



**STAFF REPORT**

**City Council Meeting Date:** 12/5/2023  
**Staff Report Number:** 23-268-CC

**Consent Calendar:** Waive the second reading and adopt ordinances to amend Chapters 16.02, 16.04, 16.08, 16.20, 16.22, 16.23, 16.24, 16.26, 16.30, 16.36, 16.38, 16.40, 16.43, 16.72, 16.80, and 16.98; repeal Chapters 16.32, 16.39, and 16.42; and create Chapter 16.95 of the Zoning Ordinance (Title 16 of the Municipal Code) and amend the zoning map to implement zoning-related programs in the adopted 2023-2031 Housing Element to modify the Affordable Housing Overlay (AHO) to allow residential densities up to 150 dwelling units per acre in combination with State Density Bonus Law; create new opportunities for residential and mixed-use development by modifying certain existing nonresidential zoning districts and combining certain nonresidential and mixed use zoning districts to create a new C-MU (Neighborhood Mixed Use) zoning district, increase densities in the R-3 (Apartment) zoning district around downtown and for sites over 100,000 square feet in size and increase lot coverage in the R-3 and R-4 zoning districts, allow ministerial review of reuse sites, create a new Residential Overlay to allow additional residential development potential for certain parcels, allow family day care homes by-right in residential districts, and rezone certain properties associated with the changes as applicable, and determine the proposed amendments are consistent with a previously-certified subsequent environmental impact report under the California Environmental Quality Act

**Recommendation**

Staff recommends that the City Council waive the second reading and adopt ordinances amending the Zoning Ordinance and zoning map to implement zoning-related programs in the adopted 2023-2031 Housing Element, and determine that the proposed amendments are consistent with the previously-certified subsequent environmental impact report (SEIR). The proposed resolutions and ordinances are included as Attachments A through G.

**Policy Issues**

The recommendation is consistent with the City Council's actions to introduce the ordinances at its Nov. 28

meeting. The Housing Element contains programs committing to increase residential densities within certain zoning districts and on Housing Element inventory sites within a one-year timeframe from adoption of the Housing Element to meet the City's Regional Housing Need Allocation (RHNA) of approximately 3,000 dwelling units at varying income levels. The City must adopt these changes by Jan. 31, 2024, or be potentially subject to a variety of penalties including loss of local control related to housing developments, pursuant to state law.

## Background

On Nov. 28, the City Council conducted a public hearing and adopted resolutions amending the General Plan Land Use Element and El Camino Real/Downtown Specific Plan (Specific Plan) and introduced ordinances amending the Zoning Ordinance and zoning map, with modifications, to implement the zoning-related Housing Element programs. An overview of the proposed amendments, information on relevant Housing Element programs, and attachments providing a more detailed history of discussions around the proposed amendments (including the Planning Commission's review and recommendations) are included in the Nov. 28 staff report (Attachment H).

## Analysis

The proposed Zoning Ordinance and zoning map amendments would address the following topic areas described in the adopted Housing Element:

- Affordable Housing Overlay (AHO) modifications (Attachment A). Update the AHO to further incentivize development of affordable housing for extremely low, very low and low-income (lower income) households by amending Chapter 16.98 of the Zoning Ordinance (Housing Element program H4.D);
- New residential opportunities in nonresidential districts (Attachments B and C). Create new and/or increased opportunities for residential and/or mixed use developments with a density of up to 30 dwelling units per acre (du/ac) on sites that currently allow only nonresidential uses or lower densities (Program H4.I) and up to 60 du/ac in the C-2 zoning district by amending Zoning Ordinance and zoning map as follows:
  - Rezone properties in six nonresidential zoning districts (C-1-A, C-2-A, C-2-B, C-4, and certain C-2 and P properties) into a single new mixed use district titled C-MU (Neighborhood Mixed Use), based on existing C-2-B zoning regulations;
  - Amend the existing zoning regulations for the C-1, C-1-C and C-2 zoning districts, and certain O district parcels, to allow residential and/or mixed use development; and
  - Make associated changes to other chapters of the Zoning Ordinance for consistency and in compliance with state law;
- Multi-family zoning district amendments (Attachment D). Increase development potential for R-3 parcels around downtown and R-3 parcels with over 100,000 square feet of lot area, and increase lot coverage in the R-3 and R-4 zones (Housing Element program H4.J) by amending the Zoning Ordinance and zoning map as follows:
  - Rezone the parcel at 320 Sheridan Drive from R-1-U to R-3 to permit multifamily development on the site, and
  - Amend the existing zoning regulations for the R-3, R-4, R-4-S, R-3-A and R-3-C zoning districts to increase the amount of lot coverage allowed for residential development;
- Ministerial review (Attachment E). Allow five Housing Element inventory sites (also referred to as "opportunity sites") that were included in previous Housing Elements but did not develop with housing ("reuse sites") ministerial processing, without any discretionary review or hearings, if they include

- residential development with at least 20 percent of units affordable to lower incomes, by amending Chapter 16.08 of the Zoning Ordinance (Housing Element program H4.Q);
- Residential overlay (Attachment F). Create a new Residential Overlay to allow and encourage new or additional residential development on four Housing Element inventory sites without requiring removal of existing development and/or where the underlying zoning may otherwise not allow residential uses, by adding Chapter 16.95 (Residential Overlay) to the Zoning Ordinance (Housing Element program H4.T); and
  - Family day care homes (Attachment G). Establish family day care homes as a permitted use in any residential district by amending Chapters 16.04 and 16.08 of the Zoning Ordinance (Housing Element program H2.F).

At the Nov. 28 meeting, the City Council received a presentation from staff, heard public comment, reviewed and discussed the proposed amendments, and introduced ordinances with the modifications described in the following sections. The modifications introduced by the City Council and several staff-initiated minor “clean up” revisions made for clarity and consistency are shown in tracked changes in the attached ordinances. The minor edits include 1) correcting the grammar for clarity in a preamble clause in Attachment A; 2) changing a word from “a” to “the” for consistency in Municipal Code §16.98.040 (a)(3)(B) of Attachment A; and 3) updating the minimum lot dimensions of the R-3 properties around the Specific Plan area to be consistent with the proposed minimum lot area and with those other R-3 properties citywide in Municipal Code §16.20.030, Table 1. The revisions directed by the City Council are summarized as follows:

#### AHO

- Remove a long term bicycle parking reduction incentive from Municipal Code §16.98.060(c); and
- Modify the open space incentive to indicate open space may be reduced by the amount necessary to accommodate increased density offered under the AHO in Municipal Code §16.98.060(g).

#### New residential opportunities in nonresidential districts

- Maintain the C-2-S (Neighborhood Shopping District, Special) zoning district and parcels currently located in the district, and remove them from the proposed C-MU (Neighborhood Mixed Use) zoning district;
- Remove C-2-S parcels from the map of parcels to be rezoned C-MU; and
- Remove provisions to allow drive-through establishments for certain parcels in the C-MU zoning district from Municipal Code §16.40.020, because the C-2-S zoning would continue to regulate uses on those sites and there are no drive-through uses on other sites proposed to be zoned C-MU.

#### Multi-family zoning district amendments

- Require minimum bicycle parking at 1.5 spaces per residential unit plus 10 percent additional short-term bicycle parking for all R-3 properties in Municipal Code §16.20.030, Table 1.

#### Residential overlay

- Require a minimum density of 20 du/ac for residential development on sites included in the Residential Overlay in Municipal Code §16.95.030(8).

Waiving the second reading and adopting the ordinances with modifications would allow the City to implement the Housing Element zoning-related programs within the one-year timeframe specified in the adopted Housing Element, comply with state law, and provide new and expanded opportunities for housing

throughout the community.

#### Additional topics for future consideration

In addition to discussion of the Housing Element zoning-related amendments, the City Council requested that staff track the following additional topics for future consideration:

- Creation of an overlay and/or zoning requirements requiring neighborhood-serving retail, restaurants, and other potential uses in the C-MU district, similar to the Main Street Overlay on Santa Cruz Avenue in the Specific Plan area;
- Consideration of updated green and sustainable building provisions for applicable zoning districts city-wide;
- Evaluation of an accelerated timeline to implement updates to the City's below market rate (BMR) housing regulations (Housing Element program H4.A) and an anti-displacement strategy (Housing Element program H2.E);
- Consideration of further zoning changes to require specified amounts of certain nonresidential uses (such as retail or restaurant uses) and/or limits on the amounts of certain nonresidential uses (such as office) in certain locations, such as the Specific Plan area and/or on certain sites (such as the ministerial reuse sites that include 700 El Camino Real).

Staff is evaluating the timing and resources available to address the additional topic areas and will provide City Council with updates for future consideration and prioritization.

#### **Impact on City Resources**

As part of the fiscal year 2020-21 budget, the City Council originally appropriated nearly \$1.5 million from the general fund to support the Housing Element Update (including preparation of the SEIR), which is a City Council priority. The contract has been subsequently amended to accommodate additional revisions, meetings and outreach. Most recently Oct. 24, the City Council approved an additional budget augment for a contract total of \$1,700,212 to ensure the continued involvement of project consultants in conducting public engagement and finalizing the documents and tasks necessary to complete the project.

#### **Environmental Review**

As part of the Housing Element Update process (i.e., Housing Element and Safety Element updates and a new Environmental Justice Element, and associated changes including zoning), an SEIR was prepared. On Jan. 31, the City Council adopted Resolution No. 6808 certifying the SEIR and associated California Environmental Quality Act (CEQA) actions. On Feb. 1, a Notice of Determination (NOD) was filed.

An addendum to the SEIR was prepared to reflect the City Council's direction to study increased densities, primarily in the Specific Plan area, above those studied in the SEIR. As noted in the Addendum, the proposed General Plan, Specific Plan, Zoning Ordinance, and zoning map amendments are covered by the previously-certified SEIR and no supplemental or subsequent EIR is required for the proposed amendments because none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines §15162). The addendum was included in the City Council agenda packet for the Nov. 28 public hearing and can be found through the link in Attachment H.

#### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours before the meeting.

## Attachments

- A. Ordinance amending the Affordable Housing Overlay, Chapter 16.98, of Title 16 of the Menlo Park Municipal Code
- B. Ordinance repealing Chapters 16.32, 16.39, and 16.42; amending Chapter 16.40; and rezoning C-1-A, C-2-A, C-2-B, C-4, and certain C-2 and P parcels to C-MU to create new opportunities for mixed-use development
- C. Ordinance amending Chapters 16.30, 16.36, 16.38, 16.43, and associated chapters of Title 16 of the Menlo Park Municipal Code for consistency to create new opportunities for mixed-use development
- D. Ordinance amending Chapters 16.20, 16.22, 16.23, 16.24, and 16.26 of Title 16 of the Menlo Park Municipal Code; and rezoning 320 Sheridan Drive from R-1-U to R-3 to increase residential density and maximize development proposals in the R-3 and R-4 districts
- E. Ordinance amending Chapter 16.08 of Title 16 of the Menlo Park Municipal Code to allow by-right processing for certain housing developments
- F. Ordinance creating Chapter 16.95 of Title 16 of the Menlo Park Municipal Code to establish a Residential Overlay
- G. Ordinance amending Chapters 16.04 and 16.08 of Title 16 of the Menlo Park Municipal Code to establish day care homes as a permitted use in any residential district
- H. Hyperlink – Nov. 28 City Council staff report: [menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/city-council/2023-meetings/agendas/20231128-city-council-special-agenda-packet-w-pres.pdf#page=3](https://menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/city-council/2023-meetings/agendas/20231128-city-council-special-agenda-packet-w-pres.pdf#page=3)

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## ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING CHAPTER 16.98 AFFORDABLE HOUSING OVERLAY TO TITLE  
16 OF THE MENLO PARK MUNICIPAL CODE TO IMPLEMENT HOUSING  
ELEMENT PROGRAM H4.D TO UPDATE THE AFFORDABLE HOUSING  
OVERLAY**

WHEREAS, Chapter 16.98 Affordable Housing Overlay of Title 16 of the Menlo Park Municipal Code was originally established in 2013 to encourage the development of affordable housing for very low, low and moderate income households; and

WHEREAS, the City's Affordable Housing Overlay (AHO) was established to be an alternative to the State Density Bonus Law by providing incentives and flexibility in the development regulations in exchange for the provision of affordable housing units; and

WHEREAS, the Affordable Housing Overlay (AHO) is currently applied to all properties located within the El Camino Real/Downtown Specific Plan and those properties zoned R-4-S (AHO); and

WHEREAS, the City's Regional Housing Need Allocation (RHNA) for the 2023-2031 planning period is 2,946 units, including 740 very low income units, 426 low income units, 496 moderate income units and 1,284 above moderate income units; and

WHEREAS, the City is committed to meeting its RHNA and providing opportunities for a range of housing options at all income levels; and

WHEREAS, the City completed a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Program H4.D (Modify the Affordable Housing Overlay (AHO)), states that the City will update the AHO to further incentive the development of affordable housing to extremely low-, very low – and low-income households; and

WHEREAS, Housing Element Program H4.D ~~states~~ requires the expansion of the ~~that the~~ expand location of the AHO beyond the current areas to encompass the housing opportunity sites and R-3 properties around the Downtown area; and

WHEREAS, Housing Element Program H4.D states the update will clarify that density bonuses and other incentives provided for under the AHO are additive with and can be combined with State Density Bonus Law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 to review and consider the proposed amendments to Sections 16.98 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-\_\_ recommending that the City Council adopt the Zoning Ordinance amendment, whereat all interested person had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Repeal.

Chapter 16.98 – Affordable Housing Overlay of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

**Section 3.** Add.

Chapter 16.98 – Affordable Housing Overlay of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby added in its entirety.

<b>Section 16.98.010</b>	<b>Purpose and goal</b>
<b>Section 16.98.020</b>	<b>Definitions</b>
<b>Section 16.98.030</b>	<b>Applicability</b>
<b>Section 16.98.040</b>	<b>Affordable housing requirement</b>
<b>Section 16.98.050</b>	<b>Density bonus</b>
<b>Section 16.98.060</b>	<b>Incentives and fee waivers</b>
<b>Section 16.98.070</b>	<b>Continued affordability</b>
<b>Section 16.98.080</b>	<b>Other provisions</b>

**Section 16.98.010 Purpose and goal.**

The purpose of the Affordable Housing Overlay (“AHO”) zone established by this Chapter is to encourage the development of affordable housing for low, very-low and extremely-low income households. The AHO serves to implement the Housing Element goal of providing new housing that addresses affordable housing needs in the City of Menlo Park by establishing development regulations for designated housing opportunity sites. The AHO is also intended to address those housing projects which provide a greater percentage of affordable housing units than required pursuant to Chapter 16.96 (Below Market Rate Housing Program). The AHO encourages the production of affordable housing by providing density bonuses and other incentives to developers that provide affordable housing as a part of development projects. To qualify, projects must restrict housing units to certain income levels as further described in the Chapter. The AHO may be applied by itself or in combination with State Density Bonus Law to density bonuses beyond those allowable under State Density Bonus Law.

**Section 16.98.020 Definitions.**

- (a) “Affordable units” means residential dwelling units that are restricted to households that qualify as extremely low, very low, and low-income. For for-sale residential projects, moderate income also applies as an affordable unit.
- (b) “Mixed use” means developments consisting of residential and nonresidential uses with at least two thirds of the square footage designated for residential use.

**Section 16.98.030 Applicability.**

The AHO and this Chapter apply to the Menlo Park El Camino Real and Downtown Specific Plan area, properties zoned R-4-S(AHO) (High Density Residential, Special - Affordable Housing Overlay), properties zoned R-3 (Apartment) and located around the El Camino Real/Downtown Specific Plan Area as described in Chapter 16.30, and housing opportunity sites identified in the adopted Housing Element (2023-2031) as described in Appendix 7-1,

Table 2, with the exception for site #38. Properties within the AHO may, but are not required to utilize the rules and regulations of this Chapter.

**Section 16.98.040 Affordable housing requirement.**

- (a) To qualify for the density bonuses and incentives pursuant to this Chapter, a development project must:
  - (1) Be a 100% residential or mixed-use project;
  - (2) Provide five or more residential units;
  - (3) Provide a minimum number of affordable units as follows:
    - (A) At least 20% of the total residential units in the development shall be restricted to extremely low, very low, and low-income households in rental developments;
    - (B) At least 20% of the total residential units in thea development shall be restricted to extremely low, very low, low-income and moderate income households in for-sale and condominium developments;
    - (C) At least 25% of the total affordable units shall be restricted to very low and extremely low-income households, or at least 15% of the total affordable units shall be restricted to extremely low-income households.
- (b) The affordable units required pursuant to subsection 16.98.040(3), above, shall be calculated based on the total number of units in the development, excluding any units permitted pursuant a density bonus as set forth in section 16.98.050.

**Section 16.98.050 Density Bonus.**

Development projects meeting the criteria set forth in section 16.98.040 shall be eligible for a density bonus pursuant to this section.

- (a) For 100% residential or mixed-use developments meeting the criteria of 16.98.040, a density bonus shall be granted and calculated pursuant to Table 1 of this chapter.
- (b) AHO Density Bonus Not Combined with State Density Bonus. Where at least 20% of the total number of units, exclusive of any density bonus units, of a housing development are restricted as affordable units, the density bonus granted and calculated shall be pursuant to Table 1.
  - (1) The percentage of affordable units shall be calculated as a percentage of the total number of units in a project, exclusive of any density bonus units. The density bonus is the sum of the applicable density bonus based on the percentage of affordable units in the applicable income category. In no instance shall the total density bonus exceed 60%, unless a project is 100% affordable. For a 100% affordable residential project, the project is allowed a maximum density bonus of 80% for the residential units.
- (c) AHO Density Bonus Combined with State Density Bonus. Where at least 25% of the total units, exclusive of any density bonus units, of a housing development are restricted as affordable units, the density bonus granted and calculated pursuant to Table 1 may be combined with a density bonus granted pursuant to the State Density Bonus Law (Government Code section 65915 et seq.)
  - (1) When application of the AHO is combined with the provisions of State Density Bonus Law, the density bonus is additive. The percentage of affordable units shall be calculated as a percentage of the total number of units in a project, not including any density bonus units. The combined density bonus is the sum of the following: 1) the applicable density bonus based on the proposed project pursuant State Density Bonus Law and 2) one-quarter of the applicable density bonus provided by the AHO in Table 1. In no instance shall the total density bonus exceed 65%, unless a project is 100% affordable. For a



100% affordable residential project combining use of the AHO and State Density Bonus Law, the project is allowed a density of up to 150 dwelling units per acre.

- (2) A Density Bonus may only be utilized to increase density of the residential uses of a development project and shall not be utilized to increase FAR, height, or any other density metric for non-residential uses within a development project.

Table 1: Density Bonus\*\*\*

Percentage of Affordable Units in a Development	Very Low Income**	Low Income	Moderate Income*
5%	20.0%	0%	0%
6%	22.5%	0%	0%
7%	25.0%	0%	0%
8%	27.5%	0%	0%
9%	30.0%	0%	0%
10%	32.5%	20.0%	5.0%
11%	35.0%	21.5%	6.0%
12%	38.75%	23%	7.0%
13%	42.5%	24.5%	8.0%
14%	46.25%	26.0%	9.0%
15%	50.0%	37.0%	10.0%
16%	50.0%	37.0%	10.0%
17%	50.0%	37.0%	10.0%
18%	50.0%	37.0%	10.0%
19%	50.0%	37.0%	10.0%
20%	51.0%	39.0%	17.0%
21%	52.0%	41.0%	18.5%
22%	53.0%	43.0%	20.0%
23%	54.0%	45.0%	21.5%
24%	55.0%	47.0%	23.0%
25%	56.0%	49.0%	24.5%
26%	57.0%	51.0%	26.0%
27%	58.0%	53.0%	27.5%
28%	59.0%	55.0%	29.0%
29%	60.0%	57.0%	30.5%
30%	60.0%	60.0%	32.0%
31%	60.0%	60.0%	33.5%
32%	60.0%	60.0%	35.0%
33%	60.0%	60.0%	36.5%
34%	60.0%	60.0%	38.0%
35%	60.0%	60.0%	39.5%
36%	60.0%	60.0%	41.0%

37%	60.0%	60.0%	42.5%
38%	60.0%	60.0%	44.0%
39%	60.0%	60.0%	45.5%
40%	60.0%	60.0%	47.0%
41%	60.0%	60.0%	48.5%
42%	60.0%	60.0%	50.0%
43%	60.0%	60.0%	51.5%
44%	60.0%	60.0%	53.0%
100%	80.0%	80.0%	80.0%

\*Applicable to only home ownership units

\*\* Or any income category which an AMI that is less than very low income AMI

\*\*\*All density bonus calculations resulting in fractions of less than .5 shall be rounded down to the next whole number. All density bonus calculations resulting in fractions of .5 and up are rounded up to the next whole number.

