

# Proposed Changes to Title 16, Zoning Ordinance

*September 27, 2006*

*(Revised based on Working Group Review of September 14, 2006)*

## OVERVIEW

The proposed amendments to the Menlo Park Zoning Ordinance (Title 16 of the Municipal Code) are intended to accomplish the objectives of the Commercial Zoning Ordinance Update (CZOU). These changes are based on the Consultant’s analysis of the existing Ordinance as well as comments and recommendations received from community members, the Working Group, and City staff.

The City Council’s overall goal for the CZOU is to streamline the regulations. The Consultant has recommended revising the content, and in some cases, the format of selected sections of the Zoning Ordinance in order to make it easier to find out which rules apply to which uses in different districts; and assign applications to an appropriate level of review.

The following table lists each chapter of the Zoning Ordinance that will require revision and briefly describes the proposed changes.

<b>Table 1. Summary of Zoning Amendments by Chapter</b>	
<i>Chapter</i>	<i>Proposed Changes</i>
16.04 Definitions	Delete use definitions that will be replaced by the new use classifications.
16.05 (new chapter)	Insert comprehensive set of land use classifications pertinent to commercial and industrial districts as a new chapter.
16.30 – 16.46 (commercial district chapters)	Replace individual chapters devoted to each commercial zoning district with a single chapter that incorporates all of the commercial zoning districts. Revise use regulations to reflect the updated use classifications, and identify which uses should be permitted, limited, administratively permitted, conditionally permitted, or prohibited in each of the districts. Put use regulations in tabular format for easy reference.
16.44 – 16.46 (industrial districts chapters)	Replace individual chapters devoted to each industrial zoning district with a single chapter that incorporates both of the industrial zoning districts. Revise use regulations to reflect the updated use classifications, and identify which uses should be permitted, conditionally permitted, or prohibited in each of the districts. Put use regulations in tabular format for easy reference. Include provisions for “Business Park Master Plans” to allow for flexibility in mixed-use development.
16.78 Special Uses (re-named Standards for Specific Uses)	Revise to include standards for a broader range of specific commercial and industrial uses that may have potential impacts of concern, or need certain operating rules, in all zoning districts in which they are permitted or conditionally permitted. Incorporate provisions for specific land uses that are now scattered in other sections of the ordinance.

<b>Table I. Summary of Zoning Amendments by Chapter</b>	
<i>Chapter</i>	<i>Proposed Changes</i>
16.80 Nonconforming Uses and Structures	Revise to include new procedures for granting and revoking exemptions to amortization requirements following public notice and hearing. Other changes eliminate provisions that conflict with proposed use regulations or have become obsolete due to development activity since adoption of current ordinance.

In the interest of drafting a clear and understandable adopting ordinance, the text amendments are divided into three main groups. The first group includes the primary substance of the update: the revised commercial and industrial use regulations. The second group consists of revisions to the City’s provisions for nonconforming uses and structures. The third group encompasses revisions to maintain consistency within the Zoning Ordinance, including revisions to definitions and new provisions for use classifications.

**CORE PROVISIONS**

**Commercial and Industrial Base Districts and Use Regulations**

Regulations for Menlo Park’s commercial districts are proposed to be consolidated in a single chapter of the Zoning Ordinance. Regulations for the industrial districts will also be consolidated into a single chapter. These unified chapters will replace the separate chapters for each district that are in the existing Ordinance. Each chapter will include new purpose statements for each district, revised land use regulations in tabular format, and development and design standards that are carried over unchanged from the existing ordinance. Each base district chapter will include references to supplemental use regulations located in other chapters of the Zoning Ordinance, such as the standards for specific land uses in Chapter 16.78.

*Revisions in Response to City Council Action on Districting*

The Consultant had initially recommended a revised commercial districting scheme that combined the City’s 11 current commercial districts into a streamlined set of six districts, and purpose statements added to clarify the intended character of each district. The Working Group expressed general support for this concept at the meeting of July 13, 2006, although some members brought up certain concerns. Since the new districting scheme was beyond the initial project description for this phase of Commercial Streamlining, it was brought before the City Council at its August 22, 2006 meeting for direction. The Council voted to maintain the existing set of zoning districts, including the number, mapping, and naming of districts; any reorganization of districts will be deferred to a future General Plan update. Therefore, the draft use regulations have been prepared to reflect Menlo Park’s *existing* commercial and industrial districts. Except for the M-1 Light Industrial District, the existing districts currently lack purpose statements. The Consultant has drafted new purpose statements for each of the existing zoning districts that will clarify the intended land use mix and development type for each.

The use regulations for Menlo Park’s commercial districts will be simplified under the proposed ordinances—specifically, that minor differences between variations of the C-1 office and C-2 neighborhood commercial districts could be eliminated. The consultant proposes that

C-1 and C-2 have unified purpose statements describing intended land use character, while the variations of C-1 and C-2 (C-1-A, C-1-B, C-1-C, C-2-S, C-2-A, C-2-B) be listed as subdistricts and described according to any relevant differences in their geographic location, typical site characteristics, or the physical development type that is envisioned. This will maintain the integrity of the existing mapping system and respond to Council direction.

In the land use regulation tables, C-1 and C-1-C are grouped together, while C-1-A and C-1-B are grouped together, because these groupings have similar intended land use mix.

The maintenance of the existing districting scheme has other implications for the organization of the land use regulation tables. For El Camino Real, the Consultant had previously recommended creating two separate districts: one for the central part of El Camino Real adjacent to the downtown and the Caltrain station; another for the other sections of El Camino Real, which would have a more auto-oriented or regional commercial character. While the regulations still reflect the different character of these stretches of the street, they are treated as a single zoning district in the use table. In order to be consistent with the Council's direction to retain existing use districts, we have noted any differences in the use regulations for different stretches of El Camino Real as footnote limitations rather than separate columns or districts.

One Working Group member asked to have a separate zoning district for Santa Cruz Avenue, in order instead of using special footnote limitations for use regulations that pertain to Santa Cruz to enhance the clarity of the use regulations. However, because the City Council has directed the project to proceed with existing districts, the use regulations for Santa Cruz Avenue that differ from the rest of the downtown are noted as "L" limitation footnotes to the use table in order to avoid re-mapping.

#### *Revisions in Response to Working Group Comments and Follow-Up Research*

The Consultant prepared a draft set of use regulations for review at the August 17, 2006 Working Group meeting. Working Group members provided feedback that has been used to revise the draft use regulations. The revised use regulations are also informed by additional follow-up research as directed by the Working Group.

Working Group members asked for a comparison chart of existing and proposed regulations and the rationale for each proposed change. This information is in Appendix A.

Working Group members asked the Consultant to clarify whether permitted uses are subject to CEQA; this is done in the proposed ordinance. All new buildings, additions to buildings, and substantial modifications to the exterior of buildings will require Architectural Control, which is a discretionary review that is subject to CEQA. Therefore, even if a use becomes a permitted use, it may still be subject to CEQA. Changes in use that require building permits may also be required to submit a traffic analysis. The Transportation Element requires that new development be reviewed for its potential to generate significant traffic volumes on local streets in residential areas and shall be required to mitigate potential significant traffic problems (Policy II-A-8).

The draft land use regulations have also been revised to reflect comments received from Working Group members.

*Response to Comments on Commercial Districts*

Working Group members provided a number of comments about land uses in downtown Menlo Park, particularly regarding the correct mix of uses on Santa Cruz Avenue. They emphasized the need to maintain primarily retail and other active storefront uses on the ground floor of buildings. Therefore, the following uses that were previously listed as permitted have been changed to exclude their location on the ground-floor of Santa Cruz Avenue: business services, fast food restaurants, take-out restaurants, maintenance and repair services, personal instructional services, liquor stores, cultural institutions, day care centers, public safety facilities, and religious facilities.

Working Group members identified several uses that should be permitted in the C-3 that were previously not identified as being permitted: animal clinics, small home improvement stores/showrooms, and laboratories (on upper floors only). We also have added provisions for funeral and interment services, which would be allowed in the C-3 and C-4, but not on Santa Cruz Avenue.

The Working Group discussed whether hotels and motels should be allowed in the downtown. They currently are not allowed and the Consultant had proposed that they be allowed outright. The group agreed that they could be permitted in downtown as long as the ground floor consists of an active use, with windows providing views into lobbies, reception areas, displays or a restaurant. They asked for standards to ensure that hotels have an active storefront.

Working Group members also suggested modifications to some of the proposed limitations for commercial uses. For example, the draft regulations initially contained a limitation that applied to certain uses in downtown Menlo Park and restricted them on the ground floor where retail storefronts and eating and drinking establishments occupy 50 percent or more of the blockface. On the suggestion of working group members, this limitation was changed to a simple ground-floor restriction that is not tied to the mix of existing uses.

*Response to Comments on Industrial Districts*

Working group members asked that Automobile Sales and Eating and Drinking Establishments be added as outright permitted uses in the M-2 District, without locational limitations.

Discussion ensued about retail and service uses in the M-2, and members generally supported greater allowances for retail uses than initially had been recommended by the consultant. At least one member wanted to completely open up the M-2 to retail, including large-scale retail, anywhere in the district. However, the majority opinion suggested that the Consultant should draft provisions to allow retail in concentrated nodes along arterial streets and near the transit station that may be constructed in the district. These can be fine-tuned to respond to specific concerns.

There was also discussion about offices uses in the M-2. In order to implement the General Plan goal of promoting commercial uses that provide significant revenue to the City, the Consultant proposed the concept of Revenue-Enhancing Offices. These were initially defined as those offices generating at least \$2.00 per square foot of sales tax revenue to the City of Menlo Park. The Consultant proposed that Revenue-Enhancing offices be permitted outright

in the M-2, while General Offices be allowed only as a secondary use, not occupying more than 50 percent of the floor area of any building. Concerns were raised about the revenue-generation rate itself and about creating flexibility to allow a mix of uses within a building, business park, or campus. The Consultant was directed to follow up with Working Group members and stakeholders regarding Revenue-Enhancing Offices and other uses in the M-2, and also to adjust the threshold for sales tax revenue generation to an appropriate level for an office use.

The Consultant developed a new section of Chapter 16.78, Revenue-Enhancing Offices, with a set of standards and procedures for establishing that a use qualifies as a Revenue-Enhancing Office. It includes allowances for multi-use buildings and sites to use an averaging method to demonstrate net revenue-enhancement above a threshold established by the City Council. It also includes allowances for start-ups to demonstrate potential for future revenue generation.

Based on recent data provided by the City on taxable sales generated by businesses in the M-2 District, the minimum revenue generation rate may be on the order of at \$0.20 of sales tax revenue per square foot of gross floor area, or a higher target rate could be set, consistent with General Plan policy. The rate could be adjusted through City Council resolution, on an annual or less frequent basis, according to the percentage change in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area.

In order to facilitate transition to this new approach to commercial and industrial land use regulations and avoid adverse impacts on development projects in process, which had not assumed such costs would apply, it may make sense to defer application of a minimum revenue generation rate for one year or more. This grace period would enable the streamlining benefits as well as the potential additional costs to be factored into development projects pro-formas.

### **Standards for Specific Uses**

Chapter 16.78 in the current Menlo Park Zoning Ordinance identifies a set of uses that have special characteristics and always require a use permit. It lists “considerations” for determining if these uses should be approved. The “considerations” address potential hazards and nuisances such as noise, smoke, odor, and dust, and function as a set of performance standards for these uses. The current chapter also lists standards and limitations for a few specific land uses. We have eliminated the minimum site area for churches requirement to avoid a possible conflict with the Federal Religious Land Use and Institutionalized Persons Act, but proposed new standards and limitations for this use and others.

This chapter has been updated to reflect the revised use classification names. It incorporates existing rules for special uses, most of which are located in Chapter 16.78, but a few of which are located in other chapters. The list of uses is also expanded to include additional non-residential uses that may be either permitted or conditionally permitted in the base districts, but need special site treatment or operating rules in order to ensure their compatibility with the surrounding area. The base district regulations will include cross-references to these standards for specific uses. Where uses are permitted outright in some of the commercial and industrial base districts, but always subject to special rules, it can reduce the number of discretionary permits.

### *Revisions in Response to Working Group Comments*

Working Group members asked that the standards for specific uses be reviewed and revised to ensure that any development standards reflect the development character of Menlo Park, and avoid being overly “suburban,” with excessive setbacks and separation. With this in mind, unnecessary standards have been eliminated. Some additional requirements, such as having windows offering views into lobbies and restaurants in hotels on Santa Cruz Avenue, have been added in response to Working Group comments. As noted above, a new section on Revenue-Enhancing Offices also has been prepared. Other specific comments and revisions are as follows:

- Adult Businesses: The minimum distance from educational, religious or cultural institutions and public parks was increased to 1,000 feet. We clarified that Therapeutic Massage would be governed by standards for Restricted Personal Services and reduced the maximum size without a Use Permit to 2,500 square feet.
- ATM weather shelters – eliminated. This is a bank service issue.
- Day Care Centers: We clarified the size of the drop-off zone.
- Hospitals and Clinics: The limitation on supporting/accessory commercial uses was intended to avoid over-sized gift shops; in the interest of simplification, this limit was dropped.
- Outdoor Eating Areas: We think the five-foot width is more “pedestrian-friendly.” If obstructions encroach into this area all that is required is an encroachment permit, which would allow the City to review this issue on a case-by-case basis.
- Temporary Outdoor Sales: We eliminated the “cap” of 250 square feet and 500 square feet in the interest of providing more flexibility for retail merchants.
- Wholesale Distribution and Storage: We had thought that the spacing requirement would minimize truck traffic congestion, but upon reflection, the City’s traffic impact analysis requirements would enable this issue to be addressed on a case-by-case basis, so this spacing requirement was dropped.
- Irrigation systems: When these have automatic timing controls, these systems help promote water conservation.
- Litter controls: We expanded use of the requirement for trash receptacles.

