



ARCHITECTURAL REVIEW BOARD
DRAFT MINUTES: October 15, 2020
City Hall/City Council Chambers
250 Hamilton Avenue
Virtual Meeting
8:30 AM

Call to Order/Roll Call

Present: Chair Peter Baltay, Vice Chair Osma Thompson, Board Members Alexander Lew, and David Hirsch.

Absent: Board Member Grace Lee.

Vice Chair Thompson: Good morning, everybody. Pursuant to the provisions of California Governor's Executive Order N-29-20, this meeting will be held by virtual teleconference only, with no physical location. Spoken comments via a computer will be accepted through the Zoom teleconference meeting. To address the Commission, go to zoom.us/join. Meeting ID is 942 5837 0735. When you wish to speak on an agenda item, click on "Raise Hand." The moderator will activate and unmute speakers in turn. When called, please limit your remarks to the time limit allotted. Spoken public comments using a Smartphone will also be accepted through the Zoom mobile application. To offer comments using a regular phone, call 1-669-900-6833, and enter Meeting ID 942 5837 0735. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. I don't see any public comments right now but maybe some will come. I think also by an ARB Bylaw 3.3.1, I'm the Vice Chair and I have been asked by Chair Baltay to Chair this meeting today.

Oral Communications

Vice Chair Thompson: The next item is Oral Communications. I don't see any member of the public but I will ask. We do have Jodie.

Jodie Gerhardt, Manager of Current Planning: Yes, staff actually has some announcements. Usually, around this time the Clerk's Office would come to our ARB hearings and let us know that there are open recruitments going on right now. I just wanted to make that announcement for them. The Architectural Review Board does have two positions that are ending in December. The HRB has four positions that are ending in November. The Parks and Rec Commission has one unexpired position, don't ask me what that is. Planning Commission has two positions whose terms will end in December. Those positions are open for people to apply, and the Clerk's Office does have information on its website. The deadline for applications is October 20th, at 4:30 p.m. Thank you very much for that. We also have a second announcement, the great shake-out is happening this morning around 10:15. We're supposed to have a simulated earthquake. I believe the simulation this morning is 4.5 on the Richter scale. We will see what happens. At 10:15 I think my phone is going to go off and we can duck and cover. Thank you. That's all the announcements from staff.

Agenda Changes, Additions and Deletions

Vice Chair Thompson: Thank you. We are going to try and keep today's meeting to two hours as best we can, which means that that will be a kind of a little cherry at the end of the meeting. The next items I agenda changes, additions, and deletions.

Ms. Gerhardt: No changes.

City Official Reports

1. Transmittal of 1) the ARB Meeting Schedule and Attendance Record, and 2) Tentative Future Agenda items and 3) Recent Project Decisions

Vice Chair Thompson: Thank you. City Official Reports.

Ms. Gerhardt: Yes, hopefully, someone will bring this up for me but we were aware that Board Member Lee was not going to be able to attend today. She has sent in some written comments about the objective standards. We appreciate that. Then you see that the rest of the year will be virtual meetings. So far we are anticipating having all of these hearings, and I think they are far enough away from holidays and things. We are virtual, too, so I am hoping that everyone can attend but please let me know if you are going to be absent for a certain hearing. When you go down further on the page, you will see that November 5th hearing, which is our next hearing, we are looking to have the Castilleja School come back and that would be its third and formal hearing. The applicant and staff have certainly heard that in order for the ARB to make a recommendation there would need to be a complete set of plans. They are working on that so that there will be no confusion when we do that third review. Thank you.

Study Session

2. Study Session for ARB Review of Draft Objective Standards

Vice Chair Thompson: All right. Thank you. That takes us to the main item on our agenda here, which is the study session. This is study session for the ARB review of the draft objective standards. I think we have a presentation by Ms. Eisberg. I think it might be best to go into that and then conduct our discussion after that.

Ms. Gerhardt: Yes, I do want to introduce Jean Eisberg with Lexington. She has been helping us a great deal, along with the rest of her team, Chris and others; she can introduce. They have been a great help in moving this project along, and Jean does have a presentation for everyone. We are trying to get through a lot of stuff in a short amount of time. We are hoping there are a few areas that we might be able to do quickly, where there might be more consensus. That will leave us time to focus on other areas that may need more discussion. Those areas of more discussion were called out in the staff report and those are the areas we are hoping to focus on today. Thank you and I will let Jean take it away.

Jean Eisberg: Thank you. Good morning, everybody. I am joined by Chris Sensenig from Raime and Associates, and I see his colleagues Jeremy is also on the line as an attendee. I am going to go ahead and share my screen. We haven't talked to you as a whole group about this project since February given the pandemic and, frankly, the challenges of this project. It has taken a little bit longer to come back to you and I just want to say thank you to David and Osma for helping us as the ARB subcommittee to work through these real substantive issues. We meet three times since we have seen you last as a whole group. I am going to spend a few minutes going through an overview of the project, reiterating the purpose that we talked about in February, and which districts and uses this objective standards project applies to, talk a little bit about the process of getting here and going forward. Then we will run through the organization of the new code section 18.24 that was presented in your packet and the structure of that. I am calling it here alternative compliance, but basically, there are paths to move this objective standards process. Either you meet the objective standards, and that's the streamlined way to get through this, or you chose to meet the intent statements which are the more general guidelines and the compliance with the -- excuse me. The compliance with the intent statements is at the discretion of the ARB's approval. Then we are going to go through a discussion of each of those substantive topics and, as the Vice Chair said, we are going to

