

ORDINANCE NO. 1026

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE R-MU (RESIDENTIAL MIXED USE) ZONING DISTRICT TO TITLE 16 OF THE MUNICIPAL CODE

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

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

- A. The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings.
- B. The Planning Commission held a duly noticed public hearing on October 19, 2016 and October 24, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- C. The City Council held a duly noticed public hearing on November 15, 2016 and November 29, 2016 to review and consider the ConnectMenlo General Plan and M-2 Area Zoning Update, including additions to Title 16 of the Menlo Park Municipal Code to implement the General Plan vision for the M-2 Area, and the Final Environmental Impact Report, whereat all interested persons had the opportunity to appear and comment.
- D. After consideration of all the evidence in the record, including public testimony, the City Council certified the Final Environmental Impact Report and adopted resolutions approving the updates to the Land Use and Circulation Elements of the General Plan.
- E. The City desires to add Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code to create consistency with the updated Land Use Element of the General Plan and to implement General Plan goals, policies, and programs including LU-2.9 *Compatible Uses*, LU-4.4 *Community Amenities*, LU-4.6 *Employment Center Walkability*, LU-4.C *Community Amenity Requirements*, LU-6.D *Design for Birds*, LU-7.1 *Sustainability*, LU-7.A *Green Building Operation and Maintenance*, LU-7.D *Performance Standards*, LU-7.H *Sea Level Rise* and CIRC 2.G *Zoning Requirements for Bicycle Storage*, which promote mixed-use development that includes residential and a mix of compatible uses encourage development that benefits the community and the City through a mix of uses and scales, promote neighborhood serving uses to increase walkability, include bird friendly and sustainable design measures, identify performance standards for environmentally friendly technology and design, require bicycle parking for developments, and protect occupants and residents against sea level rise.
- F. After due consideration of the proposed addition of Chapter 16.45 (Residential, Mixed Use) to Title 16, public comments, the Planning Commission's recommendation, and the staff report, the

City Council finds that the proposed addition is consistent with the updated General Plan and is appropriate.

SECTION 2. An Environmental Impact Report was prepared and certified by the City Council on November 29, 2016, in accordance with the provisions of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The Environmental Impact Report considered the addition of Chapter 16.45 (Residential Mixed Use) to Title 16 of the Menlo Park Municipal Code. Findings and a statement of overriding considerations were adopted by the City Council on November 29, 2016 by Resolution No. 6356.

SECTION 3. Chapter 16.45, *Residential Mixed Use*, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

Chapter 16.45
R-MU – RESIDENTIAL MIXED USE DISTRICT

Sections:

- 16.45.010 Purpose.
- 16.45.015 Definitions.
- 16.45.020 Permitted uses.
- 16.45.030 Administratively permitted uses.
- 16.45.040 Conditional uses.
- 16.45.050 Development regulations.
- 16.45.055 Master planned projects.
- 16.45.060 Bonus level development.
- 16.45.070 Community amenities required for bonus development.
- 16.45.080 Parking standards.
- 16.45.090 Transportation demand management.
- 16.45.100 New connections.
- 16.45.110 Required street improvements.
- 16.45.120 Design standards.
- 16.45.130 Green and sustainable building.

16.45.010 Purpose.

The purpose and intent of the Residential Mixed Use district is to:

- (1) Provide high density housing to complement nearby employment;
- (2) Encourage mixed-use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, and promote a live/work/play environment with pedestrian activity;
- (3) Blend with and complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.

16.45.015 Definitions.

Terms are as defined in the Municipal Code Chapter 16.04, Definitions, unless otherwise stated in this chapter.

16.45.020 Permitted uses.

Permitted uses in the Residential-Mixed Use district are as follows:

- (1) Multiple dwellings, which is a required component of any development in the R-MU district;
- (2) Administrative and professional offices and accessory uses, twenty thousand (20,000) or less square feet of gross floor area;
- (3) Banks and other financial institutions. For purposes of this chapter, "financial institutions" include only those institutions providing retail banking services engaged in the on-site circulation of money, including credit unions);
- (4) Retail sales establishments, twenty thousand (20,000) or less square feet of gross floor area and excluding the sale of beer, wine and alcohol;
- (5) Eating establishments, excluding the sale of beer, wine and alcohol, live entertainment, and/or establishments that are portable. For purposes of this chapter, an eating establishment is primarily engaged in serving prepared food for consumption on or off the premises;
- (6) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
- (7) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
- (8) Community education/training center that provides free or low-cost educational and vocational programs to help prepare local youth and adults for entry into college and/or the local job market.

16.45.030 Administratively permitted uses.

Uses allowed in the Residential-Mixed Use district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, or in the case of home occupations, a home occupation permit, are as follows:

- (1) Eating establishments, including beer and wine only, and/or that have live entertainment;
- (2) Child care center;
- (3) Outdoor seating;
- (4) Diesel generators.

16.45.040 Conditional uses.

Conditional uses allowed in the Residential-Mixed Use district, subject to obtaining a use permit per Municipal Code Chapter 16.82, are as follows:

- (1) Home occupations in accordance with Section 16.04.340;
- (2) Administrative and professional offices and accessory uses, greater than twenty thousand (20,000) square feet of gross floor area;
- (3) Research and development uses, excluding uses involving hazardous materials;
- (4) Eating and drinking establishments, including alcohol, or establishments that are portable;
- (5) Retail sales establishments, including the sale of beer, wine and alcohol, greater than twenty thousand (20,000) square feet of gross floor area;
- (6) Personal services, including tattooing, piercing, palm-reading, or similar services;
- (7) Movie theater;
- (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 of this title;
- (10) Uses identified in Sections 16.45.020, 16.45.030, and 16.45.040 proposing bonus level development, in accordance with Section 16.45.060;
- (11) Public utilities, in accordance with Chapter 16.76 of this title.

16.45.050 Development regulations.

Development regulations in the Residential-Mixed Use district are as follows:

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Minimum lot area</i>	Minimum area of building site (includes public access easements).	20,000 square feet	25,000 square feet	
<i>Minimum lot dimensions</i>	Minimum size of a lot calculated using lot lines	100 feet width 100 feet depth	100 feet width 100 feet depth	
<i>Minimum setback at street</i>	Minimum linear feet building can be sited from property line adjacent to street.	0 feet	0 feet	Setbacks shall be measured from the property line. In instances where there will be a public access easement, measure the setback from the back of the easement. See build-to area requirements in Section 16.45.120 (1).

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Maximum setback at street</i>	Maximum linear feet building can be sited from property line adjacent to street.	25 feet	25 feet	See build-to area requirements in Section 16.45.120 (1). Maximum setback may be 50 feet along Willow Road for surface parking where ground floor commercial uses are provided. Maximum setback requirement does not apply to additions of less than 10,000 square feet.
<i>Minimum interior side and rear setbacks</i>	Minimum linear feet building can be sited from interior and rear property lines.	10 feet	10 feet	See Section 16.45.120 (5) when property is required to have a paseo. Interior side setback may be reduced to zero feet for the entire building mass where there is retail frontage.
<i>Maximum residential floor area ratio (FAR)</i>	Maximum permitted ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	60% to 90%	>90% to 225%	Floor area ratio shall increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac. Floor area ratio shall increase on an even gradient from >90% for >30 du/ac to 225% for 100 du/ac.
<i>Density</i>	The number of dwelling units in an acre.	20 du/acre to 30 du/acre	>30 du/acre to 100 du/acre	A percentage of total dwelling units built in bonus level shall be affordable per Section 16.45.060.
<i>Maximum non-residential floor area ratio</i>	Maximum permitted ratio of non-residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	15%	25%	Non-residential uses permitted subject to residential development. FAR may be calculated across contiguous properties of the same zoning district designation and owned by the same entity or wholly owned affiliated entities.
<i>Height</i>	Height is defined as average height of all buildings on one site, where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.	Height: 35 feet Maximum Height: 40 feet	Height 52.5 feet Maximum Height: 70 feet	A parapet used to screen mechanical equipment is not included in the height or maximum height. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot increase in height and maximum height. Bonus level development on Jefferson Drive, Constitution Drive or Independence Drive is allowed to be a maximum height of 85 feet.

