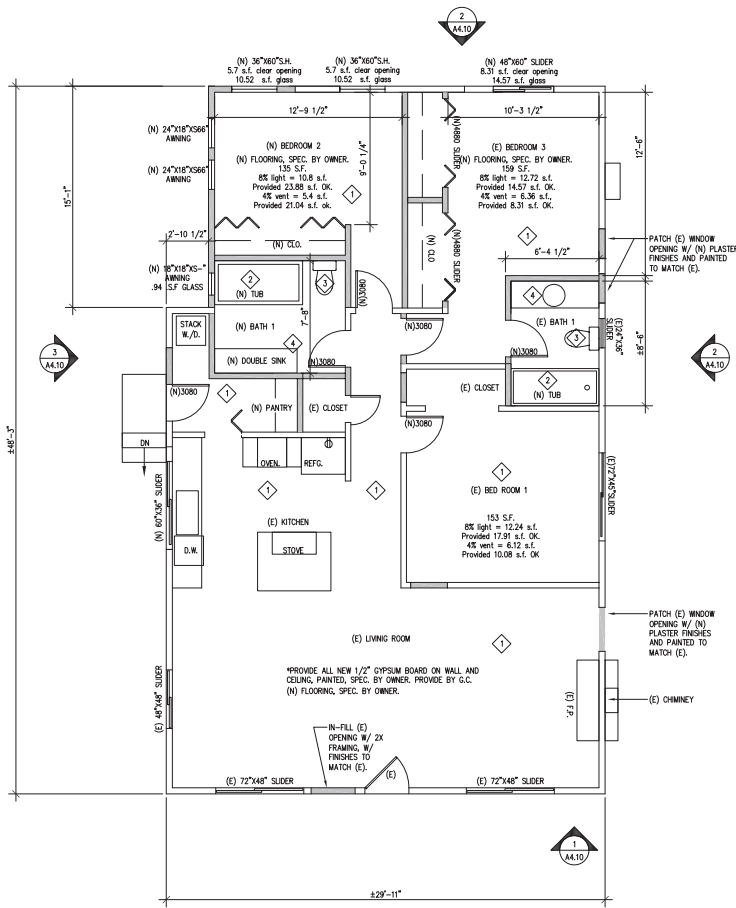
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Plans:
**DEMOLITION /
EXISTING RCP PLAN**

DATE:	07.31.2017
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DRW BY:	-
SCALE:	-

Sheet
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1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

20 SCALE: N.T.S.

16 SCALE: N.T.S.

12 SCALE: N.T.S.

8 SCALE: N.T.S.

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Keynotes:

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- 2 (N) TUB, SPEC. BY OWNER, INSTALL BY G.C.
- 3 (N) TOILET, FIXTURE MUST MEET TITLE 24 GFF REQUIREMENT.
- 4 (N) LAVATORY SINK AND FAUCET SPEC. BY OWNER, INSTALL BY G.C., FIXTURE MUST MEET TITLE 24 GPM REQUIREMENT.

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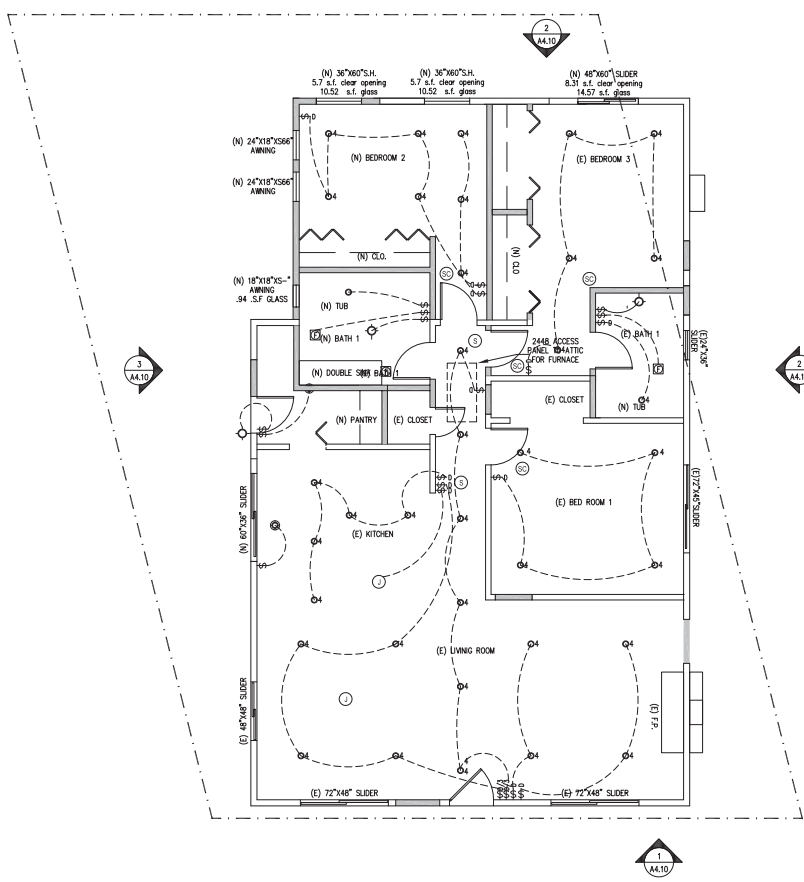
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PROPOSED FLOOR PLANS

DATE:	07.31.2017
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DRW BY:	-
SCALE:	-

Sheet
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\\W0MVC001\Projects_Current\2017-16-6357 Pierce Road_Menlo Park_Violation\08 Drawings\BASE - PLANNING PRELIMINARY REVIEW.dwg: 5/23/2018 12:44:03 AM



1 REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

20 SCALE: N.T.S.

16 SCALE: N.T.S.

12 SCALE: N.T.S.

8 SCALE: N.T.S.

General Notes:

- A. DIMENSION OF THE EXISTING BUILDING ARE APPROXIMATE MEASURED AT SITE.
- B. ALL ON-SITE IMPROVEMENT REQUIRES FIELD VERIFY BY GENERAL CONTRACTOR PRIOR ANY NEW INSTALLATION.
- C. GENERAL CONTRACTOR REQUIRES TO INSPECT AND EVALUATE ON EXISTING CONDITION AND PROVIDE SHORING ON EXISTING STRUCTURE PRIOR DEMOLITION TO BEGIN.
- D. DIMENSION OF THE EXISTING BUILDING ARE APPROXIMATE MEASURED AT SITE.
- E. ALL EXISTING FINISHES TO REMAIN U.O.N. BY OWNER OR ARCHITECT.
- F. ALL EXISTING ELECTRICAL FIXTURES TO REMAIN U.O.N. BY OWNER OR ARCHITECT.
- G. ALL EXISTING PLUMBING FIXTURE TO REMAIN U.O.N. BY OWNER OR ARCHITECT.
- H. ALL EXISTING WINDOWS AND DOORS TO REMAIN, U.O.N BY OWNER OR ARCHITECT.
- I. PREP ALL DEMO AREA FOR NEW WORKS.
- J. REMOVE & CAP ALL UTILITIES TO IT SOURCE IN THESE SCOPE.
- K. PROVIDE GFCI OUTLET NEAR WATER, CLOSER TO 6'
- L. TEMP. SEAL ALL SUPPLY & RETURN GRILLE DURING CONSTRUCTION.
- M. PROVIDE SHORING TO EXISTING STRUCTURE TO REMAIN PRIOR DEMOLITION. REF. TO ENGINEERING DRAWING FOR INFO.
- N. CAP, TERMINATE AND REMOVE ALL EXISTING PLUMBING AND ELECTRICAL IN AREA SCHEDULED TO DEMO.
- O. THE EXISTING NONCONFORMING WALLS AT THE RIGHT SIDE CANNOT BE DEMOLISHED PAST THE FRAMING MEMBERS. IF THE WALLS ARE DEMOLISHED AS PART OF THE PROJECT, THEY CANNOT BE REBUILT IN ITS CURRENT NONCONFORMING LOCATION, AND WILL BE REQUIRED TO MEET THE CURRENT ZONING ORDINANCE SETBACK REQUIREMENTS.

Keynotes:

- 1 FLOORING TO REMAIN, REFINISH PER OWNER SPEC. UNLESS OTHER WISE NOTICE BY OWNER.
- 2 (N) TUB, SPEC. BY OWNER, INSTALL BY G.C.
- 3 (N) TOILET, FIXTURE MUST MEET TITLE 24 GFF REQUIREMENT.
- 4 (N) LAVATORY SINK AND FAUCET SPEC. BY OWNER, INSTALL BY G.C., FIXTURE MUST MEET TITLE 24 GPM REQUIREMENT.



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EMAIL: bdsquarearchitecture@gmail.com

Date	Description
10.17.2017	PRELIMINARY PLANNING REVIEW
11.20.2017	PLANNING SUBMITTAL REVIEW
02.22.2018	PLANNING RESUBMITTAL USE PERMIT
04.30.2018	USE PERMIT REVIEW RESUBMIT
05.21.2018	USE PERMIT REVIEW RESUBMIT

Date	Description
02.22.2018	PLAN CHECK COMMENT 1 USE PERMIT
04.30.2018	PLAN UPDATES
05.09.2018	PLANNING UPDATES
05.21.2018	INTERIOR LAYOUT UPDATE



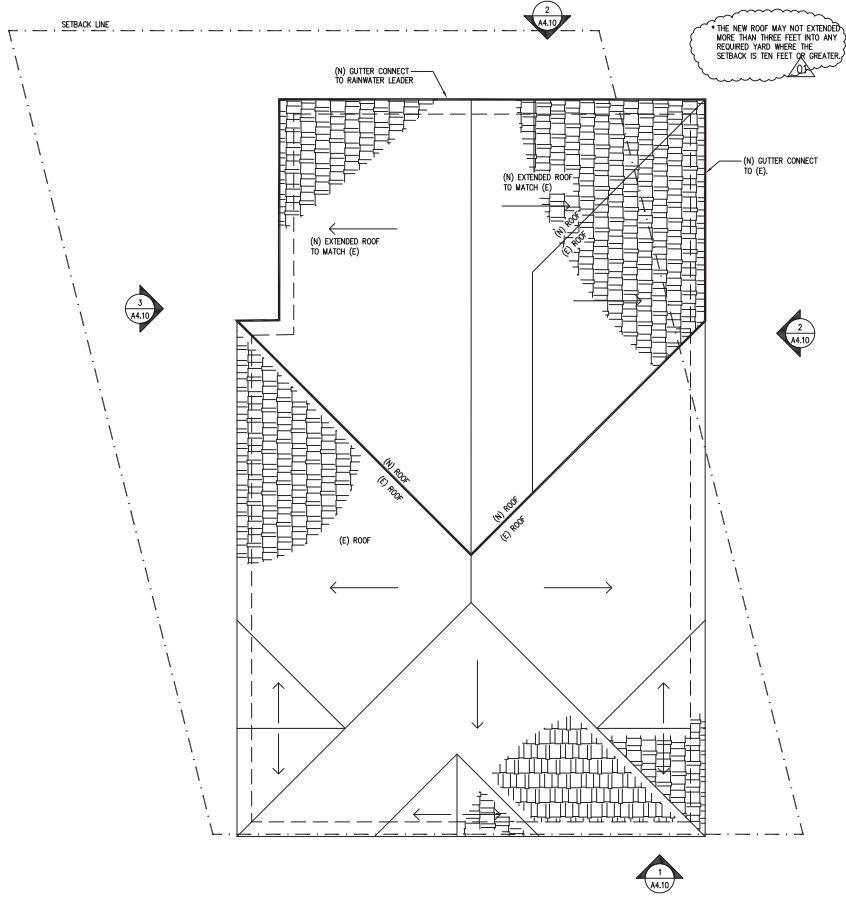
Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
(BAYSHORE FWY)
MENLO PARK,
CA 94025
(USE PERMIT REVIEW)

Plant:
**PROPOSED RCP
PLAN**

DATE:	07.31.2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

Sheet
A2.10

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

GENERAL NOTES:

- NO PLASTIC PLUMBING PIPE ALLOWED FOR DOMESTIC WATER SUPPLY AND SANITARY WASTE SYSTEM.
- ALL (N) WINDOWS IN BEDROOMS FOR EMERGENCY ESCAPE AND RESCUE SHALL HAVE A FINISHED SILL HEIGHT 44" MAX. A.F.F., 20" MIN. BY 24" CLEAR OPENING AND OPENING AREA OF 5.7 S.F.
- ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE PHASE, 15- AND 20 AMPERE OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOM, DINING ROOM, LIVING ROOM, BEDROOM, CLOSETS, HALLWAYS OR SIMILAR ROOM OR AREAS SHALL BE ARC-FAULT CIRCUIT INTERRUPTER (AFCI), COMBINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF BRANCH CIRCUIT.
- IN ALL HABITABLE AREAS, HALLWAYS, KITCHEN, BATHROOMS, GARAGE AND AREA OUTSIDE OF THE RESIDENCE, ALL 120 VOLT, 15 AND 20AMP RECEPTACLES SHALL BE LISTED TAMPER RESISTANT RECEPTACLES.
- G.C. PROVIDES SOLID BLOCKING ON WALL ACCORDING TO THE NEED OF ALL WALL MOUNTED ITEMS.
- OWNER PROVIDES AND SPECIFY PLUMBING FIXTURES, CABINETS, LIGHTING, RESTROOM ACCESSORIES, TILES. G.C. INSTALL U.O.N. G.C. COORDINATE WITH OWNER ON FINAL APPROACH.
- INSULATE ALL PLUMBING SUPPLY PIPES IN WALL, CEILING OR EXPOSED.
- ALL HARDWARE, EQUIPMENT MUST INSTALLATION MUST FOLLOW MANUFACTURER INSTRUCTION, REQUIREMENTS.
- ALL (E) WALL PATCH AND REPAIR, FINISHES TO MATCH (E) U.A.O.
- ALL NEW PAINTS REQUIRES LOW/NO VOC.
- ALL SEALANT AND CAULKING REQUIRES LOW VOC.

KEYNOTES: NOT ALL KEYNOTES USE ON THIS PAGE.

- 1
- 2



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EMAIL: bdsquarearchitecture@gmail.com

Not Record	
Date	Description
10.17.2017	PRELIMINARY PLANNING REVIEW
11.20.2017	PLANNING SUBMITTAL REVIEW
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04.30.2018	USE PERMIT REVIEW RESUBMIT
05.21.2018	USE PERMIT REVIEW RESUBMIT

Revision Record	
Date	Description
02.22.2018	PLAN CHECK COMMENT 1 USE PERMIT
04.30.2018	PLAN UPDATES
05.09.2018	PLANNING UPDATES
05.21.2018	INTERIOR LAYOUT UPDATE



Project:
ROSE'S RESIDENCE
635 PIERCE ROAD
(BAYSHORE FWY)
MENLO PARK,
CA 94025
(USE PERMIT REVIEW)

Plan:
PROPOSED ROOF PLAN

DATE:	07/31/2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

Sheet
A2.20

20 SCALE: N.T.S.

16 SCALE: N.T.S.

12 SCALE: N.T.S.

8 SCALE: N.T.S.



BD Square Architecture

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| Building | Design | Development | Architecture |

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Rev	Date	Description
01	10.17.2017	PRELIMINARY PLANNING REVIEW
02	11.20.2017	PLANNING SUBMITTAL REVIEW
03	02.22.2018	PLANNING RESUBMITTAL USE PERMIT
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02.22.2018	PLAN CHECK COMMENT 1 USE PERMIT
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05.09.2018	PLANNING UPDATES
05.21.2018	INTERIOR LAYOUT UPDATE

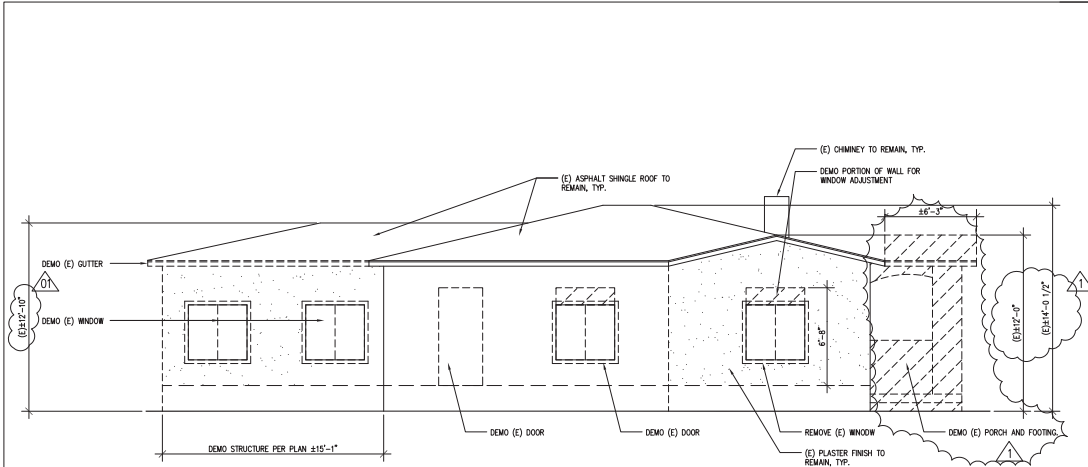


Project:
ROSE'S RESIDENCE
 635 PIERCE ROAD
 (BAYSHORE FWY)
 MENLO PARK,
 CA 94025
 (USE PERMIT REVIEW)

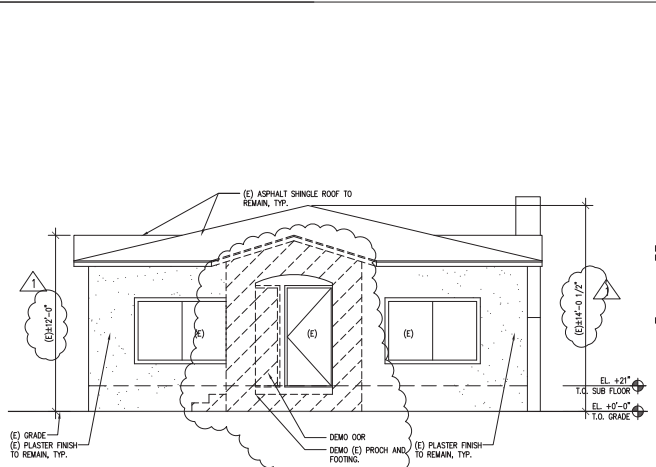
Plans:
EXISTING / DEMO
EXTERIOR
ELEVATIONS

DATE:	07.31.2017
JOB #:	2017-16
DRW BY:	-
SCALE:	-

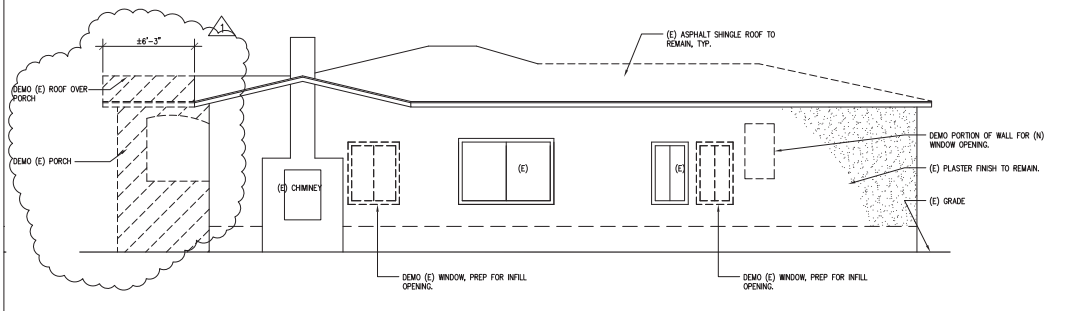
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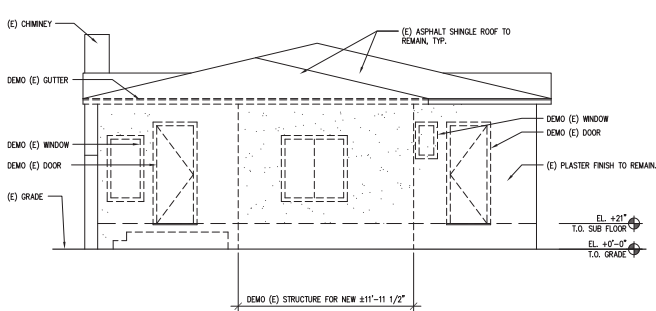
3 EXISTING/DEMO NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



1 EXISTING/DEMO WEST ELEVATION
 SCALE: 1/4" = 1'-0"



4 EXISTING/DEMO SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



2 EXISTING/DEMO EAST ELEVATION
 SCALE: 1/4" = 1'-0"

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PLANNING USE PERMIT PROJECT DESCRIPTION

635 Pierce Road, Menlo Park, CA 94024

PURPOSE OF THE PROPOSAL

Apply for use permit approval for Rose's family extension due to non-conformation status on their property.

SCOPE OF WORK

- Interior remodel w/ update internal layout and finishes
- 209 square feet horizontal single level expansion in rear within rear setback
- Remove and replace existing dry rot framing
- Conjunction with current building permit BLD2016-01005 of the following works:
 - Remove and replace existing galvanize plumbing with new copper pipes
 - Update existing knob and tube electrical with new
 - Remove and replace existing plaster and lath interior finishes with new gypsum board.

ARCHITECTURAL STYLE, MATERIALS, COLORS AND CONSTRUCTION METHODS

The building is a Bungalow architectural style, single level low pitched roof. The roof style is combined open gable roof at front, hip and valley roof framing. The wall material was plaster painted in gray color with white paint on the fascia board. The construction method is typical platform framing construction with 2x4 wood studs at 16 inches o.c. thru out on wall and roof, deep eaves with exposed rafters. Building constructed on a concrete footing at the parameter with approximate 18" crawl space beneath.

BASIS FOR SITE LAYOUT

The building was relocated from Hayward to current site in 1956. The parcel is slanted rectangular shape at parallel angle to the Windermere avenue east from the parcel. The building is rested on the parcel at 20.35' setback to the front property line, 20.34' to the rear property line, in between 13.11' to 21.3' on the left side to the property line, in between 5.12' to 15.75' to the right side of property line. Please refer to survey plan in drawing package.

EXISTING AND PROPOSED USES

The existing and proposed uses of the property as client primary residence.

OUTREACH TO NEIGHBORING PROPERTIES

The client has outreached to adjacent neighbors about the remodel prior the project started. There is no objection to the remodel from the adjacent neighbor.

BD Square - [Design for Sensible Living](#)

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STAFF REPORT

Planning Commission

Meeting Date: 6/4/2018
Staff Report Number: 18-056-PC

Public Hearing: Use Permit/Ran Chen/1901 Menalto Avenue

Recommendation

Staff recommends that the Planning Commission approve a request for a use permit to demolish an existing single-family residence and construct a new two-story single-family residence on a substandard lot with respect to lot width and area in the R-1-U (Single Family Urban Residential) zoning district, at 1901 Menalto Avenue. The recommended actions are contained within 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 site is located at 1901 Menalto Avenue, on the west side of the street near the intersection of Menalto and Woodland Avenues in the Willows neighborhood. A location map is included as Attachment B. The property abuts an alley at the rear. Menalto Avenue is considered the front property line, per the Zoning Ordinance. The parcel is close to, but fully outside, the "AE" zone established by the Federal Emergency Management Agency (FEMA).

Parcels along Menalto Avenue to the north are a mix of R-1-U, R-2 (Low Density Apartment) and C-2 (Neighborhood Shopping) zoning districts and contain single- and multi-family residential developments as well as some commercial buildings for medical office, retail, and personal services on the C-2-zoned parcels. The properties to the south of the site, on Menalto Avenue, are also zoned R-1-U and are occupied by single-family dwelling units. The nearby parcel at 1911 Menalto Avenue was formerly occupied by a church and is proposed for a two-lot subdivision and development with two single-family residences. This proposal will be reviewed by the Planning Commission at an upcoming meeting.

The surrounding single-family homes are a mix of single-story and two-story developments. The neighboring property on the right is a substandard lot with a two-story structure that received a use permit in 1994. The residences in the area are designed in a variety of architectural styles.

Analysis

Project description

The applicant is proposing to demolish the existing single-story, single-family residence and attached garage and construct a new two-story residence with an attached one-car garage. The second parking space would be an uncovered parking space at the front of the residence, located outside of the required side and front setbacks on an expanded portion of the driveway. The layout of this space has been reviewed and approved by the Transportation Division. The existing driveway would be maintained. The lot is substandard with respect to lot area and lot width. 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 four-bedroom home with four bathrooms, with a typical layout of shared living spaces (and one bedroom) on the ground level, and the remaining bedrooms on the upper floor. Of particular note with regard to the development regulations:

- The height of the residence would be relatively modest, at 24 feet, four inches in height, where the maximum permitted height is 28 feet;
- The majority of the second floor would be set back 15 feet from the right side and 10 feet at the left side, where five feet is required; and
- An allowable daylight plane intrusion is proposed on the right side, and has been demonstrated to be compliant with relevant limits on elevation sheet A3.

Design and materials

The applicant states that the proposed residence would be constructed in a Craftsman style, with Hardie lap siding in a light color with a buff stone base and light color board and batten accents and white decorative trim and corbels. The building would feature corner boards in a contrasting light color, which has sometimes been a topic of discussion for the Planning Commission, although staff does not necessarily see these as an issue with regard to the use permit findings. The main entry would face the street, though a rectangular front porch with a decorative gable would be oriented toward the right side. The proposed windows would be consistent throughout the residence and feature fiberglass frames, with simulated divided light grids. The garage door would be a garage door with window inserts.

The majority of the roof elements would contain gables. The single-car garage would be stepped back an additional approximately 20-foot distance from the front façade and accessed by a long driveway on the right side. The uncovered parking space would be visually screened by new shrubs. Both the garage setback and screening shrubs would help minimize the visual impact of parking features on the streetscape.

The second story would be set back farther than the minimum required setbacks and from the first floor to reduce the perception of the mass and bulk of the proposed residence. Varying projections, articulations, and gabled roof elements on the elevations would reduce the apparent massing, which would also be limited by the enhanced side setbacks. On the second floor, the sill heights would vary from three feet to five feet, six inches. In staff's opinion, the larger side setbacks for the second level, beyond the minimum

required, in addition to the existing landscaping, would help partially reduce potential privacy concerns from the second-floor windows.

Staff believes that the scale, materials, and design of the proposed residence would be consistent with the neighborhood's mix of architectural styles.

Trees and landscaping

Trees line the perimeter of the property, with several opposite the fence on the neighboring properties. The applicant has submitted an arborist report (Attachment F) detailing the species, size, and conditions of the heritage and non-heritage trees on the site, and some of the neighboring trees. The report discusses the impacts of the proposed improvements and provides recommendations for tree maintenance and protection during construction. As part of the project review process, the arborist report was reviewed by the City Arborist. There are a total of 20 trees currently located on or near the subject property, with three heritage in size. One non-heritage crape myrtle tree is proposed for removal. As noted earlier, the applicant has proposed shrubs be planted at the edge of the front setback to screen the proposed uncovered parking space at the front of the residence.

Correspondence

Staff has received one email from a neighbor requesting the rear fence at the subject property be rebuilt and no ivy be used in the landscaping to prevent the possible creation of rodent habitat. Staff forwarded this correspondence to the project team and the owner has agreed to replace the fence and refrain from the use of ivy in the landscaping plans. This email is included as Attachment G.

