



ARCHITECTURAL REVIEW BOARD

February 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 Member Alexander Lew, Robert Gooyer, Osma Thompson

Absent:

Oral Communications

Chair Furth: Thank you, good morning and welcome to the February 1st meeting of the Architectural Review Board of the City of Palo Alto. The first item is oral communications, a time to speak to matters not on the agenda and I have two cards. The first one is from David Carnahan and for the benefit of the tape that's C-A-R-N-A-H-A-N. Oh, sorry, I forgot the roll call. Could we have the roll call, please? I guess I am 0-2 on that. Alright, now we'd like to hear from Mr. Carnahan.

Mr. David Carnahan, City Clerk's Office: Thank you, good morning Chair Furth and Board Members. David Carnahan in the City Clerk's Office and I'm here to talk with you today about Board and Commission recruitment. The City is currently looking to fill one term on the Historic Resources Board, three on the Human Relations Commission, three on the Public Art Commission and two on the Utilities and Advisory Commission. As you know these are great ways to both give back to your community and help shape the future of Palo Alto and continue to make it a fantastic place to both live and work. I'll be giving each of you a flyer and your assignment is to think of at least two members of the community that you think would be a good fit for one of these Boards, reach out to them and encourage them to apply. Applications are due March 20th at 4:30 p.m. and they are available on the City Clerk's webpage, cityofpaloalto.org/clerk. So again, we are currently recruiting for the Historic Resources Board, the Human Relations Commission, the Public Art Commission and Utilities Advisory Commission. Thank you very much.

Chair Furth: Thank you, David. Now we also have a request from Jeff Levinsky.

Mr. Jeff Levinsky: Good morning Board Members and Staff, I wanted to speak today at open mic about the PAN Zoning Committee, PAN is part of Palo Alto neighborhood which is a City-wide organization that's existed for a number of years and which neighborhood leaders work together on issues. We have a Committee that specifically focuses on zoning and planning issues. Part of what we look at are the problems in the City like traffic, parking, housing and office imbalance, and ways that our existing laws can help us solve these problems if properly applied. At your most recent hearing on the project for 203 Force, the old Cardinal Cleaners, I pointed out that the project was under parked and I believe Board Member Baltay echoed that concern about the project. You were then informed by City Staff that the project was not under parked. I filed subsequently a code enforcement action with the City and was told again that the project was not under parked. I persisted in that and brought more people involved to hear about it and the City then responded that indeed the project was under parked and that they were going to work with the owner. The City didn't quite have the right number of parking spots but we got

that resolved and so I don't know the final dispositions of it. The moral is that persistence is needed, that sometimes the answers you are given aren't correct and we appreciate your perseverance in trying to get the right information and making the right things happen. Thank you very much.

Board Member Bernstein: Thank you, Mr. Levinsky, and then again, this is really not for the benefit for the tape but the benefit of the transcriber who often has trouble spelling names from members of the public, Jeff spells his first name with J and its L-E-V-I-N-S-K-Y.

Agenda Changes, Additions and Deletions

Chair Furth: Alright, are there any agenda changes, additions or deletions?

City Official Reports

- 1. Transmittal of 1) the ARB Meeting Schedule and Attendance Record, 2), Administrative Staff-Level Architectural Review Approvals, and 3) Tentative Future Agenda items.**

Chair Furth: City official reports, any comments from Staff?

Ms. Jodie Gerhardt, Manager of Current Planning: No comments.

Chair Furth: I have one, looking at our next meeting, that's page 10, could you update us on what we're actually likely to have on February 15th?

Ms. Gerhardt: Yes, thank you. The items on the 15th, there are a few items that have dropped off and so it will just be 375 Hamilton, the downtown garage that will be heard on February 15th. Two of those – the other items there have been likely moved to March 1st and some of the March 1st items will have to drop off.

Chair Furth: Did – are we expecting to hear the Verizon and AT&T applications on March 1st or not or do we not yet know?

Ms. Gerhardt: We – we're not sure at this moment. We'll have to – we can give you an update next time on that.

Chair Furth: So, we might be planning for lunch on the 1st; long meeting. Also, we – the Board had a lot of comments on 375 Hamilton, the downtown public parking garage. You might like to take a look at that and see if you think your intentions were clear because I'm sure this is going to be a high stakes hearing. That's all I have on that, thank you for your help.

Action Items

- 2. PUBLIC HEARING / QUASI-JUDICIAL. 2775 Embarcadero [17PLN-00319]:**
Recommendation on Applicant's Request for Approval of a Major Architectural Review for a Master Sign Program To Allow Installation of Interpretive Educational Signage at the Lucy Evans Nature Interpretive Center and Along the Bay Trail Connecting to the Cooley Landing Educational Center in East Palo Alto. Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) in Accordance with Guideline Section 15311 (Accessory Structures). Zoning District: PF (D). For More Information Contact the Project Planner Claire Hodgkins at claire.hodgkins@cityofpaloalto.org

Chair Furth: Our first public hearing item is somewhat unusual since it involves a 25 million square foot parcel which is bigger than we usually see. This is a public hearing on 2775 Embarcadero and that we make a recommendation on the City's request for an approval of a Major Architectural Review for a

Master Sign Program for interpretive, educational signage at the Lucy Evans Nature Interpretive Center and along the Bay Trail connecting to the Cooley Landing Educational Center in East Palo Alto. This is – there's also a request for a Sign Exception, this is exempted from the provisions of the California Environmental Quality Act and may we have the Staff report please unless anybody has a conflict to declare.

Ms. Claire Hodgkins, Project Planner: Hearing no conflicts. Good morning Board Members, Claire Hodgkins, project planner, the proposed project before you today, as you noted, is a request for a Master Sign Program to allow the installation of signage at the Baylands Nature Preserve. The sign programs allow for installation of interpretive educational signage at the Lucy Evans Nature Interpretive Center; as well as the adjacent boardwalk; as well as the trail connecting the educational center to the Cooley Landing Educational Center in East Palo Alto. This sign program comes with a request for more free-standing signs on a single site than is typically allowed. This table gives a really quick summary of kind of the general locations of signs and types of signage and a number of different types of those signs that are proposed. One thing that I will note is that the Staff report was very specific on the exact number of signs that might be proposed. If the Board is open to it, Staff would prefer to kind of round up with respect to the proposed number of signs to create a more general number instead of such a specific number. This slide just kind of shows the project site, in yellow you can see the trail along which the signs would be located and the Baylands Boardwalk along which they would be located. In red, you can see the outline of the parcel and this slide is just to show you how the signage plan would continue into East Palo Alto as it passes over San Francisquito Creek. Key considerations for the Board today include any comments you may have on the number of signs, the sign height or size and the materials and color of the different signs proposed. Staff would recommend that you approve the proposed – recommend approval of the proposed project, including the Sign Exception to the Director of Planning and Community Environment subject to findings or based on findings and subject to conditions of approval. That's all for me, thank you.

Chair Furth: Any questions from the Board of Staff before we hear from the public though I have no cards?

Ms. Hodgkins: I just want to note that the applicant also has a very short presentation if you'd like to hear from them.

Chair Furth: That aspect of the City? Great, you have 10-minutes.

Mr. John Aikin: There we go, good morning Board Members, it's John Aikin from the Community Services Department for the City of Palo Alto. This project came up because – let me click my right things – because we teach at the Baylands Nature Center. Kids that come out for -- K-5th grade – classes out there and they are mostly 3rd and 4th-grade classes. Last year we had a renovation of the late Lucy Evans Nature Center and it caused us to look for another location to teach and so we approached East Palo Alto and ended up utilizing the Cooley Landing Education Center. It sorts of opened our eyes to both the community there, the needs for education, the needs for signage and engagement of the public but also the proximity between the Cooley Landing Education Center and the Lucy Evans Nature Center. There are also a couple of other influences, one is that we had funding for signage on the Lucy Evans Nature Center deck. The Baylands is being rebuilt but there is no funding for the interpretive – interpretation on the boardwalk and so we thought we would seek funding by combining all of these things together. Uniting the two communities and fund a program that links Cooley Landing Nature Center to the Lucy Evans Nature Center and funds the signage on the boardwalk. We've come up with a lot of conceptual messages along that trail. As Claire said, we're really going to choose about fifteen locations along this trail, working with the open space personal, other public meetings as we go through design. This is really conceptual in design at this point, we're not finished designing it. It's really important to the rangers that we stay out of their mowing range and that it's within an area that they maintain the levees and things like that so there are a lot of restrictions. We're aware of that and we're aware of the stakeholders that we need to work with to choose those locations carefully. We've come up with concepts for two types of trail signage design and one is there's a wood standard that used out there now. They are painted Sandy

