



## MEMORANDUM

**DATE:** October 17, 2011

**TO:** Planning Commission

**FROM:** Deanna Chow, Senior Planner  
Community Development Department

**RE:** **Agenda Item E1: Two Year Review of Zoning Ordinance Amendment Relative to the Clarification of Gross Floor Area**

### BACKGROUND

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

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

Commission's proposed Zoning Ordinance modifications and the potential study are discussed further in the Analysis section below.

On November 16, 2010 (deferred from the Meeting of October 5, 2010), the City Council reviewed an information item summarizing the Planning Commission's discussion and recommendations. The City Council staff report is included as Attachment D. One member of the public spoke on the item, stating that the changes to the definition of GFA should be directed by the City Council and not the Planning Commission. The City Council had no discussion on the item. Consistent with the Planning Commission's recommendations, the review of GFA was continued to conduct a second one-year review. This report provides the review directed by the Planning Commission and City Council, and includes an overall evaluation of the impacts of the current ordinance as well as the impact of the Planning Commission's four specific items:

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

The Planning Commission should consider the GFA review of the existing definition from last year as well as the current year and its recommendations on proposed changes, prior to forwarding any comments and recommendations to the City Council.

## **ANALYSIS**

In 2010, staff provided information on how the ordinance impacted GFA calculations for all projects, where GFA was applicable, that were approved between May 21, 2009 and July 31, 2010. During that review period, seven commercial/industrial/public facilities and five residential projects either received a use permit, planned development permit, conditional development permit and/or architectural control approval. A summary table of all of the 2009-2010 projects and their exclusions per the new definition of GFA is provided in Attachments B12-13.

In addition, staff has reviewed all of the approved projects from August 1, 2010 to August 31, 2011. A summary table of all of the projects and their exclusions per the new definition of GFA is provided in Attachment E. During the review period seven commercial/public facilities and one residential project were reviewed for either an addition of square footage to an existing building or new construction. All of the projects were reviewed and approved for either a use permit or architectural control by the Planning Commission. Of the seven commercial buildings, two were for construction of new buildings while the remaining projects were minor additions or alterations to existing structures. For the residential project, the scope of work consisted of an

addition to an existing single-family residence in the R-3 zoning district. A more detailed review of the GFA definition subsections is discussed below in their respective sections.

### Gross Floor Area Inclusions

Subsection (B) of the definition explicitly lists seven features of a building that are included in GFA to provide greater clarity for its application, but to also give distinction between GFA and the definition of “floor area”, which is used to calculate the square footage of single-family zoned and R-2 (Apartment) properties. Perhaps the most noticeable change between the previous implementation of the definition and the current definition is item (B)(7), the inclusion of elevator shafts and stairwells on all levels instead of one level.

Of the eight projects reviewed for this report, four were at least two-stories that included stairwells. Three of those four projects also included elevators in addition to stairwells. The exception was the residential project. All of the stairwells and elevators were enclosed within each of the buildings and the areas were subject to GFA. However, one of the commercial buildings (2180 Sand Hill Road) received a GFA certification, and therefore, the stairwell and elevator in that building were only included once (ground floor) in the GFA calculation because the GFA calculation was based on historical practices.

Related to stairs and elevators, the Planning Commission previously recommended two changes, which would reduce the number of inclusions. The Planning Commission suggested that the top floor of the stairwells (unless providing roof access) and elevators on all floors, except the first floor, be excluded from overall GFA. The impacts from these features are discussed in more detail in the Planning Commission Recommendation section below.

### Gross Floor Area Exclusions

Section (C) of the definition lists six features of a building that can be excluded from the GFA calculation, including:

- 1) up to three percent of the maximum allowed gross floor area for the lot for areas of a building that are designed as non-useable or non-occupiable space with unfinished walls, floors and ceiling;
- 2) up to one percent of the maximum allowed gross floor area of the lot areas of a building dedicated to the enclosure of noise generating equipment used in connection with the building systems;
- 3) all areas devoted to parking and related circulation for automobiles and bicycles;
- 4) covered porches and balconies;
- 5) vent shafts, such as building mechanical air ducts and chimneys; and
- 6) enclosures solely for trash and recycling.

Of these items, the ones related to covered parking and vents were clearly defined as exclusions in the previous definition.

Similar to the previous 12 reviewed projects, where each applied at least one exception, all eight projects under the current review, included at least one exclusion from its GFA calculation. The exclusions were for covered parking, covered porches and balconies, and trash enclosures. Staff, however, should clarify that in one instance (2484 Sand Hill Road), the applicant did not apply for exclusions under (C)(1) Non-Useable and Non-Occupiable Space and (C)(2) Noise Enclosures because the existing exclusions (determined as part of the approved GFA Certification) may already exceed the maximum permitted.

