

COMMERCIAL ZONING ORDINANCE UPDATE



Summary Report on Stakeholder Interviews and Community Workshop

Prepared for

The City of Menlo Park

By

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I Introduction

PROJECT BACKGROUND

The Commercial Zoning Ordinance Update represents the third phase of a larger Commercial Streamlining Project intended to streamline and clarify the discretionary permitting process for commercial uses in Menlo Park.

The Menlo Park City Council has established as a high priority a comprehensive update of the commercial land use classifications and regulations in the City's Zoning Ordinance. The objective is to develop a clear set of commercial use classifications, and to classify each use as being permitted, administratively permitted, or conditionally permitted in every district where the use is allowed. Ultimately, this will translate into a user-friendly document that aligns the City's fiscal, community, service, and land use goals, and reduces uncertainty for business owners and other users of the Zoning Ordinance.

PURPOSE OF INTERVIEWS AND COMMUNITY WORKSHOP

The purpose of the code-user interviews and community workshop was to learn about the community's concerns and desires for commercial and industrial development in Menlo Park as well as to learn firsthand from frequent users of the existing ordinance about its strengths and weaknesses. The input garnered from the interviews and community workshop will provide background to inform the Working Group meetings and, will inform the proposed zoning code amendments to be developed by the consultant as part of this Commercial Zoning Ordinance Update.

SCHEDULE AND NEXT STEPS

The code user interviews and community workshop were part of the first, information-gathering phase of a six-month project that is intended to culminate in a set of revised use classifications and regulations to be brought before the Planning Commission and City Council in September and October, 2006.

The Commercial Zoning Ordinance Update work program can be tracked according to the following schedule. The code-user interviews and community workshop that are the topic of this report are indicated with arrows.

Task I: Startup (May)

- Kickoff meeting
- Stakeholder interviews
- Community workshop
- Summary of stakeholder and community workshop responses

Task 2: Data Collection (June)

- Collect data on permit applications in Menlo Park commercial and industrial districts
- Collect data and prepare summary tables on the commercial zoning regulations of 10 "peer" communities

Task 3: Use Classifications (July)

- Working Group Meeting 1: Issues and options
- Staff briefing for City Council on Working Group workshop
- Consultant prepares draft revised use classifications with correspondence table
- Consultant prepares annotated outline of commercial/industrial use regulations
- Working Group Meeting 2: Review of preliminary use classifications and issues and options

Task 4: Use Regulations (August)

- Consultant prepares summary matrix of proposed use regulations
- Staff and Working Group Meeting 3: Review of preliminary use regulation matrix

Task 5: Draft Ordinance (September)

- Consultant prepares Public Review Draft of zoning amendments
- Working Group Meeting 4
- Initial Study for proposed zoning amendments published
- "Road Show" and User's Guide to explain changes

Task 6: Public Review and Adoption (September and October)

- Planning Commission workshop or hearing
- City Council hearings

2 Code-User Interviews

OVERVIEW

In order to learn about the issues associated with updating the commercial and industrial use classifications, the City's consultant conducted interviews with a cross-section of "code users"—people who regularly use the Zoning Ordinance in Menlo Park—as well as residents who have been active in planning and zoning issues. Participants included property and business owners, developers, design professionals, neighborhood representatives, and other interested citizens. Interviewees were asked for their input regarding the strengths and weaknesses of the existing commercial and industrial use regulations, and preferred priorities for the Commercial Zoning Ordinance update.

FORMAT

The consultants conducted 12 45-minute interview sessions over the course of one day in May 2006. The team interviewed a total of 35 people in groups of one to five. Three additional individuals who were invited but unable to attend the interviews in person emailed or faxed in their responses, and these responses were included in the summary. Participants are listed in Appendix B. The anonymous interviews were conducted by two senior staff from the planning consulting firm of Dyett & Bhatia: Vivian Kahn and Heather Coleman. In order to encourage candid responses from the code users, City staff were not present in the interview sessions. The participants were given a number of questions as a starting point (see Appendix A), but the discussions were open-ended to allow them to express their opinions and ideas.

The consultant team will incorporate these valuable insights into its other work tasks as it analyzes the issues, and works to develop draft use classifications and use regulations to present to the Working Group and City Council.

MAJOR THEMES AND ISSUES

There was surprisingly strong consensus among the code users interviewed about the major issues related to the use classifications and use regulations of the Menlo Park Zoning Ordinance. Those interviewed pointed out numerous ways in which current code provisions actually work against achieving the type of commercial and industrial development that the City should try to attract. There was as much discussion of the review process as there was about the substance of the code. Clearly, the review process is a major issue that people want to see addressed. Another frequent theme is that there is a lack of clarity about what the City wants (a need for clear policy direction), amount of discretionary review processes (namely, use permits) and the time and uncertainty associated with them.

Major themes heard during the interviews were:

1. **The City is unable to provide clear direction because it does not have a vision of how it wants its commercial areas to develop.** The City's objectives of increasing revenues and reducing traffic are not a sufficient basis for land use regulation and do not provide the kind of direction that developers are seeking. Without a clear vision of

what it wants to achieve, the City is unable to be proactive. Because the City has not articulated its objectives, elected and appointed officials and staff are unable to provide clear and consistent direction. The lack of clarity is exacerbated by changes in the composition and attitudes of the City Council and staff turnover.