**Section 16.98.060 Incentives and fee waivers.**

In addition to granting a density bonus, the City shall grant one or more “incentives” to each project that qualifies for a density bonus pursuant to this Chapter. An applicant for a housing development that qualifies for a density bonus utilizing the AHO shall be entitled to each and only the following incentives:

- (a) Floor Area Ratio. A project shall be permitted to increase the floor area ratio by an amount that proportionally corresponds to the increase in allowable density identified in section 16.98.050 above and an additional five percent or other increase reasonably sufficient to make development of very-low, low and moderate income multiple-bedroom units and family housing feasible.
- (b) Stories/Height. A project shall be permitted to increase the height up to the maximum number of feet that are necessary to accommodate the increased density afforded by the density bonus. The applicant shall demonstrate to the satisfaction of the Community Development Director, or designee, that the height increase is necessary to accommodate the increased density afforded by the density bonus. For mixed use projects the height increase is only applicable to the residential component of the project.
- (c) Parking. Unless modified herein, the parking requirements in the underlying zoning designation of the property shall apply. All fractional units shall be rounded up to the nearest whole number. The parking requirements in the AHO shall be modified for each affordable unit as follows:
  - (1) Number of spaces:
    - (A) Studio requires 0.5 parking spaces.
    - (B) A one-bedroom requires one parking space.
    - (C) A two-bedroom or larger unit requires 1.5 parking spaces.
  - (2) A senior citizen housing project as defined in Sections 51.3 and 51.12 of the Civil Code shall be required to provide no more than 0.5 parking spaces per dwelling unit.
  - (3) The spaces required for the affordable units need not be covered or located in a garage or carport.
  - (4) If two spaces are being provided for any one affordable dwelling unit, the spaces may be in tandem.
  - (5) Long term bicycle parking may be allowed a reduction of 0.5 spaces per unit.
- (d) Parcels that are adjacent to one another, share any portion of a property line, and are within the same underlying zoning district may calculate density, floor area ratio, building

coverage, paving, landscaping and required parking across the parcels, provided that there is a recorded agreement among the owner(s) of the parcels transferring development rights between the parcels such that the maximum overall density of the combined parcels is not exceeded.

- (e) Coverage. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, any applicable maximum building coverage and/or allowable paving requirement shall be increased by five percent and the minimum open space/landscaping requirement reduced by 10 percent from the underlying zoning designation.
- (f) Setbacks. In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, required setbacks shall be reduced to five feet, except when the parcel subject to the AHO abuts a parcel zoned single-family residential, in which case the setbacks identified in underlying zoning shall control.
- (g) Open Space. ~~In addition to the amount necessary to physically accommodate the increased density provided for by this Chapter, a~~Any common and/or private open space may be reduced by ~~the amount necessary to physically accommodate the increased density provided for by this Chapter~~up to 50 percent from the underlying zoning.
- (h) Processing Fees. Those projects that provide at least 50 percent of the units in a project for low-income households or 25 percent for very-low income households may be entitled to a fee waiver for all processing fees associated with the various applications for development, subject to demonstrating that the project would not be feasible without the waiver of processing fees.
- (i) Other Fees. Those projects that provide at least 50 percent of the units in the project for low-income households or 25 percent for very-low income households may be entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density identified in section 16.98.050 above, with a maximum of 65% for a 100% affordable housing project, subject to demonstrating that the project would not be feasible without the waiver of certain impact fees. Any project requesting a reduction or waiver of the traffic impact fee, park dedication fee, building construction street impact fee, Menlo Park El Camino Real Downtown Specific Plan preparation fee, or other fee(s) in excess of that percentage reduction shall apply for the requested reduction or waiver, which shall be subject to a discretionary review and approval process. The City Council shall be the final decision maker regarding any such request.
- (j) Incentives and fee waivers granted pursuant to this section shall not be combined with any incentives or fee waivers granted pursuant to the State Density Bonus Law (Government Code 65915 et seq.)

#### **Section 16.98.070 Continued affordability.**

Prior to issuance of any building permit, the applicant shall execute an agreement with the City in a form acceptable to the City Attorney ensuring the continued affordability of the affordable units for a period of not less than 55 years and compliance with the City's Below Market Rate Housing Program Guidelines. This content may be part of a Below Market Housing Agreement.

#### **Section 16.98.080 Additional provisions.**

Development Projects approved pursuant to this chapter shall adhere to the following provisions:

- (a) Review of projects under this Chapter 16.98 shall occur concurrently with review of any other entitlements required for the project.

- (b) The affordable units must be constructed concurrently with market-rate units and shall be integrated into the project and be comparable in construction quality and exterior design to any market rate units.
- (c) The number of bedrooms in the affordable units shall be consistent with the mix of market rate units. Applicants may elect to include a higher percentage of units with more bedrooms.
- (d) The affordable units shall also comply with the City’s Below Market Rate Housing Program Guidelines.

**Section 4.** 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 5.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 6.** 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.

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INTRODUCED on the twenty-eighth day of November, 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 \_\_, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Jen Wolosin, Mayor

ATTEST:

\_\_\_\_\_  
Judi A. Herren, City Clerk

## ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING AND RENAMING CHAPTER 16.40 (C-2-B, NEIGHBORHOOD  
MIXED USE DISTRICT, RESTRICTIVE) TO C-MU, NEIGHBORHOOD MIXED  
USE, AND REZONING C-1-A, ~~C-2-S~~, C-2-A, C-2-B, C-4, AND CERTAIN C-2  
AND P PARCELS TO C-MU TO IMPLEMENT HOUSING ELEMENT PROGRAM  
H4.I AND CREATE NEW OPPORTUNITIES FOR MIXED-USE DEVELOPMENT**

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, previously, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and among those was a strategy to modify the city's retail/commercial zoning districts to allow for residential uses and other potential development standards to encourage the production of mixed-use developments; and

WHEREAS, the adopted Housing Element includes Policy H4.4, Mixed-Use Housing, to encourage well-designed residential mixed-use developments where residential use is appropriate to the setting, and proximate to transit and other services, within certain existing non-residential zoning districts; and

WHEREAS, the adopted Housing Element includes Policy H4.5, Redevelopment of Commercial Shopping Areas and Sites, to encourage housing development in conjunction with the redevelopment of commercial shopping areas and sites; and

WHEREAS, the adopted Housing Element includes Program H4.I, Create New Opportunities for Mixed-Use Development, to adopt Zoning Ordinance amendments (and other related actions) to allow only residential uses and/or mixed-use developments with a density of up to 30 dwelling units per acre in existing non-residential zones; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, a strategy was identified to consolidate and rezone the properties in ~~seven-six~~ existing districts (C-1-A, ~~C-2-S~~, C-2-A, C-2-B, C-4, and certain C-2 and P properties) identified in Exhibit A-2 into a single C-MU (Neighborhood Mixed Use) zoning district (Exhibit A), and the Zoning Ordinance text amendments and rezoning would allow the development of residential uses with a density of up to 30 dwelling units per acre and/or neighborhood-serving retail and commercial uses typically on smaller parcels along Willow Road, Middlefield Road, and neighborhood collector streets, consistent with Housing Element Program H4.I; and

WHEREAS, the rezoning of properties identified in Exhibit A-2 is consistent with the General Plan land use designation of Commercial; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023 to review and consider amendments to the General Plan Land Use Element, amendments to Title 16 of the Menlo Park Municipal Code, and subsequent zoning map amendments (“rezonings”), and adopted Planning Commission Resolution No. 2023-\_\_\_ recommending that the City Council adopt the amendments, where all interested persons had the opportunity to appear and comment; and

WHEREAS, after due consideration of the proposed amendments to Title 16 and the rezoning of certain properties, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed amendments and rezoning of properties as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Repeal.

Chapter 16.32 – C-1-A Administrative and Professional District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

~~**Section 3.** Repeal.~~

~~Chapter 16.37 – C-2-S Neighborhood Commercial District, Special of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.~~

**Section 43.** Repeal.

Chapter 16.39 – C-2-A Neighborhood Shopping District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

**Section 54.** Repeal.

Chapter 16.42 – C-4 General Commercial District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby repealed in its entirety.

**Section 65.** Amendment.

Chapter 16.40 – C-2-B Neighborhood Mixed Use District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby renamed C-MU Neighborhood Mixed Use and amended to read as indicated in Exhibit A.

**Section 76.** Zoning map amendment.

The zoning map of the City of Menlo Park is hereby amended such that certain real properties as identified in Exhibit A-2 are rezoned to the C-MU (Neighborhood Mixed Use) zoning district;

**Section 137.** 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 148.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 159.** 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.

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INTRODUCED on the twenty-eighth day of November, 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 \_\_\_, 2023, by the following votes:

AYES:

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ABSTAIN:

APPROVED:

\_\_\_\_\_  
Jen Wolosin, Mayor

ATTEST:

\_\_\_\_\_  
Judi A. Herren, City Clerk

Exhibits

A. Amendments to Chapter 16.40 – C-2-B Neighborhood Mixed Use District

A-2. C-MU Rezoning Map

**Proposed Zoning Ordinance Text Amendments to Chapter 16.40 of Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Chapter 16.40 – C-2-B Neighborhood Mixed Use District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby renamed and amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

**Chapter 16.40**

**~~C-2-BC-MU~~ NEIGHBORHOOD MIXED USE DISTRICT, ~~RESTRICTIVE~~**

**16.40.010 Permitted uses.**

Permitted uses in the ~~C-2-BC-MU~~ district, all within a building and intended to serve the neighborhood and limited to the hours between eight (8) a.m. and eight (8) p.m., including loading and unloading of any kind, are as follows:

- (1) Retail services;
- (2) Personal services;
- (3) Cafes and restaurants, excluding ~~(A) fast food restaurants, (BA) drive-in~~through restaurants, ~~(CB)~~ restaurants serving beer, wine or alcoholic beverages, and ~~(DC)~~ restaurants providing live music or entertainment;
- (44) Multiple dwellings. (Ord. 1027 § 3 (part), 2016: Ord. 936 § 3 (part), 2005: Ord. 766 § 3 (part), 1988).

**16.40.015 Administratively permitted uses.**

Uses allowed in the ~~C-2-BC-MU~~ district, subject to obtaining an administrative permit, are as follows:

- (1) Financial services;
- (2) Professional offices;
- ~~(3) All of the specified uses in this chapter between the hours of eight (8) p.m. and eight (8) a.m., or when not intended to serve the neighborhood. (Ord. 1027 § 3 (part), 2016: Ord. 936 § 3 (part), 2005).~~
- (3) Outdoor seating;
- (4) Live music or entertainment.

**16.40.020 Conditional uses.**

Conditional uses allowed in the ~~C-2-BC-MU~~ district, subject to obtaining a use permit, are as follows:

- (1) Service stations, with or without car wash and/or mini-mart;
- (2) Automotive repair with service station;
- (3) Mortuaries;
- (4) Convalescent homes;
- ~~(5) Mini warehouse storage;~~
- (5) Child day care center;
- (6) Cafes and restaurants serving beer, wine, or alcoholic beverages ~~and/or provides live music or entertainment;~~

~~(7) Cafes and restaurants, financial services, or retail services uses with a drive-through, limited to one drive-through establishment for each of the following sites (a) and (b):  
 (a) San Mateo County Assessor's Parcel Number 055-395-090;  
 (b) San Mateo County Assessor's Parcel Number 055-398-270 or 055-398-280;~~

~~(7877)~~ Public utilities in accordance with Chapter 16.76;

~~(8988)~~ Special uses in accordance with Chapter 16.78. (Ord. 1027 § 3 (part), 2016; Ord. 936 § 3 (part), 2005; Ord. 850 § 7 (part), 1993; Ord. 766 § 3 (part), 1988).

#### 16.40.030 Development regulations.

Development regulations in the ~~C-2-BC-MU~~ district are as follows:

- (1) Minimum district size: twenty-five thousand (25,000) square feet;
- (2) Minimum lot area: none, except that the cumulative lot area of all property within the ~~C-2-BC-MU~~ district shall be no less than twenty-five thousand (25,000) square feet;
- (3) Minimum lot dimensions: none;
- (4) Required minimum yards: front, ten (10) feet; side, none; corner side, ten (10) feet, rear, none; except when abutting a residential district where a twenty (20) foot yard shall be provided;
- (5) Land covered by all structures shall not exceed sixty percent (60%) of a building site;
- (6) Not less than ten percent (10%) of a building site shall be occupied by ~~appropriate~~ landscaping;
- (7) Height of structures shall not exceed thirty (30) feet. For a mixed residential and nonresidential development, the maximum building height shall not exceed forty (40) feet;
- (8) In the case of conditional uses, additional regulations may be required by the planning commission;
- ~~(9) Nonresidential uses are a required component of any development in the C-MU district, except for sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households, which are subject to the provisions of Section 16.08.105;~~
- ~~(910)~~ The floor area ratio for nonresidential uses shall not exceed forty percent (40%), except that fifty percent (50%) may be allowed with use permit approval and a minimum lot size of twenty thousand (20,000) square feet;
- ~~(4011)~~ The maximum density is thirty (30) dwelling units per acre (du/ac) is thirty (30) du/ac;
- ~~(4412)~~ The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- ~~(4213)~~ In a mixed residential and commercial development, the combined maximum floor area ratio shall not exceed one hundred ~~ten percent (400% 110%)~~. The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections ~~(910)~~ and ~~(4412)~~ of this section;
- ~~(14)~~ In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (12), the combined maximum floor area ratio is one hundred-forty percent (140%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (10) and (12) of this section;
- ~~(4315)~~ Development in the ~~C-2-BC-MU~~ district shall meet the following parking requirements:
  - (a) Parking shall not be located in any required yard adjacent to a street.

Land Use	Minimum Spaces (Per Unit or 1,000 Sq. Ft.)	Maximum Spaces (Per Unit or 1,000 Sq. Ft.)	Minimum Bicycle Parking <sup>1</sup>
Residential units	1 per unit	1.5 per unit	1.5 long-term <sup>2</sup> per unit; 10% additional short-term <sup>2</sup> for guests
Office	2	3	1 per 5,000 sq.ft. of gross floor area Minimum 2 spaces for office and research development: 80% for long-term <sup>2</sup> and 20% for short-term <sup>2</sup> For all other commercial uses: 20% for long-term <sup>2</sup> and 80% for short-term <sup>2</sup>
Research and development	4.5	2.5	
Retail	2.5	3.3	
Financial services	2	3.3	
Eating and drinking establishment	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Other	At transportation manager discretion	At transportation manager discretion	At transportation manager discretion

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

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

- (b) The electric vehicle charging spaces requirements in Section 16.72.010 apply. (Ord. 1050 § 7, 2018: Ord. 1027 § 3 (part), 2016: Ord. 766 § 3 (part), 1988).
- (c) Parking facilities may be shared at the discretion of the city's transportation manager if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on site or within a reasonable distance. The shared parking supply would be subject to review and approval based on the proposed uses, specific design and site conditions. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities at the discretion of the transportation manager.

**16.40.040 Residential design standards.**

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable

design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

(1) Building Setbacks and Projections within Setbacks.

- (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
- (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
- (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

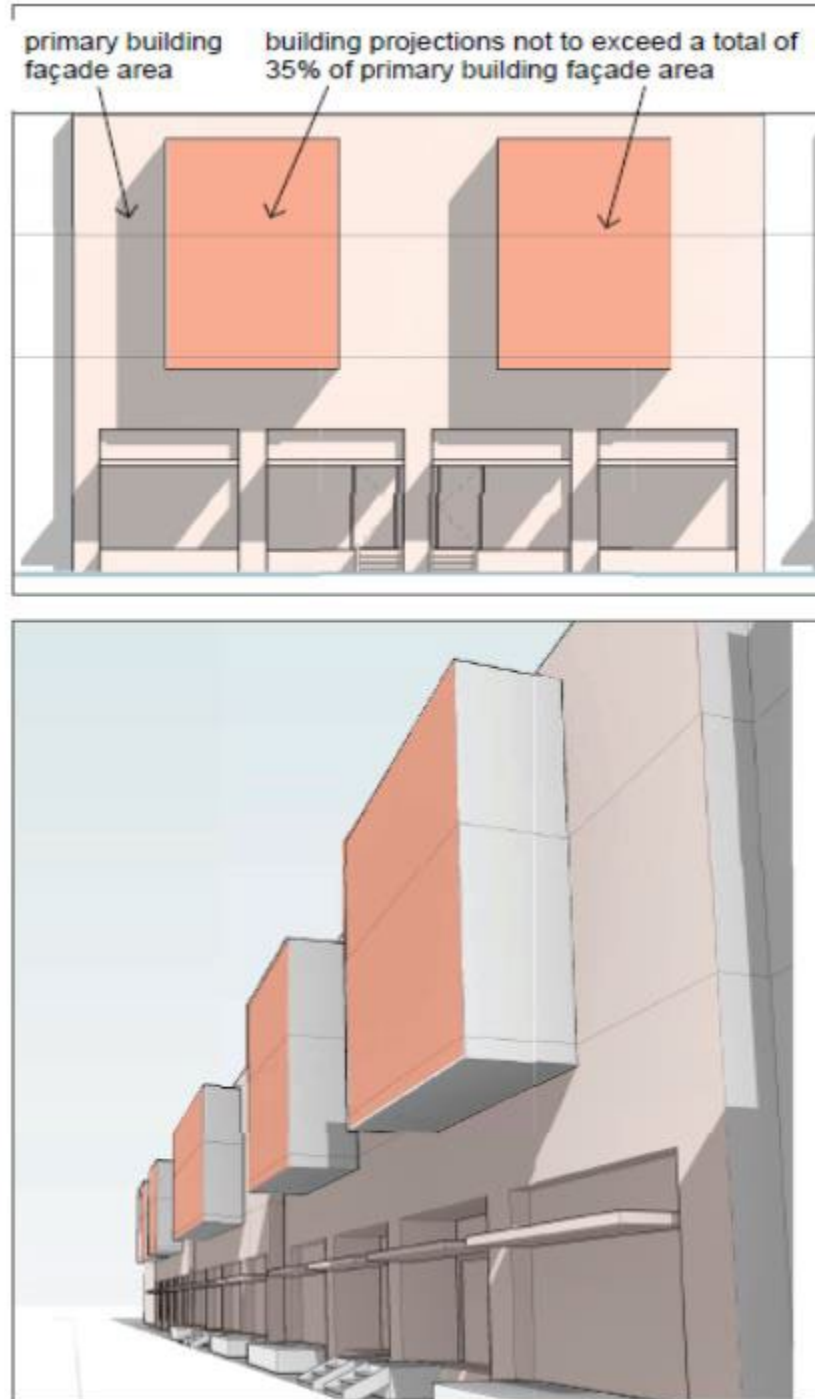


Figure 1

(2) Facade Modulation and Treatment.

- (A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

- (B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.
- (C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.
- (3) Building Profile.
- (A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.
- (C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.40.040(1). (See Figure 2.)

