



ARCHITECTURAL REVIEW BOARD
DRAFT MINUTES: November 1, 2018
City Hall/City Council Chambers
250 Hamilton Avenue
8:30 AM

Call to Order/Roll Call

Present: Chair Wynne Furth, Vice Chair Peter Baltay, Board Members Alexander Lew and Robert Gooyer.

Absent: Osma Thompson.

Chair Furth: Good morning, and welcome to the November 1, 2018, regular meeting of the Architectural Review Board. Would the staff please call the roll?

[Roll Call]

Oral Communications

Chair Furth: Oral communications. This is the time for any member of the public to speak on an item not on the agenda but within our purview. You have three minutes. I have no cards. Is there anyone who wishes to speak this morning? If you could come to the podium and give us your name. Yes, please, the microphone over there.

?: (inaudible)

Chair Furth: Are you able to wait for the hearing on that one?

?: (inaudible)

Chair Furth: We can flip the agenda to accommodate the public. Or at least we could open the hearing. When are we expecting the applicants?

?: (inaudible)

Chair Furth: Okay. Well, I would suggest...Excuse me. Are you able to stay until 9:30, or do you need to leave?

?: (inaudible)

Chair Furth: They have 10 minutes to speak. There is a staff report, and then it would be you. And if you're not able to remain...About 15 minutes, so 9:45?

?: Okay.

Chair Furth: Would that be all right?

?: (inaudible)

Chair Furth: Thank you. If you'd give your name to the staff and they can call you if you need to leave.

?: (inaudible)

Chair Furth: Thank you. Anybody else? All right.

Agenda Changes, Additions and Deletions

Chair Furth: Agenda changes, additions and deletions. Anything? We will have a report under Board Member questions, comments or announcements. We will have a report back from Vice Chair Baltay about the deliberations of the subcommittee on the Public Safety Building at the end of our meeting, under that item. All right.

City Official Reports

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

Chair Furth: City Official Reports. That's the transmittal of the ARB meeting schedule, tentative future agendas.

Jodie Gerhardt, Manager of Current Planning: Yes, so, you'll see...

Chair Furth: We have three meetings left this year.

Ms. Gerhardt: Correct, and it does look like we're going to need all three because we do have some wireless projects that are coming up at the end of the year. Also, as far as the next meeting, we will have the hotel project at 4256 El Camino, will be going ahead, and we've let the community know about that. We also have the Peninsula Corridor Electrification. However, the 2321 Wellesley will need to be pushed off, likely to the next hearing.

Chair Furth: All right. Is the Peninsula Corridor Electrification Project report already prepared, or is there anything we can be reading as background before that meeting?

Ms. Gerhardt: I will work with Amy French, who is leading that project, and see if we can email you some background information.

Chair Furth: I know there is a lot of, lot of deliberations have already taken place. I want to catch up. Anything else? Okay. And our first meeting in January is January 4th. Is that right? Yep.

Ms. Gerhardt: The January 3rd meeting, we normally cancel that meeting. So, unless you're excited to have such a meeting. But, we also do need to...yeah. The other thing we were looking at is potentially at the end of January, having an extra hearing then. But we'll have to kind of see as time goes on if we need that extra meeting at the end of January.

Chair Furth: Thank you. Okay.

Action Items

2. PUBLIC HEARING / QUASI-JUDICIAL. 3128 El Camino Real [17PLN-00462]: Recommendation on Applicant's Request for Approval of a Minor Architectural Review to Allow the Remodel of an Existing 5,988 Square Foot McDonalds. Scope of Work Includes: Remodel of Exterior Facade, Landscaping, Signage, and Outdoor Seating. Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) in Accordance With Guideline Section 15301a

(Existing Facilities) Zoning District: CS (Commercial Service). For More Information Contact the Project Planner Adam Petersen at apetersen@m-group.us

Chair Furth: That takes us to item number 2 on our agenda, which is a public hearing. It's quasi-judicial. It concerns 3128 El Camino Real, which is an existing McDonald's. It's a block we've been looking at a lot recently. You are asking us for a recommendation on the applicant's request for approval of a minor architectural review to allow remodel of an existing 6,000 square foot McDonald's. Scope of work includes the remodel of the exterior façade, landscaping, signage, and outdoor seating. It's exempt from the provisions of the California Environmental Quality Act, in accordance with Guideline Section 15301a for existing facilities. The zoning district is Commercial Service, and the project planner is Adam Petersen.

Adam Petersen, Project Planner: Good morning.

Chair Furth: Excuse me just a minute, Adam, before we do that. Have all of us viewed the site?

Vice Chair Baltay: Yes.

Board Member Lew: Yes.

Chair Furth: For the record, all of us have inspected the site. Thank you. Does anybody have any conversations to disclose with other parties regarding this matter?

Vice Chair Baltay: I'd like to disclose that I received an email from Randy Popp, a local architect, essentially pointing out examples of environmentally-friendly architecture done by McDonald's at other locations around the nation.

Chair Furth: Thank you. Anybody else?

Board Member Lew: I think that email was sent to everybody, right? Because I got that email.

Board Member Gooyer: I got that, too, yeah.

Chair Furth: Then that needs to be printed...

Vice Chair Baltay: I'm just disclosing it.

Chair Furth: ...and made available to the public. Now. If somebody could go do that. And I guess I should read my email more carefully. Okay. Staff, please.

Mr. Petersen: Good morning, Chair Furth, members of the Architectural Review Board. I'm Adam Petersen from the Planning & Community Environment Department. I'm here today to present a minor architectural review request for exterior remodel to the McDonald's at 3128 El Camino Real. The project, again, is a minor board-level review. It would include widening the sidewalk to 12 feet along El Camino Real; planting of street trees along the front façade, or along the street frontage of the building; reconfiguring the roof line of the structure; installing a metal canopy around the front of the building, as well; black tile around the entries facing El Camino Real; painting the stucco; and also, replacing existing signage and adding new signage to the building. The recommendation is that this project, staff recommends approval to the Planning & Community Environment Director. The project site as noted is along El Camino Real. It is surrounded substantially by other office and commercial uses that are set back from the street, sort of a mishmash of a development pattern in the area. The site itself as noted would not change the existing building square footage. The square footage of the building would remain the same. There would be no other site modifications except for widening of the sidewalk. The parking would remain the same. The drive-throughs, the existing menu boards would remain the same. They would just be updated. And really, just façade modifications to the building itself. These are the existing conditions. As you can see, the front of the building along El Camino Real, and then, also, the back of the building.

In the bottom photo you can see the two menu boards. Those would be updated and modernized. This gets into the existing and proposed conditions for the project. Again, in the upper left, you can see the existing conditions. It would remove the wood trellis from the building and it would change the roof line to create a more flat roof line. It also would paint the stucco and upgrade the stucco, and then, install, sort of this blackish tile around the entries. And then, have a metal canopy around the front of the building. It would also install a railing for the outdoor dining area on the none-drive-through side of the building. Moving around the side of the building, again, this is looking at the drive-through elevation. Again, you can see that it would remove the wood trellis from the front of the building. You would have the metal canopy and the metal overhang. The project would retain the existing brick banding that's on the lower half of the building, so you would have a combination of brick banding on the lower half, combined with stucco, along with tile and a metal canopy around the building. You'd retain the fencing, you'd retain a lot of landscaping that directs people from El Camino Real into the site. Going through the elevations just quickly, as you can see, this elevation at the bottom, that's where the brick banding would be retained. You can see the front black tile around the front entry way, along with the metal canopies. Going around to the back, again, you can see that it retains a lot of the...It retains the essence of the materials that are there while upgrading the stucco and the roof line. And, in terms of the analysis for the project, the project is consistent with the Comprehensive Plan and the zoning code. It maintains all setbacks. It's located in the Cal Ventura area of the South El Camino Real Design Guidelines. That area is noted that, or the South El Camino Real Design Guidelines note that that area is intended to remain auto-oriented or would likely remain auto-oriented. And, the South El Camino Real Design Guidelines specifically mentions that for remodels, that it's important that they follow the spirit of the guidelines. Overall the project is consistent with that spirit because it remodels a dated building, it upgrades the roofline. The South El Camino Real Design Guidelines call for more flat roof lines, more level roof lines, so, it would change the, you're going to change the roof line consistent with the design guidelines. And, provide new street trees along the sidewalk and widen the sidewalk to 12 feet, which is called for in the design guidelines. And then, it also would maintain direct access to the building from El Camino Real. Similar height. The height would increase from 17 feet to 19 feet, with a more contemporary style. As noted, this project is exempt from the California Environmental Quality Act, and the motion is to recommend approval to the Director of Planning & Community Environment. I'd like to turn the presentation over to the applicant at this time.

Chair Furth: Before you do that, I do, indeed, need to look at my email more frequently. I think when it gets over 100 unread messages, I lose the bottom ones. The email in question is to us from -- including staff -- from Randy Popp, sent Sunday, October 28th, at 10:09 a.m. It's about new standards for McDonald's, and it references an article in *Architect Magazine* about downsizing **the golden architects**. In order to read that article, you need to be a registered member of that publication. At least I'm not able to read it without registering, but I think if you'll give up your email address, that's all that it takes.

Ms. Gerhardt: Yes, it's just an email address.

Chair Furth: So, that should be made available to the public. And now the applicant knows that at least some of us have read it. Thank you. You have 10 minutes. And if you could give us your name and spell it for our transcriber, we would appreciate it.

Jim Shively, Stantec Architecture: Okay. I'm Jim Shively. [spells name]. I'm with Stantec Architecture, representing McDonald's. Good morning, Chair and Board, and I want to thank staff for a wonderful job they've done. It's taken us a little longer than we thought, but it's been a real treat working with them. Thank you, Adam and Jodie. We did put together the PowerPoint Adam requested, and they did a wonderful job describing what the project entails. What it is, it's part of McDonald's MRP program. It's a major remodel program. They take the existing restaurant and upgrade it with a more modern, contemporary line to it. The MRP program calls for, we remediate all barriers on site, ADA. We would be required to do that anyway, but McDonald's is one of my most proactive clients that want everything accessible. The other issue on this one, although it doesn't fall into a perfect MRP model, MRP -- Major Remodel Program -- you've seen them. The stores, restaurants that have the red mansard that wrap all the way around it. What we basically replace it with is a geometric box, and we play with the forms and

the elements to add some interest to the elevation. This is the site plan. We are adding, not four, but five trees out front, which will offer some shading quality for the main dining area out front. Again, all of the accessible pathways, public right-of-way, as well as the accessible parking to the entries, will be fully ADA compliant. On the interior, we do that as well - equal distribution of ADA seating, and the restrooms will be upgraded to be accessible. These are the two elevations, and Adam did a wonderful job in describing what we are looking to do here. The two brand walls are the ones that have the golden arches on them. It is a tile material with a darker wood type finish on it. We are retaining the bricks. We are doing all new furnishings out front, and the furnishings also come with a vertically-cantilevered canopy/awning element. It's a wire mesh grid over a steel frame and would be painted to match the trim of the building. That comes in three different sizes. The largest I believe is 7 foot by 12 foot, and then there are individual vertically-cantilevered canopies that would serve one table. This is the drive-through side. Again, we are redoing the plaster on it. You see one of the brand walls there. There is the ADA parking that would be upgraded and fully compliant. In addition, you see that we have identified the drive-through windows. The one at the rear of the project is the pay window, and the one in the foreground here is the order pick-up window. We like to identify those and pop those out so it's even clearer. Now, on this one, typically I've only got about six to eight inches of relief, and the paint really helps in those conditions. But, it's pretty obvious in this with the projections that those are the pick-up and the pay windows. And we have a really loyal customer base here and they really don't need much queuing visual aids. They know where they're going through the project. This is the materials sample board that's been provided. I think it's keyed well to the elevations, and I can address any questions as it relates to the finishes, also. There is the elevation. With that, if you've got any questions, I'd be happy to answer them.

Chair Furth: Thank you. Any questions of the applicant? Or staff?

Board Member Lew: I have a question for the architect. The color board is showing three colors for the trellis.

Mr. Shively: Right.

Board Member Lew: I think we have three colors on the color board.

Mr. Shively: Yes.

Board Member Lew: And then, it seemed like most of the trellis was white in the renderings, and I was wondering, where is the yellow...

Mr. Shively: The yellow...

Board Member Lew: ...on the trellis. Because it seems like...

Mr. Shively: It's on the drive-through. Oh, I can point here.

Board Member Lew: Is it just the...?

Mr. Shively: It's those two little bands there. Again, it's another queuing visual aid. But that is the only area that the yellow would be. The other metal that you're seeing is this band right here.

Board Member Lew: Okay. Great. Thank you very much.

Chair Furth: Anybody else have questions of the applicant? Or staff? Board Member Baltay? Vice Chair Baltay?

Vice Chair Baltay: Thank you. Adam, I want to be clear I understand the South El Camino Real Design Guidelines. If this were a new building, wouldn't it be required to be built up to the frontage, to the street front?

Mr. Shively: It would. It would require it to be built up to the frontage.

Vice Chair Baltay: Okay, thanks. I just wanted to be clear that I understand that. Thank you.

Chair Furth: Thank you. I had a question. If I look at the building head on, which you can only do if you're the passenger, take me through the layers -- sidewalk, landscaping, building, cars.

Mr. Shively: Okay. What we have...I don't know that I've got a good picture of it. Out in front is El Camino...

Chair Furth: What I want to know is, basically, I don't want to see the entry, I want to see the building from the front. From the street side. I need you to sort of talk me through it. A straight-on shot of it.

Mr. Shively: Adam, do you...? I believe it's...I have set of drawings here that I would be happy to...

Chair Furth: Sure. You can talk me through it. I've seen the site plan.

Mr. Shively: This is the best graphic I've got on my PowerPoint.

Ms. Gerhardt: On Sheet A2.0, starts the elevations.

Chair Furth: Right. But I'm trying to...What I'm after is, my principal concern with this project is the landscaping and where it is and where it isn't, and as people have been pointing out, the South El Camino Design Guidelines anticipate a different kind of development, where we don't see cars, particularly. The buildings are in the front, the parking is in the back, or underneath the building. So, there's an opportunity for significant landscaping to improve the site. I'm trying to get a sense of what the landscape experience...what the experience of landscaping will be for a person walking by, a person driving by.

Mr. Shively: Right. I've got one exhibit, if I can [crosstalk].

Chair Furth: Super. Thank you.

Ms. Gerhardt: And for clarification, Sheet T-2 is the landscape plan.

Chair Furth: The applicant's architect has given me a copy of one of the elevations we already have. This is the tree protection plan, and the trees are colored. And the street trees here are...What are they?

Mr. Petersen: The proposed street trees are red maple, and then, liquid amber.

Chair Furth: And they are deciduous.

Mr. Petersen: Yes.

Chair Furth: Yes, they're deciduous. That's a statement, not a question. At this point. Okay. I'll pass this along. You were going to tell me, basically, what landscaping is there between the curb and your site?

Mr. Shively: There are two...

Chair Furth: At the front of it.

Mr. Shively: Here we go. Let me find my...I'm sorry, my eyesight is going on me.

Chair Furth: No, it's the very small plan detail. I'm glad you're having trouble, too.

Mr. Shively: I brought two pairs of glasses... [crosstalk]

Chair Furth: I always want bigger landscape plans.

Mr. Shively: Out front here, you see that, you see the single tree out in front in what we call the forward patio area. That is where we have significant seating out there, and it would be all new seating in there. But that area surrounding that tree is landscaped, so we do have all of that out there. On the side, we have the paving elements over here, but then these two trees form the landscaping on the non-drive-through side. We do have perimeter with some really nice trees out there, but it's really not an experience for the pedestrians. I and a bunch of other people like to get out lunch and go to the back here and park, and that's where we have lunch. We do have a splattering of landscaping on the back of the building here, and then the trees that help obscure the drive-through area in this location here. We also have a planter area here, and really, what I can tell you is, if there are concerns with the landscaping, we would absolutely be willing to revisit that if there were issues that were identified as improvement that you might see for it.

Chair Furth: The tree identified as the multi-stemmed Japanese maple, is that the existing tree...?

Mr. Shively: Yes.

Chair Furth: ... or is it a new tree? Okay. That's a very dense Japanese maple you have there.

Mr. Shively: Yeah. Yeah.

Chair Furth: Any other questions.

Board Member Lew: I have a related question. I think in your notes you're saying that the low brick walls along El Camino are being removed. And then, there are the brick walls, longer brick walls, longer and taller, that run perpendicular to El Camino, toward the entry doors.

Mr. Shively: Uh-huh.

Board Member Lew: I just want to make sure that I understand this correctly, is that the long walls are staying, but the short ones along the sidewalk are being removed? I think there's a note that says that they're going to be removed, typically, and one of them is being labeled.

Mr. Shively: Yes.

Board Member Lew: But not all of them are labeled.

Mr. Shively: Yeah, the long wall is.

Board Member Lew: The long wall that's, that goes along the ramp, that stays?

Mr. Shively: Yes, I believe that is the case. Let me...

Chair Furth: What's going on there?

Board Member Lew: This is paving, because there's the flag poles. It's just concrete.

Chair Furth: Any other questions of the applicant or the staff before we deliberate? Staff have any comments? Oh, are there any members of the public who wish to speak on this subject? I have no speaker cards. Seeing none, I'll close the public hearing and we will deliberate. Who would like to start? Alex?

Board Member Lew: Okay. Thank you for your presentation. I have seen some of the newly-remodeled McDonald's on the inside, and the inside isn't in our purview today, but I was actually surprised at how nice the new, the newer, the new design scheme is, with the gray color scheme. It's actually very, very handsome. I think I might have a comment for staff. In the staff report, you mention that under our regular zoning, that for a restaurant with drive-through, that 180 parking spaces would be required, and this is grandfathered in with 74. I think that's fine. I've been to the site. But, it really gets to my question, is that, is our code out of date? I think the applicant's letter is saying that most people come through the drive-through, and that seems to be the case. We have a double-wide drive-through. I've seen the long queues of cars at McDonald's and Starbucks, and I'm just wondering if our code is not correct or up to date. Because I think people want restaurants on El Camino. We have neighbors from Ventura and stuff and they want places like restaurants to go to, and they're not getting them. And I'm wondering if it's because our code requires too much parking. We have, in Ventura, there's the Chinese restaurant, and it has minimal parking. It impacts the neighbors, and I'm sure they don't like it. But, at the same time, it's really nice to have a restaurant to walk to five minutes away from your house. Anyway, that's just a larger question about that. On this particular project, I think my main concern is, as Wynne mentioned, was landscaping. There's the front patio and the side patio, and the trellises are being removed. I think my concern on the side patio is trellises being removed, you've got the queuing of the cars for the drive-through, and you're removing all the Camellias along the building. I'm just worried that that's not going to be an attractive, as attractive as what's currently there. On the front, I think my main issue is the, I think you're adding the bike racks in that area, and I do see that the staff has a condition of approval to change the proposed bike rack, which I think is fine. I support that. But, I think that we need to see the layout and how that impacts the seating and the lawn. We need to see a plan of that and not just incrementally adding stuff into the courtyard area, or the lawn area, but actually trying to make a nice design there. I did notice that the existing site doesn't have any bike parking, and I saw people locking their bikes to the handicap ramp and the trellis columns, and all sorts of things like that. It seems like we do need the bike racks. It seems like the staff's requirement, which is, like, six long-term and 13 short-term, seems to be a lot for this site. And I do want to see how that impacts that front lawn area. I'd be willing to have some on the side or the back. I think our code requires it to be within 50 feet of the front door. It seems like it's going to be a lot in a small space, so I would like to see a plan. I think you're showing a new railing on the side patio area, and it's different than the existing railing on the front. I'm not so crazy about that. I'm fine with the new proposed design. I am questioning whether...I'm wondering if the corrugated metal could be taller than what's shown. I'm saying maybe extend it down lower into the stucco area, if it's possible or not. And then, I think my other question is, can the garbage cans, can those be upgraded to something nicer? I mean, there are lots of them all around the parking lot. I think they're not so attractive. And some of them have been painted. I was wondering if there's a better option for that. I did see that you have lots of site furnishings in there, but I'm not sure which ones go where. That is where I am on this one. I do thank you for the wider sidewalk and the extra street trees on El Camino. I think that goes a long way, for me, in making the project better. I'm curious to see what the rest of my board members think on this project.