2. **Provide greater certainty by increasing the number of permitted uses and making them subject to specific limitations and standards instead of requiring discretionary review.** The current discretionary use permit process takes too long, is too subjective, and is out of sync with the needs of businesses that can't wait to find out whether they will be allowed to operate at the locations they propose. Developers want clear rules about what they can build at a particular location, what types of businesses can occupy their buildings, and what rules will apply to those buildings and uses.
3. **Provide flexibility by eliminating discretionary review for tenant improvements and changes in use that meet conditions of approval and specific zoning standards.** The ordinance should establish rules that permit occupancy by a range of uses over the life of a building without any additional discretionary review unless a different class of use is proposed that was not anticipated and will have impacts that were not originally assessed. Alterations that do not increase floor area should be permitted subject only to architectural review for exterior changes. Use permits make sense for certain changes of use in neighborhood commercial areas where residential neighbors should be aware of proposed changes. They should not be required for use changes in industrial areas where the building was originally subject to a detailed discretionary review process.
4. **Increase the number of decisions that can be made at the staff level and revise the regulations so staff can provide the information that applicants need.** Revising the regulations to provide clearer and more specific direction and to allow more staff-level decisions will lead to more consistent and less subjective results. The City has high-quality staff who should be able to act as proactive facilitators rather than zoning police.
5. **Parking is a major issue that often determines the outcome of development decisions.** Unrealistically high parking standards add time, cost, and uncertainty to projects by increasing number of projects that require exceptions and creating a basis for imposing additional conditions and requirements on an ad hoc basis. Consider changes including allowing shared parking, especially for downtown and mixed use projects; establishing an in-lieu traffic mitigation fee for new development; and providing incentives such as reduced parking and bonus FAR in exchange for transportation management programs.
6. **The process is frequently driven by discretionary review procedures and requirements that are not in the zoning ordinance.** Because of the low threshold for defining potentially significant traffic impacts, a large number of projects require preparation of an environmental impact report, which adds substantial time and cost to development projects without mitigating traffic impacts. The City also has "unwritten policies" based on past practice and zoning interpretations that should be codified or eliminated as appropriate.

7. **The existing ordinance includes standards and requirements that are impractical and do not reflect current development trends and business needs.** Height limits are too low in comparison to Palo Alto, Mountain View, Campbell and other cities with which Menlo Park is competing. Instead of specifying standards and requirements to regulate the use and storage of chemicals that are deemed hazardous, businesses using even small amounts of such chemicals are required to obtain a use permit. Conditional use permits are also required for equipment such as emergency generators, which would only require a ministerial permit in other communities.
8. **Protect neighborhoods by establishing specific standards to address issues of concern and thresholds for determining which projects will require discretionary review.** There is no inherent conflict between streamlining and neighborhood preservation if regulations are carefully drafted and the City has a review process that keeps neighborhood residents in the loop. The process that resulted in Safeway's approval was ultimately successful and could be a model worth replicating.
9. **Menlo Park can look to some nearby cities for good examples.** Sunnyvale, Redwood City, Palo Alto, Mountain View, and South San Francisco have all been identified as jurisdictions with zoning regulations and development review procedures that promote the kinds of development the cities desire and are easier to work with than Menlo Park.

3 Community Workshop

AGENDA AND FORMAT

The Community Workshop was held on May 24, 2006 from 7:00 p.m. to 9:00 p.m. at the Menlo Park Recreation Center. Approximately 25 community members, including members of the Planning Commission, attended. Members of the City Council attended as observers, and City staff served as facilitators. The workshop agenda (see Appendix C) included opening remarks by City officials, a project overview, and small-group discussions and exercises.



Vice Mayor Kelly Ferguson made opening remarks.

Overview

Vivian Kahn of the consulting firm Dyett and Bhatia provided an overview of the Commercial Zoning Ordinance Update. She talked about the purpose of the project, and the role that zoning can play. She described Menlo Park's commercial districts and identified some commercial use issues in the city. She also reported on the preliminary input received from the code-user interviews, and the process and schedule for the remainder of the project. (See Appendix D for the PowerPoint presentation).

Small-Group Discussion and Exercise

Meeting participants gathered in small groups and discussed four questions, facilitated by City staff:

- *What types of commercial and industrial uses would you like to see more of in Menlo Park?*
- *What types of uses should be permitted in each set of zoning districts?*
- *What types of uses should be permitted subject to limitations or special review?*
- *What is the most important change the City can make in the commercial zoning regulations to get the kind of development you want and prevent the kind of development you don't want?*



Small-group discussions were facilitated by City staff.

In order to answer the second and third questions, participants worked together to fill out tables indicating which land uses should be allowed in each set of districts. The groups were asked to come to a consensus on which of a set of typical commercial, industrial, and civic uses should be allowed in each set of districts. For the purpose of the exercise, Menlo Park's 13 commercial districts were condensed into common types: The C-1 Administrative and Professional, C-2 Neighborhood Commercial Districts, C-3 Central (downtown) Commercial District, and C-4 General Commercial Districts. A separate use allowability table was provided for Menlo Park's M-2 General Industrial District. Participants were provided with maps that showed existing land uses as well as existing zoning districts.



Lively discussion ensued as the groups worked to generate recommendations on allowable uses.

After discussing the land use charts, groups made a list of key issues and priorities for the Commercial Zoning Ordinance Update.

A representative from each small group reported out on the group's key points of discussion and priorities for the City, and these key points were recorded by the consultant.

Each group's comments—recorded on flipcharts—and completed land use tables were retained as a record of the meeting. The findings are summarized here.

RESULTS

Desirable Uses

The groups were asked what types of commercial and industrial uses they would like to see more of in Menlo Park. Uses identified as desirable are listed below. The listing of a particular use does not imply that there was consensus about its desirability, but just that at least one meeting participant brought it up. Where a land use was identified multiple times, a number is indicated to its right to show how many times it was mentioned. In addition to specific use types, participants identified business character types and district character types—such as walkable areas—that they wanted to see more of in Menlo Park.

