



ARCHITECTURAL REVIEW BOARD
APPROVED MINUTES: November 17, 2022
Council Chamber & Zoom
8:30 AM

Call to Order / Roll Call

The Architectural Review Board (ARB) of the City of Palo Alto met on this date in Council Chambers and virtual teleconference at 8:30 a.m.

Present: Chair David Hirsch, Vice Chair Peter Baltay, Boardmember Osma Thompson (via Zoom), Boardmember Kendra Rosenberg, Boardmember Yingxi Chen

Absent:

Oral Communications

Veronica Dao, Administrative Associate III, stated there were none.

Agenda Changes, Additions and Deletions

[Did Chair Hirsch speak off microphone? 17:30ish]

Claire Raybould, Senior Planner, explained that staff planned to ask for a continuation on 123 Sherman to a date certain of December 1, 2022. The ARB would meet on December 1st and the 15th. December 1st would hear 660 University and 123 Sherman. December 15th would have a study session on 200 Portage.

City Official Reports

1. Transmittal of 1) the ARB Meeting Schedule and Attendance Record, 2) Tentative Future Agenda items and 3) Recently Submitted Projects

Jodie Gerhardt, Manager of Current Planning, thanked Ms. Raybould for speaking for her in Agenda Changes, Additions, and Deletions. The ARB had the list of future projects, and she was happy to answer any questions on them.

Chair Hirsch congratulated staff on the updates to the pipeline list.

Vice Chair Baltay requested that staff explain the review schedule for the Fry's site at 200 Portage. He understood that it would be a split review.

Ms. Raybould explained that given the size of the property they thought it was appropriate to do a study session on the townhomes and a separate session on the cannery. that would also allow time for the Historic Resources Board (HRB) to provide input on the remaining cannery building before the ARB held a study session.

Vice Chair Baltay asked when the reviews would take place.

Ms. Raybould explained that the townhome portion of the site would come forward on December 15th. The study session for the cannery would be January 19th.

Vice Chair Baltay asked how the feedback from the HRB would be integrated on the cannery portion of the project.

Ms. Raybould said that the goal was to get feedback from the HRB on how to treat the remaining building. the development agreement for the proposed project was a significant and unavoidable impact on a historic resource. It would lose its integrity and not be eligible for the California Register following the demolition for the townhome project. However, they still wanted to treat the remainder of the building consistent with the Secretary of the Interior's Standards. The HRB would explain how they could still provide an educational opportunity to the public with the remains of the building.

Vice Chair Baltay asked if the HRB's review was in advance of the ARB's meeting on the 19th.

Ms. Raybould said that it would be.

Vice Chair Baltay asked when they would look at it.

Ms. Raybould hoped to go before the HRB on the 12th. The staff report would be out before the feedback, so staff would give an oral presentation to the ARB on the HRB feedback. The 19th was just a study session, the project would return to the ARB for a formal review.

Chair Hirsch inquired about the remainder of the site.

Ms. Raybould asked if he was inquiring about the City portion of the property.

Chair Hirsch explained there were 3.25 acres that were in negotiation with the Council.

Ms. Raybould explained that the development agreement did not include development on that site. The California Environmental Quality Act (CEQA) document analyzed a 1 acre affordable housing project that could go there, but any future project would have its own design phase and would come to the ARB. The other 2.25 acres would be designated as a park and would go through a public process with a park improvement ordinance. They are looking into improvements for the park including the naturalization of the creek bank and that was being considered as part of the North Ventura Coordinated Area Plan (NVCAP).

Chair Hirsch commented that everything should be integrated into a conceptual design as a single piece of property.

Action Items

2. PUBLIC HEARING / QUASI-JUDICIAL. 3001 El Camino Real [22PLN-00229]: Consideration of a Major Architectural Review to Allow Demolition of Two Existing Retail Buildings to Construct a 129 Unit, 100% Affordable, Five-story, Multi-family Residential Development Utilizing Allowances and Concessions Provided in Accordance With State Density Bonus Regulations. The Units Would be Deed Restricted to Serve Tenants Meeting 30%-50% of Area Median Income. The Project Would be Located on a Proposed new 49,864 Square Foot lot Located at 3001-3017 El Camino Real. Environmental Assessment: An Initial Study/Mitigated Negative Declaration is Being Prepared in

Accordance With the California Environmental Quality Act (CEQA). Zoning District: CS (Service Commercial). For More Information Contact the Project Planner Claire Raybould at Claire.Raybould@cityofpaloalto.org

Chair Hirsch introduced the project and called for the staff report.

Ms. Gerhardt reminded Chair Hirsch to call for disclosures.

Vice Chair Baltay disclosed that he visited the site.

Boardmember Rosenberg disclosed that she visited the site.

Boardmember Chen disclosed that she visited the site.

Chair Hirsch stated that he visited the site but had not met with anyone.

Boardmember Thompson indicated that she was out of town but was familiar with the area.

Ms. Gerhardt stated that she had sent an email to the ARB earlier in the morning regarding the project and wanted to summarize it for the public. The project was 100% affordable and used the latest State density bonus laws. The applicant was allowed up to four concessions. The application was also under SB 330, so the regulations were frozen on May 17th which was prior to the Objective Standards being implemented. Therefore, the project did not need to adhere to the new Objective Design Standards only to the original Context Based Design Standards. The standards could not downzone the property in any way. The ARB and City could impose objective conditions that did not downzone.

Ms. Raybould stated that 3001 El Camino Real was located near the Fry's site between Olive and Acacia. There were single family residential uses to the rear of the site, a vacant surface parking lot along Acacia, and other commercial uses along Acacia. The applicant proposed demolishing the building that used to house Mike's Bikes and constructing a 5-story residential rental building with 129 very low income units. The project was subject to SB 300. The preapplication was filed on May 17, 2022, so the development standards in effect at that time were applicable to the project. The project was also subject to a 5 hearing limitation. The parcel was 1.14 acres. Under the State Density Bonus there were additional allowances for 100% affordable projects to anything lower than "low income". She repeated that the project was for very low income. The project was eligible for unlimited density, but that was inapplicable due to the El Camino location anyway. They were eligible for a 33 foot height increase from the base zoning. The areas within 150 feet of the single family residential zoning were allowed to be 35 feet and other areas were allowed to be 50 feet. The applicant proposed 59 feet where 62 to 83 feet were allowed. There was no parking requirement for the project as it was located within proximity to a major transit stop, but they were providing 103 spaces anyway. The plans indicated 106 spaces, but staff noted that the Americans with Disabilities Act (ADA) spaces were not compliant and therefore the applicant planned to make an adjustment. The applicant proposed four concessions, the first was for a 5 foot setback along Acacia where 10 feet was required. They were providing more space on the ground floor; it was only the upper floors that projected to 5 feet. The other concessions were related to lot coverage, gross floor area, and open space requirements. The Code does not allow something to count toward useable open space if its dimensions were less than 6 feet and it was private. Some of the units had 5 foot dimensions and so they did not count under the code. The code also did not allow usable open space to count if it were on the 2nd

floor. Based on that the applicant requested an open space concession as they were providing an area for residents. Key considerations related to the project were that it was subject to the Housing Accountability Act and Senate Bill (SB) 330. Staff sought feedback from the ARB on the overall design and consistency with the Comprehensive Plan, the Zoning Code, and applicable Objective Standards. Staff further recommended they provide public feedback and continue the item to a date uncertain. The continuation was necessary as the environmental analysis was not yet complete. The environmental documents needed to be released to the public prior to a formal recommendation. She indicated that she was prepared to answer questions and that the applicant had a presentation.

Chair Hirsch called for questions of staff.