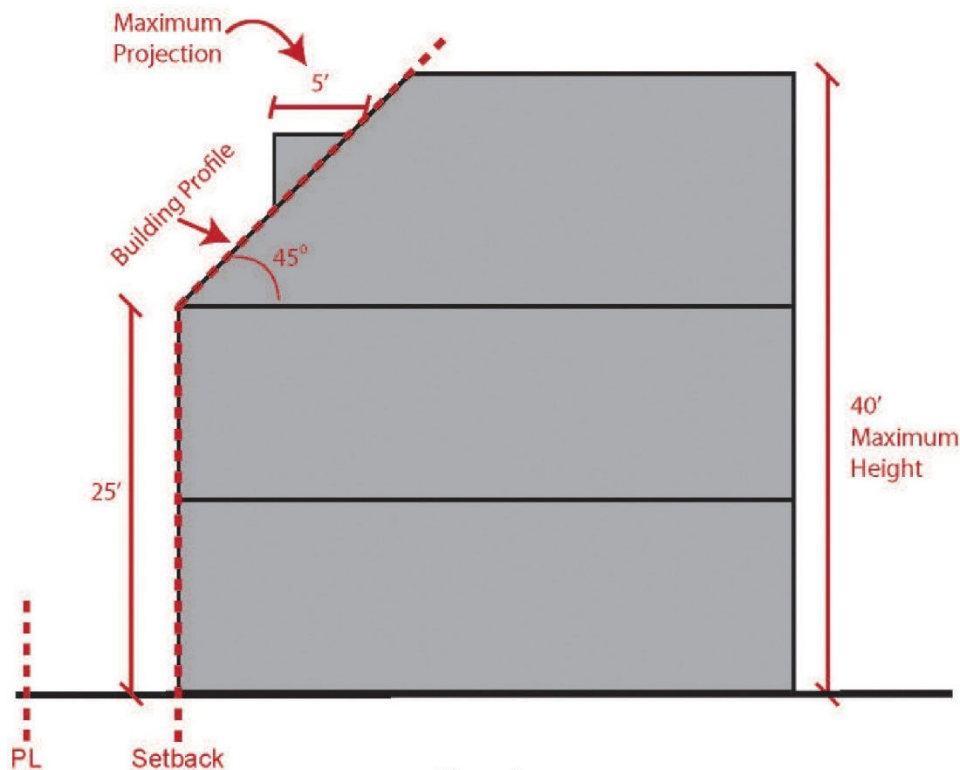


Figure 2

- (D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.
- (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.

- (4) Height.
- (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.
- (A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
  - (B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.
- (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.
- (A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).



- (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).
- (8) Access and Parking.
  - (A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.
  - (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
  - (C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
  - (D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
  - (E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
  - (F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.
- (9) Lighting.
  - (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
  - (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

#### **16.40.050 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

- (1) Green Building.
  - (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.40.050(1)(B).
- (2) Energy.
  - (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:
    - (i) On-site energy generation;
    - (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
    - (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
    - (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.40.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

**TABLE 16.40.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS**

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size <sup>3</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>3</sup>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.40.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.40.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the

building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.40.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.40.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be

approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

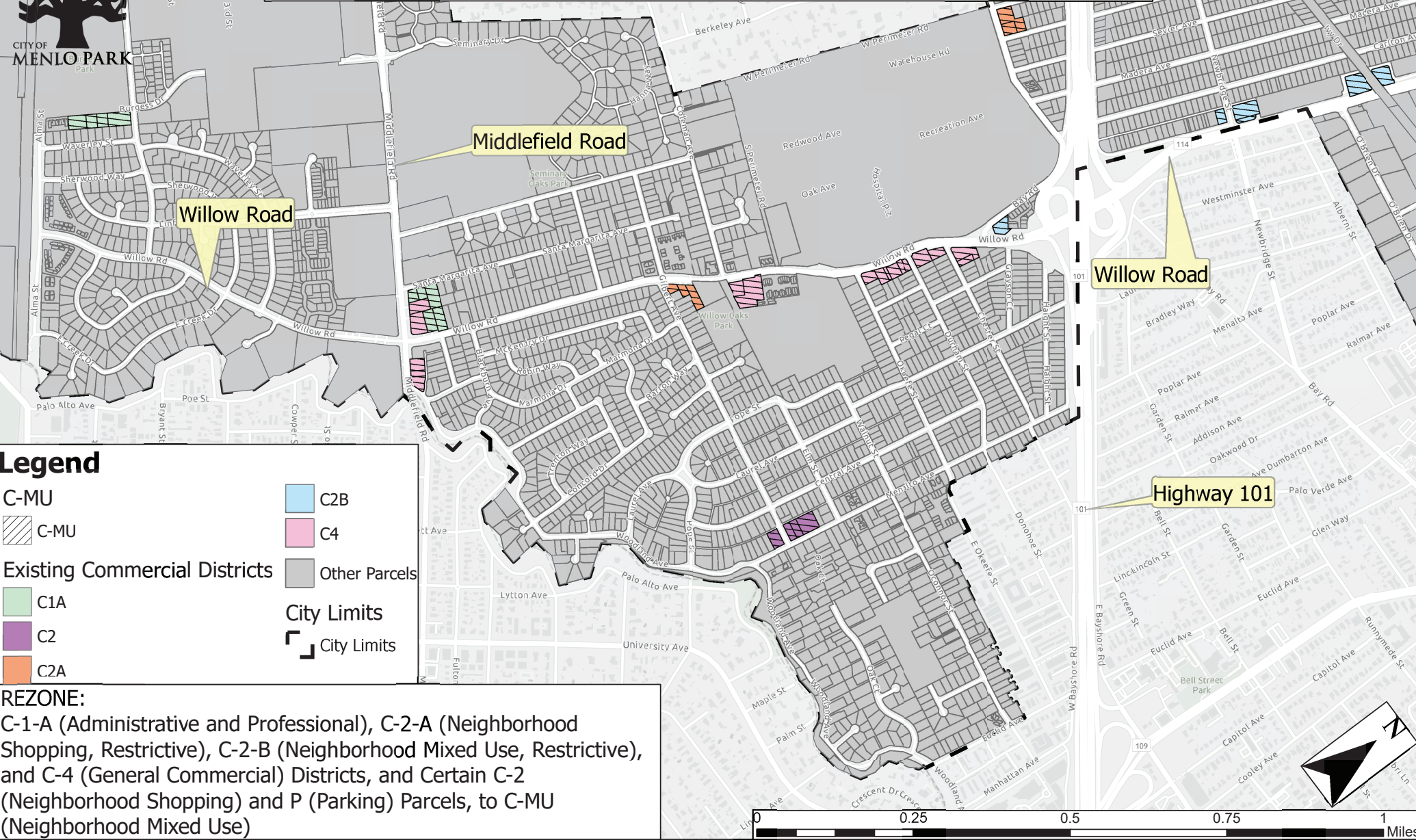
(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

# 6th Cycle Housing Element Zoning Ordinance Amendment Proposed C-MU Zoned Properties



**Legend**

- C-MU (diagonal lines)
- Existing Commercial Districts:
  - C1A (green)
  - C2 (purple)
  - C2A (orange)
- Other Parcels (grey)
- City Limits (black line)
- City Limits (corner symbol)
- C2B (light blue)
- C4 (pink)

**REZONE:**  
 C-1-A (Administrative and Professional), C-2-A (Neighborhood Shopping, Restrictive), C-2-B (Neighborhood Mixed Use, Restrictive), and C-4 (General Commercial) Districts, and Certain C-2 (Neighborhood Shopping) and P (Parking) Parcels, to C-MU (Neighborhood Mixed Use)

**ORDINANCE NO. XXXX****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTERS 16.30 (C-1, ADMINISTRATIVE AND PROFESSIONAL DISTRICT, RESTRICTIVE), 16.36 (C-1-C, ADMINISTRATIVE, PROFESSIONAL AND RESEARCH DISTRICT, RESTRICTIVE), 16.38 (C-2, NEIGHBORHOOD SHOPPING DISTRICT), AND 16.43 (O, OFFICE DISTRICT) OF THE MUNICIPAL CODE; AND AMENDING ASSOCIATED ZONING ORDINANCE CHAPTERS FOR CONSISTENCY WITH THE ZONING CHANGES TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.I AND CREATE NEW OPPORTUNITIES FOR MIXED-USE DEVELOPMENT**

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, previously, on December 8, 2021, the City Council conducted a public meeting and reviewed and recommended potential land use strategies for the Housing Element, and among those was a strategy to modify the city's retail/commercial zoning districts to allow for residential uses and other potential development standards to encourage the production of mixed-use developments; and

WHEREAS, the adopted Housing Element includes Policy H4.4, Mixed-Use Housing, to encourage well-designed residential mixed-use developments where residential use is appropriate to the setting, and proximate to transit and other services, within certain existing non-residential zoning districts; and

WHEREAS, the adopted Housing Element includes Policy H4.5, Redevelopment of Commercial Shopping Areas and Sites, to encourage housing development in conjunction with the redevelopment of commercial shopping areas and sites; and

WHEREAS, the adopted Housing Element includes Program H4.I, Create New Opportunities for Mixed-Use Development, to adopt Zoning Ordinance amendments (and other related actions) to allow only residential uses and/or mixed-use developments with a density of up to 30 dwelling units per acre in existing non-residential zones; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.I; and

WHEREAS, an approach was identified to amend the Zoning Ordinance to allow the development of residential uses with a density of up to 30 dwelling units per acre in four existing zoning districts (C-1, C-1-C, C-2, and on certain O parcels) generally on larger sites and/or in office parks typically along Sand Hill Road and within the area bounded by Marsh Road,

Bohannon Drive, and Scott Drive, consistent with Housing Element Program H4.I and as identified in Exhibits A, B, C, and D; and

WHEREAS, the amendments to the various districts in the Zoning Ordinance to implement Program H4.I would also result in a need to amend Chapters 16.02 (General Provisions), 16.08 (Districts Established—General Regulations), 16.72 (Off-Street Parking), and 16.80 (Nonconforming Uses and Buildings) of the Municipal Code to ensure that new development complies with mitigation monitoring requirements from the Housing Element Update Subsequent Environmental Impact Report (SEIR), to regulate parking for residential uses, to exempt existing development from nonconformities that may directly result from zoning changes, and to ensure consistency throughout the Municipal Code as indicated in Exhibit E; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023 to review and consider amendments to the General Plan Land Use Element, amendments to Title 16 of the Menlo Park Municipal Code, and subsequent zoning map amendments (“rezonings”), and adopted Planning Commission Resolution No. 2023-\_\_\_ recommending that the City Council adopt the amendments, where all interested persons had the opportunity to appear and comment; and

WHEREAS, after due consideration of the proposed amendments to Title 16 and the rezoning of certain properties, public comments, the Planning Commission’s recommendation, and the staff report, the City Council finds that the proposed amendments and rezoning of properties as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 82.** Amendment.

Chapter 16.30 – C-1 Administrative and Professional District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit BA.

**Section 93.** Amendment.

Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit CB.

**Section 104.** Amendment.

Chapter 16.38 – C-2 Neighborhood Shopping District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit DC.

**Section 115.** Amendment.

Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as indicated in Exhibit ED.

**Section 126.** Amendments.

Chapter 16.02 – General Provisions, Chapter 16.08 – Districts Established—General Regulations, Chapter 16.72 – Off-Street Parking, and Chapter 16.80 – Nonconforming Uses and Buildings of Title 16 – Zoning of the City of Menlo Park Municipal Code are hereby amended to read as indicated in Exhibit FE.

**Section 137.** 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 148.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 159.** 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.

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INTRODUCED on the twenty-eighth day of November, 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 \_\_\_, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Jen Wolosin, Mayor

ATTEST:

---

Judi A. Herren, City Clerk

Exhibits

- A. Amendments to Chapter 16.30 – C-1 Administrative and Professional District, Restrictive
- B. Amendments to Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive
- C. Amendments to Chapter 16.38 – C-2 Neighborhood Shopping District
- D. Amendments to Chapter 16.43 – O Office District
- E. Amendments to Chapters 16.02, 16.08, 16.72, and 16.80

## **Proposed Zoning Ordinance Text Amendments to Chapter 16.30 of Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Chapter 16.30 – C-1 Administrative and Professional District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

### **16.30.010 Permitted uses.**

There are no permitted uses in the C-1 district. (Prior code § 30.412(A)).

### **16.30.020 Conditional uses.**

Conditional uses allowed in the C-1 district, subject to obtaining a use permit are as follows:

- (1) Professional, executive and administrative offices;
- (2) Research facilities;
- (3) Multiple dwellings;
- ~~(34)~~ Public utilities in accordance with Chapter 16.76;
- (45) Special uses in accordance with Chapter 16.78. (Ord. 850 § 4, 1993; Prior code § 30.412(B)).

### **16.30.030 Development regulations.**

Development regulations in the C-1 district are as follows:

- (1) Minimum lot area: two (2) acres;
- (2) Minimum lot dimensions: one hundred fifty (150) feet width and depth;
- (3) Required minimum yards: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side;
- (4) ~~For a nonresidential development, land covered by all structures shall not exceed forty percent (40%) of a building site. For a one hundred percent (100%) residential development, land covered by all structures shall not exceed fifty percent (50%) of a building site. For a development with mixed nonresidential and residential uses, land covered by all structures shall not exceed fifty-five percent (55%) of a building site;~~
- (5) For a development with mixed nonresidential and residential uses or a one hundred percent (100%) residential development, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, including landscaping;
- ~~(56)~~ Height of nonresidential structures shall not exceed thirty-five (35) feet. Height of mixed nonresidential and residential structures or residential structures shall not exceed forty (40) feet;
- ~~(67)~~ In the case of conditional uses, additional regulations may be required by the planning commission;
- ~~(8)~~ Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;
- ~~(79)~~ ~~For a nonresidential development, the floor area ratio shall not exceed thirty percent (30%);~~
- (10) The maximum density is thirty (30) dwelling units per acre (du/ac);

- (11) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- (12) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (11), the combined maximum floor area ratio is one hundred-twenty percent (120%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (9) and (11) of this section (Ord. 863 § 4, 1994; Ord. 739 § 2 (part), 1986; Prior code § 30.412(C)).

**16.30.040 Residential design standards.**

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Building Setbacks and Projections within Setbacks.
- (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
- (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
- (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

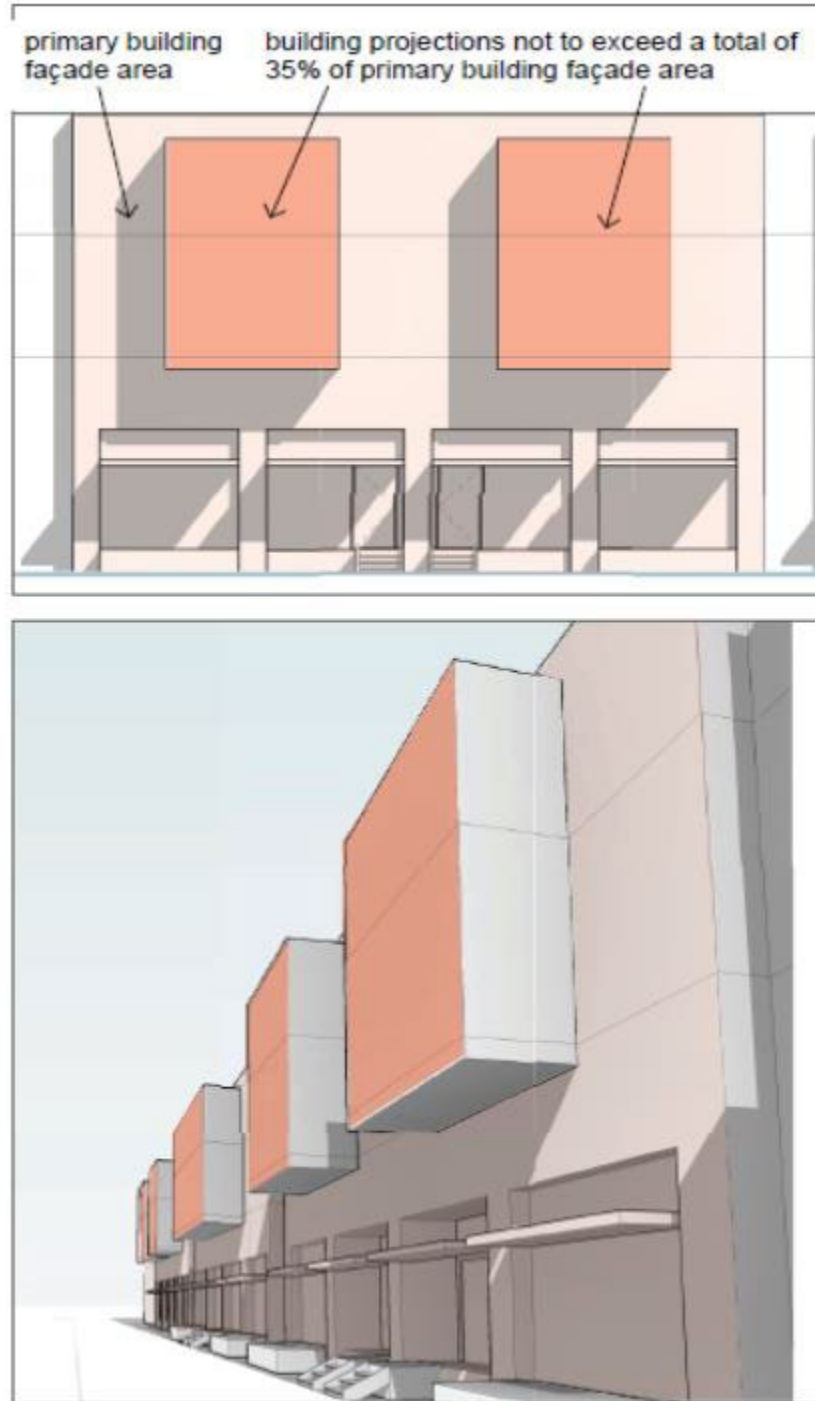


Figure 1

(2) Facade Modulation and Treatment.

- (A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

- (B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.
- (C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.
- (3) Building Profile.
  - (A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.
  - (C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.30.040(1). (See Figure 2.)

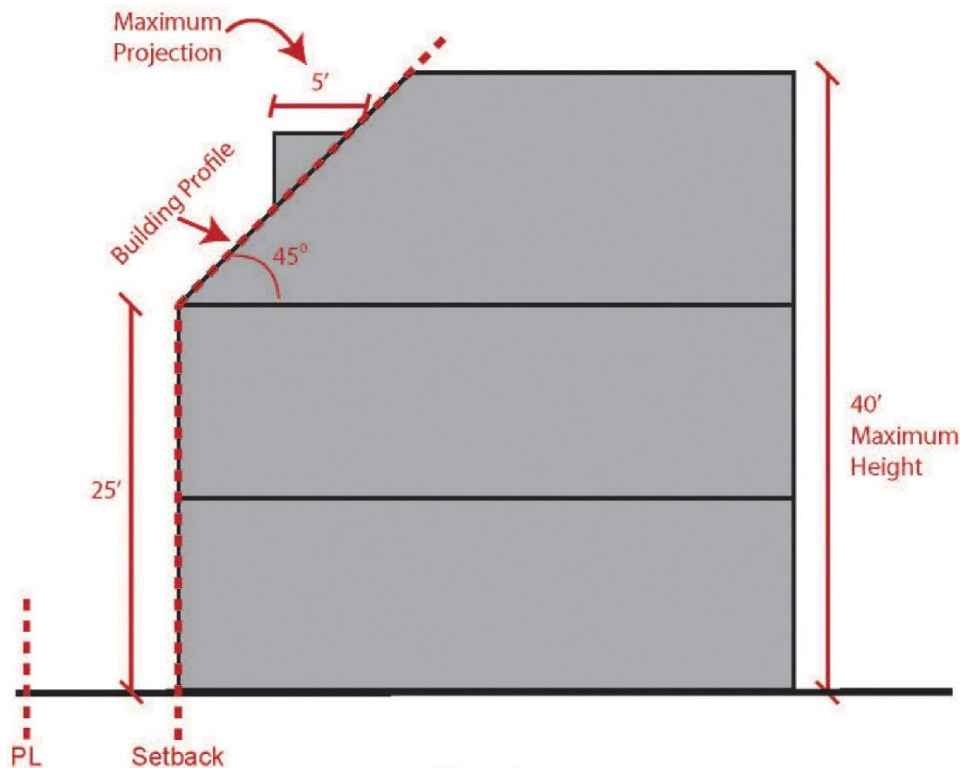


Figure 2

- (D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.
  - (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.
- (4) Height.

- (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.
- (A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
  - (B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.
- (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.
- (A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

- (A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.
- (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
- (C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
- (D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
- (E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
- (F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

- (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
- (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

**16.30.050 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

- (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.30.050(1)(B).

(2) Energy.

- (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:
  - (i) On-site energy generation;
  - (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
  - (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
  - (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Table 16.30.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

**TABLE 16.30.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS**

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size <sup>3</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>3</sup>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.30.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.30.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the



building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.30.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.30.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be

approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

## Proposed Zoning Ordinance Text Amendments to Chapter 16.36 of Title 16 of the City of Menlo Park Municipal Code

**Section 1.** Chapter 16.36 – C-1-C Administrative, Professional and Research District, Restrictive of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

### 16.36.010 Permitted uses.

There are no permitted uses in the C-1-C district. (Prior code § 30.415(A)).