Retail and Personal Service Uses:

- Neighborhood shopping centers (like Sharon Heights Center)
- Neighborhood-serving retail

- Services for residents: dry cleaners, vet hospitals, pharmacies, hardware store
- Plumbing fixture store
- Destination retail
- Larger specialty retail (Smith Hawken, Pottery Barn, clothing boutiques)

Medical Uses:

- Medical/Doctor Offices

Office, Employment, and Manufacturing Uses:

- Job-creating uses
- Venture capital
- Branch offices vs. headquarters
- Incubator 1000
- Revenue-generating businesses; uses that generate sales tax (2)
- National sales office for major company
- Small manufacturing
- Research and Development in M-2

Auto Sales:

- Auto dealerships (2)

Cultural, Dining, and Entertainment Uses:

- Diner
- Gourmet food mall
- Movie theaters (specific types mentioned: modern theaters, clustered theaters) (3)
- Uses that are family-friendly, especially after school; a social gathering place
- Arts center (fine arts, jazz, etc.) – destination
- Color-Me-Mine (pottery painting)

Use and District Character Types:

- Commercial uses by the trains
- Walkable commercial (good crossings, wide sidewalks, plazas)
- Small commercial uses around plazas
- Pedestrian-only zone
- Stores with personality
- Local/independent businesses
- Green technology (i.e. nanotechnology in solar cell)
- Green buildings
- Easy parking to be integrated/hidden; park & walk

Participants also identified some uses that they felt there were already enough of in Menlo Park or that they did not want to see developed in the future. The following uses were mentioned:

- Hair salons
- Drug stores
- Chain restaurants
- No housing downtown because negative impact on schools; degradation of “quality of life,” i.e., schools, traffic, open space.

DISTRICT USE REGULATIONS

The heart of the workshop was the completion of a set of tables specifying which uses should be permitted in each set of commercial and industrial zoning districts. Appendix E contains photographs of each group’s commercial and industrial use regulation table.

Not all of the small groups finished completing the use regulation tables during the workshop; therefore, the results reported here provide a general description of the opinions expressed at the workshop rather than a set of statistical data.

Commercial Districts

Groups recommended that the broadest range of uses be permitted in the C-4 General Commercial District, and recommended greater specificity in the C-1 Administrative and Professional, C-2 Neighborhood Commercial, and C-3 Central Commercial districts. The groups’ recommendations for each type of land use is described below.

Retail Sales and Services; Retail Banks

There was strong support for allowing retail uses in the Neighborhood, Central, and General Commercial districts, with more special review and suggested limitations in the C-1 Administrative and Professional District.

All five groups said that retail sales and services should be permitted in the C-3 Central Commercial and C-4 General Commercial districts. Four of five groups said that retail sales and services should be permitted in the C-2 Neighborhood Commercial District. One group thought that retail stores should be permitted, but that banks should require a conditional use permit in Neighborhood Commercial and Central Commercial districts.

In the C-1 Administrative and Professional District, one group recommended that retail uses be permitted outright, two groups recommended that they be prohibited, and two groups said they should be conditional or subject to limitations. Of the groups suggesting limitations, one noted that retail should be small in scale and serve surrounding office uses, while the other recommended that banks and small cafes be allowed in the C-1, but that retail stores require a conditional use permit.

Eating and Drinking Establishments

The groups recommended permitting eating and drinking establishments in most locations. One group thought that they should be conditionally permitted in the C-1 Administrative and Professional Districts, but otherwise, the small groups decided that they should be permitted outright in all districts. One group raised a question about bars, and said that they should be allowed depending on their location.

Medical and Dental Offices; Professional and Administrative Offices

The groups recommended allowing medical offices outright in some locations, and placing restrictions on them in other locations.

One group recommended that in all districts, small medical offices be allowed outright, while large medical offices require a conditional use permit.

Several groups wanted to limit medical offices in the downtown and on El Camino Real to upper floors. One group said they would be okay on upper floors on Menlo Avenue and University Drive in the downtown, but not on Santa Cruz Avenue. Another group echoed that medical offices should not be permitted on Santa Cruz Avenue. One group thought that on El Camino Real, medical offices should be permitted on upper floors, and conditionally permitted on the ground floor.

Professional and Administrative Offices

The groups recommended allowing office uses outright in the C-1 Administrative and Professional districts. The groups were mixed as to their permissibility in other districts. Several groups recommended that offices only be allowed on upper floors in the downtown, particularly on Santa Cruz Avenue.

Personal Services

The groups tended to recommend allowing personal services outright in most districts, though some proposed limitations or conditional use permits for them. One group recommended limiting Personal Services in the office districts to those that would serve the immediate area. Another group noted that they wanted personal services in Menlo Park to be environmentally friendly.

One group noted that massage services should always require a use permit.

Hotels/Motels

The groups tended to recommend allowing hotels and motels only in the C-1 Administrative and Professional districts and the C-4 General Commercial districts, and prohibiting them in the downtown and neighborhood commercial areas.

Auto Sales

The common sentiment was that auto sales should be allowed in the C-4 General Commercial District and prohibited in other districts. However, one group also recommended allowing them in the C-1 Office Districts. One group recommended that even in the C-4 District, a conditional use permit should be required and the Planning Commission should be the decision authority.

Auto Servicing and Repair; Gas Stations

While all of the small groups recommended prohibiting auto servicing and repair and gas stations in the downtown district, their recommendations for other districts were more varied. In the C-1 and C-2 districts, one group recommended that they be permitted outright, another group recommended that auto repair be prohibited, but gas stations conditionally permitted, and two other groups recommended that both auto repair and gas stations require a conditional use permit. In the C-4 districts, three groups said they should be permitted outright and one group said that they should require a conditional use permit.

Commercial Recreation

The groups varied somewhat on their recommendations for permissibility of commercial recreation facilities. They imposed limitations or use permit requirements on them according to the type of facility and location.

There were certain commercial recreation uses, such as driving ranges and mini golf, that participants felt should always require a conditional use permit.

General Comments on Use Regulations

The groups also recorded some general comments on the land use tables:

- Neighborhood scale as a priority must be followed in all zones;
- The cumulative impact of hazardous materials must be monitored.

