



# Planning & Transportation Commission

## Staff Report (ID # 9450)

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**Report Type:** Action Items **Meeting Date:** 10/10/2018

**Summary Title:** 285 Hamilton - Houzz Roof Deck

**Title:** PUBLIC HEARING/QUASI-JUDICIAL. 285 Hamilton Avenue [18PLN-00006]: Recommendation on Applicant's Request for a Text Amendment to Title 18 of the Palo Alto Municipal Code to Allow for Minor Increases in Floor Area to Provide Access to Roof-Top Decks on Existing Structures in the Commercial Downtown (Community) CD-C Subdistrict, as well as a Conditional Use Permit to Allow an Outdoor Activity Area in Excess of 2,000 Square Feet on the Roof of the Existing Commercial Building Located at 285 Hamilton Avenue. The Application Includes a Request for Architectural Review of a Roof-Top Deck at 285 Hamilton Avenue That Is Subject to the Architectural Review Process. Environmental Assessment: Exempt per Sections 15301 and 15305 of the CEQA Guidelines. Zone District: CD-C(GF)(P).

**From:** Jonathan Lait

### Recommendation

Staff recommends the Planning and Transportation Commission (PTC) take the following action(s):

1. Consider the proposed California Environmental Quality Act (CEQA) exemption per Guidelines Sections 15301 and 15305.
2. Recommend approval of the proposed text amendment to the City Council.

### Report Summary

The applicant requests a text amendment to Title 18 of the Palo Alto Municipal Code (Zoning Code) to authorize minor increases to the height and bulk (i.e. gross floor area) of existing buildings that are considered legally noncomplying in the CD-C Downtown Commercial Zoning District to allow for features providing access to rooftop decks and gardens, such as elevators,

elevator vestibules, and covered staircases. The applicant also requests a conditional use permit to allow an outdoor activity area over 2,000 square feet in area on the roof at 285 Hamilton Avenue, which encompasses the area associated with the proposed roof deck. The requested text amendment is being processed concurrently with a staff architectural review of a roof deck on the five-story, 47,344 square foot commercial building for the exclusive use of one of the building tenants, Houzz, which occupies the 2<sup>nd</sup> through 5<sup>th</sup> floors. The text amendment and conditional use permit, which are both subject to PTC review, as well as the separate staff architectural review application of the 285 Hamilton Avenue roof deck, which is not subject to PTC review, will be forwarded to the City Council for a final decision.

### Prior City Reviews & Action

City Council:	The Council conducted a prescreening for the proposed text amendment and roof deck on November 27, 2018. Staff Report: <a href="https://www.cityofpaloalto.org/civicax/filebank/documents/62190">https://www.cityofpaloalto.org/civicax/filebank/documents/62190</a> Video: <a href="http://midpenmedia.org/city-council-148/">http://midpenmedia.org/city-council-148/</a> Transcript: <a href="https://www.cityofpaloalto.org/civicax/filebank/documents/64102">https://www.cityofpaloalto.org/civicax/filebank/documents/64102</a>
PTC:	None.
HRB:	None.
ARB:	None.

### **Project Description**

The applicant proposes a text amendment that would allow for minor increases in floor area necessary to provide access to roof decks and patios on existing buildings that exceed the 50 foot height limit in the Downtown. Roof decks, patios, and gardens are already permitted facilities that may be incorporated into a permitted or conditionally permitted use. The text amendment would modify Section 18.18 of the Zoning Code to allow for an increase in the degree of height and building envelope noncompliance for “grandfathered” facilities in the CD-C District, and to exempt related building square footage from gross floor area. A summary of the relevant existing code sections, as well as the changes to those sections, is provided below. Attachment B of this report includes the text of the amendments in strike-out/underline format, indicating sections to be removed and added respectively.

### Downtown Commercial CD District

Section 18.18 of the Municipal Code provides the allowable land uses and development standard regulations that pertain to the Downtown Commercial District (CD). The CD District, which generally encompasses the Downtown Area, is further divided into three subdistricts: the CD-C (community), CD-S (service), and CD-N (neighborhood), each of which contains specific standards for building height, bulk, and density. The CD-C subdistrict is the largest of the three subdistricts and encompasses much of the downtown core, including most of University Avenue from Alma Street to Webster Street. Of relevance to this text amendment is the CD-C district’s

50-foot maximum height and 2.0:1 maximum floor area ratio. The code currently authorizes floor area exemptions and bonuses above the maximum FAR in a number of circumstances, including when a project is providing disability-related access or a seismic or historic rehabilitation. For projects requesting a floor area bonus that are not associated with historic or seismic rehabilitations, the code currently provides for a 200 square feet of bonus, not to exceed a 3:1 FAR, in the CD-C subdistrict, subject to restrictions. The building at 285 Hamilton Avenue has an FAR of nearly 4:1, and is therefore not eligible for this existing floor area bonus.

