



REGULAR MEETING MINUTES

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

A. Call To Order

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

B. Roll Call

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

Absent: Drew Combs (Chair)

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

C. Reports and Announcements

Principal Planner Chow provided updates to upcoming items on the City Council calendar.

D. Public Comment

There was none.

E. Consent Calendar

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

Vice Chair Kahle noted Commissioner Henry Riggs had provided comments for the meeting minutes.

ACTION: Motion and second (Riggs/Onken) to approve the consent calendar with the following modifications; passes 6-0-1 with Commissioner Combs absent.

- Page 7, approval condition 4.a should refer to **wood** louvers or gable vents
- Page 17, 1st paragraph, 2nd line, insert **not**: She said her clients' property and their neighboring' properties were burdened with the five-foot sidewalk easement yet the City was **not** requiring a similar sidewalk easement dedication of the project applicant.

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

ACTION: Motion and second (Riggs/Onken) to approve the consent calendar with the following modifications; passes 6-0 with Commissioner Combs absent.

- Page 18, 2nd paragraph, 2nd line regarding landscaping, insert in sentence: *Mr. Buchholz answered affirmatively and said....”*

F. Public Hearing

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

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

Staff Comment: Contract Assistant Planner Cecelia Conley said staff had no additions to the written report.

Applicant Presentation: Ken Friedman, property owner, said that he and his wife decided to completely redesign their proposed home and go for a more traditional, simpler look than what the Commission had previously approved. He distributed a drawing noting on the rear elevation he had sketched in some changes they would like to make to the master bedroom. He said the original design had three windows on the rear elevation. He said after meeting with their interior designer they would like to consolidate the windows to provide a better interior aesthetic. He said he walked Hobart, Cotton and Olive Streets to talk with neighbors about the plans. He said if they were not available that he left plans for them. He said the southeast neighbor was here this evening as she had concerns. He noted he had addressed her concerns with the previous design in this proposal.

Vice Chair Kahle asked about the streetscape he had requested. Mr. Friedman said he had asked his architect for that today but the architect did not have time to produce it. He said also a request for a survey of abutting properties had been requested and he had called the surveyor last Thursday but the surveyor did not have time to prepare it for tonight. He said it was forthcoming.

Vice Chair Kahle asked about the material for the rectangular gable end vents. Mr. Friedman said he thought wood. Vice Chair Kahle suggested that it match the window cladding.

Vice Chair Kahle opened the public hearing.

Public Comment:

- Hanna Poplawski, 20 year Menlo Park resident, said she really appreciated the City's greenery. She said the proposed project would relocate the garage and driveway to the western side into a green zone causing all trees to be cut along the fence. She said one was 30 feet tall and in 85% good condition. She said five trees were omitted from these plans: 7, 9, 11, 15 and 18.

She questioned the distance between the wall and property line noting the report said it was 18-feet away but was 12-feet. She said if the Commission approved the relocation of the driveway that she requested planting replacement trees to preserve neighborhood privacy. She suggested cypress as they grow quickly and occupy a small area. She asked to be notified a week in advance of the fence demolition so she might secure her growing plants.

Vice Chair closed the public hearing.

Commission Comment: Commissioner Onken commented on lack of detail on the plans such as the mandatory streetscape elevation and survey showing neighbors on both sides. He requested that staff monitor more closely as those were items required of all applicants. He asked why the garage and driveway were being relocated from the west side to the east side of the house. Mr. Friedman said they wanted the afternoon sun to come in from the right rear where they put light wells to maximize and he had wanted to maximize mud room. He said that there was not a lot of width to plant screening along the driveway whichever side it was located.

Commissioner Barnes said he did not understand why an updated survey was not included with the plan set for the item. Contract Assistant Planner Conley said one of the conditions of approval before getting the building permit for previous approved plan was an updated survey. She said as the new proposal was brought forward she overlooked the condition. She said when it was brought to her attention she immediately contacted the applicant. She said they were not able to provide by tonight but it was one of the conditions to be met before applying for a building permit.

