



# COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: April 14, 2009  
Staff Report #: 09-053

Agenda Item #: E-1

**PUBLIC HEARING: Introduction of an Ordinance Amending the Zoning Ordinance Definition of Gross Floor Area and Related Provisions**

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## RECOMMENDATION

Staff recommends that the City Council concur with the unanimous recommendation of the Planning Commission and introduce an ordinance amending the Zoning Ordinance regulations pertaining to the definition of gross floor area as follows:

1. Make a finding that the ordinance amendment to clarify the definition of gross floor area would be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of significant environmental effects occurring as a result of the adoption of the ordinance amendment.
2. Introduce an ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code Amending Chapter 16.04, Definitions, including Section 16.04.325 Gross floor area, Section, 16.04.315 Floor area ratio, and adding Section 16.04.469 Mezzanine; and Chapter 16.80, Nonconforming Uses and Structures, 16.80.110 Exemption from gross floor area definition clarification. (Attachment A)
3. Direct staff to prepare a report for the Planning Commission and City Council on the implementation of the ordinance amendment twelve (12) months after its effective date.

## BACKGROUND

### City Council Direction

On February 27, 2007 during the review of a proposed development at 1906 El Camino Real, the City Council expressed concerns regarding historic, but non-codified interpretations of the Zoning Ordinance definition of gross floor area. 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. The Council decided that the interpretations that were used for the 1906 El Camino Real proposal were acceptable, but that future use of the historical interpretation would need to be revisited.

Since its creation in 1986, the definition of gross floor area has not been modified except to clarify to which zoning districts it applies. Through a series of discrete determinations over more than 20 years by staff, Planning Commission and/or City Council, the gross floor area definition has evolved to include greater specificity regarding features of a building that are either included or excluded from this definition. In almost all instances, an increase in gross floor area on a commercial, industrial or multi-family residential property requires a discretionary approval by the Planning Commission or City Council.

On May 8, 2007, the City Council directed staff to pursue a Zoning Ordinance Amendment to clarify the definition of gross floor area. Specific Council direction was provided in a series of motions as follows:

- Direct staff to refer definition 16.04.325 (Gross Floor Area) of the Municipal Code to the Planning Commission to develop a recommendation on clarifications to the definition with consideration of items that in staff's, Planning Commission and City Attorney's opinion would be categorically exempt from environmental review if included in the definition. The staff report will include a list of possible exemptions for consideration and whether those considerations are likely or not to be considered categorically exempt.
- Provide direction that all existing buildings would not become non-conforming as a result of the new definition.
- Provide direction to exempt from the new definition all projects that have submitted a Planning application prior to January 1, 2007 and have submitted a complete building permit application prior to January 1, 2008.
- Provide direction to exempt from the new definition building permit applications submitted as of May 8, 2007 for which no Planning approval is required.

Since February 27, 2007, staff has honored historical interpretations of earlier gross floor area determinations for projects that had received planning approvals (i.e., land use entitlements such as use permits) and continued through the building permit process. For proposals that had not received planning approvals as of February 27, 2007, except for the 1906 El Camino Real case referenced above, planning staff has applied a more literal interpretation of the definition.

### Planning Commission Review

Staff prepared an initial draft Zoning Ordinance Amendment for the Commission's consideration (Attachment C). In preparing this draft Zoning Ordinance Amendment, staff referred to a number of documents as a guide. One guide is the comparable Zoning Ordinance definition of "floor area", which is applicable to single-family residential and R-2 (Low density apartment) zoning districts (Attachment D). Attachment E provides a list of all zoning districts in the City and whether gross floor area or floor area requirements are applicable. Staff also looked for guidance from recognized reference manuals such as the following:

2004 Planning Commissioner's Handbook published by the League of California Cities

**Floor Area, Gross.** The sum of the horizontal areas of several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet. Some agencies exclude specific kinds of space (for example, elevator shafts, parking decks) from the calculation of gross floor area.

Institute of Transportation Engineers (ITE) *Trip Generation, 7<sup>th</sup> Edition, User's Guide*

The **gross floor area (GFA)** of a building is the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area calculations. For purposes of trip generation calculations, the GFA of any parking garages within the building should not be included within the GFA of the entire building. The majority of the land uses in this document express trip generation in terms of GFA. In *Trip Generation*, the unit of measurement for office buildings is currently GFA; however, it may be desirable to also obtain data related to gross rentable area and net rentable area. With the exception of buildings containing enclosed malls or atriums, gross floor area is equal to gross leasable area and gross rentable area.

In addition, staff researched 14 cities in San Mateo and Santa Clara Counties. A summary of the research is attached to the October 8, 2007 Planning Commission staff report.

Using the staff's draft Zoning Ordinance Amendment as a starting point, the Commission worked diligently to refine the document through a series of 10 meetings on the following dates:

- October 8, 2007
- November 5, 2007
- August 11, 2008
- November 3, 2008
- November 17, 2008
- December 8, 2008
- December 15, 2008
- January 12, 2009
- January 26, 2009
- April 6, 2009

Each of these meetings was advertised with email bulletins to subscribers of the project page on the Gross Floor Area topic maintained on the City's website since October 2007. Currently 110 people are subscribed, not counting City officials that have a "menlopark.org" email address. In addition, the City published notices in the newspaper for the Commission meetings of October 8, 2007, November 5, 2007, November 3, 2008, and December 8, 2008. Finally, the City mailed a notice in September 2007 to all property owners and businesses located in all multi-family residential, commercial and industrial zoning districts in the City advertising the October 8, 2007 Planning Commission meeting.