### 16.36.020 Conditional uses.

Conditional uses allowed in the ~~C-1-C~~ GC-1-C district, subject to obtaining a use permit, are as follows:

- (1) Professional, administrative, and executive offices;
- (2) Research and development facilities;
- (3) Multiple dwellings;
- ~~(34)~~ Convalescent homes;
- (45) Public utilities in accordance with Chapter 16.76;
- ~~(56)~~ Special uses in accordance with Chapter 16.78. (Ord. 850 § 6 (part), 1993; Prior code § 30.415(B)).

### 16.36.030 Development regulations.

Development regulations in the C-1-C district are as follows:

- (1) Minimum lot area: three (3) acres;
- (2) Minimum lot dimensions: two hundred (200) feet width and depth;
- (3) Required minimum yards for nonresidential structures: seventy-five (75) feet front; seventy-five (75) feet rear when abutting a residential district, otherwise forty (40) feet; interior side thirty (30) feet; corner side seventy-five (75) feet;
- ~~(4)~~ Required minimum yards for mixed nonresidential and residential structures or residential structures: thirty (30) feet front; twenty (20) feet rear; twenty (20) feet side;
- (45) ~~For a nonresidential development, land covered by all structures shall not exceed twenty percent (20%) of a building site; For a one hundred percent (100%) residential development, land covered by all structures shall not exceed fifty percent (50%) of a building site. For a development with mixed nonresidential and residential uses, land covered by all structures shall not exceed fifty-five percent (55%) of a building site;~~
- ~~(56)~~ For a nonresidential development, not less than thirty percent (30%) of a building site shall be occupied by appropriate landscaping. For a development with mixed nonresidential and residential uses or a one hundred percent (100%) residential development, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, including landscaping;
- ~~(67)~~ Height of nonresidential structures shall not exceed thirty-five (35) feet; Height of mixed nonresidential and residential structures or residential structures shall not exceed forty (40) feet;
- ~~(78)~~ In the case of conditional uses, additional regulations may be required by the planning commission;

- (9) Development on sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;
- (§10) The floor area ratio for a nonresidential development shall not exceed twenty-five percent (25%);
- (11) The maximum density is thirty (30) dwelling units per acre (du/ac);
- (12) The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac;
- (13) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (12), the combined maximum floor area ratio is one hundred-fifteen percent (115%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per subsections (10) and (12) of this section (Ord. 739 § 2 (part), 1986; Prior code § 30.415(C)).

### **16.36.040 Residential design standards.**

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Building Setbacks and Projections within Setbacks.
  - (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
  - (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
  - (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

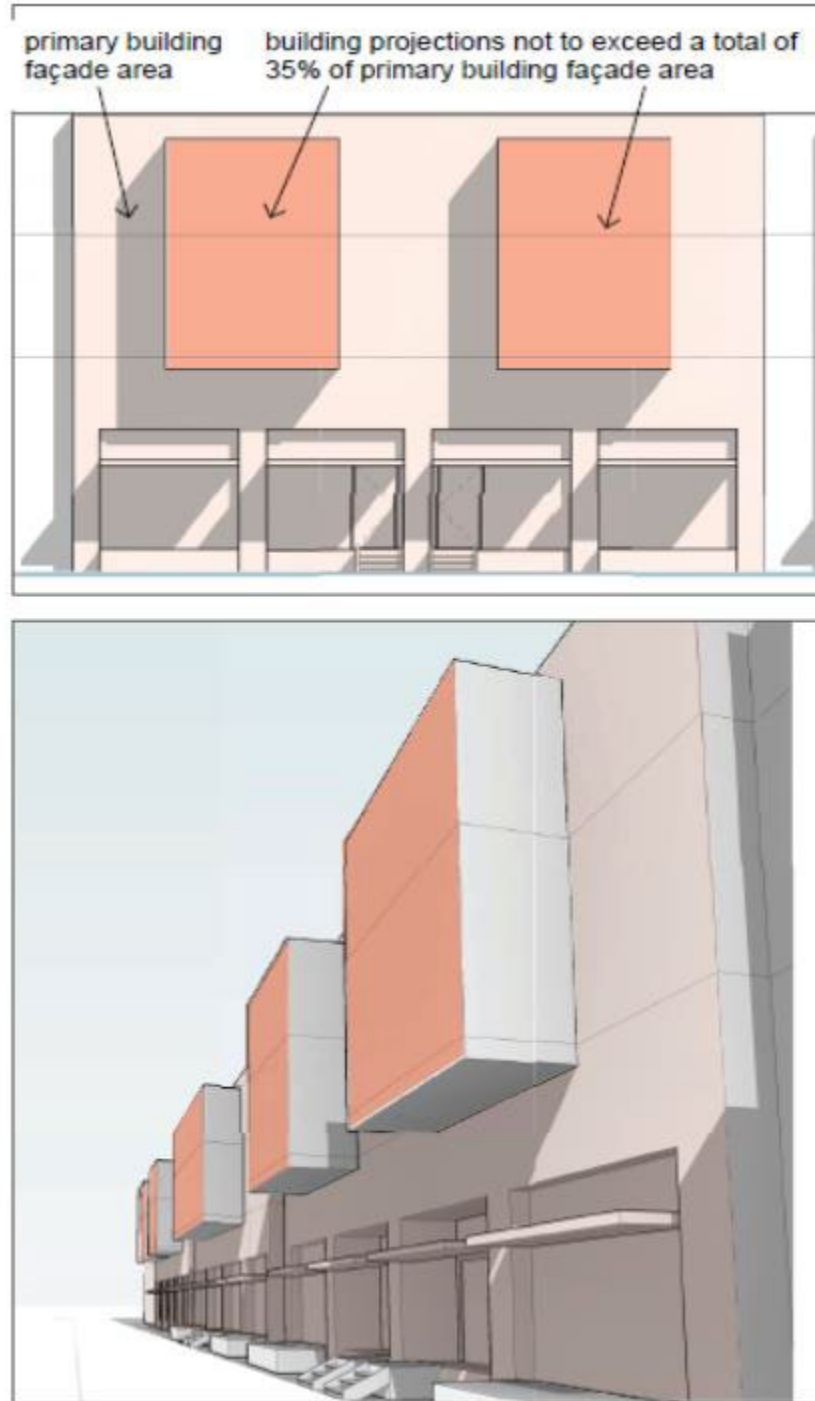


Figure 1

(2) Facade Modulation and Treatment.

- (A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

- (B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.
- (C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.
- (3) Building Profile.
  - (A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.
  - (C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.36.040(1). (See Figure 2.)

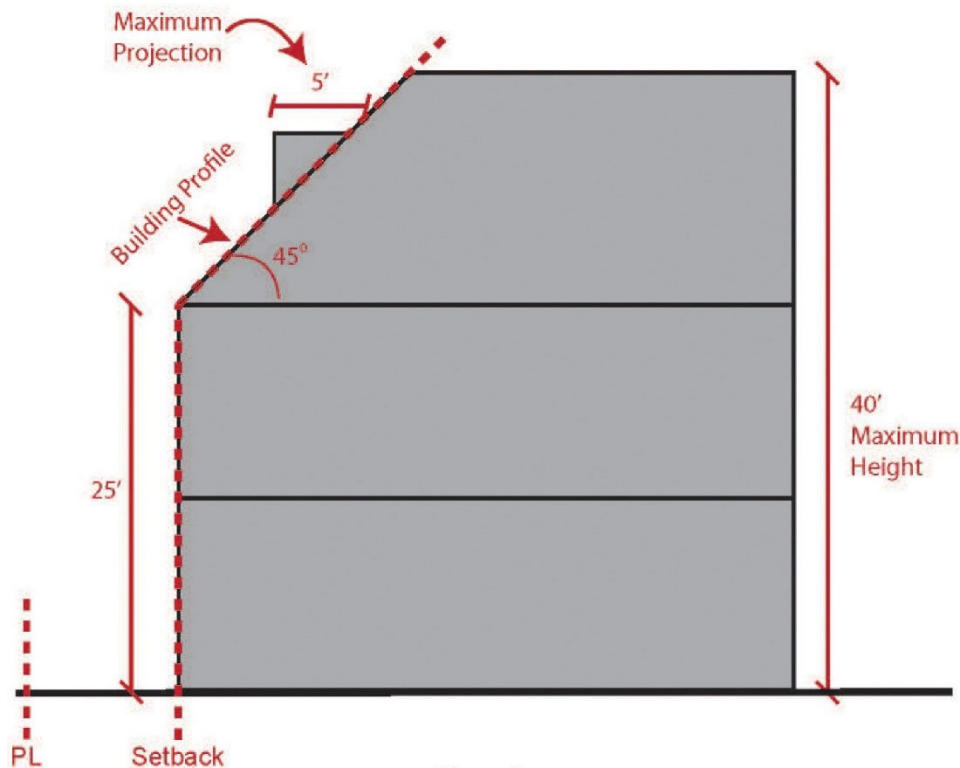


Figure 2

- (D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.
  - (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.
- (4) Height.

- (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.
- (A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
  - (B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.
- (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.
- (A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

- (A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.
- (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
- (C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
- (D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
- (E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
- (F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

- (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
- (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

**16.30.050 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

- (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.36.050(1)(B).

(2) Energy.

- (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:
  - (i) On-site energy generation;
  - (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
  - (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
  - (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.



If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Table 16.36.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

**TABLE 16.36.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS**

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size <sup>3</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>3</sup>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.36.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.36.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant

must complete all applicable LEED certification documents prior to approval of the final inspection for the building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.36.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.36.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

(3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source

assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.

(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

## **Proposed Zoning Ordinance Text Amendments to Chapter 16.38 of Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Chapter 16.38 – C-2 Neighborhood Shopping District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

### **16.38.010 Permitted uses.**

Permitted uses in the C-2 district, all within buildings, intended primarily to serve the immediate neighborhood, are as follows:

- (1) Retail services such as food, drugs, apparel, hardware, variety, restaurant;
- (2) Financial services such as bank, realty;
- (3) Professional services such as medical, dental, legal;
- (4) Personal services such as barber, beauty, launderette, dry cleaning, shoe repair. (Prior code § 30.416(A)).

### **16.38.020 Conditional Uses.**

Conditional uses allowed in the C-2 district, subject to obtaining a use permit, are as follows:

- (1) Multiple dwellings, consistent with Section 16.38.050;
- ~~(4)~~ Service stations;
- ~~(2)~~ Special outside events such as sales and displays;
- ~~(3)~~ Public utilities in accordance with Chapter 16.76;
- ~~(4)~~ Special uses in accordance with Chapter 16.78. (Ord. 850 § 7 (part), 1993; Ord. 643(b), 1979; Prior code § 30.416(B)).

### **16.38.030 Development regulations, general.**

Development regulations that apply to any development in the C-2 district are as follows:

- (1) Minimum lot area: three (3) acres;
- (2) Minimum lot dimensions: two hundred (200) feet width and depth;
- (3) Required minimum yards: fifteen (15) feet front; twenty (20) feet rear; twenty (20) feet side;

### **16.38.040 Development regulations, nonresidential.**

Additional development regulations for a nonresidential development in the C-2 district are as follows:

- ~~(4)~~ Land cover by all structures shall not exceed fifty percent (50%) of a building site;
- ~~(5)~~ Not less than ten percent (10%) of a building site shall be occupied by ~~appropriate~~ landscaping;
- ~~(6)~~ Height of nonresidential structures shall not exceed fifteen (15) feet within seventy-five (75) feet of any residential district, otherwise thirty (30) feet;
- ~~(7)~~ In the case of conditional uses, additional regulations may be required by the planning commission;
- ~~(8)~~ The floor area ratio shall not exceed forty percent (40%). (Ord. 739 § 2 (part), 1986; Prior code § 30.416(C)).

**16.38.050 Development regulations, residential mixed use.**

An entire site may be developed with multiple dwellings within separate or mixed nonresidential and residential structures. For a mixed nonresidential and residential development, additional development regulations are as follows:

- (1) Land cover by all structures shall not exceed sixty percent (60%) of a building site;
- (2) Upon comprehensive redevelopment of a property, not less than twenty-five percent (25%) of a building site shall be occupied by open space as defined in Section 16.04.500, inclusive of common open space and private open space required per Section 16.38.060(7);
- (3) Height of mixed nonresidential and residential structures or residential structures shall not exceed sixty (60) feet;
- (4) An equivalent amount of nonresidential gross floor area that existed in the previous development on the site shall be maintained for nonresidential uses, unless a different amount is allowed through a use permit from the planning commission;
- (4) In the case of conditional uses, additional regulations may be required by the planning commission;
- (5) Development on any of the sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105;
- (6) The maximum density is sixty (60) dwelling units per acre (du/ac);
- (7) The floor area ratio for multiple dwelling units shall increase on an even gradient up to one hundred fifty percent (150%) for sixty (60) du/ac. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than sixty (60) du/ac;
- (8) In a mixed nonresidential and residential development that provides the maximum number of dwelling units per subsection (6), the combined maximum floor area ratio is one hundred ninety percent (190%). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed per Section 16.38.040(5) and subsection (6) of this section.

**16.38.060 Residential design standards.**

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Building Setbacks and Projections within Setbacks.
  - (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
  - (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
  - (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are

located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

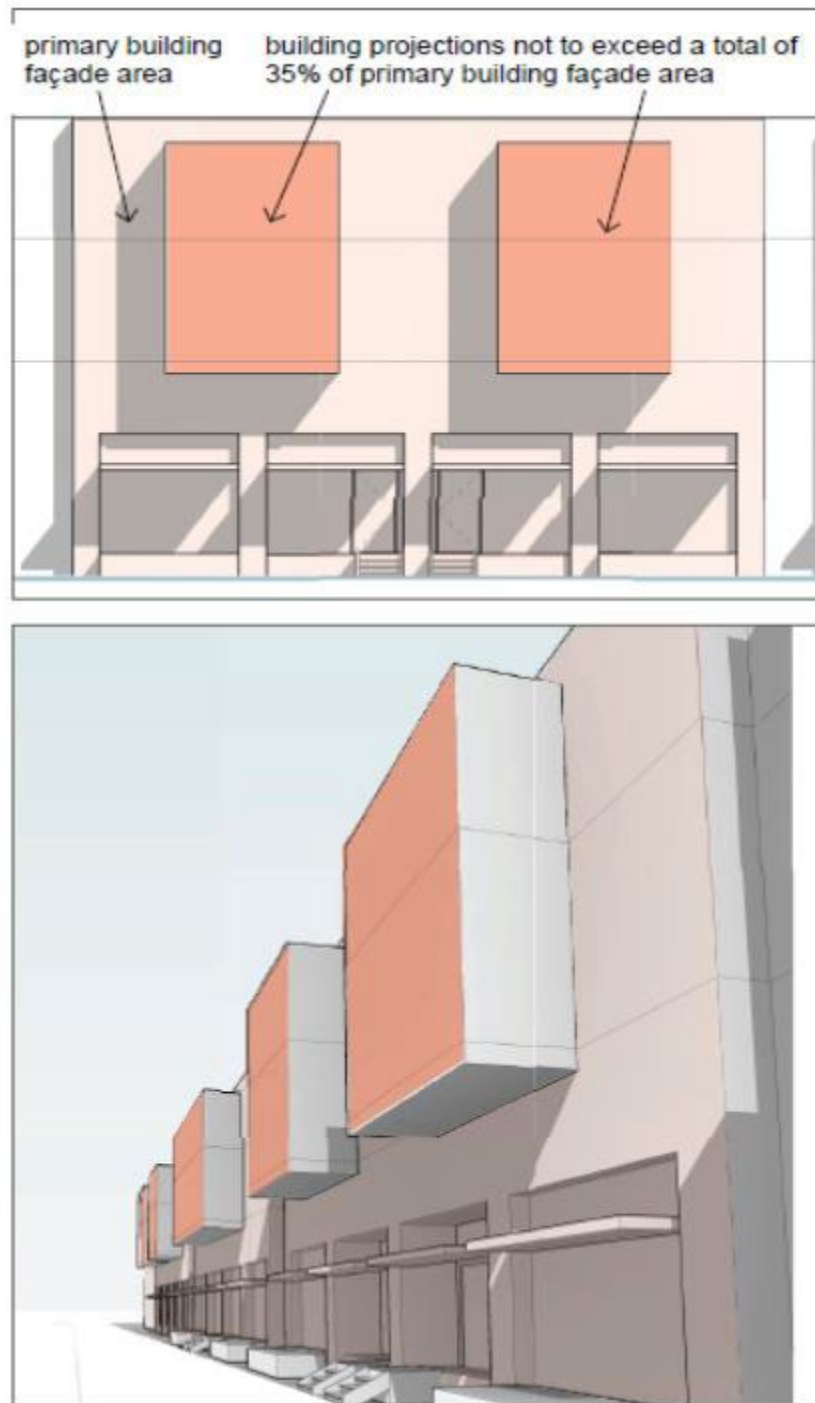


Figure 1

(2) Facade Modulation and Treatment.

(A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade

modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

(B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.

(C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.

(3) Building Profile.

(A) Starting at a height of thirty-seven and one half (37 1/2) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.

(C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.38.060(1). (See Figure 2.)

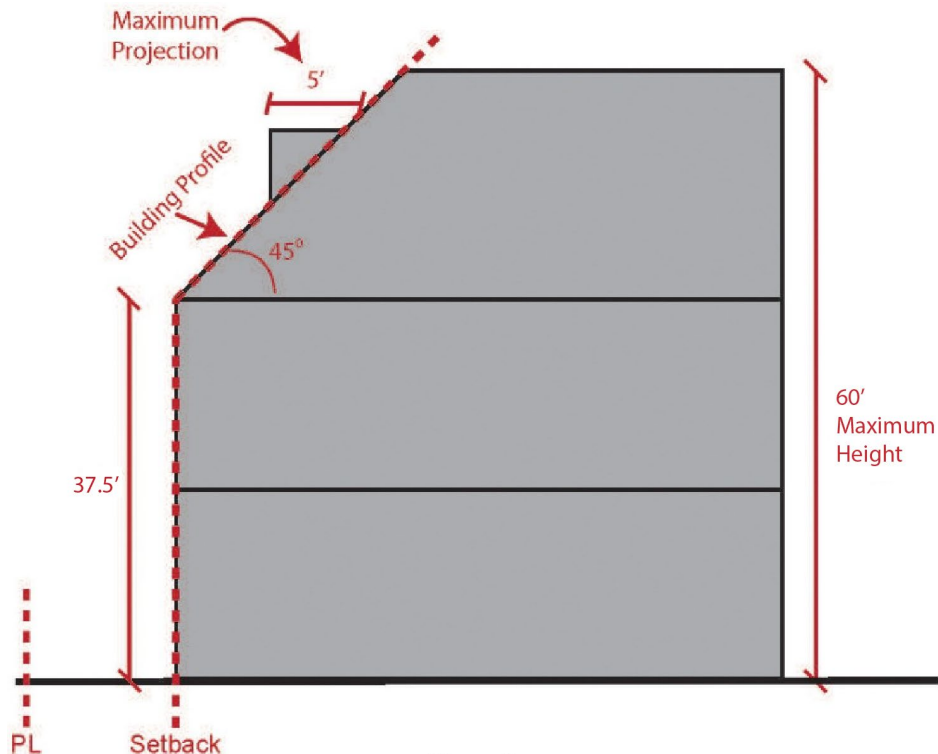


Figure 2

(D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.

- (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.
- (4) Height.

  - (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.

  - (A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
  - (B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.

  - (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.

  - (A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:

    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).



- (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).
- (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

- (A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.
- (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
- (C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
- (D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
- (E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
- (F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

- (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
- (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

**16.38.070 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

- (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.38.070(1)(B).

(2) Energy.