Commissioner Barnes asked about the removal of the date palm as the new plan did not seem to necessitate its removal. Ms. Conley said with the new proposal staff met with the City Arborist about that. She said the City Arborist inspected the tree, which was growing from a box. She said the heritage tree removal permit had been approved already and arrangements made for the tree to be moved to Stanford University. She said the City Arborist was confident it was good to move it.

Commissioner Strehl said she had an issue philosophically with a project of six bathrooms and two half-baths. She asked if the garage would have the appropriate setback from the rear property line. Ms. Conley said it would conform to the setbacks. Commissioner Strehl said a landscaping plan would have helped to show green screening.

Commissioner Goodhue said having parallel driveways created greater distances between homes. She urged that cypress trees not be selected for screening but a tree type that was slender on the bottom and bushier on the top. She said it was a very approvable house and the neighborhood should be happy. She said she did not think the change to the window in back would matter due to the distance between them and their rear neighbors. She suggested a landscape plan was desirable.

Commissioner Onken said regarding the proposed window change in the rear that the windows would not work as the ridge of the sun porch tracked right into the back wall. He said a large picture window would not work either as the sill would have to be five feet high to avoid where the ridge hit into the walls. He said on the front elevation for the gable over the room on the right that the roof plan showed the roof continued straight back somehow to the second floor but showed a valley and a hip. He said the Commission as found that using the same pitch roof helped designs and this proposal had three different roof pitches. He said other than that the design was approvable. He said he was not convinced the garage had to be flipped to the other side for

screening.

Vice Chair Kahle said he thought this proposal was a much better fit for the neighborhood than the previous one which had been a severe modern style. He said if a motion was made to approve he would like it to include a condition for the streetscape and survey information, and perhaps a landscape plan. He said he agreed with comments made by Commissioner Onken about roof pitches.

Commissioner Barnes moved to approve the project conditioned upon the provision of an updated survey and landscape plan. He said the heritage tree removal had been predicated upon a previous design and suggested it could be dug up and planted in a better hole on the property rather than relocate it. He said he would like a condition that the tree not be removed. Principal Planner Chow said the City Arborist had approved the removal of the tree and as mentioned tonight the Arborist continued to support its removal. She said they could give the Commission's recommendation to the City Arborist but authority resided with him.

Recognized by the Chair, Mr. Friedman said he was being paid for the tree to be moved to Stanford. He said it was strangled with concrete decking around it. He said most of the roots were above the concrete decking in a collapsed planter. He said at some point they envisioned having a pool in the rear yard.

Commissioner Barnes said his motion was to approve with conditions for an updated survey and landscape plan.

Commissioner Riggs said he had issues not having a streetscape plan and adjacent neighbor information. He said he could make a motion to approve with the requirement of have trees planted in the rear and sides for screening. He said that rear windows mattered and were visible. He said he could support having two of the rear windows paired together but not all three windows as there would be issues with the flashing at the gables. He said the Commission could provide guidance or have the plan change come back for approval.

Commissioner Goodhue seconded the motion made by Commissioner Barnes. She said regarding the rear windows that the rear yard had a lot of distance separating the home from neighbors'.

Commissioner Barnes said in response to Commissioner Riggs that his intent was that staff would review the updated survey and landscape plan for approval noting neighbor concerns regarding landscape screening. Principal Planner Chow said the applicant had shown the location of the replacement trees on the site plan but the motion seemed to include additional landscape screening. She asked for more guidance for staff. She said D1 of the staff report, A1.1, showed the rear trees as ginkgo biloba and that the new front trees were oaks.

Commissioner Barnes said he would like the screening to be enhanced and to have a separate landscape plan to include screening. Ms. Conley confirmed that was screening on the sides.

Vice Chair Kahle said the motion was amended to approve with an enhanced landscape plan and survey plan to show left side landscape screening for conformance review at the staff level. Commissioner Goodhue agreed as the maker of the second agreed.

Commissioner Riggs said absent data that it would be thoughtful to include landscape screening

on both the left and right sides. Commissioner Barnes said that was amenable to him.

Vice Chair Kahle said the motion was for a conformance review by staff for an updated survey and landscape plan showing screening on both sides of the property as a minimum. Commissioner Goodhue said that was agreeable to her as the maker of the second.