Chair Furth: Vice Chair Baltay.

Vice Chair Baltay: Good morning. Thank you for your presentation. I think I agree with many of the directions Alex was heading on this. Certainly questioning the amount of parking that's required, that very rarely seems to be used here. I'd like to focus my comments, however, on the pedestrian friendliness, the street frontage aspect to the restaurant. Right now, it really is a 1950's, sort of strip mall kind of design. It's set way back, it's very auto-centric, it's all about having lots of parking that's easily visible. And our neighborhood there is changing, changing very fast, to be one where very few people drive to McDonald's. You walk there, you scooter there, you go through the drive-through there, perhaps. It just seems out of sync. Secondarily, and what's really getting me, I think, is that you have now some trellis-covered seating areas outside, especially one in the front, which is a relatively nice patio. It's shady, it's out in the public area where you can see and be seen. By removing the trellis, the trellis is actually on both sides of the building, and especially in our climate, you really make outdoor dining much less friendly. On any warm, summer day, nobody would be sitting there. Most of the time you'll be inside where it's air conditioned, whereas with some shading and some trellises and some really thoughtfully-

prepared outdoor seating, you could continue to enliven, even perhaps enhance, the street frontage. Make it so when you're passing by, you can see the activity, which is, at least for me, one of the important things we're trying to achieve along El Camino. As it transitions to be a more urban, pedestrian-oriented public right-of-way, we want to see that businesses and offices and buildings serve to enliven, to further enhance the public experience. I'm afraid I don't see your project doing that at all. I think the materials and the design do a fine job of rebranding McDonald's, and it's great when you're passing by at 40 miles an hour. It's pretty clear what's going on. But as far as, "Gee, where should I go for lunch? I used to sit outside under that trellis, but now it's too hot." You're not really succeeding at that level, so I really think you need to come back with a more thoughtful approach to the front area of the building, in front of the building, between the McDonald's store frontage and the sidewalk, and continue to make that -- To make that even a better place to be, to sit, to eat, to be seen. That's sort of my biggest criticism of this project right now, is that that's not happening. Thank you.

Chair Furth: Thank you. Board Member Gooyer.

Board Member Gooyer: Yeah, I have the same thing. I looked at the article about McDonald's, their redesign concepts, everything else, and I saw the Chicago store, not that you can compare the Chicago store with this, but I thought, "Oh, you know, they're really doing some interesting things." Then, I open this up and, I mean, not that the original building is a monument to architecture, but at least there was some thought given to the roof, and that sort of thing. And I agree completely. My first thought was exactly what my fellow board member indicated, that any time I've eaten there, I sit outside under the trellis, and they are all gone. I would just drive by this place now because they aren't there. And I think there should be more emphasis put on...We talked about bringing the building forward a bit, and I think the trellis and the whole idea of dining up front there, I think makes it more noticeable, and it...This just pushes the whole thing back. Then, when you look at the elevation, to me, it's kind of an interesting third of a building, and then, a shoebox in back of it. I mean, any "design" that was there with the roof, that's currently there -- again, not that I'm saying that that's a wonderful design, but it just gets replaced by a stark rectangular box. The, I guess the mesh, whatever you want to call it, the louvers on top, are way too small. I mean, at first, it looks like it's just some sort of a stripe. But, I mean, if you're going to do something, they need to be about three times the size if you're going to make a statement about it. I realize this is a minor design, but I think this is going in the wrong direction. I don't really...I'm not a big fan of this particular design. Let me... You know, the good points, I agree. The landscaping is better, the parking is better, we have the bicycle racks, all that kind of thing, but I would have expected that. This is mainly a review of the building itself, not the peripheral things that I think should be there anyway.

Chair Furth: Thank you. Thank you for your presentation. I'm glad that McDonald's is addressing this particular site. I am looking at this as a remodel of a use that is rare in this town, which is a drive-through, and a... What's our appropriate term now? We don't call this fast food, we call it something else. Anyway, it's fast food. It's a useful thing to have in our town. It's a useful thing to have in this neighborhood. I mean, the tragedy of our housing situation is that the nearest housing to you is parked right at the curb, which is why it's hard to see your building. I have no particular objections to the changing of materials and the roof. I've always been particularly un-fond of the existing roof design, so I'm okay with that change. I think the colors are fine. But, I wouldn't be in a position to approve it because I couldn't make the findings regarding landscaping, or pedestrian-friendly and supportive frontage. This is turning into a fairly heavily occupied area. It's going to have a big hotel down the way. You have very popular restaurants around you. You have people living in the neighborhood. You have lots and lots of repeat customers. I think that relatively few people only come here once. Because although you're on El Camino Real, it's primarily a local street at this point in terms of traffic. It's terrific that you're widening the sidewalk. Thank you. The street trees help because regular street trees along that section really provide a kind of unity that's, or an attractive coherence that's often missing there. Specifically, I think the garbage cans are an important design element and need to be addressed in that fashion. I very much agree with that. I think you need shading over the outdoor seating areas. This isn't just how often I have to see my dermatologist, but people are not going to be attracted to an unshaded seating area. It needs to have shading. You know, you can do it with trellises, you can do it with landscape trellises, you can do it with non-deciduous trees, though that's tricky. But it needs shade.

Otherwise, it's not inviting, and it isn't going to be used. I also think that when you're on El Camino Real, which is a busy, noisy street, something about having a roof over you, a trellis over you, gives you a sense of enclosure, and the psychological sense of less vulnerability to the passing traffic. This site has two driveways, which chops up the pedestrian experience more than is typical of a parcel of this width, so you need to compensate for that in the space that remains. I think you need seating somewhere that tells pedestrians they are welcome, whether or not they got a hamburger. I also think that the plants need to be bigger, generally. I really don't want to see any flat bits of lawn, and I really don't want to see any plants that are less than knee height. I think when you have planting areas, that's the chance to add significant greenery that comes up higher. If you look at our code, we ask that you use local native materials that are good animal habitat where possible, where feasible, and I think that needs to be addressed more seriously. I'm glad you're addressing the bicycle parking issue. It's true that in the absence of bicycle parking, we get informal bicycle parking that may make it harder to use accessible features of the site. It certainly makes it harder to use a bicycle. I think that's it for me. Are there other comments? Alex.

Board Member Lew: I have a question for the architect. There's a chain-link fence along the back of the property. It's low, maybe like three or four feet high. Does that belong to McDonald's? Or do you know, is that the neighbor's, the rear neighboring property's fence?

Mr. Shively: I don't know.

Board Member Lew: Okay. It has barbed wire along the top, even though it's a low fence. And I was wondering... And it's not allowed under our code, and I was wondering if the barbed wire could be removed. I'm fine with the chain-link fence itself, but maybe just the top could be removed. If it's McDonald's fence. Obviously, if it belongs to the neighbors, we don't have...

Mr. Shively: Yeah, I don't know that I've ever encountered it. I didn't see it while I was eating my lunch. I'm going to go look at that.

Board Member Lew: Yeah, you don't see it because it's, there's, it's almost like there is a...What do you call it? Like a swale or something, in the back. It's low, and the fence is low, so you don't see it if you're just driving along.

Mr. Shively: Right.

Board Member Lew: Anyway, if you could research that, that would be great.

Mr. Shively: Absolutely.

Board Member Lew: Thank you.

Mr. Shively: Will I have the opportunity to speak one more time?

Board Member Lew: You normally get 10 minutes for rebuttal.

Chair Furth: You may. You are entitled to respond. There just was no public comment to respond to. Would you like to speak? We do not have a heavy agenda, with the permission...? We will give you another three minutes. And you're entitled to more.

Mr. Shively: I've heard nothing really that we can't accommodate. To highlight, I've got the trash enclosure and the furniture here. I've actually got a rendering with the trellises staying in place, so we're more than willing to keep those trellises, repair as a needed, possibly put a sheet of something on top of it to make it a tad more contemporary. The corrugated metal, thank you very much for your comment. I just got done in Petaluma, where it was my suggestion to McDonald's -- and it took some convincing -- that we needed to actually make that entire wall corrugated metal. Petaluma is more of a rural

environment, but on this design, as I look at it, I would think we could make that whole north side corrugated to the horizontal band, might give it some balance. And then, swing it beyond the brand wall, returning so it reads as a corrugated metal on top there. Let me quickly make sure I'm covering all of them. A trellis, we've talked about. I have no problem, and I will be going back to the Petaluma office today -- that's where our landscape architect is -- and saying, "Come on, let's step up to the plate here, let's address some of the landscaping. You've given me pretty clear direction on that, and I'm in total agreement with it. I have no problem with anything I've heard here. What I am hoping for is to be able to work it in a subcommittee or with staff. I would love to report to McDonald's that we're moving forward. If there is any possibility of that session after this session, I can stay here all day if you'd like. Thank you so much.

Chair Furth: Thank you. I would just comment that I'm not suggesting that you retain the existing trellises, which may not...Whatever trellis you come up with, I trust it will go well with your new building.

Vice Chair Baltay: Sure. I share that...

Chair Furth: Vice Chair Baltay.

Vice Chair Baltay: ...sentiment. It seems to me that the existing trellises are old and worn out, and what I'm commenting on is that there's a tremendous opportunity for something much better. If McDonald's is trying to rebrand itself, it's a great place to do it, and probably not best done by keeping the old trellis, but rather, really turning your landscape architect loose to come up with some new ideas.

Chair Furth: Other comments? Alex.

Board Member Lew: Yes. I think I agree with my fellow board members regarding the trellis, but I do want to ask staff. My understanding is on other projects, that if you have a covered, roofed, outdoor patio, that that can count towards square footage. And if it counts towards square footage, does that count towards parking? I just wanted some clarification from staff, make sure that we're not causing another problem.

Ms. Gerhardt: It is correct if you have a solid roof that is used for sales and services, which this would be because it would be, you know, people purchasing something and going out there to eat, then that would be FAR. But, if you're just asking for a trellis, which is an open feature that the rain water can still get through, then that does not count towards FAR. I think that would be what we would be looking for.

Chair Furth: If it makes it attractive in the sun but not in the rain, it's not FAR. Thank you for that clarification.

Ms. Gerhardt: That's a decent summary. Also, related to the parking question, the high level of parking that is required on this project is because it is a drive-through project, so it is a different parking ratio than a standard restaurant that does not have a drive-through.

Board Member Lew: Which is interesting. I think we should...Because you would think that it would be, it might be the other way around. If people are driving through and they're not parking...

Chair Furth: I would think it would be designed to discourage drive-through restaurants.

Vice Chair Baltay: Jodie, would you enlighten my ignorance, please, and explain how that work? Why the drive-through would require more? I don't understand.

Ms. Gerhardt: I can just read you the code. I don't know the...

Vice Chair Baltay: Please do that.

Ms. Gerhardt: I don't know the intent behind it. I can only assume it was to discourage drive-throughs, but I don't know that for certain. The code says that for drive-through and take-out facilities that are eating and drinking, you need to have three parking spaces per 100 square feet of gross floor area. So, three per 100 of the entire building. Whereas a standard restaurant which is eating and drinking, you need one space for every 60 gross square feet of public area, and then, one space for every 200 square feet of back-of-the-room kind of space.

Chair Furth: What an interesting code.

Vice Chair Baltay: Thank you, Jodie.

Board Member Lew: I think my recommendation would be for this one to go to subcommittee, because it seems like the Board is fairly...I think we all understand where we're coming from. I think it's fairly clear. And the applicant seems to understand what we want. I would support this going to subcommittee.

Chair Furth: How do the rest of you feel about that? What is your opinion, I should say?

Vice Chair Baltay: I'm generally opposed to things going to subcommittee. I think this is going to be a bigger change than that.

Chair Furth: Robert?

Board Member Gooyer: I'm just not a fan of the design at all, so...

Chair Furth: Not going to get his vote.

Board Member Gooyer: I mean, it's one of these things, you know, after 40 years of the thing, I wanted something that really, you know, would be a nice addition to the neighborhood. I'm sorry, it's a box. I mean, it's bad enough having to deal with only apartments, everything else we get around here, the condominiums that are flat-top boxes, but I understand why they are because they have a height limit cap. This doesn't. But they made a box just because it's considered "modern," or something, or minimalist, or whatever you want to call it. Modern and minimalist is not always attractive. It can be, but in this particular case, I don't agree with it. I mean, I'm a no vote on it.

Chair Furth: This is a minor architecture review for a remodel, and this is not one of those cases where we get a remodel where we then discover one standing building, one standing wall left after they begin work. I'm seeing it as having a narrower scope.

Board Member Lew: It does, but I want to caution the Board, that this happened before on a Taco Bell in Palo Alto, where it was a minor remodel, and then, somehow the whole thing got replaced.

Vice Chair Baltay: How does that comment support committee motion?

Board Member Lew: It doesn't. That's why...Yes. It doesn't.

Chair Furth: Staff, as you know, we felt on occasion that we have reviewed projects after being informed that it's a minor remodel, and they're doing various things because of the existing building, and then, we drive by and, what do you know? All the walls fell down but one. What can you tell us that would reassure us about this project?

Ms. Gerhardt: We do have a demolition plan, Sheet AO2, that shows what walls are supposed to be removed. And, we will also be looking at the building permit to ensure that it matches this plan.

Chair Furth: (inaudible) look closely at AO2, so let's take a look.

Board Member Gooyer: I mean, the way I see it, if you're adding almost double the height of the exterior walls, that's a little bit more than just superficial modification.

Chair Furth: Did you guys read this?

Ms. Gerhardt: And from this plan, it appears that really only one of the front doors, that area around the front door is being changed out. It appears that most of the walls are remaining, but we can have the applicant confirm that.

Chair Furth: Could you comment, please?

Mr. Shively: Jodie is correct. The door, as you're looking at the front, it would be the main entry for the pedestrians approaching the building. We're removing two of the side lights and retaining the active door and the side light.

Chair Furth: While we have you here, could you show me how a pedestrian from the sidewalk approaches McDonald's, approaches the front door?

Mr. Shively: Okay, I can barely see this, but this would be the path here.

Chair Furth: (inaudible)

Ms. Gerhardt: Sheet SP-1 shows you the entire site. And SP-2 shows you more detail about the front.

Chair Furth: I'm walking down the sidewalk. I want to walk into McDonald's. Is that a pathway I see, between the parking and the landscaping? That little arrow thing, is that my pathway?

Mr. Shively: The arrows, the gray arrows...

Chair Furth: Pale gray.

Mr. Shively: ...show the accessible path of travel.

Chair Furth: Which an able-bodied person could use, too.

Mr. Shively: Yes.

Chair Furth: Thank you.

Vice Chair Baltay: I think that there is going to be bigger changes, not on the building itself, as Alex perhaps alluded to, but on the landscaping and the stuff in the front. The brick wall, for example, he mentioned wasn't entirely clear, and for that reason, I think it needs to come back to the full Board for a review.

Chair Furth: All right. Staff, when might this get back on our agenda? I guess we have some space on our agendas next month.

Ms. Gerhardt: We are quickly running out of space, but if we can keep it short, we usually try and get this type of item back in a month. That would be the early December hearing, which is December 6th. And that just, we'd need commitment from the applicant that they could turn around changes, really in a week.

Chair Furth: Thank you. I'm in favor of bringing it back to the Board as a whole. Is that agreeable to my colleagues? They are indicating yes. And I'm glad the applicant thinks we were clear on our requests. I am somewhat obsessed with -- or focused, I should say -- on the need for people who are walking up

and down sidewalks, to be able to sit down if they need to, and then, stand up again, without feeling they are intruding. I will be looking for that, as well as significant landscaping. Anything else that anybody wants to add before we send this off? Alex.

Board Member Lew: Is that a motion? Should we have a motion and a second?

MOTION

Chair Furth: I'd make a motion to continue this to December 6th. Applicant, are you saying yes?

Mr. Shively: (inaudible)

Chair Furth: Yes.

Mr. Shively: I can assure you, we're going to make the revisions in the next couple of days, and I'm going to direct staff to work the weekend to make it happen.

Chair Furth: We look forward to seeing you again.

Mr. Shively: If we can do it in...Is it just technically not possible to hit the next ARB?

Chair Furth: It is not, so, we will see you in the first week of December. All right. I would make a motion to continue this matter to December 6, 2018. Is there a second?

Vice Chair Baltay: I'll second that, sure.

Chair Furth: All those in favor? Opposed? Hearing no nays, we have a 4-0 motion to continue. Board Member Thompson, absent.

MOTION TO CONTINUE PASSED 4-0.

Chair Furth: Thank you for your work. We look forward to seeing you again. I will say that I have spent years in San Bernardino County, the home of McDonald's, as well as living in Passey [phonetic], the home of the fanciest French McDonald's I've ever seen, with the most elegant customers. I look forward to seeing what you do here.

Chair Furth: We'll take a five-minute break to set up for the next project.

[The Board took a short break.]

- 3. PUBLIC HEARING / QUASI-JUDICIAL. 744-748 San Antonio [18PLN-00347]: Recommendation on Applicant's Request for Approval of Architectural Review to Allow Revisions to a Previously Approved Major Architectural Review for Two New Hotels. Scope of Revisions: Change in Façade Modulations, Decks, Rooftop Equipment Screening, Driveway, Parking, and Landscaping. Environmental Assessment: Covered by Previously Certified Environmental Impact Report. Zoning District: CS (Commercial Service). For More Information Contact the Project Planner Sheldon S. Ah Sing at sahsing@mgroup.us.**

Chair Furth: We're ready to go to item #3. I realized that I should probably explain that when I use a computer in these meetings, I am looking at either the staff report or the City documents, all things that are part of the official record. I am not soliciting public opinion on what I should do. Which would be illegal. All right. Our second public hearing, item #3 on our agenda, also quasi-judicial, concerns 744-748 San Antonio. We are asked for our recommendation on the applicant's request for approval of architectural review to allow revisions to a previously-approved major architectural review for two new

hotels. The revisions involve changes to the façade modulations, decks, rooftop equipment screening, driveway, parking, landscaping, including, I believe from the staff report, pedestrian amenities along that area, such as benches. And environmental assessment. This project is still covered by the previously-certified environmental impact report. The zoning district is CS Commercial. The project planner is Sheldon Ah Sing.

Sheldon Ah Sing, Project Planner: Yes, good morning, and thank you...

Chair Furth: Just a second here. Thank you, Sheldon. Has everybody visited the site?

Vice Chair Baltay: Yes.

Chair Furth: Everybody is indicating that they have visited the site. Now, are there any communications concerning this project that anybody wishes to disclose?

Vice Chair Baltay: Sure. I'd like to disclose that I've met with Randy Popp regarding elliptically this project's parking situation, where he expressed to me interest in the applicant, of reducing the required number of parking places, based on evidence they have that the hotel doesn't need it. We didn't go beyond just listening to that statement, but I wanted to relay that to the Board.

Chair Furth: Thank you. And to staff, this application does not include reduction of parking, or does?

Mr. Sing: It does not. The project description from the applicant does describe, in the future, coming back for some signage and reduction of parking, but that's not...

Chair Furth: That is not before us today.