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
<i>Minimum open space requirement</i>	Minimum portion of the building site open and unobstructed by fully enclosed buildings.	25%	25%	See Section 16.45.120 (4) for open space requirements.

16.45.055 Master planned projects.

The purpose of a master planned project is to provide flexibility for creative design, more orderly development, and optimal use of open space, while maintaining and achieving the General Plan vision for the Bayfront Area. Master planned projects for sites with the same zoning designation (O, LS, or R-MU) in close proximity or for contiguous sites that have a mix of zoning designations (O or R-MU) that exceed 15 acres in size and that are held in common ownership (or held by wholly owned affiliated entities) and are proposed for development as a single project or single phased development project are permitted as a conditional use, provided that sites with mixed zoning are required to obtain a conditional development permit and enter into a development agreement. For master planned projects meeting these criteria, residential density, FAR and open space requirements and residential density, FAR, and open space requirements at the bonus level, if applicable, may be calculated in the aggregate across the site provided the overall development proposed does not exceed what would be permitted if the site were developed in accordance with the zoning designation applicable to each portion of the site and the proposed project complies with all other design standards identified for the applicable zoning districts.

16.45.060 Bonus level development.

A development in a location identified as Residential Mixed Use-Bonus (R-MU-B) on the adopted City of Menlo Park Zoning Map may seek an increase in the density, floor area ratio and/or height per Section 16.45.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.45.070. As described in Section 16.45.070, the community amenity provided in the Residential Mixed Use-Bonus (R-MU-B) zoning district must include the provision of a minimum of fifteen (15) percent of the total units on-site for affordable housing units for moderate, low, and very low income households, with a preference for current or recently displaced Belle Haven residents, and commensurate with the City’s Regional Housing Need Allocation distribution amongst the income categories at the time of a development application. Units for extremely low, very low, and low income may be substituted for any higher income categories requirement. This affordable unit requirement is in addition to the City’s below market rate requirements per Section 16.96.

16.45.070 Community amenities required for bonus level development.

Bonus level development allows a project to develop at a greater level of intensity with an increase in density, floor area ratio and/or height. There is a reasonable relationship between the increased intensity of development and the increased effects on the surrounding community. The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community. To be eligible for bonus level

development, an applicant shall provide one or more community amenities. Construction of the amenity is preferable to the payment of a fee.

- (1) **Amenities.** Community needs, specifically including affordable housing, were initially identified through the robust community engagement process generally referred to as ConnectMenlo. The City Council of the City of Menlo Park adopted by resolution those identified community needs as community amenities to be provided in exchange for bonus level development. The identified community amenities may be updated from time to time by City Council resolution. All community amenities, except for affordable housing, shall be provided within the area between U.S. Highway 101 and the San Francisco Bay in the City of Menlo Park. Affordable housing may be located anywhere housing is allowed in the City of Menlo Park.
- (2) **Application.** An application for bonus level development is voluntary. In exchange for the voluntary provision of community amenities, an applicant is receiving a benefit in the form of an increased floor area ratio, density, and/or increased height. An applicant requesting bonus level development shall provide the City with a written proposal, which includes but is not limited to the specific amount of bonus development sought, the value of the amenity as calculated pursuant to section (3) below, and adequate information identifying the value of the proposed community amenities. An applicant's proposal for community amenities shall be subject to review by the Planning Commission in conjunction with a use permit or conditional development permit. Consideration by the Planning Commission shall include differentiation between amenities proposed to be provided on-site and amenities proposed to be provided off-site, which may require a separate discretionary review and environmental review per the California Environmental Quality Act.
- (3) **Value of Amenity.** The value of the community amenities to be provided shall equal fifty percent (50%) of the fair market value of the additional gross floor area of the bonus level development. The value shall be calculated as follows: The applicant shall provide, at their expense, an appraisal performed within ninety (90) days of the application date by a licensed appraisal firm that sets a fair market value in cash of the gross floor area of the bonus level of development ("total bonus"). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall (i) first determine the total bonus without consideration of the community amenities requirement established under Section 16.45.070, and (ii) second determine the change in total bonus with consideration of the fifteen percent (15%) affordable housing community amenity requirement ("affordable housing amenity value"). If the affordable housing amenity value is less than fifty percent (50%) of the total bonus value, the value of the community amenities to be provided in addition to the fifteen percent (15%) affordable housing is the difference between those two numbers.
- (4) **Form of Amenity.** A community amenity shall be provided utilizing any one of the following mechanisms:
 - (A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall first be the provision of a minimum of fifteen percent (15%) of total units on-site for affordable housing units (or with approval of the Planning Commission in another location) for moderate, low, and very low income households, with a preference for current or recently displaced Belle Haven residents, and commensurate with the City's Regional Housing Need Allocation distribution amongst the income categories at the time of a development application and shall second be the provision of additional affordable housing units up to twenty percent (20%) of the bonus level development, or third the provision of another amenity from the list of community amenities adopted by City Council resolution. Units for extremely low, very low and low income may be substituted for any higher income categories requirement. The value of the community amenity provided shall be

at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one of the community amenities on the list adopted by City Council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the City Manager or his/her designee to certify compliance with this section.

- (B) Payment of a fee. If the City adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred-twenty percent (120%) of the fee, provided that the fee adopted by the City Council is less than full cost recovery and not less than the total bonus value less the affordable housing amenity value as calculated pursuant to subsection (3) above.
- (C) Enter into a development agreement. An applicant may propose amenities from the list adopted by City Council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.

16.45.080 Parking standards.

Development in the R-MU district shall meet the following parking requirements.

<i>Land Use</i>	<i>Minimum Spaces (Per Unit or 1,000 Sq. Ft.)</i>	<i>Maximum Spaces (Per Unit or 1,000 Sq. Ft.)</i>	<i>Minimum Bicycle Parking ¹</i>
<i>Residential Units</i>	1 per unit	1.5 per unit	1.5 long-term ² per unit; 10% additional short-term ² for guests
<i>Office</i>	2	3	1 per 5,000 sq.ft. of gross floor area
<i>Research and Development</i>	1.5	2.5	Minimum two spaces
<i>Retail</i>	2.5	3.3	For Office and Research Development:
<i>Banks and financial institutions</i>	2	3.3	80% for long-term ² and 20% for short-term ²
<i>Eating and drinking establishments</i>	2.5	3.3	For all other commercial uses:
<i>Personal services</i>	2	3.3	20% for long-term ² and 80% for short-term ²)
<i>Private recreation</i>	2	3.3	
<i>Child care center</i>	2	3.3	
<i>Public parking lot or structure</i>			One space per 20 vehicle spaces
<i>Other</i>	At Transportation Manager's discretion	At Transportation Manager's discretion	At Transportation Manager's discretion

¹ See Section 16.45.120 (7) and 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.