Principal Planner Chow asked whether the Commission supported the applicant modifying the rear windows for the master bedroom through the building permit process or if they should keep the three windows as proposed.

Vice Chair Kahle asked if Commissioner Barnes wanted to amend the motion to include the redesign of the rear windows through staff to the Commission for review. Commissioner Barnes said he did not want to require a redesign of the rear windows.

ACTION: Motion and second (Barnes/Goodhue) to approve the item with the following modifications; passes 6-0-1 with Commissioner Combs absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DG Design, consisting of 12 plan sheets, dated received January 2, 2018, and approved by the Planning Commission on January 22, 2018, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.

- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Mayne Tree Expert Company, Inc. dated August 5, 2016 and revised on December 20, 2017

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

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised project plans that include a revised survey noting the locations of the adjacent building lines within 10 feet of the property lines, subject to review and approval of the Planning Division.
- b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit a landscape plan that shows all trees to be planted and removed, including the size and species, as well as all trees and shrubbery on the right and left sides of the property for the purpose of privacy screening, subject to review and approval of the Planning Division.***

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

Vice Chair Kahle noted that Commissioner Goodhue would be recused from item F4.

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

Staff Comment: Associate Planner Tom Smith said staff had no additions to the report.

Applicant Presentation: David Bohannon, Bohannon Development, said there was a letter and an addendum to the letter from them in the Commission's report. He said Ensemble Hotel Partners was present and had a presentation.

Ed Proenza, Ensemble Hotel Partners, Long Beach, provided a slide presentation on the hotel project progress including interior design. He said they held three hiring fairs in the fall and have hired 86 plus employees with an expected another 50 to 75 employees to hire. He said about 70% of the hired employees indicated they live within five to seven miles of the hotel.

Vice Chair Kahle clarified with staff that the review period was January 2017 to January 2018.

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

Commission Comment: Commissioner Onken said that he would submit to Council that the applicant was complying with the development agreement.

Replying to Commissioner Riggs, Mr. Proenza said their goal to open was March 18, 2018.

Commissioner Riggs said the project were beautiful buildings and good additions to the City. He moved to find the property owner's good faith compliance with the terms of the Development Agreement.

Commissioner Barnes asked about Development Agreement item 5.2, page D1, Attachment C, Capital Improvements, \$750,000 to the Belle Haven area, and what would be built and when. Associate Planner Smith said that was next on the list of capital improvements to be determined. He said an upcoming meeting that week would look at landscaping concepts that were part of the capital improvements, and then look at Belle Haven Improvements. He said the agreement with Bohannon ran through June and public outreach with the Belle Haven community would need to occur for this project to be determined.

Commissioner Barnes asked if the \$500,000 for recreational improvements would be used for the Bedwell Bayfront Park. Associate Planner Smith said the Master Plan for Bedwell Bayfront Park was recently completed so the \$500,000 would be used toward improvements identified in that Plan.

Commissioner Barnes asked about the referenced tenants in 5.8, page D6, attachment C, GHG Emissions Requirements, the last sentence of the notes: *However, the tenants of each of the buildings intend to enroll in PG&E's 100% Renewable Program.* Associate Planner Smith said the office building was being leased by Facebook so they would be the tenants there. He said Facebook would operate the Health Club but it would be open to the public.

Commissioner Barnes seconded Commissioner Riggs' motion to find the property owner's good faith compliance with the terms of the Development Agreement.

ACTION: Motion and second (Riggs/Barnes) to make a determination that Bohannon Development Company has made good faith efforts to implement the provisions of the Menlo Gateway development agreement during the 2017-2018 Development Agreement Review Year; passes 5-0-1-1 with Commissioner Goodhue recused and Commissioner Combs absent.

1. Make a finding that the Annual Review of the Development Agreement has no potential to result in an impact to the environment and does not meet the definition of a Project under the California Environmental Quality Act (CEQA).

2. Make a finding that Bohannon Development Company has implemented the provisions of its Development Agreement during the 2017-2018 Development Agreement Review Year.

Vice Chair Kahle acknowledged Commissioner Goodhue's return to the dais.