Vice Chair Baltay asked if the 5 foot balconies and open space on the second floor were included if the project would comply with the open space requirements.

Ms. Raybould believed it would.

Boardmember Rosenberg asked which frontage was considered the front of the property and was technically supposed have a 10 foot setback.

Ms. Raybould stated that the shortest side that permitted vehicular access was the front of the lot. Olive Avenue was the front of the lot per code and Acacia Avenue was the rear of the lot.

Boardmember Rosenberg confirmed that Acacia Avenue should have the 10 foot setback and asked if the 5 foot front setback was standard.

Ms. Raybould explained the front setback should be 0 to 10 feet to provide an effective sidewalk width of 8 feet.

Boardmember Thompson said that she had questions of the applicant so would wait until after their presentation.

Vice Chair Baltay asked if the front setback determination was subject to the Director's judgement as well.

Ms. Raybould did not believe so. The code was clear about the front setback and the definition of "front".

Vice Chair Baltay confirmed that there was no language included like "as approved by the Director".

Ms. Raybould said there was not.

Ms. Gerhardt stated that anything could be interpreted by the Director, but the code was clear. The El Camino Real Guidelines also discussed having a larger sidewalk along El Camino.

Vice Chair Baltay explained that he was asking because logically El Camino was the front of the site. That would not require the applicant to use a concession and they then might be allowed to use it for something else.

Boardmember Thompson noted that the Code stated that the open space on the second floor was not permitted, but if it were on other floors it would be. She requested clarification and asked if staff knew the intent behind the code.

Ms. Raybould stated she was not clear on how the code was interpreted or where that idea came from, [audio skip 40:26] ... correct, but if the open space was above the 2nd floor or on the ground floor it would count. The intent may have been to discourage 2nd floor open space, but she was not sure.

Chair Hirsch asked if that item could be considered an exception that the Director could give the applicant.

Ms. Raybould said it was not; it would have to be either a variance, a Design Enhancement Exception (DEE), or a concession. The applicant requested it as a concession.

Chair Hirsch asked if staff got involved with the planning of the building from the inside out or if they exclusively look at it from the outside in as a zoning package.

Ms. Raybould thought they tried to look at everything in the design. The exterior was the main focus, but the ARB findings spoke to circulation and how the project worked. Therefore, staff also viewed it from that perspective.

Chair Hirsch invited the applicant to make a presentation.

Christian Poncetta, Project Manager at Charities Housing, shared his screen with the ARB and indicated that he would provide an overview of Charities Housing and then ask Will Bloomer who would present the project. Charities Housing is a mission driven non-profit developer operating from Santa Clara County. The mission is to develop, own, and manage quality affordable homes for low income individuals and families.

Chair Hirsch requested that he spell his name for the record.

Mr. Poncetta did so and continued explaining the history of Charities Housing, which was founded in 1993 and received 501(c)3 status in 1996. He displayed a map of its projects and stated that they had built 1,428 homes over 28 properties. They actively manage the properties and maintain an on site staff unit at each location. The property management team is trained in Fair Housing compliance monitoring and tenant relations. Charities Housing had two active construction projects running with a total of 229 homes. Those should open in 2023. There were just over 1,000 homes in the development pipeline. He then showed pictures of completed communities for the ARB's reference. They also provide counseling, skill building classes, finance management and social events for residents. He indicated that he was happy to answer questions following Mr. Bloomer's presentation.

Will Bloomer, Project Architect with David Baker Architects, thanked Ms. Raybould for putting the site in context. One of the site's strengths was its access to public transportation, so he displayed a slide showing the transit stops near the site. He then showed photos of the current site conditions as well as of the former building. The zone was Service Commercial, and a lot line adjustment went through the City, so the property was a combination of Lot 56 and Lot 55. He repeated that they were looking for Density Bonus under SB 330; the project was 100% affordable family housing and was within a half mile of a major transit stop. It qualified for an additional 33 feet of height, unlimited density, and four concessions. They were requesting concessions on the Floor Area Ratio (FAR), on reducing the rear setback on Acacia Avenue, on exceeding the lot coverage from 50% to 74%, and on the required open space. The project had a total of 129 homes including a mix of 3 bedrooms, 2 bedrooms, 1 bedroom, and studios. The building was five stories, 59 feet tall, 100% affordable targeting 30% to 50% Area Median Income (AMI) and was

just under 137,000 square feet. They would provide parking for 103 cars, mostly through the use of puzzle lifts and 152 bicycle spaces. The form of the building was a unique S shape, and he displayed an aerial rendering and a site plan. David Baker Architects and Charities Housing were committed to the sustainability of the site and were attempting to take advantage of solar orientation with solar photovoltaics (PV) on the roof and landscaping to manage water. He displayed the ground floor plan and noted how the parking was hidden and wrapped by amenities. The courtyard was between the property management and the lobby area. There was a community room and gathering area which connected to the open space and children's playground. There was a pedestrian mews and desirable units along the rear. He highlighted the second floor common open space that the project would provide. Formwork was the landscape architect, and the area would be an amenity for the units. He also pointed out that many units had balconies. The materials were used to break up the building and reduce its visual mass. Fiber cement was very durable, and they emphasized the massing on El Camino Real with a thin brick. The project also featured perforated metal balconies and sunshades, wood slat screens by the stairs, and a concrete and storefront ground floor. He showed renderings and asked them to note the different textures and the courtyards. The El Camino/Acacia edge was important, and he displayed the rendering. The wood stair screen would be a "lantern" for the community. The ground floor was open and would create an active frontage around the entire project. The El Camino Real Elevation included several amenities along its length and the building complied with the daylight plane on Acacia Avenue and the setback allowed a lot of space for landscaping and the common rear courtyard. It was also the mews access to the unique units. He showed a rendering of the El Camino entry plaza and explained they wanted it to be welcoming. He noted the materiality and explained that property management would be on one side with the lobby on the other. The Olive frontage rendering was displayed and included the garage entry. The rear property line view was shown with the second floor open space visible for the length of the building.

Chair Hirsch apologized for interrupting and explained that the applicant was nearing its 10 minute time limit. He noted that he had forgotten to mention the time limit and requested Mr. Bloomer conclude his comments shortly.

Mr. Bloomer indicated that he only had one slide left. He showed the Olive Elevation and then the view of the project to the south. They wanted to create a building that felt at home in the neighborhood and had vegetation that tied in with the residential areas. The building mass was broken up at the courtyards. They were happy to answer questions.

Chair Hirsch thanked the applicant and called for the public comment.

Ms. Dao indicated that there were none.

Boardmember Thompson asked the applicant if there was a fence on the Acacia side in between the courtyard connected to the community room.

Mr. Bloomer stated that there was a fence with access gates on either end to give access to the pedestrian mews.

Boardmember Thompson asked if they considered an E shaped building versus an S shaped building for the massing.

Mr. Bloomer explained several forms were looked at, but they liked the S shape best for its ability to break down the mass and provide varied courtyards. At least one iteration had an E shape.

Boardmember Thompson asked if there was a reason why the 5 foot balconies could not be 6 foot balconies.

Mr. Bloomer stated that in order to try and maximize the envelope it was done. All the balconies on the inside edge were 6 feet. The outer balconies along the edge were 5 feet due to the setback. The only reason the space did not count was because of the 5 foot depth.

Boardmember Thompson asked if that was because they wanted to keep the floor area in the unit.

Mr. Bloomer said that in order to make things work every foot counted.

Ms. Raybould noted that the balconies could extend into a setback but not over the property line. The balconies were to the property line at 5 feet.

Boardmember Thompson stated that she understood. She asked if the CP1 material was a white or a light grey.

Mr. Bloomer said that the final selection was not made but the color would be a white.

