



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

Call to Order/Roll Call

Present: Chair Wynne Furth, Board Member Osma Thompson, Board Member Alexander Lew, Board Member Robert Gooyer.

Absent: Vice Chair Peter Baltay is absent at the moment.

Chair Furth: Good morning, and welcome to the September 20, 2018 meeting of the Architectural Review Board of the City of Palo Alto. Could you call the roll please?

[Roll Call]

Oral Communications

Chair Furth: Oral Communications. Is there any member of the public who wishes to speak to a matter not on the agenda, but within the scope of our responsibilities? I have no speaker cards and seeing nobody raising a hand, we'll go on to the next item.

Agenda Changes, Additions and Deletions

Chair Furth: Any changes, additions or deletions? I will note that two of us will not be present for Item number 4, which is 429 University Avenue. Vice Chair Baltay and I will not participate in that matter, in my case at the request of the applicant, and in his case, due to a conflict of interest. But we will be back for the Study Session implementing the Council Housing Work Plan: Review of Draft Rooftop Open Space Standards.

City Official Reports

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

Chair Furth: All right, City Official Reports?

Jodie Gerhardt, Manager of Current Planning: Yes, you have under Item Number one, we don't have anyone proposing vacations in the near future, as best I know. And then as far as tentative future agendas, a few things have dropped off. The Comp Plan Policies is going to be moved to the middle of October and also the – let's see, we'll talk about the hotel 3200 El Camino, 3705, the Affordable Housing Project will be on the agenda, and then we have a Subcommittee item. So, we would need Subcommittee Members for that.

Chair Furth: Remind me what 3945 El Camino is.

Ms. Gerhardt: That's a good question.

Chair Furth: You can remind me later when we get to that, before the end of the meeting.

(inaudible)

Ms. Gerhardt: No, it's moved off.

Chair Furth: All right, so the record should show that Vice Chair Baltay is here, so we have a full Board, which is good because we have some big projects. I would like to ask that you add a Study Session at some time in the next few meetings about ex parte communications. We get members of the public and applicants who would like to have us see something or hear something or otherwise talk to them outside of our regular formal public hearings, and it would be good to discuss how we want to approach that. Do we anticipate having a meeting on December 20, at the moment? Do we have a full schedule for that?

Ms. Gerhardt: We will do our best to probably not have a meeting then, but we haven't made that decision quite yet.

Chair Furth: Thank you. All right.

Action Items

- PUBLIC HEARING: 250 Sherman Avenue [17PLN-00256]: Consideration of a Major Architectural Review Application for a Proposed Public Safety Building to be Three Stories Above Grade With 45,400 to 48,000 sf of Floor Area Above two Basement Levels With Usable Floor Area Within the First Basement Level, Five Surface Parking Spaces Within a Fenced Area and 143 Below Grade Parking Spaces (Including 12 Stalls in Tandem Arrangement), as Well as Two Operational Site Buildings Accessory to the Public Safety Building, Landscape Improvements, and a Public Plaza. City Council Approved the Environmental Impact Report and Public Facilities Ordinance Amendment on June 11, 2018. Zone District: PF (Public Facilities). For More Information Contact Chief Planning Official Amy French at amy.french@cityofpaloalto.org.**

Chair Furth: All right, our first Action Item is a public hearing, Item Number 2 on 250 Sherman Avenue, consideration of a major architectural review application for a proposed Public Safety Building to be three stories above grade with 45,000 to 48,000 square feet of floor area above two basement levels with usable floor area within the first basement level, five surface parking spaces within a fenced area and 143 below-grade parking spaces, as well as two operation site buildings accessory to the Public Safety Building, landscape improvement and a public plaza. It notes here that the City Council approved the Environmental Impact report and the Public Facilities' Ordinance Amendment on June 11, 2018. Amy French.

Amy French, Chief Planning Official: Good morning. Amy French, Chief Planning Official. We're back.

Chair Furth: You are indeed.

Ms. French: Three is the charm. This is the third meeting. There is a bit of a snafu there on the PowerPoint. I'm not sure what happened there, but this gives you the schedule. We are here at the third meeting. We've had quite a bit go before us. As you mentioned, the CEQA Environmental Impact Report was approved by Council back in June. The last we saw you was August 2 with a quick turnaround to get back here today. We did have a Council Study Session on Monday, and there were some comments. I'll go over those later, from the Council. They will be seeing this. This is a recommendation to the Council today is what we're seeking. And then, of course, the Council will this fall, see this project, as well as the construction budget, etc. But they did have a discussion this Monday. Some things that the ARB has asked for as noted in the report was greater articulation. There have been some changes at the third-floor windows with some movement back and forth for an 18-inch differential between the ins and the

outs on those windows. The second floor, also inset glass. You can see a little bit here – well, this doesn't work. There, you can see a little bit inset here. It's kind of a depth at the second-floor window in this slide. The multi-purpose room is that area and the plaza is considered for art placement. We have our Art staff member here, Elise, if there are questions on that. This shows the landscape concept, the pedestrian realm. The architect will go over this further, but there have been changes with that, the public seating. The landscape architect is here today to give a presentation. On Park Boulevard there has been a bit of work there, as well, to widen the sidewalks, seating areas and create kind of a mini-plaza with a bike repair area and bike racks. So, there's been work on that. The landscape plan is developed. There are plant types, sizes, species and the seating areas do have arm rests. We had some transportation comments that will, that are still in progress. Here they are. We basically need to make sure there is secure employee bike parking on this site. There are a couple of options there, either a secure room with racks or prefab bike lockers. And that would be part of the Transportation Demand Management Plan, so those are important. The Sherman Avenue exit, there are, we need to be careful about those planters, that there is site distance triangles, so as not to impact pedestrian safety. So, we'll make sure that those are resolved prior to Council. The garage ramp design, there have been just some questions about dimensions on that, and you know, making sure that that's all going to be resolved. The Council Study Session on Monday, there were some comments on the glossy tile on the third floor, some concern there about the reflectivity and the architect will address that today. Then also comment on the amount of hardscaping. There was always, you know, interest in how the tower is actually going to look. There was talk about the sizes of the appendages to the tower itself. Then, there were a couple of comments about, "Hey, can you increase the motorcycle parking spaces and bike parking." Overall, civic identity seemed important, at least to one Council Member, and then one Council Member noted that this was an opportunity for art, if that was one of the considerations for placement. That's my presentation. I'll turn it over to the Public Works staff, Matt Raschke.

Chair Furth: Excuse me. Before you do that, could you expand a bit about civic identity, that comment?

Ms. French: It was basically one comment from one Council Member saying that that was important. That he realized that there was kind of a tension between, you know, it's next to residential, it's near residential and there's more residential coming at the Courthouse area. So, it wants to fit in with residential but it needs to have some kind of civic identity, that that's important.

Chair Furth: Identifiable as a public community building.

Ms. French: Yes.

Chair Furth: Thank you.

Matt Raschke: Thank you Amy. Good morning. I'm Matt Raschke, Senior Engineer, Public Works Department. With me today also is our new Public Works Director, Brad Eggleston and I have my staff in the audience, Collette Tiu [phonetic]. Today we're here for our third round. I just wanted to mention a few things about the recent events. Last week we had a community meeting at the Palo Alto Central Meeting Room. We sent out almost 2,000 postcards with nice renderings of both the Public Safety Building and the new parking garage, which is out to bid as of Tuesday, and we're expecting bids on October 15. So, that project is moving into construction and the primary focus of that community meeting was to talk about the construction impacts and how we're going to mitigate the temporary loss of parking while we build the garage. But, in terms of overall schedule, the Public Safety Building before you today is a very complicated building. It's not your typical warm shelled PI office building. This has a very complex interior that we expect to utilize the entire construction period of the garage to finalize that design and then get it out to bid, and hopefully, be able to break ground as soon as the garage is opening, so that we can keep the project on schedule. Right now, projecting construction escalation costs, as was mentioned at our Council Meeting on Monday, we're looking at the cost of the Public Safety Building would increase approximately \$350,000 per month, based on projected escalation. So, we want to get that underway, so that we can not continue to further escalate that cost. Also, today we have the

architect at Mallory Cusenbery from RossDrulisCusenbery, is going to present the project, and unless Brad has further comments, I'd like to hand it over to Mallory and get his presentation started.

Mallory Cusenbery: Good morning.

Chair Furth: Good morning. If you could say your name and spell your name for our transcriptionist.

Mallory Cusenbery: My name is Mallory Cusenbery, M-A-L-L-O-R-Y C-U-S-E-N-B-E-R-Y, principal with RossDrulisCusenbery Architecture. And yes, Matt, that is a mouthful. Thank you very much for the opportunity to speak to you again, and as always, each iteration of this process gives us excellent comments and each time we come back we feel the design has been improved, so we want to thank you for that. We also want to thank the City, the Police Department, the Fire Department and the Office of Emergency Services for their continued dedication and support throughout this process. It's been very pleasurable. Our summary takeaway from the last session that we had with you was that there was measured support for the current design, that there was a sense that it was heading in the right direction, but that there were some continuance items that still needed to be addressed in order to meet approval. And that is our purpose at this meeting is to address some of those continuance items. There were a lot of comments which I have summarized them in great detail for you on another sheet, but this is the synopsis. In general, we felt they fell into these categories. Category one, Improving the articulation of the massing, which meant addressing some visual reliefs, some addition of windows and human scale massing. The second category was to show more information of some of the materials that hadn't been represented previously. The third was to provide more information on Park Boulevard, that that area did not have enough graphic information to show what the design intent was. To advance the site design, including more information on landscaping and the design of the seating. To document proposed signage locations and to demonstrate the use and functionality of the interior louvers that will be visible from the outside that we had shown previously. I will address all of these in summary form in what follows. There are also a few continuance items that we were asked to study, but are not represented in the current design. I want to address them briefly. We can go into greater detail later, if desired. One of them was the request that we study a contrasting color for the upper fascia. The lower fascia has a contrasting color. We did that and our takeaway from that was that it, the contrast drew your eye up to the top of the third level, and we thought that worked at cross purposes to bring your eye down to the pedestrian level, so we have not incorporated that. There were two categories that we had mixed feedback from the board here on, and that had to do with the board-formed concrete and the proportion of the glass above the second level. We did look at both of those and we talked at length with the City, and the request from the City was that we continue with the current design as it is, which is the board-formed concrete tinted and the current proportions of the glass. And then there was one other topic, which is the making the multi-purpose room more glassy, and there has been extensive conversation about that. The current status is that, based on conversations with the Police Department, there is a concern that the glass at the ground level of the multi-purpose room introduces an operational vulnerability that is currently not acceptable for the Police Department, so we have not introduced the glass into that location. However, these aside, the other continuation items, continuance items are adequately represented and are in these drawings, and I will walk through those right now to show you how those have been incorporated. The first category, and it is difficult to see, Brad, you're right, they were cut off, is the articulation of the massing. Does your screen show the whole thing? Because this one cuts back. I'll work off memory for mine. The articulation of the massing, you can see the, in this representation, which is a newer representation, you can see the two-story volume, has a lot of articulation. We show the deeper recesses, we show the addition of some windows, and the elements that provide some visual relief within that volume. Represented here as well, increase the differential on the face of the second level by 18 inches so some of the white areas and glass areas are recessed 9 inches, some are projecting 9 inches for the differential of 18, creating some shadow lines and some depth. Over here on the left you can see we introduced that on the Jacaranda side for the 9-1-1- as well as the offices up here, as well as the point that Amy had pointed out that a number of the windows are now much deeper recessed, not just this one, but as you move around it. We introduced this rendering to show our firm belief that the positive experience of this building is going to be in the way that it's experienced in the pedestrian realm. Colors, inflections, layering, portals, this building is going to change

as you move around it and the approach has been to bring the attention down to the diversity of plants and colors at the ground level, and that's what this, among others, is meant to represent. And you can see there's actually, between the number of canopies, three or four canopies, you can see some people in view in the center in the distance. They are framed by five frames on the way back, and that's consistent with a lot of the experience as you move around the building. You have a very rich and diverse pedestrian environment. This represents the new windows that have been added. Some of the deeper recesses and the shadow lines introduced around the projected windows. There was reference at the City Council Meeting to the question about the reflectivity of the third level, and we are continuing with the idea that that reflectivity, along with the glass, is the strategy that we will use to reduce the perceived mass of the building, because when you're at the pedestrian level you will see reflections of the sky at that third level. So, that's the reason for the continued reflectance of that. More detailed information on materials that hadn't been identified clearly before, we'll briefly go over this. This is the pedestrian ribbon, slice through that, that the fascia right up here is painted steel. The soffit, which was not identified previously, is a tinted stain on a board, tongue and groove cedar board, so wood. That wood texture is then echoed in the board-formed concrete below it, which is also tinted terra cotta. And then the seating, the precast seating, which is represented here matches the fascia. So, this pedestrian ribbon is actually a very limited palette, the terra cotta color, the charcoal color. And then the third material in that palette really is the plant scape. We don't want a high contrast building. We want the richness of the plant scape to be foregrounded. That material palette moves to the Birch Street side as well. Again, the soffits are wood and the board-form is there. And then as it relates to the porcelain tile on the pre-cast panels, we wanted to show you more detail on how that would be articulated. These are 12 by 18-inch tiles. That's an off-the-shelf tile size and the tiles come with a natural variation, which we've attempted to represent in this rendering. It's a subtle variation, but it provides some visual relief on that surface to the concrete on the right, as well as the shadow lines of the windows and more shadow lines here on the deep-set windows and the new windows that were added in the locker room, which incidentally, we're showing them on the men's locker room side, but they will be added to the women's locker room as well. Full palette represented here, and we do have material samples, including initial pre-cast, I mean initial cast and placed poured-form concrete samples. They are all laid out here. We can bring them up to you at the end of the presentation. And a few images that just show the importance of that palette as you move through the pedestrian realm. The third category was more information on Park. So, you can see from this view now the proposed benches, planters and there will be a bicycle repair area, as well as the deep recess and wider sidewalk that is proposed for this area. I will remind everybody that there is parking garage below this, so all of this is on top of the parking garage below. So, this view is very illustrative. You can see on the bottom is the existing condition and above is the proposed condition. And the change is dramatic, when you have a group of people walking to lunch towards California Avenue, they have to walk single file, and we're not only providing the width here to walk side-by-side, but nested seating that's recessed back and not vulnerable onto the walkway, as well as the bicycle parking here on the right. And I do want to point out one other thing. We had this elevation before, but I think it was lost in the shuffle, and if you look here, this is the Park elevation. Your experience will be this one-story piece, which is consistent with the height of the retail buildings right across Jacaranda. The volume of the Public Safety Building is in the distance. You really won't be seeing it from Park substantially, and it's resonant with the scale of the Courthouse, which is also beyond. The fourth category, providing more information about the site, including landscape. These are wonderful landscape drawings. I will point out that Zoe Astrachan from Interstice, our landscape architect, is here and can answer any detailed questions. The summary version is that we have continued the original idea, which is also consistent with the garage design, that each orientation has a unique landscape identity, as to the different planter areas, depending on the role they play. You can see some of the plant types here by typology – stormwater, sidewalk planting, native, as well as the species. And more detailed cross sections through the site design elements, including the development of the seating design, as well as, and I will point out the sub-sidewalk design, which is designed with the intent of providing generous root space architecture at this pedestrian realm. These illustrations are meant just to show that our strong belief is that the experience of this project will be at the pedestrian level, and that the variety and interest at that realm offers, and that the building will be a background in that experience. Let's see, textures and materials here as we move around the building and that pedestrian ribbon. And my time is up, so I will summarize to say that on the signage you can see this diagram shows two signs...

Chair Furth: If you need a few more, excuse me, if you need a couple more minutes, you should take them.

Mr. Cusenbery: Okay, thank you. In terms of the information on the signage locations, two you have seen previously, which is signage location number Two and three, we're now showing one and four as the proposed other locations for primary signage. One and four will likely be more City identity signage, as well as the Public Safety identity, and the location of one is meant to offer orientation as somebody approaches the building on that entry forecourt for the Police Department, and on four it is providing it on the Park Boulevard side. Obviously, the signage package will be developed subsequent to this, but those are the conceptual locations. And then the final category is providing additional information on the interior louvers. On the upper left you can see an installed version. We use these in a courthouse where the intent was to bring natural light into a courtroom, but give the court the ability to shut it out, should there be some kind of interference with the court proceedings. So, you can see it represented there. And the difference for what we're proposing for this project is that we would then allow operation, you can see a 9-grid that would be an average grid that you would have in an office, a variation of positions for those screens to be, so that users will then alter them as they feel the need for lighting, for visual protection and/or desire for view. And the goal on that is to actually provide the randomness and pattern that comes from user control, so that there's a level of texture and interest on the building that changes over time, by time of day and by user on the interior. Okay, so that summarizes the quick view of some of the continuance items, and our hope is that these have addressed the intent and purpose of the comments, so, thank you.

Chair Furth: Thank you. Anybody else? I have no public comment cards. I'd like to hear from the landscape architect about the landscape design. Would anybody else?

Zoe Astrachan: Good morning. I'm Zoe Astrachan. I don't know if you want me to spell that or not, but I can.

Chair Furth: You may not like the way it's rendered.

Ms. Astrachan: Right. Z-O-E-E is the first name. Astrachan is A-S-T-R-A-C-H-A N, and I'm with Interstice Architects. That's I-N-T-E-R-S-T-I-C-E.

Chair Furth: Thank you.

Ms. Astrachan: Good morning. Actually, the concept, as Mallory alluded to for the landscape, hasn't changed significantly. The shape of the spaces has inflected a bit as the, particularly on Birch, with the community space being developed. But this idea of sort of a continuous feel of a 'ribbon' of landscape that is the public interface still stands, and that on all, on three of the four frontages, it's an invitation to engage with what I would say is sort of the architecture of the landscape. There is seating designed on all three frontages with an emphasis, certainly, at the entry to the building, and on Birch Street with built-in seating that has box and arm rests in all cases. It's really important to us that it's comfortable. The material is smooth. It tends to be on the cooler side, this sort of terra cotta feel that is part of the building materials. But something that is inviting and receptive to people. The landscaping concept in terms of the street tree planting, I'm going to sort of emphasize a couple of points and then be open for questions. It has continuity along Sherman with the planting at the garage, but also with planting across the street, so the use of London Plane and Sycamore trees. Also, to fill our desire to have native plantings within the palette of street trees is very important. And that the scale of the trees, as much as possible on the sidewalk, is a little grander than many of the trees that are more internal to the site, given that we're on structure for all of, behind property line. The trees on Birch also match across Birch Street. They are Elms, Chinese Elms. Again. A larger stature tree meant to have a generous canopy. And then there's also a line of trees just inboard to that that's part of this sort of widened sidewalk back to the community room space. So, again, we're trying to provide shade and canopy. A sort of ceiling to that architectural space. A couple of other things. There's a resonance, I think, between - I'm just going to go quickly to the sort of materials - a resonance between, Mallory has mentioned of this sort of natural

variation of the porcelain and our intent to have the paved areas, the sort of walking spaces along Sherman that's elevated, and then the entry to the building. You see the sort of stone, the intent that the paving material, I shouldn't say stone, it's either stone or pre-cast also has that natural variation. And there's this feeling of a slight difference but continuity with that idea that it's nature in an urban way, we'll call it. And then, also, some other materials, wall finishes where the flags come down, some of the bollards, those things again bring in a sort of element of texture within the space. Step back to the planting for a moment. I didn't mention that the street trees along Park Boulevard, I think we've added some attention to Park Boulevard and making sure that there's a sort of scale transition from the street trees, again London Planes, that are continuous along Park on the blocks moving away from Cal Ave, so we've created sort of the completion of – not Cal Ave, sorry – of Park Boulevard toward Cal Ave by planting those trees, and then back of walk we've paired it with trees that are smaller scaled trees that, again, will be in the raised planters and provide shade and protection for the seating and that little bike repair plaza, and bike parking there as well, on that corner of Jacaranda and Park Boulevard, which I think is important. It seems that the bike parking on Cal Ave is well used and this would help support that from the neighborhood. So, the patterning that you see here and the tones, just to explain that, has to do also with our stormwater treatment strategy, and so we've, we have a really pretty strong concept of how that's going to work. A lot of the plantings I would say will be so highly differentiated from the stormwater plantings to the non, so most people passing by won't necessarily notice that that's what's going on, because we think that the drought-tolerant palette and then the native-based palette can work in both instances, but it will have a subtly different and sort of diverse palette moving around the site. That's our intent. So, for instance it will go from being grasses and flowers to being more floral-based or more grass-based in those different planters. I think that sort of covers things. I think there is, on Birch there is a little more what I would say, ornamental emphasis at the entry to the building in terms of the way the plantings are used, so it's a little more limited palette there, and used for very specific, there's a place in front of the community room, for instance, where, actually against the porcelain tile wall, and on that corner there's also a tree that's punctuating the end of the Jacaranda, which is a counterpoint to a similar tree at the Sherman and Birch intersection at the garage. So, those two things are sort of working to create these sort of sub-spaces that are landscape based around the building.

Chair Furth: Thank you.

Ms. Astrachan: Yeah, I think that's probably, unless there's particular questions.

Chair Furth: Vice Chair Baltay has a question.

Vice Chair Baltay: Yes, good morning. Thank you for the information. You have a number of raised planters with, that are planted. You were just describing those. Can you tell me what the maintenance requirements are for the plants in those?

Ms. Astrachan: Yes. So, we I would say generally we have an eye towards plants that are lower maintenance when we're selecting them, but that said, they're perennials, perennial plants and grasses which will need probably, I'm going to say for most of the plants, one to two, maybe three times a year to be, for instance, dead headed or have old plant material taken out, because of the nature of those plant types. But they are relatively low maintenance and are meant to have sort of dormancy built into the way that they look, we'll call it.

Vice Chair Baltay: So, if I can put you on the spot, what would happen if...

Ms. Astrachan: No maintenance.

Vice Chair Baltay: No maintenance for the course of a year, what would it look like?

Ms. Astrachan: You would have some flower heads that die, and they are staying in place. So, but that is actually sort of the look of some of the native plant landscapes, and I think that that's a sort of acceptable look. Everything will stay green around them. So, we tend to use a mix of plants, so it's very

sympathetic to that happening. But no maintenance, I think would probably not be good for any landscape. So, I feel strongly that any landscape, such as the one around this building, for instance, needs some maintenance during the year.

Vice Chair Baltay: We've just been suffering with the Post Office on Hamilton as not getting much maintenance and it looks rather overgrown, and I'd hate to see that happen here. Thank you though.

Ms. Astrachan: So, like I said, we try to be very mindful of using plants that are on the lower end of that spectrum, but all plants do need some maintenance.

Chair Furth: Does anybody else have questions? I have one question. The planting to the front side, whatever, of the community room is designated stormwater planting? Could you tell me a little bit more about that?

Ms. Astrachan: Yes. So, right now the challenge with stormwater planting is that we're, in many cases, addressing roof water and bringing that down to the ground to treat it in planting areas, which is the most, it's the somewhat most efficient and cost-effective way to do stormwater treatment. And the planting I think you're talking about is right in the corner, the very green in the middle of the screen, and we've allocated that right now, working with our civil engineer, there's definitely going to be some push and pull in terms of how the plumbing systems play out, so it's one of the areas that we've, like I say, we've dedicated right now and we would be very mindful that it's aesthetically pleasing and that, again, low maintenance, because it is right near the entry, and if the opportunity provides itself, it's one that we might shift to another location along Sherman Ave, if we can. We just wanted to make sure that we have a good distribution around the building, and that that one addresses some roofscape that we may need to use in that area.

Chair Furth: And if that is a water treatment area, essentially, we would be seeing lots of reedy plants, or what?

Ms. Astrachan: No, actually that's why I was referencing the fact that the California palette, there's many plants in there, and there's quite an extensive list that the County has of plants that we can use for that that include many of the plants that we use in ornamental landscapes already. So, that's why I was saying it's not so very different visually. The difference is that we would have to provide what we would refer to as a free board. A little distance from the top of the planter to the top of the soil level for the moment when that storm water starts to fill up. So, that's essentially the biggest difference, is that the soil level is a little bit lower in that planter.

Chair Furth: Thank you. I believe we have some questions for the architect.

Vice Chair Baltay: Good morning. Thank you for your presentation earlier. I have a question regarding the porcelain tiles on what I will call the mid-level band. The sand-colored tiles. I believe the drawings are saying these are precast panels, so the tile would be applied to the panels in advance?

Mr. Cusenbery: Correct.

Vice Chair Baltay: And I'm looking at your drawings. It seems to show a, I guess I won't use the word random, but the breakup is such that the tiles would have to be cut and placed, so that each panel would have to be a certain location on the building up front because, in order to keep the tile pattern continuous. Is that the case?