### **NONCONFORMING PROVISIONS**

Chapter 16.80, Nonconforming Uses and Structures, includes a number of provisions that apply specifically to uses and structures in commercial and industrial districts. Some provisions have been identified as being particularly problematic for commercial uses. The proposed regulations retain the existing structure of this chapter and several key provisions, including amortization requirements, but based on Working Group and Staff recommendations, as well as the Consultant’s analysis, some new provisions and revisions to

other current regulations are prepared.

The revised regulations retain existing provisions that allow substitution of nonconforming uses and alternation and expansion of nonconforming structures subject to approval of a Use Permit. The draft also retains the City's authority to require amortization of nonconforming uses and structures but proposes a new exemption process. This procedure would allow an owner to obtain an exemption from the amortization provisions based on a determination that the nonconforming use has no adverse impact on permitted uses in the district or can be made compatible with such uses. This new procedure would enable the owner of a nonconforming use or structure to expand or add a structural feature that might not be permitted under the current regulations. The approval of such an exemption would require public notice and a hearing by the Planning Commission and would be subject to revocation.

An alternative approach that the City may wish to consider would be to eliminate the current amortization provisions and, instead of an exemption process, establish a procedure allowing owners to apply for exceptions to the new zoning regulations. Under this system, following adoption of the new regulations, the City would notify owners of nonconforming commercial or industrial uses that they may file for an exception to permit an existing use to remain at a property indefinitely even if the use ceases for a period of time and to make specified alterations and additions. Exceptions could be limited to a specific time period, require an application to transfer to a new owner or operator, and/or they could run with the land, not the building.

Other changes in the proposed nonconforming regulations include the addition of a purpose statement, elimination of provisions regarding nonconforming service stations in the El Camino Real districts, and elimination of the regulation specifically requiring amortization of nonconforming uses in the M-1 district because no such uses remain.

## **CONSISTENCY AMENDMENTS**

A number of amendments are needed to support, and ensure consistency with, the revised commercial and industrial use regulations.

### **Definitions**

Definitions that are no longer needed or would conflict with the proposed system of use classifications would be eliminated. For example, the definitions for "administrative office" and "adult entertainment establishment" would be updated and moved to the use classifications, while general definitions such as "yard" and "apartment" would remain in the definitions chapter.

### **Use Classifications**

For the July 13, 2006 Working Group meeting, the Consultant prepared a draft set of non-residential use classifications. The classifications are updated to be more comprehensive, reflect modern industries and unique characteristics of land uses in Menlo Park, and follow a logical structure. The draft classifications will be revised based on comments received from Working Group members and City staff, and collected in a new chapter of the Zoning Ordinance that is separate from the general definitions chapter.

To avoid possible confusion regarding the distinction between Fast Food and Limited Service Restaurants, these uses have been combined into a single classification. The City may wish to establish a separate classification for formula food establishments that would allow additional restrictions on such uses. Formula Food Establishments have been defined as restaurants that are required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, décor, uniforms, architecture, signage, or similar standardized features that cause the establishment to be substantially identical to other restaurants regardless of ownership or location.

### **Use Regulations**

An additional change the City may wish to consider to bring the Zoning Ordinance into conformance with the General Plan would be to allow residential development as a conditional use in the C-1 Administrative and Professional District. The existing Code does not allow residential development in any C-1 District even though the General Plan states that the Professional and Administrative Office designation provides for residential uses at a density not to exceed 18.5 units per net acre. The draft Ordinance does not include this change because it has not been discussed by the Working Group.

## **PART I: ZONING TEXT AMENDMENTS – CORE PROVISIONS**

### **Chapter 16.30 Commercial and Office Districts**

*This chapter will replace the existing Chapter 16.30.*

**Sections:**

16.30.010	Purpose
16.30.020	Land Use Regulations
16.30.030	Development Standards

#### **16.30.010 Purpose**

- A. **General Purpose of Commercial Districts.** The purposes of the commercial districts are to:
1. Implement the goals and policies of the Menlo Park General Plan for commercial areas.
  2. Provide for the orderly, well-planned and balanced growth of commercial districts.
  3. Assist the maintenance, expansion, and revenue-generating capacity of Menlo Park's commercial sector to meet the needs of both Menlo Park residents and those living within Menlo Park's market area.
  4. Promote the development and retention of commercial uses that provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.
  5. Strengthen Downtown as a vital and competitive shopping area while encouraging the preservation of Downtown's historic atmosphere and character.
  6. Encourage creativity in development of the El Camino Real Corridor.
  7. Encourage the rehabilitation and continued use of viable and appropriate neighborhood commercial uses or collections of stores serving surrounding residential neighborhoods.
  8. Provide appropriate buffers between commercial and residential uses to preserve both commercial feasibility and residential quality.
  9. Encourage mixed-use development that is conveniently accessible by pedestrians and public transit.

B. **Additional Purposes of Each Commercial District.**

1. *C-1 Administrative and Professional District.* To provide areas for professional, business, and administrative offices and business support services normally associated with offices. The emphasis of the district is on accommodating office development, but it also allows for a mixture of compatible commercial, institutional, and public/semi public uses. Residential development is not allowed.

The C-1 and C-1-C subdistricts are intended for larger-scale office development, including single-use office buildings, in a landscaped setting. Typical uses include professional, executive, and administrative offices, and research and development uses. Secondary eating and drinking establishments are permitted within office buildings, but retail and services uses are generally not permitted.

- a. C-1 is generally applied to the campuses of major research institutions, as well as large sites suitable for office development throughout the city. The minimum lot area is two acres.
- b. C-1-C is applied to large office sites, including campuses, many of them located along Sand Hill Road. The minimum lot area is three acres.

The C-1-A and C-1-B subdistricts are intended for smaller-scale medical and professional offices that serve the community and accommodate walk-in clientele as well as general office uses that are compatible with adjacent residential areas. Secondary personal services that support the office uses are permitted, and the district accommodates a mix of commercial and public/semi public uses. The C-1-A and C-1-B subdistricts are applied to smaller sites near residential areas or between residential and commercial areas.

- c. C-1-A is generally applied to small sites throughout the city. The minimum lot area is 10,000 square feet.
  - d. C-1-B is also applied to small office sites that are adjacent to retail and service concentrations, such as those near the downtown. The minimum lot area is 10,000 square feet.
2. *C-2 Neighborhood Commercial.* This zoning district is intended for small-scale commercial uses that primarily provide goods and services to the immediate neighborhood. Retail, restaurant, and personal service uses that serve day-to-day convenience shopping are encouraged. Uses are to be located within enclosed buildings, and some subdistricts have limitations on hours of operation to protect adjacent residential neighborhoods. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. The C-2 district includes the following subdistricts:

- a. C-2 is intended to accommodate neighborhood shopping centers, and requires a minimum lot area of three acres.
  - b. C-2-A is typically applied to smaller sites. There is a minimum district area of 25,000 square feet, but no minimum lot area. To protect residential neighborhoods, business operations, including loading and unloading, are limited to the hours between 8:00 a.m. and 8:00 p.m.
  - c. C-2-B is also applied to smaller sites, including a number of sites located on Willow Road. Like the C-2-A, there is a minimum district area of 25,000 square feet, but no minimum lot area. To protect adjacent residential neighborhoods, business operations, including loading and unloading, are limited to the hours between 8:00 a.m. and 8:00 p.m.
  - d. C-2-S is applied to sites that are at larger intersections or adjacent to industrial districts. Development regulations are intended to be flexible: standards such as setbacks, building heights, distances between buildings, lot coverage, parking requirements, and landscaping requirements are established by the Planning Commission for each development. Residential dwelling units at a maximum density of 18.5 units/acre are permitted.
3. ***C-3 Central Commercial.*** This zoning district is intended for commercial and mixed-use development in downtown Menlo Park. The district is intended to maintain the pedestrian-oriented environment in the downtown area, with a focus on active ground-level commercial uses that promote pedestrian activity and comparison shopping. Development standards are geared toward a downtown environment and encourage a continuous building frontage.
  4. ***C4 General Commercial (Other than El Camino Real).*** This district is typically applied along major transportation corridors, and is intended to accommodate a wide variety of commercial uses that may serve both residents and the larger region. The C-4 allows a full range of retail, service, dining, and entertainment uses; automobile-related uses such as auto sales, gas stations, and auto repair; travel-related services such as hotels; and a variety of public/semi-public uses. This district provides the sole location in the city for large-format retail establishments, and guides them to locations near freeways. Development is expected to generally be auto-accommodating.
  5. ***C-4 ECR General Commercial (Applicable to El Camino Real).*** This district is intended to implement the General Plan goal of encouraging creativity in development of the El Camino Real corridor by providing for a range of commercial uses. The El Camino Real corridor encompasses two types of areas. In the area between the Caltrain station and the downtown retail core (C-3 Central Commercial District), it provides for upper-story office uses, as well as ground-floor retail and service uses that complement both the downtown

district and the transit station, and implement the General Plan Policy to encourage new and upgraded retail development along El Camino Real near Downtown. Along the remainder of El Camino Real, development is expected to be generally auto-accommodating and a broad range of commercial and public/semipublic uses is permitted.

#### **16.30.020 Land Use Regulations**

Table 16.30.020 on the following page prescribes the land use regulations for the commercial districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review. Use classifications not listed in the table are prohibited.

“P” designates uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” designates uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by letter designations listed at the end of Table 16.30.020.

“A” designates uses that may be permitted following review and approval of an administrative use permit by the Community Development Director.

“C” designates uses that may be permitted following review and approval of a Use Permit by the Planning Commission.

“-” designates uses that are not permitted.

The regulations for the C-4 ECR district are represented by two columns, the first of which applies to sites located on the section of El Camino Real between Oak Grove Avenue and Ravenswood Avenue, and the second of which applies to sites zoned C-4 ECR and located on the remainder of El Camino Real.

The “Additional Regulations” column notes additional regulations in Chapter 16.78 that apply to particular land uses.

These provisions notwithstanding, approval of a building permit for the construction, exterior alteration, or exterior remodeling of any building other than a single-family dwelling, duplex, or accessory building or any structure designated as an historic landmark pursuant to Chapter 16.54 of this ordinance or State or federal law shall be subject to architectural review pursuant to Section 16.68.020 of this ordinance. The approval of architectural review is subject to environmental review pursuant to the requirements of the California Environmental Quality Act, this ordinance, and any regulations the City may adopt to implement such requirements.

Land uses are defined in Chapter 16.05, Use Classifications.

**TABLE 16.30.020: USE REGULATIONS - COMMERCIAL AND OFFICE DISTRICTS**

	C-1, C-1-C	C-1-A, C-1-B	C-2, C-2-A, C-2-B, C-2-S	C-3	C-4 ECR (down- town)*	C-4 ECR	C-4	Additional Regulations
<b>Commercial Uses</b>								
Adult Business Establishments	--	--	--	--	--	--	C	Sec. 16.78.010
Animal Sales and Services	<i>See subclassifications below.</i>							
Animal Clinics & Hospitals	--	--	L-1	L-1, L-6	C	P	P	
Animal Retail Sales & Services	--	--	L-1	L-1	L-1	L-1	P	
Automobile/Vehicle Sales and Service	<i>See subclassifications below.</i>							
Automobile Rentals	--	--	L-2	--	--	P	P	Sec. 16.78.020
Auto/Vehicle Sales & Leasing	--	--	--	--	--	P	P	Sec. 16.78.020
Gas Station and Light Vehicle Service	--	--	L-4	--	--	P	P	Sec. 16.78.080
Automobile Washing	--	--	--	--	--	--	L-5	Sec. 16.78.040
Banks and Financial Institutions	P	L-1	L-1	L-7	P	P	P	Sec. 16.78.050
Business Services	P	L-1	--	L-6	P	P	P	
<b>Commercial Recreation</b>								
Small-Scale	--	--	C	L-3	C	C	P	
Cinemas	--	--	--	C	C	C	C	
<p><b>Limitations:</b></p> <p>L-1: Permitted with an administrative use permit if occupying less than 5,000 square feet; additional floor area allowed with approval of a Use Permit.</p> <p>L-2: No on-site storage of vehicles allowed.</p> <p>L-3: Permitted, but not as a principal ground-floor use.</p> <p>L-4: Permitted only on sites with frontage on at least one street classified as a Primary Arterial Street or Minor Arterial Street in the Menlo Park General Plan.</p> <p>L-5: No outdoor storage or washing of cars in unenclosed facilities.</p> <p>L-6: Permitted except as a ground-floor use on any lot or building fronting on Santa Cruz Avenue.</p> <p>L-7: Permitted on the ground floor if occupying less than 3,000 square feet; additional floor area requires approval of a Use Permit.</p> <p><b>Notes:</b></p> <p>*The column labeled "C-4 ECR (downtown)" applies to sites zoned C4 ECR and located between Oak Grove Avenue and Ravenswood Avenue; the following column, labeled simply "C-4 ECR," applies to sites zoned C4 ECR and located on the remainder of El Camino Real (west of Oak Grove Avenue or east of Ravenswood Avenue).</p>								