spend about ten minutes per topic. Excuse me, she articulated that we are going to try to do this in two hours, so we will spend about ten minutes per topic. We may not get through all of them so we will have to schedule another meeting if we don't. I will go through each topic one at a time, take a pause, we can have a discussion for ten minutes, and then we will move on to the next topic. In terms of the organization, and this is the graphic on the right side of the screen, the topics are organized in a rational way. Let's begin with site access and site design, so bigger site planning issues, to the massing, modulation, and finally the architectural details, entries, and open space. Hopefully, as we are going through our discussion we will be able to talk about some of the bigger picture issues and then move into more of the details. As you may recall, this project is really a reaction to changes in state law. The way it is now the City has a number of subjective design criteria as well as subjective development regulations that are used to review projects. Going forward, the City is not going to be able to enforce the subjective criteria on certain types of multi-family and mixed-use projects given these changes in state law. I do want to be clear, this is a real change in the way that City's are reviewing and acting on these eligible housing and mixed-use projects. I know it can be a little uncomfortable but this is our new normal as we are seeing in many ways this year. In terms of which projects this will apply to, this will apply to projects that are eligible for streamlining which include multi-family projects. The way that the City defines multi-family is three or more units. They will apply to mixed-use projects with at least two-thirds of the residential floor area. They will apply to commercial projects and we are doing that because the way it is now where the context space design criteria apply, for example in the S-district and the CN and CS district, those apply to commercial projects. So, we are bringing those along with us even though the grant for this project and the focus of this project is on housing and residential mixed-use, we are bringing those commercial projects along. They would be required to comply with relevant standards. They would not need to comply with residential entries, for example, but would need to comply with relevant standards or with the intent if they choose to go through the discretionary path. In terms of the zoning districts, this will apply in all of the districts where currently the context space design criteria apply. That includes the RM districts, the CD, CM, CS districts, the PTOD overlay, as well as the planned community and the additional districts listed here. Just to recap the project review process since this did change last year with changes in the ordinance. The way it is now, City staff reviews all projects that come in the door but city staff will be the only group that reviews SB35 streamlining applications. Again, this is the new law that was passed by the legislature in 2017 which allows streamlined review for certain types of housing projects. City staff would review those ministerially, but otherwise pretty much everything is still going to come to the ARB regardless of whether a project is proposed under the Housing Incentive Program, whether its complaint with the Housing Accountability Act, or it's not compliant with the Housing Accountability Act. The only projects that the PTC and the Council will be reviewing with changes to the ordinance last year are housing projects that require legislative action, as they are looking for rezoning or a waiver from parking requirements or other regulations. The way it is now, the ARB has been using a mix of objective standards and subjective standards to complete the review. The objective standards include use regulations, is residential multi-family allowed, it includes development standards, like FAR, height, and other regulations such as parking, and the retail protection ordinance. Then, right now, the ARB can apply conditions of approval; can apply the ARB findings in making a determination about the project. Going forward it depends on the project type, as I explained. The context space design criteria are going to be rescinded from the code and replaced with the design standards that are proposed in your packet as we amend them going forward over the next few months. Those context space design criteria which were subjective are now being transformed into these objective design standards and that's what the ARB would be applying going forward. For the purposes of Housing Accountability Act projects, projects would be required to meet objective standards. Those are the only standards that can be used to make a decision about a project. For those Housing Accountability Act projects, the ARB would not be able to use the ARB findings to reduce the density or otherwise make it infeasible or to deny the project. Again, these are the objective standards of review for SB35 projects. For other types of projects, including commercial projects or projects that don't meet the Housing Accountability Act, the subjective criteria could still be used in decision making, including the ARB findings. We last saw you earlier this winter. We have been working all along the way and working with our ARB subcommittee -- thanks to them -- over a series of meetings this summer. Now we are back meeting with you today. If we don't get through everything today we will come back for another meeting, and then we will move on to the PTC probably this winter and ultimately to the Council to finalize the ordinance. In terms of our topics, these are the substantive topics in the way that the draft ordinance is organized. We have, again, this sort of rational thinking about the organization beginning with the bigger picture site design and then

moving into building design and detail. You will see that we are proposing to move some performance standards. These are existing code sections in this part of the ordinance, which are sections that relate to residential and mixed-use that would be appropriate for this design standard section. I mentioned at the outset there are really two ways of compliance. We have a general intent statement at the beginning of each topic. This is a subjective statement. It is drawn directly from the context space design criteria and from the ARB findings. It is, again, subjective. You have to paths from there as an applicant. You either meet the objective standards that emanate from that intent statement, and those are the dimension standards and then you have options, or you can choose to go through a discretionary review process with the ARB and the ARB makes the determination if the project meets the intent statement. Again, for SB35 streamlining projects, for the Housing Accountability Act projects, they must meet the objective standard. That is their choice and they are either choosing to get those protections under state law. Otherwise, if the architect for reasons of creativity or if the project cannot meet those standards, they may choose to go through discretionary review. One of the ways that may help to think about whether you think these standards are working or not is to think about some projects that you think are successful or unsuccessful and to test the proposed standards against those projects. When we were crafting these with the ARB subcommittee, we used Jam Board, a whiteboard, to share images and discuss and debate the relevance of certain standards. I would just encourage us to think about actual projects as you're making some decisions. I know you are all working in your professional lives on these issues so it may not be that hard for you to think about projects that you like or do not like. I am going to pause there and we can take any questions. Otherwise, I wanted to move on to the substantive and discussion topics. We would start with the purpose and applicability section of the code. I'll ask the Vice Chair if we want to pause there and take any questions.

Vice Chair Thompson: Yeah, I think it would be good to go around and see if there are any questions of staff. Are there any?

Board Member Hirsch: I do. Does the state law actually say that all the other agencies are not allowed to participate in any of this early discussion in any way, and in other ways is there a possibility that the agencies can be (inaudible) reviews and Council reviews?

Vice Chair Thompson: It's a little hard to hear you, David.

Board Member Hirsch: Okay, sorry. Did you get that, Jean?

Jean Eisberg: I think you were asking if the state law was really saying that the decision-making body can or cannot participate in the review. Is that right?

Board Member Hirsch: Yes, I mean, instead of saying there will be no review by the agencies for these particular projects is there a possibility that they might agree to an abbreviated review, or has that ever been proposed?

Jean Eisberg: What the law state law says in, one, for the purpose of the SB35 projects those projects can be reviewed by decision-making bodies; however the review, in that case, is only about the eligibility of the project under SB35 including its compliance with objective standards. On the Housing Accountability Act projects, that project is still coming in front of you, you're welcome to set anything you want about the projects but in terms of the decision making the Board may only use objective standards to take action on the project, and cannot deny or reduce the density or make infeasible the project based on any subjective criteria.

Board Member Hirsch: For SB35 the answer is no there won't be any review by the city agencies, period.

Jean Eisberg: The review is required to be administrative. That is why it is conducted by City staff. I don't believe Palo Alto has yet seen an SB35 project. Other communities that have typically I have not seen them go to decision-making bodies; however, like in Berkeley they did take a project to the Landmarks' Preservation Board for advisory comments but that's it. There are no binding comments.

Vice Chair Thompson: Any other questions.

Board Member Hirsch: There's just a couple more that I might have. It appears that whatever we will be discussing in terms of zoning massing would the SB35 projects for Palo Alto not include any height restrictions?

Jean Eisberg: An SB35 project in Palo Alto would be required the height limitations for its particular zoning district.

Board Member Hirsch: it would.

Ms. Gerhardt: Yes, so, David, on an SB35 project my staff would still be applying the code with the height limits and the setback. We would also be applying these new objective standards that get into the finer grain details that we do not have in our current development standards.

Board Member Hirsch: Okay. I guess I wouldn't have any more questions at the moment.

Vice Chair Thompson: I barely heard that but it sounds like...

Ms. Gerhardt: David, if you're able to mute for a second while we go on.

Vice Chair Thompson: Does Board Member Lew or Chair Baltay have any questions for staff.

Chair Baltay: I have no questions at this time.

Vice Chair Thompson: Okay. I had one really quick, just, kind of, like housekeeping. I know that we were all given a word file in terms of giving our feedback. It is my assumption that we are all going to send you either a word file with tracked changes or scans of any notes as part of our feedback today for this meeting.

Ms. Gerhardt: Yes, that would be very much appreciated because there may be some small, minor changes that you are wanting to make to the document. If that is true, please send those through track changes. If there are some larger discussion items then that is what today is for, but all of those changes will be brought back at a future hearing. They will be made public at that time.

Vice Chair Thompson: Great.

