



## NOTICE OF PUBLIC HEARING

### CITY OF MENLO PARK CITY COUNCIL

NOTICE IS HEREBY GIVEN that the City Council of the City of Menlo Park, California is scheduled to review the following item:

**Zoning Ordinance Amendment /City of Menlo Park:** Consideration of a Zoning Ordinance Amendment to clarify the definition of Gross Floor Area to more specifically identify features of a building that are either included or excluded from the calculation. Gross floor area is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except for single-family and R-2 (Low Density Apartment) zoning districts. Floor area ratio equals the gross floor area of a building divided by the lot area and effectively regulates the size of a building. In addition, gross floor area is used in determining the applicability of requirements for below market rate (BMR) housing and the preparation of traffic studies. The clarifications to the definition will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment. ***Please see the attachment for further information about the proposed Zoning Ordinance Amendment.***

NOTICE IS HEREBY FURTHER GIVEN that said City Council will hold a public hearing on this item in the Council Chambers of the City of Menlo Park, located at 701 Laurel Street, Menlo Park, on **Tuesday, April 14, 2009, 7:00 P.M.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Documents related to this item may be inspected by the public on weekdays between the hours of 7:30 a.m. and 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday, with alternate Fridays closed, at the Community Development Department, 701 Laurel Street, Menlo Park. Please call Justin Murphy, Development Services Manager, if there are any questions or comments on this item. He may be reached at 650-330-6725 or email at [jicmurphy@menlopark.org](mailto:jicmurphy@menlopark.org).

Si usted necesita más información sobre este proyecto, por favor llame al 650-330-6702, y pregunte por un asistente que hable español.

DATED: March 26, 2009 Margaret Roberts  
City Clerk

PUBLISHED: April 1, 2009

Visit our Web site for City Council public hearing, agenda, and staff report information: [www.menlopark.org](http://www.menlopark.org) In addition, the City has prepared a project page for the proposal, which is available at the following address: [http://www.menlopark.org/projects/comdev\\_gfa.htm](http://www.menlopark.org/projects/comdev_gfa.htm). This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

## City Council Public Hearing Attachment

On January 12, 2009, the Planning Commission of the City of Menlo Park made the following recommendations regarding an Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code (Zoning Ordinance) as follows:

- Chapter 16.04, Definitions, amending Section **16.04.325 Gross floor area and Section, 16.04.315 Floor area ratio**, and adding **Section 16.04.469 Mezzanine**; and
- Chapter 16.80, Nonconforming Uses and Structures, adding **Section 16.80.110 Exemption from gross floor area definition clarification**.

If you have any questions regarding the proposed amendment to the Zoning Ordinance, please contact Justin Murphy, Development Services Manager, by phone at 650-330-6725 or by email at [jicmurphy@menlopark.org](mailto:jicmurphy@menlopark.org).

### **DEFINITION OF GROSS FLOOR AREA (GFA)**

*Existing:*

**16.04.325 Gross floor area.** "Gross floor area" applies to R-3, commercial and industrial zoning districts and means the area within the surrounding walls of a building measured to the outside surfaces of exterior walls or portions thereof, exclusive of vent shafts, courts, covered parking, and other structured parking.

*Proposed:*

**16.04.325 Gross floor area.**

- A) "Gross floor area" applies to all zoning districts except the single-family residential and R-2 zoning districts and means the sum of the horizontal areas of all floors within the surrounding solid walls of a building covered by a roof measured to the outside surfaces of exterior walls or portions thereof subject to the clarifications in Subsections (B) and (C).
- B) Gross floor area includes the following features of a building that meet the criteria of Subsection (A):
- (1) Areas of a basement with a floor to ceiling height of six feet, six inches or greater;
  - (2) Mezzanines, including equipment platforms and storage platforms, but excluding vertical shelving units and catwalks;
  - (3) Areas of an attic with a floor to ceiling height of six feet, six inches or greater;
  - (4) Equipment and utility areas containing mechanical equipment, electrical panels, meters, controllers, switch boxes;
  - (5) Storage areas;
  - (6) Bay windows and similar projections or cantilevered areas; and
  - (7) Elevator shafts and stairwells on the first floor only.
- C) Gross floor area excludes the following features of a building that meet the criteria of Subsection (A):
- (1) Areas of a building that are designed as non-useable or non-occupiable space with unfinished walls, floors and ceilings, not to exceed 5% of the maximum allowed gross floor area. To qualify for this exclusion, such spaces must have two or more of the following characteristics: a floor to ceiling height that is less than six feet, six inches; limited access (i.e., the absence of the necessary physical space to provide a building-code-compliant stair or door); unconditioned air (i.e., the air is neither heated or cooled); no windows or skylights; and no electricity.
  - (2) Areas of a building dedicated to the enclosure of noise generating equipment, such as building mechanical equipment and generators, not to exceed 1% of the maximum allowed gross floor area. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;

- (3) All areas devoted to covered parking and related circulation for automobiles and bicycles, including garages, carports, below grade parking structures, and above grade parking structures;
  - (4) Covered porches and covered balconies provided that at least one end is open and unobstructed to the exterior except for columns or posts not more than 12 inches in width and walls or railings not more than 44 inches in height;
  - (5) Vent shafts, such as building mechanical air ducts and chimneys; and
  - (6) Enclosures solely for trash and recycling.
- D) In cases where the gross floor area of an existing building, as previously determined in a project specific approval by the City of Menlo Park made prior to the enactment of this subsection (D) and on file with the City of Menlo Park, is greater than the gross floor area of an existing building would be determined to be when measured pursuant to subsections (A) through (C) of this subsection 16.04.325, the previously determined gross floor area shall be the "Gross floor area" for purposes of this Section 16.04.325, and therefore are considered conforming. Subsection 16.80.110 provides a process for considering expansions of an existing building or additional construction on sites with existing buildings in cases where the gross floor area of an existing building or buildings is greater when measured pursuant to the subsections (A) through (C). The City shall consider Gross Floor Area Exemption Certificates issued in compliance with Subsection 16.80.110(e) when determining the remaining gross floor area on a lot that could be used for proposals to enlarge an existing building or to construct an additional building on the same lot as an existing building. This subsection D shall not apply to properties annexed to the City of Menlo Park after \_\_\_\_, 2009 [insert effective date of ordinance].