Exemptions under sections (C)(2) [noise generating equipment ] and (C)(5) [vent shafts and chimneys] were not requested as part of any of the eight projects' GFA calculation. As indicated during last year's review, defining such exclusions under (C)(2) can be difficult to determine at the time of the planning approval stage and also poses potential monitoring issues throughout the life of the building as modifications occur with tenant improvements. Without having the level of details needed to make the determination for the exclusions, the applicability becomes limited. Therefore, the Planning Commission may wish to consider whether this exclusion should continue to be part of the definition or revise the language to include a list of items that is more tangible such as building features that do not provide usable space, elevator equipment rooms, and below grade mechanical rooms.

Subsection (C)(5) states that vents shafts, such as mechanical air ducts and chimneys, can be excluded from GFA. Similar to the exclusions for (C)(2), the specific details about these features are usually not determined until the building permit stage, resulting in few applications of this exemption for commercial projects. Chimneys, which are a more common feature in residential project, are easy to identify. When these features are shown on the plans, the subsection is straightforward to implement and therefore staff would not recommend changes to this subsection.

The following three sections of this staff report review the categories of exclusions that were applied by the projects during this review period.

#### *(C)(1) Non-Useable and Non-Occupiable Space*

Per the GFA definition, up to three percent of the maximum allowed gross floor area of the lot can be excluded if such space has unfinished walls, floor and ceilings, and meets at least two additional criteria such as a floor to ceiling height of less than six feet, six inches and limited access. During this review period, one project requested the exemption under (C)(1). The project consisted of structural alterations to an existing building with a change of use to office. The existing building contained a basement, which was partially used to house mechanical equipment. A 213.9-square-foot mechanical portion of the basement was excluded from gross floor area because the space does not have conditioned air or windows, and represents less than three percent

of the site's maximum gross square footage for office uses. The exempted space is approximately 2.4 percent of the maximum allowed GFA for the site. Similar to (C)(2), the exemption under (C)(1) has had limited usage. The Planning Commission may wish to consider the situations where the exemption has been applied, such as below grade mechanical rooms, architectural features, and a storage container, and consider if the exemption is necessary or if revisions are appropriate to include a smaller set of features that are generally more tangible at the planning review stage.

### *(C)(3) Covered Parking*

Per section (B)(3), all areas devoted to covered parking and related circulation for automobiles and bicycles are excluded from GFA. Covered parking can take several forms, including a free-standing garage, above grade and below grade parking structures and carports. While covered parking is excluded from GFA, the footprint of the structure is included in building coverage for the site, unless fully below grade.

Of the projects reviewed, the residential project and one commercial project contained some amount of covered parking. For residential projects, at least one parking space must be covered. Of the commercial projects, the proposal at 2484 Sand Hill Road consisted of a new office building at the Quadrus campus with covered parking. Parking was met through a combination of 1) covered parking that was located below the building and integrated into the design of the building by taking advantage of the existing topography of the site and 2) landscape reserve parking.

Similar to the exclusion for circulation areas related to automobiles and bicycles, the Planning Commission also recognized that the exclusion should apply to pedestrian circulation areas such as pathways and stairwells between levels within the covered parking areas. Although this is not explicit in the definition, staff has applied the exclusion to where it is applicable based on the Commission's direction. As part of last year's review, the Planning Commission suggested to formalize this exclusion through modifications to the Zoning Ordinance.

### *(C)(4) Covered Porches and Balconies*

Section 16.04.325(B)(4) states that 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 shall be excluded from GFA. All of the approved projects subject to GFA, except the project at 2770 Sand Hill Road and new gymnastics center at 501 Laurel Street, included a covered porch feature. The porches were generally designed at the front entrance to the building. The porches were primarily an alcove with a roof overhang or a roof overhang extension to frame the front entrance and provide shelter from the weather. Unlike the provisions of (C)(1) and (C)(2), there is no limitation on the amount of areas dedicated to covered porches or balconies. Of the four subject sites with single buildings on the property, the covered porches accounted for less than two percent of the maximum GFA on the residential project and the single-story building at 401

Burgess Drive, less than three percent for the multi-story building at 2180 Sand Hill Road, and approximately six percent for 650 Live Oak Avenue. This subsection has continued to be straightforward to implement and staff believes that no modifications to this section are needed at this time.

