



REGULAR MEETING AGENDA

Date: 10/2/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Access the live meeting, in-person, at the City Council Chambers
- Access the meeting real-time online at:
zoom.us/join – Meeting ID# 862 5880 9056
- Access the meeting real-time via telephone (listen only mode) at:
(669) 900-6833
Regular Meeting ID # 862 5880 9056
Press *9 to raise hand to speak
- Submit a written comment online up to 1-hour before the meeting start time:
planning.commission@menlopark.gov*
Please include the agenda item number related to your comment.

*Written comments are accepted up to 1 hour before the meeting start time. Written messages are provided to the Planning Commission at the appropriate time in their meeting.

Subject to change: The format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the city website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas).

Regular Meeting

A. Call To Order

B. Roll Call

C. Reports and Announcements

D. Public Comment

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under public comment for a limit of three minutes. You are not required to provide your name or City of residence, but it is helpful. 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 September 18, 2023, Planning Commission meeting. ([Attachment](#))

F. Public Hearing

- F1. Use Permit/Chris Thomas/85 Willow Road:

Consider and adopt a resolution to approve a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional, Restrictive) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301’s Class 1 exemption for existing facilities. ([Staff Report #23-061-PC](#))

- F2. Zoning Ordinance Amendments for Residential Electrification:

Consider and provide a recommendation to the City Council to add section 16.04.296 and amend sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 (zoning) of the Menlo Park Municipal Code to allow electrification equipment in existing covered parking spaces (e.g garages or carports) and to allow exterior enclosures for electrification equipment within the required side and rear setbacks for existing residential dwelling units in all zoning districts; determine this action is exempt under CEQA Guidelines sections 15061(b)(3) and 15183. ([Staff Report #23-062-PC](#))

- F3. Use Permit, Architectural Control, Lot Merger, Below-Market-Rate (BMR) Housing In-Lieu Fee, and Environmental Review /Ron Krietemeyer for O’ Brien Drive Portfolio, LLC/1105, 1135, and 1165 O’Brien Drive and 1 Casey Court (commonly referred to as 1125 O’Brien Drive project):

Consider and adopt resolutions certifying the Final Environmental Impact Report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP); approving a use permit for bonus level development in exchange for community amenities, to modify the surface parking along street frontage requirements along Casey Court, to transfer development rights (height) from the applicant controlled parcel at 1140 O’Brien Drive to comply with the Zoning Ordinance average height requirement, and the use and storage of

hazardous materials to allow a diesel generator to operate the facilities in the event of a power outage or emergency and approving architectural control for the proposed buildings and site improvements for the proposed 1125 O'Brien Drive project that would demolish the existing buildings and site improvements and redevelop the project site with:

- A five-story research and development (R&D)/life sciences building;
- Up to approximately 129,166 square feet of R&D/life sciences uses and an approximately 2,700 square foot ground-floor commercial (Café) use, for a total gross floor area of approximately 131,825 square feet within the proposed building; and
- Approximately 229 surface parking spaces;

The project site consists of four parcels containing three one-story buildings of approximately 59,866 square feet and an existing drainage channel that would be merged into two legal parcels through an administrative lot merger. The proposed building would be up to approximately 85 feet in height (excluding stairs/elevator shafts) and would have an average height of approximately 60.6 feet with the inclusion of the 1140 O'Brien Drive building. If necessary to ensure water flow volumes for the proposed project meet the requirements of the Menlo Park Fire Protection District and based on timing of the necessary water line improvements, the proposed project could include upgrades of water lines beneath O'Brien Drive from the project site to the intersection with Willow Road. The environmental effects of upgrading the waterlines were previously evaluated in the certified EIR for the 1350 Adams Court project. The City Arborist conditionally approved the removal of 11 heritage trees. The project is requesting an exemption from the City's reach code to allow for the use of natural gas for space conditioning in the proposed laboratory spaces. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The applicant is proposing payment of a community amenities in-lieu fee. To comply with the City's BMR requirements for commercial projects, the applicant has proposed to pay the BMR commercial linkage in-lieu fee.

The Final EIR, pursuant to CEQA, was released on Friday, September 1, 2023. All comments received during the Draft EIR public comment period are included in the Final EIR and responses are provided to all substantive comments. The Final EIR for the proposed project identifies the following significant and unavoidable environmental impacts that would result from the implementation of the proposed project: Greenhouse Gases and Noise. The Final EIR identifies potential significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Transportation, Air Quality, Greenhouse Gases, Noise, Cultural and Tribal Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems. A Notice of Preparation (NOP) was released on July 30, 2021, and included a public review period from July 30, 2021 through August 30, 2021 to solicit comments on the scope and content of the Draft EIR. As part of Initial Study prepared for the project and the EIR scoping process, the following topic areas were determined not to result in any potential significant effects and therefore not studied in the project EIR: Agriculture and Forestry Resources, Mineral

Resources, and Wildfire. In accordance with CEQA, the certified program-level ConnectMenlo EIR served as the first-tier environmental analysis. Further, this EIR was prepared in compliance with the terms of the Settlement Agreement between the City of East Palo Alto and the City of Menlo Park. The Draft EIR was circulated for a minimum 45 day comment period from March 24, 2023 to May 8, 2023. The project location does not contain a toxic site pursuant to Section 6596.5 of the Government Code. ***Continued to a future meeting and will be re-noticed once the date is determined.***

G. Informational Items

G1. 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: October 23, 2023
- Regular Meeting: November 6, 2023

H. Adjournment

At every regular meeting of the Planning Commission, in addition to the public comment period where the public shall have the right to address the Planning Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during the Planning Commission's consideration of the item.

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or before, the public hearing.

Any writing that is distributed to a majority of the Planning 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 by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Cal. Gov. Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website at menlopark.gov/agendas and can receive email notifications of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 9/27/2023)



REGULAR MEETING DRAFT MINUTES

Date: 09/18/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Acting Chair Jennifer Schindler called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Andrew Ehrich, Katie Ferrick (remotely by zoom), Henry Riggs, Jennifer Schindler (Acting Chair)

Absent: Linh Dan Do (Vice Chair), Cynthia Harris (Chair)

Staff: Christine Begin, Planning Technician; Kyle Perata, Planning Manager; Chris Turner, Associate Planner

C. Reports and Announcements

Planning Manager Kyle Perata asked that after “Reports and Announcements” if Acting Chair Schindler would reopen Roll Call so Commissioner Ferrick as required by AB 2449 could read into the minutes the reason for participating remotely.

Mr. Perata said the City Council at its September 26, 2023 meeting would consider the Below Market Housing Agreements and Vesting Tentative Map for the 123 Independence Drive project that the Planning Commission recently reviewed and acted upon including a recommendation to the City Council.

Replying to Acting Chair Schindler, Commissioner Ferrick stated that she was participating remotely pursuant to AB 2449 Just Cause, which can be used for up to two meetings per calendar year. She said a contagious illness was the reason she had to attend the meeting remotely.

D. Public Comment

None

E. Consent Calendar

E1. Approval of minutes from August 14, 2023, Planning Commission meeting. (Attachment)

E2. Approval of minutes from August 28, 2023, Planning Commission meeting. (Attachment)

Acting Chair Schindler noted that the action votes for different agenda items in the minutes of August 28, 2023 had inconsistencies in formatting and requested consistent formatting of those.

- E3. Architectural Control/Michael Eaton/51 Hallmark Circle:
Consider and adopt a resolution to approve architectural control for exterior modifications to the rear (north) and left (west) elevations to extend an existing elevated deck of an existing townhouse into the common easement area in the R-E-S (X) (Residential Estate Suburban, Conditional Development) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. (Staff Report #23-059-PC)

ACTION: Motion and second (Riggs/Ehrich) to approve the consent calendar to include the minutes from the August 14, 2023 Planning Commission meeting as submitted, the minutes from the August 28, 2023 Planning Commission meeting with the requested modification for consistent formatting of the action votes, and to adopt the resolution in Attachment A approving 52 Hallmark Circle as recommended in the staff report; passes 5-0, with Commissioners Do and Harris absent.

F. Public Hearing

- F1. Architectural Control and Use Permits/Peninsula Innovation Partners, LLC/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:
Consider and adopt resolutions to approve architectural control review for buildings and site improvements for a mixed-use building (Parcel 3), the publicly accessible park, and publicly accessible dog park, associated with the approved Willow Village masterplan development project. The masterplan, including the general plan amendment, rezoning and zoning map amendment, vesting tentative maps, conditional development permit, development agreement, and BMR housing agreements were approved by the City Council on December 6 and 13, 2022 and authorize up to 1.6 million square feet of office and accessory uses (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), up to 1,730 dwelling units (including 312 BMR units), up to 200,000 square feet of retail and restaurant uses, and an up to 193 room hotel. The architectural control reviews by the Planning Commission check for conformance with the approved masterplan, conditional development permit, development agreement, mitigation monitoring and reporting program (MMRP) for the certified environmental impact report, the R-MU (residential mixed use) and O (Office) zoning districts, and other applicable requirements from the masterplan governing documents. The requested actions implement the Willow Village masterplan project and are consistent with the MMRP for the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022. Therefore nothing further is required under the California Environmental Quality Act At this public hearing, the Planning Commission is scheduled to review three separate architectural control plans and use permit requests for the publicly accessible park, publicly accessible dog park, and a mixed-use building (Parcel 3). The mixed-use building on Parcel 3 would include 419 dwelling units with approximately 430,950 square feet of gross floor area and approximately 57,000 square feet of ground floor retail, restaurant, and/or entertainment space. The publicly accessible park would be approximately 3.5 acres of active and passive open space including an open lawn, meandering paths, children's play areas and amphitheater seating. The dog park would be approximately 8,000 square feet and the remainder of the parcel would be developed with a West Bay Sanitary District pump station. The proposals include associated use permit requests for modifications to design standards anticipated by the masterplan but not included in the conditional development permit. The use permit requests are generally summarized below: (Staff Report #23-060-PC)

Parcel 3

- Modify modulation requirements along Main Street.
- Modify setback requirements

Associate Planner Chris Turner presented an introduction to the agenda item.

Paul Nieto, Signature Development Group, and Christopher Peasy, Hart Howerton, spoke on behalf of the project.

Acting Chair Schindler opened the public hearing and closed it as no persons requested to speak.

Commission comments included appreciation for the quality of design and the extensive community outreach and coordination as well as a note that the requested modifications to the building modulations were fine.

Commissioner Riggs noted for the record that despite his appreciation for the quality of the mixed-use building that he would have to vote against that part of the project approvals due to the unresolved regional transportation issue in the Bayfront area.

Commissioner Barnes moved to approved as recommended in the staff report.

Acting Chair Schindler suggested voting separately on the mixed-use part of the project (Attachment A) and then on the other project components (Attachments B and C). Commissioner Riggs indicated his support for that suggestion.

ACTION: Motion and second (Barnes/Ehrich) to adopt the resolution in Attachment A to approve as recommended in the staff report; passes 4-1, with Commissioner Riggs opposed and Commissioners Do and Harris absent.

ACTION: Motion and second (Riggs/Ehrich) to adopt the resolutions in Attachments B and C to approve as recommended in the staff report; passes 5-0, with Commissioners Do and Harris absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: October 2, 2023

Mr. Perata said staff were tracking two items for the October 2nd agenda including EIR review and potential EIR certification and use permit and architectural control approvals for a proposed life science building at 1125 O'Brien Drive and proposed zoning ordinance amendments to facilitate electrification of existing residential buildings.

- Regular Meeting: October 23, 2023

Mr. Perata said staff anticipated bringing recommended zoning ordinance amendments and modifications as part of the Housing Element on the October 23rd agenda.

H. Adjournment

Acting Chair Schindler adjourned the meeting at 8:09 p.m.

Staff Liaison: Kyle Perata, Planning Manager

Recording Secretary: Brenda Bennett



STAFF REPORT

Planning Commission

Meeting Date:

10/2/2023

Staff Report Number:

23-061-PC

Public Hearing:

Consider and adopt a resolution to approve a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional, Restrictive) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities.

Recommendation

Staff recommends that the Planning Commission adopt a resolution approving a use permit for hazardous materials to install a new portable, temporary diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional, Restrictive) zoning district. The generator would be located in a loading dock adjacent to the office building. The draft resolution, including the recommended actions and conditions of approval, is included as Attachment A.

Policy Issues

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

Background

Site location

The subject property is a corner lot located at 85 Willow Road, within the Linfield Oaks neighborhood and located at the northwest corner of the intersection of Middlefield Road and Willow Road. The site currently contains an office building, along with a surface parking lot located generally behind the building and along the northern and western portions of the lot. A location map is included as Attachment B.

This report uses Middlefield Road, the narrower frontage, as the primary front. Using Middlefield Road in an east-west orientation, the surrounding properties to the east and west are generally zoned C-1, C-1-A (Administrative and Professional), or C-4 (General Commercial). Mostly residential uses are located to the south of the property and are zoned R-3(X) (Apartment, Conditional). The Menlo Park Fire Protection District Headquarters is located at 300 Middlefield Road, along the eastern (opposite) side of Middlefield Road.

Analysis

Project description

The subject property is developed with a one-story office building containing a surface parking lot that surrounds the western and northern portions of the building. Along the western edge of the building, a loading dock area services the building and parking area, generally near the center of the site and rear of the building. The applicant is requesting a use permit for hazardous materials to install one temporary diesel-powered emergency back-up generator on a trailer within the loading dock area. The proposed generator would require a building permit for the electrical hook up to the main electrical panel, which would define the location of the temporary generator. The generator would provide emergency power in the event of a power outage, with the applicant stating that the generator would be driven on a trailer by tow truck to the site, via a rental company. The applicant also clarifies in their project description letter that the generator would arrive on site approximately two hours after the start of the power outage, and it would remain on its trailer. No testing would occur at the project site, but the rental company tests the generator immediately before it is delivered, and it is regularly tested once every two months as well.

Because all testing would occur at the rental company's off-site location, and the generator would only be active in the event of a power outage, no testing would occur on site and the use of the generator would only occur during an emergency. The project plans (Exhibit A within Attachment A) show the location of the proposed generator, as well as additional details. The Municipal Code exempts emergency generator usage from noise limitations during a power outage or other emergency, which is the only time that the generator would be used on the subject property. Even so, the specifications for the proposed generator indicate that the generator would be 71 A-weighted decibels (dBA) at a distance of 23 feet. The nearest residential building is located at 813 Paulson Circle, which is approximately 185 feet to the west and rear of the proposed generator location, indicating a significant reduction in noise near any residential properties.

Hazardous materials information

The Hazardous Materials Information Form for the proposed generator, the supplemental diesel generator form, and a discussion of protection measures in the event of an emergency are included as Attachment C. In the applicant's project description letter (Exhibit B to Attachment A), the applicant has specified that the on-site security team would be responsible for the safety needs of the generator once it is on site, and the security team would receive instruction and guidance protocols from the generator company.

The applicant indicates in the project description letter that they evaluated the possible use of battery back-up as an alternative to the use of diesel generators but that battery storage systems and other alternative solar and wind sources would not provide a similar long duration of power to accommodate for an extended loss, when compared to a diesel emergency generator and so cannot be accommodated on the project site.