Conclusion

Staff believes the scale, materials, and style of the proposed residence are compatible with the neighborhood, and that the varying projections and articulations on the elevations of the proposed residence would reduce the perception of mass. Visual impacts of the parking would be reduced by the single car garage being set back from the plane of the front façade, with landscape screening proposed in front of the proposed uncovered parking space at the front. The proposed building height would be below the maximum allowed height, and the proposed setbacks, specifically for the second level, would be greater than the required setbacks. Tree protection measures would minimize impacts on heritage and non-heritage trees. 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
- G. Correspondence

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

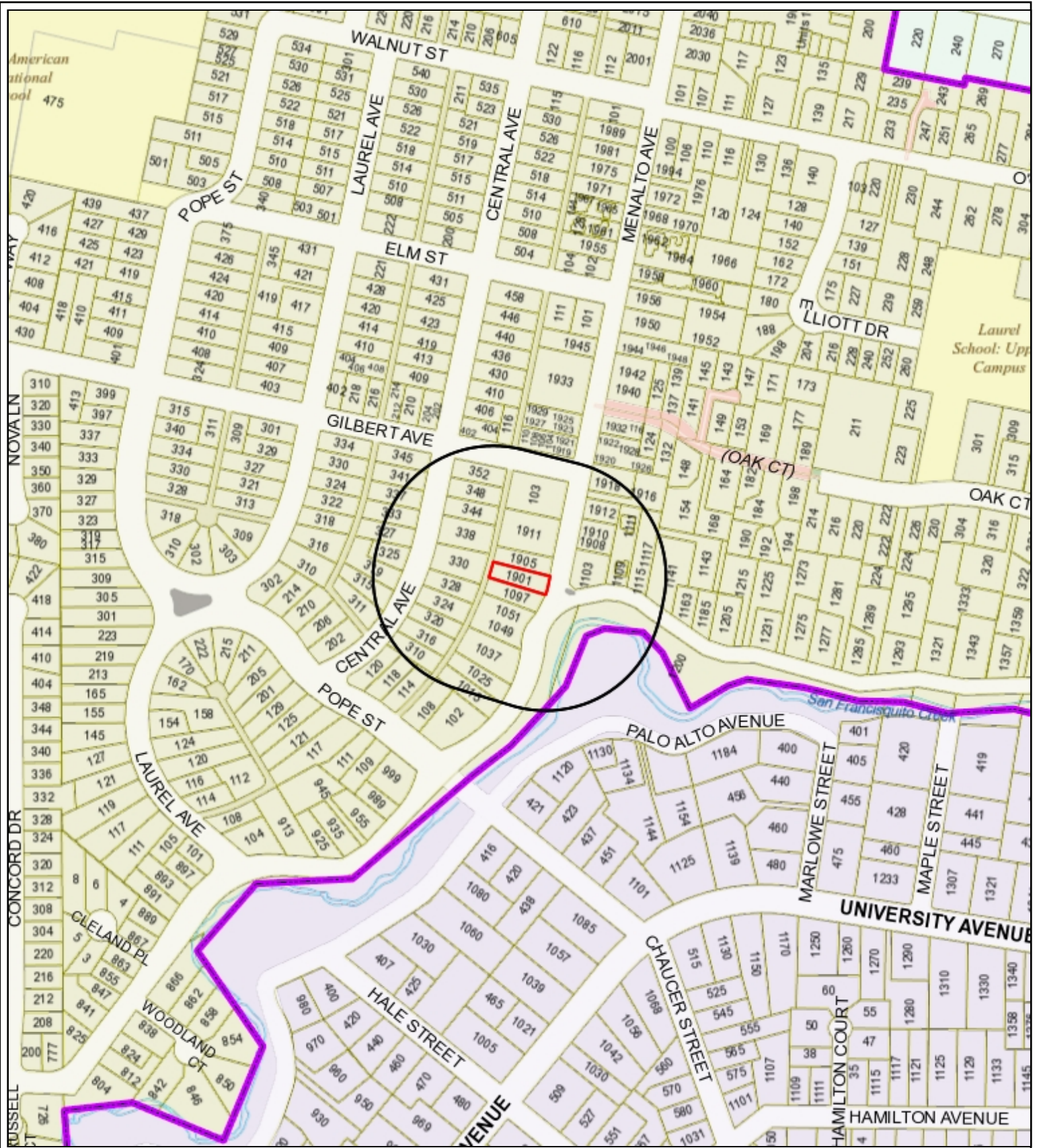
None

Report prepared by:
Ori Paz, Assistant Planner

Report reviewed by:
Thomas Rogers, Principal Planner

1901 Menalto Avenue – Attachment A: Recommended Actions

LOCATION: 1901 Menalto Avenue	PROJECT NUMBER: PLN2018-00021	APPLICANT: Ran Chen	OWNER: Ran Chen
PROPOSAL: Request for a use permit to demolish an existing single-family residence and construct a new two-story single-family residence on a substandard lot with respect to lot width and area in the R-1-U (Single Family Urban Residential) zoning district.			
DECISION ENTITY: Planning Commission	DATE: June 4, 2018	ACTION: TBD	
VOTE: TBD (Barnes, Combs, Goodhue, Kennedy, 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 Yingxi Chen Architect consisting of seven plan sheets, dated received May 29, 2018, and approved by the Planning Commission on June 4, 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 Advance Tree Care, dated January 27, 2018. 			



City of Menlo Park
 Location Map
 1901 Menalto Avenue



Scale: 1:4,000

Drawn By: OP

Checked By: THR

Date: 6/4/2018

Sheet: 1

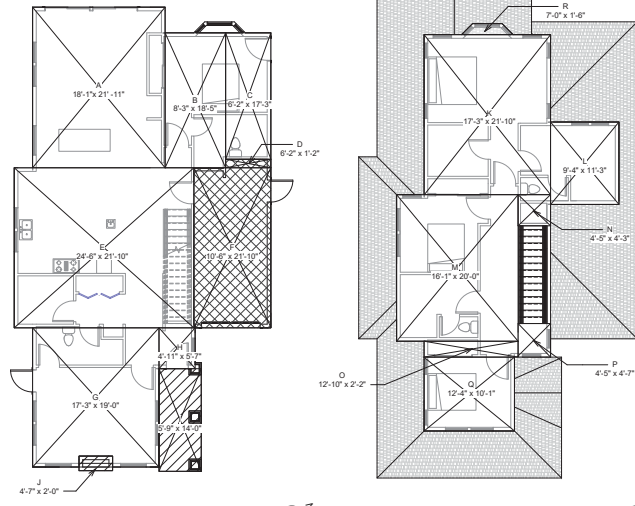
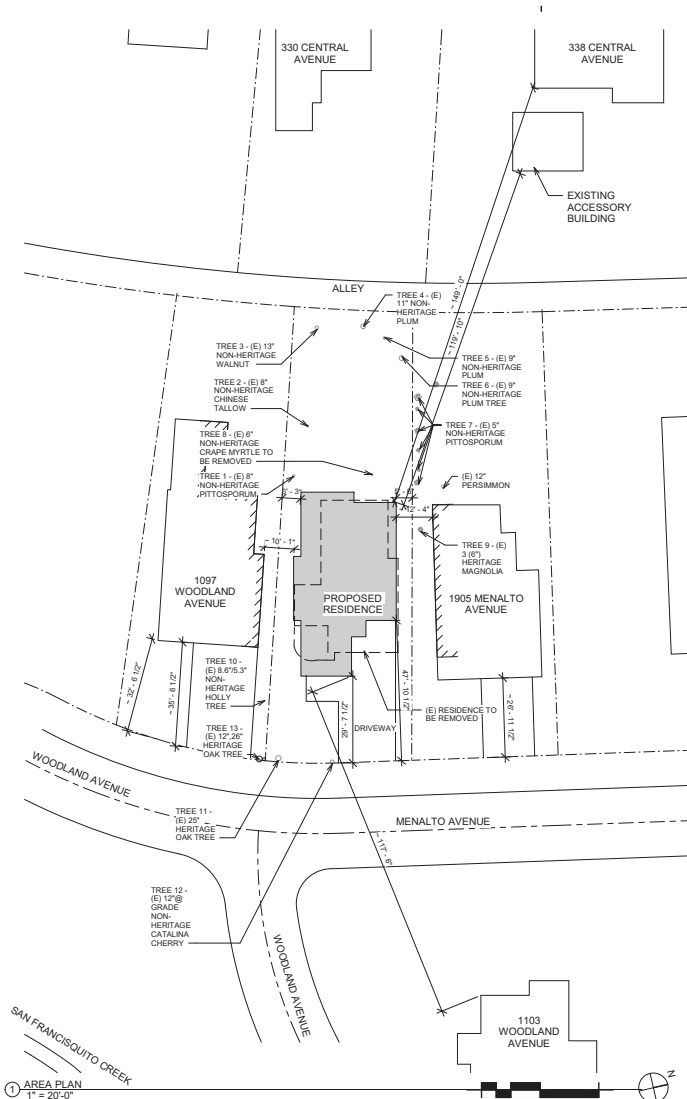
1901 Menalto Avenue – Attachment C: Data Table

	PROPOSED PROJECT	EXISTING PROJECT	ZONING ORDINANCE
Lot area	6,976.3 sf	6,976.3 sf	7,000 sf min.
Lot width	48.8 ft.	48.8 ft.	65 ft. min.
Lot depth	154.0 ft.	154.0 ft.	100 ft. min.
Setbacks			
Front	29.7 ft.	36.9 ft.	20 ft. min.
Rear	64.1 ft.	65.4 ft.	20 ft. min.
Side (left)	5.1 ft.	25.9 ft.	5 ft. min.
Side (right)	6.1 ft.	4.7 ft.	5 ft. min.
Building coverage	1,864.9 sf 26.7 %	1,506 sf 21.6 %	2,441.7 sf max. 35 % max.
FAL (Floor Area Limit)	2,788.2 sf	1,403 sf	2,800 sf max.
Square footage by floor	1,538.5 sf/1st 1,013.2 sf/2nd 236.5 sf/garage 80.7 sf/porches 9.2 sf/fireplace	1,046 sf/1st 357 sf/garage 93 sf/porches 10 sf/fireplace	
Square footage of buildings	2,878.1 sf	1,506 sf	
Building height	24.3 ft.	16.6 ft.	28 ft. max.
Parking	1 covered/1 uncovered	2 covered	1 covered/1 uncovered
Note: Areas shown highlighted indicate a nonconforming or substandard situation.			

Trees	Heritage trees	3*	Non-Heritage trees	17*	New trees	0
	Heritage trees proposed for removal	0	Non-Heritage trees proposed for removal	1	Total Number of trees*	19*

*Includes trees on neighboring properties.

MENALTO AVE RESIDENCE- NEW SINGLE FAMILY RESIDENCE
1901 MENALTO AVENUE, MENLO PARK, CA



2 - FAL-FIRST FLOOR PLAN
1/8" = 1'-0"
3 - FAL-SECOND FLOOR PLAN
1/8" = 1'-0"

AREA CALCULATIONS

AREA	*FAL* SQ. FT.	BLDG COVERAGE SQ. FT.
A	396.3	396.3
B	152.2	152.2
C	106.4	106.4
D (GARAGE)	7.2	7.2
E	635.3	535.3
F (GARAGE)	220.3	220.3
G	320.8	320.8
H	27.5	27.5
I	0	80.1
J	0	9.2
K	376.9	0
L	105.0	0
M	33.9	0
N	19.8	0
O	27.8	0
P	20.3	0
Q	124.4	0
R	6.3	0
TOTAL	2,788.2	1,884.9

DRAWING INDEX

- A0 PROJECT INFORMATION, AREA CALCULATIONS, AREA PLAN & STREETSCAPES
- A1 SITE PLANS
- A2 FLOOR PLANS
- A3 EXTERIOR ELEVATIONS
- A4 ROOF PLAN & BUILDING SECTIONS
- A5 EXISTING FLOOR PLAN / ELEVATIONS
- T-1 BOUNDARY & TOPOGRAPHIC SURVEY PLAN

PROJECT TEAM

OWNER
RAN CHEN & JINGXUAN ZHANG
1901 MENALTO AVE
MENLO PARK, CA 94025
T: 910-918-4096

ARCHITECT
YINGXI CHEN
Y. CHEN ARCHITECT
2114 HIKIDO DR
SAN JOSE, CA 95131
T: 916-872-0396

LAND SURVEYOR
CHRISTENSEN & FLOUFF
LAND SURVEYING
101 CHURCH STREET #29
LOS ALTOS, CA 95030
T: 408-755-8784



BUILDING & SITE INFORMATION

DEMOLISH AN EXISTING SINGLE STORY RESIDENCE AND BUILD A TWO STORY 4 BR 4 BA SINGLE FAMILY RESIDENCE WITH 2,562 NET LIVING S.F. ON A 6,976 S.F. LOT WITH A NEW GARAGE OF 236 SF. TOTALING 2,788 S.F.

FIRE SPRINKLER SYSTEM IS REQUIRED

ADDRESS: 1901 MENALTO AVE.
APN: 062-354-170
ZONING: R-1-U
FLOOD ZONE: X

CONSTRUCTION TYPE: VB
OCCUPANCY TYPE: R-3

LOT AREA: 6,976 S.F.

FIRST FLOOR (INCLUDE GARAGE) 1,775 S.F.
SECOND FLOOR 1,013 S.F. (1,400 S.F. MAX.)
TOTAL 2,788 S.F. (2,800 S.F. MAX.)



MENALTO AVE RESIDENCE
APN:062-354-170

RAN CHEN & JINGXUAN ZHANG

1901 MENALTO AVE.
MENLO PARK, CA 94025

REVISIONS

1	PLANNING REVIEW	4/19/18
	REVISION 1	

USE PERMIT

JOB NO.	Project Number
DRAWN	Author
DATE	2/27/2018
SCALE	As indicated
FILENAME	

A0

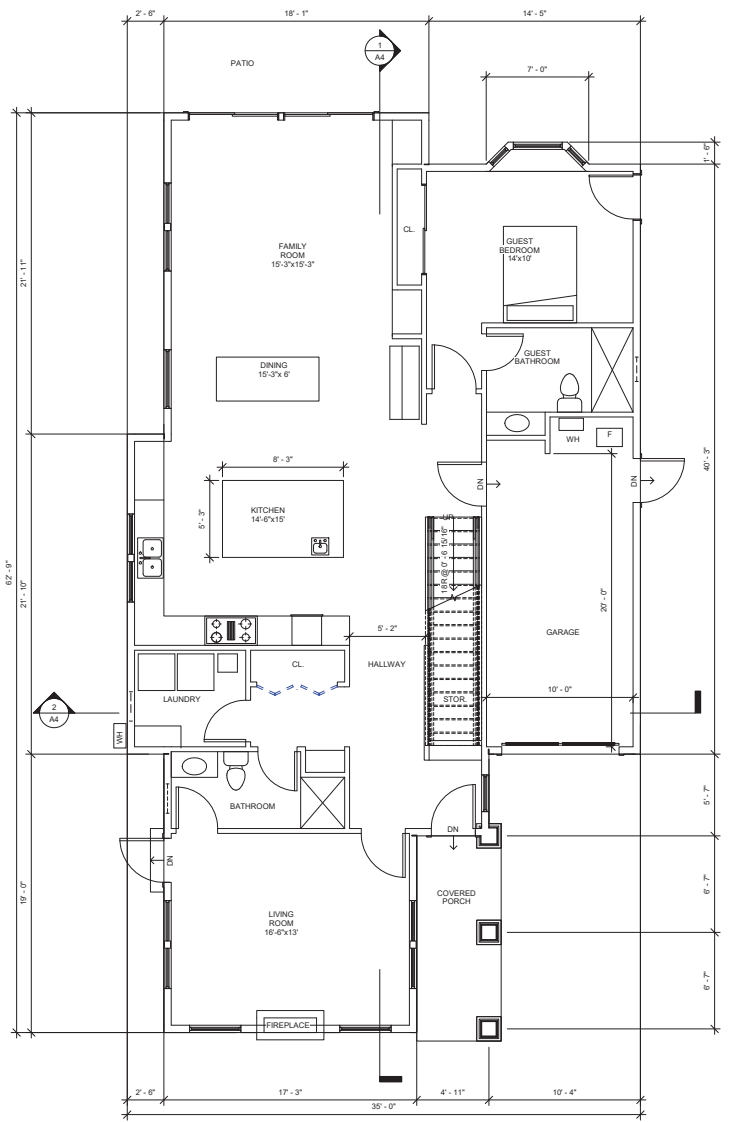
PROJECT INFORMATION, AREA CALCULATIONS, AREA PLAN & STREETSCAPES

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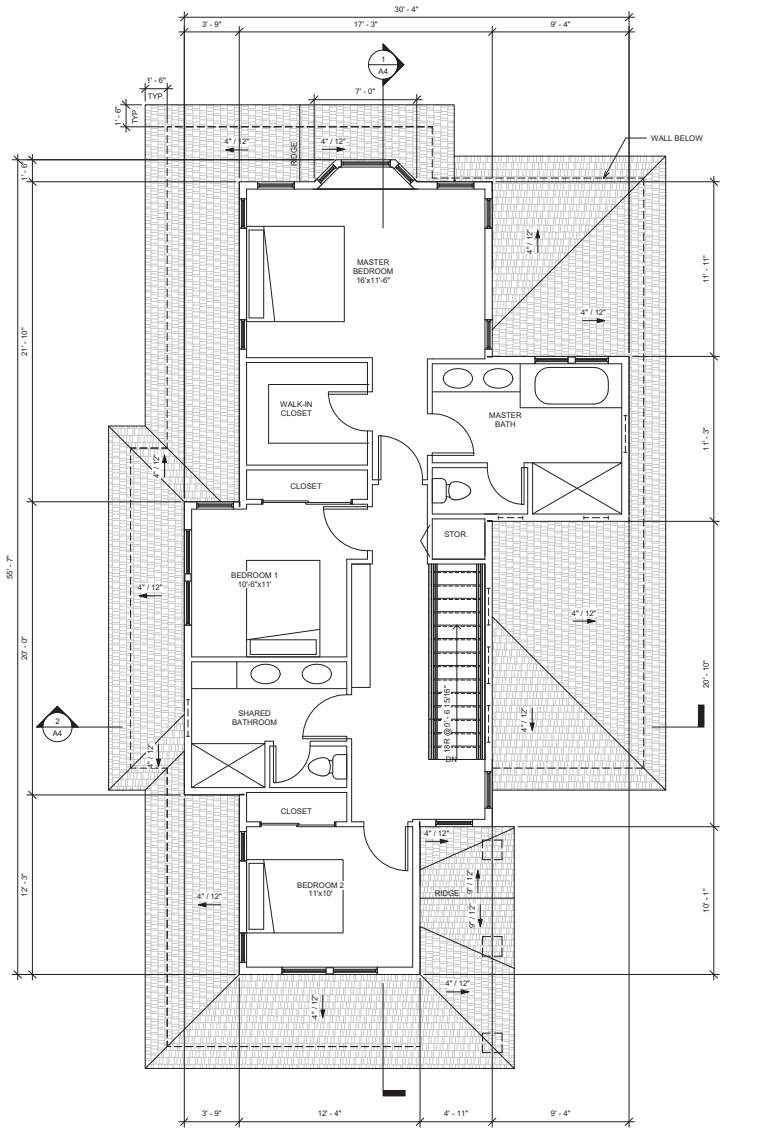
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2024/01/15 11:03 AM
 C:\Users\yichen\OneDrive\Documents\Projects\Menalto Ave\Menalto Ave.dwg

D3



1 FIRST FLOOR PLAN
1/4" = 1'-0"



2 SECOND FLOOR PLAN
1/4" = 1'-0"



2114 HINDLER // SAN JOSE, CALIFORNIA 95131 // T 916.972.0296



**MENALTO AVE
RESIDENCE**
APN:062-354-170

RAN CHEN &
JINGXUAN ZHANG

1901 MENALTO AVE.
MENLO PARK, CA
94025

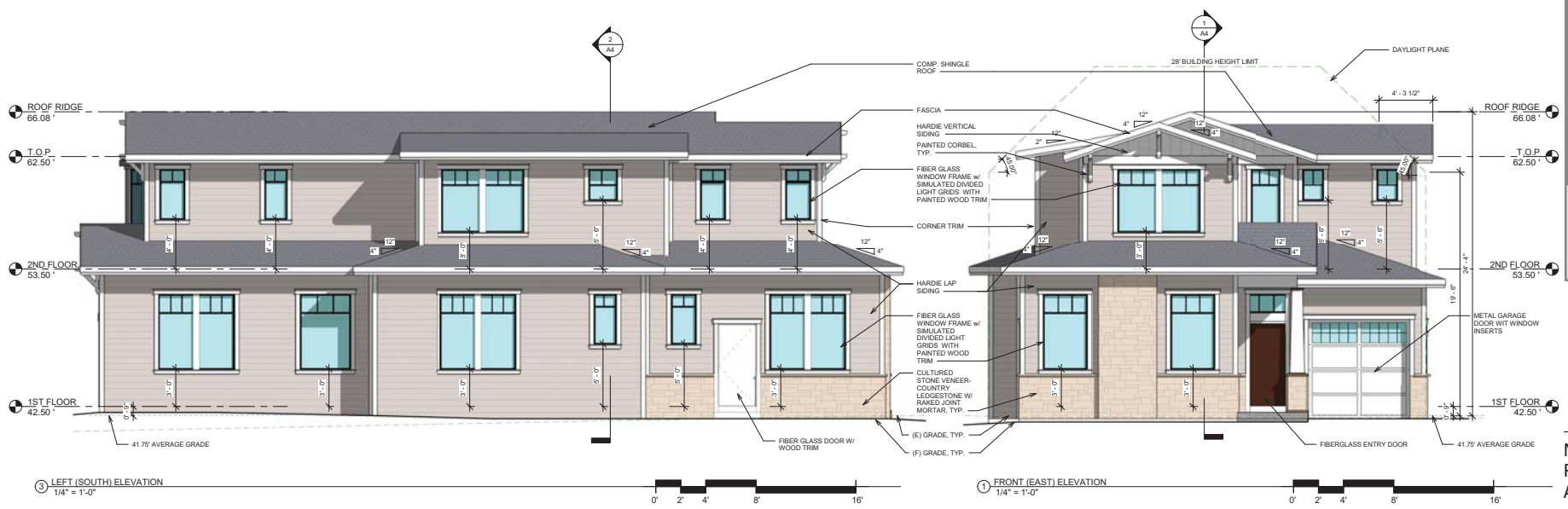
REVISIONS

USE PERMIT

JOB NO.	Project Number
DRAWN	Author
DATE	2/27/2018
SCALE	1/4" = 1'-0"
FILENAME	

A2
FLOOR PLANS

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MENALTO AVE RESIDENCE
 APN:062-354-170

RAN CHEN &
 JINGXUAN ZHANG
 1901 MENALTO AVE.
 MENLO PARK, CA
 94025

REVISIONS

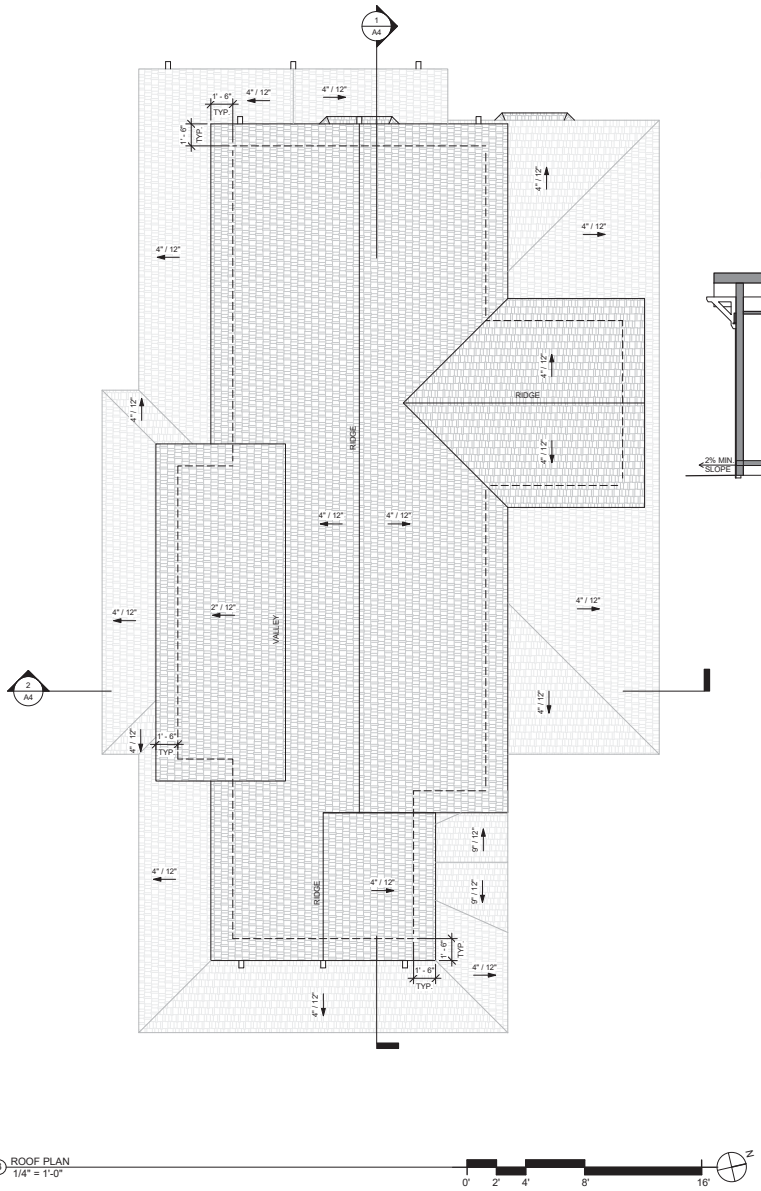
1	PLANNING REVIEW	4/19/18
	REVISION 1	

USE PERMIT

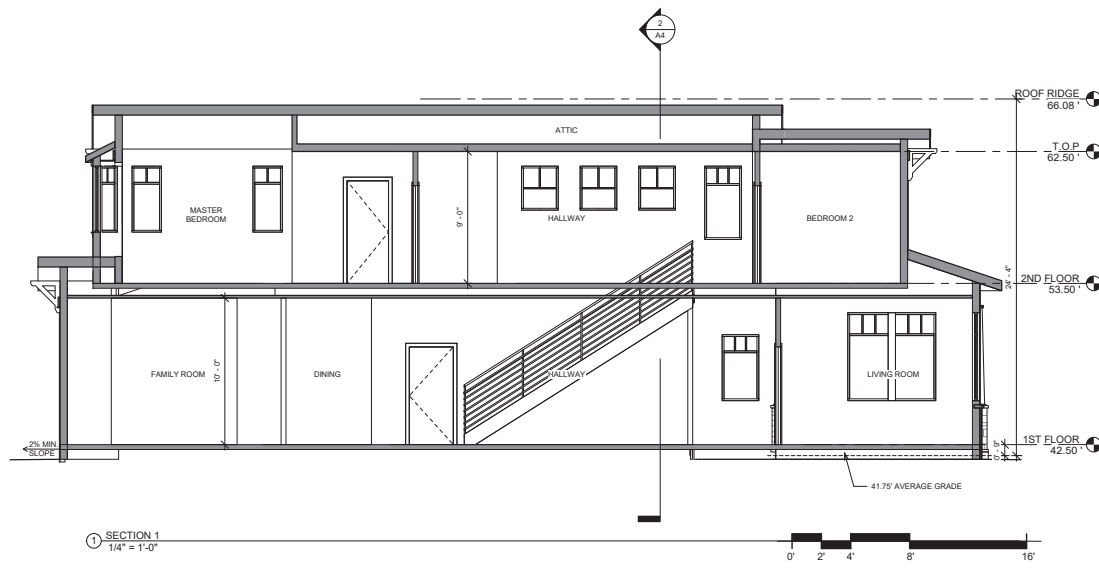
JOB NO.	Project Number
DRAWN	Author
DATE	2/27/2018
SCALE	1/4" = 1'-0"
FILENAME	

A3
 EXTERIOR ELEVATIONS

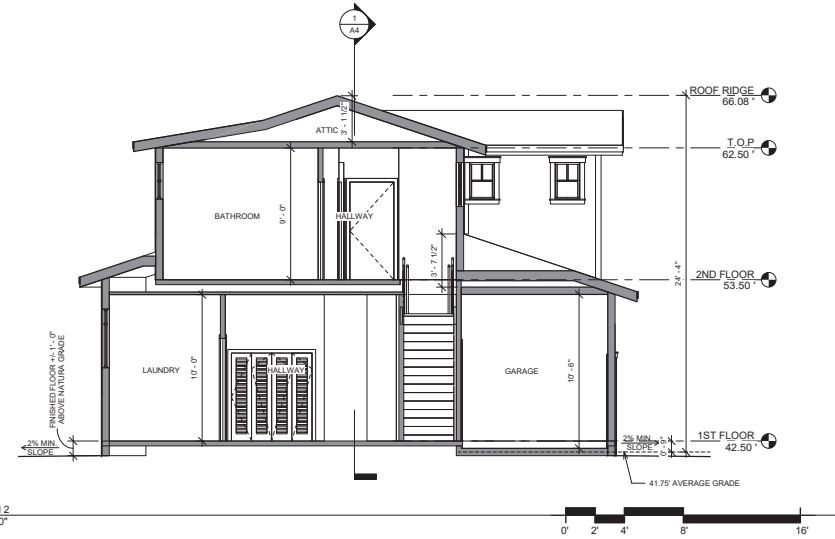
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① ROOF PLAN
1/4" = 1'-0"



① SECTION 1
1/4" = 1'-0"



② SECTION 2
1/4" = 1'-0"



2114 HINDLER // SAN JOSE, CALIFORNIA 95131 // T 916.672.0296



**MENALTO AVE
RESIDENCE**
 APN:062-354-170

RAN CHEN &
 JINGXUAN ZHANG

1901 MENALTO AVE.
 MENLO PARK, CA
 94025

REVISIONS

1	PLANNING REVIEW	4/19/18
	REVISION 1	

USE PERMIT

JOB NO.	Project Number
DRAWN	Author
DATE	2/27/2018
SCALE	1/4" = 1'-0"
FILENAME	

A4
 ROOF PLAN & BUILDING
 SECTIONS

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FRONT ELEVATION



REAR ELEVATION



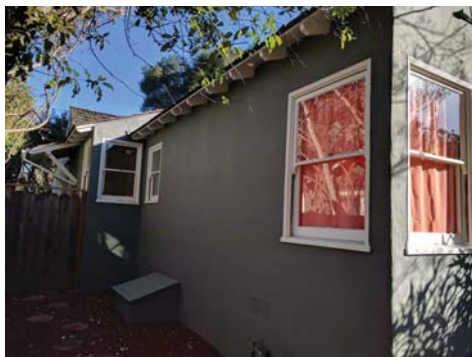
LEFT ELEVATION



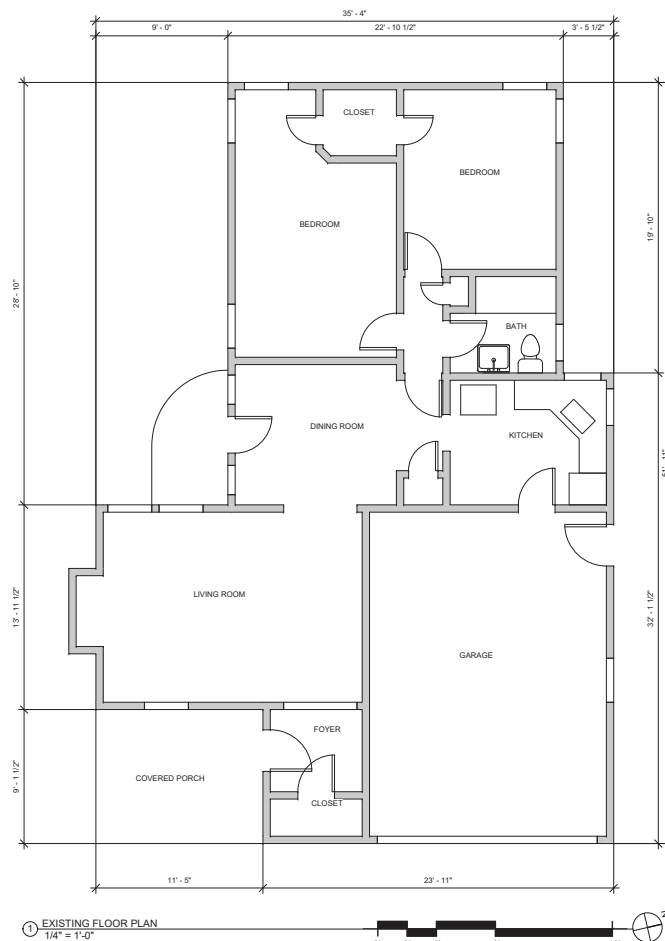
RIGHT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