Over the span of the 10 meetings, the Planning Commission made changes to features of a building that were either included or excluded from gross floor area, refinements on the best way to describe features of buildings or the applicability of a requirement, and aspects of the nonconforming provisions. The staff reports, minutes and correspondence from these Planning Commission meetings are listed at the end of this report and are available for review on the City's website and at the City offices. In addition, hardcopies of all of the materials will be included in the City Council's agenda packet for the April 14, 2009 meeting.

Throughout the process, the Commission was cognitive of the Council's direction regarding the finding that the Zoning Ordinance Amendment would need to be exempt from CEQA. In addition, the Commission considered input from 11 members of the public that commented either in writing or in person at Commission meetings.

As part of its deliberations at the November 5, 2007 meeting, the Planning Commission raised an idea of having a joint session with the City Council as a means of providing a forum to communicate the intent behind the Commission's recommendations. In February 2008, in response to this idea, the Mayor at the time requested that the Planning Commission prepare a two-page summary of the justification for its recommendation. The Commission followed through on the request and prepared a two-page summary in lieu of a joint session.

Ultimately, the Planning Commission voted unanimously through a series of motions and at various meetings as follows:

- Recommend to the City Council that the Zoning Ordinance Amendment is exempt from CEQA;
- Forward the draft Zoning Ordinance Amendment to the City Council (Attachment A).
- Forward a two-page summary of the Commission's deliberations prepared by the Chair and Vice Chair and reviewed by the entire Commission (Attachment B);
- Nominate Commissioner Bressler to represent the Planning Commission at the City Council meeting on Gross Floor Area, and to present the two-page summary and address questions about the Commission's review process and recommendation.

In addition, the Commission concurred with a staff recommendation that the Zoning Ordinance Amendment be subject to a review after one year.

During the process of preparing this staff report after the final Planning Commission meeting, staff and the City Attorney identified a potential ambiguity that could benefit from additional wording to provide greater clarity to the proposed definition of gross floor area. The attached draft Zoning Ordinance Amendment shows additional revisions, which staff believes are consistent with the overall intent contained in the Commission's recommendation, in ~~strikethrough~~ and underline format. The following phrase was added to the end of subsection (B) "unless otherwise excluded in subsection (C)". In addition, staff took this opportunity to insert an added reference to subsection (D) in the list of subsections referenced at the end of subsection (A).

## **ANALYSIS**

The City of Menlo Park is proposing 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 focus on new buildings and attempt to minimize impacts to existing buildings.

The draft Zoning Ordinance Amendment as recommended by the Planning Commission is provided as Attachment A. The Ordinance is comprised of five sections. Sections 1 and 2 involve definitions. Section 3 involves provisions related to nonconforming

structures. Sections 4 and 5 are standard ordinance language regarding legal challenges and effective dates.

### **Gross Floor Area and Floor Area Ratio Definitions (Ordinance Section 1)**

Section 1 involves changes to two existing definitions, gross floor area and floor area ratio. The change to floor area ratio is limited to modifying the applicable zoning districts to be more accurate and consistent with the proposed changes to the gross floor area definition. The following shows the proposed changes to the existing definition in ~~strikethrough~~ and underline format:

**16.04.315 Floor area ratio.** "Floor area ratio" applies to ~~R-3, commercial and industrial zoning districts~~ all zoning districts except 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.

The gross floor area definition is the primary focus of the Zoning Ordinance Amendment effort. The existing definition of gross floor area is as follows:

**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.

The proposed definition of gross floor area is a complete change to the definition. The proposed gross floor area definition has four major components, referred to as subsections (A), (B), (C) and (D). The goal of the definition is to be more explicit about what is included and excluded from the gross floor area calculation.

Subsection (A) of the definition is generally consistent with the existing definition and establishes the basic envelope of what is included and clarifies that the floor area of each floor is counted, that surrounding walls need to be solid, and that areas need to be covered by a roof.

Subsection (B) of the definition explicitly states features of a building, such as basements, mezzanines and attics, which are included. Elevator shafts and stairwells are included, but only on the first floor. Many of the features are listed here because their inclusion would be different than the definition of floor area, which applies to single-family and R-2 zoning districts. Including the features makes it clear that the two definitions are distinct from one another.

Subsection (C) lists specific exclusions related to non-useable or non-occupiable space, noise generating equipment enclosures, parking, porches/balconies, vent shafts, and trash/recycling enclosures. Of these exclusions, the ones related to parking and vent

shafts are clearly in the current definition. The following highlights key features of each of the exclusions:

- The discussion of exclusions for non-useable or non-occupiable space and noise generating equipment enclosures (Subsections 1 and 2) consumed a large amount of the Commission's deliberations. The following example of how the exclusions would apply is helpful in understanding the proposed regulations. If the maximum FAR for a 25,000 square foot property is 40%, then the maximum building size would be 10,000 square feet. Subsection 16.04.325(C)(1) would allow a maximum exclusion of 5% for non-useable/non-occupiable space (500 square feet) and Subsection 16.04.325(C)(2) would allow a 1% exclusion for space dedicated to noise generating equipment (100 square feet) for a total possible exclusion of 600 square feet. This example and calculations are summarized in the table below.