Board Member Hirsch: Can you clarify somehow the schedule for this to be completed just because some of us may have considerations that require more time to work them out. What if that happens? Can the schedule be changed?

Ms. Gerhardt: We are in a little bit of a gray area here. If an SB35 project comes in tomorrow, staff does not have a whole lot of regulations to apply to it. They would currently, you know, have to abide by setbacks and height limits and that's about it. We just want to be careful how far we push this out because it just leaves more opportunity for those sorts of projects to come in and for us to have really no design standards to apply to them. We had originally tried to get this project by the end of the year. We know that that may not be fully possible. I mean, it can be pushed out but as much as possible we are still trying to target the end of the year to have this project completed. We do absolutely need to have a hearing with the Planning Commission and with the Council. Those will all take some time and we would have to come back to this Board as well, whether we do that with just the ARB or if we're able to do that as a join ARB/PTC meeting.

Board Member Lew: Jodie, I have a question.

Ms. Gerhardt: Yes.

Board Member Lew: On the slide under section B, I was wondering about the of zone, public facilities because we do have the housing overlays. We have the Workforce Housing and the Affordable Housing overlays and would those also be affected by this?

Ms. Gerhardt: That's a very good point and I think we will have to look at that a little bit. That is a very good point.

Board Member Lew: Thanks.

Chair Baltay: So same, then, apply to R1 zones?

Ms. Gerhardt: No, in the R1 I think we have sufficient standards. We have the individual review guidelines for the two-story homes. We'll go back and look at of, but really we weren't trying to change the code necessarily. We are trying to take the existing context space design criteria where those are currently. I am assuming -- given it is not in Jean's list -- it doesn't currently apply to it, but -- I just don't have the whole book memorized -- where the design guidelines currently apply we've just transferring those to be objective and they would apply in the same areas. It is true that we are allowing some additional uses, and there might be a need to add the objective standards there but not the same for R1.

Chair Baltay: thank you.

Vice Chair Thompson: For the record, I think we lost David. I don't see him on the attendee's list anymore. Hopefully, he is able to join us shortly. I think we should keep going, though, in the interest of time. I did want to just ask if there are any public comments. I don't see any but I'll ask. Veronica, do we have any public comments before we continue on with our discussion?

Veronica: No, there are no attendees with raised hands.

Vice Chair Thompson: Okay, great. Let's dive in. Like Jean mentioned, we'll just go in order of the table of contents and go through each of these sections starting with purpose and applicability. We'll just go around and see if there are any comments or any items to discuss and we will try to move on from there and cover as much ground as we can. Okay. Let's start. Does anybody want to start us off on purpose and applicability?

Chair Baltay: I am happy to go ahead on the purpose and applicability thing. I believe that these standards should only apply to the Housing Accountability Act projects. I don't think they will work well for commercial projects in general. I am echoing Grace Lee's comments, I believe, in her letter. I just don't think we can make it work across the board. Thank you.

Vice Chair Thompson: Thank you. Board Member Lew?

Board Member Lew: I guess there is a lot of confusion on my part about how the commercial would be affected by this. It seems to me though that [distortion] some of the mixed-use buildings, right? If the project is 90 percent residential and there's just a small bit of ground-floor retail then I think we should try to get those projects to work within the objective standards.

Chair Baltay: I think, Alex, it's two-thirds residential defines it as mixed-use by the state law.

Board Member Lew: Right.

Chair Baltay: That's, sort of, what triggers these standards or, I believe, should.

Board Member Lew: Yeah. I am okay with that.

Vice Chair Thompson: Your comment, Chair Baltay, was just that it shouldn't apply to 100 percent commercial projects.

Chair Baltay: Yes. As I am reading what's being proposed to us is that we try to just make this apply to our entire code, basically, and I just see too many issues where it just isn't going to work very smoothly and I think we shouldn't throw away what's been working well enough. We should just focus on applying this to the places where the State's requiring us to have something else in place.

Ms. Gerhardt: I do want to be clear that the context space design criteria does apply to all projects right at this minute. We are trying to pick those up and massage them to be objective and to put them in a logical place in the code. If we don't bring the commercial along with us then the code just gets larger and gets that much more complicated to implement. We are not really doing anything different than is currently being done. We are just taking subjective items and making them objective.

Chair Baltay: And I want to be clear, Jodie, that I don't believe this is an equivalent substitution of the standard. I believe the subjective standards we have now are superior to these objective standards and I don't think we should get rid of ones we don't have to.

Vice Chair Thompson: I think there is actually a middle ground that has been struck where we have the intent statements, which are subjective. I believe those intent statements are meant to supplement what is currently existing in the context space design criteria. I would assume, Jodie and Jean, correct me if I'm wrong, but for a 100 percent commercial building, we would only look at the intent statements as what would be applicable since those are supposedly identical to what is currently existing in our context space criteria.

Ms. Gerhardt: That would certainly be a reasonable way to implement this, yes.

Chair Baltay: Then right out of the gate you say which applies, the ARB findings or these intent statements if it does come back to the ARB? It's immediately a confusion and I guess the ARB findings are superior to these intent statements (crosstalk).

Ms. Gerhardt: The intent statements are nestled under the ARB findings.

Vice Chair Thompson: Correct. The ARB findings do not go away.

Chair Baltay: I don't want to go around on it. That's how I feel.

Vice Chair Thompson: Okay, we just want to make sure that that's clear.

Chair Baltay: Yes, it is clear. I understand.

Board Member Lew: There may be a middle ground. I've done projects in Seattle and they have a range of streamlining, right? There's more design review based on a larger, more complex project. If you have a very simple, straightforward townhouse project, then that gets streamlined to the greatest extent possible. Maybe there's a way of getting some of Peter's concerns (crosstalk).

Chair Baltay: That's effectively what's happening, Alex, with this criteria of straight residential, or two-thirds residential mixed-use.

Vice Chair Thompson: Alex, do you mean like to have a finer grain of definitions in terms of how it applies to housing projects versus just the two-thirds?

Board Member Lew: Yeah, and, again, in Seattle, it's in a different state so they aren't following California's law. They have similar concerns with the housing crisis, and housing affordability, and permit streamlining. I am just saying that maybe there's a middle ground between these two-thirds residential projects and, say, there's a re-zoning project that goes through our old process, and maybe the commercial projects are somewhere in the middle. Maybe they follow the objective standards and maybe they do need some additional review. I don't know what Peter's concerns are specifically if it is about quality and character,

or something, and maybe there's a way that they get one ARB Hearing for some of those additional issues. Anyway, I'm just throwing that out there.

Vice Chair Thompson: All right. I am going to give my feedback really quickly. I am not sure who is keeping time. I should probably be keeping time but we should keep going. I hear your concerns. I hear the concerns of the Board. I do think that are ways to mitigate these concerns. I understand that the current findings that we have do not change and it is really just that the intent statements supplement what is the context space design criteria. That sort of feels okay to me since they are pretty closely worded next to each other. I do see David has come back, which is great.

Chair Baltay: Oh, great.

Board Member Hirsch: Sorry.