<b>TABLE 16.30.020: USE REGULATIONS - COMMERCIAL AND OFFICE DISTRICTS</b>								
	C-1, C-1-C	C-1-A, C-1-B	C-2, C-2-A, C-2-B, C-2-S	C-3	C-4 ECR (down- town)*	C-4 ECR	C-4	Additional Regulations
Eating & Drinking Establishments	See subclassifications below.							
Bars, Nightclubs, Lounges	--	--	--	C	C	C	C	
Restaurants, Limited Service	L-7	L-7	P	P	L-7	P	P	
Restaurants, Full Service	--	--	--	P	L-7	P	P	
Restaurants, Take-Out Only	L-7	L-7	P	L-6	L-7	P	P	
Funeral & Interment Service	--	--	--	L-6	--	P	--	
Home Impvt Sales & Service	--	--	--	L-1	--	--	L-1	
Hotels and Motels	--	--	--	L-6	P	C	C	Sec. 16.78.100
Laboratories	P	L-7	--	L-10	--	P	P	
Maintenance and Repair Services	--	--	L-8	L-8, L-6	--	L-7	L-8	
Offices, Business and Professional	See subclassifications below.							
Revenue-Enhancing	P	--	--	L-10	L-10	L-10	--	Sec. 16.78.180
General Purpose	P	L-1	L-3	L-6	L-10	L-10	L-3	
Walk-in Clientele	--	L-1	P	L-11	P	P	P	
Offices, Medical and Dental	L-1	L-1	L-1	L-3	L-3	P	P	
Personal Instructional Services	--	L-1	L-1	L-1, L-6	L-1	L-1	L-1	
Personal Services	See subclassifications below.							
General	--	L-7	L-1	L-6	L-7	L-7	P	
Restricted	--	--	--	C	--	--	C	Sec. 16.78.150
<b>Limitations:</b>								
L-1: Permitted with an administrative use permit if occupying less than 5,000 square feet; additional floor area allowed with approval of a Use Permit.								
L-3: Permitted on upper floors only. May be permitted as a principal ground-floor use only with approval of an administrative use permit.								
L-6: Permitted, except as a ground-floor use on any lot or building fronting on Santa Cruz Avenue.								
L-7: Permitted on the ground floor if occupying less than 3,000 square feet; additional floor area requires approval of a Use Permit.								
L-8: Only appliance repair occupying less than 3,000 square feet allowed.								
L-9: Permitted if occupying less than 10,000 square feet, or 35,000 square feet for a grocery store or neighborhood market.								
L-10: Permitted on upper floors only.								
L-11: Business and Professional Offices, Walk-in Clientele are permitted, except that real estate offices are not permitted as a ground-floor use on Santa Cruz Avenue.								

<b>TABLE 16.30.020: USE REGULATIONS - COMMERCIAL AND OFFICE DISTRICTS</b>								
	C-1, C-1-C	C-1-A, C-1-B	C-2, C-2-A, C-2-B, C-2-S	C-3	C-4 ECR (down- town)*	C-4 ECR	C-4	Additional Regulations
Retail Sales	See subclassifications below.							
General	--	--	L-1	P	L-7	P	P	
Convenience Market	--	L-1	L-1	P	L-7	P	P	Sec. 16.78.060
Food and Beverage Sales	--	--	L-9	L-7	L-7	L-7	P	
Liquor Stores	--	--	--	C	C	C	C	Sec. 16.78.110
Large-format Retail	--	--	--	--	--	--	L-12	
Restricted	--	--	--	--	--	C	C	Sec. 16.78.190, Tobacco Sales
<b>Industrial</b>								
Artists Studios	--	--	--	--	--	C	C	
Research and Development, & Information Technology	P	--	--	--	--	--	--	
<b>Public, Semipublic and Service</b>								
Clubs and Lodges	--	A	--	L-3	L-3	A	A	
Colleges & Trade Schools	P	--	--	L-3	L-3	P	--	
Community Social Service Facilities	--	--	C	L-6	L-3	C	C	
Cultural Institutions	--	--	C	L-6	L-1	L-1	L-1	
Day Care Center	A	A	A	L-6	A	A	A	Sec. 16.78.070
Government Offices	P	L-1	C	L-13	L-13	C	C	
Hospitals and Clinics	See subclassifications below.							
Hospitals	--	--	--	--	--	C	C	Sec. 16.78.090
Clinics	A	A	A	L-6	L-6	A	A	Sec. 16.78.090
Parking Facilities, Public	--	--	--	C	C	--	--	
Public Safety Facilities	C	C	C	L-6	C	C	C	
Religious Facilities	--	C	--	L-6	C	C	C	Sec. 16.78.170
<b>Limitations:</b>								
L-1: Permitted with an administrative use permit if occupying less than 5,000 square feet; additional floor area allowed with approval of a Use Permit.								
L-3: Permitted, but not as a principal ground-floor use.								
L-6: Permitted except as a ground-floor use on any lot or building fronting on Santa Cruz Avenue.								
L-7: Permitted on the ground floor if occupying less than 3,000 square feet; additional floor area requires approval of a Use Permit.								
L-9: Permitted if occupying less than 10,000 square feet, or 35,000 square feet for a grocery store or neighborhood market.								
L-12: Permitted only within 2,500 feet of an intersection with SR 84.								
L-13: Only customer-service government offices permitted.								

<b>TABLE 16.30.020: USE REGULATIONS - COMMERCIAL AND OFFICE DISTRICTS</b>								
	C-1, C-1-C	C-1-A, C-1-B	C-2, C-2-A, C-2-B, C-2-S	C-3	C-4 ECR (down- town)*	C-4 ECR	C-4	Additional Regulations
Residential Care, General	C	C	C	--	--	--	--	
<b>Residential Uses</b>								
Residential Dwelling Units	--	C	L-14	C	C	C	--	
<b>Transportation, Communication, &amp; Utilities</b>								
Communication Facilities	See subclassifications below.							
Antennas and Towers	C	C	C	C	C	C	C	
Facilities within Buildings	P	--	--	--	--	P	--	
Recycling Facilities	--	--	--	--	--	A	--	Sec. 16.78.160
Utilities, Minor	P	P	P	L-15	P	P	P	
<b>Specific Accessory Uses</b>								
Outdoor Eating Area accessory to an Eating and Drinking Establishment	A	A	A	A	A	A	A	Sec. 16.78.130
Live Entertainment or Dancing accessory to an Eating and Drinking Establishment	--	--	--	C	C	C	C	Sec. 16.78.120
Outdoor sales accessory to an allowed retail use	--	--	--	A	A	A	A	Sec. 16.78.140
Warehousing and Storage accessory to an allowed retail use			L-16	L-16	L-16	L-16	L-16	
<b>Limitations:</b>								
L-14 Residential Dwelling Units permitted in the C-2-S subdistrict only, and at a maximum density of 18.5 units per acre.								
L-15: Administrative Use Permit required unless facility is underground or attached to an existing building and not readily visible from the public right-of-way.								
L-16: Permitted as an accessory use if not occupying more than 25 percent or 3,000 square feet of floor area, whichever is greater.								

**16.30.030 Development Standards**

*Existing development standards for each commercial zoning district will be relocated to this section. The existing text of the development standards will be maintained exactly as it is; however, the titles of each section will be changed from “development regulations” to the name of the relevant district, for easy referencing.*

**A. C-1 District.**

[Existing regulations from Section 16.30.030, Development Regulations [C-1 District] will be

inserted here.]

**B. C-1-A District.**

[Existing regulations from Section 16.32.030, Development Regulations [C-1-A District] will be inserted here.]

**C. C-1-B District.**

[Existing regulations from Section 16.34.030, Development Regulations [C-1-B District] will be inserted here.]

**D. C-1-C District.**

[Existing regulations from Section 16.36.030, Development Regulations [C-1-C District] will be inserted here.]

**E. C-2 District.**

[Existing regulations from Section 16.38.030, Development Regulations [C-2 District] will be inserted here.]

**F. C-2-A District.**

[Existing regulations from Section 16.39.030, Development Regulations [C-2-A District] will be inserted here.]

**G. C-2-B District.**

[Existing regulations from Section 16.40.030, Development Regulations [C-2-B District] will be inserted here.]

**H. C-2-S District.**

[Existing regulations from Section 16.37.030, Development Regulations [C-2-S District] will be inserted here.]

**I. C-3 District.**

[Existing regulations from Section 16.41.030, Development Regulations [C-3 District] will be inserted here.]

**J. C-4 District (other than El Camino Real).**

[Existing regulations from Section 16.42.030, Development Regulations [C-4 District] will be inserted here.]

**K. C-4 District (applicable to El Camino Real).**

[Existing regulations from Section 16.43.030, Development Regulations [C-4 District, applicable to El Camino Real] will be inserted here.]

## Chapter 16.40 Industrial Districts

*This chapter will replace the existing Chapter 16.40.*

### Sections:

16.40.010	Purpose
16.40.020	Land Use Regulations
16.40.030	Business Centers—M-2 District
16.40.040	Business Park Master Plans
16.40.050	Development Standards
16.40.060	Design Guidelines—M-1 District

### 16.40.010 Purpose

- A. **General Purpose of Industrial Districts.** The purposes of the industrial districts are to:
1. Provide sites for industrial, office, and high-end research and development uses and for business parks with supporting retail and commercial services to provide a range of employment opportunities in Menlo Park.
  2. Provide appropriate buffers between industrial and residential uses to preserve both industrial feasibility and residential quality.
  3. Promote the retention, development, and expansion of office and industrial uses that provide significant revenue to the City, are well-designed, and have low environmental and traffic impacts, consistent with General Plan Goal I-F.
- B. **Additional Purposes of Each Industrial District.**
1. ***M-1 Light Industrial.*** The purpose and intent of the M-1 district is to:
    - a. Improve the exterior appearance of buildings and uses allowed in the district through implementation of design guidelines;
    - b. Protect nearby residents from detrimental effects of non-residential uses through the use permit review process;
    - c. Provide opportunities for new light industrial uses as well as for some existing light industrial land uses, which have minimal impact on the environment and which are compatible with adjacent residential uses, to remain on Hamilton Avenue.
  2. ***M-2 General Industrial.*** The purpose and intent of the M-2 district is to:
    - a. Provide sites for a mix of light industrial and employment uses, including research and development, revenue-enhancing offices, light

manufacturing, warehousing and storage, wholesaling and distribution, and automobile/vehicle-related uses, including sales, repair, and supporting commercial uses.

- b. Allow general office uses as secondary uses or as uses located within larger sites or buildings that generate net revenues and accommodate retail and personal service uses in Business Centers that are located along arterial streets.
- c. Facilitate a mix of commercial development within existing and planned business parks.

#### 16.40.020 Land Use Regulations

Table 16.40.020 on the following page prescribes the land use regulations for the industrial districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review. Use classifications not listed in the table are prohibited.

“P” designates uses permitted as-of-right that require no discretionary review if in compliance with all standards.

“L” designates uses permitted as-of-right subject to limitations restricting location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by letter designations listed at the end of Table 16.40.020.

“A” designates uses that may be permitted following review and approval of an administrative use permit by the Community Development Director.

“C” designates uses that may be permitted following review and approval of a Use Permit by the Planning Commission.

“–” designates uses that are not permitted.

The “Additional Regulations” column notes additional regulations in Chapter 16.78 that apply to particular land uses.

These provisions notwithstanding, the approval of a building permit for the construction, exterior alteration, or exterior remodeling of any building other than a single-family dwelling, duplex, or accessory building or any structure designated as an historic landmark pursuant to Chapter 16.54 of this ordinance or State or federal law shall be subject to architectural review pursuant to Section 16.68.020 of this ordinance. The approval of architectural review is subject to environmental review pursuant to the requirements of the California Environmental Quality Act, this ordinance, and any regulations the City may adopt to implement such requirements.

Land uses are defined in Chapter 16.05, Use Classifications.

<b>TABLE 2: USE REGULATIONS - INDUSTRIAL AND EMPLOYMENT DISTRICTS</b>			
<b>CURRENT DISTRICT</b>	<i>M-1</i>	<i>M-2</i>	<i>Additional Regulations</i>
<b>Commercial</b>			
Auto/Vehicle Sales & Service	<i>See subclassifications, listed below.</i>		
Automobile Rentals	--	P	Sec. 16.78.020
Auto Repair and Other Heavy Vehicle Service	--	P	Sec. 16.78.030
Auto/Vehicle Sales & Leasing	--	P	Sec. 16.78.020
Gas Stations and Light Vehicle Service	--	L-1	Sec. 16.78.080
Large Vehicle Sales, Service, and Rental	--	P	
Banks and Financial Institutions	--	L-1	Sec. 16.78.050
Business Services	--	L-3	
Commercial Recreation			
Large-Scale	--	C	
Eating and Drinking Establishments	<i>See subclassifications, listed below.</i>		
Restaurants, Full Service	--	P	
Restaurants, Limited Service	--	P	
Restaurants, Take-Out Only	--	P	
Hotels and Motels	--	L-6	Sec. 16.78.100
Laboratories	L-2	P	
Maintenance and Repair Services	--	P	
Offices, Business and Professional	<i>See subclassifications, listed below.</i>		
Revenue-Enhancing	P	P	16.78.180, 16.40.040
General Purpose	L-4	L-4	
Walk-in Clientele	--	L-1	
Offices, Medical and Dental	--	L-1	
Personal Services, General	--	L-1	
Personal Instructional Services	--	L-1	
<b>Limitations:</b>			
L-1: Only allowed within a Business Center established through a Master Plan process, and according to the standards and procedures of Section 16.40.040.			
L-2: No outdoor storage or outdoor facilities allowed.			
L-3: Only small-scale uses (less than 5,000 square feet) serving local employees and visitors, and only as a secondary use.			
L-4: Only allowed as a secondary use, occupying less than 50 percent of the gross floor area in a building, unless qualified under the provisions of Section 16.78.180(C) as a Revenue-Enhancing Office.			
L-6: Hotels and motels up to 200 rooms are permitted; hotels and motels with additional rooms may be permitted with approval of a Use Permit.			