#### Grandfathered Uses and Facilities in CD District

In addition to providing the standards for new uses and development, Section 18.18 also includes provisions for the treatment of “grandfathered” uses and facilities. Generally, “grandfathered” uses, also called “nonconforming uses”, are uses that were permitted at the time that they were established but, through subsequent legislative action, have lost their status as a permitted or conditionally permitted use. Likewise, “grandfathered facilities”, also called “noncomplying facilities”, are facilities that were legally established but, through subsequent legislative action, are no longer in compliance with one or more site development regulations (height, bulk, setbacks, etc.). A noncomplying facility may or may not house a nonconforming use, and vice versa. City-wide, such grandfathered uses and facilities are regulated by Section 18.70 of the Municipal Code, however, Section 18.18.120 provides specific regulations for grandfathered uses and facilities in the CD district that were legally established prior to August 1, 1986. The building at 285 Hamilton Avenue was constructed in the 1970s, and is considered a noncomplying facility due to its height and bulk (gross floor area).

#### Proposed Text Amendment

The proposed text amendment would alter Section 18.18 in two discrete ways. The first change would provide for a “Rooftop Access” floor area exemption for existing buildings that exceed the CD-C subdistrict’s maximum 2.0:1 floor area ratio to allow for stairways and elevators that are otherwise needed to access a rooftop area for building occupants, as well as to permit related rooftop features, such as railings, trellises, furniture, and lighting. Such a provision would allow, in the case of 285 Hamilton Avenue, for the minor (159 square feet proposed) increase in floor area associated with an elevator and stair enclosure that would otherwise increase the degree of noncompliance of the site’s FAR. The new floor area enabled by the Rooftop Access floor area exemption would not require additional parking. The Rooftop Access exemption would only be permitted on portions of CD-C zoned sites which contain buildings at least 150 feet from a residential zone. Activities associated with roof decks and gardens would need to be associated with a permitted or conditionally permitted use, and would be required to be in compliance with all other existing provisions of the code, including the noise ordinance and Building and Fire regulations. These provisions, as well as the restriction of the text amendment to existing buildings on CD-C-zoned sites more than 150 feet from residential districts, limits the application of the text amendment to relatively few sites (See Attachment B for a map of potentially applicable sites).

The second change would amend PAMC Section 18.18.120 to allow alteration to a noncomplying facility that allows for an increase in the building envelope and height of a facility

if necessary to provide access to an uncovered, unenclosed roof area. In the case of 285 Hamilton Avenue, this would allow for the elevator and stairway enclosures to increase the building envelope (also referred to as “bulk”) adjacent to the existing penthouse. The 285 Hamilton Avenue proposal to add an elevator enclosure does not increase the overall height of the building above the existing 82 feet above grade to the top of penthouse roof, however, as noted earlier, it does increase the facility’s building envelope and floor area.

#### Conditional Use Permit – Outdoor Activity

PAMC Section 18.18.060(h)(1) provides additional development standards for the CD-C subdistrict, and requires a conditional use permit for any outdoor activity in excess of 2,000 square feet. The proposed roof deck is 2,660 square feet and would provide an area for outdoor activities on an ongoing basis, and therefore a CUP is required for the use of the deck. The findings to approve a Conditional Use Permit are included below, as well as in the draft Record of Land Use Action for the project in Attachment D. The project description from the applicant indicates that the deck would be an amenity to be used exclusively by office tenants, and that the general public would not have access to the deck. Given this, the deck is not expected to generate additional trips. To ensure that the deck does not produce noise above the permitted standard, staff has included a condition of project approval prohibiting amplified sound or music that is detectable from adjacent properties, or the public right of way. Adherence to this condition, as well as the City’s standard noise ordinance prohibiting excessive noise 8 decibels over the local ambient, will ensure that the use does not create a noise concern. The proposed 42” high hand railings are setback 3 feet from the parapet edge, which limits the view of the railings and deck from the public right of way on Hamilton Avenue and the Ramona Alleyway frontages. The railing setback also adds a measure of safety and will help prevent occupants from throwing objects at, spitting on, or otherwise interacting with pedestrians on the Hamilton Avenue or Ramona Alleyway frontages. The applicant has provided a photometric plan and lighting fixture cutsheets, which indicate that lighting levels on the roof deck are minimal and that fixtures are oriented inwards in order to prevent glare as viewed from the street below. Given these design elements, as well as the lack of residential structures in the area that could potentially be impacted from a privacy standpoint, staff believes that the findings for approval of a CUP for the outdoor activity area can be made in the affirmative.