Boardmember Thompson inquired about the color of the WWI thin brick.

Mr. Bloomer explained they planned to do a mix of a few brick colors to create a variety. Currently it was several different blacks in the rendering.

Boardmember Thompson confirmed the design intent was to have several different shades of brick.

Mr. Bloomer said it was.

Boardmember Thompson confirmed the shading perf panel was a Corten color.

Mr. Bloomer said it was a Corten rusting steel.

Boardmember Thompson asked why they placed the service areas on Olive and Acacia rather than on the north side of the building.

Mr. Bloomer explained that between the front entry and the garage they did not want to make the location feel “lesser”, so they placed it where it was to create four strong elevations.

Boardmember Thompson asked if units were explored on Olive and Acacia.

Mr. Bloomer said there was not enough depth.

Boardmember Chen asked about the floor to ceiling height of the ground floor units.

Mr. Bloomer believed that was 13 feet. Those would be some of the tallest units.

Boardmember Chen asked if the unit was elevated from the ground.

Mr. Bloomer said that they would essentially be the ground floor, possibly with a step up. The tenants would get a wonderful tall space.

Boardmember Chen asked where the short term biking storage was held.

Mr. Bloomer stated that some were in the entry courtyard, a few spots were along Olive Avenue, and some were along El Camino Real.

Boardmember Chen asked if the ground floor services would be available to the public.

Mr. Bloomer said it was a residential use and they were residential amenities. They were still considering what would go there, but a fitness amenity was possible.

Boardmember Chen asked about the thin brick material and where it stopped after it wrapped the corner.

Mr. Bloomer utilized a floor plan and pointed out where the material would wrap.

Boardmember Chen asked for the distance from the transformer to the building.

Mr. Bloomer pointed out where it was and explained they wanted to utilize landscape screening to make it easily accessible but not prominent.

Boardmember Rosenberg asked why the main vehicular access was placed on Olive rather than Acacia.

Mr. Bloomer was not sure if there was a fundamental reason why one was chosen over the other.

Boardmember Rosenberg noted that there appeared to be a pedestrian entrance near the garage.

Mr. Bloomer confirmed that was correct.

Boardmember Rosenberg asked if that was the only interior/exterior access to the parking.

Mr. Bloomer noted that there was space next to the driving aisle that could be used to enter and exit as well. The entrance points were determined by the parking stackers and their placement.

Boardmember Rosenberg assumed it would not be feasible to let out to the community open space as that would impact parking.

Mr. Bloomer noted they had to control circulation and space. Having access that the onsite management was well aware of was important.

Boardmember Rosenberg confirmed there was no designation for the residential service spaces yet but inquired what they could be.

Mr. Bloomer mentioned a multipurpose room and then said that there was discussion about a room for charities.

Mr. Poncetta said that they typically had an onsite service provider so some space might be used as the service office space.

Boardmember Rosenberg said that it was currently unclear but would be directly related to the building and not a café or similar.

Mr. Poncetta agreed that was correct.

Boardmember Rosenberg asked about the back façade and the units there. She heard they would be low to the ground with a possible step up. She asked for a better idea of the articulation and noted that in the rendering they were behind a fence. Currently it looked like a big swath of concrete color.

Mr. Bloomer said that they loved textured concrete and thought it would be a positive for the community with the weathered steel. That ran the entire length of the back area. There was a Corten awning over each door. The articulation was a sense of each unit though the placement of windows and doors was to be determined. They had done this on a few other projects and these units were loved for their really high ceilings.

Boardmember Rosenberg confirmed there was no material or color change unit to unit. It would be textured concrete the whole way down.

Mr. Bloomer explained that was the current design intent.

Boardmember Rosenberg pointed to the staircase from the 2nd floor common space and asked if it was the only access point from the ground level to the common space.

Mr. Bloomer said that stairway was not public, it was a requirement by the Fire Department for ladders. Currently it was not a public stairway. One would have to go through the building using the stairs or the elevator to get to the second floor space. They wanted to control access to the building.

Ms. Raybould had a note about why the vehicular access was on Olive rather than Acacia. That was because the vehicular access on Olive allowed for left hand and right hand turns at El Camino. Acacia only allowed one to go northbound on El Camino and one could only access the site if they were coming from the southbound direction. The former mixed-use project also designed the site with access on Olive.

Vice Chair Baltay said it was interesting to hear the applicant's thought process behind the design. He asked the applicant to explain the access and circulation control needs relative to the unique needs of the 100% affordable housing building. Was there anything particular about the building that required different or specific access or circulation controls.

Mr. Bloomer asked if Mr. Poncetta wanted to take the question.

Mr. Poncetta explained that they liked residents to enter through the main entrance where they had a security guard or front desk person monitoring the traffic. Based on that they wanted residents to enter through the courtyard. That was the main control for circulation. He asked if Kathy Robinson wanted to answer the question.

Kathy Robinson, Director of Development for Charities Housing, believed that Mr. Poncetta responded accurately. Affordable housing was a little different from market rate housing in that they wanted to provide a very safe and secure environment. That was done by having residents and guests flow through an entry point. It was as much to keep the residents safe as anything and was efficient.

Mr. Bloomer explained that part of the design intent was to give the front desk and property management full eyes on the plaza. They would use landscaping to funnel people to a single entry point. Landscaping then became an amenity for the entry experience.

Vice Chair Baltay requested to see floor plans for the ground floor apartments. He asked if he was missing unit layouts in the package.

Mr. Bloomer said that the unit plans were only a starting point for discussion but indicated they could provide them.

Vice Chair Baltay found that one of the 2nd floor open spaces was about 35 feet wide and the other was 40 feet wide. The building walls appeared to be about 44 feet high. He asked if those numbers were accurate.

Mr. Bloomer thought that they sounded about right.

Vice Chair Baltay asked if they knew how the 2nd floor areas would work with the stormwater control.

Mr. Bloomer said a member of the team looked at the roof's square footage and how it would be accounted. They would need to provide another diagram of how the water would be treated. The civil team did have a diagram prepared. The water would also have to be collected from the podium and brought to the ground.

Vice Chair Baltay said he was skeptical about the plans because some depth of soil was required and on a podium that was a critical issue. With the fiber cement panels he asked if they were custom made or who the manufacturer was. He also inquired about a cost analysis of the materials. To follow up he stated that he assumed they were on a tight construction budget.

Mr. Bloomer said that was true. Fiber cement was something that they got good pricing on, but currently things were changing rapidly. Lately it was more expensive, but it was generally a go to economical choice. They were studying premium materials in the right spaces.

Vice Chair Baltay said that on one of his projects he received pricing on perforated metal panels and had been a little shocked. The fiber cement was an important element and he wanted to ensure it was thought through. He thought it sounded like the project was still in the design intent phase and asked if that was correct.

Mr. Bloomer confirmed that was where they currently were. He knew that Ms. Robinson was searching for a general contractor. With the balconies they placed the weathering steel on a lot of projects, but lately all cost assumptions were useless. Depending on the materials used they would still utilize the same strategies to break up the mass. Costs were tough and they would be cost constrained.

Vice Chair Baltay thanked him for the candid answers.

Chair Hirsch said that wrapped up the questions.

Boardmember Thompson indicated that she had another one.

Chair Hirsch suggested she ask it.

Boardmember Thompson asked if they had done the Corten shading elements on a prior project.

Mr. Bloomer said they had on several projects.

Boardmember Thompson asked if it was done on a white façade.

Mr. Bloomer indicated they had.

Boardmember Thompson inquired about the possibility of staining.

Mr. Bloomer said that it could be pre-stained, which would go a long way to avoiding the issues.

Boardmember Thompson asked if it stopped the runoff from staining the façade.

