



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF OCTOBER 8, 2007
AGENDA ITEM C1

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.

BACKGROUND

On May 8, 2007, the City Council directed staff to pursue a Zoning Ordinance Amendment to clarify the definition of gross floor area. The staff report and minutes are included as Attachments B and C, respectively. The Council direction specified that the Ordinance Amendment needed to be done in a way that made it exempt from the California Environmental Quality Act (CEQA). Although not part of the scope of this Zoning Ordinance Amendment, the Council was interested in learning about other potential changes to the Zoning Ordinance that would create incentives for certain types of preferred development. Such changes would most likely not be exempt from CEQA and would need to be pursued as a separate project. In addition, the Council wanted to honor previous determinations of gross floor areas for buildings that were built or ones that had made significant progress through an approval process based on certain milestones.

ANALYSIS

The draft ordinance amendment is provided as Attachment A and has been available for public review since October 1, 2007. The Ordinance is comprised of five sections. Sections 4 and 5 are standard ordinance language regarding legal challenges and effective dates. Sections 1 and 2 involve definitions. Section 3 involves nonconforming structures.

Definitions

Section 1 involves changes to two existing definitions, gross floor area and floor area ratio. The gross floor area definition is the primary focus of the Zoning Ordinance Amendment effort. 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 existing definitions of gross floor area and floor area ratio, are 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.

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

The proposed definition of gross floor area is 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:
 - (0) Basements;
 - (0) Mezzanines;
 - (0) Attics;
 - (0) Equipment and utility areas, such as mechanical equipment, electrical panels, meters, controllers, switch boxes;
 - (0) Storage areas;
 - (0) Elevator shafts and stairwells; and
 - (0) Bay windows and similar projections or cantilevered areas.
- C) Gross floor area excludes the following:

- (0) 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;
- (0) Covered porches and covered balconies provided that at least one end is open for more than 60% of the exterior surface area;
- (0) Vent shafts, such as mechanical air ducts and chimneys; and
- (0) Trash and recycling enclosures.

The proposed definition has three major components, (A), (B), and (C). The goal of the definition is to be more explicit about what is included and excluded from the gross floor area calculation. Item (A) of the definitions 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, that areas need to be covered by a roof and that the minimum floor to ceiling height is six feet six inches. Staff is suggesting that use of a six feet six inch ceiling height to be consistent with the Institute of Transportation Engineers Trip Generation Manual definition. Item (B) of the definition explicitly states features of a building that are included. 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. Item (C) list specific exclusions related to parking, porches/balconies, vent shafts, and trash/recycling enclosures. The parking exclusion mainly clarifies that it applies to the parking of bicycles as well as automobiles. The porch/balcony exclusion requires a portion of an exterior wall to be open. The vent shaft exclusion provides some examples. 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. Of these four exclusions, the ones related to parking and vent shafts are clearly in the current definition. The proposed porch and balcony exclusion is consistent with the fundamental approach to implementing the definition that it applies to enclosed space. The trash enclosure exclusion 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.

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 defined. Currently, mezzanine only appears embedded in the definition of new construction.

Nonconforming Structures

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:

- Section (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.
- Section (b) establishes that exempt buildings will not be subject to amortization.
- Section (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 floor area. The certification process would document the approved gross floor area in order to calculate the remaining gross floor area.

Potential Future Amendments

In addition to pursuing the Zoning Ordinance Amendment to clarify the definition, the Council also directed staff to identify other building features that either have been excluded from the gross floor area based on practice or could be considered for exclusion to achieve a particular goal. Pursuit of such changes would most likely not be exempt from CEQA and would be a project that would require ranking through the Council project priority process.

The types of features that have been excluded from gross floor area calculations in the past include stairwells and elevator shafts on floors other than the first floor, bay window projections, and building utility and equipment rooms. The stairwell and bay window exclusion are allowed in the floor area definition. The thinking behind the utility and equipment room exclusions was based on the fact that these areas can typically be provided in less desirable ways than fully enclosed within a building and the areas are often not considered habitable space.

An effort to pursue changes to the ordinance to create incentives for more desirable types of developments would require a more extensive, multi-step work effort. One step would be to identify desirable types of development. A second step would be to identify minimum aesthetic standards for compliance with current requirements. A third step

would be to understand what types of incentives would make enough of difference to affect behavior. The following are items that could be considered in such an effort:

- Differentiate between residential gross floor area and commercial gross floor area.
- Understand how gross floor area affects floor area ratios, parking, traffic studies and BMR requirements differently.
- Revisit Floor Area Ratios in each zoning district.
- Create incentives for placing certain features of a building to be located underground.
- Create incentives to locate necessary features of a building within a building instead of on top of or outside of a building.
- Create incentives to create architectural features.
- Create incentives to incorporate transportation demand management features such as showers.
- Create incentives to construct space for uses that would not be readily constructed otherwise, such as day care centers.

In considering potential changes, the Commission may wish to look at what other cities require. Staff researched the requirements of 14 other cities in San Mateo and Santa Clara Counties. A summary of the research is included in Attachment D.

CORRESPONDENCE

As of the printing of this staff report, the City has received no correspondence on the draft Zoning Ordinance Amendment.

CEQA – ENVIRONMENTAL REVIEW

The ordinance amendment to clarify the definition of gross floor area is 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.

RECOMMENDED PROCESS FOR PLANNING COMMISSION DISCUSSION

1. Staff presentation of the proposed Zoning Ordinance amendment.
2. Planning Commission questions of staff for general clarifications to the benefit of the public.
3. Public hearing.
4. Planning Commission follow up questions.
5. Planning Commission discussion.
6. Planning Commission recommendation to the City Council.

Justin Murphy
Development Services Manager
Report Author

Arlinda Heineck
Community Development Director

PUBLIC NOTIFICATION

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of all property owners and businesses located in all multi-family residential, commercial and industrial zoning districts in the City. The Commission's action will be in the form of a recommendation to the City Council.

ATTACHMENTS

- 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

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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:

Silvia M. Vonderlinden
City Clerk

APPROVED:

Kelly J. Fergusson
Mayor, City of Menlo Park



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: May 8, 2007
Staff Report #: 07-082

Agenda #: F1

REGULAR BUSINESS: Consideration of Options for Clarifying the Definition of Gross Floor Area Related to Floor Area Ratio (FAR) and Parking Requirements in Multi-Family Residential, Commercial and Industrial Zoning Districts.