Mr. Cusenbery: The way that we, this would customarily be done is, we would design a panelization three, maybe four unique panel types. So, on a given pre-cast panel dimension there might be three or four layout patterns, and when you put a different panel next to it, it looks random, but in fact, it's a repetitive pattern, but with three or four over the distance of the building, you're not going to be able to identify that that pattern, that panel and that panel match. Then the idea is, the way that they fabricate

it, is that those predesigned elements are cast in a silicone. They lay down the tiles, cast over it, pull it up, reuse it, lay down the tiles, cast over it. So, there's more of a mechanical system than meets the eye. No, it's not a handset custom piece, but it is all done in the shop.

Vice Chair Baltay: I'm sorry. I didn't understand that. You said they would lay down the tiles and then...

Mr. Cusenbery: Then cast the precast on top of it, and then when they lift the panel, the tiles are bound to the concrete.

Vice Chair Baltay: Okay.

Mr. Cusenbery: And then you have a choice of grouting or not grouting.

Vice Chair Baltay: And I guess my concern was that, at least in your drawing, it looks like there are some tiles that one tile would be on two separate panels, and if these tiles also have a variation in color, how would you ensure that the same tile was next to another piece?

Mr. Cusenbery: That's a very good question.

Vice Chair Baltay: Because otherwise you're...

Mr. Cusenbery: Carefully.

Vice Chair Baltay: That is something you...

Mr. Cusenbery: Yeah, that is something that we do, and will have to be very mindful of how the tile types are specified, but that's a very good question and it's something that we will have to be very mindful of, and how we craft the specifications. Obviously, we're not out there laying the tiles, but we will have to craft the specifications in such a way to see to it. And also, we will in all likelihood the panels will be numbered, so you can't just put, when you hang the panel, you can't just hang it anywhere. They will, each panel will have a specific location on the building that's going to end up.

Vice Chair Baltay: Okay, that's the answer I was looking for. Thank you.

Chair Furth: Are there any other questions?

Board Member Thompson: I have a quick one. Are all the tiles flush with each other?

Mr. Cusenbery: All the porcelain tiles are flush with each other. There are no projections.

Board Member Thompson: Okay, they just vary in color?

Mr. Cusenbery: Yes. This is one of these tiles. And the variation in coloration is very subtle, but it, what you won't have is you won't have this exact thing repeated over the entire building. There will be slight variations in the tone and in the location of some of the figure that's on the piece. But they are all flush and they are all flush and the all flush, that really is a product of efficiency for the pre-cast panels to not have the variation in depth which is not impossible, but more difficult to achieve.

Board Member Thompson: And what's the rough dimension of the final pre-cast panel, roughly? It's sort of like, I'm kind of asking what the rhythm is.

Mr. Cusenbery: I believe that's an 8 ½ foot width. It's varied and it depends and it's been ranging between 8 and 9 feet in width and it will be floor-to-floor, so that will be 15 ½ feet in height.

Board Member Thompson: I see. Okay.

Chair Furth: Are there any more questions? Thank you. Staff have anything they wish to add?

Brad Eggleston: Just that, I'm Brad Eggleston, Director of Public Works, that we're very excited to be here for this third formal hearing and to have taken the design of the project as far as it's come and incorporated your comments, which we think have really helped to improve the project, as Mallory had said earlier.

Chair Furth: Thank you. Who would like to begin.

Board Member Thompson: I have a quick question. Do you think we could take a second to look at the materials?

Chair Furth: Sure. We'll take a quick break to look at the materials.

[The following was when the Board was looking at the materials]

(Inaudible, off mic)

Chair Furth: Could you bring them up or speak to the microphone, one or the other, or both. We'll look at it and if you could speak into a microphone, then the audience will be able to follow you.

Mr. Cusenbery: So, the book that you're looking at is the previous iteration that you saw previously. We have put colored stickers on the materials that are still in development, with a comparable colored sticker on the piece that's replacing it, so that you'll see on the porcelain tile sample we've replaced it with one that has more texture and variation. The previous one we had presented that's in the book was too plain. It was just solid color. So, that's why we varied to the other one. The previous book that you're looking at had a gray concrete sample with a terra cotta piece adjacent to it. Our intent is to match the terra cotta that's on the small piece. The sample that's circulating right now is our first pass attempt at that. We're working with fabricators to make those. There will be more samples of that. So, that should be not construed as a final. That should be construed as the first attempt at reaching that color that you see on the board. But, we are having the samples cast with the board form so you can see the impact that the forming has on the coloration as well. So, that's our first pass, and then the cedar that Board Member Thompson is holding is our first attempt at getting a semitransparent stain to match the color of the concrete that we had cast. So, the goal will be that all of this will match. Thank you for holding that up. The goal is that they will match and there will be a few more iterations on that final color.

Chair Furth: Well, thank you for the samples.

Mr. Cusenbery: That's a small version of the big one.

Board Member Thompson: A small version of the big one?

Mr. Cusenbery: Of the big one, yeah. So, that's the porcelain tile. Now I'm kicking myself I didn't bring all three. There were some, we had samples of the variation of the three. Unfortunately, the other two are at my office.

[Board done looking at materials]

Chair Furth: Well, this is very helpful. As you noticed last time, we didn't have specifics on materials and we're much closer now.

Mr. Cusenbery: And I do want to underscore a point that Zoe brought up, which is that there will be a continuity in the texture, color and intent of the site materials to work in resonance with the building, so that the site and the building are not separate pieces. It's more of a continuity of experience and palette.

Chair Furth: Thank you. Any other questions?

Board Member Thompson: Sorry, I just need a clarification. So, in terms of the three colors that are going on the pre-cast panel, that's one, and are the other two right there in this book, or are they different?

Mr. Cusenbery: No, the book is not accurate. The book has, the previous porcelain tile that was in the book has been replaced by the one that Board Member Furth is holding, and the variation, you can even see a little bit of variation between that small sample and the large one. So, the range of variation will be more subtle. It won't be the difference with what's in the book. I don't have the range with me.

Board Member Thompson: Can you describe what the other two?

Mr. Cusenbery: We've tried to represent it as accurate as possible. It will have the same color tint. It will have figuring as well. And by figuring I'm referring to the slightly darker striations. The figuring occurs in different parts of the tile, and the chroma of the tile will be just barely, just a little bit different. So, when you put the three next to each other, you can tell they're not identical, but they won't be loudly different. They will be very subtly different, and we did our best to represent it in this drawing, the range as we see it.

Chair Furth: Thank you. Anything else? Oh, yes. Board Member Lew.

Board Member Lew: I have one question for staff. Are we approving the antenna today, or is that?

Ms. French: The placement of the antenna and the...

Board Member Lew: Just the placement, but not the actual...

Ms. French: Where the antenna is. I mean, all the details that you have is what we know at this time. If there are some changes to the dishes, those...

Mr. Eggleston: I think you're also approving the height of the antenna, but as far as the detailed design of the attachments to the antenna, that's not been completed yet, and we'll still have more work to do on that as design progress further.

Mr. Raschke: And if I could add, I believe the basis of that rendering is the Mountain View antenna. We had taken an actual photo of that, and they have converted to the rendering.

Board Member Lew: Thank you.

Chair Furth: All right. Would somebody like to begin? I'll nominate than.

Board Member Lew: I'll start. I can recommend approval of the project today. I thank you for your presentation. I think you addressed all of the questions that we had from the last meeting really well, and so I don't have any reservations whatsoever. I did want to comment on some of the Council comments. So, one I think was about the civic presence of the architecture in this building. It's interesting in Palo Alto, we've done it different ways over time. So, if you look at the old Palo Alto City Hall on Rinconada, it was meant to look like a house. Like it was not meant to be civic whatsoever. Or we have our old Police Station, and we torn down the original City Hall, which was sort of a Spanish style, and they were meant to be house like as well. They were meant to be more domestic. So, we haven't really – and then we have this building, which is fairly or tried to be fairly monumental and symmetrical and so we've done this different ways over time. In this case, I think you're trying to match the mid-century architecture of the neighborhood, and I think you do so successfully. And then I think the other thing you're trying to do is really make a landscape statement, the double row of trees and all the raised planters around the building, and that's partly to mitigate the security needs of the building, but also it also makes it a more

desirable pedestrian experience. So, I think that's a valid approach, and so I don't have any reservations about that. I think my only thought is that maybe the antenna would come back, just if there is a final design and color with all the attachments on it, I think might be a good idea. And if there are any other ways of improving what was installed at Mountain View, if there is a color change that could make it better or whatnot, I'd be interested in seeing, possibly interested in seeing that. And then I think also, on the landscape, I think there was a lot of work done between the last time we looked at this and this one. There were a lot of revisions in there, and I think they all look, I think they were all very well thought out. So, that's all that I have.

Chair Furth: Thank you Alex. Robert.

Board Member Gooyer: Okay. Well, I'm have a little bit more difficulty. First of all, let me start off by saying I want to thank the Police Department for taking me on the tour at the end of our last meeting. I'm well aware, based on what I see that you need a new building. What you've got here is amazing, what you're able to do with what you've got here. Having said that, I don't like to think that we're being told that the reason this needs to get approved is time, cost and complexity of the building. You know, my concern is that the outside of the building is a good representation of something that the City of Palo Alto will appreciate for the next 50 years. You know, these buildings have a tendency to stay around for a while. The problem I see with this building, and I've had this problem since day one is that, and the comment about civic identity has come up before. This building, to me, is sort of, well, let me back up. There are two approaches, especially to a Police building that you could do. You could either make it very subtle and low-key so it doesn't really look like it at all. Or you could really make it a civic monument. The problem is, either you're trying to do both or whatever the case, so it sort of fits halfway in between. To me this could be a school, and you know, so it's still sort of a public building, but with the increase of the landscaping that you've done, which I appreciate. I think the landscaping is very nice. The better the landscaping gets, to me, the less the civic image disappears. Those two seem to fight each other. Also, some of the comments we made, I have to disagree with my fellow Board Member here that a lot of the comments that we made last time were ignored, as far as I'm concerned, or minimally addressed. You know, undulation of the exterior wall, and now I see that the windows have been pushed out 9 inches. To me that's about as minimal as you can get. Also, the fact that, to me, civic building of any kind and board-formed concrete just do not match. I'm sorry, board-formed concrete should be something for utility room somewhere and that's about it as far as I'm concerned, unless you're going for a whole different sort of design concept. I find it very difficult to equate slick tile and polished finishes with board-formed concrete. The comments were made as far as having some sort of other solid or form at the baseline, whether it's brick or something like that. I'd almost rather see a sand-finished concrete than a board-formed concrete. I just don't think it fits a civic image. Like I said, I think the lighter tile is probably going to be better than the sort of beige-looking tile here, but I'm still on the fence with this. So, I'll hear what the rest of my Board Members think before I make an up or down thumb on this.

Chair Furth: Osma.

Board Member Thompson: Hi. Thank you so much for your presentation. I will try to address all these things in order. I know, you know, the list that you made of our comments and your responses to them looks very thorough. I will admit I sort of echo Board Member Gooyer's sentiments that when I was looking through this package again, it didn't feel like much had been addressed at all. A lot of the comments that we had about it being blocky is still the case, I think, in many ways. The materiality is something that I'm still trying to get my head around. I understand we don't have all the colors here. That's okay, but even this technique of prefabricated panels I think could be good, but the problem is that you still end up with what feels like a wall. I think the subtlety that you're trying to introduce is not enough. It's too subtle. I don't think anybody will notice that you've spent all this time creating four unique panels of extremely subtle colors to create specularity, because even in the render it doesn't read as something that is different. It almost looked as if you were attempting to break the grid with this pattern of the tile, and yet the grid still stood because of the way of the pre-cast panels, and so I don't know if there's another way you can break the grid. I think that would be a way to soften up the lines and make it less blocky. Again, I think relief is important and I think you could get there if you had some

sort of dimensionality in that middle band. But I understand that the technique you're looking at maybe doesn't afford itself to that. At the end of the day I don't want to tell you what to do. All I can say is that the solution that you've presented does not address the comment that it is still blocky. It's very flat. It feels like a wall. It feels like a box, and it needs to have a bit of relief in order for it to feel comfortable in the neighborhood. Otherwise, it will feel a bit too much. To talk about the board-formed concrete, I know we did have some differing opinions. I'm a fan of it. I think the issue that maybe we're both struggling with is that there is a sort of, I mean, the thing I like about board-formed concrete is that there is more detail in it than like a sand finish, and I don't want to put words in Board Member's Gooyer's mouth, but there is a hardness to board-formed concrete that maybe brick doesn't have as much. I would be open to seeing a different material. I think the detail is what matters the most to me, and the color. So, one way to mitigate that comment is that maybe you could look at a different material and it could still work as well. I appreciate the landscaping. I think that is a gigantic improvement. I appreciate the attention that you've put to Park Boulevard. That area looks a lot nicer than it did before. It's nice to see it. So, kudos on that. The site lighting plan, is that, the thing about the site lighting, I appreciate the E-1 fixture. There's a different fixture that's sort of a cigarette light, I think those cause a lot of light pollution, and it seems like – I think the aesthetic, yeah, these lights, I don't know, I think those could be, I'm a little weary of those in terms of, I don't know, making the area... The other light that you have that is sort of a more down light I think is a bit more preferable. This is not a big comment, but just to think about the **partee [phonetic]** of those skylights. I understand that you're trying to create a dichotomy, but in terms of, those lights don't shine on the ground. They kind of light up and I don't think they light people's faces as much. So, just reconsidering that. Yeah, in general I would say just to summarize, there's still a lot that I think was not addressed in the previous comments. The louver functionality, I understand that a bit more, but in terms of... I guess I should have asked a bit more questions earlier. Are these hand operated, does somebody?

Mr. Cusenbery: Hand operated.

Board Member Thompson: Okay, so you actually physically push it up and down. Yeah. In terms of the aesthetic I think it's a little lacking. Maybe that's because, and maybe that goes back to the relief, you know, because it is so blocky the relief is not there. The louvers sort of don't help that, being on the inside. So, those are my comments for now. At the moment I'm a little shaky if I were to recommend approval today.

Chair Furth:

Vice Chair Baltay: Good morning and thank you for the improvements and the nice renderings and presentation. I have to say I echo the sentiments of Board Members Gooyer and Thompson in that I don't think you addressed the serious comments we made about changing the bulk of the massive-looking part of the building. That said, I believe the entrance is of a wonderful civic quality and it does enough to mitigate what is otherwise a boxy building so that I can go forward with it. And I would like to even address the fact that some Council Members thought the building didn't have a fully civic quality to it. I think that that entrance on the corner is wonderfully civic. It's a beautiful stepping up plaza entrance into the building with a nice overhanging roof with wonderful landscaping with a public building, a multi-purpose building nearby. That takes you miles towards getting it to feel good. I think the real issue is that this is a very complicated problematic requirement inside, and it's everybody, the City, the architects, the Police even, everybody is struggling with how to accomplish all of this, and it lends itself to a building with big flat walls and a boxy look to it. I wish we could have spent more time perhaps lowering the roof, perhaps raising that third-floor glass so it's not down to the floor, but that's not a deal breaker for me. The issue that I do have that I'd like to see addressed, perhaps in the subcommittee, is some of the materials. I don't think the board-formed concrete is appropriate in this location. Respectfully Robert, I think board-formed concrete can be used on a civic building, but it has to be done so carefully and it has to be an integral part of the overall design. I think you're matching this with a fairly sophisticated palette of tiles and thin mullioned windows and fancy louvers and a lot of other things that don't remind me of board-formed concrete. I think that's just not the right choice for this building, especially when you look at the tall wall that supports the antenna structure. That's a very tall wall to be made of board-formed

concrete and I would strongly like to see that come back on a subcommittee with an alternate material option. At least to have you study it and think about it. Looking at the sample here, which I greatly appreciate having, just reinforces to me that that material is out of character with the other materials you've shown us, in my opinion. The second issue was with the sand-colored tiles and the questions I was asking. Honestly, I think you're just really going about it the hard way to install tile in advance at the bottom of a pre-cast form, and then try to make sure all the grout lines come together and all the tiles match across the panels. It seems to me a lot harder than just putting the tile on the building after the wall is up there. It's not that much tile, and that way you'd really be able to control a lot of the grout lines and stuff. I say that, in part, just because of the technique, but in part when I look at all your renderings, in my opinion you just haven't sufficiently aligned things like window openings or soffit heights with these tiles. When you're using this large format tile, I think it's incumbent upon you to align the various openings and relief and projections and elements in the building with these tiles. And it may be just that you're running out renderings very quickly and your focus was on specularly and texture, but I think that it really should and needs, it must be aligned to really pull off the effect, the sophistication that you seem to be capable of and asking for. So, I would like to see that also come back to a subcommittee, some evidence that the tile or grout line, the thought to how it's installed and put together really does support the importance of this building. The third thing on the tiles, and this is smaller again, is the upper floor white tile. I think it is too glossy, it is too shiny. You could make that a matte finish and still achieve your design effect, and I think several Council Members commented on it, and I think other Board Members have, that I don't think you're going to see a reflection of the sky in that. You have the overhang right above it. I think it will just look sort of too shiny and that just doesn't seem appropriate to me. That's my three comments on the materials that with those at subcommittee I can support recommending approval of the building. I do share Alex's comment that the antenna really should come back to us at some point, when we can see what that will look like. Not that I think we can do anything about the height of the antenna. That seems to be an important part of the function of this building, and it's inappropriate for us to say that not the aesthetics override that. That said, I've seen antennas like this done well and done poorly, and lot of times an engineer will just keep plugging on things to the side of the pole, and having it come back to us might be a counterweight to that, just to force a little more thought into how the whole thing is put together. It's an awfully tall thing. It's going to really be noticeable and just one more round of review on that I don't think is a big deal and would be helpful in the future. My last comment, and I think Board Member Furth will pick up on this, is to do with the public nature of the multi-purpose building on the front. I think that having the glass such that you can't actually see into the building when you're on the plaza reduces the civic quality of the entrance that I'm so enamored of, and I would love to see that glass brought down to the floor level, so that pedestrians coming in and out can see if they're late to the meeting they're going to or what's going on with our government officials. The same way that we have the meetings on the ground floor in this building, for example. Yes, it's more of a fishbowl, but yes, it's more democratic and it's more public. The police have a second meeting room deep in this building where they can hold more securely-needed functions. I think that would be appropriate here. But I'll end my comments with that. Thank you.

Chair Furth: Thank you and thank you all for your long and hard work on all this. When I think of where we started and where we are, it's a radically different building in the way it presents itself to its neighborhood. So, I agree with, I think, most of my colleagues that the materials need further work and I think that could be done with a subcommittee, but I don't think they're at the level of detail and success that we would expect in a project that came before us, were it not a City project and we should hold ourselves to the same standard here. One of the things I did want to say was that we're always asking people to design a building in the round, and here you really have two fronts to this building. It's not in terms of the Police Department's use of the building, but you front on two highly traveled streets, and the impression that we create about civility of our City and the accessibility of our government and how much we care about people is influenced by those two sides, and I really appreciate the vastly improved Park frontage. Also, I forgot to ask, we did have a letter from Mrs. **Chu [phonetic]**, who is the owner of the building which includes Pro Bono restaurant expressing an anxiety about how Jacaranda Lane would work with trash bins and trash pickup. Could you tell me if you think that's something that could be resolved?

Mr. Raschke: Our concerns were regarding the placement of the trash bins for her building, and also window washers and cleaning the side of the building that all would take place on the Jacaranda Lane right of way. So, I believe it could be worked out as a good-neighbor policy to accommodate those. The trash bins are something we'll have to work closely with her, her tenants and the Green Waste of Palo Alto to make sure that she has the, they have the correct number of bins and frequency of pickup so that we, perhaps, can get those not stored on the alleyway or find another way to store those. But it is, her concerns are really about her current use of Jacaranda Lane.

Chair Furth: So, this is a Citywide problem with alleys, where people have become accustomed to storing every increasing numbers of trash bins in the alleys, where they're actually not supposed to be?

Mr. Raschke: Correct.

Chair Furth: Okay. Because she had asked if we would consider relocating the entry back to Birch, and I think pretty strong consensus the answer to that is no. So, I look forward to you working with her to solve those problems. Thank you for the landscaping and particularly thank you for the legible list of plants. I really appreciate that. Did not need to get out my magnifying glass. My comment, my concern is about, principal concern is about the community room. When I was speaking to staff yesterday they mentioned that this room is so big that it requires an exit directly on to the plaza, which I think provides us with an opportunity to get the kind of engagement with the public that we need and want here. An interesting thing about, Alex was talking about our tradition of civic, you know, buildings and it's gone from **bozart [phonetic]** to let's look like a large ranch house to let's borrow somebody else's Edward Durell Stone plans to most recent to let's maintain Avenidas, which is, you know sort of, I always forget whether it's Spanish revival or whatever, but similar to our Post Office, which was designed locally, not on a national level because Mrs. Hoover lived here. And then, most recently of course, we both restored and replaced libraries. So, we've provided civic meeting spaces in most neighborhoods, but not this one, or many neighborhoods. And one of the great things that this building does is provide real civic engagement in this neighborhood, in that there will be a room that can be used for meetings when the City wants to convene discussions about the various things we convene discussions about. So, it's important that this room work well in that way. And I understand that it's designed to do so. So, for example, the restrooms on the ground floor are accessible from the lobby. They will be accessible from this office or this community room, even when the Police Department is not otherwise open, that the secure perimeter is behind that area. And I must say that even having a publicly available bathroom during business hours is admirable civic engagement. I would prefer more fenestration, as they say, more windows I would like continued work to figure out how that can be added in a way that still lets the Police Department, among other users, feel secure in their use of that space. In addition, I would suggest, since we need to have an exit from this room onto the plaza, we use that as an opportunity to provide direct engagement from the outside to the inside. I would also like to suggest that signage, which you have heard me rant on before, is another way to clearly identify this as a community room, as a civic community room, but still as a City-managed community room, but still as a community room. The Council may wish to name it after some admirable citizen so that that signage also tells you, this is a place where people can come not simply to report lost bicycles or more serious events. You know, the name of one of our Police Chiefs lives on in the Hotel de Zink, which is our homeless program, our homeless shelter program that we operate in religious institutions in this City, and that program is named after the Police Chief who set it up, and it's going, unfortunately, because the need persists, decades later. As to materials, there are settings in which I find board-formed concrete very beautiful. I think of the Pomona College Art Gallery, which uses deeply offset boards. It's got gorgeous inlaid pieces of design as well. So, it's designed, board-formed concrete. The tower, to me, does not look at all lovely, and I confess I really don't like the idea of terra cotta board-formed concrete. Concrete is not terra cotta, or maybe the Romans did it that way. I don't know. If so, it would still be around because they made great concrete. So, I'm not supportive of the existing color and material, but I do think it all fits together, and so my saying that I really think that's an unfortunate tribute to Stanford's terra cotta roofs, that doesn't need to happen and that may not be your intention at all, is not something that needs to hold the project up. But I think it should be referred to subcommittee. I'm concerned that the landscaping adjacent to the community room might be there or not be there, depending on engineering of water, and I'd like to know

that, I'd like this to be approved with that staying there with its purpose in flux. I'm seeing the landscape designer nod her head that that is, in fact, intended as an aspect of landscaping but it's planting would vary with its purpose. If you would like to add?

Ms. Astrachan: I just wanted to clarify that that is, it's purpose as stormwater is in fluctuation, but it should purposefully be there. We think that's a good place for planting.

MOTION

Chair Furth: Thank you. I think it's a wonderful place for planting. So, to summarize, if I were going to make a motion to recommend approval of this desperately need, long-awaited project, I would recommend approval with the referral of the following items to subcommittee: One would be continued, I suppose we say, refinement of the design of the community room to emphasize it's availability to the public as a City-managed civic space, including treatment of the door directly into the plaza, signage and, if possible, additional windows keeping in mind the security concerns of the principal users of the building, that is to say the Police and Fire Departments, the Police Department. Also referring to subcommittee details of lighting and also referring to the subcommittee further refinement of the materials and also the – so antenna design, when do you expect to have that together. You mentioned that it's going to take awhile to get this, the functional bits and pieces of the building together.

Mr. Raschke: Correct. Technical services of the Police Department is in the process of determining which radio systems may stay at City Hall and which may...

Chair Furth: Which will move.

Mr. Raschke: which will transition to the new building.

Chair Furth: Would you prefer to bring the antenna here as a separate project, or have it go to subcommittee staff?

Mr. Raschke: A subcommittee would be our preference, but...

Chair Furth: Okay. Anyway, so I would also refer to the antenna design as it emerges to the subcommittee. So, those are my thoughts. I leave it to somebody else to make a motion.

(inaudible)

Chair Furth: So moved.