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MENALTO AVE RESIDENCE
APN:062-354-170

RAN CHEN & JINGXUAN ZHANG

1901 MENALTO AVE.
MENLO PARK, CA
94025

REVISIONS

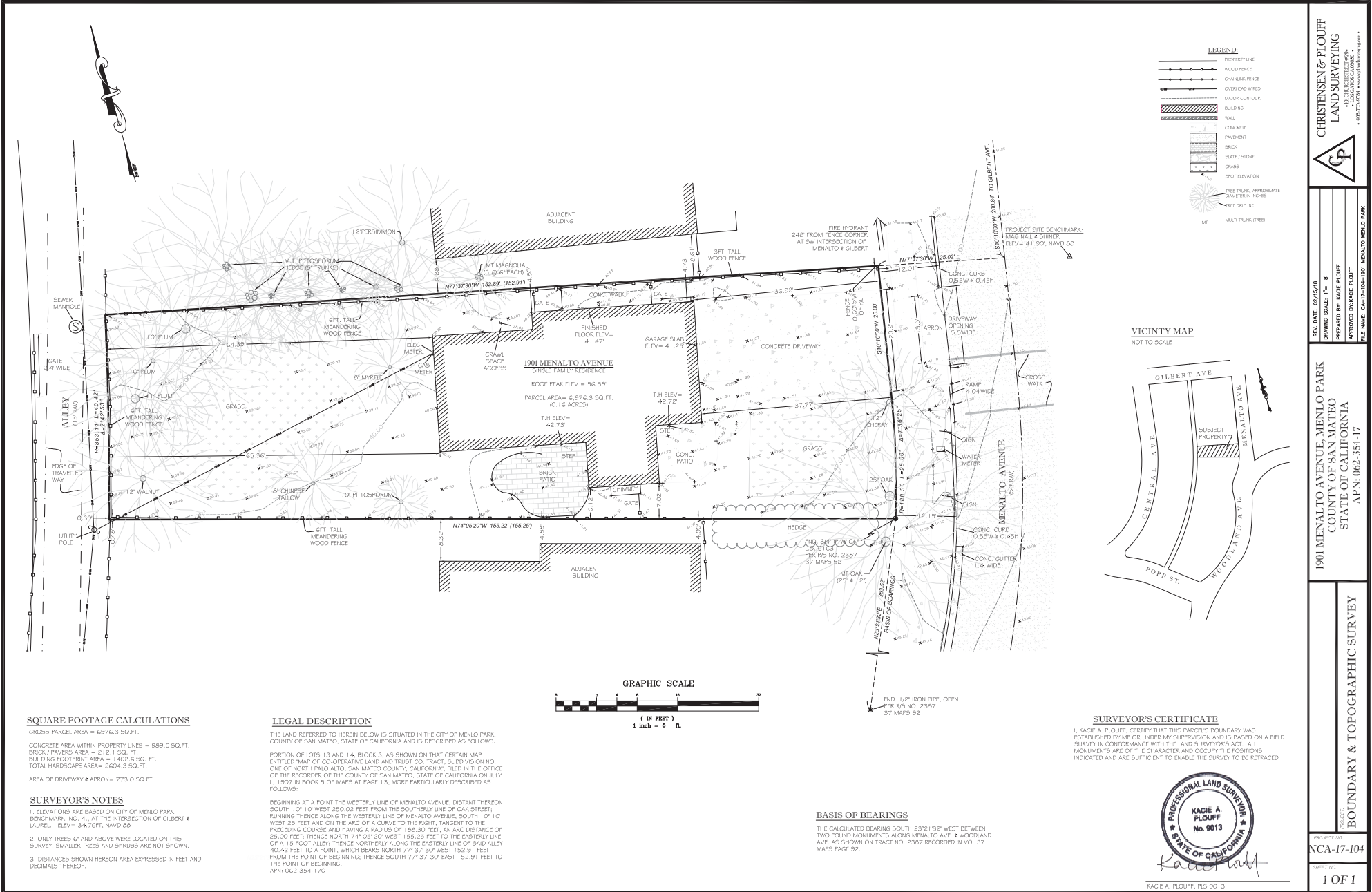
1	PLANNING REVIEW	4/19/18
	REVISION 1	

USE PERMIT

JOB NO.	Project Number
DRAWN	Author
DATE	2/27/2018
SCALE	1/4" = 1'-0"
FILENAME	

A5

EXISTING FLOOR PLAN / ELEVATIONS



CHRISTENSEN & PLOUFF
LAND SURVEYING
 1000 GILBERT STREET, SUITE 100
 SAN MATEO, CALIFORNIA 94402
 TEL: 650.755.1000 FAX: 650.755.1001

DATE: 02/25/08
 DRAWING SCALE: 1" = 8'
 DESIGNED BY: KACIE PLOUFF
 APPROVED BY: MADE PLOUFF
 FILE NAME: CA-17-104-100-MENALTO MENLO PARK

1901 MENALTO AVENUE, MENLO PARK
 COUNTY OF SAN MATEO
 STATE OF CALIFORNIA
 APN: 062-354-17

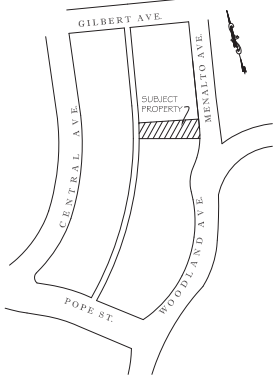
PROJECT:
BOUNDARY & TOPOGRAPHIC SURVEY

PROJECT NO.
NCA-17-104
 SHEET NO.
1 OF 1

LEGEND

	PROPERTY LINE
	WOOD FENCE
	CHAIN LINK FENCE
	OVERHEAD WIRES
	MARKER CONTOUR
	BUILDING
	WALL
	CONCRETE FOUNDATION
	BRICK
	SLATE / STONE
	GRASS
	SPOT ELEVATION
	TREE
	TREE TRUNK (APPROXIMATE DIAMETER IN INCHES)
	TREE TRUNK (PINE)

VICINITY MAP
 NOT TO SCALE



SQUARE FOOTAGE CALCULATIONS
 GROSS PARCEL AREA = 6976.3 SQ. FT.
 CONCRETE AREA WITHIN PROPERTY LINES = 989.6 SQ. FT.
 BRICK / PAVES AREA = 212.1 SQ. FT.
 BUILDING FOOTPRINT AREA = 1402.6 SQ. FT.
 TOTAL Hardscape AREA = 2604.3 SQ. FT.
 AREA OF DRIVEWAY & APRON = 773.0 SQ. FT.

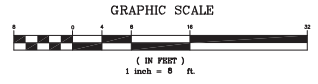
SURVEYOR'S NOTES
 1. ELEVATIONS ARE BASED ON CITY OF MENLO PARK BENCHMARK NO. 4, AT THE INTERSECTION OF GILBERT & LAUREL. ELEV = 34.76 FT. NAVD 88
 2. ONLY TREES 6" AND ABOVE WERE LOCATED ON THIS SURVEY, SMALLER TREES AND SHRUBS ARE NOT SHOWN.
 3. DISTANCES SHOWN HEREON AREA EXPRESSED IN FEET AND DECIMALS THEREOF.

LEGAL DESCRIPTION
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
 PORTION OF LOTS 13 AND 14, BLOCK 3, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF CO-OPERATIVE LAND AND TRUST CO. TRACT, SUBDIVISION NO. ONE OF NORTH PALM ALTO, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON JULY 1, 1907 IN BOOK 5 OF MAPS AT PAGE 13, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT THE WESTERLY LINE OF MENALTO AVENUE, DISTANT THEREON SOUTH 10° 10' WEST 592.05 FEET FROM THE SOUTHERLY LINE OF OAK STREET; RUNNING THENCE ALONG THE WESTERLY LINE OF MENALTO AVENUE, SOUTH 10° 10' WEST 25 FEET AND ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE AND HAVING A RADIUS OF 120.30 FEET, AN ARC DISTANCE OF 25.00 FEET; THENCE NORTH 74° 09' 20" WEST 155.25 FEET TO THE EASTERLY LINE OF A 15 FOOT ALLEY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID ALLEY 40.42 FEET TO A POINT, WHICH BEARS NORTH 77° 37' 30" WEST 152.91 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 77° 37' 30" EAST 152.91 FEET TO THE POINT OF BEGINNING.
 APN: 062-354-170

BASIS OF BEARINGS
 THE CALCULATED BEARING SOUTH 23°21'32" WEST BETWEEN TWO FOUND MONUMENTS ALONG MENALTO AVE. & WOODLAND AVE. AS SHOWN ON TRACT NO. 2387 RECORDED IN VOL. 37 MAPS PAGE 92.

SURVEYOR'S CERTIFICATE
 I, KACIE A. PLOUFF, CERTIFY THAT THIS PARCELS BOUNDARY WAS ESTABLISHED BY ME, OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYORS ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED

PROFESSIONAL LAND SURVEYOR
 KACIE A. PLOUFF
 No. 9013
 STATE OF CALIFORNIA
Kacie A. Plouff



Y. Chen Architect
2114 Hikido Dr.
San Jose, CA 95131
ychenarch@gmail.com

February 27nd, 2018

City of Menlo Park
Planning Department
701 Laurel Street
Menlo Park, CA 94025

1901 Menalto Ave (Ran Chen and Jingxuan Zhang Residence)
Use Permit Application – Letter of Description

Dear Sir/ Madam,
Thank you for taking the time to review our intake application. Below is our written “Letter of Description” as requested.

Purpose

Use Permit for a new home on a substandard lot in the R-1-U zoning district.

Scope of Work

Demolish an existing single-story residence with attached garage and build a two-story (4 bedroom 4 bath) single family residence with 2,551 new living s.f on a 6,976 s.f. lot with a new garage of 236 s.f., totaling 2,787 s.f.

Architecture

The proposed two-story residence will be built in a Craftsman style. The mass of the roof structure will be broken up with gables. A covered porch at the front will provide a transition between interior and exterior spaces as well as reduce the apparent height of the second floor.

The majority of the siding will be hardie lap siding in light color with a buff stone base, and light color board & batten accents with white decorative trim and corbel. The dark fiber glass window will use simulated divided lites. Roof will be dark comp. shingle roof.

Basis for Site Layout

The basis of the site layout is to comply with city ordinances and maximize indoor/outdoor connection. The garage is on the right- the same side as the existing driveway. The second floor is set back further from the lot lines than the first floor in order to reduce the perception of mass and bulk, and to increase the light and air for the adjacent property.

Existing / Proposed Uses

Single family house / single family house

Neighbor Outreach

The property owner has contacted the below listed neighbors and shared the proposed plans.

- 1097 Woodland Avenue
- 1905 Menalto Avenue

Vehicular Access

Existing driveway is to remain. All care will be taken not to impede vehicular access on Menalto Avenue during construction

Thank you for your assistance with our project. Please do not hesitate to contact me should you have any questions.

Sincerely,

Yingxi Chen, AIA, LEED BD+C

Principal, Y. Chen Architect

Cc: Ran Chen and Jingxuan Zhang

Advanced Tree Care

P. O. Box 5326 Redwood City, CA 94063

1901 Menalto Ave, Menlo Park

January 27, 2018

Roger Chen
1901 Menalto Ave
Menlo Park, CA 94025

Site: 1901 Menalto Ave, Menlo Park

Dear Roger,

At your request I visited the above site for the purpose of inspecting and commenting on the regulated trees around the property. A new residence is planned, prompting the need for this tree protection report.

Method:

Menlo Park requests all trees greater than 6 inches in trunk diameter on your property and within 8 feet of the property lines on neighbor's properties be included in the inventory. The location of the trees on this site can be found on the plan provided by you. Each tree is given an identification number. The trees are measured at 54 inches above ground level (DBH or Diameter at Breast Height). A condition rating of 1 to 100 is assigned to each tree representing form and vitality on the following scale:

1 to 29	Very Poor
30 to 49	Poor
50 to 69	Fair
70 to 89	Good
90 to 100	Excellent

The height and spread of each tree is estimated. A Comments section is provided for any significant observations affecting the condition rating of the tree.

A Summary and Tree Protection Plan are at the end of the end of the survey providing recommendations for maintaining the health and condition of the trees during and after construction.

If you have any questions, please don't hesitate to call. Sincerely



Robert Weatherill
Certified Arborist WE 1936A

Tree Survey

Tree#	Species	DBH	Ht/Sp	Con Rating	Comments
1	Pittosporum <i>Pittosporum tobira</i>	8.3"	15/10	70	Good health and condition Not Regulated
2	Chinese tallow <i>Sapium sebiferum</i>	7.7"	25/12	60	Fair health and condition, some dead wood, Not Regulated
3	Walnut <i>Juglans nigra</i>	12.5"	20/15	50	Poor health and condition, ivy on trunk Not Regulated
4	Plum <i>Prunus cerasifera</i>	11.2"	20/15	60	Fair health and condition Not Regulated
5	Plum <i>Prunus cerasifera</i>	9.4"	20/15	60	Fair health and condition Not Regulated
6	Plum <i>Prunus cerasifera</i>	9.3"	20/15	60	Fair health and condition Not Regulated
7	Pittosporum <i>Pittosporum tenuifolium</i>	6 @ 5" trunks	25/10	60	Fair health and condition hedge neighbors, Not Regulated
8	Crape myrtle <i>Lagerstroemia indica</i>	6.4"	20/8	70	Good health and condition Not Regulated
9	Saucer magnolia <i>Magnolia soulangeana</i>	3 @ 6"	20/10	55	Fair health and condition, engulfed in rose, neighbors, Regulated
10	Holly <i>Ilex aquifolium</i>	8.6"/5.3"	25/10	55	Fair health and condition, neighbors Not Regulated
11	Coast live oak <i>Quercus agrifolia</i>	25.4"	50/20	65	Good health and condition, needs maintenance, Regulated
12	Catalina cherry <i>Prunus ilicifolia</i>	11.8"@grade	16/10	50	Fair health and condition, neighbors Not Regulated
13	Coast live oak <i>Quercus agrifolia</i>	25.7",12.3"	50/20	65	Good health and condition, needs maintenance, neighbors, Regulated

Summary:

The trees on the site are a variety of natives and non-natives.

There are 13 trees of which 2 are on the neighbor's property and Regulated and 1 is on this property and Regulated.

The remaining trees on this site are not regulated and can be removed if desired.

I have included some trees on the neighbor's properties that are not regulated. These trees will not be impacted by the construction because of their size and proximity and so have not been included in the tree protection plan.

Tree #s 9, 11 and 13 are Regulated trees and should be protected during construction.

Tree Protection Plan

1. The Tree Protection Zone (TPZ) should be defined with protective fencing. This should be cyclone or chain link fencing on 1 1/2" or 2" posts driven at least 2 feet in to the ground standing at least 6 feet tall. Normally a TPZ is defined by the dripline of the tree. I recommend the TPZ's as follows:-

Tree # 9: TPZ should be at 10 feet from the trunk closing on the fence line in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾

Tree #s 11 and 13: TPZ should be at 20 feet from the trunk closing on the fence line and sidewalk in accordance with Type I Tree Protection as outlined and illustrated in image 2.15-1 and 2 ⁽⁶⁾



IMAGE 2.15-1
Tree Protection Fence at the Dripline

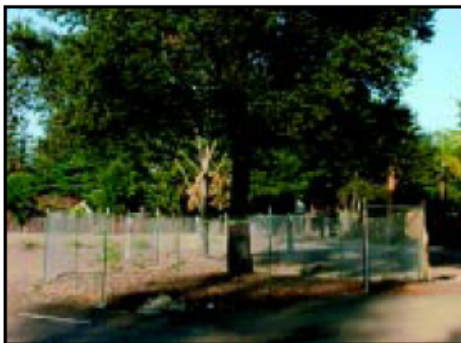
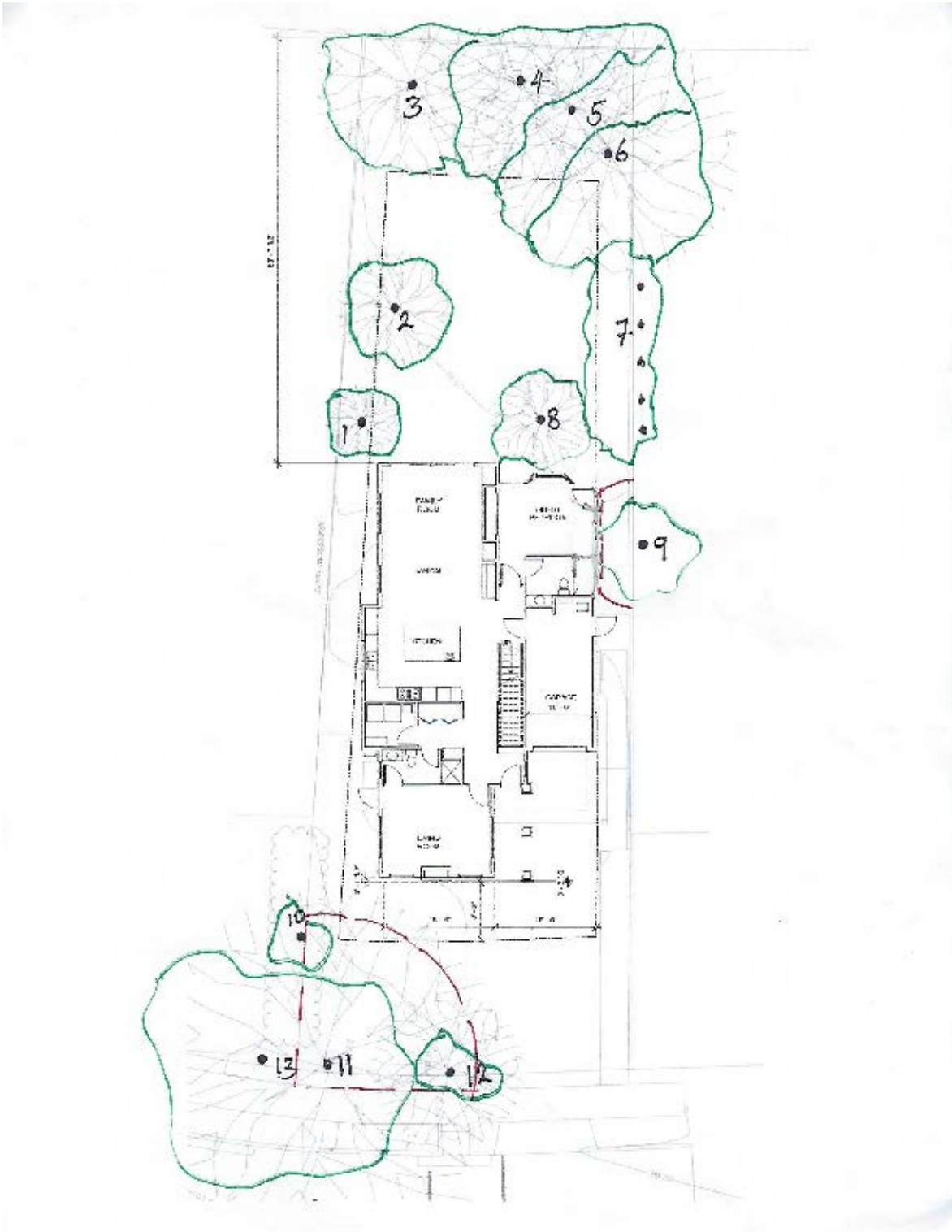


IMAGE 2.15-2
Tree Protection Fence at the Dripline

• **Type I Tree Protection**

The fences shall enclose the entire area under the **canopy dripline or TPZ** of the tree(s) to be saved throughout the life of the project, or until final improvement work within the area is required, typically near the end of the project (see *Images 2.15-1 and 2.15-2*). Parking Areas: If the fencing must be located on paving or sidewalk that will not be demolished, the posts may be supported by an appropriate grade level concrete base.

2. The TPZ for Tree # 9 can be reduced to no less than 5 feet to accommodate construction. If the area between the new house and Tree # 9 is going to be used as an access, please place ply wood on 2 to 3 inches of wood chip within the shortened TPZ to protect the roots from compaction.
3. The new parking area in front of the living room will not impact Tree # 1 whatsoever. No special requirements for hand digging or root protection are required.
4. Any pruning and maintenance of the tree shall be carried out before construction begins. This should allow for any clearance requirements for both the new structure and any construction machinery. This will eliminate the possibility of damage during construction. **The pruning should be carried out by an arborist, not by construction personnel.** No limbs greater than 4" in diameter shall be removed.
5. Any excavation in ground where there is a potential to damage roots of 1" or more in diameter should be carefully hand dug. Where possible, roots should be dug around rather than cut.⁽²⁾
6. If roots are broken, every effort should be made to remove the damaged area and cut it back to its closest lateral root. A clean cut should be made with a saw or pruners. This will prevent any infection from damaged roots spreading throughout the root system and into the tree.⁽²⁾
7. **Do Not:**⁽⁴⁾
 - a. Allow run off or spillage of damaging materials into the area below any tree canopy.
 - b. Store materials, stockpile soil, park or drive vehicles within the TPZ of the tree.
 - c. Cut, break, skin or bruise roots, branches or trunk without first obtaining permission from the city arborist.
 - d. Allow fires under any adjacent trees.
 - e. Discharge exhaust into foliage.
 - f. Secure cable, chain or rope to trees or shrubs.
 - g. Apply soil sterilants under pavement near existing trees.
8. Where roots are exposed, they should be kept covered with the native soil or four layers of wetted, untreated burlap. Roots will dry out and die if left exposed to the air for too long.⁽⁴⁾
9. Route pipes into alternate locations to avoid conflict with roots.⁽⁴⁾
10. Where it is not possible to reroute pipes or trenches, the contractor is to bore beneath the dripline of the tree. The boring shall take place no less than 3 feet below the surface of the soil in order to avoid encountering "feeder" roots.⁽⁴⁾
11. Compaction of the soil within the dripline shall be kept to a minimum.⁽²⁾
12. Any damage due to construction activities shall be reported to the project arborist or city arborist within 6 hours so that remedial action can be taken.
13. Ensure upon completion of the project that the original ground level is restored



Location of protected trees, their Tree Protection Zones, and new construction

Glossary

Canopy	The part of the crown composed of leaves and small twigs. ⁽²⁾
Cavities	An open wound, characterized by the presence of extensive decay and resulting in a hollow. ⁽¹⁾
Decay	Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin ⁽¹⁾
Dripline	The width of the crown as measured by the lateral extent of the foliage. ⁽¹⁾
Genus	A classification of plants showing similar characteristics.
Root crown	The point at which the trunk flares out at the base of the tree to become the root system.
Species	A Classification that identifies a particular plant.
Standard height	Height at which the girth of the tree is measured. Typically 4 1/2 feet above ground level

References

(1) Matheny, N.P., and Clark, J.P. Evaluation of Hazard Trees in Urban Areas. International Society of Arboriculture, 1994.

(2) Harris, R.W., Matheny, N.P. and Clark, J.R.. Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines. Prentice Hall, 1999.

(3) Carlson, Russell E. Paulownia on The Green: An Assessment of Tree Health and Structural Condition. Tree Tech Consulting, 1998.

(4) Extracted from a copy of Tree Protection guidelines. Anon

(5) T. D. Sydnor, Arboricultural Glossary. School of Natural Resources, 2000

(6) D Dockter, Tree Technical Manual. City of Palo Alto, June, 2001

Certification of Performance⁽³⁾

I, Robert Weatherill certify:

- * That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms and Conditions;
- * That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;
- * That the analysis, opinions and conclusions stated herein are my own, and are based on current scientific procedures and facts;
- * That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events;
- * That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;
- * That no one provided significant professional assistance to the consultant, except as indicated within the report.

I further certify that I am a member of the International Society of Arboriculture and a Certified Arborist. I have been involved in the practice of arboriculture and the care and study of trees for over 15 years.

Signed



Robert Weatherill
Certified Arborist WE 1936a
Date: 1/27/18

Terms and Conditions(3)

The following terms and conditions apply to all oral and written reports and correspondence pertaining to consultations, inspections and activities of Advanced Tree Care :

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either verbally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Advanced Tree Care, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded.
3. All reports and other correspondence are confidential, and are the property of Advanced Tree Care and its named clients and their assignees or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Advanced Tree Care and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report. No warrantee or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.
7. Advanced Tree Care has no warrantee, either expressed or implied, as to the suitability of the information contained in the reports for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultants, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphs material or the work product of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by Advanced Tree Care or the consultant as to the sufficiency or accuracy of that information.

From: gabrielle johnck
To: ychenarch@gmail.com
Cc: [Paz, Ori](#); [Steve Schmidt](#)
Subject: 1901 Menalto
Date: Monday, April 9, 2018 1:45:12 PM

Mr Chen,

We live at 330 Central Ave, behind 1901 Menalto. You spoke to my husband a few weeks ago as you were visiting the site with a surveyor. My husband, Steve Schmidt pointed out the fence at the rear of the property and the condition of the trees in the rear setback of the property. The fence is falling over into the alley and needs to be replaced.

We have now been notified of your client's plans to demolish the existing house and construct a two-story house on a substandard lot. Please include us in all updates in the permit application process and notify us when this application comes before the Planning Commission.

We will appreciate your acknowledgment of our request that the fence at the rear of the property be replaced and that ivy not be used in your landscape designs. The alley has been a haven for rats who nest in ivy.

Brielle Johnck
330 Central Ave.
Menlo Park



STAFF REPORT

Planning Commission

Meeting Date:

6/4/2018

Staff Report Number:

18-057-PC

Public Hearing:

Consider and Make a Recommendation Regarding Zoning Code and California Green Building Standards Code Ordinances Related to Requirements for Electric Vehicle (EV) Charging Spaces

Recommendation

Staff recommends that the Planning Commission recommend that 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 requirements for electric vehicle (EV) 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 EV 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.

Background

On January 22, 2018, the Planning Commission considered changes to the EV charging space requirements that would amend Title 12 (Buildings and Construction) and Title 16 (Zoning). The meeting's staff report, which includes additional background information and an overview of the current EV requirements and the then-proposed requirements, is included as Attachment A. Meeting minutes are included as Attachment B. As part of the Commission's deliberation, public comments were considered. The Commission unanimously agreed (Commissioner Combs absent) to continue the item with direction to staff on the following five items:

- Consider additional multi-family residential requirements beyond installation at structural columns;
- Consider how EV charging space requirements are calculated for remodels and additions of commercial space and for remodels and additions of multi-family buildings;
- Consider phasing the requirements from 10% to 15%;
- Consider co-locating of EV charging spaces on one property where multiple buildings may exist; and
- Review EV charging requirement for secondary dwelling units.

Staff met with the EV Charger City Council Subcommittee Members Cline and Carlton to discuss revisions to address the Commission's comments. This staff report discusses the proposed changes to the Building Code and Zoning Ordinance and includes updated draft ordinances (Attachments C and D) for the

Commission's review and recommendation to the City Council.

Analysis

In 2016, California accounted for almost half of the U.S. market for plug-in vehicles, but it is only about 12 percent of the country's population. Like California, the City of Menlo Park has seen a high volume of EV sales in terms of market share, ranking 4th in the state. However, California is behind in ensuring its charging infrastructure keeps up with the growth of its EV fleet, according to a report titled, *The Road Ahead for Zero-Emission Vehicles in California: Market Trends & Policy Analysis prepared by Next 10* (<http://next10.org/sites/default/files/ca-zev-brief.pdf>). The report indicates that while California has the highest number of charging stations, it has one of the lowest charging station per EV ratio in the nation, about 0.05 public charging outlets per one zero-emission vehicle.

Access to EV charging infrastructure is an important part of making EVs a success. Access to charging gives drivers more confidence to utilize EVs and extends the functional daily range. 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 future demand. Separately, the Environmental Quality Commission is proposing to prepare an EV Charging Infrastructure Master Plan as one of its initiatives over the next two years.

Proposed Revisions to EV Charging Space Requirements

Non-Residential Requirements

Staff is continuing to propose modifications based on the existing EV space requirements for the O (Office), LS (Life Sciences), and R-MU (Residential Mixed Use) zoning districts. The proposed updates to Chapter 12.18 (California Green Building Standards Code Amendments) (Attachment C) are shown in underline and strikeout format, and continue to 1) increase the requirement for EV charging spaces capable of supporting electric vehicle supply equipment (EVSE), 2) increase the number of spaces with EVSE for all new developments 10,000 square feet or greater, 3) require conduit and wiring for new construction 10,000 square feet and greater, and 4) simplify the regulations to one requirement for all new construction while maintaining a tiered approach for additions/alterations depending on the proposed scope of work. Attachment E are the proposed changes to the Zoning Ordinance, which are primarily for consistency and clarifications related to the amendments in Chapter 12.18. For reference, the definitions for EV charger, EV charging space, EV charging station, and EVSE are included as Attachment E and are codified in the California Building Standards Code.

Based upon the direction from the Planning Commission and subsequent discussion with the Council Subcommittee, staff is proposing a few revisions. The proposed EV ordinance is intended to be practical and serve a need in the community, and not overburden or discourage improvements to existing buildings. The infrastructure cost associated with the installation of the EVSE in the EV spaces 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 additional modifications to the proposed requirements.