Agency review

The City of Menlo Park Building Division, the Menlo Park Fire Protection District (Menlo Fire), the West Bay Sanitary District and the San Mateo County Environmental Health Services Division were contacted regarding the proposed use of hazardous materials on the project site. Each entity found the proposal to be in compliance with applicable standards, with some identifying additional requirements. These include meeting annual and initial Menlo Fire permitting and inspections, and potentially requiring an environmental health permit and hazardous materials business plan. Project-specific condition of approval 2a would require the applicant to provide documentation of having completed the additional requirements outlined in the agency referral forms prior to building permit issuance. The agency referral forms are included as

Exhibit C within Attachment A.

Correspondence

The applicant states in their project description letter that they have completed outreach efforts, which involved mailing letters to occupants and owners of neighboring businesses, 29 in total, summarizing the proposal. The applicant has confirmed that they have received no feedback.

As of the writing of this report, staff received two letters of correspondence about the proposed project (Attachment D). The first letter contains concerns regarding the potential noise caused by a back-up generator, along with additional concerns involving crime and public safety, energy needs, and overdevelopment within the vicinity of the subject property. The second letter contains concerns regarding whether alternative energy sources have been considered, potential air quality impacts, and general safety of the generator. The applicant is aware of these concerns, and has done research to determine that alternative energy sources would not provide a similar long duration of power to accommodate for an extended loss when compared to a diesel generator. The applicant has positioned the generator to be no closer than 185 feet from the nearest residential property line, and the noise rating of the generator would be 71 dBA from a distance of 23 feet. Therefore, while the noise of the generator operating during an emergency is exempt from the Noise Ordinance, the proposed generator would comply with both the daytime and nighttime limitations of the Noise Ordinance. Regarding safety, the applicant has clarified that private security offers the project site with round-the-clock security. In addition, the generator is designed to meet all safety requirements of the City, Menlo Fire, the San Mateo County Environmental Health Services Division, and West Bay Sanitary District. To meet air quality requirements, the applicant is also required to obtain permitting from Bay Area Air Quality Management District for the proposed generator. The generator would only be brought to the site and used in the event of a power outage, and no additional development on site, or additional usage of the generator, is proposed.

Conclusion

Staff believes that the proposed use and quantities of hazardous materials would be safe and appropriate. The Hazardous Materials Information Form includes a discussion of protection measures in the event of an emergency. Relevant agencies have indicated their approval or conditional approval of the proposed hazardous materials use on the property. Further, the generator would not be tested on site, and it would not be located on site or used unless a power outage has occurred. The noise generated by the generator would be nominal for residential 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 1,320-foot (quarter-mile) 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. Draft Planning Commission Resolution
 - Exhibits to Attachment A
 - A. Project Plans
 - B. Project Description Letter
 - C. Hazardous Materials Agency Referral Forms
 - D. Conditions of Approval
- B. Location Map
- C. Hazardous Materials Information Form
- D. Correspondence

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:
Matt Pruter, Associate Planner

Report reviewed by:
Corinna Sandmeier, Principal Planner

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK APPROVING A USE PERMIT FOR HAZARDOUS MATERIALS TO INSTALL A NEW PORTABLE, DIESEL EMERGENCY GENERATOR TO SERVICE AN EXISTING COMMERCIAL BUILDING IN THE C-1 (ADMINISTRATIVE AND PROFESSIONAL, RESTRICTIVE) ZONING DISTRICT

WHEREAS, the City of Menlo Park (“City”) received an application requesting the use of hazardous materials to install a portable, diesel back-up generator for an existing commercial building in the C-1 (Administrative and Professional, Restrictive) zoning district (collectively, the “Project”) from Chris Thomas (“Applicant”), on behalf of the property owner 85 Willow Owner LP (“Owner”), located at 85 Willow Road (APN 062-422-080) (“Property”). The Project use permit is depicted in and subject to the development plans and project description letter, which are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by this reference; and; and

WHEREAS, the Property is located in the Administrative and Professional (C-1) zoning district. The C-1 zoning district supports a variety of professional, executive and administrative offices, research facilities, and public utilities; and

WHEREAS, the proposed Project complies with all objective standards of the C-1 district; and

WHEREAS, the Project was reviewed by the Menlo Park Fire Protection District, the Menlo Park Building Division, the San Mateo County Environmental Health Services Division, and West Bay Sanitary District, and found to comply or conditionally comply with all applicable rules and regulations to ensure the safety of the on-site occupants and surrounding community and each agency’s approved or conditionally approved routing forms are contained herein as Exhibit C; and

WHEREAS, the Project, requires discretionary actions by the City as summarized above, and therefore the California Environmental Quality Act (“CEQA,” Public Resources Code Section §21000 et seq.) and CEQA Guidelines (Cal. Code of Regulations, Title 14, §15000 et seq.) require analysis and a determination regarding the Project’s environmental impacts; and

WHEREAS, the City is the lead agency, as defined by CEQA and the CEQA Guidelines, and is therefore responsible for the preparation, consideration, certification, and approval of environmental documents for the Project; and

WHEREAS, the Project is categorically except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15301 et seq. (Existing Facilities); and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public hearing held on October 2, 2023, the Planning Commission fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents and plans, prior to taking action regarding the Project Revisions.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided, and the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. Conditional Use Permit Findings. The Planning Commission of the City of Menlo Park does hereby make the following Findings:

The approval of the use permit to install a portable, diesel back-up generator for an existing office building is granted based on the following findings which are made pursuant to Menlo Park Municipal Code Section 16.82.030:

1. That the establishment, maintenance, or operation of the use applied for will, under the circumstance of the particular case, not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such proposed use, or injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city because:
 - a. Consideration and due regard were given to the nature and condition of all adjacent uses and structures, and to general plans for the area in question and surrounding areas, and impact of the application hereon; in that, the proposed use permit is consistent with the Zoning Ordinance, as well as the General Plan because diesel generators are permitted with the granting of a use permit, and would allow the emergency back-up diesel generator to provide energy for an existing office building, which would be compatible with the surrounding uses. The diesel fuel tank is necessary to supply the emergency generator, which is required to adequately ensure uninterrupted electricity for the existing office building and its occupants, with the prime focus being to provide continuous service to the office building.
 - b. The proposed generator would be brought to the subject property on a temporary basis, and it would be located within an existing loading dock area, and no impacts to parking or site accessibility would occur.

- c. The proposed Project is designed to meet all the applicable codes and ordinances of the City of Menlo Park Municipal Code and the Commission concludes that the Project would not be detrimental to the health, safety, and welfare of the surrounding community as the proposed generator would be located within a large, commercially-zoned property and designed such that privacy and noise concerns would be addressed through the positioning of the generator in the center of the lot and approximately 185 feet in distance from the nearest residential property line. The generator company would ensure that appropriate safety protocols would be implemented by the tenant for the handling of the generator while it is on site, and testing would not occur on-site or within the City.

Section 3. Conditional Use Permit. The Planning Commission approves Use Permit No. PLN2021-00042, which use permit is depicted in and subject to the development plans and project description letter, which are attached hereto and incorporated herein by this reference as Exhibit A and Exhibit B, respectively. The Use Permit is conditioned in conformance with the conditions attached hereto and incorporated herein by this reference as Exhibit D.

Section 4. Environmental Review. The Planning Commission makes the following findings, based on its independent judgment after considering the Project, and having reviewed and taken into consideration all written and oral information submitted in this matter:

- A. The Project is categorically except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15301 et seq. (Existing Facilities)

Section 5. Severability.

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, Kyle Perata, Planning Manager of the City of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on October 2, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of October, 2023

PC Liaison Signature

Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

- A. Project Plans
- B. Project Description Letter
- C. Hazardous Materials Agency Referral Forms
- D. Conditions of Approval



A Temporary Generator For:
ROBINHOOD
 85 Willow Road
 Menlo Park, CA 94025



PROJECT DATA

TRAIL NAME	ROBINHOOD	GRID NUMBER	10013001
PROJECT ADDRESS	85 WILLOW ROAD MENLO PARK, CA 94025	NUMBER OF STORIES	1 - BASEMENT
		CONSTRUCTION TYPE	MSK
		FIRE SPRINKLERS	YES
		OCCUPANCY TYPE	MSK

△ GROSS FLOOR AREA (GFA) 37,771 SQ. FT.

REQUIRED PARKING (R) 100 SPACES

REQUIRED PARKING (A) 100 SPACES

REQUIRED PARKING (D) 100 SPACES

REQUIRED PARKING (E) 100 SPACES

REQUIRED PARKING (F) 100 SPACES

REQUIRED PARKING (G) 100 SPACES

REQUIRED PARKING (H) 100 SPACES

REQUIRED PARKING (I) 100 SPACES

REQUIRED PARKING (J) 100 SPACES

REQUIRED PARKING (K) 100 SPACES

REQUIRED PARKING (L) 100 SPACES

REQUIRED PARKING (M) 100 SPACES

REQUIRED PARKING (N) 100 SPACES

REQUIRED PARKING (O) 100 SPACES

REQUIRED PARKING (P) 100 SPACES

REQUIRED PARKING (Q) 100 SPACES

REQUIRED PARKING (R) 100 SPACES

REQUIRED PARKING (S) 100 SPACES

REQUIRED PARKING (T) 100 SPACES

REQUIRED PARKING (U) 100 SPACES

REQUIRED PARKING (V) 100 SPACES

REQUIRED PARKING (W) 100 SPACES

REQUIRED PARKING (X) 100 SPACES

REQUIRED PARKING (Y) 100 SPACES

REQUIRED PARKING (Z) 100 SPACES

PROJECT DESCRIPTION

THIS IS THE PROPOSAL FOR THE DESIGN AND CONSTRUCTION OF THE ROBINHOOD TEMPORARY GENERATOR. THE PROJECT IS A TEMPORARY FACILITY TO BE USED FOR THE STORAGE AND DISTRIBUTION OF ENERGY. THE PROJECT IS BEING CONSTRUCTED IN THE CITY OF MENLO PARK.

APPLICABLE CODES

- 2022 CALIFORNIA BUILDING CODE (CBC) TITLE 24, PART 01
 - 2022 CALIFORNIA ELECTRIC CODE (CEC) TITLE 24, PART 01
 - 2022 CALIFORNIA MECHANICAL CODE (CMC) TITLE 24, PART 01
 - 2022 CALIFORNIA PLUMBING CODE (CPC) TITLE 24, PART 01
 - 2022 CALIFORNIA FIRE CODE (CFC) TITLE 24, PART 01
 - 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC) TITLE 24, PART 01
- ALL CODES ARE SUBJECT TO LOCAL GOVERNMENT AMENDMENTS PER CALIFORNIA BUILDING STANDARDS COMMISSION BULLETIN 1843.

DEFERRED SUBMITTALS

DEFERRED SUBMITTALS FOR THE PURPOSES OF THE SPECIAL DEFERRED SUBMITTALS ARE REQUIRED FOR THE PORTION OF THE PROJECT THAT IS NOT COVERED BY THE APPLICABLE CODES AND THAT ARE TO BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW.

DEFERRAL OF ANY SUBMITTALS SHALL BE AT THE DISCRETION OF THE BUILDING DEPARTMENT. THE DEFERRED SUBMITTALS SHALL BE REVIEWED AND APPROVED BY THE BUILDING DEPARTMENT BEFORE CONSTRUCTION COMMENCES.

DEFERRED SUBMITTALS SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW AND APPROVAL. THE DEFERRED SUBMITTALS SHALL BE REVIEWED AND APPROVED BY THE BUILDING DEPARTMENT BEFORE CONSTRUCTION COMMENCES.

THE FOLLOWING ITEMS REQUIRE DEFERRED REVIEW AND PERMIT BY THE CITY OF MENLO PARK:

ACCESSIBILITY COMPLIANCE FORM

I HAVE REVIEWED THE BUILDING AND ACCESSIBILITY CODES FOR THE 2022 CALIFORNIA BUILDING CODE, PROPOSED ACCESSIBILITY UPDATES TO THE 2022 CALIFORNIA BUILDING CODE, AND THE 2022 CALIFORNIA ELECTRIC CODE, MECHANICAL CODE, PLUMBING CODE, AND FIRE CODE. I HAVE REVIEWED THE PROJECT AND DETERMINED THAT THE PROJECT IS IN COMPLIANCE WITH THE ACCESSIBILITY REQUIREMENTS OF THE 2022 CALIFORNIA BUILDING CODE, PROPOSED ACCESSIBILITY UPDATES TO THE 2022 CALIFORNIA BUILDING CODE, AND THE 2022 CALIFORNIA ELECTRIC CODE, MECHANICAL CODE, PLUMBING CODE, AND FIRE CODE.

I ACKNOWLEDGE THE FOLLOWING SCOPE OF REQUIRED UPDATES:

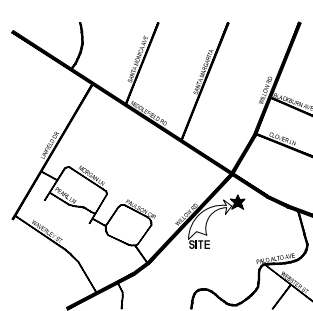
THE DESIGN REQUIRED ACCESSIBILITY FEATURES SERVING THE AREA OF WORK AREA IN CONFORMANCE WITH THE CODES.