Board Member Gooyer: I'm very curious to hear other Board Members opinions regarding the multi-purpose room before deciding on that.

Board Member Lew: Can I as for clarification from staff? When I went on a tour of the Police Station, I was told it's not really a public, it's not a public meeting room. I guess I think it's also a Police...

Mr. Eggleston: In the discussions we've had about the room, in some earlier renditions of the program for the Public Safety Building it was referred to as a community room. As that has evolved we started calling it a multi-purpose room and we've had discussions with the Police Department where the vast majority of its use they think would be for trainings and for events where they would be dealing with other public safety agencies, and that the emphasis would be less on the community aspect.

Chair Furth: So, I think that's an important evolution and is ultimately up to the City Council, not us. It is striking. First of all, I believe that any healthy institution always expands to all space available plus some. No health institution ever feels it has adequate facilities. So that's a Council call, but it would be a pity to have the design not support that alternate use. You know, one of the difficult things about public safety

is that it depends on the support and cooperation of the 99.9 percent of the population who does not care to engage in hostile or violent acts and in dealing with the other small fraction, maybe that's even too high, in dealing with that other small fraction of the population, we need to do whatever we can to continue to engage the vast majority of the population, which is the people who actually make this community safe by their interaction with each other and with our public safety workers. And I think in this neighborhood where we are really short of public bathroom and public community spaces, this is important. And so, at least from the design point of view, we need to give ourselves and the Department and the rest of the City the flexibility to flex. You know, Palo Alto has the niftiest training room for five counties. It's going to be used all the time for Police training, but that doesn't mean we necessarily need to make that sacrifice. Community meetings tend to take place in the evenings. I don't think that's the high-intensity use for Police Training, but the users of the building know more about this than I do. I don't want this to be melodramatic, but I was reading a very thoughtful book that was tracing the mass murder tragedy of Oklahoma City to a response to the disaster at Ruby Ridge, and those are all about alienating ourselves from our own safety in our effort to preserve safety, and then leading to this ghastly disaster. And we're not going to do any of those things, but I do think on a much smaller level the value of designing this room so that it's identifiable as a community meeting place, and a civically managed one like our meeting over her, would be great. So, those are my thoughts. However, it's, and thank you Alex for asking the question, because I had noticed the evolution of the description. My thoughts are that we should design it so it can serve all these purposes and then it will be able to evolve effectively through the time as the needs of the City and the Department evolve. Thank you.

Board Member Lew: I have a couple more questions on the motion. One, you asked for lighting details. Were you only referring to Osma's comments about the cigarette light fixture?

Chair Furth: Does anybody have any other concerns besides that one?

Board Member Lew: I actually had the same thought about that light fixture previously, but I don't recall that I actually mentioned it, but the thought had crossed my mind about that one as well.

Chair Furth: So, would you be comfortable with simply a reference to the, would you explain that?

Board Member Lew: Yes, fixture E-1.

Chair Furth: Fixture E-1. Okay, review of fixture E-1 of the lighting. Anything they do to narrow the scope, I'm sure is useful to the applicant. Okay.

Board Member Lew: I will second your motion.

Chair Furth: Thank you. Is there any further discussion?

Vice Chair Baltay: I'd like to be clear that Council hears us, that when we started this project there was a large public plaza in front. We've now changed that to have a public community room in front, and now we're changing that to be a multi-purpose room, and eventually it's going to be changed to being a Police room, which has now replaced the public plaza. It seems to me that Council needs to make that decision, but I would recommend that they consider that a community room, in place of a public plaza. Therefore, the design should reflect that use.

Board Member Gooyer: I have one question about that is that I find it strange that we call it a public community room and there is no access to the outside, direct access to the outside.

Chair Furth: That's why I'm asking for that.

Board Member Gooyer: Oh, okay. I thought you were just talking about the windows. I didn't hear anything about direct access from the...

Chair Furth: No. This room is so big, it has to have direct access to outdoors to the plaza.

Board Member Gooyer: Okay. I mean, if we're going to call it a community room, it needs direct access from the outside.

Chair Furth: I absolutely agree. That was the intent of the motion.

Board Member Lew: We actually have, say like the... Right, but also the Rinconada Library as a community room, the main door is through, after you go through the main lobby. I think there is a – Matt would know – there is a second door off to the side which you need for exiting, but it's not like, it's not on the main approach to the library, so you don't, you know, see it. Like, technically you could go through there I think. But that's a security issue. Most, I mean, I've always been taught that, you know, in architecture is that there is security and there is always a control point, and it's usually one door, right? And there may be other doors, but they're not necessarily operable, and that's pretty normal. That's fairly standard. I understand the desire to have it, but I think you're going against all conventional wisdom about security.

Chair Furth: Oh, I don't want to go against all conventional wisdom, but I do think that this design as approved should make it clear to the public that this is the X meeting room, so that when you're looking for it you know it's there. When you walk by you think, "Oh, there's a meeting room there. I wonder if.

Board Member Lew: I get your point. It's just that generally it's a better design to do it that way.

Chair Furth: Yes, and I don't know what the implications are of that door and coming in that way. I'm not an expert on this, but if we have an evening meeting, it's not going to work very well for people to have to pick up a phone and dial it to get admitted to it, because the difference between this and Rinconada is that that is a secured lobby door after hours. So, some way or other that problem needs to be addressed. It could be a series of operational practices. It could be design. It could be both. But the point is to, I think it's clear. I think I'm belaboring this.

Board Member Gooyer: I have one other question about that. Is this room going to be used on a daily basis, almost all day by the Police Department, or is this sort of an extra room that is a toss up as to who wants to use it? I think that if the Police Department, if it becomes a, you know, a daily use of that room, then I think maybe it just needs to be a Police function room, and maybe you could put glass in it to see what, you know, what's going on or whatever, but I think we'd be wasting the space, I mean, especially with almost every Police Department, they never get a building as big as what they really need. So, I'd hate to see a large conference room because of its classification as a public meeting room go to waste most of the time because they really don't want to use it based on privacy or, you know, security, that sort of thing. So, I mean, I think that needs to be clarified as to basically what the use is going to be. Is it going to be 95 percent Police Department, 5 percent?

Chair Furth: Well, I think, let's talk to staff about that, but I think this was not part of the building as originally submitted to us, right? This isn't...

Mr. Eggleston: It was part of the building, but it was internal to the building, and we brought it out as a one-story element.

Chair Furth: All right.

Mr. Eggleston: Can I add something?

Chair Furth: Please.

Mr. Eggleston: This is a really good discussion. I think for us, we'd like to go back and talk with the Public Safety Departments some more about the details of this, and this would probably be a really good

discussion for us to have with the Council, as you mentioned Chair Furth, when we take this project to them and have a discussion that, where there is a decision really about what the scope of this room is.

Chair Furth: So I, as we said, this is their call, but this was originally presented to us as a community room, and I think we became very attached to that vision. So, perhaps I would add to my if this is acceptable to the seconder, to my referral to a subcommittee that if the Council determines that this should function in part as a City-controlled community meeting room then. Does that make sense? It should be signed, etc., or do you want to just... I mean, I think it should be done no matter what, so it has that flexibility and my motion is assuming that it will meet security concerns as well. So, I think I'll leave it as it is, but it should be clear that we know that this is a Council call, and we think design flexibility might service as well over the next 50 years.

Board Member Gooyer: Let me ask one other question. As I am on the fence, when you say "reconsider" or "more discussion about the exterior materials", what exactly does that mean?

Chair Furth: It means that the people on the subcommittee agree with the – recommend a specific set of materials. It means you don't start again at ground zero. This is a design that has a lot of integration with itself and the building across the street. You don't suddenly decide that everything should be weathered wood, but there may be a different variance with what they have proposed, and particularly with respect to the board-formed concrete.

Board Member Lew: Can I ask a question for staff? Do you typically allow for like a full-scale mockup of the materials? Usually it like when you have a contractor on board, do you typically do that?

Mr. Raschke: Yes, we did actually do that for the Rinconada Library. I'd like to add in terms of the terra cotta color and board-formed concrete around the perimeter, it serves multiple purposes and one of the key ones is security for a deterrent for ramming vehicles. So, as far as materials go, the guts of that would need to be reinforced concrete. The finish is really, I think, and maybe perhaps the color would be would...

Chair Furth: Well, perhaps I should say, would it be better if I said finishes rather than materials? Would that be in the scope of what you are concerned about.

Vice Chair Baltay: I think any number of finishes can be applied to poured concrete and the issue we have is we want a material, I think we want a material that's got more harmony with the rest of the materials and some texture still.

Chair Furth: Well, how about we chance, we could continue, whatever I said and instead of saying materials we say finishes and textures? We may not get Osma's vote.

Board Member Gooyer: I don't think anybody's arguing the fact the you need the concrete down there for security, but as you said, how you finish it can be done in a multitude of ways.

Mr. Raschke: and I take the blame for keeping the board-formed concrete, because when I just recently noticed after the last meeting that the project at 2555 has board-formed concrete as it's being finished up. So, the neighborhood has that finish currently with a new building going in.

Chair Furth: Remind us what 2555 is?

Mr. Raschke: 2555 Park Boulevard, it's just across from the Courthouse.

Ms. French: That was the soft story building that was, you know, possibly historic mid-century modern that was removed through EAR process and replaced with, yeah, office.

Mr. Cusenbery: This building right here. Can you see my mouse? Right there. That right there is the board-formed concrete.

Chair Furth: One we've reviewed. Thank you.

[Male]: And it's looking really good. I went by there again today.

Chair Furth: We're pleased with our work and their work.

Board Member Lew: You're saying refinement of the materials and finishes?

Chair Furth: What I'm trying to say is what would make you all happy, which is sufficient to that the applicant City is reassured that we're not saying start at ground zero, but that we have sufficient leeway so that you end up with a satisfactory set of finishes that will get you the necessary, avoid, get you specularity, whatever that is, avoid glare and look appropriately civic and hang together.

Board Member Gooyer: Yeah, I agree. I mean, I understand, you know, you're on a time crunch, but doing construction documents isn't going to get change based on what the finish is on the concrete on the first floor. So, that's why I'm trying to be specific here. I understand the need to keep going and I don't expect you to start construction documents and have us go, oh, no, no, the whole thing needs to change or whatever.

Board Member Thompson: I think it may be questing of massing potentially, because that would change the design a little bit. A lot of my comments were about massing in general and actually, could we go back to that view of the entrance please? I was looking at that for a little while and I had a question. We can go, I think there was one a little bit further out. Nope, keep going. Sure, let's stay there. I have a question. So, the piece of board-formed concrete that's at the base of that skinny column, does that need to be thickened for protection or is there a reason that's so big?

Mr. Cusenbery: This piece right here?

Board Member Thompson: That's right.

Mr. Cusenbery: That does not need to be that thick. That is part of the development of the ribbon as it moves around. It's a compositional decision, not a security decision.

Board Member Thompson: Okay. So, the reason I brought it up is also partially because, and I'm not sure it really works in this view either, this material, given that there's something so massive and then there's the skinny thing that comes out. There's no relationship between the top and the bottom. If we change that material I think it will change the feel of this a lot. So, it's true, I appreciate and I was actually going to ask Wynne to repeat all the items that will go back to subcommittee, but I think if we wanted to do that, I think it's just a lot of items and I'm okay with going to subcommittee, we just have to really be thorough with all these items, and part of me worries that if we do change the board-formed concrete that's a different building entirely, and I don't know if that would mean that we would have to look at it again.

Chair Furth: So, I think, I know it's hard to sit up here and try to make collective decisions in front of an audience, but this is a really important project, and I think we should stay here working on it till we get it done. It shouldn't take too much longer. Of course, nobody else took notes on what I said, right?

[Female]: I did.

Chair Furth: Good. So, I was suggesting to take the easiest ones first, that we refer to, that we recommend approval, and when I say "make you happy", of course that's code for making it possible for you to vote to approve this project based upon the findings that we are required to make, so nobody

thinks this is an emotional decision. So, the following would come back to us, to the subcommittee: The antenna design, right; the lighting detail figure E-1, is that correct? Fixture E-1, thank you. The design of the community/multi-purpose room to make it flexible for use by the Police Department and as a City-managed civic meeting room; and...

Ms. French: I'll interrupt. A, B, C, door to plaza, signage, the potential windows.

Chair Furth: Including consideration of signage, door to the plaza and additional windows. That's consideration. None of those are required, right? I think we've sort of beaten that one to death. Why do I have a line here that says nature? And, and here I need your assistance, further review of materials with respect to finishes, textures and color.

Vice Chair Baltay: Could we be more specific on that? Suppose we said an optional finish for the board-formed concrete. Suppose we said review of the patterning and layout of the sand-colored tile and reconsideration of the glossiness of the white tile up above.

Chair Furth: My feeling is that once you start modifying anything, it all fits together, and so I would rather leave it a little broader and you can certainly work with the architect in that more focused area, but I figure once you tweak something you're going to decide you need to... The architect is going to tell you that if you do that, you're going to need to do this.

Vice Chair Baltay: Okay, well I'll support it either way. So, whatever you guys think best.

Chair Furth: Okay, that's my motion. Is there a second?

Board Member Lew: I will second.

(inaudible)

Chair Furth: Thank you. We restated it to the point of redoing it, I think. Is there any further discussion? All those in favor say aye. Opposed? Hearing none, it passes unanimously.

MOTION PASSED WITH A VOTE OF 5-0.

Chair Furth: Thank you very much for all your hard work. I think we all really look forward to seeing this. So, construction here will not start till the completion of construction of the garage, right?

Mr. Eggleston: That's correct.

Chair Furth: And what is the anticipated year for that?

Mr. Eggleston: Mid 2020.

Chair Furth: Okay. So, that gives us a little time to work out the finishes. Thank you so much. Take care.

Mr. Eggleston: Thank you.

Chair Furth: All right, our thanks particularly for the tour of the admittedly grip but hardworking quarters of the Police Department. Thank you. We will take a five-minute break

[The Board took a short break]

**PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [18PLN-00186]:
Consideration of a Major Architectural Review, Site and Design Review & Design
Enhancement Exception to Allow the Demolition of an Existing 18,000 Square Foot Vacant**

Restaurant Building and a 15,700 Square Foot Audi Service Building and Construction of a new Two-Story 84,900 Square Foot Automobile Dealership that Combines two Brands. Environmental Assessment: An Initial Study is Being Prepared in Accordance With the California Environmental Quality Act (CEQA). Zoning Districts: CS(D) & PC-2554. For More Information Contact the Project Planner Sheldon S. Ah Sing at sahsing@m-group.us.

Chair Furth: Item Number Three, which is a quasi-judicial hearing to consider a major architectural review, site and design review and design enhancement exception at 1700 and 1730 Embarcadero Road to allow the demolition of an existing 18,000 square foot vacant restaurant building, commonly known as Ming's, and a 15,700 square foot Audi service building and construction of a new two-story 84,900 square foot automobile dealership that combines two brands. I think we can reveal that's Audi and Mercedes, with the environmental assessment: an initial study is being prepared. So, we will not be in a position to make a final recommendation today. So, approximately two acres of car dealership building. Sheldon Sing.

Sheldon S. Ah Sing: Yes, good morning. Thank you for the introduction. I do have a PowerPoint presentation. The applicant is also here with their presentation and will be available for questions.

Chair Furth: Thank you. I should say also that, sorry, I should say also that, don't let me forget I have a speaker card and that we previously reviewed an application for a Mercedes dealership on this site. This is a different application and a different applicant.

Mr. Ah Sing: Yes, thank you. And I was going to provide a little more background and history, maybe more than you typically would because of the context of the site. The project is on actually two parcels that total 4.82 acres. The request includes a major architectural review. It's a site design review because of the overlay district. It is a design and has an exception for "build-to" setbacks, as well as there is a zoning amendment that will include the automobile dealership overlay and change the zoning of the Audi site from a PC to the CS with the D and the AD.

Chair Furth: I'm sorry. Could you say that again without the initials?

Mr. Ah Sing: Okay, sure. That would be the commercial services for both sites, so that would be consistent. And then it would include the site design combining district as well as the automobile dealership combining district. So, both properties will have the same zoning and the PC goes away. So, there will be no recommendation sought at this time because we don't have the environmental done, and there are still some things that we are working out. But overall, the purpose of this meeting is to get some feedback about the site design, the context of the project. And the project is located at the intersection of Embarcadero and Bayshore. As I said two parcels. Those will remain as two parcels and the buildings that will be constructed there will kind of function as one but there will be two separate brands. So, for the Audi site it is 2.45 acres. Back in 2015 there was an entitlement granted that included a new showroom as well as new service building in the rear. The showroom was constructed, the service component was not constructed. The other site includes 2.28 acres, and that is the site of the former Ming's Restaurant. The zoning was changed and included hotel on that site. That never happened. Subsequently there was a Mercedes-Benz dealership proposal that went all the way to the Council, and that didn't pan out. So, some of the issues that the Council had was that the project was too big, although the zoning does allow up to 50 feet. They thought that the benefit would be lower than that, fit into the context of the surrounding districts, which are more light industrial in nature. The project summary is that the land is nearly five acres. There are two brands that would function there. They would share an internal service drive into the building area. It's about 90,000 square feet combined. The buildings will function separately but will be connected in some way because on the roof deck, you can see the plans, there will be the ability to drive between the two buildings. There will also be a 300-vehicle automated parking system within the Mercedes-Benz facility and that will include parking for the new inventory. The applicant does have a video on how that would operate and work. So that the plan does include, I see the site plan, there circulation is that one could come in from Bayshore, circling around the site as well as they could go at two entry points along Embarcadero. So, more directly into the Mercedes

brand and showroom area as well as the Audi showroom area. So, this provides a little bit of comparison between what was considered previously on the site. The top part is what was the built-out Audi showroom as well as what was the proposed Mercedes-Benz dealership at the time. And then below is what's proposed now, so you can see the two buildings are merged. The scale is very different, maximizing that 50-foot height. The height of the building is about 43 feet with the elevator towers going to 50 feet, which is within the height limit. So, these are some renderings that were provided by the applicant. They are a little more in detail than the ones that are in the plans, but we're showing them this morning. And the applicant will go through and describe some of the details of the materials. This is the other view from Embarcadero and this is also from Embarcadero, I mean Bayshore, I'm sorry. This is also from the Bayshore side. So, some of the site issues and constraints to consider. The Audi site is adjacent to the Baylands directly, so there is an interface there. You can see the facility from the Renzel Trail. So, all along there have been discussions about how the backside of that building will interface with the Baylands and be sensitive to that issue. We are aware of sensitivity to lighting on top of the roof deck, so that discussion has been made with the applicant, as well as any headlights going out towards the Baylands from the roof deck. In addition to we did bring up with them about how to make the exterior elevation along that Audi building, maybe put more complementing the Baylands than what is there now. The other issue is that there is an 80-foot utility easement along Bayshore and that accommodates the PG&E transmission towers, so that precludes any structures, landscaping is very limited along that side and that's a big reason why they can't meet the "build-to" setback at that location. The other issue is, while there is a height limit of 50 feet, as mentioned before, Council did have some concerns about any building trying to be that massive, because surrounding that area the buildings just do not meet that. They're like 35 feet. Considering the City context of buildings, there is a car dealership to the north, the set backs in the area are generally very large from the streets. The buildings are very, also, large and one to two stories. And then lastly would be, with the built-to setback, the CS zoning does require a building built up to that setback, either 50 percent, if it's on the front, or 33 percent along the side. And so, this project definitely could not meet that on the Bayshore side, along the Embarcadero side there is a request for an exception there to it. It is placed there of having the building up in front, there is a circulation driveway, so that kind of makes sense in some ways, if someone is coming onto the site to be able to circulate as much as they can around, considering the use as a car dealership. So, the subsequent submittal, we understand that was presented. We'll have to clarify more clearly the floor area ratio compliance. We'll make sure that is done. The breakout and development by parcel as opposed to, right now it's more combined effort, but we know that we can meet the floor area ratio on its own, each parcel and that we are seeking comments and direction from the Board on the exception request, as well as the scale and mass of the project, the site planning and the design and in the context of any other areas that the Board may have of interest to them. So, with that, to consider the information presented and provide comment and continue the item to a date uncertain. That concludes my presentation. I would be happy to answer any questions you may have. Thank you.

Chair Furth: Thank you Sheldon. Does anybody have questions of staff before we ask to hear from the applicant?

Board Member Gooyer: I just have one minor question. The screening that's shown on, I guess the side that's facing, what is it, this one, what's this street?

Mr. Ah Sing: East Bayshore?

Board Member Gooyer: East Bayshore, yeah. On the original one that wall that goes back towards the Audi dealership showed no screening and this one appears to show screening, so has that been added?

Mr. Ah Sing: You mean siding?

Board Member Gooyer: The new design that you showed us, the last sheet shows that sort of screening, I think you called it, turning the corner and going back towards the Audi dealership. On the original one that we got, it didn't show that.

Chair Furth: Could you give us the sheet number, just so we can follow.

Mr. Ah Sing: It's on the renderings.

Board Member Gooyer: Put the last slide on if you would. Yeah, that one versus if you put the last slide on I can show the... Yeah, on the bottom one you could see that right at the corner there it looks like it's exposed concrete, or whatever the building is, and the screening goes up to that exterior or that outside corner, and then stops. The new design has it going, or is that just "architectural license" with this rendering?

Mr. Ah Sing: We'll have the applicant explain that.

Board Member Gooyer: So, is that a, you might consider it or?

Chair Furth: We don't know, I think (crosstalk)

Mr. Ah Sing: Well, this is from them so I think can (crosstalk).

Board Member Gooyer: I'll ask the applicant later than, okay.

Chair Furth: It's helpful for them to know what we care about before they start talking. Would the applicant care to come forward and make a presentation? And if you would be so kind as to not only give us your name, but spell it for the person who transcribes these proceedings.

Lyle Hutson: Sure, my name is Lyle Hutson, L-Y-L-E H-U-T-S-O-N. I'm with YSM Design and we are the architects for the project at 1700 Embarcadero.

Chair Furth: Thank you. I should tell you, you have ten minutes.

Mr. Hutson: I have 10 minutes, okay. So, first and foremost, it's super important that we, and Sheldon alluded to this, this is the same manufacturer, it's a Mercedes dealership, but that is the end of where the similarities are between this project and the one that's been before you previously and that was previously approved. New owner, new management and this Mercedes project is actually a companion project to the Audi next door. That's what facilitated the change of ownership and the opportunity to make an opportunity for a Mercedes facility here, what we think is an opportunity as well as being able to make it work. Manufacturers have requirements for size and scope and requirement and it was just difficult, I think, on a site this size to make that work. We have been able to not combine functions, but be able to utilize the Mercedes and the Audis, the similarities of the needed drives, the drive access for Audi is absolutely separate from the access drive for Mercedes. So, they're not shared. I think Sheldon maybe had miscommunicated that, but they both have their own service drives and will not be sharing a service drive. They will possibly, at times, share functions back of the house, but not showroom, not anything in front or anything related to the showrooms. They will not be connected. The serious problem here that we all looked at when we first took on this project was how to make this functioning facility that works, and that can support itself. I think that was part of the problem with the previous concept, that it just wasn't going to be able to make itself work within the confines of the heights and the massing and everything else. We have put together a program that has something pretty unique for the automotive industry, which is our automated parking facility. We're calling it, it's been labeled a number of different things. It's not really a parking facility because we're not parking cars of customers or employees or anybody else. This is purely a retail environment for their retail automotive, their new cars that they will be selling out of the facility. This gives us the opportunity to keep those vehicles stacked in a six-level system, if you will. The space between the cars are anywhere from five to six feet, and not an eight-foot floor or ceiling, so we can do this. We can put six floors of stacked vehicles, given specific sizes and such, in an area that normally we would only be able to get the two floors. So, it allows us the opportunity, as Sheldon said, to get close to 300 cars in that box that basically is maintained. Sheldon maybe you could go to the center of the showroom floorplan, or can I? Oh, okay. So, can I? Well, let me

keep going because I have ten minutes. So, that's the heart of this program is the retail parking, the retail display environment within the showroom building of Mercedes. It's not part of what the Audi process is. That showroom is already done and been set. But this gives us a unique opportunity to keep vehicles, normally at car dealerships there are as many vehicles as they can put out on the front and put lights on them and display them as they possibly can, because that's what their inventory is and that's what they're selling. In this opportunity we're giving the client to come into the dealership, be inside the facility and be able to look at those cars and have any care that they want to see brought to them, right to where they are standing. And so pretty unique. Not been used in a retail environment before. There has been certainly automated facilities that stack cars and whether it's public or private, there are certainly... This technology has been sued for a long time, but not from a retail environment. So, with that I want to do two things. We have prepared two short movies that I think would be beneficial to kind of get the whole scale of the project. First, if we could do that one, and then it does have some music so I won't interject, and then we can go back if there is something you'd like to see. It only takes a couple of minutes. Not this one. Can we do the other one?

