



City of Palo Alto

City Council Staff Report

(ID # 8648)

Report Type: Study Session

Meeting Date: 11/27/2017

Summary Title: 285 Hamilton: Prescreening Request for a Zoning Text Amendment

Title: 285 Hamilton [17PLN-00309]. Applicant Requests a Prescreening Discussion for a Possible Text Amendment That Would Allow Development Exceptions for Rooftop Decks Within the Downtown Area, Including the Subject Property. Environmental Assessment: The Subject Request is not a Project in Accordance With the California Environmental Quality Act (Continued From October 30, 2017)

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that Council conduct a prescreening review of the applicant's proposed concept for a zoning text amendment to allow roof deck patios on top of nonconforming buildings in the Downtown Commercial (CD) district.

Background

Applicant is interested in establishing a roof deck at the subject address. Roof decks are mentioned twice in the municipal code as it pertains to residential development. Roof decks have been allowed in the past for residential and commercial buildings, subject to meeting applicable development standards, including height, floor area, and parking. The subject building exceeds current height limit and floor area for the district.

The applicant requests the City Council consider a future ordinance that would permit roof decks on nonconforming commercial buildings Downtown, subject to a discretionary review process, and with certain performance standards related to the proximity of residential development, height of railings, landscaping and other features. (see Attachment B) The applicant also suggests, as an alternative, that the subject property could serve as a case study for such an ordinance that could be repealed if later determined necessary.

The subject property was constructed in 1971, is five stories and 82'-6" tall in a district with a current height limit of 50-feet. The building has 48,585 square feet of office floor area (FAR

3.88:1). The roof surface is approximately 9,750 square feet; however, the applicant is considering a roof deck of approximately 2,650 square feet.

Establishing a roof deck on the subject building would incrementally increase the building volume height and floor area for the nonconforming structure. It is anticipated the roof deck system would result in a slightly raised roof surface and include the addition of guard railings, elevator enclosures, trellises, and fixed or moveable furniture. The elevator would contribute to floor area, which may require review of parking requirements. Any increase in the nonconforming height or floor area could not be accomplished based on current codes. Additionally, the City Council in 2016 reinforced a provision related to the building envelope of nonconforming buildings, which established a more restrictive view on changes to nonconforming buildings. This code section would also require modification with a future roof deck ordinance.



Aerial View: Existing Building
Source: Google Image



Photo Simulation: Possible Roof Deck

Discussion

Rooftop decks in a climate such as Palo Alto can offer a nice amenity to building occupants and take advantage of outdoor space that may be underutilized. Roof decks provide an opportunity for outdoor breakout space, employee break areas, outdoor lunch space, and employee events. Roof decks may result in building upgrades that make older buildings more attractive and increase value.

Depending how the space is used, adjacent building tenants and owners and the general neighborhood could be impacted by excessive noise, light and glare, privacy and potentially parking. Regulations, or performance standards, could be established to limit some of these impacts, such as precluding use of the space for anyone other than building occupants. Time restrictions could also be established and lighting and privacy could be ameliorated with shields and landscaping. Additionally, having some form of a review process, such as review by the Architectural Review Board would provide the public an opportunity to comment on a proposed design.

While the subject application is driving this discussion, staff recommends that any policy on roof decks be considered on a district-wide basis, if there is even interest in pursuing the topic. Commercial corridors such as El Camino Real, which has stretches of commercial zoning abutting residential districts, may be more problematic than in Downtown or the Research Park. Roof decks on nonconforming buildings near residential land uses, especially single family zoned properties are inappropriate. It should be noted, however, that a conforming roof deck on a commercial property does not currently have performance standards to minimize potential impacts; only through the architectural review process are these potential conflicts addressed.

If a policy on roof decks is ultimately developed, there should also be some consideration given to presently conforming buildings and the opportunities potentially granted to nonconforming buildings. There may be examples of conforming buildings today whose owners or tenants may want to create a rooftop deck but may now be limited by height or floor area.

Next Steps

Allowing roof decks on nonconforming buildings downtown or in other portions of the city would be a shift in policy requiring a text amendment. The city's municipal code provides that such amendments require prescreening review before the City Council. Comments made by councilmembers are non-binding and the applicant may choose to file an application or not. Importantly, no action or decision is made during a prescreening study session discussion.