Hook Grey but we've also come up with a steel sign that is a little bit more cleaner and elegant and that is used in other parts of the Bay Trail. So, we looked at Bay Trail Design Standards, we looked at design standards for the Baylands Nature Preserve and these fit within the guidelines for both of those. We also designed railings for the boardwalk as its being rebuilt so that the railings will take these standard signs and these railings are already installed at Lucy Evans Nature Center. So, this is the funded piece, these signs that you're going to actually – the examples that you're going to see today really came out of the design process for these signs on the Lucy Evans Nature Center. These are the locations on the boardwalks for groupings of signs that talk about the various phenomenon that we pointed out on these locations that we've gone out and mapped. The idea is that we're trying to put in front of people a sign that answers their questions about what they're looking at right in front of them and so they are very short – they are meant to be short simple signs. We've also done them in two languages because we're linking East Palo Alto and Palo Alto and it's important to have —there are a lot of English language learners in East Palo Alto and so we're doing it in Spanish and English. It's a standard that we have with the Lucy Evans Nature Center now. This is an example of the signage with an illustration and we're trying to involve a number of different media to engage people in different ways because there are all kinds – people learn in all kinds of different styles and different ways. Here's an example of a sign that uses photographs, an example of signs that uses tactile – this one a bronze impression of the leaf patterns of the salt marsh plants that are out there. We're also trying to find other ways of engaging people, glass viewing panels that were designed for the boardwalk and they are already installed at the Nature Center. This allows us to focus special views and call out things that you can see through them. We're looking at designing interactive elements for the boardwalk in particular such as sediment wheels. The whole reason the marsh is there and it changes over time, including with global climate change and the rising of the sea level, sediments resettle and the marsh will adjust to that. We can talk about that by having people engage with the sediments. Interactive elements such as sliders to show the types of organisms that live at high tide and low tide. Then touchable examples for kids to be able to see models really of what lives in the mud underneath them and so with that, I open it up for questions.

Chair Furth: Are there questions? Yes, Osma.

Board Member Thompson: By how many signs does the proposal surpass the allowed?

Mr. Aikin: There's a range in there, do you want to give the range?

Ms. Hodgkins: Typically, the sign code allows for one signs per frontage so it's a little bit unclear. Typically, there are four frontages so generally around four signs so we've made an interpretation to do a Sign Exception because we weren't totally clear in our code what would be allowed but typically on a site it would be four. This is a bit atypical of a site because one, it's a very irregular frontage and two, as Board Member Furth mentioned this is a 25 million square foot site which is extremely rare. So, in that case, and as outlined in the findings, we feel it's appropriate to allow for more as designed.

Chair Furth: I have a speaker card on this item from Martin Bernstein, B-E-R-N-S-T-E-I-N. Welcome, you have 3-minutes.

Mr. Martin Bernstein: Thank you, Chair Wynne and Wynne – Chair Furth and other Board Members and Staff. Martin Bernstein, I totally support the idea of some kind of connections through signage with the Cooley Landing site. I've been out to that site and I was there when it actually still had the original boat mechanisms as when it was used as a true landing. That was part of the route to get over to Dickson Landing before the Dumbarton Bridge. Anyway, the – I've been out there and I've been out on some of the jogging trails out there and it really feels right now like oh, what's this bridge? Oh, what's this trail over here and it really feels like a little disconnect between Palo Alto Baylands area and the East Palo Alto Bayland area. To get those connected, I think is a great community outreach thing to do and it would – I know when I was out there it felt like oh, am I trespassing? I wasn't clear if I should be out there or not but having the trails there makes it a lot more friendlier thing to do and a great community thing to do and a great way communicate – connect the two communities even more than they are right now. Thank you.

Chair Furth: Thank you for coming to speak to us. Is there's anybody else who'd like to speak to this item? Seeing nobody, I'll close the hearing. Any other – so, no more questions so comments? Want to start at the left?

Board Member Lew: I have one quick question.

Chair Furth: Oh, you have a question.

Board Member Lew: I was just curious about the number of signs and so do you have something timed out like it's a 2-minute walk between signs with kids or something? Is there – what was the logic of the number of signs?

Mr. Aikin: First of all, we looked at (inaudible), we mapped out what questions people had in their minds about what's happening here and then we figured we really didn't want signs any closer than say a football field length apart. So, that's where we set some parameters but as I say, we haven't actually really designed these locations in the final signage. We would go through that process but the idea is to have them sparse enough to – that the place doesn't feel cluttered with signs but to also engage people along the pass so that they recognize that there is a habit here, there's a pattern.

Board Member Lew: Thank you.

Chair Furth: Any other questions? How long is the trail between the two centers? Between Cooley and...

Mr. Aikin: Approximately 2 ½-miles – 2.1-miles.

Chair Furth: 2.1-miles, thank you and so, we're ready to deliberate.

Board Member Gooyer: Do you want me...

Chair Furth: Yes, Robert.

Board Member Gooyer: Well basically, I mean I like the way it is. It – usually we get here to worrying about signage where you're trying to sell something or advertise something. This is basically an educational experience so I can approve it the way it is.

Chair Furth: Alex.

Board Member Lew: Yes, I am also recommended approval of this project. I've been out there many times by bicycle and I would say I think my take on it is there are more people from East Palo Alto using the trail than there are from Palo Alto. That's my unscientific sense and then I think I agree with Mr. Bernstein is that when I've gone – the part that goes around the airport, feels kind of isolated because the – just because of the airport. It seems like that's the perfect place for signage. I have some concerns with that there are too many signs but when I looked at the dimensions of what you're proposing, they are so small that's I'm not – that I think that takes care of it. I think having more educational opportunities there makes sense. I did those tours when I was in 3rd grade in Palo Alto so I remember going out to the – on the boardwalks and stuff and it was great.

Chair Furth: Osma.

Board Member Thompson: Yeah, I can echo my fellow Board Members that sentiments that seems like a nice project. I also initially had some concerns that it might be too many but it seems that given the size it's appropriate for the area.

Chair Furth: Peter.

Vice Chair Baltay: I can support the project as it's presented, I can make the findings presented in the Staff report and I can particularly also be making the findings for the Sign Exception. I think it's a great project, you're doing a good job, thank you.

Chair Furth: This is one of the easiest exceptions you've ever given us. So, is there a number – I mean I think that it looks to me like a well-designed plan, the description of it seems to give – you needed flexibility to adapt to changing circumstances and science. What number do you think is appropriate? Are you happy with what you have or do you want something more, within limits?

Board Member Gooyer: What do you want to do like a not to exceed number or something?

Chair Furth: You have up to 57...

Board Member Lew: I think the other thing...

Ms. Claire: I think we – oh sorry, go ahead if you were going to say something. I was just going to note, I think in the Staff report we noted 97 total signs but just to accommodate for – I believe there are a handful of signs out there. Just to accommodate for flexibility in the future, if you guys would be open to it, I would recommend maybe saying up to 125 or so signs might be appropriate just to kind to cover the program overall.

Chair Furth: Alex, did you have a comment?

Board Member Lew: A question for Staff, in the – in our conditions of approval, are we – is there any limit on a geographic boundary within the site or I understand that the scope is between the two-educational center. If we approve it are we saying that you could do them all over the Baylands?

Ms. Hodgkins: I think we would – it's not really specified but I think we would interpret it to mean along existing trails in general on the parcel.

Board Member Lew: Is there anything – so do we – so Wynne did you want to add a condition of approval?

Chair Furth: I just wanted to be clear what we're approving. We have the Staff report's general description, we have the plans and we have the Baylands interpretive project description so where is the specificity here? This says along 2 ½-miles of multi-use trails in the Bayland and existing boardwalk. If you want it for more than that part of the – does that cover all the trails, that 2 ½-miles? I don't think so.

Mr. Aikin: It covers the scope of what we've outlined as the connection between the interpretive centers. There are other interpretive signs out at – in the Baylands and the rangers generally take on the task of designing those. This one is a little bit different because of the nature centers and the fact that the education Staff that manages (inaudible) got involved in designing them. I worked at the Junior Museum, we do a lot of signage and so we applied our expertise to this as well and this is really a test case that if this goes well, the rangers – the (inaudible) district may say gosh, this is a success. Let's do more of it but for the purpose of this project, I think this 97-125 signs on these trails is sufficient.

Chair Furth: Fine and that's what we described in the public notice so that's probably a good idea so would somebody like to make a motion to approve this with the raising the number of permitted signs in this are to 125 or as it was originally presented?

MOTION

I move that we approve this project as presented with the additional raising of the maximum number of signs to 125.

Chair Furth: Is there a second?

Board Member Gooyer: I'll second.

Chair Furth: All those in favor? Any opposed? It passes unanimously, thank you. Never let it be said that we don't quickly and speedily and happily approve a City project.