[Movie playing]

Mr. Hutson: And then this next clip is a, sort of a video summary of how the interior retail environment works for the vehicles.

[Moving playing]

Mr. Hutson: I'm going to forego this little bit. It's just a bunch of written documentation on kind of what you saw. The key to this is the retail environment. That this is something that's done inside the showroom and that we're not, instances with taking the customer out onto the parking lot or driving into the back somewhere or bringing another car from another lot, which is what we all do now in an around the Bay areas. We have lots in other locations and other buildings and then bring it over. This is all done within a matter of minutes inside the facility. That car stacking system can be preloaded say for a weekend coming up or you know that a client is coming in, but it's all in an attempt to make sure that we can maximize the opportunity that we have with the site that we have. So, I love to talk but I see my light's flashing. If there are any questions regarding the movies we can go back and look at some of those images. I can answer your question about the screen portion either now or at a different time, or if you have questions.

Vice Chair Baltay: Can I get a slice of cream pie from that machine.

Mr. Hutson: It conjures up quite of memories for some people in different things and we'll leave that to everyone's imagination. We've heard a lot of them, including the claw that comes down.

Chair Furth: Any other questions of applicant or architect? All right. I have a speaker card from Jeff Levinsky [phonetic]. Good morning Mr. Levinsky [phonetic]. You have three minutes from the time things are set up.

Jeff Levinsky [phonetic]: Great. Good morning Board Members. Back in 2016, as you heard, the Council voted down the plans for a similar proposal and they voted it down by an 8 to 1 vote. They sent it back to the ARB and they had a whole list of concerns. I'm going to talk about three of those today because they seem quite pertinent still. Their Item A asks you to look more carefully at the FAR for the previous project, and this project, as you heard, does raise some FAR issues. On page 2 of the plans, there is a table that says that the huge automated vehicle storage is exempt from FAR, but I believe it's not going to have employees or customers parking in it, it's just inventory, it's going to be permanent, covered, and so it should be considered as FAR and that alone would put this project over its legal FAR. Auto dealerships get an extra 0.2 FAR for their showrooms, but not for their sales and financing offices and such. The plans that you have aren't labeled as to where those areas are within the showroom. In the previous iteration of this project they were and you could see that they had properly, or tried to show parts weren't showroom and should count as regular FAR. In this case it's not marked at all, so there's

lots of areas in there that should be counted against the 0.4 not as part of the showroom exemption. Item B on the Council's motion from 2016 asks you to adjust the building's height and mass to be more compatible. The 2016 proposal was huge. This one, frankly, looks larger to me. The staff report says, except for the project's stairwell and elevator towers, the projects height and massing would be consistent with the neighboring buildings' height and massing. Well, there's some one-story buildings around there and if you look at the drawings on page 3 of the plans, the elevation drawings, it looks more, the proposed building looks taller and more massive than the surrounding buildings. The drawings are truncated so you don't see the profiles for a lot of buildings around there. It would help to get more profiles. It would also help to compare this building by volume to the other buildings around there...

Chair Furth: I'm sorry, what was that word?

Mr. **Levinsky [phonetic]**: By volume. That is the volume of the building relative to the parcel size, not just square footage. And it would also help to have some 3-D renderings from the ground level from across the street so that people can experience the building the way that they really will when it's built. Page 9 of the staff report lists some other criteria for the Baylands that these plans don't seem to meet. It talks about using only muted natural colors, but that dark color on the front looks pretty unmuted. It says to preserve the horizon line with low and horizontal elements, but this building ranges from 36 to 50 feet. It says mount identify signs low to the ground. The Mercedes logo is closer to the top of the building. Item C of the Council's motion from two years ago was to incorporate bird-safe design. Those massive glass windows on the front of the Mercedes building don't seem very safe. Also, some concerns about the parking ratios, but I'm out of time, so there you are.

Chair Furth: Thank you Mr. **Levinsky [phonetic]**. All right. Anybody further wish to speak, anybody else wish to speak?

Board Member Gooyer: I do have one question. I'm not positive for a commercial, is there a relationship as to ceiling height versus FAR?

Mr. Ah Sing: No there's not the way there is for like a single family residential.

Board Member Gooyer: Okay.

Chair Furth: Okay, I will bring this back to the Board. This is not, in fact, a preliminary review, but it is in a sense like a preliminary review in that we can't make a recommendation today because the environmental work is not completed. Let's start out with, oh, I was going to start with Osma, but you haven't sat through the five previous hearings on this site, so I won't. And staff, did you reference the City Council? You did, that's the June 6, 2016 is when they said to ARB we really, really don't like your recommendation, which is helpful history. Okay, Robert.

Board Member Gooyer: Okay. Well, it's definitely, it seems like it's toned down versus the last one. I know I'm not trying to compare the two, I'm just saying that... But it's still an awfully big footprint and this is one of these situations where, you know, we've talked about it before where it's sort of the – in fact, we mentioned it earlier, as sort of the front of the, or the facades of any kind of project where, in this particular case there is definitely 95 percent of the interest is placed on the front and nothing on the back, or 5 percent on the back. And that's why I asked the thing about the screening going around that one wall on the back of the Mercedes-Benz dealership, I think needs to be addressed. That's a whole lot of lineal footage of just concrete wall and you could easily see that driving up the street. So, I want to see something addressing that. Also, I understand that this design is sort of a moniker of, or to a certain extent, a moniker of Mercedes-Benz, just like a lot of the dealerships are coming up with designs. That fascia on the front just seems awfully small in this particular design. Further up the road there is a, you know, the brand-new Mercedes that's gone up on Redwood City has a similar band, but I guess it's because of the way that's one solid wall, then it looks a little bit better. On this I think it looks too thin. I think if you're going to have a canopy there it needs to have a little bit more depth to it. As far as the system, I think it's cool. That's why I asked about the FAR aspect of it. You know, this is no different than

a warehouse where you store pallets, you can go as high as you want. I just consider a car as similar to a pallet, so that's why I don't have a problem with that aspect of it. In fact, I think it's kind of interesting, especially when you put some of the more colorful cars in front. It just adds to the whole interest of the building on the outside, and I'm guessing you're going to use it as almost a showroom, so that's not a matter of you'll see a big empty space. You're going to want to put vehicles in that. Also, the whole concept I think, because you're putting the two buildings together, I think that separator of the two bays for the service entry to, for the Mercedes3s I think is a little tight. On the Audi dealership, the way you've got that 45-degree angle, I think works a lot better than the one for the Mercedes-Benz dealership. And that, it begins to look like one massive building and when you drive by that it's going to be a very large building, so I think there needs to be some separation or something needs to be, you know, that area needs to open up a little bit to make it less of a massive building and more into two separate portions. Not even so much for the branding. That's not an issue. I mean, you're going to have Audi patrons and Mercedes patrons, so that's not really an issue. But just the perception from a visual standpoint, I think there needs to be more separation to get rid of the bulk. Other than that, you know, it's the same thing we went through the last time. You're within the parameters of what's allowed to be built there. I think based on the location, I think there needs to be a little bit more attention, I think, to some of the colors that are going to have to be used. I think they need to be a little bit more, I hate to use the term earth tone, but you're starting to do that which, I guess is, I had a hard time understanding, but I think this is black, at least from what I find. It looks on the drawing like it's brown, but I think it's actually black, based on what I can find on the drawings. So, that's an awfully big statement in black, so maybe that might, you know, I understand if you have a corporate logo, but then, you know, corporate logos do have a tendency to be able to be changed if the understanding is that you need to fit within a particular environment. So, at that I'll leave it.

Chair Furth: Thank you. Alex.

Board Member Lew: So, thank you for your presentation. I actually had a fairly favorable reaction to your project. I think that the stepped massing along Embarcadero and East Bayshore are very desirable compared to the previous projects that we looked at. Really both the previous dealership there, as well as the hotel that was proposed even before that were fairly blocky just because of the utility easement really forced the massing to be fairly blocky. I did have some comments on the zoning. So, just for my fellow Board Members, the automobile overlay, I think my recollection is that it goes back to the previous recession, and we were really trying to retain auto dealerships, because they have, because they generate a lot of tax revenue, and the history of car dealers is they used to be in downtown. They used to be on Alma as well as University Avenue, and then they moved to El Camino and Park Boulevard and then typically now they have been moving to like Stevens Creek or anywhere near a freeway. And so, there was a, the AD overlay was added to a lot of parcels on the east side of the freeway, but not this particular, like not the Ming site, right, because I think that was a PC. But if you look at the zoning map down around San Antonio Road you'll see the AD overlay there, and the intent was to retain and attract automobile dealers in town.

Board Member Gooyer: In all fairness, there has been a dealership there for 40 years.

Board Member Lew: Right, but not on the Ming site.

Board Member Gooyer: Right, but I mean in that general area, so it's not like we're reintroducing something brand new.

Board Member Lew: But I think the intent was to allow more dealers in the East Bayshore.

Board Member Gooyer: Okay.

Board Member Lew: So, generally I'm supportive of the massing. I think all the concerns that staff has mentioned, I do agree with as well as, I think, Mr. Levinsky's (phonetic) comments about constructural elevations I think are important. I do support a DEE for the "built-to" line. I don't think it really makes,

the "built-to" line really makes sense in this particular location. I think I agree with Robert's comments about like front and back. I think that's an issue and I think zoning does require like that all sides be treated equally, or you know, we're trying to avoid blank walls. So, whatever you can do to the back walls I think is important. You know, green screen or whatever. There are some pretty amazing things that people have been doing to parking garages in Mission Bay, as well as like the San Jose Airport. There are some interesting ways of covering up the concrete. I think you're not showing any landscaping along the curb side. I think it's just not in the plans at the moment, and I think that's really important, and I think we do have to have a discussion about street trees along Embarcadero and I realize our dealers don't generally like having trees blocking the view of the cars, but I think that's an issue that we need to discuss. Also, I think the glass, I think I do want to see what glass you're proposing. There's a multi-story BMW dealer in Mountain View, and they have like a parking garage with a like lobby space where they can display cars on multiple levels. The glass is reflective so you can't, during the daytime you actually can't see anything. Like at night the light is reversed and so you can see the cars. But I think that's important on this particular design. And I think that's all that I have. Oh, and also on landscape, I just want to say I do really very much like the landscaping that was done at the Audi dealership, and it seems like the new landscaping on the Mercedes side is departing from that, and I actually kind of like, I would ask you to consider expanding the aesthetic of the Audi landscaping over the Mercedes side. And the I think the other thought too is on some of the planting species, I think the landscape plans are showing a large *lafeoleftus* [phonetic] hedge along East Bayshore and I wanted to ask for some consideration of alternate, or just give us some other options for that. Maybe have more native plants that maybe look more like a Baylands landscape. I also have a concern that there are, we have existing trees along East Bayshore and you're showing, the landscape plans are showing some underground, new underground stormwater basins that are excavated within the dripline of the trees and so I would like staff to maybe review that to see what the impacts on the existing trees would be with those underground stormwater basins. So, that's all that I have. I think I'm generally in support of the project. I think there is still more work to be done, but I think you're off to a good start.

Chair Furth: Thank you. Peter.

Vice Chair Baltay: Good morning. I connect with the comments of my fellow Board Members. I'd like to discuss, however, the overall site planning of this. We're asked to improve a design enhancement exception to you don't have to build to the set-back lines, and I think that's easy to make findings for that on the side with the power utility, but not so easy on the Embarcadero side. When I couple that with my recollection on the last project was that we also struggled with meeting the Bayshore, the Baylands Design Guidelines regarding muted natural-colored materials. This is clearly not that. We came around to thinking that part of the building, the part of the property facing the freeway, facing away from the Baylands had more latitude to use more contemporary metal and glass kind of finishes. With those two things in mind, what occurs to me is why not take the main curved one-story showroom element and face that to Embarcadero. I mean, I'm sorry, to Bayshore, where you have enough room to have the drive isle in front that you want, and let the side of the building going off towards the Audi dealership be more muted in tones. I think it would meet a couple of those requirements. I will have a tough time making the findings for the design enhancement exception along Embarcadero. I don't there's something unique or special about this property that justifies that. I agree with what Alex says that it doesn't make sense, but we also do have to follow the statute. So, it's just an idea thrown out there to you, but it might make sense to do something like that. I think you want to be careful, however, that if you do build to the set-back line along Embarcadero, you don't want to make it too big. We've been down that road with the other buildings proposed for this site, so you'd want to keep the similar massing to what the Audi dealership is. But if you go as far as the Audi building, that would look pretty good I think. So, it's just food for thought, but that's my gut feeling looking at it is that right now the building is set back on both sides because you want a driving alley in front of it. My second serious comment has to do, I think, with the massing and the blockiness of it, and I guess it's early in the design stage, but it just feels to me like there's just too many different kinds of pieces, and especially along Bayshore. When I look at your first rendering you provided this morning, the part with three garage doors in it feels like a real industrial box just tacked onto what's otherwise a fairly classy-looking Mercedes dealership. And then as I work my way along Bayshore, I don't see the same level of refinement and I'm kind of horrified by the entrance

ramp into the guts of the building for service vehicles and stuff. I just think it can be done better than that. I think that will happen as you refine the design some more, but the Bayshore elevation to me just needs more thought put into how the massing comes together. I think it will get there, but it's just not there yet, I don't think. It's awfully helpful to have these renderings from the different sides of the property and I like to see that in every submittal. I think it would be good also to get more information on the materials you're proposing and specific how they, which materials, what the colors are and the textures and you really should read the Bayshore Design Guidelines and come close to that. That's something we're required to follow, and like it or not, that's what this parcel required. So, just because the Audi dealership, the Audi showroom next door doesn't do that, or as much, doesn't mean you're off the hook on that. At least I feel we have to follow that guideline, so that's something you really do have to address. Two other small comments. One is that on your rooftop parking deck I noticed in some of the elevations some sort of roof stanchions with lights mounted high up, and I remember being concerned on previous submittals, but I'd much prefer to see you find a way to light that roof deck down low, perhaps more smaller fixtures scattered throughout the parking area. This is, as I understand it, not a public access lot on the top. It's professional drivers and staff just accessing vehicles being serviced. More discreet lighting so that at night or times when those lights are turned on, it's not so bright. It really would distract from anybody out in the Baylands looking back at the building if those lights mounted 15 feet above the parking surface were on accidentally late at night. And if you just find another way to light it. There must be a way you can do that. Lastly, when I walked around the site the other day, it really struck me at the back of the Audi property, that you really do have a very strong visual connection to the Baylands back there. It's not immediately obvious, but from the Baylands hiking trails you see this building, you see the back of this. So, I encourage you to come up with some sort of landscape screening or other design mechanisms to mitigate the effect on the Baylands from the back of that property. Thank you.

Chair Furth: Osma.

Board Member Thompson: Hi there. Yes, I mean I don't want to repeat too much. I think yeah, the first thing I noticed was this does not use muted colors. There is something sleek about what you have with the black and the metal and the glass. At the same time, a black building is not environmentally very responsible. It will get very hot on hot days and in general, it's just not a good color for building efficiency. So, as much as, yes, it's the brand, I think there is more than just the muted color, you know, statute that we want to follow, but there's also just some environmental concerns as well with that choice of color. So, I would agree that that is one thing that I take sort of quite big issue on. There's a lot of great colors out there and the Baylands that I think could be really sleek and really, you know, exciting. This is a really exciting project in general, and I think there's a great opportunity to make this building really awesome. You know, just like beautiful, right. It could be really great and I think you have a lot of stuff out there in terms of the Baylands to draw inspiration from. So, I wouldn't try to fight it. I would try to work with it, because I think you can and do it very well. I agree with need bird-safe glass. There's a lot of birds out there and that's really important. And your renders all echo Board Member Baltay's comment, we need renders from all, from the street looking at the building. You're on a corner so there's just a lot of places to look at this building and we've seen, you know, three renders. It's not enough to really get a grasp of what you're actually trying to put out there, and I think we need that. The video was helpful but a lot of it was on the inside, and we really care about what's on the outside. Another note on your render graphics is on the render that's in our packet we see metal panel joints and on the render that you sent us here we don't see them, and it's important to see details like that. The metal panel joints will affect the aesthetics in terms of what you do if you decide to move forward with that and this render is sort of falsely, I understand the concept that it's sort of giving you more of a conceptual, I think, but that detail in terms of the materials is pretty important for us to really evaluate if this is appropriate for the area. So, yes, more views, more attention to materiality, showing the landscape. Yeah, I echo Board Member Baltay's comment about light pollution. That's something to really consider in this area. In terms of massing, again it's, given the limited views, even the 3-D axons that you have in the packet, it's sort of out of context. It was a little hard to really gauge if that's what you really want to do here. I could be swayed, but I think a little bit more in terms of, I feel like when you change, if/when you change your

material for your black mass, it would good to see how that affects the rest of your project. And that's all from me right now.

Chair Furth: Okay. Thank you for the presentation. That was very interesting. I like animations. I like as many pictures from as many angles, particularly charming as the bird's eye view is, of course that's not what any of [not understood] or judge our work on. So, glad to have this project back before us. Certainly, chastened by the Council's response to our last efforts to square the circle of having an auto dealership that's subject to the Baylands Design Guidelines. Those are rather different approaches to life in some ways, but I think it should be possible. Just to be clear, the automotive district overlay itself specifically says that car dealerships on this area have to comply with the Baylands Design Guidelines. They weren't not thinking about it. They said, we want a car dealership in earth tones basically. I would note that the architect is actually wearing Baylands colors today, so if you want an example of a Baylands palette, there you go. You know, bay blue, reed brown. Anyway, I'm sure you understand the concept that this is actually very well written. It's a miracle that we have this preserve. As you know, much of the Baylands is not kept in this form and it provides a certain amount of resilience as the bay rises, as well as a great deal of pleasure to people now. So, I look forward to a revised presentation that does comply with the Baylands Guidelines, which do, of course, apply to private properties in the Baylands. You're also dealing with a complicated site with an enormous high-power line right at your key corner, and a great big freeway and a huge volume of traffic, either passing or sitting in front of your site. People are going to get an up-close view of that facility during certain times of day. So, here's some things that I will be concerned about when this comes back. I will leave the FAR calculations to the staff. Thank Mr. Levinsky [phonetic] for bringing them to our attention. Yes, of course, we need bird-safe design. Yes, it's important that the glass accomplish what you wish. If you want people to see in the building it needs to be glass that will let people do that. The City is full of very expensive glass that does that. I don't think you need to actually buy the glass factory as Apple did, but I know that car dealership glass is some of the most advanced in the world because it's a big demand. Let's see. I'm going to be interested in how the bicycle pedestrian experience around your corner improves with the addition of your project. I think this is actually, despite the heavy automobile level of traffic, this is heavily used by bicycles in particular because of its relationship to those big substantial parks and open spaces, so I want to know how that works. That was something that was somewhat improved with the previous approval. I will want to know how you deal with light after dark. I mean, there's this tension between wanting and perhaps needing to be visible from the freeway and needing to not add light to that area. That's where people go if they want to, you know, you go there to watch rockets coming back, but also to watch other astronomical phenomenon, so the dark sky to the extent we have it, we need to keep. I like the fact that the guts of the operation is visible. I can imagine people sitting across the street taking bets on which car is going to move next or small children looking at this the way they watch small planes take off. So, I think that that's actually a lively animating, nifty feature of your project. In terms of, we do need to have a better idea of the experience driving along or bicycling along East Bayshore and how this integrates going down the other. And something about this building needs to signify to somebody who is thinking about it, that this is a close to unique part of the South Bay. That this is the entrance to a great big hard won, hard fought nature preserve, which has its own aesthetic, which includes, this used to be called the East Bayshore Employment District, but which includes lots of businesses which are desirable and needed. We used to sort of suggest that you have little wharfs and rope railings. We don't really go for that any more.

[Male]: Or the anchor chain.

Chair Furth: The anchor chain. Yeah, we do not want crossed anchors at the corner, but I'm sure that you can figure this out. I don't know that Mercedes has been a leader in electric vehicles of late or early on, maybe trucks more than vehicles, passenger vehicles, but it is interesting to be dealing with this much acreage devoted to cars in an area that's supposed to be encouraging us to deal with global warming proactively. I would be interested, if you were elsewhere in the City we would really be thinking about how does your site as a whole create or, what's the opposite of create, anyway, what, is it a heat sink? You know, to what extent are you using materials that are reflective or do you have solar panels or do you have landscaping or whatever, so that you're the opposite of the sea of asphalt. And, of course, one of the exciting things about your proposal is that by densely stacking these vehicles, you're avoiding

a lot of asphalt in the Bay area, which we appreciate. I don't think any of my colleagues said anything I disagreed with. Let me look at my typewritten notes before I came over here today. There's a problem finding them.

Board Member Gooyer: Could I make one comment while you're looking?

Chair Furth: Sure, go ahead

Board member Gooyer: Again, I don't mean to bring it back to the last go-round, but there we went through numerous differences of opinion between sort of a corporate scheme or image for Mercedes versus the Baylands. Now, I'm not expecting a wood clad, as I said, you know, anchor chair design, but I'm not going to accept, sorry, our corporate is black and high-polished metal and all that. That's just not going to fly.

Chair Furth: Thank you Robert. I do think Baylands Design Principles are pretty standard, pretty clear. Muted, natural colors and choose materials that will weather without degrading, but again, we're not looking for cedar. For staff I noticed that this seems to have a foot of free board over the baseline flood elevation. I did go back and reread the Comp Plan Policies on how we accommodate rising sea level and rising bay level. We're supposed to ensure that the built environment and infrastructure resilient to climate change-related impacts, such as sea level rise and so, I guess, for the next, and of course if you look at the Comp Plan, this area is said to be subject to liquefaction in the 100-year flood. So, I would like to hear from staff before the next meeting, how the City is treating this kind of land and plans to treat this kind of land, and you know, if the rest of our infrastructure is at even lower level, and we're planning to build bigger levies and that's our plan, that's important to know. But, I would like to know what our response to those Comp Plan Policies is, so that we can tell the Council with some confidence that we think this has been appropriately addressed. I think that's it for my notes.

Board Member Thompson: Can I make a really quick comment?

Chair Furth: Oh, one more. That is, in thinking about being compliant with the Baylands Plan, the most important thing is probably the view of this property day and night from the Baylands, so I think, and some of my colleagues have mentioned, the finishes and the treatment of the frontages that face the Baylands are important. At the moment there's some screening landscaping, and we certainly hope that will continue to be the case. I don't know what kind of on-site screening may be appropriate, but we have to act as if that won't always be there. So, we're going to care a lot and hope to see illustrations of what this will look like from those parklands themselves and I look forward to seeing this again. Anybody want to add anything? Osma.

Board Member Thompson: Yeah, actually you kind of said what I was thinking, but also in terms of your massing, it would be nice to see a little bit more backstory in terms of how you're treating your masses. So, like you have like a black mass and then you have this metal, corrugated metal mass and then you have this other smooth white mass and it feels a little... I'm sure there's really good reasons why those all came together, but it's a little hard to see just looking at your plans and your renders. It would be good to see a bit more concept in terms of how there are all coming together and why they belong where they do.

Chair Furth: And just to further confuse things, I agree that a large driveway coming off of East Bayshore is going to need a ramp. It's going to need some thinking about it to keep from becoming an unattractive aspect of the building, but I don't see rollup garage doors as incompatible with the sort of semi-light industrial Baylands ethic or ethos. I'm using the wrong word here – look. Okay. Any other parting, do you feel that you have direction from us that will be useful? Do you have questions of us?

Mr. Hutson: I do. Can I speak for a moment?

Chair Furth: Certainly.

Mr. Hutson: Okay, first of all, thank you very much for taking the time to really look at this project, because I heard a number of comments today that made it where I didn't have to make those. You know, we have taken care to look at what previous project was about and tried to build on that, not recreate those issues. There are a number of areas, the bird-strike glass and things like that, I want you to know we've been in full contact with City staff regarding that. The bike path and how we're treating all of that and we look forward to the opportunity to bring that back to you so you can see that in its full compliance. Because that has a function that deals with the Baylands and the access and the way that the management and the ownership feels about this project and its proximity to the Baylands and how they use that, and so you know, much appreciated that you took the time to look at that, because I heard some great comments and certainly we're going to take that and you'll have a much more refined project back to you with lots of views for you to see on different, from the different angles. Just a follow up, yes, we did enhance this and it's been a work in progress, so what you got a week ago has been modified and looking at other options, and that's why you maybe see screen in one place and not another. And we've been consistently back and forth with Sheldon and staff, including all the other community departments, including sewer and water and fire and access and all of that. So, some of this we won't belabor it right now. Some of it, there are reasons why we've done just about everything we've done not to try and be remiss about something, but there's, you know, with regard to access and the bike paths and things like that. And certainly the Bayshore, you know, we do start at an area where we have a compliant project for our manufacturer and needless to say, it's called Mercedes Black, so you know, you can make your own determinations from that, but that doesn't mean that we can't be creative in how we approach this. And we do feel like this is a joint effort with the City and as a community member and Audi has been a member of the community for a long time and hopes to continue being a good neighbor and make this dealership a part of it as well. But my big comment was, you know, thank you very much for looking at it, because it's important that we prepare all this and we submit it to you and that you take the time to actually review that and see what we're doing. We think we're doing something unique here, and advantageous certainly to our client and to the City and in an interesting area that, you know, maybe one wouldn't pick if you had your pick of places to go, but this happens to be where we're at and what we're doing. Just to let you know, we are dealing with most of the things that you discussed with City staff, the landscape and the BMP's and things that we have to have in those certain areas, the trees and putting in a bike path and things like that. So, thank you very much. I appreciate it.