- (1) Parking spaces shall be unbundled from the price of residential units such that parking is sold or rented separately, except in cases where parking is physically connected to only one unit. However, the Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.
- (2) 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.

16.45.090 Transportation demand management.

All new construction, regardless of size, and building additions of ten thousand (10,000) or more square feet of gross floor area, or a change of use of ten thousand (10,000) or more square feet of gross floor area shall develop a Transportation Demand Management (TDM) plan necessary to reduce associated vehicle trips to at least twenty percent (20%) below standard generation rates for uses on the project site. Each individual applicant will prepare its own TDM plan and provide an analysis to the satisfaction of the City's Transportation Manager of the impact of that TDM program.

- (1) Eligible TDM measures may include but are not limited to:
 - (A) Participation in a local Transportation Management Association (TMA) that provides documented, ongoing support for alternative commute programs;
 - (B) Appropriately located transit shelter(s);
 - (C) Preferred parking for carpools or vanpools;
 - (D) Designated parking for car-share vehicles;
 - (E) Requiring drivers to pay directly for using parking facilities;
 - (F) Public and/or private bike share program;
 - (G) Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;
 - (H) Required alternative work schedules and/or telecommuting for non-residential uses;
 - (I) Passenger loading zones for carpools and vanpools at main building entrance;
 - (J) Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
 - (K) Car share membership for employees or residents;
 - (L) Emergency Ride Home programs;
 - (M) Green Trip Certification.

(2) Measures receiving TDM credit shall be:

- (A) Documented in a TDM plan developed specifically for each project and noted on project site plans, if and as appropriate;
- (B) Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of City's Transportation Manager;
- (C) Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;
- (D) Administered by a representative whose updated contact information is provided to the Transportation Manager.

16.45.100 New connections.

Proposed development will be required to provide new pedestrian, bicycle, and/or vehicle connections to support connectivity and circulation as denoted in the City Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the City Zoning Map and are pursuant to the standards in Section 16.45.120. Streets shall meet the requirements of the adopted City of Menlo Park street classification map in the General Plan Circulation Element.

- (1) If the location of a new connection is split between parcel/ownership, the first applicant must set aside the required right-of-way through dedication or a public access easement and bond for the completion of the new connection, or reach agreement with the other property owner(s) to allow the first applicant to complete the entire new connection;
- (2) If the location of a new connection is located on multiple properties with the same owner, applicant may move the connection up to 50 feet in either direction from what is shown on the City Zoning Map for enhanced connectivity, and/or other considerations, subject to the review and approval of the City's Public Works Director;
- (3) For phased implementation of a development project, applicant must show an implementation plan for the new connection and the City may require a bond or right of way dedication or public access easement prior to the completion of the first phase;
- (4) The land area dedicated for new connections in the form of public streets (right-of-way) will be subtracted from the total lot area to determine the site's Floor Area Ratio;
- (5) The land area dedicated for new connections in the form of paseos will require a public access easement (PAE). The area of the PAE is included in the total lot area to determine the site's Floor Area Ratio.

16.45.110 Required street improvements.

For new construction and/or building additions of ten thousand (10,000) or more square feet of gross floor area or for tenant improvements on a site where the cumulative construction value exceeds \$500,000 over a five year period, the Public Works Director shall require the project to provide street improvements on public street edges of the property that comply with adopted City of Menlo Park street construction requirements for the adjacent street type. When these are required by the Public Works Director, the improvements do not count as community amenities pursuant to Section 16.45.070. The threshold for the value of improvements shall be adjusted annually on the first of July, based on the ENR Construction Cost Index.

- (1) Improvements shall include curb, gutter, sidewalk, street trees, and street lights;

- (2) Overhead electric distribution lines of less than sixty (60) kilovolts and communication lines shall be placed underground along the property frontage;
- (3) The Public Works Director may allow a Deferred Frontage Improvement Agreement, including a bond to cover the full cost of the improvements and installation to accomplish needed improvements in coordination with other street improvements at a later date.

16.45.120 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area adhere to the following design standards, subject to architectural control established in Section 16.68.020. For building additions, the applicable design standards apply only to the new construction. The existing building and new addition shall have an integrated design. Design standards may be modified subject to approval of a use permit or a conditional development permit per Chapter 16.82.

- (1) Relationship to the street. The following standards regulate the siting and placement of buildings, parking areas, and other features in relation to the street. The dimensions between building facades and the street and types of features allowed in these spaces are critical to the quality of the pedestrian experience.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
<i>Build-to Area Requirement Figure 1</i>	The minimum building frontage at the ground floor or podium level, as a percentage of the street frontage length, that must be located within the area of the lot between the minimum and maximum setback lines parallel to the street.	Minimum 40% of street frontage	Minimum 40% of street frontage	Minimum 60% of street frontage	
<i>Frontage Landscaping</i>	The percentage of the setback area devoted to ground cover and vegetation. Trees may or may not be within the landscaped area. For this requirement, the setback area is the area between the property line and the face of the building.	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.)	Minimum of 40% (50% of which shall provide on-site infiltration of stormwater runoff.)	Minimum of 25% (50% of which should provide on-site infiltration of stormwater runoff.)	Setback areas adjacent to active ground-floor uses, including lobbies, retail, and eating and drinking establishments are excepted.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Frontage Uses	Allowable frontage uses in order to support a positive integration of new buildings into the streetscape character.	No restrictions	No restrictions	Setback areas parallel to street not used for frontage landscaping must provide pedestrian circulation (e.g., entryways, stairways, accessible ramps), other publicly accessible open spaces (e.g., plazas, gathering areas, outdoor seating areas), access to parking, bicycle parking, or other uses that the Planning Commission deems appropriate.	Non-residential uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.45.120 (4).
Surface Parking Along Street Frontage Figure 2, label A	Surface parking may be located along the street if set back appropriately. The maximum percentage of linear frontage of property adjacent to the street allowed to be off-street surface parking.	Maximum of 35%	Maximum of 35%	Maximum of 25%	
Minimum surface parking setback Figure 2, label B	The minimum dimension from property line adjacent to the street that surface parking must be set back.	Minimum 20 feet	Minimum 20 feet	Minimum 20 feet	

*See the General Plan Circulation Element Street Classification Map for street types.