Mr. Bloomer said that the vast majority of staining would happen at the beginning. He could provide a list of projects where it was done.

Chair Hirsch confirmed that concluded the questions and brought the conversation back to the ARB. He thanked the applicant for the presentation. In New York his firm focused on supportive housing, so he was thrilled by the project. He was also pleased that Charities Housing had come to Palo Alto, which he did not have the opportunity to work with in New York. He praised the charity and its long history of providing supportive housing. He was pleased to hear the City Council discuss adjacent sites in the NVCAP neighborhood. The Planning Director proposed and the Council accepted that the City should consider taller buildings, potentially 6-stories, and credited the ARB as proposing the increase. He did not recall a specific mention of the height increase, but was pleased that context, neighborhood scale, and studies of pedestrian eyelevel impact would be included. He thought the ARB critique of projects must begin where the architect began; by understanding how the program worked. It was critical that the ARB was aware of all that since under new state regulations there was limited time in which the ARB could comment. The architect for the project was one of the best supportive housing architects in the country. Their scheme for 3001 El Camino reduces the bulk of the building to a more manageable massing proportion. However, there were some major unacceptable flaws. The elevators were located at the dead end of the southwest corner of the S. the linear length of the corridor to the furthest 3 bedroom units was about 400 feet. He thought that was too long and included too many obstacles. It would be more logical to place the elevator core in the middle of the S where it was equidistant from both building extremes. He thought it was reasonable to request the relocation of the elevator under ARB Finding #2. If the elevator was moved to the center there would be freedom to allow more variety in the massing. The site was bordered by Olive, a mixed-use district with low office structures and residences. Acacia bordered a commercial building. there was no presently available master plan or circulation diagram for the neighboring sites in the Fry's boundary which limits the ARB's ability to comment. He believed Acacia would be a major vehicle entry point to the Fry's parking lots when the rest of NVACP was built. The proposed building from the Olive view would overwhelm the neighborhood. He requested a street elevation from Olive Street that showed the comparative nature to the street. The design violated Finding #2 by not providing a harmonious transition in scale, mass, and character to the adjacent parcels and land use designations. He believed they should reduce the mass on Olive to respect the neighborhood and provide a higher elevation on Acacia where the height was not problematic. That meant a taller building which would be allowed under new State regulations and by the City for supportive housing projects. He was confident that the Council

would approve that approach as well. The ARB should return the study of the massing to the architect. Additionally he suggested they consider flipping the garage entry to Acacia and moving the ground residents from the rear yard to face Olive in order to reinforce the residential scale of the street. That would change the circulation but there would ultimately be circulation issues around the site anyway. He asked if there was a study of the transit requirements of the site and noted that he did not think that one was completed. The present ground floor uses were a “grab bag” of the kind of uses required for proper functioning supportive housing community but were disconnected from the building’s circulation. The bicycle storage should be closer to the entry and there was not enough thought given to the access and circulation. It was sacrilegious to locate some of the things on the ground floor. The third or fourth floor featured great views and it might be more interesting to have some of those facilities there. Overall there was not enough thought given to the relationship of the uses within the building and things were uncoordinated. He questioned which side should be the front of the building and which should be the back and noted the applicant needed to recognize that it was a mixed-use community of residences, and the neighborhood should be offered a way to participate in the building. he understood it was important to have control over tenants in a supportive housing building, so he understood the control point. They needed to recognize that they would have large families as tenants, and they should not have to walk as far to the elevators. The code requires a commercial space at a prominent ground floor corner. He thought that might not be possible here even though the idea seemed sensible. He wondered if an eating establishment would be possible and pointed to a nearby establishment as a model. The restaurant could be used as a sort of job training place for residents like Ada’s Café. He repeated that he was concerned about a program that did not seem to work, circulation that did not work, massing that did not work relative to the neighborhood, and thought Acacia would be a better access point.

Boardmember Rosenberg said that her thoughts were not as composed as Chair Hirsch. She both agreed and disagreed with him on several points. She found the project respectful of the neighbors. She initially thought Acacia would be a better vehicular access point but understood that being able to go both northbound and southbound on El Camino was enticing. Based on that she could be convinced that Olive made sense. Second, she appreciated the neighborhood mews and residential units on the backside. Having those along Olive might be better and it might also be better to step the building back and respect the daylight plane so the existing residential homes would not be as impacted. She appreciated that moment and respect. That said, she thought the Olive side was large in mass. There would be 4 stories of residential tenants looking into the backyard of the small single family homes on Olive. Reducing the mass on that side of the building and increasing it on the Acacia side was an intriguing idea and was worth exploring. The building could serve as a transition between the lower profile residential neighborhood and something that could be much larger. She noted that the Fry’s site was around the corner and would be redeveloped. The project could serve as part of the major transition between low impact residential and higher density. The project was thoughtful, and she liked the S shape but questioned the amount of sun to some sides. She wanted to see more interior/exterior circulation, specifically through the courtyard. There were security concerns but there was not enough access. A staircase from the entry courtyard to the 2nd floor open space would be beautiful and secure with a key card entry. If the elevator was not going to be centrally located then the project needed two elevators. The long walk was unacceptable and needed to be addressed. With the materiality the Corten steel was pricey but beautiful. There were concerns about it staining a white material so in the next iteration she wanted to see a

potential alternative. She stressed that she was not making a material change request, she just wanted to understand the back up plan. Additionally, the next package should include all the floor plans for the ARB's information. Specifically, she wanted to see if the ground floor units were more unique. Currently the residential ground floor felt flat and would benefit from further articulation. That was a design choice, so she did not want to require anything related to that. Overall the project was well thought out and she was impressed by the first draft. She thanked the applicant for the presentation.

Boardmember Chen thanked the applicant for the application. She really liked the architect firm and their work in the area. The four concessions requested were reasonable for the project and its location. She agreed with the other Boardmembers about the functionality and location of the elevators and related to the upper floor trash room. They would function better in a central location. With the garage entrance she thought Olive was the preferred option since one could turn both ways onto El Camino. That was reasonable and would function better than Acacia. She recommended they keep the existing mature trees along the backyard since they provided good canopies and screening for the single family neighbors. The landscape designer could create a walkway that worked with the existing trees. On the front elevation she wanted to see more of a landscape design plan. currently with the material selection the pedestrian level was too harsh as it was all concrete or glass. She hoped landscaping or other materials could soften that façade.

Boardmember Thompson thanked the applicant for the application and stated that she was excited to see the project. The ARB wanted to make the project as successful as possible. She also agreed with and would defer to several things that had already been mentioned. She had a project close to the architect's project on [Goff? 1:46:31] and Fulton and that had a similar façade. She explained that the façades were walls with shading devices and in her opinion that was not good enough. The building was quite harsh and would fall flat if the shading devices did not work out. She saw the Fulton project under construction without the shading devices and it looked rough. She was also concerned about the Corten and requested they consider using something different to avoid the staining issue. Originally she thought the Corten was wood and perhaps that would be a good idea, but she was unsure about how that would work with the budget. She agreed with Boardmember Chen that the ground floor was mostly concrete and glass. Another project they reviewed showed a completely glass first level and she did not want the future to be walking alongside nothing but glass walls. The ground level experience needed to be better, and she offered several ideas to enhance the experience and relate the ground level to the mass above. The floating parti was used on the architect's other projects and they wanted something different in Palo Alto. She appreciated the idea of moving some of the amenities to another floor in order to change the massing. A flex space on the ground level for tenants was a good idea and could be used as a community pop up to generate income. Olive made sense for the vehicular access, especially if Acacia would have increased traffic related to Fry's. she enjoyed the daylight allowed in the corridors. In general the materials were doing the heavy lifting since the form was minimal. She pushed the team to add more detail and smaller scale design moves to bring the project to life. Any shape would allow for more sunlight and break up the massing more along El Camino. In closing there was a lot of work to be done, but she was generally supportive of the project. Boardmember Rosenberg commented on the mews potentially looking sparse and she shared that concern. The architecture was brutalist and that was successful when paired with a great landscape plan, which was currently missing. She further suggested moving ["the residential stuff" ? what does that mean? 1:52:26] from the north side to the Acacia and Olive sides to activate the street

frontages. The side of the lot facing the existing residential should hold things that did not need street access.

