



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: October 5, 2010

Staff Report #: 10-137

Agenda Item #: I1

**INFORMATION ITEM: One-Year Review of Zoning Ordinance Amendment
Relative to the Clarification of the Gross Floor Area
Definition**

This is an information report. Council action is not required at this time.

BACKGROUND

On April 21, 2009, the City Council adopted Ordinance No. 963, amending the Zoning Ordinance definition of gross floor area (GFA) and related provisions. The intent of the Zoning Ordinance amendment was 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. 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 30, 2010, the Planning Commission completed its one-year review of the ordinance amendment. The Analysis section of this report provides a summary of the Commission's discussion and recommendations. The excerpt minutes from this meeting is provided as Attachment B.

ANALYSIS

Staff has reviewed all approved projects, where GFA is applicable, between the ordinance effective date and July 31, 2010, to discuss how the ordinance impacted the gross floor area calculations. During the review period, seven commercial/industrial/public facilities (commercial) and five residential projects either received a use permit, planned development permit, conditional development permit and/or architectural control approval. All of these projects were reviewed by the Planning Commission as either the decision-making or recommending body. Each of these projects have been reviewed by staff with respect to the features that are explicitly excluded from the gross floor area definition, and have been discussed in more detail in the Planning Commission staff report dated August 23, 2010 and summarized in a table attached to the Commission report, which is included as Attachment A. The report also

provides an update on the certification process and offers a few items for the Planning Commission's discussion and consideration.

At its meeting on August 30, 2010, the Planning Commission conducted its review of the definition of gross floor area. They considered the staff report along with correspondence included in the staff report from John Beltramo regarding the calculation of atriums in GFA, and two additional pieces of correspondence, one from Patti Fry and one from John Baer of the Matteson Development Partners that were received subsequent to the printing of the staff report. At the meeting, Mr. Baer also addressed the Planning Commission. In Ms. Fry's comments, included as Attachment C, she generally raises a concern that every square foot not counted is an additional square foot that could be built elsewhere in the project. She notes covered parking spaces as an example. She maintains that simplicity of the definition is good, and suggests that this be accomplished by counting everything and adjusting the total GFA allowed if there are valid reasons to do so. In Mr. Baer's comments, he referred to his correspondence and a diagram (Attachment D) and spoke about his company's interpretation regarding stairwells in the application of gross floor area. Mr. Baer suggests that the GFA calculation should exclude the stairwell from the upper floor level of a development because it technically does not exist unless there is roof access (in which case, the stairwell on the top floor would be included in the calculation).

In general, the Planning Commission did not raise concerns about the application of the existing definition, but rather highlighted items, which the Commission intended to be minor in nature that could be considered for a formal ordinance amendment. These items are discussed in more detail in the subsections below.

The Planning Commission made six recommendations, including four zoning ordinance changes, for the Council's consideration. All of the items, which are listed below, received unanimous support (6-0; with Commissioner Kadvany absent).

1. Modify subsection 16.04.325 B(7): To exclude the last floor of stairwells, except for floors with roof access.
2. Modify subsection 16.04.325 B(7): To include only the first floor of an elevator in gross floor area.
3. Modify subsection 16.04.325 C(6): To exclude trash compactors, chutes, and recycling rooms in multi-family developments, limited to a maximum percentage as determined by staff (during an ordinance amendment process). Where outdoor trash and recycling receptacles are also provided on multi-family residential projects, no exclusion shall apply.
4. Modify subsection 16.04.325 C(3): To exclude pedestrian circulation areas, such as stairwells, elevators, and walkways, within parking garages.
5. Review the definition of GFA in one year to allow time for more case studies and to consider whether additional modifications to the definition are warranted. The

Commission subsequently noted that the impacts of atriums would be part of the review.

6. Consider the creation of a planning project to discuss the pros and cons of freestanding parking structures, such as the open space factor.

Stairwells

Per subsection 16.04.325 B(7) of the Zoning Ordinance, stairwells on all floor levels are included in the gross floor area calculation. The Planning Commission recommends that the definition be modified to include stairwells on all floor levels, except for the top floor where no roof access is provided. In the revised definition, stairwells on all floors would be included except for the top floor because the area is essentially air space as opposed to a stairwell structure. Where the stairwells provide access to the roof, however, the last floor would be included in the gross floor area calculation. For example, in a two story building, the stairwell would count on one floor. In a four story building, the stairwell would count on three floors. This method of calculation would be different from what the Planning Commission originally recommended to the City Council as part of the GFA ordinance amendment in 2009, where stairwells on all floor levels would be excluded except for the first floor. The implementation of the proposed modification would also be different from the City Council adopted language for stairwells, where they are counted on all floor levels. For example, in a four story building, the stairs would be counted four times.

