



Architectural Review Board

Staff Report (ID # 9611)

Report Type:	Study Session	Meeting Date: 9/20/2018
Summary Title:	Downtown, Cal Ave and El Camino: Rooftop Open Space Standards	
Title:	Implementing the Council Housing Work Plan: Review of Draft Rooftop Open Space Standards	
From:	Jonathan Lait	

Recommendation

Staff recommends that the Architectural Review Board (ARB):

1. Review and provide comments on potential design standards for rooftop open space for a zoning ordinance update to encourage housing production of a diversity of housing types in appropriate locations, as specified by the City's Housing Work Plan.

Report Summary

Open space standards in the Zoning Code are one of several development regulations that affect the feasibility of housing development and unit yield. Staff is requesting ARB feedback on potential design standards for rooftop open space for residential uses in the City's commercial mixed use zoning districts. This input will inform staff's preparation of a draft ordinance for PTC and Council consideration this fall related to the City's Housing Work Plan.

Background

On February 12, 2018, the City Council approved a Housing Work Plan, which outlines steps to implement the City's vision and adopted policies and programs for housing production, affordability, and preservation. The Work Plan includes select policies and programs from the adopted Comprehensive Plan, adopted Housing Element, and a City Council colleagues' memo.

The Work Plan describes the City's progress towards the housing production goals at various income levels (i.e. RHNA) identified in the Comprehensive Plan Housing Element. The Work Plan also explains the City's progress towards the housing projections developed during preparation of the updated Comprehensive Plan (i.e., 3,545-4,420 new units between 2015 and 2030). In both cases, the City is behind in its effort to meet these goals. The approved Housing Work Plan indicates what action is needed to spur the production of housing.

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The Planning & Transportation Commission (PTC) has been exploring a number of zoning revisions to support housing production, including potential revisions to zoning standards related to density/intensity, parking, use regulations, retail requirements, and open space. Potential zoning revisions focus on locations that the Comprehensive Plan identified for future housing development: Downtown, California Avenue, and El Camino Real.

For more detailed information about the Work Plan, see the materials below:

February 5, 2018 City Council Staff Report and Draft Housing Work Plan:

<https://www.cityofpaloalto.org/civicax/filebank/documents/63054>

February 12, 2018 City Council Action Minutes:

<https://www.cityofpaloalto.org/civicax/filebank/documents/63659>

For a recent update on potential zoning changes, see the draft Ordinance Framework:

August 29, 2018 Planning & Transportation Commission Report:

<https://www.cityofpaloalto.org/civicax/filebank/documents/66513>

Discussion/Analysis

Current Standard/Policies

The Zoning Code requires open space for residential uses in the City's commercial districts. The Code defines usable open space to include outdoor areas on the ground floor, roof, balcony or similar locations. Usable open space may be covered if at least 50% open on the sides [PAMC 18.04.030(a)(142)]. The commercial districts require a minimum dimension of six feet for private open space and 12 feet for common open space, to ensure that spaces are truly usable.

Despite the usable open space definition, the code explicitly excludes rooftop gardens from qualifying as open space, and satisfying the residential open space requirements, in the CD-C, CC(2), CN and CS districts.

How the Current Standard Affects Development

Current standards necessitate that open space is located on the ground floor, balconies, or similar locations that could be used for other uses, including residential space. Along with other development standards, such requirements can reduce the development "envelope" available on a site, especially on small sites, which can make site planning a challenge.

Proposed Code Revision

On-site open space is an important factor in supporting livability in higher density residential areas. At the same time, flexibility in where open space may be located can provide opportunities to develop a site at the maximum allowable massing and unit density. To provide this flexibility, the PTC has expressed initial support for the following zoning modification.

Revise Palo Alto Municipal Code (PAMC) Chapters 18.16 (Neighborhood, Community and Service Commercial District) and 18.18 (Downtown Commercial District) to allow rooftop open space to qualify as usable open space for multi-family residential or residential mixed-use projects in the CD-C, CC(2), CN and CS districts (Downtown, California Avenue, and along El Camino Real only), except on sites abutting single- or two-family residential uses or zoning districts.

If rooftop open space is permitted, several design standards and/or guidelines may be appropriate to help manage potential impacts due to noise, privacy, and light spillover to adjacent uses. The discussion below references both existing and proposed standards and guidelines.

Existing Standards/Guidelines. The following existing standards would help to address issues of noise, lighting, and aesthetics:

- Noise Ordinance: PAMC Chapter 9.10 (Noise) regulates permitted noise levels, including limits on excess noise levels on residential and residential mixed-use properties. These standards would help regulate potential impacts associated with amplified music or other loud noises.
- Lighting: PAMC Chapter 18.23.030 (Lighting) provides guidelines for lighting of common open spaces to prevent spillover while ensuring safe access.
- Rooftop Equipment: PAMC Chapter 18.23.050 (Visual, Screening and Landscaping) requires rooftop equipment be setback at least 20 feet from the building edge closest to a residential zoned or used property or a minimum of 100 feet from the residential property line, whichever is closer. Roof vents, flues and other protrusions through the roof of any building or structure shall be obscured from public view by a roof screen or proper placement.
- Odors: PAMC Chapter 18.23.090 (Air Quality) requires that cooking odors, smoke and other similar air contaminants be controlled and prevented from leaving the property or becoming a nuisance to neighboring properties.