Vice Chair Baltay agreed with his colleagues, particularly Chair Hirsch's thoughts on the overall massing and site planning. One of his biggest questions was whether the S shape was working correctly. It worked to some degree, but not for circulation. They had set up a situation where they needed two elevators and access on either end. That was a fundamental building layout issue that required more thought. He further agreed with Boardmember Thompson regarding the massing of the building. It was a big box because it was nothing but stacked housing. Putting the fitness center on top gave them a reason to modify the façade. Currently it looked like a large housing project in the city, but Palo Alto was different so that did not fit in any contextual sense. The concrete façade mentioned by Boardmember Rosenberg along the ground level was kind of scary. Having no breaks in the concrete wall was not humane housing. Housing had differentiation and uniqueness. He appreciated the idea on the street but carrying it around the back did not work. Boardmember Chen's comment about the driveway being on Olive was perhaps correct for the current site plan, but the whole area would be developed dramatically and change. Acacia could get a two way turn to El Camino at some point. To hinge the project on the Olive access was not justifiable. It made more sense to place the residential units on the residential side to reduce the impact to the R-1 neighborhood. He also agreed with Boardmember Chen's thoughts on a softer pedestrian feeling. The entry courtyard was well thought out and had a lot of character from a pedestrian standpoint. He did not see that on the rest of the building. The windows were too monotonous and regularly sized. The bedroom windows were tall and vertical, which might not be preferable on El Camino and the common space windows were quite small. They could do a better job with the windows and further break up the façade. That was something Boardmember Thompson referred to as "small scale architectural moves" and those small things would make the project better. He noted that the ARB was required to review the project under the current codes and standards. The building did not meet ARB Finding #4, which required functionality. If he could not get to the fitness center without exiting the building it would not be functional. The elevator placement was not functional. Those were not subjective findings, and it was fair to hold the applicant to an objective requirement. The same thing applied to the contextual standards. Standard [1816090 Number 2B 1:58:56] required articulation at the top of the building, but the project had nothing done to articulate the roof or top of the building. Again, that was an objective observation. Contextual Standard [1816090 Number 3 A, B, C, and D 1:59:22] referenced the building massing and again that objectively did not work as the building was a white box on top of a raised podium. The ARB was required to be very careful and objective when asking the applicant to make changes, but it was clear that the project did not currently meet the objective standards. He repeated that they should consider flipping the building to bring the circulation off of Acacia with additional housing on the other side. The elevator needed to be central to the building circulation pattern or an additional elevator was necessary.

Chair Hirsch congratulated the ARB on its all encompassing look at the building. He thought that their comments provided the applicant with an understanding of the scope of work the ARB expected. The ARB was very enthusiastic about the building being built in Palo Alto and being 100% affordable. Many people in the Ventura area asked for affordable housing and this project was the answer. He hoped that the applicant would take the ARB's advice and not disregard it as they could under State law. Personally he thought Acacia would be a service road for the project. Acacia had been discussed previously and the light had been requested so he hoped that when the Planning and Transportation Commission (PTC) looked at

the project they would focus on that issue. He repeated that the Council was open to the applicants developing the massing and raising the building another floor or two. That would change the scale of the building and the variety of the massing. The ground floor needed a complete landscape idea. He noted that he did not want to summarize everyone's comments and said that he did not think they needed a Motion.

Ms. Gerhardt said that they needed a Motion to continue the item to a date uncertain. It would also be good to ask if the applicant had questions so that everyone was on the same page.

Chair Hirsch agreed and asked the applicant if they had questions related to the ARB comments.

Mr. Bloomer said that he did not have questions but wanted to study the comments. They appreciated the ARB's time and review.

Ms. Gerhardt thanked the applicant and stated that she would provide a summary. She heard circulation concerns related to the elevator, the fitness center, and the vehicular entrance. Staff need to return to the ARB with more background on the vehicular access because the Transportation Department would have an opinion. The ARB had concerns about the massing of the building and whether it had pedestrian scale details. There was conversation about a scary blank rear wall and the ground floor design. With the materials the Corten was questioned. She asked if she missed anything.

Vice Chair Baltay thought Ms. Gerhardt had underplayed the concept of having more public or community or commercial space along the street. Several Boardmembers asked if they could explore those possibilities.

Ms. Gerhardt said that she would add potential commercial space on the ground floor but noted there was no code requirement for it. She also heard something about a potential flex space on the ground floor.

Boardmember Thompson clarified that the comment was about ground floor activation with community or commercial activity and bringing some residences to Olive and Acacia.

Ms. Gerhardt thanked the ARB.

Vice Chair Baltay mentioned that Chair Hirsch suggested that the applicant look into making parts of the building taller and parts shorter. That was something the ARB agreed was a possibility.

Boardmember Thompson said that it was related to the roofline comment as well.

Vice Chair Baltay thought he was the only one that mentioned base/middle/top.

Boardmember Thompson said that she was going to mention it as well.

Vice Chair Baltay stated that he was happy to leave it with "small scale design moments." Chair Hirsch made a strong comment about varying the height and that was something the ARB agreed with.

Boardmember Thompson notified the applicant that the South El Camino Guidelines required the ARB to make a finding that there was a base, a middle, and a top for the design.

Chair Hirsch said that the ARB had differences related to base/middle/top. El Camino was in a different era and Palo Alto needed to relook at those guidelines since El Camino was an ever changing part of the City. It would change even more radically over the next few years. The project did not have much of a “top” but there ought to be some flexibility. He did not believe that they needed to create a special top to the building since the façade was so long.

Boardmember Thompson did not want to preclude anything as the designer might come up with a solution that was good.

Ms. Gerhardt said that there were a variety of opinions about the topic on the ARB. The El Camino Guidelines were what they were, and the architect needed to convince the ARB that there was a base/middle/top.

Chair Hirsch said that was Ms. Gerhardt’s opinion.

Ms. Gerhardt explained that there were many definitions of base/middle/top, so it was the applicant's job to make the argument.

Vice Chair Baltay said that objectively a top was a top. Either a person was wearing a hat or not.

Ms. Gerhardt noted that there were small and big hats and different color hats.

Vice Chair Baltay stated that there was currently no hat.

Ms. Gerhardt reminded the ARB that they needed a Motion to continue.

MOTION: Boardmember Thompson moved, seconded by Vice Chair Baltay, to continue the project to a date uncertain.

VOTE: 5-0-0-0

Boardmember Rosenberg stated that she thought the ARB was excited to see the project again.

Chair Hirsch agreed.

Ms. Robinson and Mr. Bloomer thanked the ARB.

The ARB took a break

PUBLIC HEARING / QUASI-JUDICIAL. 123 Sherman [21PLN-00172]: Recommendation on Applicant's Request for a Major Architectural Review Application to Allow Demolition of Four Existing Buildings and to Allow the Construction of a New 3-story Office Building With Two Levels of Below-grade Parking. This Project Would Also Require a Lot Merger to Merge Three Existing Parcels. Environmental Assessment: An Initial Study/Mitigated Negative Declaration is Being Prepared in Accordance with the California Environmental Quality Act (CEQA). Zoning District: CC (2)(R). For More Information Contact the Project Planner, Emily Foley, at Emily.Foley@cityofpaloalto.org.