Industrial Districts

The groups identified a number of important issues they considered important for use regulation in the M-2 General Industrial District. They identified issues related to the proximity of industrial uses to residential and other areas, potential visual and environmental impacts of industrial operations, and the need to preserve industrial areas for industrial and employment uses. They were mixed regarding whether to allow residential uses in the industrial areas. Groups identified a number of uses beyond those that were provided on the table that could be appropriate in industrial areas.

There was strong support among the groups for allowing professional and administrative office uses, research and development, indoor manufacturing, and warehousing and storage. Recommendations for allowing retail and service commercial uses in the M-2 were more mixed.

The groups' recommendations on specific land uses are described below.

Manufacturing

All five groups said that manufacturing that takes place indoors should be permitted outright in the M-2. The groups were split about whether to allow manufacturing with outdoor facilities: two groups thought it should be allowed outright, while the other three groups recommended a conditional use permit or standards such as screening for visual impacts and noise. One group said that a use permit should be required for any outdoor storage.

Offices Uses; Research and Development; Start-ups; Office-Industrial Flex Space

There was strong support for allowing both office uses and research and development uses outright in the M-2 District. Four groups decided that office uses should be allowed by right, with one group indicating that they were on the border between permitting them outright and conditionally permitting them.

Four of the five groups made a recommendation on research and development uses and office-industrial flex space. All four groups said that these uses should be permitted outright.

Warehousing and Distribution

All five groups recommended that warehousing and distribution be permitted outright.

Auto Servicing, Gas Stations, Body Shops

Four groups thought that these auto servicing uses should be permitted outright. One group thought that gas stations should be permitted, but auto body shops and automobile repair and servicing should be prohibited.

Eating and Drinking Establishments

All the groups stated that restaurants, cafes, and bars should be permitted uses. One group noted that they should not only be permitted, but encouraged. Another group thought that there may be ground contamination issues that would affect the ability to use properties as eating and drinking establishments.

Retail Uses

The use tables only listed accessory retail uses, those that are accessory to a manufacturing activity. All four groups that completed this section recommended that such accessory retail uses be permitted outright. Several groups added primary retail establishments to the list of uses and recommended that they should be permitted. One group also added big box retail as a permitted use in M-2.

Public Utilities, Corporation Yards, Maintenance and Repair

The most common opinion was that these uses should be subject to limitations or a special review process. Three of the groups thought that these uses should require a conditional use permit; two specified that the use permit is needed for outdoor activities or outdoor storage. One group decided that these uses should be allowed outright, while another group decided that they should be prohibited.

Self-Storage

Three groups addressed self-storage establishments, with two groups determining that they should be permitted outright and the third group determining that they should be prohibited.

Live/Work Lofts

The groups were divided as to whether live/work lofts or other quasi-residential uses should be permitted in the industrial district, and raised a number of concerns about potential land use conflicts that could arise.

One group thought that live/work lofts should be permitted. Another group did not make a determination as to permissibility, but noted that live/work lofts create potential conflicts, and a buffer zone would be needed. The three remaining groups thought that live/work should be a conditional use. They recorded some particular concerns about them: residential-only developments should not be allowed; live/work occupants should limit complaints about nearby commercial uses; and the City should be careful about squeezing out businesses.

Other Uses

The groups identified a number of land uses that were not on the charts but that would be appropriate in the M-2 General Industrial District. Three groups added auto malls or auto sales to the list of permitted uses. Two groups added hotels. One group added dog kennels to the list, but said they should be a conditional use because proximity to residential uses would be of concern.

One group noted that junkyards should be added to the list of prohibited uses.

Priorities for the Commercial Zoning Ordinance Update

Groups were asked for the most important change the City could make in its commercial zoning regulations to get the kind of development they want to see and prevent the kind of development they don't want in Menlo Park. In other words, they were asked to identify priorities for the City's Commercial Zoning Ordinance Update.

There was a great deal of overlap between responses to this question and the key points that group representatives made in reporting out to the larger workshop. Therefore, the following represents an amalgamation of the responses recorded on flipcharts for Question 4 and the verbal summaries that group representatives provided to the larger workshop.

While the opinions of the workshop participants varied, especially when it came to specific land uses, streets, and districts, there were some common themes that emerged. There was a strong desire for more pedestrian-friendly commercial districts, for revenue-generating businesses in the city to provide sales tax support for community services, and for development projects to contribute community benefits. There was concern about parking and traffic impacts of new development. People wanted to see new neighborhood-serving retail and service uses. Some groups expressed the need for a clear policy direction for commercial uses.

Group 1

- Need to define City's goals.
- Need financial plan developed through the City to provide sales tax and revenue to make services viable. Base zoning on the financial plan.
- Consider what services neighbors need. Maximize community services.
- Lots of retail in walking distance from parking.
- Let the market decide what uses are appropriate. Trust the business community about what will work.
- Maximize community benefits from commercial districts; maximize city benefits from the industrial districts.

Group 2

- Need to decide what kind of downtown the city wants.
- Want revenue-generating businesses.
- No degradation of quality of life.
- Want a walkable city.
- Mixed-use development is okay if parking is addressed.
- Improve permit processing.

- Do not want housing downtown; negative impact on schools; degradation of “quality of life,” i.e. school, traffic, open space.
- There must be community benefits—open space, schools, parking—to projects. Rezoning project should provide value to community.

Group 3

- Attract green technology and green buildings.
- Keep existing commercial and industrial location where they are.
- Keep El Camino Real strictly retail.
- Parking issue; parking should be criteria for how you develop/improve a building. If meet parking, uses should be allowed by right (no use permit).
- Parking requirements should depend on proximity to transit.
- More research and development in M-2.
- Threshold for review of hazardous materials is too low. Use county environmental health guidelines, rules. Allow an interim permit to allow hazardous materials greater than five gallons.
- No use permit needed for changes in use of existing floor space in M-2.