#### **DEFINITION OF FLOOR AREA RATIO (FAR)**

*Existing:*

**16.04.315 Floor area ratio.** "Floor area ratio" applies to R-3, commercial and industrial zoning districts and means the maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.

*Proposed:*

**16.04.315 Floor area ratio.** "Floor area ratio" applies to all zoning districts except the single-family residential and R-2 zoning districts and means the maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.

#### **DEFINITION OF MEZZANINE (There is no existing definition of mezzanine in the Zoning Ordinance).**

**16.04.469 Mezzanine.** "Mezzanine" means an intermediate level or levels between the floor and ceiling of any story designed for occupancy or other use. For purposes of this definition, mezzanine includes equipment platforms (i.e., an elevated platform used exclusively for mechanical systems or industrial process equipment) and storage platforms, but does not include vertical shelving units nor catwalks (i.e., a narrow elevated walkway used exclusively to access part of a building that would otherwise be difficult to reach).

**PROPOSED PROVISIONS FOR POTENTIAL NONCONFORMITIES CREATED BY THE AMENDED DEFINITION OF GROSS FLOOR AREA (GFA)**

**16.80.110 Exemption from gross floor area definition clarification.**

- (a) The following buildings shall be exempt from the Gross Floor Area definition clarification in Ordinance No. \_\_\_\_\_, provided that this exemption shall not apply to an increase in the gross floor area of a building by an addition or expansion of the building unless such addition or expansion was constructed or approved prior to said date:
  - (1) All buildings in existence as of the date of adoption of the Zoning Ordinance Amendment (Ordinance No. \_\_\_) on \_\_\_\_\_;
  - (2) Buildings that did not require discretionary planning review approval for which a building permit application was submitted prior to May 8, 2007; and
  - (3) Buildings for which an application for a discretionary planning review approval was submitted prior to January 1, 2007, provided the project receives all necessary discretionary approvals and the approval(s) does not expire prior to submittal of a building permit application.
- (b) No building exempt under subsection (a) of this section shall be subject to amortization by reason of a building which is nonconforming due to the Gross Floor Area definition clarification specified in subsection (a) of this section.
- (c) Any building exempt under subsection (a) of this section may be restored to its condition at the time of destruction if the building is destroyed by fire, explosion, or other catastrophe, but such restoration shall comply with:
  - (1) The building codes in effect at the time of restoration; and
  - (2) The requirements of Section 16.80.040 with respect to nonconformities other than a nonconformity created as a result of the Gross Floor Area definition clarification specified in subsection (a) of this section.
- (d) Except as provided in this subsection, any building exempt under subsection (a) of this section may undergo interior and/or exterior improvements to the building if there is no increase in the gross floor area unless the increase in gross floor area is mandated to comply with required disabled access improvements and then only to the extent reasonably required to comply with such access requirements.
- (e) Regardless of what is set forth in subsections (a) through (d), the square footage of a building exempt under subsection (a) of this section shall be considered in determining whether a nonexempt building or expansion of any building shall be permitted on the site occupied by the exempt building, except as provided in this subsection (e). If a building was built prior to the effective date of this Zoning Ordinance Amendment (Ordinance No. \_\_\_) or received the necessary approvals to be exempt under subsection (a)(2) or (a)(3) of this section and the building's gross floor area is greater than what it would be when measured pursuant to the Gross Floor Area definition clarification (Ordinance No. \_\_\_), the property owner may apply for a Gross Floor Area Exemption Certification to identify the gross floor area of a building that may be excluded from future calculations subject to the certification process outlined below. Upon receipt of a Gross Floor Area Exemption Certification, the gross floor area identified in the Certification shall be excluded from future calculations of gross floor area for purposes of considering construction of new buildings or expansion of existing buildings on the property covered by the Certification, except as otherwise provided in this subsection (e).
  - (1) Within 30 days of the effective date of the Ordinance, the City shall inform property owners of this Gross Floor Area Exemption Certification process by mailing of notice, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City.

In addition, the City shall mail a second notice one year from the effective date of the Ordinance.

- (2) The property owner shall have two (2) years from the effective date of the Ordinance to submit a request in writing to the Community Development Director for a Gross Floor Area Exemption Certification. The request shall include site plans, floor plans, cross sections and elevations of all buildings in question.
- (3) The Community Development Director shall have 30 days to review an application to determine its completeness. Upon determining the submittal complete, the Community Development Director shall have 30 days to issue a Gross Floor Area Exemption Certification of what existing gross floor area shall be exempt from gross floor area calculations for the property on a per building basis. The Director's determination should be based on whether or not the building as it exists as of the effective date of this ordinance is consistent with plans previously approved by the City.
- (4) The decision of the Community Development Director may be appealed to the Planning Commission pursuant to section 16.82.450.
- (5) The Gross Floor Area Exemption Certification and associated exemptions become null and void upon demolition of the applicable building. For purposes of this section, demolition means the removal of more than 50% of the existing gross floor area of the applicable building.