### *(C)(6)Trash Enclosures*

The final exclusion is for enclosures solely used for trash and recycling. While most trash enclosures are not fully enclosed and are a separate structure located outside the building, some trash and recycling areas are enclosed and integrated within a building such as a trash room. The Planning Commission has exempted from GFA stand-alone trash enclosures, as well as dedicated trash rooms located within a building. During this review period, two of the seven projects provided a new trash enclosure and one project exempted a trash room located within the building, but with only exterior openings. The two projects that provided new trash enclosures were associated with new public facilities at the Civic Center campus and the third project was associated with a remodel of an existing building. The remaining four commercial projects already included on-site trash enclosures that were able to accommodate the scope of work without the need for new facilities. The residential project, as most single-family residences, did not provide a separate trash enclosure as part of the project. The size of a trash enclosure typically depends on the size and use of the building that it is servicing. The two new trash enclosures at the Civic Center were each less than 120 square feet and the trash room at 650 Live Oak Avenue was approximately 150 square feet.

During last year's review, the Planning Commission suggested modifications to this section to exclude rooms and chutes dedicated for the use of trash and recycling materials in multi-family residential developments, limited to a maximum percentage, where there is no outdoor trash and recycling receptacles. The Planning Commission may wish to review whether any additional revisions are warranted.

### Planning Commission Recommended Zoning Ordinance Changes

Following the Planning Commission's one-year review of GFA, the Commission made six recommendations, including four Zoning Ordinance changes. The following sections discuss how the proposed changes would impact the GFA calculation of the eight projects reviewed from August 1, 2010 to August 31, 2011.

### *Stairwells*

The Planning Commission proposes to exclude the last floor of the stairwell, except if the floor provides roof access. For example, in a two-story building, the stairwell would only count on the first floor. In a four-story building, the stairwell would count on three floors. This method of calculation would be different from the Planning Commission's original recommendation to the City Council as part of the GFA ordinance amendment in 2009, where stairwells on all floor levels would be excluded except for the first floor.

Of the projects reviewed, three of the commercial buildings were two or more stories and the residential project was two-stories. Of the commercial buildings, 2770 Sand Hill Road and 2484 Sand Hill Road would be able to deduct the second floor stairs from the GFA calculation and 2180 Sand Hill Road would be able to deduct the fourth floor stairs (if the GFA Certification was not approved). The residential unit would also be able to deduct the second floor stair area from GFA under the proposed modification. The size and number of stairwells generally depend on the size and occupancy of the building.

### *Elevators*

Similar to stairwells, subsection 16.04.325 (B)(7) states that elevators are included in gross floor area on all floors. During last year's review, the Planning Commission recommended that the area of an elevator be counted on the first floor only because there is only one accessible floor at any one time and elevators should be encouraged. The proposed modification would be consistent with the Commission's recommendation in 2009. During the most recent review period, three commercial projects included elevators. However, the projects at 2770 Sand Hill Road and 2884 Sand Hill Road only included the elevators on all levels in the GFA calculation. Because the building at 2180 Sand Hill Road received a GFA certification, the elevator area was only calculated once on the first floor rather than for each floor. The historic implementation of GFA would be consistent with the Planning Commission's recommendation.

### *Trash Rooms*

During last year's review, the Planning Commission recommended adding an exclusion for rooms and chutes dedicated for the use of trash and recycling materials in multi-family residential developments, limited to a maximum percentage, where there is no outdoor trash and recycling receptacles. However, where outdoor trash and recycling receptacles are also provided on multi-family residential projects, the gross floor area exclusion would not apply. During the current review cycle, none of the projects involved multi-family residential developments.

### *Pedestrian Circulation Areas in Covered Parking*

Similar to the exclusion for areas related to automobiles and bicycles in covered parking areas, the Planning Commission has also recognized that pedestrian circulation areas such as walkways, stairwells and elevators, should also be exempted. The Planning Commission recommended formalizing this application through a Zoning Ordinance amendment. During the current review period, two projects included covered parking and exemptions were taken for the pedestrian circulation areas.

## Other Topics

### *Study on Freestanding Parking Structures*

As part of the Planning Commission's review last year, the Commission recommended that the City Council consider an ancillary project that would study the pros and cons of freestanding parking structures. During the discussion, the Commission commented that free-standing parking structures could impact various factors, such as building coverage which would reduce the amount of open space in a project.

Since last year's review, staff received clarification from the Planning Commission regarding the scope of work on the freestanding parking structure study at its December 13, 2010 meeting. The Commission discussed freestanding structures in a few different contexts including the Menlo Gateway project as well as the pending El Camino Real/Downtown Specific Plan. There were mixed opinions on how and when the discussion of parking structures should take place. Finally, the Planning Commission recommended that Commissioner Kadwany review and summarize the 2010 Downtown Parking Study. On April 4, 2011, Commissioner Kadwany presented key findings from the study to the Planning Commission. There has been no further discussion on the topic of parking structures. The Planning Commission may wish to recommend that nothing further on this topic needs to be studied.