SIGNATURE: _____ DATE: (MM/DD/YY) _____
 BY: THE PROJECT DESIGNER

PROJECT TEAM

TENANT	ROBINHOOD MARKETS, INC. 855 Willow Road Menlo Park, CA 94025	ARCHITECT	ARC TEC, INC. 1250 California Street, Suite 750 San Francisco, CA 94109 PH: 415.435.4200 WWW.ARCTECINC.COM
ELECTRICAL ENGINEER	HOWELL ELECTRIC, INC. 30000 Central Expressway San Jose, CA 95128 PH: 408.261.8000 WWW.HOWELLELECTRIC.COM		

VICINITY MAP



DRAWING INDEX AND ISSUE DATES

NO.	DESCRIPTION	DATE
1	PRELIMINARY PERMIT APPLICATION	01/11/23
2	PRELIMINARY SUBMITTALS AND CHANGES	01/11/23
3	PERMIT APPLICATION	01/11/23
4	ISSUE DATES AND DESCRIPTIONS	01/11/23

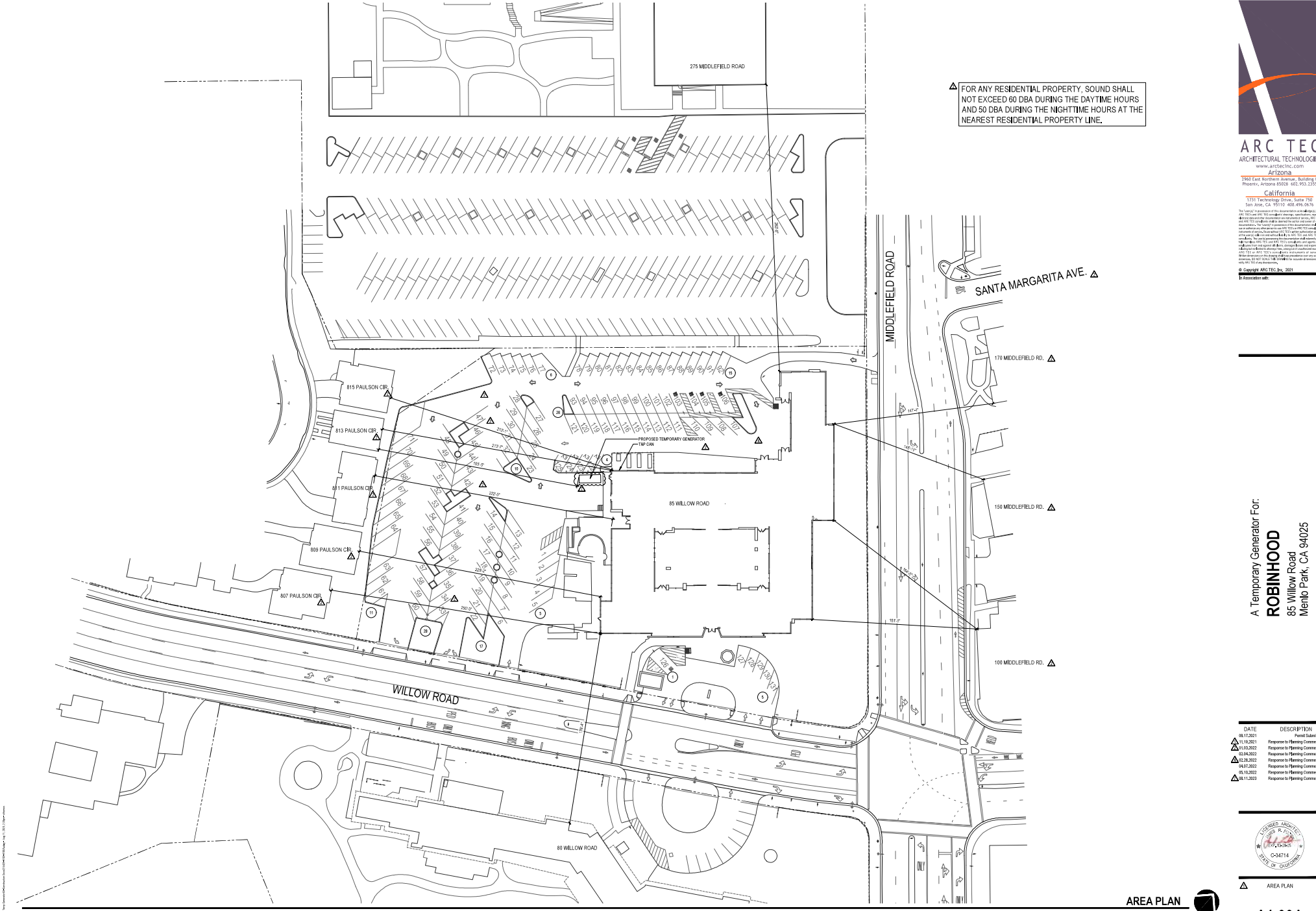
COVER SHEET

ARCHITECTURAL	AREA PLAN	GENERAL NOTES	SECTION DETAILS
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
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50	50	50	50

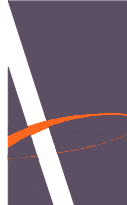
ELECTRICAL

ET	GENERAL INFORMATION	1
EE	GENERAL INFORMATION	1
EF	GENERAL INFORMATION	1





▲ FOR ANY RESIDENTIAL PROPERTY, SOUND SHALL NOT EXCEED 60 DBA DURING THE DAYTIME HOURS AND 50 DBA DURING THE NIGHTTIME HOURS AT THE NEAREST RESIDENTIAL PROPERTY LINE.



ARC TEC
ARCHITECTURAL TECHNOLOGIES
www.arctecinc.com

Arizona
1960 East McDowell Avenue, Building C
Phoenix, Arizona 85028 602.953.1355

California
1731 Technology Drive, Suite 750
San Jose, CA 95110 408.496.9676
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All Association with:

A Temporary Generator For:
ROBINHOOD
85 Willow Road
Menlo Park, CA 94025

DATE	DESCRIPTION
08.17.2021	Final Submittal
▲ 08.10.2021	Response to Planning Comments
▲ 08.03.2021	Response to Planning Comments
▲ 04.26.2021	Response to Planning Comments
▲ 02.20.2021	Response to Planning Comments
▲ 04.07.2021	Response to Planning Comments
▲ 05.10.2021	Response to Planning Comments
▲ 08.11.2021	Response to Planning Comments

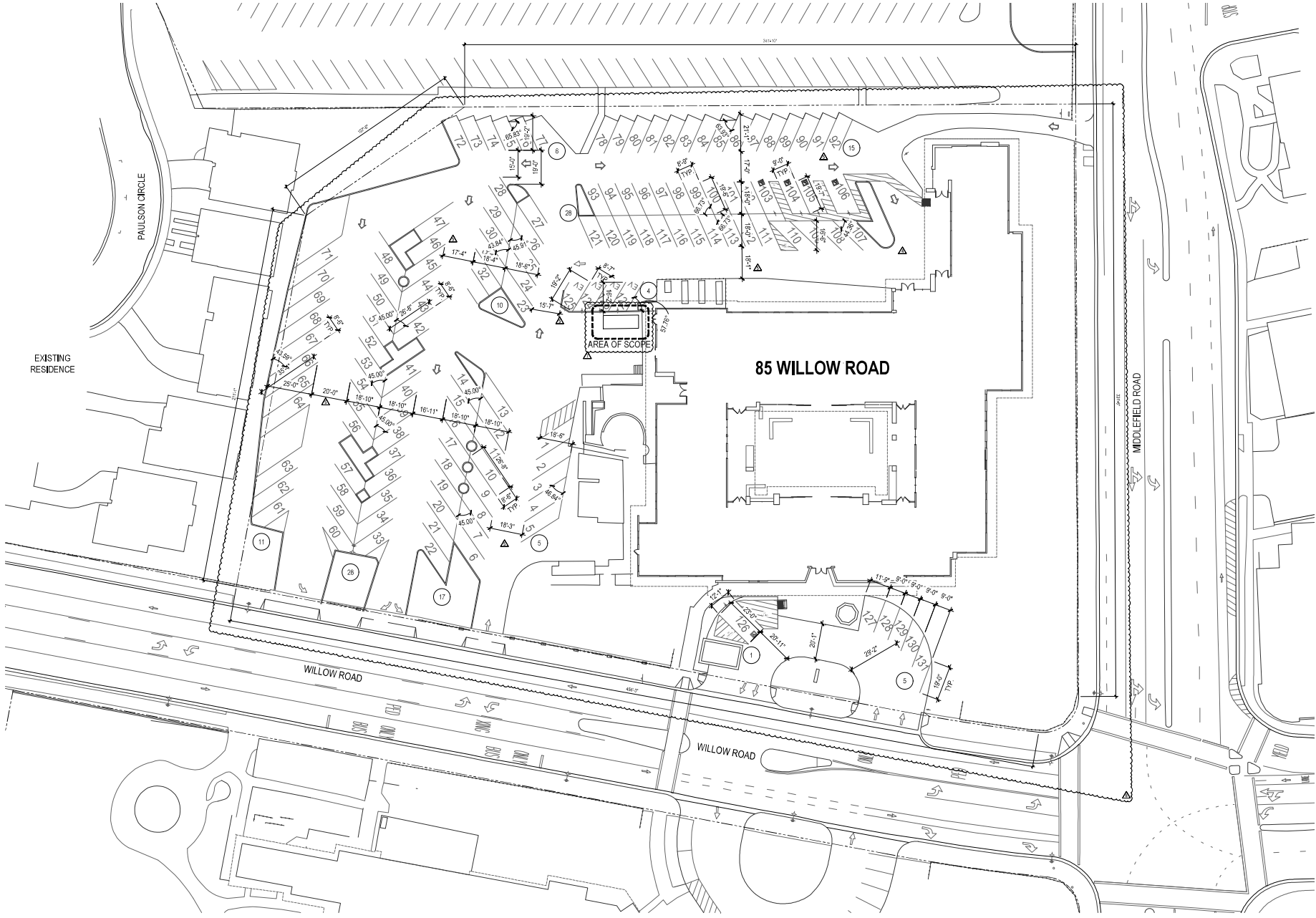


▲ AREA PLAN

AREA PLAN

SCALE: 1" = 30'-0"





EXISTING RESIDENCE

85 WILLOW ROAD

WILLOW ROAD

MIDDLEFIELD ROAD

PAULSON CIRCLE

AREA OF SCOPE

SITE PLAN - REFERENCE ONLY



▲ FOR ANY RESIDENTIAL PROPERTY, SOUND SHALL NOT EXCEED 60 DBA DURING THE DAYTIME HOURS AND 50 DBA DURING THE NIGHTTIME HOURS AT THE NEAREST RESIDENTIAL PROPERTY LINE.



ARC TEC
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California
1733 Technology Drive, Suite 750
San Jose, CA 95110 408.496.9276
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A Temporary Generator For:
ROBINHOOD
85 Willow Road
Menlo Park, CA 94025

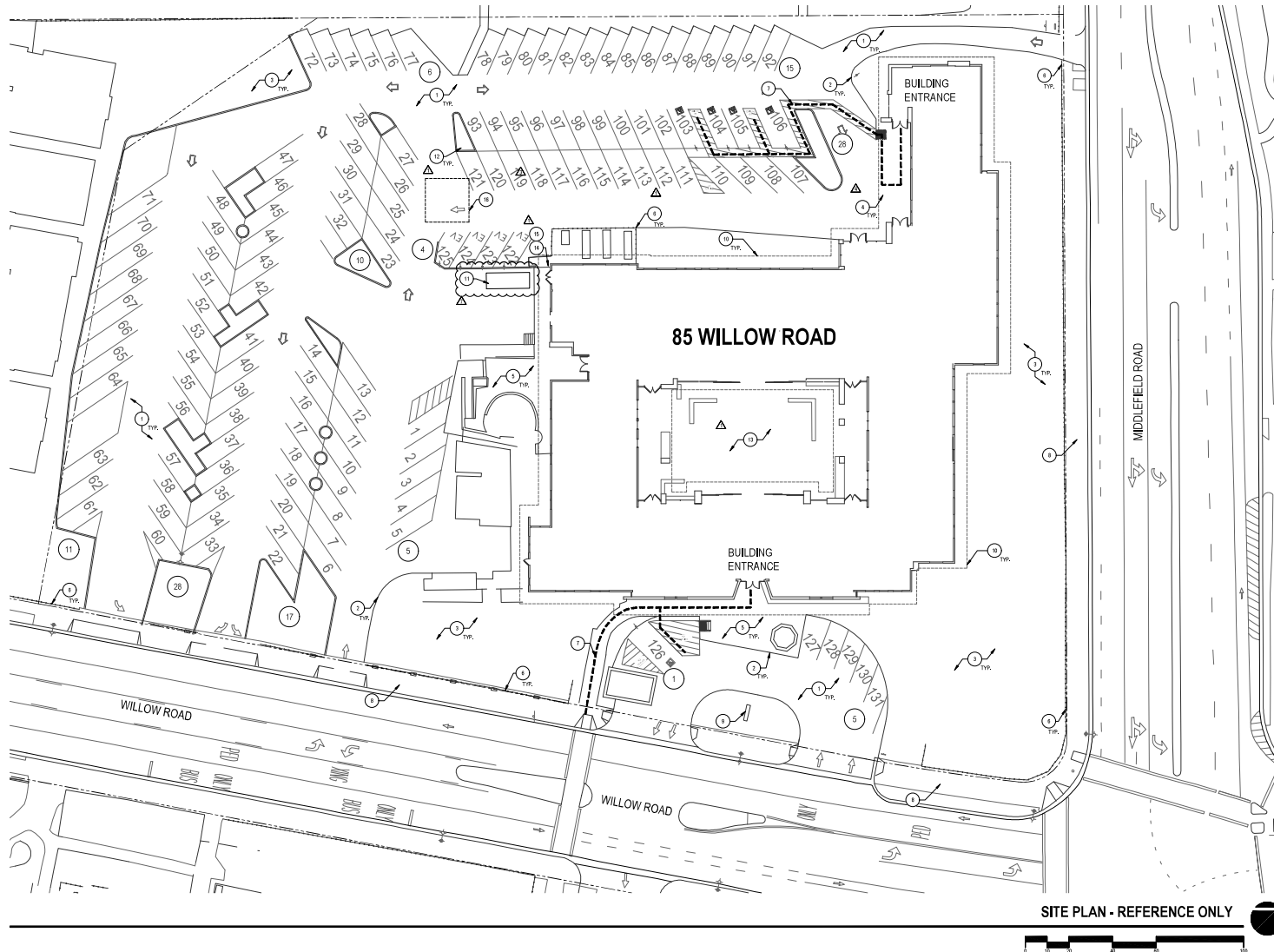
DATE	DESCRIPTION
08.17.2021	Final Submittal
▲ 10.10.2021	Response to Planning Comments
▲ 10.06.2022	Response to Planning Comments
▲ 02.04.2022	Response to Planning Comments
▲ 07.07.2022	Response to Planning Comments
▲ 10.20.2022	Response to Planning Comments
▲ 11.20.2023	Response to Planning Comments



OVERALL SITE PLAN

A1.00

PROJECT NO. 215429



GENERAL NOTES

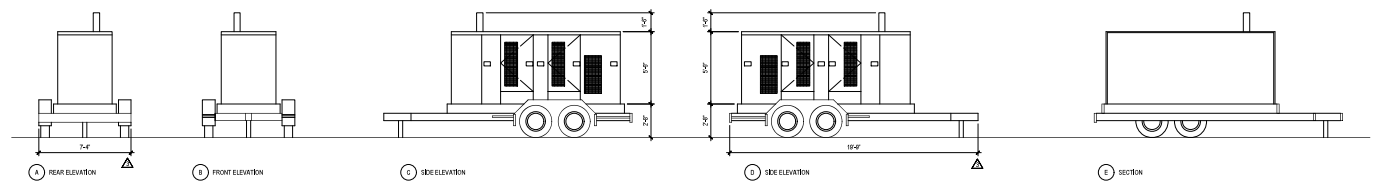
- A. ALL FENCES, WALLS AND PARKING ARE EXISTING. VERIFY IN FIELD, REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- B. REFER TO DRAWINGS A-3.3 THROUGH A-3.5 AND DETAILS ON THIS SHEET FOR SITE ACCESSIBILITY PATH OF TRAVEL REQUIREMENTS AND ACCESSIBLE PARKING REQUIREMENTS.
- C. AT LEAST ONE ACCESSIBLE ROUTE SHALL BE PROVIDED WITHIN THE SITE FROM ACCESSIBLE PARKING SPACES AND ACCESSIBLE PASSENGER LOADING ZONES, PUBLIC STREET AND SIDEWALKS AND PUBLIC TRANSPORTATION STOPS TO THE ACCESSIBLE BUILDING OR FACILITY ENTRANCE. THIS ROUTE, WHEN MORE THAN ONE ROUTE IS PROVIDED, ALL ROUTES MUST BE ACCESSIBLE. EXCEPTION: AN ACCESSIBLE ROUTE SHALL NOT BE REQUIRED BETWEEN SITE ENTRANCE POINTS AND THE BUILDING OR FACILITY ENTRANCE IF THE ONLY MODE OF ACCESS BETWEEN THEM IS A VEHICLE WHICH IS NOT PROVIDING DIRECT ACCESS.
- D. THERE IS NO CHANGE OF USE TO THE EXISTING BUILDING. ALL PARKING IS EXISTING, AND NO CHANGE TO THE NUMBER OF EXISTING PARKING SPACES ARE PROPOSED.