Ms. Raybould suggested Chair Hirsch introduce the item and noted that staff wanted the item continued to a date certain of December 1st.

Chair Hirsch introduced the item and called for a Motion to continue the project to December 1st.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Rosenberg, to continue the item to a date certain of December 1, 2022.

VOTE: 5-0-0-0

3. Discussion Regarding Amending ARB Bylaws to Address Meeting Attendance in 2023

Chair Hirsch introduced the item and called for the staff report.

Ms. Gerhardt said that the discussion was about virtual hearings and the ARB Bylaws. Beginning January 2023 there were changes to the Brown Act. There would be additional limited exceptions to the typically teleconferencing requirements which did not rely on a statewide emergency. The teleconference was initially allowed because of the pandemic, but AB 2449 stated that Boardmembers may participate remotely without making their location available to the public only when a just cause or emergency situation was present. There still needed to be a quorum of the Board meeting in a single location. The exception may not be used by a member for more than 3 consecutive months or more than 20% of the regular meetings in a calendar year. City Council and other Boards decided to use 3 hearings as the limiter and the ARB could also choose to do that. The PTC met and Chief Planning Official Amy French was present to report on their discussion. The PTC made a small change stating that Boardmembers could attend remotely to the extent permitted by state law. She suggested that if the ARB decided to do that it could write some procedures down outside of the Bylaws. The City would hold Brown Act training on December 13, 2022. The discussion could be tabled until after the training if the Board preferred.

Chair Hirsch asked how many Boardmembers could be remote for a particular meeting.

Ms. Gerhardt explained that a quorum of the Board had to meet in a single location. A quorum for the ARB was three members.

Boardmember Thompson said that 3 hearings were much less than what was permitted by state law. That was lower than 3 months or 20%.

Amy French, Chief Planning Official, explained that each Board and Commission was different and met on different dates and frequency. The option was three consecutive months or 20%. The PTC opted for a very simple expression of the law. She explained that Boardmembers were only allowed three meetings where they did not disclose their location.

Boardmember Thompson asked if it was three meetings or the 20% or three months.

Ms. Gerhardt said that 20% for the ARB was 4 meetings.

Ms. French clarified that it was 4 meetings without announcing a remote physical location.

Ms. Gerhardt further clarified that 4.8 meetings was 20%, but since meetings were sometimes canceled she rounded down.

Boardmember Thompson confirmed that four meetings were 2 consecutive months.

Ms. Gerhardt agreed.

Ms. French noted that cancellations might change things.

Vice Chair Baltay asked Chair Hirsch if Ms. French could summarize the PTC discussion.

Ms. French explained that the PTC did the math like Boardmember Thompson, and it got complex. To make things simple they decided to use the language “to the extent state law allows”. The ARB could decide as a Board to be more restrictive than state law, but that was not advised. The PTC also discussed how the members felt about being masked and unmasked since two current members always attended remotely due to the lack of masks at the dais. That was not agendized but did affect member attendance.

Vice Chair Baltay asked if a member had to cite a reason not to attend in person.

Ms. French said that a health reason could be an illness. The concern about getting ill was part of the PTC discussion. Members did not have to publish that they were not attending due to illness for the three or four times they attended remotely without publishing their location.

Vice Chair Baltay saw that childcare, care of a family member, being ill or having a public meeting was included, but saw nothing about a personal or private work related reason. He asked if they needed to certify or even have those reasons to miss a meeting.

Ms. French said that specific questions could go to the City Attorney.

Vice Chair Baltay said that he had asked Ms. French a specific question.

Ms. Gerhardt read from the law that emergency circumstances meant a physical or family medical emergency that prevented a member from attending. Just cause meant childcare, adult care, a contagious illness, a need related to a physical or mental disability, and travel while on official business of the legislative body. It did not discuss work travel.

Vice Chair Baltay confirmed that if they would enact state law that would need to be followed.

Ms. Gerhardt said that was correct for the 3 or 4 meetings where Boardmembers did not disclose their location. If a Boardmember traveled for work but provided their location that was a possibility.

Vice Chair Baltay asked if the ARB could add their own reasons, such as work related reasons, to not attend in person. He asked if that could be added.

Ms. Gerhardt did not believe they could add to State law.

Boardmember Thompson confirmed that Vice Chair Baltay was speaking about the ARB Bylaws.

Ms. Gerhardt said that the difference was whether they would provide their location or not. If they did not give their location then there needed to be an emergency or just cause. If one provided their location then they could appear remotely for business travel.

Ms. French stated that the ARB could decide what they felt was reasonable for appearing remotely with announced locations.

Boardmember Rosenberg clarified that the key point was whether or not Boardmembers disclosed their location. She asked how far ahead of time a Boardmember had to announce their location and if the request needed to be formal in writing.

Ms. French stated that changes to the Agenda needed to post 72 hours in advance. Staff needed the information prior to that by email. Then Boardmembers had to post the Agenda on their door or wherever they were working.

Boardmember Rosenberg asked if the packet would have to be mailed to wherever the Boardmember was and then physically posted on the door.

Ms. French said that they could bypass the physical packet and take it online.

Boardmember Rosenberg confirmed that the physical posting on the door needed to happen. She explained that she thought that any time they could get more people reviewing a project the better. Therefore, it needed to be as easy as possible for Boardmembers to attend remotely should they have to. If it was easier to skip a meeting that was not a good thing.

Ms. French stated that it was key to make sure that there would always be a quorum in the room. That was necessary as was the advance notice. If there was not enough notice it was better to simply miss the meeting.

Boardmember Thompson asked about extenuating circumstances such as flat tires and Caltrain running behind, such as she experienced that morning.

Boardmember Rosenberg agreed that was a good point. The goal was to have Boardmembers present and working on a project. She asked if they could add lack of transportation and short notice into the Bylaws. If the laws were so restrictive Boardmember Thompson would not have been able to attend and give thoughts on the projects.

Ms. French said that it was a small board and every member mattered. She thought they could frame the emergency that way and that they also could explore the issue in the December training session.

Ms. Gerhardt noted that the definition of emergency circumstances said, “a physical or family medical emergency”. A physical emergency could include inability to attend in person, but that would have to be clarified by the City Attorney. Currently they were still under a State of Emergency and the discussion was about regulations that would be enacted in January. She thought they needed to discuss what would happen if a member could not come.

Boardmember Rosenberg wanted clarity. She asked if Boardmember Thompson could not make it due to a flat tire and train issues then did she need to provide 72 hours’ notice or was that one of her 3 to 4 undisclosed location virtual situations. It was important to be clear about when the 72 hours was required and when it was not and when disclosure of location was required and when it was not.

Ms. French stated that the 72 hours was required for staff to post the Agenda online and for the Boardmembers to post at their previous known non-emergency location.

Ms. Gerhardt explained that there were four options available for 2023. Boardmembers could show up in chambers in person, they could provide their location at least 72 hours in advance, they could attend virtually in an emergency for 3 or 4 hearings, or they could miss the meeting.

Boardmember Rosenberg thanked staff for those clarifications.

Boardmember Thompson stated that her situation did not happen often although Caltrain had been unreliable that week. She asked if the ARB could make provisions to go beyond 4 meetings if necessary. There was no way she could have posted her location as she planned to attend in person until the train did not arrive.

Ms. Gerhardt said that under the new regulation members would have to be judicious about using those 3 to 4 hearings.

Boardmember Rosenberg repeated the first two of the four options: 1) providing one's location with a 72 hour minimum advanced notice, and 2) 3 to 4 meetings where no location is provided. She asked if both were capped at 3 to 4 meetings or if that only applied to the second option.