The purpose of this prescreening is to gauge the Council's interest in considering an ordinance that would permit roof decks and roof deck amenities (such as canopies, trellises, seating area, landscaping and similar features) on the roof of nonconforming and/or conforming buildings. If there is interest and an application for a zoning amendment is filed, staff can work with the Planning and Transportation Commission (PTC) to develop an appropriate application type, review process and performance standards to allow exceptions to the height limit, floor area and potentially other development standards for the purposes of establishing a roof deck. Council guidance on any of the topics highlighted above and other interest areas would help frame that discussion with the PTC.

If there is a lack of interest in exploring such policies, that guidance can be provided to the applicant and the city will continue to regulate roof decks under existing codes, which would only permit such features if it met all applicable development standards. While the prescreening applicant could still apply for a zoning amendment, the City Council would have the final say over such a legislative request.

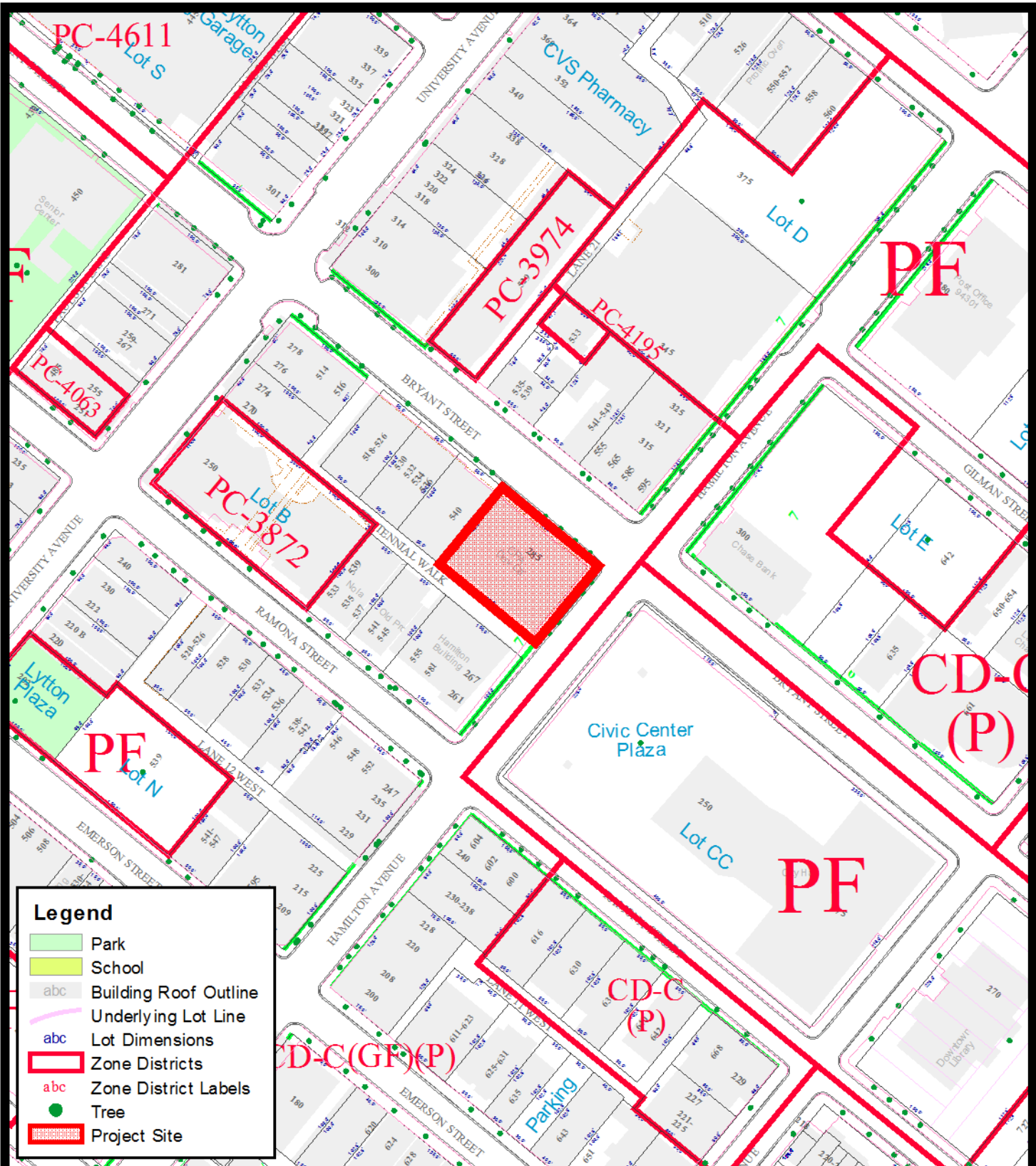
Environmental Review

This preliminary review is not a project in accordance with the California Environmental Quality Act and therefore, no review is required at this time.