Mr. Sing: Not before us today. Staff does not have any response to that.

Chair Furth: Thank you. Appreciate that. Sheldon.

Mr. Sing: Thank you for the introduction. The applicant is here with their presentation. Just to mention that the public notices did go out within 600 feet, as required by the code. And, I did have conversations with a couple of residents adjacent to the project regarding this process.

Chair Furth: Thank you.

Mr. Sing: The project was approved in June of 2017, and is for two hotels, two separate hotels, branding hotels, five stories each, with 294 rooms and basement parking. Included, actually, two levels at the time it was proposed. As part of the conditions of approval, the City Council did require that the project eliminate one of the basement levels of parking. In lieu of that, the cost savings from that basement construction would go toward traffic mitigation funds for San Antonio Road. A grading permit was issued to excavate the basement, which would be the one level, and currently, the building permit is in review. That's what triggered some of these revisions coming back to you today. The biggest change is the site plan. On the left, you have the 2017 version, and the plan was changed from a circular driveway to an oval driveway. This arrangement allows for more curb space and for drop-offs, as well as to make a much more efficient parking valet operation. This would also alleviate the potential for spillover onto San Antonio Road. There was a condition of approval to discourage spillover onto San Antonio. In doing so, creating this oval driveway, that shifted some of the footprint of the buildings, some of the site layout there. Landscaping essentially stayed the same. The pool got a little bit smaller and is more of an operational aspect that the applicant can describe. Going through some of the elevations of this...I had a preview of the applicant's PowerPoint, and they'll go through this much more in detail. But, just to generally say that some of these changes regarding the fenestrations were because of changes to the interior space, because of more refinement of the plans as they went from the entitlement to the building permit, as well as the changes to the placement of the rooftop equipment, and the necessity of having

screening. That changed the parapet, and also screening material. Again, here it is, very minimal changes to the first and second levels. The fourth and fifth levels have more significant changes due to some structural constraints that the applicant will go into detail about. That required some of the...The roof and guest room areas are extended to be more of these beams that had to be put in because of the type of construction they are doing. The parapet here was raised as sort of, as also a mechanical screening equipment. You'll notice that the height of those are taller than 50 feet, but again, they are acting as screening for the equipment. The lighter color along the walls was included for internal circulation of the (inaudible). This is within the color palette that was approved. These changes are just like some of the other ones, with changes to the fenestration because of the interior spaces that were changed, and a lighter color was introduced on the first level for accent, but other than that, changes at the other levels are basically the same. This was very similar to the Courtyard Hotel, where you have some of the structural changes due to the type of construction that they are doing. On the east elevation, is more of a color change of significance, making the color lighter on the left side, and also the parapet there was also raised for the mechanical equipment screening. There were a couple of subcommittee items. One of them is addressed here, has to do with the terraces, and having to provide landscaping details. Those are included in the plans. The other subcommittee is with the lighting, and there is no information on that in this packet, so they have to come back as part of the condition of approval for the subcommittee. Given the nature of the changes to the project, the revisions, the project is consistent with the architectural review findings, and the context based design and performance standards. We do have a condition of approval #6 for pedestrian access, and that is in your Attachment C.

Chair Furth: Could you give us the packet page?

Mr. Sing: It's 57. Number 6, just restated here, that the owner or designee, prior to issuance of building permits, demonstrate that the direct pedestrian access is provided from the San Antonio Road sidewalk to the Courtyard Hotel, which is the north building. A separate accessible ramp is required unless a more centralized ramp is provided to serve both hotels that is closer to the central driveway. The issue with that is, before they had two separate entrances. Now, a person, say, is disabled, or so, would have to go completely south of the driveway and kind of circle back. We're just thinking there wasn't really any reason to eliminate that just for additional landscaping, but the applicant may have some other reasons to that. The project scope is covered by the Certified Environmental Impact Report for the previously-approved project, so no additional documentation is necessary. And then, we recommend that the Board recommend approval of the project. That concludes my presentation. Be happy to answer any questions you may have. Thank you.

Chair Furth: Any questions of staff before we hear from the applicant? I have one. On packet page 42, you say that semi-public seating areas in front of the hotels along San Antonio are removed. Could you show us where they were and what they were replaced with?

Mr. Sing: Sure. On page 42, you will notice in front of the hotel, between the hotel and San Antonio, there is some brown, round tables, or seating. It's right adjacent to the building. And then, if you look on the new, on page 43 of the report, those have been removed. [crosstalk]

Chair Furth: Actually, given the scale of the plan, I'm not seeing it, but...It's at the bottom of the page, right next to the trees?

Mr. Sing: That's correct. And then, for the...

Chair Furth: [crosstalk]

Mr. Sing: For the AC, it's, again, kind of more north along the building front.

Chair Furth: And they've been replaced with...?

Mr. Sing: It's just vegetation now.

Chair Furth: Thank you. Okay, are we ready to hear from the applicant? I believe so. You have 10 minutes. And if you would spell your name for our transcriber.

Randy Popp: Sure. My name is Randy Popp. [spells name] I am the entitlement consultant for this project, not the architect. I'm working with the team. Greg LeBon is here with me today from the ownership group. He is the Vice President of Design for T2 Hospitality. I'm going to read from my presentation here just a little bit so that I move through quickly and try to stay with my 10 minutes. Sheldon has done a great job here of running you through kind of the meats and bones of what we're proposing. But, let me just very briefly tell you that our goal here today is to identify what we've revised - - which Sheldon has outlined pretty clearly -- and seek a rapid approval, if possible, because we are trying to keep the project on track. I think you'll see that most of what we're proposing here today is pretty minor. In most ways, I think you'll agree, it's really an improvement to what we had previously been showing you. Just by way of updating you on what is happening now, construction has begun. We are complete with the demolition of the existing building. Secant walls have been installed in the project. The watering is ready to begin. And, we're in process with our plan check. We've achieved approval for some of the phases of work and are working through the process for others. The critical element for us right now is that we are trying to achieve a structural permit approval so that we can begin the concrete work. We can't start the dewatering without that because we need to immediately fill the hole in with concrete so that it doesn't fill in with water. I'll start off by sharing some kind of exciting images, I think. These photos are from just a week ago. As you can see, the excavation is completed to just above the water table. Secant walls have been installed to 25 feet in depth. Tie-backs are being placed, and we're ready to launch the deeper excavation and start the dewatering. I'll bring up a couple more images quickly to just sort of remind you what we last agreed to. This is San Antonio Road looking south. And then, again, the view looking to the north. And these are the final versions of the rendered perspectives we last generated. We're here again to show you some refinements we've made. We're not proposing any major shifts from what you approved. We were very happy with what we achieved, but in the course of refining, we found the need to make some changes to the fenestration and the glazing. You can see the changes are very subtle. I included vignettes of the plan so you can clearly see the level of articulation occurring along the frontage. We worked hard to make it interesting, further enhancing the character and richness of the skin, and anticipating and featuring the shadow lines. Overall, we've maintained the general organization, has remained consistent in most ways, with only minor changes being made. From the south side of the AC, which will, in fact, be very hard to fully perceive; we've been pretty thoughtful, regardless. Attending to the mantra of giving all the sides an appropriate level of attention, particular improvement has been made at the first level. This is a good spot to point out the changes at the terrace levels. As with most projects you see, the structural design is considered, but really conceptual. Now that we are more developed, it became clear we could not build exactly what we drew. We've extended the roof and wall approximately three to five feet in different areas to stretch to a column line. We did this in a way which would be similar to what we'd agreed to in regard to overhang and shadow area. After studying this so carefully, I'm confident this change will be almost imperceptible, particularly at the height at which it occurs. Overall, the top of the building is still stepping in a terraced and generous way. Similar refinement on the north side for the courtyard because we shifted stair and services areas. The pattern of windows extends further to the east and adds to the overall rhythm of this façade. I think this side in particular is much improved. At the east, we have included elements, as available, to break down the building, but truly, the large open area at the shared courtyard is the feature that makes this side unique. Beyond that, elements like recessed slot glazing at the stair or two-story mechanical vent for laundry in the garage enlivens this more service-dependent façade. As Sheldon mentioned, we've made some adjustments to the mechanical screening, and it's important as part of this presentation to show you our roof plans. This is the AC. As you can see, our mechanical is distributed, but we worked hard to keep it central to the building, and as low as possible. In fact, we're using portions of the parapet edge, particularly within the court area, to screen tall elements like stair or elevator features, which we could not otherwise shift. From the pedestrian level at the street, virtually none of this will be visible as a result of our approach. Similar tact was taken at the Courtyard, with the mechanical screen closely profiling that of the roof edge, again, to limit the perception of rooftop elements from pedestrian level of the street. This is the piece I'm most excited to tell you about. We really took your comments seriously and have made some very positive improvements to the site plan.

We've elongated the vehicle stacking space for pick-up and drop-off and shifted the entry of the lobbies further back and off the access to reduce the opportunity for interaction between pedestrian and vehicles. More outdoor activity space has been added and features like water walls, fire tables, shady areas. All of this has been incorporated without decrease to the landscape or impact to the site circulation. Along the San Antonio edge, we really thought about the pedestrian experience of people walking by. The staff report mentions a draft condition #6 that says a ramp should be required. Of all the times I've been to ARB, this may be the first time I've challenged a staff condition. My team and I believe strongly this is not needed. Because we are substantially through plan check, I can say it's actually not required. We've determined the front would benefit more by being densely landscaped, rather than covering the edge with rows of pathways we know will be seldom used. And I'll just briefly digress from what I planned to talk about and mention that Sheldon is correct. We did take away some of these areas. And I think, Wynne, you were asking about more...I don't know if my pointer can work here. I can't seem to see it. We had previously shown some outdoor seating, out in front of the buildings, but in the course of experiencing the site a little more, talking to the internal team, we've determined that having doorways on the frontage there, which would leak sound into the building in a way that's hard to control, would be less desirable. So, we have removed the openings that come from the interior of the building out to that space and have decided rather to just landscape that in a nice way. As pedestrians walk by on San Antonio, we've maintained all the benches and other things that we had along that frontage, but once you step up onto the podium and essentially go up that height, we don't have those outdoor seating areas any longer. I'll just say, again, we feel strongly that a more robust landscape area will be better in this location. Safe pedestrian movement within the inner circulation diagram satisfies all the needs as we see them. A single ramp provided as part of the thoughtful circulation we've developed internally is more than adequate for convenience and the likely use it will receive. We had one...I thought there was one outstanding condition; it sounds like we need to come back and talk about the lighting. One outstanding conditional of approval which we needed to resolve with you. Using this hearing as an opportunity to do that, we'd like to share our intent for the fourth and fifth floor balconies. Using a combination of the callistemon and acacia, we're creating a visually-interesting landscape element with two very different species and contrast. Both are low maintenance, so they'll continue to look good, but are robust enough to be perceived from the street, again, almost 40 feet distant from that location. As a final note, we've shared some color swatches with you to confirm our palette. We've made some very subtle adjustments to the tone and saturation, but otherwise, it will remain consistent with the earlier approved colors. I would describe these as earthy and warm, aligned with the brand standards, and interesting in their variation and contrast. That's it for my presentation. This is actually a pretty simple change that we're trying to make, so I will look forward to any questions you might have. Thank you.

Chair Furth: Thank you. I'm going to ask my colleagues to hold our questions until we hear from the public, and then, we can continue that. We have a speaker card. Jyanhwa Myau. Good morning, and if you could spell your name for the person who transcribes our minutes, that would be helpful.

Jyanhwa Myau: Sure. My name is Jyanhwa Myau. [spells name]

Chair Furth: Thank you.

Mr. Myau: Good morning. I would like to...

Board Member Gooyer: If you could pull the microphone up closer to you. There you go.

Mr. Myau: I didn't know I'm that tall. I'd like to present some of our concerns about this mechanical device. First, I guess we're not fully understand what's the rationale that we're trying to ask for a mechanical device. I guess our main concern is then, what if there is a malfunction, and it may cause the (inaudible) to overflow to the adjacent area. In a sense, we actually care about the parking space nearby. What would be a follow-up plan, you know, just in case the mechanical device is failing? The other thing is, I wasn't quite sure that, how can we possibly eliminate the whole floor, in a sense? There's 108 mechanical device. I tried to do some calculation myself. There's 294 slots available. I mean, as a plan. But then, excluding some of the surface level, then I would assume there would be, like around 100 or

120, each floor, originally planned. But then, there's 108 mechanical device. So, how the mechanical device is going to save a whole ground-floor parking from there. I have seen, you know, there's a rotating device, or up and down mechanical device, or what exactly this mechanical device is. The other concern is I'm not sure if that's related to this review right now, is the, again, is the parking space. I don't know if the Board has approved they're going to eliminate the parking space adjacent to the, just nearby the San Antonio Road. There are 21 of them (inaudible) street. We never hear any confirmation. Are we going to take it out to ease the traffic congestion? Or not? To summarize, I think the concern has been, what's the rationale? Do we want to eliminate the whole basement, to move the (inaudible) to ease the traffic. I scratch my head. I couldn't think about any way you can ease the traffic because the parking space still (inaudible). And everybody is coming down from San Antonio Road, and most likely, they're going to make a U-turn in between San Antonio and Middlefield there. If those Board can address those concerns, that would be great. Yeah. Thank you.

Chair Furth: Thank you very much, Mr. Myau. Does staff have any comments before we ask more Board questions?

Mr. Sing: Regarding what the...?

Chair Furth: I'm sorry...That's all right. We will go back to the applicant, who has a response time. Another 10 minutes, if you wish.

Mr. Popp: Sure. I don't need 10 minutes. Is this a response to the...?

Chair Furth: You are allowed another 10 minutes to do what you wish, essentially.

Mr. Popp: All right. I certainly...

Chair Furth: To advocate for your project.

Mr. Popp: I think I've explained our project pretty clearly. I think the one thing I would say is that we're not here today to talk about parking. That portion of the project is already approved and complete, so we're passed that at this stage. We will come back, and I'll just briefly explain that at other nearby hotels that this company has produced, and according to studies that well-respected traffic consultants, parking consultants in this area have done, it's becoming pretty clear that the impact of Lyft and Uber and other types of transportation that are available to people who use these hotels have reduced the requirement for parking, to a point that is roughly around .3. It's dramatically lower than what our standards require. Just in terms of what we have approved -- just briefly for all of you -- we are 100 percent parked on this project. We're doing that through a combination of valet, physical stalls and stacker stalls and mechanical spaces. We have 80 percent of our parking achieved in physical stalls, the combination of single stall or mechanical stackers. And then, the remaining 20 percent is valet spaces in the aisles. At this stage, we are compliant with all of the requirements for parking. We will be coming back with discussion about whether or not those stackers are necessary, with the concept that we may suggest that we do a study at six months and decide whether the stackers are actually necessary. That's something that we will come back to you with in short order. But, the goal for today was really to just focus on the architecture because we need to get these building permits issued. That's all we're asking you to really consider. That was the scope of this application, and that's where I'll leave it. Thank you.

Chair Furth: Are there any questions for the applicant's representative?

Board Member Gooyer: Yeah, I've got one. You know, you keep mentioning, "We'll come back for that," but the problem is, by the time you come back, if you've got three-quarters of a building up, and all of a sudden, it turns out you should have put in that second basement, you can't very well do it at that point. I mean, you know, that's easy to say now, and then we're going to be stuck. If you come back to us in six months and you've got the frame up, you can't very well take that down and put the basement in.

Mr. Popp: Let me just...

Board Member Gooyer: Hang on.

Mr. Popp: Sorry.

Board Member Gooyer: The second comment is, I keep hearing "valet." Valet is fine, but you still have to put the vehicle somewhere. I mean, when you remove an entire floor, that's a whole lot less square footage. Now, I've seen situations where valets run around into the neighborhood and park cars, but I really don't think the neighborhood is going to appreciate that.

Chair Furth: Okay. Any other questions? I'll let you comment back in a minute.

Board Member Lew: Can I...? I think staff has a comment, but also, I reviewed the previously-approved plans, and I just want to make it clear that the previous approved design was not two full floors of parking. It was a ramp down, and it was just a partial area that was two levels, right? Everything was ramping down. It was just...I have the plan. I mean, there was just a little overlap, right?

Mr. Popp: Yeah, I would...

Board Member Lew: I mean, I have the sections...

[crosstalk]

Chair Furth: Let me see if I can say something, as well, which might be helpful. It's our City Council which made the decision to accept the use of on-site valet parking -- in other words, you can't take the cars off site -- and stacking parking, mechanical lifts, instead of the second layer of parking. So, our Board did not make that decision, and we cannot alter that decision. We are being asked to look at a change in their, a number of changes in the appearance of the building, and a significant change in the entry courtyard, which the applicant believes will -- and presumably staff, but we'll ask them -- will reduce the chances of traffic from this site backing into San Antonio and having a serious impact on local traffic. Is that correct, staff?

Mr. Sing: Yeah. Just to back up a little bit, with all this discussion going on. You're absolutely correct that the condition approvals are from the Council, to revise the project and eliminate that...It was a partial level of basement parking. That kind of left it to, well, you have to provide all the parking, code compliant, in one level, or on the surface level. The applicant is using the provisions in the code regarding the mechanical parking, and they are compliant with that, and we're reviewing that through the building plan check review at this point. We are working with the applicant regarding the other condition approval that goes with this, that says that the cost savings from not doing that basement level go towards a fund for traffic mitigations on San Antonio Road.

Chair Furth: And can you answer Mr. Myau's question about the possible elimination of parking spaces across the street? Was that the question? The 21 space? Yes. Is that a considered mitigation measure or response?

Mr. Sing: I'm not familiar about anything off-site. We're just...Everything was, for this project, on site. We don't have any...

Chair Furth: The City is not studying a proposal to remove the parking along San Antonio?

Mr. Sing: I'm not aware of anything.

Chair Furth: Staff is not aware of such a study. It would be a separate project that would not come to us, but our staff is saying that they are not aware of that proposal. And I'm sure they would notify the neighborhood before implementing something like that. Questions for the applicant's representative?

Vice Chair Baltay: Yes, good morning. I have a question for the architect. I'm trying to understand the changes to the façade along San Antonio. I'm looking at Drawing A-1.0 or Drawing 2.0. You're showing on the partial floor plans of the fourth and fifth floor, on the left, the originally-proposed area, is sort of a cross-hatched, what I would indicate to be an open patio. On the right, you show that as a gray area shaded in. What does the gray area represent? What does that mean on the plans?

Mr. Popp: Just to make sure I'm clear on what you're talking about, and for anybody in the public here. What we're describing is these areas here?

Vice Chair Baltay: Exactly.

Mr. Popp: Yeah. Those are the open terrace areas, the balconies. There are open terrace areas on the upper level. We just changed the, you know, this is the result of lifting drawings from the construction plan set, versus the design plan set. It's the same areas that were shown here, are shown here. We're just using a different shade/shadow. You can see there was one, two, three, four balconies previously, and there are one, two, three, four balconies currently proposed. At the upper level, there were one, two, three balconies proposed earlier, and we've extended those just a little bit to be larger -- one, two, and a larger one that's on this side now, at the Courtyard side. Just walking you through each of the two buildings. That's what that reads as.

Vice Chair Baltay: And then, the gray, the dark-gray shaded area is still an open balcony that's accessible to the people in the room.

Mr. Popp: Yeah.

Vice Chair Baltay: It really could have the same...graphics to shading is on the right...

Mr. Popp: It's just a matter of graphic representation. I think, you know, we're sort of showing the tile pattern.

Board Member Gooyer: I don't mean to interject, but I have one question with that. Why are all the doors then gone, onto those areas?

Mr. Popp: We just simplified the drawing at this stage. There are doors that are there. It's all open balconies. Those are, sort of the special units that have a nice balcony out to the views. All of those will have views.