The proposed changes help to clarify and ease implementation, primarily for non-residential commercial additions and alterations. The three proposed modifications/clarifications from the earlier version are

discussed below:

- Phasing: The revised ordinance includes phased implementation of the required number of EV charging spaces associated with additions and alterations over the next three years. For additions/alterations affecting 10,000 sf to 25,000 sf, the requirement would be one percent during the first year, three percent during the second year and five percent in the third year of implementation. For larger additions/alterations (25,000 sf and greater), the phasing would be two percent, five percent and then 10 percent during the first three years of implementation, respectively. The proposed changes address concerns raised by members of the public at the January 22, 2018 Planning Commission meeting and direction from the Planning Commission to consider a phased approach to implementation to lessen the potential burden on development. The requirements would remain until the code is amended, which could occur during the next Building Code cycle. Updates to the Building Code typically follow a three-year cycle, with the next cycle occurring in 2019, becoming effective in 2020.
- Parking Calculation: The proposed ordinance includes updated language that specifies that the EV parking space and EVSE requirements are based on the parking requirements for the square footage of the *affected* area of a building or portion of a building. This is a change from the prior proposal, which based the parking calculation on the entire square footage of the building where the work was being performed. As an example, an alteration to 20,000 square feet of a 50,000 square-foot building would have an affected area of 20,000 square feet. If the parking requirement is three spaces per 1,000 square feet, the required parking for the alteration area is 60 spaces. In this example, 0.6 spaces, or one EV space with conduit, and one space with EVSE are required in year one. With the phased implementation, in year three, three EV spaces with conduit and one with installed EVSE would be required. In the previous proposal, the calculation would have been based on the 150 required parking spaces for a 50,000 square foot building. Of those 150 spaces, eight spaces would have been required to be installed with conduit and one installed with EVSE.

The EVSE can be located in an EV space that was installed with conduit. Furthermore, the ordinance establishes a cap to the maximum number of required EV spaces on a site to not overburden applicants/property owners. The maximum number would be equivalent to the number of spaces required for new construction of the same size, as described in Section 16.72.010(4)(A). If a project site has multiple buildings, the maximum number of EV charging spaces and EVSE would be based upon the square footage of all the buildings on the site.

As part of this set of revisions, staff is proposing that any voluntary installation of EVSE above the cap would require the installation of a new space, unless approved through an administrative permit by the Community Development Director. While installation of additional EVSE would likely be based on demand of a particular site, the cap is intended to provide a balance between EV and non-EV spaces. Since the Planning Commission meeting, staff has reviewed whether proprietary chargers (e.g. Tesla) can be installed as either voluntary EVSE spaces or be counted towards satisfying the EV charging space requirements. The existing EV ordinance requires a charger that can be used by all EVs. Therefore, it is clear that a proprietary charger (e.g. a charger that only works with Tesla vehicles) could not be installed to meet the existing requirements. However, if an

applicant is voluntarily installing a proprietary charger, the ordinance is unclear. Since EV spaces are a subset of the required number of spaces, staff recommends that only chargers that serve all EVs are allowed, unless the parking exceeds the required number of parking spaces for the site. In the latter case, a proprietary EV charger may be installed in an excess parking space or in a new parking space, if permitted by the Zoning Ordinance, or if approved through an administrative permit by the Community Development Director.

An alternative implementation strategy would be to establish a maximum percentage for proprietary chargers. For example, no more than 10 percent of the total EVSE can be non-universal chargers. While this provides flexibility for applicants to respond to user demands, it would reduce the number of general EV spaces available for use.

- Location: At the previous Planning Commission meeting, there were questions about where the EVSE can be installed. The EV charging space(s) and the EVSE installation must be located on the property where the work is being performed. The location on the subject property is up to the applicant. An applicant may select the location of the EV parking spaces, so long as it meets all other applicable codes. For example, the first space where an EV charger is located must be a van accessible space and provide an accessible pathway per the Building Code. A space further from the building may require additional improvements to create a code-compliant path of travel. The ordinance does not permit combining and co-locating EV charging spaces for multiple properties onto one site, unless those properties are tied together through a discretionary development permit and parking is shared amongst the sites. Because a subject site's parking requirement is inclusive of the EV charging requirements, each property shall be responsible for meeting the requirement.

Table 1 below provides a summary between the existing non-residential EV requirements in the O, LS, and R-MU districts and the proposed ordinance for comparison purposes. The proposed ordinance would be applied citywide and would replace all other existing EV charging space and EVSE requirements in the other zoning districts.

Table 1: Summary of Existing and Proposed Non-Residential EV Charging Spaces Requirements

		Existing Requirements (O, LS, & R-MU)		Proposed Requirements (Citywide)	
		New Construction	Additions/Alterations	New Construction	Additions/Alterations
Number of Required EV Charging Spaces	Less than 10,00- sf	CalGreen Requirements	Voluntary	CalGreen Requirements	Voluntary
	10,000 sf – 25,000 sf	5% of total number of parking stalls		15% of total number of required parking stalls (affected area)	Phased 1% to 5%, minimum of 1 space
	25,000 sf – 100,000 sf				Phased 2% to 10%, minimum of 1 space
	Greater than 100,000 sf				
Number of Spaces with Installed EVSE	10,000 sf – 25,000 sf	2 spaces		10% of total number of required parking stalls (affected area), minimum of 1	1 space
	25,000 sf – 100,000 sf	2 spaces plus 1% of the total parking stalls in the pre-wire locations	2 spaces plus 1% of the total parking stalls in the pre-wire locations		1 space plus 1% of total number of required parking stalls (affected area)
	Greater than 100,000 sf	6 spaces plus 1% of the total parking stalls in the pre-wire locations			
Requires Conduit		Yes	Yes	Yes	Yes
Requires Wiring		Yes	Yes	Yes	No

Residential Requirements

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. Since most EV charging occurs overnight at homes, members of the public, Planning Commission and EQC encouraged staff to take another look at increasing the residential requirements. Staff worked with the Council Subcommittee on an update to the regulations. All of the proposed revisions affect new construction only. For residential additions/alterations, no changes are proposed from the previous version, in recognition of potential cost implications and the regulations potentially serving as a disincentive for conducting improvements to existing residential buildings. The proposed modifications affecting residential new construction are discussed below:

- **Applicability:** The threshold for EV requirements was lowered from five residential units to three units. Single-family and duplexes (including attached secondary dwelling units) must already comply with Building Code requirements per CalGreen. Staff, the Council Subcommittee, and the Planning Commission expressed a general interest to not increase the EV requirements for secondary dwelling units where, in recent years, there has been a push to relax regulations to help encourage the development of secondary dwelling units. With a lower threshold, potentially more development and a wider range of development types would be subject to the revised requirements listed, below.
- **Increased Requirements:** The proposed modifications affect both the number of EV charging spaces as well as the number with installed EVSE. The proposal includes an increase from 10 percent of the total number of required parking stalls (January 2018 proposal) to one EV space (conduit and wiring) for each unit. In addition, the proposed ordinances include an increase in the number of spaces with EVSE installed from three percent of the total number of required parking (minimum of one) to 15 percent of the EV charging spaces. The requirement for a minimum of a 40 amp, 240 receptacle for EV charging to be installed at each structural column of residential carports remains unchanged.

Table 2 below provides a summary between the existing residential EV requirements in the R-MU district and the proposed ordinance for comparison purposes only. The proposed regulations would be applied citywide and would replace all other existing EV charging space and EVSE requirements in the other residential zoning districts.

Table 2: Summary of Existing and Proposed Residential EV Charging Spaces Requirements						
	Existing (R-MU)			Proposed		
	New Construction		Additions/ Alterations	New Construction	Additions/ Alterations	
	10,000 sf - 25,000 sf	25,001 sf to 100,000 sf	100,000 sf and greater	3 or more units		
Number of Required EV Charging Spaces	5% of total number of parking stalls			1 per unit		
Number of Spaces with Installed EVSE	2 spaces	2 spaces plus 1% of total parking stalls	6 spaces plus 1% of the total parking stalls	Voluntary	15% of EV Charging Spaces	
Requires Conduit	Yes			Yes		
Requires Wiring	Yes			Yes		

Implementation Clarifications

Staff is proposing several modifications to Title 16, Zoning, to clarify how to implement EV charging space requirements. These changes pertain to clarifications in how EV parking is including in off-street parking, how parking for EV charging spaces are calculated when the existing parking is nonconforming, and the conversion of parking spaces into EV disabled access parking remain unchanged from what was presented to the Planning Commission on January 22, 2018. Since that Planning Commission meeting, staff has received further clarification regarding parking in an Electric Vehicle Charging Station (EVCS). The definition of EVCS in CAIGreen establishes that EVCS are not considered parking spaces however the enforcement of this provision is in the California Vehicle Code section 22511 and is only enforceable if adopted by the local jurisdiction. Section 11.24.090 of the Municipal Code, which is a local amendment to the California Vehicle Code, modifies the language in section 22511 to only be applicable in public lots. A public parking lot does not include a parking lot that serves the public attending a private business, but does include City-owned facilities such as the Downtown parking plazas. Because an EVCS located on a private parking lot that serves the public attending a private business is not specifically addressed in section 11.24.090 of the Municipal Code, a vehicle does not need to vacate the space once fueling is complete and the space does not need to be used for fueling purposes. This is in contrast to public parking lots where the Police Department can enforce EV parking in designated spaces. However, best practices and common courtesy will hopefully guide drivers to park in appropriate spaces for their vehicle regardless of enforcement.

Next Steps

The Planning Commission is a recommending body to the City Council on the proposed ordinance amendments to Title 12 and Title 16. 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 July 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. 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.

Correspondence

Since the Planning Commission meeting, staff has received two letters (Attachment F). One came from the City of Palo Alto Director of Development Services, who expressed support for the City of Menlo Park's EV ordinance and encouraged increased requirements pertaining to residential uses since that is where a majority of charging occurs on a daily basis. He also mentioned that installation at the time of development is much more cost effective than as a retrofit and that the City of Palo Alto has faced limited resistance to implementation of their EV ordinance. Staff also received a letter from Charge Point, an EVSE company, expressing their recommendations. Of note, the company favors the allocation of resources towards electrical infrastructure over the installation of EVSE, suggests increasing the conduit ratio for multi-family buildings and adding EV readiness provisions to alterations to multi-family residential developments, and the inclusion of power management/load sharing in the Building Code.

Impact on City Resources

The ordinances to modify Title 12 and Title 16 are not anticipated to have any 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. January 22, 2018 Planning Commission Staff Report
- B. January 22, 2018 Planning Commission Minutes
- C. 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
- D. Draft Ordinance Amending Various Chapters in Title 16 (Zoning) to update Electric Vehicle Charging Station Requirements
- E. Definitions for EV Charger, EV Charging Space, EV Charging Station and EVSE
- F. Correspondence

Report prepared by:

Ron La France, Assistant Community Development Director/Building Official

Deanna Chow, Principal Planner

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Report reviewed by:

Mark Muenzer, Community Development Director



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><u>Pre-Wire²</u> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations </p>	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p><u>Pre-Wire²</u> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking </p>	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p><u>Pre-Wire²</u> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking </p>	<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><u>Pre-Wire²</u> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations </p>	<p><u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u></p> <p><u>Pre-Wire²</u> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls AND Install EV Chargers³ <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations </p>

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.

		Regulation ¹	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 form 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
www.menlopark.org

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
1795 Stanford Avenue
Menlo Park



REGULER MEETING MINUTES - EXCERPTS

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

A. Call To Order

Vice Chair Larry Kahle called the meeting to order at 7:00 p.m.

B. Roll Call

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

Absent: Drew Combs (Chair)

Staff: Deanna Chow, Principal Planner; Cecilia Conley, Contract Assistant Planner; Ron La France, Assistant Community Development Director/Building Official; Ori Paz, Assistant Planner; Tom Smith, Associate Planner

F. Public Hearing

- 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](#))

Staff Comment: Principal Planner Chow noted a letter from the City's Environmental Quality Commission that was included in the package and sent directly to the Commission. She introduced Ori Paz, Assistant Planner, and Ron La France, Assistant Community Development Director / Building Official. She noted that Mark Muenzer, Assistant Community Development Director, was in the audience.

Principal Planner Chow said in December 2016 the City Council adopted the ConnectMenlo General Plan Update and the M2 Area Zoning Update. She said in that three new zoning districts were created as part of the Bayfront area or former M2: the Life Science (LS), Office (O), and Residential Mixed Use (RMU). She said within that were comprehensive regulations' addressing sustainable building regulations, one of which was the Electric Vehicle (EV) Charger requirements. She said staff took an amendment of CalGreen to the City Council as changes to the EV Charger Ordinance required a local amendment to the City's building code, housed in Title 12 of the municipal code. She said as part of that discussion the City Council expressed interest in both increasing and expanding the regulation citywide. She said in May 2017 the Council established a subcommittee of Council members Cline and Carlton that worked with staff to provide direction on

how to make the changes now being brought to the Commission for review.

Principal Planner Chow said two stakeholder meetings were held including large property owners in the community. She said they also had a citywide community meeting in the fall of 2017. She said this evening the Planning Commission would be a recommending body to the City Council and that the recommendation with any needed revisions was anticipated to go to the City Council in March 2018.

Principal Planner Chow said currently citywide there were CalGreen requirements applicable to all projects in the City except for the Menlo Park specific EV Charging requirements. She said for CalGreen charging requirements that a space must be provided for electric panel for EV capability and conduit. She said for nonresidential that the number of parking spaces needed for a project would dictate the number of charging-capable spaces with conduit and electric panel. She said for single-family and duplex residential development one charging space was required and for developments of 17-plus or more units the requirement was for 3% charging-capable spaces of the total number of parking spaces.

Principal Planner Chow said there were EV Charger Station requirements for the El Camino Real / Downtown Specific Plan area specific to residential development with one EV Charger space for every 20 residential parking spaces. She said for the R-4-S zoning districts, which was about five or so properties rezoned as part of the Housing Element in 2013 located primarily along Willow Road and Haven Avenue, the EV Charger space requirement was for a percentage of the total number of parking spaces to have the pre-wiring and conduit and for 3% of the total parking spaces to have installed EV Charger Stations. She said for the O, L-S, and R-M-U that the requirements were for new development and additions and/or alterations based on the size of the building. She said for addition or alteration for residential development in those zones there was not an EV Charger Station requirement.

Principal Planner Chow said the proposed citywide EV Charger Station requirements with adoption would replace all the existing requirements she just discussed. She said for nonresidential development the requirements would be applicable for new construction, buildings of 10,000 square feet or more, and would consolidate into one standard rather than a percentage based on the size of the building. She said the standard would be 15% of the total number of required parking spaces capable of an EV Service (EVS) in the future and 10% of the total number of required parking spaces would be EVS Equipment or EVSE. She said for additions and alterations it was proposed to continue the gradual increase based upon the size of the building. She said for additions and alterations for buildings less than 10,000 square feet there would be no requirement and a 5% requirement for buildings 10,000 square feet to 25,000 square feet and a 10% requirement for buildings 25,000 square feet and above. She said for multi-family development for five or more units of all new construction the requirement would be greater than existing but less than commercial development and for alternations and additions for residential development EVSE would be voluntary. She said in the existing EVC requirements there was a pre-wire conduit and wiring to the space but based on feedback in the new proposal the EV spaces for future EVSE spaces would only have conduit and no wiring primarily related to cost and to allow for potential technological changes.

Principal Planner Chow said related to additional provisions incorporated into Title 16 that the Commission had two draft ordinances in the staff report and changes were needed to both Title 16, the zoning ordinance, and Title 12, the building code. She said they were proposing that

regulations be housed in one place or Title 12 so that the zoning ordinance would not have to be updated every time there was potential change to the EV requirements. She said implementation of the EV requirements was proposed for Title 16. She said in the ordinance they were proposing a cap of EV spaces for additions and alterations so if a building has a number of different tenant improvements over the years that the number of EV spaces would not exceed the maximum amount of an equivalently sized newly constructed building. She said they also have a provision for an EV impact fee in the El Camino Real/Downtown Specific Plan area. She said the first 100% of that area's parking was housed in the parking plaza. She said if in the future an impact fee was established the City could potentially use that money to improve the parking plazas with EV chargers. She said also included was a nonconforming provision for conversion of EV spaces to meet disabled access. She said the code did not currently deem a parking situation as nonconforming due to the conversion of a non-disabled parking access space into a disabled parking access space as those were wider. She said an increase in EV spaces would create a decrease in parking spaces. She said also there were EV disabled access requirements and the City would continue that parking did not become nonconforming if spaces were lost to meet EV disabled access parking. She said finally a clarification was made that EV spaces were included in the overall parking count and were not meant to be an addition to required parking.

Principal Planner Chow said for next steps the Planning Commission after discussion could make a recommendation on the proposed ordinance revisions that would then be transmitted to the City Council for their review and action in March 2018. She said the ordinance adoption process was two steps: introduction of the proposed ordinance at one meeting and a second reading of it at a second meeting to become effective in 30 days after adoption.

Commissioner Barnes asked about number two on the slide showing four proposed changes. Principal Planner Chow said that was a provision that the City might establish an impact fee at a later date but which required a nexus study and that was not prepared yet. She said if they prepare an impact study and it was adopted, applicants in the El Camino Real/Downtown Specific Plan area would be subject to paying that impact fee to contribute towards EV chargers or other improvements towards electric vehicles in the City's parking plazas.

Vice Chair Kahle opened the public hearing.

Public Comment:

Vice Chair Kahle said the first speaker card was for Dave Johnson, who was donating his speaking time to John Tarlton.

- John Tarlton, Menlo Park Labs, said in the L-S district, for the portion of Menlo Park Labs that used to be Menlo Business Park, or about 550,000 square feet, that 7% of their parking spaces were EVC capable and they were running at between 85 and 95% utilization. He said by mid-2018 they would have 122 EVC stalls or 8%, and by the end of 2018 they would be close to 9%, and were within range of the 10% requirement originally adopted as part of ConnectMenlo. He said he would suggest four changes to what was being proposed by staff. He said the first was to allow grouping of EVC stations rather than having them spread out across individual parcels. He said the second was related to the requirement for EVC stations in conjunction with alterations. He said a third suggestion was that the shift from 10% to 15% be ramped over time rather than immediate. He said the fourth suggestion was that for owners other than Tarlton in the L-S district and perhaps in other districts that some type of hardship exemption be

established. He said for a smaller, industrial-type building in the M2 zone under the EVSE requirements that a 12,000 square foot building would be required to have six EVC stations. He said each panel would have 18 breakers so the property owner would need to invest in a new electrical panel. He said it would probably be 240 amps. He said typical service for one of these older industrial buildings was 800 amps. He said a third of the power of the building would need to be devoted to EV charging. He said his company was not seeking an exemption but suggested the City keep in mind that there were a number of older properties in the M2 that had not seen a lot of change and some that were not going to see a lot of change in the near future. He said the EVC requirements particularly for alterations could be a significant hardship. He said regarding ramping that they would be at 9% of total parking spaces by the end of 2018. He said now they were at 8% with 90% utilization. He said if they went to 15% EVC stations utilization would be about 50%. He said they thought it was ill-advised to go to a 15% requirement right away because of the cost associated and if they put in more EVC stalls than they have users there would be bad behavior from people parking gas vehicles in those stalls due to anger and not having a place to park. He said almost on a monthly basis there were changes to car charging technology, and if they bought 15% now they would forego the opportunity to have the better technology going forward. He said they suggested requiring 10% now, 12.5% two years from now, and 15% four years from now. He said that roughly tracked with what they were seeing in terms of demand or growth of electric cars in their portfolio. He said regarding alterations that during the ConnectMenlo process they ended with a half million dollars in alterations triggering a lot of things such as offsite improvements. He said they were hearing from tenants that the things triggered when they do tenant improvement like offsite improvements and others were already a significant hardship for them. He said one of their tenants wanted to do tenant improvement of about \$600,000 and they were looking at other things that get tacked on that that resulting in another \$400,000 in costs.

- Gary Wimmer, Ford Lend Company, said they were a company supportive of sustainability nothing they built the first LEED gold building in California at 2121 Sand Hill Road. He said they attended both stakeholder meetings held by staff and had been offered a third meeting so they could share some of their concerns. He said it appeared attempts to address their concerns were made in the report but having received it the past Thursday evening they had not had much time to review. He said as it related to their office properties on Sand Hill Road he had questions he would like addressed between now and when the ordinance change proposal was made to Council. He said two of those related to suggestions made by Tarlton regarding the potential of hardship expense on the older buildings specifically for alterations and tenant improvements. He said for the 10% and 15% they had not thought about the graduated opportunity for that but that was certainly viable. He said for those who own nonresidential buildings it was unclear what credit would be given EVC station efforts they have already expended. He said they had planned a pretty significant EVC station installation plan for their properties on Sand Hill Road, and when it became apparent a new ordinance was being presented they put their pen on hold as they were not sure what they would get in terms of credit. He said they needed a clear sense of that before an ordinance change was implemented. He asked once a certain percent of stalls were allocated to EVs and then one to two of those became actual EVSE spaces whether anyone would be able to park in the other spaces allocated to EV but not developed or what they could be used for. He said allocation over a campus was important. He said for four buildings one of which had a disproportionate share of alterations that he would like the entire campus of four buildings to benefit from EVC stations. He said such details needed to be clarified before an ordinance went into effect. He said tenants' businesses needing alterations would be participants in EVC stations with the

proposed ordinances and it was an expensive proposition. He said they were proponents of the proposition but more details were needed.

- Allan Bedwell, Environmental Quality Commission (EQC), said the EQC supported the amendment to code establishing EVC spaces. He said these standards would help drive compliance with statewide emission reduction goals and the City's very aggressive greenhouse gas emission goals for 2020. He said in his career experience he has found that the market catches up with standards. He said auto manufacturers were aggressively pursuing increasing offerings of low cost electric vehicles in their fleets. He said Menlo Park residents have been early users of EV technology. He said the EQC believed staff has developed a solid standard with a great deal of flexibility for developers, property owners and third parties to fill the gap to meet that standard. He said specifically seen in the market were finance organizations that can develop quickly very creative financing solutions for these types of technology related to EVC stations. He said the standard proposed allowed for flexibility for developers and facility owners to get third party solutions to get the EVC stations installed. He said the scaling of the spaces was very effective too. He said the City could help developers and facility owners by the staging and spacing of the EVC spaces.
- Diane Bailey, Director, Menlo Spark, said they strongly supported Mr. Bedwell's comments and the EQC's recommendation. She said the mobility landscape was changing swiftly toward electric vehicles. She said that renters and residents of high density housing were shut out of the electric vehicle market as they lacked reliable EVC station access. She said they would like to see every new renter and every new unit have access to some type of EVC infrastructure and not rely on retrofitting spaces as that was very expensive. She said regarding retrofitting her organization was committed to working with the City and stakeholders to access all of the grant funding available to help existing multi-unit buildings retrofit to offer EV sharing to their tenants. She said they would encourage staff to continue working out provisions for smaller companies in particular where electrical capacity was exceeded with the installation of new EVC stations as that could be quite expensive. She said if there substantial revisions that would weaken the proposal that those recommendations be taken to public workshops and worked out with stakeholders as they would not like weakened provisions to go to City Council as the intent was for stronger provisions.
- John Woodell, Menlo Park, said he attended the EVC meetings and was an electric vehicle enthusiast. He said he provided feedback which was shown in the report. He said to clarify one of his statements that the term EVC was appropriate for informal conversation but technically chargers were built into the cars and EVC was not a charger but a charging station and charging cable. He said the best term to use in the ordinance was Electrical Vehicle Supply Equipment (EVSE). He said on page A13 the document states: *install 40 amp receptacles*. He said a 40 amp circuit could only draw 32 amps. He suggested focusing on getting away from receptacles and said grouping of EVSEs was very critical.

Vice Chair Kahle closed the public hearing.

Commission Comment: Commissioner Barnes asked what the difference was between a designated EV stall and an EVSE. Principal Planner Chow said an EV stall would have wiring and conduit infrastructure underground. She said the 10% EVSE installation included the charging station equipment so someone can plug in and utilize the space for charging. Commissioner Barnes asked if an EVSE could service multiple spaces. Ron La France, Assistant Community

Development Director / Building Official, said in theory a single conduit could be brought to a centralized location and distribute from a large conduit into a box, and then distribute out to multiple charging supply equipment. He said alternately you could do individual conduit runs. Principal Planner Chow added that 15% would be designated EV stalls with underground conduit and 10% EVSE would be developed.

Commissioner Barnes asked about the cost related to these. Mr. LaFrance said there were a number of variables including the length from the building to the parking stalls, whether it was a large or single conduit, and whether digging a trench was through landscaping or cutting concrete. He said estimating cost for new construction was significantly easier to do as a very small percentage of the overall cost of a project. He said that was why in the ordinance there was a higher demand for what was actually installed at the direction of the Council subcommittee. Commissioner Barnes asked in determining requirements for EVC for alternations, additions and tenants improvements whether a financial analysis was considered. He referred to economic hardship and asked if staff had considered what an appropriate financial burden was. Mr. LaFrance said they had many conversations on how to determine a cost but the financial conclusion was that with so many variables they could not arrive at a cost that would even be remotely accurate. He said in the California Green Building Standards there was a section: *Exception on a case by case basis where the local enforcing agency has determined electrical vehicle charging and infrastructure was not feasible based upon one or more of the following conditions: Insufficient electrical supply; evidence suitable to the local enforcing agency substantiating that the additional local utility infrastructure design requirements directly related to the implementation (of the section) may adversely impact the construction costs of the project.* He said this would remain as state law whether the EVSE ordinance went forward or not. Replying to Commissioner Barnes, Mr. LaFrance said it was in state law, would not be removed by local action, and could be spelled out in city code and ordinance as part of this process. Commissioner Barnes confirmed that there already were some hardship provisions made.

Commissioner Onken asked about conduit and wiring whether that could be inspected even though it was not known what the load on the wire was. Mr. LaFrance said they could and when the applicant came in for a permit to install they would verify the wiring was sufficient to handle the load. Commissioner Onken clarified with staff that overall parking requirements included the ADA compliance spaces and EVC or EVSE spaces and were not in addition to the overall parking requirement. He asked if it was up to the property owner to allow gasoline vehicles to park in EVC stalls on private property. Mr. La France said vehicle code 25211 said it had to be adopted by the local jurisdiction but would then allow for ticketing of vehicles that were not actively charging. He said for multi-unit residential that if space was designated for an individual unit, then no. He said if it was in a larger residential development with guest parking or general parking then violators could be ticketed. He said Mr. Tarlton provided him information on average cost for his development and that it was \$4,000 per EVC stall when done in bunches of 10 or more, \$6,000 to \$8,000 per stall when done in groups of two spaces; and for 125 charging stalls in a new construction application the cost was \$500,000 or more, which included the supply equipment. Commissioner Goodhue confirmed they were talking 240 amps. Mr. La France said that Mr. Tarlton indicated those costs were based on the assumption that existing buildings had large enough panels and electricity to handle the load so they would not have to add electrical supply.

Commissioner Onken said comments were made about extending EV requirements to single-family development. Principal Planner Chow said that was not part of this proposal. She said CalGreen currently required it to be capable of supporting an EVSE. She said they did not consider

this in discussions with the Council subcommittee.

Commissioner Strehl confirmed with staff that the single-family residential development requirement to be capable of supporting as EVSE was applicable to secondary dwelling units (SDU) if it was a new unit. She asked if that would add \$6,000 to \$10,000 per unit for installation. Mr. La France said it would not and that the only requirement in CalGreen was space in the electrical panel and empty conduit to a location where the equipment could be installed.

Replying to Commissioner Riggs, Mr. LaFrance said the requirement in the code was that in developing the size of the main panel for single-family residential development that the requirement of 40 amps be accounted for to serve a charging station before the structure was built. Commissioner Riggs asked if a person was going to pull 60 amps off of the house for the SDU and 100 amps would be needed, whether since the residence would no longer conform it would have to be upgraded. Mr. LaFrance said it would as a new SDU was a single-family home. He said in constructing that if they were directly pulling the power from the main dwelling in most cases the service to the main dwelling would need to be increased to handle an SDU. He said for a new single-family home it had a mandatory 100 amp requirement.

Vice Chair Kahle asked if that would mean an upgrade to 400 amps for the main dwelling. Mr. LaFrance said that was hard to say as it would depend upon the demands on the service from the main dwelling. He said if it was already drawing 200 amps with a 200 amp panel then 400 amps would be the next service panel up from 200 amps.

Commissioner Barnes asked about speaker Mr. Woodell's comments regarding not referencing chargers but referencing as EVSEs and if staff had considered that. Mr. LaFrance said within the ordinance for Title 12 the references were all to EVSE and not chargers. Principal Planner Chow said they would review again for consistent terminology but they had used the same terminology of EVSE in Title 16, the zoning ordinance, similar to the building code so there would be no confusion. Commissioner Barnes asked about references to "receptacles." Principal Planner Chow said as part of ConnectMenlo when they brought the EVC ordinance to the City Council, they had added "receptacles at every carport column" for new residences. Mr. LaFrance said Mr. Woodall's comments were well spoken and he was technically correct. He said they were carrying forth the language the Council had added. He said if the Planning Commission wanted they could recommend that language be changed to more accurately reflect and staff would do so. Commissioner Barnes asked about the idea that 40 amp was not really 40 amp. Mr. La France said within the electric code there was a maximum amperage allowed giving about 25% head room for over amperages. He said a 20 amp breaker could only handle 15 amps worth of draw. He said Mr. Woodall was referencing that a 40 amp breaker did not really deliver 40 amps of power. He said they were paralleling the language within CalGreen about 240 amps in terms of the electricity being provided. Commissioner Barnes asked if Menlo Park needed a 50 amp designation. Mr. LaFrance said Mr. Woodall's comments were driven by the potential for a large exterior receptacle that could potentially injure someone if wiring got wet.