Group 4

- Keep desirable businesses here in Menlo Park.
- Attract businesses with the most revenue and least impacts.
- Pedestrian-friendly and pedestrian-only districts (e.g., Rockridge, 4th Street in Berkeley).
- Provide more opportunity for public input in this process.
- Easy parking. Lots of park and walk. Park once and visit multiple establishments.
- Commercial uses near transit.
- Stores with personality; not big chains.

Group 5

- El Camino Real: Allow most uses. Allow higher density in retail, commercial office, and housing. Mixed-use development okay on El Camino, if traffic impacts mitigated.
- Reduce on-street and open lot parking in exchange for structured or underground parking (wrap structure with retail).

- Walkable streets (think downtown San Luis Obispo).
- Encourage more retail on Menlo and Oak Grove, and Alma.
- In C-1, okay as is and most uses should be allowed.
- Keep medical offices upstairs.
- C-3: existing uses in downtown are good, but a few uses (like banks) should be conditional.
- M-2: in transition, most uses should be permitted, limit housing (property value impacts and conflicts with industrial uses).
- More: small manufacturing, auto dealerships, job-creating businesses.
- Need for walking streets.

Appendix A: Code User Interview Questions

1. What do you see as the biggest problem with the way the current Zoning Ordinance deals with commercial and industrial uses?
2. How well does the current Zoning Ordinance advance the City's goals and meet its current needs for commercial and industrial development? For example:
 - Does the Code promote the type of commercial development Menlo Park is trying to attract and retain?
 - Does the Code prevent commercial development that is undesirable because it is unattractive; overburdens the circulation system; is a poor fit with existing development, etc.?
 - Does it provide enough flexibility to respond to market conditions? Is there too much flexibility?
3. Are there any problems and issues with specific permitted or prohibited uses (e.g. automobile sales, check-cashing establishments, personal storage, etc.)
4. Are there problems and issues with particular uses in specific districts? (Make reference to zoning map).
5. Any concerns/recommendations regarding non-conforming commercial uses? Are there certain nonconforming uses that should be treated differently in the Zoning Code (e.g. nonconforming retail commercial uses in industrial districts vs. nonconforming light industrial activities in neighborhood commercial districts)?
6. Is the number of uses that require a conditional use permit appropriate? Should the City rely more on a "by right" standards-based approach, where proposed uses and projects that meet standards do not require use permits, or emphasize a more discretionary review approach that doesn't rely as heavily on quantitative standards?
7. What is the most important change that Menlo Park can make to its commercial use regulations in order to make them easier to use? What is the most important change

needed to achieve the City's economic development objectives and attract businesses that are locating elsewhere?

8. Are there any other issues we have not covered? Any other questions that we should have asked?

9. What other cities do you think are doing a good job regulating commercial uses?

Appendix B: List of Code Users Interviewed

Gary Ahern, *Focal Point Design (architecture)*

Curtis Allen, *Altair Corporation*

Jack Bariteau, *Keenan Bariteau, resident*

TJ Bianchi, *Deerfield Realty Corporation, resident*

Rose Bickerstaff, *resident*

Sheryl Bims, *resident*

Bill Bocook, *Bocook Architects*

Cortland Bohacek, *Citypoint Group, resident*

Dave Bohannon, *Bohannon Org., resident*

Byron Brill, *Freestone Properties, resident*

Joe Colonna, *developer*

Howard Crittenden, *property owner, developer*

Susan Eschweiler, *DES*

Mark Flegel, *Flegel's Fine Furniture*

Candace Hathaway, *resident, corporate facilitator*

Ken Hayes, *architect*

Matt Henry, *resident*

Chop Keenan, *Hamilton Management*

Jude Kirik, *Pacific Peninsula Group (architecture)*

Mike Lambert, *resident, architect*

Lee Lippert, *Lippert and Lippert Design*

Tom Little, *SRI*

Peggy Lo, *Lo Property Management (Quadrus)*

*Menlo Park Commercial Zoning Ordinance Update
Interviews and Community Workshop Summary*

Doug Marks, *Colliers International, resident*

Bob Peterson, *Peterson Architects*

Bill Phillips, *Stanford Management Company*

Dick Poe, *real estate broker, resident*

Jim Pollart, *O'Brien Group*

Jeff Pollock, *Pollock Financial*

John Preyer, *resident*

Roxy Rapp, *Roxy Rapp & Company (developer)*

Gary Smith, *small business owner, resident*

Dave Tarlton, *Tarlton and Co.*

John Tarlton, *Tarlton and Co.*

Gregg von Thaden, *Colliers International*

Jack Troedson, *Cornish and Carey Commercial*

Jeff Warmouth, *Sand Hill Property Company*

Michael Wright, *SRI*

Appendix C: Community Workshop Agenda

1. **Welcome and Introduction** (5 minutes)
2. **Opening Presentation** (20 minutes)
Vivian Kahn, Dyett & Bhatia Urban and Regional Planners
 - Overview of the Commercial Zoning Ordinance Update Project
 - Workshop Purpose, Agenda, and Materials
2. **Small Group Discussions** (45 minutes)
 - Answer Questions and Identify Issues
 - Commercial and Industrial Use Regulations Chart
3. **Presentation Of Results** (35 minutes)
 - Small Group Reports
 - Comments and Responses
4. **Workshop Wrap-Up** (5 minutes)
 - Next Steps

*Menlo Park Commercial Zoning Ordinance Update
Interviews and Community Workshop Summary*

Appendix D: Opening Presentation for Community Workshop

Menlo Park Commercial Zoning Community Workshop



Agenda

1. Opening Presentation
 - Project Overview
 - Workshop Objectives
 - Issues
2. Small Group Discussions
 - Brainstorming on Concepts
3. Presentation of Results
 - Report Back on Small Group Proposals
 - Common Themes in Group Discussions
4. Meeting Wrap-Up
 - Next Steps

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Context

Menlo Park—a mature community with a significant employment base, a quality living environment, and a walkable downtown.