Board Member Gooyer: Is that what it is?

Mr. Popp: They are.

Board Member Gooyer: (inaudible)

Mr. Popp: Yeah.

Board Member Gooyer: Okay.

Mr. Popp: I think it's just hard to see at the scale we produced it, but they are all accessible balconies. They've been enlarged to the degree that we can enlarge them. They are actually going to be very nice spaces with great views.

Vice Chair Baltay: And then, I suppose it's asking too much, but you originally showed us some very nice renderings of these upper corners of the building as we approved them. Do you have similar renderings for the proposed situation now?

Mr. Popp: I'm sorry to say we don't. We were crunched for time in getting this presentation and it wasn't possible for us to have a set of renderings that were matching produced for this. I can share with you that we've got some three-dimensional perspective views, but they are not as desirable to me because they are shown at a funny angle. I'm going to go ahead and bring those up...

Chair Furth: Thank you.

Mr. Popp: ...with the caveat that, normally I only show you things that are either from the perspective of a pedestrian walking by, or some sort of artificial close-in view, the way we had done before. I don't typically show these because it doesn't really describe the building in a way that anyone could actually see it. But, let me just flip to it for you here, in my pocket slides.

Chair Furth: These are your back-pocket slides.

Mr. Popp: That's right. Okay, so, Board Member Baltay, I think this is what you're asking for, is a bit of a more perspective...

Vice Chair Baltay: This is exactly what I'm asking for.

Mr. Popp: ...a perspective representation of what...

Vice Chair Baltay: Please leave this on the screen for a minute so we can study it.

Mr. Popp: Sure. And I'll just mention to you, I've got this view, and then, I've got a second one that is more oriented toward the AC. If you'd like me to flip back and forth between those, I'm happy to. The current design is on the lower edge of the screen. It's a little hard to read that.

Vice Chair Baltay: What I'm struggling with, Architect Popp, is that on the elevations, as best I can make out on these one-inch tall elevations of a 50-foot building, the roof overhangs and the amount of modulation on the fourth and the fifth floors just seem to be less, by a lot. By five feet or so. And I just can't quite figure out what's really going on.

Mr. Popp: Okay.

Vice Chair Baltay: And if you recollect during our initial set of meetings, that was a big issue for the Board. And it was only your renderings that really convinced, at least me. I'm very leery of going backwards on that, and I'm looking for you to convince me otherwise. Just to give you some background for what I'm looking at. Maybe you could go to another slide like this, of the other corner of the building.

Mr. Popp: And perhaps as you're studying that, I can explain, or I can even ask Greg to come up and talk a little bit about the decision to...

Chair Furth: Why don't you give us a couple of minutes, or a minute or so to look.

[crosstalk]

Vice Chair Baltay: ...comment to staff that this is exactly the kind of thing that really needs to be in the public record. These images show much more than one-inch-tall elevations. I'm done with my questions.

Chair Furth: Okay. All right. I will confirm with staff that drawings of the size we had are very difficult to use in evaluating the building. Okay. Go ahead. Alex?

Board Member Lew: I have a question on the renderings that's being shown right now. Is there a change to the wall height? The landscape wall? It seems like it's taller and closer to the street. Is there a design change?

Greg LeBon: If there was...

Board Member Lew: Please come to the microphone.

Mr. LeBon: If there was, it was...

Chair Furth: I'm sorry, you need to be very close to our microphone, and if you could introduce yourself for our transcriber.

Mr. LeBon: I'm Greg LeBon with T2 Development. If there were any adjustments to that wall height, it was specifically to address the pathway and the necessity for a sloped walkway. And possibly grades.

Chair Furth: I'm sorry, I didn't quite hear your name.

Mr. LeBon: My name is Greg LeBon. I am with T2 Development, the developer.

Chair Furth: And LeBon is spelled...?

Mr. LeBon: [spells last name.]

Chair Furth: You'd be amazed, how much time we spend correcting misspelled names in our minutes.

Mr. LeBon: It means "the good" in French.

Chair Furth: That part, we got. Thank you. Additional questions?

Board Member Lew: Randy...

Mr. Popp: I'm sorry, Alex, let me just give you...I'm just going to briefly say. Sheldon did ask for these perspectives. It came after we had submitted our initial application, and he suggested that we should try and include some perspective renderings. Unfortunately, these came to my email about four o'clock yesterday afternoon, so, definitely would have included them if they had been available. I apologize for that. I agree that they are easy to read in some ways, but again, the refinement I would have made is I would have shifted our station point so that we're really looking at the terraces and could really explain it in the right way for you. I apologize that they're just, they just weren't available to me.

Board Member Lew: They are very useful, though, so, thank you for that. And then, if you could remind us how, sort of the entry/drop-off area, how much higher is that above the street level grade? Like, the sidewalk.

Mr. Popp: Are you asking about the actual driving surface?

Board Member Lew: I think it's, the staff condition of approval #6 is to add a pedestrian walkway there, and I'm assuming that you're not doing it because there is a grade issue. I was just wondering what...?

Mr. Popp: Yeah, it's not about the grade.

Board Member Lew: It's not about the grade.

Mr. Popp: It's not about the grade issue for us. It's about the fact that people who come and go from this hotel generally are coming and going in a vehicle. People arrive at hotels in a car, and if someone is

going to go out for a walk or a run or do any of those things, they're pretty intentional about it. They're going out for some exercise. We felt that the larger goal of having a really nice frontage and some dense landscaping, all of those things, rather than having this big gap in the wall and a ramp on both sides, and duplicate layers of pedestrian pathway, impervious area, etc., in really what is the only pervious area of our site, right? There's the special setback of 24 feet right at the front of the site that this occurs within. And it's really valuable to us, to have that as landscaped area rather than just paved area. So, we made a decision internally to maintain that walkway. And you can see that, you know, we've shown this sort of dashed line of circulation, and how that occurs, and out to San Antonio through this gap here in the wall. It takes that amount of length to get a code-compliant ramp between the pedestrian way at San Antonio and the podium height above curb at the entrances. We would literally have to mirror that on this side. And you can see, it eats up a lot of that landscape area, and it's not required by code.

Board Member Lew: Okay. Thank you for that.

Mr. Popp: Thank you.

Chair Furth: Robert, do you have any questions?

Board Member Gooyer: [no audible response]

Chair Furth: As a courtesy to our member of the public here, could you explain how the hotel does cope with failures in the mechanical parking system, if they occur?

Mr. Popp: Yeah, I'd be happy to. The parking systems that we're using are very common today in this area. It's something that has gained a lot of acceptance in this region. There are local maintenance groups that manage these. The best way to explain this is that they are a lot like the Coke dispensing machines. They have a monitoring system built into them, and long before we would realize there's something wrong with them, they signal to the maintenance company that there is a failure occurring, or maintenance is required in some way. And they trigger a notification and a call for service. That's managed pretty effectively just electronically. Beyond that, you know, we have provided all of the required parking in the combination of valet within the aisles. We haven't counted every space that a valet could park. In fact, there's ample extra space. We just...

Chair Furth: You're not arguing that you would have enough parking without the stackers, though.

Mr. Popp: No.

Chair Furth: Thank you. I appreciate you taking the time to do that for us. Looking at Sheet A-8.0, landscape plan 2018, current. How long is your frontage, along the street? Roughly. Does staff know?

Mr. Sing: I think it's roughly 280 feet.

Chair Furth: I think so, too. I see a bench, public bench seating up toward the top of the page, which would be north, and I don't see any on the other side of the parcel. Is that right? Or am I misreading this?

Mr. Popp: If you don't mind, Chair Furth, I'll show you on this plan.

Chair Furth: Sure.

Mr. Popp: This is an architectural drawing of the site that clarifies a little more easily because it doesn't have all the landscape shown. There is a...

Chair Furth: I'm sorry, which sheet are we looking at?

Mr. Popp: It's in my presentation. I'm not sure it was in your packet. This is a... Again, we were rushing to put this together a little bit, so I apologize for that. There are benches and a seating area shown in front of the Courtyard, and similarly in front of the AC. It's on both sides of the site.

Chair Furth: They just aren't called out on Sheet A-8, or am I just missing it? Because we don't have our presentation as part of the packet we're approving.

Mr. Popp: Yeah, so here, on Sheet A-8, this is referencing the landscape, the pedestrian seating on this side, and then, over on this side.

Chair Furth: It's just not called out.

Mr. Popp: It may not be.

Chair Furth: It isn't. Thank you. That's helpful.

Mr. Popp: It's there.

Chair Furth: That seating with arms...

Mr. Popp: It's there on the construction document.

Chair Furth: That seating has arms so that a person can stand up.

Mr. Popp: It is.

Chair Furth: I'm sure everybody will be happy to know that my mobility and (inaudible) is getting better, so I may be less focused on these issues. But not much.

Mr. Popp: I don't mind that. I do think that what you focus on in terms of this sort of pedestrian experience and having the ability to move down San Antonio in a comfortable way is important. It's part of why we thought about that circulation route into the site, and really what the appearance of the building will be for people who are passing by. It's helpful.

Chair Furth: And then, you explained that the relocated mechanical equipment will not be visible from the sidewalk. Just to confirm, what will the visibility be from the Greenhouse neighborhood?

Mr. Popp: The Greenhouse neighborhood is roughly, you know, the closest building to ours is roughly the distance of a football field away.

Chair Furth: A hundred yards.

Mr. Popp: A hundred yards, almost 300 feet. So, when you get back that distance, the oblique view toward the roof is enhanced, right? You can see more of the roof than you would if you were on San Antonio, walking by. I can see...

Chair Furth: This is why I asked the question.

Mr. Popp: Right. I mean, as you're traveling around Palo Alto, you can't see Hoover Tower, but when you get up on these balconies, you'll see the whole thing, right? I think it's all about perspective and where you're standing to see these things. You will definitely see a bit of the mechanical screen. You won't see any mechanical equipment at all, but in the Palo Alto regulations, of course, there is an exception for up to 15 feet of mechanical screen height. What we've tried to do, as I mentioned, was to orient that as much as possible away from the edge of the building, to help minimize the perception of that.

Chair Furth: Comparing your previous submittal to this one, what would be the change in that perspective from the Greenhouse neighborhood?

Mr. Popp: Let me share that with you. From the Greenhouse neighborhood, I would say that you're almost getting an elevation view of the building. Right? You can see that, you know, where the screening is shown at the roof here...

Chair Furth: (inaudible)

Mr. Popp: Well, sorry. Again, it's what I put in the presentation...

[crosstalk]

Chair Furth: It's difficult.

Mr. Popp: Let me flip back and see if these other views are any larger. I hate flipping around the presentation like this for you guys. I'm sorry.

Chair Furth: Take what time you need.

Mr. Popp: Yeah, thank you. I don't know if this is any better, but you can see that...That's not the right one. Yeah, it's not much better. You can see the roof screening elements that we have at the top of the building, hopefully. They're very light because that's the color they will be. We've tried to really help diminish that in every way possible. Previously, what we had shown was primarily the, kind of doghouses for the elevators, and some stair towers that were going up. Again, conceptually, we had an idea about what the mechanical might be. That's why I brought you these detailed roof plans, is to show you we really have worked out all the mechanical elements of the roof of the building, and we have to screen all of that. We have done that in the best way, I think, we could, by pulling that screening back, trying to focus it toward the middle of the building. In any places where we couldn't do that, we were using the edge of the parapet in a way to sort of enhance the architecture, I think. Create some articulation [crosstalk].

Chair Furth: Before, it was a series of intermittent pop-up doghouses, and now, it's much more continuous. Is that right?

Mr. Popp: More continuous. More continuous, and even.

Chair Furth: And you changed the...

Mr. Popp: But less chaotic.

Chair Furth: ...color a bit. Thank you.

Mr. Popp: Thank you.

Chair Furth: Any other questions of the applicant's representative?

Board Member Lew: Great. Randy, I was wondering if you could show us where the front doors are to each hotel, maybe on the landscape plan?

Mr. Popp: Sure, happy to. Maybe I'll start with where they previously were, if you don't mind. On the earlier scheme, we had this circular drive, and at the access of the circle at each side was the entrance to the hotel, the AC on this side and the Courtyard on this side. In elongating this driveway, we've relocated the entries to the hotel to this pocket that's much farther back, to allow for room for people to come in,

drop off their bags, meet the bellman, and have space for significantly more car stacking separate from where the pedestrian interaction might occur.

Board Member Lew: But there are secondary doors as well, in the lobby spaces? Are there extra, or...?

Mr. Popp: No.

Board Member Lew: Okay.

Mr. Popp: No. Controlled entrance and exit.

Board Member Lew: Secure [crosstalk].

Mr. Popp: Yeah, it's less for security. It's really more that it's not necessary to have multiple. We certainly have emergency exits and those sorts of things, which will be used in a different way. Primarily, this is the entrance and exit to the hotel.

Board Member Lew: Great. Thank you very much.

Chair Furth: Any other questions?

Vice Chair Baltay: Yes.

Chair Furth: Vice Chair Baltay.

Vice Chair Baltay: I have one question for staff, I suppose. I'm looking at the east elevation, that's Sheet A-4.0. It's the Courtyard building on the right. But I'm noticing on the new proposal, is that the parapet of the building seems to be a story taller. I understood you to say that's now considered a mechanical screen. I just want to understand if that's really the case. It looks to me like the building is just taller. It's the lower right-hand elevation on this image. And I just want to understand what the logic was behind that.

Mr. Sing: The roof heights are actually better depicted on the...If that's the AC roof plan, it's A-5.0.

Board Member Lew: I think it's the Courtyard, actually.

Mr. Sing: The Courtyard?

Board Member Lew: Yeah.

Mr. Sing: Then that would be 6.0. All the mechanical screens, the parapets, the heights are depicted there.

Vice Chair Baltay: Okay, so, looking at Sheet A-6.0, there is some notation. It says, "Top of parapet," and I can't read the number. It must be...Somebody can help me there. How tall is the top of that parapet?

Board Member Lew: It's (inaudible) 56.8.

Vice Chair Baltay: Fifty-six-point-eight feet. And that's determined to be, considered a mechanical screen, not part of the building? Is that the staff interpretation of that?

Ms. Gerhardt: That was staff interpretation because that portion of the building is more interior to the site.

Vice Chair Baltay: Okay, thank you.

Chair Furth: Any other questions? All right, then we will bring it back to the Board. Thank you.

Mr. Myau: (inaudible)

Chair Furth: You may. Just come up to the microphone, please.

Mr. Myau: We do have a concern about the watering. I saw the continuous wall had been built, I guess. I wasn't sure that the walled-in closet stop. This is new to me. If possible, can we ask for any monitoring well around the surrounding construction?

Chair Furth: Let me tell you that the technical issues of dewatering are not something we address, but staff, I'm sure, will be happy to discuss it with you.

Mr. Myau: Thank you.

Chair Furth: And there's a less-deep excavation than originally proposed, so impacts should be reduced with this revision. But staff should be able to discuss that with you. I have a question for my colleagues. As you know, this project caused enormous concern to residents in the neighborhood. They were concerned about traffic, they were concerned about visual impacts. Courtyard is the project closest to the Greenhouse?

Board Member Lew: Yes.

Chair Furth: And I'm concerned that this is going to look a lot taller to them than the previously-reviewed project. In your judgment as architects, is that true? I mean, you can't tell me what they're going to think, but is my concern unreasonable?

Board Member Lew: My take on it was, the back of the Marriott Courtyard is what actually looks, will look larger. That was the most striking difference to me. And I don't think that they would necessarily see that.

Chair Furth: Since I do not experience San Antonio as going north and south, I always have trouble with the elevations here. I think it goes east and west. The west elevation fronts on the street. The rear elevation is...which one? Would it be the east elevation?

Board Member Lew: Because if you're looking...If you're going down...If you look at, let's say the north elevation...

Chair Furth: I'm looking at Sheet A-3.

Board Member Lew: Right. And you're looking at the revisions, you'll see, like, a big mechanical screening. But then, if you look at the roof plan...

Chair Furth: (inaudible)

Board Member Lew: Right, but if you look at the roof plan, it's set back substantially.

Chair Furth: Right.

Board Member Lew: But, on the east elevation, I think as Peter was pointing out, it is flush with the wall.

Mr. Popp: I apologize for the (inaudible).

Board Member Lew: Yeah.

Mr. Popp: It's actually north/south.

Chair Furth: I know.

Board Member Lew: Yeah.

Chair Furth: It's just my experience. Not knowing which way to go when I see the San Antonio offramp. Yes. Who would like to start? Peter?

Vice Chair Baltay: Sure, I'm happy to start, but I have one more question. As I've looked at these fine-tuned elevations on the roof plans, it seems to me there's at least half a dozen spots on each building where the parapet is above the 50-foot height limit. I can't see that they are mechanical screens. They look like building elements. I'm just wondering, again, if there is some...? I thought we have a 50-foot height limit in town.

Mr. Sing: I believe the idea is, in using the parapet as a mechanical screen, you would need to have some uniformity to it. That was the approach explained regarding why that was done. But, the alternative to that is then to just have the parapets brought down and have mechanical screens tucked closer to the equipment.

Vice Chair Baltay: As I'm looking at the drawing on the screen right now, what's the little jog-out in the middle, that entrance to the building down below, I presume, it says that the parapet is 54 feet, 2 inches. And I've got to think that that's a decorative feature. That's why it's there. It's got to be 30 feet from the mechanical equipment. What am I missing?

Mr. Sing: An additional alternative then is to have a DEE request. A Design Enhancement Exception.

Vice Chair Baltay: Was this part of the original proposal, parapets of this height?

Mr. Sing: No. No. At the time, they were 49 feet, 4 inches, was the parapet. Then, during the design, past entitlement, trying to figure out where the equipment was going to go, that's where this came up.

Vice Chair Baltay: Okay, thank you. I guess it's obvious, but I'm troubled by that.

Chair Furth: (inaudible)

Vice Chair Baltay: I'm concerned that the parapets, to me, are part of the building, and we have a 50-foot height limit. I think we have to abide by that, even if it's part of the building that's in the back and people aren't going to see it, or even if it's internal to the Courtyard and there are architectural reasons why they want it, it should have been a design enhancement exception coming to us. It's not okay to just say it's there. And I think we're on a very slippery slope if we call parapets mechanical screens. Then every building in town is going to come in with a 65-foot-high parapet wall because that's a mechanical screen, and that's not the case. I just can't support that use of height exception for parapets. I think that the modulations to the building facades on the fourth and fifth floors are okay. I say that based on the renderings that were shown to me just 30 minutes ago, because it's very hard to judge on the elevations. But, given what I see, I think that meets our original design intent. I've made notes all over my plans to the contrary, but I think understanding what's really going to happen, it will be okay. I think the changes to the site plan are for the better. Having the large oval area enhances the functionality of the building, and it enhances the impact, or reduces the impact it will have on traffic on San Antonio. That's all for the better. With the exception of the parapets, I can support this revision. Thank you.

Chair Furth: Thank you. Robert.

Board Member Gooyer: I agree. I think the undulations, I think actually have gotten a little less, which is something I didn't want. One of the biggest things when we went through this in the first place was the

whole thing that the neighborhood was very upset and wanted the third, fourth and fifth stories to drop back or step back as much as possible. And now, it seems like we're coming in here with a design that basically adds to that bulk of the building again, which is going exactly opposite of what the entire neighborhood wanted, and what the initial agreement was, or the compromise was. And part of it bothers me a little bit, just the whole idea that we approve a building, and then, a year later, while they're under construction, all of a sudden, we get a proposal that says, "Oh, by the way, we want to change the façade modulation, fenestration placement, terraces, rooftop equipment screening, driveway arrangement, parking, and landscaping. That's pretty much starting from scratch. That's the part that bothers me a little. I don't mind a little minor modulation or some changes like that. It's just the process bothers me. I agree that probably the site plan is better in this new design than it was in the old one, but just all in all, I can't really approve it the way it is right now.