#### Consistency with the Comprehensive Plan, Area Plans and Guidelines<sup>1</sup>

The Comprehensive Plan does not contain policies or programs related to the treatment of noncomplying facilities or statements in support of or discouragement of rooftop decks and patios. Policy 2.11 provides encouragement of greenery associated with new development, which would be implemented with the architectural review of the associated 285 Hamilton roof deck application:

*Policy L-2.11: Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.*

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<sup>1</sup> The Palo Alto Comprehensive Plan is available online:  
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

While the Comprehensive Plan is silent on policy and design considerations related to the subject text amendment, the Downtown Urban Design Guidelines, which are applicable generally to the Downtown area and more specifically to areas regulated by the CD-C zoning district, do encourage the active use of roof space:

***Page 58, Architecture Guidelines, Roofs/Parapets: Encourage roof gardens and use of roof space, where feasible, so that they are attractive when viewed from above and below, and provide added outdoor use opportunities and amenities.***

### **Environmental Review**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the ordinance is exempt per Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations) as the text amendment would allow for negligible additions of floor area associated with rooftop access. The text amendment would also provide for a minor height increase associated with rooftop access and amenities only when, located on portions of buildings at least 150 feet from a residential zone, and otherwise in compliance with existing, universally applicable development standards and Guidelines pertaining to potential issues such as noise, aesthetics, and privacy. Additionally, the project is furthermore exempt per Section 15301 of the CEQA Guidelines (Existing Facilities) as the conditional use permit would allow minor alteration and use of an existing structure.

### **Public Notification, Outreach & Comments**

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Palo Alto Weekly* on September 28, 2018, which is 13 days in advance of the meeting. Postcard mailing occurred on September 24, 2018, which is 17 days in advance of the meeting.

### **Public Comments**

As of the writing of this report, no project-related, public comments were received.

### **Alternative Actions**

In addition to the recommended action, the PTC may:

1. Recommend approval of the text amendment with modifications; or
2. Recommend denial of the text amendment.

### **Report Author & Contact Information**

Graham Owen, AICP, Planner

### **PTC<sup>2</sup> Liaison & Contact Information**

Jonathan Lait, AICP, Assistant Director

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<sup>2</sup> Emails may be sent directly to the PTC using the following address: [planning.commission@cityofpaloalto.org](mailto:planning.commission@cityofpaloalto.org)