- (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:

- (i) On-site energy generation;
- (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
- (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
- (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.38.070(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

**TABLE 16.38.070(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS**

<b>Green Building Requirement</b>	<b>NEW CONSTRUCTION</b>			<b>ADDITIONS AND/OR ALTERATIONS</b>		
	<b>10,000 sq. ft.— 25,000 sq. ft.</b>	<b>25,001 sq. ft.— 100,000 sq. ft.</b>	<b>100,001 sq. ft. and above</b>	<b>1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size</b>	<b>10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size<sup>3</sup></b>	<b>25,001 sq. ft. and above of conditioned area, volume or size<sup>3</sup></b>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.38.070(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.38.070(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					

**TABLE 16.38.070(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS**

<b>Green Building Requirement</b>	<b>NEW CONSTRUCTION</b>			<b>ADDITIONS AND/OR ALTERATIONS</b>		
	<b>10,000 sq. ft.— 25,000 sq. ft.</b>	<b>25,001 sq. ft.— 100,000 sq. ft.</b>	<b>100,001 sq. ft. and above</b>	<b>1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size</b>	<b>10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size<sup>3</sup></b>	<b>25,001 sq. ft. and above of conditioned area, volume or size<sup>3</sup></b>
<b>Energy Reporting</b>	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

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

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.38.070(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.38.070(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

**(3) Water Use Efficiency and Recycled Water.**

- (A) Single pass cooling systems shall be prohibited in all new buildings.
- (B) All new buildings shall be built and maintained without the use of well water.
- (C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to

compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

- (C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.
- (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.
- (E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- (F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- (G) Use of rodenticides shall not be allowed.
- (H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

**Proposed Zoning Ordinance Text Amendments to Chapter 16.43 of Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Section 16.43.010 – Purpose of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.43.010 Purpose.**

The purpose and intent of the office district is to:

- (1) Accommodate large-scale administrative and professional office development;
- (2) Allow retail and service uses at administrative and professional office sites and nearby;
- (3) Provide opportunities for quality employment and development of emerging technology, entrepreneurship, and innovation;
- (4) Facilitate the creation of a "live/work/play" environment with goods, ~~and services,~~ and housing that support adjacent neighborhoods and the employment base;
- (5) Accommodate light industrial and research and development uses that do not pose hazards to or disrupt adjacent businesses or neighborhoods. (Ord. 1024 § 3 (part), 2016).

**Section 2.** Section 16.43.040 – Conditional uses of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.43.040 Conditional uses.**

Conditional uses allowed in the office district, subject to obtaining a use permit per Chapter 16.82, are as follows:

- (1) Administrative and professional offices and accessory uses, greater than two hundred fifty thousand (250,000) square feet of gross floor area;
- (2) Hotel, in a location not specifically shown on the adopted city of Menlo Park zoning map;
- (3) Eating establishments, including alcohol, and/or establishments that are portable;
- (4) Drinking establishments, including beer, wine and alcohol. For purposes of this chapter, a drinking establishment is a business serving beverages for consumption on the premises as a primary use;
- (5) Retail sales establishments, including the sale of beer, wine and alcohol;
- (6) Movie theater;
- (7) Automobile dealership, provided that all vehicles for sale or being serviced are contained entirely in enclosed buildings;
- (8) Recreational facilities, privately operated, greater than twenty thousand (20,000) square feet of gross floor area;
- (9) Special uses, in accordance with Chapter 16.78;
- (10) Uses identified in Sections 16.43.020, 16.43.030, and 16.43.040 proposing bonus level development, in accordance with Section 16.43.060;
- (11) Corporate housing, in a location identified as O-CH on the adopted city of Menlo Park zoning map, in accordance with Section 16.43.080, or housing in accordance with Section 16.43.085;
- (12) Public utilities, in accordance with Chapter 16.76. (Ord. 1024 § 3 (part), 2016).

**Section 3.** Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.43.085 – Housing to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

**16.43.085 Housing.**

Housing may be allowed within the area bounded by Marsh Road, the Dumbarton spur railway line, Bohannon Drive, and Scott Drive, identified as O district on the adopted city of Menlo Park zoning map may include housing, subject to obtaining a use permit per Chapter 16.82 and the requirements of this section. Development on any of the sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households is subject to the provisions of Section 16.08.105. Unless otherwise stated in this section, housing is subject to the office district standards at the base level.

- (1) Density. Maximum thirty (30) dwelling units per acre.
- (2) Floor Area Ratio. The floor area ratio for multiple dwelling units shall increase on an even gradient up to ninety percent (90%) for thirty (30) dwelling units per acre (du/ac). The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed, even if less than thirty (30) du/ac.
  - (A) In a mixed use development including residential uses, the combined maximum floor area ratio shall not exceed one hundred percent (135%) (plus 10% commercial). The maximum nonresidential and residential floor area ratios for each component shall not exceed the maximum allowed in Section 16.43.050 and Section 16.43.085(2).
- (3) Height. Maximum height of forty (40) feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a ten (10) foot height increase.
- (4) Modulation.
  - (A) A minimum of one (1) recess of fifteen (15) feet wide by ten (10) feet deep per two hundred (200) feet of facade length is required on a building's facade from the ground level to the top of the building to provide visual variety, reduce large building volumes, and provide spaces for entryways and publicly accessible spaces.
  - (B) In addition, a minimum recess of five (5) feet wide by five (5) feet deep is required every fifty (50) feet of facade length, or building projections spaced no more than fifty (50) feet apart with a minimum of three (3) foot depth and five (5) foot width may satisfy this requirement.
  - (C) Parking is not allowed in these recesses.
- (5) Open Space. Residential developments must provide a minimum amount of open space equal to twenty-five percent (25%) of the total lot area and shall have common and private open spaces.
  - (A) One hundred (100) square feet of open space per unit shall be created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet;
  - (B) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) square feet total, minimum);
    - (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) square feet total, minimum).

(6) Connections. Entrances to housing must connect to on-site pedestrian/bicycle pathways and to the public right-of-way to provide safe and easy nonvehicular means of travel.

**Section 4.** Section 16.43.090 – Parking standards of Chapter 16.43 – O Office District of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Development in the office district shall meet the following parking requirements:

Land Use	Minimum Spaces (Per 1,000 Sq. Ft.)	Maximum Spaces (Per 1,000 Sq. Ft.)	Minimum Bicycle Parking <sup>1</sup>
Office	2	3	1 per 5,000 sq. ft. of gross floor area; minimum 2 spaces  For office and research development: 80% for long-term <sup>2</sup> and 20% for short-term <sup>2</sup>  For all other commercial uses: 20% for long-term <sup>2</sup> and 80% for short-term <sup>2</sup>
Light industrial, research and development	1.5	2.5	
Retail	2.5	3.3	
Banks and financial institutions	2	3.3	
Eating and drinking establishments	2.5	3.3	
Personal services	2	3.3	
Private recreation	2	3.3	
Child care center	2	3.3	
Hotel	0.75 spaces per guest room	1.1 spaces per guest room	
<u>Residential units</u>	<u>1 per unit</u>	<u>1.5 per unit</u>	
Public parking lot or structure			1 space per 20 vehicle spaces
Other	At transportation manager's discretion	At transportation manager's discretion	At transportation manager's discretion

<sup>1</sup> See Section 16.43.130(7) and the latest edition of best practice design standards in Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

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



**Proposed Zoning Ordinance Text Amendments to Chapters 16.02, 16.08, 16.72, and 16.80 of Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Section 16.02.070 – Mitigation monitoring of Chapter 16.02 – General Provisions of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.02.070 Mitigation monitoring.**

All development, as applicable, including ministerially reviewed development seeking a building permit, shall comply with the Mitigation Monitoring and Report Program (MMRP) established through Resolution No. 6356, associated with the environmental impact report prepared for the ConnectMenlo General Plan and M-2 Area Zoning Update, adopted on the 29th day of November 2016, and the MMRP established through Resolution No. 6808, associated with the subsequent environmental impact report prepared for the Housing Element Update project, adopted on the 31st day of January 2023.

**Section 2.** Section 16.08.010 – Districts established—Designated of Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.08.010 Districts established—Designated.**

There are established several districts into which the city is divided and which are designated as follows:

R-E	Residential Estate District
R-E-S	Residential Estate Suburban District
R-1-S	Single Family Suburban Residential District
R-1-S(FG)	Single Family Suburban Residential District (Felton Gables)
R-1-U	Single Family Urban Residential District
R-2	Low Density Apartment District
R-3	Apartment District
R-3-A	Garden Apartment Residential District
R-3-C	Apartment—Office District
R-4	High Density Residential District
R-4-S	High Density Residential District, Special
R-L-U	Retirement Living Units District
C-1	Administrative and Professional District, Restrictive

<del>C-1-A</del>	<del>Administrative and Professional District</del>
C-1-C	Administrative, Professional and Research District, Restrictive
C-2-S	Neighborhood Commercial District, Special
C-2	Neighborhood Shopping District
<del>C-2-A</del>	<del>Neighborhood Shopping District, Restrictive</del>
<del>C-2-</del> <u>BMU</u>	<del>Neighborhood Commercial District, Restrictive</del>
<del>C-4</del>	<del>General Commercial District</del>
<u>LS</u>	<u>Life Sciences</u>
M-2	General Industrial District
M-3	Commercial Business Park
<u>O</u>	<u>Office</u>
OSC	Open Space and Conservation District
P-F	Public Facilities District
<u>R-MU</u>	<u>Residential Mixed Use</u>
FP	Flood Plain District
P	Parking District
H	Historic Site District
X	Conditional Development District
AAGP	Allied Arts Guild Preservation District
SP- ECR/D	El Camino Real/Downtown Specific Plan
AHO	Affordable Housing Overlay

(Ord. 999 §§ 3, 4, 2013; Ord. 979 § 2, 2012; Ord. 969 § 1, 2010; Ord. 919 § 1, 2003; Ord. 903 § 2, 2001; Ord. 869 § 2, 1995; Amended during 3/93 supplement; Ord. 766 § 1, 1988; Ord. 555 (part), 1973; Prior code § 30.301).

**Section 3.** Section 16.08.060 – Increase in building height in C-3, C-4 and M-2 districts of Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

**16.08.060 Increase in building height in ~~C-3, C-4 and M-2~~ districts.**

Subject to obtaining a conditional development permit as provided in this title, any building in at the ~~C-3, C-4, or M-2~~ district may be erected to a height exceeding that specified for such districts; provided:

- (1) ~~In C-3 districts, the minimum building site shall be twenty thousand (20,000) square feet.~~
- (2) ~~In C-4 and M-2 districts, t~~The minimum building site shall be one (1) acre.
- (3) Off-street parking, as required in this title, shall be provided on or adjacent to the building site. (Prior code § 30.505).

**Section 4.** Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.08.105 – 2023 to 2031 6th Cycle Housing Element opportunity sites to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**Section 16.08.105 2023 to 2031 6th Cycle Housing Element opportunity sites**

Opportunity sites identified in Appendix 7-1, Table B of the 2023 to 2031 6th Cycle Housing Element for very low and low income households are subject to the following provisions:

- (1) In mixed nonresidential and residential developments, residential uses shall be a minimum fifty percent (50%) of the total floor area ratio of the mixed use development;
- (2) One hundred percent (100%) residential development is allowed for the amount of developable acreage identified in Appendix 7-1, Table B of the Housing Element;
- (3) For housing developments in which at least twenty (20) percent of the units are affordable to extremely low, very low, and/or low income households, owner-occupied and rental multifamily residential development shall be ministerially reviewed, without discretionary review or hearing.

**Section 5.** Section 16.72.030 Professional district uses of Chapter 16.72 – Off-Street Parking of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.72.030 Professional district uses.**

Professional district uses are as follows:

- (1) ~~C-1 and C-1-A districts~~ nonresidential uses: One (1) space per two hundred (200) square feet of gross floor area, not in any required yard abutting a street;
- (2) C-1-C district nonresidential uses: One (1) space per two hundred fifty (250) square feet of gross floor area, not in any required yard abutting a street and not in the exterior one-half (1/2) of any required yard or loading area. (Ord. 979 § 8 (part), 2012; Ord. 897 § 2, 2000; Prior code § 30.520(B));
- (3) C-1 and C-1-C districts residential uses: one (1) space per dwelling unit minimum, one and one-half (1 1/2) spaces per dwelling unit maximum.

**Section 6.** Section 16.72.040 C-2, C-2-A, and C-4 district uses of Chapter 16.72 – Off-Street Parking of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.72.040 C-2, ~~C-2-A,~~ and C-4 district uses.**

C-2, ~~C-2-A~~, and C-4 district uses are as follows:

- (1) ~~Nonresidential uses: s~~Six (6) spaces per one thousand (1,000) square feet of gross floor area, not in any required yard or loading area;
- (2) ~~Residential uses: One (1) space per dwelling unit minimum, one and one-half (1 1/2) spaces per dwelling unit maximum.~~ (Ord. 1027 § 4, 2016; Ord. 979 § 8 (part), 2012; Ord. 769-A § 1, 1988; Ord. 579 Art. II, 1975: Prior code § 30.520(C)).

**Section 7.** Chapter 16.80 – Nonconforming Uses and Buildings of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to add a new Section 16.80.140 – Exemption from the C-MU district to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

**Section 16.80.140 Exemption from the C-MU district**

- (a) Properties within the C-MU district that are regulated by a use permit or conditional development permit (CDP) as of January \_\_\_\_, 2024 shall continue to be regulated by said permit(s). Such permit(s) shall lapse upon comprehensive redevelopment of the property, or property owners may apply to modify or cancel said permit(s) in accordance with the requirements of this title.
- (b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building that is nonconforming due to the development standards of the C-MU district, as specified in subsection (a) of this section.
- (c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building or office use is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the development standards of the C-MU district specified in subsection (a) of this section.

## ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTERS 16.20 (R-3), 16.22 (R-4), 16.23 (R-4-S), 16.24 (R-3-A), AND 16.26 (R-3-C) OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE AND AMENDING THE MENLO PARK ZONING MAP TO REZONE THE FORMER FLOOD SCHOOL PARCEL AT 320 SHERIDAN DRIVE (APN 055-303-110) FROM THE R-1-U ZONING DISTRICT TO THE R-3 ZONING DISTRICT TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.J, INCREASE RESIDENTIAL DEVELOPMENT DENSITY AND MAXIMIZE DEVELOPMENT PROPOSALS, AND DETERMINE THAT THE AMENDMENTS TO THE MUNICIPAL CODE AND ZONING MAP WERE CONSIDERED WITHIN THE HOUSING ELEMENT UPDATE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, Chapters 16.20, 16.22, 16.23, 16.24 and 16.26 of Title 16 of the Menlo Park Municipal Code establish development regulations for higher density housing permitted in the City of Menlo Park; and

WHEREAS, in 2021, the City began a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H4.2, Housing to Address Local Housing Needs, establishes that the City will strive to provide opportunities for new housing development to meet the City's share of its Regional Housing Needs Allocation (RHNA) and to provide an adequate supply and variety of housing opportunities to meet the needs of Menlo Park's workforce and special needs populations; and

WHEREAS, Housing Element Policy H4.3, Variety of Housing Choices, establishes that the City will strive to achieve a mix of housing types, densities, affordability levels, and designs distributed throughout the city; and

WHEREAS, Housing Element Program H4.J, Increase Residential Density and Maximize Development Proposals, states that the City will update the Zoning Ordinance to accommodate the City's RHNA and to increase development potential in the R-3 and R-4 zones (inclusive of the R-3-A, R-3-C, and R-4-S zoning districts); and

WHEREAS, the City Council held a study session on June 6, 2022 to provide feedback on the Housing Element Site Inventory and directed staff to include the former Flood School parcel at 320 Sheridan Drive (APN 055-303-110) as an opportunity site and to provide an increase in residential development density to a maximum of 20 dwelling units per acre; and

WHEREAS, the site at 320 Sheridan Drive (APN 055-303-110), identified in Exhibit A, is Site #38 within the Housing Element Site Inventory and is currently zoned R-1-U and rezoning the site to R-3 will increase potential for higher residential development density; and

WHEREAS, the Planning Commission held a study session on August 14, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown

Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss the proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.J; and

WHEREAS, amendments to the City of Menlo Park Municipal Code and zoning map are necessary to implement Housing Element Program H4.J; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Chapters 16.20, 16.22, 16.23, 16.24 and 16.26 of Title 16 of the Menlo Park Municipal Code and rezoning the former Flood School site at 320 Sheridan Drive (APN 055-303-110) from the R-1-U zoning district to the R-3 zoning district and adopted Planning Commission Resolution No. 2023-\_\_ recommending that the City Council adopt the Zoning Ordinance amendment, whereat all interested persons had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Amendment.

Chapter 16.20 – R-3 Apartment District, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**Chapter 16.20**

**R-3 APARTMENT DISTRICT**

**Sections:**

- 16.20.010 Permitted uses.**
- 16.20.020 Conditional uses.**
- 16.20.030 Development regulations.**
- 16.20.040 Mitigation monitoring.**

**16.20.010 Permitted uses.**

The following uses are permitted in the R-3 (apartment) district:

- (1) Single-family dwellings;
- (2) Duplexes;
- (3) Three (3) or more units on lots around the El Camino Real/Downtown Specific Plan Area;  
~~ten thousand (10,000) square feet or more;~~
- (4) Accessory buildings;

- (5) Accessory structures. (Ord. 1006 § 12, 2014; Ord. 995 § 2 (part), 2013; Ord. 555 Art. 1 (part), 1974; Prior code § 30.407 (A)).

**16.20.020 Conditional uses.**

Conditional uses allowed in the R-3 district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Three (3) or more dwelling units on lots outside of the area around the El Camino Real/Downtown Specific Plan Area; ~~ten thousand (10,000) square feet or more;~~
- (2) Public utilities in accordance with Chapter 16.76;
- (3) Private schools and churches in accordance with Chapter 16.78;
- (4) Child day care centers in accordance with Chapter 16.78;
- (5) Home occupations in accordance with Section 16.04.340;
- (6) Foster homes;
- (7) Boardinghouses;
- (8) Convalescent homes;
- (9) Senior day care facilities. (Ord. 995 § 2 (part), 2013; Ord. 850 § 3 (part), 1993; Ord. 591 § 2, 1976; Ord. 555 Art. 1 (part), 1974; Prior code § 30.407 (B)).

**16.20.030 Development regulations.**

Development regulations are as follows in the R-3 district:

**Table 1**

		<b>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</b>	<b>All R-3 Zoned Properties Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area<sup>1</sup></b>	
<b>Minimum Lot Area</b>		7,000 sq. ft.	<del>10,000 sq. ft.</del> 7,000 sq. ft.	
<b>Minimum Lot Dimensions</b>		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)	<del>80 ft. wide by 100 ft. deep 70 ft. wide by 100 ft. deep (lots &lt; 10,000 sq. ft. in area) 80 ft. wide by 100 ft. deep (lots ≥ 10,000 sf. ft. in area)</del>	
<b>Land Area Required Per Dwelling Unit</b>		See Table 2 below	Minimum	3,333 sq. ft.
			Maximum	1,452 sq. ft.
<b>Minimum Yards</b>	<b>Front</b>	15% of lot width; min. 20 ft.	20 ft.	
	<b>Interior Side</b>	10 ft.	10 ft.	
	<b>Corner Side</b>	15 ft.	15 ft.	
	<b>Rear</b>	15% of lot width; min. 15 ft.	15 ft.	
	<b>Distance between Main Buildings on Same Lot</b>	1/2 sum of the height of the buildings, 20 ft. min.	N/A	
	<b>Distance between Main Buildings Located on One Property and Adjacent Property</b>	20 ft.	N/A	

	<b>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</b>	<b>All R-3 Zoned Properties Lot Area of 10,000 Sq. Ft. or More for Property Around the El Camino Real/Downtown Specific Plan Area<sup>1</sup></b>	
<b>Maximum Floor Area Ratio</b>	45%	Floor area ratio shall decrease on an even gradient from 75% for 30 du/ac to 35% for 13.1 du/ac	
<b>Maximum Building Coverage</b>	<del>30%</del> <u>55%</u>	40% <u>55%</u>	
<b>Maximum Driveways and Open Parking Areas (Paving)<sup>2</sup></b>	20%	<del>35%</del> <u>20%</u>	
<b>Minimum Open Space (Landscaping)<sup>3</sup></b>	<del>50%</del> <u>25%</u>	<del>25%</del> <u>25%</u>	
<b>Height</b>	35 ft.	13.1 du/ac	35 ft.
		20 du/ac or greater	40 ft.
<b>Building Profile</b>	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.	
<b>Parking</b>	<u>No minimum parking requirements on development projects located within a half-mile radius of a major transit stop as required by AB 2097</u>		
	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	<u>1.5</u> <del>2</del> spaces
		Up to 1 bedroom per unit	<u>1.0</u> <del>4-5</del> spaces
		Each unit must have at least one covered space. Parking spaces cannot be located in the required front yard	
<u>Minimum Bicycle Parking: 1.5 long-term<sup>4</sup> per unit; 10 % additional short-term<sup>4</sup> for guests</u>	<u>Minimum Bicycle Parking: 1.5 long-term<sup>4</sup> per unit; 10 % additional short-term<sup>4</sup> for guests</u>		

<sup>1</sup> 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.