<b>Item</b>		<b>Square Feet</b>
Lot Size		25,000
Gross Floor Area @ FAR of	40%	10,000
Non-Useable/Non-Occupiable Space Exclusion of	5%	500
Noise Generating Equipment Exclusion of	1%	100
<b>Subtotal of Exclusions</b>		<b>600</b>
<b>Total Building Size with Exclusions</b>		<b>10,600</b>

Furthermore, an enclosure for noise generating equipment that exceeds 1% of the maximum allowed gross floor area of the lot may qualify for the non-useable, non-occupiable exclusion if the enclosure meets the applicable criteria for such an exclusion.

- The parking exclusion (Subsection 3) mainly clarifies that it applies to the parking of bicycles as well as automobiles.
- The porch/balcony exclusion (Subsection 4) requires a portion of an exterior wall to be open. The proposed porch and balcony exclusion is consistent with the fundamental approach of the definition applying to enclosed space.
- The vent shaft exclusion (Subsection 5) is consistent with the existing definition, but adds examples as a reference.
- The trash enclosure exclusion (Subsection 6) is based on the practice of trash enclosures being effectively enclosed but technically not fully enclosed due to a one foot open band around the top of the structure similar to a clerestory window. The trash and recycling enclosure is required by Section 16.08.090 of the Zoning Ordinance and needs to be covered due to stormwater quality regulations.

Subsection (D) addresses gross floor area determinations made for previous project specific approvals for existing buildings by honoring those determinations and provides a bridge to the nonconforming provisions.

### **Mezzanine Definition (Ordinance Section 2)**

Section 2 includes a proposed new definition of a mezzanine because it appears to be a feature similar to a basement and an attic, both of which are already defined in the Zoning Ordinance, and all three features would be included in the definition of gross floor area. The proposed definition of mezzanine would read as follows:

**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).

The first sentence of the definition of mezzanine basically matches the California Building Code definition. The second sentence clarifies how this definition works in the context of the Zoning Ordinance. For the purposes of the Zoning Ordinance, the “mezzanine” definition would include equipment platforms and storage platforms and exclude vertical shelving units and catwalks by reference instead of creating stand alone definitions of each of these features. Staff did not include a definition of a storage platform per se because it seems relatively self evident and contrasts with a vertical shelving unit.

### **Nonconforming Provisions (Ordinance Section 3)**

Section 3 of the Ordinance includes changes to the Nonconforming Uses and Structures section of the Zoning Ordinance. The goals of this section are as follows.

- Honor historical decisions.
- Do not make buildings nonconforming.
- Allow buildings to be remodeled provided that the gross floor area does not increase.
- Allow increases in gross floor area to existing buildings through a process that establishes a baseline so that the remaining available gross floor area is known.
- Allow buildings that are destroyed by a catastrophe to be rebuilt.
- Require buildings to comply with current requirements if voluntarily demolished.

The proposed Zoning Ordinance Amendment creates an exemption similar to exemptions that were created with the introduction of floor area ratios in 1986 (Section

16.80.080) and the reduction of maximum floor area ratios in 1994 (Section 16.80.090). The following summarizes what each of the subsections establishes:

- Subsection (a) establishes an exemption of all buildings in existence as of the effective date of the ordinance and all buildings that have not been constructed, but were in the project review pipeline.
- Subsection (b) establishes that exempt buildings will not be subject to amortization.
- Subsection (c) establishes that exempt buildings can be rebuilt if destroyed.
- Section (d) establishes that exempt buildings can be remodeled provided there is no increase in gross floor area.
- Section (e) establishes a certification process to allow exempt buildings to pursue increases in gross floor area using the definition as it was applied when the building was constructed for the existing gross floor area. The certification process would document the approved gross floor area in order to calculate the remaining gross floor area.

## **IMPACT ON CITY RESOURCES**

As a result of the proposed Zoning Ordinance Amendment, no substantial impacts to City resources are anticipated. The gross floor area is used in calculating certain City fees, but as a practical matter, it does not make a difference whether certain features of a building are included or excluded from the definition. This is because, in staff's experience, most new buildings are designed to the maximum allowed floor area ratio in order to maximum the economic viability of a project.

## **POLICY ISSUES**

The draft Zoning Ordinance Amendment is intended to clarify the existing ordinance and it is not intended to have a noticeable impact on what can be built on a property.

Similar to other Zoning Ordinance amendments, staff recommends that the adopted ordinance amendment be subject to a 12-month review in which staff would report to the Planning Commission and City Council on the observed effects of the ordinance amendment and recommend further refinements if necessary. During this review process, staff would consider whether any graphics would help supplement this Zoning Ordinance Amendment.