(650) 329-2552

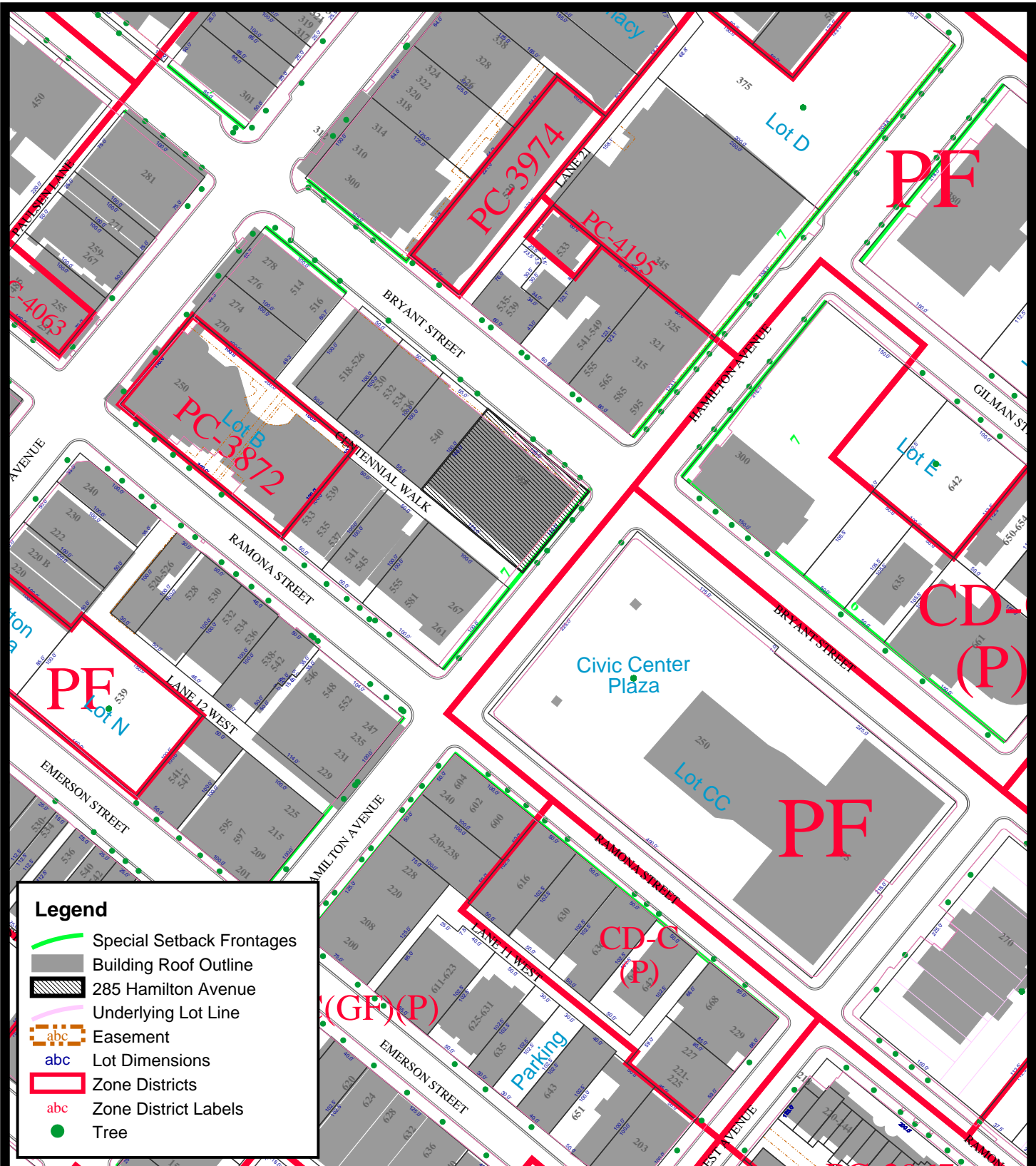
[Graham.Owen@CityofPaloAlto.org](mailto:Graham.Owen@CityofPaloAlto.org)

(650) 329-2679

[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)

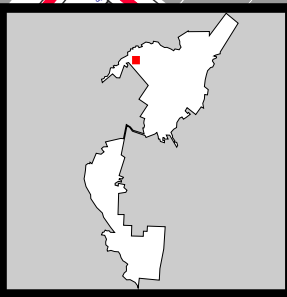
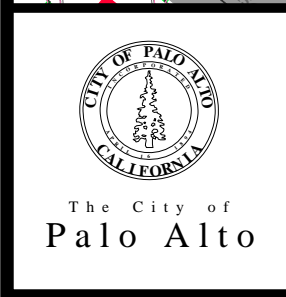
**Attachments:**

- Attachment A: Location Map (PDF)
- Attachment B: Eligible Buildings (PDF)
- Attachment C: Text Amendment Ordinance (DOCX)
- Attachment D: RLUA for Outdoor Activity Area CUP (DOCX)
- Attachment E: Zoning Comparison Table (DOCX)
- Attachment F: Project Plans (DOCX)



