

ORDINANCE NO. 1024

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING THE O (OFFICE) 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 16.43 (Office) 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-1.A *Zoning Ordinance Consistency*, LU-4.3 *Mixed Use and Nonresidential Development*, LU-4.4 *Community Amenities*, LU-4.6 *Employment Center Walkability*, LU-6.D *Design for Birds*, LU-7.1 *Sustainability*, LU-7.D *Performance Standards*, LU-7.A *Green Building Operation and Maintenance*, LU-7.H *Sea Level Rise*, and CIRC-2.G *Zoning Requirements for Bicycle Storage*, which limit impacts of development on adjacent 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 16.43 (Office) 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 16.43 (Offices) 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 16.43, *Office*, of the Menlo Park is hereby added to Title 16, Zoning, of the Municipal Code:

Chapter 16.43
O – OFFICE DISTRICT

Sections:

- 16.43.010 Purpose.
- 16.43.015 Definitions.
- 16.43.020 Permitted uses.
- 16.43.030 Administratively permitted uses.
- 16.43.040 Conditional uses.
- 16.43.050 Development regulations.
- 16.43.055 Master planned projects.
- 16.43.060 Bonus level development.
- 16.43.070 Community amenities required for bonus development.
- 16.43.080 Corporate housing
- 16.43.090 Parking standards.
- 16.43.100 Transportation demand management.
- 16.43.110 New connections.
- 16.43.120 Required street improvements.
- 16.43.130 Design standards.
- 16.43.140 Green and sustainable building.

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 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.

16.43.015 Definitions.

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

16.43.020 Permitted uses.

Permitted uses in the Office district are as follows:

- (1) Administrative and professional offices and accessory uses, two hundred fifty thousand (250,000) or less square feet of gross floor area;
- (2) Light industrial and research and development uses, two hundred fifty thousand (250,000) or less square feet of gross floor area, except when requiring hazardous material review;
- (3) Hotel, in a location identified as O-H on the adopted City of Menlo Park Zoning Map;
- (4) 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;
- (5) Retail sales establishments, excluding the sale of beer, wine and alcohol;
- (6) 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;
- (7) Personal services, excluding tattooing, piercing, palm-reading, or similar services;
- (8) Recreational facilities privately operated, twenty thousand (20,000) or less square feet of gross floor area;
- (9) 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.

16.43.030 Administratively permitted uses.

Uses allowed in the Office district, subject to obtaining an administrative permit per Municipal Code Chapter 16.82, are as follows:

- (1) Any outside storage of material, equipment or vehicles associated with the main use;
- (2) Child care center;
- (3) Eating establishments, including beer and wine only, and/or that have live entertainment;
- (4) Outdoor seating;

- (5) Research and development and light industrial uses, requiring hazardous material review;
- (6) Diesel generators.

16.43.040 Conditional uses.

Conditional uses allowed in the Office district, subject to obtaining a use permit per Municipal Code 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 premise 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 of this title;
- (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 of this Chapter;
- (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 of this Chapter;
- (12) Public utilities, in accordance with Chapter 16.76 of this title.

16.43.050 Development regulations.

Development regulations in the Office 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).	25,000 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	5 feet	5 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.

Regulation	Definition	Base level	Bonus level	Notes/Additional Requirements
	adjacent to street.			See build-to area requirements in Section 16.43.130 (1).
<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 16.43.130 (1). 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 16.43.130 (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 floor area ratio (FAR)</i>	Maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.	45% (plus 10% commercial); 175% hotel, if allowed	100% (plus 25% commercial)	For purposes of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, and research and development uses.
<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, except hotels Maximum height: 35 feet; hotels: 110 feet	Height: 67.5 feet, except hotels Maximum height: 110 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.
<i>Minimum open space requirement</i>	Minimum portion of the building site open and unobstructed by fully enclosed buildings.	30%	30%	See Section 16.43.120 (4) for open space requirements.

16.43.055 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.