## ENVIRONMENTAL REVIEW

On December 8, 2008, the Planning Commission voted unanimously to recommend to the City Council that the ordinance amendment to clarify the definition of gross floor area would be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of significant environmental effects occurring as a result of the adoption of the ordinance amendment. The Planning Commission's two-page summary (Attachment B) was written with this CEQA finding in mind.

Staff and the City Attorney believe that the Planning Commission's determination is legally defensible. If a proposed project clearly involves the increase of more than 10,000 square feet, even if the noted exclusions did not apply, then the project would not be exempt from CEQA and would require a traffic study consistent with the City Transportation Impact Analysis Guidelines and the preparation of either a Negative Declaration or an Environmental Impact Report. The traffic study is based on the Institute of Transportation Engineers (ITE) *Trip Generation* definition of gross floor area referenced previously.

Therefore, the City's definition of gross floor area is irrelevant from a transportation and trips perspective. If a project is clearly below 10,000 square feet, then it would be exempt. If a project is near the threshold, then the City has the discretion to require a traffic study depending on the specifics. Alternatively, the City Council could modify the TIA Guidelines to change the threshold from a square foot basis to a trips basis and make it clear that the trip calculation is based on the ITE definition of gross floor area.

Aside from potential transportation impacts, the size of a building could have visual impacts. In all cases where gross floor area would be increased in a way that affects the outside of a building, the project would require discretionary review by the Planning Commission at a public meeting.

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Justin Murphy  
Development Services Manager  
Report Author

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Arlinda Heineck  
Community Development Director

## PUBLIC NOTICE

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of all property owners located in all multi-family residential, commercial and industrial zoning districts in the City. The mailed notice included the language of the draft Zoning Ordinance Amendment as recommended by the Planning Commission. In addition, the City has maintained 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.

## **ATTACHMENTS**

- A. Draft Zoning Ordinance Amendment as Recommended by the Planning Commission, dated April 14, 2009
- B. Planning Commission Summary of Recommendation for Defining Gross Floor Area, Adopted by the Menlo Park Planning Commission on January 26, 2009
- C. Draft Zoning Ordinance Amendment as Initially Proposed by Staff, dated October 1, 2007
- D. Definitions of Floor Area and Floor Area Limit Applicable to Single-Family Residential and R-2 Zoning Districts
- E. Applicability of Floor Area or Gross Floor Area Definition for All Zoning Districts

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## **Background Material Distributed Previously and Available at City Offices**

### **October 8, 2007 Planning Commission Staff Report**

- A. Draft Ordinance Amendment, dated October 1, 2007
- B. City Council Staff Report, dated May 8, 2007
- C. Excerpts of Approved City Council Minutes of the Meeting of May 8, 2007
- D. Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

### **Correspondence Distributed at the October 8, 2007 Planning Commission Meeting**

- 1. Letter from John Beltramo, Beltramos Investment Company, dated October 6, 2007
- 2. Memo from John Tarlton, Menlo Business Park LLC, dated October 8, 2007

### **Excerpts of the October 8, 2007 Planning Commission Meeting Minutes**

### **November 5, 2007 Planning Commission Staff Report**

- A. Draft Ordinance Amendment, dated November 5, 2007 – Redlined version
- B. Draft Ordinance Amendment, dated November 5, 2007 – Clean version

### **Correspondence Distributed at the November 5, 2007 Planning Commission Meeting**

- 1. Handout from Lou Deziel, Planning Commission, Entitled “GFA Exclusion Recommendations”

### **Excerpts of the November 5, 2007 Planning Commission Meeting Minutes**

**Planning Commission 11/5/07 Recommendation for Defining Gross Floor Area, Adopted by the Planning Commission on August 11, 2008**

**Correspondence Distributed at the August 11, 2008 Planning Commission Meeting**

1. Email from Patti Fry, dated August 10, 2008
2. Email from Elias Blawie, dated August 11, 2008

**Excerpts of the August 11, 2008 Planning Commission Meeting Minutes**

**November 3, 2008 Planning Commission Staff Report (reissued for November 17, 2008)**

- A. Draft Zoning Ordinance Amendment – Option A, dated November 3, 2008
- B. Draft Zoning Ordinance Amendment – Option B, dated November 3, 2008
- C. Comparison of Draft Zoning Ordinance Amendments, dated November 3, 2008

**Excerpts of the November 3, 2008 Planning Commission Meeting Minutes**

**Correspondence Distributed at the November 17, 2008 Planning Commission Meeting**

1. Letter from Peggy Lo, Lo Property Management, dated November 10, 2008

**Excerpts of the November 17, 2008 Planning Commission Meeting Minutes**

**December 8, 2008 Planning Commission Staff Report**

- A. Draft Zoning Ordinance Amendment – Version A, dated November 3, 2008
- B. Draft Zoning Ordinance Amendment – Version B, dated November 3, 2008
- C. Comparison of Draft Zoning Ordinance Amendments, dated November 3, 2008
- D. Definitions of Floor Area and Floor Area Limit Used in Single-Family Residential and R-2 Zoning Districts

**Correspondence Distributed at the December 8, 2008 Planning Commission Meeting**

1. Email from John Beltramo, dated December 5, 2008
2. Letter from Peggy Lo, dated December 5, 2008
3. Planning Commission Subcommittee Recommended Modification to Draft Ordinance A