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Figure 1. Build-to Area

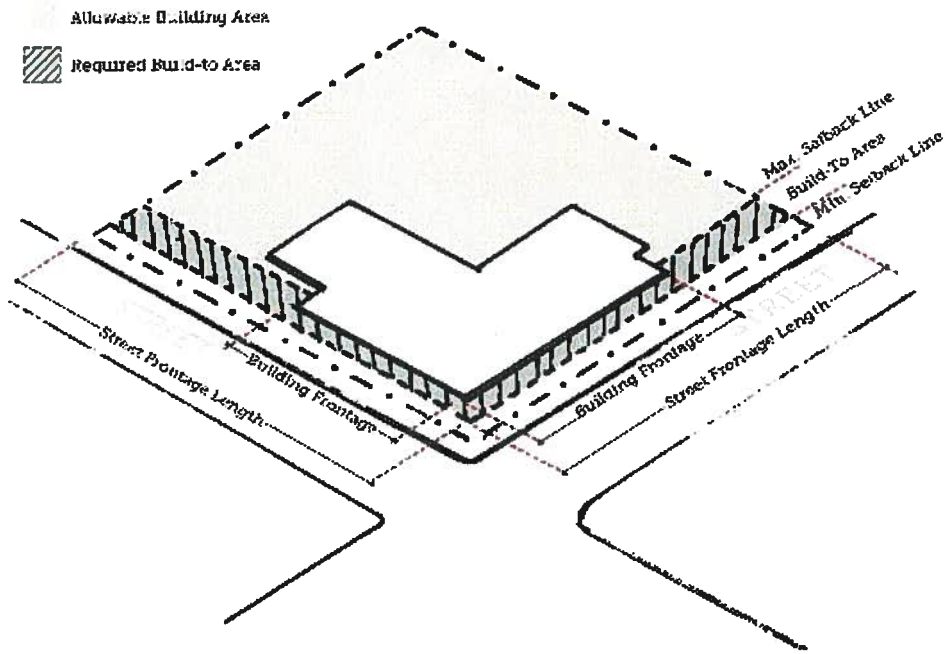
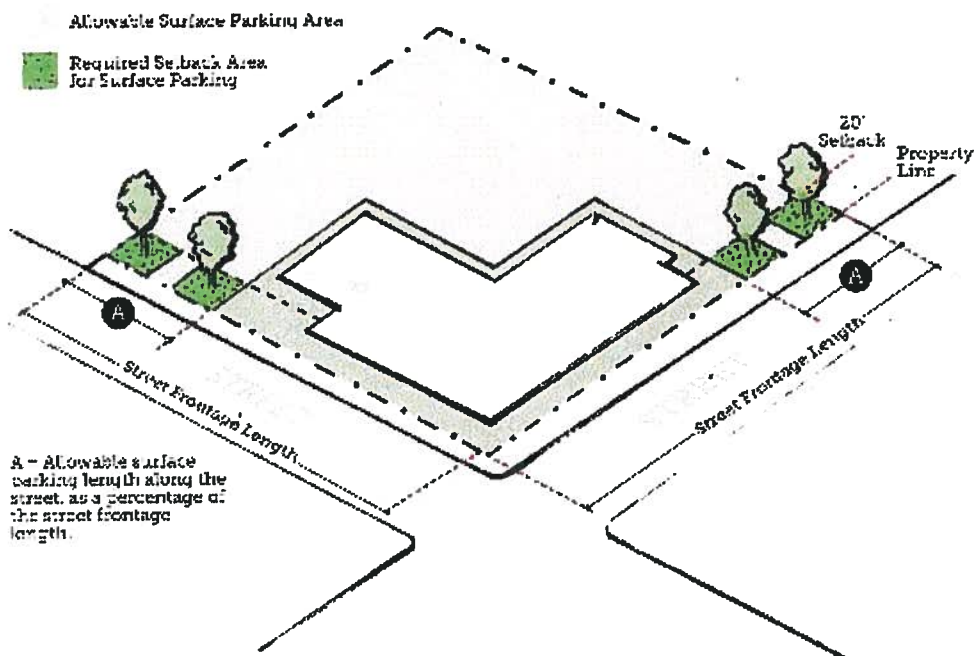


Figure 2. Surface Parking



- (2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

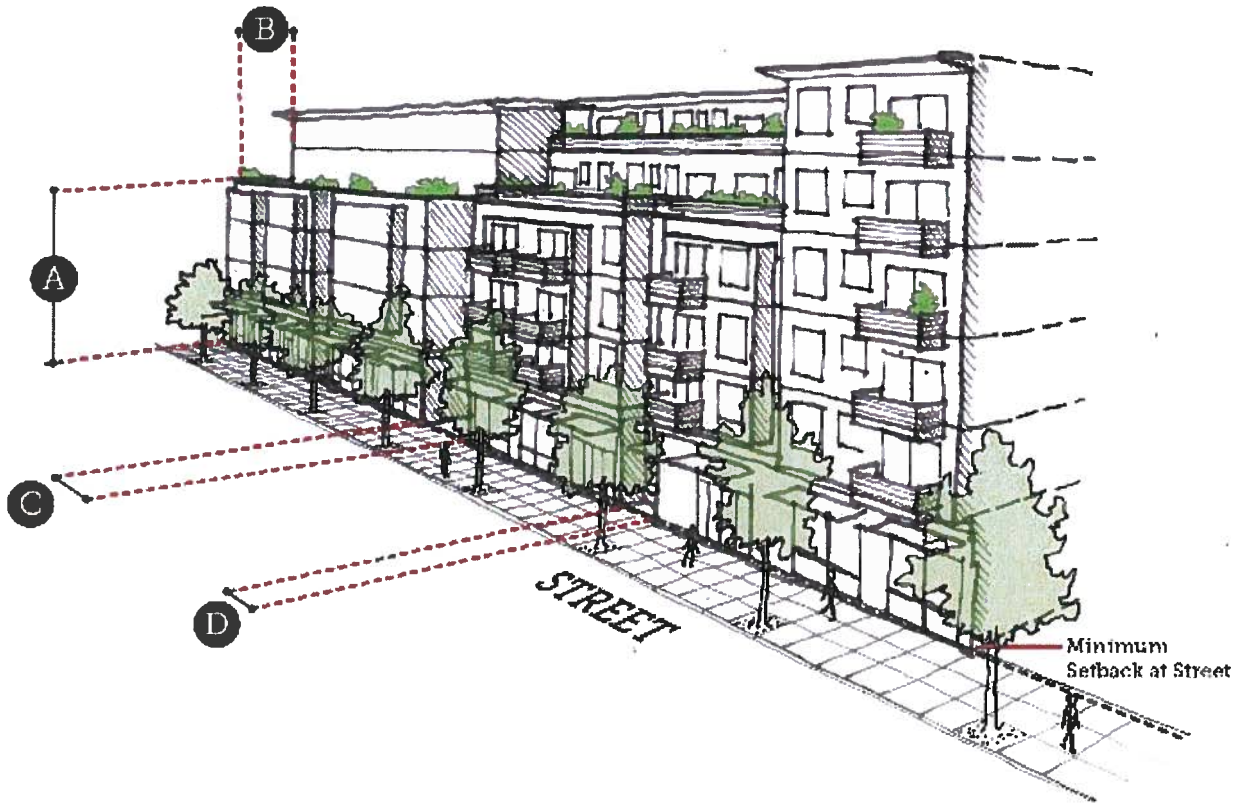
Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Base Height Figure 3, label A	The maximum height of a building at the minimum setback at street or before the building steps back the minimum horizontal distance required.	40 feet	45 feet	45 feet	Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.
Minimum Stepback Figure 3 label B	The horizontal distance a building's upper story(ies) must be set back above the base height.	N/A	10' for a minimum of 75% of the building face along public street(s)	10' for a minimum of 75% of the building face along public street(s)	A maximum of 25% of the building face along public street(s) may be excepted from this standard in order to provide architectural variation.
Building Projections	The maximum depth of allowable building projections, such as balconies or bay windows, from the required stepback for portions of the building above the ground floor.	6 feet	6 feet	6 feet	
Major Building Modulations Figure 3, label C	A major modulation is a break in the building plane from the ground level to the top of the buildings' base height that provides visual variety, reduces large building volumes, and provides spaces for entryways and publicly accessible spaces	Minimum of one recess of 15 feet wide by 10 feet deep per 200 feet of façade length			Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos). Parking is not allowed in the modulation recess. When more than 50% of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.

<i>Standard</i>	<i>Definition</i>	<i>Base level</i>	<i>Bonus level fronting a Local street*</i>	<i>Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*</i>	<i>Notes/Additional Requirements</i>
<i>Minor Building Modulations Figure 3, label D</i>		Minimum recess of 5 feet wide by 5 feet deep per 50 feet of façade length			<p>Modulation is required on the building façade(s) facing publicly accessible spaces (streets, open space, and paseos).</p> <p>Parking is not allowed in the modulation recess.</p> <p>When more than 50% of an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.</p> <p>Building projections spaced no more than 50 feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement in-lieu of a recess.</p>

*See the General Plan Circulation Element Street Classification Map for street types.