16.43.060 Bonus level development.

A development in a location identified as Office-Bonus (O-B) on the adopted City of Menlo Park Zoning Map may seek an increase in floor area ratio and/or height per Section 16.43.050 of this Chapter, subject to obtaining a use permit or conditional development permit per Chapter 16.82 and providing community amenities consistent with Section 16.43.070.

16.43.070 Community amenities required for bonus development.

Bonus level development allows a project to develop at a greater level of intensity with an increased floor area ratio and/or increased 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 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 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 ("bonus value"). The form and content of the appraisal, including any appraisal instructions, must be approved by the Community Development Director. The appraisal shall determine the total bonus value without consideration of the community amenities requirement established under Section

16.43.070. Fifty percent (50%) of the total bonus value is the value of the community amenity to be provided.

- (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 be from the list of community amenities adopted by City Council resolution. 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 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.

16.43.080 Corporate housing.

A development in a location identified as O-CH district on the adopted City of Menlo Park Zoning Map may include corporate housing, subject to obtaining a use permit per Chapter 16.82 and the requirements of this section. Any use permit issued for corporate housing shall include a requirement to record a deed restriction to the satisfaction of the City Attorney prior to occupancy that limits the occupants of the corporate housing units to individuals who work on the project site. Unless otherwise stated in this section, corporate housing is subject to the Office district standards.

- (1) **Setbacks.**
 - (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.
 - (B) Minimum of twenty-five (25) feet from property lines.
- (2) **Build-to Area Requirement.** Corporate housing is not required to meet this requirement.
- (3) **Floor Area Ratio.** Maximum sixty percent (60%) ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot.
- (4) **Density.** Maximum 30 dwelling units per acre, in no case to exceed 1,500 units in the district.
- (5) **Height.** Maximum height of forty (40) feet. Properties within the flood zone or subject to flooding and sea level rise are allowed a 10-foot height increase.

- (6) Modulation.
- (A) A minimum of one recess of fifteen (15) feet wide by ten (10) feet deep per two hundred (200) feet of façade 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 façade length, or building projections spaced no more than fifty (50) feet apart with a minimum of 3-foot depth and 5-foot width may satisfy this requirement.
 - (C) Parking is not allowed in these recesses.
- (7) Open Space. Corporate housing must provide a minimum amount of open space equal to twenty-five (25) percent of the total lot area and shall have common and private open spaces.
- (A) Sixty (60) square feet of open space per unit shall be created as common open space or a minimum of thirty-six (36) 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) 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) Connections. Entrances to corporate housing must connect to onsite pedestrian/bicycle pathways and to the public right-of-way to provide safe and easy non-vehicular means of travel.
- (9) Parking. Residential units may not include any additional parking.
- (10) Bicycle Parking. Minimum of 1.5 long-term bicycle parking spaces per unit and 10% additional short-term bicycle parking spaces for guests.
- (11) Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
- (A) Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
 - (B) Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
 - (C) Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.

16.43.090 Parking standards.

Development in the Office district shall meet the following parking requirements.

<i>Land Use</i>	<i>Minimum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Maximum Spaces (Per 1,000 Sq. Ft.)</i>	<i>Minimum Bicycle Parking¹</i>
<i>Office</i>	2	3	
<i>Light Industrial, Research and Development</i>	1.5	2.5	1 per 5,000 sq. ft. of gross floor area; Minimum two spaces
<i>Retail</i>	2.5	3.3	
<i>Banks and financial institutions</i>	2	3.3	For Office and Research Development:
<i>Eating and drinking establishments</i>	2.5	3.3	80% for long-term ² and 20% for short-term ²
<i>Personal services</i>	2	3.3	For all other commercial uses:
<i>Private recreation</i>	2	3.3	
<i>Child care center</i>	2	3.3	20% for long-term ² and 80% for short-term ²
<i>Hotel</i>	0.75 spaces per guest room	1.1 spaces per guest room	
<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 16.43.130 (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.

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.

16.43.100 Transportation demand management.

New construction and additions to an existing building involving 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;
 - (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 the 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.