**Excerpts of the December 8, 2008 Planning Commission Meeting Minutes**

**December 15, 2008 Planning Commission Staff Report**

- A. Draft Zoning Ordinance Amendment – Clean version, dated December 15, 2008
- B. Draft Zoning Ordinance Amendment – Redline version, dated December 15, 2008

**Excerpts of the December 15, 2008 Planning Commission Meeting Minutes**

**January 12, 2009 Planning Commission Staff Report**

- A. Draft Zoning Ordinance Amendment – Clean version, dated January 12, 2009
- B. Draft Zoning Ordinance Amendment – Redline version, dated January 12, 2009
- C. Correspondence from John Beltramo, dated December 13, 2008
- D. Correspondence from Robin Kennedy, dated December 15, 2008

**Correspondence Distributed at the January 12, 2009 Planning Commission Meeting**

- 1. Correspondence from Robin Kennedy, dated January 12, 2009

**Excerpts of the January 12, 2009 Planning Commission Meeting Minutes**

**Planning Commission Summary of Recommendation for Defining Gross Floor Area, Adopted by the Menlo Park Planning Commission on January 26, 2009**

**Correspondence Distributed at the January 26, 2009 Planning Commission Meeting**

- 1. Email from Patti Fry, dated January 25, 2009

**Excerpts of the January 26, 2009 Planning Commission Meeting Minutes**

**Update on clarifications to the draft Zoning Ordinance Amendment regarding Gross Floor Area on April 6, 2009**

- A. Draft Zoning Ordinance Amendment, dated April 6, 2009

## ATTACHMENT A

**Please Note:** This draft ordinance amendment uses redline (~~strikethrough~~ and underline) formatting to show the reader the extent of changes by staff following the April 6, 2009 Planning Commission meeting.

### DRAFT ORDINANCE NO. \_\_\_\_

**An Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code, Amending Chapter 16.04, Definitions, including Section, 16.04.315 Floor area ratio, Section 16.04.325 Gross floor area, and Adding Section 16.04.469 Mezzanine; and Amending Chapter 16.80, Nonconforming Uses and Structures, including Adding Section 16.80.110 Exemption from gross floor area definition clarification.**

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

**SECTION 1.** The following sections of Title 16, Zoning, Chapter 16.04, Definitions, of the Menlo Park Municipal Code are hereby amended to read as follows:

**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.

**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), ~~(C)~~ and (D).
- B) Gross floor area includes the following features of a building that meet the criteria of subsection (A) unless otherwise excluded in subsection (C):
- (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):

Deleted: and

- (1) Areas of a building or buildings 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 of the lot. 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. This exclusion may include areas of a building that would otherwise exceed the 1% maximum limitation as defined in subsection (C)(2).
  - (2) Areas of a building or buildings 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 of the lot. 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].

**SECTION 2.** Title 16, Zoning, Chapter 16.04, Definitions, of the Menlo Park Municipal Code is hereby amended to add the following section:

**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).

**SECTION 3.** Title 16, *Zoning*, Chapter 16.80, *Nonconforming Uses and Structures*, of the Menlo Park Municipal Code is hereby amended to add the following section:

**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.

**SECTION 4.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 5.** This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the \_\_\_ day of \_\_\_\_, 2009.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_\_ day of \_\_\_\_, 2009, by the following vote:

AYES:	Council Members:
NOES:	Council Members:
ABSENT:	Council Members:
ABSTAIN:	Council Members:

ATTEST:

APPROVED:

\_\_\_\_\_  
Margaret S. Roberts  
City Clerk

\_\_\_\_\_  
Heyward G. Robinson  
Mayor, City of Menlo Park

## ATTACHMENT B

### Planning Commission Summary of Recommendation for Defining Gross Floor Area

Adopted by the Menlo Park Planning Commission January 26, 2009

In May 2007, the Menlo Park City Council asked the Planning Commission to recommend revisions to the definition of Gross Floor Area. The Council's goal is to eliminate ambiguity and eliminate the possibility for "creep" in building square footage (SF). At the same time, the Council asked the Commission to consider the merits of possible exclusions. At the end of February 2008, Mayor Cohen also asked the Commission for a written summary.

#### Proposed Exclusions

The Commission is highly aware that the community does not want spurious exclusions which merely benefit the developer; we are also aware that Council wanted us to consider cases where public benefits are available from allowing exclusions. As an overarching concept, the Commission's recommendation allows exclusions that meet two tests:

- The exclusion would create public benefit, such as reducing noise or visual impacts on neighbors or providing greater building amenity to the community.
- The exclusion is not expected to significantly increase use intensity over what would otherwise be expected.

The Commission recommends the following significant exclusions. These exclusions are largely consistent with previous implementation of GFA.

#### Noise Generating Mechanical Areas

The Commission recommends that the GFA definition exclude and limit areas dedicated to noise-generating equipment. Note that a building's mechanical equipment may easily be located on the roof top or on the ground, and meet our Noise Ordinance (<50db at the property line during 10pm-7am; <60db daytime). Locating the equipment inside the building would create significantly less noise impact on neighbors. A property owner is unlikely to place the equipment indoors where it will count against the SF limit when they can put the equipment outside and make the SF useable. The Commission believes that without the exclusion the equipment will be located outside, so allowing extra SF to enclose the equipment will not increase use intensity. And, exempting areas that enclose mechanical equipment creates the community benefit of reducing noise further below the Noise Ordinance threshold.