Chair Furth: Board Member Lew.

Board Member Lew: My recollection is that when this last came to ARB, that the applicant had asked for, or had mentioned that they would need to make some modifications to the front stepping, so I'm willing to work with them on that. I'm not sure the Board acknowledged how difficult it is to step a hotel. Hotels are typically stacked, cookie-cutter rooms, and doing this terrace thing is not easy to do. It's maybe easy to do on an open floor plan office building. When you have little stacked modules of rooms, it's actually very difficult to do. I do want to acknowledge that you did work with the Board on doing the terracing, and I think we do appreciate it. I actually do want to thank the applicant for changing the front entry, the long oval. It's something that I was hoping that you would do on the last go-around of the ARB. I was really hoping you would do it. I was expecting it, and I didn't get it, and that's one of the reasons why I gave you a no vote on it, even though I generally do support the project. On the revised oval design, I think you also did make an improvement to the trash location. Before it was blocking some of the hotel rooms, and that was also...I didn't mention it at the time, but that was also part of my thinking in voting no, in voting against the project. You fixed that, as well. I think that's all looking good. I would comment to staff, is that I think the bicycle parking does not comply with our code, which is the short-term racks are supposed to be within 50 feet of the front entrance. I don't think that they comply. I don't necessarily have an objection to where they are being placed. Some of them are in the back, a few of them are in the back corner of the building. Most of them are up in the front. I think given the hotel use, I don't object to where they are, but I don't think that they comply. I think I support the staff condition of approval for a second pedestrian entrance right in front of the Courtyard. I think I understand the applicant's logic, but I still think it's better to have the second pedestrian access point. If the applicant really thought about it, to have the second pathway, if it's going to take out three of the new trees, or something like that, I would want to know. Well, in a minute, Randy. And, on the parapets, I think I'm in agreement with Board Member Baltay. I think it's a little too much. I think I would appreciate them being set back, or if there was a change in material and color to help minimize the impact of them. Some of them are set back substantially and others are at the face, at the façade face. I am, I think, more in agreement...I think I'm more in line with Board Member Baltay on this particular one. I think that's all that I have on my notes.

Chair Furth: Thank you. Last time, this passed 3-1. We're still short a member here today, so you still have four votes. You need three to advance today. First of all, thank you for the modified entrance. I think we were quite concerned about that. I mean, there are many problems presented to people living on San Antonio by the increased traffic on that street, and I think the, to most of us, it seemed highly likely that based on our experience with limousines and hotels, that there is going to be a back-up onto San Antonio with your previous design. This is bigger. I think that's less likely to happen, and that will help with one of the more urgent problems. I realize there's relatively little you can do about the heavy volume of traffic on that street, but I think you've done a great deal to improve the flow of cars on and off of the site. I appreciate it. I also like you relocating the entrances off to the side. I think that works well, as well. I think staff does need, somebody needs to look more closely at the bicycle parking. Is the back-in-the-corner bicycle parking secured or unsecured?

Board Member Lew: I think these are the...Visitor ones are unsecured. You're saying, like, bike lockers? I think are downstairs.

Chair Furth: What I'm really saying is that if you have unsecured bicycle parking, it needs to be in a very visible place so there is less opportunity for one's bicycle to disappear because somebody cut the lock in a private, unobserved space. I didn't look at it as closely as Alex has.

Board Member Lew: Well, I would say, it seems like there are some at the Courtyard in the back, which are more visible, and then there are some at the AC, which are hidden.

Chair Furth: They need work. They need change. Or they could become lockers, I suppose. I'm glad to understand that there is still public seating, public pedestrian-friendly seating along the frontage of the building, which is a long building. I am perplexed on the issue of having two access paths on the front. I can see that it takes out...It greatly changes the way the landscaping works. I would rather have two paths and good landscaping. I don't know if that is possible. What does staff say?

[no audible response.]

Chair Furth: In a minute.

Mr. Sing: I mean, just a rebuttal. That the original plan had a ramp in the front of the Courtyard.

Chair Furth: Right.

Mr. Sing: So, the change that they're making, they're adding landscape, but they're taking away that path.

Chair Furth: Right, so, what am I going to see as I walk by? What layers of landscaping with the path? I'm just asking for the street front view again. Looking at it top-down takes a lot of translation. We have a four-foot-high accent wall, and we have...What are planting in that space? What are they planting in that space, between that and the sidewalk?

Ms. Gerhardt: Would you like the applicant to help walk through the plans?

Chair Furth: Staff could tell me. That would be fine.

Mr. Sing: I mean, it just looks like some ground cover shrubbery. There's no particular of a species on this plan.

Chair Furth: Remind me what still is coming back to the subcommittee, if we ever get to subcommittee? What was previously referred to subcommittee?

Mr. Sing: It was just the landscaping and the terraces.

Chair Furth: That's what's missing.

Mr. Sing: Yeah. Which is...Well, they are in the plans.

Chair Furth: Landscaping...

Mr. Sing: The lighting is not in the plan.

Chair Furth: ...on the terraces...

Mr. Sing: Yes.

Chair Furth: ...or the landscaping and the terraces?

Mr. Sing: No, just the...

Chair Furth: Terrace landscaping.

Mr. Sing: ...terraces, in particular, the landscaping.

Chair Furth: Terrace landscaping. We already approved the front. So, yes, if the applicant could tell me what's being planted in front of that four-foot wall.

Mr. Popp: I'm sorry to say that I wasn't expecting that we were going to be asked that question today, so I didn't come with the complete landscape plan for that area.

Chair Furth: And I'm sorry to say I pitched my landscape plans two weeks ago because my file drawer was full.

Mr. Popp: That's not a problem. I don't mind following up with that at all. But, I will share with you that we have a widely-varied landscape palette. We're respecting the character of the street trees along San Antonio Road [crosstalk]...

Chair Furth: And in front of a four-foot wall, we presumably have some height in the bushes.

Mr. Popp: It's a combination of tall grasses, flowering shrubs, a number of different elements. And also describing that that area is ramping up to the podium level as the ramp indicates. If you don't mind, I'll also take an opportunity to just share with you that we're open to the idea of having a second access way if potentially we could do that as a set of steps, rather than having a secondary long ramp. Maybe an opening that is four or five feet wide, and then some steps that launch up to the Courtyard side, versus the ramp that's on the AC side. I would just offer that for your discussion.

Chair Furth: Thank you. What do you see, Alex?

Board Member Lew: Well, I think that the, the landscape plans that we have last seen have a...It has a draft (inaudible) with a native component of plants. And that there is something along the walls. I'm not sure which plant it is yet.

Chair Furth: It seems to me that when we looked at it earlier, we thought the paths were attractively landscaped, and it provided a certain amount of interest and openness.

Board Member Lew: Yeah, I don't think there was any issues, right? I don't recall any issues with landscape [crosstalk]...

Chair Furth: I think we liked it.

Board Member Lew: ...across the frontage. Yes.

Chair Furth: And we don't have Board Member Thompson, who is probably the most focused on access of all of us because she's working on big projects that involve it. I think the issues that I hear on the table, so to speak, are the parapet/equipment screening, one or two accesses. I think everybody prefers the oval, the revised entry. Is that right? So, that one is taken care of. What issues have I forgotten, staff?

Vice Chair Baltay: If I could chime in, Chair Wynne. As I look at the plan, I'm just thinking about the second pedestrian accessway. What really strikes me, I think the architect's suggestion was good, that on the Courtyard building -- that's the one on the top of our drawing -- some sort of direct linkage to the sidewalk. If I was walking out of that building to the sidewalk, would be very helpful. It doesn't have to

be a long ramp following that curved element, but just some direct connection. Right now, there's no way to walk without going around the entire oval. On the other side, the same thing would probably make sense, just having a couple of steps or something to get down to the sidewalk directly. If I were dropped off at the curb for some reason. I would be walking in on the roadway, otherwise.

Chair Furth: I don't want you dropped off on the curb along San Antonio, but suppose you were walking down to meet somebody.

Vice Chair Baltay: I think that's a very simple correction, just to make the two linkages there. I think a second long ramp that they're talking about is probably not going to hurt the landscaping, but it seems overkill to me. I don't see why you would need two of those.

Chair Furth: Staff, you're suggesting two ADA-compliant ramps, one for each hotel. Is that correct?

Mr. Sing: Yeah, I mean, that was the idea, understanding that it's not a building code requirement. Just thinking of the findings and everything. But, in terms of the alternatives that were brought up by Board Member Baltay, that would be acceptable, as well.

Chair Furth: Does the applicant have any further comments on this issue?

Mr. Popp: I'm sorry, were you asking staff or applicant?

Chair Furth: No, I was asking if you had any further comments.

Mr. Popp: I do.

Chair Furth: To us. On this issue.

Mr. Popp: I'm very interested in not encouraging people to stop on San Antonio and drop people off. I think that that would be a terrible mistake, to create a visible queue that there is that kind of simplicity of movement. We will work with...You can actually work with Uber and Lyft and these other companies to create what's called site-specific notes. When a driver arrives at a site, they're given instructions about where they should be. Like, you're not allowed to stop on the street, please pull into the driveway. We'll take care of those kinds of things as part of what we're doing. But, I do think the idea of switching from one ramp to one ramp plus two stairs is not the direction that we'd like to see this go. I suggested one ramp and one stair as an alternate to try and alleviate what I heard were your concerns about accessing the Courtyard in an easy way, but I think that the code-compliant answer here is that we have provided the ramp that is necessary. If we want to have more convenient access, adding a second stair entrance would be the next step for me, that I would be encouraging you to accept. The idea of creating three openings, two stairs plus the ramp, seems like we're really headed in the wrong direction.

Vice Chair Baltay: Can I ask if...? Suppose I'm standing at the Courtyard building and I'm going to some function at the JCC, and I want to walk over there. I'm told it's a quarter-mile away. So, I exit the Courtyard building. Is there any pedestrian way to get to the sidewalk without going around the oval?

Mr. Popp: Not currently.

Vice Chair Baltay: And it is conceivable that somebody might want to walk someplace from the hotel.

Mr. Popp: Absolutely.

Vice Chair Baltay: Don't you think you should have some pedestrian exit from each hotel to the sidewalk directly?

Mr. Popp: That is what I'm suggesting, I think, is that from the Courtyard, we would add, in some area here, a stair access through. And from the AC, you have this nice ramp that takes you down to the pedestrian way that's very visible and easy.

Vice Chair Baltay: If I'm staying in the AC hotel and I want to go to the same function at the JCC, I'm going to walk out, and I'm told to go right on San Antonio, but I see a 30-foot-long ramp to the left; I'm supposed to walk down that ramp and around.

Mr. Popp: I don't mean to challenge this too much, but you're going to go for a mile and a half walk, I think an extra 10 steps to go to the right...

Vice Chair Baltay: Okay.

Mr. Popp: ...to go down, doesn't seem like that big a challenge.

Vice Chair Baltay: I don't think it's that big a deal either way. Thanks.

Chair Furth: Is there further discussion, or does somebody want to make a motion? I don't know if I've made my point of view clear, but I do not think the present arrangement of parapets is acceptable. I think it reads as too much building height. And it's not equipment screening. It needs to be smaller, closer to the equipment to be screened, and clearly equipment screened.

Mr. Popp: I'm sorry, I meant to ask, if you don't mind, could I ask staff to be a little more clear about their interpretation of parapet height and the acceptability of that in regard to the building? Because we have actually a significant amount of discussion.

Chair Furth: No, thank you. I think we've had enormous amounts of discussion on this issue up here. If anybody up here wants guidance, they can have it. Okay. Anybody have any questions of staff?

MOTION

Vice Chair Baltay: I'm ready to move that we approve this project as submitted, with the condition that the parapets all be remaining within the 50-foot height limit. I'm looking for a second to that motion, but also an amendment regarding the pathway. What we should do.

Chair Furth: Is there a second? Hearing none, does somebody wish...?

?: (inaudible)

Chair Furth: Somebody wish to make an alternate motion?

Board Member Lew: I will second it. I do want to make a friendly amendment.

Vice Chair Baltay: I'm all ears, Alex.

Board Member Lew: I would propose that the bicycle parking locations be reviewed by Transportation staff.

Vice Chair Baltay: I certainly would accept that.

Chair Furth: We have a motion on the floor, that the plan be revised to reduce parapets to 50 feet; that the bicycle parking be reviewed by the Transportation staff for compliance with the code.

Board Member Lew: And then, modifying Condition of Approval #6, which is the...

Board Member Gooyer: And you're comfortable with doing that...

Chair Furth: Wait, wait, wait. Just a second. Condition #6 is on packet page number...?

Mr. Sing: Fifty-seven.

Board Member Lew: Fifty-seven. And it's the wording, the draft wording that the staff has, is that the owner or designee, prior to issuance of building permits, demonstrate that the direct pedestrian access is provided from San Antonio Road sidewalk to the Courtyard Hotel, which is the north building. A separate accessible ramp is required unless a more centralized ramp is provided to serve both hotels that is closer to the central driveway. So, I think we're saying that it doesn't have to be accessible.

Vice Chair Baltay: I think we can strike the last sentence of that. But, looking to gather votes here again.

Board Member Lew: Yes.

Chair Furth: A separate access to the AC Hotel?

Board Member Lew: Courtyard Hotel.

Chair Furth: To the Courtyard Hotel. It says, demonstrate direct pedestrian access is provided from the San Antonio Road sidewalk to the Courtyard Hotel, north building. That would be towards the freeway, right?

Board Member Lew: Yes.

Chair Furth: It's just a mental quirk. And it does not need to be accessible. Is that what you were proposing?

Board Member Lew: The amendment was about bike parking, and I think the...I think I'm in agreement with your previous comment about just having some sort of stair access. That's fine.

Vice Chair Baltay: I would like to amend my own...

Chair Furth: You can't. I'll do it for you. You can't do a friendly amendment to your own motion. I move a friendly amendment, which would be to modify Condition #6, Condition of Approval #6 on Packet Page 67 [sic], by deleting the last sentence. The result of that will be that the applicant will provide direct access to that building, but it need not be ADA compliant. I want to propose...

Vice Chair Baltay: I accept that amendment.

Chair Furth: You accept it. Does the seconder accept that amendment?

Board Member Lew: Yes.

Chair Furth: We're so good. I would like to propose a condition that would deliver the message that the equipment screening needs to be farther away from the edges, closer to the equipment to be screened, and smaller, generally. But I don't know if that's very clear. What is it I'm trying to say here? Does it need to come back [crosstalk]...?

Board Member Lew: The point of the mechanical screening is to screen the equipment from the pedestrian level, not from the floor of the neighboring building. I think the goal is to minimize the impact of that, to minimize the visual bulk of that. Setbacks and height and material color can help reduce the bulk.

Chair Furth: Does this need to go to...? In your opinion -- you all -- does this need to go to subcommittee?

Vice Chair Baltay: I don't think so, no.

Chair Furth: We can get (inaudible).

Vice Chair Baltay: I think mechanical screening is something staff routinely reviews and approves.

Chair Furth: Staff has [crosstalk]...

Board Member Gooyer: Well, mechanical screens are, but we're basically talking about redesigning the fascia again.

Chair Furth: We're talking about keeping the fascia the way we originally approved it. We're not approving changes...

Board Member Gooyer: (inaudible) (off microphone)

Chair Furth: No.

Vice Chair Baltay: No. We're asked for the parapet...

Chair Furth: Take back down.

Vice Chair Baltay: ...to go back to the height they were originally approved at.

Board Member Gooyer: Oh, okay.

Ms. Gerhardt: I think staff understands where the ARB is coming from. We had made an interpretation that these interior parapets could be called mechanical screens. We understand why you're saying that should not be the case. I mean, it is a slippery slope, so we are in agreement there. We will make sure that the building meets the height limit. We do review mechanical screens on a regular basis, so we can make sure that those mechanical screens are pulled into the center as much as possible. And, we will get line of sight diagrams, because as Board Member Lew said, we're trying to screen the mechanical from any pedestrian views. The line of sight diagrams will show that, and we can determine what the height of the screens needs to be from those diagrams.

Chair Furth: Okay, so...Where would this go? I'm proposing a new condition of approval. We already have one that says that the parapet shall be no more than 50 feet high. I would propose an additional one, which says that mechanical equipment screening shall be revised to minimize its bulk and extent, while meeting code requirements for screening.

Vice Chair Baltay: I can accept that.

Chair Furth: Would you accept that? Anything else?

Board Member Lew: I can accept that, as well.

Chair Furth: Great.

Vice Chair Baltay: If I could add. Robert, is there anything we can do to get your vote on this?

Board Member Gooyer: Well, I'm a lot happier now than I was when I came in here. But I don't like the whole process, is what irritates me a little bit. The whole thing about, basically, every facet of this

building is being changed in a sort of hurry up, we're under construction, and I don't like that. And the thing is, we all knew -- or, I should say, when you go through schematic design, you've got a structural engineer on there, so you already know when some of these things is. I don't like the, "Oh, by the way, we just hired a structural engineer who said that we can't do this, we have to eliminate the undulation," or whatever. That's the part that bothers me.

Vice Chair Baltay: I share that annoyance, doubly so, that we're only showed renderings 30 minutes before our deliberations.

Board Member Gooyer: And that was the other thing, is that, you know, if we were going to do that, we should have had some very clear examples, saying, "See, this is what it looks like." And I understand how, you know, I've done enough big projects where you're always under the gun, but I don't like being thrown into that situation, "Okay, come on, we're on a fast track now, and you need to approve this."

Chair Furth: Okay, I think that...

Board Member Gooyer: I'm willing...No, no, no. I'm willing to accept this the way it is, with the whole idea... The biggest problem I had -- and we're toning that down quite a bit -- is that the neighbors across the street wanted to get rid of the bulk. And this thing is bulkier the way it was presented this morning than it was in the first approved go-around. And if we're willing to trim that back down, or at least considerably more, then it's a lot more favorable to me.

Vice Chair Baltay: How would you say that, though? In something that comes back to subcommittee, or...?

Chair Furth: I think you did by cutting [crosstalk].

Board Member Gooyer: No, no, no, I'm saying, if what you're saying -- and that's why I asked -- if you're saying that, basically, the top floor roof line is pretty much going to stay the same as it was in the approved version, other than the undulations change somewhat.

Vice Chair Baltay: I believe that to be the case.

Chair Furth: That's the first part of your motion, which is that the parapets be reduced to 50 feet.

Board Member Gooyer: And if that's not the case, then I'd like to see it back, because I don't think staff ought to be the one that gives the thumbs up or thumbs down on the redesign of the elevations.

Chair Furth: I think that staff is clear that we are saying 50 feet is the limit, and any other structure has to be minimal, and not one that visually increases the bulk.

Ms. Gerhardt: We are very...

Chair Furth: I think they got that.

Ms. Gerhardt: ...we are very clear on that. And there will be a new condition. In your motion, you proposed a new condition related to that, you know, the access point was the second condition. We're saying that that could be stairs. The bike parking, I did want a little bit of clarification on the bike parking. I mean, you're wanting transportation to review it. What I heard during the earlier discussions, though, was mainly related to the short-term parking, and that we just want to make sure that those are as close to the entrance as possible, which is code requirement, but also that they are visible and helping to avoid, yeah, increasing security.

Chair Furth: Yes.

Ms. Gerhardt: I mean, those are all things that staff is capable of reviewing, if you so recommend.