Vice Chair Thompson: We understand things happen. The other element is I had a comment on the definition of façade modulation. It said the definition for façade modulation was a change in building plane that changes the interior space but I'd like to consider an alternative to that definition, which is a shift in plane, either a recess or projection, which alters the shape of the perceived extents and texture of the exterior face of the building. I think it might be more applicable. I don't know if that read well. I can also send this as a track change but I feel like those actually say two different things. I think it is really more about the exterior face as part of the façade modulation. That was my only comment on purpose and applicability. There was another note that I had that was more of a general note about these standards that I think is important. I don't know if the Board feels it is important to put in writing but in terms of the intent of these standards, I think it should be that we want to promote good design. I don't know if there is a sort of declaration at the beginning that makes sense for that. I think it is something that we should keep in mind as we're reading this but when we are looking at a standard or when we are looking at something that is changing does this promote creative, good design for our environment. Other than that I'll leave it there. David, just to catch you up, we're talking about the purpose and applicability section, which is the first section, to see if anybody has any comments.

Board Member Hirsch: Yeah.

Vice Chair Thompson: I don't know that we actually had a chance to get your comments on this.

Board Member Hirsch: I like your abbreviated list that you put together and I agree with your present comment about modulation. Whether I want to add to this right now I'm not sure if I'm caught enough to be able to add to it. I would wait on some of the more in-depth discussion.

Vice Chair Thompson: Okay.

Chair Baltay: David, can I quickly chime in, Osma, for something?

Vice Chair Thompson: Yeah.

Chair Baltay: David, I started out by saying I don't believe these standards should be applicable to commercial projects only. In other words, they should just apply where the state law forces us to make them apply.

Board Member Hirsch: Absolutely agree with that.

Chair Baltay: I think that's the position Grace has taken. Osma and Alex have not chimed in as strongly as I had. I think it would be useful for you to put your opinion out on this.

Board Member Hirsch: Yes, my opinion is the same. I don't understand why they are included in the project at all. I do agree with you 100 percent.

Vice Chair Thompson: My understanding is that they don't apply to 100 percent commercial but just the intent statements apply.

Chair Baltay: No, Osma, I think this is saying that if a commercial project meets these objective standards, the façade modulation, up and down, all this stuff, they don't go to ARB. The intent stuff doesn't apply. They get approved.

Vice Chair Thompson: That's not my understanding.

Ms. Gerhardt: From a staff...

Jean Eisberg: May I respond?

Ms. Gerhardt: Go ahead, Jean.

Jean Eisberg: Commercial projects are not protected under state law the way that the housing projects are. This is not changing the process for commercial projects. All commercial projects that currently go to the ARB would continue to go to the ARB. What Jodie was explaining in terms of bringing them along, one example is right now there's a standard that sidewalks on El Camino should be 12 feet. We want to make sure that commercial projects do that as well as housing and mixed-use projects. What I am hearing is it may not make sense for the objective standards to apply to commercial projects. We want to make sure that that 12-foot dimension still exists somewhere in the code and maybe it goes elsewhere. Maybe it is repeated in a couple of sections of the commercial zoning districts. Maybe only the intent statements apply to commercial projects as the Vice Chair indicated. I think we can explore that going forward but what I'm hearing is that really these standards should only apply to housing and mixed-use.

Board Member Hirsch: Yes, agreed. There's the situation where discussion about entries into a building which will come up a little later on where it enters into a commercial area of a building. Our present code, I guess, allows for a certain amount of commercial with -- or requires a certain amount of commercial within certain housing districts in certain districts. Is that correct, Jodie?

Ms. Gerhardt: Most of our zoning codes when we are doing mixed-use projects are usually 50/50 with half commercial and half residential.

Chair Baltay: I would be open to suggesting that we shift the standard not two-thirds residential but more like 50 percent residential. Josie, what you're saying is that most mixed-use projects in Palo Alto tend to be 50/50. Then it would seem to me to be fair to try to get housing projects within these objective standards. That's the goal to streamline housing. I would be open to shifting that line but just making it (inaudible) commercial projects.

Board Member Hirsch: Shifting that line in what way, Peter?

Chair Baltay: So that a project that was 50 percent residential would still be allowed to comply by following the objective standards. Right now the state law says it is two-thirds residential, and a lot of projects we see -- it's true -- have a ground floor of commercial activity, maybe two floors of that, and then a layer of residential. If you were able to offer them half residential then you can comply in a more streamlined fashion by meeting objective standards. I would think that's a good compromise to promote the housing development.

Board Member Hirsch: I would prefer not to have commercial at all.

Chair Baltay: David, on a mixed-use building with one-third commercial we don't have a choice. That's the whole purpose of this thing that we are forced to do this.

Ms. Gerhardt: That is correct. It's a state law. If they have two-thirds housing then we can only apply objective standards but many of our projects have 50 percent commercial and 50 percent housing. If we

are saying that those projects could go through the streamlined process as well by just adhering to the objective standards that would be additional streamlining of housing projects.

Chair Baltay: Jodie, isn't that the staff's objective to have mixed-use projects also follow these standards for consistent approvals?

Ms. Gerhardt: I think that's the State's objective and certainly everyone's objective to make sure that we have sufficient housing, yes.

Chair Baltay: I would support that kind of a shift as a reasonable compromise.

Vice Chair Thompson: Chair Baltay, you're saying instead of two-thirds it should be 50 percent?

Chair Baltay: Yeah, I don't know the exact percentage. I would leave that to some determination of what is applicable for Palo Alto. That state number was written to apply across the board but I think it's reasonable to have Palo Alto set its own as long as it meets the State standard. From what I just heard briefly, 50 percent seems like a good number but I am open to having staff evaluate where that line might be.

Ms. Gerhardt: Yeah, and Vice Chair Thompson, if I may, I think some straw polls on these topics might be helpful because I am hearing some conversations about commercial only projects and how we should we apply these new standards. Then we are hearing about two-thirds housing versus 50 percent housing and when should we apply the objective standards. I think those are two good points that it would be helpful to get clarity on.

Vice Chair Thompson: Okay. Let's do a straw poll. For the 100 percent commercial projects how does the Board like the idea of using only the intent statements, not the prescriptive part where there are numbers involved below the intent statements, but just the subjective criteria that is in the intent statement? Does the board feel like that is okay to be applicable to commercial?

Chair Baltay: Osma, could you frame that question in the opposite and say for commercial projects the objective standards do not apply.

Vice Chair Thompson: I don't want to frame it that way because it's too confusing. We're calling the whole document the objective standards but within the document, there are two parts. There is a subjective part, which is the intent, and then there is the objective part, which is the criteria. Does that make sense?

Chair Baltay: No, it doesn't. I don't think you should separate them that way.

Vice Chair Thompson: What do you think, Jodie?

Ms. Gerhardt: I would agree with the Vice Chair. I think there are two different parts to what we call the objective standards.

Vice Chair Thompson: There is an intent statement which is completely, 100 percent, subjective, which matches what our current code is.

Chair Baltay: Okay, fair enough. Fair enough.

Vice Chair Thompson: Okay.