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

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

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

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

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

Principal Planner Chow said there were EV Charger Station requirements for the El Camino Real / Downtown Specific Plan area specific to residential development with one EV Charger space for every 20 residential parking spaces. She said for the R-4-S zoning districts, which was about five or so properties rezoned as part of the Housing Element in 2013 located primarily along Willow Road and Haven Avenue, the EV Charger space requirement was for a percentage of the total

number of parking spaces to have the pre-wiring and conduit and for 3% of the total parking spaces to have installed EV Charger Stations. She said for the O, L-S, and R-M-U that the requirements were for new development and additions and/or alterations based on the size of the building. She said for addition or alteration for residential development in those zones there was not an EV Charger Station requirement.

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

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

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

second meeting to become effective in 30 days after adoption.

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

Vice Chair Kahle opened the public hearing.

Public Comment:

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

- John Tarlton, Menlo Park Labs, said in the L-S district, for the portion of Menlo Park Labs that used to be Menlo Business Park, or about 550,000 square feet, that 7% of their parking spaces were EVC capable and they were running at between 85 and 95% utilization. He said by mid-2018 they would have 122 EVC stalls or 8%, and by the end of 2018 they would be close to 9%, and were within range of the 10% requirement originally adopted as part of ConnectMenlo. He said he would suggest four changes to what was being proposed by staff. He said the first was to allow grouping of EVC stations rather than having them spread out across individual parcels. He said the second was related to the requirement for EVC stations in conjunction with alterations. He said a third suggestion was that the shift from 10% to 15% be ramped over time rather than immediate. He said the fourth suggestion was that for owners other than Tarlton in the L-S district and perhaps in other districts that some type of hardship exemption be established. He said for a smaller, industrial-type building in the M2 zone under the EVSE requirements that a 12,000 square foot building would be required to have six EVC stations. He said each panel would have 18 breakers so the property owner would need to invest in a new electrical panel. He said it would probably be 240 amps. He said typical service for one of these older industrial buildings was 800 amps. He said a third of the power of the building would need to be devoted to EV charging. He said his company was not seeking an exemption but suggested the City keep in mind that there were a number of older properties in the M2 that had not seen a lot of change and some that were not going to see a lot of change in the near future. He said the EVC requirements particularly for alterations could be a significant hardship. He said regarding ramping that they would be at 9% of total parking spaces by the end of 2018. He said now they were at 8% with 90% utilization. He said if they went to 15% EVC stations utilization would be about 50%. He said they thought it was ill-advised to go to a 15% requirement right away because of the cost associated and if they put in more EVC stalls than they have users there would be bad behavior from people parking gas vehicles in those stalls due to anger and not having a place to park. He said almost on a monthly basis there were changes to car charging technology, and if they bought 15% now they would forego the opportunity to have the better technology going forward. He said they suggested requiring 10% now, 12.5% two years from now, and 15% four years from now. He said that roughly tracked with what they were seeing in terms of demand or growth of electric cars in their portfolio. He said regarding alterations that during the ConnectMenlo process they ended with a half million dollars in alterations triggering a lot of things such as offsite improvements. He said they were hearing from tenants that the things triggered when they do tenant improvement like offsite

improvements and others were already a significant hardship for them. He said one of their tenants wanted to do tenant improvement of about \$600,000 and they were looking at other things that get tacked on that that resulting in another \$400,000 in costs.