Chair Furth: I would say that I can understand, reasonable people can differ about what's the best approach to screening equipment, and what might be most aesthetically satisfying. But, I certainly agree with my colleague to the far left, that particularly given the intensity of concern in the neighborhood about the issue of height and bulk, this proposed change was not something we want to approve. And I agree with my colleague to the right, that the timing made it difficult. And I appreciate the careful reading of the plans that people have done, and the fact that the applicant provided us with the background information sufficient to enable people to review that plan. All right. Is there any further discussion before we vote? Hearing none, all those in favor say aye. All those opposed? Abstaining? Thank you.

MOTION PASSED WITH A VOTE OF 4-0.

Chair Furth: Thank you. This is recommended approval without further referrals to subcommittee, though we have an existing referral to subcommittee. And, the vote was four in favor, none opposed, one absent. Thank you to the staff, and thank you to the applicant. And I'm going to suggest a seven minute break, until five minutes after the hour, before we start our study sessions today. Thank you.

[The Board took a short break.]

Study Session

Chair Furth: The Architectural Review Board of the city of Palo Alto is now back in session. We have two more informal elements. These are study sessions in which we conduct our business less formally.

4. Study Session on Ex-parte Communications Between Architectural Review Board Members and Applicants/Developers and Other Persons

Chair Furth: The first one is on Ex-parte communications between the Architectural Review Board members and applicants and developers and other persons. And we have a representative of the City Attorney's Office here, and a member of the public who has asked to speak, both of which we're grateful for. Just to set the scene, a lot of people, both neighbors, and historic preservationists, and applicants, make requests of us, that we speak to them about their project or the work of the Board. We have a Board policy, and a City policy, that give us some direction, but not total direction. We thought it would be helpful to discuss this with our counsel, our City's counsel, and with each other. If you would introduce yourself and proceed.

Ms. Lee: Thank you, Madam Chair. Sandra Lee, Assistant City Attorney. Thank you for inviting me here this morning to talk about what I hope is an interesting topic. You requested a study session on ex-parte communications and quasi-judicial hearings. This is a quick overview of what I'm going to touch upon. First is a little bit of refresher for all of you about quasi-judicial hearings, fair hearing requirements that attach to such matter, and within that context, the regulation of ex-parte communication. This will be a general discussion about these areas. You may have interest in talking about specific matters, specific situations. However, that may be more suitable for off-line discussions as these situations arise, and we can talk about it after this meeting -- or you and I, not all together -- individually, or as situations arise in the future with respect to specific projects and requests. Quasi-judicial hearings as opposed to legislative matters: When the ARB takes discretionary action on a proposed project. You are applying existing policies, roles and standards to a specific person, project or circumstance. These hearings involve the taking of evidence and will result in a written decision, based on required findings. And, in contrast, legislative actions are the promulgation of these more general policies, rules and standards, and the ARB does from time to time weigh in on such matters with respect to design guidelines and the like. Things that will apply to projects more generally. With respect to quasi-judicial hearings, certain rules apply to ensure due process for the project applicant and a fair administrative hearing for all interested parties. These are the fundamental requirements of a fair hearing that are rooted, not only in the federal

constitution, but the state constitution, as well as state law. A fair hearing requires notice to the applicant and to the public, an opportunity to be heard, and to hear the evidence that the Board will consider. A hearing must occur before an impartial decision-maker, one that is not biased or has not prejudged the matter. And, within the context of all of this, a fair hearing does require the disclosure of ex-parte contacts. I would just say that, I just want to touch on, with respect to the impartial decision-maker item. Public officials are presumed to be impartial, but this could be overcome with evidence of bias, and in general, members should avoid taking a position on a specific project or class of projects prior to hearing evidence. First, I wanted to talk about what are ex-parte communications, so we are all talking about the same thing. Evidence-gathering that takes place outside the hearing. It includes oral and written information, but it can include other sensory communication, something that you perceive visually, or that you hear, and that you may ascertain from a site visit, for example. These communications are those that are substantive and relevant to the project and the decision that the ARB is making. If you have a contact with a project applicant and it's about a barbecue that someone is having, then obviously that's not considered an ex-parte communication in this context. The law generally requires that such contacts be disclosed, and any new information learned as a result of those contacts be disclosed. Why is full and complete and timely disclosure of contacts important? It's for a couple of reasons. First, such disclosure affords applicants the right to rebut evidence that may have been learned outside of the hearing context. It gives not only the applicant, but other interested parties the ability to refute, test and explain such information. And, the other reason why this disclosure of ex-parte is important is that the hearing requirement necessarily contemplates that a decision will be made in light of the evidence introduced at the hearing. So, if you have an outside contact, if you don't disclose it at the hearing, it's not part of the record before the body. The decision needs to be made on the evidence presented at the hearing. That could be evidence presented by the applicant, presented by members of the public, other interested stakeholders, but it also could be evidence that you yourself obtained outside of the hearing context that is disclosed to all of the other members of the Board, and to the public and the applicant. I did want to mention that in the land use context...So, different rules apply, different due process rules apply in different context. But in the land use context, ex-parte evidence that is disclosed before the public hearing does not violate due process, which is why we put so much emphasis on disclosure. In a 1957 case involving the city of San Mateo, that's still good law, and this is just a paraphrase of the court's decision. Plaintiff complained that the defendant, the City of San Mateo and City Council members, relied upon information acquired by the council members outside of the hearing, but there, the mayor stated at the outset that the council members had a look at the property -- they conducted a site visit -- and the statements in question made at the hearing fully revealed the investigation. There was no concealment, so those who are protesting this decision -- it was a variance, in that case -- were free to challenge any views expressed, and they frequently did so at the hearing. In that context, it was deemed to not be a due process violation, that the council members had obtained information outside of the hearing. I want to just talk a little bit about what our rules are -- the City Council and the ARB -- they are a little different. Ex-parte contact are discouraged for the City Council. The Council, as well as the PTC, have procedural rules that do discourage such contact if they will affect the impartiality of the member. The ARB does not have this rule specifically in their procedural rules. And, in fact, the procedural rules say...Well, they acknowledge that in some circumstances, it may be useful and informative for ARB members to have these contacts. I would say that even though that is the rule that the Board adopted about three years ago...It may have been before, but the last time they were updated. Individual members could, of course, choose to be more restrictive in their conduct, should they desire. You're not compelled to have ex-parte communication, and you can make your own decision with respect to that, as long as you meet this minimum of disclosure. The ARB procedural rules require that members make best efforts to track any contacts, and the substance of those contacts. That includes conversations, meetings, site visits, mailings, or presentations where substantial factual information was conveyed with respect to the project. And, it is recommended -- this is not reflected specifically in the rules, but I would recommend that members who do engage in ex-parte contact take contemporaneous notes -- who, what, when, where -- and as detailed as possible, because that information, you're going to convey on the record prior to the beginning of the ARB hearing. Disclosure may be oral or in writing. You can submit it to staff prior to the hearing, or, the latest the disclosure should be made is at the beginning of the hearing, before any testimony is taken. The ARB rules state that ex-parte contacts are prohibited after the close of the public hearing, and prior to a decision. I would just mention that even though the rules don't expressly

discourage ex-parte contacts for the ARB, that sometimes they may be useful. Whatever you learn that is useful, that you've considered and have influenced your decision, should be disclosed, because the purpose of the hearing is not to come together with all or separately-gathered evidence and just share it. I mean, the primary purpose of the hearing is to have the evidence presented by the parties and the staff, and should the ARB members obtain other evidence, then disclose it. But, it is really principally the forum for which the evidence should be presented by the parties. I wanted to make mention of a potential Brown Act violation, also in the context of ex-parte contact. To the extent that the applicant...What I've been talking about up to now is the Board getting information about a project, learning information. But an applicant potentially will want to know, what does the Board think about their project? Elicit information the other way. There are a couple things with respect to that. The potential Brown Act violation is what's called the hub-and-spoke model, where that individual is ascertaining the position of various board members, and they may go to the next board member. There are five members, so they may go to three members, and to the third member, they tell them, "I've spoken to members A and B, they are on board with this project, I just need your vote." Now, there is a potential violation right there because there is this collective concurrence being formed through an intermediary. So, it's really incumbent on the board members to prevent that type of communication from a member of the public or the applicant, because if a Brown Act violation occurs, it will be your violation. It will not be their violation. And you are in the best position to know the requirements of the Brown Act, and to make sure the views of other Board members are not shared with you on a pending project. Also, with respect to providing feedback to applicants, I would be somewhat circumspect in what information you provide, only because of the requirements to be an impartial decision-maker. You do have to keep an open mind, to not prejudge the matter before the hearing, to not commit to a specific position, because the position must be based on evidence that you obtain at the hearing, or that is presented at the hearing. And then, my last slide really is just about, this is the last part of what's required for a fair hearing in quasi-judicial, is that, you know, you need to make a fair decision that is supported by substantial evidence in the record. That includes things that you might disclose that you've learned from ex-parte communications. Any questions?

Chair Furth: Thank you very much, Counselor Lee. I'm going to suggest that we hear from the members of the public before we start asking questions and having a general discussion. The first card that I have is from Jyanhwa Myau. Good morning.

Mr. Myau: Yeah. First, I would like to thank you for Counselor Lee's presentation. It's very informative for me, personally. I was asking, after the previous hearing, I was wondering if members of the council would like to talk to the community, to answer some of the questions, you know, if we have a chance. This is not directly related to this presentation. It's just so very happens about communication. And I truly understand and am very grateful that you present us as a public, you know, for the...This is a very complicated application process. Most of us, we don't have the professional knowledge, and specifically, I would like to (inaudible) about, last time you asked about the setback of the building, and today, we can (inaudible) to see all your efforts. The whole process, we need to communicate with the public, if possible, you know, to educate them about...To ease their anxiety about the future change. And there's a trend about, to adding more mass buildings around the boundary of the cities. That's just the trend. We'll have to live with it. But, how can we include the (inaudible) parties and work together as a community? That's where I'm coming from, and hopefully you can share most of your view of experience with us. That's it. Thanks.

Chair Furth: Thank you so much. I have another card from Randy Popp.

Mr. Popp: Thank you. Randy Popp, I'm a resident of Palo Alto, and an architect practicing in town here. I will tell you that I just happened across the agenda for today's meeting and noticed that this item was present. I'm very glad that you're taking up this discussion because, having sat in your seat as chair for some time, and board member for longer, I can tell you that it's important to me that applicants be able to speak to the Board throughout the process. We spend thousands of hours developing projects. They are immensely complex, and the number of decisions that goes into the organization of a site, the design of a building, the use of building, is something that you cannot possibly absorb by reviewing the material

that comes in your packet. It's just too complex. And while the PTC receives a packet that has written documentation that they can read and digest and understand, there's so much more involved in the process of developing a building, that it's critical -- I believe -- that the Board be open to meeting with applicants. And I think it can be done easily within the constraints of what was described. Having done this, again, myself, it's easy to say to an applicant, "I'm here today to hear what you have to say. I'm here today to listen to any explanation that you want to provide. I'm expecting that whatever you're showing me today will be in your presentation so that we can discuss it publicly. Share with me whatever is important for you to really explain to me in a clear way, but I will not be giving you any additional information. I'm not going to be providing feedback for you. I'm not going to make any judgments about your project. I'm just here to absorb information, and be more educated when I come to the point of having to make a decision about your project." I believe that that's really critical for the Board to be open to, and to be accepting of, and to maintain as a policy. Thank you.

Chair Furth: Thank you. Any comments from staff?

Ms. Lee: I would say that whatever information is provided to the Board, I mean, to the extent that it's maybe too much to absorb in 10 minutes, that is not necessarily a reason to allow for ex-parte meetings that might take a substantially longer amount of time with each Board member. I would say that more time is required in a public setting, so, if the information that's going to be conveyed in these ex-parte meetings is so critical to understanding the project, then that information should probably be conveyed in a public setting so that all interested parties could hear that information.

Chair Furth: Staff? That was legal staff. Anything from planning staff?

Ms. Gerhardt: I think, related to the concept of a project being complex, I mean, if it's complex for the ARB, then it's that much more complex for the neighbors. Obviously, I very much agree with our counsel. I might kick myself later, but, I mean, I think we really should have more community meetings. If a project is that complex, we should be having community meetings ahead of hearings so that it can be explained to the neighborhood. And potentially, the Board could come. We'd have to figure out if that needs to be noticed, or not. That sort of thing. But the community meetings are noticed anyway, so, we would just have to notice that the Board would be in attendance if, you know...We will talk with counsel about the details of that.

Chair Furth: Thank you. Alex.

Board Member Lew: A comment on the community meetings. I do know that a lot of times, the planners, the project planners, will meet with members of the community, and it's not always documented to the Board. Sometimes they'll mention it during the staff presentation. So, it may be good to just have, for us to try to be more methodical about including that in staff reports and what-not. Like, how many meetings, and when did they happen, and what-not. I think my other comment is, for staff, is, can we make a document for the applicants about what they, if they ask for an ex-parte meeting, that there are guidelines that they need to follow. Because it seems to me that we've done it, we've had meetings before in the past, and usually the applicants are knowledgeable about what they should and should not do. But, I think there are other applicants out there that don't know that. I mean, we just have a guideline for them about what they can expect...

Chair Furth: (inaudible)

Board Member Lew: Yeah. But I would just say, for example, there was a recent project, and the applicant asked for a meeting with two Board members, and that would have violated the Brown Act. Just having the meeting right there. And they didn't seem to understand, so they were putting the Board members in a tight spot and not even know it, not even knowing that there was a potential issue. Yeah, so, I think we just have to be careful about that.

Ms. Gerhardt: Just related to the, when staff is meeting with neighbors, there is a portion of the staff report where that information should be because we have the public outreach section. But I will make sure we are more diligent about communicating that, if that hasn't been true.

Board Member Gooyer: I have a question. One of the things I thought was a bit unusual, under the "discouraged" items, you have a site visit. I mean, I thought that's pretty basic. In fact...

Ms. Lee: Yeah, I wasn't saying that that's discouraged. I was actually saying that that is okay, and the court has upheld the ability to do that, so long as that information was disclosed prior to the hearing.

Board Member Gooyer: Okay. I ask, basically talking to a lawyer, usually, a very specific, exactly... You know, if it's written there, it's gospel.

Chair Furth: You know what? I think one of the important things is that, that's why the chairs do ask us to disclose, have you done a site visit, because that is something that the applicant should know. Sometimes it needs to be more specific, like I saw it last Wednesday when there was an explosion on site, or something. If you just keep imagining this imaginary person participating in the hearing, and...

Board Member Gooyer: (inaudible) (off microphone)

Chair Furth: Yeah. They need to know what we think we've learned that's relevant to this project. And, of course, I was having a bit of a discussion with counsel about, we bring our whole experience to these hearings, and you particularly bring your professional experience. And one of the things I notice is that you have a lot of expertise on the use of materials in this area, so you frequently tell an applicant that, "That's not going to work here." And that is based on your professional experience, and you don't need -- in my opinion, Sandy can disagree -- to disclose that, you know, you did this on such-and-such a setting. Though I notice that Alex often does say, "This material has been used on three projects in the last 10 years. If you look at the one on Park Avenue, it really is a good example of why this is a bad idea." He has quite the memory, and history. And that lets the applicant say, "Oh, but that's not, you know, that was **Epay [phonetic]** from this part of the world, and I'm using a different..." But just so that people can respond to what we think we know and correct our understanding, or argue against it. I particularly wanted to talk about neighborhood concerns. You know, based on my professional history as a lawyer, and a municipal lawyer...And I've been doing this so long. I remember when the law came in requiring us to, for the first time, make written findings of fact and conclusions of law, so that courts could review our decisions, and people would have due process. Yeah, on stone tablets. Absolutely. It was the 70's. I sort of thought, well, it's much simpler if I just don't talk to anybody because then I don't have to take all these notes or remember everything, and tell them that no, they can't pay for my cup of coffee. And I found my views evolving, particularly with regard to neighbors, particularly when it's an existing community of neighbors, whether it's the Palo Alto redwoods next to the proposed hotel, to replace the restaurant on El Camino, or the Greenhouse neighborhood with respect to this hotel. And I do believe that, ideally, we have infinite staff, with infinite time, and they are able to have a community meeting, or one or more community meetings, with these groups. But we don't have infinite staff, and we don't have infinite time, and thinking about how to do that has been on my mind. I do believe that meeting with neighbors so that you can see what the view is from their property, so that you can look at the project literally from another angle, is useful. It does require a lot of note-taking. Because I think we not only have to be fair, we have to be seen to be fair, and we have to be seen to be listening, which is why I tend to run these hearings in what some of you may view as a rather sloppy way. Which, if we've got time, I essentially re-open the hearing and let people continue to comment, because I think the value of their speaking and us hearing outweighs the other. I'm more reserved about meeting with applicants because I think they have more professional ability to present their plans to us. I do agree that I sometimes want more than a week or less to look at a project, and its site, and its history. But, I decided to engage in some fact-finding on this approach, a little empirical research, so, I did meet with Roxy Rapp and his colleague and son, and his professional consultant, Steve Emslie, because they are proposing to do something concerning a retail use on the site of the former Cheesecake Factory. And I learned about the Rapp family history with that building, and the tenants who had been there before,

and we discussed the fact that we think that the Masonic Temple and Design Within Reach did a bang-up job of redoing their site. And, I refuse to comment on proposed designs because I think that undercuts what we should be doing here at the Board. I find myself trying to figure out, under what circumstances, under what conditions, is it helpful to the process, to the community and to the applicant, to meet with them, and under what circumstances is it not? And I'm interested in Alex's question, suggestion of sort of, these are the ground rules here. Because I think it could be helpful, because it's not at all good when somebody blurts out, "Well, I've talked to two of your colleagues and..." And I will say, I never agree to meeting with anybody and with another Board member because it's just a problem. First of all, we never know what our quorum is going to be for the actual hearing, and it could be that two people already violated the Brown Act because there's only going to be three or four decision-makers. Comments from folks?

Vice Chair Baltay: I have a specific three things, but one of them is regarding site visits. I wonder if we could just be clear. A site visit, when I go out to physically look at a property that's coming before us, that's considered an ex-parte communication? Just the act of visiting the site?

Ms. Lee: Any gathering of information outside of the hearing is an ex-parte contact.

Vice Chair Baltay: So then, it needs to be disclosed very clearly at the meeting. To the best of my memory, this is the first time we've been doing that since Wynne became Chair. Is that right?

Board Member Lew: That's correct.

Vice Chair Baltay: Okay, so, your advice is that we continue to do that very clearly. At each meeting, before each item, we should all disclose that we visited the site?

Ms. Lee: Yes. And if you have visited the site, I would disclose that you visited it, when you visited the site, and any information that you may have learned on that site visit that is not in the record. So, there could be something that happens that day that is unusual, and that might influence your decision. And we don't know if it's unusual or not, and the applicants and others will not be able to kind of test that information you've ascertained without knowing about it. And you are the only person who can disclose that information.

Chair Furth: One of the things about site visit disclosure is that I actually do hear you all disclosing...Frequently, I say, "I visited the site, and I notice that the trees overhang, or that the neighbors oak tree is very close, and I'm going to be concerned about how you're protecting that tree." We actually don't get too many on-site explosions. But, it's helpful to the applicants to know what struck us. Alex.

Board Member Lew: We've been disclose...I think the issue, though, is that...I think Sandy is saying that it needs to be done first.

Chair Furth: Yes.

Board Member Lew: And we haven't been doing that. That sometimes happens later in our disclosure...

Chair Furth: Well, we have to disclose the fact that we've been there.

Board Member Lew: Been to the site, but not the actual...

Chair Furth: And I would argue that, I would suggest that people have a pretty good understanding of what you're going to see on the site, and that we don't have to detail every single...It's impossible to detail everything we saw. You saw the site. But, if there's something that concerns us, we could take advantage of that time to mention it.