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Figure 3. Building Mass and Scale



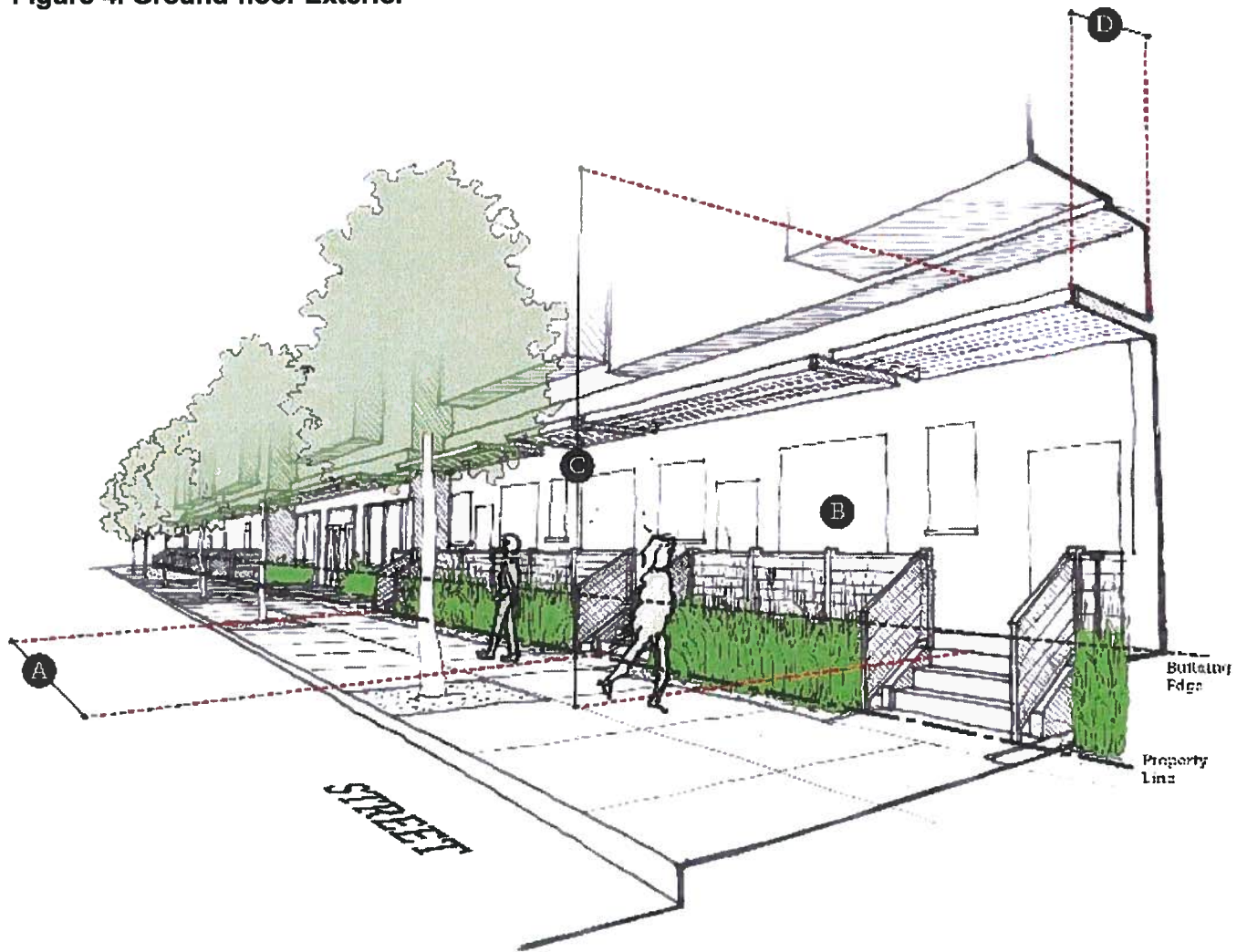
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(3) Ground-floor exterior. The following standards regulate the ground-floor façade of buildings in order to enhance pedestrian experience, as well as visual continuity along the street.

Standard	Definition	Base level	Bonus level fronting a Local street*	Bonus level fronting a Boulevard, Thoroughfare, Mixed Use Collector, or Neighborhood street*	Notes/Additional Requirements
Building Entrances Figure 4, label A	The minimum ratio of entrances to building length along a public street or paseo.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	One entrance every 100 feet of building length along a public street or paseo. A minimum of one is required along each length.	Entrances at a building corner may be used to satisfy this requirement for both frontages. Stairs must be located in locations convenient to building users.
Ground-floor Transparency Figure 4, label B	The minimum percentage of the ground-floor façade (finished floor to ceiling) that must provide visual transparency, such as clear-glass windows, doors, etc.	30% for residential uses; 50% for commercial uses	30% for residential uses; 50% for commercial uses	30% for residential uses; 50% for commercial uses	Windows shall not be opaque or mirrored. For the purpose of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office and research and development.
Minimum Ground Floor Height Along Street Frontage Figure 4, label C	The minimum height between the ground-level finished floor to the second level finished floor along the street.	N/A	10 feet for residential uses; 15 feet for commercial uses	10 feet for residential uses; 15 feet for commercial uses	Where individual residential units' entries face a street, finish floor shall be elevated 24 inches minimum above sidewalk level.
Garage Entrances	Width of garage entry/door along street frontage	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Maximum 12-foot opening for one-way entrance; Maximum 24-foot opening for two-way entrance.	Garage entrances must be separated by a minimum of 100 feet to ensure all entrances/exits are not grouped together or resulting in an entire stretch of sidewalk unsafe and undesirable for pedestrians.
Awnings, Signs, and Canopies Figure 4, label D	The maximum depth of awnings, signs, and canopies that project horizontally from the face of the building.	7 feet	7 feet	7 feet	Horizontal projections shall not extend into the public right-of-way. A minimum vertical clearance of 8 feet from finished grade to the bottom of the projection is required.

*See the General Plan Circulation Element Street Classification Map for street types.