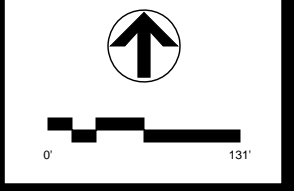
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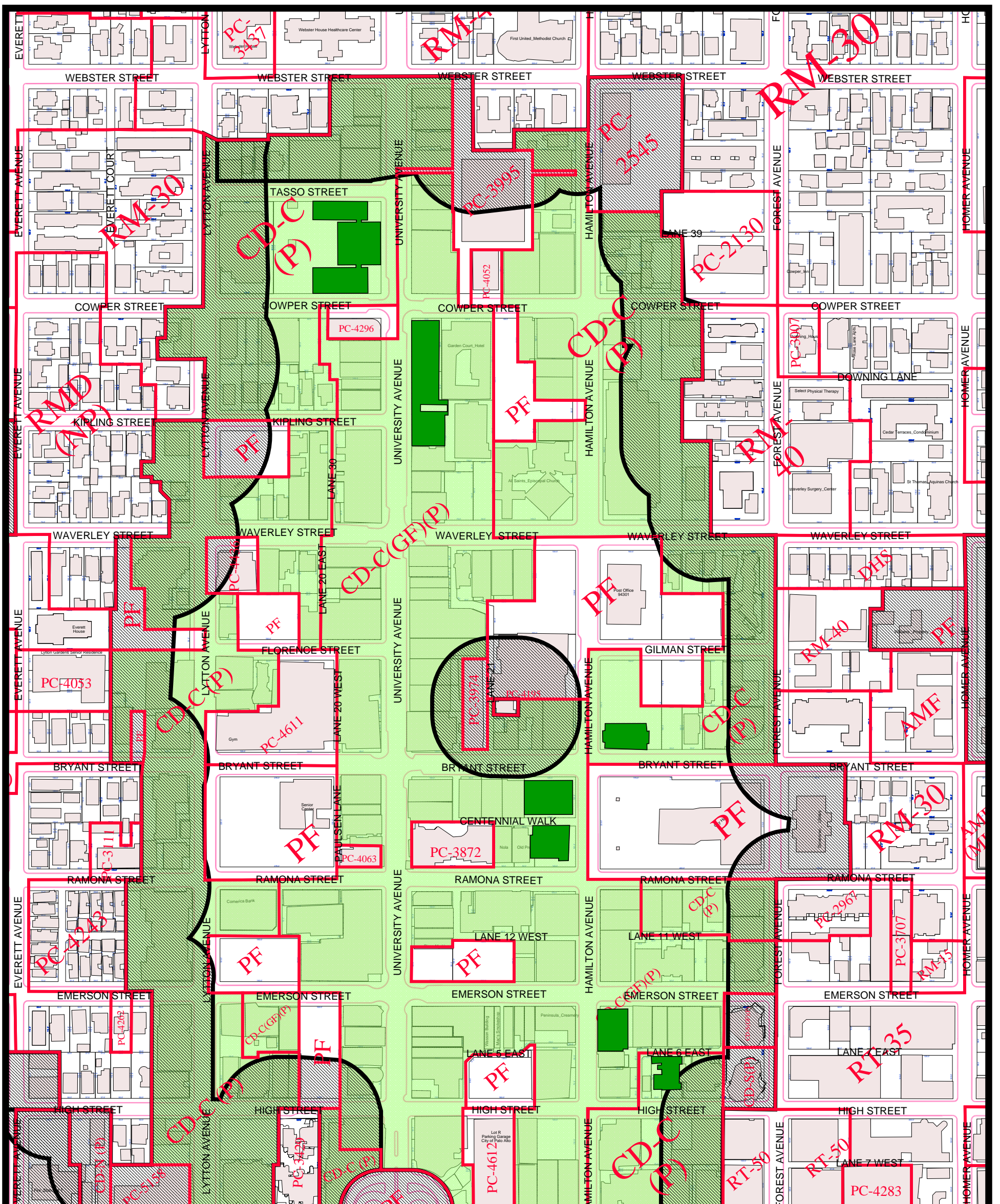
- Special Setback Frontages
- Building Roof Outline
- 285 Hamilton Avenue
- Underlying Lot Line
- Easement
- Lot Dimensions
- Zone Districts
- Zone District Labels
- Tree



285 Hamilton Avenue -  
Roof Deck  
Text Amendment  
and CUP

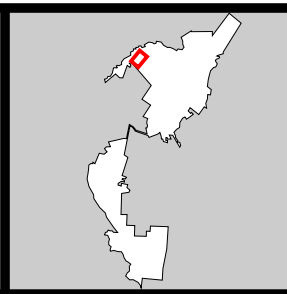
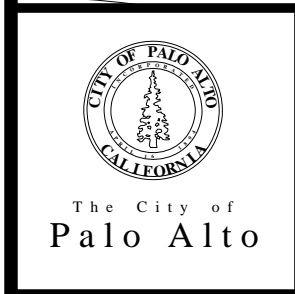
This map is a product of the  
City of Palo Alto GIS





**Legend**

- █ Zone District Notes
- Curb Edge
- abc Dimensions (AP)
- abc Known Structures
- CD-C Zones
- 150' Buffer from Residential Zones
- Railroad
- abc Zone Districts
- abc Zone District Labels
- CD-C Buildings Over 50' in Height



**CD-C Zoned Buildings  
 >50' in Height and  
 >150' From Residential  
 Zones**

This map is a product of the  
City of Palo Alto GIS



NOT YET ADOPTED

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.18 of Title 18 (Zoning) of the Palo Alto Municipal Code to Add a New Floor Area Bonus for Rooftop Access and Allowing Changes to Noncomplying Facilities to Allow for Such Rooftop Access Bonuses

The Council of the City of Palo Alto does ORDAIN as follows:

**SECTION 1.** Section 18.18.060 (Development Standards) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows:

**18.18.060 Development Standards**

...