MOTION PASSES UNANIMOUSLY WITH A 5-0 VOTE

- 3. PUBLIC HEARING / QUASI-JUDICIAL. 620 Emerson Street (17PLN-00331):** Recommendation on Applicant's Request for Approval of a Minor Architectural Review to Allow Demolition of an Existing Single Story Building and Construct a New Two Story 4,256 Square Foot Commercial Building for the Expansion of Nobu Restaurant. The Project Includes Replacement of Three On-Site Parking Spaces with Five In-Lieu Spaces in the Downtown Parking Assessment District. Environmental Assessment: Exempt from the provisions of the California Environmental Quality Act (CEQA) per Guideline Section 15303. Zoning District: CD-C(GF)(P) (Downtown Commercial). For More Information Contact the Project Planner Samuel Gutierrez at samuel.gutierrez@cityofpaloalto.org.

Chair Furth: Our next item is a public hearing concerning the property at 620 Emerson. It allows demolition of an existing single-story building and construction of a brand new two-story, 4,256-square foot commercial building for the expansion of Nobu restaurant. Nobu restaurant is located in the adjacent hotel which is on a separate parcel. The project also includes removal of three on-site parking spaces to be compensated for with the payment of in-lieu – five in-lieu spaces, is that what it says? Five in-lieu spaces in the downtown parking assessment district. Staff? Oh...

Ms. Gerhardt: Yes, thank you, just one moment.

Chair Furth: Sorry, just a minute, does anybody have any outside conversations or inspections to disclose?

Vice Chair Baltay: Yes, I'd like to disclose that I spoke by telephone with Elizabeth Wong regarding this project. She informed me essentially the information that's in the letter we all received and she also informed me that she's involved in a civil lawsuit with the owners of the property.

Chair Furth: Anybody else? I think we've all inspected the site.

Mr. Samuel Gutierrez, Project Planner: Good morning to the Board, my name is Samuel Gutierrez, I am a project planner for this project here at 620 Emerson and we can start the presentation. Here you can see a rendering of the proposed building. This is the existing building that's on site, it's the former home the Palo Alto or excuse me, the Stanford Florist Flower Shop so again, that's the proposed building that's going to replace it. So, going into the project overview, the demolition of the existing building. which is approximately 4,000-square feet, with the construction of a new building which is submitted to be 4,240. The purpose of that is to expand the existing Nobu restaurant which is located at 180 Hamilton, the adjacent building, the ground floor of the hotel there. It would include a new trash room; the current building does not have a trash room that would be remotely sufficient for a restaurant use so this would house the additional waster receptacles that a restaurant would require. Also, it would have a green roof on the front portion of the building and it provides a cleverly hidden panel that would obscure the view of these back-flow preventers that would be needed as the new building would require prevention – sprinkler, excuse me, sprinkler backflow prevents and a kitchen backflow preventer. The proposal also includes two trees that would be within planter boxes in the public right of way made of teak. However, as submitted, the project is over its FAR for the site and I'll get into that in the next slide. The parking

right now existing is three onsite and it's actually accessed via the rear alley, not through the Emerson frontage, it's accessed in the rear through a roll-up garage door. It has currently eleven in-lieu spaces once it was accessed and the proposed building has zero on-site parking and we actually require four in-lieu spaces. The Staff report does say five but again, it's over the FAR as submitted and I'll get into that in the next – it does require two bicycle racks to be included. So, going over the FAR, initially, it was submitted with the intent to get this 200-square foot bonus that's allowed in the downtown area for projects that don't qualify for seismic rehabilitation or historic. As this is a new building it doesn't qualify so the maximum FAR for the site is the one to one ratio allowed by the zoning. They could not get that so that would result in the removal of the storage room that's proposed on the second-floor so they don't exceed the allowed FAR. In additionally, the staircase would count twice but again, with the removal of the storage room that would be reconfigured and they would have to comply with the maximum allowed FAR onsite. Going into the parking in-lieu, we – there's a provision in the code under 181890D that a new building is eligible to participate in the in-lieu parking program as it meets the following criteria that is determined by the Director of Planning. The site is less than 10,000-square feet but such a usual configuration that it would not be physically feasible to provide the required parking on site. The existing parking is from when the original building was constructed so it doesn't meet today's standards so they are legal non-conforming and the new building would have to have conforming parking to today's standards. Just briefly touching on the rationale for the findings for these in-lieu spaces, the parking in the rear is encouraged in the City's design criteria and the parking in the front out negatively impact pedestrians. So, if we had to do a curb cut or something in the front that doesn't exist right now along Emerson, that would impact pedestrians for example. The rear portion of the parking has limited access because of the alley is actually undersized for a different parking configuration and would require some minimum distances. The alley is a one-way alley and it's actually under the required amount. The requirement about is usually about 25-feet depending on the angle and the alley is just barely 20-feet wide. Also, the requirement for the trash enclosure for the new building, that door needs to be accessible at all times. It cannot be blocked by a parking space so it needs to be readily accessible by the alley and again that door needs to accommodate access for the large waste bins that would be pulled in and out as they are being picked up. The alley again is also narrow so the backup is a bit of an issue because they would be backing into other parking spaces. There are some parking spaces that are angled along the alley as you enter and get to the corner which I'll show in the next slide. Then again, the narrowness of the lot requiring a ramp for underground parking would make it a little difficult. You have to have certain slopes and having a ramp to go in and then having circulation so underground parking would be a bit difficult. It could lead to the requirement of a curb cut again on Emerson so a down, in and then out on Emerson configuration. If the parking was accommodated on site, let's say we could get a limited number of spaces, it's still difficult giving the need for that trash room to be readily accessible. Again, we have a need for there to be egress exit for the size of the building and the use so they could safely exit the building in case of an emergency at the rear. These are a bit of the – an example of the parking analysis that we did so you can see here that we have angled parking, this I about 60-degree parking, and there's on space on the bottom portion of this example that could physically fit just the space alone. However, we would be backing into the parking space on the adjacent parcel highlighted there in the yellow and that's also angled. If you could see right there, you could also see that there is a light pole, there's a tree and there's a utilities box in that area as well. That area indicated in the yellow as it kind of swoops down, there's a little appendix to it, that's also a separate parcel. So, in this configuration we see that there's just a lot of issues with this type of parking so we found that one couldn't be feasible. Moving to the next one, this is a 90-degree parking, you can just drive down the alley and park. To meet the four required that I mentioned, based on the maximum FAR, we would have one driving into that light pole, the tree and the parking space on private property. Then we have another one partially driving over private property and then the furthest one down would actually need the 25-foot width of the alley and we don't have that there to safely back out. Then the one in – right above the bottom parking stall could potentially work as well but then we have again the issue of the trash enclosure room door needing to be readily accessible and the egress exit as well. So, these are a bit of the examples of the traffic analysis and circulation that we did that we met those findings and recommended that they use in-lieu spaces rather than on-site. Moving onto the context, we can see the – on the upper picture there on the left, it's a view down Emerson. The buildings are roughly one story, I believe a few of them have a mezzanine floor as you go into them but they are about 24-feet tall. You can see on the middle picture there, it's the

historic building that's directly adjacent to the site. It does have the very nice terracotta façade and then on the bottom you can see the 620 Emerson rendering and how it connects to the corner of 180 Hamilton building just so that you could get a bit of context of the neighborhood. Just circling back to the other context is the alleyway conditions and the need for this trash enclosure. You can see the light pole on the left, the tree, a bollard for that utility equipment and currently where they store their trash on site. So that would be an area that couldn't work for parking for example and also is problematic for the trash door and then you can see the roll-up door currently how they access the parking onsite. Then further down the alley you can see all the other waste receptacles there so this would actually remove waste receptacles from the alley and put them inside an enclosure which is going to meet other City requirements such as stormwater protection as well. With everything taken into consideration and the FAR issue pointed out and that they'd have to remove it, Staff would recommend approve. Staff recommends that the Board approves the project to the Director of Planning and Community Environment based on the findings and subject to the Conditions of Approval. Thank you.

Chair Furth: Thank you, any questions before we hear from the applicant? Could we hear from the applicant?

Mr. Greg Stutheit: Thank you.

Chair Furth: Good morning, you have 10-minutes.