<b>TABLE 2: USE REGULATIONS - INDUSTRIAL AND EMPLOYMENT DISTRICTS</b>			
<b>CURRENT DISTRICT</b>	<i>M-1</i>	<i>M-2</i>	<i>Additional Regulations</i>
Retail Sales	<i>See subclassifications, listed below.</i>		
General	--	L-5	16.78.180
Convenience Market	--	L-5	
Food and Beverage Sales	--	L-5	
Liquor Stores	--	--	
Large-Format	--	--	
<b>Industrial</b>			
Industry, Limited	L-2	P	
Industry, General	--	P	
Research and Development, and IT	L-2	P	
Warehousing and Storage	<i>See subclassifications, listed below.</i>		
Indoor Commercial Storage	A	P	
Outdoor Storage	--	C	
Personal Storage	--	A	
Wholesale Distribution & Storage	A	P	Sec. 16.78.190
<b>Public, Semipublic and Service</b>			
Colleges & Trade Schools	C	C	
Government Offices	P	--	
Hospitals and Clinics	<i>See subclassifications, listed below.</i>		
Clinics	L-3	L-1	Sec. 16.78.090
Public Maintenance & Service Facilities	--	A	
Public Safety Facilities	C	A	
<b>Transportation, Communication, and Utilities</b>			
Communication Facilities	<i>See subclassifications, listed below.</i>		
Antenna and Transmission Towers	C	C	
Facilities within Buildings	P	P	
Recycling Facilities	--	C	Sec. 16.78.160
Utilities, Major	--	C	
Hazardous Waste Facility	--	--	
<b>Limitations:</b>			
L-1: Only allowed within a Business Center established through a Master Plan process, and according to the standards and procedures of Section 16.40.040.			
L-2: No outdoor storage or outdoor facilities allowed.			
L-3: Only small-scale uses (less than 5,000 square feet) serving local employees and visitors, and only as a secondary use.			
L-5: Only small-scale stores (less than 7,500 square feet) or stores located in a Business Center established through a Master Plan process pursuant to Section 16.40.040.			

<b>TABLE 2: USE REGULATIONS - INDUSTRIAL AND EMPLOYMENT DISTRICTS</b>			
<b>CURRENT DISTRICT</b>	<i>M-1</i>	<i>M-2</i>	<i>Additional Regulations</i>
Utilities, Minor	P	P	
<b>Specific Accessory Uses</b>			
Hazardous Materials Storage	C	C	
Retail Sales accessory to Wholesaling and Distribution, Limited Industry, or General Industry	P	P	
Outdoor Storage	A	A	

**16.40.030 Business Centers—M-2 District**

This section establishes standards and criteria for the location and development of Business Centers within the M-1 and M-2 industrial districts.

A. **Purpose.** These supplemental regulations for Business Centers are intended to:

1. Allow for the development of commercial nodes in appropriate locations within the M-2 General Industrial District, where a range of retail, personal service, business service, auto service and other commercial uses can complement and not interfere with the operations of employment, office, and industrial uses;
2. Provide services to businesses and employees in the M-2 District;
3. Serve residents of and visitors to Menlo Park by providing sales and services located along major through-streets; and
4. Provide substantial sales tax revenue and related fiscal benefits for the City above what otherwise would accrue.

B. **Standards.** The following standards apply to Business Centers.

1. ***Minimum and Maximum Size.*** A Business Center shall be no less than two acres and no more than 12 acres.
2. ***Location.*** A Business Center shall have frontage or access on at least one of the following arterial streets: Willow Road, Marsh Road, University Avenue; or it shall be located adjacent to a transit station.
3. ***Maximum Total Floor Area.*** The gross floor area devoted to all commercial uses within a Business Center shall not exceed 100,000 square feet, and the gross floor area devoted to Retail Sales uses shall not exceed 50,000 square feet.

4. **Land Uses.** Permitted land uses include all commercial uses that are permitted or allowed with administrative review in the M-2 District, including Banks and Financial Institutions (customer offices); Business Services; Gas Station and Light Vehicle Service; Retail Sales (and subclassifications of Retail Sales, except Large-Format Retail); Maintenance and Repair Services; Offices, Walk-in Clientele; Offices, Medical and Dental; Personal Services; Business Services; Personal Instructional Services.
  5. **Establishment.** Business Centers shall be established through submission of a unified site plan for the Business Center, and, at the applicant's option, may be approved as a Conditional Development District (*pursuant to Chapter 16.56*).
- C. **Submittal Requirements.** The following information shall be included in an application for approval of a Business Center:
1. Proposed boundary of Business Center area;
  2. Site plan showing ingress, egress, general location of building footprints;
  3. Maximum total planned floor area, and maximum planned retail floor area;
  4. Preliminary landscaping and lighting plan;
  5. Preliminary building plans, including generalized elevations, for buildings to be constructed during the initial phase of development;
  6. Development schedule;
  7. Signature of all owners of property within the Business Center plan area; and
  8. Any other reasonably related information requested by the Director and judged necessary for the Planning Commission to act.
- D. **Criteria/Findings.** The Planning Commission will approve an application for a Business Center only if the Center meets the following criteria:
1. The site plan is consistent with all of the standards in Subsection (B).
  2. The site plan makes use of shared driveways to the extent feasible, in order to minimize the number of access points off of arterial streets.
  3. Adequate parking will be provided to serve employees and visitors.
  4. The Business Center can be adequately served by existing and planned infrastructure and utilities, including developer-funded improvements.

**16.40.040 Business Park Master Plan Option**

- A. **Purpose.** As an alternative to development under the land use regulations of Section 16.40.020, the City may approve master plans for existing and planned business parks to allow for commercial mixed-use development that will provide substantial additional economic and fiscal benefits to the City above those that would accrue under base district regulations that otherwise would apply. The specific purposes of the Business Park Master Plan Option are to:
1. Establish a procedure for the development and redevelopment of large parcels of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small and mid-size parcels that are not within business parks.
  2. Ensure orderly and thorough planning and review procedures that will result in economic benefits for businesses and property owners and fiscal benefits to the City.
  3. Encourage economic development in the city's business parks by allowing greater freedom in designing, leasing and/or selling space for individual tenants and building owners.
  4. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of the M-2 District and the city at large.
- B. **Applicability.** A Business Park Master Plan (BPMP) may be approved for any existing or planned business park.
- C. **Land Use Regulations.** A Business Park Master Plan will establish a range (minimum and maximum) of floor area dedicated to each land use within the master plan area, and, once it is adopted, changes of use may occur that are consistent with the adopted BPMP. Any permitted or conditional use authorized by this chapter for the M-2 District may be included in an approved M-2 Business Park Master Plan (BPMP), consistent with the General Plan land use designation(s) for land within the Master Plan. However, the required maximum area of a building that may be dedicated to a particular use classification (e.g., the maximum floor area or maximum percentage of a building that may be devoted to General Purpose Office uses or Retail Sales uses) may be modified through the Master Plan process.
- D. **Minimum Area.** The minimum area of a Master Plan shall be 25 contiguous acres. The City Council may approve a Master Plan for a site that contains less than 25 acres, but at least 10 acres, or a site that contains two or more noncontiguous parcels with a total area of at least 10 acres, upon a finding that special site characteristics exist and the proposed land use mix in the business park justifies development or redevelopment of the property as a master planned area.

- E. **Submittal Requirements.** Each M-2 Business Park Master Plan shall include a text and diagram or diagrams that specify:
1. The distribution, location and extent of the uses of land and existing and proposed buildings within the area covered by the plan, including minimum and maximum percentage allocations of land use classifications if specific tenant/occupancy mixes are not known or flexibility in occupancy is desired.
  2. The fiscal revenue-generating potential of the proposed land use mix, including “best case” and “worst case” scenarios based on the minimum and maximum land use allocations proposed and the resulting tax revenues that would flow to the City’s General Fund over a five-year period and at ultimate buildout.
  3. A land use regulation schedule defining the permitted, conditional, temporary and accessory uses for buildings or subareas within the Master Plan and listing any limitations and supplemental standard that would apply.
  4. A statement of the relationship of the proposed Master Plan to the purposes of the M-2 District and the General Plan and the justification for approval of the Master Plan, including economic and fiscal benefits to the City.
- F. **Planning Commission Action.** Following a duly noticed public hearing, the Planning Commission shall approve, approve subject to conditions, or deny the Business Park Master Plan. In order to approve the Master Plan, the Commission must find, based on information in the record, that:
1. The Business Park Master Plan is consistent with the General Plan and other applicable policies and the purposes of the district and subsection (A);
  2. The Business Park Master Plan is compatible with surrounding development;
  3. The Business Park Master Plan will enhance the potential for substantial additional fiscal benefits to the City in comparison with the development under the base district regulations that would apply if the plan were not approved;
  4. Deviations from the base district land use regulations are justified by compensating fiscal benefits of the Business Park Master Plan; and
  5. The Business Park Master Plan includes adequate provisions for utilities services, and emergency vehicle access; and traffic and public service demands will not exceed the capacity of existing and planned systems.
- G. **City Council Action.** After a duly noticed public hearing, the Council shall approve, modify, or reject the Planning Commission's recommendation, provided that a substantial modification not previously considered by the Commission shall be referred to the commission for a report prior to final approval of an M-2 Business Park Master Plan. Failure of the Planning Commission to report within 45 days after referral or such

longer period as may be designated by the Council shall be deemed approval of the proposed modification. Prior to adoption of a resolution adopting an M-2 Business Park Master Plan, the Council shall make findings that the proposed Master Plan is consistent with the policies of the General Plan.

- H. **Status of Master Plan.** An M-2 Business Park Master Plan shall be effective on the same date as the resolution approving the Plan and shall expire two years after the effective date unless a building permit has been issued and construction diligently pursued. An approved M-2 Business Park Master Plan may specify a development staging program exceeding two years. The Planning Commission may renew a Master Plan for two years subject to a reevaluation of the fiscal benefit analysis, if it finds the renewal consistent with the purposes of this section. Application for renewal shall be made in writing to the Community Development Director not less than 30 days nor more than 120 days prior to expiration. A public hearing is required before the Commission acts on a renewal request. Denial of a request for renewal or for revision of an M-2 Business Park Master Plan shall be subject to appeal to the City Council.
- I. **Zoning Map Designation.** An M-2 Business Park Master Plan shall be noted by the designations “M-2-MP,” followed by the number of the resolution approving the Master Plan.
- J. **Architectural Review.** Plans for any project subject to a Business Park Master Plan shall be accepted for review and architectural approval only if they are consistent with the approved Master Plan. No project may be approved and no building permit issued unless the project and the proposed use(s) are consistent with an approved Master Plan.

#### 16.40.050 Development Standards

*Existing development regulations for each industrial district will be relocated to this section. The existing text of the development standards will be maintained exactly as it is; however, the titles of each section will be changed from “development regulations” to the name of the relevant district, for easy referencing.*

##### A. M-1 District.

[Existing regulations from Section 16.44.050, Development Regulations [M-1 District] to be inserted here.]

##### B. M-2 District.

[Existing regulations from Section 16.42.030, Development Regulations [M-2 District] to be inserted here.]

#### 16.40.060 Design Guidelines—M-1 District

[The existing Section 16.44.060, Design Guidelines [M-1 District] will be inserted here.]

## Chapter 16.78 Standards for Specific Uses

*This chapter will replace the existing Chapter 16.78, Special Uses, in its entirety.*

### Sections:

16.78.010	Adult Business Establishments
16.78.020	Auto Rentals; Auto/Vehicle Sales and Leasing
16.78.030	Automobile Repair and Other Heavy Vehicle Service
16.78.040	Automobile Washing
16.78.050	Banks and Other Financial Institutions
16.78.060	Convenience Markets
16.78.070	Day Care Centers
16.78.080	Gas Stations and Other Light Vehicle Services
16.78.090	Hospitals and Clinics
16.78.100	Hotels and Motels
16.78.110	Liquor Stores
16.78.120	Live Entertainment
16.78.130	Outdoor Eating Areas
16.78.140	Outdoor Retail Sales
16.78.150	Personal Services, Restricted
16.78.160	Recycling Collection Facilities
16.78.170	Religious Facilities
16.78.180	Revenue-Enhancing Offices
16.78.190	Tobacco Sales

### 16.78.010 Adult Business Establishments

Adult Business Establishments shall be located, developed, and operated in compliance with the following standards:

#### A. Location.

1. Minimum distance from a residential zoning district boundary: 1,000 feet.
2. Minimum distance from other adult business establishments: 1,000 feet.
3. Minimum distance from educational, religious, or cultural institutions, and public parks: 1,000 feet.
4. Not permitted on the ground floor on a block face where 50 percent or more of the storefronts are retail or pedestrian-oriented businesses, including eating and drinking establishments, personal or business services or personal improvement services.

B. **Massage Establishments and Services.** Massage establishments and services shall be subject to the same standards as adult business establishments, except in such cases

where these services are for Therapeutic Massage, either in freestanding locations or as part of a hotel's spa services, or are licensed by the State or the City for medical purposes. In these cases, the standards for Restricted Personal Services, established in Section 16.78.150, apply.

- C. **Maximum Size:** 5,000 square feet; additional floor area may be allowed with approval of a Use Permit.

**16.78.020 Automobile Rentals; Auto/Vehicle Sales and Leasing**

Automobile/vehicle/equipment sales, leasing, and rental shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Allowed only on sites with at least one frontage on a Primary or Minor Arterial Street designated in the Menlo Park General Plan.
- B. **Minimum Lot Size:** 10,000 square feet in area.
- C. **Landscaping.** Landscaping (e.g., planting area) shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- D. **Vehicle Loading and Unloading.** Vehicle loading and unloading shall occur on-site or on the street frontage, provided traffic is not impeded and the ingress to or egress from any adjacent property is not obstructed.