RECOMMENDATION

Staff recommends that the Council direct staff to proceed with preparation of a Zoning Ordinance amendment and associated environmental review necessary to clarify the definition of gross floor area in a two-phase process as outlined in Option 4 in which the language of the definition would be cleaned up in phase one and incentives for desired building designs could be pursued in phase two.

BACKGROUND

On February 27, 2007 during the review of a proposed development at 1906 El Camino Real, the City Council expressed concerns regarding non-codified interpretations of the Zoning Ordinance definition of "gross floor area". 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. This staff report provides the Council with options for clarifying the gross floor area definition.

ANALYSIS

Existing Ordinance and Historical Practices

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 Zoning Ordinance definition of gross floor area is as follows:

16.04.325 Gross floor area. "Gross floor area" applies to R-3 [Apartment], 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.

Since its creation in 1986, the definition of gross floor area has not been modified except to clarify to which zoning districts it applies. In contrast, the definition of “floor area” which applies to single-family and R-2 zoning districts has been refined multiple times over the same timeframe. Through a series of discrete interpretations over the past 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. Staff currently recognizes exclusions of floor area associated with elevator shafts and stairwells, elevator equipment rooms, utility rooms for mechanical, electrical, and communication equipment designed for no permanent occupancy per building codes. In addition, staff has recognized exclusion of any space that is open to the outside air such as balconies and unenclosed stairwells.

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

Options for Council Consideration

Staff believes that there are four basic options for the Council to consider:

1. Make no changes to the Zoning Ordinance definition, provide no supplemental clarifications, and continue to follow a more literal interpretation of the definition.
2. Pursue a Zoning Ordinance amendment reflecting a more literal interpretation of the existing definition while improving the readability of the definition.
3. Pursue a Zoning Ordinance amendment reflecting the historical interpretation of the existing definition and considering incentives for desirable designs, both of which have greater policy implications.
4. Pursue Zoning Ordinance amendments in a two-phase approach combining Options 2 and 3.

Option 1 – No Change to Ordinance

Staff believes that there is a need to amend the Zoning Ordinance to create greater clarity as outlined in Option 2 below. Therefore, staff does not recommend Option 1.

Option 2 – Clean Up Ordinance

The current Zoning Ordinance definition is challenging for users of the code as written because the definition:

- Does not explicitly state that floor area on each floor should be counted.
- Does not include a minimum ceiling height for a space to be counted.
- Does not explicitly state whether exterior walls and roofs need to be solid for the area to be counted.

Staff would use the following definition in the 2004 Planning Commissioner's Handbook published by the League of California Cities as a guide for clarifying the definition:

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.

A Zoning Ordinance amendment requires public noticing and review under the California Environmental Quality Act (CEQA), both of which impact the process and timeline. A Zoning Ordinance amendment requires a recommendation by the Planning Commission and action by the City Council in a two-step (introduction and adoption) process. The ordinance becomes effective 30 days after adoption. In terms of noticing, a Zoning Ordinance amendment requires publishing a notice in the newspaper prior to the Planning Commission public hearing and the City Council public hearing. There is no requirement to send mailed notices. In terms of CEQA, the ordinance amendment needs to be reviewed for its potential impact on the environment. If there is no potential impact on the environment, then the ordinance amendment would be exempt from CEQA. If there is a potential impact on the environment, then an Initial Study would need to be prepared that would result in the preparation of a Negative Declaration or an Environmental Impact Report. Given the narrow focus of the Option 2 Zoning Ordinance amendment, staff believes that the amendment would be exempt from CEQA.

A change to either historical practices or an amendment to the Zoning Ordinance has implications for projects in the project review pipeline. The following are the major milestones for multifamily residential, commercial and industrial projects that go through the development review process:

- Planning Application Submittal
- Planning Application Approval
- Building Permit Submittal
- Building Permit Approval

Unless the City Council explicitly creates an exemption for projects that are currently in the process, a Zoning Ordinance amendment would apply to projects that have not obtained building permit approval prior to the effective date of the ordinance. Staff believes it would be appropriate to create an exemption for projects that are currently in the process. For example, all projects that submitted a planning application prior to January 1, 2007 and that submit a complete building permit application prior to

January 1, 2008 could be exempt from the updated definition. Furthermore, there may be a need to differentiate projects built under previous interpretations in order to not automatically render them legal, nonconforming.

The following is a timetable for pursuing Option 2, which would require approximately 20 hours of staff time assuming there is minimal public interest in the Zoning Ordinance amendment.

Activity	Tentative Dates
Planning Commission Public Hearing and Recommendation	June 18, 2007
City Council Public Hearing and Ordinance Amendment Introduction	July 31, 2007
Ordinance Amendment Adoption	August 7, 2007
Effective Date of Ordinance Amendment	September 6, 2007

Option 3 – Create Incentives in Ordinance

Option 3 would include all of the steps associated with Option 2, but would also include a more extensive outreach and analysis regarding specific features of buildings and whether these should be included or excluded from gross floor area. The decision as to whether or not a feature should be included or excluded would be based on the types of building designs that the City is trying to encourage and what is the best ways to create incentives for people to design such buildings. The City could create an incentive system that allows beneficial features to be excluded from gross floor area for the purposes of calculating FAR or parking. One category is building features that would be most desirable if they are fully enclosed within a building in terms of aesthetics such as utility equipment. A second category is building features that would be considered amenities so long as they are located fully below grade such as lobbies to elevator and stairs in underground parking structures.

Option 3 would take longer to complete and would require additional staff time for a public outreach process and possibly researching the definitions and practices of other cities. In addition, Option 3 would most likely not be exempt from CEQA and would require the preparation of a Negative Declaration or possibly an Environmental Impact Report if the changes were substantial. Staff could provide staff time estimates upon receiving direction from the City Council. Depending on the direction of the City Council, the project may best be handled through the Council Project Priority process.

Option 4 – Clean Up and Incentives in Two Phases

A combination of Option 2 and Option 3 could be pursued if the Council wanted to clarify the language of the Ordinance in the short term while expressing interest to pursue other changes in the future. Staff recommends Option 4.

IMPACT ON CITY RESOURCES

Pursuit of a Zoning Ordinance amendment and related environmental review would require staff resources dedicated to the project. It is estimated that Phase One of Option 4 would require the allocation of a minimum of 20 hours of staff time to prepare the required documents, including staff reports, respond to inquiries from the public, and attend public meetings. Phase Two of Option 4 would require more extensive use of staff time and would best be considered as part of Council Project Priorities.