Mr. Stutheit: Good morning, my name is Greg Stutheit, I'm with Montalba Architects and thank you for having me here again. It's good to see you guys to discuss the construction of our new restaurant at 620 Emerson Street. Oops -- let's just click through here so this is the site as it exists right now, you can see it's in the space of the building currently locally known as the Stanford Florist building. It's roughly, as Samuel said, 24-feet in height and aligns pretty much with the building to the southeast here and then on the other side, it abuts the hotel building which is quite a bit taller with the exception of this little slot in between of balconies on the second floor. It's -- the proposal that we have is to basically create the same massing so low-scale pretty much aligning with the buildings that are there to the southeast. Our proposed façade maintains the massing and pedestrian scale of the street. The materials that we're using are intended to render the façade in a way that complements the façade of the hotel next door but also provides a little bit of a difference between the two. We're incorporating this canopy element that continues from the building next door across the front of the façade. The entry is recessed here in the middle and then along the street, we have two large windows which link the interior activity of the dining room with the street. Here you can see the building floor plan, it's oriented similar to what you might expect. There's the public dining room in the front with that link to the street façade, kitchen a little further back with this kind of sushi bar in-between and then services are in the rear accessed off the public alley in the rear. So, zoning in on the façade here a little bit, we're trying to keep the façade very clean. We're using stone materials that are similar to the new building materials which we've spoken of before on the hotel only maybe a little more subdued. We have this soft light across the top and then the entryway is back with this textured accent stone that draws your attention into that entry. It's all set off with this bronze canopy and then these kinds of warm touches of wood finish and bronze accents. If I flip to the next slide, here's some just kind of quick views of looking both directions from the street of the entry and the glass windows. Again, similarly to the façade next door, the lighting concepts are intended to accentuate the materials and textures of the building. This soft light at the upper portion and then a wash of light here at the entry that accentuates the rough stone finish and it kind of pulls people into the entry. Then it redirects them to the entry door to the right, here, and then just general downlight along the underside of the canopy. Our proposal also includes upgrades to the existing sidewalk, though minor we are proposing to replace the sidewalk in front of the building. We are leaving the two street trees in place, there's on here and then there's one slightly offset from our property. Those will be protected in place and then we're suggesting these two little planter boxes with some ornamental planting in them just to kind of liven things up and draw in a little bit of excitement and attention to the façade. You can see in this slide just kind of a summary of the materials that we're proposing to use. There's the rich kind of oil rubbed bronze material along the top here, a smooth stone finishes that kind of goes around the sides and up and over the top, this textured stone at the entryway and then these kinds of accents of

wood finish. The next slide is a little bit of a preview of the interior of the building so this is the main dining room. We have these kinds of central planters that are a focal point to the room and this skylight that runs along the center of the room that draws light into the space and also gives – suggests a little hint of the connection to the rooftop. If I go to the next slide here, we're suggesting that this half of the roof is this sort of – we call it a rooftop garden. It's mainly – you experience it actually from the building next door looking down on it. As well as the second floor opens up this balcony area that provides views of the Japanese inspired landscaping in that area. This is just a rendering of – conceptual rendering of that experience and you can see here stone finishing which kind of draws back memories of the stone façade in the ground floor and then accents of rich stone or wood materials and bronze. Except for the pursuing the menu, I think that's kind of the experience of our project. Thank you very much for having me.

Chair Furth: Thank you. We have some comment cards from the public. The first speaker will be Jeff Levinsky to be followed by Daniel Myers to be followed by Elizabeth Wong.

Mr. Levinsky: Good morning again Board and – whoops.

Chair Furth: Of course, you have 3-minutes.

Mr. Levinsky: Ok, thank you. Good morning again, I'd like to first point out that in the past plans for the project have been available for the public to view during the meeting. I didn't see any at the table or any posted on the bulletin board and I don't know if that's part of state law for open meetings as a requirement but I'd like it noted. The second is that in the plans as far as I've examined them, the – we still don't get good square footage numbers. In the past, there's been tables that show how many square feet on each floor and so forth so I'm guessing that maybe this will come back and you'll be able to ask that be included in the plans. As to the issue about the in-lieu parking, it is quite a serious issue. The language of the Municipal Code requires that the exemption be given if the – if it is not physically feasible to provide the required on-site parking. It doesn't say it it's convenient, it doesn't say that it has to be easy for the cars to get in and out necessarily or it save as much square footage of the site for other uses. It says physically feasible so – and I didn't see in any of the layouts presented the possibility of a garage opening and then there would be further parking on the inside. I realize that would compromise the square footage of the restaurant area but that's not what the code is saying you should be considering. It says is it feasible physically for the site to accommodate the parking. Ditto for the garage – for the trash area such that there could be an arrangement by which the trash and the garage entrance are there in the alley and I think that would work from the slides that you were shown. There's another concern about in-lieu which I think has been overlooked and this was confirmed by a City Council whom I spoke with about this at some point. What it says in the code is in connection with any expansion of the supply of public parking spaces within the commercial downtown district, the City shall allocate a number of spaces for use as in-lieu parking spaces. That's different than the Downtown Assessment District, there's was a little confusion I think in Staff's comments a moment ago about that. The question is where are this inventory of in-lieu spaces that this project wants to buy a share of? Where is that inventory (inaudible) managed? The concern that there is no inventory, that there are no in-lieu parking spaces and that a check is written but no parking ever materializes. So, I think that should be addressed legally as to whether or not the whole way the in-lieu project – in-lieu program is being used in this case actually conforms with the Municipal Code. Thank you.

Chair Furth: Thank you. Daniel Myers, that's -- for the transcriber that's M-Y-E-R-S.

Mr. Daniel Myers: That is correct. Good morning and I'm totally unprepared for this. I'm representing Adolf Konigsreiter who is married to Ruth Krucker-Konigsreiter who ran the flower shop at Stanford Florist for 50-years total. They acquired the building in 1978 and ran the flower shop business there from that time. I had difficulty finding information about this item, both from the Planning Department and from Mr. what's his face here (gesturing towards Project Planner Samuel Gutierrez). I sent you two emails, rather extensive with some objections and I don't want to really repeat too much of that. The matters in litigation -- I want to limit my comments because the matter is in litigation and I don't know

want to say anything that might reflect on the litigation that hasn't been said in the litigation. As Ms. Wong here is about to say that there is a litigation involving her, involving the people who are claiming ownership right now who possess the building who instituted this planning proposal. Then there are us, Mr. Konigsreiter and myself, and I'm one of the trustees of the Konigsreiter estate. There's a lis pendens on the property and that's a notice to everybody that anybody that has to deal with the property is notified that there is litigation. This should be reason enough to postpone any decision on this architectural proposal. I realize that I'm dealing with one, two, three, four architects, one lawyer (pointing to each member of the ARB panel) is that correct? Your bias might be in favor of the architects getting their fees and stuff but no, don't buy it. I doubt Mr. Ellison is personally involved in this, it's more likely his right-hand investment person his name is Paul Marinelli. He's the guy that doles out \$20,000 bucks at a time and I think that's what driving this proposal here. You know just flashing money, flashing \$9,000 in City fees for the application and I don't know how much these guys got (gesturing towards the Montalba architects) or whether it's on contingency or whatever but I presume it's not. Watch your butts because...

Chair Furth: Finish your thought.

Mr. Myers: Oh, because you can be in hot water too. If there is some sort of investigation about the money trails in this, you don't want to be involved. Thank you.

Chair Furth: Thank you. Elizabeth Wong.

Ms. Elizabeth Wong: I have a hand out to give out.

Chair Furth: They'll bring it up and Samuel, is it possible to get the plans up on the wall?

Mr. Gutierrez: Yes, I have copies of that.

Chair Furth: Could you get it up so people can see it or put it on the table? One or the other. This is from you Elizabeth dated February 1st?

Ms. Wong: Yes, it is.

Chair Furth: Thank you. I think we all have copies.

Ms. Gerhardt: Yes, Staff did put that on the dais earlier this morning.

Ms. Wong: Good morning Members of the ARB, my name is Elizabeth Wong. I am here on behalf of Yo LLC and I am also a Palo Altoan, I live here, I vote here and I care very much about Palo Alto. Since I have limited time I'm going to just bring up a few things on this. The objections of Yo LLC to the ARB approval of this application are mainly three. Yo has a contract to purchase the property which pre-dates against application ownership of this property. Approval of this application and the proposed demolition and development work proposed to follow may have to be reversed depending on the outcome of the pending litigation. Yo LLC objects to the elimination of existing parking areas on the property by construction of a building which eliminates such parking. Yo LLC objects because the proposed conditions of approval do not fully incorporate the obligations of the applicant to restore the subject building with compliant bathrooms if there is a change of ownership of the 620 Emerson property as said forth in the letter at Page 61 of the ARB packet. I want to make some comments on the reason why this letter was not given to you before is because the attachments were received by me at 5:31 p.m. yesterday and subsequently I spent all my time working on this letter so I did not have this letter before February 1st, today. Related to the alley being substandard, 20-foot alley is the standard in Palo Alto for one-way and there's one behind one – there are two behind two of my buildings. So, if we were to give the same reasoning for allowing the elimination of on-site parking, we would be eliminating thousands of parking spaces from the City's inventory of parking. The law – I feel betrayed by the fact that they had this study done on the parking and not given it to me until 5:31 last night. Apparently, the law stipulates that's you

need to have a little bit more than 20-feet in order to make a 20-degree turn. Well, I think it's about 23-feet so for the applicant to only lose 3-feet in order to accommodate the parking, to me it's a non-issue.