AUTOMOBILE PARKING STALL DIMENSIONS (PARKING STALLS AND DRIVEWAY DESIGN GUIDELINES)				REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES (SEE TABLE 103-2.1)		
STALL TYPE	WIDTH	DEPTH	ANGLE	TOTAL PARKING SPACES	MINIMUM REQUIRED	COMPLIANT
UNITS/AL	8'-0"	18'-0"	24-0"	76-100	4	YES

KEYNOTES

- EXISTING PAVED PARKING AND DRIVEWAYS.
- EXISTING CURB.
- EXISTING LANDSCAPE AREA.
- EXISTING ACCESSIBLE RAMP.
- EXISTING WALKWAY.
- EXISTING FENCE.
- EXISTING ACCESSIBLE PATH OF TRAVEL.
- EXISTING ACCESSIBLE PUBLIC SIDEWALK.
- EXISTING BUILDING SIGNAGE.
- EXISTING ROOF OVERHANG.
- NEW GENERATOR, MANUFACTURER: CATERPILLAR, MODEL: X3306. SEE ELECTRICAL DRAWINGS FOR MORE INFORMATION. SEE 16A FOR ELEVATIONS AND SECTION.
- EXISTING LANDSCAPE ISLAND.
- EXISTING OPEN COURTYARD.
- LOCATION OF PORTABLE EYE-WASH STATION.
- LOCATION OF FIRE EXTINGUISHERS.
- DASHED LINE INDICATES LOCATION OF EMERGENCY GATHERING AREA.

SITE PLAN - REFERENCE ONLY



16 PORTABLE EMERGENCY GENERATOR - ELEVATIONS & SECTION
SCALE: 1/4" = 1'-0"



1733 Technology Drive, Suite 750
San Jose, CA 95110 408.496.9276
The project is a part of the development of the site for the proposed new building at 85 Willow Road, Menlo Park, CA 94025. The project is a part of the development of the site for the proposed new building at 85 Willow Road, Menlo Park, CA 94025. The project is a part of the development of the site for the proposed new building at 85 Willow Road, Menlo Park, CA 94025.

A Temporary Generator For:
ROBINHOOD
85 Willow Road
Menlo Park, CA 94025

DATE	DESCRIPTION
08.17.2021	Final Submittal
05.03.2021	Response to Planning Comments
05.03.2021	Response to Planning Comments
05.04.2021	Response to Planning Comments
05.26.2021	Response to Planning Comments
04.07.2021	Response to Planning Comments
05.10.2021	Response to Planning Comments
08.11.2021	Response to Planning Comments



SITE PLAN AND DETAILS

A1.01

PROJECT NO: 215429

ROBINHOOD

TEMPORARY GENERATOR

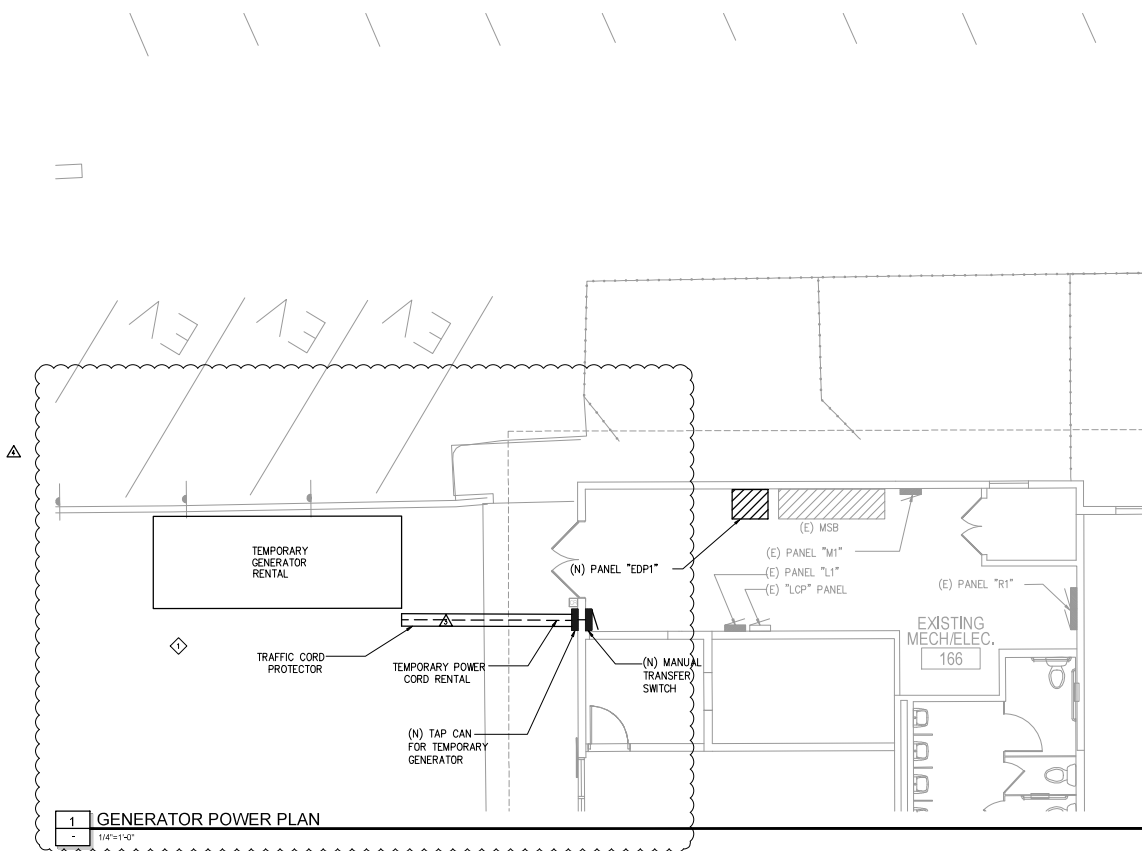
85 WILLOW ROAD
MENLO PARK, CA



3388 VISO COURT
SANTA CLARA, CALIFORNIA 95054
(408) 980-4800, FAX (408) 980-8882

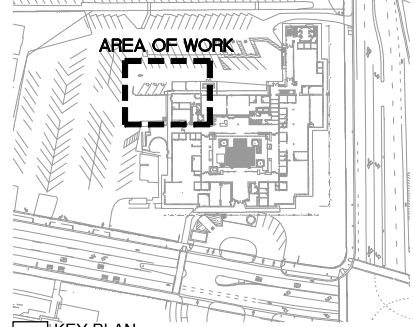
THIS SHEET BEING IN THE FULL AND SOLE PROPERTY OF HOWELL ELECTRIC, INC. IT IS HEREBY AGREED THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREON.

REV.	BY	DESCRIPTION	DATE
-	HEC	ISSUED FOR PERMIT	08-19-21
▲	HEC	REVIEW RESPONSE	12-29-21
▲	HEC	REVIEW RESPONSE	02-07-22
▲	HEC	REVIEW RESPONSE	02-28-22
▲	HEC	REVIEW RESPONSE	06-16-23
▲			
▲			



1 GENERATOR POWER PLAN
1/4"=1'-0"

SHEET NOTES:
◆ THIS PORTION WILL ONLY BE BROUGHT ON SITE IF THERE IS AN EXTENDED POWER OUTAGE.



KEY PLAN
NOT TO SCALE



SHEET TITLE:
GENERATOR POWER

DRAWN: BD
CHECKED: SH
SCALE: AS NOTED
DATE: 08-19-21
JOB NO: N2-0609

E2

ROBINHOOD

TEMPORARY GENERATOR

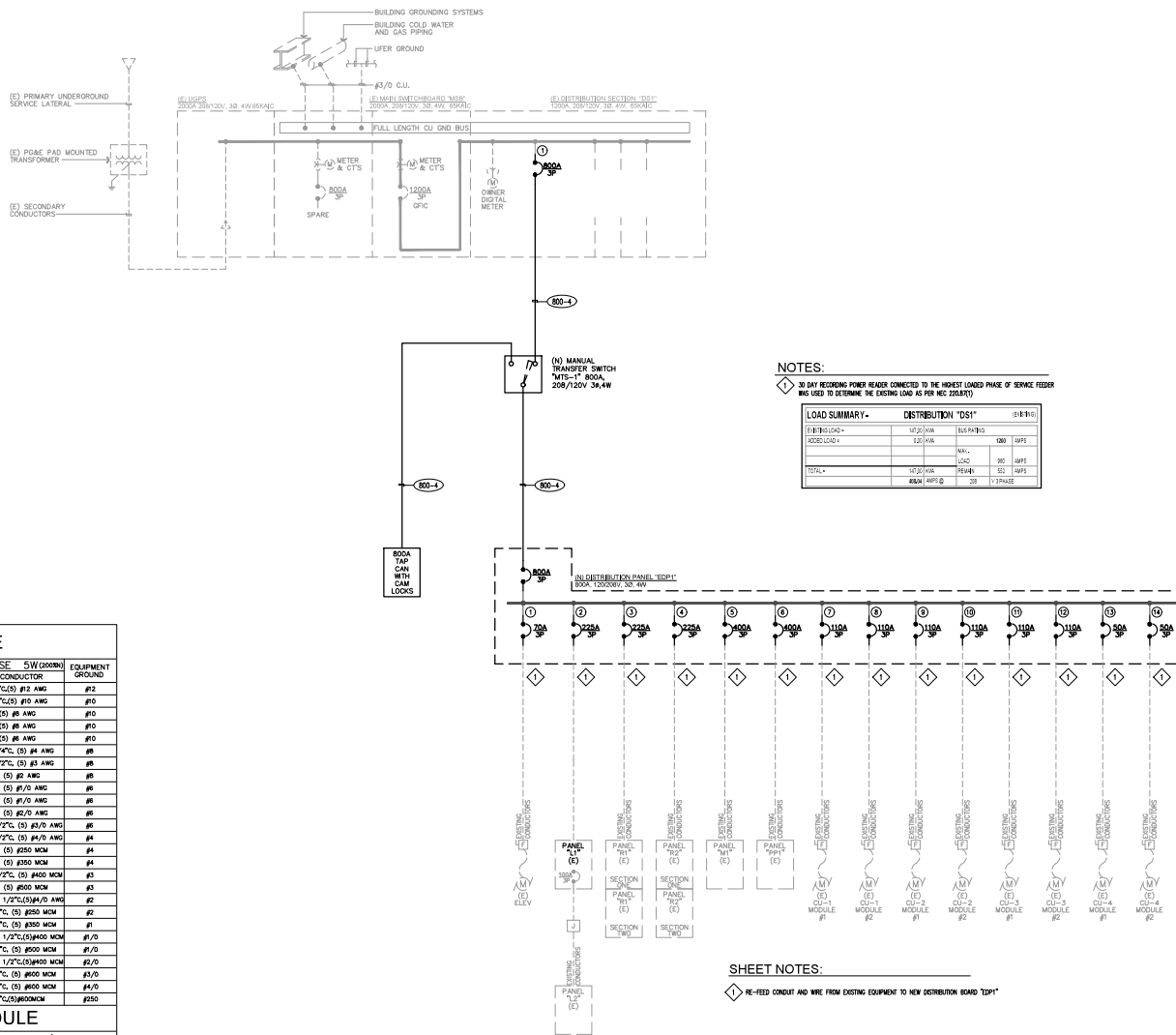
85 WILLOW ROAD
MENLO PARK, CA



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(408) 980-4800, FAX (408) 980-8882

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REV.	BY	DESCRIPTION	DATE
-	HEC	ISSUED FOR PERMIT	08-19-21
▲	HEC	REVIEW RESPONSE	12-29-21
▲	HEC	REVIEW RESPONSE	02-07-22
▲	HEC	REVIEW RESPONSE	02-28-22
▲	HEC	REVIEW RESPONSE	06-16-23



NOTES:
 ◆ 30 DAY RECORDING POWER METER CONNECTED TO THE HIGHEST LOADED PHASE OF SERVICE FEEDER BUS USED TO DETERMINE THE EXISTING LOAD AS PER NEC 220.6(7)

LOAD SUMMARY -	DISTRIBUTION "DS1"	(E) (E) (E)
EXISTING LOAD	1620 KW	838 AMP
ADDED LOAD	120 KW	60 AMP
TOTAL	1740 KW	898 AMP

FEEDER SCHEDULE

AMPS (MAX.)	3-PHASE 3W	3-PHASE 4W	3-PHASE 5W (20000)	EQUIPMENT GROUND
20	①-③ 1/2" (3) #12 AWG	①-③ 1/2" (4) #12 AWG	①-③ 1/2" (5) #12 AWG	#12
30	①-③ 3/4" (3) #10 AWG	①-③ 3/4" (4) #10 AWG	①-③ 3/4" (5) #10 AWG	#10
40	①-③ 3/4" (3) #8 AWG	①-③ 3/4" (4) #8 AWG	①-③ 1" (5) #8 AWG	#10
50	①-③ 3/4" (3) #8 AWG	①-③ 3/4" (4) #8 AWG	①-③ 1" (5) #8 AWG	#10
60	①-③ 3/4" (3) #8 AWG	①-③ 1" (4) #8 AWG	①-③ 1" (5) #8 AWG	#10
70	①-③ 1 1/4" (3) #4 AWG	①-③ 1 1/4" (4) #4 AWG	①-③ 1 1/4" (5) #4 AWG	#8
80	①-③ 1 1/4" (3) #4 AWG	①-③ 1 1/4" (4) #4 AWG	①-③ 1 1/2" (5) #4 AWG	#8
100	①-③ 1 1/4" (3) #2 AWG	①-③ 1 1/4" (4) #2 AWG	①-③ 2" (5) #2 AWG	#8
125	①-③ 1 1/2" (3) #2 AWG	①-③ 1 1/2" (4) #2 AWG	①-③ 2" (5) #2 AWG	#8
150	①-③ 1 1/2" (3) #1/0 AWG	①-③ 2" (4) #1/0 AWG	①-③ 2" (5) #1/0 AWG	#8
175	①-③ 1 1/2" (3) #1/0 AWG	①-③ 2" (4) #1/0 AWG	①-③ 2" (5) #1/0 AWG	#8
200	①-③ 2" (3) #1/0 AWG	①-③ 2" (4) #1/0 AWG	①-③ 2 1/2" (5) #1/0 AWG	#8
225	①-③ 2" (3) #1/0 AWG	①-③ 2 1/2" (4) #1/0 AWG	①-③ 2 1/2" (5) #1/0 AWG	#4
250	①-③ 2 1/2" (3) #3/0 MCM	①-③ 2 1/2" (4) #3/0 MCM	①-③ 3" (5) #3/0 MCM	#4
300	①-③ 2 1/2" (3) #3/0 MCM	①-③ 3" (4) #3/0 MCM	①-③ 3" (5) #3/0 MCM	#4
350	①-③ 2 1/2" (3) #400 MCM	①-③ 3" (4) #400 MCM	①-③ 3 1/2" (5) #400 MCM	#3
400	①-③ 3" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 4" (5) #500 MCM	#3
450	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#2
500	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#2
600	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1
700	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0
800	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0
1000	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0
1200	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0
1600	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0
2000	①-③ 3 1/2" (3) #500 MCM	①-③ 3 1/2" (4) #500 MCM	①-③ 3 1/2" (5) #500 MCM	#1/0