16.43.110 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 adopted City of Menlo Park Zoning Map. These connections may be in the form of either a public street or a paseo as denoted in the adopted City of Menlo Park Zoning Map and are pursuant to the standards in Section 16.43.120. 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.

16.43.120 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 16.43.070. 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.

16.43.130 Design standards.

All new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area shall 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
Build-to Area Requirement Figure 1	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	
Frontage Landscaping	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 25% (50% of which should 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 sales, and eating and drinking establishments are excepted.
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.	Hotels are allowed to use this area for guest arrivals/drop-off zone. Commercial uses shall be a minimum of 50 feet in depth. Publicly accessible open space is further defined and regulated in Section 16.43.130 (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.

Figure 1. Build-to Area

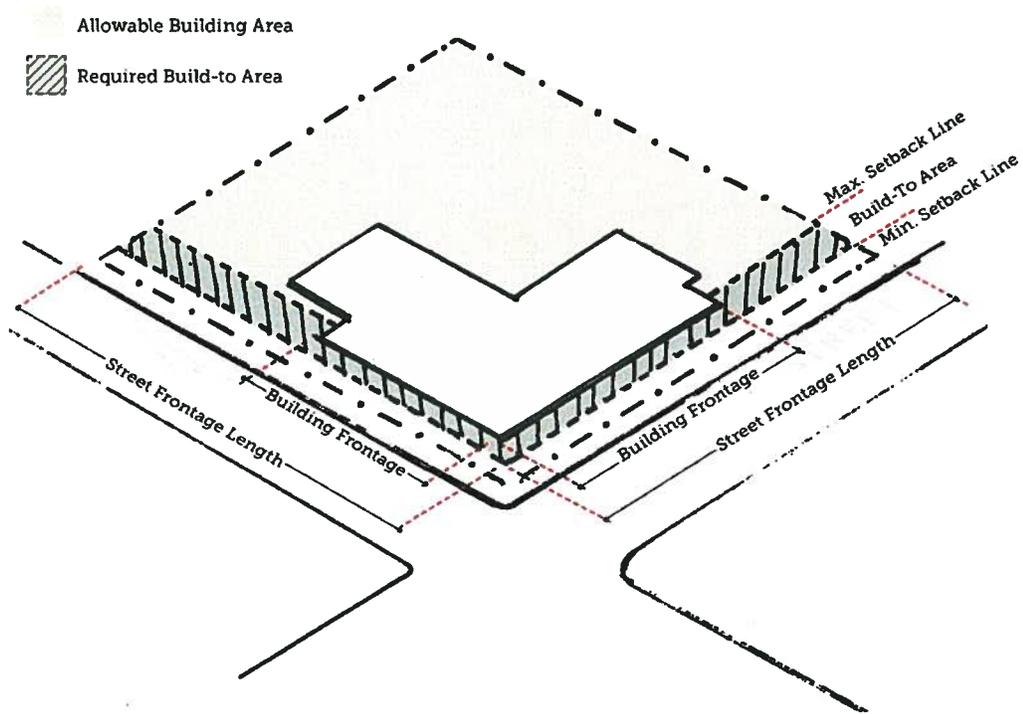
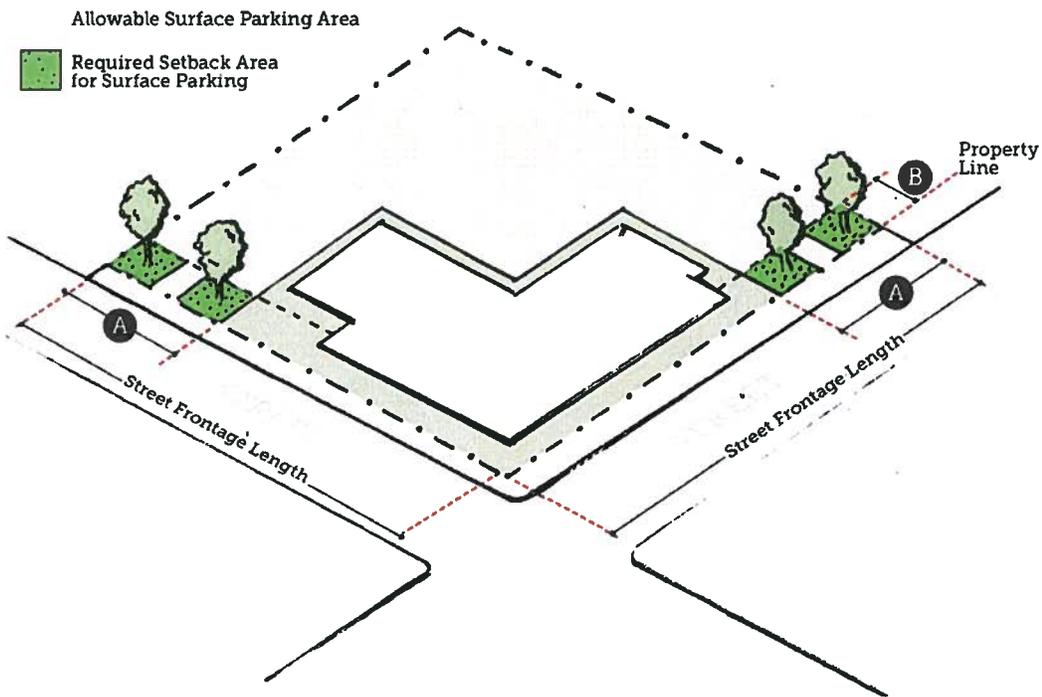