Chair Furth: Finish your thought.

Ms. Wong: Another big, big deal is the loading zones. This building has three parking spaces that have been used for the last – at least three or four decades as a loading zones for that building. A restaurant requires a tremendous amount of loading space and there's no loading zone at all. There's only a loading zone on Hamilton for the – to load the passengers.

Chair Furth: Think we've all inspected the site and the vicinity. Thank you for your comments.

Ms. Wong: Ok, thank you.

Chair Furth: Is there anybody else who would like to speak to this? Commission – I always forget whether it's Commissioner or Board Member, Martin Bernstein.

Ms. Bernstein: Thank you Chair Furth and Board and Staff. Martin Bernstein and I live in the Zschokke Residence in the alley directly behind Nobu Restaurant. I've spoken with Nobu Staff and some of their design team and I find them to be very professional and courteous. I'd like to speak just briefly about the proposed design of the project. I support the project the way it looks. I see that they are very sensitive to the residences in the alley such as the roof garden is protected by a wall and mechanical equipment between that roof garden and then my residence. My bedroom is up on the second floor so I have a direct view of that so I appreciate the fact that the roof garden is protected in that sense from noise and vision. One of the Conditions of Approval I would like to suggest that you include is for the trash bins on the enclosures on the ground floor, to have that be a locked door. I've been in this neighborhood for about 30-years now and when the Cadillacs come along – a Cadillac is a shopping cart. I speak often with the people who come around about 2:30-3 in the morning to pick up recycling materials for resale. They are fine people, they are – actually, I like them but at 2:30-3 in the morning when the shopping carts or the Cadillacs come through the bumping of the alley with the cans and bottles, it disturbs sleep. So, what I find is that if that trash area can be locked, then that would just curtail a lease on that property. I know the other properties in there – next to the alley but we're talking about 620 Emerson so if that could be a condition that would be great. Then also just the standard conditions of any lighting in the back that the lights stay on the – don't intrude onto my property or the windows at least, my bedroom windows. That would be my request but I'm in support of the design. I think they are wonderful designers and I think it would be a really great attraction in the neighborhood to have the street façade and the alley façade cleaned up the way they are proposing. Thank you so much.

Chair Furth: Thank you. Anybody else? Would the applicant like to speak? You have another 10-minutes. Ok, the applicant declined. Anything from Staff?

Mr. Gutierrez: No, not at this moment.

Chair Furth: Any questions from the Board?

Board Member Gooyer: Yeah, I've got a couple. Seeing as those this is an addition to the existing restaurant that's already there, I guess this is a stupid question but is this going to be the main front entrance to the restaurant when it's done? I don't care who answers it but...

Mr. Stutheit: Actually, the restaurant is sort of an extension to the restaurant next door but it's also sort of a complementary extension to the restaurant next door. So, it's maybe not – maybe don't think of it as the same restaurant but perhaps a sister location if you will. Yes, for this location, this would be the main entrance into the restaurant.

Board Member Gooyer: Then also seeing as though you've got what eight or nine floors of balconies going right up the side of that. You have a – is that the – going to be the location for the exhaust fan for the kitchen? So, some poor guy rents a room on the third-floor or something is going to listening to that or looking at that the whole time?

Mr. Stutheit: Yes, I mean we will be working to...

Board Member Gooyer: There hasn't been some consideration, seeing as though if they are going to be owned by the same person, to run it through the hotel and up?

Mr. Stutheit: Through the hotel? Technically, I think that's probably not possible just because of the – some of the conditions on the site.

Board Member Gooyer: Let's see...

Ms. Gerhardt: If I may? I do want to be clear that we're dealing with two different properties here. The hotel is on one property and this restaurant annex is on a second property so we are looking at this – there are some interconnections – some internal connections.

Board Member Gooyer: No, I understand that, I understand that.

Ms. Gerhardt: However, we need to plan that if they were to be separated at a later date, we need to anticipate that.

Board Member Gooyer: Right, ok, that's all I have for questions.

Chair Furth: Alex.

Board Member Lew: I have a couple questions for you. I guess one for Staff maybe is the trees that are proposed on the sidewalk in the front, do you guys – did the City look at the clearance between the street tree and the proposed planters? Sometimes I've heard a number called out by I think Staff on other projects they said they want 8-feet of walking space. I was looking at this one and I was thinking maybe down to like 5-feet between the street tree and then this proposed planter.

Mr. Gutierrez: Yes, that was reviewed by Public Works Engineering and they didn't see any issues with this because those planters would be staggered from the next, I guess you could say, obstruction to the sidewalk which would be the existing planted street trees. Those planters aren't fixed, I mean they are moveable so they could be placed closer to the entry where they would be less likely to be an obstacle for pedestrians.

Board Member Lew: Great and then on the roof garden design, I was wondering if you could – if you had any insights on the landscape design just like on the plant selection? There's a lot – I mean it's a sod – yeah, it's pretty electric. You had mentioned like a Japanese garden but I see like bougainvillea and sod lawn and philodendrons, it's like – yeah, it's very unusual.

Mr. Stutheit: No, the intent is that it would be more along the lines of a Japanese garden with perhaps some rock features and gravel. As well as – off the top of my head Japanese Elm or sorry, not Elm, palm tree...

Board Member Lew: Japanese Maples.

Mr. Stutheit: ... or whatever, yeah.

Board Member Lew: If water – stormwater treatment part of the landscape design? Is that a critical component of it?

Mr. Stutheit: Our understanding is that we can't solely use the garden for – to treat the landscape or excuse me, the runoff water so we do have a separate treatment facility on site. Yes, we are – the water that lands on the garden is running through the garden and then into that filtration system.

Board Member Lew: Then is – I was looking at the lighting plans and I didn't see any light fixtures in the alley. What are your thoughts about that area?

Mr. Stutheit: We're not planning on having a lot of lighting in the alley, just what's necessary for the trash room and the trash.

Board Member Lew: So, there's an existing pole light that I think was mentioned...

Mr. Stutheit: There is...

Board Member Lew: ...and so that is adequate.

Mr. Stutheit: No, actually that existing light fixture would remain. It's not on our property, it's on the neighbor's property.

Board Member Lew: It's on the site, it's on the site plan. I'm not sure which neighbor it is.

Mr. Gutierrez: If I may, it's on – I believe the property address is 164 Hamilton. That's where the street light pole is.

Chair Furth: Thank you.

Board Member Lew: I have no other questions.

Chair Furth: Osma.

Board Member Thompson: You said there would be stormwater treatment on site, is that – where is that in the plans?

Mr. Stutheit: It's like an in-ground filtration box so it's located more towards the back of the site but it's underground essentially so what you see is a manhole cover from above.

Board Member Thompson: Ok and then will there be signage on the front?

Mr. Stutheit: Yes, we haven't submitted for the signage. We're not – as I said before, it's not necessarily going to be called "Nobu" so without being sure exactly what it is, we haven't submitted that yet.

Board Member Thompson: That's all my questions.

Chair Furth: Peter.

Vice Chair Baltay: I'm afraid if the Chair will indulge me, I have quite a few questions. I frankly find the application just really lacking in giving us enough information. So, simple ones to the architect, the front canopy you're proposing over the front of the restaurant. I can't tell or I don't remember, is it the same material and the same configuration as the canopy coming across the Epiphany Hotel?

Mr. Stutheit: It is – well, I guess it is the same material but again in that it's a metallic material but it is intended to be rendered in a different way. So, that there is some separation between the two buildings so they are kind of the same but different if you will.

Vice Chair Baltay: To be more clear because I thought the hotel had a wooden finish.

Mr. Stutheit: Yes, it's got a faux wood finish on it.

Vice Chair Baltay: So, wood and bronze are the same material, rendering or not, to be clear.

Mr. Stutheit: Correct, except what is in the existing hotel is a faux wood, it's actually metal but...

Vice Chair Baltay: But the proposal for the hotel is wood and the proposal for this restaurant is metal. Are they the same geometry? The same – are they flush with each other and are they the same vertical height?

Mr. Stutheit: Yes.

Vice Chair Baltay: Ok so the only difference is the material really from a visual point of view.

Mr. Stutheit: Yes.

Vice Chair Baltay: Second question for you please is regarding the purpose of the garden roof hotel and its relation to the existing hotel. Are they at the same level and is there any attention to build – physically go between the spaces?

Mr. Stutheit: The intent is not to physically go between the spaces, no. There is a little bit of an elevation change between...

Vice Chair Baltay: Do you know how...

Mr. Stutheit: ... the two.

Vice Chair Baltay: How much of an elevation change?