Ms. Gerhardt: We can take a straw poll on that and if it goes down we can take a different straw poll.

Chair Baltay: Whatever the acting Chair wants to do is fine. Thank you. Sorry for interrupting.

Vice Chair Thompson: If you'd like to suggest a different straw poll we can do that afterward.

Chair Baltay: No, that's fine. I am in favor of commercial projects be required to follow only the design intent statements.

Vice Chair Thompson: Okay. Let's do it. The design intent statements would be applicable to commercial projects, not the objective part, but the subjective intent part. Is everybody clear on the straw poll? Board Member Lew?

Board Member Lew: Yeah, I don't have an opinion on this yet. I really didn't review the project. I didn't think about commercial projects with regard to this. I may have looked at like a dozen multi-family projects. I haven't really thought about it.

Vice Chair Thompson: Okay. Chair Baltay?

Chair Baltay: As I said, I have no problem with just the design intent statements applying to all projects in Palo Alto, commercial, and residential. Yes, I am in favor of that.

Vice Chair Thompson: Board Member Hirsch?

Board Member Hirsch: I'm in out of this in terms of my electrical connection here. I am sorry. Could you just review this again a little bit further with me? Commercial projects that are up to 50 percent are going to be through this abbreviated system? Is that the way this is going right now?

Vice Chair Thompson: No, currently it is at two-thirds housing, one-third being non-housing.

Board Member Hirsch: Two-thirds housing, one-third commercial?

Vice Chair Thompson: That's how it's written right now.

Ms. Gerhardt: The straw poll right now...

Vice Chair Thompson: That's right. The straw poll right now is not about that. The straw poll is just to address your concern about this not applying to 100 percent commercial projects. The subjective element, item A, which is the intent that is on top of all of these, that would not be applicable to 100 percent commercial (crosstalk).

Board Member Hirsch: SB35 is applied and planning reviews it would they be saying to a commercial developer this applies only to projects which are one-third, two-thirds?

Ms. Gerhardt: We're just asking about 100 percent commercial right now.

Board Member Hirsch: Only about that, okay.

Ms. Gerhardt: We're just having a straw poll about 100 percent commercial.

Board Member Hirsch: Okay, I mean, I would have thought that if it came to you in any case 100 percent commercial project you'd say this one has to go in front of the ARB, but not true?

Ms. Gerhardt: Yes.

Vice Chair Thompson: Correct, yeah, but we would be using the intent statements as part of our design criteria.

Board Member Hirsch: Okay. I should say the intent should be the most minimum amount of commercial. I would say one-third commercial and if that is the requirement then I would agree with that.

Vice Chair Thompson: Okay. I think that solves that straw poll.

Ms. Gerhardt: Vice Chair, for yourself?

Vice Chair Thompson: I'm in support of the intent statements applying to non-residential projects. I think the intent statements are basically a carbon copy of what our current objective standards are anyway. I don't think that changes anything. That's good. I'm glad we clarified that for everybody.

Ms. Gerhardt: I think the second straw poll, if we could, currently -- Jean might be able to better explain -- the objective standards by State law would apply to projects that have two-thirds housing. There is some conversation amongst the Board if we would want the objective standards to apply to projects that have at least 50 percent housing. That would mean more projects could just use the objective standards.

Vice Chair Thompson: Thank you for articulating that. I'll start with Board Member Lew.

Board Member Lew: Yeah, I think we should look at the number of projects that it would affect. I think it would be a huge change given the number of percent of affordable projects that we have seen, which is maybe two or three possible in ten years. That would be a very dramatic change. I think we should consider it but consider it carefully.

Vice Chair Thompson: Chair Baltay?

Chair Baltay: Yes, I am in favor of staff coming up with a number that's different than the state standards, whether its 50 percent is hard to say right now. I think it should be something that is studied. I support the concept of making a determination of what fits for Palo Alto, possibly 50 percent.

Vice Chair Thompson: Board Member Hirsch?

Board Member Hirsch: No, I really do not want to have it up to 50 percent. If it could be one-third, two-third I think that's a reasonable number. The reason I say that is because when you get into a commercial project that's more commercial I think in a mixed project like that even one-third could cause it to be a major project and have more impact on Palo Alto and, therefore, require more review. I am more in favor of trying to see projects that come through the ARB in general and less in favor of any project that is excluded from that procedure.

Vice Chair Thompson: Thank you. I guess in terms of my position on that, it's funny I hadn't really thought about it until it got brought up just now. I do favor trying to get more housing through. I have to imagine if 50 percent is commercial then we would have to review some part of it but it sounds like this is a straw poll that would require us not to do that. I think the number two-thirds does make sense to me but if the City does come up then I would be open to that as well.

Ms. Gerhardt: Okay, thank you so much for the clarity. We probably should move on to the next topic.

Vice Chair Thompson: Let's do it.

Jean Eisberg: Okay, great. Our next topic is the public realm and sidewalk character. This intent statement is emanating from the context space design criteria and it is encouraging a safe and attractive public realm, which includes the sidewalk space, the amenity area for street furniture, and for bicycle and scooter parking. This is seeking to create a transition between the private realm, the private building, and the public realm. Our subtopics are on the right side of the page. That's creating objective criteria for the sidewalk widths, for street trees, the accent paving that currently exists on University in downtown and on Cal Avenue, and, again, that parking area for bikes and scooters.

Vice Chair Thompson: Great. I will start us off really quickly. I don't have very many comments on this particular section.

Board Member Hirsch: Me neither. From reviewing it, it seems to be fairly complete. I just want to comment on the detail item of mosaic tile. There really is no such thing as mosaic tile that I know of. On

street improvements, in any case, there have to be more solid elements, pavers, or brick or concrete or stamped concrete or other materials for paving but mosaic tile I don't think is included. It's just one item on under accent paving unless you have some knowledge of something I'm not aware of. But basically I thought that section was pretty well put together.

Vice Chair Thompson: Board Member Lew?

Board Member Lew: Just some comments on the sidewalks. I think the first one is there are places, like on Page Mill Road, where we're not allowed to have trees within seven feet of the curb per the County because of some expressway. I think, also, in the perspectives that are shown I think you are showing in the traffic lane that there is a car parked along the curb, which provides the buffer to the traffic, but in places on El Camino and also Alma Expressway and maybe other locations, that's actually a traffic lane with cars going 40 to 45 miles an hour. It's not comfortable to have furniture along the curb in those situations, and I would tend to treat the landscape differently in those location than I would if there was parking along the street. I think a really good example is the mixed-use project at 441 Page Mill Road. Another really good example would be Alma Village grocery outlet project where we don't have trees and there is traffic. I think sometimes the standards may not really work that well. That's all that I have on this one.

Vice Chair Thompson: Thanks. Chair Baltay?

Chair Baltay: Just two quick comments. I think on the accent paving, I'd suggest instead just having one or two standards that you could use, and aside from that it has to come to the subjective level. I think a lot of these are not going to be on University Avenue or Cal Avenue, and you're just opening up Pandora's box letting somebody put whatever accent paving meets this big requirement along El Camino or San Antonio Road. I think just have the City define on or two alternative paving standards and leave it at that. I think that the distance to the primary building entry should be closer to 30 feet, not 20. I think 20 is just too restrictive for a bench or for bicycle parking. I am in favor of increasing that number. That's all.