Attachments:

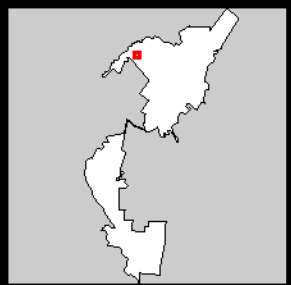
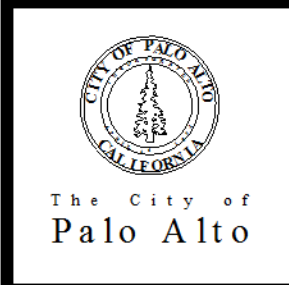
- Attachment A: Location Map

- Attachment B: Applicant Narrative
- Attachment C: Project Plans



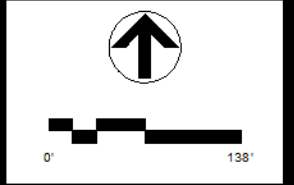
Legend

- Park
- School
- Building Roof Outline
- Underlying Lot Line
- Lot Dimensions
- Zone Districts
- Zone District Labels
- Tree
- Project Site



**285 Hamilton Ave
Location Map**

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



August 23, 2017

Jonathan Lait
Assistant Director, Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301

Subject: Houzz Roof-Deck Patio

Dear Mr. Lait:

In response to the home design and consulting business Houzz request for a roof-deck patio on top of their five-story building at 285 Hamilton Avenue, which also houses the Palo Alto Development Center on the ground floor, there are two scenarios going forward that we propose:

1. Draft an ordinance focusing just on this building as a test case.
2. Draft an ordinance that would apply to the downtown CD commercial district - I recommend this approach.

In either scenario, we suggest to the City that this downtown CD zoning ability will be used as a test case and be re-evaluated in perhaps 12 months.

Proposal

- The ordinance allowance would be exclusively for roof-deck patios used for those specific tenants/owners, and could not be used for additive commercial uses such as a restaurant or for other uses that would increase basic parking demand and traffic trips. This restriction would be understood and codified in either a binding approval document or a Development Agreement.
- The ordinance allowance would exempt appurtenances such as safety railing, elevator shafts and furniture from the 50-foot CD height limit for those buildings that may already be at the 50-foot height limit or exceed it. The height exemption would only be to the level required by minimum building and safety codes, e.g. the railings would need to be a minimum of 42 inches in height for public safety but no more.
- These roof-deck patio height exemptions would not apply to those buildings within 150 feet of any abutting residential zoning district and roof-deck patios could be proposed but they would continue to be required to meet the abutting residential district total height limits.

Received

AUG 23 2017

Department of Planning
& Community Environment



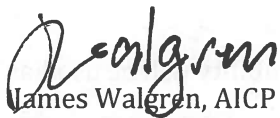
- The ordinance would include design review, landscaping and furniture standards to ensure that these roof-deck patios are attractive from off-site.
- The ordinance would be re-evaluated in 12 months from the time the first patio is completed to ensure that these design standards are sufficient. The ordinance could then either be modified or terminated. Any finished roof-deck patio would be allowed to remain under basic nonconforming building statutes.

The above criteria can readily be adopted into the existing CD zoning ordinance.

Given the weather climate of the Peninsula area and the culture and innovation of Palo Alto, allowing roof-deck patios with land use and traffic impact and parking controls, zoning and building code restrictions and with design review criteria, would seem to be a very positive amendment. And if one or two of these get built during this trial period and the City Council is not happy with the outcome the ordinance could be rescinded.

Thank you for the opportunity to work with you on this unique project. I think it is a good project that could become a model for other Silicon Valley communities to use for their own downtowns.

Regards, James



James Walgren, AICP
Director, South Bay and Peninsula
Lighthouse Public Affairs
530 Emerson Street
Palo Alto, California 94301



Attachment C

Project Plans

Hardcopies of project plans are provided to Council. These plans are available to the public by visiting the Planning and Community Environmental Department on the 5th floor of City Hall at 250 Hamilton Avenue.

Directions to review Project plans online:

1. Go to: <https://palalto.buildingeye.com/planning>
2. Search for "285 Hamilton Av" and open record by clicking on the green dot
3. Review the record details and open the "more details" option
4. Use the "Records Info" drop down menu and select "Attachments"
5. Open the attachment named "**285 Hamilton Ave – Initial Plans – 8 23 17.pdf**"