Elevators

Similar to the stairwells, subsection 16.04.325 B(7) also states that elevators are included in gross floor area on all floors. During the review, the Planning Commission recommended that the area of an elevator be counted on the first floor only because there is only one accessible floor (walkable surface) at any one time and elevators should be encouraged, not discouraged. This proposed modification would be consistent with the Commission's recommendation during the Zoning Ordinance amendment process in 2009. Similar to stairwells, the implementation of this recommendation would be different from the Council's adopted language for elevators, where they are counted on all floor levels.

Trash Rooms

Subsection 16.04.325 C(6) provides an exclusion for trash enclosures for the purpose of garbage and recycling. As noted in the August 30, 2010 Planning Commission staff report, trash receptacles can vary by type of development and may include other forms such as trash compactors, chutes, and recycling rooms. The Planning Commission recommends including the exclusion of these items in multi-family developments, limited to a maximum percentage that would be determined by staff as part of an ordinance amendment. Where outdoor trash and recycling receptacles are also provided on multi-family residential projects, however, this gross floor area exclusion would not apply.

Pedestrian Circulation Areas in Covered Parking

Subsection 16.04.325 C(3) states that 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 are excluded from gross floor area. Similar to the exclusion for circulation areas related to automobiles and bicycles, the Planning Commission has also recognized that the exclusion should apply to pedestrian circulation areas such as pathways and stairwells between levels within the covered parking areas. Although this is not explicit in the definition, staff applied the exclusion to three projects during the review period, based on the Commission's guidance during the review of a project located at 1081 Santa Cruz Avenue. At this time, the Planning Commission recommends formalizing this interpretation to exclude pedestrian circulation areas, such as stairwells, elevators, and walkways, within parking garages.

Additional One-year Review

The Commission also unanimously recommends a second review of the definition of gross floor area in one year to allow time for a larger set of project examples to be examined before making broader modifications, if any, to the definition. As part of the review, staff would revisit items discussed in the Planning Commission staff report, including the exclusion features of subsections (C)(1) related to non-usable and non-occupiable space and (C)(2) related to noise enclosures of the definition, and the impact of atriums as raised in the letter from Mr. Beltramo.

Study on Freestanding Parking Structures

The Commission recommends that the City Council consider an ancillary project that would consider the pros and cons of freestanding parking structures, such as the open space factor. During the discussion, Commissioners commented that free-standing parking structures could impact various factors, such as building coverage which could reduce the amount of open space in a project.

CONCLUSION

Overall, staff believes that the clarified GFA definition has generally been straightforward to implement. Although the Planning Commission recommends four modifications to the language, they would generally concur that the definition is working well. In terms of the Planning Commission's recommendations, staff agrees that another one-year review would be appropriate to allow for review of more case studies. Staff also believes that it would be within its available resources to have an initial discussion with the Planning Commission on the topic of freestanding parking structures to determine the scope of work. If the scope of work would require dedicated resources, the Planning Commission would need to consider the study as a future project for the Five-Year Capital Improvement Plan during the budget process.

With regard to the Planning Commission's recommendations for Zoning Ordinance amendments, staff believes it would be prudent to review these items as part of the second one-year review along with any other modifications to the definition. Therefore, staff proposes to continue to monitor approved projects, implement the current definition as it has been in the past year (with administering the exclusion for pedestrian circulation areas in covered parking areas), and return to the Commission and Council in one-year with a comprehensive review of the gross floor area definition.

To summarize the next steps, and consistent with the Planning Commission's recommendations, staff will be conducting a second one-year in 2011 of the gross floor area definition, which would include an overall evaluation of the impacts of the current ordinance as well as the impact of the following Planning Commission specific items:

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

In addition, staff will be discussing with the Planning Commission the scope of work for the recommended study on freestanding parking structures at an upcoming Planning Commission meeting.

IMPACT ON CITY RESOURCES

The additional one-year review and discussion with the Planning Commission on freestanding parking garage study is not anticipated to have an impact on city resources. Modifications to the Zoning Ordinance would require dedication of staff resources, if directed as part of the 2011 review of the definition.

POLICY ISSUES

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

ENVIRONMENTAL REVIEW

The one-year review of the gross floor area 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.

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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 staff report from the meeting of August 30, 2010](#)
- B. [Excerpt minutes from the Planning Commission meeting of August 30, 2010](#)
- C. [Correspondence from Patti Fry, dated August 23, 2010](#)
- D. [Correspondence from John Baer, dated August 18, 2010](#)