Proposed New Standards/Guidelines. The following items represent draft standards for the ARB's consideration:

- Height Exceptions: Permanent fixtures must be designed below the height limit for the relevant zoning district, except where permitted as part of exceptions for appurtenances with the following additional exceptions:

- Allow elevator penthouse to exceed max height limit where elevator access is required to meet ADA requirements, for proposed open space only.
- Temporary or removable fixtures such as trellises, shade structures, furniture, and furnishings such as planters, lighting, and heaters, may exceed the height limit.
- Expand usable open space definition: Any usable open space shall be for active or passive recreation use and shall be accessible to the occupants of the building. Any usable open space which is not planted shall be developed to encourage outdoor recreational use and shall include such elements as decks, seating, decorative paved areas and walkways which do not serve as entrance walkway. Usable open space shall not include mechanical equipment or service areas.
- Location: The “rooftop” open space area may be located on the second or higher story, or on a roof deck. (No regulations are proposed for how much of the common open space may be accommodated on a rooftop/upper story versus on the ground floor.)
- Access: Common outdoor living area shall be accessible to all the residents of the dwelling units on the parcel. In the case of residential mixed use buildings, access shall be provided for residential tenants only (i.e., not for commercial tenants). Access/means of egress (i.e., stairway and/or elevator penthouse) shall be located away from the building edge to the extent feasible or sufficiently screen to minimize visibility from the public right-of-way and adjacent buildings, and reduce privacy impacts.
- Lighting: Any lighting shall be provided with cutoff fixtures that cast downward-facing light or low-level string lights. Photometric diagrams must be submitted for review by staff and/or decision-makers to ensure there are no spillover impacts into windows or openings of adjacent properties.
- “Green” Landscaping: 20% of the usable open space area shall be landscaped. This may include raised beds for gardening, C.3 stormwater planters, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained.
- Rooftop Equipment. Noise- and exhaust-producing rooftop equipment, including but not limited to generators, pumps, and air conditioning compressors, shall be screened from usable open space areas. Exhaust shall be directed away from open space areas.

Standards Considered and Rejected. Items considered and not carried forward include:

- Size/Type: No additional standards are proposed for the size of a rooftop. Minimum dimensions for usable open space are already regulated in the code, such that the minimum size of a common rooftop open space would be 12 by 12 feet. Note that the existing definition of usable open space would require that the space be at least 50% open on the sides.
- Setbacks: Setbacks of the open space areas and railing from the building edge were considered and rejected, since current setback standards would apply to buildings and the proposed setbacks were seen as overly prescriptive by the PTC.

- **Hours:** The City could regulate hours of operation for rooftop open spaces, but this would be challenging for the City to enforce. The existing noise ordinance should help to mitigate potential noise impacts after hours, if necessary.
- **Amenities/Uses:** To allow flexibility for project proponents, no regulations are proposed to address how rooftop open spaces may be used. As a result, the City may expect to see a range of uses including BBQ/cooking facilities, pools, gardens, landscape courts, and seating/gathering areas.

Potential Benefits and Impacts: In areas of the City designated for higher density multi-family housing, flexibility in how open space is configured may provide options for site planning and may incrementally increase unit yield and, in turn, affordability. Moreover, rooftop decks in a climate such as Palo Alto can offer an amenity for residents to take advantage of views and community outdoor space.

The draft standards proposed above seek to address potential impacts associated with noise, privacy, lighting, and aesthetics.

Policy Implications

The Housing Element generally supports more flexible development standards to facilitate innovative housing solutions:

Program H3.1.7: Ensure that the Zoning Code permits innovative housing types such as co-housing and provides flexible development standards that will allow such housing to be built, provided the character of the neighborhoods in which such housing is proposed to be located is maintained.

The Council-adopted Housing Work Plan included the following direction for potential zoning revisions:

*2.4 Provide incentives and remove constraints for multifamily housing in the Downtown (CD-C), Cal Ave (CC(2)/PTOC), and El Camino Real (CN and CS) districts, including:
 2.4.1 Review and revise development standards (e.g. landscaping, open space)*

Outreach

As Council directed for the Work Plan implementation, the City has conducted two complementary community outreach efforts:

- (1) **Development Advisor Meetings:** In April and May 2018, consultants conducted 16 meetings with 22 individuals who regularly use the City's zoning code (primarily architects and developers). A list of advisors and a summary of findings may be found here: <https://www.cityofpaloalto.org/civicax/filebank/documents/66513>
- (2) **Community Meeting:** In June 2018, the City held a community open house on housing topics to describe the Housing Work Plan, present ideas for its implementation, and solicit feedback from community members on proposed ideas. Over 30 community

members attended the meeting. The presentation, idea station boards, and detailed feedback (in the form of notes taken by staff and individual feedback forms) may be reviewed on the project website:

https://www.cityofpaloalto.org/gov/depts/pln/long_range_planning/housing_programs_and_policies/housing_work_plan.asp

Timing

An anticipated timeline for development of the ordinance is provided in the table below.

Project Timeline

<i>Meeting Type</i>	<i>Topic</i>	<i>Date (2018)</i>
PTC Study Session	Objectives of Work Plan and City Council direction	March 14
PTC Study Session	Overview of issues, including key findings from an analysis of residential capacity in Downtown	April 25
PTC Study Session	Parking, including key findings from an analysis of residential parking demand	May 30
Community Open House	Present and receive feedback on ordinance framework ideas	June 28
PTC Study Session	Framework for ordinance	August 29
ARB Hearing	Review of rooftop open space design standards	September 20 (today)
PTC Hearing	Review draft Ordinance	September 26
PTC Hearing (continued, if needed)	Recommendation on Draft Ordinance (as revised)	October 10
City Council Hearing	Draft Ordinance (First Reading)	November 13

Environmental Review

The ARB's direction to staff does not constitute a "project" requiring environmental review. However, the draft ordinance will be evaluated pursuant to the California Environmental Quality Act (CEQA) once a draft ordinance is prepared. It is anticipated that the Ordinance will be consistent with the Comprehensive Plan and its Final EIR.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code does not require notice of this public hearing to be published in a local paper because it is a Study Session.

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