Figure 2. Surface Parking

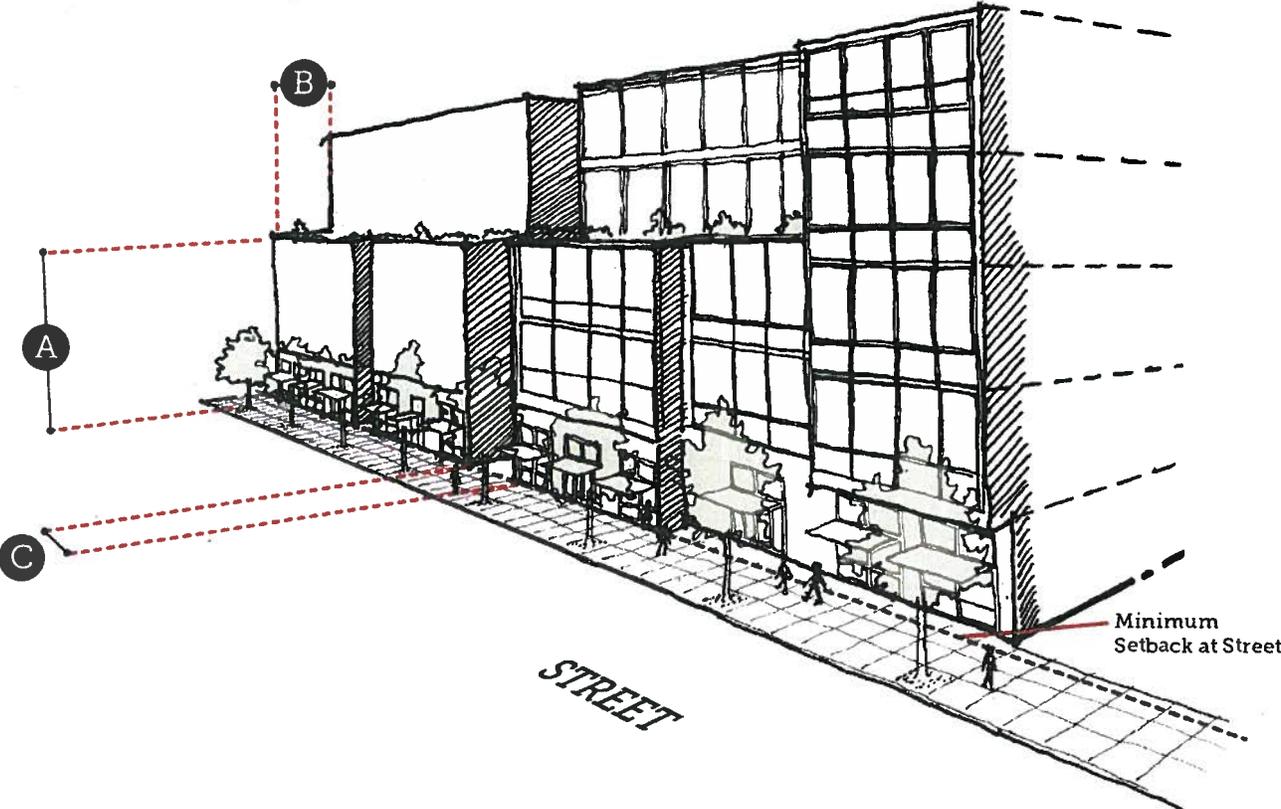


- (2) Building mass and scale. The following standards regulate building mass, bulk, size, and vertical building planes to minimize the visual impacts of large buildings and maximize visual interest of building facades as experienced by pedestrians.

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.	35 feet; except hotels	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 streets may be excepted from this standard in order to provide architectural variation. . Exception: hotels shall step back a minimum of 15 feet above 60 feet and an additional 10 feet for buildings 75 feet.
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	
Building Modulations Figure 3, label C	A building 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.	One every 200 feet ,with a minimum of one per façade	One every 200 feet, with a minimum of one per façade	One every 200 feet, with a minimum of one per façade	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 façade an existing building facade that faces a publicly accessible space is altered, it must comply with these modulation requirements.

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

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 per public street frontage	One entrance per public street frontage	One entrance per public street frontage	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%; 50% for commercial uses	50%	50%	Windows shall not be opaque or mirrored. For the purpose of this chapter, "Commercial" is defined as uses enumerated in this chapter, except office, light industrial, 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	15 feet	15 feet	
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