Chair Furth: We do our homework. You may disagree with our conclusions, but you don't need to think that you're writing stuff that nobody reads. But that did remind me that I didn't talk about the design enhancement exception, and you know, because we have to make such specific findings, staff, that's going to need some more thinking. When I read the old Comp Plan, it has a lot of talk about the special needs of this kind of district, but at least the current Comp Plan talks about how service commercial needs, what is our zoning here anyway? Comp Plan, anyway, it talks about how good automobile and service access is needed and that in employment districts like this, it's access primarily by automobile or employer-supported transit. Anyway, there is some language that talks about the particular needs of this kind of use for good on-site car access, which may give us the leeway to recommend a design enhancement exception, which as you know, is not an easy thing to do. So, look forward to your thinking on that before our next meeting. Okay, last chance. All right. Would you like this continued to a date uncertain or certain?

MOTION

Board Member Lew: Uncertain.

Chair Furth: I have a motion to continue this to a day uncertain.

Board Thompson: I'll move we continue this to a day uncertain.

Chair Furth: Is there a second?

Board Member Gooyer: I'll second.

Chair Furth: Okay, motion by Thompson, second by Gooyer. All those in favor say aye. Opposed? Hearing none it passes unanimously.

MOTION PASSED WITH A VOTE OF 5-0.

Chair Furth: Okay, the next item is 429 University. I will step down at the request of the applicant who opined that I would be biased with respect to her proposal and you have a statement to make?

Vice Chair Baltay: I would also like to recuse myself because of a private previous business relationship with the applicant.

Chair Furth: All right, so we will take a, what do you want, three minutes? We'll just continue straight into the item. Thank you so much and we will all return for the last item.

4. PUBLIC HEARING / QUASI-JUDICIAL. 429 University Avenue [18PLN-00240]: Recommendation on the Applicant's Request for Approval of a Minor Architectural Review Consistent With Condition of Approval #3, for a Previously Approved Mixed-Use Building (14PLN-00222), Requiring Architectural Review Board Approval for the Proposed West Elevation Wall Design, Landscape Details, and Exterior Building Materials, Colors, and Craftsmanship. Environmental Assessment: Use of Mitigated Negative Declaration Prepared for 14PLN-00222. Zoning District: CD-C(G)(P) (Downtown Commercial with Ground Floor and Pedestrian Shopping Overlay). For More Information Contact the Project Planner Adam Petersen at apetersen@mgroup.us

Board Member Lew: Okay, Item Number 4. This is a public hearing for a quasi-judicial item, 429 University Avenue. Recommendation on the applicant's request for approval of a minor architectural review consistent with condition of approval #3 for a previously approved mixed-use building This is requiring Architectural Review Board approval for the proposed west elevation wall design, landscape details and exterior building materials, colors and craftsmanship. The environmental assessment is the use of a mitigated negative declaration prepared for parcel 14PLN-00222. And the zoning district is CD-C with (G)(P) overlay and our project planner is Adam Petersen. Welcome Adam.

Adam Petersen: Good morning Chairman Lew, members of the Architectural Review Board. I'm Adam Petersen from the Planning and Community Environment Department. I'm here today to present 429 University Avenue's project compliance with condition of approval number 3 A, B and C. This was first, this project was approved by the City Council on February 6, 2017. There was a condition of approval that required it to come back to the Architectural Review Board for evaluation of the west wall design, the landscaping and then also the exterior building materials, color and craftsmanship. This was first heard by the Architectural Review Board on August 16 of this year. It was continued to allow for more details in regards to the landscaping, how the landscaping would look over time, some revisions to the west wall design and additional details about the craftsmanship of the building. The project then came back and was scheduled for the September 6 hearing. That was continued, again, because there wasn't a quorum. The plans have not changed since September 6, and they are in your packet. As noted, the project is located at 429 University. In regards to the west wall design, the applicants revised the plans to have some uplifting striations in the pattern. Just some reveals of some uplifting, I guess I would just say some uplifting patterns. In regards to the craftsmanship, the architect, the applicant has provided construction details that include, but it's not limited to the storefront glazing in the outside corners, the window jambs and then also the windows at the slabs. And with regards to the landscaping, the applicant still proposes indigenous plant materials, and they have included images of mature plants on the first and fourth floor that include the morning glory vines, the fuchsia and penstemon and the California grey rush, as well as the western azalea on the second floor, and then the shade-tolerant chain fern and grey sedge on the third floor. I do want to note that the Board and staff did receive a communication from the

appellant yesterday evening. This information is on your dais. In the email from the appellant they note there are three primary points that the appellant makes. This is in regards to the west wall design. Also, in regards to the landscaping and the materials, color and craftsmanship, excuse me, there's four points from the appellant. The motion before the Board is to recommend approval to the Director of Planning and Community Environment. Thank you.

Chair Lew: Great, thank you Adam. This is a quasi-judicial item so are there any disclosure from the Board Members? I have one, good, that I had a telephone call with Elizabeth Wong on August 17, and we did discuss trying to meet. I think she wanted to meet with two Board Members, but I explained that since there were only three of us, that we could not meet because that would constitute a quorum, so we did not meet. Anybody else? Okay. So, the applicant, you have ten minutes.

Peter Ko: Good morning ARB Members and Chairman Lew. My name is Peter Ko with Ko Architects. We're the project architect for this project. Thank you very much for gave us comments from the Board Members at last hearing. We went back to the drawing board for the west wall design and one of the comments was more like we have like a chevron pattern design, and we have removed the horizontal lines on the original design and put just doing vertical and angled uplifting branches-like reviews. And, again, so it's more depicting the natural form of trees. And also that we looked at the upper part, the two level is going to have posts exposed to the public. One is pretty much from going down University, the other one was from the alley, lane 30, so we tried to compose the whole façade with gap between it. Just randomly have the forms of trees kind of along that wall and basically compose the two level of the trees because the setback requirement on the middle part of the third-floor units, and just trying to compose the whole thing and the in and out of the building. The elevation itself is not like a flat wall. It's kind of recessed in the middle part and then on the fourth level was six feet back, and then the third level is kind of close to the property line, so we composed the whole design and then make it more articulated on that, if standing down. If you're driving down from University and the level lane 30, so you see a different thing. So, but we're more than happy to answer questions. The other one, the color board, the Board Member was requesting to provide some construction documents for the other side of the building, and we did provide the floor elevations, color elevations of the building and also including the elevations and also the sections, plus some construction document details for your look at the whole thing. And if there are any questions, I'm more than happy to answer it. And **Lora Roberts [phonetic]** our project manager is here as well to answer questions, if you have any. Thank you very much.

Chair Lew: Great, thank you. Okay, I will open the hearing up to the public and I have one speaker card from Michael **Harbor [phonetic]**. Welcome back and you will have three minutes.

Michael **Harbor [phonetic]**: Thank you so much. So, this has been a long slog dealing with this project, and I just want to remind you here that the area with which these, that we're talking about, tearing down these five buildings, some of which are **Birch Clark [phonetic]** buildings, and that has been determined by the Historical Resources Board, and the building across the street is, so these are five one-story buildings with elevated roof lines. You are asked to look at the western wall design, the landscaping, to make recommendations to the Director of Planning, including the building materials, colors, craftsmanship related to the detailing associated with the building, and to me that means design. And then finally, there is a recommendation which was part of the City Council's motion, it was in the packet with which they voted on. It said that you need to recommend that the ARB consider the recessed pedestrian entries to improve the pedestrian experience of the building and this ARB has discussed that multiple time. It is in the motion packet by the City Council, and so there's going to be a written report from you going back to the City Council, for which they will have the final say. So, I want to just have you look at the massing and the design and the pedestrian friendliness of this building, and this is submitted by the architect. This is going from a one story to a four-story building, a 1.0 FAR to a nearly 3.0 FAR, and given the size, the design, this – given the size the design must be correct for it to be compatible and to work, and what we see here is that the existing buildings along University Avenue all have porticos, awnings. They are pedestrian friendly for eating and shopping, taking a quick duck in under inclement weather, and what you see here is a flat wall of glass. You are just wind swept for those five existing buildings. There's no pedestrian friendliness to this at all. It is like being against a cement building, and there has been no

developmental improvement in this building over this time, despite that the City Council has asked for it. It is a pedestrian unfriendly design. It violates code. It violates the comprehensive code, the Down Development Design Code, which has asked that building, you know, be thought of in terms of pedestrians, open up the downtown alleyways for bicycle and pedestrian use, and the Palo Alto Municipal Code requires harmonious transitions in scaling character that are considerate of each other. So, our request is to reject this current design as proposed and to let the City Council know with your comments, they are going to have the final say, but I feel like the applicant has had 19 months now to turn in something. They're coming at the very last minute and trying to shove it down your throats in a hurry, just because, you know, they're imposed timeline. There's been no improvement. The original architect has been fired and now, you know, we were told that this architect was the Birch Clark [phonetic] award recipient. That there was something very important about hiring him to do this. He had a proprietary slag in cement for which he was going to use. He's no longer in the project. He's disavowed himself of this project publicly, so how do we know that it's going to maintain that original design So, I urge you to let the City Council know your feelings. You're the only people that can. Thank you.

Chair Lew: Thank you Mr. Harbor [phonetics]. I believe that the applicant has rebuttal time? Yes, if anybody on the architect side or the development side wants to say anything, I think now would e the time. And I think you have ten minutes.

Elizabeth Wong: I have ten minutes? Chairman Lew, Members of the ARB, my name is Elizabeth Wong and I am the manager for Kipling Post LP, that is the owner of this property. Today we're here to review three items that were asked to be reviewed by the ARB, and those are the materials, craftsmanship, landscape and the western wall. This project has been approved by City Council and City Council has given very specific, approved a very specific building which we have followed. Otherwise we would never be this far. The Planning Department has approved this project in its entirety, except for these three items that are in front of you. We have approvals from the Building Departments, for every department. We are still working with the Public Works Department because there are some encroachment issues that we have, permits that we have to obtain from them. So, and that is very typical of a project. So, my point is that this project has been approved by every department for the building permit, and that including Planning, except for these three items that are in front of you. The items about, all the other items that Mr. Harbor [phonetic] brought up are, you know, they are water under bridge. You know, they have been dealt with over the last six years. This project came in, even before it was presented to ARB, the project went through the acquisition of the TDR's. That took a couple of years, so everybody was aware of this project. I think that we have a beautiful, beautiful project that is 3,000 square feet less than we are allowed, and that was made, you know, in deference to the appellant, but the appellant will never give up. So, I would like you to consider this project as the entirety. I know Ms. Thompson has not been involved with the project, but this project has been vetted by every department in the City. So, if you have any questions, I'll be happy to answer them.

Chair Lew: Great. Thank you, Ms. Wong.

Heine [phonetic] Wong: Hi, my name is Heine [phonetic] Wong. I'm Elizabeth's husband and I just wanted to make a couple of comments. First of all, on page 2 of the staff report it says that the appellant is a next-door neighbor. He's not. He has a commercial, he has a little house that he rents out as commercial space several doors down on Kipling Street, nowhere near adjacent. Second, just to repeat myself from last week, these buildings have nothing to do with Birch Clark [phonetic] and visa versa, Birch Clark [phonetic] had nothing to do with these buildings. You can check the Palo Alto historic records. Third, the City Council has already approved the design of the building. We're not talking about that. We're just talking about those three items, and I don't think City Council really wants to see this again. That's all I have to say. Thank you.

Chair Lew: Okay, I'm going to close the public hearing portion of the meeting, and bring it back to the Board. Who wants to start, Robert or Osma? Robert.

Board Member Gooyer: Okay. Well, all right, so I agree that we're here not so much to rediscuss the design of the overall building and scale, that sort of thing. We're here to basically discuss the west elevation wall, landscape details and exterior building materials, color and craftsmanship. As far as the west wall, the last design we got was sort of slots or grooves that were horizontal and vertical. Now we have slots and grooves that look like trees or something, or to me, unfortunately, from a distance could also look like you've got a bad case of cracking in that wall. I'm sorry, but I just don't see this being a good solution to a lank wall two stories up. It doesn't relate to anything else in the rest of the building and I don't even know why this came about, so that's one. As far as the landscape detailing, I find it interesting that in the paperwork that you showed, the term "small, intimate hint of a garden on the upper floor" is used, and I'm seeing some massive areas, exterior areas and there's the, you know, one, two- or three-foot diameter pot that's got landscaping in it. It's almost nonexistent, so I don't really think that that meets it either. As far as the exterior building materials, it's a little hard to tell. I mean I'm guessing it's probably okay. The detailing, I'm sure I probably there. I could go either way on that. I don't really think that the upper story, at least from what I see relates to the rest of the building, but again, so even if I say I could accept the exterior building materials, color and craftsmanship, one out of three just really doesn't do it for me.

Chair Lew: Thank you Robert. Osma.

Board Member Thompson: I actually just have a question for the architects on this material board. On the plans it mentions there's the grey material for the west wall is a material called C-3. Is that in here at all, C-3 on here? I don't see it, but maybe it's...

Mr. Ko: I'm trying to go to the elevation we have...

Board Member Thompson: Yeah, it's on sheet AS-4 and I just want to get clarification on which material is being used at the west wall and which material is the yellow that's everywhere else, C-4, because there's not a C-4 on here either. Sorry, I should have brought this up sooner.

Mr. Ko: Yes, I'm on that page.

(inaudible)

Board Member Thompson: Yeah.

Mr. Ko: Oh, so the C-3 was an indication of the stucco on the ground level. That's, if you look at the elevation, I can point it out to you. Go back to the AS-4. So, C-3 would be on the lower elevation. That's integral color plaster on the back of the building. They are the same color of all the concrete colors was the beige color showing on the color board, and then the C-3 will be matching that concrete color, but it's an integral color of stucco, plaster, so that's on the left-hand side, that's the color of C-3. Yes. I think we did not label that on the color board, but the C-3 there was the plaster color.

Board Member Thompson: It looks grey in the elevations, so is, I guess...

Mr. Ko: So, the grey color was the one the, that grey color was on the upper part on the fourth floor. The fourth floor was the steel framing structure on the fourth floor and with metal stud of framing walls and then the finish will be stucco on the exterior. That will be the grey color on the upper two levels, so that grey color matched on the top matches the third level concrete walls.

Board Member Thompson: So, on the exterior, not the west wall, it's this color, but it's... Sorry, another question. The upper and lower parts of the west wall, are those the same color?

Mr. Ko: The west wall on the first level and second level it's all concrete wall. Behind it was stucco.

Board Member Thompson: I'm sorry, level three and level four.

Mr. Ko: Level three on the third level will be concrete block as well, and then with stucco on top that will match...

Board Member Thompson: This color?

Mr. Ko: No, that matched that color, yeah.

Board Member Thompson: And level four is the same?

Mr. Ko: The lower floor is a different color with that beige color on the, that's the color on the left.

Board Member Thompson: This one?

Mr. Ko: That one, yeah. They also have concrete block behind the stucco wall, yeah.

Board Member Thompson: So, in the elevation where we see grey on both levels, it's really grey on one and beige on the other. We don't have to belabor this too much.

Chair Lew: It's very confusing.

Board Member Thompson: Because it's...

Chair Lew: The way it's drawn in the plans, right?

Board Member Thompson: And the way it's called out, because it says C-3 for the level three wall color, and it says S-2 for the level four wall color on the sheet that you're looking at.

Mr. Ko: I'm sorry. Actually C-3 was the greyish color on the third floor, but that's a stucco on top of the concrete block wall behind, and on the fourth level is the same thing with the metal stud and it is plaster finish on top of the metal framing.

[Female]: The difference of what you're seeing basically, the color is the same. The difference is the material that's behind. So, in one case the speaker was just saying is you see a mere wall on the fourth, that's on the third floor. On the fourth floor, you have a metal stud with the same finish (crosstalk) purposes, so the way we have...

Board Member Thompson: So, it's the same finish.

[Female]: It's exactly the same finish. So, the elevation is correct in terms of what it will look to the public, it's just we have categorized it in a different item because the construction of the wall is different.

Board Member Thompson: Okay. Okay, thank you. That's helpful. So, there's stucco and then on the elevation that's just below this one we have concrete, we have two colors of concrete? Is that right?

[Female]: No, we have just one color of concrete.

Board Member Thompson: One that's, because in the elevation there looks to be a grey concrete and a beige concrete and then there's stucco above it? S-2 is the stucco, so that's right.

[Female]: So, the concrete color is the same on the second floor. I'm not sure which elevate are you looking at where you see two different.

Board Member Thompson: This one, the one that's on the, it's the same page.

Chair Lew: This one's grey concrete on the third floor.

[Female]: Oh yes, I'm sorry. But I thought you were just talking about the first and the second floor. The third floor, which is a residential level has grey concrete. The first floor and the second floor, which are the commercial portion of this project are the lighter beige color concrete, yes. So, what we're trying to do with the color is that the beige color is basically representing the retail and the office on the second floor. Those are, is the commercial portion of this building versus the residential on the third floor is recessed, so it has a different color of concrete. The fourth floor is much more recessed and is a different material, so that's...

Board Member Thompson: That's plaster, right?

[Female]: Correct.

Board Member Thompson: Or stucco, yeah.

[Female]: Stucco.

Board Member Thompson: Okay. Well, thank you for the clarification.

[Female]: I'm sorry about the confusion.

Board Member Thompson: I would say in general it's been a little hard to get a grasp, so I was going to say, and going back to my notes here, I actually think the west all is looking better. I think it is an improvement in the design. I think the reason I was asking about everything else is because there is a disconnect in the relationship between what's happening on the west wall and everywhere else in the building, and I was asking about it because I wonder if there is – it sounds like there is a color difference that you are already doing, right, between the residential and the commercial, and I think the detail that you're adding to the west wall feels so separate from the rest of the building. It might be nice to see it brought around and have a better relationship, that maybe that and, you know, is tree or something. A render would be really great to just get a better understanding, like a realistic render like a photo realistic render. I'm sure you were sitting for the past project or the past two, but usually we're kind of accustomed to seeing renders of what this thing will really look like, and I think that will help a lot in terms of convincing us if this is appropriate or not. I think the kind of cartoon images that you have are good to a certain degree, but it's a little hard to really understand what we would be approving. Additionally, okay, I'm going to try and not get distracted here. I think I would agree with Board Member Gooyer that the planters that are provided feel inadequate to maybe the design intent for having greenery in this building. They seem quite small and it's a little hard to know really if they're going to provide – So, you know, I think with a design like this you have sort of really strong lines and it's kind of brutalist in some way, and brutalism really works great when there's planters and when there's greenery to soft of balance it, so that the harsh material and the harsh lines have this, you know, like adjacency to something that's organic and green and pretty. I feel like that [not understood] really works well, and I think the planters you provided, I don't know that there are enough on all the levels, so I would actually like to see more greenery. And those are my two main, or well three main comments. So, the west wall is looking better. It would be great to integrate it with the rest of the building. Landscaping doesn't feel like it's enough and it would be, I feel like the next, the next time we see you it would be really good to see renders to actually see what this looks like and sort of a more, to see how the materials work in the context and things like that.

[Female]: We have provided two sheets of renders. On sheet AS-1, AS-2 and yeah, AS-1 and AS-2.

Board Member Thompson: So, these are images from the 3-D model, right, these ones?

[Female]: Yes, correct.

Board Member Thompson: I'm looking for a photorealistic render.

[Female]: Okay.

Board Member Thompson: Kind of similar to what we see in a lot of other projects. Something like this. Something where we can actually see what this looks like, so in the context.

Ms. Wong: We were not, you know, asked, I mean we went through so many renderings over six years that the project has been in effect, and there's almost impossible to put landscaping on the, at University Avenue because the retail stores are one next to the other, and the same thing for Kipling. We have, on Kipling, at the corner of the Kipling and lane 30 we have the art. You know, it is, which we did not bring because it is not part of this review, but we have an approved art that it is suspended on the second floor, and you know, so it does make the building much more softer than it is. The, so in a very downtown building where there is no, where the building goes from setback to setback, you know, there is not much place to put landscaping, and if we had any sort of space to put green areas it would be a different project. So, this project has a garden wall on the alley very similar 102 University, and in the slides, Adam can we put the slide of 102 or, you know the whole show, because I want to point out, you know, the garden wall that was on the alley.

Board Member Thompson: I remember seeing a picture.

Ms. Wong: Yeah. I also don't thing that, you know, I think that this minor ARB is limited to two hearings, and this is the second hearing that we have. So, we need, you know, we need the whatever your recommendation is, the Director of Planning is going to issue his approval or disapproval of the project. This project is way overdue and...

Ms. Gerhardt: Okay. I just want to clarify that we have closed the public hearing, so I just want to make sure that you're answering questions that the Board has asked.

Chair Lew: Okay. We're going to cut you off at the moment, Elizabeth, but I was going to raise that point about a minor project and we only have two hearings, and I think that there's been enough information that the Board can make a decision today, make a recommendation today. So, Ms. Thompson are you done?

Board Member Thompson: Yeah, yeah, you can go ahead.

Chair Lew: Okay. So, I am, I think I'm in agreement with Board Member Thompson. I think that the west wall is looking better. I think I may disagree, I think on, that it's disconnected with the rest of the building. I think that's okay in this particular location. You know, I used to live in New York City and sometimes they would do something different on the property line walls than the main façade, and it was actually okay. It kind of worked. In part, it's that, you know, there's only so much of it you can do on a property line wall. I mean, the building code is pretty limited in what you're allowed to do there, so I think that's definitely a consideration. And then, also, I did look at the site and in addition to the neighboring buildings, there are also the London Plane trees on University Avenue which also further obscure the view of the side wall. So, I'm actually okay with that. I think I'm in agreement with the Board Members, my other Board Members about that the planters are inadequate to the building. I think I'm in agreement with that. I did look at the planters on your building on University Circle, and I did see some that's like some of the three form was separating from the metal planter itself, and so that's a concern that your – I have some concerns about the durability of that. I also did see that some of the planters seem to have disappeared on that project, the ground level planters. And then I also did look at the, what do you call it, like the wall planter, the angled wall planter on University Circle, and I wasn't crazy about the planting supports for that. It's just rebar sticking out of the concrete and I was thinking that maybe there is something more substantial, like green screen, in that area to provide more support for the vines. I think I would, I think in my recommendation I would recommend more planters on the upper levels. I was wondering if there is support from my other Board Members if we can make a recommendation today. Like we don't necessarily have to agree with what's in the plans. We can make a

suggestion to the Council and then they can decide what, you know, what course to take on this one. So, staff, yes.

Ms. Gerhardt: So, I just want to clarify that this is a minor Board level project. We do have the condition written on page 186. Those types of projects are approved by the Director. It could be appealed to Council, but it does not automatically go there.

Chair Lew: Okay, so we can make an alternate recommendation to the Director, and we'll see whether it may fly or not. With regard to the materials, I did look at the concrete color at the University Circle project and I'm actually very happy with that, with the colors. I think there are two different colors on the different buildings there. I have some reservations about the darker grey color on your project, but it seems to make sense to help differentiate the massing. I think you're showing some of the grey, like grey paint to match the grey concrete and I just want to caution you, it's pretty difficult to do. I've worked on projects where we tried to do it, and in the end, they still looked different because the stucco has a texture to it and the shadow from the texture makes it look darker, even if you try to match it by pain chip or whatever, it's kind of a tricky thing to do. Okay, so I'm going to bring it back to the Board. Robert, I think you're a no?

Board Member Gooyer: Yup.

Chair Lew: So, Osma, I'm going to leave it up to you, and I will second whatever you, I think I'll probably second whatever you come up with.

Board Member Thompson: Well, in terms of the building materials, I think I agree that the grey is too dark, as well. I think I could see it, you know it's funny because I feel like in the images it looks lighter than it really is. In both scenarios that the yellow is lighter and the grey is lighter than the actual materials, so I feel a little uncomfortable recommending approval because I feel like I'm not really seeing everything as it really will be, so I'm not really sure how to make a motion.