Mr. Stutheit: I think its 18 to 20-inches, somewhere in that range.

Vice Chair Baltay: Thank you. That's all my questions for the architect. If the Chair is willing to indulge me, I wonder if it's possible to call Martin Bernstein up and ask him to give us his opinion about the viability of parking or how parking works in that building right now. My understanding is that there's parking in that building that's functioning at the moment. If Martin Bernstein is a respected member of the community who lives very nearby has (inaudible)...

Chair Furth: You can ask a member of the public to answer a specific question, yes.

Vice Chair Baltay: If he's willing to help us, I'd appreciate hearing him through the Chair. Martin Bernstein is who I'd like to speak too.

Chair Furth: Mr. Bernstein, you may speak in response to the question.

Mr. Bernstein: Alright, thank you, Chair Furth. Mr. Baltay, go ahead.

Vice Chair Baltay: Can you shed any light on how the parking in that building works right now. Is it viable parking in the back of that building and is it possible to have parking there in your opinion?

Mr. Bernstein: When Stanford Florist was the occupant of the building it would be a – there would be a three-car garage door that would open up; a roll-up door. Then there was often Stanford Florist personal vehicles in there. They would drive in and then to – drive in front forward or reverse and then would come in like – the alley is one-way, it heads southeast direction. So, they would just back up and they would go like that so it's been functional for Stanford Florist.

Chair Furth: Thank you.

Vice Chair Baltay: Great, thank you.

Mr. Bernstein: Yeah.

Chair Furth: Just as a courtesy, Mr. Myers, did you want to add anything specifically on the point of parking?

Mr. Myers: Yes, I was working there and I know everything about it that he doesn't. It's actually two cars that fit in the building there. It's a two-car kind of garage partition, there was a partition wall between the storefront and the parking garage. In the parking garage part there's the door to the storm or door to the storeroom rather and then there's a little ladder that goes up to an attic.

Chair Furth: Thank you. I think that answers our questions, thank you. Whoops. This is – we need to stop this. You have a closing remark?

Mr. Bernstein: I agree because there is a little restroom in there so actually even though it's wide enough for three cars because there's an existing restroom in there, there is room for – is it two vehicles, right?

Mr. Myers: Yeah.

Mr. Bernstein: Yeah, two...

Chair Furth: I'm good, I think we're good, two vehicles worked historically on the premises. Thank you for your help.

Mr. Bernstein: Thank you, thank you.

Chair Furth: You have questions of Staff?

Vice Chair Baltay: The last question that I have are for the Staff directly. Essentially two things, one is the applicant is proposing to build a restaurant there without any restrooms and as I understand that, that's because they are going to connect the building to the adjacent site. How should we interrupt that from a code from an architectural review point of view? It's very abnormal to have a building with no restrooms. Is that something we can say as a non-functional hotel? What are we supposed to say about that?

Mr. Gutierrez: Yes, it is a bit of a usual situation. It's not typical but because we have these co-functioning businesses and property owner and leasee or what have you. In the plans, you can see there's an alternative scenario floor plan that actually includes restrooms. The project does include a coven that is being worked on right now between the City and the property owner that should the business cease to function in conjunction with the adjacent hotel for any reason then the proposed opening between the buildings would be sealed. Then the actual 620 properties would need to be a stand-alone building so those bathrooms would need to be constructed. They will need to plumb it for bathrooms, be ready for that in the likelihood of that scenario and that's how we addressed that issue.

Vice Chair Baltay: Ok and lastly there's been a number of comments from the community regarding the ownership of the property. Is that something that you can shed any more light on or has Staff checked there's a bona fide title to this property by the applicant? What should we do about that? How do we react to it?

Mr. Gutierrez: Yes, we looked into that, of course, when the application was submitted. The property owner who signed for it is the legal property owner as we understand it. We checked again when this issue was brought up just in case for some reason the records had changed. Unbeknownst to us, they had not, it is still the same property owner, the PA Hotel Holdings, LLC. Now as far as the – this

application of architectural review, it wouldn't be an issue. We haven't received any injunctions by a court or anything to stop any proceedings. It's a civil matter between private parties as we understand it and should something be issued then, of course, we'd stop. Even if the Board were to approve, it wouldn't cause any undue harm to anyone because it's merely the design approval. There is no demolition permit being issued, there's no building permit being issued at this time so that's how we vetted that situation.

Vice Chair Baltay: Thank you.

Chair Furth: Thank you. This is a pedestrian overlay and how is this design addressing those requirements?

Mr. Gutierrez: The design has the awning which creates a pedestrian refuge, that's the first part. The second part is that the design does have a large storefront that you can see clearly into the building that connects the store into it. Then the recessed entry is also another feature that we'd like to have to make it more pedestrian friendly. Again, it's that refuge, it's drawing people into the businesses and that's a part of the pedestrian overlay. Then, of course, the suggestion of the planter boxes in the front add some green kind of landscaping to the sidewalk apart from the street trees that exist there.

Chair Furth: Now remind me, when we concluded with the review of the hotel remodel, did we except that without any seating anywhere?

Mr. Gutierrez: We had options to add seating should the applicant choose to and that would be handled by Staff. So that was the Board's decision, it was the amendment to the conditions.

Chair Furth: Have we heard what they plan to do?

Mr. Gutierrez: As of yet, no.

Chair Furth: Thank you. Just before we start the larger discussion, I will say that my – in my experience, Samuel's analysis is correct with regard to the civil litigation. Even the fact that there are a lis pendens and notice to the world that there is litigation concerning the title doesn't permit the City to not review an application. We're still subject to the laws that require us to consider an application and only if and when we get a court order – an injunction can we stop and hold it up. So, we aren't able to not consider this because of the complicated, and obviously distressing for many people, history of the ownership of this property. Having said that, why don't we start with you Osma.

Board Member Thompson: In terms of what's been said – well, maybe I'll back up a little bit. The façade is quite blank right now and that's partially why I asked about signage. Even the addition of the planters as separate entities seems potential VE items. I would almost prefer that they are more integrated into the façade of the design in some way. As they stand right now they could easily be pushed around and given that it is the green life of this façade right now and one of the few things adding life to the façade right now, it seems to me that it might be important to consider integrating those into the façade. The – I think for now those are my comments that it's blank and it could use a little bit more. Also, the brow potentially I can see that you've attempted to connect to the building that's the hotel but there is also the building adjacent to you that's the historic buildings. While you've respected the height and matched that, there are very little else that connects those and so I wonder if there could be more attention paid to that. Those are my comments for now.

Chair Furth: Thank you. Peter.

Vice Chair Baltay: Thank you, I will start with the aesthetic part of it. Contrary to my fellow Board Member, I find the façade attractive and well designed and I think it will be an elegant addition to the neighborhood. I find that just by massing the height of the building to the building to the left it does a lot to tie it in. I think having the awning relate to the building to the right helps tie it in and overall, I find the design will make an attractive presentation on the street and a benefit to the neighborhood. My issue

on the façade has to do with the awning piece itself, however. Somehow to me, if it's the same size and shape and projection but a different material to the hotel next door, it's really sending a mixed signal. Is it or isn't it the same hotel, the same restaurant and I guess that's maybe symbolic of the whole problem here. A big question for you guys is this part of Nobu or is it not? Do you need the bathrooms, or don't you? A lot of these questions are coming out of this (inaudible) which hasn't been answered and I think we're going to get far until that question is answered. In my mind at least, I think the awning should match exactly the hotel if the restaurant is the same also and it just ties it all together. Certainly, if it's different just by material, I'm not buying it; it's to subtle a difference. On a nit-picking point, the way your detail on sheet – let's see Detail 11 on 5.10, you've got the top of that awning sloped ever so slightly away from the building so water will drip off. Correct me if I'm wrong but oil rubbed bronze with water slowly rolling off of it all winter long is going to look terrible really quick and that's not what you're thinking about. You've got to handle that kind of detailing better, we're not in Los Angeles here and it really won't work. You've got a little recess for the light fixture behind it which is unless you put some drain features in there, it's going to short circuit it real quick. It's not a though through detail yet and yet it's critical. The only element animating that façade so again, I'm afraid it just needs a little more revision on that so I'm sure you'd catch those as you go through it. I'm concerned at a high level and I think it's not ready for approval yet but the floor area count is not correct. It's just hasn't been – the math hasn't been done period, there's nothing in the plans showing it and when I do the math myself it doesn't work. The floor areas don't add up any which way but I'm also concerned about that garden roof and I'd like to see a cross-section between the garden roof and the adjacent hotel to get some understanding of if that is intended to be an outdoor patio for the hotel. Then that should be made part of the applicant and if it's not, I'd like to see what the relationship is between the two spaces. It just seems awfully funny to me to go through that much effort to build a garden roof like that and then not have it be really beneficial to somebody like the hotel. Additionally, as Staff eluded, we can just modify the floor area a little bit but it seems to me these are big modifications; taking off that second floor or leaving it on. There are some spaces in there that don't seem to be counted quite correctly so a lot of changes I think need to take place to get the floor area to work. I'd like to just no comment further on the parking issues now. I think the comments from the community and the Staff and other people we've asked have made it pretty clear that the Staff needs to very, very well document the rationale behind this exemption. I'm not going to comment beyond that. I will comment on the floor plan layout regarding the bathrooms because what's there now, putting in restrooms in that building doesn't work. It's not a logical place for restrooms in a restaurant just inside the front door next to the dining room like that. What it is, is just a quick solution to try simplify it to show Staff what's going on and it really doesn't cut it because I think you need a really good answer. If you're going to have to have bathrooms there, show us how it's really going to be done. It will affect all the other stuff in the back of the building which is what we've been talking about. So, in a nutshell, I'm not close to being able to recommend it for approval but I think your design on the façade is good and it can be close to that. Thank you.