Recognized by the Chair, Mr. Woodall said for the NIMA North American standard there was 15, 20, 30, 50 and 60 amp receptacles and none for purchase rated as 40 amp.

Mr. La France said the electric code stated that if you were running a 20 amp circuit the receptacle had to be rated for 20 amps. He said if you were running a 15 amp circuit you could use a receptacle rated for 20 amps. He said a 15 amp receptacle could be used for a 40 amp breaker

and was allowed by code. Mr. LaFrance confirmed with Commissioners that he was comfortable carrying forward the CalGreen language.

Commissioner Onken said in thinking about why the City was mandating EV charging and how that related to public buildings, commercial buildings, multi-family buildings and single-family buildings that he was comfortable with what people did on their own property whether they owned electric cars or not, or needed to charge them, that was their business. He said for a multi-family apartment that a tenant did not have the right to do what they want with the electricity. He said it was appropriate mandating EV charging for multi-family new development but he thought they should resist mandating private individuals to install infrastructure that they might or might not use. He said they should take into consideration the comments made about additions and alterations to commercial buildings as he could see the slightly onerous requirements for what might be a simple tenant upgrade.

Commissioner Goodhue said given the comments made by Mr. Tarlton and Mr. Wimmer that she agreed with the EQC's suggestion for bifurcation. She said for new construction there was a very good path that was well thought out. She said there were enough specifics they had not considered that needed more time, input and clarity such as clustering and hardships, and being very clear was very important. She thought more weight should be given to the EQC's suggestion to bifurcate requirements for new commercial construction versus existing buildings. She said she differed from Commissioner Onken on the residential requirements. She said she could see the requirement of adding a 240 charger in the garage as Palo Alto did for new construction. She said she fully agreed with the EQC's recommendations regarding residential and she did not know why more deference was not being given to the EQC recommendation.

Vice Chair Kahle said his understanding was new construction would have a slot available in the electric panel and the conduit in the garage so that it would just be the matter of pulling the wire to the charger. Commissioner Goodhue said pulling wire always sounded easier than it was and involved costs that could be avoided if done during construction. Vice Chair Kahle noted the question of technological changes to consider. Commissioner Goodhue said she thought they charging capacity would improve but the electrical outlet has not changed much over time.

Commissioner Riggs said he was inclined to agree with others about new construction but not on single-family lots and SDUs. He said all of their good intentions weighed heavily on the cost of providing the least expensive housing units which were conversions to SDUs. He said for commercial buildings tenant improvements were common, and that the 10,000 square foot trigger to require EVC spaces was onerous for those tenants. He said he thought they needed to look closer at tenant improvements and whether EVC requirements were based on a percentage of the building size. He said he thought that the multiplier for the number of stations required should not be the total building square footage but the tenant's square footage and the parking requirements for that same square footage. He said it made sense to him to ramp up the requirements from 10% to 15% with at least one step in between. He said that support for electric vehicles might be lost at the federal level. He requested that they consider a phasing in of the ramping requirement and make requirements triggered by tenant improvements or small additions apply only to that square footage.

Commissioner Onken said as the code was proposed that for an addition or alteration if it was 10,000 to 25,000 square feet then the number of parking stalls was already commensurate with 10,000 square feet. Commissioner Riggs said with a 100,000 square foot building that if a tenant

made changes requiring new equipment and infrastructure costing \$150,000 it was his understanding that tenant would have to provide the EVC parking spaces for the entire 100,000 square foot building.

Commissioner Barnes said within the proposal by staff he was supportive of the four additional provisions. He said the grouping concept made a lot of sense so he was supportive of that. He said one of the speakers referred to credit for existing work and asked for clarification. Principal Planner Chow said that Mr. Wimmer might have voluntarily in the past installed EVC spaces or EVSE spaces and the question was whether they would get credit for the already installed equipment and apply to this new ordinance. She said the answer was yes.

Commissioner Barnes said regarding hardship exemptions he was comfortable with the language provided in CalGreen to allow for that. He said he was not comfortable with one tenant making changes that would trigger EVC requirements for the whole building. Principal Planner Chow said for commercial if a 10,000 square foot tenant improvement was proposed in a 100,000 square foot building the amount triggered would be 5% of the total number of required parking stalls that would be based upon the total 100,000 square foot building. Commissioner Barnes asked what the difference was between the EQC's recommendation and staff's. Principal Planner Chow said the EQC was supportive of doing an EVSE for every new single-family residential development. She said they wanted to pursue additional requirements for multi-family residential which they understood could happen at a later date. She said the EQC supported a Phase 2 of existing commercial and residential buildings. She said for single-family residential development there was already the CalGreen requirement and they did not want to burden some of the smaller developments. She said five units triggered a BMR requirement so that seemed reasonable for these requirements. She said for multi-family residential alterations or additions it was a cost factor. She said the ConnectMenlo new development standards did not have a requirement but was strictly voluntary, which they continued for single-family residential development.

Commissioner Strehl said she concurred with ramping up the 10% to 15% over time with some other index in between. She said she agreed with bifurcating new commercial / industrial construction from alterations and additions. She said she did not think it was appropriate to require SDUs to have a space for an electric vehicle as they were trying to encourage those for housing at a lower cost.

Commissioner Goodhue said she did not want to burden the SDUs either. She said with all the discussion and the comments about tweaking the proposal she thought it needed more time to be further refined. She said she agreed with the proposed requirements for new commercial construction. She said it was not gelled enough around the requirements for tenant additions and improvements. She said these things could be resolved but she did not think they were ready yet.

Replying to Vice Chair Kahle, Principal Planner Chow said if there were issues to be clarified that staff was happy to do that. She noted the credit question. She said she needed to understand more about what was intended for grouping. She said if it was intended across parcels it became a question of cars being shared on different sites as they do parking by parcel. She said whether parking could be cross exchanged was something they needed to consider more. She said regarding hardship that as mentioned by Mr. LaFrance there was provision in the code already that would not be changed. She asked if there were things they could clarify. She said if the Commission wanted the gradation of the implementation they could bring that recommendation to the Council. She said she did not know if there would be any more information related to that and

what was being proposed had been vetted with the Council subcommittee.

Vice Chair Kahle said he did not think more clarification needed and just that there seemed to be moving parts that were challenging to grasp in one motion this evening.

Commissioner Strehl said she concurred with Commissioner Goodhue's comments and that the proposal was not ready to move forward. She said there needed to be more clarification made in the ordinance so they were not voting on something with loose ends noting as an instance ramping up.

Commissioner Barnes said it was good work and important to the City. He said he would like to know that they had worked through all of the moving pieces and the implications. He suggested sending the proposal back to staff to work with experts.

Commissioner Riggs said his concern was unintended consequences. He agreed with Commissioner Barnes and Ms. Bailey's suggestion that they continue to think about this. He moved to continue the discussion. Principal Planner Chow asked for the Commission's input on what staff should look at further. Commissioner Riggs said for remodels and additions of commercial space and for remodels and additions of multi-family buildings should the latter ever occur that the requirements be based on the space remodeled or added; for ramp up requirements from 10% to 15% to have some additional phasing; to allow for grouping of the charging stations for efficiency on a single property for maybe a 20,000 square foot building, and as suggested for a multi-building site with one building being remodeled to allow spaces through the good intentions of the property owner to be placed at all buildings rather than just at the one building; and that pre-wiring one space per unit in multi-family development was not efficient as charging might be two-hours and the vehicle might be parked for 24-hours. He said a single-drop could be used to charge four to six cars with a 20-foot cord and take up reel. He said there was also the concept of a charging area. He said SDUs were burdened with getting those to current code and the original purpose for them was to get a lower priced unit on the market. Commissioner Strehl seconded the motion.

Commissioner Onken said regarding the tinkering with requirements for additions and alterations, and number of spaces, that when this came back it was important for staff to point out where they were contradicting, conflicting or parsing up LEED CalGreen requirements.

Commissioner Barnes commented that the requirement for new residential single-family was covered by CalGreen. He said for two, three and four residential units those were not covered by CalGreen nor what was being proposed. Principal Planner Chow said single-family and duplexes were covered by CalGreen and after that it jumped to 17 units under CalGreen. She said they were proposing requirements for five or more residential units. He said if there were three or four units there should be a requirement for panel and conduit; he said it also should apply to SDUs. He said he agreed on grouping. He said he did not have a position on less than 10,000 square feet and about the equity of having to redo all the spaces for the entire building.

Commissioner Goodhue said she thought it would be good when the item returned to have additional discussion on the residential aspect in addition to the requirements for existing commercial property. She said she sensed a lack of understanding about who might be using these charging stations and there was a demand at all income levels for electric cars.

ACTION: Motion and second (Riggs/Strehl) to continue the item for staff to look at and make clarifications and recommendations related to the following to bring back for the Commission's consideration; passes 6-0-1 with Commissioner Combs absent.

- For remodels and additions of commercial space and for remodels and additions of multi-family buildings should the requirements be based on the space remodeled or added;
- For ramp up requirements from 10% to 15% to have some additional phasing;
- To allow for grouping of the charging stations for efficiency on a single property for maybe a 20,000 square foot building, and as suggested for a multi-building site with one building being remodeled to allow spaces through the good intentions of the property owner to be placed at all buildings rather than just at the one building;
- To look at additional multi-family residential requirements beyond installation at structural columns; and
- Rethink EVC requirement for SDUs

I. Adjournment

Vice Chair Kahle adjourned the meeting at 10:06 p.m.

Staff Liaison: Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 5, 2018

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 AMENDMENTS

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 4.106.4.1 of Chapter 4 amended~~
- ~~12.18.040 Section 4.106.4.2 of Chapter 4 amended~~
- ~~12.18.050 Section 4.106.4.2.3 of Chapter 4 deleted~~
- ~~12.18.060 Section 4.106.4.2.4 of Chapter 4 deleted~~
- ~~12.18.070 Section 5.106.5.3 of Chapter 5 amended~~
- ~~12.18.080 Section 5.106.5.3.1 of Chapter 5 amended~~
- ~~12.18.090 Section 5.106.5.3.2 of Chapter 5 amended~~
- ~~12.18.100 Table 5.106.5.3.3 of Chapter 5 amended~~~~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 4.106.4.1 of Chapter 4 amended

Section 4.106.4.1 of Chapter 4 is amended to read as follows:

~~**4.106.4.1 New one- and two-family dwellings and townhomes with attached private garages.** For each dwelling unit install a listed raceway to accommodate a dedicated 208/240-volt 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 other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective devices.~~

4.106.4.1 New Single-family dwellings. For each dwelling unit install a listed raceway to accommodate a dedicated 208/240-volt 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 other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere

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minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective devices.

12.18.0430 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.~~

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~~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 two (2) or more multifamily dwelling units including town-houses are constructed on a building site, the following are to be installed at the time of construction:

1. For each dwelling unit, installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit. 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:

- The type and location of the vehicle supply equipment (EVSE).
- The raceway shall not be less than trade size 1"
- 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.
- 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.
- 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.

2. Install EVSE in 15 percent of the total number of required electric vehicle charging spaces (EV spaces) associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one; and
3. 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.

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.

12.18.0540 Section 4.106.4.2.3 of Chapter 4 ~~deleted~~amended

Section 4.106.4.2.3 of Chapter 4 is deleted:
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:~~

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- ~~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.~~

12.18.0650 Section 4.106.4.2.4 of Chapter 4 ~~amended~~deleted

Section 4.106.4.2.4 of Chapter 4 is deleted:

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:~~

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- ~~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:~~

- ~~— The type and location of the EVSE.~~
- 1. ~~Listed raceway and wiring capable of accommodating a 208/240-volt dedicated branch circuit.~~
- 2. ~~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. ~~Plan design shall be based upon 40-ampere minimum branch circuits.~~
- 4. ~~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.~~

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12.18.0760 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:~~

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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).

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When EVSE is/are installed, it shall be in accordance with the California Building Code, the California Electrical 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:~~

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12.18.0870 Section 5.106.5.3.1 of Chapter 5 amended

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

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- ~~• A raceway; and~~
- ~~• Wiring.~~

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~~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:~~

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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 and wiring 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.

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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"

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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.

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"

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- ~~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.~~

12.18.0980 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. ~~FN~~ 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:

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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.~~

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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~~

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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.

12.18.01090 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~~

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

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

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Table 5.106.5.3.3¹

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New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces ¹	Square Footage of Conditioned Affected Area	Number of Required EV Charging Spaces ²
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. ³	Minimum of 5% of total required number of parking stalls ² and install EVSE in a minimum of 1 charging space. ³
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	Greater than 25,000 sq. ft. ⁴	Minimum of 10% of total required number of parking stalls ² and install EVSE in 1 plus 1% of the total required number of parking stalls in charging space(s). ⁵

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| | space(s) ³ | | |
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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.~~
 3. ~~For additions/alterations 10,000 sq. ft. – 25,000 sq. ft. in the first year after the effective date of the ordinance, the requirement would be one percent. In the second year the effective date of the ordinance, the requirement would be three percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be five percent.~~
 4. ~~For larger additions/alterations (25,001 sq. ft. and greater), in the first year after the effective date of the ordinance, the requirement would be two percent. The second year after the effective date of the ordinance, the requirement would be five percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be 10 percent.~~
- ~~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.~~

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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:

Judi Herren, City Clerk
Clay J. Curtin, Interim City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 12.18 [CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS] OF TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO UPDATE THE ELECTRICAL VEHICLE CHARGING REQUIREMENT

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, the City wishes to update the requirement for electric vehicle charging spaces in projects involving tenant improvements or new construction and to make the regulations applicable citywide; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the 2016 California Green Building Standards Code in the City's Municipal 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 that require compliance with energy efficiency standards for building construction and 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.

- 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 [California Green Building Standards Code Amendments] of Title 12 [Buildings and Construction] of the City's Municipal Code is hereby amended in its entirety to read as follows:

CALIFORNIA GREEN BUILDING STANDARDS CODE AMENDMENTS

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 4.106.4.1 of Chapter 4 amended
12.18.040	Section 4.106.4.2 of Chapter 4 amended
12.18.050	Section 4.106.4.2.3 of Chapter 4 deleted
12.18.060	Section 4.106.4.2.4 of Chapter 4 deleted
12.18.070	Section 5.106.5.3 of Chapter 5 amended
12.18.080	Section 5.106.5.3.1 of Chapter 5 amended
12.18.090	Section 5.106.5.3.2 of Chapter 5 amended
12.18.100	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 4.106.4.1 of Chapter 4 amended

Section 4.106.4.1 of Chapter 4 is amended to read as follows:

4.106.4.1 New Single-family dwellings. For each dwelling unit install a listed raceway to accommodate a dedicated 208/240-volt 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 other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective devices.

12.18.040 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 two (2) or more multifamily dwelling units including town-houses are constructed on a building site, the following are to be installed at the time of construction:

1. For each dwelling unit, installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit. 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:

- The type and location of the vehicle supply equipment (EVSE).
 - The raceway shall not be less than trade size 1”
 - 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.
 - 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.
 - 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.
2. Install EVSE in 15 percent of the total number of required electric vehicle charging spaces (EV spaces) associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one; and
 3. 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.

12.18.050 Section 4.106.4.2.3 of Chapter 4 deleted

Section 4.106.4.2.3 of Chapter 4 is deleted:

12.18.060 Section 4.106.4.2.4 of Chapter 4 deleted

Section 4.106.4.2.4 of Chapter 4 is deleted:

12.18.070 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:

12.18.080 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 required to be installed at the time of construction:

- A raceway; and
- Wiring.

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 and wiring 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.

12.18.090 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, 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.
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.

Additions and/or alterations

1. The type and location of the EVSE.
2. Listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
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.
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.

12.18.100 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 5.106.5.3.3¹

New Construction			Addition and/or Alteration	
Square Footage of Building	Total Number of Parking Stalls	Number of Required EV Charging Spaces ²	Square Footage of Affected Area	Number of Required EV Charging Spaces ²
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. ³	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 ² 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. ⁴	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).

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.
3. For additions/alterations 10,000 sq. ft. – 25,000 sq. ft. in the first year after the effective date of the ordinance, the requirement would be one percent. In the second year the effective date of the ordinance, the requirement would be three percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be five percent.
4. For larger additions/alterations (25,001 sq. ft. and greater), in the first year after the effective date of the ordinance, the requirement would be two percent. The second year after the effective date of the ordinance, the requirement would be five percent. In the third year after the effective date of the ordinance and thereafter, the requirement would be 10 percent.

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:

Judi Herren, City Clerk

DRAFT – June 4, 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 and June 4, 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 16.40 (C-2-B), 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 July ____, 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 16.04.298, Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment, is hereby added to Chapter 16.04, Definitions, of Title 16, Zoning to read as follows:

16.04.298 Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment. “Electric Vehicle Charging Space”, “Electric Vehicle Charging Station” and “Electric Vehicle Supply Equipment” are defined in the California Building Standards Code.

SECTION 4. 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 and electric vehicle supply equipment (EVSE) shall not exceed the requirement for EV spaces and EVSE for new construction of an equivalent development on a parcel or project site. Any voluntary installation of EVSE above the maximum required would require the installation of a new parking space, unless approved through an administrative permit as outlined in Chapter 16.82 of this title. All required EVSE must be able to serve all electric vehicles. A non-universal EV charger may be installed on a one-to-one ratio where the number of striped parking spaces exceeds the required number of parking spaces, unless approved through an administrative permit as outlined in Chapter 16.82 of this title.
 - (B) The EV spaces requirement is based on the required parking associated with the affected area of work.
 - (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement, including the cap, shall be based on a percentage of the existing number of parking spaces equivalent to the percentage of the affected work area to the total building square footage on the parcel or subject site.
 - (D) EV spaces and EV charging stations can be used to meet the off-street parking requirement. The EV spaces requirements and the primary off-street parking requirements are not additive.
 - a. A proportional amount of EV spaces may be set aside in landscape reserve parking, where approved by the Planning Commission.
 - (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 5. 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 6. 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.
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.	

		Regulation ¹	Notes
	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	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. <u>The Electric Vehicle Charging Spaces Requirements in Section 16.72.010 apply.</u>	
	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 7. Section 16.40.030, Development regulations, of Chapter 16.40, C-2-B, Neighborhood Mixed Use District, Restrictive, 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):

16.40.030 Development regulations.

Development regulations in the C-2-B district are as follows:

- (1) Minimum district size: twenty-five thousand (25,000) square feet;

- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand (25,000) square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten (10) feet; side, none; corner side, ten (10) feet, rear, none; except when abutting a residential district where a twenty (20) foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent (60%) of building site;
- (6) Not less than ten percent (10%) of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed thirty (30) feet. For a mixed residential and commercial development, the maximum building height shall not exceed forty (40) feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio for nonresidential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of twenty thousand (20,000) square feet;
- (10) The maximum dwelling units per acre (du/ac) is thirty (30) du/ac;
- (11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- (12) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred percent (100%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section;
- (13) Development in the C-2-B district shall meet the following parking requirements:

(a) Parking shall not be located in any required yard adjacent to a street.

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Residential units	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
Office	2	3	1 per 5,000 sq.ft. of gross floor area Minimum 2 spaces for office and research development: 80% for long-term ² and 20% for short-term ²
Research and development	1.5	2.5	
Retail	2.5	3.3	
Financial services	2	3.3	

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Eating and drinking establishment	2.5	3.3	For all other commercial uses: 20% for long-term ² and 80% for short-term ²
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Other	At transportation manager discretion	At transportation manager discretion	At transportation manager discretion

¹ See the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(b) The Electric Vehicle Charging Spaces Requirements in Chapter 16.72.010 apply. ~~Electrical vehicle parking spaces shall be pre-wired for five percent (5%) of the total number of required parking stalls. A minimum of two (2) electrical vehicle spaces plus one percent (1%) of the total required parking stalls in the pre-wire locations shall be installed.~~

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SECTION 8. 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 ^{5,6,3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,6,3,4}
	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 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.

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 9. 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-Code2} 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-Code2} 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 ^{5,6,3,4}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,6,3,4}
	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 10. 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 size⁵size³	25,001 sq. ft. and above of conditioned area, volume or size⁵size³
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 Code⁴-Code² 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 Code⁴-Code² 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 ⁵ size ³	25,001 sq. ft. and above of conditioned area, volume or size ⁵ 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 Spaces	<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 Install EV Chargers ³ • Minimum of 2 in the pre-wire locations	<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 Install EV Chargers ³ • Minimum total of 2 plus 1% of the total parking	<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 Install EV Chargers ³ • Minimum total of 6 plus 1% of the total parking	<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 Install EV Chargers ³ • Minimum of 2 chargers in the pre-wire locations	<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 Install EV Chargers ³ • 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:

Judi Herren
City Clerk

DRAFT – June 4, 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 and June 4, 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 16.40 (C-2-B), 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 July ____, 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 16.04.298, Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment, is hereby added to Chapter 16.04, Definitions, of Title 16, Zoning to read as follows:

16.04.298 Electric Vehicle Charging Space, Electric Vehicle Charging Station, and Electric Vehicle Supply Equipment.
“Electric Vehicle Charging Space”, “Electric Vehicle Charging Station” and “Electric Vehicle Supply Equipment” are defined in the California Building Standards Code.

SECTION 4. 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 and electric vehicle supply equipment (EVSE) shall not exceed the requirement for EV spaces and EVSE for new construction of an equivalent development on a parcel or project site. Any voluntary installation of EVSE above the maximum required would require the installation of a new parking space, unless approved through an administrative permit as outlined in Chapter 16.82 of this title. All required EVSE must be able to serve all electric vehicles. A non-universal EV charger may be installed on a one-to-one ratio where the number of striped parking spaces exceeds the required number of parking spaces, unless approved through an administrative permit as outlined in Chapter 16.82 of this title.
 - (B) The EV spaces requirement is based on the required parking associated with the affected area of work.
 - (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement, including the cap, shall be based on a percentage of the existing number of parking spaces equivalent to the percentage of the affected work area to the total building square footage on the parcel or subject site.
 - (D) EV spaces and EV charging stations can be used to meet the off-street parking requirement. The EV spaces requirements and the primary off-street parking requirements are not additive.
 - a. A proportional amount of EV spaces may be set aside in landscape reserve parking, where approved by the Planning Commission.
 - (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 5. 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 6. 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:

		Regulation ¹	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	

		Regulation ¹	Notes
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 7. Section 16.40.030, Development regulations, of Chapter 16.40, C-2-B, Neighborhood Mixed Use District, Restrictive, 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~~):

16.40.030 Development regulations.

Development regulations in the C-2-B district are as follows:

- (1) Minimum district size: twenty-five thousand (25,000) square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the C-2-B district shall be no less than twenty-five thousand (25,000) square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten (10) feet; side, none; corner side, ten (10) feet, rear, none; except when abutting a residential district where a twenty (20) foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent (60%) of building site;
- (6) Not less than ten percent (10%) of building site shall be occupied by appropriate landscaping;
- (7) Height of structures shall not exceed thirty (30) feet. For a mixed residential and commercial development, the maximum building height shall not exceed forty (40) feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- (9) The floor area ratio for nonresidential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of twenty thousand (20,000) square feet;
- (10) The maximum dwelling units per acre (du/ac) is thirty (30) du/ac;
- (11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- (12) In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred percent (100%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section;
- (13) Development in the C-2-B district shall meet the following parking requirements:
 - (a) Parking shall not be located in any required yard adjacent to a street.

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking¹
Residential units	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
Office	2	3	1 per 5,000 sq.ft. of gross floor area Minimum 2 spaces for office and research development: 80% for long-term ² and 20% for short-term ² For all other commercial uses: 20% for long-term ² and 80% for short-term ²
Research and development	1.5	2.5	
Retail	2.5	3.3	
Financial services	2	3.3	
Eating and drinking establishment	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Other	At transportation manager discretion	At transportation manager discretion	At transportation manager discretion

¹ See the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

² Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

(b) The Electric Vehicle Charging Spaces Requirements in Chapter 16.72.010 apply.

SECTION 8. 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 (EV) 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	Enroll in EPA Energy Star Building Portfolio Manager and	Enroll in EPA Energy Star Building Portfolio Manager and	Enroll in EPA Energy Star Building Portfolio Manager and	Enroll in EPA Energy Star Building Portfolio Manager and submit	Enroll in EPA Energy Star Building Portfolio Manager and submit

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}
	submit documentation of compliance as required by the city	submit documentation of compliance as required by the city	submit documentation of compliance as required by the city	submit 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 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 9. 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 (EV) 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 10. 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 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 (EV) 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

	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
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 (EV) Charging Spaces	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 size ³	25,001 sq. ft. and above of conditioned area, volume or size ³
	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:

Judi Herren
City Clerk

DIRECT-VENT APPLIANCE. A fuel-burning appliance with a sealed combustion system that draws all air for combustion from the outside atmosphere and discharges all flue gases to the outside atmosphere.

DISPOSAL. The management of solid waste through land-filling or transformation at permitted solid waste facilities.

DIVERSION. Activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this code.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles. For purposes of the *California Electrical Code*, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not included.

ELECTRIC VEHICLE (EV) CHARGER. Off-board charging equipment used to charge an electric vehicle.

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). A space intended for future installation of EV charging equipment and charging of electric vehicles.

ELECTRIC VEHICLE CHARGING STATION (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

EMBODIED ENERGY. The energy used for raw material extraction, transportation, manufacturing, assembly, installation and disposal during the life of a product, including the potential energy stored within the product.

ENERGY BUDGET. The sum of the annual TDV energy consumption for energy use components included in the performance compliance approach for the Standard Design Building, as established in the Alternative Calculation Method Reference Manual approved by the Energy Commission and calculated by Compliance Software certified by the Energy Commission.

ENERGY COMMISSION. The California State Energy Resources Conservation and Development Commission.

ENERGY DESIGN RATING. The sum of the annual TDV energy consumption for energy use components included in the performance compliance approach for the Standard Design Building (Energy Budget) and the annual time dependent valuation (TDV) energy consumption for lighting and

components not regulated by Title 24, Part 6 (such as domestic appliances and consumer electronics) and accounting for the annual TDV energy offset by an on-site renewable energy system. The Design Rating is calculated by Compliance Software certified by the Energy Commission.

ENERGY EQUIVALENT (NOISE) LEVEL (L_{eq}). The level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

ENFORCING AGENCY. The designated department or agency as specified by statute or regulation.

EUTROPHICATION. The excessive growth of aquatic plants, especially algae, producing bacteria which consume nearly all of the oxygen required to sustain fauna and other flora.

EVAPOTRANSPIRATION ADJUSTMENT FACTOR (ETAF). [DSA-SS] An adjustment factor when applied to reference evapotranspiration that adjusts for plant factors and irrigation efficiency, which are two major influences on the amount of water that needs to be applied to the landscape.

EXFILTRATION. The uncontrolled outward air leakage from inside a building, including leakage through cracks and interstices, around windows and doors, and through any other exterior partition or duct penetration.

EXPRESSWAY. An arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections.

FLOOR AREA RATIO. Gross square footage of all structures on a site divided by gross square footage of the site.

FOOTPRINT AREA. [DSA-SS] The total area of the furthest exterior wall of the structure projected to natural grade, not including exterior areas such as stairs, covered walkways, patios and decks.

FREEWAY. A divided arterial highway with full control of access and with grade separations at intersections.

FRENCH DRAIN. A trench, hole or other depressed area loosely filled with rock, gravel, fragments of brick or similar pervious material used to collect or channel drainage or runoff water.

GEOTHERMAL. Renewable energy generated by deep-earth water or steam.

GLOBAL WARMING POTENTIAL (GWP). The radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time. Carbon dioxide is the reference compound with a GWP of one.

GLOBAL WARMING POTENTIAL VALUE (GWP VALUE). The 100-year GWP value published by the Intergovernmental Panel on Climate Change (IPCC) in either its Second Assessment Report (SAR) (IPCC, 1995); or its Fourth Assessment A-3 Report (AR4) (IPCC, 2007). The SAR GWP values are found in column "SAR (100-yr)" of Table 2.14.; the AR4 GWP values are found in column "100 yr" of Table 2.14.

From: Pirnejad, Peter
To: [Chow, Deanna M](#); [Lafrance, Ron J](#); [Lucky, Rebecca L](#)
Cc: [Jacobson, Melanie](#); [Paz, Ori](#); [London, Janelle](#); SvenThesen@gmail.com; [Hodge, Bruce](#)
Subject: The Palo Alto experience in creating and enforcing an Electric Vehicle Ordinance
Date: Thursday, February 8, 2018 11:09:23 AM
Attachments: [image001.png](#)

Dear Ms. Chow, Mr. Lafrance, and Ms. Lucky,

I was talking to a mutual acquaintance, Sven Thesen, also good friend, and he mentioned Menlo Park was considering an Electric Vehicle ordinance of some kind. As the Director of Development Services, I am pleased that the City of Menlo Park is advancing a new electric vehicle (EV) charging infrastructure ordinance for multi-family and commercial developments and would like to share my Department's experience to the extent that it may help you.

As you may know, in 2014 the City of Palo Alto adopted EV charging requirements with essentially the following requirements:

- **Multi-family residential** – one Level 2 charging outlet and/ or one EVSE for each housing unit, plus install electric wiring for 25% of visitor spaces.
- **Hotels** – all new builds must accommodate EVs at 30% of public spaces. This accommodation can be either a 120V outlet or actual charging equipment, but all parking must have at least 1 in every 10 spaces set up to include *installed* EVSEs.
- **Commercial Development** – 25% of all spaces must accommodate plug-in vehicles, with at least 5% of all spaces equipped with charging equipment.