**16.78.030 Automobile Repair and Other Heavy Vehicle Service**

Automobile repair and other heavy vehicle service shall be located, developed, and operated in compliance with the following standards:

- A. **Minimum Lot Size:** 7,500 square feet.
- B. **Hazardous Materials.** All automotive fluids shall be recycled or removed according to State and Federal standards. No oil, gasoline, or similar substance is to drain into street or wastewater drains.
- C. **Hours of Operation:** 7:00 a.m. to 6:00 p.m., Monday through Saturday.
- D. **Landscaping.** A wood or masonry wall shall be provided for purposes of screening the car storage area and shall achieve 75 percent opacity. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- E. **Litter.** No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside of the main building. At least one trash receptacle per service bay shall be required.

- F. **Noise.** All body and fender work, or similar noise-generating activity, shall be enclosed in a masonry or similar building with sound baffles to absorb noise above 70 decibels.

**16.78.040 Automobile Washing**

Car washes shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Allowed only on sites with at least one frontage on a Primary or Minor Arterial Street designated in the Menlo Park General Plan.
- B. **Minimum Lot Size:** 7,500 square feet unless combined with a gas station, in which case 10,000 square feet is required.
- C. **Interior Setbacks.** No building or structure shall be located within 20 feet of any interior lot line abutting a residential zoning district.
- D. **Drive-up Aisles and Required Queuing Area.** Drive-up aisles shall be at least 11 feet wide; if adjacent to a street, they shall be screened by solid masonry/block wall or landscape berm at least 42 inches in height. The drive-up aisle shall provide space for at least four vehicles per pull-through rack.
- E. **Attendant.** An attendant shall be required during hours of operation for self-service facilities with six or more wash bays.
- F. **Hours of Operation.** 7:00 a.m. to 6:00 p.m., seven days a week. When abutting a residential zoning district, the hours of operation shall be 8:00 a.m. to 6:00 p.m., Monday through Saturday.
- G. **Landscaping.** Landscaping (e.g. planting area) shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- H. **Litter.** One trash receptacle per wash bay is required.
- I. **Noise.** Sound baffles to absorb noise shall be installed at all facilities creating noise levels above 70 decibels, measured at the exterior of the facility.

**16.78.050 Banks and Other Financial Institutions**

Banks and other financial institutions shall be located, developed, and operated in compliance with the following standards:

- A. **Automated Teller Machine (ATM).** A minimum setback of two feet from the sidewalk shall be provided where unenclosed ATMs are located on the exterior of a building fronting a public street. ATM facilities shall be adequately marked and lighted for

security purposes, but shall not result excessive glare for nearby residential uses or passing motorists. ATM facilities shall include a one trash receptacle per ATM.

- B. **Litter.** Trash receptacles shall be provided by entrances and exits from the building.

**16.78.060 Convenience Markets**

Convenience markets shall be located, developed, and operated in compliance with the following standards:

- A. **Minimum Lot Size:** 7,500 square feet.
- B. **Maximum Floor Area:** 5,000 square feet. Additional floor area requires approval of a Use Permit.
- C. **Interior Setbacks.** No building or structure shall be located within 20 feet of an interior lot line abutting a residential zoning district.
- D. **Hours of Operation:** 6:00 a.m. to 12:00 a.m., seven days a week. When abutting a residential zoning district, the hours of operation shall be 7:00 a.m. to 10:00 p.m., seven days a week.
- E. **Landscaping.** Landscaping (e.g., planting area) shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- F. **Litter.** One permanent, non-flammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit.

**16.78.070 Day Care Centers**

Day Care Centers shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation:** 7:00 a.m. to 7:00 p.m., Monday through Friday, unless a Use Permit is approved.
- B. **Landscaping.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing outdoor play areas and screening the site and shall achieve 75 percent opacity. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- C. **Licensing.** Day care centers shall be licensed or certified by the State of California and shall be operated according to all applicable State and local regulations.
- D. **Passenger Loading.** One curbside passenger loading space at least 20 feet in length shall

be located near the entrance of the day care center; its location shall be subject to review and approval by the Director and the Department of Public Works.

- E. **Outdoor Play Space for Children.** Minimum area: 75 square feet per child. The outdoor play area shall be surrounded by a minimum six-foot high wall or fence and can not be located in a front or corner yard.

#### 16.78.080 Gas Station and Other Light Vehicle Services

Gas stations and other light vehicle services shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Maximum number of gas stations permitted at an intersection is two.
- B. **Minimum Lot Size:** 10,000 square feet.
- C. **Minimum Frontage:** 100 feet on each street.
- D. **Pump Location.** Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island.
- E. **Pump Canopy.** Pump islands shall be covered by a canopy or roof structure, which may encroach up to 10 feet into the setback area required by subsection (D), above.
- F. **Driveway Restrictions.** No more than two vehicular access points to or from adjacent public rights-of-way shall be permitted along a street frontage.
- G. **Hazardous Materials.** All automotive fluids shall be recycled or removed according to State and federal standards. No oil, gasoline, or similar substance is to drain into street or wastewater drains.
- H. **Landscaping.** Landscaping (e.g., planting area) shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- I. **Lighting.** All exterior light sources, including canopy, perimeter, and flood, shall be energy-efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties.
- J. **Litter.** A minimum of one permanent, non-flammable trash receptacle shall be installed at each pump island.

#### 16.78.090 Hospitals and Clinics

Hospitals and clinics shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Allowed only on sites with at least one frontage on a Primary or Minor Arterial Street designated in the Menlo Park General Plan
- B. **Minimum Lot Size:** 10,000 square feet.
- C. **Minimum Frontage:** 100 feet on each street.
- D. **Driveway Restrictions.** No more than two vehicular access points to or from adjacent public rights-of-way are permitted along a street frontage.
- E. **Landscaping.** Landscaping (e.g., planting area) shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- F. **Licensing.** Hospitals and clinics shall be licensed or certified by the State of California and shall be operated according to all applicable State and local regulations.
- G. **Litter.** One permanent, non-flammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit.
- H. **On-Site Supporting and Accessory Uses.** On-site supporting and accessory uses, including physician offices, nursing home facilities, and commercial uses serving patient and staff needs shall be permitted.
- I. **Screening.** All service areas, ambulance parking areas, trash storage areas, ground- or roof-mounted mechanical equipment shall be screened from ground-level view and from adjacent properties or public rights-of-way.

#### 16.78.100 Hotels and Motels

Hotels and motels shall be located, developed, and operated in compliance with the following standards:

- A. **Driveway Restrictions.** No more than two vehicular access points to or from adjacent public rights-of-way shall be permitted. The minimum distance between curb cuts along a street frontage shall be 30 feet.
- B. **Landscaping.** Landscaping (e.g., planting area) shall comprise a minimum 15 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls. Chain metal fencing or barbed wire is prohibited.
- C. **Litter.** Trash receptacles shall be provided by entrances and exits from the building.

- D. **Santa Cruz Avenue Frontage.** Active ground floor space with windows offering views into lobby and reception areas, restaurants, other interior public spaces, or displays is required.

**16.78.110 Liquor Stores**

Liquor Stores and other off-sale establishments that dedicate more than 50 percent of the sale floor to sales of alcoholic beverages for off-premises consumption, but excluding full-service grocery stores, shall be located, developed, and operated in compliance with the following standards .

- A. **Location.**
  - 1. Minimum distance from a residential zoning district boundary: 1000 feet.
  - 2. Minimum distance from other liquor store: 500 feet.
  - 3. Minimum distance from educational, religious, or cultural institutions, and public parks: 1000 feet.
- B. **Maximum Size:** 5,000 square feet. Additional floor area may be allowed with approval of a Use Permit.
- C. **Hours of Operation:** 8:00 a.m. to 8:00 p.m., seven days a week. Longer hours may be allowed with approval of a Use Permit.
- D. **Litter.** Trash receptacles shall be provided by entrances and exits from the building.
- E. **Pay Telephones and Vending Machines.** External pay telephones and vending machines are prohibited.

**16.78.120 Live Entertainment**

Scheduled live entertainment in conjunction with an Eating and Drinking Establishment shall be located, developed, and operated in compliance with the following standards:

- A. Entrances and exits, not limited to emergency use only, shall generally be directed away from any residential zoning district adjoining the site;
- B. A Use Permit shall establish conditions ensuring that no litter, noise or traffic circulation problems will be generated by the live entertainment activity; and
- C. A Use Permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new Use Permit.

### 16.78.130 Outdoor Eating Areas

Outdoor eating areas in conjunction with an Eating and Drinking Establishment shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Outdoor eating areas may be permitted on any public sidewalk subject to the following conditions of use:
  - 1. Maintain a minimum clearance of five feet between the boundary of the seating area and any physical obstruction such as light standards, parking meters, trees, or other similar obstructions;
  - 2. Provide liability insurance showing the City of Menlo Park as additional insured in an amount determined by the City Attorney;
  - 3. Sidewalk seating areas shall be maintained free of litter, refuse, and debris. The area shall be cleaned to remove food or drink stains on a daily basis. Such cleaning shall not result in any discharge into the City's storm water drainage system.
  - 4. An encroachment permit shall be required if obstruction of the public sidewalk or right-of-way exceeds five feet..
- B. **Enclosures.** Awnings or umbrellas may be used in conjunction with an outdoor eating area. Awnings shall be adequately secured, retractable, and shall comply with the provisions of the Uniform Building Code adopted by the City.
- C. **Fixtures.** Furnishings provided for use in an outdoor eating area shall consist only of movable tables, chairs, umbrellas, planters, lights, and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building.
- D. **Hours of Operation.** The hours of operation for an outdoor eating area shall be limited to the hours of operation of the associated Eating and Drinking Establishment.
- E. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor eating area on the public sidewalk or right-of-way.

### 16.78.140 Outdoor Retail Sales

Outdoor retail sales and equipment rental establishments, where the business is not conducted entirely within a structure or enclosed area, shall be located, developed, and operated in compliance with the following standards:

- A. **Temporary Outdoor Display/Sales.**
  - 1. ***Duration of Sales.*** The sales shall be of a temporary nature, lasting not longer than a total of six months.
  - 2. ***Maximum Sales Area.*** The area devoted to temporary outdoor sales shall not

exceed the following:

- a. **C-2, C-2-A, C-2-B and C-2-S districts:** 2.5 percent of the gross floor area of the structure occupied by the business; and
- b. **C-3, C-4 districts:** five percent of the gross floor area of the structure occupied by the business.

**B. Permanent Outdoor Display/Sales.**

1. ***Location of Sales Area.*** The outdoor sales shall be located entirely on private property, outside of any required setback, or in zoning districts that do not have required setbacks, a minimum setback of five feet from any public right-of-way is required.
2. ***Screening Required.*** All outdoor sales and activity areas shall be screened from adjacent public rights-of-way by decorative solid walls, fences, or landscaped berms, a minimum of 36 inches high, in a five-foot-wide landscaped area adjacent to the street property line.
3. ***Location of Merchandise.*** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.

**C. General Requirements.** The following requirements shall apply to all (temporary and permanent) outdoor display/sales activities:

1. ***Outdoor Storage Areas.*** All permanent outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six feet in height. Temporary outdoor storage areas do not have to comply with this screening requirement.
2. ***Height of Displayed Materials.*** The outdoor sales shall not exceed a height of seven feet above finished grade for a single display item. Stacked displays may not exceed a height of 6 feet above finished grade.
3. ***Relationship to Main Use.*** The sales shall be directly related to a business establishment on the parcel and occupy a permanent structure on the parcel. The use of the property shall comply with the standards for the zoning district within which the property is located.

**D. Exceptions.** The provisions of this section do not apply to the following:

1. Sales or distribution of newspapers or periodicals in compliance with the Municipal Code.

2. Sidewalk sales from the public right-of-way in compliance with the Municipal Code.
3. Sales of seasonal agricultural food products and flowers, such as Farmers' Markets, on private, non-residential property not to exceed six months annually.

**16.78.150 Personal Services, Restricted**

Restricted Personal Services shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Minimum distance from a residential zoning district boundary: 1,000 feet.
- B. **Maximum Floor Area:** 2,500 square feet. Additional floor area may be allowed with approval of a Use Permit.
- C. **Hours of Operation:** 8:00 a.m. to 8:00 p.m., seven days a week. Longer hours may be allowed with approval of a Use Permit.

**16.78.160 Recycling Collection Facilities**

Recycling collection facilities as a principal or accessory use shall be located, developed, and operated in compliance with the following standards:

- A. **Location.**
  1. Minimum distance from a residential zoning district boundary: 1,000 feet.
  2. Minimum distance from other principal recycling collection facilities: 1,000 feet.
  3. Permitted on arterial streets only.
- B. **Driveway Restrictions.** No more than two vehicular access points to or from adjacent public rights-of-way shall be permitted along a street frontage.
- C. **Hours of Operation.** No restrictions on hours of operation shall apply, provided the noise requirements of subsection (F) below are met and trucks travel on designated truck routes through nonresidential areas.
- D. **Landscaping.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing and screening the site and shall achieve 75 percent opacity. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- E. **Loading and Unloading.** On-street loading and unloading of trucks is prohibited.
- F. **Noise.** Sound baffles to absorb noise shall be installed at all facilities creating noise

levels above 70 decibels.