Ms. Gerhardt believed those issues were separate.

Boardmember Rosenberg confirmed that there were a certain number of meetings that could be missed entirely, up to two or three.

Ms. Gerhardt did not think they had a number for that but at some point the Council would not look favorably on reappointing a Boardmember with many absences.

Boardmember Rosenberg thought that having 3 to 4 meetings which could be attended remotely and 2 to 3 meetings which one could not attend offered a lot of flexibility and covered a large portion of the year. She thought it was generous enough that they could make it work.

Boardmember Thompson confirmed there was no limit on remote appearances with 72 hours' notice.

Ms. French confirmed that there was no limit by State law, but the ARB could come up with its own rules.

Boardmember Thompson repeated that State law did not limit it.

Ms. French confirmed that was correct.

Vice Chair Baltay explained that the ARB was unique as they were practicing professionals holding meetings during work hours. That was a significant sacrifice and it had been difficult getting good architects in town to serve on the ARB. Providing some flexibility so people could work from their offices some of the time was something that should be considered. However, he believed in person contribution was better and was a higher quality way of meeting. Based on that he suggested a cap on 3 virtual meetings over the course of the year. That was plenty to allow for emergencies or work deadlines. He thought 7 was too many. "Emergency" could be personally defined and therefore a work related private emergency was acceptable as well; however, there would be an absolute cap on remote attendance at 3 no matter what.

Boardmember Thompson asked if he would be opposed to 4 meetings.

Chair Hirsch agreed that in person meetings were critical but thought that 7 total meetings was not unreasonable for a calendar year.

Boardmember Chen said that she had no comments.

Vice Chair Baltay asked staff if they could add to the Bylaws “per State law” with a caveat that one could choose not to attend with the 72 hours’ notice a certain number of times.

Ms. French explained that State law did not say how many meetings that Boardmembers could miss. The State law was just for the 3 to 4 remote meetings where the location was not disclosed.

Vice Chair Baltay thought that the State law indicated it needed to be an emergency circumstance and it defined what that was. He asked if they modified it to be a personal circumstance.

Boardmember Thompson thought it said, “as approved by the Board.” She thought it could be a circumstance that was approved by the Board.

Ms. French said that if it was an emergency work circumstance she thought that might work.

Boardmember Thompson said that if the Board approved that as acceptable or transportation difficulties as acceptable then that would work with the State law.

Ms. Gerhardt agreed that an emergency situation could be a physical item. If one could not catch a plane home or similar that would be an emergency.

Vice Chair Baltay said that he was more referring to a large work situation.

Ms. Gerhardt stated that was not in conformance with State law.

Boardmember Thompson asked if the ARB voted for it to be included if that would be acceptable since it said, “as approved by the Board.”

Vice Chair Baltay noted that was not the State law.

Ms. Gerhardt explained that in order to not provide a location the situation needed to be an emergency.

Vice Chair Baltay said that he was advocating for it to accommodate individual choice up to a maximum of 3 or 4 times.

Ms. Gerhardt reminded them that if they provided their location within 72 hours they could work remotely.

Vice Chair Baltay said that as a practicing professional he was not going to know 72 hours ahead of time and place a sign on his door. He noted that it was a volunteer position already and that was a lot to ask.

Ms. Gerhardt said that staff was sympathetic, but the ARB needed to be in conformance with State law.

Vice Chair Baltay suggested the ARB request staff go to the City Attorney and see if his idea were possible. A Boardmember would be allowed to participate remotely a maximum of 3 times.

Ms. French said that they could continue the discussion.

Boardmember Thompson and Boardmember Rosenberg both noted that 20% was 4.

Vice Chair Baltay was worried about a COVID flare up that could cause canceled meetings and get the ARB in trouble under State law.

Boardmember Rosenberg pointed out that when a meeting was canceled it had no effect on the count.

Ms. French agreed.

Vice Chair Baltay said that 20% of a smaller number was a smaller number. He asked how many meetings were held in 2020.

Boardmember Rosenberg stated that was a different timeline.

Ms. Gerhardt noted that development was down during the pandemic, which caused several meetings to be canceled.

Ms. French suggested the ARB consider continuing the item until after the December training and noted that the Historic Resources Board (HRB) had done just that.

Vice Chair Baltay left that to the Chair's discretion and indicated that he had made his view clear.

Boardmember Rosenberg was interested in going to the training and revisiting the item.

Boardmember Thompson said that she was also open to that.

Chair Hirsch agreed.

Ms. Gerhardt noted there was a December 15th ARB meeting. She asked if they wanted to hear it then or in January.

Chair Hirsch thought it could be deferred to January.

Ms. Gerhardt noted that the January 5th meeting was normally canceled.

Boardmember Rosenberg said that it would be January 19th.

Ms. Gerhardt said that was correct.

Vice Chair Baltay asked if the ARB wanted to ask staff to investigate with the City Attorney whether it was possible to do what he had asked.

Ms. Gerhardt said that they would look into it.

Vice Chair Baltay thought the training would be negative about that, but he wanted to hear the City Attorney's thoughts.

Boardmember Thompson was supportive of that.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Thompson, to continue the item to a date certain of January 19, 2023, and to request staff obtain a legal opinion on whether Boardmembers could miss a certain number of meetings with no cause without notification.

VOTE: 5-0-0-0

Study Session

4. Ad Hoc Committee Report: Objective Standards for Townhomes

Chair Hirsch explained that he and Boardmember Chen had met the past several months to look at the Objective Standards and in the last month they specifically looked at townhomes. The Sobrato project made that matter more urgent. They photographed a number of Palo Alto and California townhome projects and now they planned to put a PowerPoint together for the rest of the ARB. They expect to [audio skip 3:04:13] ... had to be based on an objective analysis based on the Code for all the variety of Townhome projects. That did not exist in the current Objective Standards. They needed to look at the contextual portion of the zoning, which he believed staff had sent him the prior evening. There was an urgency related to the matter as the Fry's site would come before the ARB in the near future. The townhomes might be a unique area in the Objective Standards since there were unique things about them as developments. He listed a number of items and explained that he and Boardmember Chen had discussed all of them and planned to bring them back to the ARB for discussion. He requested the Boardmembers be patient while they prepared the PowerPoint.

Boardmember Rosenberg appreciated the work Chair Hirsch and Boardmember Chen put into the matter. She asked if a puzzle lift like the one in the earlier project qualified as tandem parking. There would be technology like that in the future that would need to be evaluated.

Chair Hirsch thought it would be too expensive for most developers.

Boardmember Rosenberg said it was food for thought.

Ms. Gerhardt explained the City had regulations about lift systems. For residential units and offices where people could get used to the systems they were allowed. They were not allowed for retail situations. When allowed the City required an entry point that anyone could access so there was no juggling of vehicles. The lift system itself was expected to do the juggling. Developers had proposed tandem lift systems and the City did not allow that.

Chair Hirsch did not know that they had run across a townhome project that had common parking spaces. It was possible that could happen in a very large project so that also needed to be looked at.

Ms. Gerhardt stated tandem parking was allowed for the same unit. Related to the Context Based Design Standards the Council kept the original Context Based Design Standards. That meant that if a housing development project wanted the streamlined system then they used [1824 3:11:33], anything else used the original Context Based Design Standards. In developing the Objective Design Standards they relied on the Context Based so they should be fairly equivalent. The Objective Design Standards project was very large, so it was good to review it and refine it. The 200 Portage townhomes were on file as an SB 330 project, so the regulations were frozen in time. That project could not be affected by future code changes. More townhome projects were forthcoming, so it was important to move forward with the changes.

