



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF DECEMBER 15, 2008
AGENDA ITEM B1

APPLICATION: Zoning Ordinance Amendment Related to the Gross Floor Area Definition

APPLICANT: City of Menlo Park

PROPOSAL

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 will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment.

ANALYSIS

On December 8, 2008, the Planning Commission directed staff to make changes to the draft Zoning Ordinance Amendment through a series of unanimous motions as summarized below.

- Incorporate Section 3 related to nonconformities from Option B into Option A with the following changes:
 - Modify the end of the second sentence in 16.80.110(e)(5) to read as follows: “50% of the existing gross floor area of the building”;
 - Decrease the timeframe for applying for certification in 16.80.110(e)(2) from five years to two years; and
 - Add the following sentence to the end of 16.80.110(e)(1) as follows: “In addition, the City shall mail a second notice one year from the effective date of the Ordinance.”

- Modify 16.04.325(D) of Section 1 from Option A to reflect the intent of the Planning Commission subcommittee’s recommendations while maintaining consistency with proposed subsection 16.80.110.
- Modify the proposed definition of mezzanine (16.04.469) of Section 2 of Option A and create definitions of an equipment platform, a storage platform, and a catwalk.
- Modify 16.04.325(C)(1) of Section 1 from Option A to incorporate the following changes:
 - Remove unfinished walls, floors and ceilings from the list of characteristics;
 - Define limited access; and
 - Insert the phrase “such as attics and basements” after “occupiable space”.
- Move 16.04.325(C)(5) to 16.04.325(B)(7) of Section 1 from Option A to read as follows: “Elevator shafts and stairwells on the first floor only.”
- Modify 16.04.325(B)(4) to 16.04.325(C)(4) of Section 1 from Option A as follows:
 - (B)(4) – Change “such as” to “containing” and insert “mechanical equipment” before “electrical panels”; and
 - (C)(4) – Change “building mechanical equipment” to “compressors”, delete “emergency power”, and delete the clause that begins with “provided” and ends with “Building Official”.
- Modify 16.04.325(C) of Section 1 from Option A to list catwalks as a feature that is excluded from gross floor area.

In addition to the formal motions, the Commission took an informal straw poll to indicate that it was generally inclined to list equipment platforms as a feature that counts toward gross floor area.

A clean version of the revised draft ordinance is included as Attachment A. A redline (~~strikeout~~ and underline) version is including as Attachment B. The changes to the draft ordinance are summarized below in order as the items appear in Attachment A. Changes to Sections 1 and 2 of the ordinance are compared to Option A attached to the December 8 staff report. Changes to Section 3 are compared to Option B attached to the December 8 staff report.

Title Block

- Made it more clear what sections of the Zoning Ordinance are being added or amended.

Section 1

- 16.04.325(B)(2): Added a redundant qualifier that mezzanines include equipment and storage platforms, but do not include vertical shelving units and catwalks. Refer to the explanation of the updated mezzanine definition below.
- 16.04.325(B)(4): Clarified that enclosed mechanical equipment is included in gross floor area.
- 16.04.325(B)(7): Moved the elevator shaft and elevator feature from the list of exclusions (formerly (C)(5)) to the list of inclusions, while maintaining the effective requirement that these features would count once.
- 16.04.325(C)(1): Reframed the exclusion to indicate that it generally applies to attic and basement spaces, clarified what “limited access” means, and relocated the phrase “unfinished walls, floors and ceilings” to retain it as a qualifier instead of deleting it completely.
- 16.04.325(C)(4): Clarified that the primary piece of noise-generating mechanical equipment is a compressor and added a sentence to clarify that the exclusion applies to equipment necessary to the operation of the building systems and not the operations of a business within a building.
- 16.04.325(C)(1) and 16.04.325(C)(4): Changed the language for the amount of the inclusion to be a percentage of the maximum gross floor area instead of the Floor Area Ratio. (After the Planning Commission makes its recommendation, staff intends to renumber the subsections so that these two subsections sequentially follow one another.)
- 16.04.325(D): Reworked this section to make it consistent with Section 3 of the Ordinance, which would be a new subsection 16.80.110 of the Zoning Ordinance. The changes include an emphasis on a project specific approval instead of the term historical practices, provides a cross reference to the Gross Floor Area Exemption Certification process, indicates how a Certificate would be used, and limits the applicability of subsection (D) to properties that are currently within the City of Menlo Park.

Section 2

- 16.04.469: Modified the basic definition of mezzanine to match the California Building Code definition and then expanded the definition for the purposes of the Zoning Ordinance to 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.

Section 3

- 16.80.110(e): Changed the introductory clause with the goal of making it more easily understood. In addition, added select phrases and clauses throughout the subsection in order to improve the readability.
- 16.80.110(e)(1): Added a requirement for the City to mail a second notice one year after the effective date of the ordinance amendment. The intent is to mail a letter in an envelope.
- 16.80.110(e)(2): Decreased the timeframe for property owners to request a Gross Floor Area Exemption Certificate from 5 years to 2 years.
- 16.80.110(e)(5): Clarified that the 50% calculation is based on an existing building.