(e) Exempt Floor Area

(1) When an existing building is being expanded, square footage which, in the judgement of the chief building official, does not increase the usable floor area, and is either necessary to conform the building to Title 24 of the California Code of Regulations, regarding disability related access, or is necessary to implement the historic rehabilitation of the building, shall not be counted as floor area. For the purposes of this section disability related upgrades are limited to the incremental square footage necessary to accommodate disability access and shall be subject to the Director's approval not to exceed 500 square feet per site. Disability related upgrades shall only apply to remodels of existing buildings and shall not qualify for grandfathered floor area in the event the building is later replaced or otherwise redeveloped.

(2) Buildings located in the CD-C subdistrict that are noncomplying for height or gross floor area shall be permitted to increase height and expand floor area to the minimum degree necessary to provide rooftop access and related amenities. Such access and amenities include features such as stairs, elevators, trellises, outdoor furniture, railings, lighting, and other similar features. For the purposes of this section rooftop access floor area shall not be counted as gross floor area. Rooftop access-related features may be located only on portions of buildings located at least 150 feet from a residential zone which, for the purposes of this chapter, includes the R-1, R-2, RMD, RM-15, RM-30, RM-40, residential SOFA districts, or residential Planned Community (PC) districts.

...

**SECTION 2.** Section 18.18.120 (Grandfathered Uses and Facilities) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows:

**18.18.120 Grandfathered Uses and Facilities**

(a) Grandfathered Uses

(1) The following uses and facilities may remain as grandfathered uses, and shall not require a conditional use permit or be subject to the provisions of Chapter 18.70:

(A) Any use which was being conducted on August 28, 1986; or

(B) A use not being conducted on August 28, 1986, if the use was temporarily discontinued due to a vacancy of 6 months or less before August 28, 1986; or

(C) Any office use existing on April 16, 1990 on a property zoned CD and GF combining, which also existed as a lawful conforming use prior to August 28, 1986, notwithstanding any intervening conforming use.

(2) The grandfathered uses in subsection (1) shall be permitted to remodel, improve, or replace site improvements on the same site, for continual use and occupancy by the same use, provided such remodeling, improvement, or replacement complies with all of the following:

(A) shall not result in increased floor area;

(B) shall not relocate below grade floor area to above grade portions of the building;

(C) shall not result in an increase of the height, length, building envelope, building footprint or any other increase in the size of the improvement. For purposes of this section, "building envelope" shall mean the three dimensional shape and size occupied by an existing building. It is not the maximum, buildable potential of the site;

(D) shall not increase the degree of noncompliance, except pursuant to the exceptions to floor area ratio regulations set forth in Section 18.18.070; or

(E) in the case of medical, professional, general business or administrative office uses of a size exceeding 5,000 square feet in the CD-S or CD-N district that are deemed grandfathered pursuant to subsection (1), such remodeling, improvement, or replacement shall not result in increased floor area devoted to such office uses.

(F) The Director may approve minor changes to the building's footprint, height, length, and the building envelope through Architectural Review of minor aesthetic architectural improvements and to improve pedestrian-orientation provided there is no increase to the degree of any non-complying feature.

(3) If a grandfathered use deemed existing pursuant to subsection (1) ceases and thereafter remains discontinued for 12 consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.

(4) A use deemed grandfathered pursuant to subsection (1) which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any

portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.

(b) Grandfathered Facilities

(1) Any noncomplying facility existing on August 28, 1986 and which, when built, was a complying facility, may remain as a grandfathered facility and shall not be subject to the provisions of Chapter 18.70.

(2) The grandfathered facilities in subsection (1) shall be permitted to remodel, improve, or replace site improvements on the same site for continual use and occupancy, by the same use, provided such remodeling, improvement, or replacement complies with all of the following:

(A) shall not result in increased floor area;

(B) shall not relocate below grade floor area to above grade portions of the building;

(C) shall not result in an increase of the height, length, building envelope, building footprint, or any other increase in the size of the improvement;

(D) shall not increase the degree of noncompliance, except pursuant to the exceptions to floor area ratio regulations set forth in Section 18.18.070;

(E) The Director may approve minor changes to the building's footprint, height, length, and the building envelope through Architectural Review of minor aesthetic architectural improvements and to improve pedestrian-orientation provided there is no increase to the degree of any non-complying feature, [except as provide for rooftop access and amenities in Section 18.18.060\(e\)](#).

**SECTION 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4.** The Council finds that this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 because it involves minor alterations of land use regulations.