#### Stairwell Shafts

The Commission recommends that the GFA definition be consistent with the building code and count stairwells only once (rather than once per floor). Property owners have a strong incentive to minimize shaft space inside a building if it counts against the allowed SF because shafts are not marketable space. Stairwells play two roles in a building; they provide required fire egress, and daily access for users. Egress codes can be met by using open stairways attached to the exterior of the building, where it would not count against GFA. In our mild climate, stairs are frequently located on the exterior of a building where they do not count against allowed SF. The Commission believes that without this exclusion, egress and main stairwells will generally be provided outside, so allowing extra SF to enclose stairways will not increase use intensity. Yet, exempting these stairways can provide the community with a wider variation of building appearances, and stairs that are attractive generally to more users year round are Green as they encourage use over elevators.

## **Elevator Shafts**

Elevators are frequently required in 2 and 3 story buildings only to meet ADA codes; stairs are always provided. New buildings should not be penalized over older buildings for providing full access to everyone. The Commission proposes an elevator is counted as being on one floor, consistent with the building code. Note: elevator lobbies would still count on each floor.

## **Attics and Basements**

Attics with low headroom are not developable; excluding this and Other Non-Occupiable Spaces encourages architectural variation from the common “flat top” roof line and flat facades. Excluding basements with low headroom allows for varying topography, proper foundation design and ADA maximum ramp slopes.

## **Parking and Recycling**

The Commission recommends exempting covered parking and trash/recycle rooms. Parking, enclosed or provided below grade, is very expensive but greatly improves aesthetics. Trash and recycle rooms that require more space than a “trash enclosure” in a parking lot may be less obtrusive within a building, and this again improves aesthetics.

## **Note on Bulk**

Although adding elevators and enclosing stairs will likely increase a building’s volume, prohibiting the aforementioned exclusions would not be an effective control over bulk. Several buildings in town, notably the Casa Mills building at 200 Middlefield Rd., have very large unenclosed center courtyards that greatly increase building bulk without increasing GFA. If the City wishes to control bulk, it would be better to do that with an explicit bulk control, rather than by precluding the potential benefits of the above exclusions.

## **Note on Impacts**

The Planning Commission acknowledges that the square footage calculations could be different under the new regulations, which could affect the number of parking spaces required and impact fees collected, compared with the definition used during the last 12 months.

## **Handling Pre-existing Conditions**

There may be a number of properties where the change in GFA will cause a significant change in an existing building owner’s allowed GFA; the Commission recommends a controlled means of honoring pre-existing conditions.

## **Environmental Review**

The Commission recommends that Council make the finding that none of the above exclusions require additional CEQA review because they do not significantly increase use intensity; the exclusions are substantially the same as those that the City had previously used in applying the definition of GFA.

## ATTACHMENT C

### Zoning Ordinance Amendment as Initially Proposed by Staff

#### **DRAFT** ORDINANCE NO. \_\_\_\_

#### **An Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code Amending Chapter 16.04, Definitions; and Chapter 16.80, Nonconforming Uses and Structures.**

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

**SECTION 1.** The following sections of Title 16, *Zoning*, Chapter 16.04, *Definitions*, of the Menlo Park Municipal Code are hereby amended to read as follows:

#### **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 where the floor to ceiling height is greater than 6 feet 6 inches.
- B) Gross floor area includes the following:
  - (1) Basements;
  - (2) Mezzanines;
  - (3) Attics;
  - (4) Equipment and utility areas, such as mechanical equipment, electrical panels, meters, controllers, switch boxes;
  - (5) Storage areas;
  - (6) Elevator shafts and stairwells; and
  - (7) Bay windows and similar projections or cantilevered areas.
- C) Gross floor area excludes the following:
  - (1) 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;
  - (2) Covered porches and covered balconies provided that at least one end is open for more than 60% of the exterior surface area;
  - (3) Vent shafts, such as mechanical air ducts and chimneys; and
  - (4) Trash and recycling enclosures.

**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.

**SECTION 2.** Title 16, *Zoning*, Chapter 16.04, *Definitions*, of the Menlo Park Municipal Code is hereby amended to add the following section:

**16.04.469 Mezzanine.** "Mezzanine" means an intermediate floor between main floors of a building.

**SECTION 3.** Title 16, *Zoning*, Chapter 16.80, *Nonconforming Uses and Structures*, of the Menlo Park Municipal Code is hereby amended to add the following section:

**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.
  - (3) Buildings that submitted a discretionary planning review approval prior to January 1, 2007 and that submit a complete building permit application prior to the later of January 1, 2008 or six months from final approval of the discretionary planning review approval.
- (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.
- (e) Notwithstanding the foregoing, the square footage of a building exempt under subsection (a) of this section shall be considered in determining whether a nonexempt building shall be permitted on the site occupied by the exempt building except as follows. If a building was built after November 25, 1986 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 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 on a property that may be excluded from future calculations subject to the certification process outlined below.