TRANSFORMER SCHEDULE

PRIMARY - 480V DELTA			SECONDARY - 208/120V Y		
KVA	SYMBOL	PRIMARY BREAKER	SYMBOL	SECONDARY BREAKER	SECONDARY FEEDER
15	①-③	200A-3P 1/2" 3P1 & 1P2 GRD	①-③	50A-3P	3/4" 4P & 1P1 & 1P2**
30	①-③	50A-3P 3/4" 3P1 & 1P2 GRD	①-③	100A-3P	1-1/4" 4P & 1P1 & 1P2**
45	①-③	70A-3P 1" 3P1 & 1P1 GRD	①-③	150A-3P	2" 4P/0 & 1P1 & 1P2**
75	①-③	90A-3P 1" 3P1 & 1P1 GRD	①-③	200A-3P	2" 4P/0 & 1P1 & 1P2**
100	①-③	100A-3P 1-1/4" 3P1 & 1P1 GRD	①-③	225A-3P	2-1/2" 4P/0 & 1P1 & 1P2**
75	①-③	100A-3P 1-1/4" 3P1 & 1P1 GRD	①-③	200A-3P	2-1/2" 4P/0 MCM & 1P1 & 1P2**
112.5	①-③	175A-3P 1-1/2" 3P1/0 & 1P1 GRD	①-③	400A-3P	3-1/2" 4P/0 MCM & 1P1/0* & 1P1/0**
150	①-③	225A-3P 2" 3P1/0 & 1P1 GRD	①-③	600A-3P	(2) 3" 4P/0 MCM & 1P1/0* & 1P1/0**
225	①-③	350A-3P 3" 3P1/0 & 1P1 GRD	①-③	800A-3P	(2) 3 1/2" 4P/0 MCM & 1P1/0* & 1P1/0**
300	①-③	400A-3P 4" 3P1/0 & 1P1 GRD	①-③	1000A-3P	(3) 3 1/2" 4P/0 MCM & 1P1/0* & 1P1/0**
500	①-③	700A-3P 6" 3P1/0 & 1P1 GRD	①-③	1500A-3P	(5) 3-1/2" 4P/0 MCM & 1P1/0* & 1P1/0**

ALL WIRE TYPE THHN COPPER
 ** TABLE 250.66(B)(2) SYSTEM BONDING AMPERE 12.5K & OVER 1500 KCMIL



SHEET TITLE:

SINGLE LINE

DRAWN:	BD
CHECKED:	SH
SCALE:	AS NOTED
DATE:	08-19-21
JOB NO.:	N2-0069

E3



June 6, 2022

**City of Menlo Park
Planning Department**

Attn: Matthew Pruter
701 Laurel Street
Menlo Park, CA 94025
Phone: (650) 330-6703
Email: mapruter@menlopark.org

RE: **Temporary Generator** Use Permit Application
Project Address: 85 Willow Road

ARC TEC #215429

Mr. Pruter,

Please let this correspondence serve as our Project Description Letter. Our client, Robinhood Markets Inc., is requesting permission from the City of Menlo Park to temporarily place a portable diesel generator on a trailer in the truck dock of 85 Willow Road. The generator will only be brought to the site in the event of a power outage at 85 Willow Road. In such an event the generator will run continuously to power the entire building, until power is restored by the utility company. When power is restored to the building the generator will be turned off and removed from the premises.

Robinhood does not own this generator. It will be rented from a rental company in Hayward. The generator will be transported from the rental company's yard in Hayward to the project site; and returned to the rental company by way of the rental company's transportation. We anticipate the generator will be towed to the site using a pickup truck. The pickup truck will not remain on site. The generator will not be removed from the trailer. While other methods of providing power were considered, diesel was selected because it is the most readily available on short notice; and will power the entire building day or night under any weather conditions, whereas renewable energy sources such as solar or wind require favorable weather conditions. Battery power would not be feasible for long durations of power loss.

The generator would arrive on site approximately 2 hours after the start of the power outage. The building operations would be ok without building power for such a short interruption. Testing of the generator takes place offsite, at the rental facility. The rental facility tests the generator immediately before it leaves their yard, when it returns to their yard, and every other month on the first weekday of the month while it is in their yard. The duration of the test is 30 minutes; and occurs during business hours.

The generator runs on standard type 2 diesel fuel. The only fuel that will be stored on site is the fuel inside the generator's 350-gallon tank. The rental company will refuel the generator every 24 to 48 hours depending on the load. When in operation the generator's sound level is 71 dB at 23 feet away, per the generator's specification sheet. The closest homes to the generator are the homes along the east side of Paulson Circle. Each home is at least 180 feet away from the generator, and there are many large trees between the generator location and these homes.

Arizona
2960 E. Northern Avenue
Building C
Phoenix, AZ 85028
602.953.2355 t
602.953.2988 f

California
1731 Technology Drive
Suite 750
San Jose, CA 95110
408.496.0676 t
408.496.1121 f

www.arctecinc.com

Robinhood is the only tenant at 85 Willow Road. Robinhood has personnel with the Global Security Operations Center available 24/7 in the event of noise complaints, or if a vehicle(s) in the truck dock interferes with the generator set-up location.

In the interest of reaching out to the neighbors, we mailed letters via USPS on November 12, 2021. The letters were mailed to occupants and owners of the neighboring businesses. A total of 29 letters were mailed out. A copy of the outreach letter is included on the pages that follow. Recipients of this letter were given the opportunity to provide feedback via phone call or email. As of today, June 6, 2022; we have received no feedback.

The specific addresses that received the outreach letter are:

The Willows Market, 60 Middlefield Rd
 Hamilton Dolton & Sauers LLP, 90 Middlefield Rd
 Lincode Labs, Inc., 90 Middlefield Rd
 Harmony Management Group, 90 Middlefield Rd
 Canyon Bridge, 100 Middlefield Rd
 Current Occupant, 150 Middlefield Rd Ste 101
 Current Occupant, 150 Middlefield Rd Ste 102
 Current Occupant, 150 Middlefield Rd Ste 103
 Current Occupant, 68 Willow Rd
 Current Occupant, 70 Willow Rd
 Current Occupant, 80 Willow Rd
 Current Occupant, 85 Willow Rd
 Grace Eliam LLC, 1894 Oak Knoll Lane
 J Cyril Johnson Invstment Corp, 125 Willow Rd
 Richard L Woodworth, 111 Clover Lane
 Willow Project LLC, 1301 Shoreway Rd Ste 250, Belmont, Ca 94002
 Jensen Sahiwal LLC, 84 Fairview Avenue, Atherton, Ca 94027
 68 Willow Owner LLC, 801 Hamilton St, Redwood City, Ca 94063
 Duane Street LLC, 611 Veterans Blvd #207, Redwood City, Ca 94063
 Premia Menlo Holdings, 801 Hamilton St, Redwood City, Ca 94063
 Astor Real Estate LI LLC, 450 Hayes St Unit 3m, San Francisco, Ca 94102
 119 Baywood LLC, 111 Potrero Ave, San Francisco, Ca 94103
 Rachel M Jones, 715 Noe St, San Francisco, Ca 94114
 City Of Palo Alto, 250 Hamilton Ave, Palo Alto, Ca 94301
 New Sunset Menlo Partners LLC, Po Box 1672, Palo Alto, Ca 94302
 Nmsbpcslidhb Lp Lessee, Po Box 2460, Saratoga, Ca 95070
 Anne & Clifford Tyler, 5369 Dent Ave, San Jose, Ca 95118
 85 Willow Owner LP, 5910 N Central Expressway Suite 1200, Dallas, Tx 75206
 SF19G LLC, 26880 Aliso Viejo Pkwy #100, Aliso Viejo, Ca 92656

If you have any questions or concerns, I am happy to address them for you.

Sincerely,



James R. Fulton, LEED AP ID + C, BD + C
 Principal



September 12, 2023

AGENCY REFERRAL FORM

RETURN by September 14, 2023 to Matt Pruter at mapruter@menlopark.gov

Chuck Andrews, Building Official
 City of Menlo Park Building Division
chandrews@menlopark.gov

RE: 85 Willow Road (PLN2021-00042) – Use Permit

Business Name	85 Willow Owner LP
Description	Use Permit/Chris Thomas/85 Willow Road: Request for a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional District, Restrictive) zoning district.
Applicant Contact Information	Chris Thomas, (408) 496-0676 cthomas@arctecinc.com

- The hazardous materials listed are not of sufficient quantity to require approval by this Division.
- The Building Division has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable California Building Code requirements.
- The Building Division has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures (below) to be made a part of the City's permit approval.

Community Development



The applicant's proposal has been reviewed by the City of Menlo Park's Building Division by:

Printed Name/ Date	Chuck Andrews 9/19/2023
Signature	
Comments	No Comments

RE: 85 Willow Road (PLN2021-00042) – Use Permit (cont.)	
Additional Comments	



September 12, 2023

AGENCY REFERRAL FORM

RETURN by September 14, 2023 to Matt Pruter at mapruter@menlopark.gov

Jon Johnston, Fire Marshal
Menlo Park Fire Protection District
jonj@menlofire.org

RE: 85 Willow Road (PLN2021-00042) – Use Permit

Business Name	85 Willow Owner LP
Description	Use Permit/Chris Thomas/85 Willow Road: Request for a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional District, Restrictive) zoning district.
Applicant Contact Information	Chris Thomas, (408) 496-0676 cthomas@arctecinc.com

- The hazardous materials listed are not of sufficient quantity to require approval by this agency.
- The Fire District has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable fire codes.
- The Fire District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures (below) to be made a part of the City's permit approval.



Community Development

The applicant's proposal has been reviewed by the Menlo Park Fire Protection District by:

Printed Name/ Date	GORDON SIMPKINSON
Signature	
Comments	PROJECT DOES NOT PRESENT ANY EXTRAORDINARY HAZARDS

RE: 85 Willow Road (PLN2021-00042) – Use Permit (cont.)	
Additional Comments	APPLICANT WILL BE SUBJECT TO ANNUAL AND INITIAL FIRE DISTRICT PERMITTING AND INSPECTION REQUIREMENTS



September 12, 2023

AGENCY REFERRAL FORM

RETURN by September 14, 2023 to Matt Pruter at mapruter@menlopark.gov

Daniel Rompf, Hazardous Materials Specialist
San Mateo County Environmental Health Services Division
drompf@smcgov.org

RE: 85 Willow Road (PLN2021-00042) – Use Permit

Business Name	85 Willow Owner LP
Description	Use Permit/Chris Thomas/85 Willow Road: Request for a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional District, Restrictive) zoning district.
Applicant Contact Information	Chris Thomas, (408) 496-0676 cthomas@arctecinc.com

- The hazardous materials listed are not of sufficient quantity to require approval by this agency.
- The Health Division has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable codes.
- The Health Division has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures (below) to be made a part of the City's permit approval. The Health Division will inspect the facility once it is in operation to assure compliance with applicable laws and regulations.



Community Development

The applicant's proposal has been reviewed by the San Mateo County Environmental Health Services Division by:

Printed Name/ Date	Dan Rompf, 9/18/23
Signature	<i>Daniel Rompf</i>
Comments	see comments below:

RE: 85 Willow Road (PLN2021-00042) – Use Permit (cont.)	
Additional Comments	If facility will be storing > 55 gallons of hazardous material onsite including fuels for backup generator system for over 30 days, an EH Permit and HMBP (Hazardous Materials Business Plan) submitted in CERS will be required. You can apply for the permit on the Environmental Health website or reach out to me directly for the permit application link. drompf@smcgov.org 650-339-0327



September 12, 2023

AGENCY REFERRAL FORM

RETURN by September 14, 2023 to Matt Pruter at mapruter@menlopark.gov

Jed Beyer, Water Quality Manager
 West Bay Sanitary District
jbeyer@westbaysanitary.org

RE: 85 Willow Road (PLN2021-00042) – Use Permit

Business Name	85 Willow Owner LP
Description	Use Permit/Chris Thomas/85 Willow Road: Request for a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional District, Restrictive) zoning district.
Applicant Contact Information	Chris Thomas, (408) 496-0676 cthomas@arctecinc.com

- The hazardous materials listed are not of sufficient quantity to require approval by this agency.
- The Sanitary District has reviewed the applicant's plans and listed hazardous materials/chemicals and has found that the proposal meets all applicable codes.
- The Sanitary District has reviewed the applicant's plans and use of listed hazardous materials/chemicals outlined, and suggests conditions and mitigation measures (below) to be made a part of the City's permit approval.

Community Development



The applicant's proposal has been reviewed by the West Bay Sanitary District by:

Printed Name/ Date	
Signature	
Comments	

RE: 85 Willow Road (PLN2021-00042) – Use Permit (cont.)	
Additional Comments	

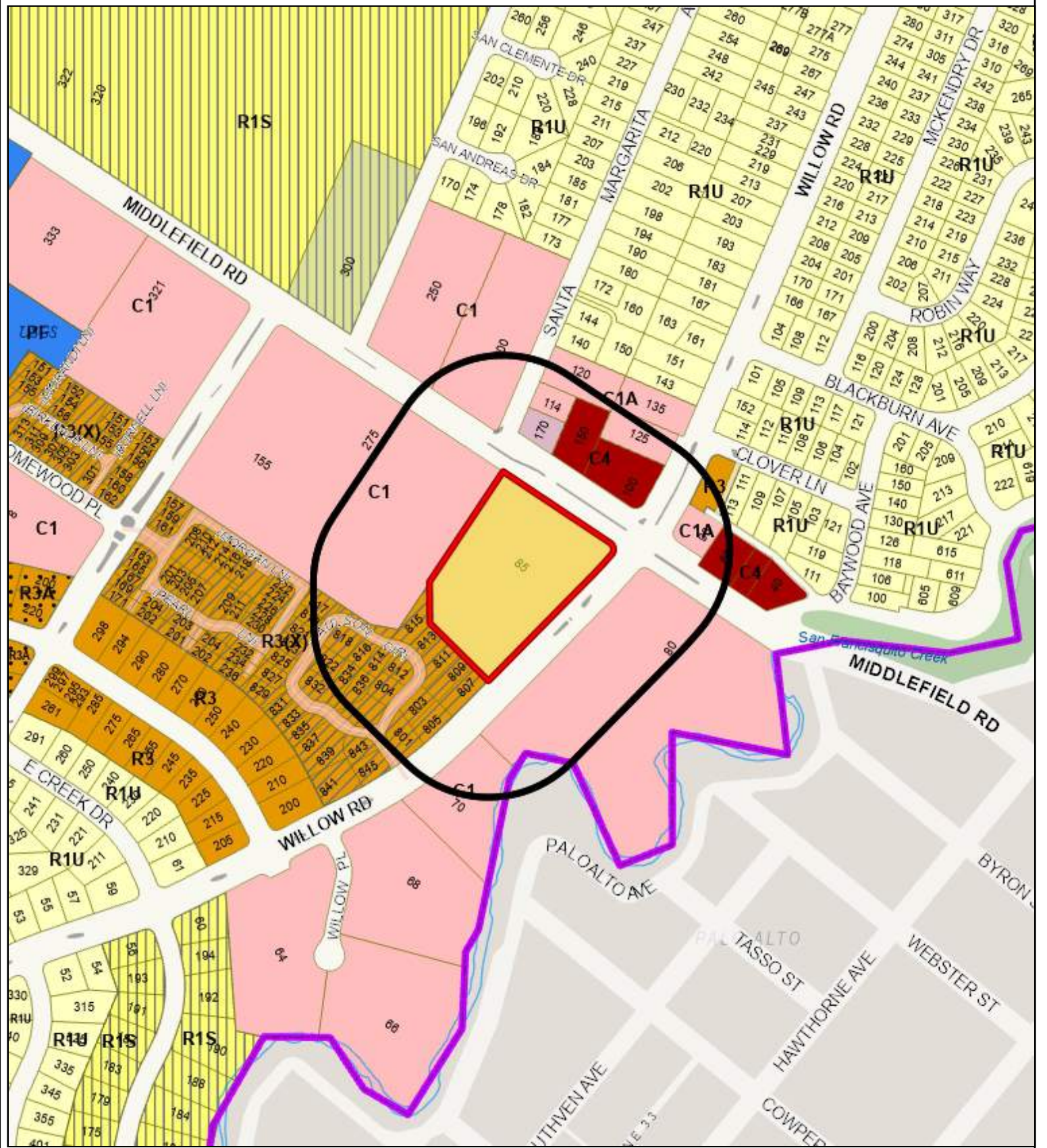
LOCATION: 85 Willow Road	PROJECT NUMBER: PLN2021-00042	APPLICANT: Chris Thomas	OWNER: 85 Willow Owner LP
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PROJECT CONDITIONS:

1. The use permit shall be subject to the following standard conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by October 2, 2024) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Arc Tec, consisting of seven plan sheets, dated received August 11, 2023 and approved by the Planning Commission on October 2, 2023, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - c. 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.
 - d. 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.
 - e. Prior to building permit issuance, if applicable, 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.
 - f. Simultaneous with the submittal of a complete building permit application, if applicable, 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.
 - g. Simultaneous with the submittal of a complete building permit application, if applicable, 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.
 - h. Prior to building permit issuance, the applicant shall pay all fees incurred through staff time spent reviewing the application.
 - i. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - j. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division, or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
 - k. If operations discontinue at the premises, the use permit for hazardous materials shall expire unless a new user submits a new hazardous materials information form to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

85 Willow Road – Attachment A, Exhibit D

LOCATION: 85 Willow Road	PROJECT NUMBER: PLN2021-00042	APPLICANT: Chris Thomas	OWNER: 85 Willow Owner LP
PROJECT CONDITIONS: <ul style="list-style-type: none">i. The applicant or permittee shall defend, indemnify, and hold harmless the City of Menlo Park or its agents, officers, and employees from any claim, action, or proceeding against the City of Menlo Park or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.2. The use permit shall be subject to the following <i>project-specific</i> condition:<ul style="list-style-type: none">a. Applicant shall document compliance with the requirements outlined in the agency referral forms (Exhibit C within Attachment A of the staff report) prior to building permit issuance related to the generator, subject to review and approval of the Planning and Building Divisions.			



City of Menlo Park
 Location Map
 85 Willow Road



Scale: 1:4,000

Drawn By: MAP

Checked By: CDS

Date: 10/2/2023

Sheet: 1

**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

701 Laurel Street
Menlo Park, CA 94025
phone: (650) 330-6702
fax: (650) 327-1653
planning@menlopark.org
<http://www.menlopark.org>

HAZARDOUS MATERIALS INFORMATION FORM

In order to help inform City Staff and the external reviewing agencies, the Planning Division requires the submittal of this form. If the use permit application is approved, applicants are required to submit the necessary forms and obtain the necessary permits from the Menlo Park Fire Protection District, San Mateo County Environmental Health Services Division, West Bay Sanitary District, and other applicable agencies. Please complete this form and attach additional sheets as necessary.

1. List the types of hazardous materials by California Fire Code (CFC) classifications. This list must be consistent with the proposed Hazardous Materials Inventory Statement (HMIS), sometimes referred to as a Chemical Inventory. (The HMIS is a separate submittal.)

Diesel Fuel

2. Describe how hazardous materials are handled, stored and monitored to prevent or minimize a spill or release from occurring (e.g., secondary containment, segregation of incompatibles, daily visual monitoring, and flammable storage cabinets).

Self contained above ground tank.

3. Identify the largest container of chemical waste proposed to be stored at the site. Please identify whether the waste is liquid or solid form, and general safeguards that are used to reduce leaks and spills.

No fuel stored on site.

4. Please explain how hazardous waste will be removed from the site (i.e. licensed haulers, or specially trained personnel).

Fuel is contained within the temporary generator and removed with the generator when not in use.

5. Describe employee training as it pertains to the following:

- a. Safe handling and management of hazardous materials or wastes;
- b. Notification and evacuation of facility personnel and visitors;
- c. Notification of local emergency responders and other agencies;
- d. Use and maintenance of emergency response equipment;
- e. Implementation of emergency response procedures; and
- f. Underground Storage Tank (UST) monitoring and release response procedures.

No handling training requires.

6. Describe documentation and record keeping procedures for training activities.

N/A

7. Describe procedures for notifying onsite emergency response personnel and outside agencies (e.g. Fire, Health, Sanitary Agency-Treatment Plant, Police, State Office of Emergency Services "OES") needed during hazardous materials emergencies.

Call 911

8. Describe procedures for immediate inspection, isolation, and shutdown of equipment or systems that may be involved in a hazardous materials release or threatened release.

Generator will be shut off. There is an overfill and leak detection auto shutoff.

9. Identify the nearest hospital or urgent care center expected to be used during an emergency.

Stanford Hospital is 3.5 miles away.

v:\handouts\approved\hazardous materials information form.doc



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

701 Laurel Street
Menlo Park, CA 94025
phone: (650) 330-6702
fax: (650) 327-1653
planning@menlopark.org
<http://www.menlopark.org>

APPLICATIONS INVOLVING HAZARDOUS MATERIALS – GENERATOR SUPPLEMENT

The following information is required for hazardous materials applications that include generators.

<p>GENERATOR PURPOSE (for example, whether it is an emergency generator dedicated to life safety egress lighting and other life safety devices, or a standby generator to allow continued operations in the event of a power outage)</p> <p>The purpose of the temporary generator is to allow continued operations in the event of a power outage.</p>	
<p>FUEL TANK SIZE (in gallons) AND FUEL TYPE</p> <p>350 Gal</p>	<p>NOISE RATING</p> <p>71dB @ 23 feet</p>
<p>SIZE (output in both kW (kilowatt) and hp (horsepower) measurements)</p> <p>200kW</p>	<p>ENCLOSURE COLOR</p> <p>White</p>
<p>ROUTE FOR FUELING HOSE ACCESS</p> <p>Side by side refueling.</p>	<p>PARKING LOCATION OF FUELING TRUCK</p> <p>Parking stall next to generator.</p>
<p>FREQUENCY OF REFUELING</p> <p>48 Hours</p>	<p>HOURS OF SERVICE ON A FULL TANK</p> <p>72 Hours</p>
<p>PROPOSED TESTING SCHEDULE (including frequency, days of week, and time of day)</p> <p>The rental facility tests the generator immediately before it leaves their yard, when it returns to their yard, and every other month on the first weekday of the month while it is in their yard. The duration of the test is 30 minutes, and occurs during business hours.</p>	
<p>ALARMS AND/OR AUTOMATIC SHUTOFFS (for leaks during use and/or spills/over-filling during fueling, if applicable)</p> <p>Overfill and leak detection auto shutoff.</p>	
<p>OTHER APPLICATION SUBMITTAL REQUIREMENTS (please attach)</p> <ul style="list-style-type: none"> • Section showing the height of the pad, the isolation base (if there is one), the height of the generator with the appropriate belly (fuel storage tank) and exhaust stack • Status of required Bay Area Air Quality Management District (BAAQMD) permit, including confirmation of parental notification for any proposals within 1,000 feet of a school 	

v:\handouts\approved\hazmat - generator supplement data sheet.doc

Pruter, Matthew A

From: Stephanie Chelemengos <stephanie.chelemengos@gmail.com>
Sent: Wednesday, October 27, 2021 1:10 PM
To: Pruter, Matthew A
Subject: Use Permit/Chris Thomas 85 Willlow Road Notice of application

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear Mr. Pruter:

I have lived at 833 Paulson Circle since September 2008. I moved in when my neighborhood was still under construction. Completion was well into 2010. The noise that I have had to deal with between the apartments behind me who have been working every day with a tile saw the entire summer, my neighbors remodeling their kitchen twice, and then the one summer when I heard gunshots coming from Middlefield for a carjacking, I can never have a full day of quiet. 85 Willow Road is without signage. If you google it you never find out who is renting the buildings. It took a suicide of a young person to find out it had something to do with 85 Willow Rd, which is a private investment firm. Now you're telling me a Chris Thomas has applied for an application for Diesel generator. I don't know exactly what that will mean, but I do know anything powered by Diesel and a generator is extremely loud.

https://www.acoustiblok.com/2013/04/18/generator-noise-information/?qclid=Cj0KCQiw8eOLBhCTARIsAOzx5cGWexqj_2icoFc6VK5djdV6A-JkncEwp9siqN_yRBaz0YcpZQQg4ZMaAs8OEAfw_wcB

I believe Mr. Thomas needs to disclose his business.

I want to know what the noise effect if any this will have.

Prior to this scam plandemic, their parking lot was full and people were in and out of the buildings well into midnight and the early morning. They have had a security guard in their driveways 24/7 since they moved in. *(Yet, at the height of the night thieves, it didn't deter the criminals from breaking into residents' vehicles.)*

My other question is if and when they decide to take the U.S. off the grid of power will their generators help the neighborhood keep their homes lit and refrigerators from defrosting?

I realize I am rolling 14 years of issues into this one communication, but with USGS moving, the new developments that are in the works, as well as the SRI buildings, Willow road traffic is truly going to go back to the nightmare it always has been. Especially, since Palo Alto decided to bring Middlefield down to a one-lane for a block. Menlo Park really needs to take the new developments and move them up to Sand Hill Road where Slack has almost the entire mountain of open space. We down here on the other side of the tracks are a little tired of taking the brunt for all the new construction.

Please advise,

Stephanie D. Chelemengos-Battaglia

833 Paulson Circle

Menlo Park, CA 94025

650-391-9846 - home

650-704-5176 - cellular

stephanie.chelemengos@gmail.com

or

stephanie7612000@yahoo.com

Sideview/Myview

Which side has the better view?

Pruter, Matthew A

From: Dolores Bernardo <dolores.bernardo@gmail.com>
Sent: Tuesday, September 26, 2023 8:50 PM
To: Pruter, Matthew A
Subject: 85 Willow - diesel generator

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Hi Matt,

Thank you for the notice of the public meeting for the hazardous materials request at 85 Willow.

Has 85 Willow explored other types of backup power that are less hazardous to the community's health like solar panels and a battery?

There are at least 20 small children/100 humans that live next to 85 Willow in Paulson Circle or Morgan Lane Communities that have established HOA organizations. I note this NPR article below on the carbon monoxide fumes that are generated from diesel generators. Is there more information you can share about this project with the immediate neighbors of 85 Willow? And, has the city established that these hazardous materials are safe for growing families nearby?

Kind regards,

Dolores

<https://www.npr.org/2019/12/04/784279242/carbon-monoxide-poisoning-from-portable-generators-proves-predictable-and-deadly>



STAFF REPORT

Planning Commission

Meeting Date: 10/2/2023

Staff Report Number: 23-062-PC

Public Hearing: Consider and provide a recommendation to the City Council to add section 16.04.296 and amend sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 (zoning) of the Menlo Park Municipal Code to allow electrification equipment in existing covered parking spaces (e.g garages or carports) and to allow exterior enclosures for electrification equipment within the required side and rear setbacks for existing residential dwelling units in all zoning districts and determine the proposed amendments are exempt from the California Environmental Quality Act under sections 15061(b)(3) and 15183

Recommendation

Staff recommends that the Planning Commission review and adopt a resolution recommending the City Council amend the Zoning Ordinance to allow electric equipment to be located in existing covered parking spaces (e.g. garages) and to allow electric equipment enclosures to encroach into the required side and rear setbacks for existing dwellings. The draft resolution is included as Attachment A and the draft ordinance included as Exhibit A to Attachment A.

Policy Issues

The City Council declared a climate emergency (Resolution 6535) committing to accelerate actions to address climate change at a local level and adopted the 2030 Climate Action Plan (CAP) (Resolutions 6575 and 6621) that aims to be carbon neutral by 2030. CAP strategy goal No.1 aims to electrify 95 percent of existing buildings by 2030. The adopted General Plan also includes goals related to sustainable development and green building (Goals LU-1, LU-7, and LU-7.9). The General Plan goals and policies, and the CAP goals provide a framework for the Planning Commission’s consideration of the proposed zoning ordinance amendments.

Background

The CAP No. 1 goal to electrify 95 percent of existing buildings would improve indoor and community air quality and reduce community greenhouse gas (GHG) emissions at a critical moment in the climate crisis. Garages and protective enclosures in setbacks are excellent locations for electric heat pump water heaters (HPWH). Current Zoning Ordinance regulations could prevent installation in these areas for many existing homes, impacting the City’s ability to reach its CAP goal to electrify existing buildings. City staff, Commissioners, contractors and members of the public identified these existing conditions as potential barriers to existing building electrification. The proposed modifications to the Zoning Ordinance are intended

to address this possible barrier to facilitate electrification.

The Environmental Quality Commission (EQC) is an advisory body to the City Council particularly on matters related to building electrification and implementation of the Climate Action Plan. On February 15, 2023 staff presented an overview to the EQC of an earlier version of proposed modifications to the City's Zoning Ordinance to facilitate electrification of existing dwelling units. The approved minutes with the presentation and EQC recommendation are included as Attachment B. The EQC is supportive of the modifications to the minimum clearance space requirements for garages and encroachments into side and rear yard setbacks, and further recommends to the City Council to:

1. Eliminate restrictions in the garage for car space for electrification projects, with fallback to 9 feet by 17 feet standard, reduced to 9 feet by 16.5 feet for homes with driveways;
2. Allow outdoor enclosure for electrification of any footprint shape provided it does not impose on egress, or exceed 15 square feet in area or exceed the height of the first floor;
3. Adjust the Noise Ordinance limitations for electrification equipment to remove 50 decibel (dB) limit at nighttime and set to 60 dB regardless of the time of day;
4. Explore providing a financial incentive for quieter equipment; and
5. Allow heat pump equipment in the front yard in a screened enclosure if side and rear yards are not viable.

Staff considered the Commission's recommendation and have incorporated some of the feedback into the proposal included in Attachment A, Exhibit A. At this time, no modifications to the Noise Ordinance (Title 8 of the Menlo Park Municipal Code) are proposed given there are heat pumps on the market that meet the City's requirements. Unless directed by the City Council, additional financial incentives for quieter equipment are not proposed at this time as numerous heat pump water heater incentives and tax credits are available, and additional incentives will become available starting in 2024.

The Planning Commission is charged with reviewing and recommending zoning ordinance amendments to the City Council. The City Council is the final decision making body. The following section outlines the potential barriers and proposed solutions. The Planning Commission should consider the proposed amendments with regard to the reduced covered parking space dimensions and the encroachments into the required side and rear yards for consistency with the general plan goals and policies and CAP No. 1.