- Is Menlo Park getting the kind of commercial development it needs and wants?
- If not, why not?
- How could the rules be changed to promote the kind of development the community wants?

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City's Streamlining Program

- Three-phase program started in 2003.
- First two phases complete.
- Focus is now on commercial and industrial land use categories and use regulations.

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Commercial Zoning Update Objectives

- Revise zoning regulations to create a new and logical structure that reflects an evolving economy and provides a basis for a streamlined administrative process;
- Ensure that commercial and industrial use regulations reflect the City's goals;
- Craft a permitting process that balances discretion and certainty to achieve the City's commercial development objectives;
- Reduce the time and costs of permit review and approval by simplifying the process.

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Urban and Regional Planners

Commercial Zones

<i>Zone</i>	<i>Acres</i>	<i>Zone</i>	<i>Acres</i>
C-1	132.5	C-2-B	3.3
C-1-A	7.1	C-2-S	3.5
C-1-B	2.7	C-3	33.7
C-1-C	121.0	C-4	10.8
C-2	8.6	C-4 (ECR)	68.0
C-2-A	1.5	Total	392.7

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Current Zoning

- Last comprehensive update: 1967.
- 13 commercial zoning districts without clear purpose statements.
- Complicated procedures.
- Confusing system of "use lists" without complete definitions or ability to deal with new uses in a changing economy.

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Industrial Zones

<i>Zone</i>	<i>Acres</i>
M-1	5.1
M-2	574.9
Total	580.0

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Overlay Zones and Special Designations

<i>District</i>	<i>Acres</i>
PD	11.6
(X)	165.3
Total	245.0

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Meeting Menlo Park's Needs

- Zoning should perform; it should implement the City's planning policies.
- Zoning should be positive.
- Zoning must respect community character, particularly in neighborhoods.
- Zoning must recognize economic realities.
- Zoning must reflect a willingness to rethink traditional assumptions.

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Meeting Business Needs

Applicants want unambiguous rules about:

- What they can do on their property; and
- What they have to do to get through the process.



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Getting a Permit

Clear standards provide certainty,
Flexibility, and finality.

- What is the basis for the decision?
- Who makes the decision?
- How long will it take?

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Auto-Oriented vs. Pedestrian-Oriented



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Office and Employment Uses



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Downtown



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Uses Near Caltrain



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Neighborhood Commercial



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Reuse of Sites



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General Plan Policies

- Goal I-B: To strengthen Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown's historic atmosphere and character.
- Goal I-C: To encourage creativity in development of the El Camino Real Corridor.
- Goal I-D: To encourage the rehabilitation and continued use of viable and appropriate neighborhood commercial uses or collections of stores servicing surrounding residential neighborhoods.
- Goal I-E: To promote the development and retention of commercial uses which provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.
- Goal I-F: To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have low environmental and traffic impacts.

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Use Regulations

- Use classifications vs. use lists
- Tiering
 - Permitted uses
 - Limited uses
 - Conditional uses
- Problem uses
 - Alcohol outlets
 - Large-format retail
 - Formula business



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Urban and Regional Planning

Existing Commercial Regulations

Chapter 16.36

C-1-C ADMINISTRATIVE, PROFESSIONAL AND RESEARCH DISTRICT, RESTRICTIVE

Sections:

- 16.36.010 Permitted uses.
- 16.36.020 Conditional uses.
- 16.36.030 Development regulations.

16.36.010 Permitted uses. There are no permitted uses in the C-1-C district.

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

- (1) Professional, administrative, and executive offices;
- (2) Research and development facilities;
- (3) Convalescent homes;
- (4) Public utilities in accordance with Chapter 16.76;
- (5) Special uses in accordance with Chapter 16.78.

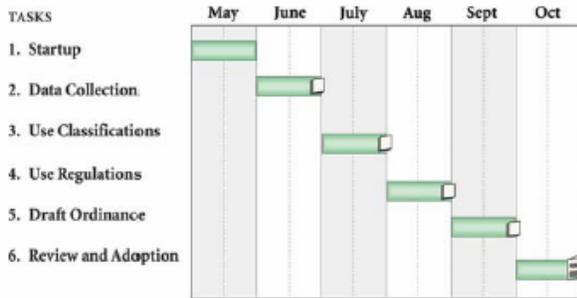
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SAMPLE USE REGULATIONS TABLE

	C-1 Sub-Industrial and Professional District	C-2 High-tech and Commercial District	C-3 Central Commercial District	C-4 General Commercial District	Additional Regulations
Commercial Uses					
Adult Store	---	F	P	F	
Barry and Drinking Establishments (Restaurants, Clubs, Bars)	C	F	P	F	
Medical and Dental Offices	---	C	---	F	See Section XX-XXXX.
Other Offices	F	C	---	F	
Personal Services (hair salons, shoe repair, barber shops, etc.)		F	C	C	
Business Services (printing, etc.)	F	---	---	---	
Health/Beauty	---	---	---	F	See Section XX-XXXX.
Recreational uses (amusement or other uses)	---	C	C	F	
Auto Sales	---	---	---	F	
Auto Servicing and Repair, Gas Stations	---	C	---	F	

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Proposed Schedule



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Small Group Discussions

- There are four questions. The group has 8-10 minutes per question.
- Discuss the questions as a group and record responses.
- Be specific in your answers.
- Give examples from Menlo Park if possible.
- Report out to larger group at the end. What were the main points of agreement? What were the main points of disagreement?