The draft Zoning Ordinance Amendment is listed on the agenda as a consent calendar item. If the Planning Commission believes that Attachment A adequately captures the Commission's intent as directed on December 8, then the Commission can vote to forward Attachment A to the City Council. If the Commission believes there is a need to briefly clarify one or two issues in Attachment A, then the Commission could pull the item from the consent calendar, clarify the issue(s), and vote immediately thereafter. If the Commission believes that more extensive discussion is needed prior to voting, then staff would recommend that the Commission wait to discuss this topic until the end of the agenda. If the Commission runs out of time at the meeting of December 15, then the item would return to the Commission with sufficient time for discussion on January 12, 2009.

CEQA – 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.

Justin Murphy
Development Services Manager
Report Author

Arlinda Heineck
Community Development Director

PUBLIC NOTIFICATION

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting. In addition, the City has prepared a project page for the proposal, which is available at the following address:

http://www.menlopark.org/projects/comdev_gfa.htm. 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.

The Commission's action will be in the form of a recommendation to the City Council.

ATTACHMENTS

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

v:\staffrpt\pc\2008\121508 - gross floor area - final rec report.doc

ATTACHMENT A

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 16.04.325 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.

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 subject to the clarifications in Subsections (B) and (C).
- B) Gross floor area includes the following features of a building that meet the criteria of Subsection (A):
 - (1) Basements;
 - (2) Mezzanines, including equipment platforms and storage platforms, but excluding vertical shelving units and catwalks;
 - (3) Attics;
 - (4) Equipment and utility areas containing mechanical equipment, electrical panels, meters, controllers, switch boxes;
 - (5) Storage areas;
 - (6) Bay windows and similar projections or cantilevered areas; and
 - (7) Elevator shafts and stairwells on the first floor only.
- C) Gross floor area excludes the following features of a building that meet the criteria of Subsection (A):
 - (1) Areas of a building that are designed as non-useable or non-occupiable space with unfinished walls, floors and ceilings, such as attics and basements, not to exceed 5% of the maximum allowed gross floor area. To qualify for this exclusion, such spaces must have two or more of the following characteristics: a floor to ceiling height that is less than six feet, six inches; limited access (i.e., the absence of the necessary physical space to provide a building-code-compliant stair or door); unconditioned air (i.e., the air is neither heated or cooled); no windows or skylights; and no electricity.
 - (2) 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;

- (3) 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;
 - (4) Areas of a building dedicated to the enclosure of noise generating equipment, such as compressors and generators, not to exceed 1% of the maximum allowed gross floor area. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;
 - (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 is greater than what it would be when measured pursuant to subsections (A) through (C), determination of the Gross Floor Area for existing buildings shall be based on project specific approvals by the City of Menlo Park in use at the time of approval of the construction or alteration of a building based on the records on file with the City of Menlo Park, 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].

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 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

Mayor, City of Menlo Park

ATTACHMENT B

Please Note: This draft ordinance amendment uses redline (and underline) formatting to show the reader the extent of changes to Sections 1 and 2 of Option A and Section 3 of Option B of the draft ordinances attached to the December 8, 2008 Planning Commission staff report.

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DRAFT
ORDINANCE NO. ____

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B) Gross floor area includes the following features of a building that meet the criteria of Subsection (A):

- (1) Basements;
- (2) Mezzanines, including equipment platforms and storage platforms, but excluding vertical shelving units and catwalks;
- (3) Attics;
- (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.

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C) Gross floor area excludes the following features of a building that meet the criteria of Subsection (A):

- (1) Areas of a building that are designed as non-useable or non-occupiable space with unfinished walls, floors and ceilings, such as attics and basements, not to exceed 5% of the maximum allowed gross floor area. To qualify for this exclusion, such spaces must have two or more of the following characteristics: a floor to ceiling height that is less than six feet, six inches; limited access (i.e., the absence of the necessary physical space to provide a building-code-compliant stair or door); unconditioned air (i.e., the air is neither heated or cooled); no windows or skylights; and no electricity.

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- (2) 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;
- (3) 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;
- (4) Areas of a building dedicated to the enclosure of noise generating equipment, such as compressors and generators, not to exceed 1% of the maximum allowed gross floor area. This exclusion applies to equipment utilized for the operation of the building systems and does not apply to equipment utilized in connection with a business operating within a building;
- (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 is greater than what it would be when measured pursuant to subsections (A) through (C), determination of the Gross Floor Area for existing buildings shall be based on project specific approvals by the City of Menlo Park in use at the time of approval of the construction or alteration of a building based on the records on file with the City of Menlo Park, 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].

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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 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).

Deleted: an intermediate floor of a building placed within a room. All portions of the mezzanine shall be open and unobstructed to the room in which they are located, except for columns or posts not more than 12 inches in width and protective walls or railings not more than 44 inches in height.

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:

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- (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

Deleted: Notwithstanding the foregoing

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).

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- (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.

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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

Mayor, City of Menlo Park