I estimate that this ordinance has increased construction costs by less than 0.5% and I know from experience that it is considerably more expensive (10-100 times more) to add charging infrastructure post construction than pre-construction. To date, my Department has had no pushback from developers regarding the ordinance's residential component and limited pushback on the commercial side, primarily due to new California Americans with Disabilities Act adding additional parking space requirements. If Menlo Park was only to enact one component of our ordinance (residential or commercial) I would prioritize the residential requirement of one charger per residential unit because a) this is where vehicles spend most of their time b) the great majority of EV users prefer to charge at home versus a commercial setting and c) both home charger install and operational costs are generally less than the commercial costs.

Palo Alto and Menlo Park have some of the highest purchasing rates of EVs, yet multi-family dwellings that lack charging infrastructure remain a major barrier to accelerating EV adoption. I appreciate the efforts of Menlo Park and other cities throughout the region to support EVs as an effective way to cut greenhouse gas and air pollution.

In summary, it is my opinion that Palo Alto's 2014 EV charging requirements have been a major success. Feel free to contact my office if there is anything I can do to support Menlo Park in adopting a similar measure. If you have technical questions about our ordinance the best person to talk to is Melanie Jacobson, copied in this email

Sincerely,

Dr. Peter Pirnejad
Director of Development Services



Peter Pirnejad | Director of Development Services
285 Hamilton Avenue | Palo Alto, CA 94301
O: 650.329.2349 | E: Peter.Pirnejad@CityofPaloAlto.org

For scheduling please contact
Tabatha Boatwright | Admin Associate
O: (650) 329-2226 | Tabatha.Boatwright@CityofPaloAlto.org

-
Please think of the environment before printing this email – Thank you!



ChargePoint, Inc.
240 East Hacienda Avenue | Campbell, CA 95008 USA
+1.408.841.4500 or US toll-free +1.877.370.3802

April 13, 2018

Ori Paz
Planning Division
701 Laurel Street
Menlo Park, CA 94025

Subject: ChargePoint's comments regarding Menlo Park's draft EV ready ordinance

Dear Mr. Ori Paz,

Thank you very much for the opportunity to comment on Menlo Park's Proposed Non-Residential EV Charging Spaces Requirements and Proposed Residential EV Charging Spaces Requirements. ChargePoint commends the City of Menlo Park for advancing its EV ready policy, in particular, including major alterations and expansions as part of the policy. Please see below for recommendations on the proposed policy.

We recommend that Menlo Park adopt language to harmonize with state requirements re: accessibility codes and amend the code to require that EV-ready parking spaces are designed for compliance with any Chapter 11B accessibility rules that would apply when EV-ready parking spaces are converted into EV charging spaces. We recommend that Menlo Park review language adopted by Fremont, Oakland, and San Francisco, which addresses this harmonization.

ChargePoint recommends against the 10% installation requirement for new nonresidential buildings and the 3% installation requirement for new residential multifamily buildings. The expense on builders could be better used to increase the amount of electrical infrastructure, which provides the greatest cost savings in new construction. Additionally, installation requirements create a misalignment between who is building the building and who is using the charging infrastructure—there is a wide range of EV charging options and it's often seen as a building amenity, and users may be best able to select chargers that best meet their needs. Lastly, it could limit the access to various funding opportunities, such as funding from the Bay Area Air Quality Management District, since the charging stations would not be "voluntary and surplus".

ChargePoint recommends a high ratio of conduit in multifamily buildings to gain flexibility in situations of deeded or dedicated parking. We also recommend eliminating the multifamily exemption for 3 and 4 unit buildings and applying EV readiness measures to alterations and expansions at multifamily homes.

ChargePoint recommends explicitly referencing power management/load sharing in the building code and providing performance standards for the technology. It is approved in the National and California Electrical Code, and we also suggest referencing this technology in the building code so that inspectors know to approve a project if they meet code using power management. Suggested performance standards include:

- Every charging space should be capable of charging a vehicle at a minimum of 30A if it's the only charging space with a vehicle charging.



- For multi-family, a minimum of 8A per charging space should be enforced. This means that if a vehicle wants to charge it gets at least 8A, regardless of whether other vehicles around it are charging or not. 8A doesn't need to be "reserved" for every charging spot, but the load management system must be able to guarantee 8A for every vehicle.
- The circuit delivered to every charging space should be 208/240V.
 - We recommend avoiding basing requirements on things like minimum kWh or charging durations, since these are not consistent across vehicles, drivers, or temperatures, therefore it's difficult to quantify and electricians generally will not know what to do with these.
- Should be on a dedicated and not mixed-use panel.

Thank you again for the opportunity to comment, as well as your leadership in supporting clean transportation.

Sincerely,

A handwritten signature in cursive script that reads "Amanda J. Myers".

Amanda Myers
Public Policy Manager



STAFF REPORT

Planning Commission

Meeting Date:

6/4/2018

Staff Report Number:

18-058-PC

Regular Business:

Consider recommending that the City Council approve updates to the Below Market Rate Housing Program Guidelines

Recommendation

Staff recommends that the Planning Commission recommend that the City Council update the Below Market Rate Housing Program Guidelines.

Policy Issues

The City of Menlo Park Housing Element Program H4.C calls for the City to modify the Below Market Rate Housing Program Guidelines (“BMR Guidelines”).

Background

On April 1, 2014, the City Council adopted the 2015-2023 City of Menlo Park Housing Element. The Housing Element included in the General Plan establishes housing objectives, policies and programs in response to community housing conditions and needs. The City of Menlo Park Housing Element Program H4.C calls for the City to modify the BMR Guidelines.

The first set of updates to the BMR Guidelines related to reinstating the City’s inclusionary rental housing program in light of recent State law changes was adopted by the City Council April 17, 2018, upon the Housing Commission’s and Planning Commission’s recommendations. While the City’s previous practice was to require all BMR units be affordable to low income households, in response to public comments, this update also permitted the City Council to waive this requirement and permit a range of affordability levels to address unmet Housing Element need.

This second round of changes implements recommendations from the Housing Commission’s BMR Guidelines subcommittee that was formed in 2017. The BMR subcommittee met with City staff, Hello Housing staff and the City Attorney’s office to discuss a series of recommended changes. This second set of updates to the BMR Guidelines, as discussed in this staff report, accomplish the following: (1) modernizes the definitions of household to reflect more inclusiveness; (2) addresses how to handle over-income tenants; (3) aligns City BMR household income and maximum rent limits with San Mateo County’s; (4) memorializes the City’s current practice of maintaining a BMR rental eligibility list; (5) addresses displaced tenants and (6) allows developer to place all BMR units in standalone project on same lot as market rate project if approved by City Council.

On May 7, 2018, the Housing Commission considered this current set of recommendations. The Commission unanimously recommended the Guidelines be forwarded to City Council with the following comments: (1) the Commission disagreed with the exception for placing all BMR units in the same project and (2) requested clarification on the types of economic conditions that would justify placing displaced

tenants on the BMR Ownership Waiting List and BMR Rental Interest list. These concerns are discussed in more detail below.

In the near future, staff also expects to work with the Housing Commission subcommittee on a third set of modifications, including the City Council's most recent request to review and update the BMR fees.

Analysis

Definition of household

The City's definition of household has not been updated for quite some time. At a minimum, the City must comply with federal and state laws aimed at preventing housing discrimination. The Department of Housing and Urban Development (HUD) defines "household" to mean:

All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. (Source: HUD Glossary – Attachment B)

This broad definition recognizes that households can take many forms and are not always limited to related family members. The update incorporates HUD's definition of household into the BMR Guidelines. (Section 6.1.1.)

While recognizing households can take a number of different forms, many agencies impose reasonable joint residency requirements to ensure that persons listed on an application are in fact a true household and will continue to live together as such. Menlo Park's BMR Guidelines currently require all household members to have lived together for one year before the date of application. At the subcommittee's suggestion, the BMR Guidelines have been updated to exempt from this one-year joint residency requirement new household members added by domestic partnership, adoption or aging family members. In addition, the BMR Guidelines give the City the ability to waive this requirement in other appropriate circumstances. (Section 6.3.1.) At the subcommittee's suggestion, the BMR Guidelines have been revised to permit unhoused persons to qualify for a Menlo Park residency preference if they can demonstrate their last permanent residence was located in Menlo Park or that they currently reside in Menlo Park as documented by a case manager or homeless services provider. (Section 7.1.) This criterion for determining local residency for unhoused persons has been effectively applied in Sunnyvale.

Over-income tenant

From time to time, BMR tenants who are income qualified at the time of the initial lease agreement, receive additional income (i.e., job promotion) which eliminates eligibility. Under the current BMR Guidelines, if a tenant remained over income for more than two years, the owner would be required to terminate the lease and re-lease the unit to an income-qualifying tenant. To avoid this harsh remedy, the City's BMR agreement instead provides that the tenant may remain on-site (as a market rate tenant), but that the next available unit be rented and designated as a BMR unit. The subcommittee discussed these two different approaches and recommended that the BMR Guidelines be updated to include the same language as contained in the BMR Agreement as follows:

A qualified BMR tenant shall continue to qualify unless at the time of recertification, for two consecutive years, the household's income exceeds the eligibility requirements, then the tenant shall no longer be qualified. Upon the owner's determination that any such household is no longer qualified, the unit shall no longer be deemed a BMR Unit, and the owner shall make the next

available unit, which is comparable in terms of size, features and number of bedrooms, a BMR (the “Next Available Unit Requirement”), or take other actions as may be necessary to ensure that the total required number of units are rented to qualifying BMR households. The owner shall notify the City annually if it substitutes a different unit for one of the designated BMR Units pursuant to this paragraph.

(Section 11.1.7.)

Household income and maximum monthly Rents

Historically, the City of Menlo Park’s BMR Program has been geared toward low income households defined as 60-80% of the Area Median Income (AMI). The City Council recently amended the BMR Guidelines to allow for a mix of different affordability levels if approved by City Council. In addition, the BMR Guidelines subcommittee recommended additional changes to the affordability requirements. First, they recommended the “moderate income” limit be increased from 110% AMI to 120% AMI to better correspond with the County of San Mateo and HUD’s threshold. (Table A) They also recommended the maximum rent table be updated to better align with the County’s table. (Table B) The two differences between the City and County tables are the County rent limits do not include utilities (whereas the City’s does) and the tables include slightly different occupancy assumptions. The updated Table B now reflects the maximum rent levels specified by the County.

BMR Rental Interest List

At one time, the City maintained both a BMR ownership and BMR rental waiting list ranked by application date. The City still maintains a BMR ownership list (currently maintained by Hello Housing) but it no longer maintains such a list for rentals. For rentals, the City maintains a BMR Rental Interest list and makes that list available to all owners who request it or are required to consider it pursuant to an affordable housing agreement. The subcommittee expressed an interest in modifying the BMR Guidelines to reflect the City’s current practice. Staff has made changes to Sections 7 and 11.1.4 to reflect this current administrative practice. (See Sections 7 and 11.1.4.)

Displaced Tenants

The subcommittee also discussed adding a citywide preference for displaced Belle Haven residents and offering some protection for tenants displaced from Menlo Park due to the recession in 2008. As for the Belle Haven preference, the City Council provided earlier direction that this preference be limited to affordable housing developed in the R-MU district and staff has brought forward a separate ordinance codifying that policy. As for economic displacement in general, Staff has modified the BMR Guidelines to permit Menlo Park tenants who had resided in the City for at least three years as of 2008 and who were displaced due to economic reasons (i.e., job loss) to be placed on either the BMR rental interest list. This provision reads:

A person residing in Menlo Park for at least three consecutive years as of 2008 who was subsequently displaced from such housing shall not be disqualified based on current nonresidency, provided they can show their displacement was due to economic conditions beyond their control (including but not limited to job loss, rent increase, eviction, foreclosure or other form of economic hardship resulting in loss of housing). Evidence of such economic displacement shall be in the form of direct evidence (i.e., job termination letter) or declarations submitted under penalty of perjury.

(Section 7.1.) Note this provision included edits suggested by the Housing Commission to clarify what types of economic conditions were beyond the resident’s control and they type of evidence needed to support the claim.

Standalone BMR Projects

Some housing developers have recently expressed interest in developing an all senior standalone BMR project that would both satisfy the BMR requirements as well as provide additional BMR units and related senior services. In order to cater to seniors the standalone project would have amenities not available to other market rate tenants. In order to facilitate this type of project, staff is recommending an amendment to the guidelines to permit the BMR units to be segregated from the market rate units. This exception would require City Council approval.

When this matter was presented to the Housing Commission, the details of the particular proposal were unknown. The Housing Commission has historically expressed a preference for projects that integrated the BMR units into the complex consistent with the City's longstanding economically inclusive policy. Staff is bringing forward this exception for further discussion by the Planning Commission and City Council.

Impact on City Resources

This update is not anticipated to have an impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

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. Updates to Below Market Rate Program Guidelines
- B. HUD Glossary – Hyperlink: https://www.huduser.gov/portal/glossary/glossary_all.html#h

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BELOW MARKET RATE HOUSING PROGRAM GUIDELINES

Income Limits/Section 14, Tables A and B Updated for 2017-18

Originally Adopted by City Council on January 12, 1988

Revised by City Council on the following dates:

- December 17, 2002 (No Resolution)
- March 25, 2003 (Resolution No. 5433)
- January 13, 2004 (No Resolution)
- March 22, 2005 (Resolution No. 5586)
- March 2, 2010 (Resolution No. 5915)
- May 10, 2011 (No Resolution)
- May 6, 2014 (Resolution No. 6196)
- April 17, 2018 (Resolution No. 6432)
- June XX, 2018 (Resolution No. XXXX)

BELOW MARKET RATE HOUSING PROGRAM GUIDELINES

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1. OVERVIEW

The high cost and scarcity of housing in Menlo Park have been caused in large part because the number of jobs in Menlo Park has grown, but the supply of housing has not increased significantly. A majority of new employees earn low- and moderate-incomes and are most severely impacted by the lack of affordable housing in Menlo Park. Because of the high cost of housing, families who seek to live in Menlo Park cannot afford to purchase homes here and are forced to rent. Many renters pay a disproportionately high amount of their incomes in rent.

1.1 Purpose. The City of Menlo Park's Below Market Rate ("BMR") Housing Program is intended to increase the housing supply for households that have very low, low- and moderate-incomes compared to the median income for San Mateo County. The primary objective is to obtain actual housing units, either "rental" or "for sale," rather than equivalent cash.

1.2 Enabling Legislation. The BMR Housing Program is governed by Chapter 16.96 of the Municipal Code. The BMR Housing Program is administered under these BMR Housing Program Guidelines ("Guidelines").

2. BMR HOUSING AGREEMENT AND REVIEW PROCESS

2.1 BMR Housing Agreement. Before acceptance of plans for review by the City of Menlo Park staff, a developer should provide a proposal for meeting the requirements of the BMR Housing Program. The proposal should include one or a combination of the following alternatives: a) Provision of BMR units on site; and/or b) Provision of BMR units off-site; and/or c) Payment of an in-lieu fee. These alternatives are listed in order of preference.

2.2 Review Steps. The following review steps apply to most development projects:

- City staff will review a BMR For-Sale Agreement or an Affordability Housing Agreement (either, a "BMR Housing Agreement"), that has been prepared by the developer's attorney on a form substantially similar to that provided by the City and shall make a recommendation with respect to it to the Housing Commission, and, if applicable, to the Planning Commission and/or the City Council. The City Attorney must approve as to form the BMR Housing Agreement prior to its review by the Planning Commission.
- The City Council grants approval of the BMR Housing Agreement for projects which it reviews. For all other projects, the BMR Housing Agreement shall be approved by the entity having final approval authority over the project.

3. REQUIREMENTS FOR DEVELOPMENTS BY TYPE

3.1 Commercial Developments. The BMR Housing Program requires commercial developments which bring employees to Menlo Park to provide BMR units or to contribute to the BMR Housing Fund that is set up to increase the stock of housing for very low, low and moderate income households, with preference for workers whose employment is located in the City of Menlo Park, and for City residents.

3.1.1 Commercial Development Requirements. Commercial buildings of 10,000 square feet or more gross floor area are required to mitigate the demand for affordable housing created by the commercial development project. In order to do so, it is preferred that a commercial development project provide BMR housing on-site (if allowed by zoning) or off-site (if on-site BMR units are infeasible). A density bonus of up to 15% above the density otherwise allowed by zoning may be permitted when BMR housing is provided on-site. The BMR Housing Agreement will detail the BMR Housing Program participation of a particular development.

Although the provision of actual BMR units is strongly preferred, it is not always possible to provide BMR housing units. In such cases, the developer shall pay a commercial in-lieu fee rather than provide actual BMR housing units. Commercial in-lieu fees must be paid prior to the issuance of a building permit.

Commercial in-lieu fees are charged at different rates to two groups based on the employee housing demand the uses produce. Group A uses are office and research and development ("R&D"). Group B uses are all other uses not in Group A.

Commercial in-lieu fee rates are adjusted annually on July 1st. The amount of the adjustment is based on a five-year moving average of the percentage increase in the Consumer Price Index (Shelter Only) for All Urban Consumers in the San Francisco-Oakland-San Jose area. Refer to Section 14, Table D, for the Commercial In-lieu Fee Rates, which may be updated by City staff from time to time.

3.1.2 Applicability. The BMR Housing Program applies to conditional use permits, conditional development permits, planned development permits, subdivision approvals, architectural control approvals, variance approvals and building permits for any commercial development. The BMR Housing Program also applies to the construction of any new square footage or any square footage that is converted from an exempt use to a non-exempt use. Finally, the BMR Housing Program applies to the conversion of floor area from a less intensive use (Commercial/Industrial uses) to a more intensive use (Office/R&D).

3.1.3 Exemptions. The following are exempted from the BMR Housing Program:

- (a) Private schools and churches;
- (b) Public facilities;
- (c) Commercial development projects of less than 10,000 square feet; and

(d) Projects that generate few or no employees.

3.2 Residential Developments. The BMR Housing Program requires residential developments which use scarce residentially zoned land in Menlo Park to provide BMR units or to contribute to the BMR Housing Fund. The BMR [Housing](#) Fund is set up to increase the stock of housing for very low-, low- and moderate-income families, with preference for workers whose employment is located in the City of Menlo Park, and for City residents.

3.2.1 Residential Development Requirements. Residential developments of five or more units are subject to the requirements of the BMR Housing Program. These requirements also apply to condominium conversions of five units or more. As part of the application for a residential development of five or more units, the developer must submit a BMR Housing Agreement, in a form substantially similar to that provided by the City, which details the developer's plan for participation in the BMR Housing Program. No building permit or other land use authorization may be issued or approved by the City unless the requirements of the BMR Program have been satisfied.

3.2.2 Condominium Conversions. If an apartment complex already participating in the BMR Housing Program elects to convert the complex to condominiums, then the existing BMR rental apartments shall be converted to BMR condominium units under the BMR Housing Program.

When market rate rental units are removed from the rental housing stock for conversion to condominiums, and they are not already participating in the BMR Housing Program, then the project shall meet the same requirements as new developments to provide BMR units in effect at the time of conversion. When the property owner notifies the City of the intent to sell, the property owner shall notify any BMR tenants of such units of the pending sale and non-renewal of lease. Such tenant(s) shall be given the right of first refusal to purchase the unit. If the tenant seeks to purchase the unit, at the close of escrow the unit shall exist as a for-sale BMR unit. If the tenant does not seek to purchase, the tenant shall vacate the unit at the expiration of the current lease term and the unit will be sold to an eligible third party according to the BMR Guidelines and held as a for-sale BMR unit. The tenant who vacates will have priority to move to other vacant BMR rental units in the City for two years from the date the lease expired, regardless of the place of residence of the displaced BMR tenant.

3.3 Mixed Use Developments. Mixed use developments must comply with the requirements for commercial developments in the commercial portion of the development and must comply with the requirements for residential developments for the residential portion of the development.

3.4 Required Contribution for Residential Development Projects. All residential developments of five units or more are required to participate in the BMR Housing Program. The preferred BMR Housing Program contribution for all residential

developments is on-site BMR units. For rental residential development projects, the applicant may comply with the City's BMR requirements by providing in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. Any alternative means of compliance shall be approved by the City Council upon findings that the alternative is commensurate with the applicable on-site requirement and complies with applicable BMR Guidelines.

For ownership residential development projects, if providing on-site BMR units is not feasible as confirmed by the City, developers are required to pay an in-lieu fee as described in Section 4.3. The requirements for participation increase by development size as shown below:

One (1) to Four (4) Units. Developers are exempt from the requirements of the BMR Housing Program.

Five (5) to Nine (9) Units. It is preferred that the developer provide one unit at below market rate to a very low, low, or moderate income household.

Ten (10) to Nineteen (19) Units. The developer shall provide not less than 10% of the units at below market rates to very low-, low- and moderate-income households.

Twenty (20) or More Units. The developer shall provide not less than 15% of the units at below market rates to very low-, low- and moderate-income households. On a case-by-case basis, the City will consider creative proposals for providing lower cost units available to lower income households such as smaller unit size, duet-style, and/or attached units that are visually and architecturally consistent with the market-rate units on the exterior, and that meet the City's requirements for design, materials, and interior features of BMR units.

3.4.1 Fraction of a BMR Housing Unit. If the number of BMR units required for a residential development project includes a fraction of a unit, the developer shall provide either a whole unit, the preferred form of participation, or make a pro rata residential in lieu payment on account of such fraction per Section 4.3 or 4.4, as applicable.

Example: A residential project is developed with 25 condominium units. The BMR requirement of 15% equates to 3.75 units. The preferred BMR Housing Program participation is four BMR units. If four BMR units are provided, the developer would pay no in-lieu fee. Alternatively, if three BMR units are provided, the developer would have to pay an in-lieu fee for the remaining fractional BMR unit.

4. BMR PROGRAM REQUIREMENTS FOR ON-SITE BMR UNITS, OFF-SITE BMR UNITS AND IN-LIEU FEES

4.1 On-Site BMR Units.

4.1.1 Initial Price for For-Sale Unit. The initial selling price of BMR for-sale units for extremely low (30% AMI), very low (50% AMI), subsidized low (60% AMI), low (80% AMI) or moderate (120% AMI) income households is based on what is affordable to households with incomes at the identified percentage of area median income (“AMI”) related to household size, as established from time to time by the State of California Housing and Community Development Department (“HCD”) for San Mateo County. See Section 14, Table A, which may be updated by City staff from time to time.

4.1.2 Initial Price for Rental Unit. The initial monthly rental amounts for BMR rental units will be equal to or less than thirty percent (30%) of the applicable income limits for extremely low, very low, subsidized low, low and moderate income households adjusted for occupancy, [as established from time to time by the HCD for San Mateo County](#). In no case shall the monthly rental amounts for BMR units exceed seventy-five percent (75%) of comparable market rate rents. The maximum rent for specific BMR units will be based on Section 14, Table B of the BMR Guidelines, which may be updated by City staff from time to time. See also Sections 11.1.1 and 11.1.2.

The purchase or rental price for BMR units shall be established and agreed upon in writing in the BMR Housing Agreement per Section 2.2, prior to final building inspection for such BMR units. The provision of affordable units at extremely low, very low, low and/or moderate income levels shall be roughly equivalent to the provision of all of the affordable units at the low income level.

4.1.3 Bonus Unit. For each BMR unit provided, a developer shall be permitted to build one additional market rate (bonus) unit. However, in no event shall the total number of units in a development be more than fifteen percent (15%) over the number otherwise allowed by zoning.

4.2 Off-Site BMR Units. If authorized by the City as described in Section 2.2, developers may propose to provide BMR units at a site other than the proposed development. These off-site BMR units must be provided on or before completion of the proposed development and must provide the same number of units at below market rates to very low, low and moderate income households as required for on-site developments. Such units may be new or existing. Provision by the developer and acceptance by the City of off-site units shall be described in the BMR Housing Agreement. Size, location, amenities and condition of the BMR units shall be among the factors considered by the City in evaluating the acceptability of the off-site BMR units. For existing units, the developer shall be responsible for correcting, at developer’s expense, all deficiencies revealed by detailed inspection of the premises by qualified inspectors, including a certified pest inspector.

The initial price or rent for the BMR units shall be established as stated in Sections 4.1.1 and 4.1.2 and in accordance with the BMR Income Guidelines in Section 14 in effect at the time the BMR unit is ready for sale or rent. Fractions of required BMR units shall be handled by provision of an in-lieu fee for the market rate units for which no BMR unit is provided.

4.3 Ownership Residential In Lieu Payments Based on Sales Price.

4.3.1 Developments of Ten (10) or More Units. In developments of 10 or more units, the City will consider an in-lieu payment alternative to required BMR units only if the developer substantiates to the City's satisfaction that the BMR units cannot be provided on or off-site. In developments of 10 or more units which provide BMR units, upon the close of escrow on the sale of each unit in the subdivision for which a BMR unit has not been provided, the developer shall pay to the City an in-lieu payment calculated at three percent (3%) of the actual sales price of each unit sold. In lieu payments for fractions of BMR units shall be determined by disregarding any bonus units and as three percent (3%) of selling price of each market rate unit sold if the developer substantiates to the City's satisfaction that the BMR units cannot be provided on or off-site.

If a portion of a BMR requirement is met by a provision of BMR units, and the developer substantiates to the City's satisfaction that a sufficient number of BMR units cannot be provided on or off-site, then BMR in-lieu payments will be required from the sales of the number of market rate units (excluding bonus units) that is in proportion to the BMR requirement that is not met.

4.3.2 Developments of Five (5) to Nine (9) Units.

Residential In-Lieu Payments Based on Sales Price. In developments of five to nine units, the City will consider an in-lieu payment alternative to required BMR units only if the developer cannot provide an additional BMR unit. If providing an additional BMR unit is not feasible, developers are required to pay a residential in lieu fee as described below.

<u>Unit No.</u>	<u>In lieu fee for each unit</u>
1, 2 and 3	1% of the sales price
4, 5 and 6	2% of the sales price
7, 8 and 9	3% of the sales price

Example: In a development of seven units, the BMR contribution would be, in order of preference: a) One BMR unit out of the seven units, with the possibility of a density bonus of one unit, or, if that is not feasible, b) Three units designated to pay an in-lieu fee of one percent (1%) of the sales price, three units to pay in-lieu fees of two percent (2%) of their sales prices and one unit to pay three percent (3%) of its sales price.

Units paying in-lieu fees are designated so that they are distributed by unit size and location throughout the project.

In developments of 10 or more units which provide BMR units, upon the close of escrow on the sale of each unit in the subdivision for which a BMR unit has not been

provided, the developer shall pay to the City an in-lieu payment calculated at three percent (3%) of the actual sales price of each unit sold.

Example: Two possible plans to meet the BMR requirement for a project of 15 housing units are, in order of preference: a) Two BMR units are provided, and no in-lieu fees are paid, or b) One BMR unit is provided out of the first 10 units, one bonus unit is granted for the provision of the BMR unit, and four units pay in-lieu fees.

Units held as rental, in-lieu fee. If the developer retains any completed unit as a rental, either for its own account or through subsidiary or affiliated organizations, the BMR contribution including BMR housing unit or in-lieu payment for such unit shall be negotiated between the developer and the City. If an in-lieu fee is paid, the market value shall be based on an appropriate appraisal by an appraiser agreed upon by the City and the developer and paid for by the developer. The basis for such appraisal shall be as a condominium rather than as a rental.

4.4 Rental Residential In Lieu Payments Based on Cost. The City Council shall establish a rental residential in-lieu fee by resolution, which fee may be updated from time to time. The fee shall be based on the cost to develop, design, construct, and maintain a standard one-bedroom unit in Menlo Park. The fee shall also include the proportionate costs of associated common area as well as land acquisition costs. The fee shall be adjusted on a project-by-project basis depending on size, location and other factors relevant to cost. The fee can be adjusted by a pre-set formula or by a consultant selected by the City and funded by the applicant.

5. CHARACTERISTICS OF BMR UNITS

5.1 Size and Location of BMR Units. BMR units shall generally be of the same proportionate size (number of bedrooms and square footage) as the market-rate units. The BMR units should be distributed throughout the development, [unless otherwise approved by the City Council for a project that proposes more than 15 percent of the total units as affordable,](#) and should be indistinguishable from the exterior. BMR units shall contain standard appliances common to new units, but need not have luxury accessories, such as Jacuzzi tubs. The Planning Commission and/or City Council shall have the authority to waive these size, location and appearance requirements of BMR units in order to carry out the purposes of the BMR Housing Program and the Housing Element.

5.2 Design and Materials in BMR Units. The design and materials used in construction of BMR units shall be of a quality comparable to other new units constructed in the development but need not be of luxury quality.

5.3 The BMR Price Must Be Set Before Final Building Inspection. There shall be no final inspection of BMR housing units until their purchase or rental prices have been agreed upon in writing by the developer and the City Manager, or his or her designee. Also, the sale or rental process will not begin until the sales price is set.

5.3.1 Final Inspection Schedule for Smaller and Larger Developments.

Less Than Ten (10) Units. In developments of less than 10 units with one or more BMR units, all BMR units must pass final inspection before the last market rate unit passes final inspection.

Ten (10) to Nineteen (19) Units. In developments of 10 or more units, including developments that are constructed in phases, for the first 10 housing units, a BMR unit must pass final inspection before nine market rate units may pass final inspection. For each additional group of 10 housing units, one additional BMR unit must pass final inspection before nine additional market rate units may pass final inspection.

Twenty (20) or More Units. In developments of 20 or more units, including developments that are constructed in phases, for the first 10 housing units, a BMR unit must pass final inspection before nine market rate units may pass final inspection. In addition, two additional BMR units must pass final inspection before eight additional market rate units may pass final inspection. For each additional group of 20 housing units, three additional BMR units must pass final inspection before 17 additional market rate units may pass final inspection. No project or phase may pass final inspection unless all the BMR units, which equal 15% or more of the housing units in that phase or project, have passed final inspection for that phase or project.