#### 16.78.170 Religious Facilities

Facilities for religious assembly shall be located, developed, and operated in compliance with the following standards:

- A. **Driveway Restrictions.** No more than two vehicular access points to or from adjacent public rights-of-way are permitted along a street frontage.
- B. **Landscaping.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing and screening the site and shall achieve 75 percent opacity. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.

#### 16.78.180 Revenue-Enhancing Offices

This section establishes purposes, standards, procedures and criteria for determining if a use qualifies as a Revenue-Enhancing Office as defined in Chapter 16.05, Use Classifications.

- A. **Purpose.** The specific purposes of the M-2 District Revenue-Enhancing Office Program are to support Goal I-E of the Menlo Park General Plan to promote the development and retention of commercial uses that provide significant revenue to the City, while also providing flexibility for commercial mixed-use development.
- B. **Initial Eligibility.** In order to be classified as a Revenue-Enhancing Office, the business owner or his/her representative shall submit documentation to the City of Menlo Park to demonstrate that the business generates or has the potential to generate average taxable sales, averaged over a five year period, that will be sufficient to meet the minimum threshold of dollars of sales tax revenue per gross square foot of floor area as established annually by the City Council. This information shall initially be submitted to the Community Development Department concurrent with any required permit related to the establishment of a new land use or to the change in use of an existing building or site or portion thereof, or if there is no required permit from the Community Development Department, shall be submitted concurrent with application for a business license.
  - 1. ***Pre-qualified Business and Checklist:*** To facilitate making this determination, the City shall establish a list of pre-qualified business classifications, by size and type of business, for which additional documentation will not need to be submitted. The City also will establish a checklist of information that needs to be included in a summary business plan.
  - 2. ***Appeals.*** A business owner may appeal the Department's rejection of a request to classify a business as a Revenue-Enhancing Office to the Planning Commission. The appeal request shall be accompanied by documentation of the specific facts that justify the classification.

3. ***In-Lieu Fee.*** An applicant requesting certification based on potential future taxable sales may be required to pay a minimum annual in-lieu fee to the City based on a City Council resolution establishing the Revenue-Enhancing Office Taxable Sales Program for the M-2 District. The in-lieu fee also may apply to businesses that qualify for continued eligibility, provided that this requirement shall not be effective sooner than one year from the effective date of this ordinance.

C. **Alternative Compliance.**

1. ***Business Development Activities.*** A “start-up” company engaged in research and development activities that can demonstrate, to the satisfaction of the Director, through a summary business plan that the business has the potential for future tax revenue generation may qualify as a Revenue-Enhancing Office. Such qualification shall be reviewed no later than four years following initial business license application, and an extension of time may be granted based on evidence that the business still has the potential to generate the required revenues, based on investment-backed expectations and a reviewed summary business plan. An applicant requesting certification based on business development activities may be required to pay a minimum annual in-lieu fee to the City based on a City Council resolution establishing the Revenue-Enhancing Office Taxable Sales Program for the M-2 District unless the business development activity is classified as “exempt.” Payment of an in lieu fee shall not be required sooner than one year from the effective date of this ordinance.
2. ***Multiple-Use Sites.*** An office use that does not qualify as a Revenue-Enhancing Office may occupy more than the maximum proportion of floor area of a building or site that is permitted for General Purpose Office uses in the zoning district in which it is located (e.g., more than 50 percent of a building floor area in the M-2 District) if the use is within the boundaries of an approved Business Park Master Plan, as long as the overall proportions for different types of office uses fall within those established for the approved Master Plan.
3. ***Offices of Businesses with Multiple Locations.*** The General Purpose Office of a company that has multiple business locations in the City of Menlo Park qualifies to be located as a Revenue-Enhancing Office if the company can demonstrate, to the satisfaction of the Director, that its combined business locations contribute net sales tax revenue to the City’s General Fund equal or greater to the level established by the City Council for Revenue-Enhancing Offices.
4. ***Cumulative Revenue-Enhancing Effects.*** A General Purpose Office that can demonstrate, to the satisfaction of the Director, that it generates or has the potential to generate over a five-year period equal or greater revenues to the City’s General Fund as the City Council-established threshold for sales tax revenue generation through payment of other taxes to the City, or indirectly

through business-to-business purchases or sales, qualifies to be located as if it were a Revenue-Enhancing Office.

5. **Appeals.** A business owner may appeal the Department's rejection of a request for approval of alternative compliance to the Planning Commission. The appeal request shall be accompanied by documentation of the specific facts that justify approval of alternative compliance.
- D. **Continuing Eligibility.** Verification of the continuing qualification of each Revenue-Enhancing Office shall be submitted annually to the Community Development Department concurrent with business license renewal.
- E. **Criteria—Council Review and Modification.** The City Council shall evaluate taxable sales generation in the M-2 District and review the minimum threshold for sales tax revenue generation (in dollars per square foot of floor area) for qualification as a Revenue-Enhancing Office. Increases to the minimum threshold shall be tied to changes in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area.

#### 16.78.190 Tobacco Sales

Retail sales in which 20 percent or more of floor area or display area is devoted to tobacco-related products, or which 75 percent or more of gross sales receipts are derived from the sale or exchange of tobacco-related products, shall be located, developed, and operated in compliance with the following standards:

- A. **Location.**
  1. Minimum distance from a residential zoning district boundary: 1,000 feet.
  2. Minimum distance from other tobacco sales: 1,000 feet.
  3. Minimum distance from educational, religious, or cultural institutions, and public parks: 500 feet.
- B. **Maximum Floor Area:** 5,000 square feet. Additional floor area requires approval of a Use Permit.
- C. **Hours of Operation:** 8:00 a.m. to 8:00 p.m., Monday through Saturday.
- D. **Litter.** One permanent, non-flammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit.

#### 16.78.200 Wholesale Distribution and Storage

Wholesale distribution and storage facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Minimum distance from a residential zoning district boundary: 1,000 feet.
- B. **Minimum Lot Size:** 10,000 square feet.
- C. **Minimum Frontage:** 100 feet.
- D. **Maximum Floor Area:** 25,000 square feet. Additional floor area requires approval of a Use Permit.
- E. **Driveway Restrictions.** Where a lot has access from two or more streets, primary access shall not be from a street which serves as a residential zoning district boundary, unless all such streets serve as residential zoning district boundaries.
- F. **Hours of Operation.** No restrictions on hours of operation shall apply, provided the noise requirements of Subsection (I) below are met and trucks travels on designated truck routes through nonresidential areas.
- G. **Landscaping.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing and screening the site and shall achieve 75 percent opacity. Uncoated, galvanized chain link metal fencing or barbed wire is prohibited.
- H. **Loading and Unloading.** On-street loading and unloading of trucks is prohibited.
- I. **Noise.** Sound baffles to absorb noise shall be installed at all facilities creating noise levels above 70 decibels.
- J. **Parking Lot Landscaping.** Shade trees shall be provided at a ratio of one tree for every six spaces. A 5-foot perimeter planting is required for truck parking. A minimum of 10 percent of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below-grade, and activated by automatic timing controls. A concrete or masonry wall of least three feet in height shall be provided for parking areas located adjacent to a public right-of-way.

## **PART II: NONCONFORMING PROVISIONS**

### **Chapter 16.80 Nonconforming Uses and Structures**

*The existing chapter will be revised to include several new sections, including new procedures for granting and revoking exemptions to amortization requirements. Additions are underlined; revisions are in ~~strike through~~. The proposed revisions would eliminate provisions regarding nonconforming service stations on El Camino Real; nonconforming uses and structures in the M-1 District to reflect proposed use regulations and current conditions in the M-1; and exemption from use permit requirements in M-2, where the period for exemption has expired.*

#### Sections:

- 16.80.010 Purpose
- 16.80.020 Applicability
- 16.80.030 Determination of Nonconforming Uses and Structures
- 16.80.040 Continuation of Nonconforming Uses
- 16.80.050 Continuation of Nonconforming Structures
- ~~16.80.060 Reconstruction of Service Stations~~
- 16.80.060 Restoration.
- 16.80.070 Replacement.
- 16.80.080 Elimination of nonconforming uses, structures and site features.
- ~~16.80.090 Nonconforming uses and structures in the M-1 district.~~
- 16.80.090 Amortization of nonconforming uses and structures
- 16.80.100 Exemption from Amortization Requirement or Extension of Amortization Period
- 16.80.110 Notification and Determination of Nonconforming Status
- 16.80.120 Exemption from floor area ratio requirements.
- 16.80.130 Exemption from floor area ratio reductions in the C-1, C-3 and C-4 El Camino Real Districts.
- 16.80.140 Revocation of exempted nonconforming status upon decision of Planning Commission.

#### 16.80.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this ordinance, in a manner that does not impair public health, safety, and general welfare. To that end, the chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the purposes of the district in which the use or structure is located.

#### 16.80.020 Applicability

This Chapter shall apply to structures, land and uses that have become nonconforming by op-

eration of this ordinance and that remain in a nonconforming status by application of this Chapter, as well as structures, land, and uses that hereafter become nonconforming due to amendments to the text of this ordinance or the zoning map.

**16.80.030 Determination of nonconforming uses and structures**

[Existing Section 16.80.010 to be inserted]

**16.80.040 Continuation of nonconforming uses**

Nonconforming uses may continue subject to the following provisions:

- A. A conditional use permit shall be obtained for all commercial uses located in a residential zoning district.
- B. No nonconforming use may be enlarged or expanded, except as otherwise provided in this chapter.
- C. If any nonconforming use is discontinued for a period of ~~90~~ 180 days, any subsequent use of the land or structure housing such use shall conform to the regulations specified for the zoning district in which such land or structure is located.
- D. A nonconforming use may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit therefor; however, a nonconforming use may not be changed to a less restrictive use.
- E. Any use occupying a structure which is nonconforming because it does not satisfy the parking requirements for the zoning district in which it is located may be changed to a similar or more restrictive use, subject to the obtaining of a use permit therefor. A blanket use permit may be granted specifying one or more potential future uses based on the actual parking available. Properties where required spaces have been eliminated due to compliance with the Americans with Disabilities Act are not considered nonconforming in regard to parking for purposes of this section.

**16.80.050 Continuation of nonconforming structures**

[Existing Section 16.80.030 to be inserted]

**~~16.80.060 Reconstruction of Service Stations~~**

~~Nonconforming structures and structures housing nonconforming uses for service stations in the C-4 El Camino Real zoning district may be reconstructed and expanded if destroyed or demolished provided the new development is done in accordance with applicable zoning de-~~

~~velopment regulations, building codes and a use permit is obtained therefore. Existing, non-conforming parking and landscaping conditions may continue to exist if approved by the use permit.~~

**16.80.060 Restoration.**

[Existing Section 16.80.040 to be inserted]

**16.80.070 Replacement.**

[Existing Section 16.80.045 to be inserted]

**16.80.080 Elimination of nonconforming uses, structures, and site features.**

The following nonconforming uses, ~~and~~ structures, and site features shall be eliminated or made to conform ~~within two years of the effective date of the ordinance codified in this title, but not less than one year subsequent to official notification thereof with the applicable requirements of this ordinance following notification and a public hearing before the Planning Commission as provided for in Section 16.80.110:~~

- A. Nonconforming uses that do not occupy a structure;
- B. Nonconforming structures, or uses that occupy a structure with an assessed value of less than ~~five hundred dollars~~ 10 percent of the total property value according to the records of the San Mateo County Assessor;
- C. Nonconforming parking lot design, landscaping, fences, walls, and screening.

~~16.80.055 Nonconforming uses and structures in the M-1 district.~~

~~Uses and structures in the M-1 district that are nonconforming in regard to the provisions of the M-1 district and/or other applicable provisions of the Zoning Ordinance shall be governed as follows:~~

- ~~1. Nonconforming uses and structures shall generally be governed by this Chapter of the Zoning Ordinance, with the exceptions as contained in Subsections 2 and 3.~~
- ~~2. Nonconforming uses shall be subject to amortization unless the property owner and business owner (if different from the property owner) comply with Section 16.44.040 of the Zoning Ordinance.~~
- ~~3. Nonconforming structures shall not be subject to amortization.~~

**16.80.090 Amortization of nonconforming uses and structures.**

All nonconforming uses and structures shall be discontinued and removed, or altered to conform with the regulations specified for the district in which located, within the period of time specified, measured from the date of original construction, based upon the type of construction, as defined in the uniform building code, and according to the following schedule following notification and a public hearing before the Planning Commission as provided for in Sections 16.80.120:

- A. ~~(1)~~ Types I and II buildings (fire resistive), forty years;
- B. ~~(2)~~ Type III buildings (heavy timber and ordinary masonry), thirty years;
- C. ~~(3)~~ Types IV and V buildings (light incombustible frame and wood frame), twenty-five years;
- D. ~~(4)~~ Any other type of building, twenty years.

~~In all cases mentioned in this section, discontinuance, removal or alteration shall not be required within five years of the effective date of the ordinance codified in this title, and not less than one year subsequent to official notification thereof.~~

**16.80.100 Exemption from amortization requirement or extension of amortization period**

- A. Prior to the date of termination as established this Chapter, any property owner, lessee with the consent of the owner, or purchaser of such property acting with the consent of the owner, may apply to have the nonconforming use of the property exempted from the amortization requirements of this Chapter on the grounds that the nonconforming use has no adverse impact upon permitted land uses in the district in which it is located or can be made compatible with such uses upon compliance with specified conditions, or a longer period of time is required.
- B. Any person seeking an exemption from the amortization requirements of Sections 16.80.100 shall submit an application to the Director on a form provided by the Director and signed by the property owner or authorized agent.