Chair Lew: So, the recommendation or the guideline for having only two hearings is just, it is that. It's our own internal rules, so if you think that a third hearing is warranted, we can make the recommendation. The Director may not, may or may not agree with that, but I think that it's happened before and sometimes we've had, I think there's a multi-family project on Kirtner [phonetic] and then we had an extra hearing, like the applicant agreed that that was sort of the best course of action, and so it happened, and the project came out better because of it. So, if you think that's what's needed, I think that you can make that recommendation.

MOTION

Board Member Thompson: Yeah, I didn't know about the two-hearing minimum, or maximum. It's, yeah, it's hard to say. I think I would like to see this project in more complete detail so that I could feel more comfortable in terms of how I feel about it, because at the same time, while I'm still trying to understand what's on the pages, it's sort of a growing uncertainty. I think something is a certain way and then I look at something and it's really not. I think this is a light grey, it's actually a dark grey. So, I think a third hearing, if it could bring that clarity would be good. I don't know that it would, I don't want to, I don't know, I don't want to guarantee how I'll feel afterward, but I think in that sense it would give me more clarity. I don't know, what do you think?

Ms. Wong: Chairman Lew, may I make a comment?

Chair Lew: Can you hold on for a second, unless there's something, if there's new information I'm interested.

Mr. Wong: Well, what I was suggesting is that you could make a recommendation with the following stipulation, that the grey be lighter, that we put more planters on the fourth floor, whatever, so that we would have that and we would have to do whatever you decide.

Chair Lew: Yes, thank you for that. That was generally my thinking. Generally, I think with the Robert's Rules of Order we would have the Chair, like I try to let the rest of the Board come to consensus, and then, and not, it's usually as the Chair we try not to direct the, you know, direct the motion, so.

Board Member Gooyer: Well, I think in this particular case it's probably easier if you do, because I think I know what the turnout's going to be, and I think it's just going to have to be a situation where we'll just leave it up to the Director of Planning there, if he wants to, you now, if he wants to overrule us then...

Ms. Gerhardt: I think the Director would just appreciate some clear direction, whatever that direction may be.

Board Member Gooyer: Then why don't you make the motion?

Board Member Thompson: So, should we consider a third hearing then, if we think it would give us more clarity on our direction?

Ms. Gerhardt: I think if you maybe list out in detail what the items are first, and then...

Chair Lew: Yeah, I don't think, like I think it's not enough, like I think that this project has been around a long time, that I think we can't just say, "oh we want a third hearing" just to drag it out. Like, I think it has to be clear. Like if you think the grey is too dark, and you say, I think we can say "we think it's too dark". I think it's fine to say you may need to see a rendering. Like I think it's okay to say your not quite sure, but I think, I think we should give direction, like clear direction. Like, we're worried about these things and we need to have them reconsidered or drawn better to convince us that that's the correct design decision. So, let's just, so I'm just saying be specific and then we'll let the chips land where they may.

Board Member Thompson: So, items that we would like, that maybe we are concerned with, that we feel like could be worked on to improve the project would be that the color of the grey is too, I think maybe both, mainly the grey is too dark, but I guess we could entertain the beige being lighter; the landscaping plan, the planters are not enough; the west wall, I'd like to see it better integrated with the building. Those are my three items. And I think a render that accurately depicts what this looks like in daylight in the context, at least two renders, would better inform the appropriateness of this project in the context.

Chair Lew: And also, I think too, with your last, with the last item, so say if this appealing to the Council, because I think the Council would need to see a really good rendering. Because they don't necessarily, they are not architects, they don't necessarily read plans like an architect would, so I think that, it would make sense to have that as backup as well.

Board Member Thompson: The more renders the better.

Chair Lew: Yeah, okay. So, I will, so the recommendation is for, I think you're including a third hearing? I don't think you said it, but it was?

Board Member Thompson: I'm not comfortable approving it right now, so if, you know, either we do a third hearing or I don't approve it, yeah.

Chair Lew: Okay. I think we should say what it is, right? If it is a subcommittee or a third hearing, right? We should be clear.

Ms. Gerhardt: I'm hearing a third hearing with four items that I would like some more detail on, but I also need a second first.

Chair Lew: I will second that and I think there are five items, right? There's the grey color, possibly the beige color. Grey color should be lighter.

Ms. Gerhardt: So, we can be very clear, so there's two grey colors, am I correct?

Chair Lew: There's stucco and concrete, so I think we're saying both.

Ms. Gerhardt: Okay, so both of the grey colors, you would like to see them lighter, and if somehow in the composition of the entire building the tan needs to be a little bit lighter that would be fine as well.

Chair Lew: Yeah, I would think they're related.

Board Member Gooyer: If we're going to talk about the grey color, one of the things that bothers me is that we're trying to, or I guess to make the third and fourth floor look a little different, yet the part that I find strange is that the walls are grey, but yet the overhands are still the same color as the rest of the building. So, if we're going to make a distinction that the third and fourth floors are separate, then maybe the whole thing needs to change. My problem is that that west wall doesn't relate to any of the other walls of the third and fourth floor, nor, or I find it very strange that you're trying to make the overhang relate to the building below it, but not the walls. And it's like either make the distinction so that the entire third and fourth floor looks different and is the residential portion of this building, so it has a reason for being different than the rest of the building. That's one thing, but the way it is now I find it very convoluted and very confusing. The second item is if you want to get these down, I think if we're talking about, and I don't understand on the drawing you have here you've got seating on the third floor for 64 people outside.

Ms. Gerhardt: Can we stay...

Board Member Gooyer: Pardon me?

Ms. Gerhardt: Can you save the seating for a second, just because I have questions about the colors? It sounds like you're making a friendly amendment about overhangs and the colors of the overhangs. Is that?

Board Member Gooyer: Well, I'm going to say if you want to treat the third and fourth floor differently, as though it's the residential portion versus the commercial portion, then just make it different. Don't, I find that the connection of the overhands or the soffits or the fascia trim to be the same color as the rest of the building doesn't work for me. Two floors should either be grey or they could even be two varieties of grey, maybe the overhang is a darker grey and the wall is a lighter grey. I don't really care, but it just is strange where, it's just like the earlier (crosstalk) going to have it both ways, and I don't think it works.

Ms. Gerhardt: So, the overhangs should match the color of the wall immediately under?

Board Member Thompson: Maybe we could be a little bit less prescriptive and just say that...

Ms. Gerhardt: I think we need to be very specific.

Board Member Thompson: Well, I was going to suggest that the third and fourth floor need to be aesthetically distinct from the first and second.

Ms. Wong: I think that would make a terrible-looking building, you know, because you have, you know, like multi-color.

Chair Lew: Elizabeth, can we cut you off for a second. I think we're trying to get to some sort of consensus on the Board.

Board Member Thompson: So, whether that means extending the grey to soffits and the facias or something a little less – I don't want to be too prescriptive, but something that aesthetically defines, distinguishes commercial from residential.

Board Member Gooyer: Well, my thought is that one of the biggest problems with this building is that everybody claims is the massing of it, it's too big. So, that's why, if you're going to do that, that we ought to split the whole color scheme halfway up so it looks like a two-story building sitting on top of another two-story building, which visually and psychologically makes the building look smaller from a distance. But that way, that means you don't bring any of the colors of the first and second floor into the third and fourth floor.

Board Member Thompson: That could also allow the opportunity for the design on the west wall to better relate, may that could sort of...

Board Member Gooyer: Right, then the (crosstalk) slightly different design that doesn't relate to the second floor, and I'm fine with that. But this strange, you know...

Chair Lew: I think we all get it.

Board Member Gooyer: Okay.

FRIENDLY AMENDMENT

Chair Lew: So, let's go item by item. We have a motion that's been seconded. I think you're proposing an amendment to it, and so the maker and the seconder have to agree to it.

Board Member Thompson: I agree to accept that amendment.

Chair Lew: Okay, I will accept it as well. So, that's, that would be Item...

Ms. Gerhardt: Item Number 1, talking about the colors.

Chair Lew: Yeah, I guess that's related to number 1. We'll add that to number 1.

Ms. Gerhardt: Sorry, I'm just making that number 1 in the motion.

Chair Lew: That's fine. Okay. You have the second item on seating?

Board Member Gooyer: You mean as far as the landscaping? It's just, I have a hard time understanding exactly what's going on on the third floor, or whatever the upper floor.

Chair Lew: The fourth floor.

Board Member Gooyer: Fourth floor. I see seating for 64 people and there's one planter around the corner, so, I mean, if there's going to be 64 people up there or something, I'm guessing there's activity or whatever, there ought to be a lot more landscaping than what's shown, which is absolutely, which is nothing at this point. And I mean, the whole concept, I have to admit it's an interesting approach, but the term "small, intimate hint of a garden", that's a hell of a small hint. Its' almost nonexistent.

Ms. Wong: Where does it say "small, intimate garden"? I don't...

Board Member Gooyer: Well, that's what it said in the correspondence.

Ms. Gerhardt: So, if I may, the motion was just saying that the landscaping was not enough, and so if we can expand on that and give some further details, that would be helpful.

Chair Lew: Right, and I think what we're saying and I think in the previous discussions, I think the Board Members were thinking that there should be more on the other, on all floors, and I think the second floor may be a bit difficult to do, but I think there is room definitely on the fourth floor.

Ms. Wong: One of the reasons why we eliminated the landscaping is because we were asked to put the rail five feet in, and that pretty much, you know, when we had the, before we had the landscaping right at the edge of the building, but when we had to put that back, then it became very unworkable to have the wall and then the landscaping. We wouldn't have enough seating for all the people that we were planning to have the seating for. I would also petition the Board to have this go to a subcommittee, you know, because we have been here so many times, and we are happy to work it out with you, it's just that we need, time is of the essence. The building is empty and the lawyers are already talking about asking the City to be, finding the City culpable for the delays.

Chair Lew: Thank you. I think the Board understands where you are in terms of the project. So, are we in agreement about planters on the fourth floor?

Board Member Thompson: Yes.

Chair Lew: I think that that's clear in my mind as well.

Ms. Gerhardt: So, I'm hearing more landscaping on all floors, maybe not so much on the second.

Chair Lew: There's not really any room on the second.

Ms. Gerhardt: And maybe more on the fourth.

Chair Lew: Yes.

Ms. Gerhardt: And by that we're just, we're thinking of additional planter boxes.

Chair Lew: So, if we go back into the, yeah more planter boxes. So, I mean, if you go back to the, some of the very first meetings that we had on this project, you know, I think the Board, at least I had expressed concerns. You have a residential unit looking out to an alley and there's no planting anywhere in the vicinity, and there should be something, some, you know, when you're looking out from the unit there should be something nice, and then we've also had lots of neighbors from downtown north come to projects, talk about project on Lytton where they want some sort of buffer between like the residential uses and the big four story, three and four story office buildings, and that's something that we've had in the past, you know, on the side street along, on the projects along Lytton and I think that we've had more in different versions of this project. We've had more planters at the corner, like on the alley and University Avenue. So, I think this, at the moment, like the project is going backwards with regard to the planting.

Ms. Gerhardt: And when we speak about the planter boxes, are we speaking about just, you know, flowers and groundcover, are we thinking shrubs, are we thinking trees? What level of landscaping are we thinking?

Board Member Gooyer: Can I just ask one question.?

Chair Lew: They're very small and I think, as the Wong have said, there's really not very much space and I think I agree with that. So, I don't think they are going to get more than flowers and small shrubs. I think my comment before on the vines on the green screen was to actually have more support, so that a vine could grow along that concrete wall on lane 30.

Board Member Thompson: I could support the green screen. That sounds like a good idea.

Ms. Gerhardt: And that's the one green screen that's already proposed in the rear, but you're saying just sort of add to it?

Chair Lew: Well, I think the project plans that I've seen were just only mentioned like hidden wires, and I think green screen actually gives more support than wires. It depends on the actual species of the vine as well. Okay, I think that the motion is for this to come back to the Board. The Director may decide on subcommittee or something else, so we'll see where that goes.

Ms. Gerhardt: Can we continue, the third item was better integration of the west wall.

Chair Lew: Right, with the rest of the building.

Board Member Thompson: Or even just the top two floors, but that is the rest of the building.

Ms. Gerhardt: and I think in earlier comments, you were talking about maybe the tree design, somehow wrapping that around to either elevations. That maybe that is how you would integrate it better into the building.

Board Member Thompson: It's an option.

Chair Lew: Well, just to be clear though, the west wall is stucco, right? And I think that the grey concrete on the third floor of the building is, they are concrete panels.

Board Member Thompson: Yeah, that's right.

Chair Lew: So, you're not going to get a channel in there.

Board Member Thompson: No. I don't want to be too prescriptive. It doesn't have to be everywhere or anything. But, just something that harkens to the west wall somewhere else, that design. I don't want to be too prescriptive about that. It just needs to not just happen on the west wall. It needs to be part of the design of the building.

Ms. Wong: I want to make a comment that that Sprint building at Cowper and University has blank walls.

Chair Lew: It does have a clock.

Ms. Wong: I'm sorry?

Chair Lew: It has a clock on there.

Ms. Wong: Yeah, and a lot of the buildings downtown have blank buildings.

Chair Lew: So, Elizabeth, our code suggests or recommends that blank walls be avoided, and we do have them. We acknowledge, I think everybody on the Board knows where they are, and I think the issue is that we're trying to minimize them, and that's in our code, so we're trying to follow it. And we understand that the code has changed over time and there are 50-foot high blank walls. There's one right here on Alma and Hamilton. Yeah, it's like 50 feet, maybe like 150 feet long. We understand that.

Ms. Wong: So, the major thing that we did was to have a balcony on the third floor and a recess on the fourth floor, so that breaks up the building. That was the major thing that we did in order to break up the building.

Chair Lew: Yeah, I think we get that. Thank you. But, again the Council gave us direction to work on that, so we are trying to work on it.

Ms. Gerhardt: And so, the last item was renderings. Are there any specific views that you would like?

Board Member Thompson: Certainly, a view on University, a view of the corner and a view on the backside from the lane.

Ms. Gerhardt: From Kipling.

Board Member Thompson: Mm-hmm.

Ms. Gerhardt: And I mean, if the architect wants to add some additional ones, but just...

Board Member Thompson: Oh yeah, additional ones strongly encouraged. The more the better honestly. It will give us a better idea of what's happening.

Ms. Wong: Many of them are existing are views of the building. Many, many, and this is why I would like to have a subcommittee because I can bring all of those for Ms. Thompson's benefit, because I think you haven't seen many of them.

Chair Lew: Yes, thank you Elizabeth. Okay, I think we're ready.

Ms. Gerhardt: So, I think we have a motion, we have a second. I have lots of details, thank you very much. I would, if I could, could we just, if your, it sounds like your motion is for a third hearing. If we could continue that to the next available date, which I will find here in a second. It would be early November.

Ms. Wong: You know, I don't think that would work for us, you know. I think that this will go into litigation before it goes into this. These three items that you can very well tell us exactly, you know, make the greys lighter, make the beige lighter, add planters on the fourth floor, where you want us to add, and you know, the western wall is mostly covered by the trees on University Avenue, you know, and there is so little that we can do. We cannot go into the neighbor's property in order to embellish this wall that will eventually be covered anyway by the next-door building, and we have a gap of 9 inches between the two buildings by code and that we cannot go into that because those are building codes. So, you are asking for a lot of things that are contradictory to what are the requirements from building and so on, and this is why I think a separate committee would be best because, instead of coming in here and doing the whole thing again, we would, you know, we would like to work it out so that when you say, we come back to you and say, will this work, would this work. You know, because basically we're just asking for, you know, Ms. Thompson and Mr. Lew's approval.

Chair Lew: Yes, thank you Elizabeth. I think we're ready to vote. I think there is ample information for the Director to make a decision on this one. I don't think that there's, at least for me, that there is any grey area. To me it's like fairly clear. I think maybe that the most ambiguous issue would be color, because that's fairly subjective. So, if there aren't any other thoughts? I think we're ready to vote.

Board Member Gooyer: I guess I'm confused at this point. Are we voting to bring it back? I guess...

Chair Lew: We are voting, the motion is to bring it back for a third hearing, although we're generally limited to two hearings on this particular project. The Planning Director...

Board Member Gooyer: I get the impression the applicant doesn't want that.

Chair Lew: The applicant does not want that.

Board Member Gooyer: Then why don't we just, I hate to say that, why don't we just vote up or down and let the...

Chair Lew: That's just what I was trying to get this to vote and you can, if you don't agree with the motion you don't have to vote for it. If the motion fails, then we have to come up with another motion.

Board Member Gooyer: Okay. So, the motion right now is to bring it back?

Board Member Thompson: Yeah, I think there is a lot to look at if it comes back, is the thing, and as much as, you know, a subcommittee is an option, I think it's just a lot of stuff and it's going to affect the whole design of the building and I think it does require a full review still. So, I'll stand by my motion.

Chair Lew: We have an applicant, we have a previous appellant. If it's on a hearing, it's all recorded. If its subcommittee, there's just handwritten minutes by the Planning staff. So, if there are any issues that the Council wants, if they want to get into the nuance of who said what, then actually having a third hearing is better because it is all recorded. In a subcommittee, they'll just get a one-line summary of what was discussed. So...

Ms. Gerhardt: So, in the motion can we just clarify if we're continuing to a date certain or uncertain. Staff would recommend October 4, which is the next available hearing.

Board Member Thompson: Okay, that's fine.

Chair Lew: I would agree to that as well.

Ms. Wong: I'd like to make just one comment is that the Director of Planning went over in detail as to our presentation and our changes, and he did not see any red flags. And this is why he put us in as fast as he did to the ARB.

Chair Lew: Elizabeth, the Director will make the decision. The ARB is only recommending. This is our recommendation. The Director can choose to do something different. We're not making the decision. The Director will make the decision.

Ms. Wong: So if we have clarity on the issues that you would like changed, then we could make, you know, he could make those, a recommendation for approval, he could approve the project with the following changes, you know, which are, you know, changing the colors, making the level on the third floor the floor to be a different color instead of the grey, landscaping to include more planters. But I can tell you that the west wall, you know, this is the maximum that we can do, you know. It takes a lot to change the wall. It's not a painting. We have to make all kinds of structural things, you know, and this is the max that we are going to do as far as the walls are concerned. You know, so, I mean, I think it should be, you can tell us one more tree, two more trees, less trees, you know, so that we have some guidance. There's no guidance as to what to do with the west wall.

Chair Lew: Okay, I think we're ready to vote. All in favor? Opposed?

MOTION PASSED WITH A VOTE OF 2-1.

Chair Lew: And we'll see what the Director has to say about this. So, thank you to the Wongs and to our appellant.

Ms. Wong: So, I'm trying to clarify. There are two votes to one. How does two votes to come back for a third?

Chair Lew: Two votes to come back to October 4, and there is one vote against that. And usually with the vote we give the dissenter to state your opinion. Robert, if you have an alternate recommendation?

Board Member Gooyer: Like I said, I think it ought to be, at this point it ought to just be left up to the Director of Planning. I was willing, or I should say, if it had been up to me I think we should have just voted it down, and then let him make the decision one way or the other, because the appellant, or I should say the applicant wants this to go forward one way or the other to get it out of this quagmire, and I have no problem with that. So...

Chair Lew: Okay, I think that's well said and I don't necessarily disagree with you. Okay, we have, so that concludes Item Number 4. We still have a Study Session item and meeting minutes. I think we should take a 5-minute break to get our other Board Members back into the hearing, so we will reconvene at 12:40.

[The Board took a 5-minute break]

Chair Furth: Gentlemen and ladies, we are reconvened, ladies. Thank you all for your hard work on the last item, which I did not listen to, but I appreciate that this is a long meeting and you have been concentrating for a long time.

5. Implementing the Council Housing Work Plan: Review of Draft Rooftop Open Space Standards.

Chair Furth: Our current item is Item five on our agenda. It is a study session on implementing the Council Housing Work Plan, and this particular aspect is a review of draft rooftop open space standards applying to residential development in commercial districts. Is that correct? And we need to be to the point because this is going to the Planning and Transportation Committee, or has it been there already?

Ms. Gerhardt: It's going next week.

Chair Furth: Next week, but the report is going out today, that's right. So, if we want any written comments to be, anything to be reported in the staff report, we need to get that message delivered today, or somebody can go to that meeting, if they wish to do so. May we hear from the project planner.

Jean Eisberg: Hi, my name is Jean Eisberg with Lexington Planning. I am a consultant planner for the City.

Chair Furth: And for our transcriber, would you spell your last name, or it's going to come out Iceberg.

Ms. Eisberg: E-I-S-B-E-R-G.

Chair Furth: Actually, she might very well get it right. Thank you.

Ms. Eisberg: So, good afternoon Board Members. I'm going to provide a brief overview of the Work Plan, the Housing Work Plan, and then a little bit about how we got here today with the Open Space Standards. We are going to the Planning Commission next week. This is certainly not the last time to comment on these standards and others we're still – you're seeing the first real draft of these, so although it's going to the Planning Commission next week, there will be a couple more hearings with the Planning Commission before we go to Council, likely in November. So, the Housing Work Plan. This was adopted by the Council earlier this year, in February, looking for ways to increase housing production in key locations throughout the City, including downtown, El Camino Real and California Avenue. So, part of the Work Plan is looking at modifications to zoning standards, and so the Council referred to the Planning Commission an ordinance this year that would look at revising standards to reduce constraints to development and to look at ways to increase housing production. As part of those standards, staff, consultants and interviewing developers and architects are looking at the Open Space Standards as one way to potentially reduce constraints to development and increase unit yields. So, while there are certainly benefits to open space, it can also present a constraint to site planning and massing on a site. So, to provide more flexibility, we're looking at allowing rooftop open spaces in these commercial mixed-

use districts, downtown, El Camino and California Avenue, and along with that, if that's permitted, we want to look at various measures needed to protect issues around noise, privacy, light, air, odors and other impacts. So, the existing code regulates noise, lighting, odors, rooftop equipment, and then we've suggested some additional standards around lighting around access, potential height exceptions for **apertines** [phonetic] on the rooftops, such as elevators that provide ADA access, and also standards about what qualifies as usable open space, so we don't end up with open spaces on the rooftops that have mechanical equipment with ventilation spewing out onto this usable open space area. So, the Planning Commission reviewed these ideas and concept a couple of weeks ago and as I said, today we're coming forward with some more specific standards for your consideration, your feedback. We're looking for other ideas that you may have. I can note one change already that we'll be recommending that the, that only 75 percent of the usable open space requirement for residential be accommodated on the rooftop, which would mean that the other 25 percent at least, would be ground floor or balconies, rather than the rooftop accommodating the entire usable open space requirement. I'm happy to go through the items one by one, but otherwise that concludes my presentation. Thank you.

Chair Furth: Thank you. Any questions of staff? Seeing none, before we start I just want to say that when I first saw this item I thought it was a much broader referral than it is. I mean, this deals with the fact that we permit rooftop, I'm asking staff to tell me if I understand this correctly, we permit rooftop open space to count as open space in, towards multi-family residential standards in our residential district. Is that correct or not? Because the definition of open space includes rooftops.

Ms. Eisberg: In the definition section of the code, yes, but they are explicitly excluded in the commercial and mixed-use districts (crosstalk).

Chair Furth: And mixed-use, so both, so I misunderstood that. So, it's all multiple family housing that we're talking about in the City? Because we don't count two units as multiple family.

Ms. Eisberg: The way we're thinking about this now, these open space standards would only apply in the commercial mixed-use districts, so the CDC and downtown, the CN and CS on El Camino and the CC-2 on California Avenue. Now for the purposed of the Work Plan and the ordinance that we're preparing, it's because those are the target locations for new housing development in the City.

Chair Furth: Okay, well this helps a bit. So, it would not apply to multiple family housing in multiple family districts.

Ms. Eisberg: That's right. The way we have it set up now, it would not apply (crosstalk).

Chair Furth: I'm only talking about what you're proposing right now. All right, well that's helpful to me as framing what we're talking about. So, we – under what circumstances do we allow rooftop uses under our existing code rooftop open space of whatever nature? What are our current, say a strictly commercial project for example?

Ms. Gerhardt: So, for commercial use, I guess I'm looking at the multi-family zoning which is sort of not what we're talking about today. Rooftop open space is allowed there. For the commercial spaces I don't think we call it out specifically what uses are allowed on rooftops. I mean, many times, I mean we did just approve 620 Emerson that does have a roof garden, but that's because it's under the height limit. Many times we run into height limit problems with, you know, any elevator to get to a roof garden would surpass the height limit, and so that's why we don't have many of these currently.

Chair Furth: And in that case that wasn't rooftop, right? It was down a floor.