Figure 4. Ground-floor Exterior



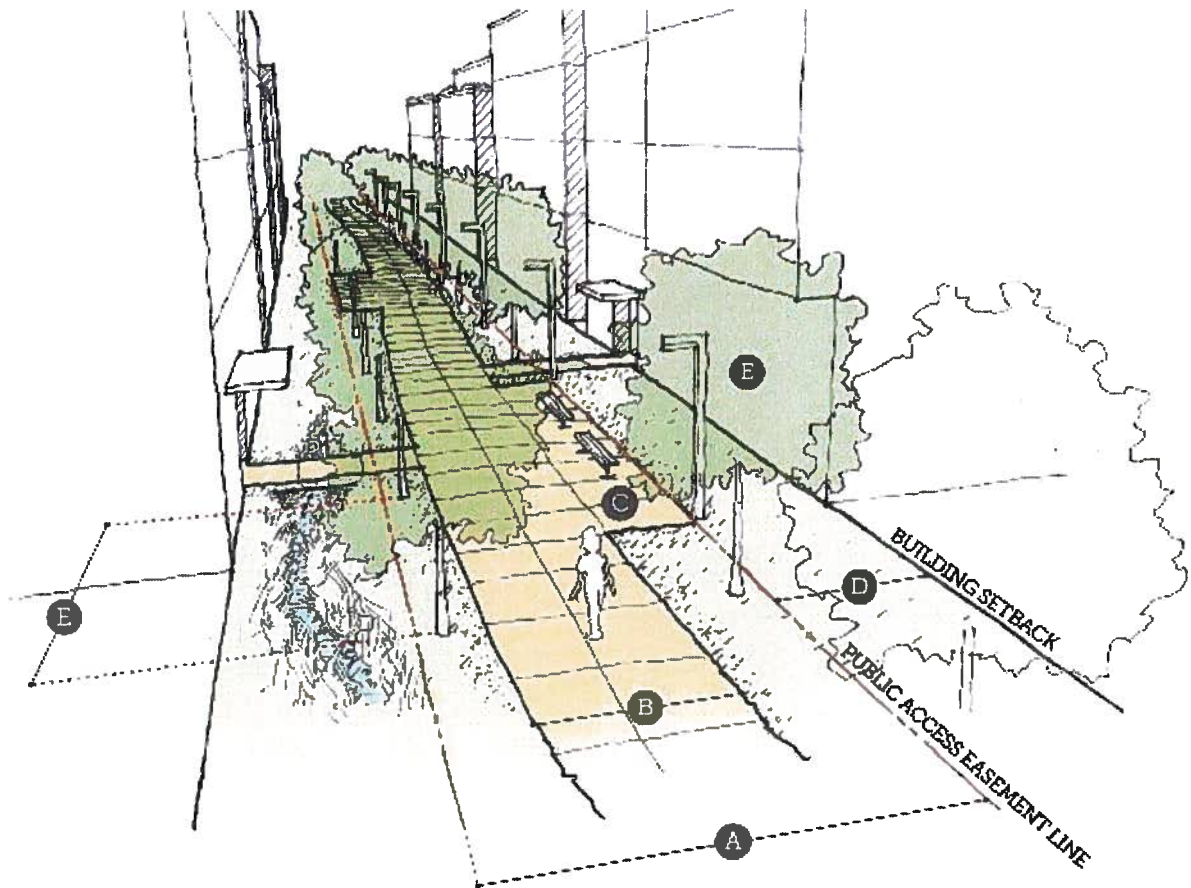
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- (4) Open space. All development in the Residential-Mixed Use district shall provide a minimum amount of open space equal to twenty-five percent (25%) of the total lot area, with a minimum amount of publicly accessible open space equal to twenty-five percent (25%) of the total required open space area.
- (A) Publicly accessible open space consists of areas unobstructed by fully enclosed structures with a mixture of landscaping and hardscape that provides seating and places to rest, places for gathering, passive and/or active recreation, pedestrian circulation, or other similar use as determined by the Planning Commission. Publicly accessible open space types include, but are not limited to paseos, plazas, forecourts and entryways, and outdoor dining areas. Publicly accessible open space must:
- (i) Contain site furnishings, art, or landscaping;
 - (ii) Be on the ground floor or podium level;
 - (iii) Be at least partially visible from a public right-of-way such as a street or paseo;
 - (iv) Have a direct, accessible pedestrian connection to a public right-of-way or easement.
- (B) Quasi-public and private open spaces, which may or may not be accessible to the public, include patios, balconies, roof terraces, and courtyards.
- (C) Residential developments shall have a minimum of common open space and private open space. These requirements are counted towards the minimum amount of open space equal to twenty-five (25) percent of the total lot area.
- (i) 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;
 - (ii) In the 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.
 - (iii) Depending on the number of dwelling units, common open space shall be provided to meet the following criteria:
 - (a) Ten (10) to fifty (50) units: minimum of one (1) space, twenty (20) feet minimum dimension (four hundred (400) sf total, minimum);
 - (b) Fifty-one (51) to one hundred (100) units: minimum of one (1) space, thirty (30) feet minimum dimension (nine hundred (900) sf total, minimum);
 - (c) 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).
- (D) All open spaces shall:
- (i) Interface with adjacent buildings via direct connections through doors, windows, and entryways;
 - (ii) Be integrated as part of building modulation and articulation to enhance building façade and should be sited and designed to be appropriate for the size of the development and accommodate different activities, groups and both active and passive uses;
 - (iii) Incorporate landscaping design that includes:
 - (a) Sustainable stormwater features;

- (b) A minimum landscaping bed no less than three (3) feet in length or width and five (5) feet in depth for infiltration planting;
 - (c) Native species able to grow to their maximum size without shearing.
- (E) All exterior landscaping counts towards open space requirements.
- (5) Paseos. A paseo is defined as a pedestrian and bicycle path, as shown on the adopted City of Menlo Park Zoning Map, that provides a member of the public access through one or more parcels and to public streets and/or other paseos. Paseos must meet the following standards:
- (A) Paseos must be publicly accessible established through a public access easement, but they remain private property;
 - (B) Paseos count as publicly accessible open space.

Standard	Definition	Base and Bonus levels	Notes/Additional Requirements
<i>Paseo Width</i> Figure 5, label A	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
<i>Pathway Width</i> Figure 5, label B	The minimum and maximum width of the hardscape portion of the paseo.	10 feet minimum; 14 feet maximum	The paseo pathway shall be connected to building entrances with hardscaped pathways. Pathways may be used for emergency vehicle access use and allowed a maximum paved width exemption to accommodate standards of the Menlo Park Fire Protection District with prior approval by Transportation Manager.
<i>Furnishing Zones</i> Figure 5, label C	Requirements for pockets of hardscape areas dedicated to seating, adjacent to the main pedestrian pathway area.	Minimum dimension of 5 feet wide by 20 feet long, provided at a minimum interval of 100 feet.	Furnishing zones must include benches or other type of seating and pedestrian-scaled lighting.
<i>Paseo Frontage Setback</i> Figure 5, label D	The minimum setback for adjacent buildings from the edge of the paseo property line.	5 feet	A minimum of 50% of the setback area between the building and paseo shall be landscaped (50% of which should provide on-site infiltration of stormwater runoff.) Plants should be climate-adapted species, up to 3 feet in height.
<i>Trees</i> Figure 5, label E	The size and spacing of trees that are required along the paseo.	Small canopy trees with a maximum mature height of 40 feet and canopy diameter of 25 feet, planted at maximum intervals of 40 feet.	Trees must be planted within the paseo width, with the tree canopy allowed to overhang into the setback.
<i>Landscaping</i>	The minimum percentage of the paseo that is dedicated to vegetation.	20%	On-site infiltration of stormwater runoff is required.
<i>Lighting</i>	Pedestrian-oriented street lamps.	One light fixture every 40 feet.	Use energy efficient lighting per Title 24. Lights shall be located a minimum of 20 feet from trees.

Figure 5. Paseos



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- (6) Building design.
- (A) Main building entrances shall face the street or a publicly accessible courtyard. Building and/or frontage landscaping shall bring the human scale to the edges of the street. Retail building frontage shall be parallel to 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 easily accessible space for recycling, compost, and solid waste storage and collection.
 - (D) Trash and storage shall be enclosed and attractively screened from public view.
 - (E) Materials and colors of utility, trash, and storage enclosures shall match or be compatible with the primary building.
 - (F) Building materials shall be durable and high-quality to ensure adaptability and re-use over time. Glass paneling and windows shall be used to invite outdoor views and introduce natural light into interior spaces. Stucco shall not be used on more than fifty percent (50%) of the building facade. When stucco is used, it must be smooth troweled.
 - (G) Roof lines and eaves adjacent to street-facing facades shall vary across a building, including a four-foot minimum height modulation to break visual monotony and create a visually interesting skyline as seen from public streets (see Figure 6). The variation of the roofline's horizontal distance should match the required modulations and step backs.
 - (H) Rooftop elements, including stair and elevator towers, shall be concealed in a manner that incorporates building color and architectural and structural design.
 - (I) Roof-mounted equipment shall meet the requirements of Section 16.08.095.