**16.80.110 Notification and Determination of Nonconforming Status**

- A. **Notification and Public Hearing Required.** Official notification of elimination, discontinuance, removal, or alteration of a nonconforming use or structure shall only be made by order of the Planning Commission following a public hearing, due notice of which has been given to the affected property owner.
- B. **Planning Commission Review and Recommendation.** The Planning Commission shall hold a public hearing within a reasonable time following the procedures established in Chapter 16.84 on each determination and each application for an exemption from the

amortization requirements of this Chapter. Upon the conclusion of the hearing, the Commission shall determine whether the nonconforming use of the property shall be discontinued, has no adverse impact upon the land uses permitted in the district in which it is located, or can be made compatible with such uses through the imposition of conditions, including, but not limited to: required improvement of, or modifications to existing improvements on, the property; limitations on hours of operations; limitations on the nature of operations; and a specified term of years for which the exemption shall be granted.

1. If the Commission finds that the use of the property has no adverse impact upon the land uses permitted in the district in which it is located or can be made compatible with such uses through the imposition of conditions, it shall, by motion, exempt the nonconforming use from the amortization requirements of this Chapter or extend the amortization time.

2. In granting such exemption, the Commission may impose any conditions it finds necessary to ensure such compatibility, including, but not limited to, the conditions set out in this paragraph. The action of the Commission shall be mailed to the owner of the nonconforming property within 10 working days and filed for record in the office of the San Mateo County Recorder.

C. Appeal. Any person aggrieved by the decision of the Planning Commission pursuant to Subsection (B) of this Section may appeal the decision to the City Council under the procedures in Section 16.86.

#### 16.80.120 Exemption from floor area ratio requirements

[Existing Section 16.80.080 to be inserted]

#### 16.80.130 Exemption from floor area ratio reductions in the C-1, C-3 and C-4 El Camino Real Districts

[Existing Section 16.80.090 to be inserted]

~~16.80.100 Exemption from use permit requirements in M-2 zone. Projects which have received architectural control approval prior to March 25, 1999, shall be exempt from the requirement that such project obtain a use permit pursuant to Section 16.46.020, provided the project obtains a building permit within one year from such date, or such further extended date approved by the Planning Commission. The Planning Commission may extend the effective date of this exemption upon the request of the applicant, if the Planning Commission finds that there is good cause for the extension of such one year period based upon unusual circumstances and/or conditions not of the making of the applicant or its agents or employees.~~

**16.80.140 Revocation of exempted nonconforming status upon decision of Planning Commission**

The Planning Commission may initiate a review of exempted nonconforming uses, upon its own motion, or upon cause presented by surrounding property owners, in accordance with the following standards and procedures.

- A. **Initiation of Revocation Procedure.** Initiation of Planning Commission review of a use determined to be an exempted nonconforming use pursuant to the provisions of Section 16.80.110 shall first require a report from the Director to the Commission based upon the Director's independent investigation and determination, or based upon a petition filed by at least 30 percent of the owners of land within a radius of 500 feet of the property line of the nonconforming use, exclusive of rights-of-way, on a form provided by the Director and investigated by the Director, recommending action by the Commission. If the 500-foot radius encompasses any nonresidential zoning district, properties within such districts shall not be included within the 500-foot radius. In the event that the Director, upon investigation, declines to request action by the Planning Commission, the Director shall inform the petitioners of that decision in writing. The Director's decision shall be appealable to the Planning Commission under the procedures contained in Section 16.82.450.
- B. **Notice to the Exempted Nonconforming User.** Upon receipt of the report recommending the revocation of exempted nonconforming status, the Planning Commission shall mail written notice of such request for revocation of the exempted nonconforming status to the owner of record and to the occupant or occupants of the exempted nonconforming use, giving notice of the Planning Commission's intent to hold a public hearing to consider the request.
- C. **Commission Review and Decision.** The Planning Commission shall hold a duly noticed public hearing within a reasonable time pursuant to the procedures established in Section 16.84, on the request for revocation of exempted nonconforming status. Upon the conclusion of the public hearing, the Planning Commission shall determine on the basis of written findings of fact and conclusions, whether the exempted nonconforming status should be revoked and the use discontinued. In making its determination the Planning Commission shall consider the standards set forth in subsection (D).
- D. **Standards In Commission Determination.** In making its findings and conclusions pursuant to subsection (C), the Planning Commission shall consider (1) noise, (2) traffic generation, (3) hours of operation, (4) noxious or annoying emissions of odor, smoke, waste water or other matters, (5) the proximity of the use to conforming uses, (6) the degree of nonconformity of the use, (7) the effect of the nonconforming use on surrounding conforming uses, (8) the character of the surrounding neighborhood, including the number of nonconforming uses, (9) access to the nonconforming use, (10) maintenance of the nonconforming use, and (11) such other factors deemed relevant by the Planning Commission.
- E. **Conditions.** In making its decision pursuant to Section the Commission may establish

conditions that are necessary to accomplish the purposes of this chapter relating to hours of operation, size, bulk and location of the use; landscaping, buffering and lighting; adequate ingress and egress; and such other relevant factors that are reasonably related to its findings and conclusions.

- F. Appeal. Any person aggrieved by the decision of the Planning Commission pursuant to Subsection (C) of this section may appeal the decision to the City Council as provided for in Chapter 16.86.

## **PART III: ZONING TEXT AMENDMENTS – CONSISTENCY AMENDMENTS**

### **Chapter 16.04 Definitions**

*The following definitions will be deleted from this chapter, and replaced with new use classifications located in Chapter 16.05, Use Classifications.*

#### **Sections:**

- 16.04.010 Generally.
- ~~16.04.020 Administrative office.~~
- ~~16.04.025 Adult entertainment establishment.~~
- 16.04.030 Alley.
- 16.04.035 Antenna.
- 16.04.040 Apartment.
- 16.04.050 Apartment building.
- 16.04.060 Architectural control.
- 16.04.070 Architectural control committee.
- 16.04.075 Attic.
- 16.04.076 Balconies and decks.
- 16.04.077 Basement.
- 16.04.078 Below market rate unit.
- 16.04.080 Block.
- 16.04.090 Boardinghouse.
- 16.04.100 Building.
- 16.04.110 Building, and/or structure, accessory.
- 16.04.120 Building coverage.
- 16.04.130 Building, main.
- 16.04.140 Building site.
- 16.04.145 Buildings, structurally attached.
- ~~16.04.150 Business, retail.~~
- ~~16.04.160 Business, wholesale.~~
- 16.04.165 Child day care home.
- ~~16.04.170 Church.~~
- 16.04.180 Cluster housing.
- 16.04.200 Communications equipment building.
- 16.04.210 Conditional use.
- 16.04.215 Contiguous property.
- ~~16.04.220 Convalescent home.~~
- 16.04.230 District.
- 16.04.235 Drug paraphernalia.
- 16.04.240 Dwelling.
- 16.04.250 Dwelling group.
- 16.04.260 Dwelling, multiple.
- 16.04.270 Dwelling, single family.
- 16.04.280 Dwelling, two family or duplex.

- 16.04.290 Dwelling unit.
- 16.04.295 Dwelling unit, secondary.
- 16.04.297 Earth station.
- 16.04.300 Family.
- ~~16.04.305 Fast food restaurant.~~
- ~~16.04.310 Foster home.~~
- 16.04.313 Floor area.
- 16.04.314 Floor area limit.
- 16.04.315 Floor area ratio.
- 16.04.320 Garage or carport.
- 16.04.322 Garden feature.
- 16.04.325 Gross floor area.
- 16.04.330 Height of structure.
- 16.04.340 Home occupation.
- 16.04.350 Home occupation permit.
- ~~16.04.360 Hotel.~~
- 16.04.370 Junkyard.
- ~~16.04.380 Kennel.~~
- ~~16.04.385 Light industrial uses.~~
- 16.04.390 Lot.
- 16.04.395 Lot, corner.
- 16.04.396 Lot, interior.
- 16.04.400 Lot line, front.
- 16.04.405 Lot line, front, election for corner lots.
- 16.04.410 Lot line.
- 16.04.420 Lot, minimum depth.
- 16.04.430 Lot, minimum width.
- 16.04.440 Lot line, rear.
- 16.04.450 Lot line, side.
- 16.04.455 Lot, panhandle.
- 16.04.460 Lot, through.
- 16.04.462 Market rate unit.
- ~~16.04.465 Massage establishment.~~
- ~~16.04.467 Mini-warehouse storage facility.~~
- 16.04.468 Master plan.
- ~~16.04.470 Motel or hotel.~~
- 16.04.475 New construction.
- 16.04.480 Nonconforming use.
- ~~16.04.490 Nursery school.~~
- 16.04.500 Open space.
- 16.04.510 Parking space.
- 16.04.520 Permitted use.
- 16.04.530 Person.
- ~~16.04.535 Personal services.~~
- ~~16.04.540 Professional office.~~
- ~~16.04.550 Research and development.~~
- ~~16.04.560 Rest home.~~

- ~~16.04.565~~ ~~Retail sales establishment.~~
- 16.04.570 Roominghouse.
- ~~16.04.580~~ ~~Sanitorium.~~
- ~~16.04.590~~ ~~School.~~
- ~~16.04.592~~ ~~Secondhand store.~~
- ~~16.04.595~~ ~~Senior citizen day care facility.~~
- ~~16.04.597~~ ~~Service station.~~
- 16.04.600 Setback line.
- 16.04.620 Sign.
- 16.04.625 Solar access.
- 16.04.626 Solar envelope.
- 16.04.628 Story
- 16.04.630 Street.
- 16.04.635 Street, private.
- 16.04.640 Street line.
- 16.04.650 Structural alterations.
- 16.04.660 Structure.
- 16.04.670 Use.
- 16.04.680 Use, accessory.
- ~~16.04.690~~ ~~Veterinary clinic.~~
- ~~16.04.700~~ ~~Veterinary hospital.~~
- 16.04.710 Yard.
- 16.04.720 Yard, front.
- 16.04.730 Yard, rear.
- 16.04.740 Yard, side.

## Chapter 16.05 Use Classifications

*This new chapter devoted exclusively to use classification definitions will be added to the code.*

### Sections:

- 16.05.010 Purpose
- 16.05.020 Classification of Uses

#### 16.05.010 Purpose

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The zoning district regulations will rely on these defined use classifications and specify in separate schedules the land uses permitted without any discretionary review or public hearing, those uses subject to specific standards or limitations, and those uses requiring approval of a Use Permit.

#### 16.05.020 Classification of Uses

- A. **Uncertainty of Uses.** When there is uncertainty, the Community Development Director (“Director”) shall determine whether a specific use should be considered within one or more use classifications or not within any classification in this chapter. The Director may determine that a specific use is not within a classification if its characteristics are substantially incompatible with those typical of uses named within the classification. Decisions by the Director may be appealed to the Planning Commission.
- B. **Accessory or Primary Use.** The Director shall determine whether a use is a primary or accessory use of a building or space. For purposes of this determination, an accessory use is a use that is incidental and accessory to the principal permitted or conditionally permitted use on a site and customarily provided or accepted with the use. Decisions by the Director may be appealed to the Planning Commission. The Director shall use the following criteria in making his/her determination:
  - 1. The description of the use or uses in relationship to the characteristics of each use category.
  - 2. The relative amount of site or floor space and equipment devoted to the activity.
  - 3. The relative amounts of sales from each use.
  - 4. The relative number of employees in each use.
  - 5. Building and site arrangement.
  - 6. How the use advertises itself.

7. Whether the use would be likely found independent of the other use on the site.
- C. **Separate Classification of Each Establishment.** Where a single lot contains activities that resemble two or more different activity types, each of the principal activities conducted on a single lot by each individual establishment, management, or institution shall be classified and regulated separately.

**16.05.030 Residential Use Classifications**

[Reserved]

**16.05.040 Commercial Use Classifications**

- A. **Adult Business Establishments.** Establishments whose primary business is the offering of materials, products, and/or services that have sexual arousal, sexual gratification, and/or sexual stimulation and which are not customarily open to the general public because they exclude minors by virtue of their age. This classification includes adult arcades, adult bookstores, adult cabarets, adult hotel/motel, adult motion picture theaters, adult theaters, modeling studios, adult merchandise stores, and sexual encounter centers, as defined in this Code. It does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding unrevoked licenses or certificates under applicable California State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.
- B. **Animal Sales and Services.**
1. ***Animal Boarding.*** Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
  2. ***Animal Clinics and Hospitals.*** Medical care for small animals on a commercial basis, including grooming and boarding of animals for no more than 30 days if incidental to the hospital use and limited to animals receiving medical care.
  3. ***Animal Retail Sales and Service.*** Retail of small animals, and/or provision of bathing and trimming services, that take place within an entirely enclosed building.
- C. **Automobile/Vehicle Sales and Services.**
1. ***Automobile Rentals.*** Rental of automobiles, including storage and incidental maintenance.
  2. ***Automobile/Vehicle Sales and Leasing.*** Sales or leasing of new or used automobiles, motorcycles, trucks, and/or lawn and garden-type tractors, including storage and incidental maintenance. Sales of used vehicles may

represent a portion of the business, but do not represent the majority of the inventory.