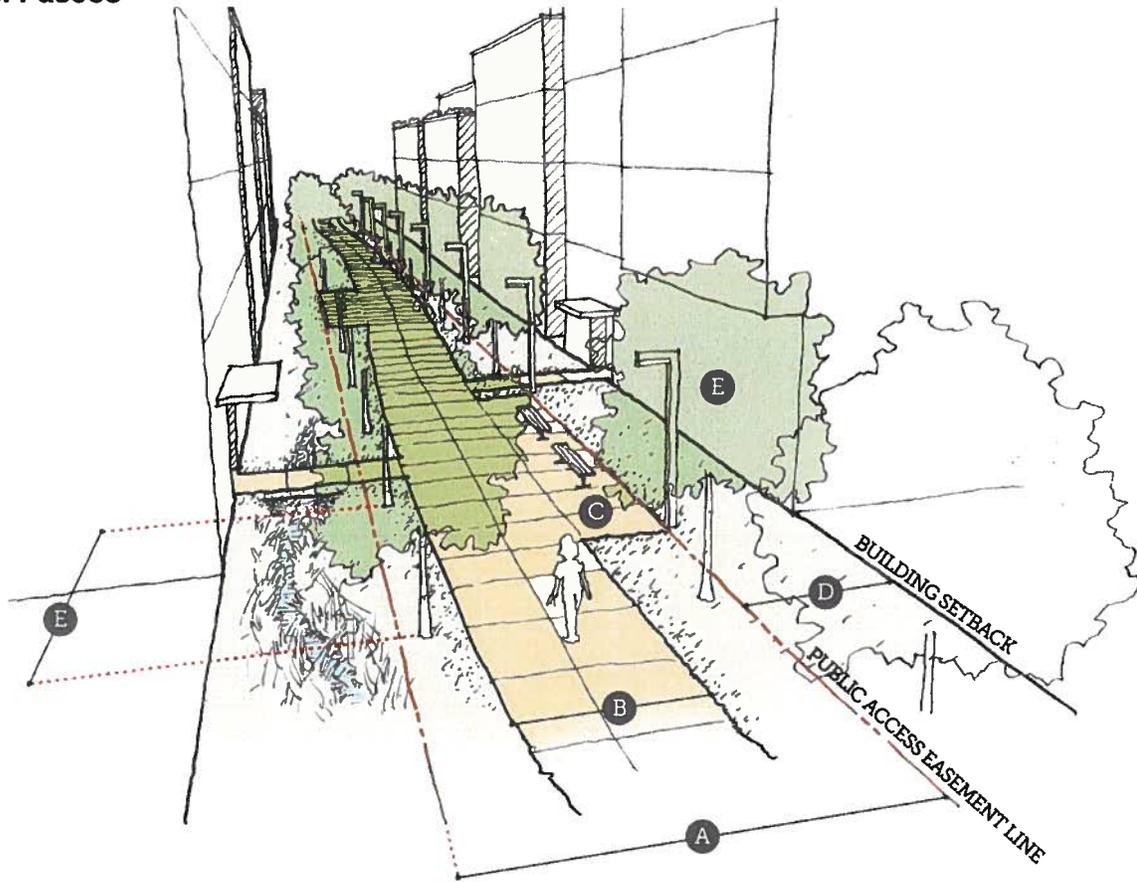
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- (4) Open space. All development in the Office district shall provide a minimum amount of open space equal to thirty percent (30%) of the total lot area, with a minimum amount of publicly accessible open space equal to fifty percent (50%) of the total 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) 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.
- (D) 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
Paseo Width Figure 5, label A	The minimum dimension in overall width of the paseo, including landscaping and hardscape components.	20 feet	
Pathway Width Figure 5, label B	The minimum and maximum width of the paved, 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.
Furnishing Zones 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.
Paseo Frontage Setback Figure 5, label D	The minimum setback for adjacent buildings from the edge of the paseo property line.	10 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.
Trees 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.
Landscaping	The minimum percentage of the paseo that is dedicated to vegetation.	20%	On-site infiltration of stormwater runoff is required.
Lighting	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.

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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.

Figure 6. Roof Lines



- (7) Access and parking.
- (A) Shared entrances to retail and office 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 or paseo.
 - (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