### *Additional One-Year Review*

Based upon the Planning Commission's recommendation, the review of GFA has been continued for a second year to allow time for a larger set of project examples to be examined. Per the Commission's suggestion, staff has reviewed the projects subject to the definition as well as with the suggested changes made by the Planning Commission during its first year review, as noted in the above.

### *Atriums*

The Planning Commission also stated an interest in reviewing the impact of atriums in square footage, but made no recommendations for Zoning Ordinance changes as part of last year's recommendations. Of the eight projects analyzed since the last review, one project included an atrium at the entrance. The proposal at 2770 Sand Hill Road remodeled the lobby entrance from a mid-level mezzanine to the ground floor for improved internal circulation. The lobby's floor to ceiling is two stories in height and is counted once in the GFA calculation.

## Certification Process

The Gross Floor Area Exemption Certificate Process is outlined in Section 16.80.110 of the Zoning Ordinance and is a mechanism used to determine the remaining floor area of a lot for projects that were either built and/or approved prior to May 21, 2009. To be

eligible for the exemption, an application and supporting materials must have been submitted no later than May 23, 2011, per the Ordinance.

Since the adoption of the Zoning Ordinance Amendment, staff has received five applications for the Certification Process. Staff approved GFA Certifications for the Quadrus campus (2400-2498 Sand Hill Road) and 2180 Sand Hill Road, and is still in the process of finalizing the Certification for the buildings at 2700-2798 Sand Hill Road. Staff also received two additional applications, but after review, believes that the properties would not benefit from the GFA Certification.

The three properties that have received or are in the process of receiving Certification have all been through Planning Commission review and approval for additional square footage during this review period. The Planning Commission approved one project at 2770 Sand Hill Road during this current review period for a minor addition, which staff believed would be appropriate based upon staff's initial review of the existing GFA. The Planning Commission also approved a minor addition for an expanded lobby at 2180 Sand Hill Road. Staff determined that the remaining square footage at 2180 Sand Hill Road was 246 square feet, and as part of the use permit for the addition, the applicant requested 180 square feet. The Certification for the building remains valid until more than 50 percent of the building is demolished.

### Correspondence

Since the last review, staff has not received any new correspondence on this topic.

### Conclusion

Based upon the review of the projects during this past year, the Planning Commission should revisit its four Zoning Ordinance amendment recommendations from last year and determine if any changes to the recommendation are warranted. To recap, the four recommended items include changes to the following:

- calculation for stairwells;
- calculation for elevators;
- exclusion of pedestrian circulation areas in covered parking areas, and
- exclusion for rooms and chutes used for trash and recycling in multi-family residential developments, subject to a maximum percentage.

Staff believes that clarifications to the covered parking and trash enclosure sections of the definition would be considered "clean up" items and would be straightforward. However, the revisions to the stairwell and elevator calculations would benefit from additional input by the City Council and the public given the different interest expressed during the initial GFA ordinance amendment.

Given the number of other competing priorities and the types of proposed changes, staff does not believe a Zoning Ordinance amendment to the definition of GFA is warranted at this time. Staff believes that the existing definition has been fairly straightforward to

apply consistently to various projects. Staff would recommend, however, continuing to apply the Planning Commission's interpretation of exempting pedestrian circulation areas from covered parking areas as well as bring any other definition clarifications before the Planning Commission as they may arise during project review. In addition, staff recommends that the Planning Commission's recommendations for changes be considered when a more comprehensive Zoning Ordinance update is undertaken.

Following the Planning Commission's discussion on the GFA review, the comments will be compiled for the City Council's review and discussion.

## **RECOMMENDATION**

Staff recommends that no changes to the Zoning Ordinance definition of GFA be carried out at this time, but that any recommendations provided by the Planning Commission be considered when a more comprehensive and substantive review of the Zoning Ordinance is undertaken.

## **PUBLIC NOTIFICATION**

Public notification consisted of publication of a legal notice in the local newspaper and posting the agenda, with this agenda item being listed at least 72 hours prior to the meeting. In addition, an email update was sent to subscribers to the project page, which is available at the following address:

[http://www.menlopark.org/projects/comdev\\_gfa.htm](http://www.menlopark.org/projects/comdev_gfa.htm)

## **ATTACHMENTS**

- A. Summary of Ordinance No. 963, Gross Floor Area Zoning Ordinance Amendment
- B. Planning Commission Staff Report from the Meeting of August 23, 2010, except Attachment A (Summary of Ordinance No. 963)
- C. Excerpt Minutes from the Planning Commission Meeting of August 23, 2010
- D. City Council Staff Report from the Meeting of November 16, 2010, except Attachment A (Planning Commission Staff Report from the Meeting of August 23, 2010 and Attachment B (Excerpt Minutes from the Planning Commission of August 23, 2010)
- E. Gross Floor Area Project Summary Table, August 1, 2010 – August 31, 2011