Chair Furth: Alex.

Board Member Lew: Great so thank you for the submittal and I find the renderings were very attractive. In my mind, it seems like it's – you haven't – there's a missed opportunity which is (inaudible) be to have taller storefront windows that would match the neighbor in the existing building. That's like – to me, that's like a character – the character-defining element on Emerson and then I do – look at your – the rooftop garden and what you're trying to do with the hotel. So, I think I understand the rationale behind it so I think I could live with that. The – I think the main issues that I have is probably the square footage diagrams that Mr. Levinsky had mentioned. I think I agree with Mr. Bernstein on adding a condition for the locked trash area. I think I would like a submittal for the glass storefront facing Emerson, I realize that sometimes comes in later after building submittals and what not. I'm having some trouble with the roof garden planting plan as shown. I don't even really understand it in concept or detail so I think I would like to revisit – in a way, I'd like to revisit that. I'm not sure it would meet our Finding Number Five but I think I'll give you leeway because it is a roof garden. It's something very different and I think I understand it's like in a hotel, you know the garden would need to look good all year around and a lot of our native plants don't do that. So, I think some flexibility is warranted for the roof garden and then if we are getting down to – well, we'll see where the Board is but if we are getting down to findings,

I think I have some issues with Findings Number Five and Six with regard to – well, let me back up; four --five which is the roof garden and having a lawn up on the roof. It's going to require a huge amount of water and I don't think those are native plants. Finding Number Six which is mostly about sustainable design, I think that it's mentioning stone and wood as being sustainable materials and that's not quite – that's not necessarily true. So, shipping in marble from Italy is not considered environmentally preferable, you want to keep it within – what is the standard? It's like 300 – for (inaudible) I think it's – there's a, whatever like a 200-foot radius where you try to use locally quarried stone to reduce the impact of shipping. Same with wood, we try to minimize the use of wood wherever possible. Then with regards to green roofs, I've been taught that a planted roof is not really the most sustainable design element for this particular climate. We get all of our rain in a very short amount of time and then we have a long drought and having a green roof, you're actually using a lot of water and it's not capturing enough water in our little short window of rain. So, I would think to – I think my recommendation would be to exclude that from the findings and I think it's perfectly fine to have a garden. I think that meets our design – Downtown Design Guidelines but I would just exclude it. That's all that I have, I can generally – I mean I'm generally in support of the project but I think there are some – there are lingering issues.

Chair Furth: Robert.

Board Member Gooyer: I was a bit confused about this project just the way the whole things presented. I was initially under the thought that maybe the intent was to remove the property line between the two properties and have the thing become part of the hotel. Then I could understand where having the restrooms in the hotel itself would function fine and there wouldn't be an issue. I find it very strange to design a restaurant that doesn't have any restrooms in it, I'm sorry. Even if you're going to plumb for the future in an area that really doesn't work as I agree with my fellow Board Member. Then also the idea about the parking, I will address it a little bit. I've never been a fan of in-lieu fees, they are sort of this magical x-amount of dollars for parking spaces in this nebula of available parking in the City somewhere. If it one of these that for your money you would get six parking spaces in the third level of parking lot A or whatever, that would be one thing. So, to take three parking – three viable parking spaces out, I think is a strange approach and I've actually never seen a City fight that hard to get rid of three parking spaces as I heard from you today and it surprised me. So, going back to that, also the idea of, as I mentioned, with the exhaust fan that is going to be basically right under some poor guys window who spends probably a sizeable amount of money to rent a room right there. Then I'm being told that well, the area may be separated into two separate parcels and so that creates all kinds of problems. Ok, going into the design of it, I mean I like that it's a very subtle, well-done design. The only thing is that – that's why I asked the question of is this going to be the front door? If you look at the façade, your first question is how do I get in? I mean it is so subtle that the doors are wrapped around the side and if you happen to walk by, you're going to assume that this is a restaurant that you have to enter through the hotel somehow to get into it. At least that's what I would assume, you'd go through the entry door of the hotel to get to it. That's why I asked if they were all connected or not. I agree that – I'm sorry a 3-foot canopy is not really pedestrian friendly. That's just enough to stand there half way and get half wet and like I said, you can't even – it's not inviting to come in. Now maybe it's trying to be so subtle that it's a snob appeal aspect of the hotel or the restaurant, I don't know. It just seems like it doesn't work with the whole concept of downtown of a desirable entry that it's easy to find the front door of a business establishment. I think I'm way further behind some of my fellow Members as far as finding this acceptable.

Chair Furth: Thank you. Thank you for the submittal. I went and looked at this site again, including the alley at about 6:30 this morning and as the sun is coming up and everything is bathed in a rosy glow and it all looks gorgeous. I must say there is a great green wall at the southern end of this alley, it's just ficus growing up and maintained beautifully. So, when we get these green wall proposals, good gardeners can do it with the right exposure and enough soil. I have a number of concerns, I do think it looks quite beautiful. One is not merging the parcels and I can understand that given the state of play on these properties and the disputes about their ownership, that mergers may be impossible. That means you have to think about what is and isn't possible. If the Building Department is willing to except a break in the firewall between these two buildings subject to recorded covenants that require that these be filled in

at some point if they don't have joint operations, I think I can understand that. I have real problems with thinking about how you're going to draft a document that authorizes us that lets us make the finding that this building is designed for all its uses with no bathrooms on site so I'd like to hear more about how you plan to do that. One of the problems is if you have – if the City has an affirmative covenant that requires somebody to go out and do something, those are hard to enforce. You have – I mean we're not going to go on the property, we're not going to build the bathrooms and so it takes a lot of – you know usually you would require somebody to post a bond so we had a cash bond for recovering the cost so they have an incentive to do it. I need – if we're going to make that finding that this property is properly developed for its intended purpose because of its – the security of its integration with the building next door, we need a lot of assurance and I don't find the Plan B creditable. I can't imagine a restaurant that's going to – you're going to walk into the bathrooms and this is designed like City Hall. Every time you walk out of the bathrooms, you walk right into a bunch of people and we don't like the way City Hall works. So that needs to be – if we're going to approve it, it needs a better alternative plan; I don't think that works. I also don't think we have good square footage calculations and we need to see what the building would look like if it were in compliance. The parking is really troubling. If as Elizabeth Wong says, all our alleys are substandard then that's standard downtown and we don't want to inadvertently justify eliminating all those places for what might be phantom parking places because of that. This, if anything, would be a case for a Design Enhancement Exception and I got to admit, I'm not clear why you can't get in a few additional feet by pulling the parking spaces further into the parcel. I'm not yet persuaded that this is the best approach. I also – I mean I'm very – of course in order to build – this is essentially an empty lot proposal we're looking at and in order to build a restaurant there, you have to have an enclosed, secured space for trash removal. So, that is going to be part of the design no matter what and I may be perused that you can't get as many spaces as we would like on site but I'm not perused that you can't get one or two or maybe even three. I also would like some understanding of how loading would work because we know how it works at the hotel. That seems to be fine but certainly loading on Emerson is already a problem and it would be nice to know how this would approach to do it if it's possible to load from the rear as the florist use did. I don't think this is pedestrian friendly, I think these projects can't be, one when it comes to bathrooms and two when it comes to pedestrian amenities. So, I think we need better pedestrian amenities on this portion of that integrated façade and I think it needs to include seating somewhere. Robert's comments brought up something interesting which is that it's designed, it's beautiful and it looks like a private club and this is not. This is a pedestrian-oriented commercial district, it's supposed to be inviting. Secondly, when I first saw this elevation which is beautiful, I was very concerned about how it would work with [Mr. Keenen's] restored historical building next door. Then this morning I was looking at the light washing over -- which I realized was quite pink washing over Stanford Florist façade and thought this really does work. The buildings are the same height, you have this rather richly decorated building and then you have this very plane building and then you have this interesting hotel. I agree – I think that something very pale can work but I'm not sure whether this is the right color. I think that some kind of creaminess – there is a color that is going to work very well on both directions. I don't know what it is, I don't know that we've seen it and I share Alex's view that one of the characteristics – important characteristics of the block is that it's kind of exhilarating high windows. They really, literally – I mean they give you a lift as you go by and that it would be important I think to try to integrate that into this façade. So, yes, Alex?