Ms. Gerhardt: For 620 Emerson it is rooftop.

Chair Furth: Okay, but the corner of Embarcadero and El Camino are.

Ms. Gerhardt: Yes, that was down a level.

Chair Furth: That was down a level so it was usable open space.

Ms. Gerhardt: On the VTA.

Chair Furth: But it was not on the roof on the VTA side.

Ms. Gerhardt: Yes, and that's also a different zoning.

Chair Furth: And then on the University, yes that was a very different zoning. On University when we approve design within reach, that has a terrace on an upper floor?

Ms. Gerhardt: Yes, there's some square footage and then a roof deck on the same level as the top square footage.

Chair Furth: But that didn't address any required open space requirements, because it had no required open space requirement.

Ms. Gerhardt: Yeah, that's a commercial use.

Chair Furth: Which did not require.

Board Member Lew: Offices don't have open space requirements. We do have, there is a roof deck on the SurveyMonkey building, which is now Amazon at Lytton and Alma. There is also the new building, the 500 University has a roof deck, a rooftop deck. Also, for hotels the Clement has a rooftop pool and deck. Hamilton, there is at Hamilton and High there is a small, that's a mixed-use building that has a small courtyard terrace, yes and also there's one on Hamilton between Cowper and Webster, there's a new glassy two-story office building with the roof, it has the red stair tower and, what do you call it, the fabric trellis that has a roof deck there for employees.

Chair Furth: And there's also the President Hotel has a roof garden.

Board Member Lew: Yes, that's correct.

Chair Furth: As do several other older buildings. So, it's not an unprecedented use around here, but the question is, should it count, how if at all should it count as required open space for residential units in the commercial district.

Board Member Thompson: I have a question. Are these open rooftop spaces supposed to be accessible to the public, or is it really – I'm questions it because in San Francisco we have the privately owned like open space. Is this not talking about that.

Ms. Eisberg: Right, this would not be accessible to the public. So, right now the code allows a combination of private and common open space, common to the tenants, and this the roof deck would, unless it was affiliated with a single unit, would be common just to the tenants.

Chair Furth: Maybe it's helpful to have questions first, and then have our thoughts. Any other questions.

Vice Chair Baltay: A question for Alex. You just went through a good list of rooftop spaces. Do you recall if any of them have things that are above the height limit, in addition to the stair tower or elevator?

Board Member Lew: That has been an issue on projects. People have questioned the definition, the height definition.

Board Member Gooyer: Well, we've had some fabric awnings.

Board Member Lew: Right, but I think, there's a building on Park Avenue, Park Boulevard where it became an issue because the elevator, which is required by ADA and one of the stair towers were on the property line next to smaller buildings. So, they were popping up where we would normally want them to step down, so that has been an issue. And I think we have debated the height limit with regards to penthouses versus like a roof deck versus parapet height, so that is, I think that's worth discussing.

Vice Chair Baltay: To staff, what is the actual verbiage of the language that allows elevated and stair towers to go above the height limit? How is that actually spelled out?

Ms. Gerhardt: I don't have the exact language in front of me, but basically it's for mechanical equipment and so the actual equipment that runs the elevator could go above the height limit, but not the cab of the elevator. If that is above the height limit, you know, that's not allowed. Number one it's considered FAR and it wouldn't be allowed above the height limit. So, it's the cab of the elevator, and of course, you have to have that to get out onto the roof deck.

Vice Chair Baltay: Because I recollect approvals having been made where the whole elevator shaft was considered allowed to protrude above the height limit. Isn't that right Alex, in the past?

Board Member Lew: So, yeah. It's hard to generalize, but I think there were, I'm thinking of like the previous Mercedes-Benz dealership, there was a car elevator that was proposed to go above the height limit. So, there are issues with regard to that. I guess from my point, I was looking at, from my point of view on the height for staff is that there's the elevator, but there are also the stairs, and so what happens in the building code is that the Building Department will look at the amount of patio area, rooftop patio area, and they're going to calculate the occupant load, and there is some interpretation there. I think generally they will try to take the strictest approach, as if somebody was having like a cocktail party or something up there, and that when it goes over, I think, 50 people, then they require two exits. So that means both stairs have to come up to the roof. You need both stairs, and the code is kind of complicated in this area with regard to how many stairs you need. Like if say you don't have a roof deck, how many stairs have to be able to go up there. That depends on the equipment and the number of stories of the building. So, if you have like a four-story building with the elevator room up there, up on the roof, then you need one, you do have to have one stair going up there.

Board Member Gooyer: That's usually considered utility space, so it really doesn't fall into the, it's usually exempt from FAR.

Board Member Lew: Right, and so that's what I want to give you is that the building code and the planning code are different. Generally, the building code does not count penthouse space as floor area. They consider part of the lower floor.

Chair Furth: This is mechanical?

Board Member Lew: The building code has a specific definition for penthouses, there's like mechanical only.

Chair Furth: Okay, it's mechanical penthouse, not a luxurious apartment.

Board Member Lew: Right.

Board Member Gooyer: The whole idea is you're not going to spend any length of time. You're going to be up there, do what you need to do and leave again.

Chair Furth: Right but to us lay people, that could imply something else entirely.

Ms. Gerhardt: So, from a planning perspective, we're counting stairs and elevators at every floor, and so again, if the cab of the elevator comes up to the roof, we're going to count that as additional FAR, which is obviously not allowed above the height limit. The same with the stairs. Now, sometimes you can do kind of an inward stairs where you're walking down into the stairs and there is a door at the bottom, and so then there is nothing protruding above the height limit, but if you want to cover those stairs, that's going to be counted as FAR in our current definitions.

Ms. Eisberg: And to be clear, at the top of page, bottom of page packet, packet page 229 and top of 230, we've suggested adding another exception to the height exception such that the elevator penthouse and we haven't called out stairs, but I would say that was part of the intent, would be excluded from the height limit. We're thinking about the ADA access.

Board Member Lew: My take on it is we should include the, we should be clear on the stairs, because we've had appeals based on things like, on this issue, so I think we should be, should give a very clear direction on that particular item. And it's complicated because it is building-code related and it's a key, like the number of stairs is like a really critical thing that's required by the building ordinance.

Board Member Gooyer: Or theoretically you limit the occupancy to 49, then you're only going to need one.

Chair Furth: Okay, so we know that we've identified an issue here.

Vice Chair Baltay: Well, if I could add to it, I think it's critically important, because it's quite a slippery slope. I know when I'm designing and I want to get a good rooftop deck and I know I can stretch the definition of stairs to be much broader, say it has a big shaft in the middle and a bunch of windows. I could still argue with Jodie that that's a legitimate stair-only function and is allowed. But it clearly will make a big difference how the building looks from the exterior. The building's not 50 feet tall, it's 60 feet tall. As Alex mentioned, those could be on the edge of the property. Once you put this exception in place, it can be used all kinds of ways to really bump up the size of the building visually. I think it's very important to be really clear, if that's what we want to do, that we're really increasing the height limit. These roof decks can be accomplished without that, but a lot of times it requires not going to the full 50 feet.

Chair Furth: Okay, thank you. In the report it identifies a number of issues and a number of ways to approach them, and some proposed standards, particularly on pages 229 and 230. So, the goal here is to make it more possible to build as many units as the zoning ostensibly allows. This is one constraint that keeps that from happening. So, the issues that, well, the issues that have been identified are pretty apparent. There is a suggestion that our existing noise ordinance, lighting standards, rooftop equipment regulations and odor regulations could partly address some of these things, and they have asked us to consider the height exception, expanding the usable open space definition, where things should be located. They are saying second floor or above. Access and whether, they are suggesting it be accessible to residents, but not commercial. That it be private, access should be away from the edge of the building. They talk about lighting. They talk about using 20 percent of it for green landscaping. They talk about problems with rooftop equipment and ask about setbacks, which they decided not to require, not to require size and type regulations other than those that already exist. So, the minimum for common rooftop open space would be 12 by 12. They rejected trying to regulate house and they rejected trying to limit the amenities and uses. So, who would like to begin?

Board Member Thompson: I have another thing. The landscaping element, 20 percent. What is it right now, or does it say anything right now about that?

Ms. Eisberg: There is a site area landscape requirement overall, and depending on the district, it could be 20 or 30 percent, I believe. But that's actually a separate requirement from usable open space. So, although usable open space needs to be usable, it's actually two separate standards that often overlap, if that makes sense. Do I have that right?

Chair Furth: So, do you envision that allowing landscaping on the roof would reduce the amount of landscaping down at ground level?

Ms. Eisberg: That would not be permitted, because, well, that's not the proposal. So, I believe the way that site area landscaping is defined, it's not lot coverage but it's kind of like lot coverage, and that 20 percent of the area would need to be...

Board Member Gooyer: So, this would be over and above then, I'm guessing?

Chair Furth: I'm asking you this question because I think if you're reducing the publicly visible ground level landscaping, that's a negative, and I'm just trying to figure out what you're allowing.

Ms. Eisberg: And I think, yeah, that's where I want your feedback. Because, clearly, I need to be more explicit about that. So, I'm hearing we keep the site area landscape (crosstalk)

Chair Furth: Because collectively we have hundreds of examples of Palo Alto building projects in our heads, not to mention building projects elsewhere.

Board Member Lew: But in a lot of the, so say like downtown or in the CS zone, you may not have to have very much site landscaping. And it depends, like if you have a parking lot, then you might need perimeter landscaping or if you are next – but I mean generally we have like, you know, a lot of zones there is a zero setback.

Chair Furth: Twenty percent of zero is zero.

Board Member Thompson: I guess my question is why 20 percent?

Chair Furth: Can I ask that you wait to be recognized, because we all have lots of thoughts. Board Member Thompson.

Board Member Thompson: I apologize. Yeah, I guess my question is why 20 percent, and why not 50 percent, why not 75 and then on top of that there's usually two kinds of rooftop landscaping you can do. There's really involved rooftop landscaping that has like a three-foot, you know, bed, and then there's less involved that have more like a three-inch bed and maybe it might be worth differentiating and saying, you know, really we want 50 percent of the light landscaping and 20 percent of the heaving landscaping. I don't know if we can be that prescriptive, but.

Ms. Eisberg: This is the kind of feedback I'm looking for. The 20 percent we saw, it's fairly low. It's higher than, you know, if we have C-3 planters up there and if we assume that C-3 is 4 percent of the site area, you know, you get a couple of those up there, but 20 percent...

Chair Furth: You need to translate that for the general public and me.

Ms. Eisberg: For the stormwater management purposes, maybe 4 percent of your site area is used for stormwater management, which is often in these urban areas stormwater planters. So, maybe some of those around on the roof. But, the 20 percent, we want them to provide something. It was on the lower end I would say. You're talking about 50 or 75 and we can talk about that, but we also want to be thinking about how these spaces might be used and, you know, a lot of examples, but hardscape can be very useful on the rooftop too in terms of gathering space and if there is a barbeque or, I don't know, what if somebody wants to do a pool and is that okay. You know, we have not regulated uses but I assume a pool is going to take up a lot, you know, the other 80 percent. So, we kept it low, but I'm interested to hear if you think it should be higher.

Chair Furth: Okay, well, let's go through...

Board Member Lew: Identify issues that the Board may have and then maybe we can talk about each one of them.

Chair Furth: Yeah. Here's the subject matter areas I have. The equipment permitted, the location, particularly with relationship to single family and two-family residential districts, access, they are proposing requiring separation of commercial and residential tenants, green landscaping, noise standards. I'm interested in security barriers. I'm interested in impact on solar installations. What else would people like to talk about?

Vice Chair Baltay: You've covered it a little bit, but privacy concerns.

Board Member Gooyer: Lighting.

Chair Furth: Lighting. Okay. Alex, do you have any more? Let's start out with, go ahead, yes..

Board Member Lew: I think that we should talk about the actual units.

Chair Furth: Okay.

Board Member Lew: Right? And then I think the other issue for me is the user, the actual user of the open space.

Board Member Thompson: Did you already say materials?

Chair Furth: Materials, okay. All right, so bringing us back into focus. What you said was really helpful, Alex, which is thinking about, we're looking at CDC and CC-2, CN and CS districts?

Ms. Eisberg: Yes.

Chair Furth: Okay, so some of these could be fairly large parcels, if they're like CS. All right, and with varying landscaping and open space requirements. So, Alex, you brought up units. What would you like to say about that?

Board Member Lew: So, you know, I did work on multi-family housing for many, many years, and it seemed like, to me, it was client-driven and not necessarily architect-driven, and there were very different schools of thought on that. Like I've worked on some projects where every unit had to have ground-floor open space, even if it was an upper unit, there had to be a staircase down to the unit. Other developers who, like Stanford University, they didn't want to do any balconies or any setbacks whatsoever. They were really trying to get every unit that they could, so they just wanted to build a big four-story box. And their view is that they handle open space elsewhere, right. It didn't have to be, you know, next to the unit. I think the other issue is that it's less expensive to build open space up on the roof or elsewhere than it is to try to do like a waterproof deck next to the unit. And then the other issue is that they don't want to maintain the decks nor do they want to manage what the tenants put up there on the decks for storage. So, a lot of property owners, they just don't want to be bothered with that, even though I would argue that it's more desirable to have like private usable open space for every unit or for a majority of the units. I think it's generally nicer. It's better design to have open space, like a private balcony in each unit. On the projects that I've worked on that don't have that, they try to mitigate it by having like floor-to-ceiling windows, corner windows. Something, other design elements to sort of break the box of, you know, just living in a 300 or 400 square foot shoe box. You know, they tried to do something else, and I think in our SOFA-2 guidelines, there is a provision in there for French balconies and the intent was to get the floor-to-ceiling glass and to get the illusion of having a balcony, even if it's not there. And, I think, so I think that should be considered as well.

Chair Furth: So, Alex, you're thinking that if we have rooftop space, we should also be encouraging individual unit private space that's not on the rooftop?

Board Member Lew: I think it's generally better to have private open space and then I just want to acknowledge that there are a lot of projects, like high-density housing projects in Berkley where they don't have it. It's all up on the roof or on a podium, and they are nice projects. So, I just wanted to say my preference is to have it, but I do acknowledge that if you're trying to get in as many units as possible, then we should allow the rooftop open space.

Chair Furth: You know, I didn't ask anybody, I mean, does anybody generally oppose the concept of including at least some open space, required open space in some form of rooftop open space? We all support that concept generally?

Board Member Gooyer: Yeah, I'm in favor of it. Although I don't think (crosstalk) to a certain extent, I don't want it to be at the expense of balconies. So, I don't want to say, well, okay, I'm not putting any balconies on this building because I've got it covered on the roof.

Chair Furth: So, we're basically saying, if we plan to do this, we think there should still be a minimum private open space requirement, and that that can take many forms and that we think the SOFA-2 Plan has some good language about that. I've lived around French balconies, both here and Paris, and people make very intense use of those spaces. You can do a lot of gardening on a French balcony, as well as get a lot of light.

Vice Chair Baltay: Couldn't you just say that we have a requirement for open space dedicated to a unit and a requirement that's common to the whole building. So, we just say that you can't use the rooftop for any individual open space.

Ms. Gerhardt: We certainly can have private open space versus common open space, and that's what I hear you saying is that we should have a private open space requirement.

Chair Furth: Continue the private open space requirement.

Board Member Gooyer: Continue to have it, but this is just over and above.

Ms. Gerhardt: I don't know that we currently have that in the commercial zones. We do have that in our multi-family zones.

Chair Furth: Okay. They we're saying have it.

Vice Chair Baltay: Yeah, just don't let the rooftop open space count towards the private requirement.

Chair Furth: So, this talking about units and user-driven use of such spaces leads me to an issue, which is this has to be suitable for children and that means designing it is that a kid can't clamber up the wall and over the edge and down the front of the building or anybody else, for that matter. So, I don't know what our standards would be, but that's crucial. A lot of decks do not seem to me to be designed with children, particularly the climbing kind, in mind.

Board Member Gooyer: I've seen numerous decks be, you know, have the sort of the glass wall kind of concept. So, I mean, there are ways of doing that.

Board Member Thompson: There are code requirements for hand rails and stuff. You're not allowed to have them more than four inches open so somebody can't get their head in there.

Chair Furth: Well, I understand not putting your head through, but if these are going to be accessible to the residents, I mean, if it was a swimming pool, for example, we would require all kinds of fencing in order to be code compliant now because we drown so many children, and if we're going to have common open space for our residential units, it needs to be safe too in the same way. So, it needs to have protection that doesn't depend on the constant vigilance of parents.

Board Member Lew: There's a book, which I've mentioned before, which is *Housing As If People Mattered*, and it's really more for medium density housing and not really written for high-density housing, but I think it argues that open space in multi-family projects is inadequate for children, right. And I think typically it's just not designed well, and I think I do stand by that book even though it's really for medium-density housing. Like that's the main user group and that's the user group that doesn't have any alternate options, because they're not necessarily as mobile as other people, so they have fewer choices. And so I think that that should also be, I think, mentioned. If we have guidelines I would include that in the guideline. And I think the other thing too, I think there are two other issues if we're talking about user groups. One is that for healthy cities we do want to promote physical activity and recreation and then I think the second item that I think is important is social interaction between people in the building, social spaces. So, if you look at new buildings in Berkley, they have barbeque areas, firepit areas, TV, outdoor TV areas, and it's usually like a variety of places in the building. Sometimes they are in different levels. Sometimes they are on the ground floor. But I think that could be in the guidelines. I'm not sure that necessarily has to be in the code language itself.

Chair Furth: This brings up another point, which is that when you read the housing element of the General Plan, Comprehensive Plan, it keeps referring to architectural design review is what ensures that project are good places to live, and if we have less and less discretion to review multiple family housing, then that will no longer be the case. So, can you talk to us about the scope of our review?

Ms. Eisberg: Yes. So, thinking about changes in State Law, for example this recent bill that went into effect in January, SB-35 which allows for streamlining of projects that meet certain criteria, including affordability and compliance with objective standards. We are, you know, I mentioned some of the guidelines that are already in place, for example lighting, and then we've specified some additional standards in order to provide a little bit more meat on the bones of what an applicant would have to do if they came in with a streamlined application. So, if you don't have the opportunity to review a project because, in the SB-35 case, there's no discretionary action allowed, it ministerial, that would still require that the applicant conform to those standards and when staff reviews it they say yes or no, they have conformed to that standard. So, talking about social spaces and physical activity, I agree with you. It sounds like more of a guideline and we can include that, but if we get an SB-35 application we're not going to necessarily see that get, you know, play out in this space.

Chair Furth: And just what, give us an example of what would be an SB-35 application. Would all our applications be expected to be SP-35 applications in these districts?

Ms. Eisberg: So, right now in the City of Palo Alto, based on the housing that's been built to date, an applicant would have to provide 50 percent of the units at affordable levels and so that's a pretty high threshold for a market rate developer to come in, but it's possible that an affordable housing developer who is already planning to do a 100 percent affordable project has a site that they can build out that's completely compliant with the code. They can also take advantage of State Density Bonus Law, so they could get additional FAR and ask for some waivers from development standards. I don't have a crystal ball, but I would say that would be the more likely project in Palo Alto based on the 50 percent threshold that you might see.

Chair Furth: That's helpful. Thank you. Anything more about sort of client, resident-driven open space? Are people sympathetic to the notion, supportive of the notion that if it's a common open space in a mixed-use building, it should be restricted to residents and their guests, and not the commercial tenants?

(inaudible)

Chair Furth: Well, envision a mixed-use project. I'm trying to think...

Board Member Gooyer: Mixed use?

Chair Furth: Yeah, the one we had relatively recently along El Camino which has the, it's between two streets. I can't remember. It's between two tree streets, Ash and something or other, and on the upper level there is a courtyard that's accessible for residential only, and it's...

Board Member Gooyer: On a mixed-use, I could see that.

Chair Furth: Okay, so we think that's good thinking.

Board Member Thompson: You mean, like commercial tenants wouldn't have access to the common space?

Chair Furth: Not if they wanted it to count as required common open space. Open space is only required for residential uses.

Board Member Thompson: I see.

Chair Furth: Okay, going down that list. Yours is a better list than mine. What's the next item on our list here? Equipment. So, let's first talk about building equipment. I mean my big concern here is noise. Having just installed an air conditioner and discovered it's appalling with respect to its impact on my neighbors, so what would we say about standards with respect to rooftop equipment and using this as open space? Are the existing City noise standards adequate to get a comfortable conversational place up there?

Board Member Gooyer: Well, I'm guessing in most buildings, at least new buildings, you would have to put some sort of screen around equipment anyway, so it used to be where maybe you only put the screen on the exterior so you don't see it from the outside. Now you would be required to put it all the way around or something.

Chair Furth: So, I would be in favor of a standard which required that the noise be abated to whatever is the appropriate decibel level for quiet conversation, and certainly nothing that's going to damage the hearing of sensitive receptors.

Board Member Gooyer: I think you could probably give a little bit more leeway, that it could be a little noisier, because I think there is a benefit, I think people will use the rooftop even if it's slightly, you know, if there's an air conditioner unit or whatever going. Not loud, but I mean I think it shouldn't have the same requirements or doesn't need to have the same requirements as a residence.

Chair Furth: My theory is it is a residence. We may have a different opinion on that.

Board Member Lew: So, on rooftop equipment, I think if they're not required to be screened, or I want to say they are only required to be screened visually from the street (crosstalk), so we don't necessarily have any requirement for screening it from the roof itself.

Chair Furth: But they're proposing one.

Board Member Thompson: I think it may be more the insulation of how it attaches to the roof that, if incorrectly installed, it could cause a lot of vibration noise for the people living underneath the air handling unit. But, again, I don't know if there's code requirements for that already. If there aren't there probably ought to be.

Chair Furth: Well, what they're proposing is that noise and exhaust-producing rooftop equipment, including but not limited to generators, pumps and air conditioning compression should be screened from usable open space areas and exhaust should be directed away from open space area. I don't think they're reasonable, if they're usable if they're noisy. If they've got enough mechanical noise to be, make it difficult to have a conversation.

Vice Chair Baltay: What would be the standard on the ground level? If somebody wanted open space next to the air conditioning units for a building, what would we do?

Ms. Eisberg: So, right now we would have the noise, your noise ordinance and we've got this, well now we've only got a rooftop equipment standard existing, so beyond the noise ordinance.

Ms. Gerhardt: Our current standards are based off of property lines, you know, so they're 6 decibels at the property line above ambient. So, we don't have for these sort of inward uses, we don't have a number quite yet, and we can take a further look at the Comp Plan and see. I mean, I would suggest it's somewhere around 60 decibels is probably a reasonable number, but we can take a further look at it.

Vice Chair Baltay: But currently a developer could propose common open space on the ground level right next to some noisy air conditioning equipment, and as long as that equipment was shielded from off the site that meets the open space requirement.

Chair Furth: You know, I would hope it didn't by the time we did the design review

Vice Chair Baltay: What I'm trying to point out that we're trying to sort of create stuff that doesn't exist already in other conditions, and I think we want to be realistic that if the standard for the ground is less than the standard up on the roof, we're going where we – it's just too much regulation. If the City wants a regulation for common space noise equipment, we should address that. I don't think we should do that just for the rooftop stuff.

Chair Furth: My point, I suppose was that you tend to put a lot of equipment on the roof and, therefore, there is a greater need. Okay, any other comments in that area of equipment on the roof?

Board Member Gooyer: Well, the other way to look at it is that if this is going to be an extra, sort of an over and above what's already there, then maybe we don't make a big issue about the rooftop noise level, because I think if the developer or whatever wants to put it up there, I think they're going to have to take a risk whether people want to use it or not or whether the amenity is worth it.

Chair Furth: I don't think they're the ones bearing the risk. I think it's the people living in the units who either do or don't have amenities that we think are important. It's people who live in places that truly won them in terms of their life experience. Was that tendentious enough?

Ms. Gerhardt: I do think though, I mean if we have a certain amount of private open space and a certain amount of common open space that is required, I mean, those are the spaces that we would be placing these standards on.

Chair Furth: Right.

Ms. Gerhardt: So, if you had...

Chair Furth: It's the minimum, not above and beyond. I agree with that. Go ahead.

Board Member Lew: I was just recommending, if we're done with that, then we should do TV's, because that's kind of related to equipment.

Chair Furth: So, an alternative use of roofs is for photovoltaics. What do you anticipate the effect of this would be on that?

Board Member Lew: I'd say it's going to change because we've got, we're going to have more requirements for like self-powered buildings, and they can be, I think if I read the code correctly, like you can, you're going to be able to do it off site as well. You don't necessarily have to have TV's on your building.

Chair Furth: A solar farm somewhere.

