

## **PAN Response to 285 Hamilton Prescreening Request for Roof Decks**

Dear Mayor Scharff and City Councilmembers:

We, the co-chairs and Zoning Committee members of PAN (Palo Alto Neighborhoods), are concerned that the proposed roof deck amendment for nonconforming buildings will harm residents who live in our commercial areas. Although the staff report indicates that the roof decks must meet "certain performance standards related to the proximity of residential development," the proposed protections in the attached letter apply only to "150 feet of any abutting residential zoning districts" – ignoring the fact that our commercial zones are also increasingly residential!

The Downtown CD zone allows up to 1.0 FAR for residences. This is the same as RM-40, our densest residential zone. Many hope that more residences will be built downtown, taking advantage of the generous FAR allowance. We could easily end up with more residents per acre downtown than in any R-1 area. The staff report says:

Roof decks on nonconforming buildings near residential land uses, especially single family zoned properties are inappropriate.

Why then aren't roof decks inappropriate in zones that contain residential land uses such as Downtown? We also don't understand the sentence's implication that single family residences are more deserving of protection than multi-family ones. The intrusive noise, light, and loss of privacy from roof decks near multi-family residences will presumably harm even more people than those near single family properties.

The city should not rely on discretionary review or enforcement to protect residents from roof decks. Review processes cannot protect residences that have yet to be built. And our enforcement mechanisms are ill-suited for evening noise complaints. Architectural Review Board member Wynne Furth pointed out at the March 17, 2016 hearing for 411-437 Lytton that it was hard to get enforcement for conditions imposed on buildings. She was speaking of a very similar situation, namely a proposed outdoor deck for employee functions at an office building whose neighboring residents raised concerns about noise, light, and privacy intrusion.

The purpose of these large roof decks raises another concern. These decks aren't just for a few employees to get some fresh air on a break. Rather, they are designed for large-scale employee events, which can be loud and intrusive. Such events can also be held indoors in restaurants. In fact, we want to encourage Downtown offices to use our local restaurants and thus bolster our retail sector.

It seems unfortunate that this proposal stems from the desire of one tenant of a single non-conforming building to gain a non-essential benefit but fails to address the much more vital goals of encouraging residential and retail uses in our commercial areas.

Rather than support the roof deck proposal, either as a general change or as a "test case," we suggest the Council instead consider extending more of the protections our traditional residential zones enjoy to all our other districts that allow residences. Doing so will make more of the city livable and attractive to residents and seems both fair and appropriate, given our City focus on improving housing opportunities.

Thank you,

Sheri Furman, Co-Chair of PAN and Zoning Committee Member  
Rebecca Sanders, Co-Chair of PAN and Zoning Committee Member  
Jeff Levinsky, Zoning Committee Chair  
Neilson Buchanan, Zoning Committee Member

<https://www.paloaltoonline.com/news/2017/10/27/palo-alto-may-ease-rules-for-downtown-roof-decks>