Analysis

Gas-fired equipment such as water heaters, furnaces, and stoves burn "natural gas". Natural gas is mostly methane, a potent greenhouse gas (GHG) that traps heat within the atmosphere 36 times more than carbon dioxide (CO₂), the GHG that serves as the benchmark for GHG emissions. The equipment leaks methane and emits CO₂ and other emissions that negatively affect human health, especially in children, and has been linked to childhood asthma.

By contrast, electric equipment emits none of the harmful emissions that affect air quality; and when the equipment is powered by electricity that is generated without the use of fossil fuels, the transition from gas-fired equipment has the added benefit of reducing community GHG emissions. This is the case in Menlo Park, as nearly all residents and businesses are enrolled in Peninsula Clean Energy (PCE), a community choice aggregator that provides carbon-free electricity to customers.

Additionally, the all-electric equipment available today is more efficient than earlier electric and gas-fired options. Heat pumps in particular use much less energy to heat water or heat and/or cool homes. There are also incentives available to make them more affordable, and cost less than gas options in many cases.

Information about how heat pumps work, why people should consider replacing their equipment with heatpumps, and details about incentives can be found on the City's electrification webpage (Attachment C).

Though energy efficient, heatpump water heaters (HPWHs) heat water more slowly and the holding tanks are often upsized to ensure supply meets hot water demand. The holding tank size needed for a HPWH varies based on the number of occupants in a home and their hot water usage. Most homes with up to three people can use a 50-gallon HPWH and larger homes may opt for an 80-gallon HPWH. A minimum of 29 inches is needed for the typical equipment sizes. Product specifications, including the dimensions for each model from one manufacturer, are included as Attachment D. The larger size combined with the air intake requirements for the equipment often makes it impractical or impossible to locate the HPWH in the same location as the gas-fired water heater it would replace.

To address this challenge for existing buildings, the proposed zoning ordinance amendments would allow electric equipment to be installed within garages and allow protective enclosures to be constructed within the side and rear setbacks, provided certain requirements are met, for existing residential dwellings. These proposed amendments are primarily important for HPWHs, but they would also facilitate installation of other equipment important for electrification (e.g. electric vehicle chargers and batteries). The proposed changes would apply only to existing dwellings within all zoning districts. The proposed amendments would apply to multifamily dwelling unit developments as well, provided the garage or carport is dedicated to a specific dwelling unit. Encroachments into required yards would be allowed for all dwelling units. New construction would be designed to accommodate equipment without the encroachments into the garages/setbacks. Table 1 on the following page outlines the proposed amendments and the following sections outline the considerations related to each proposed modification. The proposed Ordinance is included as Exhibit A to Attachment A.

Table 1: Summary of proposed zoning ordinance amendments		
Modification number	Zoning Ordinance Section	Proposed modification
1	16.04.296	Create a definition of electric equipment and enclosures
2	16.04.120	Modify the definition of building coverage to exempt electric equipment enclosures
3	16.04.313	Modify the definition of floor area to exclude electric equipment enclosures
4	16.04.320	Modify the garage definition to indicate that there are allowable encroachments into the clear space
5	16.04.325	Modify the definition of gross floor area to exclude electric equipment enclosures
6	16.18.030 and 16.20.030	Modify the development regulations for the R2 low-density apartment and R3 apartment zoning districts to exclude electric equipment enclosures from landscaping requirements.
7	16.60.010	Convert the allowed encroachments section of the encroachments and balconies chapter to a table for clarity and ease of reference and allow a single electrification enclosure per dwelling unit in the side or rear setback, provided: <ul style="list-style-type: none"> a. The enclosure does not exceed sixteen square feet in area; b. The enclosure does not exceed nine feet, six inches in height; c. The encroachment does not exceed four feet into the side or rear setback; and d. The enclosure is no closer than three feet to the side or rear property line
8	16.72.010	Modify the off-street parking section to: <ul style="list-style-type: none"> a. Allow EV chargers and tankless water heaters mounted 48 inches above the slab of the garage as permitted encroachments b. Specify that electrification equipment could be located within the clear space in up to two noncontiguous three-foot-by-three-foot areas in the back of garages for existing dwelling units.
9	16.80.030	Add a subsection to the nonconforming structures chapter clarifying dwellings where electric equipment encroaches into the required clear space for garages and/or carports would not be considered nonconforming with respect to minimum required parking

Definitions and development regulation calculations

Municipal Code Chapter 16.04 contains definitions for terms that appear elsewhere within Title 16 (zoning). This chapter includes clarifications and details related to exceptions, exemptions and exclusions used for enforcement of regulations. There are also development regulations for individual zoning districts that regulate development within those districts. To ensure the terms and allowances proposed are clear and consistent, the proposed amendments would:

1. Create a definition of electric equipment and enclosures;
2. Modify the definition of building coverage to exempt electric equipment enclosures;
3. Modify the definition of floor area to exclude electric equipment enclosures;
4. Modify the garage definition to indicate that there are allowable encroachments into the clear space;
5. Modify the definition of gross floor area to exclude electric equipment enclosures; and
6. Modify the development regulations for the R2 low-density apartment and R3 apartment zoning districts to exclude electric equipment enclosures from landscaping requirements.

Floor area regulates square footage in single family and R-2 zoning districts and gross floor area regulates square footage in multi-family and commercial zoning districts. Building coverage, where applicable, is the footprint of all roofed structures. Specific zoning districts also include minimum landscaping and/or open space requirements. The exemptions and exclusions would allow for enclosures for electrification equipment for existing developments that are at the maximum floor area or gross floor area, and/or building coverage. The changes to the specific zoning districts would ensure existing developments at or below the minimum required landscaping and/or open space would likewise be able to construct electric equipment enclosures. All equipment must comply with the noise limitations outlined in Municipal Code section 8.06.030.

Setback encroachments

The proposed changes to the allowable encroachments into required yards (or setbacks) would enable protective weatherproof enclosures, primarily for HPWHs, in setbacks. Currently, compressors for air conditioners and condensers for heat pumps for space heating/cooling are allowed within setbacks provided they comply with the Noise Ordinance limitations (Municipal Code section 8.06.030). Protective enclosures for equipment are not currently allowed.

The proposed zoning ordinance amendments would:

7. Convert the allowed encroachments section of the encroachments and balconies chapter to a table and allow a single electrification enclosure per dwelling unit in the side or rear setback, provided:
 - a. The enclosure does not exceed sixteen square feet in area;
 - b. The enclosure does not exceed nine feet, six inches in height;
 - c. The encroachment does not exceed four feet into the side or rear setback; and
 - d. The enclosure is no closer than three feet to the side or rear property line.

Limiting the encroachment to four feet into the side and rear setback and requiring three feet of clearance from a side or rear property line would ensure occupants of a building are able to safely exit in an emergency (egress). The proposed setback encroachments would be available to all existing dwelling units. For developments with multiple condominium dwelling units (e.g. townhome configurations), any exterior enclosures would be required to be located within the exclusive use area of the unit.

The EQC recommended these enclosures be allowed in the front setback as well as the side and rear. Staff believes the proposed amendments would provide sufficient flexibility between the garage exceptions and the side and rear encroachments to facilitate electrification of existing dwelling units.

Garage “clear space” exception

Most residential zoning districts require two parking spaces per dwelling unit, unless otherwise enumerated in the specific district (e.g. R-3 properties that meet specific criteria). Zoning Ordinance Chapter 16.72 (Off-Street Parking) also includes standards that required parking spaces must meet (e.g. not located in a required front or side yard, and one parking space must be covered). Currently, the Zoning Ordinance definition of garages, section 16.04.120, requires that a single-car garage be 10 feet by 20 feet, with no allowable encroachments (20 feet by 20 feet for a two-car garage). In practice, this is known as the required clear space for garages and carports. The parking spaces must also be accessible (i.e. not in tandem). Modification 8 would:

8. Modify the off-street parking section to specify that electrification equipment could be located within the clear space in up to two noncontiguous three-foot-by-three-foot areas in the back of garages for existing dwelling units; and allow EV chargers and tankless water heaters mounted 48 inches above the slab of

the garage as permitted encroachments.

Staff believes the updated proposed changes would enable additional existing dwelling units to benefit from the exceptions and streamline permit applications. However, the proposed amendments would place responsibility on present and future occupants of the homes to select their vehicles based on the parking available on their property, taking into account the existing development pattern on the property, as overnight street parking is not allowed. The proposed ordinance includes a requirement that property owners utilizing the allowed encroachments into the required covered parking provide the City with acknowledgement of the voluntary reduction in garage or carport dimensions below the minimum required dimensions, if applicable.

Nonconforming structures clarification

Structures that were constructed legally but do not conform to the regulations of the district in which they are situated are considered legal nonconforming structures. Municipal Code Chapter 16.80 (Nonconforming Uses and Buildings) details the process for evaluating nonconforming structures. To clarify that the encroachments into garages for electric equipment would not make the existing development nonconforming with regard to required parking, the proposed amendment would:

9. Add a subsection to the nonconforming structures chapter clarifying dwellings where electric equipment encroaches into the required clear space for garages and/or carports would not be considered nonconforming with respect to minimum required parking.

This subsection would ensure that projects that electrify using the allowed garage encroachments would not be considered nonconforming and will allow for consistent implementation.

Conclusion

Staff recommends the Planning Commission adopt the resolution (Attachment A) recommending the City Council adopt zoning ordinance amendments to allow electrification equipment, particularly heat pump water heaters, to be installed in garage spaces and side and rear yard setbacks. The proposed amendments would reduce potential regulatory barriers to installing electric equipment and enable residents to more easily replace gas-fired equipment and access the numerous incentives currently available to electrify. The proposed modifications balance parking and egress needs while supporting the CAP No. 1 goal to electrify 95 percent of existing buildings which would also improve indoor and community air quality and reduce community GHG emissions at a critical moment in the climate crisis; and the proposed amendments would be consistent with the general plan.

Impact on City Resources

Staff and city attorney time spent on preparing the amendments to the Zoning Ordinance are not reimbursable and are being accommodated within the existing budgets of the planning division, city manager's office, and city attorney.

Environmental Review

The proposed ordinance amendments are exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of the ordinance amendments may have a significant effect

on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

Public Notice

Public notification consisted of publishing a notice in the local newspaper. Public notification was also achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution recommending the City Council amend the Zoning Ordinance
Exhibits to Attachment A
 - A. Amendment to add section 16.04.296 and amendments to sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 (zoning) of the Menlo Park Municipal Code
- B. Hyperlink – Item D-2 February 15, 2023 approved minutes with presentation to the Environmental Quality Commission (EQC) and EQC recommendation to City Council:
<https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/environmental-quality-commission/2023-meetings/minutes/20230215-approved-eqc-meeting-minutes.pdf>
- C. Hyperlink – City of Menlo Park electrification webpage:
<https://menlopark.gov/Government/Departments/City-Managers-Office/Sustainability/Existing-building-electrification>
- D. Hyperlink – Product specifications for heat pump water heaters (HPWH):
<https://s3.amazonaws.com/WebPartners/ProductDocuments/7508947A-7C44-482B-93F2-702DD7106054.pdf>

Report prepared by:
Ori Paz, Management Analyst II

Report reviewed by:
Kyle Perata, Planning Manager
Rebecca Lucky, Sustainability Manager

PLANNING COMMISSION RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 16 (ZONING) OF THE MENLO PARK MUNICIPAL CODE TO CREATE A DEFINITION OF “ELECTRIC EQUIPMENT” IN SECTION 16.04.296 AND AMENDING SECTIONS 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 AND 16.80.030 TO FACILITATE RESIDENTIAL ELECTRIFICATION ALLOWING FOR ENCROACHMENTS IN THE REQUIRED COVERED PARKING (GARAGE) SPACES PROVIDED THE EQUIPMENT AND LOCATION MEET SPECIFIC CRITERIA, AND ALLOW FOR EXTERIOR ELECTRIFICATION EQUIPMENT ENCLOSURES TO ENCROACH INTO THE REQUIRED SIDE AND REAR YARDS, PROVIDED SPECIFIC CRITERIA (E.G. SIZE AND HEIGHT) ARE COMPLIED WITH.

WHEREAS, Sections 16.04.120, 16.04.313, 16.04.320, and 16.04.325 of Title 16 of the Menlo Park Municipal Code contain definitions that establish the basis of implementation of development regulations related to building and lot coverage, floor area, garages and carports, and gross floor area, respectively; and

WHEREAS, Sections 16.18.030 and 16.20.030 of Title 16 of the Menlo Park Municipal Code set forth the development regulations for the R-2 Low-density Residential and R-3 Apartment zoning districts; and

WHEREAS, Section 16.60.010 of Title 16 of the Menlo Park Municipal Code sets forth the allowable encroachments into yards; and

WHEREAS, Section 16.80.030 of Title 16 of the Menlo Park Municipal Code regulates nonconforming structures; and

WHEREAS, Chapter 16.04 of Title 16 of the Menlo Park Municipal Code does not presently contain a definition of electric equipment nor electric equipment enclosure; and

WHEREAS, The City desires to create section 16.04.296 and amend sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030, attached hereto as Exhibit A, to facilitate residential electrification by defining electric equipment and electric equipment enclosures and specifying that electric equipment be permitted to encroach into existing garages dedicated to specific units and that electric equipment enclosures be permitted to encroach into the required side and rear yard setbacks and be exempt from building and lot coverage, floor area or gross floor area, open space, and landscaping requirements provided specific criteria are met; and

WHEREAS, The City further desires to make clear that any garage that does not meet the minimum required dimensions due to installed electric equipment would not be considered nonconforming with regard to minimum required parking; and

WHEREAS, The City of Menlo Park has declared a climate emergency and adopted a Climate Action Plan (CAP) with strategies to reduce emissions of greenhouse gasses (GHGs) within the City; and

WHEREAS, The CAP includes strategy goal No.1 to explore policy options to electrify 95 percent of existing buildings by 2030; and

WHEREAS, City Council appointed an Environmental Quality Commission to advise the Council on CAP programs and sustainability matters; and

WHEREAS, The Environmental Quality Commission reviewed an initial draft of the proposed amendments to Title 16 of the Municipal Code and provided input; and

WHEREAS, The proposed ordinance amendments are exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of the ordinance amendments may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning);” and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, at a duly and properly noticed public hearing held on October 2, 2023, the Planning Commission fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents, and the ordinance prior to recommending action regarding the proposed ordinance.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided, and the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. CEQA Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. That the proposed ordinance amendments are statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) and section 15183.