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Small Group Discussions

Small Group Discussion Questions

- What types of commercial and industrial uses would you like to see more of in Menlo Park?
- What types of uses should be permitted in each set of zoning districts?
- What types of uses should be permitted subject to limitations or special review?
- What is the most important change the City could make in its commercial zoning regulations to get the kind of development you want and prevent the development you don't want?

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Menlo Park Commercial Zoning



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**Appendix E: Use Regulation Tables from
Small Groups**

1

COMMERCIAL DISTRICT USE REGULATIONS

	C-1 Administrative and Professional*	C-2 Neighborhood Commercial*	C-3 Central Commercial*	C-4 General Commercial*	Limitations on Uses
Commercial Uses					
Retail Sales and Services and Retail Banks		●	●		
Eating and Drinking Establishments (Restaurants, Cafes, Bars)		●	●		
Medical and Dental Offices	●	●	●	●	SMALL SIGN, 100sq. max. signage
Professional and Administrative Offices					
Personal Services (Hair and Nail Salons, Shoe Repair, Laundromats, etc.)			●		
Hotels/Motels					
Auto Sales					
Auto Servicing and Repair, Gas Stations					
Commercial Recreation (Fitness Centers, Driving Ranges)					
Other:					
Civic, Institutional, and Residential Uses					
Cultural Institutions (Libraries, Museums, Performing Arts Theaters)					
Educational and Vocational (Business and Trade Schools, Tutoring Centers, etc.)					
Residential Units Above Retail or Office Uses					
Religious Assembly					
Other:					
Notes: <i>Public business signs (2 signs max. per sign)</i>					

* Menlo Park's commercial districts have been aggregated for this exercise.

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.2

COMMERCIAL DISTRICT USE REGULATIONS

LIKE SHARONATS LIKE MENALTO DOWNTOWN ECR

	C-1 Administrative and Professional*	C-2 Neighborhood Commercial*	C-3 Central Commercial*	C-4 General Commercial*	Limitations on Uses
Commercial Uses					
Ⓐ Retail Sales and Services and Retail Banks	●	●	●	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	●	●	●	
Medical and Dental Offices	●	●	●	●	NO GROUND FLOOR DT
Professional and Administrative Offices	●	●	●	●	" DT
Personal Services (Hair and Nail Salons, Shoe Repair, Laundromats, etc.)	●	●	●	●	ENVIRON. FRIENDLY
Hotels/Motels	●	●	●	●	
Auto Sales	●	●	●	●	
Auto Servicing and Repair, Gas Stations	●	●	●	●	
Commercial Recreation (Fitness Centers, Driving Ranges) <i>PUB OR PRIVATE</i>			●		
Other: -			●		
Civic, Institutional, and Residential Uses					
Cultural Institutions (Libraries, Museums, Performing Arts Theaters)					
Educational and Vocational (Business and Trade Schools, Tutoring Centers, etc.)					
Residential Units Above Retail or Office Uses					
Religious Assembly			●		
Other:					
Notes:					

* Menlo Park's commercial districts have been aggregated for this exercise.

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

(INCLUDE THESE LIMITATIONS ON WEBSITE SUMMARY)

NEIGHBORHOOD SCALE AS A PRIORITY MUST BE FOLLOWED IN ALL ZONES

DRIVING RANGE

G.3

COMMERCIAL DISTRICT USE REGULATIONS

	C-1 Administrative and Professional*	C-2 Neighborhood Commercial*	C-3 Central Commercial*	C-4 General Commercial*	Limitations on Uses
Commercial Uses					
Retail Sales and Services and Retail Banks	●	●	●	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	●	●	●	
Medical and Dental Offices	●	●	●	●	not all Santa Cruz
Professional and Administrative Offices	●	●	●	●	not on ground floor Santa Cruz only to some immediate area
Personal Services (Hair and Nail Salons, Shoe Repair, Laundromats, etc.)	●	●	●	●	
Hotels/Motels	●	●	●	●	
Auto Sales	●	●	●	●	
Auto Servicing and Repair, Gas Stations	●	●	●	●	gas station - conditions (C-1) (C-2)
Commercial Recreation (Fitness Centers, Driving Ranges)					
Other:					
Civic, Institutional, and Residential Uses					
Cultural Institutions (Libraries, Museums, Performing Arts Theaters)					
Educational and Vocational (Business and Trade Schools, Tutoring Centers, etc.)					
Residential Units Above Retail or Office Uses		●	●	●	
Religious Assembly					
Other:					
Notes:					

* Merilo Park's commercial districts have been aggregated for this exercise.

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.4

COMMERCIAL DISTRICT USE REGULATIONS

	C-1 Administrative and Professional*	C-2 Neighborhood Commercial*	C-3 Central Commercial*	C-4 General Commercial*	Limitations on Uses
Commercial Uses					
Retail Sales and Services and Retail Banks	●	●	●	●	C-1 Small use servicing retail maybe around Bohannon office
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	●	●	●	
Medical and Dental Offices	●	●	●	●	C-3 2nd story for C-4 Santa Cruz + ECR C-3 2nd story for C-4 Santa Cruz + ECR
Professional and Administrative Offices	●	●	●	●	* Massage needs use permit anywhere (except hotels are ok)
Personal Services (Hair and Nail Salons, Shoe Repair, Laundromats, etc.)	●	●	●	●	
Hotels/Motels	●	●	●	●	
Auto Sales	●	●	●	●	C-4 PC Approval
Auto Servicing and Repair, Gas Stations	●	●	●	●	PC Approval for yellow
Commercial Recreation (Fitness Centers, Driving Ranges)	●	●	●	●	C-3 2nd floor mini golf use permit too Driving range always use permit
Other:					
Civic, Institutional, and Residential Uses					
Cultural Institutions (Libraries, Museums, Performing Arts Theaters)					
Educational and Vocational (Business and Trade Schools, Tutoring Centers, etc.)					
Residential Units Above Retail or Office Uses					
Religious Assembly					
Other:					
Notes:					

* Merilo Park's commercial districts have been aggregated for this exercise.