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Figure 6. Roof Lines



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- (7) Access and parking.
- (A) Shared entrances to parking for non-residential 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, and shall not be located along a publicly accessible open space.
 - (C) Above-ground 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) Garage and surface parking access shall be screened or set behind buildings located along a publicly accessible open space and paseos.
 - (E) Surface parking lots shall be buffered from adjacent buildings by a minimum six (6) feet of paved pathway or landscaped area (see Figure 7, label A).
 - (F) Surface parking lots shall be screened with landscaping features such as trees, planters, and vegetation, including a twenty (20) foot deep landscaped area along sidewalks, as measured from the property line or public access easement adjacent to the street or paseos (see Figure 7, label B). The portion of this area not devoted to driveways shall be landscaped. Trees shall be planted at a ratio of 1 per 400 square feet of required setback area for surface parking.
 - (G) 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 (see Figure 7, label C). Required plantings may be grouped where carports with solar panels are provided.
 - (H) Surface parking can be located along a paseo for a maximum of forty percent (40%) of a paseo's length (see Figure 7, label D).
 - (I) Short-term bicycle parking shall be located within fifty (50) feet of lobby or main entrance. Long-term bicycle parking facilities shall protect against theft and inclement weather, and consist of a fully enclosed, weather-resistant locker with key locking mechanism or an interior locked room or enclosure. Long-term parking shall be provided in locations that are convenient and functional for cyclists. Bicycle parking shall be (see Figure 8):
 - (i) Consistent with the latest edition of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guide;
 - (ii) Designed to accommodate standard six (6) foot bicycles;
 - (iii) Paved or hardscaped;
 - (iv) Accessed by an aisle in the front or rear of parked bicycles of at least five (5) feet;
 - (v) At least five (5) feet from vehicle parking spaces;
 - (vi) At least thirty (30) inches of clearance in all directions from any obstruction, including but not limited to other racks, walls, and landscaping;
 - (vii) Lit with no less than one (1) foot candle of illumination at ground level;
 - (viii) Space-efficient bicycle parking such as double-decker lift-assist and vertical bicycle racks are also permitted.
 - (J) Pedestrian access shall be provided, with a minimum hardscape width of six (6) feet, from sidewalks to all building entries, parking areas, and publicly accessible open spaces, and shall be clearly marked with signage directing pedestrians to common destinations.

- (K) Entries to parking areas and other important destinations shall be clearly identified for all travel modes with such wayfinding features as marked crossings, lighting, and clear signage.

Figure 7. Surface Parking Access

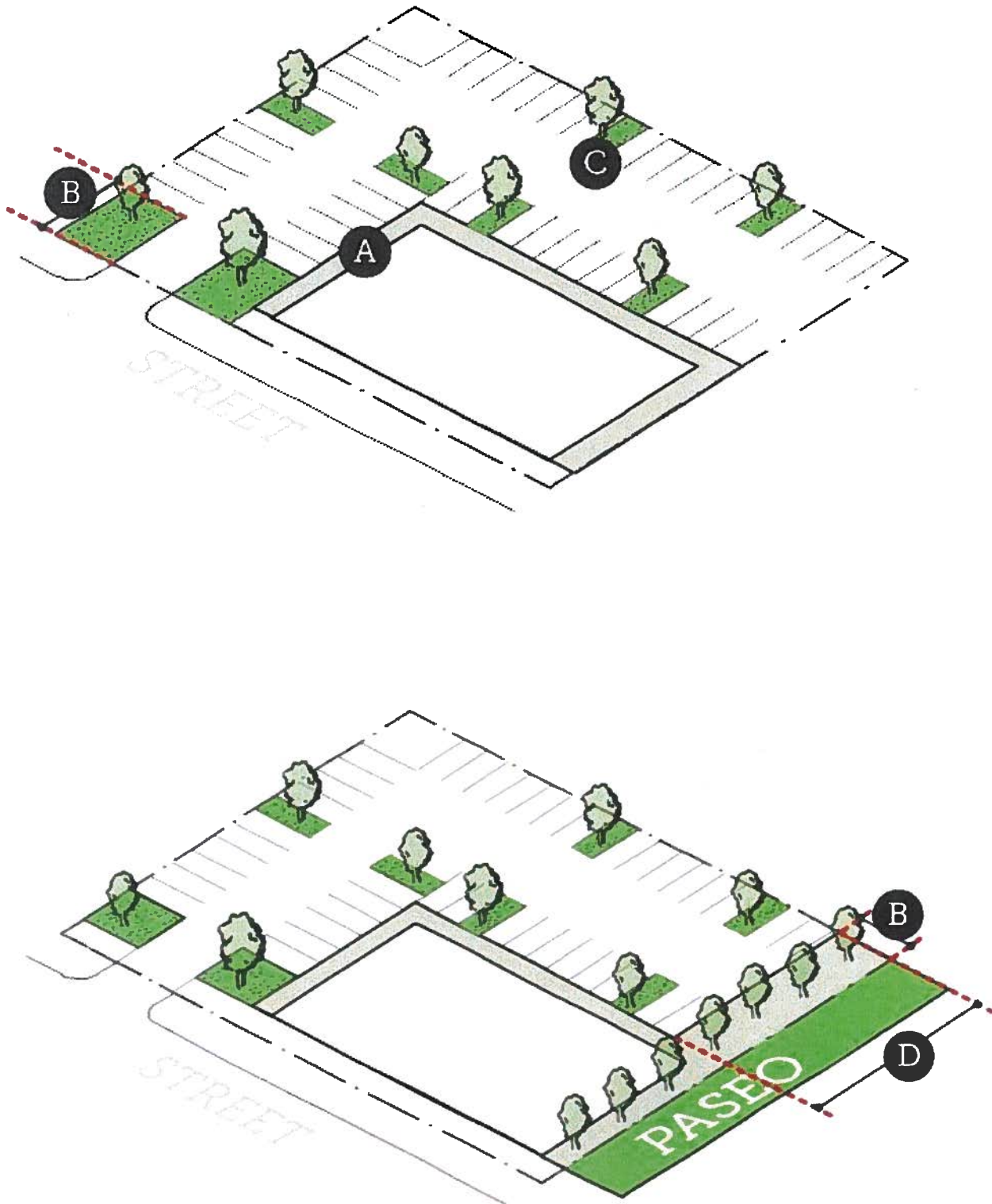
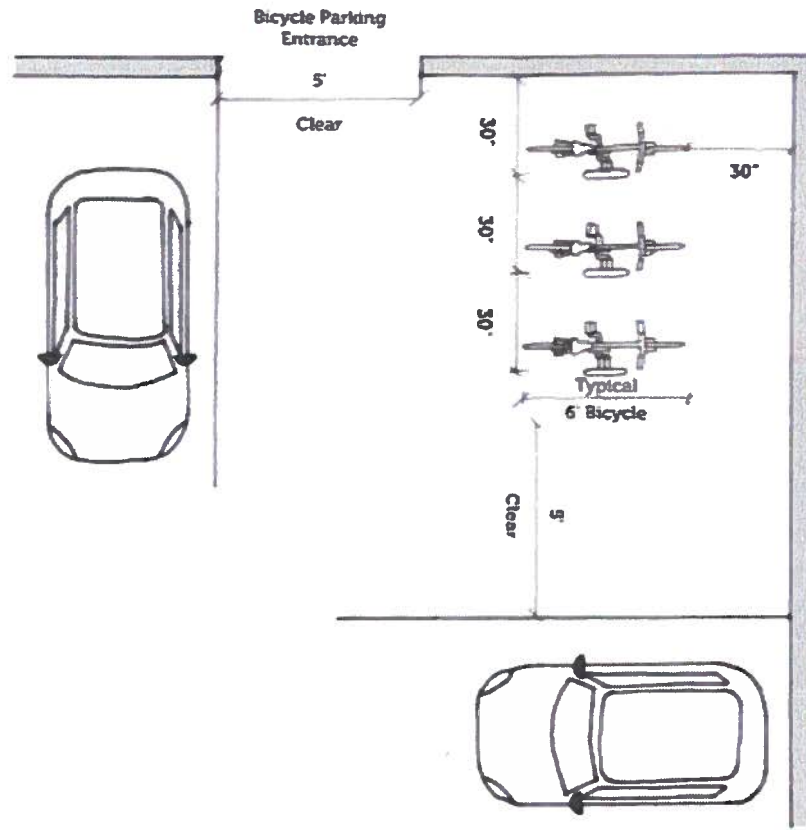