Section 3. Findings. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation regarding the amendments to Title 16 of the Menlo Park Municipal Code:

1. That the proposed ordinance is consistent with the City of Menlo Park General Plan and would further the Climate Action Plan, specifically Strategy No. 1 to electrify 95 percent of existing buildings by creating flexibility for existing dwellings to locate electric equipment in garages and protective enclosures in the side and rear setbacks.
2. That the proposed ordinance includes a definition of electric equipment and electric equipment enclosures, modified definitions excluding enclosures from development regulations related to building and lot coverage, floor area or gross floor area, landscaping and open space requirements.
3. The proposed ordinance would balance potential impacts to the surrounding area by limiting the extent of the encroachments into garages to preserve parking and limiting the footprint size and location to meet egress requirements and the height of enclosures.
4. The proposed ordinance is intended to facilitate electrification by making it easier to eliminate greenhouse gas (GHG) emissions from existing dwellings by allowing electric equipment in garages and electric equipment enclosures in required side and rear yard setbacks.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY FURTHER RESOLVES AS FOLLOWS:

Section 4. Recommendation. Having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, the Planning Commission recommends that the City Council vote to adopt an ordinance creating section 16.04.296 and amending Sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 of the Menlo Park Municipal Code.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, Kyle Perata, Planning Manager, of the City of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on October 2, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this _____ day of October, 2023

PC Liaison Signature

Kyle Perata
Planning Manager
City of Menlo Park

Exhibits

- A. Draft ordinance creating Section 16.04.296 and amending Sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 of the Menlo Park Municipal Code

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 16 (ZONING) OF THE MENLO PARK MUNICIPAL CODE TO CREATE A DEFINITION OF “ELECTRIC EQUIPMENT” IN SECTION 16.04.296 AND AMENDING SECTIONS 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 AND 16.80.030 TO FACILITATE RESIDENTIAL ELECTRIFICATION ALLOWING FOR ENCROACHMENTS IN THE REQUIRED COVERED PARKING (GARAGE) SPACES PROVIDED THE EQUIPMENT AND LOCATION MEET SPECIFIC CRITERIA, AND ALLOW FOR EXTERIOR ELECTRIFICATION EQUIPMENT ENCLOSURES TO ENCROACH INTO THE REQUIRED SIDE AND REAR YARDS, PROVIDED SPECIFIC CRITERIA (E.G. SIZE AND HEIGHT) ARE COMPLIED WITH

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. Sections 16.04.120, 16.04.313, 16.04.320, and 16.04.325 of Title 16 of the Menlo Park Municipal Code contain definitions that establish the basis of implementation of development regulations related to building and lot coverage, floor area, garages and carports, and gross floor area, respectively.
- B. Sections 16.18.030 and 16.20.030 of Title 16 of the Menlo Park Municipal Code set forth the development regulations for the R-2 (Low-density Residential) and R-3 (Apartment) zoning districts.
- C. Section 16.60.010 of Title 16 of the Menlo Park Municipal Code sets forth the allowable encroachments into yards.
- D. Section 16.80.030 of Title 16 of the Menlo Park Municipal Code regulates nonconforming structures.
- E. Chapter 16.04 of Title 16 of the Menlo Park Municipal Code does not presently include a definition of electric equipment nor electric equipment enclosure.
- F. The City desires to create section 16.04.296 and amend sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030, attached hereto as Exhibit A, in order to facilitate residential electrification of existing buildings by defining electric equipment enclosures and specifying that electric equipment is permitted to encroach into existing garages dedicated to specific units and that electric equipment enclosures is permitted to encroach into the required side and rear yard setbacks and exempt from building and lot coverage, floor area or gross floor area, open space, and landscaping requirements.
- G. The Planning Commission held a duly noticed public hearing on October 2, 2023 to review and consider the proposed creation of section 16.04.296 and amendments to sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission resolution _____ recommending that the City Council adopt the

proposed Zoning Ordinance amendments, whereat all interested person had the opportunity to appear and comment.

Section 2: Creation of Section 16.04.296 of Title 16 of the Municipal Code

Section 16.04.296 of Title 16 of the City of Menlo Park Municipal Code is added and shall be the following:

16.04.296 Electric equipment and enclosures: "Electric equipment" shall mean electric home appliances intended to reduce greenhouse gas emissions by electrifying buildings within the City (e.g., heat pumps to replace natural gas water heaters and/or furnaces, electric vehicle "EV" chargers, battery storage systems and related electric equipment). An "electric equipment enclosure" shall mean a weatherproof enclosure to protect the electric equipment, visually screen the equipment, and reduce noise from the equipment attached or adjacent to an existing dwelling. Electric equipment enclosures are exempt from development regulations related to floor area, gross floor area, building and lot coverage, paving and landscaping. Electric equipment enclosures may encroach into required setbacks as outlined in 16.60.010.

Section 3: Amendment of Section 16.04.120 of Title 16 of the Municipal Code

Section 16.04.120 of Title 16 of the City of Menlo Park Municipal Code is hereby amended as set forth below. Deletions are in ~~strikethrough~~ and additions are in underline.

"Building coverage" means that percentage of the building site permitted to be covered by buildings, as measured from the ground upward, exclusive of any eave not in excess of six feet and electric equipment enclosures (as defined in 16.04.296) for existing dwellings provided the enclosure is limited to one enclosure per dwelling unit and does not exceed a footprint of 16 square feet and a maximum height of nine feet, six inches.

Section 4: Amendment of Subsection (C) of Section 16.04.313 of Title 16 of the Municipal Code

Subsection (C) of section 16.04.313 of Title 16 of the City of Menlo Park Municipal Code is hereby amended to add subsection (7) of section 16.04.313(C) as set forth below. Deletions are in ~~strikethrough~~ and additions are in underline.

(C) Floor area shall exclude:

- (1) Basements under structures with a main floor level of thirty inches (30") or less above grade in all single-family and R-2 zoning districts, with the exception of the R-1-U (LM) district where basement areas that extend beyond the footprint of the structure at grade and that do not provide code-mandated egress or exiting shall be included in the floor area;
- (2) Garden structures, such as arbors and trellises with a semi-solid roof;
- (3) Covered porches and patios structurally attached to the exterior of the main residences or detached accessory buildings, provided that one end is open and faces out from the structure;
- (4) Bay window protrusions that do not provide foundation and that are no more than seven feet (7') in length;
- (5) Chimneys and fireboxes or fireplaces; ~~and~~

- (6) Eave overhangs; ~~and~~
- (7) Electric equipment enclosures (as defined in 16.04.296) for existing dwellings provided the enclosure is limited to one enclosure per dwelling unit and does not exceed a footprint of 16 square feet and a maximum height of nine feet, six inches.

Section 5: Amendment of Section 16.04.320 of Title 16 of the Municipal Code

Section 16.04.320 of Title 16 of the City of Menlo Park Municipal Code is hereby amended as set forth below. Deletions are in ~~striketrough~~ and additions are in underline.

"Garage" or "carport" means paved, accessible and usable covered space at least ten feet (10') by twenty feet (20') for storage of automobiles; with exceptions for allowable intrusions as specified in Chapter 16.72.

Section 6: Amendment of Subsection (C) of Section 16.04.325 of Title 16 of the Municipal Code

Subsection (C) of section 16.04.325 of Title 16 of the City of Menlo Park Municipal Code is hereby amended to add subsection (7) as set forth below. Deletions are in ~~striketrough~~ and additions are in underline.

(C) Gross floor area excludes the following features of a building that meet the criteria of subsection (A):

(1) Areas of a building or buildings that are designed as nonuseable or nonoccupiable space with unfinished walls, floors and ceilings, not to exceed three percent (3%) of the maximum allowed gross floor area of the lot. To qualify for this exclusion, such spaces must have two (2) or more of the following characteristics: a floor to ceiling height that is less than six feet, six inches (6'6"); limited access (i.e., the absence of the necessary physical space to provide a building code-compliant stair or door); unconditioned air (i.e., the air is neither heated nor cooled); no windows or skylights; and no electricity. This exclusion may include areas of a building that would otherwise exceed the one-percent maximum limitation as defined in subsection (C)(2).

(2) Areas of a building or buildings dedicated to the enclosure of noise generating equipment, such as building mechanical equipment and generators, not to exceed one percent (1%) of the maximum allowed gross floor area of the lot. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;

(3) All areas devoted to covered parking and related circulation for automobiles and bicycles, including garages, carports, below grade parking structures, and above grade parking structures;

(4) Covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than twelve inches (12") in width and walls or railings not more than forty-four inches (44") in height;

(5) Vent shafts, such as building mechanical air ducts and chimneys; ~~and~~

(6) Enclosures solely for trash and recycling; and

(7) Electric equipment enclosures (as defined in 16.04.296) provided the enclosure is limited to one enclosure per dwelling unit and does not exceed a footprint of 16 square feet and a maximum height of nine feet, six inches.

Section 7: Amendment of Subsection (9) of Section 16.18.030 of Title 16 of the Municipal Code

Subsection (9) of section 16.16.030 of Title 16 of the City of Menlo Park Municipal Code is hereby amended as set forth below. Deletions are in ~~strike through~~ and additions are in underline.

(9) Not less than forty percent of the building site shall be occupied by appropriate landscaping. Electric equipment enclosures (as defined 16.04.296) associated with existing dwellings may be located within landscaping areas and shall not reduce the minimum on-site landscaping;

Section 8: Amendment of Section 16.20.030 of Title 16 of the Municipal Code

Section 16.16.030 of Title 16 of the City of Menlo Park Municipal Code is hereby amended as set forth below. Deletions are in ~~strike through~~ and additions are in underline.

Table 1

		All R-3 Zoned Properties Except for Lots 10,000 Sq. Ft. or More in the Area Around the El Camino Real/Downtown Specific Plan Area	Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area	
Minimum Lot Area		7,000 sq. ft.	10,000 sq. ft.	
Minimum Lot Dimensions		70 ft. wide by 100 ft. deep (lots < 10,000 sq. ft. in area) 80 ft. wide by 100 ft. deep (lots ≥ 10,000 sf. ft. in area)	80 ft. wide by 100 ft. deep	
Land Area Required Per Dwelling Unit		See Table 2 below	Minimum	3,333 sq. ft.
			Maximum	1,452 sq. ft.
Minimum Yards	Front	15% of lot width; min. 20 ft.	20 ft.	
	Interior Side	10 ft.	10 ft.	
	Corner Side	15 ft.	15 ft.	
	Rear	15% of lot width; min. 15 ft.	15 ft.	
	Distance between Main Buildings on Same Lot	1/2 sum of the height of the buildings, 20 ft. min.	N/A	
	Distance between Main Buildings Located on One Property and Adjacent Property	20 ft.	N/A	
Maximum Floor Area Ratio		45%	Floor area ratio shall decrease on an even gradient from 75% for 30 du/ac to 35% for 13.1 du/ac	

Table 1

	All R-3 Zoned Properties Except for Lots 10,000 Sq. Ft. or More in the Area Around the El Camino Real/Downtown Specific Plan Area	Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area ¹	
Maximum Building Coverage	30%	40%	
Maximum Driveways and Open Parking Areas (Paving)²	20%	35%	
Minimum Open Space (Landscaping)³	50%	25%	
Height	35 ft.	13.1 du/ac	35 ft.
		20 du/ac or greater	40 ft.
Building Profile	None	Starting at a height of 28 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 or public park.	
Parking	2 spaces per unit, one of which must be covered, and not located in a required front or side yard	2 or more bedrooms per unit	2 spaces
		Up to 1 bedroom per unit	1.5 spaces
		Each unit must have at least one covered space. Parking spaces cannot be located in the required front yard	

¹ For the purposes of this section, the area around the Downtown/El Camino Real is defined in three distinct areas as follows, and is only applicable to properties zoned R-3 that are 10,000 sq. ft. or more:

Area 1: Area bounded by University Avenue, Valparaiso Avenue, El Camino Real and Oak Grove Avenue.

Area 2: Area bounded by Arbor Road, Santa Cruz Avenue, El Camino Real and Middle Avenue.

Area 3: Area generally bounded by San Antonio Street and Alma Street, Encinal Avenue, Marcussen Drive and Ravenswood Avenue.

² Permeable pavers may count as 50 percent towards the paving requirement, except for on lots 10,000 sq. ft. or more located around the El Camino Real/Downtown Specific Plan Area.

³ Electric equipment enclosures (as defined in 16.04.296) Electric equipment enclosures (as defined 16.04.296) associated with existing dwellings may be located within Minimum Open Space (Landscaping) areas and shall not reduce the landscaping areas.

Section 9: Amendment of Section 16.60.010 of Title 16 of the Municipal Code

Section 16.60.010 of Title 16 of the City of Menlo Park Municipal Code is hereby repealed and replaced by the following:

~~Unless otherwise provided for a specific zoning district, encroachments permitted into yards are as follows: architectural features on the main building, such as cornices, eaves, canopies and fireplaces may not extend more than three feet (3') into any required yard where the setback is ten feet (10') or greater, and not more than eighteen inches (18") where the setback is less than ten feet (10'); provided, however, that subject to architectural control, canopies over walkways to multiple dwellings may extend to the property line. Porches, decks, landing places or stairways, if open and uncovered, may project to within four feet (4') of any side lot line, and not exceeding six feet (6') into any required rear yard or front yard.~~

Unless otherwise provided for a specific zoning district, encroachments permitted into yards are as follows:

Table 1

<u>Encroachment type</u>	<u>Front yard</u>	<u>Side yard</u>		<u>Rear yard</u>	<u>Notes</u>
		<u>Setback less than 10 feet</u>	<u>Setback greater than 10 feet</u>		
<u>Architectural features (cornices, eaves, canopies, fireplaces)</u>	<u>Three (3) feet</u>	<u>18 inches</u>	<u>Three (3) feet</u>	<u>Three (3) feet</u>	<u>Subject to architectural control, canopies over walkways to multiple dwellings may extend to the property line</u>
<u>Porches, decks, landing places or stairways</u>	<u>Not to exceed six (6) feet</u>	<u>Within four (4) feet of any side lot line</u>		<u>Not to exceed six (6) feet</u>	
<u>Electric equipment enclosures (as defined in 16.04.296)</u>	<u>None</u>	<u>Not to exceed four (4) feet into any required side yard setback and provided enclosure shall be a minimum of three (3) feet from any side lot line</u>		<u>Not to exceed four (4) feet into any required rear yard setback and provided enclosure shall be a minimum of three (3) feet from the rear lot line</u>	<u>Enclosures proposed for condominium developments (as defined in 15.34.010) shall be located entirely within the exclusive use area for the dwelling utilizing the enclosure</u>

Section 10: Amendment of Section 16.72.010 of Title 16 of the Municipal Code

Section 16.72.010 of Title 16 of the City of Menlo Park Municipal Code is hereby amended to add subsection (6) as set forth below. Deletions are in ~~strike through~~ and additions are in underline.

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.
- (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).
- (A) The maximum number of required EV spaces and electric vehicle supply equipment (EVSE) 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 affected area of work.
- (C) Where an existing legal, nonconforming parking condition exists, the EV spaces requirement, including the maximum required, 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.
- (i) 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 one hundred percent (100%) 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.
- (6) Allowable intrusions into a garage or carport space (as defined in 16.04.320), include:
- (A) Electric Vehicle (EV) chargers and tankless water heaters mounted 48 inches or higher above the slab in a garage or carport.
- (B) Electric equipment (as defined in 16.04.296) located less than 48 inches above the slab may be located in up to two, non-contiguous, three-foot-by-three-foot corner areas of an existing garage dedicated to a specific dwelling unit.
- (C) If utilizing the provisions in 6 (B) the property owner shall provide an acknowledgement of the voluntary reduction in garage or carport dimensions below the minimum required dimensions, if applicable.

Section 11: Amendment of Section 16.80.030 of Title 16 of the Municipal Code

Section 16.80.030 of Title 16 of the City of Menlo Park Municipal Code is hereby amended to add subsection (C) as set forth below. Deletions are in ~~strike through~~ and additions are in underline.

C. Dwellings where electric equipment encroaches into the minimum required dimensions for garages or carports, as specified in 16.72.010, shall not be considered nonconforming with regard to minimum required parking.

Section 12. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 13. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

Section 14. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. 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, 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 ____ October ____ 2023.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the _____ day of ____ November ____ 2023 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jen Wolosin, Mayor

ATTEST:

Judi A. Herren, City Clerk