**SECTION 5.** This Ordinance shall be effective on the thirty-first date after the date of its adoption.

PASSED:

NOT YET ADOPTED

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Interim Director of Planning and  
Community Environment

**ACTION NO. 2018-\_\_\_\_**  
**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR 285 HAMILTON AVENUE:**  
**CONDITIONAL USE PERMIT (18PLN-00006)**

On October \_\_, 2018, the Council of the City of Palo Alto, after considering all of the evidence presented, approved the Conditional Use Permit application for an 2,660 square foot outdoor activity area use in the CD-C(GF)(P) district, making the following findings, determination and declarations:

**SECTION 1. Background.**

- A. An application for a conditional use permit (CUP) to allow a 2,600 square foot outdoor activity area on the site was submitted on January 8, 2018.
- B. Planning Staff referred the application to the Planning and Transportation Commission (Commission) for a recommendation to the City Council.
- C. The Planning and Transportation Commission held a duly noticed public hearing, at which evidence was presented and all persons were afforded an opportunity to be heard, and recommended approval of the Project on October 10, 2018. The Commission's recommendations are contained in CMR # \_\_\_\_ and the associated attachments.
- D. On October \_\_, 2018, the City Council, after reviewing the evidence presented, adopted the recommendation of the Planning and Transportation Commission and approved the subject CUP application.

**SECTION 2. Environmental Review.** The proposed project has been determined to be Categorically Exempt per Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

**SECTION 2. Conditional Use Permit Findings.** Conditional Use Permit approval is based on the findings indicated under PAMC Section 18.76.010:

- 1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.*

The CUP would allow for a 2,600 square foot outdoor activity area on the roof of the building at 285 Hamilton Avenue. The roof deck would be used by building occupants and guests, and would include a safety railing setback three feet from the existing roof parapet. The railing and setback would help prevent occupants from throwing objects from the roof to the ground. Lighting would be low-profile and directed downward on the deck in order to minimize light spillage and glare. The roof deck would be minimally visible from the street level and, as conditioned, would be prohibited from having amplified music. Given these project elements and conditions, the use will meet Finding #1.

2. *The proposed use will be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.*

The CUP would support Policy L-2.11 of the Comprehensive Plan by incorporating greenery on the rooftop of the building at 285 Hamilton Avenue. Additionally, the use of the roof space would be consistent with the Downtown Urban Design Guidelines by providing outdoor use opportunities and amenities. With the proposed text amendment, the use would be consistent with the Zoning Ordinance and the use will meet Finding #2.

**SECTION 3.** Conditions of Approval.

PLANNING

1. CONFORMANCE WITH PLANS. Use and development shall be conducted in substantial conformance with the approved plans entitled, "Houzz 285 Hamilton Roof Deck Improvement Application," dated March 30, 2018 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. PERMITTED HOURS. Use of the roof deck shall be limited to 6:00AM to 11:00PM Monday through Sunday.
4. AMPLIFIED MUSIC. Amplified music shall be prohibited on the roof deck.
5. NOISE. The use of the roof deck shall at all times be in conformance with the Noise Ordinance (PAMC Chapter 8).
6. LIGHTING. All exterior lighting associated with the roof deck shall be oriented downward and away from City rights of way and adjacent properties. Light filaments and bulbs shall not be visible at the property line in order to prevent glare.
7. BUILDING PERMIT PLAN SET. The approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.
8. PROJECT MODIFICATIONS: All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
9. PROJECT EXPIRATION. The project approval shall automatically expire after two years from the original date of approval, if within such two year period, the proposed use of the site or the construction of buildings has not commenced pursuant to and in accordance with the provisions

of the permit or approval. Application for a one year extension of this entitlement may be made prior to the expiration. (PAMC 18.77.090(a))

10. INTENSIFICATION OF USE: Any intensification of use shall require an amendment to the conditional use permit and any other entitlements as specified in the Palo Alto Municipal Code.
11. COMPLIANCE WITH CONDITIONS OF APPROVAL. The applicant shall at all times be in compliance with the conditions of approval and documentation describing the roof deck's operation. If operations result in unanticipated impacts that negatively impact the health, safety, convenience, or general welfare, the Director of Planning and Community Environment may impose additional conditions to mitigate those impacts. Any changes by the Director to this approval or imposition of new or modified conditions shall be in writing and subject to the city's appeal procedures for conditional use permits.
12. REVOCATION OR MODIFICATION OF APPROVALS: The director may issue a notice of noncompliance for any failure to comply with any condition of this permit approval, or when a use conducted pursuant to a conditional use permit is being conducted in a manner detrimental to the public health, safety and welfare.
13. INDEMNITY: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