Ms. Lee: Yes. I would agree. You're not going to go through a minute-by-minute recount of...But, things that struck you. Things that could influence your decision. I do think that that type of information should be disclosed before the hearing. However, perhaps it doesn't occur to you until you're in the middle of the hearing. You know, something's happened. The applicant...So long as you give an opportunity to the applicant to respond to this other information, then that should be okay. But, I still would urge you to try to disclose as much as possible, as early as possible, so that every speaker has an opportunity to kind of question that information, or provide some kind of rebuttal to it.

Chair Furth: Peter.

Vice Chair Baltay: My second thought, then, was, when is the appropriate time to disclose? Again, on our hypothetical site visit, what if I just disclosed by email to the Planning staff that I visited the site? I'm visiting the site, I could just send an email, "I'm at the site right now, I visited it." Is that a proper disclosure? Or, more specifically -- I'm sorry to interrupt you -- but, at what point in the hearings do we have to do the disclosures? Could we do them all at the very beginning? Or does it have to be project by project?

Ms. Lee: It should be project by project, at the beginning of the hearing on that project. You could send an email to staff. It probably wouldn't be, "I just visited the site on this day." Again, you know, there might be some additional information that you want to provide about what struck you, what you saw, and all that. That information will be public, however, so, they could include it as part of the staff report, if you provide that email, or it would be read out loud at the hearing, along with anyone else who wants to make an oral disclosure.

Chair Furth: And I think that the applicant is entitled to due process; the public is entitled to a fair hearing. I always think of this imaginary person out there, and that imaginary person has read the public notices, they've read the staff report, they're familiar with the city's laws and rules -- this person doesn't exist -- and what else do we need to do so that they understand, in general, the basis for our decisions? Myself, I believe that the most effective way to do that is to, as we hear the...And they are only here for their item. They're not here for the meeting in general. They come in for their item. So, at the beginning of addressing that item, we disclose what needs to be disclosed. One of the things is, we're not terribly formal about what is in the public record, and what isn't. Sometimes, we say, "Now, I'll open the public hearing." What we're really saying is, "Now I'm opening the hearing to the public." Because from the court's point of view, and the due process point of view, the minute we call the item, that's when the hearing starts. So, somewhere in that period, we need to do this. And if there is a whole lot to disclose, you can refer to a document, but there generally is not anything to disclose, except that I went and looked at it. I will say that I found...I wanted to disclose my meeting with the Rapps because that was the first I knew that there was a project over there. And so, I want you all to know what I know. I sort of want you to know it, when I know it, so that...That's part of, sort of mutual respect for each other, so that if there is information that I have, you know it. That's a block which we spend a lot of time on. That's an alley we've put a lot of energy into. I want you to know that, so if you want to think about it, you have more time to do that. I would also say as a general practice, I'd be really uncomfortable being one of five people. The more of us talk to an applicant ahead of time, the more of us meet with the community ahead of time, the less comfortable I am about that. I don't know how the rest of you feel about that.

Vice Chair Baltay: I'm trying to come back, Wynne, to the concept of speaking to somebody that's not based on a certain project. Is it ex-parte communication for her to speak to...? I don't want to be specific. If it's not related to something that's coming before the Board. In other words, there's no project on application. Is that still an ex-parte communication to speak to somebody about...

Chair Furth: Sure.

Vice Chair Baltay: ...something?

Chair Furth: I don't have to disclose it until the project gets here, but, yeah. It doesn't matter that they haven't filed an application yet.

Ms. Lee: Yeah, so, typically, it attaches once an application is filed, so to the extent that there is information...You know? "In five years, I'm going to work on this project." I would not necessarily say that you need to record that and potentially disclose it five years down the road, when it comes to the ARB. This obligation to track your contacts and all of that, that would attach after the application is filed.

Chair Furth: Wynne's sense of disclosing things that are not based on a project is more out of a sense of doing it right than it is any legal requirement?

Ms. Lee: Yes.

Chair Furth: And I would say that I wouldn't do this if I didn't know they intend to file an application in the near future. I mean, some big discussion about open space policies in Palo Alto is not the kind of thing I'm going to regale you with during Board member comments.

Vice Chair Baltay: Another question I had was regarding, I've heard comments about not having ex-parte communications between hearings. We frequently have multiple hearings on a project, so, after the first hearing, is it then not allowed to, say, go visit a site to see what's going on?

Ms. Lee: The ARB rules do not expressly prohibit that. There's no clear demarcation, other than after the hearing is closed, you may not have...and prior to a decision, you may not have ex-parte communications. An example of that would be -- and I don't know if this happens with this Board -- but, you may make a preliminary decision, but you're waiting for findings to be prepared by staff, and it will come back to you for a final decision. Before that final decision is made, no further communications with the applicant or others.

Vice Chair Baltay: When we move and second and vote to continue a project, is that a decision, or is that just a continuation of...?

Ms. Lee: No, because that's just a continuation of the public hearing. It hasn't been closed.

Vice Chair Baltay: I see. So, until we have a decision issued, ex-parte communications are okay, then.

Chair Furth: I would say, as a member of this Board, first of all, I view site visits as very different from having a chat with the architect. Because I'm not going to convey any information out during a site visit. I'm going to be absorbing information, the same way I would be doing if I was researching some building material on the internet. But I'm not at risk of either pre-judging and conveying a prejudgment, or giving somebody my opinion so that they can start shaping the project in response to what I saw. Or what I said. I've used site visits as very difficult to get in trouble with a site visit. And by "get in trouble," I mean distort the hearing process, or find myself disqualified for bias. I can't think any circumstances under which I would want to talk to the applicant between hearings. Because we have, as a Board, looked at, we have commented, we've begun to discuss, and I don't want to tell them, "Well, of these two alternatives, I prefer X," because I think that's usurping the function of the Board as a whole. That's where I come down on that. But, other people might have different opinions.

Board Member Lew: Are you recommending then that the Board adopt the Council and PTC's bylaws regarding that?

Chair Furth: Refresh my recollection.

Board Member Lew: Well, I think...

Board Member Gooyer: Well, it's already discouraged, so I think...

Board Member Lew: But I think Sandra was saying that it's not in the, it's not written in our ARB...

Ms. Lee: Yes, sorry, this was confusing. Because it was kind of interesting to me, actually, that the ARB rules are different from Council and PTC's, which are the same. And those have changed over time, as well. But today, both Council and PTC have procedural rules that discourage ex-parte communications if it will affect the impartiality of the decision-maker. But, the ARB does not include that "discourage" language. It just, you know...It's really silent as to that.

Board Member Lew: I think my...I think there's a specific example that happened this year, where the applicant who really...He'd been pushing for meetings between hearings, and really was pushing the City Attorney's Office to show them where it was written in the ARB's rules. Right? If we think that the PTC and the Council's rules are better, then I think we should put them in the ARB's language. Because they are challenge...I mean, there are applicants who are challenging that.

Chair Furth: Does the PTC or the City Council have a rule forbidding ex-parte with the applicants or members of the public while a matter is being, a quasi-judicial matter is being continued?

Ms. Lee: No...

Board Member Lew: I think you're saying it's discouraged.

Chair Furth: Discouraged.

Ms. Lee: It's discouraged, in general. But I also think...You know, the ARB's process is interesting because you do contemplate having these three hearings, whereas that's not necessarily true before these other bodies. That's why there's no specific provision about between hearings. The only provision, which is the same as the ARB's, is about the prohibition between the close of the public hearing, and the decision.

Chair Furth: And I think we all understand that that's because the public hearing is closed. We are not supposed to be gathering more information. Except maybe reading the code, which would be okay.

Vice Chair Baltay: But I find I, I feel I have to visit the site, often several times on a complex project. It's only by going back there and looking at it again, often with the words of my colleagues ringing in my ears, that I can do this job properly. And yet, if that's ex-parte, is it or is it not?

Chair Furth: I really think we should, analytically, we should separate site visits from talking to the applicant...

[crosstalk]

Board Member Gooyer: I agree. I think one is a...

Chair Furth: ...very different concept, and nobody is going...

Board Member Gooyer: ...definite requirement, and the other one probably is not necessary.

Chair Furth: I think they are very different. Counsel?

Ms. Lee: Even though we might generally say they're ex-parte contacts, they are very different in degree, as other Board members have commented. I do think that a site visit is in its own class of outside information than communications with individuals.

Board Member Gooyer: What do you think of...Wynne? I mean, as far as...I've been on other boards where it was basically left for the chair to make that determination while his or her term...

Chair Furth: Make which determination, Robert?

Board Member Gooyer: Because, I mean, you know, every chair has a different way of looking at things. I don't like the idea of making something too black and white where, in case you need an out, occasionally.

Chair Furth: Yeah, I'm less convinced that...Thank you for attending. I don't know what the chair's role might be. Just thinking tentatively, not conclusively. I would be in favor of having a policy of discouraging communications between hearings. I really do not want an applicant to shop alternative proposals or responses to the Board after they've heard from us. I think that's very much the Board's function, or staff's function, and I think we have worked hard to be clear on our direction, and to try to get, you know, straw votes, or consensus, so that people understand what our opinions are before...So they don't need to go say, "Well, what do you think of this shade of blue?" I'm not going to tell you, and I don't even want to hear the question. So, I would be in favor of modifying our rules in that regard. I'd like to hear more from staff about the use of community meetings and whether it's useful to have an ARB representative with you at such meetings. I think that Board members can say things that staff can't. I really like Alex's idea of some proposed, you know, explanation to the public and the applicant about how we can and cannot - or do and do not -- wish to gather information. I think it would be helpful. The thing that I'm clearest about is that I have felt that I was advancing the City's efforts when I've met with neighbors or community activists, or whatever, to hear their concerns before an application is filed. Those are lay people. They don't have professional advocates working for them. Though they're often highly sophisticated and very organized. It's pretty easy for me to keep track of what they've said, and when, and they are almost always telling me what they think, and never asking me what I think. All that makes it easier. I have -- twice -- met with applicants. No, three times. And once, the argument was, they really wanted to show me their drawings and plans. I am the slowest study on the Board in terms of looking at drawings and plans because that's not my profession. I can beat you anytime on an ordinance. And on balance, I don't think it's worth it. Staff is willing to go over questions with me, and I think that would be the better approach. I did meet with the Palo Alto Housing Corporation. It was helpful to hear their project description. I suggested that they give us that information when we were here. I disclosed that information in summary form before the hearing. Interestingly, they didn't make that part of their case when they came, and so I asked them to expand on it when they were here. The drive not to be discourteous is significant and refusing to meet with somebody is awkward. I would be happier if we had a policy that said that we strongly discourage meeting with applicants and the neighbors between hearings, and we directed those inquiries and communications to staff. I don't know how the rest of you feel.

Ms. Gerhardt: Just from a staff perspective, I think you'd asked some questions of staff. I think we have heard communications from various applicants, that they walked away from a first or second hearing and didn't quite know what needed to be done. And I think we've tried to be thoughtful about that in the recent past, about -- as Chair Furth said -- you know, taking some straw polls, doing a better summary at the end of our hearings. I think that can help a lot of this type of issue. If we want to do a handout related to ex-parte communications, I think that's a great idea, and we can certainly work on that. The other thing, too, I know from board members, there seems to be some struggles with the plan sets and things like that. Staff has tried to work on that as best as possible, but some early communication from the board members to staff might be helpful in that regard. If you're looking through the plans and you're not seeing something you want, then maybe an early email to us could help us. We'd have to scramble, but we could try and get something together related to that. Or, we could just be ready for that question with a possible answer. Related to community meetings, I think it's a much bigger topic than all of us, just about how this city would like to move forward with that potential idea. I think right now, we have applicants that do their own community meetings. Most of the time, they will invite staff, and if we hear something incorrect being said, we will certainly voice that and try and correct that issue immediately. But it really is a developer's community meeting at this moment. So, you know, the whole city should think about how they may want to move forward with that or change that. And then, regarding updating the ARB's rules, we're certainly available to do that, and if we want to put some line

items in there that, you know, just says that meetings are discouraged after the first hearing, and that somehow, you know, doesn't exactly pertain to site visits, we could certainly do that.

Chair Furth: Thank you. Comments? Don't all speak at once.

Board Member Lew: Well, I would say that I think I agree with your position on discouraging ex-parte meetings between hearings, and I think we definitely acknowledge that a past board member, when Chair Popp was here. I mean, he...He was arguing for the opposite (inaudible), and I think there are other board members in the past who would also agree with him. About board members being available for meetings between hearings. But I think to your point, I think it's better not to do it.

Vice Chair Baltay: I find that...I think the status quo is actually working pretty well. I think the feedback you've given us and the general understanding amongst the Board is pretty close to, it sounds like what the rules are. I don't see that we really need to change our rules or anything. Unless we want to put more time into it. But I think there are more pressing things we could work on changing our rules on. I'm satisfied with what we have. I'm happy to see it change, but I'm satisfied with what we have right now, too.

Chair Furth: It looks like two of us would be in favor of modifying our rules to discourage ex-parte meetings between hearings, meaning contacts with the applicant and the public. In my case, particularly the applicant. "Discourage" doesn't mean prohibited. And two of you are happy with it as it stands, so we will wait for Board Member Thompson. Anything else we want to say about this topic while we're here and have the chance? Oh, how do people...? I would be in favor of having a...cheat sheet is the wrong word. Tip sheet. A document that applicants and members of the public could read about what we can and cannot do in meetings with them, so they don't start off by telling me what two of my fellow board members believe before I can stop them.

Commissioner Gooyer: What we can and cannot do, or what we, what our purview is?

Chair Furth: Well, I think it would be helpful if there was a document that said, you know, when you have a matter before the Board, you know, if a Board member agrees to meet with you, you need to be sure you do not inadvertently violate the Brown Act. Tell them...I don't know if it's possible, but if it has been done...I'd be willing to put some energy into thinking about this. I mean, one of the problems is it may encourage more people to ask for more meetings, which I think would be undesirable. Comments?

Vice Chair Baltay: I think it's great as long as somebody else does it.

Chair Furth: Got it. Maybe we just need to make those standard speeches. Why don't we think about that? Yes, go ahead, staff.

Ms. Lee: I was just going to say that, as well. We can certainly put some thought into that, and what the appropriate forum would be.

Chair Furth: What might be useful.

Ms. Lee: Mm-hmm.

Chair Furth: Yeah.

Ms. Lee: Let us think about that a bit.

Chair Furth: I will say that having had this meeting, I find myself thinking, you know, if somebody asks me for a meeting, I am probably going to say, "Are you planning to talk to other members of the Board as well?" And if they say, "Yes, I'm going to talk to everybody," I'm going to say, "You're not talking to me."

Vice Chair Baltay: You know, when I started these meetings with this Board and others, I used to feel strongly that when somebody asked me, I would refer them back to the Chair, and the Chair would then direct how or if the Board would have ex parte communications. I've since come to think that maybe that's just overkill, and just sort of too much maneuvering and bureaucracy.

Chair Furth: I don't even think I can do it without breaking rules. I can't instruct the Board members whether or not to meet with a member of the public without violating other procedural (inaudible). How's that for vague?

Vice Chair Baltay: I guess I'm just a legal layperson. I don't understand why that would be a bad thing. But, I mean, clearly, it's not something that counsel or staff wants us to do, and...

Chair Furth: Because basically...

Vice Chair Baltay: ...I don't really care.

Chair Furth: Basically, the only authority I have I exercise at the meeting. When I'm not here, I have no importance. I have no authority except to chair the meetings. I'm entitled to put something on the agenda I forget. Anything else anybody wants to say about this today? Okay. Well, thank you very much for coming to talk to us. Staff, if you put this on as a follow-up meeting next time we have all five of us, follow-up item, that would be helpful. Thanks very much.

Ms. Lee: Okay. Thank you.

Chair Furth: I learned a lot.

5. Study Session to Discuss the Comprehensive Plan Goals, Policies and Programs as They Relate to the Architectural Review Board

Chair Furth: Second study session. Yes, comp plan. Okay. From the procedural to the substantive. And I must say, even though we didn't come up with any policy recommendations, I think it's useful to have public discussion of what our practices are, what we're comfortable with. Thank you. We are now on agenda item 5, study session to discuss the Comprehensive Plan goals, policies and programs as they relate to the ARB.

Ms. Gerhardt: I just wanted to introduce Elena Lee and thank her for being here to talk about the comp plan. She has been on this for some time. And just relate it back to the ARB findings, as well, and the reason the comp plan is important to the ARB is because it's part of Finding #1. And I'm sorry we didn't put that attachment in there, but if you look at packet page 51, you'll see the ARB findings for the Marriott project, and you'll see that we have included goals and polices in our answer to Finding #1. With that, I'll let Elena take it.

Chair Furth: Thank you.

Elena Lee, Senior Planner: Thank you. The comp plan...

Chair Furth: I'm sorry, if you could introduce yourself for the record.

Ms. Lee: Sure. Elena Lee, Senior Planner. The comp plan contains the City's official policies on land use and related issues, with a focus on the physical form of the city. It provides a basis for the zoning code, policies such as the ARB, development regulations, and the Capital Improvement Program. The comp plan was adopted in -- sorry, thank you -- November 2017, with a programmatic EIR. In July of 2018, the City Council actually adopted the first Comprehensive Plan amendment. This was in response to a citizen-initiated measure to basically reduce the overall city cap. The comp plan adopted in November 2017 had an overall city cap of 1.7 million for all office and R&D uses. The previous comp plan had a cap, a similar

cap, for all non-residential uses in nine sub areas of the city. The new comp plan basically changed this, so it focused on office and R&D citywide. The citizen measure that the Council adopted qualified to be on the November ballot, and the Council decided to adopt it as written so it didn't have to go to the ballot. Basically, the ordinance reduced overall city cap from 1.7 to 850,000 square feet, to the horizon year of 2030. This cap has also been reflected in the municipal code, the zoning code in particular. The comp plan has basically eight major themes that are reflected throughout the document, and those themes would be: Building community and neighborhoods; maintaining and enhancing community character; reducing reliance on the automobile; protecting and sustaining the natural environment; keeping Palo Alto prepared; meeting residential and commercial needs; and, providing responsive governance and regional leadership. All of these themes are the same as the 1998 comp plan. The only addition is number 6, which is regarding emergency preparedness and, basically, sustainability. The comp plan contains eight elements and two chapters, consistent with state law. The first one, which is probably the most relevant for this Board, would be land use and community design element, transportation element, natural environment element, and the safety element, which is new. The community services and facilities element, business and economics, and then, two chapters, governance, and implementation. The safety element includes policies and programs and goals regarding safety, and some of it was previously in the natural environment element. The elements and chapters basically have a common format. There is a background, a vision, then goals, policies and programs. A majority of the goals, programs and policies have been retained and reorganized. New concepts have been incorporated, such as climate change and VMT, and ride-sharing and other new technologies. The biggest changes were made to the land use and transportation element, as well as inclusion of a new safety element, which will be summarized later in this presentation. The land use and transportation element were the subject of the most discussion with both the Citizen Advisory Committee that was appointed by Council to help the creation of the update, as well as the PTC and the City Council. The land use element is, as I said, is probably of greatest relevance for the Architectural Review Board. Again, all of the goals, there's basically 10 goals. All goals are similar to the 1998 comp plan, with the exception of the airport goal, which was moved from the transportation element to the land use element. The goals were updated and reorganized for this recent adoption. This element places great importance on housing, sustainability, and livability of Palo Alto. Again, it's mostly the same, except with the addition of concept resiliency and sustainability.