Vice Chair Thompson: Chair Baltay, can I get clarification. Was that for the street tree location?

Chair Baltay: No, street tree locations are fine. It's section four, mobility infrastructure: bicycle racks, and scooters, et cetera, should be located within 20 feet of the primary building entry. Then regarding a seating bench of some kind within 20 feet of the building entry. I think that in reality that is going to be a little bit too restrictive, and I'd rather see the designers have a little more flexibility where those amenities are located. It's not related to street trees. Those are fine.

Vice Chair Thompson: Would you be in favor of providing a range?

Chair Baltay: I just said within 30 feet. That's a range, I suppose.

Vice Chair Thompson: We will do two straw polls. Let's do one on the accent paving and we will do one on location of mobility infrastructure. Let's start with the mobility infrastructure. Are folks in favor of changing it to 30 feet, Board Member Lew?

[Adjusting Audio.]

Board Member Hirsch: I am in favor of a range as you suggested, Osma.

Chair Baltay: What would be the maximum range, David?

Board Member Hirsch: I'd say 20 to 30 feet.

Vice Chair Thompson: I would say it could be closer if it needed to.

Board Member Hirsch: It could be closer, yes.

Vice Chair Thompson: I think right now it is zero to twenty.

Board Member Hirsch: Zero to twenty, I see.

Vice Chair Thompson: Peter is suggesting zero to thirty.

Board Member Hirsch: That's okay, zero to thirty.

Vice Chair Thompson: You're okay with that, Board Member Hirsch?

Board Member Hirsch: Yeah, I am okay with that.

Vice Chair Thompson: Okay. I think Alex is trying to call in.

Ms. Gerhardt: Veronica can maybe send him the link again just in case or maybe calling Vinh.

Vice Chair Thompson: I think his audio is off. I am in favor of keeping it within 20 feet.

Chair Baltay: Okay.

Vice Chair Thompson: I think Alex's vote is actually going to be important here.

Board Member Hirsch: I could go with yours too, Osma, with your suggestion.

[Adjusting Audio.]

Vice Chair Thompson: Should we try to do the accent paving straw poll within us, first, and then take both to Alex when he gets online?

Jean Eisberg: Vice Chair Thompson, may I make one clarification about the mosaic tile?

Vice Chair Thompson: Yeah.

Jean Eisberg: The intention for that standard is that it would only apply where those special pavers currently exist. The idea is if a project is ripping up the curb on University where there are existing bricks, they would have to replace them in kind; likewise on Cal Ave. The intention was not that it apply in any other locations.

Vice Chair Thompson: Would it specifically say match existing?

Board Member Hirsch: That's good.

Jean Eisberg: Yes, we need to clarify that.

Board Member Hirsch: Clarify that, yeah.

Chair Baltay: I am in favor of that. That's just fine then.

Vice Chair Thompson: We won't take a straw poll on that one.

[Adjusting Audio.]

Vice Chair Thompson: Let me write that down for the mobility one. We can circle back when Alex gets back on.

[Adjusting Audio.]

Vice Chair Thompson: Was there anything else on this section otherwise? I think we got to everybody's comments and we can probably move on. Let's go to the next one.

Jean Eisberg: Next up is site access and this relates to the hierarchy of circulation uses. Prioritizing pedestrian access and requiring a submittal of a circulation plan. We have tried to make that as objective as possible but basically separating uses to make sure that pedestrians have safe access to buildings separated from vehicles, including separation for bicycles. For example, we want to avoid having bicycle enter a driveway and parking in a shared parking area as vehicles. It is separating those modes and creating connections again between the private and the public realm. On the right-hand side of the screen, we are showing the sub-topics that include the objective standards. Again, that circulation hierarchy, which is through submittal of a plan, building entries, vehicle access, and then the locations of loading docks and service areas to minimize them and keep them away from the primary façade.

Vice Chair Thompson: Let's start with Board Member Hirsch. Do you have any comments on this section?

Board Member Hirsch: I thought it was well written and is satisfactory to me.

Vice Chair Thompson: Great. Thank you. Chair Baltay?

Chair Baltay: Yes, I guess I felt that subsection B, circulation hierarchy, was sharp enough written to be a standard. It just struck me as when you look at that comment there it is more of an encouragement. I question whether it should be here at all. Secondly, I do not think we should exempt City parcels or projects from this standard as in special conditions on vehicle access subsection 3B and 3C. Those are my two suggestions.

Vice Chair Thompson: You are suggesting to remove the special conditions note?

Chair Baltay: Special conditions, yes. At least where it is required by law I have no problem with. If you are required to have handicapped access or something like that I get it but I don't see why it should apply to parcels leased or controlled by the City.

Vice Chair Thompson: Maybe just that last...

Chair Baltay: Maybe I am just misreading this because it seems to say actually "where required by law and as applied to parcels leased or controlled by the City." I don't think the City should have a special exemption to these standards and a housing development project that is by the Housing Corporation could be considered to be controlled by the City. I wouldn't be in favor of that.

Vice Chair Thompson: Do you have a comment, Jean, on that?

Jean Eisberg: Yes. I do want to clarify that this is an existing standard that is in the CD district of the code and the CC2 district of the code that was adopted a couple of years ago. The intention behind it -- not to say we can't change it but I do want to be clear it is already on the books -- is that there are some existing public-owned parcels including parking areas that the City wanted to have driveway access to. Maybe Jodie has a different or more extensive knowledge about this but I think that is why that was applied.

Ms. Gerhardt: I don't have any more extensive knowledge about why the City would be exempted but certainly we do not want to have driveways on to University. We would rather have it on side streets or alleys or things where we can do that. The City would do that as well, as much as they could.

Vice Chair Thompson: I just want to check if Board Member Lew is on.

Ms. Gerhardt: I believe he was going to try to call in.

Vice Chair Thompson: I see his name.

Board Member Lew: I'm back. I am using computer audio now.

Vice Chair Thompson: Okay, great. Glad to have you back. I do not know how much you have heard. I do want to circle back. We were taking a straw poll on how far micro-mobility infrastructure should be from the primary building entry. Currently, the objective standard says within 20 feet. Board Member Baltay wants to change that number to within 30 feet. We took a straw poll on how people feel about that and we wanted to get your opinion on that.

Board Member Lew: I am generally supportive but I have seen projects... there's the Weatherly on Litton and Bryant as part of the Palo Alto Medical Clinic redevelopment and they have really beautiful benches with trellis on the sidewalk and they are farther away than 20 feet. I would just cite that as an example of something that is nice and desirable but it is farther than 20 feet from the entrance. Then, on the sidewalks, I think it is more problematic. It is actually not that consistent on University or Cal Avenue. I think that is a little trickier.

Chair Baltay: I think, Alex, they clarified that that is only intended to apply in the case where you replace an existing decorative pattern. It doesn't really allow new decorative patterns anywhere, which changes the situation.