POLICY ISSUES

Consideration of possible clarifications of the definition of gross floor area is a policy decision and could require a Zoning Ordinance amendment.

ENVIRONMENTAL REVIEW

Pursuit of a Zoning Ordinance amendment would require environmental review in accordance with the California Environmental Quality Act (CEQA). If the changes would not have any potential to have an impact on the environment, then the changes could be exempt from CEQA. If the changes have the potential to have an impact on the environment, then a Negative Declaration or Environmental Impact Report would need to be prepared.

Justin Murphy
Acting Community Development Director
Report Author

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting. In addition, City staff will notify frequent customers and interested individuals of this agenda item via email.

ATTACHMENTS: None



CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
APPROVED EXCERPTS
Tuesday, May 8, 2007
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chambers)

ROLL CALL - Fergusson, Cohen, Boyle, Cline and Robinson

PLEDGE OF ALLEGIANCE

Staff present - Interim City Manager Steffens, City Attorney McClure, Acting Assistant City Manager Heineck, and City Clerk Vonderlinden. Other City staff was present in the audience.

F. REGULAR BUSINESS

1. Consideration of options for clarifying the definition of gross floor area related to Floor Area Ratio (FAR) and parking requirements in multi-family residential, commercial and industrial zoning districts. (Staff Report #07-082)

Acting Community Development Director Justin Murphy presented the report explaining that staff is seeking direction on an ordinance amendment and clarification on the gross floor area definition. He provided details on previous historical exclusions. He covered each of the options before Council.

Council asked questions about the number of buildings that might fall under the legal but non-conforming category. Mr. Murphy said that the majority of the City is zoned single family and is subject to a different definition and he said that he would estimate maybe six per year and provided some examples Council Member Robinson asked how items in the pipeline would be handled and Mr. Murphy said that unless the applicant has pulled building permits and has fully vested approvals, the literal interpretation will apply. Mr. Murphy highlighted the various milestones related to the approval of a project and commented that in the past the City Council has set specific milestones for when an ongoing project would be exempt from the new regulation or definition. Mr. Murphy spoke to the issue of interpreting the ordinance and he said that this particular topic has required interpretations at a staff level, Planning Commission and Council level. Staff was asked if the exceptions and exemptions have been consistent throughout the years with the existing ordinance and Mr. Murphy confirmed. City Attorney McClure explained that after February 2007, when Council gave direction for a literal application of the ordinance, this has been the approach implemented by staff and applied to items that came forward and that do not require Planning Commission or City Council action.

Vice Mayor Cohen asked what was included in the Acorn Restaurant plan that was one of the exceptions from the gross floor area. Mr. Murphy said that one of the exceptions was the utility room. Mr. Murphy also said the elevator is only being counted once and the balconies were excluded. Council Member Boyle did not recall the Council giving official direction to change the direction. Council Member Boyle asked if staff acted differently after February 2007 and staff confirmed. He asked if there is a list of the exclusions. Mr. Murphy said that the list does not exist but it could be developed, recognizing the potential for debate and the implications on staff resources. Council Member Boyle stated that he would like to see how Menlo Park compares to other neighboring cities.

Mayor Fergusson said that regarding option #2 for a clean-up of the language, she understands some of the implications when elements like utility rooms are included in the gross floor area possibly driving people to then place such features outside and affecting the quality of life. Council Member Robinson asked about interpreting the ordinances and City Attorney McClure explained that it is up to the Council

to interpret its ordinances. City Attorney McClure said that the existing ordinance has ambiguities that require interpretations at some level, and he explained that variances are not granted for floor area based on previous Council direction. Vice Mayor Cohen stated that he would like underground parking to be part of the subject area for discussion and the City Attorney said the Council could review that as well. Mayor Fergusson asked about the public correspondence received and Mr. Murphy said that there were three pieces of correspondence and he explained the comments.

Public Comment

Elias Blawie summarized his points saying that free market systems work and people do not build unattractive sites. He believed that these exclusions are viewed as providing more intense development. He is concerned that non-conforming use was not addressed. He believed the zoning ordinance is the law and these interpretations are outside of it. He urged Council not to create defacto development through changes or exceptions.

Paul Collacchi, former Mayor, provided a handout directly to the City Council. He guided the Council through the handout. He said that what was being used for projects was different from the policy. He referred to certain projects stating that in his opinion certain projects were shielded from environmental review due to administrative interpretation. He stated that policies are being changed administratively and this matters to him. The City Clerk announced that Mr. Soffer donated three minutes to Mr. Collacchi. He spoke about specific projects and how he believes there were different interpretations and he would like consistency. He believes that administrative changes decrease political accountability between the Council, staff and public. He said that if there is a need for more intensity in development then the rules need to be changed, but that this should not be done administratively because these are policy changes and Council and the public need to have a chance to comment. He opined that the public should be entitled to make fair historical comparisons based on fair consistent metrics.

Morris Brown said that the point is how the FAR should be measured and how these rules are going to be interpreted. Mr. Brown opined that on the 1906 El Camino Real project the developer managed to avoid doing a traffic study and other items and this changed the nature of the project. He would like to see that project appealed to Council so it can be looked at again. He would like all these projects to stop until the El Camino Real plan and vision are defined.

Patti Fry said it is important to clean up the definition and she said that when there are rules it would be good to know that they are being followed so there is clarity. She would like changes to be explicit and while she understands how some of the interpretations occurred, such as covered parking, others are just not acceptable like elevator shafts. She shared with Council a comparison of what five other cities have done and she said that they are not liberal in their interpretations. She would like more specificity on the zoning ordinance instead of interpretations. She asked that the information from the Municipal Codes from other cities be put into the record.

Peggy Lo, property manager for Quadrus, said that she understands the need for consistency but there are projects that are almost complete and this could impact the ability to finish the project. Ms. Lo said that there were financial and aesthetic decisions that were made over 20 years and if the rules change there are impacts to the applicants. She asked that Council consider that reality.