Chair Furth: I'm going to ask now since this is a study session, even though we're sitting up here. When it says that we're going to address climate protection through sustainable development near neighborhood services, and enhance the quality of life...Does that...? That doesn't limit the range of approaches to sustainability? I mean, for example, if we're concerned about sea level rise and proposing buildings below projected sea level, that comes under the heading of sustainable development. It's not just locating things near neighborhood services.

Ms. Lee: Right, right. The way it's written in the comp plan is just basically reflecting the general goals and statements that were made at the time. It's not saying that we can't address other things, but these kind of reference the priorities of the City, so that should basically frame the discussion, but does not limit it.

Chair Furth: Thank you.

Ms. Lee: Again, there are 10 goals with associated policies and programs, and this an addition of the airport goal. The goals would be: growth management; sustainable community; distinct neighborhoods; commercial centers. Goal L-2 - Sustainability - in particular, basically promotes a diverse and inclusive community with policies regarding encroachment of housing. That probably has a lot of additional language reflecting the priorities that Council has placed on this document. Also of note would be, under goal L-4, there are programs that support the creation of coordinated area plans for downtown and the North Ventura area. The remaining goals would be: employment districts; design of buildings and public space; historic resources; parks and gathering places; public streets and public spaces; and the Palo Alto airport. Goal L-6 and the associated policy L-6 is very important for this process. This goal and policy provides a support for the architectural review process, for both high-quality building and site design. The

following changes, following policies, basically, and programs reflect the most significant changes that came as part of this update, with the biggest being the growth management, which has also changed this past July via the citizen initiative. The ordinance in July basically reduced overall citywide cap on office and R&D uses to 850,000 square feet. It continues to exempt medical, government and institutional uses, and basically established 2015 as a new baseline to compare the growth. Importantly, one of the biggest differences between the previous comp plan policy and this policy is that now, conversions from one type of non-residential use to another residential use may count. In particular conversion from retail to office would count against the cap. Basically, this cap is also different than the annual office limit that was adopted last May, I believe, so that annual office limit is focused on office limits, but in three particular areas of the state. Those are actually two different. The comp plan is a cap versus the other, the annual limit, is basically a pacing mechanism. Again, housing was one of the biggest priorities for this comp plan, as well as the Council-established priorities for the City. These policies that you see listed here basically reflect some of the new policies and amended policies that recognize that housing is important. Some of the policies that support housing construction would be to commit to increasing below-market-rate housing, as well as housing that's considered affordable. It doesn't technically count as a low-market rate, but would be housing towards, for example, the Missing Middle, and the...What was it? The working...? Workforce Housing. Thank you. Workforce housing. It also stresses integration of new housing into neighborhoods to help provide for a more sustainable neighborhood. It also includes policy language and programs to encourage housing in certain areas of Stanford shopping center, near the Stanford Research Park. Specifically, these policies and programs, as amended by Council, does not allow conversation for retail uses at Town & Country shopping center. And there are also policies that basically support mixed-use development with retail and residential, trying to discourage office uses.

Chair Furth: Excuse me. Essentially, if you had an office use, you could convert that to housing under these policies? Except in Town & Country?

Ms. Lee: Right. The policies support that. And so, as part of the housing work program...

Chair Furth: You have to implement it.

Ms. Lee: Right. That's part of the implementation program. Actually, I think going at the end of November is the ordinance update that actually codifies that ability to convert that to housing.

Chair Furth: Thank you.

Ms. Lee: Some of the other land use and community design element changes include, again, retention. Not just construction, but retention of existing housing that is more affordable, and also, specifically policy language to help prevent displacement, and protect against conversion from residential to office or short-term rentals.

Chair Furth: Excuse me. Does short-term rentals include hotel?

Ms. Lee: Well, I think it's more kind of catered to, at this point, the Airbnb type of uses, so not hotel, per se.

Chair Furth: Or corporate housing?

Ms. Lee: Possibly corporate housing.

Chair Furth: Short-term corporate housing?

Ms. Lee: Right. Something that takes it away from actually being counted as actual residential units. Some of the other important issues that were discussed as part of this Comprehensive Plan update was basically school impacts. As you know, we are limited on how we can address school impacts. Because the purpose of this document is really focused on the physical form, so, basically what we've said was

that we're going to basically have regular coordination with the school district, and also, to be very careful, make sure that we analyze the environmental impacts of projects that result in new school construction.

Chair Furth: And I will just comment, again, since this is a study session, I have to recognize any of you, but I'll recognize myself. This is one of the great ironies of California land use law, is that general plans were introduced by communities that were frustrated with lots of new development without adequate provisions for schools. And over time, the building industry said, "This is terrible. It's interfering with our ability to grow schools," and got state legislation passed that said as long as you pay an in-lieu fee, cities have no jurisdiction to consider these matters. So, here we are. That is my editorial for today.

Ms. Lee: The last batch of changes regarding land use and community design element would be specifically policy language to support retail, especially local-serving retail. The other big change would be for historic impacts. Basically, the historic chapter hasn't really, goals and policies haven't changed, but there were additional measures put in to address potential impacts. In particular, for policy 7.2, we're saying that prior to issuance of a demolition, that we'll have to consider whether or not it's a historic resource. That's something that we are in process of trying to address and implement. The transportation element is also the other one that received the most amount of scrutiny, and also, basically, reorganization. Parties haven't changed, you know, like a focus on reducing single-occupancy vehicles by basically...I mean, I think one of the most important parts of the vision is underlying, which says that Palo Alto would build and maintain sustainable network of safe and accessible and efficient transportation of parking solutions, while importantly protecting and enhancing the quality of life of Palo Alto. That was a big topic, about the quality of life. That's addressing technology, addressing parking, that type of issue. There were several policies that were updated and changed, which will be highlighted here. Again, we're keeping reducing reliance on single-occupancy vehicles, but a big change is basically trying to formalize the TDM and TMA requirements. Oftentimes that's used as a mitigation measure for traffic impacts. What we've done is basically stipulate that measure shall be adopted, but that it shall reduce it by these specific numbers. It basically, 45 percent downtown, 35 percent Cal Ave., 30 percent for the Research Park, 30 percent for El Camino corridor, and 20 percent other areas. We've also had policies say that we will evaluate the downtown TMA, and also pursue it in Cal Ave., or other areas.

Chair Furth: I have a couple questions here. This reduction of trips is supposed to be all trips, not just local trips?

Ms. Lee: Basically, this would be used for, I think all trips. Yeah.

Chair Furth: Or is that per project?

Ms. Lee: These specific improvements, reductions, are only when we have TDM plans.

Chair Furth: This is just the anticipated reduction for a project downtown through transportation demand management, would be reduction of 45 percent of peak-hour trips over what would be expected without that. Is that right?

Ms. Lee: Correct.

Chair Furth: It's not reducing traffic to that extent. I had another question, which is that I know vaguely that CEQA changed its transportation impact measures from level of service at intersections to trying to reduce vehicle miles traveled. How did that interplay with what you did?

Ms. Lee: Basically, in terms of CEQA impacts, we will be addressing VMT. But, the Council also retained language in the comp plan that says that we will also be looking and maintaining LOS. We will be continuing to look at both VMT and LOS.

Chair Furth: We're looking at how our land use policies affect how many total miles people travel, as well as how long we sit at an intersection.

Ms. Lee: Correct.

Chair Furth: Thank you.

Ms. Lee: Did I skip it? Yeah, I did skip it. Sorry. We'll get to that one next. Again, incorporation of new concepts and issues that are deemed important now, so we have policies saying that we shall reduce greenhouse gas emissions, and support the introduction of autonomous, shared, and other new technology regarding vehicles. We also have language saying that we will support CalTran modernization and electrification, support expansion of CalTran to downtown, and also enhancement of downtown transit station.

Chair Furth: Our downtown, or San Francisco's downtown? What are we talking about?

Ms. Lee: Our downtown.

Chair Furth: Okay.

Ms. Lee: Our transit center. Downtown. Basically, the other things that were emphasized in the comp plan was importance of the shuttle service, encouraging ride sharing, and introducing a concept of first and last mile. Basically, allowing better connections so people can have that first/last mile connection to transit within the city. We're also encouraging bicycle and walking and personal transportation devices as alternatives. And then, here is, that one right there, it says that we shall address the VMT, but also continue to use LOS standards.

Chair Furth: What is MMLOS?

Ms. Lee: Sorry. That is multi-modal. I mean, that's the other thing that's...We kind of discussed it in a previous comp plan, but now it's very clear, especially as part of complete streets and other policy documents, that we shall be encouraging multiple modes of transportation. We're looking at walking, biking, and transit.

Chair Furth: And do we have a policy on scooters and electrified skate boards and all these other things that appear on our streets?

Ms. Lee: We have general...

Chair Furth: And sidewalks?

Ms. Lee: ...policies saying that we shall encourage alternate modes of transportation, so we are trying to address all of those. And we also try to recognize that technology changes so fast that we need this document to be nimble enough to encourage, you know, things that would be beneficial to the City.

Chair Furth: Otherwise known as vague. Yes. Thank you.

Ms. Lee: Yes.

Chair Furth: Comprehensive.

Ms. Lee: The other remaining topics would be, basically, again, going to street design, planning the use of roadways for all users, and neighborhood impacts. This is actually an important, key issue right here for policy T-4.2. Basically, this, you know, we're looking at traffic calming for both safety as well as treating congestion. What this policy now states is that we shall prioritize traffic calming for safety over

congestion management. This was very important to the neighborhood groups, as well as city council. Lastly, one of the big topics: Parking for the city. We have policies saying that we shall continue to manage parking without the use of on-street spaces, but that we are open to modifying and reducing requirements if it's demonstrated that less parking is needed. And that we will also evaluate updating our parking standards. For example, we've started that with multifamily developments. And then, the last, big, new thing for this comp plan is the safety element. In response to a lot of new changes under state law, we decided to pull all the safety-related goals into a new safety element. The topics under the new safety element include community safety, natural hazards, and human cause threats. This safety element now includes updated maps for fire, flooding and sea level rise, and it also includes in particular importance for development in Palo Alto, is that it specifically has a policy that prohibits new habitable basements in single-family residential properties within the 100-year flood zone, and that we will continue to review and update development standards in areas susceptible to flooding. And, that all documents shall be consistent with all the other policy documents the City has adopted, such as the Baylands master plan. At places today, I've placed a copy of the 1998 land use element, so you can use that to compare the current comp plan with the old comp plan if, you know, if that's needed. That concludes my report, but I'm here to answer questions. Thank you.

Chair Furth: Thank you very much for coming to speak to us. Questions?

Vice Chair Baltay: Sure. This thing about basements you just mentioned here. If a property is within the 100-year flood zone, does that mean within the FEMA-regulated flood zone exactly? Say somebody has a LOMA on their property but they are within the overall flood plain.

Ms. Lee: Well, yeah, if they have a LOMA, then they are out, technically out, right? Even though they are within the...

Vice Chair Baltay: I'm just reading the words here. It says...

Chair Furth: Excuse me. Can you define a LOMA for us?

Vice Chair Baltay: LOMA is a Letter of Map Adjustment you get from FEMA that removes your particular property from the flood plain requirements.

Chair Furth: Then you would be out of it [crosstalk].

Vice Chair Baltay: But yet, the property is well within the boundaries of the entire flood plain. Reading these words, you could argue that any property within that broad boundary is not, is within the flood zone. Flood water.

Chair Furth: That's a good question. I think we got the answer. Yes?

Vice Chair Baltay: Thanks.

Chair Furth: I have a question, which is that we have been presented with a lot of proposed construction east of 101, and it makes me nervous because I have not seen explicit addressing of anticipated rising sea levels in that area. Do we have a defined standard now of how many feet of sea level rise we are going to address?

Ms. Lee: We do have maps and standards, but this is something that we are actually continuing to look at. For example, sea level rise is actually a topic of a new policy project that our Public Works Department was working on. There are also multiple improvements that are happening along the Baylands, would obviously affect flooding issues in Palo Alto. We have some maps that have been kind of recognized as standards but, to be honest, it's still sort of a changing landscape as we're getting new information over time.

Chair Furth: We don't have a specific number or standard that we invoke.

Ms. Lee: We actually do have it. I think the source is NOAA, the National Oceanic and Atmospheric...

Chair Furth: Right.

Ms. Lee: ... Administration coastal service. It's basically...We have two categories: 24-inch sea level rise, and 55-inch sea level rise. That's the general standard. But again, like I said, there are ongoing projects that are happening, specifically Baylands improvements that are being done both by this city, Mountainview, and other jurisdictions that may affect it, depending on how those projects come out.

Chair Furth: And I think I know that when the City has come to us with rebuilds of its own improvements in the Baylands, they have specifically addressed higher sea level, higher bay level, whereas when applicants have come to us with commercial projects such as the Mercedes-Benz dealership, they have not. Is that right, Jodie? Or am I confused? Alex says he thinks I'm wrong. That would be helpful.

Ms. Gerhardt: Yeah, there have certainly been projects in the Baylands itself where other organizations have jurisdiction, so we have very much included them in the review process. In the commercial areas, there's not as much, there's not jurisdiction from those other agencies.

Chair Furth: I should be looking at the maps to understand what we're doing. And there will be more implementation measures? Or not?

Ms. Lee: I don't believe we have any specific programs, just making sure that we're consistent with other documents that are adopted regarding this topic.

Chair Furth: Thank you.

Board Member Lew: I have a question for staff. The comp plan is calling for modifications to design standards, and also transitions between different land uses. Is that coming in the November zoning update, or would that come later?

Ms. Lee: We haven't actually scheduled when that's going to be implemented, so that would come at a later point. I think annually, we will go over the programs and policies to make priorities, so that's certainly on the list of one of our priorities.

Board Member Lew: Thank you.

Chair Furth: Any further questions? Thank you for the presentation. No members of the public, so, if nobody on the Board has any comments, I think we're done with this one. Is that right?

Ms. Gerhardt: I believe that Board Member Baltay...

Chair Furth: No, this item.

Ms. Gerhardt: Was there a subcommittee conclusion that we wanted to report out?

Chair Furth: Oh, I was talking about this item, not the...

Ms. Gerhardt: Yes, sorry.

Chair Furth: But, yes. Thank you very much, Elena.

Approval of Minutes

Chair Furth: Approval of the minutes. This is the draft review board meeting minutes for September 6, 2018. Two of us were not present. Is that right?

Vice Chair Baltay: I was not (inaudible).

Chair Furth: Yeah, I think you and... I think we had three members present, but those three members are here.

Board Member Lew: And you were recused on one item.

Chair Furth: Right. How do we get a quorum? Do we have...? Who do we have?

Vice Chair Baltay: If you have a quorum, I would like to abstain from the vote.

Board Member Lew: I think what happens is, when we didn't have a quorum, then we push the item to another meeting.

Chair Furth: Alright, so, we can approve...

Board Member Lew: I think you can still [crosstalk].

Chair Furth: Those of us who are here can vote to approve the minutes with any changes. Any changes, recommendations or deletions?

Board Member Lew: I have a couple.

Chair Furth: Board member Lew.

Board Member Lew: Okay. Page 12, there is mention of "Coulee," which is C-o-o-l-e-y, which is a law firm. Page 15, there's a mention of "Lockee," which is L-o-c-k-h-e-e-d. Page 17, "mecco" shades, which is m-e-c-h-o s-h-a-d-e. Page 20, there is an unidentified speaker which was Rich Sharp, who is a landscape architect.

Chair Furth: Is there a motion to approve the minutes with those corrections?

Board Member Lew: I will make a motion that we approve the minutes as amended.

Board Member Gooyer: I'll second.

Chair Furth: All those in favor says aye. All those not participating say not participating.

Vice Chair Baltay: I'm abstaining.

Chair Furth: All right. I think we have, that's approved. Thank you.

MOTION PASSED 3-0-1, with Vice Chair Baltay abstaining from the vote.

Subcommittee Items

Chair Furth: All right. That gets us to subcommittee items. I believe we have a subcommittee report.

Vice Chair Baltay: Yes, hi.

Chair Furth: For the transcriber, Board Member Baltay.

Vice Chair Baltay: Thank you, this is Board Member Baltay. Last hearing, we had a subcommittee review of the public safety building on Sherman Avenue. The applicant had reported back with a fairly dramatic and I believe positively-received change, using a brick material on the exterior of the building in lieu of the board-formed concrete that had been proposed and approved. The subcommittee approved the change, but I think the rest of the board members should look at it to ascertain for themselves that it meets our original design intent. I think it's an improvement. It's actually better than the original. The two renderings are behind me, showing the change.

Chair Furth: I think this is out of our jurisdiction now because you have recommended approval, but it would be helpful for us to let...This is going to the City Council. They're going to want to know what the sense of the ARB is. If anybody has anything they want to say...

Ms. Gerhardt: I think we need to be careful though, too, because this is not agendized.

Chair Furth: Not agendized.

Vice Chair Baltay: Yeah, I'm just reporting back that the change was dramatic.

Chair Furth: [crosstalk]

Vice Chair Baltay: Information. Ex parte information.

Chair Furth: Thank you for the information.

Vice Chair Baltay: On a larger sense, I think it's important that the ARB be present at the meeting when the City Council reviews this project. It's a very large, important, public project, and I think we worked hard to get the design improved, and we should be supporting it in the public forum. It's to the Chair, I'm addressing that [crosstalk].

Chair Furth: And what date is that scheduled?

Board Member Gooyer: I think the brick is a big improvement. I mean, as you remember, I did not like the board-formed concrete.

Chair Furth: Okay. It's not on our agenda, so, Jodie, when is the...? Don't worry, you'll get what you need. When is the Council expecting to hear this?

Ms. Gerhardt: Yes, I'm encouraging my computer to move along here. Let's see if I can find this.

Chair Furth: I will note that on some previous matters, the Council has indicated that they do not need to hear from us, but that doesn't mean that we can't attend.

Ms. Gerhardt: Here we go. Eleven-five.

Chair Furth: November 5th.

Ms. Gerhardt: Correct.

Vice Chair Baltay: That's, like, next week.

Chair Furth: Next Monday. Well, Alex, shall you and I coordinate so that one of us will be there?

Board Member Lew: It's the Board's, it's the Chair's...

Chair Furth: Prerogative.

Board Member Lew: Chair is supposed to represent the Board.

Chair Furth: I just feel the 3 1/2 hours I waited last time to not speak was enough.

Vice Chair Baltay: I'm happy to represent the Board, but... [crosstalk]

Board Member Lew: Also, I think on November 5th, Council will be selecting ARB candidates to interview, and there are six for the three slots.

Chair Furth: Including incumbents. Well, I would be happy to delegate my responsibility to Board Member Baltay at that meeting. Since he served on the subcommittee, and I may not be in the area.

Vice Chair Baltay: I'd be happy to do that.

Chair Furth: All right. Then I will do that. I will use my authority, which I do have when I'm sitting at this chair, to do that.

Vice Chair Baltay: Am I allowed to ask Alex if he has an opinion about the brick change?

Chair Furth: It's...

Vice Chair Baltay: I mean, I don't want to push the legal envelope, but it's a big change, and he is an important part of the Board.

Chair Furth: If Alex wishes to testify in front of the City Council, I'm sure he will. All of us are welcome to testify as members of the public at that meeting. And we will not discuss the matter further at this point since it's not on the agenda. And two of you have already applied. Who is your fellow board member on the subcommittee?

Vice Chair Baltay: Osma Thompson.

Chair Furth: Thank you. Okay. What else do we have?

Ms. Gerhardt: That's it.

Chair Furth: Okay. Next meeting is...? Remind me what the agenda is.

Board Member Lew: We don't need it.

Chair Furth: We don't need to know it.

Board Member Lew: It's in the packet.

Chair Furth: Okay. [crosstalk]

Ms. Gerhardt: ...packet.

Chair Furth: All right. We are adjourned. Thank you.

Adjournment