Last Unit. In no case may the last market rate unit pass final inspection before the last BMR unit has passed final inspection.

5.4 Sales Price Determination for BMR For-Sale Units. The maximum sales price for BMR units shall be calculated as affordable to households on the BMR [Purchase Waiting List](#), which are eligible by income at the time that the maximum prices are set and which are of the smallest size eligible for the BMR units (excluding two-bedroom units, which shall be based on incomes for two person households even when units are made available to one person households). See Section 14, Table A, for income eligibility limits, [and Table C, for occupancy standards](#), which [tables](#) may be updated by City staff from time to time. The affordability of maximum prices will take into consideration mortgage interest rates, minimum down payments, mortgage debt-to-income ratios and other qualifying criteria used by lenders at the time the sales prices are set, as well as cost of insurance, taxes, homeowners' dues and any other necessary costs of homeownership.

5.4.1 Price Determination for Projects with Condominium Maps That Will Rent for an Indefinite Period of Time. Projects with condominium subdivision maps that will rent BMR units for an indefinite period shall have basic sales prices established at the outset for such BMR units in accordance with the Guidelines. Such initial sales prices shall be adjusted for the period between the month of completion of the BMR units and the month of notification of intent to sell the units, with further adjustments for improvements and deterioration per the Guidelines. The adjustments shall be based on one-third of the increase in the Consumer Price Index

| [\("CPI"\)](#), All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments.

| **5.5 Legal Characteristics of BMR Units: Right of First Refusal and Deed Restrictions.** All BMR units shall be subject to deed restrictions and conditions which include a right of first refusal in favor of the City for a period of 55 years under which the City or its designee will be entitled to purchase the property at the lower of (1) market value, or (2) the purchase price paid by seller, plus one-third of the increase (during the period of seller's ownership) in the CPI, All Urban Consumers, San Francisco-Oakland-San Jose, published by the U.S. Department of Labor, Bureau of Labor Statistics, plus certain other equitable adjustments. The deed restrictions will also prohibit sales or transfers of the property except with the written consent of the City and at a price computed as above. Exceptions from all prohibitions against sale or transfer will include:

- (1) Demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period;
- (2) Transfer by termination of joint tenancy or by gift or inheritance to parents, spouse, children, grandchildren or their issue.

The prohibition against sales or transfers will not terminate at the end of 55 years in the event of an exempt transfer by termination of joint tenancy or by gift or inheritance to family members. The prohibition against sales or transfers will terminate in the event of an exempt sale or transfer when there is a demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period of time.

In the event of an exempt sale when there is a demonstrated unlikelihood of obtaining a qualified buyer within a reasonable period of time, the seller will be entitled to receive the lesser of (A) market value or (B) the purchase price paid by the seller plus one-third of the increase (during the seller's ownership) in the CPI, plus certain other equitable adjustments, as specified in the deed restrictions. The balance of the proceeds shall be paid to the City of Menlo Park to be deposited in the BMR Housing Fund. Any transferee pursuant to an exempt transfer by termination of joint tenancy or by gift or inheritance to family members must reside in the BMR unit and must qualify under the income criteria of the BMR Program at the time of the transfer of the BMR unit.

6. ELIGIBILITY REQUIREMENTS FOR HOUSEHOLDS APPLYING TO PURCHASE BMR UNITS

| **Note: Eligibility requirements for households that wish to be placed on the BMR Purchase Waiting List are identified in Section 7. The requirements identified below apply at the actual time of application to purchase a BMR unit. In order for a household to be eligible at the time of application to purchase, ALL of the following requirements must be met:**

6.1 BMR Purchase Waiting List. Applicants are eligible to have their names placed on the BMR Purchase Waiting List if they meet the following three requirements at the time they submit an application for the BMR Purchase Waiting List: (1) currently live or work within incorporated Menlo Park; (2) meet the current income limit requirements (per household size) for purchase of a BMR unit; and (3) all applicants currently live together as a household.

6.1.1 Definition of Household. For the purposes of this program, household is defined as all persons who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. To be considered a household, all applicants/household members must live together in a home that is their primary residence. To be considered part of the household and included in household size, children under the age of 18 (including foster children) must reside in the home at least part-time or parents must have at least partial (50%) custody of the child/children.

6.2 Live and/or Work Eligibility. Households that live and/or work within incorporated Menlo Park shall be eligible for the Below Market Rate Housing Program in accordance with the following provisions:

6.2.1 Eligibility by Living in Menlo Park. To qualify as living in Menlo Park, the applicant household must meet the following two requirements at the time of application: (1) currently live in Menlo Park as the household's primary residence and (2) must have continuously lived in Menlo Park for a minimum of one (1) year prior to the date of actual application to purchase.

6.2.2 Eligibility by Working in Menlo Park. To qualify as a household that works in Menlo Park, a member of the applicant's household must meet the following two requirements at the time of application: (1) currently work in Menlo Park at least 20 hours per week, or (if currently less than 20 hours per week) hours worked over the course of the one year prior to application averages a minimum of 20 hours per week and (2) must have continuously worked in Menlo Park for a minimum of one year prior to the date of actual application to purchase.

6.2.2.1 Types of Work. Work is defined as (1) owning and operating a business at a Menlo Park location; (2) employment for wages or salary by an employer located at a Menlo Park location; (3) contract employment where the actual work is conducted at a Menlo Park location for one year; or (4) commission work, up to and including a 100% commission arrangement, conducted in Menlo Park.

6.2.2.2 Employer-Based Work. If employed for wages or salary by an employer, working in Menlo Park is defined as the employer is located in Menlo Park AND the employment/actual work is performed within incorporated Menlo Park.

6.2.2.3 Owning and Operating a Business at a Menlo Park Location. This does NOT include owning (either wholly or in part) a residential or commercial property for investment purposes only.

6.2.2.4 Work does NOT include volunteer or unpaid work.

6.3 Household Requirement. To constitute a household, all members of the applicant household must currently live together (in a location that is their primary residence) at the time of application. Also, at the time of application and regardless of where they currently live, all members who make up the applicant household must have continuously lived together for a minimum of one year prior to the date of application.

6.3.1 Exceptions. Exceptions to this minimum one year joint-residency requirement include:

- Children under the age of 18 who have recently joined the household in conjunction with marriage, separation, or divorce, or similar family re-organization, and for whom there is evidence of a custody agreement or arrangement. This also applies to foster children.
- Children born or adopted into a household.
- Households newly formed as a result of marriage or domestic partnership.
- Other circumstances approved by the City to account for a recently added household member (such as an aging parent).

6.4 First Time Homebuyer. All members of the applicant household must be first time homebuyers, defined as not having owned a home as your primary residence within the last three years prior to the date of application. First time homebuyers DO include owners of mobile homes, as well as applicants whose names are on title for properties they have not lived in as their primary residences for the last three years (for instance rental properties, which must be considered as part of the applicant's eligibility per assets).

6.4.1. Exceptions. Exceptions to this requirement are:

- Applicants who are current BMR homeowners and are otherwise eligible for the BMR Housing Program, are eligible to place their names on the BMR Purchase Waiting List and to purchase a smaller or larger home needed due to changes in household size or family needs, such as for handicap accessibility (per Section 7.2.6, below).
- Applicants whose names were placed on the BMR Purchase Waiting List prior to March 2, 2010.

- Applicant households that currently and/or within the last three years prior to the date of application own homes as their primary residences more than 50 miles outside Menlo Park city limits, that are otherwise eligible for the BMR Housing Program.

6.5 Complete One-Time Pre-Purchase Homebuyer Education. After an applicant's name is placed on the BMR [Purchase Waiting List](#) and before receiving an offer to purchase a BMR property, all adult applicants/household members must complete a one-time homebuyer education workshop, class, or counseling session. When applicants' names are placed on the [BMR Purchase Waiting List](#), program staff provides them with a list of approved local organizations that provide pre-purchase homebuyer education. Applicants choose an education provider or program from the approved list and may choose to attend in either a group or individualized setting. It is the applicants' responsibility to provide the City or the City's BMR Housing Program provider with evidence that a pre-purchase homebuyer education workshop or session was completed. In most cases, the education providers will provide applicants with certificates of completion, which applicants can submit to the City's BMR Housing Program provider as proof that the pre-purchase education requirement was completed. Households on the [BMR Purchase Waiting List](#) that have not completed the homebuyer education requirement will retain their rank on the list but will NOT be invited to apply to purchase BMR units. Only households on the [BMR Purchase Waiting List](#) that have completed the education requirement will be invited to apply when units become available. Elderly parents of applicants living in the household need not complete the education requirement.

6.5.1 Prior Completion of Pre-Purchase Homebuyer Education. At the time of application to the BMR [Purchase Waiting List](#), applicants who provide written evidence of having completed an approved homebuyer education workshop, class, or counseling session within the previous twelve months prior to the date of application to the [BMR Purchase Waiting List](#) are not required to complete an additional workshop, class, or counseling session.

6.5.2 Homebuyer Education Provider. At the City's discretion, the City may elect to work exclusively with one or more homebuyer education providers/organizations. The City may also choose to contract with a particular person or organization to provide this educational component.

6.5.3 Long-Term Education or Counseling Required for Certain Applicants. Applicants who are invited to apply to purchase BMR units and are twice denied (on separate occasions) due to long-term or significant credit problems, will be required to meet individually with a credit counseling professional in order to remain on the [BMR Purchase Waiting List](#). The applicant must provide evidence of completion of credit counseling within six months to the City's BMR provider or the applicant will be removed from the BMR [Purchase Waiting List](#). This does not exclude the applicant from applying to the [BMR Purchase Waiting List](#) again, to be placed at the bottom of the list.

6.6 Ownership Interest. A minimum of 50% of the ownership interest in the property must be vested in the qualifying applicant(s), regardless of income.

6.7 Income and Asset Limits for Purchasers of BMR Units. Income eligibility limits are established by [HCD for San Mateo County](#). Income limits are updated on an annual basis. BMR units shall only be sold to very low, low, and moderate income households. Only households having gross incomes at or below 120% of the AMI for San Mateo County, adjusted for household size, are eligible to purchase and occupy BMR for-sale units, either upon initial sale or upon any subsequent resale, as specified in the deed restrictions. Refer to Section 14, Table A, for the income eligibility limits, which may be updated by City staff from time to time.

An asset is a cash or non-cash item that can be converted into cash. Only households having non-retirement assets that do not exceed the purchase price of the BMR units are considered eligible.

- Assets Include: cash held in checking accounts, savings accounts, and safe deposit boxes; equity in real property; cash value of stocks (including options), bonds, Treasury bills, certificates of deposit, money market accounts, and revocable trusts; personal property held as an investment such as gems, jewelry, coin and art collections, antiques, and vintage and/or luxury cars; lump sum or one-time receipts such as inheritances, capital gains, lottery winnings, victim's restitution, and insurance settlements; payment of funds from mortgages or deeds of trust held by the applicant(s); boats and planes; and motor homes intended for primary residential use.
- Assets DO NOT Include: cars and furniture (except cars and furniture held as investments such as vintage and/or luxury cars, and antiques); company pension and retirement plans; Keogh accounts; dedicated education funds/savings accounts; and funds dedicated to federally recognized retirement programs such as 401K's and IRA's.

Note that equity in real property or capital investments is defined as follows: the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g. broker/realtor fees) that would be incurred in selling the asset.

6.7.1 Senior or Disabled Households That Use Assets for Living Expenses. An exception to the income and asset limit requirement is a household whose head is over 62 years of age, or permanently disabled and unable to work, with assets valued up to two times the price of the BMR unit. The applicant must be able to demonstrate that the sole use of his/her assets has been for household support for at least the three previous years, and that the total annual household income meets the BMR Guidelines.

7. **BMR PURCHASE WAITING LIST AND BMR RENTAL INTEREST LIST**

7.1 BMR Purchase Waiting List and BMR Rental Interest List Eligibility Requirements. A numbered BMR Purchase Waiting List of households eligible for - purchase of BMR units is maintained by the City or the City's designee. In addition, the City maintains an unranked BMR Rental interest list. Households are eligible to be placed on the BMR Purchase Waiting List or BMR Rental Interest List if they meet the following requirements at the time they submit applications for the either list:

- The household currently resides within incorporated Menlo Park as its primary residence OR a member of the household currently works at least 20 hours per week within incorporated Menlo Park.
- For purposes of these Guidelines, unhoused persons may show local residency by providing evidence that their last permanent residence was located in Menlo Park and/or documentation from a case manager or homeless services provider demonstrating current residency in Menlo Park, including places or structures other than a bona fide dwelling unit (i.e. vehicle or tent).
- The household meets the current income limit requirements (per household size) for rent and/or purchase of a BMR unit. See Section 14, Table A, for income eligibility limits, which may be updated by City staff from time to time.
- Except as specified in Section 6.3.1 of these Guidelines, all persons included as members of the household currently live together in a residence that is their primary home.
- A person residing in Menlo Park in 2008 who was subsequently displaced from such housing shall not be disqualified based on current lack of residency, provided they can show their displacement was due to economic conditions beyond their control (including but not limited to job loss, rent increase, eviction, foreclosure or other form of economic hardship resulting in loss of housing). Evidence of such economic displacement shall be in the form of direct evidence (i.e. job termination letter) or declarations submitted under penalty of perjury.
- Applicant households may submit applications and, if eligible, will be placed on the numbered BMR Purchase Waiting List in the order in which their applications were received and/or the BMR Rental InterestList, which is neither numbered nor ordered.
- In accordance with Section 6.4, all members of the household must be first time homebuyers for inclusion on the BMR Purchase Waiting List.

7.2 BMR Purchase Waiting List Management. BMR units available for purchase are offered to households on the BMR Purchase Waiting List in the order in which the BMR Purchase Waiting List applications were received.

7.2.1 Annual affirmation of continued interest in remaining on the BMR Purchase Waiting List. On an annual basis, all households on the BMR Purchase Waiting List will be required to confirm their continued interest in remaining on the list. At or around the same time each year, the City's BMR Housing Program provider will mail and/or email annual update forms/applications to all current households on the BMR Purchase Waiting List. Households on the BMR Purchase Waiting List that wish to remain on the list are asked to complete the form and return it to the City's BMR Housing Program provider within a specified period of time (usually about one month) with a \$10 annual fee for processing. Households who do not respond by completing and returning the forms and the fee by the specified deadline, or whose mail is returned undeliverable to the City's BMR Housing Program provider or who otherwise cannot be reached, shall be removed from the BMR Purchase Waiting List. This does not exclude households removed from the BMR Purchase Waiting List from re-applying to the list, to be added to the bottom of the list in accordance with normal procedures.

7.2.2 Complete One-Time Pre-Purchase Homebuyer Education for Households That Would Like to Purchase a BMR Unit. For households that indicate they would like to purchase BMR units, after households are placed on the BMR Purchase Waiting List and before receiving offers to purchase BMR properties, all adult applicants/household members must complete a one-time homebuyer education workshop, class, or counseling session, per Section 6.5.

7.2.3 When a BMR unit is offered for purchase, applicants must enter into a purchase agreement within a defined, reasonable period of time. If an applicant fails to do so, the BMR unit will be offered to the next eligible applicant on the BMR Purchase Waiting List. The City of Menlo Park reserves the right to establish other criteria to give preference to certain categories of eligible participants on the BMR Purchase Waiting List.

7.2.4 A tenant of a BMR rental unit who is required to vacate the BMR rental unit due to its conversion to a BMR for sale unit, shall have first priority for vacant BMR rental units for which the tenant is eligible and qualifies for two years from the expiration of the lease, regardless of the place of residence of the displaced tenant.

7.2.5 Preference for Handicap Accessible Units for Bona Fide Wheelchair Users. If the BMR unit is wheelchair accessible, then bona fide wheelchair users on the BMR Purchase Waiting List who are otherwise eligible for the BMR unit, including by household size and income, will receive preference over other applicants, and the BMR unit will be offered to the bona fide wheelchair users in the order that their applications were received.

7.2.6 Households who are current BMR homeowners are eligible to place their name on the BMR [Purchase Waiting List](#) and to purchase a smaller or larger home needed due to changes in their household size or family needs, such as for a handicapped accessible unit.

8. THE BMR UNIT PURCHASE PROCESS: BUYER SELECTION AND SALE PROCEDURES

8.1 New Units and Condominium Conversions.

8.1.1 The participating developer informs the City or its designee in writing that the BMR unit has received its final building inspection and that the BMR unit is ready for sale and occupancy. "The City" shall mean the City Manager, or his or her designee.

8.1.2 City of Menlo Park staff or the City's BMR Housing Program provider inspects the BMR unit. After approval of the unit, the City or the City's BMR Housing Program provider writes a certifying letter that states the BMR unit meets the BMR Housing Program's requirements and satisfies the BMR Agreement's provisions. The certifying letter will also state the price for the BMR unit. The price for the BMR unit will be determined based on the information described in the next three sections.

8.1.3 The City or its designee obtains necessary information for determining the price of the BMR unit. These include, but may not be limited to, the estimated tax figures from the developer and the County Assessor, as well as Homeowner's Association dues, Covenants, Conditions and Restrictions, and insurance figures from the developer. Also included will be all associated Homeowner Association documentation.

8.1.4 Household size and income qualifications are established. In households in which an adult holds 50% or more custody of a minor child or children through a legally binding joint custody settlement, each such child shall count as a person in determining the household size.

8.1.5 The City or its designee determines the maximum price of the BMR unit based on an income up to 120% of AMI (["AMI" related to household size, as established from time to time by HCD for San Mateo County](#)), monthly housing costs including current mortgage rates, insurance costs, homeowners' dues, taxes, closing costs and any other consideration of costs of qualifying for a first mortgage and purchase of the BMR unit. See Section 14, Table A, for income eligibility limits, which may be updated by City staff from time to time. When these documents and the information described in this and preceding sections have been received, the City will provide the developer with a certifying letter in which the City states the price for the BMR unit, accepts the BMR unit as available for purchase and the purchase period will commence.

8.1.6 If there is a standard pre-sale requirement by the BMR applicant's lender for a certain percentage of units in the project to be sold before the BMR applicant's lender will close, then the time for the City's purchase or the buyer's purchase will be extended until that requisite number of units has closed.

8.1.7 The City may retain a realtor to facilitate the sale of the property.

8.1.8 Contact is established between the City or its designee and the developer's representative to work out a schedule and convenient strategy for advertisements, if needed, when the units will be open for viewing, and for when the interested applicants may obtain detailed information about the units.

8.1.9 All marketing and sales procedures for BMR units must be approved by the City and will be subject to review on a periodic basis for compliance.

8.1.10 An information packet and application forms are designed and duplicated by the City or its designee. The developer provides information about the unit, including a floor plan of the unit and of the building showing the location of the unit, dimensions, appliances, amenities, and finishes.

8.1.11 The City or the City's BMR Housing Program provider holds an application orientation meeting(s). Households on the [BMR Purchase Waiting List](#) with the lowest numbers are contacted and invited to attend the orientation meeting(s). Only households that are eligible by household size and have completed the one-time pre-purchase education requirement are contacted and invited to attend the orientation. Applications to purchase BMR units can only be obtained by attending an application orientation meeting. At the meeting, potential applicants are provided with the following information:

- A detailed description of the BMR Housing Program, including the rights, restrictions, and responsibilities of owning a BMR unit.
- A complete description of the property or properties being offered for sale including buyer eligibility requirements, the purchase price, home owner association costs (if any), estimated property taxes, and home features.
- An overview of the home loan application process and description of necessary costs including down payment (if required), closing costs, real estate taxes, and mortgage insurance.
- A description of the BMR and home loan approval process. Potential applicants are informed they must work with one of the program's approved mortgage providers. Per the City's discretion the potential applicants are also informed of the kinds of acceptable mortgage financing, and also of mortgage financing not allowed at that time (for instance negative amortizing loans).

- Based on the purchase price, estimates are provided on the minimum annual income required to purchase, as well as possible monthly housing costs including principal and interest, property taxes, and insurance payments.
- A step-by-step explanation of the BMR purchase application. If there are several sizes of units for which applicants may be eligible, applicants are instructed where to indicate their unit size preferences.

Potential applicants are invited to ask questions. Meeting attendees are invited to sign up to tour the property or properties for sale. Attendees are given applications and a reasonable deadline to submit their completed applications.

8.1.12 Completed applications are submitted to the City or its designee along with income and asset verifications.

8.1.13 When the application period closes, the City or its designee reviews the completed applications. The complete, eligible, qualifying applications are ranked in order by BMR Purchase Waiting List numbers and/or other criteria established by the City. The complete applications with the lowest numbers, and meeting other qualifying criteria for each unit, if any, are selected, and the households that submitted them are notified of the opportunity to purchase the BMR unit, in the order of their numbers on the BMR Purchase Waiting List. They are invited to an orientation meeting.

8.1.14 If the leading applicant for a unit fails to contact the developer, provide a deposit, or obtain appropriate financing within the period of time specified in the notification letter, the City or its designee will contact the next household on the list.

8.1.15 The City of Menlo Park or its designee submits to the title insurance company the Grant Deed, BMR Agreement and Deed Restrictions, and Request for Notice to be recorded with the deed to the property.

8.1.16 The developer shall be free to sell a BMR unit without restriction as to price or qualification of buyer if all of the following criteria are met, unless the BMR applicant's lender has a loan condition that a specific number of units in the development must be sold before the loan can be approved: (1) the City and the developer are unable to obtain a qualified buyer within six months after the City has provided written notice both certifying that the unit is available for purchase and setting the price for the BMR unit, (2) the City or its designee does not offer to purchase the BMR unit within said six months period, and complete said purchase within not more than 60 days following the end of the six month period, (3) the developer has exercised reasonable good faith efforts to obtain a qualified buyer. A qualified buyer is a buyer who meets the eligibility requirements of the BMR Housing Program and who demonstrates the ability to complete the purchase of the BMR unit. Written notice of availability shall be delivered to the City Manager, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025. Separate written notice of availability shall also be

delivered to the City Manager, City of Menlo Park, 701 Laurel Street, Menlo Park, CA 94025.

9. OCCUPANCY REQUIREMENTS FOR OWNER-OCCUPIED BMR UNITS

9.1 Primary Residence. The owners listed on title to the BMR property must occupy it as their primary residence and remain in residence for the duration of the Deed Restrictions (55 years). Occupancy is defined as a minimum stay of 10 months in every 12 month period. BMR owners may not terminate occupancy of the BMR property and allow the property to be occupied by a relative, friend, or tenant. Failure of the purchaser to maintain a homeowner's property tax exemption shall be construed as evidence that the BMR property is not the primary place of residence of the purchaser. As necessary, the City may request that BMR owners provide evidence that their units are currently occupied by them as their primary residences. Examples of such evidence may include current copies of any of the following: homeowner's insurance, car/vehicle registration, and utility bills.

9.2 Refinancing and BMR Valuations. BMR owners may refinance the debt on their property at any time following purchase, however, they must contact the City's designated BMR Housing Program provider first, prior to a refinance or equity line. The City's BMR Housing Program provider will provide the owner with clear instructions to ensure program compliance. At that time and at any other time the owner requests it, the BMR Housing Program provider will provide the owner and/or the lender with the current BMR value of the home, in accordance with the formula specified in the Deed Restrictions. Only the City's BMR Housing Program provider can determine the appraised value of a BMR unit and it is the owner's responsibility to inform their lender that the property is a BMR unit. BMR owners are not allowed to take out loans against their property that exceed the BMR value of the home. There is a fee for refinancing a BMR unit that is set by the City's BMR Housing Program provider.

9.3 Transfers of Title. Prior to adding an additional person to title or transferring title to the BMR unit, BMR owners must contact the City for clear instructions to ensure program compliance.

The following transfers of title are exempt from the City's right of first refusal and do NOT re-start the 55 year deed restriction clock:

- Transfer by devise or inheritance to the owner's spouse.
- Transfer of title by an owner's death to a surviving joint tenant, tenant in common, or a surviving spouse of community property (that is, another owner already on title).
- Transfer of title to a spouse as part of divorce or dissolution proceedings.

- Transfer of title or an interest in the property to the spouse in conjunction with marriage.

Transfers by devise or inheritance (such as to a child or other family member), are permitted under certain terms and conditions identified in the Deed Restrictions. These kinds of transfers must first be reviewed and approved by the City or the BMR Housing Program provider. If the person inheriting the property meets the following terms and conditions, then that person may take title, assume full ownership, and reside in the BMR unit. This would then restart the 55 year deed restriction clock. If the person inheriting the property does NOT meet the following terms and conditions they may still inherit the property but are not allowed to live there. In such case, the inheriting party must sell the property and shall be entitled to receive any proceeds from the sale after payment of sales expenses and all liens against the property. The property would then be sold by the City through the BMR Housing Program to an eligible, qualified household on the BMR [Purchase Waiting List](#).

For transfers of title by devise or inheritance, the inheriting party (“Transferee”) must meet the following terms and conditions in order to live in the BMR unit:

- Transferee shall occupy, establish and maintain the property as the Transferee’s primary residence.
- The Transferee must meet all current eligibility requirements for the BMR Housing Program, as identified at the time of transfer in the BMR Guidelines.
- The Transferee must sign a new BMR Agreement and Deed Restrictions for the property. This restarts the 55 year clock.

10. PROCESS FOR RESALE OF BMR UNITS

10.1 The seller notifies the City by certified mail that he/she wishes to sell the unit. The City notifies its designee, if applicable. The unit must be provided in good repair and salable condition, or the cost of rehabilitating the unit will be reimbursed to the City out of the proceeds of the sale. The definition of “salable condition” for any given unit shall be provided on a case-by-case basis following the City’s inspection of the unit, and shall be at the discretion of the City Manager or his/her designee. “Salable condition” shall refer to the general appearance, condition, and functionality of all: flooring; painted surfaces; plumbing, heating, and electrical systems; fixtures; appliances; doors; windows; walkways; patios; roofing; grading; and landscaping. In addition for each unit, the City reserves the right to withhold the cost of having it professionally cleaned from the seller’s proceeds. Once cleaning is complete, the seller will be refunded any difference between the amount withheld and the actual cost to clean the unit.

10.2 When the seller notifies the City or the City’s BMR Housing Program provider, and it has been determined that the unit is in good repair and salable

condition, and the City has set the price for the BMR unit, then the City or the City's BMR Housing Program provider will state in writing that the 180 day period for completing the sale of the BMR unit shall commence. The price will be set using information in Sections 10.3 through 10.6 below.

10.3 The City or its designee obtains an appraisal made to ascertain the market value of the unit, giving consideration to substantial improvements made by the seller, if needed.

10.4 The City or its designee obtains figures for homeowners' dues, insurance, and taxes from the seller.

10.5 The City or its designee checks major lending institutions active in this market to ascertain current mortgage information (prevailing interest rates, length of loans available, points, and minimum down payments). Monthly housing costs are estimated.

10.6 The City or its designee establishes a sales price, based on the original selling price of the unit, depreciated value of substantial improvements made by the seller, and 1/3 of the increase in the cost of living index for the Bay Area. The selling price is established for the unit at the appraised market value or the computed price whichever is the lower.

10.7 The City retains a realtor to facilitate the sale of the property.

10.8 Agreement is reached between seller and the City or its designee for a schedule of open houses for the unit, at the seller's convenience.

10.9 The procedure continues the same as in Sections 8.1.7 – 8.1.16 above, with the seller substituted for the developer.

10.10 The City or its designee submits to the title insurance company the Grant Deed, BMR Agreement and Deed Restrictions, and Request for Notice and the seller's release from the previous Deed Restrictions, to be recorded with the new deed to the property.

11. REQUIREMENTS FOR BMR RENTAL DEVELOPMENTS

11.1 Income and Rent Standards.

11.1.1 Income Limits upon Occupancy of BMR Rental Units. Unless otherwise approved by the Planning Commission or City Council in the BMR Housing Agreement for the proposed project, only households having gross incomes at or below Low Income for San Mateo County, adjusted for household size, are eligible to occupy BMR rental units, either when initially rented or upon filling any subsequent vacancy. See Section 14, Table A (Below Market Rate Household Income Limits), which may be updated by City staff from time to time. Any variation in the affordability

mix to assist the City in meeting its Regional Housing Needs Assessment (including very low, low or moderate income households) shall require a finding by the approving body that the mix is roughly equivalent to the provision of all of the affordable units at the low income level.

11.1.2 BMR Rent. BMR units may be rented for monthly amounts not exceeding thirty percent (30%) of the income limit for extremely low, very low, subsidized low, low or moderate income households adjusted for occupancy, as established from time to time by the HCD for San Mateo County. In no case shall the monthly rental amounts for BMR units exceed 75% of comparable market rate rents. The maximum rental amounts are listed in Section 14, Table B, (Maximum Monthly Housing Cost Limits for BMR Rental Units), which may be updated by City staff from time to time. BMR rents may be adjusted from time to time to reflect any changes to the then current Income limits.

11.1.3 Tenant Selection and Certification Procedures. Priority for occupancy of all BMR rental units shall be given to those eligible households who either live or work in the City of Menlo Park as defined in Sections 6.2 and 7.1 of these Guidelines. If no qualified household living or working in Menlo Park is available to occupy the vacated unit as aforesaid, the owner shall be free to rent the BMR unit to any other eligible BMR tenant.

11.1.4 BMR Rental Interest List. The qualifications of BMR rental tenants as described in Section 7.1, above, will be independently verified by the owner. The City of Menlo Park or the City's designee shall maintain a BMR Rental Interest List and shall make it available to any owner/developer upon request.

11.1.5 One-Year Lease Offer. Each BMR tenant shall be offered the opportunity to enter into a lease, which has a minimum term of one year. Such offer must be made in writing. If the tenant rejects the offer, such rejection must also be in writing. A lease may be renewed upon the mutual agreement of both parties.