Vice Chair Baltay thought it would be good to add a definition of a townhome project. Also he thought the ARB had missed the opportunity to discuss the particular type of townhome in the Objective Standards. It was important and the City would have more projects sooner than it thought so there was urgency in the matter. He understood that Council wanted the ARB to return with periodic revisions to the Objective Standards as a whole but there was no set schedule. He asked if staff could put together a

calendar of the process or ask the Council if that was the direction. Everyone needed to be on the same page. With the subcommittee he voiced disappointment that the discussion had been postponed once and they were still not ready. He suggested they pick a date for the presentation and move forward and suggested January 19, 2023.

Boardmember Chen stated they discussed showing examples in order to give the ARB an idea of what happened around town. In the past few years there had really not been a townhouse project in town. There were projects developed about 10 years ago with ARB input that were quality designs. Because of that they wanted to do research around town and the greater area. Then they thought they would have two meetings; the first to show the examples and the second to discuss the process.

Chair Hirsch thought they could have the PowerPoint presentation on January 19, 2023.

Boardmember Chen said that if they were just showing images they could do it in December. Then people could think about the issues over the holidays.

Ms. Gerhardt stated there was only one item on December 15th so that might be a good time for discussion. With regard to Council direction she would speak to the Director and look back at the Workplan. The main issue was how much staff time it would take. She thanked the ad hoc for their work.

Boardmember Chen asked Ms. Gerhardt when she needed the items for the December 15th hearing.

Ms. Gerhardt said that the staff report needed to be done a few weeks in advance. The presentation was needed the day before.

Chair Hirsch stated that they would commit to making the PowerPoint presentation on December 15th.

Boardmember Thompson commented that there were two typologies related to townhomes. One was freestanding and the other was similar to a base of a multifamily project. As they looked through the Objective Standards it would be good to incorporate that typology. Item 4 on Packet Page 67 discussed having at least two colors and two basic materials, which may or may not make sense with the second typology. She noted that she would like to see pictures in order to understand where that came from. One of the main concerns the ARB had with a past project was that townhomes were successful when there were eyes on the streets. Having that be part of the design intent was a good idea and should be encouraged.

Chair Hirsch stated that they would work toward December 15th. There might be problems with the Sobrato project. It had a paseo in the middle (interrupted)

Ms. Gerhardt cautioned the ARB that the project was not agendaized but would be heard on the 15th.

Chair Hirsch said he was speaking in general terms.

Ms. Gerhardt explained they could discuss good aspects of a townhouse project in general. There were limited regulations which could be applied to the Sobrato townhomes. That was a SB 330 project, and the regulations were frozen. On the 15th the ARB would hear a rundown of the project. It had a development agreement worked out by Council. Any questions about the project or large concerns could be emailed to staff ahead of time so that they could be prepared for the discussion.

Chair Hirsch said that it was difficult as they had not discussed it.

Ms. Gerhardt stated that was the intent of the 15th. Currently Boardmembers were doing their individual homework and anything they wanted staff to have an answer for would be helpful to know ahead of time.

Chair Hirsch asked how they would deal with that.

Boardmember Rosenberg looked forward to the presentation on the 15th. After that they would be better able to discuss the details. Looking at projects that had been built versus those unbuilt were very different conversations.

Chair Hirsch said that the conversation would be the same day they reviewed the project.

Ms. Gerhardt offered to change the order of the agenda. As long as the townhome discussion was kept general it could be held first.

Chair Hirsch asked if they could move the project to the following meeting.

Ms. Gerhardt indicated they could not as the project was on a schedule under a Development Agreement with an April 2023 deadline.

Vice Chair Baltay asked if they could receive the ad hoc committee report on December 1st instead of the 15th.

Boardmember Thompson asked why they had to rush the ad hoc committee before the project.

Ms. Gerhardt said there was a December 1st hearing.

Vice Chair Baltay answered Boardmember Thompson that there was no formal link whatsoever. Future projects had to be evaluated under the current Objective Standards. Therefore, everything they discussed was in the future. He thought Chair Hirsch had things that the ad hoc discussed that he thought would help in the evaluation in a general sense.

Boardmember Thompson thought that would come out in Chair Hirsch and Boardmember Chen's comments in the course of a regular meeting.

Vice Chair Baltay agreed but explained they wanted to make a large presentation of images which would not be appropriate during an individual project. He repeated that it should be done December 1st.

Boardmember Rosenberg thought it felt as though the ARB was tying two things together that should not and maybe could not be tied together. The project was under SB 330 and the ARB could not formally hold the project to new standards that it seemed some Boardmembers wanted others to think about. That felt questionable timing wise. She stressed that they needed to maintain neutrality but stated she was interested in looking at the ad hoc committee's presentation.

Boardmember Thompson agreed with Boardmember Rosenberg and did not understand the rush. She suggested the ad hoc committee take their time and not rush the presentation. The ARB was good at reviewing projects, and she did not see the point of having to have the presentation beforehand.

Vice Chair Baltay suggested January instead.

Boardmember Thompson wanted to defer to the ad hoc committee's needs.

Boardmember Chen thought the December meeting would be a good introduction to their discoveries. They planned to introduce the ARB to their findings and trigger a discussion and feedback. She thought it could be possible to show the pictures at the next meeting.

Ms. Gerhardt thought the Boardmembers were making good points and reinforcing what she stated. The Portage project standards were frozen in time. It was not truly an SB 330 project. The timeline was more about the development agreement put together by Council. The effect was the same either way. If they wanted to have the discussion on December 15th they could hear the townhomes first and the ad hoc committee second since they were two separate things. It was also acceptable to staff if the presentation were made in January.

Chair Hirsch stated that they would work towards the presentation in December.

Boardmember Chen asked if it was possible to do it on December 1st.

Ms. Gerhardt said that agenda had 660 University and 123 Sherman. Both projects were fairly large, but they could add a third item.

Boardmember Rosenberg reminded them that the ad hoc committee could determine how long the presentation was.

Boardmember Thompson asked if December 1st would go past 2:00 p.m.

Boardmember Rosenberg indicated that she would not attend in person on December 1st and could not attend at all on December 15th. Based on that she preferred December 1st. She apologized for the inconvenience.

Boardmember Thompson wanted Boardmember Rosenberg to be able to be involved.

Chair Hirsch asked if they needed a Motion.

Ms. Gerhardt said they did not, and that staff would agendaize it for December 1st.

Boardmember Rosenberg suggested that they understand the meeting would be longer.

Ms. Gerhardt noted they needed to end by 2:00 p.m. so people could pick up their children and things.

Board Member Questions, Comments or Announcements

Ms. Gerhardt announced that Ms. Raybould would take over as ARB liaison. She noted that she held the position for the past 8 years, thanked the ARB, and said she had enjoyed her time as liaison. She also announced a change in support staff. Ms. Dao was promoted, had a title change, and would assist with the ARB. Medina Klicheva had not left the City and Ms. Gerhardt and she would back up the new ARB staff.

Chair Hirsch thanked Ms. Gerhardt and said that she would be missed. He then welcomed Ms. Raybould.

Boardmember Thompson asked if this had been Ms. Gerhardt's last meeting.

Ms. Gerhardt indicated that it was but that she was still working for the City and would attend hearings until Ms. Raybould was up to speed. Even after that she might attend hearings to answer questions as needed.

Boardmember Rosenberg welcomed Ms. Raybould and congratulated her and Ms. Dao on their promotions. She thanked Ms. Gerhardt and Medina Klicheva.

Boardmember Thompson announced that she and Vice Chair Baltay planned to attend a California Avenue focus group later in the evening.

Adjournment

Chair Hirsch adjourned the meeting.