Council Member Cline said that he does not want to create a different policy but instead follow what is written in the ordinance. Council Member Cline supported option #2, cleaning up the ordinance. Regarding the incentive items he believed they should be looked at later, but he wanted to have consistency and he wanted to address this because it will impact El Camino Real. He did not like going back in time and changing the rules so in his opinion the projects that are in the pipeline should stay the course. Council Member Robinson said that over time the situation has gotten muddled and he does not want to impugn motives. He believed it is more appropriate for the Planning Commission to address this matter and he agreed with Council Member Cline on pursuing option #2. He stated that the projects in the system are a concern and he asked staff to comment. Mr. Murphy provided details on the reasoning beyond staff's decisions on mechanical rooms and how these have been excluded from the gross floor area ratio. Staff said that there are ways to discriminate between projects going

forward and previous projects that can be grandfathered. Staff added that the goal has always been to apply rules consistently and not be arbitrary.

Council Member Boyle said he is concerned that the rules have been changed and he does not recall giving explicit direction to staff for literally interpreting the ordinance. He asked that option #3, consideration of building features to be either included or excluded in gross floor area be revisited as soon as possible and that an ordinance that is less ambiguous be developed. Council Member Boyle would like to have a comparison with other cities and understand how they handle this issue and what exclusions they use. He did not support changing the status quo unless more information is available. He was not opposed to change but he believed Council should choose option #3 because option #2 will equate to a slow growth policy and that may take a long time to be resolved. Mayor Fergusson asked Council Member Boyle if he would support option #2 if it included projects that are in the pipeline to be viewed under the more liberal approach (i.e. using the interpretation prior to February 2007) and have these be grandfathered. Council Member Boyle said he could not support that approach because this would impact new projects that get submitted. Vice Mayor Cohen said he could not accept options #2, #3, or #4 because he is concerned with the definitions and he sees a city that has stopped following the rules as written. He said he does not want to place blame on anyone but this is what has happened. He commented that he hoped to get all the exceptions that had become common practice in the last 10-15 years in the staff report. He would support option #1 to follow the literal interpretation of the ordinance as it has always existed. Council Member Robinson referred to the matter of the CEQA exemption and how this makes option #2 a more attractive option, and if Council went with option #3 it would not be exempt from CEQA. City Attorney McClure stated that in the most conservative approach that is correct and that option #3 likely will require an Environmental Impact Report (EIR) or a Negative Declaration. Staff explained that a Negative Declaration would add a month or two and an EIR would add a year or two. The City Attorney said that staff recommends option #2 because if Council stays at option #1 interpretation will still be needed since the ordinance is ambiguous as currently written.

Council Member Robinson asked details about the Quadrus project and staff said that applications have been received but the project has not been completed. The City Attorney added that the complexity of this project is that they have a certain amount of FAR and if the literal interpretation is applied they would not be able to build what they applied for because they are close to maximum build out.

M/S Robinson/Cline to pursue option #2 and send it through the Planning Commission for review and recommendation.

Council Member Boyle suggested going back to the status quo prior to February 2007 for the short term, but if that is not acceptable he suggested having Council give clear direction to staff. Council Member Boyle would accept option #2 if staff would come back with: 1) a list of clarifications that can be made without the need for an EIR on a conservative assessment; and 2) other possible exclusions from the gross floor area that would require a more aggressive interpretation but would still not require an EIR. He would like to see the list of current exceptions that are used by staff and the City Attorney. Council Member Robinson stated that he would like the Planning Commission to evaluate the list of what will go into an ordinance. Mayor Fergusson supported option #2 but said she would like to have option #3 still be on the table. She is uncomfortable with the unintended consequences of option #2. Mayor Fergusson respects the history that has led to this. She said this is classic tension with staff wanting to do the best for the public and similarly trying to find the way of working within the ordinance. Mayor Fergusson with all due respect to the speakers does not see free market working in zoning and land use issues.

Motion by Council Member Boyle to go back to the status quo interpretation of the ordinance and in parallel begin working on a new ordinance that clarifies the exceptions. Motion dies for the lack of a second.

Council Member Cline stated that maybe portions of option #3 should be considered, such as showers. He also liked some of the suggestions made by Council Member Boyle. Council Member Cline would like to see the rules be set. Vice Mayor Cohen said he cannot support the motion because the baseline (which is the ordinance) needs to be enforced. He said that first it is important to go back to what has

been set as law and so he believes option #2 is not appropriate. City Attorney McClure described the ambiguous nature of the ordinance and that interpretations are necessary. Council Member Boyle suggested option # 2 but also having staff come back with a list of needed clarifications that could be done without environmental review and those that would need environmental review. Mayor Fergusson agreed with this approach and Council Member Robinson asked staff to comment. Staff asked if this would be a step that goes to the Planning Commission or comes back to the City Council. Council Member Robinson agreed with having it go to the Planning Commission as a public hearing and he would like to do something that does not require environmental review and so he viewed option #2 as a good option.

City Attorney McClure restated the motion:

M/S Robinson/Cline to 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.

The restated motion was acceptable to Council Members Robinson and Cline. Mayor Fergusson said that this action does not make any statements about projects that are in the pipeline. **Motion carries 4-0-1 with Vice Mayor Cohen abstaining.**

The Mayor said that the next step is to deal with projects that are already built and projects that are in the pipeline. The City Attorney explained the implications of each option. Council Member Boyle stated that a stricter direction will force applicants to change projects and it may be inconsistent with what the Council wants. He would prefer a continuation of existing practices until the Council is ready to make a change. Council Member Robinson said that regarding built projects he would like to understand the consequences of not creating an exemption for a legal nonconforming building. Mr. Murphy explained that the zoning ordinance covers non-conforming structures and that there are limitations on new work that can be done on a non-conforming structure. Mr. Murphy said that there are amortization implications for non-conforming structures. Council discussed the benefits of exempting these structures.

M/S Robinson/Cline providing direction that all existing buildings would not become non-conforming as a result of the new definition. Motion carries 5-0-0.

Council Member Robinson then addressed items that require Planning Commission approval and he stated that the same exemption should be included. City Attorney McClure explained that there are various levels and types of approvals.

M/S Robinson/Fergusson providing direction to exempt from the new definition projects that have received a final Planning Commission or City Council approval and/or any projects that do not require a Planning approval but that have received building permit approval.