- (1) Within 30 days of the effective date of the Ordinance, the City shall inform property owners 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.
- (2) The property owner shall have one year from the effective date of the Ordinance to submit a request in writing to the Community Development Director. 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 Certification of what existing gross floor area shall be exempt from gross floor area calculations for the property. The Director's determination should be based on whether on 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 Certification and associated exemptions become null and void upon demolition of the existing building. For purposes of this section, demolition means the removal of more than 50% of the existing gross floor area.

**SECTION 4.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 5.** This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the \_\_\_ day of \_\_\_, 2007.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the \_\_\_ day of \_\_\_, 2007, by the following vote:

AYES:	Council Members:
NOES:	Council Members:
ABSENT:	Council Members:
ABSTAIN:	Council Members:

ATTEST:

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Silvia M. Vonderlinden  
City Clerk

APPROVED:

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Kelly J. Fergusson  
Mayor, City of Menlo Park

## ATTACHMENT D

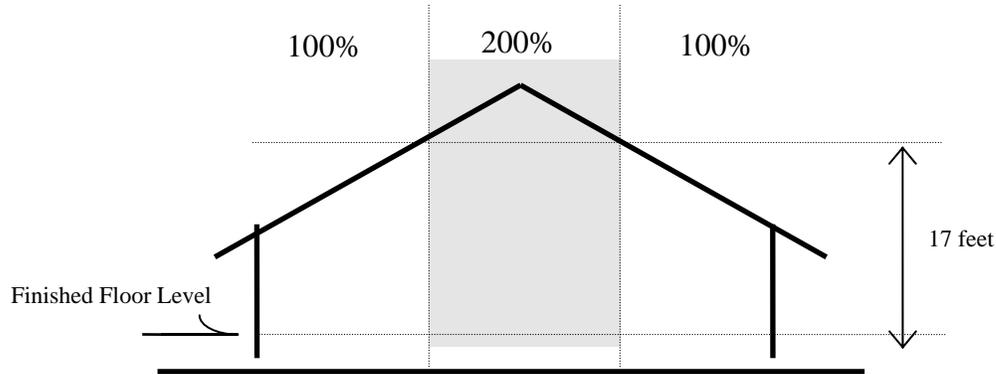
### DEFINITIONS OF FLOOR AREA AND FLOOR AREA LIMIT APPLICABLE TO SINGLE-FAMILY RESIDENTIAL AND R-2 ZONING DISTRICTS

#### 16.04.313 Floor area.

- (A) For all single-family residential and R-2 zoning districts, “floor area” means the total square footage of all stories of all structures with a solid roof that exceeds 6 feet in height above grade, as measured from the face of foundation. Floor area includes all covered parking, including garages and carports, and below grade parking.
- (B) Floor Area is measured as follows:
- (1) For single-story development in single-family residential and R-2 zoning districts, except R-1-U (LM), all floor area where the distance between the finished floor and the roof directly above it measures 17 feet or greater, shall be included at 200 percent floor area (*See Fig. 1*).
  - (2) For two-story development in single-family residential and R-2 zoning districts, except R-1-U (LM):
    - (a) Interior space that has a ceiling height greater than 12 feet from finished floor level, other than stairwells, shall be included at 200 percent floor area. This same area shall also be included at 100 percent toward the maximum allowed second floor square footage (*See Fig. 2*).
    - (b) Attic space where the distance between the top of the ceiling joist and the bottom of the roof sheathing measures 5 feet or more, shall be included at 100 percent floor area, but shall not be included as part of the second floor calculation of floor area (*See Fig. 2*). Attic space where the distance between the top of the ceiling joist and the bottom of the roof sheathing measures less than 5 feet shall be excluded from the floor area.
  - (3) For all development in the R-1-U (LM) zoning district, interior space that has a ceiling height greater than 12 feet from finished floor level to top of ceiling joist or roof framing shall be included at 200 percent floor area, with the following exceptions:
    - (a) Stairwells shall be included at 100 percent floor area;
    - (b) Interior ceiling heights greater than 12 feet for up to 20 percent of the proposed floor area of a single-story structure shall be counted at 100 percent floor area;
    - (c) Attic and other storage space located between the top of the ceiling joists and immediately below the roof sheathing and that does not include any of the following:
      - (i) finished floors, walls, or ceiling drywall coverings, (ii) access to the space from a permanent staircase or door, (iii) more than two lighting fixtures and one receptacle outlet, or (iv) heating and/or rough plumbing provided to the space shall be excluded from the calculation of floor area.
- (C) Floor Area shall exclude:
- (1) Basements under structures with a main floor level of 30 inches or less above grade in all single-family and R-2 zoning districts, with the exception of the R-1-U (LM) district where basement areas that extend beyond the footprint of the structure at grade and that do not provide code-mandated egress or exiting shall be included in the Floor Area;
  - (2) Garden structures, such as arbors and trellises with a semi-solid roof;
  - (3) Covered porches and patios structurally attached to the exterior of the main residences or detached accessory buildings, provided that one end is open and faces out from the structure;
  - (4) Bay window protrusions that do not provide foundation and that are no more than 7 feet in length;
  - (5) Chimneys and fireboxes or fireplaces; and
  - (6) Eave overhangs.
- (D) Grade is defined as the average of the highest and lowest points of the natural grade of the portion of the lot covered by the structure.

