



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: November 15, 2011

Staff Report #: 11-190

Agenda Item #: F4

REGULAR BUSINESS: Two-Year Review of Zoning Ordinance Amendment Relative to the Clarification of Gross Floor Area

RECOMMENDATION

Staff recommends that the City Council consider the Planning Commission's proposed four amendments to the Zoning Ordinance definition of gross floor area (GFA) and determine if any changes to the definition are needed at this time. The Planning Commission's recommendations are included as Attachment A.

Although the Planning Commission recommends moving forward with the proposed modifications at this time, staff would recommend that no changes to the definition of GFA be carried out until the proposed changes can be considered as part of a more comprehensive and substantive review of the Zoning Ordinance. Staff recognizes that the time dedicated to the initial GFA amendment would likely also be required as part of a second GFA amendment process given the potential controversy of the topic.

BACKGROUND

On April 21, 2009, the City Council adopted Ordinance No. 963, amending the Zoning Ordinance definition of GFA and related provisions. GFA is a measurement of the size of a building and is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except single-family residential and R-2 (Low Density Apartment) districts. The intent of the Zoning Ordinance amendment was to clarify the definition of GFA to more specifically identify features of a building that are either included or excluded from the calculation. The definition includes four major components, referred to as subsections (A), (B), (C), and (D). A copy of the ordinance amendment is included as Attachment B. The amendment became effective on May 21, 2009.

As part of its action to adopt the ordinance amendment, the City Council directed that staff prepare a report for the Planning Commission and City Council on the implementation of the ordinance amendment 12 months after its effective date, with particular attention to data on the "grandfathering" provision (GFA Exemption Certification) and the percentage allowance for non-usable or non-occupiable space. On August 23, 2010, the Planning Commission conducted its one-year review of the GFA Zoning Ordinance amendment and provided six recommendations for the City Council's consideration, including four Zoning Ordinance changes, a potential study related to parking structures, and the direction to continue the review of GFA for one additional year to allow time for more case studies and to consider whether additional

modifications to the definition are warranted. In addition, the Commission also stated an interest in reviewing the impact of building atriums in square footage.

On November 16, 2010, the City Council reviewed an information item summarizing the Planning Commission's discussion and recommendations. One member of the public spoke on the item, stating that the changes to the definition of GFA should be directed by the City Council and not the Planning Commission. The City Council had no discussion on the item. Consistent with the Planning Commission's recommendations, the review of GFA was continued to conduct a second year of review.

On October 17, 2011, the Planning Commission conducted its second review of the GFA ordinance amendment. The Planning Commission staff report from that meeting, which includes the previous Planning Commission and City Council staff reports on the one-year review, is included as Attachment C, and excerpt minutes from the meeting are included as Attachment D. The report includes a detailed review of the impacts of the current definition and the Planning Commission's four specific items, as recommended from the first annual review. The Planning Commission's four proposed modifications are summarized below:

1. Elimination of the inclusion of the top floor stairwell area (if it does not penetrate the roof).
2. Exclusion of pedestrian circulation areas in covered parking.
3. Exclusion of the trash rooms in multi-family developments (limited by a maximum percentage to be determined), except where outdoor trash and recycling receptacles are provided.
4. Inclusion of the elevator square footage only on the first floor.

The Analysis section of this report provides a summary of the Commission's discussion and recommendations from its October 17 meeting.

ANALYSIS

For the second-year review, staff included all the approved projects from August 1, 2010 to August 31, 2011. During the review period, seven commercial/public facilities and one residential project were reviewed for either an addition of square footage to an existing building or new construction. All of the projects were reviewed and approved for either a use permit or architectural control by the Planning Commission. Of the seven commercial buildings, two were for construction of new buildings while the remaining projects were minor additions or alterations to existing structures. For the residential project, the scope of work consisted of an addition to an existing single-family residence in the R-3 zoning district. Each of the projects have been reviewed by staff with respect to the features that are explicitly excluded from the GFA definition, and have been discussed in more detail in the Planning Commission staff report dated October 17, 2011. A table summarizing the exclusions based on the current definition is included as Attachment C48. The report also provides an update on the Exemption Certification process as well as an update on two items the Planning Commission wished to consider further. As part of the first year review, the Commission expressed an interest in a study to consider the pros and cons of freestanding parking structures

and was also interested in the impact of atriums on square footage. Subsequent to the first annual review meeting, staff received clarification from the Planning Commission regarding its consideration of freestanding parking structures. The Commission recommended that Commissioner Kadwany review and summarize the 2010 Downtown Parking Study and present the information to the Commission. Since the presentation earlier this year, the Commission has not requested further discussion on the topic of parking structures. Similarly, information presented in the October 17, 2011 Planning Commission report addressed the Commission's question on atriums.

At its meeting of October 17, 2011, the Planning Commission conducted its second review of the definition of gross floor area. One member of the Commission asked staff how the applicants have responded to the definition. Staff noted that the past two years have been a learning process for both staff and the applicants, and in general, applicants have been able to easily apply the definition once they understood what features of a building are included and excluded from the calculation. There was no public comment at the meeting nor written correspondence since the last review.