Board Member Lew: Could Staff clarify for me what the purview of the Board with regard to parking and the bathrooms? To me, the bathrooms are an internal issue and that's not in any of our ARB findings except in the most general sense that the design is functional.

Ms. Gerhardt: Yes, I think you characterized that appropriately. That the building needs to function in general but it's not necessarily the ARB's purview to be designing the interior space. In regarding the parking, that is a Director's decision as noted in the code. Just for – related to some of the questions that other Members have had, the spaces that are currently there are legal non-conforming. So, if this was – if they were keeping the existing building and just doing a minor renovation, that would be one thing but they're tearing the building down and so, therefore, any new parking needs to meet current standards. That's what we're having trouble finding is the appropriate dimensions for all of that and the alley space, we can certainly look into all of this more but the alley in this particular situation we would be backing

into this one-way alley. Were as in other parts of downtown we have larger parcels that are able to circulate on site and then come out of the property forward facing so those are some other restrictions that we're having here.

Board Member Lew: I think it's also – to me its undesirable to have cars exiting on that one-way alley towards – farther down on the block. To me, that's a really nice pedestrian connection there on Bryant and I don't – it seems to me preferable to remove parking in this particular situation.

Chair Furth: Well, you heard a variety of comments and I would agree that the relevant finding is the one about the functional use of the building. Anybody want to make a motion or does Staff have any recommendations on this topic? I've heard comments on needing good square footage calculations. I've heard comments on the landscaping and I would agree that a Japanese garden with bougainvillea is an interesting concept. I'm also concerned about – I mean I presume the landscape architect is determined that they are going to grow in that setting but its interesting given how shaded it's going to be. I am also concerned about, I didn't mention this, is how – I guess somebody mentioned this earlier, how the two – how the roof garden and the hotel relate and whether if this is assessable directly from the hotel. Does this have any – does this additional outdoor social space have any impact on the approvals of the hotel and if it doesn't, which is of course also a former PC, is it Alex...

Board Member Lew: (inaudible)

Chair Furth: ...or it's just a non-conforming use from long ago, I can't remember. Anyway, whether it would affect that and if this needs to not be accessible from the hotel, how the design makes sure that it doesn't happen. I'm not clear how the gardeners get there at the moment. So, square footage calculations, we've had some comments on the frontage, we've had some comments on how its – we'd like some reassurance on how the City would secure the – just tell us that it's secure with respect to the bathrooms. You've heard comments about trying harder to accommodate parking and particularly we were concerned about the presidential nature of this. It may well be unique and different, in which case that needs to be well articulated. What am I forgetting folks?

Board Member Lew: The locked trash door.

Chair Furth: I'm always puzzled by continuing operating conditions under design review but if we do that, certainly there's a good case that's been made that should be secured in the evenings or at least when it's not at such times that it doesn't need to be open for collection. Two of us have said we want better pedestrian accommodation. Anything else?

Board Member Lew: We haven't – also we have not talked about the – I think don't think people have commented on the loading...

Chair Furth: Oh, right, we've expressed...

Board Member Lew: ...the loading zone.

Chair Furth: ... concerns. What's the answer?

Ms. Gerhardt: Also, too if there is any more definition about façade comments. I think we're hearing about the higher windows which I agree is somewhat a pattern along this stretch of street but was there anything beyond that?

Chair Furth: You heard conflicting comments. Well, you heard two of us concerned about the opacity of the entrance.

Board Member Gooyer: I think the larger windows can actually work both ways. If you use it as this building becomes the transition between a ten-story building and a two-story building, then it can be

different. Otherwise, it just has the whole continuation bumping right into the high rise so that can be done either way successfully so I'm not really too worried about that aspect of it. I just don't think its friendly enough as what it's – like I said, I agree with your concept. It looks like a private club, that you're allowed to look in the window but not come in.

Board Member Lew: Maybe there's consensus that it's unwelcoming.

Chair Furth: That it's unwelcoming, yes.

Board Member Lew: I think the Staff report also had – was asking if the upper part of the façade was to blank. I think I would agree if it were stucco but they are proposing stone for the whole – two different kinds of stone for the whole thing and they are illuminating it so I think that's enough in my mind.

Board Member Gooyer: Part of it is also is you've got a very busy building on each side so a little bit of tone down area in the middle is probably not a bad thing.

Chair Furth: I think I would tend to agree. What really struck me looking at it this morning was that you have this rather ornate building and then you have some – you catch your breath. In fact, the Stanford Florist building has a much bigger, wider façade going way up from very low and I think that works. I think there is some material and some balanced of proportions that doesn't need to be decorated. It can be quite plane and beautiful that would give you that pause before you hit the hotel.

Vice Chair Baltay: Let me bring up that what I saw in this and I think it's different than what my colleagues are saying is that this façade was an extension of the hotel. It was trying to really pick up the same materials and the same canopy and feel integrated with the façade of the hotel. I don't think they quite succeeded at that by my interpretation is that that's what they were trying to do. Maybe it's worth other Board Members addressing if they were to do that, would that be acceptable because what I've heard everybody says would preclude that.

Board Member Gooyer: I thought about that when I first saw it but the problem is that quite often if you design a hotel and you have a lower portion, usually the scale here is just so small I don't think it works. It ones of these – this to me is more of a wart on a larger building rather than a connection. It literally is like oh we ran out of space so we're bumping out a little bit. It's just because of the sizes involved, I don't think it works.

Board Member Thompson: I also think that despite that it might be connected to that hotel, that doesn't preclude it from the fact that it is adjacent to another building that it needs to address. So, I think the higher storefront would actually make that top part feel less blank. I think it is feeling blank, maybe the signage might help but not seeing that – if the windows were taller, then that would sort of give the scale a bit more palatability.

Chair Furth: I have no idea how it should be designed but I know what my – what I'm looking for which is a welcoming building which gives the eye a pause between these decorated, much earlier buildings on a block that is fun to walk down because it has Richard Sumner and all these wonderful storefronts that give you frequent change. I would not try to – it should not in my mind look like an extension of the hotel and it should not look like the hotel is creeping down the block.

Board Member Gooyer: Or an extension of the other building.

Chair Furth: No, it's neither. It's its own thing. In particular – yeah and then one more comment, in particular, if we're going to eliminate on-site parking and that's going to depend on what Staff and the Director think. Then I think if it takes pulling back portions of that façade to properly have greenery or benches or whatever, that should be done.

MOTION

Vice Chair Baltay: I'll move that we continue this project to a date uncertain subject to the comments that have been made.

Chair Furth: Is there a second?

Board Member Gooyer: I'll second.

Chair Furth: So, motion by Board Member Baltay, second by Board Member Gooyer, all those in favor? No opposed, it passes.

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 5-0

Study Session

Approval of Minutes:

4. Draft Architectural Review Board Meeting Minutes for December 21, 2017.

Chair Furth: We have the approval of 42 pages of minutes or something like that. I'm sure you've all had a chance to review them. Let's see, was that your first meeting Osma? Yeah, I think she should have her – the actual name of her place of architectural training in the minutes. It's a typographical error but we usually give you typographical comments off stage. Any corrections, additions – corrections I guess is what we're looking for? None.

Board Member Lew: It seems to me the biggest issue is just getting the names of the public speakers...

Chair Furth: Exactly.

Board Member Lew: ... recorded correctly and so there were a lot of misspellings.

Chair Furth: Right and I will try to ask that people spell their name for the record in the future but if we can do it from card, it just doesn't seem to get integrated.

Board Member Lew: It's written on the speaker cards so I think it's just that we have to – those don't go to the transcriber.

Chair Furth: It doesn't work.

Ms. Gerhardt: Correct.

Chair Furth: She's off-site so it's not unusual to ask people to spell their name for the record. Including the architects, I'm afraid so I'll give you my typo corrections but any substitutive changes? Seeing none, is there a motion to approve the minutes?

MOTION

Board Member Lew: I will make a motion to approve the minutes.

Chair Furth: Is there a second?

Board Member Gooyer: I'll second.

Chair Furth: Motion by Lew, seconded by Gooyer, all those in favor say I?

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 5-0.

Subcommittee Item

None.

Board Member Questions, Comments, Announcements

Chair Furth: Alright, anything else before we adjourn? We are adjourned.

Adjournment