Board Member Lew: But generally it's better to have the power on your building, because there's less transmission loss. So, I think, in principle you're going to want to try to get as much as possible, and if you look at the roof, if you look at aerial photos of like the Jewish Community Center, it's covered with photovoltaics. The Epiphany Hotel is covered, the roof is covered with photovoltaics. So, I think it's a consideration, and it's going to change over time. And that would be a code issue.

Chair Furth: One of the things we're identifying today is that there are a lot of interaction issues which we can't resolve today or even recommend a resolution, but we can at least identify them, and hope that there is time for further thought about this before we go ahead. What's next Alex?

Board Member Lew: You had mentioned like the R-1 and R-1 zoning and privacy.

Chair Furth: Oh, right. There is a suggestion here that these not be allowed adjacent to property that is either developed or zoned an R-1 or R-2. Comments on that proposal. I think it eliminates possible good sites. I don't think it matters if you're adjacent to an R-1 or R-2 parcel, if your own parcel is deep and you can locate this far away from that with no privacy adequately screened and without presenting noise problems, then why not. I don't see any reason not to do it.

Board Member Gooyer: There may be some sort of requirements as far as the sight line, you might have to set it back somewhat, but I don't think there ought to be, you know, not allowed. Because, I mean, it may be a big parcel, maybe a perfect opportunity for that and you would be...

Board Member Lew: So, typically like in the CS zone, if they're next to like a single-family house, or even maybe multi-family, that your height limit is going to go from 50 down to 35 feet, and how are you going to – you're not going to get a roof deck in that situation.

Chair Furth: No matter what.

Board Member Lew: Because we're not going to allow that, right, because we have the elevator and the stair issues and in 35 feet you're going to try to get in three floors with ground-floor retail. So, I would just say, like I've drawn a map of the property on El Camino that are and are not next to residential, and it's really eye-opening, and it's a fairly complicated exercise to do, because you have to go through parcel by parcel to figure out what's going on, and what the height limit is there. So, I think it's kind of a tricky thing. I think we should look at that a little bit more carefully, because it's a big issue and it affects a lot of sites on El Camino.

Chair Furth: Right. So, maybe our comment on this is that the reduction in the height limit for these parcels already would seem to preclude a rooftop open space?

Ms. Eisberg: So, one, we do have a map up on the wall that does show, not the existing uses, but the zoning districts, because I agree this pertains mostly to El Camino where you have a lot of CN, CS parcels abutting residentially zoned properties. One of the things we were thinking is that with the daylight plane requirement on El Camino, there may be opportunities for a building to step down, in which case a courtyard, maybe it's not the roof, but a courtyard second, third level open space might be feasible in which case you would have an open space abutting or not abutting, well, looking out onto a residential use behind.

Board Member Lew: I think we actually have projects that are doing that. They're not built yet, but that has come up.

Ms. Eisberg: So, that's why I thought this could happen. So, right now this would only happen in the situation, which also exists a lot where you have RM-30 zoned sites adjacent to the CN, CS.

Chair Furth: So, are we talking about rooftops or just above ground.

Ms. Eisberg: We're talking above ground. So, they are on a roof, but it might not be the top level roof. Thank you for clarifying. (crosstalk)

Chair Furth: So, it might be completely surrounded by a building for example. We certainly looked at projects like that recently.

Ms. Eisberg: Yes, I guess it could be a courtyard that's sort of U-shaped.

Chair Furth: We've had a couple of raised courtyards that we've approved. So, do we have any pithy consensus on the Board on this?

Board Member Lew: I think we should look at it more carefully. Because I think we've approved projects that have that.

Chair Furth: It warrants further study because we, there may be parcels that are adjacent which could be developed with above-ground open space that would not adversely affect the adjacent residential.

Board Member Lew: It's possible, yeah.

Chair Furth: And we've worked sound, visual screening, retention of privacy. It's possible to do it. You could probably even write it as objective standards, if you needed to. Access. So, there are a couple of access issues. One is this whole problem of needing multiple staircases and elevators to reach these spaces which present height issues on the top floor. (crosstalk) We don't know the solution, but that's the problem.

Board Member Gooyer: ... An option is to limit the size of the unit.

Chair Furth: Right. What else do we want to say about access?

Board Member Gooyer: Access should be inboard from the exterior.

Chair Furth: Yeah. Is there a consensus on that? We pretty much think it should be internal, inboard access.

Board Member Thompson: You mean like instead of accessing it from the edge of the building? So that you wouldn't see a stair on the outside of the building basically.

Chair Furth: I don't have any objection to seeing a stair necessarily. I'm mostly concerned about not externalizing the noise and the height to other properties. I'm always in favor of attached second units, so the impact is on the main house and not on their neighbor. That's all I'm thinking about. I don't know what the rest of you are thinking about.

Board Member Lew: I'm less concerned about that. If we're talking about mixed-use things in urban areas, if we're excluding – I think my main concern with that would be if we were allowing them next to houses, right. So, I think...

Chair Furth: So perhaps access should be inboard if it's adjacent to R-1, R-2 properties. What's next?

Board Member Lew: Landscaping.

Chair Furth: So, we talked a bit about some of the, the proposal is that 20 percent of this space be landscaped. We talked about serious versus shallow or deep versus shallow landscaping. I presume we're talking about the amount of soil or soil substitute that's available to support plants. Comments anybody?

Board Member Thompson: I'm a fan of more landscaping. I understand that there are going to be other uses. I think it's kind of a nice thing to have those uses on top of stuff that you could consider landscaping, if that makes sense. But I'm curious to see if my Board Members have any opinions on this.

Chair Furth: Well, my principal thought on this is, again if this is supposed to be functional outdoor space for people who live in this building, so they don't have gardens to go sit in in the backyard, the landscaping ought to be significant enough so that you experience it as plants, and being surrounded by the things that plants bring. You know, they're breathing out oxygen, they're changing the pattern of light and shade, they're changing the soundscape because you're getting the rustle of leaves. In other words, I'm not thinking about two inches of ground cover. You know, substantial landscaping, so that you're aware that you're in the presence of plants.

Board Member Lew: So, it has come up before on one project where the architect proposed a rooftop terrace and there were no plants, and they couldn't because of the weight, and it was a concrete building, so it's a heavy building to start with, and then they ran out of weight for plants, and anyway, in the end that roof deck got cut I think by the Council for other reasons. But the weight is an issue. And I think, just to clarify, it's 20 percent of the, not of the roof, it's 20 percent of the open space.

Ms. Eisberg: Usable open space area.

Chair Furth: As I understand it, there are light soils and plants that don't require heavy water loads that make this, it's getting to be something else.

Board Member Lew: I think, (crosstalk) yes, there are many species of that.

Chair Furth: Well, how about where feasible, because in not every case will, I mean, we don't want to do things that are going to increase construction costs and thereby undo all the good work we're trying to do here, but I'm curious as to what's possible and economical. If we've got people running around here...

Board Member Lew: I think my understanding is that the rooftop plants, like it's hotter, colder, windier than they would be if they would be if they were at ground level, and there aren't that many plants that will take the abuse.

Chair Furth: And my understanding is that that's correct. That there are also successful rooftop farms, but they are labor intensive and probably require thinking about the engineering of the building before you build it, particularly in the case of the big ones. Any other comments on this topic?

Board Member Thompson: Maybe in lieu of heavy soil planting, there could be provisions for, you know, lightweight, well yeah, there's sort of like lightweight landscaping that could be, you know like the three-inch soil landscaping or it could be air plant something. So, just something that's sort of in a good effort to try and maybe give more than 20 percent.

Chair Furth: So, do we have any requirement for any landscaping in open space? No, right.

Ms. Gerhardt: Well, I'm thinking of the multi-family because that's the code that's most detailed out. And so, for multi-family we have a landscaping requirement for the overall site, and then the private and the common open spaces nestled underneath that, because when I think about landscaping I'm thinking about groundcover, trees, shrubs, whereas when I think about usable open space, I think about places where you can kick around a ball or sit down and have a barbeque or things like that.

Chair Furth: We used to require space to dry your laundry.

Ms. Gerhardt: So, you know, landscaping is one thing and usable open space is usually a little bit different.

Chair Furth: So, right now in a mixed-unit development, there is no, what's the open space requirement? If I'm going to have residential use in one of these districts? I got lost again.

Ms. Gerhardt: Give me two seconds.

Chair Furth: I mean are the minimum dimensions applicable in that?

Ms. Gerhardt: Yes.

Vice Chair Baltay: Could I digress for a second, while she's looking that up? A lot of times our clients want to use planters, which are sort of not permanent devices for meeting landscape requirements, and it might be smart if you're really looking to make this more durable to say it has to be permanent landscaping and then underneath you might just add it's not planters. It's not just some pot that can be moved on a hand truck.

Board Member Thompson: But planters could also become permanent. You could cast them into your concrete.

Vice Chair Baltay: Sure, yeah, and I don't know how...

Chair Furth: Well, they're all going to be planters, right? We're talking about the roof.

Vice Chair Baltay: Well, but permanent parts of the (crosstalk).

Chair Furth: Right, not just a few stray pots.

Vice Chair Baltay: Exactly, some potted plants.

Ms. Gerhardt: So, for the multi-family, I mean, there's a couple different numbers. I'll just read RN-15. So, the open space requirement, sorry, let's see. Open space requirement is 35 percent, so that's open space and landscaping. Usable open space is 200 square feet per unit, and of that, 100 needs to be common and 50 square feet needs to be private. So, there's landscaping, usable open space and then private and common, and there's three different levels really.

Chair Furth: And what we're really just trying to figure out here is under what circumstances can you put that on the roof and get an acceptable result.

Ms. Eisberg: Right, and the commercial mixed-use districts are completely different. It depends which district you're in and you end up with, and it depends on how many units you have. You could have 100 square feet per unit requirement or 200 square feet requirement, and there's no requirement for private versus common in commercial mixed use.

Chair Furth: So, we have a slightly off-topic recommendation, which is that we think there should be some minimum amount of open space, private open space and we suggest that the techniques in SOFA-2 are a good source for thinking about how you can do that without making things too difficult for people. Okay. Next Alex.

Board Member Lew: I think we already talked about noise, right, under equipment.

Chair Furth: Right. And am I the only person who is concerned about noise levels on the roof?

Board Member Lew: No.

Chair Furth: Okay.

Board Member Thompson: I could take it or leave it. I care more about, I mean, people living underneath that air-handling unit.

Chair Furth: I don't know why you couldn't care about both. I'm going to say that we should be designing for people of all ages, and that means you don't expose kids to noise that could be damaging to them as sensitive receptors, and you don't have levels of noise that mean that people like me who are old, have difficulty hearing a conversation. Yes Alex.

Board Member Lew: I just want to give a counterpoint to that. So, when I lived in New York City, for the first three months I thought I was going to go crazy, it was so noisy. But I actually adjusted to it and it was difficult for those first three months. I didn't think I was ever going to be able to sleep. And after living there and I came back here, I was horrified at the sound of the birds at sunrise. That was just, it was a completely different pitch and I just could not believe that people lived with these birds chirping early in the morning.

Chair Furth: Try France.

Board Member Lew: Yeah. So, I just want to say that I think from my point of view, the person who picks a downtown apartment is picking it for their own, they've got their own reasons. Typically, I think of my friends, they're picking it because they don't want to have a car and they want to have urban amenities and they're willing to trade things like open space. Whereas me, I want the open space. I want to see the sky or whatever, and want more windows so I chose something different. So, I think we should allow, that you should be able to have that choice, to have some flexibility in the code for a place that may be noisier, but it has other desirable whatever, desirable elements.

Chair Furth: So, I live downtown, where I have extremely noisy parrots flying in, really delightful. I'm still going to argue that self-generated equipment noise is something that should be held to a moderate level. I think sitting next to intermittent car horns and the drone of traffic and birds is different than sitting next to the while of an air conditioner. Okay. What's next Alex?

Board Member Lew: Security.

Chair Furth: Security. Are you all confident that the building code would ensure that this be a reasonably safe area for children?

(inaudible)

Vice Chair Baltay: Absolutely.

Chair Furth: Okay.

Board Member Gooyer: I think that can easily be made to work.

Chair Furth: Okay, so I guess the point is they should be, these open spaces should be designed for users of all ages, so that – I mean, that means things like you don't put furniture next to the edge because then you create a climbing structure. A climbing structure.

Board Member Lew: There are some complications that I've seen on this. So, sometimes the Fire Departments will be pretty picky on the furniture layout because it's possible that the furniture is blocking access to the stairs and it's kind of an interpretive part on the part of the Fire inspector. That can be an issue as well, so sometimes they will, like they will make you draw in, like a dotted line, this is the emergency access and then the furniture can go elsewhere. So, sometimes they make you do that.

Chair Furth: I've been on roofs in San Francisco where are these lines where you can't go beyond there. So, that's what this is?

Board Member Lew: That's actually what I was thinking, the projects in San Francisco that I was specifically thinking about, yeah.

Chair Furth: Well, that's another aspect. Okay Alex. Anything else on that topic? Okay. Alex, what else do we have?

Board Member Furth: Lighting. I feel pretty comfortable with our zoning standards on lighting about spillover and illumination and whatnot. Is there something I'm missing? I think that's pretty enforceable because it's about design and doesn't usually get worse later. Like we start seeing tiki torches up there.

Ms. Gerhardt: Yeah, do we want to speak about the height of lighting?

Chair Furth: Let's talk about the more general issue of furniture and furnishings.

Board Member Lew: But on lighting, if you have an occupied space, then it has to be lit. The Building Department requires lighting for exiting, emergency exiting, so it's not like if neighbors wanted it to be turned off at night, I don't think you can do it. I think it has to be on.

Board Member Gooyer: No, that's like if somebody, your neighbor to turn their living room light off, that's shining in.

Ms. Gerhardt: There are security levels of lighting though versus fully lit, so...

Board Member Lew: It's the exit path, right? So, maybe if we distinguish different areas.

Chair Furth: So, what else do you have Alex, noise?

Board Member Lew: Well, we talked about noise a little bit already.

Chair Furth: Oh, I have one thing to say about noise, which is that I don't consider the noise ordinance to be at all useful in dealing with noise problems. They need to be dealt with within the design level. It's very difficult to enforce our noise ordinance with respect to intermittent noises, like barking dogs and occasional parties, so that's got to be a design issue, so any noise limits or abatement has to be designed into the project. I mean, I think it makes a big difference. I think the one on Lytton where they, unfortunately, oriented their second floor, or was it third floor social space to everybody else's residential backyards instead of flipping it and orienting it to Lytton, where nobody is going to be bothered. So, I think that noise is something to be dealt with in design. This may contradict the notion that you want it also to be reasonably quiet up there, because those are oftener the noisier sides of the building, but in the tradeoff, I would rather you inflicted the noise on your own tenants than your neighbors.

Board Member Lew: So, you mentioned design, but I think there's also a component where the City has required testing after the building is finished to see that it's complying, right? I mean, it's come up before occasionally where somebody is concerned about it and so we've added well I think Planning added a condition [not understood].

Ms. Eisberg: Yeah, we can certainly do a condition for testing afterwards. It just becomes harder to implement changes.

Chair Furth: You talked about hours and you decided not to do that, so I don't know what happened to people who want to party at 2:00 in the morning. It's a big difference whether they're doing it at ground level or four floors up.

Board Member Gooyer: Yeah, but they're going to do that in their backyard or whatever anyway, so I mean...

Chair Furth: I think it's often a bigger issue up high.

Vice Chair Baltay: I think what Alex said earlier when it's that people who choose to live here choose so for other reasons (crosstalk) an apartment building.

Chair Furth: Oh, but nobody chooses to have this added to their neighborhood. It happens.

Vice Chair Baltay: We can't protect everybody from everything.

Chair Furth: No, we can't, and I'm not suggesting that. That's a strong argument. I don't have an answer. I keep envisioning roof decks which are lovely places to be and their sheltered on at least one side and that's the side that is the most exposed to sensitive receptors. I mean, most of the projects we see, you can design rooftop open space or upper level open space, even more to the point. That's really easy to shield from others. So, we have one that fronts on Page Mill but doesn't bother any adjacent residents because they're self-enclosed. They work really well above ground but not at the very top. We see a lot of good proposals along those ways, and I think they make for better, bigger buildings sometimes because they have more mass. They have enclosed and open space. But they look good and they will never their neighbors. What else Alex?

Board Member Lew: So, I only have one item on the list which is materials. I think also the staff has mentioned odors, and I did want to.

Chair Furth: Go for it.

Board Member Lew: So, we had a project, a mixed-use project proposed here on Forest and Emerson that had a rooftop deck for the unit and it was right next to a restaurant which has their exhaust right there, and so it was an issue that came up to the Board. We're like, that doesn't really make any sense. So, I think that you put it in here makes – I think it can be an issue. I think we also came up, we had the Hotel Nobu restaurant, and then I think some members of the Board were concerned about the smell of the kitchen exhaust going to the hotel rooms, and there was a roof garden. So, I think that is an issue that's come up before.

Chair Furth: And the Garden Court Hotel had a problem because the Garden Court Hotel is shorter than the President Hotel. They had individual fireplaces in the rooms and the exhaust from the fireplaces went into the rooms in the President Hotel. So, that's going to come up extremely rarely, but you probably want to be able to make sure that it's not going to cause a problem for an adjacent building, which is usually a taller adjacent building. First California Public Nuisance Case that really defined public nuisance is in San Francisco and is about odor from the 19th Century. One of the things that concerned me is you talked about height limits and equipment and you talked about temporary things like trellises and whatnot, and my observation is that temporary is not really a category. That if you had a trellis it just became permanent and then you're going to get the plastic siding and then you get encroachment and on and on and on, which I don't necessarily think is a bad thing, but I think that that's – I think that very few of us think that you can have unshaded outdoor spaces. They are particularly desirable. You always want some shaded space. I suppose everybody can wear hats. So, if you're thinking about this we probably need to think about the shading from the beginning and I'm less concerned about the FAR aspect of it. I think in many cases it wouldn't be particularly visible, but removable fixtures such as trellises, shade structures, furniture and furnishings may exceed the height limit. I don't think it matters whether they're permanent or not. A trellis is a trellis. If you're going to allow trellises, then you should treat them as permanent structures. You don't want them particularly impermanent. This is on page 230.

Board Member Thompson: Are you still in favor that they would encroach on the height limit?

Chair Furth: If you want to get more density or more floor space in individual units and social spaces in the building by shifting to usable space on the roof, the space needs to be usable and so whatever you need to do to make it usable you should do. Otherwise, it's kind of a bait and switch.

Vice Chair Baltay: Can I address that question direct on, because I think we've been talking now for an hour and a lot of what we're saying isn't really affecting the fact that the Planning Commission and City Council are about to approve this thing. We're going to have people using these open spaces, and the question is whether they approve point blank stairs and elevators and fences and things can go above the height limit or not, and I haven't heard anybody suggest a solution that is an objective standard that would work. All of these things have real problems if you don't do it well. What if we proposed that for rooftop open space an exception to the height limit is allowed for all these category of things, provided you go through a design review process where we have a chance to really make it work at the same time. When you have an elevator that's taller, that's fine if it's in the middle of the building perhaps. If you have a swimming pool and you need a four-foot guardrail, as long as you can't see that railing reasonably from the street, it's probably okay. And if we were to say that any time somebody needs the extra height exception things there's a way to allow that through a discretionary review process, but the objective standard remains 50 feet is 50 feet. So, anybody with say an SB-35 type application either can choose to meet the standard and sail through the system, or go through design review where we'll have a chance to deal with all of these issues we've been talking about. I don't see how you could otherwise objectify the rules.

Chair Furth: But the standard would be visibility from other properties or the street actually.

Vice Chair Baltay: I was just thinking, how would you write a rule. So, from within 300 feet could you see it, but I think we already do that on design review pretty well.

Chair Furth: Because we have the right to do it.

Vice Chair Baltay: That's the inherent process (crosstalk)

Chair Furth: And it is functional for the people who are supposed to be using it. I mean, those are the two standards that I care.

Vice Chair Baltay: So, I say to the Architectural Review Board, if we really want to make a difference, we should focus on getting them to just adopt something simple like that. Keep the Architectural Board reviewing these things, rather than just let it be a point-blank allowance.

Board Member Gooyer: I agree.

Vice Chair Baltay: And the way they're going to take our conversation now is these guys just went off on everything and didn't really come back with anything. What we need to say to them is, "you're allowed to exceed the height limit, provided you go through design review".

Chair Furth: I think we're saying two things. One is, this won't work unless you allow them to exceed the height limit. You won't get that functional open space on the roof without some change, and that those structures that you need to do that should be designed so that they don't adversely impact.

Board Member Gooyer: Otherwise you get the roof hatches that people used to get up to their...

Chair Furth: We get the informal open space (crosstalk).

Board Member Gooyer:...Right, or the informal access to the roof by way of a hatch, and I really don't want to see that. To avoid getting – so I like the idea of saying, "if you want one, then you have to go to us". Not even if you want to exceed the roof height. You're almost going to have to exceed the height to get a proper way of getting up there.

Vice Chair Baltay: I think absolutely, you have to go above the building limit to make fences, trellises, railings, solar panels. You have to have some impact on privacy nearby. All these things are going to come into play and there is no objective standard. We need to have subjective review, like we do now.

Ms. Gerhardt: So, I think on a lot of these projects, they would potentially happen with new buildings which automatically come to the ARB, but there certainly will be some, you know, that maybe are added on afterwards or there could be some other reason that they don't come to the ARB, but I think with all of the new housing laws, we're also looking towards objective standards in case, you know, the State implements regulations that don't allow discretionary review. And one of the things that I'm thinking about too is in the Research Park areas we have an exclusion for amenity space, you know, that that's not FAR and things of that, and so I wonder if we can tag onto that idea and maybe say that these required open spaces wouldn't count towards FAR or wouldn't count towards the height limit. So, it's just an idea.

Board Member Gooyer: Well, usually I equate FAR with bulk, and this is really adding bulk to a building, or very little other than (crosstalk)

Chair Furth: It doesn't have to be. It can be designed so it doesn't.

Vice Chair Baltay: A rooftop trellis won't add bulk but it definitely adds to the height, and the overall appearance and it doesn't mean it shouldn't be allowed and I think by not stating in the code that it is under certain conditions allowed, people aren't going to take advantage of that, and that won't help create more housing. We need to state that it's allowed, but we have to be very careful...

Chair Furth: So, if I was going to summarize our comments, we're in favor of the concept of allowing above ground spaces to count as required open space. We believe that there should be a minimum requirement for private open space for residential units in this district, and we think the SOFA-2 standards provide indications about how that can be done fairly simply. We believe that rooftop open space requires a lot of supporting structures for access, for shade, to make it attractive and, therefore, is going to require encroachment into the height limit and that that should be acknowledged and subject to some kind of review that makes sure that it's done in a way that does not adversely affect other properties in the area. What else, and that one study session is adequate to get started, but we believe that further thinking about this could result in standards that were helpful to the applicant and protective of existing uses. What else do we want to say.

Ms. Eisberg: May I ask one question?

Chair Furth: Sure.

Ms. Eisberg: The private open space requirement, so right now there is none in these areas. I haven't looked at the SOFA-2 standards that you referenced. Do you envision this being a private standard for each unit in the multi-family structure, versus a private standard that may be half of the units have to provide private open space? Just because this is something new, I'm curious to get input.

Chair Furth: So, we require it in non-mixed-use developments?

Ms. Eisberg: Right, per unit.

Chair Furth: For everybody.

Board Member Lew: You may also want to look at, in addition to the SOFA-2, there's for the Mayfield Housing that was built by Stanford, they have their own zoning district, and my recollection is that they modified the private open space requirement. Like they weren't required to do it. I might be over simplifying that. But they actually built it with private common open space, but you might want to take a look at that zone. Because that gives us some guidance on the amount of private open space. Because like a French balcony in SOFA-2, that isn't really, that's a miniscule amount and we're talking about like whatever, two square feet or something. So, I mean, I think it's almost zero.

Chair Furth: It leads to a more interesting building from the outside and it means that if you want a garden you can. And if you want a lot of, you know, air circulation back and forth, it works. The first apartment building I ever lived in was a Stanford apartment building in Escondido Village. It had no social space inside or out, and the individual units were, I mean, the elevators were probably the optimal social space in that building and it's pretty hard to sit in an elevator. And ours are not that bad, but it's an issue. And our outdoor space is – you know, we don't generally model ourselves on Manhattan. People always tend to make that negative, and I think that's because it is negative. We don't have an opera. But, here we go. Okay, we're all hungry and tired, and probably not being that useful to you.

Approval of Minutes

Chair Furth: Anything else from staff.

Board Member Lew: I think the minutes.

Chair Furth: I'm going to propose we punt on the minutes till next time.

Board Member Thompson: I would agree. That's a great idea.

Chair Furth: Because not everybody has read them in sufficient detail. Goodbye. We are adjourned.

Adjournment