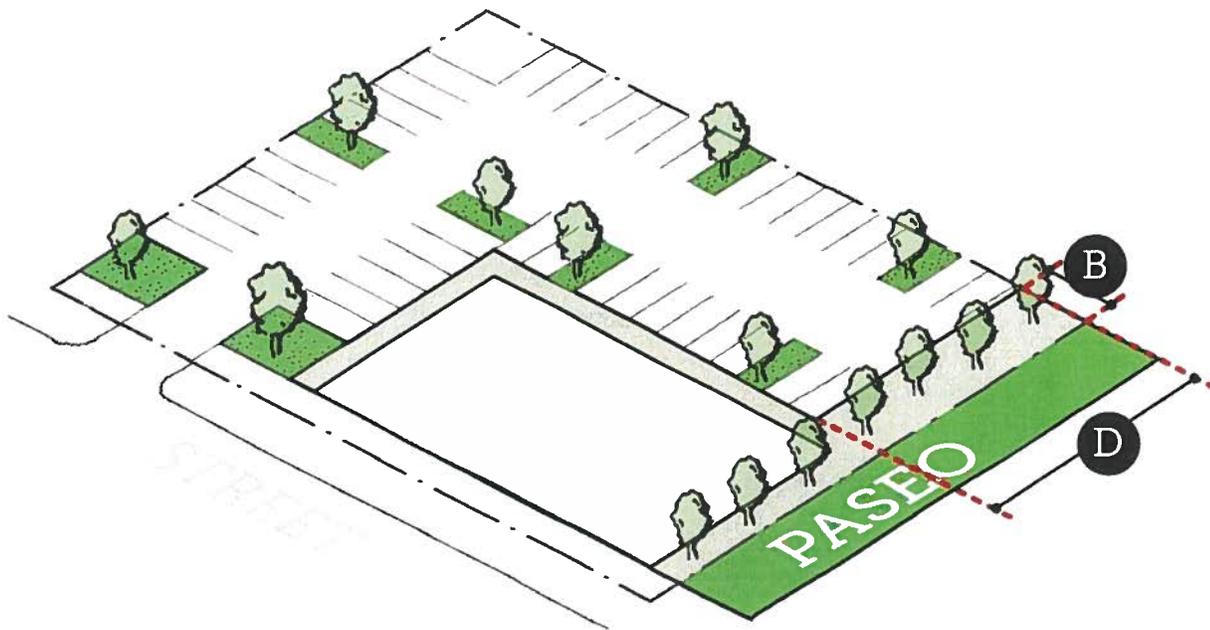
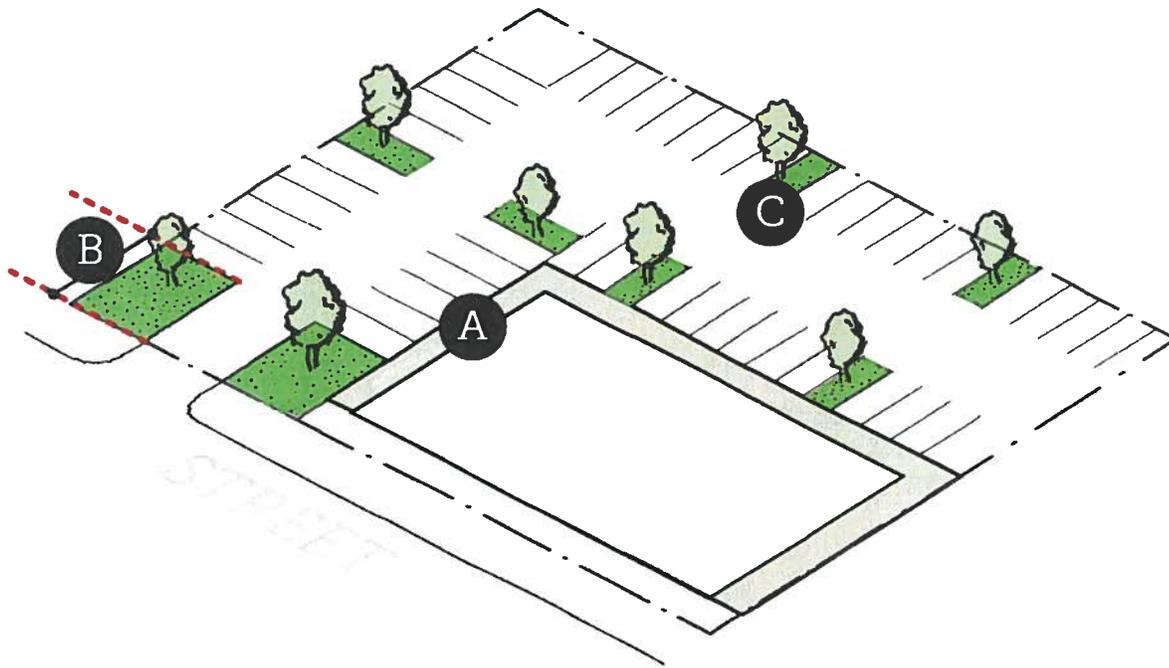