The City Attorney clarified that planning applications and building permit applications that had been received but not yet approved would not be exempt from the new definition under the motion. Council discussed the issue of what comprises a final approval and whether the approvals should be final in order for the projects to be exempt under the new definition. **Council Member Robinson called for the question and Council Member Cline seconded.** Staff asked for clarification on the effective date on the exemptions. The City Attorney stated an assumption that the effective date would be as of tonight. The maker of the motion supported it being effective tonight but the seconder had concerns that this action regarding implementation would be coming before any action on the definition itself. **Council Member Robinson withdrew his motion to call for the question.** Mr. McClure explained that the issue is that staff has been taking a literal interpretation for applications that have come in since February 2007, and there needs to be direction on how to treat the projects that were in the pipeline before February 2007. Mayor Fergusson liked the idea of today being the cut off date. Council Member Robinson referred to the recommendation in the staff report for handling matters that are in the pipeline and that is to exempt projects that were in the pipeline prior to January 1, 2007 with building

permits issued by January 1, 2008. Council Member Cline had concerns with this creating a race to get a building permit. Council Member Robinson was no longer comfortable with the starting date being tonight.

Substitute motion:

M/S Boyle/Fergusson to adopt the staff suggestion and exempt from the new definition 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.

Council Member Cline asked how long it takes for approval of a building permit application. Mr. Murphy explained that there are a range of timelines, but that by relating the exemption to building permit submittal instead of approval, some of the burden of a race to approval is reduced. Council Member Boyle explained that the motion would not allow any new projects if they had not been submitted via a Planning application. Staff said that the number of these applications is probably not in excess of 10.

The City Attorney reworded the substitute motion:

M/S Boyle/Fergusson providing 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.

Vote on the motion to substitute: Motion carries 4-0-1 with Vice Mayor Cohen abstaining.

Vote on the substitute motion: Motion carries 4-0-1 with Vice Mayor Cohen abstaining.

Council asked about the projects that only need a building permit and staff said it would be a very small universe, for example adding a mezzanine to a building. City Attorney McClure explained that Council had provided direction to staff tonight to work with the Planning Commission to revise the definition of Gross Floor Area and consider the inclusion for exemptions from the new definition for existing buildings and projects that have applied for Planning applications prior to January 1, 2007 and have submitted a complete building permit application prior to January 1, 2008, and that all other projects would be subject to the new definition of Gross Floor Area. He further noted that staff could report to the Planning Commission if there are cases of projects only requiring a building permit that would be impacted by the new definition and, if so, those could be addressed at that time.

M/S Boyle/Cline providing direction to exempt from the new definition building permit applications for which no Planning approval is required that are submitted prior to January 1, 2007

Council Member Robinson stated that he was not comfortable with this approach because the other projects being exempted had received at some point different information from staff but that this was not the case with building permits that do not require planning approval and have not yet been submitted. Council Member Cline stated that he wanted to be consistent and is more comfortable dealing with projects that have a history rather than those in the future.. Mayor Fergusson agreed with the comments from these two Council Members. Based on these comments the maker of the motion amended his motion to:

**M/S Boyle/Cline providing direction to exempt from the new definition building permit applications submitted as of tonight for which no Planning approval is required.
Motion carries 5-0-0.**

City Attorney McClure asked if option #3 will be considered later. Council Member Robinson would like to wait because of the unknowns and due to the fact that more data is forthcoming. Council Member Boyle agreed with this approach and he would prefer to wait, but he wanted to be clear on what the procedure would be if an applicant walked in tomorrow. Staff explained that it would continue to provide the same direction that has been provided since February 2007 specifically that elevator shafts and stair cores would not be excluded from the definition but that underground and structured parking and balconies would be excluded. Council Member Boyle stated that this is more a matter of a stricter interpretation than a literal one.

2. Consideration of state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item.

K. ADJOURNMENT

The Mayor adjourned the meeting in the memory of Lou Papan, who died recently after serving many years in the State Legislature. Mayor Fergusson expressed hers and the Council's condolences to his family and friends. The meeting adjourned at 10:42 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of June 19, 2007.

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
Menlo Park Existing	<p>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.</p>	<p>16.04.315 Floor area ratio. "Floor area ratio" applies to R-3, commercial and industrial zoning districts and means the maximum permitted ratio of the total square footage of the gross floor area of all buildings on a lot to the square footage of the lot.</p>
Menlo Park Proposed	<p>16.04.325 Gross floor area.</p> <p>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.</p> <p>B) Gross floor area includes the following:</p> <ol style="list-style-type: none"> (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. <p>C) Gross floor area excludes the following:</p> <ol style="list-style-type: none"> (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. 	<p>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.</p>
South San Francisco	<p>Gross floor area: The area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.</p>	<p>Floor area ratio:</p> <p>(a) Single Lot as Basis for FAR Calculations. The calculation of floor area ratio shall be based on the area of the lot on which a building is located or proposed. Adjoining lots shall not be included in FAR calculations. The city shall not recognize or sanction the transfer of development rights regarding FARs in the absence of specific enabling city regulations.</p> <p>(b) Reduction of Lot Size. The area of a lot containing a building(s) shall not be reduced below the size required to meet the minimum floor area ratio of the appropriate zoning district.</p> <p>(c) Lot Sizes for the Subdivisions of Substandard Multiple-Building Lots. When subdividing an existing lot that exceeds the maximum FAR standard and that contains multiple buildings the resultant lot sizes shall be proportional to the floor area of the buildings each new lot contains to the total floor area of all the buildings.</p> <p>(d) The total floor area of a lot containing multiple buildings shall be the aggregate of all the buildings.</p>