<sup>2</sup> 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.~~

<sup>3</sup> Minimum Open Space (Landscaping) may include both ground level improvements and other private or shared open space features (e.g., private decks and balconies, shared rooftop) which may satisfy up to 12.5% of the overall Minimum Open Space (Landscaping) requirement.

<sup>4</sup> Long-term parking is for use over several hours or overnight, typically used by employees and residents. Short-term parking is considered visitor parking for use from several minutes to up to a couple of hours.

**Table 2**

TOTAL LOT AREA	LAND AREA REQUIRED PER DWELLING UNIT
7,000—19,999 sq. ft.	3,333 sq. ft.
20,000—29,999 sq. ft.	3,100 sq. ft.



TOTAL LOT AREA	LAND AREA REQUIRED PER DWELLING UNIT
30,000—39,999 sq. ft.	2,900 sq. ft.
40,000—59,999 sq. ft.	2,700 sq. ft.
60,000—69,999 sq. ft.	2,600 sq. ft.
70,000—79,999 sq. ft.	2,500 sq. ft.
80,000—89,999 sq. ft.	2,400 sq. ft.
90,000—99,999 sq. ft. or more	2,350 sq. ft.
100,000 sq. ft. or more	2,178 sq. ft.

- (1) Notwithstanding the provisions of Table 1 herein, any given lot in excess of five thousand (5,000) square feet in area shall be permitted a minimum of two (2) units;
- (2) Any development containing twenty (20) or more units, or encompassing one (1) acre or more, may be expected to include a quantity of moderate and/or low cost units, ranging from five percent (5%) to twenty percent (20%) of the total units, depending on the specific development;
- (3) In the case of conditional uses, additional regulations may be required by the planning commission. (Ord. 995 § 2 (part), 2013; Ord. 786 § 4, 1988; Ord. 555 Art. 1 (part), 1974; Prior code § 40.507(C)).

**16.20.040 Residential design standards.**

Construction of any new building incorporating residential uses with three (3) or more units, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Building Setbacks and Projections within Setbacks.
  - (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
  - (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
  - (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

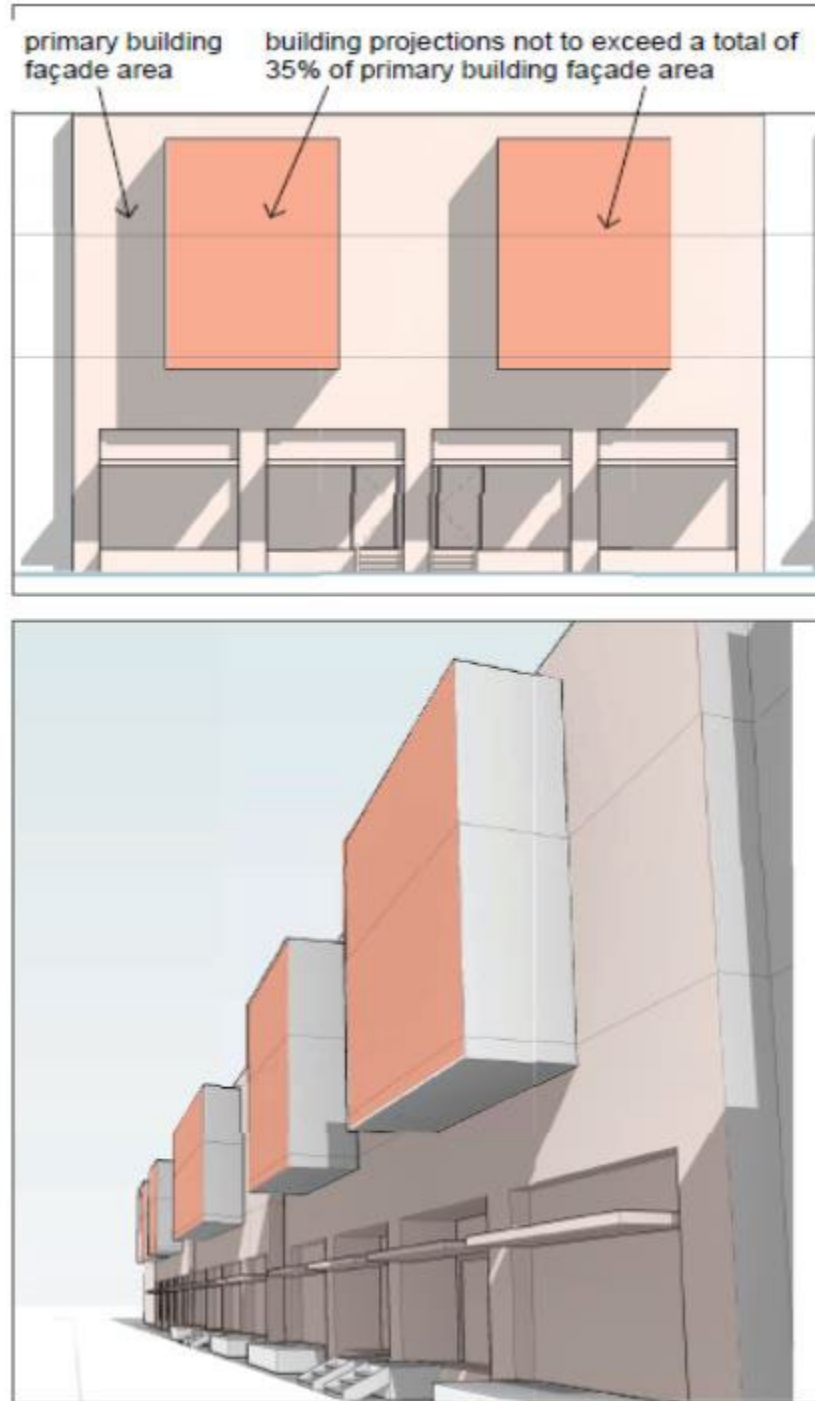


Figure 1

(2) Facade Modulation and Treatment.

- (A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

- (B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.
  - (C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.
- (3) Building Profile.
- (A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.
  - (C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.20.040(1). (See Figure 2.)

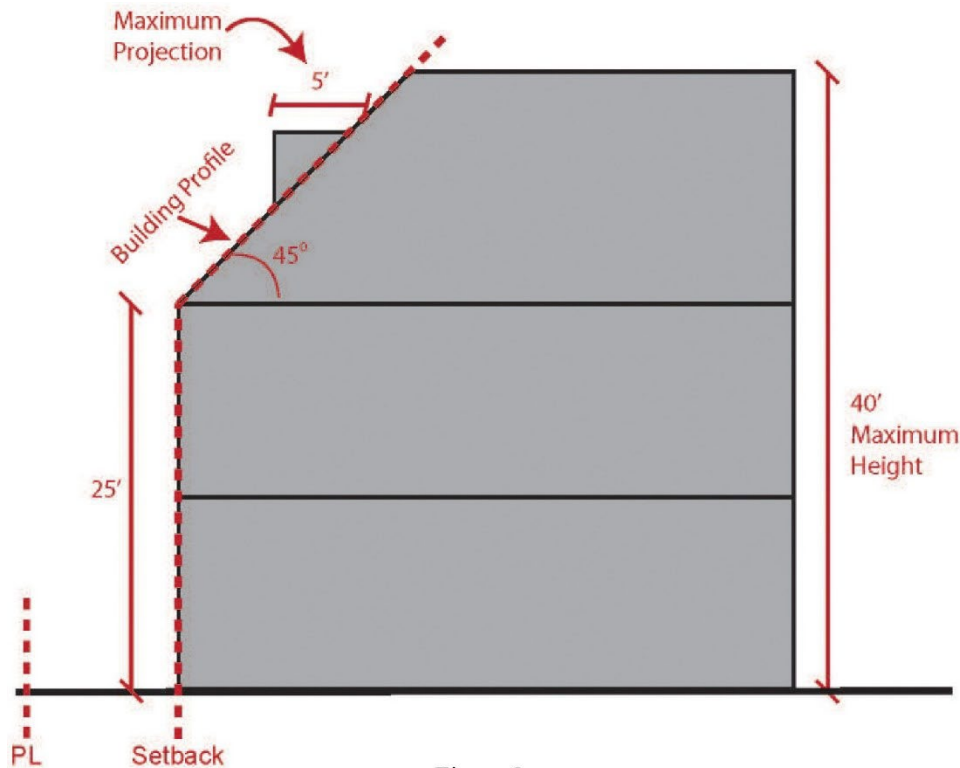


Figure 2

- (D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.
  - (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize materials and colors consistent with the design of the remainder of the building.
- (4) Height.

- (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.
- (A) All exterior stucco shall be completed in textures that are smooth, sanded, or fine-scraped. Heavy-figuring or rough cast stucco are not permitted.
  - (B) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (C) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (D) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.
- (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.
- (A) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (B) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

(iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).

(8) Access and Parking.

- (A) Shared entrances to parking for nonresidential and residential uses shall be used where possible.
- (B) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
- (C) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
- (D) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
- (E) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
- (F) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.

(9) Lighting.

- (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
- (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

**16.20.050 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses with three (3) or more units, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

(1) Green Building.

- (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.20.050(1)(B).

(2) Energy.

- (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:
  - (i) On-site energy generation;
  - (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
  - (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
  - (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.20.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.20.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size <sup>3</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>3</sup>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.20.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.20.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

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

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.20.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.20.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

### (3) Water Use Efficiency and Recycled Water.

(A) Single pass cooling systems shall be prohibited in all new buildings.

(B) All new buildings shall be built and maintained without the use of well water.

(C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.

(D) All new buildings shall be dual plumbed for the internal use of recycled water.

(E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not

available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

(F) Potable water shall not be used for dust control on construction projects.

(G) Potable water shall not be used for decorative features, unless the water recirculates.

(4) Waste Management.

(A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.

(5) Bird-Friendly Design.

(A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.

(B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.

(C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.

(D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.

(E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

(F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

(G) Use of rodenticides shall not be allowed.



(H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.

**16.20.060 Mitigation monitoring.**

All development ~~zoned R-3 on lots ten thousand (10,000) square feet or more and~~ located within the identified areas around the El Camino Real/Downtown Specific Plan area shall comply, at a minimum, with the Mitigation Monitoring and Report Programs (MMRP) established through ~~Resolution No. 6149 associated with the Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment prepared for the Housing Element adopted on May 21, 2013. (Ord. 995 § 2 (part), 2013).~~ the ConnectMenlo Program Environmental Impact Report (“ConnectMenlo EIR”) certified in November 2016 and the Housing Element Update Subsequent EIR (SCH #2015062054) (“SEIR”) certified in January 2023.

**Section 3. Amendment.** Chapter 16.22 – R-4 High Density Residential District, Section 16.22.040 – Development regulations, Subsection 16.22.040(4), of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

- (4) Land cover by all structures shall not exceed ~~forty~~ fifty-five percent (~~40%~~ 55%);

**Section 4. Amendment.** Chapter 16.23 – R-4-S High Density Residential District, Special, Section 16.23.050 – Development regulations, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

**16.23.050 Development regulations.**

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

		Regulation <sup>1</sup>	Notes
Minimum Lot Area		20,000 sf	
Minimum Lot Width		100 ft.	See Section 16.04.430 for definition.
Minimum Lot Depth		100 ft.	See Section 16.04.420 for definition.
Density	Minimum	20 du/ac	Densities may be increased with application of the State Density Bonus Law or Affordable Housing Overlay, if applicable
	Maximum	30 du/ac	
Minimum Yards	Front	10 ft.	See Section 16.04.720 for definition.
	Interior Side	10 ft., except may be reduced to 5 ft. abutting a private access easement	See Section 16.04.740 for definition.
	Corner Side	10 ft.	
	Rear	10 ft.	See Section 16.04.730 for definition.
Maximum Floor Area Ratio		Increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac	See Sections 16.04.315 and 16.04.325 for definitions.
Maximum Building Coverage		<del>40%</del> <u>55%</u>	See Section 16.04.120 for definition.
Minimum Open Space (Landscaping)		25%	See Section 16.04.500 for definition.

		Regulation <sup>1</sup>	Notes
Height	Maximum Building Height	40 ft.	See Section 16.04.330 for definition of height of structure.
Building Profile		Starting at a height of 25 feet, a 45-degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.	
Parking	Vehicular	2 spaces for units with 2 or more bedrooms; 1.5 spaces for 1 bedroom unit; 1 space per studio. Spaces cannot be located in required front yard setbacks or in tandem.	
	Electric Vehicle	The electric vehicle charging spaces requirements in Section 16.72.010 apply.	
	Bicycle	Long term—1 space per unit where a private garage (per unit) is not provided Short term (visitor)—1 space per every 10 units	

<sup>1</sup> A development regulation, except for floor area ratio and density, may be modified subject to a use permit established in Chapter 16.82. (Ord. 1050 § 6, 2018; Ord. 992 § 3 (part), 2013).

**Section 5.** Amendment.

Chapter 16.24 – R-3-A Garden Apartment Residential District, Section 16.24.030 – Development regulations, Subsection 16.24.030(5), of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

- (5) Land cover by all structures shall not exceed ~~thirty~~ fifty-five percent (~~30%~~ 55%) of building site;

**Section 6.** Amendment.

Chapter 16.26 – R-3-C Apartment—Office District, Section 16.26.010– Uses generally, of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~ text):

Permitted uses, conditional uses and development regulations are as specified in the R-3 district; provided that offices may be permitted subject to obtaining a use permit therefor, and further provided the ~~C-1-A~~ C-MU regulations shall be conformed to. ~~It is the intention in this district to permit apartments and offices but not on the same property or in the same building. (Ord. 555 Art. IV, 1974; Prior code § 30.410).~~

**Section 7.** Zoning Map Amendment.

The zoning map of the City of Menlo Park is hereby amended such that the former Flood School parcel at 320 Sheridan Drive (APN 055-303-110) as identified in Exhibit A is rezoned from R-1-U (Single Family Urban Residential) to the R-3 (Apartment) zoning district.

**Section 8.** 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 9.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 10.** 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.

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INTRODUCED on the twenty-eighth day of November, 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 \_\_\_, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Jen Wolosin, Mayor

ATTEST:

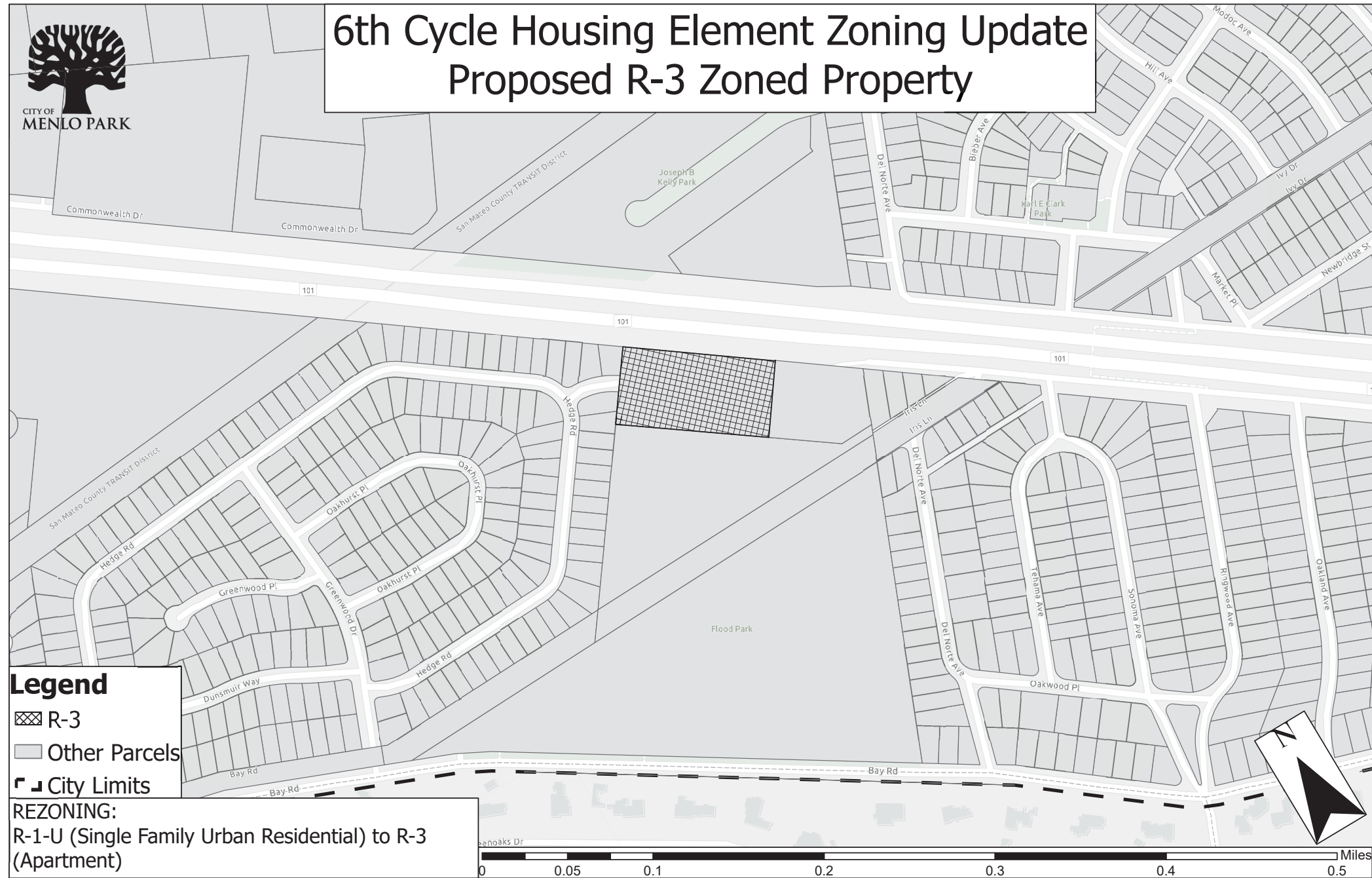
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Judi A. Herren, City Clerk

Exhibit  
A. Map of Zoning Change



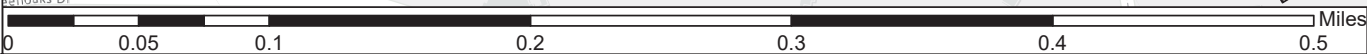
# 6th Cycle Housing Element Zoning Update Proposed R-3 Zoned Property



**Legend**

- R-3
- Other Parcels
- City Limits

**REZONING:**  
R-1-U (Single Family Urban Residential) to R-3 (Apartment)



## ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING CHAPTER 16.08 OF TITLE 16 OF THE MENLO PARK MUNICIPAL  
CODE TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.Q AND PERMIT  
RESIDENTIAL USES BY-RIGHT (MINISTERIAL REVIEW) FOR LOWER  
INCOME HOUSING INVENTORY SITES FROM PREVIOUS HOUSING  
ELEMENT CYCLES THAT HAVE NOT REDEVELOPED, PROVIDED A  
HOUSING DEVELOPMENT WOULD INCLUDE A MINIMUM OF TWENTY  
PERCENT OF UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS**

WHEREAS, Chapter 16.08 of Title 16 of the Menlo Park Municipal Code describes various general regulations related to the application of zoning and land use in the City of Menlo Park; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, California Government Code §65583.2(c) states that neither nonvacant sites identified in a prior Housing Element nor vacant sites that have been included in two or more consecutive planning periods may be deemed adequate to meet a city's housing need for lower income households in the current Housing Element planning period unless the site is zoned to accommodate a minimum density of 30 dwelling units per acre and the site is subject to a program in the Housing Element requiring rezoning to allow residential uses by right for housing developments in which at least 20 percent of the units are affordable to lower income households; and

WHEREAS, the City's 2023 to 2031 Housing Element includes five parcels (Exhibit A) as opportunity sites for lower income households that were previously within the site inventory from a prior Housing Element planning period, but have not yet developed with housing; and

WHEREAS, the five parcels are zoned to accommodate a minimum density of 30 dwelling units per acre; and

WHEREAS, Housing Element Policy H4.1, Housing Opportunity Sites, provides that the City will identify housing opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies that would help the city meet its Regional Housing Needs Allocation (RHNA) for lower-income households, among other potential characteristics; and

WHEREAS, Housing Element Policy H4.8, Incentives for Affordable Housing Development, establishes that the City will explore incentives for qualified housing developments, such as expanding the ministerial review process, fee waivers or fee reductions, and/or reduced parking requirements, to help achieve housing goals while ensuring that potential impacts are considered and mitigated; and

WHEREAS, Housing Element Program H4.Q, Reuse Sites, states that the City will modify the Zoning Ordinance so that parcels in the site inventory identified as reuse sites allow for by-right processing (ministerial review) for housing developments that propose at least 20 percent of the

units to be affordable to lower-income households, in accordance with Government Code §65583.2(c); and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.Q; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.Q; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Chapter 16.08 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-\_\_ recommending that the City Council adopt the Zoning Ordinance amendment, where all interested person had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Amendment.

Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strike through~~ text):

**16.08.075 Housing Element lower income site inventory reuse sites.**

Residential developments shall be processed ministerially, without discretionary review or hearing, if at least twenty (20) percent of the units are affordable to extremely low, very low, and/or low income households. Reuse sites are identified by the following San Mateo County assessor's parcel number (APN) as of the date of the adoption of the ordinance codified in this chapter: 061412440, 071102130, 061422350, 071288560, and 071333200. All regulations of the underlying zoning district and zoning ordinance shall apply. No part of this section shall be read to oppose or otherwise interfere with state housing law.

**Section 3.** 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 4.** Compliance with CEQA.



The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 5.** 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 twenty-eighth day of November 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 \_\_ 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Jen Wolosin, Mayor

ATTEST:

\_\_\_\_\_  
Judi A. Herren, City Clerk

Exhibits

A. Map of Reuse Sites



# Housing Element Site Inventory Reuse Sites



1100 Alma Street

700 El Camino Real

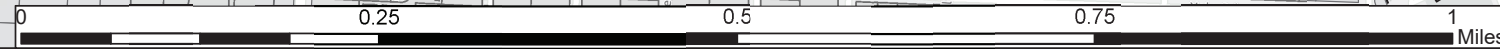
1436 El Camino Real

1149 El Camino Real

796 Live Oak Avenue

**Legend**

- Reuse Site
- Other Parcels
- City Limits
- City Limits



**ORDINANCE NO. XXXX****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING TITLE 16 OF THE MENLO PARK MUNICIPAL CODE TO ADD  
CHAPTER 16.95 TO IMPLEMENT HOUSING ELEMENT PROGRAM H4.T AND  
ESTABLISH A RESIDENTIAL OVERLAY TO ALLOW RESIDENTIAL  
DEVELOPMENT ON CERTAIN PARCELS WHERE NEW OR ADDITIONAL  
RESIDENTIAL DEVELOPMENT MAY OTHERWISE NOT BE FEASIBLE**

WHEREAS, Title 16 of the Menlo Park Municipal Code establishes zoning districts and provides regulations and standards related to the application of zoning and land use in the City of Menlo Park; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City's General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H4.3, Variety of Housing Choices, states that the City will strive to achieve a mix of housing types, densities, affordability levels and designs distributed throughout the city, including non-traditional and innovative housing approaches on the financing, design, and construction of different types of housing that meet local housing needs; and

WHEREAS, Housing Element Policy H4.6, Retention and Expansion of Multifamily Sites at Medium and Higher Density, seeks to protect and expand the supply and availability of multifamily and mixed use infill housing sites; and

WHEREAS, Housing Element Program H4.T, Residential Overlay, establishes that the City will develop a Residential Overlay on certain sites to allow and encourage new or additional residential development without requiring removal of the existing development and/or where the underlying zoning may otherwise not permit residential uses; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.T; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H4.T; and

WHEREAS, the regulations and standards of the Residential Overlay identified in Exhibit A would allow and encourage new or additional residential development on certain parcels (Exhibit B), up to a certain acreage, without requiring removal of the existing development and/or where the underlying zoning may otherwise not permit residential uses, consistent with Housing Element Program H4.T; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendment to

add Chapter 16.95 to Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-\_\_ recommending that the City Council adopt the Zoning Ordinance amendment, where all interested persons had the opportunity to appear and comment; and

WHEREAS, after due consideration of the proposed amendment to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the City Council finds that the proposed amendment as identified herein is consistent with the General Plan and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Amendment.

Chapter 16.95 – Residential Overlay is hereby added to Title 16 – Zoning of the City of Menlo Park Municipal Code to read as indicated in Exhibit A.

**Section 3.** 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 4.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 5.** 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 twenty-eighth day of November 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 \_\_ 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Jen Wolosin, Mayor

ATTEST:

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Judi A. Herren, City Clerk

Exhibits

- A. Amendments to Add Chapter 16.95 – Residential Overlay
- B. Map of Residential Overlay Sites

**Proposed Zoning Ordinance Text Amendments to Add Chapter 16.95 (Residential Overlay) to Title 16 of the City of Menlo Park Municipal Code**

**Section 1.** Chapter 16.95 – Residential Overlay is hereby added to Title 16 – Zoning of the City of Menlo Park Municipal Code:

**Chapter 16.95  
RESIDENTIAL OVERLAY**

**16.95.010 Purpose.**

The purpose of the Residential Overlay zone is to allow and encourage new or additional residential development on certain parcels, up to a certain acreage, without requiring removal of existing development and/or where the underlying zoning may otherwise not permit residential uses.

The Residential Overlay zone can be combined with the Affordable Housing Overlay zone (Chapter 16.98).

**16.95.015 Applicability.**

This chapter shall apply to the following parcels identified in Table 16.95.015(A) by Assessor Parcel Number (APN), street address, and the acreage allowed for residential uses:

**Table 16.95.015(A)**

<b>APN</b>	<b>Street Address</b>	<b>Residential Development Allowed (acres)</b>
074-283-070	2200 Sand Hill Road	2.0
062-390-700	345 Middlefield Road	5.0 <sup>1</sup>
062-421-070	345 Middlefield Road	
074-281-120	350 Sharon Park Drive	1.0 <sup>1</sup>
074-281-110	350 Sharon Park Drive	
074-282-070	600 Sharon Park Drive	1.0 <sup>1</sup>
074-282-090	600 Sharon Park Drive	

<sup>1</sup> The site includes two adjacent parcels in the same zoning district comprising one development.

The Residential Overlay is intended to complement existing uses on the parcel. Complete redevelopment may occur and take advantage of the Residential Overlay pursuant to this chapter.

**16.95.020 Permitted Uses.**

Permitted uses in the Residential Overlay are as follows:

- (1) Multiple dwellings;
- (2) Accessory buildings and/or accessory structures associated with multifamily residential development.

### 16.95.030 Development regulations.

Development regulations in the Residential Overlay are as follows:

- (1) For the parcels identified in Section 16.95.015, residential development is permitted on a portion of the parcel, limited to the acreage shown in Table 16.95.015(A). The residential acreage may be located anywhere on the parcel.
- (2) If any of the parcels are subdivided prior to use for residential development, the residential development permitted on the resulting parcels shall be proportional to the subdivision (i.e., if a parcel allowing two (2) acres of residential development is split into two (2) parcels representing seventy-five percent (75%) and twenty-five percent (25%) of the original parcel area, the residential development potential would be split as one and one half (1 1/2 acres) and one half acre (1/2 acre), respectively).
- (3) If parcels 062-390-700 and 062-421-070 are redeveloped independently with two (2) separate developments, the residential development potential shall be separated with three (3) acres permitted on parcel 062-390-700 and two (2) acres permitted on parcel 062-421-070. Any other subdivision of the parcels shall result in division of the residential development potential as provided in Section 16.95.030(2).
- (4) Minimum Area. Residential development may be located in any location of the parcel with minimum dimensions of at least eighty (80) feet width, one hundred (100) feet depth.
- (5) Setbacks. Residential development shall be located at least 10 feet from all property lines and at least 20 feet from any existing buildings on the property.
- (6) Building Coverage. A residential building may cover up to fifty-five percent (55%) percent of the developable area identified in Table 16.95.015(A). The non-buildable area may be used for parking, circulation, open space, and/or landscaping for the residential development.
- (7) Height. Height of residential structures on sites with two (2) acres or less of developable acreage in Table 16.95.015(A) shall not exceed forty (40) feet. Height of residential structures on sites with more than two (2) acres of developable acreage in Table 16.95.015(a) shall not exceed fifty (50) feet.
- (8) Density. Any development that includes residential uses shall have a minimum density of 20 dwelling units per acre. The maximum density for sites with two (2) acres or less of developable acreage in Table 16.95.015(A) is thirty (30) dwelling units per acre (du/ac). The maximum density for sites with more than two (2) acres of developable acreage in Table 16.95.015(A) is forty (40) du/ac.
- (9) Floor Area Ratio. The floor area ratio for multiple dwelling units shall increase on an even gradient up to one hundred twenty percent (120%) for forty (40) du/ac. The maximum floor area ratio may be allowed when the maximum number of dwelling units is proposed.
- (10) Parking. One (1) space per dwelling unit minimum, one and one half (1 1/2) spaces per dwelling unit maximum.
  - (A) Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities, if these uses generate parking demands primarily during different hours than the remaining uses, and if a sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time. An individual development proposal may incorporate a shared parking study to account for the mixture of uses, either on site or within a reasonable distance. Project applicants may also be allowed to meet the minimum parking requirements through the use of nearby off-site facilities. The shared parking supply and off-site parking would be subject to review and approval as part of the development review process based on the proposed uses, specific design and site conditions.



**16.95.040 Residential design standards.**

Construction of any new building incorporating residential uses, residential additions of ten thousand (10,000) square feet or more of gross floor area to any existing building, and conversion of more than fifty percent (50%) of the gross floor area of an existing nonresidential building to residential uses shall adhere to the following design standards, subject to architectural control established in Section 16.68.020. For residential additions, the applicable design standards apply only to the new construction. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Building Setbacks and Projections within Setbacks.
  - (A) Building projections, such as balconies and bay windows, at or above the second floor shall not project beyond a maximum of five (5) feet into the setback area.
  - (B) Where a property is contiguous to a single-family zoned property, no projections into the setback are permitted for balconies or decks at or above the second floor.
  - (C) The total area of all horizontal and vertical building projections shall not exceed thirty-five percent (35%) of the building facade area, and no one projection shall exceed fifteen percent (15%) of the facade area on which the projections are located. Where such projections enclose interior living space, eighty-five percent (85%) of the vertical surface of the projection shall be windows or glazed. (See Figure 1.)

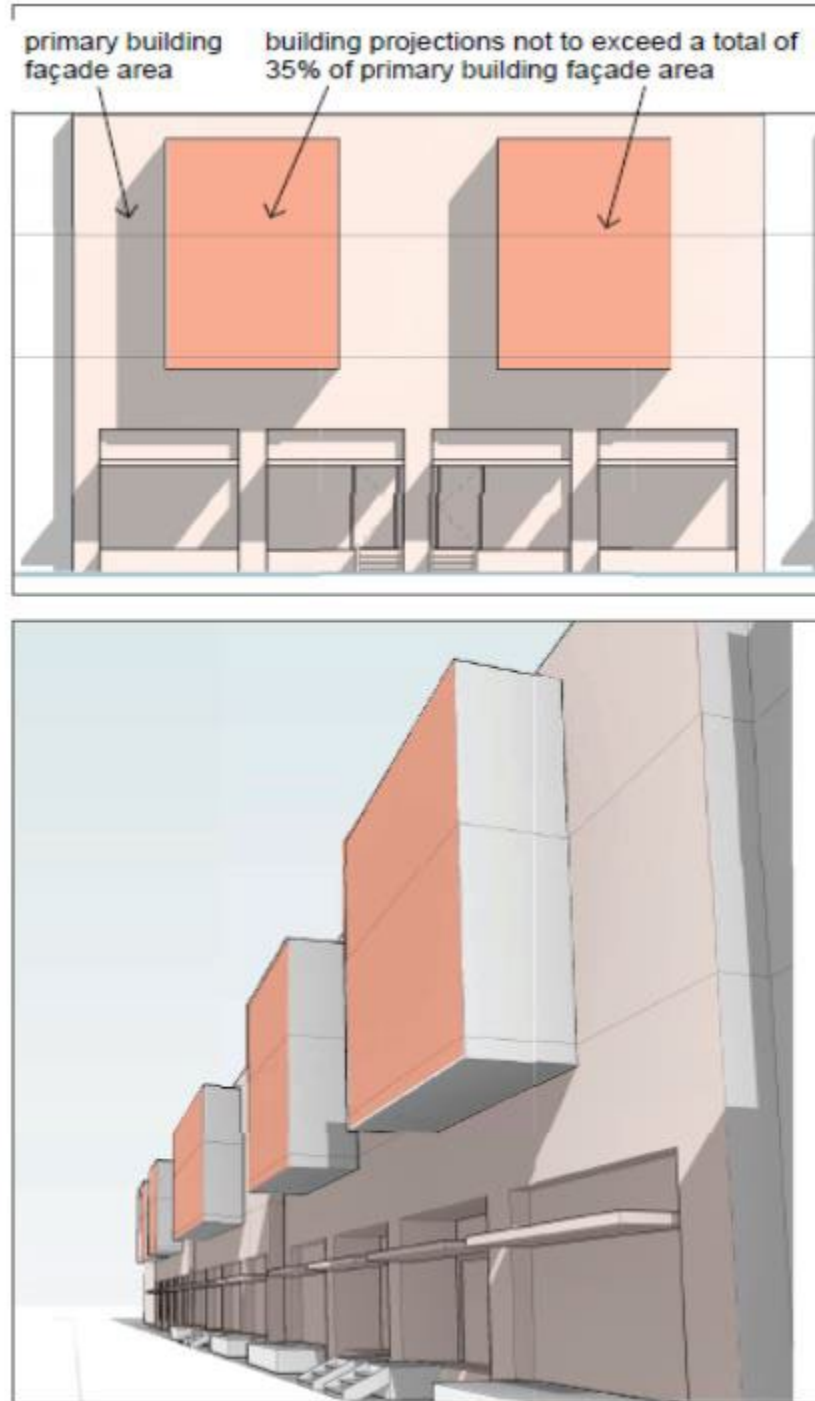


Figure 1

(2) Facade Modulation and Treatment.

- (A) Building facades facing public rights-of-way or public open spaces shall not exceed fifty (50) feet in length without a minor building facade modulation. At a minimum of every thirty-five (35) feet of facade length, the minor vertical facade modulation shall be a minimum two (2) feet deep by five (5) feet wide recess or a minimum two (2) foot setback of the building plane from the primary building facade.

- (B) Building facades facing public rights-of-way or public open spaces shall not exceed one hundred (100) feet in length without a major building facade modulation. At a minimum of every seventy-five (75) feet of facade length, a major vertical facade modulation shall be a minimum of six (6) feet deep by twenty (20) feet wide recess or a minimum six (6) foot setback of building plane from primary building facade for the full height of the building.
  - (C) In addition, the major building facade modulation shall be accompanied with a four (4) foot minimum height modulation and a major change in fenestration pattern, material and/or color.
- (3) Building Profile.
- (A) Starting at a height of twenty-five (25) feet, a forty-five (45) degree building profile shall be set at the minimum setback line contiguous with a public right-of-way or single-family zoned property.
  - (C) Horizontal building and architectural projections, like balconies, bay windows, and dormer windows, that extend beyond the forty-five (45) degree building profile shall comply with the standards for building setbacks and projection in Section 16.40.040(1). (See Figure 2.)

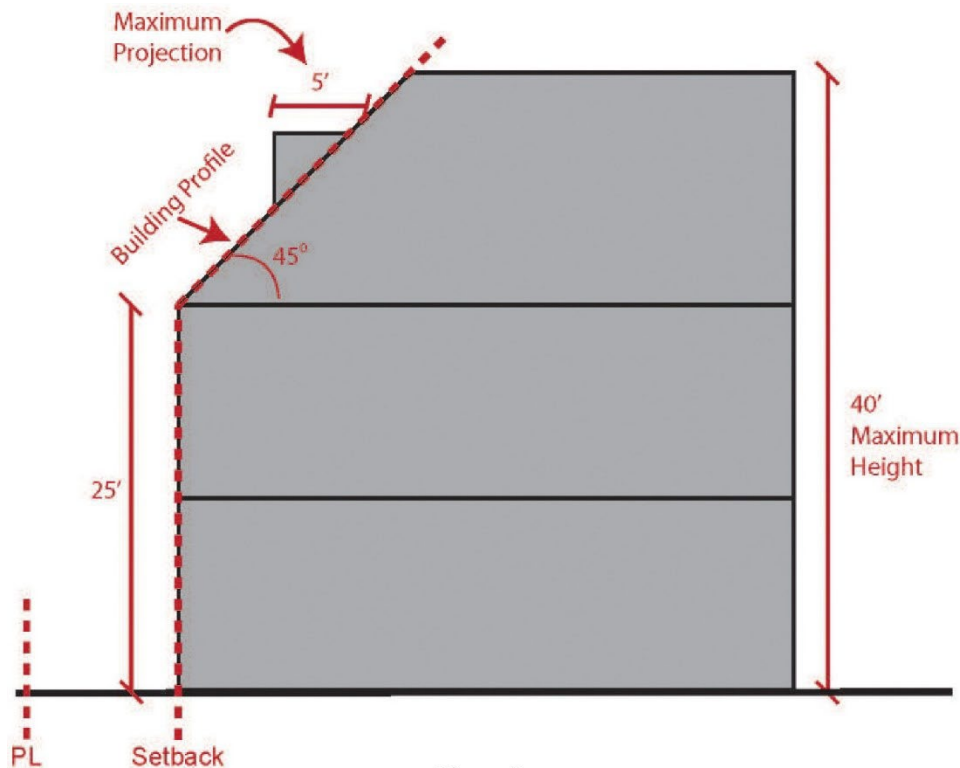


Figure 2

- (D) Vertical building projections like parapets and balcony railings shall not extend more than four (4) feet beyond the forty-five (45) degree building profile.
  - (E) Rooftop elements that may need to extend beyond the forty-five (45) degree building profile due to their function, such as stair and elevator towers, shall utilize the same materials and colors as the remainder of the building.
- (4) Height.

- (A) Vertical building projections such as parapets and balcony railings may extend up to four (4) feet beyond the maximum building height.
  - (B) Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed fourteen (14) feet beyond the maximum building height.
  - (C) Towers, cupolas, spires, chimneys, and other architectural features not exceeding ten percent (10%) of the roof area may exceed the maximum building height limit by a maximum of ten (10) feet.
- (5) Exterior Materials.
- (A) Stucco on the exterior facade shall be limited to no more than fifty percent (50%) of the entire area of an elevation, inclusive of all windows and doors.
  - (B) All exterior windows located in solid walls shall be inset by a minimum of two (2) inches from the face of the exterior finishes.
  - (C) When simulated divided light windows are included in a development, the windows shall include mullions on the exterior of the glazing and contain internal dividers (spacer bars) between the window panes.
- (6) Building Design.
- (A) When a building is adjacent to a public street or other public space, the building shall provide entries, access points or features oriented to the street that are visible from the public right-of-way or public space and provide visual cues to denote access into the building. For larger residential buildings with shared entries, the main entry shall be through prominent entry lobbies or central courtyards facing the street.
  - (B) Utilities, including meters, backflow prevention devices, etc., shall be concealed or integrated into the building design to the extent feasible, as determined by the public works director.
  - (C) Projects shall include dedicated, screened, and accessible space for recycling, compost, and solid waste storage and collection.
  - (D) Trash and storage shall be enclosed and screened from public view.
  - (E) Materials and colors of utility, trash, and storage enclosures shall match with the primary building.
  - (F) Roof-mounted equipment shall meet the requirements of Section 16.08.095.
- (7) Open Space.
- (A) A minimum of twenty-five percent (25%) of any landscaping removed for residential development shall be replaced either on the residential development parcel or elsewhere on the original parcel. The replacement landscaping may be counted toward the required common open space for a development.
  - (B) Residential developments shall have a minimum of one hundred (100) square feet of open space per unit created as common open space or a minimum of eighty (80) square feet of open space per unit created as private open space, where private open space shall have a minimum dimension of six (6) feet by six (6) feet. In case of a mix of private and common open space, such common open space shall be provided at a ratio equal to one and one-quarter (1.25) square feet for each one (1) square foot of private open space that is not provided.
  - (C) Depending on the number of dwelling units, additional common open space shall be provided to meet the following criteria:
    - (i) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum).
    - (ii) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum).