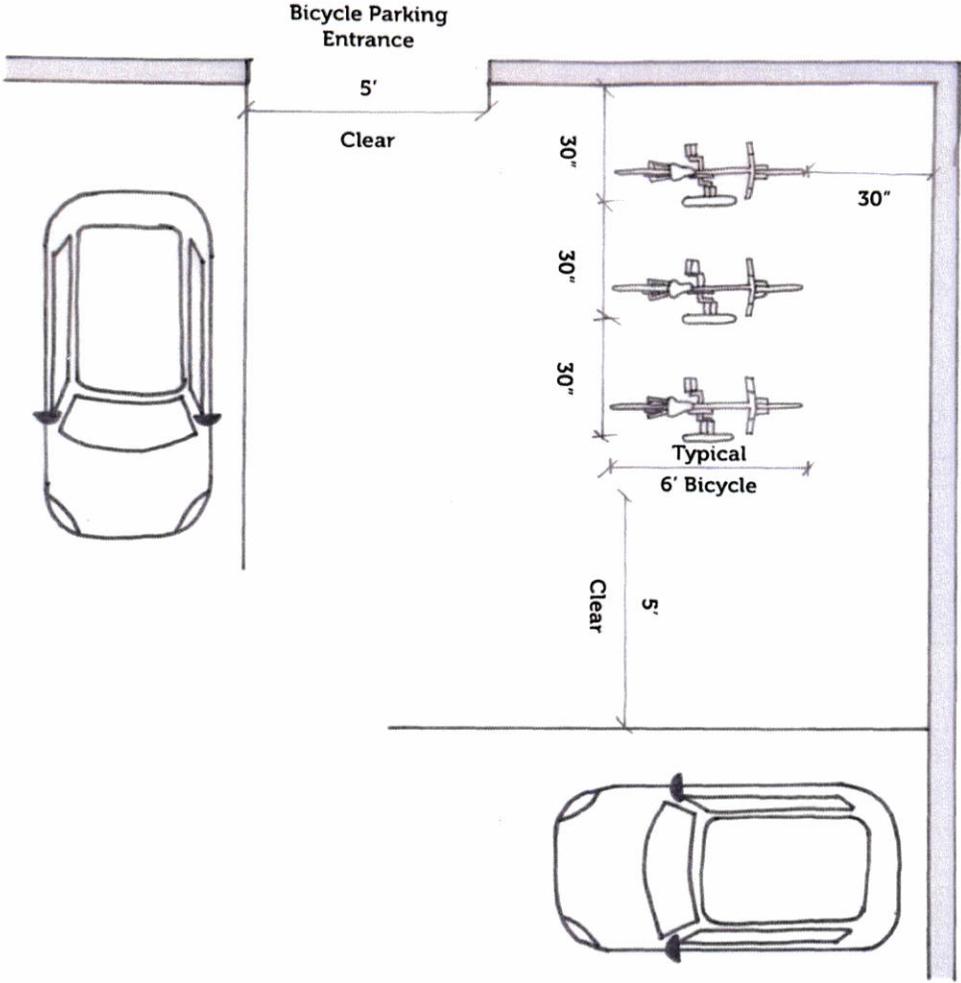