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
South San Francisco (cont.)		<p>(e) Condominium Unit Floor Area Entitlement. In condominium projects an individual unit's floor area entitlement shall be based upon its prorated share of the condominium's lot area. The basis of a unit's prorated share shall be equal to the floor area of the unit, as stated in or as calculated from the original condominium documents or maps divided by the condominium's total floor area.</p> <p>(f) Exceptions for Development Exceeding FAR Standards.</p> <p>(1) Buildings Conforming. Buildings on lots exceeding the FAR standards, on the effective date of these regulations, shall not be considered nonconforming for the purposes of Chapter 20.97 if such classification would solely be caused by the application of the FAR standards.</p> <p>(2) FAR "Grandfathered." The allowed FAR for lots with existing development exceeding this chapter's standards shall be the lot's actual documented FAR. To be entitled to this exception the property owners must insure that there is acceptable documentation of a property's FAR on record with the city of South San Francisco prior to any possible destruction or demolition.</p> <p>(3) Applicable to Legal Construction Only. The entitlements and exceptions of this subsection apply only to those buildings and portions of buildings which were legally constructed.</p>
San Bruno	<p>Gross floor area: "Gross floor area" is defined as the total floor space of all floors of a building or buildings measured to the outside surfaces of the building(s), including but not limited to exterior walls, or other external elements of the building envelope system, the attached or detached garage or other designated vehicle storage area, and other accessory buildings on the lot that are greater than one hundred twenty square feet, but excluding non-habitable space as defined herein.</p>	<p>Floor area ratio: "Floor area ratio" or FAR is defined as the gross floor area of a building, including the garage area, divided by the total lot area of the parcel on which the building is situated.</p>
Millbrae	<p>Gross floor area: "Gross floor area" means the total area of all floors and structural features of all buildings on a site that contribute to its bulk, measured to the outside surface of exterior walls.</p>	<p>Floor area ratio: "Floor area ratio (FAR)" means the maximum ratio of gross floor area on a site to the net site area.</p>
Burlingame	<p>Gross floor area: "Floor area, gross square footage" means the total area of all floors of a building or buildings as measured to the outside surfaces of the exterior walls of the structure or structures and including such areas as halls, stairways, covered porches and balconies, covered walkways and arcades, elevator shafts, service and mechanical equipment rooms and basements, cellars, and improved space in attic areas.</p>	<p>Floor area ratio:</p> <p>(a) "Floor area ratio" or "FAR" means the ratio of the gross square footage of the floor area of a building or buildings to the lot on which the building or buildings are located. FAR for any lot includes new structures to be built and those remaining.</p> <p>(b) Single Family Residential.</p> <p>(1) In calculating FAR on a lot, the measurement shall include the gross floor areas of the primary dwelling, attached garages, and all accessory structures on foundations, and shall include all basements with a ceiling height of six (6) feet or greater. Open spaces within the structure that are higher than twelve (12) feet shall be counted as two (2) floors.</p>

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
Burlingame (cont.)		<p>(2) Up to six hundred (600) square feet of basement with a ceiling height of six (6) feet or greater shall be deducted from the floor area measurement for FAR under subsection (b)(1) above if it meets both of the following standards:</p> <p>(A) The top of the finished floor above the basement is less than two (2) feet above existing grade; and</p> <p>(B) No part of the basement is intended or used for parking.</p> <p>(3) Deducted from the floor area computation for single family residences are:</p> <p>(A) Covered porches or decks on the first floor totaling one hundred (100) square feet or less. An area under a balcony shall be considered a covered porch if the balcony is over an exterior exit from the building; and</p> <p>(B) Uncovered balconies and decks on the second floor; and</p> <p>(C) Existing attic areas that are retained or reduced, but not extended in new construction. In all other cases, habitable attic areas shall be counted as floor area in calculating FAR; and</p> <p>(D) Accessible space between the surface of the ground and the bottom of the first floor joists that measures less than six (6) feet in height shall not be counted as floor area in calculating FAR; and</p> <p>(E) Lower floor or basement of one hundred (100) square feet or less, even if the lower floor or basement extends more than two (2) feet above existing grade.</p> <p>(c) Commercial Development.</p> <p>(1) In calculating FAR for commercial development the measurement shall apply to the gross floor area of the building above the average elevation of the curb opposite the front wall and does not include basements or cellars.</p> <p>(A) For parking structures and buildings having enclosed space without floors, each twelve (12) feet in height shall be considered as a story. In addition, each fraction of twelve (12) feet in height shall be calculated as a fraction of a story. The calculated gross floor area of parking structures, auditoriums and other buildings with large enclosed spaces shall be determined by multiplying the covered lot area by the equivalent number of stories plus any fraction thereof.</p> <p>(B) The floor area for the parking structure or building having enclosed space without floors will then be added to the floor area of the other building space on-site and dividing by the total lot area of the project.</p> <p>(2) Exempted from floor area ratio computation for commercial development are:</p> <p>(A) Chimneys, cupolas, flag poles;</p> <p>(B) Water tanks, elevator penthouses or other mechanical appurtenances; and</p>

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
Burlingame (cont.)		<p>(C) Fire or hose towers.</p> <p>(3) In some of the commercial districts in the city, a separate maximum floor area ratio is established for a particular use on a lot as well as a maximum overall floor area ratio for a lot.</p>
San Mateo	<p>27.04.200 FLOOR AREA.</p> <p>(a) Definitions.</p> <p>(1) Floor area. Floor area means the sum of the gross horizontal areas of all principal and accessory buildings and above grade covered parking on a zoning plot.</p> <p>(2) Floor area ratio (FAR). Floor area ratio means the gross floor area of the buildings on a zoning plot divided by the net lot area.</p> <p>(b) Measurement, other than single family dwellings in R1 zoning districts.</p> <p>(1) Floor area is measured from the exterior facade of the building's wall planes, from the centerline of party walls, or from a line three (3) feet from the edge of an eave, whichever produces the largest floor area. Stories exceeding thirteen (13) feet in height shall be counted as additional floor area.</p> <p>(2) Exclusions. The following are not counted as floor area:</p> <p>(A) Covered or open courts, and atriums, on the ground floor, provided that the area is not used as dwelling, office, retailing, or required access.</p> <p>(B) In multiple-level buildings, covered courts, if the retailing uses are open to the public. Multiple-level stairwells and elevators shall be counted only as ground floor area;</p> <p>(C) Covered walkways and balconies;</p> <p>(D) First floors, mechanical areas, penthouse, and top floors are counted only once as floor area, regardless of height;</p> <p>(E) Bicycle parking facilities.</p> <p>(F) Floor area designated for day care centers accessory to and intended to serve a multi-family, commercial, office or manufacturing use. Such floor area may be located within the primary structure or may be in a freestanding structure accessory to the primary structure.</p> <p>(G) Covered parking for office use shall not be counted as floor area on the Fashion Island Shopping Mall site.</p> <p>(c) Measurement, for single family dwellings in R1 zoning districts, shall include the following: deleted</p> <p>(d) Off-Street Parking and Loading. Floor area for determining off-street parking and loading requirements as contained in Chapter 27.64, shall be based on physical floor space and shall not include the following:</p> <p>(1) Storage areas except for areas located within selling or working space such as counters, racks, and closets;</p> <p>(2) Utility areas including, but not limited to, elevator shafts, telephone switching rooms, stairwells, rest rooms, and heating and cooling rooms;</p> <p>(3) Accessory facilities to be used only by employees of the principal uses;</p>	<p>27.04.200 FLOOR AREA.</p> <p>(a)(2) Floor area ratio (FAR). Floor area ratio means the gross floor area of the buildings on a zoning plot divided by the net lot area.</p>