- Gary Wimmer, Ford Lend Company, said they were a company supportive of sustainability nothing they built the first LEED gold building in California at 2121 Sand Hill Road. He said they attended both stakeholder meetings held by staff and had been offered a third meeting so they could share some of their concerns. He said it appeared attempts to address their concerns were made in the report but having received it the past Thursday evening they had not had much time to review. He said as it related to their office properties on Sand Hill Road he had questions he would like addressed between now and when the ordinance change proposal was made to Council. He said two of those related to suggestions made by Tarlton regarding the potential of hardship expense on the older buildings specifically for alterations and tenant improvements. He said for the 10% and 15% they had not thought about the graduated opportunity for that but that was certainly viable. He said for those who own nonresidential buildings it was unclear what credit would be given EVC station efforts they have already expended. He said they had planned a pretty significant EVC station installation plan for their properties on Sand Hill Road, and when it became apparent a new ordinance was being presented they put their pen on hold as they were not sure what they would get in terms of credit. He said they needed a clear sense of that before an ordinance change was implemented. He asked once a certain percent of stalls were allocated to EVs and then one to two of those became actual EVSE spaces whether anyone would be able to park in the other spaces allocated to EV but not developed or what they could be used for. He said allocation over a campus was important. He said for four buildings one of which had a disproportionate share of alterations that he would like the entire campus of four buildings to benefit from EVC stations. He said such details needed to be clarified before an ordinance went into effect. He said tenants' businesses needing alterations would be participants in EVC stations with the proposed ordinances and it was an expensive proposition. He said they were proponents of the proposition but more details were needed.
- Allan Bedwell, Environmental Quality Commission (EQC), said the EQC supported the amendment to code establishing EVC spaces. He said these standards would help drive compliance with statewide emission reduction goals and the City's very aggressive greenhouse gas emission goals for 2020. He said in his career experience he has found that the market catches up with standards. He said auto manufacturers were aggressively pursuing increasing offerings of low cost electric vehicles in their fleets. He said Menlo Park residents have been early users of EV technology. He said the EQC believed staff has developed a solid standard with a great deal of flexibility for developers, property owners and third parties to fill the gap to meet that standard. He said specifically seen in the market were finance organizations that can develop quickly very creative financing solutions for these types of technology related to EVC stations. He said the standard proposed allowed for flexibility for developers and facility owners to get third party solutions to get the EVC stations installed. He said the scaling of the spaces was very effective too. He said the City could help developers and facility owners by the staging and spacing of the EVC spaces.
- Diane Bailey, Director, Menlo Spark, said they strongly supported Mr. Bedwell's comments and the EQC's recommendation. She said the mobility landscape was changing swiftly toward electric vehicles. She said that renters and residents of high density housing were shut out of the electric vehicle market as they lacked reliable EVC station access. She said they would like

to see every new renter and every new unit have access to some type of EVC infrastructure and not rely on retrofitting spaces as that was very expensive. She said regarding retrofitting her organization was committed to working with the City and stakeholders to access all of the grant funding available to help existing multi-unit buildings retrofit to offer EV sharing to their tenants. She said they would encourage staff to continue working out provisions for smaller companies in particular where electrical capacity was exceeded with the installation of new EVC stations as that could be quite expensive. She said if there substantial revisions that would weaken the proposal that those recommendations be taken to public workshops and worked out with stakeholders as they would not like weakened provisions to go to City Council as the intent was for stronger provisions.

- John Woodell, Menlo Park, said he attended the EVC meetings and was an electric vehicle enthusiast. He said he provided feedback which was shown in the report. He said to clarify one of his statements that the term EVC was appropriate for informal conversation but technically chargers were built into the cars and EVC was not a charger but a charging station and charging cable. He said the best term to use in the ordinance was Electrical Vehicle Supply Equipment (EVSE). He said on page A13 the document states: *install 40 amp receptacles*. He said a 40 amp circuit could only draw 32 amps. He suggested focusing on getting away from receptacles and said grouping of EVSEs was very critical.

Vice Chair Kahle closed the public hearing.

Commission Comment: Commissioner Barnes asked what the difference was between a designated EV stall and an EVSE. Principal Planner Chow said an EV stall would have wiring and conduit infrastructure underground. She said the 10% EVSE installation included the charging station equipment so someone can plug in and utilize the space for charging. Commissioner Barnes asked if an EVSE could service multiple spaces. Ron La France, Assistant Community Development Director / Building Official, said in theory a single conduit could be brought to a centralized location and distribute from a large conduit into a box, and then distribute out to multiple charging supply equipment. He said alternately you could do individual conduit runs. Principal Planner Chow added that 15% would be designated EV stalls with underground conduit and 10% EVSE would be developed.

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

may adversely impact the construction costs of the project. He said this would remain as state law whether the EVSE ordinance went forward or not. Replying to Commissioner Barnes, Mr. LaFrance said it was in state law, would not be removed by local action, and could be spelled out in city code and ordinance as part of this process. Commissioner Barnes confirmed that there already were some hardship provisions made.