Board Member Lew: Okay, thanks.

Vice Chair Thompson: Alex, did you have any other comments on public realm? I think maybe your audio cut out right when we were going to get your comments on that.

Board Member Lew: Okay, I do not think I have anything but I will make sure that I add it in the notes that I send to Jodie if I find anything.

Vice Chair Thompson: Okay, great. It sounds like the verdict of the straw poll was to increase that number to 30. Back on to site access, Board Member Lew, we got Board Member Hirsch's comments and Board Member Baltay's comments. I did have one more question for Board Member Baltay on one of his notes about the circulation plan note.

Chair Baltay: Yes.

Vice Chair Thompson: Your comment was just that it leaves things a bit open-ended.

Chair Baltay: Yes, I think subsection B is just too vague to really even be an objective standard. It requires some subjectivity to enforce whether a site clearly identifies a hierarchy of connectivity. I think that is made clear by the statement underneath which confirms that it is a subject thing, and, in reality, this is just a -- how does it say it here -- the act of having to write the report and provide enough guidance and design thinking to get most of the way there in most cases. I think you are just opening yourself up to being claimed to being subjective on that one.

Ms. Gerhardt: Are there any suggestions on how we could make that more objective?

Chair Baltay: I guess I feel that in other places where it seems to me that it says clearly you have to prioritize first pedestrian, and then bicycles, and then vehicular, and then service access to buildings. I think that sort of covers it, or it is as close as you can get subjectively -- I mean objectively.

Vice Chair Thompson: Thanks for clarifying that. I had some confusion on your note on that.

Board Member Hirsch: I have a comment to make about this. It is that the intent, as I understand it, is actually supposed to be more subjective than objective as a way of description. Isn't that correct? What we see in the intents are a little more subjective and that it becomes objective when we move on through the chapter.

Ms. Gerhardt: That is correct. The intent statements are purposely subjective. Everything else should be objective.

Chair Baltay: Why not just come out and state, instead, the hierarchy we expect them to follow: first pedestrian, then bicycles, then private vehicles, then utility? You say that shall be the hierarchy of access connectivity and leave it at that so you can judge what that is. We're beating this to death. It's not that big of a deal.

Vice Chair Thompson: Was there a comment from you, Chris?

Chris Sensenig: I think the difficulty is that hierarchy is inherently subjective and I think that is one of the struggles of this in creating a subjective design standard is without providing direct dimensions, separating hierarchies; it is difficult to create a straight objective standard. Anyway, that is where we are at here and we can take a second crack at it or you are right I think we can move on. I understand all of your comments with this.

Vice Chair Thompson: I do think -- sorry, just to add on -- the note where it says the act of having to write this report and plan. The report of having to intent to establish the hierarchy does... I think that is a useful exercise to ask applicants to go through. Without it, we would get nothing, basically, if we were to get rid of this note then applicants wouldn't be asked to go through that study. I don't think we have heard from Board Member Lew on site access and his comments.

Board Member Lew: I had an example that I was thinking about when I was reading this. It was in Mountain View and their specific plans the developers are asking for flexible private streets and it is so they can build garages below the private streets. Also, sometimes they will put sidewalks only on one side of the street so they can have more space for things like utility meters and loading docks. There has been a lot of criticism about those flexible standards. They have been trying to be stricter about that and have more complete streets. Again, that may be more for subdivisions and specific plans and not an individual building project but I think we should just pay attention to the flexible standards that some developers are trying to use.

Vice Chair Thompson: Okay.

Board Member Hirsch: My comment on that is what are we dealing with here in Palo Alto? Do we have a situation that would be like that, Alex, where you can imagine happening here in Palo Alto? I do agree with you that the issue of flexibility for all potential situations has to be addressed in codes like this so that it raises the question of changing codes and making assumptions about the way in which we develop the new code. In this case, I think we are more or less talking about specific parcels here that will not be like that in Mountain View here. There just isn't that much -- as I understand it from just bicycle riding around town -- land for development of that nature here.

Board Member Lew: Possible, but I think, David, the big example is when light industrial land changes to residential use.

Board Member Hirsch: Okay.

Board Member Lew: That is when you get the larger projects, but, again, those tend to not be single projects. They are typically more like a PC kind of projects. We do have examples, like on Loma Verde of light industrial projects going to multi-family. Again, I am in general agreement with Osma in that the intent statement really forces the issues, right? Then, I think the issue is then later is if the City doesn't like what is being proposed then what happens? What do we have to fall back on?

Vice Chair Thompson: That's a good point. We haven't really written something here where if the circulation is deemed infeasible or something like that. I am not sure where we would add that or where we would write it.

Board Member Lew: A lot of times what has happened on past projects is that the neighbors will object to a pedestrian or bicycle path going through the site because they don't want more traffic. Even pedestrian traffic they will object to because they argue that the new development is under-parked and that people are going to park in their neighborhood and use that path to walk to their new house. That has come up on several projects, and usually the City ends up losing the battle because we don't really have a way to force the issue.

Vice Chair Thompson: I am concerned here about timing and getting deeper into the information that's presented here. We get hung up on this sort of issue and we'll be talking about it for a half an hour and we won't have the time to go into this in any greater depth. My feeling is we should accept this particular site access description and move on. Those projects that would be beyond any one of the elements described here will come to the ARB for further discussion in the future.

Vice Chair Thompson: I think you're right, David, we should probably keep going. I think we recognize that that was a tricky one to write and hopefully the discussion today has helped a little bit. I don't know if Jean and Chris have any other things to add or if we should just keep going?

Jean Eisberg: I have one other thought which is as part of this whole project where we have developed a submittal requirements checklist for SB35 projects, which we can certify by adopting it by resolution. One option is that in that submittal requirements checklist we include a circulation plan where you demonstrate that hierarchy. We still run into the subjective/subjective issue but it is a different avenue to request that information. Then we need to figure out how to then evaluate it to the Board Member's point, if we don't have legs to stand on in terms of what that hierarchy should look like it gets a little bit more challenging, but it may be a different way for us to request that information.

Vice Chair Thompson: That's a good thought. That's a good idea. I guess we will have a chance to revisit this when we have our second meeting and hopefully there have been more edits on that. Should we keep going to building orientation?

Jean Eisberg: Okay, so we are getting closer to the building. Here, this intent statement talks about, again, the relationship between the private and public realm, and development a sense of place through the contiguous street, identifying the location and orientation of doorways and other openings, creating these transitional spaces between the buildings, between parcels, between adjacent sites to distinguish the private and the public space. It talks about the treatment of corner buildings, about the ground floor residential units, and has a section on the front yard setback character.

Vice Chair Thompson: Who wants to go first.

Chair Baltay: I will if you're up for it.

Vice Chair Thompson: Yeah, go for it.