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
San Mateo (cont.)	<p>(4) Off-street parking and loading facilities, including aisles, ramps, and maneuvering space;</p> <p>(5) Basement, attic, or mezzanine floor area other than area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.</p> <p>(6) Floor area designated for day care centers accessory to and intended to serve a multi-family, commercial, office or manufacturing use. Such floor area may be located within the primary structure or may be in a freestanding structure accessory to the primary structure.</p> <p>(7) Floor area computed for building volume. Additional parking shall be required in the event of change of excluded floor areas into uses generating parking.</p> <p>(e) Interpretation. All interpretations of floor area shall be subject to the review and approval of the Zoning Administrator.</p> <p>(f) No change in the definition or calculation of floor area, except to the extent that the City Council expressly states that the change allows greater floor area, shall be construed to authorize an expansion of the allowable floor area of a building or structure, whether pursuant to Chapter 27.72 or otherwise.</p>	
Belmont	<p>2.60 FLOOR AREA, GROSS</p> <p>The sum of all finished and un-finished framed-in floor surfaces with an interior vertical height of six and one-half feet or more from floor to ceiling, capable of accommodating living space, measured from the exterior walls plus garages, utility rooms, and enclosed accessory structures. Covered decks, porches, patios, carports, and other covered areas which are not enclosed on all sides shall not be counted as dwelling floor area. Unfinished floor area existing as of August 23, 2001 shall not be made habitable such that the total habitable floor area exceeds the maximum floor area allowed in the zone, subject to Section 4.2.10 (Exceptions to Single Family Floor Area Standards).</p>	<p>2.61 FLOOR AREA RATIO (F.A.R.)</p> <p>The gross floor area of all buildings on a lot divided by the net area of such lot.</p>
San Carlos	<p>18.08.310 Floor area, gross.</p> <p>“Gross floor area” means the sum of the gross horizontal areas of the several floors of a building, or a portion thereof, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.</p>	<p>18.08.320 Floor area ratio (FAR).</p> <p>“Floor area ratio (FAR)” means the gross floor area of a building or buildings on a lot or building site divided by the total (gross) lot area.</p>
Redwood City	<p>2.41 Floor Area Gross.</p> <p>A. For the purpose of determining floor area ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings and shall include:</p> <ol style="list-style-type: none"> 1. Basement space if more than half of the basement story height is above grade, except when the computation of the floor area ratio is defined differently in a zoning district; 2. Elevator stairs and stairwells at each floor; 	<p>2.42 Floor Area Ratio (“FAR”).</p> <p>The ratio, expressed as a percentage, of the maximum permitted gross floor area of a building or buildings to the lot area.</p>

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
Redwood City (cont.)	<ul style="list-style-type: none"> 3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet (7-1/2') but not including equipment, open or enclosed, located on the roof, such as bulkheads, water tanks and cooling towers; 4. Attic floor space where the structural headroom exceeds seven and one-half feet (7-1/2'); 5. Interior balconies and mezzanines, except when the computation of the floor area ratio is defined differently in a zoning district; 6. Enclosed porches and lanais, but not uncovered terraces, porches, balconies or stairs; 7. Accessory buildings, where more than one-half (1/2) of the height is above the average level of the highest and lowest point of that portion of the lot covered by the building, but not including garages, carports, and parking structures unless so required in a zoning district. <p>B. Child care facilities and/or independent nonprofit educational facilities open to the public within commercial and/or industrial developments of at least fifty thousand (50,000) square feet of building gross floor area shall not be included in the gross floor area of total building area for the purposes of calculating the floor area ratio, and are thus exempt from floor area ratio limitations, provided that the following conditions are met:</p> <ul style="list-style-type: none"> 1. In the case of a child care facility, the subject facility shall include at least two thousand (2,000) square feet of indoor area, and at least three thousand (3,000) square feet of outdoor space and shall be of adequate size to accommodate at least forty (40) children; 2. The maximum floor area ratio exemption associated with the provision of a child care facility and/or an independent nonprofit educational facility open to the public shall not be greater than two percent (2%) floor area ratio relative to the land area of the development; 3. A deed restriction shall be recorded on the property to ensure the long term use of the portion of the development for child care and/or independent nonprofit educational facility; 4. Any floor area ratio exemption granted pursuant to this subsection B of this Section may be awarded by the Planning Commission or the Zoning Administrator in conjunction with any permit issued pursuant to the Zoning Ordinance (No. 1130, as amended, based on the following findings: <ul style="list-style-type: none"> a. The child care facility and/or independent nonprofit educational facility will be of benefit to the public, b. The development design can accommodate the additional floor area. <p>C. Open space for public use and enjoyment and/or outdoor recreational facilities for public use and enjoyment within commercial and/or industrial developments that contain at least fifty thousand (50,000) square feet of building gross floor area may be granted a floor area ratio bonus provided that the following conditions are met:</p> <ul style="list-style-type: none"> 1. The maximum floor area ratio bonus associated with the provision of open space for public use and enjoyment and/or outdoor recreation facilities for public use and enjoyment shall not be greater than two percent (2%) floor area ratio relative to the land area of the development; 	

Gross Floor Area and Floor Area Ratio Definition Comparisons with Other San Mateo and Santa Clara County Cities