11.1.6 Vacation of Units and Re-Renting. When a BMR tenant vacates, the owner must provide notice to the City, and re-rent the unit to a qualified BMR tenant in accordance with these BMR Guidelines and the BMR Housing Agreement for the unit.

11.1.7 Annual Recertification of BMR Units. The City of Menlo Park or the City's BMR Housing Program provider will recertify annually, by procedures to be established in the BMR Housing Agreement, the provision of BMR rental units as agreed at the time of application for the permit. A qualified BMR tenant shall continue to qualify unless at the time of recertification, for two consecutive years, the household's income exceeds the eligibility requirements, then the tenant shall no longer be qualified. Upon the owner's determination that any such household is no longer qualified, the unit shall no longer be deemed a BMR Unit, and the owner shall make the next available unit, which is comparable in terms of size, features and number of bedrooms, a BMR (the "Next Available Unit Requirement"), or take other

actions as may be necessary to ensure that the total required number of units are rented to qualifying BMR households. The owner shall notify the City annually if it substitutes a different unit for one of the designated BMR Units pursuant to this paragraph.

11.1.8 Annual Report. On an annual basis on or before July 1 of each year, the developer or subsequent owner shall submit a report (the “Annual Report”) to the City which contains, with respect to each BMR unit, the name of the eligible tenant, the rental rate and the income and household size of the occupants. The Annual Report shall be based on information supplied by the tenant or occupant of each BMR unit in a certified statement executed yearly by the tenant on a form provided or previously approved by the City or designee. Execution and delivery thereof by the tenant may be required by the terms of the lease as a condition to continued occupancy at the BMR rate. In order to verify the information provided, City shall have the right to inspect the books and records of developer and its rental agent or bookkeeper upon reasonable notice during normal business hours. The Annual Report shall also provide a statement of the owner’s management policies, communications with the tenants and maintenance of the BMR unit, including a statement of planned repairs to be made and the dates for the repairs.

12. EQUIVALENT ALTERNATIVES

Nothing set forth herein shall preclude the City from approving reasonably equivalent alternatives to these BMR Guidelines, including, but not limited to, in lieu fees, land dedication, off-site construction or acquisition and rehabilitation of units. Additionally, the City reserves the right to approve reasonably equivalent alternatives to the characteristics of the proposed BMR units and the affordability mix. Any modifications to these [Guidelines](#) shall be approved by the City [Council](#) and shall contain findings that the alternative is commensurate with the applicable requirement(s) [in the BMR Guidelines](#) and is consistent with the goals of the BMR Guidelines.

13. BELOW MARKET RATE HOUSING FUND AND SEVERABILITY CLAUSE

13.1 Purpose. The City of Menlo Park [Below Market Rate Housing Fund \(“BMR Housing Fund”\)](#) is a separate City fund set aside for the specific purpose of assisting the development of housing that is affordable to very low, low and moderate income households. The BMR Housing Fund is generated by such income as in-lieu fees. All monies contributed to the BMR Housing Fund, as well as repayments and interest earnings accrued, shall be used solely for this purpose, subject to provisions set forth below.

13.2 Eligible Uses. The BMR Housing Fund will be used to reduce the cost of housing to levels that are affordable to very low, low and moderate income households, as defined in the Housing Element of the City's General Plan. A preference will be given to assisting development of housing for households with minor

children; however, this preference does not preclude the use of funds for other types of housing affordable to households with very low, low and moderate incomes.

13.3 Eligible Uses in Support of Very Low, Low and Moderate Income Housing Development. The BMR Housing Fund may be used for, but is not limited, to the following:

- Provision of below market rate financing for homebuyers.
- Purchase of land or air rights for resale to developers at a reduced cost to facilitate housing development for very low, low or moderate income households.
- Reduction of interest rates for construction loans or permanent financing, or assistance with other costs associated with development or purchase of very low, low or moderate income housing.
- Rehabilitation of uninhabitable structures for very low, low or moderate income housing.
- On-site and off-site improvement costs for production of affordable housing.
- Reduction of purchase price to provide units that are very low, low or moderate cost.
- Rent subsidies to reduce the cost of rent for households with limited incomes.
- Emergency repair and/or renovation loan program for BMR owners of older units.
- Loan program to assist BMR condominium owners who have no other way to pay for major special assessments.
- City staff time and administrative costs associated with implementation of the BMR Housing Program.

13.4 Procedures. Requests for use of BMR Housing Fund money shall be submitted to staff for review and recommendation to the City Council. A request for funding shall provide the following minimum information:

- A description of the proposal to be funded and the organizations involved in the project. Public benefit and relevant Housing Element policies and programs should be identified.
- Amount of funding requested.

- Identification of the number of very low, low and moderate income households to be assisted and the specific income range of those assisted.
- Reasons why special funding is appropriate.
- Identification of loan rate, financial status of applicants, and source of repayment funds or other terms.
- Identification of leverage achieved through City funding.

13.5 Annual Report. At the close of each fiscal year, City staff shall report on activity during the previous year (deposits and disbursements) and available funds. The City's auditor shall periodically examine this report and all other BMR Housing Fund financial records, and shall report the results of this examination. In addition, City staff shall report annually on activities assisted by monies from the BMR Housing Fund. The report will review how the program is serving its designated purpose. It will include a discussion of the timely use of funds for actions taken to provide BMR housing units, a review of management activities, and staff recommendations for policy changes to improve the program's performance. In addition, it will provide, for each activity, information corresponding to that required of funding requests listed above in Section 13.4.

13.6 Severability Clause. If any one or more of the provisions contained in the BMR Guidelines shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, then such provisions shall be deemed severable from the remaining provisions contained in the BMR Guidelines, and the BMR Guidelines shall be construed as if such invalid, illegal or unenforceable provision(s) had never been contained herein.

13.7 Administrative Updates. Future updates to tables in Section 14 may be made annually without City Council approval when data becomes available from the appropriate state and federal agencies.

14. TABLES

Table A
Below Market Rate Household Income Limits

<i>Household Size</i>	<i>Extremely Low (30% AMI)</i>	<i>Very Low (50% AMI)</i>	<i>City Subsidized Low (60% AMI)</i>	<i>Low (80% AMI)</i>	<i>Area Median Income (100% AMI)</i>	<i>Moderate (120% AMI)</i>
1	27,650	46,100	55,320	73,750	80,700	<u>96,850</u>
2	31,600	52,650	63,180	84,300	92,250	<u>110,700</u>
3	35,550	59,250	71,100	94,850	103,750	<u>124,500</u>
4	39,500	65,800	78,960	105,350	115,300	<u>138,350</u>
5	42,700	71,100	85,320	113,800	124,500	<u>149,400</u>
6	45,850	76,350	91,620	122,250	133,750	<u>160,500</u>
7	49,000	81,600	97,920	130,650	142,950	<u>171,550</u>
8	52,150	86,900	104,280	139,100	152,200	<u>182,600</u>

Source: Based on median income for a household of four persons as reported in the Income Guidelines for San Mateo County published by the Department of Housing and Community Development Division of Housing Policy Development for 2017.

<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/inc2k17.pdf>

Table B

Maximum Affordable Rent Payment*

<u>Unit Size</u>	<u>Extremely Low (30% AMI)</u>	<u>Very Low (50% AMI)</u>	<u>City Subsidized Low (60% AMI)</u>	<u>Low (80% AMI)***</u>	<u>Area Median Income (100% AMI)</u>	<u>Moderate Income (120% AMI)***</u>
<u>Studio**</u>	<u>691</u>	<u>1,152</u>	<u>1,479</u>	<u>1,844</u>	<u>2,304</u>	<u>2,421</u>
<u>1</u>	<u>740</u>	<u>1,234</u>	<u>1,586</u>	<u>1,976</u>	<u>2,468</u>	<u>2,594</u>
<u>2</u>	<u>888</u>	<u>1,481</u>	<u>1,904</u>	<u>2,371</u>	<u>2,962</u>	<u>3,113</u>
<u>3</u>	<u>1,026</u>	<u>1,711</u>	<u>2,192</u>	<u>2,739</u>	<u>3,422</u>	<u>3,597</u>
<u>4</u>	<u>1,145</u>	<u>1,908</u>	<u>2,425</u>	<u>3,056</u>	<u>3,816</u>	<u>4,013</u>

Source:

<https://housing.smcgov.org/sites/housing.smcgov.org/files/2017%20Income%20and%20Rent%2006%2019%2017.pdf>

*Maximum affordable rent based on 30% of monthly income and all utilities paid by landlord unless further adjusted by HUD. Utility allowances for tenant-paid utilities may be established by Housing Authority of County of San Mateo Section 8 Program.

**The following is the assumed family size for each unit: Studio: 1 person; one-bedroom: 1.5 persons; two-bedroom: 3 persons; three-bedroom: 4.5 persons; four-bedroom: 6 persons.

***In 2017, HCD for San Mateo County did not provide a maximum rent for low or moderate income households. The maximum rent in the table is 30% of annual income divided by 12 months, rounded to the nearest whole number. With respect to a one-bedroom unit with 1.5 persons occupying, the income limit is determined by adding the income for a one person household plus the income for a two person household and dividing by two. With respect to a three-bedroom unit with 4.5 persons occupying, the income limit is determined by adding the income for a four person household plus the income for a five person household and dividing by two.

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Table C

Occupancy Standards

Occupancy of BMR units shall be limited to the following:

Unit Size	Number of Persons	
	Minimum	Maximum
Studio	1	2
1	1	4
2	2	5
3	3	7
4	4	9

Note: The City Manager or his/her designee has the discretion to vary the persons per unit for unusually large units, not to exceed one person per bedroom, plus one.

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Table D

Commercial In-Lieu Fees for 2017-18

Group A uses are Research & Development and Office.	Fee: \$16.90 per square foot of gross floor area.
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Group B uses are all other Commercial Uses not in Group A.	Fee: \$9.17 per square foot of gross floor area.
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Commercial In-Lieu Fees are adjusted annually on July 1.



STAFF REPORT

Planning Commission

Meeting Date:

6/4/2018

Staff Report Number:

18-059-PC

Regular Business:

Nominate and recommend a commissioner to serve on the Heritage Tree Task Force

Recommendation

Staff recommends that the Planning Commission nominate and recommend to City Council a commissioner to serve on the Heritage Tree Task Force.

Policy Issues

The heritage tree ordinance update was included on the 2017 City Council Work Plan (No. 8) and remains a priority for the 2018 Work Plan. The City Council has previously formed task forces and subcommittees on specialized topics to provide the community with focused opportunities to offer input on a policy question of significance. The community task force will be a Brown Act body with a specific scope that disbands after the project is complete. All meetings of the task force would be open to the public and noticed at least 72 hours before the meeting.

Background

In 1979, the city's first heritage tree ordinance was adopted. The heritage tree ordinance governs trees growing on private property with the primary goal of ensuring a significant and thriving population of large, healthy trees in Menlo Park. The ordinance protects heritage trees by regulating their removal and heavy pruning through a permit process administered by multiple departments. It also specifies penalties for violation of the ordinance and establishes an appeals process for the permit applicant or community if there is disagreement on the permitting decision.

Amendments to the ordinance have been made on five occasions with the last occurring in 2006. The amendments ranged from adjustments to the definition of heritage trees (e.g. reduction in minimum diameter requirements) to expansion of the appeals process. Over the last several years, concerns arose regarding development-related appeals, unpermitted removals, and enforcement of tree replacements. As a result, the City Council and the Environmental Quality Commission (EQC) included updating the heritage tree ordinance as part of their 2017 and 2018 work plans.

The City Council has selected California Tree and Landscape Consulting, Inc. (CalTLC) to assist with the review and update the heritage tree ordinance.

On May 8, 2018, the City Council authorized the formation of a task force to partner with staff and CalTLC to develop options for the ordinance update. In addition, there is a need to gather various stakeholders to balance the discussion of property rights and overall community value of heritage trees. The City Council has requested the Planning Commission nominate and recommend a commissioner to serve on the task force. This ensures the Planning Commission is able to weigh in on potentially new processes to address concerns with development-related appeals, one of the primary drivers for the heritage tree ordinance

update. The Planning Commission considered the appointment of a Commissioner to this taskforce at the May 14, 2018 meeting, but continued the item due to some questions about the dates and expectations for taskforce members. All of the dates in Table 2 have since been reviewed, and several have been corrected. All meetings will take place on weekdays, mostly on Wednesday or Thursday. Meeting attendance expectations and alternate procedures if no Planning Commissioner is nominated for the taskforce are also noted later in this report.

The City Council is tentatively scheduled to appoint task force members at the June 19, 2018 meeting. The first task force meeting will occur on June 26, 2018 at 6 pm.

Analysis

The desired outcome of the ordinance update is to ensure a significant and thriving population of large healthy trees in Menlo Park for public enjoyment and environmental sustainability while balancing property rights and implementation efficiency. The ordinance update will evaluate current issues and successes related to the ordinance and explore options based on evidence and best practices from other communities to achieve the desired outcome.

Some initial areas being examined for enhancement are:

- Definition of a heritage tree
- Permit procedure for protection, heavy pruning, and removal
- Specification of penalties for violation and enforcement mechanisms
- Replacement and mitigation procedures for removals (replacement ratios, identifying appropriate species)
- Role of city staff, city commissions, and City Council in permit and appeal process

The heritage tree ordinance review and update is estimated to be completed by winter 2019. Below is a summary of the project schedule. Attachment A provides a high level summary of the project scope, activities, and project team.

Table 1: Tentative project schedule	
Activity	Duration
Project planning	February to April 2018
Community task force formation and first meeting	March to July 2018
Research and evidence gathering of Menlo Park data and other communities' best practices and policies	June to November 2018
Complete policy options analysis	November 2018 to February 2019
Task force, EQC and Planning Commission (PC) review and develop recommendation of preferred option	February to April 2019
City Council study session to select preferred option	May 2019
Draft heritage tree ordinance amendments	July to September 2019
Communitywide engagement	July to October 2019
Task force, EQC and PC review and develop recommendation on final heritage tree ordinance amendments	October 2019
City Council first reading/introduction and second reading/adoption of	November to December 2019



ordinance

Implementation rollout and development of standard operating procedures to implement the amendments	January to July 2020
Monitoring and evaluation	TBD

Scope of the Heritage Tree Task Force

The main deliverable from the task force will be a recommendation to City Council on a preferred option for the heritage tree ordinance update by summer 2019. The task force will also be expected to provide a final recommendation when the draft ordinance is presented to City Council for adoption by winter 2019.

Attachment B provides the City Council's general direction to the task force, scope of duties, and roles and responsibilities. Attendance at all meetings is desired with a minimum ability to attend 75% of all meetings. The meetings have been prescheduled as shown in Attachment B and Table 2 below. The first meeting is scheduled for **June 26, 2018 at 6 pm**. Task force meetings will be held at one of the city buildings at the Laurel Street campus.

If the Planning Commission is not interested in having a representative on the task force, City Council may either decrease total membership or convert a commission slot to an at-large slot. However, given community and City Council concerns regarding the development-related heritage tree permitting and appeal processes, it is not recommended that the Planning Commission decline representation. For example, there have been instances where projects have been placed on hold, delayed, redesigned, or denied because of a heritage tree appeal filed **after** the planning permit has been granted and the applicant has invested a significant amount of resources.

If a Planning Commissioner is not recommended for appointment, staff would report to the Planning Commission at regular intervals similar to the task force meeting dates to obtain input. This would require additional city resources to prepare and attend Planning Commission meetings at regular intervals for input, and could create disconnect between the needs and aspirations of the task force and the Planning Commission.

The task force is tentatively scheduled to be appointed by the City Council on June 19, 2018. The task force will consist of no fewer than seven (7) members, and would not exceed 12 members. The task force will aim to represent a balanced mix of community stakeholders, which may include, but is not limited to:

- City Council representative
- Environmental Quality Commission representative
- Planning Commission representative
- Residents and homeowners
- Ecologists/ wildlife biologists/ naturalists
- Nonprofit environmental organizations
- Private arborists
- Property managers
- Real estate agents
- Developers
- Architects
- Landscape architects
- Other



The term for the task force is expected to end December 2019. The task force will be expected to attend 10 meetings (or at minimum 75% of all meetings). Confirmed meeting dates are listed in Table 2.

Table 2: Tentative Schedule Heritage Tree Ordinance Update Community Task Force Meetings		
Meeting No.	Date and Time	Meeting Purpose
1	June 26, 2018 (Tuesday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Introduction and discussion of task force roles and responsibilities • Urban forestry education presentation • Review and discuss progress to-date and scope being considered for policy options analysis
2	August 23, 2018 (Thursday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Brief urban forestry education presentation • Brainstorm on criteria to weigh policy options • Start to review best practices by subject (e.g. enforcement, heritage tree definition, etc.) and discuss what practices should be considered in the options analysis
3	September 13, 2018 (Thursday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Brief urban forestry education presentation • Finalize criteria to weigh options • Continued discussion on best practices by subject
4	October 25, 2018 (Thursday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Brief urban forestry education presentation • Continued discussion on best practices by subject to incorporate in policy options analysis • Discussion of policy options to be and/or under consideration for analysis • Discuss initial outline for policy options analysis
5	February 13, 2019 (Wednesday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Review and discuss draft policy options analysis • Discuss recommendation to City Council
6	March 13, 2019 (Wednesday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Review and discuss draft policy options analysis • Discuss recommendation to City Council
7	April 10, 2019 (Wednesday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Finalize recommendation to City Council on preferred option for May 2019 Council meeting
8	<i>June 12, 2019*</i> <i>(Wednesday)</i> <i>6 pm to 9 pm</i>	<ul style="list-style-type: none"> • <i>Placeholder if City Council provides a different direction to the task force or additional work needs to be done</i>
9	<i>September 12, 2019*</i> <i>(Thursday)</i> <i>6 pm to 9 pm</i>	<ul style="list-style-type: none"> • <i>Placeholder in the event that additional work needs to be done</i> • <i>Discuss feedback from communitywide engagement process</i>
10	October 10, 2019 (Thursday) 6 pm to 9 pm	<ul style="list-style-type: none"> • Discuss feedback from communitywide engagement process • Finalize recommendation to City Council based on communitywide engagement and feedback

**Additional meetings if deemed necessary by the project team*

The commissioner that is nominated will be asked to complete the same application as all potential members of the task force so the City Council can have equal information. The applications will be posted on the City's website and distributed to the City Council. The appointments are tentatively scheduled for June 19, 2018.

Impact on City Resources

The project is a funded General Fund Capital Improvement project. No additional appropriations are requested.

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. Heritage Tree Ordinance Update Project summary
- B. Heritage Tree Task force Scope
- C. Heritage Tree Ordinance

Report prepared by:
Rebecca Lucky, Sustainability Manager

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HERITAGE TREE ORDINANCE UPDATE

ATTACHMENT A

City Manager's Office – Sustainability
 701 Laurel St., Menlo Park, CA 94025
 Rebecca Lucky, Sustainability Manager
 rlucky@menlopark.org
 tel 650-330-6765



Project summary

The City of Menlo Park is in the process of updating the Heritage Tree Ordinance. Over the past several years, concerns have arisen with development-related appeals, unpermitted removals, and enforcement of tree replacements. As a result, the City Council included reviewing and updating the Heritage Tree Ordinance as part of their 2017 and 2018 work plans. The project is being led by the Sustainability Division of the City Manager's Office, and includes collaboration across various city departments and community stakeholders.

The desired outcome of the ordinance update is to ensure a significant and thriving population of large healthy trees in Menlo Park for public enjoyment and environmental sustainability while balancing property rights and implementation efficiency. The ordinance update will evaluate current issues and successes related to the ordinance and explore options based on evidence and best practices from other communities to achieve the desired outcome.

Some initial areas being examined for enhancement are:

- Definition of a heritage tree
- Permit procedure for protection, heavy pruning, and removal
- Specification of penalties for violation and enforcement mechanisms
- Replacement and mitigation procedures for removals (replacement ratios, identifying appropriate species)
- Purview of City staff, City commissions, and City Council in permit and appeal process

Key project activities and timeline

Activity No. 1- Project Planning (February 2018 to July 2018)

- Project plan and schedule with consultant
- Formation of a community task force
- Data and evidence collection (Menlo Park and other communities)

Activity No. 2: Policy Options Analysis (August 2018 to Spring 2019)

- Complete policy options analysis
- Review and recommendation by task force and applicable commissions
- City Council study session on preferred option

Activity No. 3: Draft Ordinance and Community Engagement (Summer 2019 to Fall 2019)

- Refine preferred option and draft ordinance update
- Community wide engagement of draft ordinance
- Final policy review and recommendation by task force and applicable commissions
- City Council adoption

Activity No. 4: Implementation Roll-out (January to July 2020)

- Implementation plan, education materials, revisions to standard operating procedures and forms

Related existing policies, programs, future projects

Urban Forest Master Plan, Climate Action Plan

Key people

Interdepartmental and community engagement throughout this process is vital to the meaningful update and the successful implementation of this ordinance. An initial assessment of the project has identified the following key people to assist in moving this project forward.

Project team	Internal stakeholders	Community Task Force
Rebecca Lucky, Sustainability Manager, project lead Candise Almendral, Sustainability Contractor, project coordinator Christian Bonner, City Arborist Deanne Ecklund, Contract Arborist Thomas Rogers, Principal Planner Ivan Toews, Engineering Technician I	Ron LaFrance, Assistant Community Development Director Street Tree Maintenance Team Brian Henry, Public Works Superintendent Whitney Loy, Senior Engineering Technician City Attorney	To be determined 7 to 12 members appointed by City Council

Heritage Tree Ordinance Review and Update Community Task Force Scope

Summary: The heritage tree ordinance governs trees growing on private property. Over the past several years, concerns have arisen with development related heritage tree appeals, unpermitted removals, and enforcement of tree replacements. As a result, the City Council included reviewing the heritage tree ordinance for potential amendments as part of their 2017 and 2018 work plans.

The desired outcome of the heritage tree ordinance review and update is to ensure a significant and thriving population of large healthy trees in Menlo Park for public enjoyment and environmental sustainability while balancing property rights and implementation efficiency. The ordinance update will evaluate current issues and successes related to the ordinance and explore options based on best practices from other communities to achieve the desired outcome.

The City Council has authorized creation of a community task force to fill an essential role in the heritage tree ordinance update. This document provides general direction to the task force, scope of duties, and roles and responsibilities.

General Direction: The task force will function as a *collaborative* engagement process. This means that the task force will be a *partner* in each aspect of the heritage tree ordinance update, such as development of alternatives and choice of the preferred option. Working in partnership with the consultant team and staff, the task force will ensure that diverse interests and concerns are discussed and worked through to find middle ground solutions to meet the desired outcome described above. Staff will look to the task force for advice and innovation in formulating solutions and options, and incorporate task force advice and recommendations into decisions to the maximum extent possible.

Key Roles and Responsibilities of the Task force:

- *Attend all meetings or at minimum 75% of all meetings (see attached schedule)*
- Work in partnership with staff and other members of the task force while advocating for their particular interest
- Manage conflict by listening to differing values, concerns and experiences, and work through them to find and propose middle ground solutions
- Review the background materials in advance of meetings if provided
- Recommend to staff a list of criteria to weigh options against
- Review best practices provided by consultant and recommend to staff practices that could address existing issues with or enhance the ordinance in Menlo Park
- Review and discuss policy options to make a final recommendation to City Council
- *Develop a recommendation to the City Council on the preferred option for the heritage tree ordinance by summer 2019 and final recommendation by winter 2019*
- Assist with communitywide engagement once City Council has selected a preferred option
 - This will be a *consult* type of community engagement where information about the draft ordinance (preferred option) is provided communitywide, and any member of the public can provide feedback that *may* influence the final recommendation and decision

Key Roles and Responsibilities of City Staff:

- Work in partnership with the task force to develop a staff recommendation on a preferred option to City Council
- Provide advice and research to the task force
- Track input and provide feedback on results of the task force to the City Council
- Serve as information-givers, using technical expertise and professional experience to describe options as well as their pros and cons, benefits, and implications in order for the task force to formulate a recommendation to the City Council
- Develop a policy options analysis based on input from the task force
- Draft an ordinance update based on City Council's selection of a preferred option
- Conduct communitywide engagement of the draft ordinance (preferred option) before formal adoption by the City Council
- Implement the draft ordinance

Key Roles and Responsibilities of the City Council:

- Provide, guide, and clarify policy and scope direction to the task force and staff during the heritage tree update process
- Consider the recommendations put forward by staff and the task force
- Decide which option to pursue for wider community engagement
- Decide on which (if any) amendments will be made to the heritage tree ordinance

Givens (non-negotiable):

- The City Council is the decision maker on all changes to City ordinances and policies
- The task force's role is to make recommendations to City Council
- Staff and task force recommendations to City Council could differ entirely or on specific subject matter within the Heritage Tree Ordinance, but staff and task force will practice due diligence to reach agreement to the maximum extent possible
- The task force will operate under the Brown Act using Robert's Rules of Order and the City of Menlo Park Guide for Advisory Bodies
- The options analysis will be evidence-based, meaning that any options explored or considered will be based on quantitative and/or qualitative data from within the City of Menlo Park, other communities, or other credible sources
- Preferred option must be implementable, efficient and cost effective
- Preferred option must meet legal requirements for balancing property rights with community values
- The safety of the public will be maintained through evidence based data

Tentative Schedule		
Heritage Tree Ordinance Update Community Task Force Meetings		
Meeting No.	Date and Time	Meeting Purpose
1	June 26, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Introduction and discussion of task force roles and responsibilities • Urban forestry education presentation • Review progress to-date and scope being considered for policy options analysis
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**Additional meetings if deemed necessary by the project team*

Chapter 13.24

HERITAGE TREES

Sections:

- 13.24.010 Intent and purpose.
- 13.24.020 Heritage tree defined.
- 13.24.025 Maintenance and preservation of heritage trees.
- 13.24.030 Removal and major pruning of heritage trees prohibited.
- 13.24.040 Permits.
- 13.24.060 Appeals.
- 13.24.070 Enforcement--Remedies for violation.

13.24.010 Intent and purpose.

This chapter is adopted because the city has been forested by stands of oak, bay and other trees, the preservation of which is necessary for the health and welfare of the citizens of this city in order to preserve the scenic beauty and historical value of trees, prevent erosion of topsoil and sedimentation in waterways, protect against flood hazards and landslides, counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities. It is the intent of this chapter to establish regulations for the removal of heritage trees within the city in order to retain as many trees as possible consistent with the purpose of this chapter and the reasonable economic enjoyment of private property.

(Ord. 928 § 1 (part), 2004).

13.24.020 Heritage tree defined.

As used in this chapter "heritage tree" means:

- (1) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;
- (2) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.
- (3) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.

(Ord. 928 § 1 (part), 2004).

13.24.025 Maintenance and preservation of heritage trees.

Any person who owns, controls, has custody or possession of any real property within the city shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant

to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Any person who conducts any grading, excavation, demolition or construction activity on property shall do so in such a manner as to not threaten the health or viability or cause the removal of any heritage tree. Any work performed within an area ten (10) times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for review and approval by the director of community development or his or her designee prior to issuance of any permit for grading or construction. The tree protection plan shall be prepared by a certified arborist and shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The director of community development or his or her designee may impose conditions on any city permit to assure compliance with this section. (Ord. 928 § 1 (part), 2004).

13.24.030 Removal and major pruning of heritage trees prohibited.

It is unlawful for any person to remove, or cause to be removed any heritage tree from any parcel of property in the city, or prune more than one-fourth of the branches or roots within a twelve (12) month period, without obtaining a permit; provided, that in case of emergency, when a tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the director of public works or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter. (Ord. 928 § 1 (part), 2004).

13.24.040 Permits.

Any person desiring to remove one or more heritage trees or perform major pruning as described in Section 13.24.030 shall apply for a permit pursuant to procedures established by the director of public works and shall pay a fee established by the city council. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof to obtain the permit. The director of public works or his or her designee may only issue a permit for the removal or major pruning of a heritage tree if he or she determines there is good cause for such action. In determining whether there is good cause, the director of public works or his or her designee shall give consideration to the following:

- (1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
- (2) The necessity to remove the tree or trees in order to construct proposed improvements to the property;
- (3) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;
- (4) The long-term value of the species under consideration, particularly lifespan and growth rate;
- (5) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;
- (6) The number, size, species, age distribution and location of existing trees in the area and the effect

the removal would have upon shade, privacy impact and scenic beauty;

- (7) The number of trees the particular parcel can adequately support according to good arboricultural practices;
- (8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

(Ord. 928 § 1 (part), 2004).

13.24.060 Appeals.

Any Menlo Park resident or property owner may appeal the decision of the director of public works or his or her designee to the environmental quality commission in writing within fifteen (15) days after his or her decision. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the commission at its earliest opportunity. Any Menlo Park resident or property owner may appeal the decision of the environmental quality commission to the city council in writing within fifteen (15) days after the decision of the commission. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the city council at its earliest opportunity. A permit shall not be issued until all appeals are completed and/or the time for filing an appeal has expired. (Ord. 928 § 1 (part), 2004).

13.24.070 Enforcement--Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

- (1) If a violation occurs during development, the city may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of community development or his or her designee, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection of any remaining trees on the property, and shall provide for replacement of each tree removed or heavily damaged on the property or at locations approved by the director of community development or his or her designee and by the director of public works, if replacement is to occur on public property. The replacement ratio shall be determined by the director of community development or his or her designee and shall be at a greater ratio than that required where tree removal is permitted pursuant to the provisions of this chapter.
- (2) If a violation occurs in the absence of development, or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of community development or his or her designee may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as

determined by the director of community development or his or her designee shall be imposed as a condition of any subsequent permits for development on the subject property.

- (3) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the city. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers. Regarding injunctive relief, a civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

(Ord. 928 § 1 (part), 2004).