- (iii) One hundred one (101) or more units: minimum of one (1) space, forty (40) feet minimum dimension (one thousand six hundred (1,600) sf total, minimum).
- (8) Access and Parking.
  - (A) Service access and loading docks shall be located on local or interior access streets and to the rear of buildings.
  - (B) Aboveground garages shall be screened (with perforated walls, vertical elements, landscaping or materials that provide visual interest at the pedestrian scale) or located behind buildings that are along public streets.
  - (C) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway and/or landscaped area.
  - (D) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation.
  - (E) Surface parking lots shall be planted with at least one (1) tree with a minimum size of a twenty-four (24) inch box for every eight (8) parking spaces. Required plantings may be grouped where carports with solar panels are provided.
- (9) Lighting.
  - (A) Exterior lighting fixtures shall use fixtures with low cut-off angles, appropriately positioned, to minimize glare into dwelling units and light pollution into the night sky.
  - (B) Lighting in parking garages shall be screened and controlled so as not to disturb surrounding properties, but shall ensure adequate public security.

**16.95.050 Residential green and sustainable building.**

In addition to meeting all applicable regulations specified in Title 12 (Buildings and Construction), the following provisions shall apply to construction of any new building incorporating residential uses, residential additions to any existing building, and alterations of residential buildings. Implementation of these provisions may be subject to separate discretionary review and environmental review pursuant to the California Environmental Quality Act.

- (1) Green Building.
  - (A) Any new construction, addition or alteration of a building with residential uses shall be required to comply with Table 16.40.050(1)(B).
- (2) Energy.
  - (A) For all new construction, the project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of the following measures:
    - (i) On-site energy generation;
    - (ii) Purchase of one hundred percent (100%) renewable electricity through Peninsula Clean Energy or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the project;
    - (iii) Purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project;
    - (iv) Purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project.

If a local amendment to the California Energy Code is approved by the California Energy Commission (CEC), the following provision becomes mandatory:

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through a minimum of thirty percent (30%) of the maximum feasible on-site energy generation, as determined by an on-site renewable energy feasibility study and any combination of the measures in subsections (2)(A)(ii) to (iv) of this section. The on-site renewable energy feasibility study shall demonstrate the following cases at a minimum:

- a. Maximum on-site generation potential.
- b. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment).
- c. Maximum solar generation potential solely on the roof area.

(B) Alterations and/or additions of ten thousand (10,000) square feet or larger where the building owner elects to update the core and shell through the option presented in Tables 16.95.050(1)(B):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures listed in subsections (2)(A)(i) to (iv) of this section.

TABLE 16.95.050(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS

Green Building Requirement	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
	10,000 sq. ft.— 25,000 sq. ft.	25,001 sq. ft.— 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft.—9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.— 25,000 sq. ft. of conditioned area, volume or size <sup>3</sup>	25,001 sq. ft. and above of conditioned area, volume or size <sup>3</sup>
Green Building	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Silver BD+C <sup>1</sup>	Designed to meet LEED Gold BD+C <sup>1</sup>	CALGreen mandatory	Designed to meet LEED Silver ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.95.050(2)(B)	Designed to meet LEED Gold ID+C1 or update core and shell of entire building to current California Energy Code <sup>2</sup> and meet Section 16.95.050(2)(B)
Electric Vehicle (EV) Charging Spaces	The electric vehicle charging spaces requirements in Section 16.72.010 apply.					
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the city

1 "Designed to meet LEED standards" is defined as follows: (a) applicant must submit appropriate LEED checklist and verifying cover letter from a project LEED AP with the project application and (b) applicant must complete all applicable LEED certification documents prior to approval of the final inspection for the

building permit to be reviewed either for LEED certification, or for verification by a third party approved by the city for which the applicant will pay for review and/or certification.

2 Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively, building owners may upgrade the entire existing building's core and shell to the current California Energy Code standards and follow the city's requirements listed in Section 16.95.050(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the city's requirements listed in Section 16.95.050(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three (3) code update cycles beginning with the upgrade cycle and ending with the two (2) cycles following the upgrade cycle. If this option is selected by the applicant, the building owner must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be granted by the city's building department. If the building owner fails to complete these core and shell upgrades within one (1) year of permit initiation, or receive a written letter from the community development director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to stop work orders on any construction on the subject property, fines, and legal action.

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

(3) Water Use Efficiency and Recycled Water.

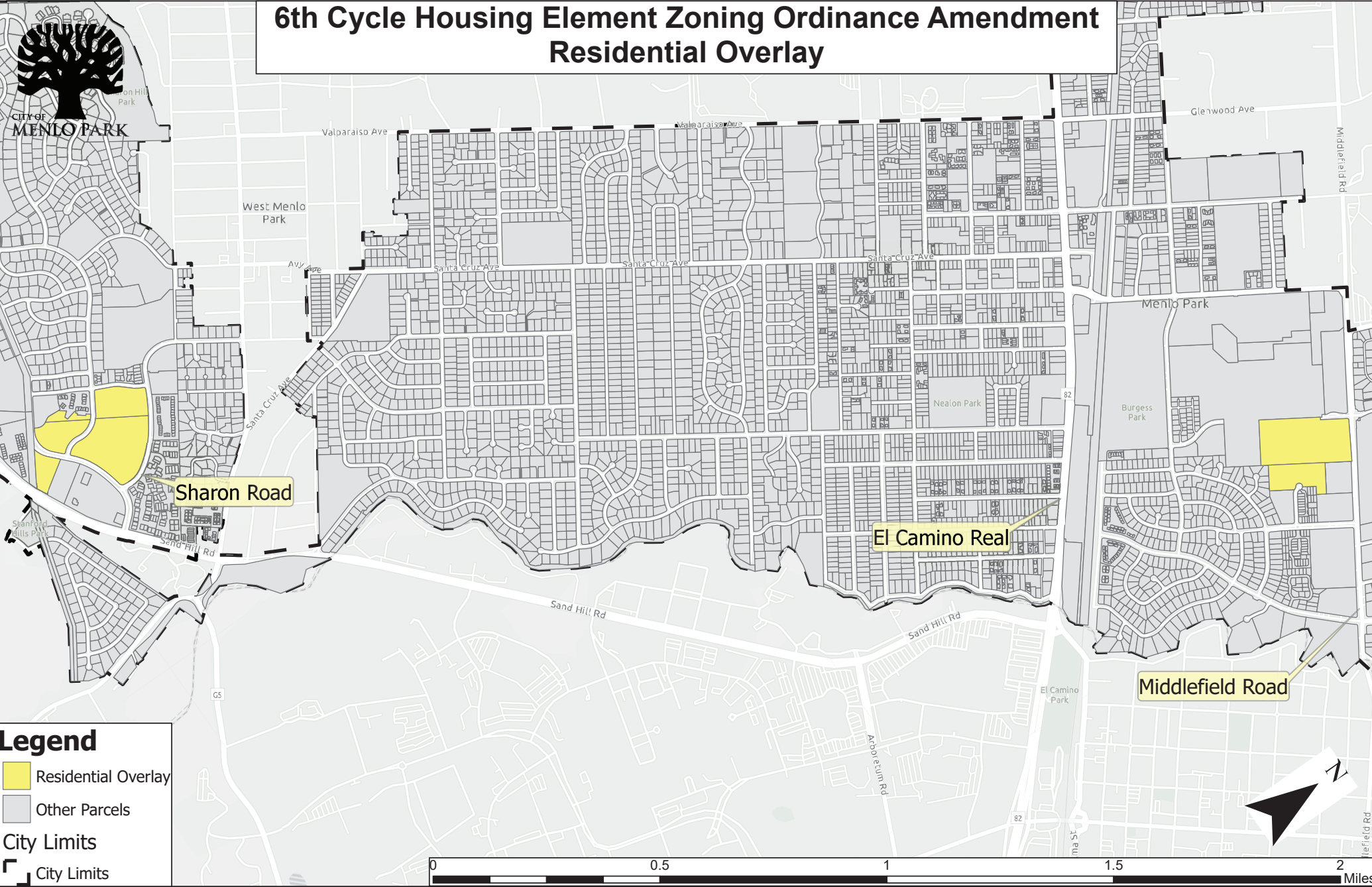
- (A) Single pass cooling systems shall be prohibited in all new buildings.
- (B) All new buildings shall be built and maintained without the use of well water.
- (C) Applicants for a new building more than one hundred thousand (100,000) square feet or more of gross floor area shall prepare and submit a proposed water budget and accompanying calculations following the methodology approved by the city. For all new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area, the water budget shall account for the potable water demand reduction resulting from the use of an alternative water source for all city approved nonpotable applications. The water budget and calculations shall be reviewed and approved by the city's public works director prior to certification of occupancy. Twelve (12) months after the date of the certification of occupancy, the building owner shall submit data and information sufficient to allow the city to compare the actual water use to the allocation in the approved water budget. In the event that actual water consumption exceeds the water budget, a water conservation program, as approved by the city's public works director, shall be implemented. Twelve (12) months after city approval of the water conservation program, the building owner shall submit data and information sufficient to allow the city to determine compliance with the conservation program. If water consumption exceeds the budgeted amount, the city's public works director may prohibit the use of water for irrigation or enforce compliance as an infraction pursuant to Chapter 1.12 until compliance with the water budget is achieved.
- (D) All new buildings shall be dual plumbed for the internal use of recycled water.
- (E) All new buildings two hundred fifty thousand (250,000) square feet or more in gross floor area shall use an alternate water source for all city approved nonpotable applications. An alternative water source may include, but is not limited to, treated nonpotable water such as graywater. An alternate water source assessment shall be submitted that describes the alternative water source and proposed nonpotable application. Approval of the alternate water source assessment, the alternative water source and its proposed uses shall be

approved by the city's public works director and community development director. If the Menlo Park Municipal Water District has not designated a recycled water purveyor and/or municipal recycled water source is not available prior to planning project approval, applicants may propose conservation measures to meet the requirements of this section subject to approval of the city council. The conservation measures shall achieve a reduction in potable water use equivalent to the projected demand of city approved nonpotable applications, but in no case shall the reduction be less than thirty percent (30%) compared to the water budget in subsection (3)(C) of this section. The conservation measures may include on-site measures, off-site measures or a combination thereof.

- (F) Potable water shall not be used for dust control on construction projects.
  - (G) Potable water shall not be used for decorative features, unless the water recirculates.
- (4) Waste Management.
- (A) Applicants shall submit a zero-waste management plan to the city, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations. Applicants shall show in their zero-waste plan how they will reduce, recycle and compost wastes from the demolition, construction and occupancy phases of the building. For the purposes of this chapter, "zero waste" is defined as ninety percent (90%) overall diversion of nonhazardous materials from landfill and incineration, wherein discarded materials are reduced, reused, recycled, or composted. Zero-waste plan elements shall include the property owner's assessment of the types of waste to be generated during demolition, construction and occupancy, and a plan to collect, sort and transport materials to uses other than landfill and incineration.
- (5) Bird-Friendly Design.
- (A) No more than ten percent (10%) of facade surface area shall have non-bird-friendly glazing.
  - (B) Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
  - (C) Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.
  - (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.
  - (E) Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
  - (F) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
  - (G) Use of rodenticides shall not be allowed.
  - (H) A project may receive a waiver from one (1) or more of the items listed in subsections (5)(A) to (F) of this section, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the planning commission.



# 6th Cycle Housing Element Zoning Ordinance Amendment Residential Overlay



**Legend**

- Residential Overlay
- Other Parcels

**City Limits**

- City Limits

**ORDINANCE NO. XXXX****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AMENDING CHAPTERS 16.04 AND 16.08 OF TITLE 16 OF THE MENLO PARK  
MUNICIPAL CODE TO IMPLEMENT HOUSING ELEMENT PROGRAM H2.F  
AND ESTABLISH LARGE FAMILY DAY CARE HOMES AS A PERMITTED USE  
IN A LEGAL DWELLING UNIT IN ANY RESIDENTIAL DISTRICT**

WHEREAS, Sections 16.04.164, 16.04.165, and 16.08.085 of Title 16 of the Menlo Park Municipal Code define and regulate how child care facilities based out of private residences (“child day care homes” or “family day care homes”), are permitted in the City of Menlo Park; and

WHEREAS, a large family day care home for the care or instruction of up to 14 children is currently subject to noticing requirements and the potential for a public hearing, and requires a permit with approval from the Community Development Director; and

WHEREAS, the City’s requirements for large family day care homes are not in conformance with California Health and Safety Code Section 1597.45, which requires that large family day care homes be allowed as a permitted use within any residential zoning district; and

WHEREAS, beginning in 2021, the City undertook a multi-year process with extensive public outreach, community engagement, and public hearings to update the City’s General Plan Housing Element as part of the Housing Element Update project, and adopted a Housing Element on January 31, 2023; and

WHEREAS, Housing Element Policy H2.6, School District and City Service Maintenance, establishes that the City will work with school districts and child care providers to maintain quality service as demand increases; and

WHEREAS, Housing Element Program H2.F, Childcare Allowances, states that the City will update the Zoning Ordinance to allow large family day care homes by-right in all residential zoning districts in conformance with state law; and

WHEREAS, the Planning Commission held a study session on August 14, 2023, to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H2.F; and

WHEREAS, the City Council held a study session on August 22, 2023 to discuss proposed General Plan, Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan amendments necessary to implement the programs within the Housing Element, including Program H2.F; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 23, 2023 that was continued to November 6, 2023, to review and consider the proposed amendments to Sections 16.04.164, 16.04.165, and 16.08.085 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission Resolution No. 2023-\_\_ recommending that the City Council adopt the Zoning Ordinance amendments, whereat all interested persons had the opportunity to appear and comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Menlo Park.

**Section 2.** Amendment.

Chapter 16.04 – Definitions of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.04.164 Child day care center.** “Child day care center” means any child care facility other than a large ~~child~~ family day care home or small ~~child~~ family day care home as defined by Section 16.04.165. (Ord. 1030 § 2, 2017).

**16.04.165 Child Family day care home.** “~~Child~~ Family day care home” means both a “small ~~child~~ family day care home” and a “large ~~child~~ family day care home” as further defined herein. A “small ~~child~~ family day care home” means a ~~private single family~~ residence licensed by the appropriate state or county agency for the day care or instruction of no more than six (6) children, or up to eight (8) children without an additional adult attendant, if all of the following conditions are met: (1) at least one (1) child is enrolled in and attending a kindergarten or elementary school and a second child is at least six (6) years of age; (2) no more than two (2) infants are cared for during any time when more than six (6) children are cared for; (3) the licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to seven (7) or eight (8) children in the home at one (1) time; and (4) the licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented. A “large ~~child~~ family day care home” means a ~~private single family~~ residence licensed by the appropriate state or county agency for the day care or instruction of no more than twelve (12) children, or up to and including fourteen (14) children, if all of the following conditions are met: (1) at least one (1) child is enrolled in and attending a kindergarten or elementary school and a second child is at least six (6) years of age; (2) no more than three (3) infants are cared for during any time when more than twelve (12) children are cared for; (3) the licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time; and (4) the licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented. (Ord. 1030 § 3, 2017; Ord. 546 § 1(1), 1973).

**Section 3.** Amendment.

Chapter 16.08 – Districts Established—General Regulations of Title 16 – Zoning of the City of Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~ text):

**16.08.085 Child Family day care homes.**

(a) A small ~~child~~ family day care home, as ~~the same is defined in this title~~ Section 16.04.165, may be a home occupation and as such is a permitted use in a legal dwelling unit in any residential district.

~~(b) A large child family day care home, as the same is defined in this title, may be a home occupation and as such is a permitted use in a legal dwelling unit in any residential district. requires a permit. A person who desires to obtain a permit for a large child day care home ("applicant") must follow the process described below in order to use their home as a large child day care home:~~

~~(1) The city must provide notice of the proposed use to adjoining property owners within a one hundred (100) foot radius of the exterior parcel boundaries of the large child day care home. Notice shall be given not less than ten (10) calendar days prior to the date on which the decision will be made on the application.~~

~~(2) A public hearing is required if one (1) is requested by the applicant or any other affected party.~~

~~(3) If a public hearing is not required, the community development director, or his/her designee, shall approve a permit for a large child day care home if the property on which the proposed large child day care home is located and applicant comply with all of the following conditions and standards:~~

~~(A) The applicant must possess a current and valid large family child care home license from the state of California, Department of Social Services. The city's permit shall not become effective until such time as the state license is obtained. If said license is suspended or revoked by the state for any reason, the city's permit for a large child day care home shall immediately be suspended or revoked to the same extent.~~

~~(B) The applicant must reside at the property and the use must be clearly incidental and secondary to the use of the property for residential purposes.~~

~~(C) The property is not bordered on more than one (1) side by a child day care home or child day care center.~~

~~(D) The property is not located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.~~

~~(E) Residences with sole access from major arterial and/or collector streets must provide an off-street drop-off/pick-up area. The residential driveway may be used as the drop-off/pick-up area, provided such use does not cause a backup of vehicles on the street.~~

~~(F) The large child day care home operation shall not result in cars blocking neighbors' driveways or backing up traffic on the street.~~

~~(G) Provisions have been made to provide, at a minimum, one (1) off-street parking space per employee of driving age not living at the residence. The residential driveway is acceptable if the parking space will~~

~~not conflict with any required child drop-off/pick-up area and does not block the public sidewalk or right-of-way.~~

~~(H) The applicant must comply with all applicable regulations of the fire marshal regarding health and safety requirements.~~

~~(I) Any permanently installed playground apparatus (swings, jungle gym, etc.) shall conform to setback requirements for accessory structures in that particular residential zoning district.~~

~~(J) Outdoor playtime shall be limited to the hours from nine (9) a.m. to seven (7) p.m.~~

~~(K) Outdoor play areas shall be set back at least five (5) feet from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.~~

~~(L) A minimum of seventy-five (75) square feet of outdoor space for each child over two (2) years old that is not located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with any other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school or other public area open within five hundred (500) feet of the child day care home.~~

~~(M) Hours of operation shall be limited to the hours of six (6) a.m. to seven (7) p.m., Monday through Friday. Additional hours may be allowed subject to approval of a use permit.~~

~~(N) The community development director or designee may consider and specify other reasonable conditions that relate to parking, traffic, noise, and spacing and concentrations of large child day care homes that might otherwise have an adverse effect on adjacent properties.~~

~~(4) If a public hearing is requested, the community development director or his or her designee shall give notice to residents and property owners within three hundred (300) feet of the proposed large child day care home and shall conduct a public hearing. The decision of the community development director or his or her designee shall be limited to and based on the criteria set forth in subsection (b)(3) of this section.~~

~~(5) The applicant or other affected person may appeal the decision of the community development director or his or her designee to the planning commission within fifteen (15) days from the date of the notice of decision in accordance with Chapter 16.86, Appeals; provided, that the criteria for upholding or denying decision of the community development director or his or her designee shall be limited to and based on the criteria set forth in subsection (b)(3) of this section. (Ord. 1030 § 4, 2017; Ord. 546 § 1(3), 1973).~~

**Section 4.** 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 5.** Compliance with CEQA.

The City Council hereby finds that the action to adopt this Ordinance was considered within the Subsequent Environmental Impact Report (SCH #2015062054) (SEIR) for the Housing Element Update project, certified by Council Resolution No. 6808, adopted January 31, 2023. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):

- (a) No substantial changes are proposed in the project which will require major revisions of the previous SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Zoning Ordinance and Zoning Map amendments do not create any additional environmental impacts.
- (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The SEIR was certified in January 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
- (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was certified as complete, has been submitted to the City.

**Section 6.** 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.

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INTRODUCED on the twenty-eighth day of November 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 \_\_ 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Jen Wolosin, Mayor

ATTEST:

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Judi A. Herren, City Clerk