City	Gross Floor Area	Floor Area Ratio
Redwood City (cont.)	<p>2. A deed restriction shall be recorded on the property to ensure the long term use of the portion of the development for open space for public use and enjoyment and/or outdoor recreation facilities;</p> <p>3. Any floor area ratio bonus granted pursuant to this subsection C of this Section may be awarded by the Planning Commission or the Zoning Administrator in conjunction with any permit issued pursuant to the Zoning Ordinance (No. 1130), as amended, based on the following findings:</p> <ul style="list-style-type: none"> a. The open space and/or outdoor recreation facility will be of benefit to the public, b. The development design can accommodate the additional floor area. <p>D. Developments may receive both the floor area ratio exemption of subsection B of this Section, and the floor area ratio bonus of subsection C of this Section, but in no case will the total floor area ratio exemption and bonus exceed two percent (2%) floor area ratio relative to the land area of a particular development.</p>	
Palo Alto	<p>(65)"Gross floor area" is defined as follows:</p> <p>(A)Non-residential & Multifamily Inclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, "gross floor area" means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including all of the following:</p> <ul style="list-style-type: none"> (i)Halls; (ii)Stairways; (iii)Elevator shafts; (iv)Service and mechanical equipment rooms; (v)Basement, cellar or attic areas deemed usable by the director of planning and community environment; (vi)Open or roofed porches, arcades, plazas, balconies, courts, walkways, breezeways or porticos if located above the ground floor and used for required access; (vii)Permanently roofed, but either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses; and (viii)In residential districts other than the R-E, R-1, R-2 and RMD residence districts, all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor. <p>(B)Non-residential & Multifamily Exclusions: For all zoning districts other than the R-E, R-1, R-2 and RMD residence districts, "gross floor area" shall not include the following:</p> <ul style="list-style-type: none"> (i)Parking facilities accessory to a permitted or conditional use and located on the same site; (ii)Roofed arcades, plazas, walkways, porches, breezeways, porticos, and similar features not substantially enclosed by exterior walls, and courts, at or near street level, when accessible to the general public and not devoted to sales, service, display, storage or similar uses. (iii)Except in the CD District and in areas designated as special study areas, minor additions of floor area approved by the director of planning and community environment for purposes of resource conservation or code 	<p>"Floor area ratio" means the maximum ratio of gross floor area on a site to the total site area.</p>

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City	Gross Floor Area	Floor Area Ratio
Palo Alto (cont.)	<p>compliance, upon the determination that such minor additions will increase compliance with environmental health, safety or other federal, state or local standards. Such additions may include, but not be limited to the following:</p> <p style="padding-left: 40px;">a. Areas designed for resource conservation, such as trash compactors, recycling and thermal storage facilities; and b. Areas designed and required for hazardous materials storage facilities, handicapped access or seismic upgrades.</p> <p>(iv) In commercial and industrial districts except in the CD District and in areas designated as special study areas, additions of floor area designed and used solely for on-site employee amenities for employees of the facility, approved by the director of planning and community environment, upon the determination that such additions will facilitate the reduction of employee vehicle use. Such additions may include, but are not limited to, recreational facilities, credit unions, cafeterias and day care centers.</p>	
Los Altos	<p>Definition Section 14.02.070</p> <p>“Gross floor area” means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, including halls, stairways on each level, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, and enclosed accessory structures. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet.</p>	<p>“Floor area ratio” means the maximum ratio of gross floor area on a site to the total site area.</p>
Mountain View	<p>Definition Section SEC. A36.95.020</p> <p>Gross Floor Area: The floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.</p> <p>See handout <i>Zoning Calculations: Methods, Definitions and Clarifications</i> for interpretation of how to apply floor area (not codified).</p> <p>Floor Area:</p> <p>Floor areas shall include the following: all floor area enclosed within the walls of the principal structure (measured from the outside perimeter of the walls); the total floor area of all accessory structures, including garages, carports, and storage sheds; enclosed patios; and any other fully enclosed habitable space.</p> <p>The total area of each floor, as defined by the area enclosed by the exterior permanent walls, will be calculated separately. Openings for stairways or shafts are not deducted.</p> <p>In residences where proposed or existing habitable space is under a sloping roof, any area where the wall height is 5' or greater is counted as floor area. (See Figure 2.)</p>	<p>Floor Area Ratio: The ratio of gross floor area to lot area.</p>

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City	Gross Floor Area	Floor Area Ratio
Mountain View (cont.)	<p>Any architectural projection which adds to the usable area of the building is included in floor area calculations (e.g., fireplaces and chimneys, full-floor bay windows, etc.).</p> <p>Any basement level where more than one-half of the height is above building grade constitutes a story and counts as floor area.</p>	
Sunnyvale	<p>Definition section 19.12.080</p> <p>(7) "Gross floor area" means the following:</p> <p style="padding-left: 40px;">(a) Single-family Residential Uses. The sum of the areas computed from the outside dimensions of a building, including supporting columns and unsupported wall projections (except for: eaves, uncovered balconies, uncovered porches, covered porches on the ground floor, uncovered stairways, fire escapes, landing places, fireplaces, and similar architectural features) for each floor. Garages are included in floor area calculations. Basement area may be exempt from the calculation as long as it is located no higher than two feet above grade.</p> <p style="padding-left: 40px;">(b) Commercial, Industrial, Multifamily and Other Uses. The sum of the areas computed from the outside dimensions of a building, including corridors, supporting columns and unsupported wall projections (except for: eaves, uncovered balconies, uncovered porches, covered porches on the ground floor, uncovered stairways, fire escapes, landing places, fireplaces, and similar architectural features) for each floor including mezzanine floors and enclosed and unenclosed roofed patios where the roof is more than fifty percent solid.</p>	<p>Definition section 19.12.070</p> <p>(7) "Floor area ratio" (FAR) means a ratio, expressed as a percentage, of the gross floor area of a given building, buildings, or portion of a building, to the net area of the parcel of real property on which such building or buildings are located. In determining the FAR for residential uses, the gross floor area shall include the area devoted to covered parking; in nonresidential uses, the area devoted to covered parking shall be excluded from the gross floor area.</p>
Santa Clara	<p>(5) "Gross floor area" means the area computed from the outside dimensions of the building and not excluding corridors and other design features and aggregated for each additional story or mezzanine floor, excluding any basement storage area.</p> <p style="padding-left: 40px;">(1) "Basement" means that portion of a building between floor and ceiling that is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.</p> <p style="padding-left: 40px;">(2) "Basement storage area" means that portion of a building that is, and so long as it continues to be, as follows: complies with "basement" definition, is used solely for automobile parking, mechanical equipment, and/or the storage of goods and merchandise sold at the premises, and is not used as a display and/or sales area.</p>	Not defined
Los Gatos	<p>Definition section 29.10.020</p> <p><i>Floor area, gross</i> means the entire area of all floors, including basements and cellars, measured from the outer face of exterior walls or in the case of party walls from the centerline. Gross floor area includes any part of exterior balconies or walkways above the ground floor required for ingress and egress. Ornamental balconies and outside unroofed corridors not required for ingress or egress are excluded. The area of elevator shafts is excluded except on the ground floor.</p>	<p><i>Floor area ratio (FAR)</i> means the gross floor area of a building or buildings on a zoning plot divided by the area of such zoning plot.</p>