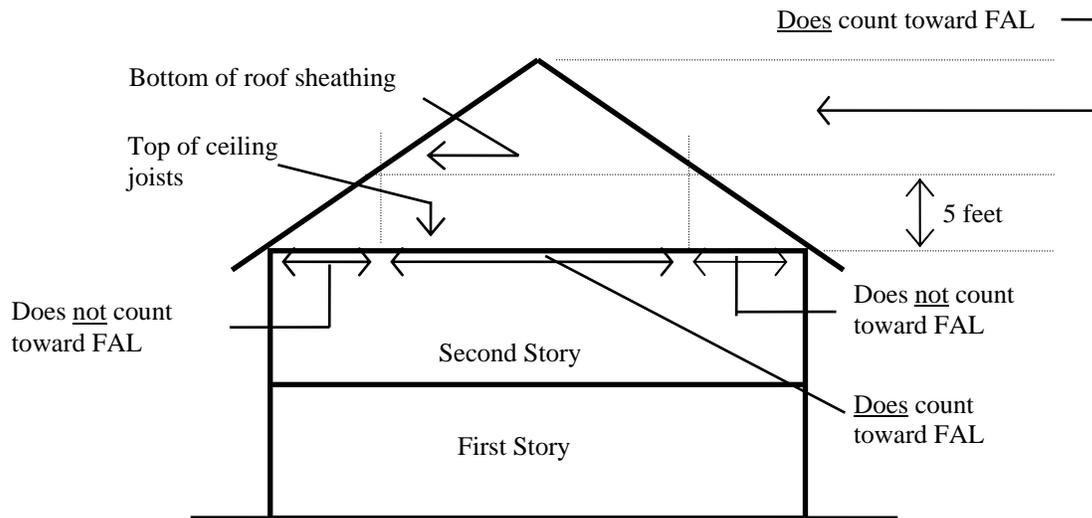
- (E) The main floor level of a split-level development is defined as the level with the largest floor area.
- (F) The finished floor level of the ground floor of any development shall be the lesser of the actual finished floor level or a point that is 18 inches above grade.

**Fig. 1--SINGLE STORY HOMES IN R-1 AND R-2 ZONING DISTRICTS, EXCEPT R-1-U (LM)**



**Fig. 1 -** All floor area where the distance between the finished floor level and the roof directly above it measures 17 feet or more, shall be counted at 200% floor area.

**Fig. 2--TWO-STORY HOMES IN R-1 AND R-2 ZONING DISTRICTS, EXCEPT R-1-U (LM)**



**Fig. 2 -** In two-story homes, the square footage of all attic space where the distance between the top of the ceiling joists and the bottom of the roof sheathing measures five feet or more, shall count as additional floor area.

**16.04.314 Floor area limit.** "Floor area limit" means the maximum permitted floor area for a property within the single-family residential or R-2 zoning districts. For the purpose of determining the floor area limit, neither the panhandle extension of a panhandle lot, nor a private driveway or access easement across another lot to a panhandle lot, shall be included as part of the panhandle or other lot.

## ATTACHMENT E

### Applicability of Floor Area or Gross Floor Area Definition for All Zoning Districts

Zoning District	Floor Area Definition	Gross Floor Area Definition
16.10 R-E Residential-Estate District	X	
16.12 R-E-S Residential-Estate Suburban District	X	
16.14 R-1-S Single Family Suburban Residential District	X	
16.15 R-1-S (FG) Single Family Suburban Residential District (Felton Gables)	X	
16.16 R-1-U Single Family Urban Residential District	X	
16.17 R-1-U (LM) Single Family Urban Residential District (Lorelei Manor)	X	
16.18 R-2 Low Density Apartment District	X	
16.20 R-3 Apartment District		X
16.22 R-4 High-Density Residential District		X
16.24 R-3-A Garden Apartment Residential District		X
16.26 R-3-C Apartment-Office District		X
16.27 R-C Mixed Use District		X
16.28 R-L-U Retirement Living Units District		X
16.30 C-1 Administrative and Professional District, Restrictive		X
16.32 C-1-A Administrative and Professional District		X
16.34 C-1-B Administrative, Professional, and Service District		X
16.36 C-1-C Administrative, Professional and Research District, Restrictive		X
16.37 C-2-S Neighborhood Commercial District, Special		X
16.38 C-2 Neighborhood Shopping District		X
16.39 C-2-A Neighborhood Shopping District, Restrictive		X
16.40 C-2-B Neighborhood Commercial District, Restrictive		X
16.41 C-3 Central Commercial District		X
16.42 C-4 General Commercial District (other than El Camino Real)		X
16.43 C-4 General Commercial District (applicable to El Camino Real)		X
16.44 M-1 Light Industrial District		X
16.46 M-2 General Industrial District		X
16.48 OSC Open Space and Conservation District		X
16.49 P-F Public Facilities District		X
16.50 FP Flood Plain District		X
16.52 P Parking District		X
16.54 H Historic Site District		X
16.55 AAGP Allied Arts Guild Preservation District		X
16.57 P-D District		X