Figure 8. Bicycle Parking



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16.43.140 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 16.43.140(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 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 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 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 16.43.140(1)(B):
- (i) 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 16.43.140(2)(A).

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TABLE 16.43.140(1)(B): 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 ^{5,6}	25,001 sq. ft. and above of conditioned area, volume or size ^{5,6}
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 16.43.140(2)(B)	Designed to meet LEED Gold ID+C ¹ or update core and shell of entire building to current California Energy Code ⁴ and meet section 16.43.140(2)(B)
Electric Vehicle (EV) Chargers	<p><u>Pre-Wire²</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum of 2 in the pre-wire locations. 	<p><u>Pre-Wire²</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV 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><u>Pre-Wire²</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV 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><u>Pre-Wire²</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV Chargers³</u></p> <ul style="list-style-type: none"> • Minimum of 2 chargers in the pre-wire locations. 	<p><u>Pre-Wire²</u></p> <ul style="list-style-type: none"> • Minimum of 5% of total required number of parking stalls. <p>AND</p> <p><u>Install EV 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.

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 16.43.140(2)(B). If the building owner chooses to upgrade the entire building's core and shell to current California Energy Code standards and follow the City's requirements listed in section 16.43.140(2)(B), additions and alterations of that building will be exempt from the LEED ID+C requirement for three 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 For this calculation, laboratory space as defined in the building code is included in the addition and/or alteration square foot total, but exempt from the ID+C requirement.

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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 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 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 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 twenty-four (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 percent (90%) 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 percent (10%) 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