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.5

COMMERCIAL DISTRICT USE REGULATIONS

	C-1 Administrative and Professional*	C-2 Neighborhood Commercial*	C-3 Central Commercial*	C-4 General Commercial*	Limitations on Uses
Commercial Uses					
Retail Sales and Services and Retail Banks	●	●	●	●	C-1: Retail and other C-2: Retail, services, professional, and other uses
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	●	●	●	None (C-1, C-2, C-3, C-4)
Medical and Dental Offices	●	●	●	●	C-1: Professional C-2: Professional, services, and other uses C-3: Professional, services, and other uses C-4: Professional, services, and other uses
Professional and Administrative Offices	●	●	●	●	
Personal Services (Hair and Nail Salons, Shoe Repair, Laundromats, etc.)	●	●	●	●	
Hotels/Motels	●	●	●	●	
Auto Sales	●	●	●	●	
Auto Servicing and Repair, Gas Stations	●	●	●	●	
Commercial Recreation (Fitness Centers, Driving Ranges)	●	●	●	●	None (C-1, C-2, C-3, C-4)
Other: <i>VCT</i>					
Civic, Institutional, and Residential Uses					
Cultural Institutions (Libraries, Museums, Performing Arts Theaters)					
Educational and Vocational (Business and Trade Schools, Tutoring Centers, etc.)					
Residential Units Above Retail or Office Uses					
Religious Assembly					
Other:					
Notes:					

*Merlo Park's commercial districts have been aggregated for this exercise.

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

1

INDUSTRIAL DISTRICT USE REGULATIONS

	M-2 General Industrial	Limitations on Use
Business Uses		
Manufacturing Located within a Building	●	
Manufacturing with Outdoor Facilities	●	
Professional and Administrative Offices	●	
Research & Development, Start-Ups, Office-Industrial Flex Space		
Warehousing and Distribution		
Other:		
Support Commercial and Other Uses		
Auto Servicing/ Gas Stations/ Body Shops	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	None (M-2)
Live/Work Lofts	●	
Public Utilities, Corporation Yard, Maintenance and Repair	●	
Retail--Accessory to a Manufacturing Activity		
Self-Storage		
Other: BIG BOY RETAIL	●	
Notes: AUTO MALL	●	

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.2

INDUSTRIAL DISTRICT USE REGULATIONS

	M-2 General Industrial	Limitations on Use
Business Uses		
Manufacturing Located within a Building	●	
Manufacturing with Outdoor Facilities	●	
Professional and Administrative Offices	●	
Research & Development, Start-Ups, Office-Industrial Flex Space	●	
Warehousing and Distribution	●	
Other: RETAIL @/REST.	● ●	
Support Commercial and Other Uses		
Auto Servicing/ Gas Stations/ Body Shops	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	
Live/Work Lofts	●	
Public Utilities, Corporation Yard, Maintenance and Repair	●	
Retail--Accessory to a Manufacturing Activity	●	
Self-Storage	●	
Other: HOTEL / AUTO MALL	● ●	
Notes:		

MONITOR CUM. IMPACT OF HAZ MAT

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.3

INDUSTRIAL DISTRICT USE REGULATIONS

	M-2 General Industrial	Limitations on Use
Business Uses		
Manufacturing Located within a Building	●	east side of Hwy 101
Manufacturing with Outdoor Facilities	●	screening (visual + noise) necessary
Professional and Administrative Offices	●	
Research & Development, Start-Ups, Office-Industrial Flex Space	●	
Warehousing and Distribution	●	
Other: No housing, Hotels are appropriate		
Support Commercial and Other Uses		
Auto Servicing/ Gas Stations/ Body Shops	●	no auto body + sanding
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	discourage
Live/Work Lofts		potential conflict / buffer zone needed
Public Utilities, Corporation Yard, Maintenance and Repair	●	
Retail--Accessory to a Manufacturing Activity	●	
Self-Storage	●	
Other:		
Notes: auto sales		

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.4

INDUSTRIAL DISTRICT USE REGULATIONS

	M-2 General Industrial	Limitations on Use
Business Uses		
Manufacturing Located within a Building	●	
Manufacturing with Outdoor Facilities	●	use permit for outdoor storage junkyards prohibited
Professional and Administrative Offices	●	
Research & Development, Start-Ups, Office-Industrial Flex Space	●	
Warehousing and Distribution	●	
Other: hazardous materials	●	
Support Commercial and Other Uses		
Auto Servicing/ Gas Stations/ Body Shops	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	
Live/Work Lofts	●	residential use permit
Public Utilities, Corporation Yard, Maintenance and Repair	●	outside storage use permit
Retail--Accessory to a Manufacturing Activity	●	
Self-Storage	●	
Other: Auto Sales	●	
Notes: Dog Kennels	●	proximity to residential a concern

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited

G.5

INDUSTRIAL DISTRICT USE REGULATIONS

	M-2 General Industrial	Limitations on Use
Business Uses		
Manufacturing Located within a Building	●	
Manufacturing with Outdoor Facilities	●	
Professional and Administrative Offices	●	
Research & Development, Start-Ups, Office-Industrial Flex Space	●	
Warehousing and Distribution	●	
Other:		
Support Commercial and Other Uses		
Auto Servicing/ Gas Stations/ Body Shops	●	
Eating and Drinking Establishments (Restaurants, Cafes, Bars)	●	within commercial district
Live/Work Lofts !! (no residential use)	●	All complaints resolved successful up zoning/out boundary
Public Utilities, Corporation Yard, Maintenance and Repair	●	outside activities
Retail--Accessory to a Manufacturing Activity	●	
Self-Storage	●	
Other: RETAIL	●	
Notes:		

● = Permitted ● = Conditionally permitted or special limitations ● = Prohibited