**BUILDING**

14. Construction details are required on the building permit plans to show how the roof deck furniture will be built-in or permanently fixed.
15. Rooftop use is a Group A Occupancy.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Interim Director of Planning and Community Environment

**ATTACHMENT E**  
**ZONING COMPARISON TABLE**  
285 Hamilton Avenue, 17PLN-0006

<b>Table 1: COMPARISON WITH CHAPTER 18.18 (CD-C DISTRICT)</b> Exclusively Non-Residential Development Standards			
<b>Regulation</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Minimum Setbacks</b>			
Front Yard	None Required	7 ft	No change
Rear Yard	None Required	0 ft	No change
Interior Side Yard	None Required	8 ft	No change
Street Side Yard	None Required	7 ft	No change
Special Setbacks	Pursuant to PAMC 20.08.	7 ft setback on Hamilton Avenue	No change
Minimum street setback for sites sharing a common block face with any abutting residential zone district	Note 4	N/A	N/A
Minimum yard (ft) for lot lines abutting or opposite residential zone districts	10 feet (Note 1)	N/A	N/A
<b>Maximum Site Coverage</b>	None Required	10,030 sf	No change
<b>Maximum Height</b>	50 ft, or 35 ft if within 150 ft of a residential zone	66 ft to top of parapet, 82 ft to top of penthouse	No change
<b>Maximum Floor Area Ratio (FAR)</b>	1.0:1 (10,030 sf) (Note 5)	47,700 sf	47,859 sf
Maximum Size of New Non-Residential Construction or Expansion Projects	25,000 sf of gross floor area or 15,000 sf above the existing floor area, whichever is greater, provided the floor area limits set forth elsewhere in this chapter are not exceeded, and except as otherwise permitted by Section <u>18.18.070(a)(6)</u>	47,700 sf	As amended, the 157 sf addition proposed with the project conforms
<b>Daylight Plane for lot lines abutting one or more residential zone districts</b>			
Initial Height at side or rear lot line	(Note 2)	N/A	N/A
Slope	(Note 2)	N/A	N/A



**Notes**

- 1) The yard shall be planted and maintained as a landscaped screen, excluding area required for site access.
- 2) The initial height and slope shall be identical to those of the residential zone abutting the site line in question.
- 3) The maximum height within 150 feet of any abutting residential zone district shall not exceed the height limit of the abutting residential district.
- 4) The minimum street setback shall be equal to the residentially zoned setback for 150 feet from the abutting single-family or multiple family development.
- 5) FAR may be increased with transfers of development and/or bonuses for seismic and historic rehabilitation upgrades, not to exceed a total site FAR of 3.0:1 in the CD-C subdistrict or 2.0:1 in the CD-S or CD-N subdistricts, and with bonuses for rooftop access as provided in 18.18.070(a)(6).

**18.18.100 Performance Standards.** In addition to the standards for development prescribed above, all development shall comply with the performance criteria outlined in Chapter 18.23 of the Zoning Ordinance.

**18.18.110 Context-Based Design Criteria.** As further described in a separate attachment, development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

<b>Table 2: CONFORMANCE WITH CHAPTER 18.52.040 (Off-Street Parking and Loading) for Downtown University Avenue Parking Assessment District</b>				
<b>Type</b>	<b>Required</b>		<b>Existing</b>	<b>Proposed</b>
Vehicle Parking (within the Downtown Parking Assessment District) PAMC 18.52.040 Table 2	All uses except residential: 1 space per 250 sf	191.4 spaces	22 spaces on-site, plus 169 parking assessment district spaces	No change; the 159 sf increase would not result in an additional required space (PAMC 18.52.)
Bicycle Parking (within the Downtown Parking Assessment District) PAMC 18.52.040 Table 2	All uses except residential: 1 space per 2,500 sf 40% Long Term (LT) 60% Short Term (ST)	19 spaces	Unknown	No change
Loading Space	The site is grandfathered for two on-site loading spaces. No additional loading spaces are required for the 159 sf increase in gross floor area.			

## Attachment F

### **Project Plans**

Hardcopies of project plans are provided to Commission members. These plans are available to the public online and/or by visiting the Planning and Community Environment Department on the 5<sup>th</sup> floor of City Hall at 250 Hamilton Avenue.

#### **Directions to review Project plans online:**

1. Go to: <http://bit.ly/PaloAltoPlanningProjects>
2. Scroll down the center of the page and click “View pending projects”
3. Scroll to find “285 Hamilton Avenue” and click the address link
4. On this project specific webpage you will find a link to the project plans and other important information