The Commission continued to recommend the previous four changes to the definition of GFA, as identified during its first annual review. Several Commissioners noted that some of the changes were incentives to creating positive features like covered parking areas and elevators. The Commission also agreed that the timing of the Zoning Ordinance amendment should occur soon in anticipation of potential projects along the El Camino Real corridor and in the downtown. Although not discussed at the meeting, staff would note that the City Council, as part of its recommendations on the Draft El Camino Real/Downtown Specific Plan, has given direction to staff to further study the appropriate floor area ratios and densities for the Plan areas. The Commission unanimously supported the following recommendations (6-0; with Commissioner Kadwany absent).

1. **Modify subsection 16.04.325 B(7):** To exclude the top floor of stairwells, except for floors with roof access.
2. **Modify subsection 16.04.325 C(3):** To exclude pedestrian circulation areas, such as stairwells, elevators, and walkways, within parking garages.
3. **Modify subsection 16.04.325 C(6):** To exclude rooms and chutes used for trash and recycling in multi-family residential developments, subject to a maximum percentage. Where outdoor trash and recycling receptacles are also provided in multi-family residential projects, no exclusion would apply.
4. **Modify subsection 16.04.325 B(7):** To include only the first floor of an elevator in gross floor area.

As part of the second-year review, staff analyzed how the Planning Commission's proposed changes would impact the GFA calculation of the eight projects reviewed from August 1, 2010 to August 31, 2011. A more detailed description is included in the Planning Commission's October 17, 2011 staff report (Attachments C6-C8). In summary, the number of projects impacted by the proposed changes was limited

because the changes only affected multi-story buildings, buildings with covered parking, or multi-family residential developments. During this past review, only four of the eight projects fit one or more of those categories. Staff would note that the Planning Commission had previously recognized that pedestrian circulation areas such as walkways, stairwells, and elevators should be exempt in covered parking areas, similar to the exclusion related to automobiles and bicycles in covered parking areas. Therefore, the Commission approved two projects with this exemption during this past review. The proposed amendment would formalize the Commission's interpretation. None of the projects reviewed during this past cycle included multi-family residential development. Therefore, the trash room/chute exclusion would not have been applicable.

Conclusion

Overall, staff believes that the clarified GFA definition has generally been straightforward to implement. Staff also believes the Planning Commission's proposed four changes could also be straightforward to implement, but support for the changes may not be as simple as a clean-up amendment to the Zoning Ordinance. Staff would consider the clarifications to the covered parking and trash enclosure sections of the definition as "clean-up" items. However, the revisions to the stairwell and elevator calculations would benefit from additional input by the City Council and the public given the different interests expressed during the initial GFA ordinance amendment. The timing and resources required for this effort need to be considered as part of the GFA review.

Given the number of other competing priorities, the types of proposed changes, and the amount of time required to process the amendments given the expected controversy of the subject matter, staff does not recommend pursuing a Zoning Ordinance amendment to the definition of GFA at this time. Staff believes that the existing definition has been straightforward to apply consistently to both commercial and residential projects. In the interim, however, staff recommends continuing to apply the Planning Commission's interpretation of exempting pedestrian circulation areas from covered parking areas as well as bring any other definition clarifications before the Planning Commission as they may arise during project review.

Staff believes the Planning Commission's proposed GFA definition changes should be considered when a more comprehensive Zoning Ordinance update is undertaken. A comprehensive update of the Zoning Ordinance is currently listed as a Comprehensive Planning Project and Study in the Five-Year Capital Improvement Plan (CIP), but is a non-funded project. The timing of the Zoning Ordinance update is expected to occur following the completion of the General Plan update, which is identified in the current Five-Year CIP for the years 2012-13 to 2015-16. Should the City Council wish to pursue the Commission's proposed zoning changes at this time, staff would recommend that the City Council consider the Zoning Ordinance amendments during the annual Five-Year CIP process, to allow for the consideration of other Community Development Department project priorities, funding availability, and staffing resources.

IMPACT ON CITY RESOURCES

Modifications to the Zoning Ordinance would require dedication of staff resources that were not previously considered in the Community Development Department's project priorities. If the proposed four modifications are combined as part of a comprehensive update to the Zoning Ordinance, there should be minimal financial or staffing impacts beyond what is planned for the comprehensive update.

POLICY ISSUES

Review of Ordinance No. 963 does not create any policy issues, but the Planning Commission recommendations would require the City Council to consider a policy decision on whether to change the Zoning Ordinance. The implications associated with this decision will be analyzed through the review process.

ENVIRONMENTAL REVIEW

The second year review of the GFA definition is not considered a project and is not subject to the California Environmental Quality Act (CEQA). Specific amendments to the Zoning Ordinance would be subject to CEQA review.

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PUBLIC NOTICE

Public notification consisted of posting the agenda, with this agenda item being listed at least 72 hours prior to the meeting. In addition, an email update was sent to subscribers to the project page for the proposal, which is available at the following address:
http://www.menlopark.org/projects/comdev_gfa.htm

ATTACHMENTS

- A. [Planning Commission's Proposed Zoning Ordinance Amendments](#)
- B. [Summary of Ordinance No. 963, Gross Floor Area Zoning Ordinance Amendment](#)
- C. [Planning Commission Staff Report from the Meeting of October 17, 2011](#)
- D. [Minutes from the Planning Commission Meeting of October 17, 2011](#)