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

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

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

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

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

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

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

Mr. La France said the electric code stated that if you were running a 20 amp circuit the receptacle had to be rated for 20 amps. He said if you were running a 15 amp circuit you could use a receptacle rated for 20 amps. He said a 15 amp receptacle could be used for a 40 amp breaker and was allowed by code. Mr. LaFrance confirmed with Commissioners that he was comfortable carrying forward the CalGreen language.

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

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

she fully agreed with the EQC's recommendations regarding residential and she did not know why more deference was not being given to the EQC recommendation.

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

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

Commissioner Onken said as the code was proposed that for an addition or alteration if it was 10,000 to 25,000 square feet then the number of parking stalls was already commensurate with 10,000 square feet. Commissioner Riggs said with a 100,000 square foot building that if a tenant made changes requiring new equipment and infrastructure costing \$150,000 it was his understanding that tenant would have to provide the EVC parking spaces for the entire 100,000 square foot building.

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

Commissioner Barnes said regarding hardship exemptions he was comfortable with the language provided in CalGreen to allow for that. He said he was not comfortable with one tenant making changes that would trigger EVC requirements for the whole building. Principal Planner Chow said for commercial if a 10,000 square foot tenant improvement was proposed in a 100,000 square foot building the amount triggered would be 5% of the total number of required parking stalls that would be based upon the total 100,000 square foot building. Commissioner Barnes asked what the difference was between the EQC's recommendation and staff's. Principal Planner Chow said the EQC was supportive of doing an EVSE for every new single-family residential development. She said they wanted to pursue additional requirements for multi-family residential which they understood could happen at a later date. She said the EQC supported a Phase 2 of existing commercial and residential buildings. She said for single-family residential development there was

already the CalGreen requirement and they did not want to burden some of the smaller developments. She said five units triggered a BMR requirement so that seemed reasonable for these requirements. She said for multi-family residential alterations or additions it was a cost factor. She said the ConnectMenlo new development standards did not have a requirement but was strictly voluntary, which they continued for single-family residential development.

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

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

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

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

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

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

Commissioner Riggs said his concern was unintended consequences. He agreed with Commissioner Barnes and Ms. Bailey's suggestion that they continue to think about this. He moved to continue the discussion. Principal Planner Chow asked for the Commission's input on what staff should look at further. Commissioner Riggs said for remodels and additions of commercial space and for remodels and additions of multi-family buildings should the latter ever occur that the requirements be based on the space remodeled or added; for ramp up requirements from 10% to 15% to have some additional phasing; to allow for grouping of the charging stations for efficiency on a single property for maybe a 20,000 square foot building, and as suggested for a

multi-building site with one building being remodeled to allow spaces through the good intentions of the property owner to be placed at all buildings rather than just at the one building; and that pre-wiring one space per unit in multi-family development was not efficient as charging might be two-hours and the vehicle might be parked for 24-hours. He said a single-drop could be used to charge four to six cars with a 20-foot cord and take up reel. He said there was also the concept of a charging area. He said SDUs were burdened with getting those to current code and the original purpose for them was to get a lower priced unit on the market. Commissioner Strehl seconded the motion.

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

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

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

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

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

G. Regular Business

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

H. Informational Items

H1. Future Planning Commission Meeting Schedule.

- Regular Meeting: February 5, 2018

Principal Planner Chow said they had a number of agenda items for the February 5 meeting including a study session for the 1125 Merrill Street / 506-558 Santa Cruz Avenue projects, BMR ordinance guideline changes for consistency with state law, and a Facebook item.

- Regular Meeting: February 26, 2018

Principal Planner Chow said they would do the annual housing element report at the February 28 meeting, the 1540 El Camino Real project, and potentially a study session for the Facebook Willow Road project.

- Regular Meeting: March 12, 2018

Principal Planner Chow said a few study sessions would occur in the March-April timeframe and the EIR scoping sessions for additional projects in the Bayfront area.

I. Adjournment

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

Staff Liaison: Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 5, 2018