3. ***Automobile Repair and Other Heavy Vehicle Service.*** Repair of automobiles, trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and auto glass services, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.
  4. ***Automobile Washing.*** Washing, waxing, or cleaning of automobiles or similar light vehicles.
  5. ***Gas Stations and Light Vehicle Service.*** Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories, including gasoline service stations; gas convenience marts; quick-service oil, tune-up, brake and muffler shops; and tire sales and installation, where repairs are made or service provided in enclosed bays and vehicles are not typically stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, towing, or repair of heavy trucks or construction vehicles.
  6. ***Large Vehicle Sales, Service, and Rental.*** Sales, servicing, and rental of trucks, motor homes, recreational trailers and equipment, boats, and other similar vehicles.
- D. **Banks and Other Financial Institutions.** Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, and businesses offering check-cashing facilities.
1. ***With Drive-Through Facilities.*** Financial institutions providing retail banking services to patrons remaining in automobiles.
  2. ***Automated Teller Machines (ATMs).*** Automated devices operated by the consumer that perform banking or financial functions.
- E. **Business Services.** Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office equipment rental and leasing, office security, photo finishing, and model building.
- F. **Commercial Recreation.** Provision of participant or spectator recreation to the general public, excluding public park and recreation facilities.
1. ***Large-scale.*** This classification includes large outdoor facilities including sports stadiums and arenas; amusement and theme parks; bowling centers; racetracks;

amphitheatres; driving ranges not in conjunction with a golf course; large fitness centers, gymnasiums, handball, badminton, racquetball, or tennis club facilities greater than 20,000 square feet; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding arenas; and campgrounds. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

2. ***Small-scale.*** This classification includes small, generally indoor facilities, although some facilities may be outdoor, including: dance halls, gymnasiums, handball, badminton, racquetball, or tennis club facilities less than 20,000 square feet, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.
  3. ***Golf and Country Clubs.*** A privately-owned facility offering golfing opportunities to members or the public for a fee.
  4. ***Cinemas.*** Facilities for showing films and motion pictures.
- G. **Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
1. ***Bars/Night Clubs/Lounges.*** Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks.
  2. ***Restaurants, Full Service.*** Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided.
  3. ***Restaurants, Limited Service.*** Establishments where food and beverages are prepared and may be consumed on the premises, taken out, or delivered, but where no table service is provided and patrons pay before eating. Limited Service Establishments include restaurants that sell ready-to-eat prepared foods and beverages for immediate consumption on- or off-premises that are packaged and served in or on disposable wrappers, containers, or plates. This classification includes cafeterias, delis, coffee shops, and snack bars but excludes take-out only establishments.
  4. ***Restaurants, Take-Out Only.*** Establishments where food and beverages are prepared and may be taken out or delivered, but may not be consumed on the premises. No seating is provided on the premises.
- H. **Funeral and Interment Service.** Establishment primarily engaged in services involving the care, preparation or disposition of human dead other than in a cemetery. Typical uses include crematory, columbarium, mausoleum or mortuary.

- I. **Home Improvement Sales and Services.** Retail sales, rental, and related services of hardware, plumbing, electrical, heating, air conditioning, building supplies, lumber, tools and equipment, plants and garden products, rocks and soils, patio furniture, swimming pools, spas and hot tubs, lighting fixtures, kitchen and bathroom fixtures and cabinets, paint, carpeting, floor coverings, or wallpaper. This use classification does not include hardware stores with less than 10,000 square feet of area or plant nurseries.
- J. **Hotels and Motels.** Establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, spas, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming hotels, boarding houses, or residential hotels designed or intended to be used for sleeping for a period of 30 consecutive days or longer.
- K. **Laboratories.** Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, research and development or testing services.
- L. **Maintenance and Repair Services.** Establishments providing appliance repair, janitorial services, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and pest control services.
- M. **Offices, Business and Professional.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, advertising, architectural, computer software design, engineering, graphic design, insurance, interior design, investment, and legal offices. This classification excludes hospitals, banks, and savings and loan associations.
  - 1. **Revenue-Enhancing.** An office that generates or has the potential to generate an average annual sales tax revenue to the City of Menlo Park that is equal or greater to the minimum threshold established through resolution by the City Council. Revenue-Enhancing Offices do not include the following NAICS classifications and their subclassifications: Finance and Insurance (52), Lessors of Real Estate (5311), Activities Related to Real Estate (5313), Legal Services (5411), Accounting, Tax Preparation, Bookkeeping, and Payroll Services (5412), Architectural, Engineering, and Related Services (5413), Specialized Design Services (5414), Management, Scientific, and Technical Consulting Services (5416), Advertising and Related Services (5418), Other Professional, Scientific, and Technical Services (5419), Management of Companies and Enterprises (5511), Office Administrative Services (5611), Facilities Support Services (5612), Business Support Services (5614), Travel Arrangement and Reservation Services (5615), and Investigation and Security Services (5616).
  - 2. **General Purpose.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural,

engineering, graphic design, investment, and legal offices and that do not meet the criteria for qualifying as a Revenue-Enhancing Office.

3. **Walk-in Clientele.** Offices of firms or organizations providing services to the public that rely on heavy pedestrian activity and frequent visits by clients, including real estate offices, landlord-tenant services, credit counseling, travel agencies, and financial tax services.
- N. **Offices, Medical and Dental.** Offices for a physician, dentist or chiropractor, including medical/dental laboratories incidental to the medical office use. This classification excludes medical marijuana dispensing facilities, as defined in the California Health and Safety Code, which are prohibited in the City of Menlo Park.
- O. **Parking Facilities.** Surface lots and structures offering parking to the public, when such use is not incidental to another activity.
- P. **Personal Improvement Services.** Provision of instructional services or related facilities, including photography; fine arts; crafts; dance or music studios; driving schools; diet centers, reducing salons, spas, and single-purpose fitness studios, such as yoga studios or aerobics studios. This classification is intended for more small-scale storefront locations and is distinguishable from small-scale commercial recreation uses that tend to occupy larger sites and generate more noise.
- Q. **Personal Services.**
1. **General.** Provision of recurrently non-medical services of a personal nature. This classification includes barber and beauty shops, clothing rental, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, and self-service laundries.
  2. **Restricted.** Personal services that may have a blighting or deteriorating effect on the surrounding area and may need to be dispersed and subject to standards to minimize impacts. This classification includes check-cashing services, palm reading, therapeutic massage services, and tattooing, piercing or similar services.
- R. **Retail Sales.** The retail sale and rental of merchandise not specifically listed under another use classification.
1. **General.** This classification includes drug stores, pharmacies, department stores, clothing stores, furniture stores, pet supply shops, hardware stores, video rental stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware (under 10,000 square feet of sales area), appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office

supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

2. ***Convenience Market.*** Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods. This classification does not include delicatessens or specialty food shops.
3. ***Food and Beverage Sales.*** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include markets, groceries, retail bakeries and specialty food stores.
4. ***Liquor Sales.*** Licensed retail sales of packaged alcoholic beverages, including wine, ale and beer, for off-premises consumption.
5. ***Large-Format.*** Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs and superstores.
6. ***Restricted.*** Restricted retail sales establishments include the following:
  - a. **Firearms Sales.** Retail or wholesale of firearms, cannons, guns, pistols, revolvers, rifles, airguns, BB guns or pellet guns or any instruments that throws or projects bullets or missions of any kind to any distance by means of elastic force, air or any explosive substance; ammunition or any projectiles that can be projected or propelled; and related merchandise.
  - b. **Tobacco Sales.** Retail sales in which 20 percent or more of the floor area or display area is devoted to tobacco-related products, or which 75 percent or more of gross sales receipts are derived from the sale or exchange of tobacco-related products.
  - c. **Drug Paraphernalia.** Retail sales in which 20 percent or more of the floor or display area is devoted to drug paraphernalia.

#### 16.05.050 Industrial Use Classifications

- A. **Artists' Studios.** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is permitted.
- B. **Industry, Limited.** Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; food and beverage manufacturing/distribution; or providing industrial services. This classification excludes basic industrial processing and recycling of cans, bottles, cardboard and

similar consumer materials.

- C. **Industry, General.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials.
- D. **Research and Development, and Information Technology.** Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, as well as establishments providing advice or expert opinion on technical matters related to the use of information technology, including advice on hardware and software requirements and procurement, systems integration, and systems security. This classification includes biotechnology firms and manufacturers of nontoxic computer components.
- E. **Warehousing and Storage.** Storage and distribution facilities without sales to the public on-site or direct public access.
  - 1. ***Indoor Commercial Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets, with no on-site sales (see Wholesale Distribution and Storage).
  - 2. ***Outdoor Storage.*** Storage of vehicles or commercial goods in open lots. This classification excludes junkyards, which are prohibited in the City of Menlo Park.
  - 3. ***Personal Storage.*** Facilities offering storage for individual use, including mini-warehouses.
- F. **Wholesale Distribution and Storage.** Establishments engaged in bulk sales of goods primarily to other vendors, with distribution and storage facilities without direct public access.

#### 16.05.060 Public, Semipublic, and Service Use Classifications

- A. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, including residential accommodations that are available to members or guests on a temporary basis for periods of less than 30 consecutive days, but excluding residential hotels. This classification includes union halls and social clubs.
- B. **Colleges and Trade Schools, Public or Private.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal improvement services.

- C. **Community Social Service Facilities.** Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.
- D. **Cultural Institutions.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.
- E. **Day Care Center.** Establishments providing non-medical care for one or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults and any other day-care facility licensed or certified by the State of California, excluding small or large family day-care.
- F. **Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.
- G. **Hospitals and Clinics.** Facilities licensed by the California State Department of Health Services providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for in-patient and out-patient treatment including drug and alcohol abuse programs as well as training, research, and administrative services for patients and employees.
  - 1. **Hospitals.** Institutions providing medical and surgical care to the sick or injured including operating facilities and beds for patients to stay overnight. These establishments may include critical care nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, employee housing, temporary housing for patient families, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.
  - 2. **Clinics.** Noncommercial, public, and community-based facilities, other than hospitals, where patients are admitted for examinations and treatment by one or more physicians, usually on a "walk-in" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. These facilities are distinguished from private medical and dental offices, which are generally smaller-scale in nature, and medical marijuana dispensing facilities, which are prohibited in the City of Menlo Park.

- H. **Parking Facilities, Public.** The exclusive or primary use of a parcel for parking in either an open paved area or structure used for parking motor vehicles, owned by a public agency or under contract to a public agency.
- I. **Public Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment and material storage areas. This classification includes corporation yards, equipment service centers, and similar public facilities.
- J. **Public Safety Facilities.** Facilities for public safety and emergency services, including a facility that provides police and fire protection and other emergency medical services.
- K. **Religious Facilities.** A facility used primarily for religious services, including churches, mosques, synagogues, temples, and similar religious facilities. This classification excludes private schools, as defined in this Code, other educational facilities, administrative facilities and offices, community centers, and other uses when not incidental to a facility used primarily for religious services.
- L. **Residential Care Facilities.** Any State licensed facility that is maintained and operated to provide primarily non-medical residential care, day treatment, or foster agency care for seven or more persons. This classification includes hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug additions. This category excludes transitional housing and community social service facilities.
  - 1. ***Residential Care, General.*** A facility licensed for residential care by the State of California for more than six persons.
  - 2. ***Residential Care, Limited.*** A facility licensed for residential care by the State of California for six or fewer persons, excluding the licensee or members of the licensee's family or persons employed as facility staff.

**16.05.070 Transportation, Communication, and Utilities Use Classifications**

- A. **Communication Facilities.**
  - 1. ***Antenna and Transmission Towers.*** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.
  - 2. ***Facilities within Buildings.*** Includes radio, television, or recording studios and telephone switching centers; excludes antennae and transmission towers.

- B. **Recycling Facilities.** Facilities for receiving, temporarily storing, and transferring materials for recycling, reuse, or final disposal.
- C. **Utilities, Major.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.
  - 3. ***Hazardous Waste Facility.*** All contiguous land and structures, other appurtenance, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste management units, or combinations of these units.
- D. **Utilities, Minor.** Facilities necessary to support development or provide services in the immediate vicinity and involving only minor structures such as transformers, relay and booster devices, and small water and sewer pump stations.

**Chapter 16.30 C-I Administrative and Professional District, Restrictive**

*The existing text of this chapter will be deleted and replaced with the new Chapter 16.30, Commercial and Office Districts. However, Section 16.30.030, Development Regulations, will be relocated to the new Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.32 C-I-A Administrative and Professional District**

*This chapter will be deleted in its entirety, except for Section 16.32.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.34 C-I-B Administrative, Professional, and Service District**

*This chapter will be deleted in its entirety, except for Section 16.34.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.36 C-I-C Administrative, Professional, and Research District, Restrictive**

*This chapter will be deleted in its entirety, except for Section 16.36.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.37 C-2-S Neighborhood Commercial District, Special**

*This chapter will be deleted in its entirety, except for Section 16.37.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.38 C-2 Neighborhood Shopping District**

*This chapter will be deleted in its entirety, except for Section 16.38.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.39 C-2-A Neighborhood Shopping District, Restrictive**

*This chapter will be deleted in its entirety, except for Section 16.39.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.41 C-3 Central Commercial District**

*This chapter will be deleted in its entirety, except for Section 16.41.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.42 C-4 General Commercial District (other than El Camino Real)**

*This chapter will be deleted in its entirety, except for Section 16.42.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.43 C-4 General Commercial District (applicable to El Camino Real)**

*This chapter will be deleted in its entirety, except for Section 16.43.030, Development Regulations, which will be relocated to Section 16.30.030, which will contain development standards for all the commercial districts.*

**Chapter 16.44 M-1 Light Industrial District**

*The regulations for the M-1 Light Industrial District will be relocated to the new Chapter 16.40, Industrial Districts.*

**Chapter 16.46 M-2 General Industrial District**

*This chapter will be deleted. The use regulations for the district found in Sections 16.46.010, 16.46.015, and 16.46.020 will be replaced by use regulations in the new Chapter 16.40, Industrial Districts. Section 16.46.030, Development Regulations, will be relocated to Section 16.40.050, which will contain development standards for both the M-1 and M-2.*