Figure 8. Bicycle Parking



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16.45.130 Green and sustainable building.

In addition to meeting all applicable regulations specified in Municipal Code Title 12 (Buildings and Construction), the following provisions shall apply to projects. 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 shall be required to comply with tables 16.45.130(1)(B) and 16.45.130(1)(C).

(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 off-sets 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 30% of the maximum feasible on-site energy generation, as determined by an On-Site Renewable Energy Feasibility Study and any combination of measures ii to iv above. The On-Site Renewable Energy Feasibility Study shall demonstrate the following cases at a minimum: 1. Maximum on-site generation potential. 2. Solar feasibility for roof and parking areas (excluding roof mounted HVAC equipment). 3. Maximum solar generation potential solely on the roof area.

- (B) Alterations and/or additions of 10,000 square feet or larger where the building owner elects to update the core and shell through the option presented in tables 16.45.130(1)(B) and 16.45.130(1)(C):

The project will meet one hundred percent (100%) of energy demand (electricity and natural gas) through any combination of measures i to iv listed in 16.45.130(2)(A).

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TABLE 16.45.130(1)(B): RESIDENTIAL GREEN BUILDING REQUIREMENTS						
	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. to 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft. – 25,000 sq. ft. of conditioned area, volume or size ⁵	25,001 sq. ft. and above of conditioned area, volume or size ⁵
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen Mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ and meet section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ and meet section 16.45.130(2)(B)
Electric Vehicles (EV) Chargers	Pre-Wire ² <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers³</u> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	Pre-Wire ² <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers³</u> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	Pre-Wire ² <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. AND <u>Install EV Chargers³</u> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	N/A (Voluntary)	N/A (Voluntary)
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

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

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

⁴ Building owners may choose to have additions and/or alterations follow the LEED ID+C path, or alternatively building owners may upgrade the entire existing buildings' core and shell to the current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.45.130(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three code update cycles beginning with the upgrade cycle and ending with the two cycles following the upgrade cycle. If this option is selected by the applicant, the building must upgrade to the Energy Code in effect at the time of the first building permit application for interior alteration and/or additions. Building permits for the core and shell upgrade must be initiated, and satisfactory progress must be made on the core and shell upgrade project before occupancy for the additions and/or alterations shall be

granted by the City's Building Department. If the building fails to complete these core and shell upgrades within one year of permit initiation, or receive a written letter from the Community Development Director or his/her designee extending the deadline, the building owner shall be subject to typical permit violation penalties, including but not limited to Stop Work Orders on any construction on the subject property, fines, and legal action.

⁵ If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

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

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TABLE 16.45.130(1)(C): NON-RESIDENTIAL GREEN BUILDING REQUIREMENTS						
	NEW CONSTRUCTION			ADDITIONS AND/OR ALTERATIONS		
Green Building Requirement	10,000 sq. ft. – 25,000 sq. ft.	25,001 sq. ft. – 100,000 sq. ft.	100,001 sq. ft. and above	1 sq. ft. – 9,999 sq. ft. of conditioned area, volume or size	10,000 sq. ft.– 25,000 sq. ft. of conditioned area, volume or size ⁵	25,001 sq. ft. and above of conditioned area, volume or size ⁵
Green Building	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Silver BD+C ¹	Designed to meet LEED Gold BD+C ¹	CALGreen Mandatory	Designed to meet LEED Silver ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ and meet section 16.45.130(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ and meet section 16.45.130(2)(B)
Electric Vehicles (EV) Chargers	<p>Pre-Wire²</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p>Pre-Wire²</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations. 	<p>Pre-Wire²</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum total of 6 plus 1% of the total parking stalls in the pre-wire locations. 	N/A (Voluntary)	<p>Pre-Wire²</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations. 	<p>Pre-Wire²</p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum total of 2 plus 1% of the total parking stalls in the pre-wire locations).
Energy Reporting	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.	Enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance as required by the City.

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

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

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

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

⁵ If over a period of five (5) years (or 60 months) the subject property makes smaller additions and/or alterations that cumulatively equal or exceed the trigger square footage listed above (i.e. 10,000 sq. ft. or 25,001 sq. ft.), the subject property shall be required to comply with the Green and Sustainable Building Requirements of this table.

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- (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 and fifty (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 non-potable 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 of the Municipal Code 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 and fifty (250,000) square feet or more in gross floor area shall use an alternate water source for all City approved non-potable applications. An alternative water source may include, but is not limited to, treated non-potable water such as graywater. An Alternate Water Source Assessment shall be submitted that describes the alternative water source and proposed non-potable 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 proposed 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 non-potable applications, but in no case shall the reduction be less than 30 percent compared to the water budget in Section C. 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) Hazard mitigation and sea level rise resiliency.
- (A) The first floor elevation of all new buildings shall be twenty four (24) inches above the Federal Emergency Management Agency base flood elevation (BFE) to account for sea level rise. Where no BFE exists, the first floor (bottom of floor beams) elevation shall be 24 inches above the existing grade. Notwithstanding the foregoing, for projects on sites of two (2) acres or less, the first floor elevation shall be the maximum height reasonably practicable as determined by the City, but in no case less than six (6) inches above BFE or existing grade where no BFE

exists. The building design and protective measures shall not create adverse impacts on adjacent sites as determined by the City.

- (B) Prior to building permit issuance, all new buildings shall pay any required fee or proportionate fair share for the funding of sea level rise projects, if applicable.

(5) 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 ordinance, Zero Waste is defined as ninety (90) percent overall diversion of non-hazardous 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.

(6) Bird-friendly design.

- (A) No more than ten (10) percent of façade 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 non-reflective glass. Highly reflective glass is not permitted.
- (C) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
- (D) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
- (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 or more of the items in (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

SECTION 4. This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

SECTION 5. Projects that receive discretionary approvals and/or submitted a building permit prior to the effective date of this ordinance shall be exempt from the provisions contained herein.

INTRODUCED on the 29th day of November, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the 6th day of December, 2016, by the following vote:

AYES: Carlton, Keith, Ohtaki
NOES: None
ABSENT: Cline, Mueller
ABSTAIN: None

APPROVED:



Richard Cline
Mayor, City of Menlo Park

ATTEST:



Pamela Aguilar
City Clerk