Chair Baltay: I have a number of small suggestions but they might be more controversial. On building orientation treatment of corner buildings, I think 40 feet instead of 60. How did I write this here? Street wall should be located at the minimum front yard setback or build-to line for a minimum aggregate length of -- instead of saying 60 I think it should say 40 feet with a minimum side of 12 feet. It is basically defining the corner of a building. Then, I think that instead of saying change in height of at least... actually, I'll send that. That's just a typographic thing. Then common space that is no more than six feet above the back of the walk grade, I think should be only two feet. I think those common spaces should be closer to grade in all cases but two feet. Then, primary building entry, this is section 2A paragraph A, it says a minimum area of -- instead of 36 feet I think it should be 60 square feet with a minimum dimension of six feet. There should be larger spaces for common entries. Commercial was okay at 100. Then, I did not agree at all with the ground floor residential units having a minimum of 80 percent access directed from the public right-of-way. I have taken on several projects we have done where developers prefer to have access internally and I think it worked out okay. I think it is too restrictive to require that in a blanket fashion. Then, I guess...

Chair Baltay: Peter, what you're doing is going beyond what we are looking at here, of course, on the page. You're going into the detail under the area called building orientation treatment.

Chair Baltay: Oh, I am sorry. Did I go to the wrong one?

Vice Chair Thompson: No, I think that's right. I think what we have on the page here is just the intent but I think the intent is supposed to cover the whole chapter in this case.

Board Member Hirsch: So those...

Vice Chair Thompson: I think your comments, Chair Baltay, are fine.

Chair Baltay: We're referring to section 040 building orientation and setbacks.

Vice Chair Thompson: That's right.

Chair Baltay: Okay, so I was commenting on the treatment of corner buildings.

Board Member Hirsch: Buildings, yes.

Chair Baltay: I think a good definition of a corner element is 40 feet, not 60, with a minimum side of 12. I think that common open space should be within two feet, not six (inaudible).

[Adjusting Audio.]

Chair Baltay: I'll try to summarize this again really quickly. I think corner should be 40 feet with a minimum dimension of 12, not 60. I think that common open space should be within two feet of grade, not six feet of grade. I think that a primary building entry for residential should be 60 square feet, not 36, with a minimum six-foot dimension. These are my three suggestions.

Vice Chair Thompson: Then you had one on the 80 percent ground floor residential.

Chair Baltay: I think that that is not appropriate. I think it doesn't apply in all situations and I guess it is very debatable. It's a good thing to have, I believe, but I have seen projects where it wasn't required and it worked.

Vice Chair Thompson: Okay. Maybe we will circle back and talk about each of them after everyone's had a chance to give their comments. Board Member Lew, do you have comments?

Board Member Lew: I have comments on B. I think A is okay. I don't think I have issues with the intent statement.

Chair Baltay: Agreed.

Board Member Lew: If we want to go to B I can do that now or I can wait.

Vice Chair Thompson: I think Peter went through all of them.

Board Member Lew: Okay.

Vice Chair Thompson: We'll just go through all of them and then we will circle back because I think some of these might require straw polls.

Board Member Lew: Okay. I think that the corner is too... I think I agree generally with the corner but I think more options should be provided. I think it is written for more of an urban or downtown neighborhood but we have a lot of townhouse projects in more suburban areas. We have a lot of housing projects on

edge conditions, like West Bayshore and Alma where I am not sure that the corner plaza is necessarily the best solution. I think a big question for me is the corner plaza. Does that have to be open space open to the sky or can it be roofed, like 801 Alma? The corner plaza has a roof over it.

Chair Baltay: Which item is that, Alex, number two?

Board Member Lew: Yes, number two.

Chair Baltay: It just says here you have to have a minimum dimension of 20 feet if you have a square feet of 1,000.

Board Member Lew: Right, but open spaces usually open to the sky. I guess the issue is can it be roofed?

Ms. Gerhardt: Just to clarify from a staff perspective, staff does need some guidance on this as far as open space. Normally it is open to the sky but we have some developers push back on that. The more guidance you can give would be appreciated.

Board Member Lew: I think a really good example to consider is the 801 Alma, and if that is acceptable. It seems to be a little bit too... there's a big sheer wall there. It seems to be fairly enclosed. I would rather have a little bit more open. Maybe if there is a way of saying that it is open on two sides, that's acceptable. I think my other comment would be for senior housing. Senior housing is typically a PC project in Palo Alto, and they typically have portico shares that are fairly well enhanced with seating and landscaping. Most of them seem to work really well from what I can tell. I would want that as another option as a building entrance. That's all that I've got here. One last thing, on ground floor residential units I think I generally agree with the intent of it but I did note some exceptions. For example, under C ground floor units shall be set back 15 feet from the sidewalk, and I think I generally agree with that. At 800 High Street, there are only one to seven feet in back of the sidewalk, and planters are done pretty well there. It is a shallow lot so there is not that much flexibility with that. I think generally I am okay with the 15 feet. That's all that I've got.

Vice Chair Thompson: Okay, thanks. Board Member Hirsch?

Board Member Hirsch: Yes.

Vice Chair Thompson: If you could give your feedback.

Board Member Hirsch: Yes. On the treatment of corner buildings, in the first place, I am wondering why this particular format and illustration is being used here. It is very attractive but what... is this a typical building? What are we looking at here? We have a building that is on what appears to be a commercial avenue because it has the possibility of commercial entry, and then we have wings to this building that are in both directions. The way this is described, the treatment of a corner building, has corner buildings shall include one of the following special features. Does that mean that if you provide one feature you don't have to provide any of the other two? I find that to be a little strange. In the first place, it says if there is a corner building that has an access to commercial area within it -- a store on the corner let's say -- then it doesn't have to have any specific entry into the rest of the building. For the store alone, it won't be for residential use. It really is a confusing situation here to have this divided the way it is between the different elements. For example, an entry to a building isn't as important if you provide the area behind it as an open space... the part that is open to a community use on the inside and that community use as described, I think Peter point was well taken, is now half a level up somehow or could be half a level up. That means that the ideas here are expressed without really knowing exactly what the planning is for this entire building, a rather, potentially, complex building that has commercial use on one side, a residential entry that has to have a certain dimension, and/or the back of it that is an open space, which might require an open space anyhow. The building is described on a specific block front that has all three sides of it facing a street. I am left pretty confused by the whole example here but I do agree with Peter that the specific dimension that are described here don't allow enough flexibility. I am concerned in general about the way we described things here with a lot of very specific dimensions. Unless those dimensions are going to be

between X and Y, somehow, that seems more to me. It is either one or the other, a minimum or a maximum, or whatever. A minimum in case is what I think Peter might have been heading towards. I definitely agree, for example, number three where the back of the building is on a potentially raised private area adjacent to a community room. That creates all kinds of street issues there. Peter pointed out it shouldn't be more than two feet and I agree with that 100 percent, but you really will create an environmental issue that isn't going to be all that friendly once you have a six-foot wall to the ground level and then railings above that. This whole example needs an awful lot of work and I don't agree that it should be one or the other the way it is described. The corner building shall include one or more, one of - - it should include, perhaps, one or more of these following possibilities. Even there a piece of it could be commercial and then the residential portion has no relief at its entry. It doesn't seem acceptable to me to do it that way. I would like to ask Jean to respond to that and to this consideration.

Vice Chair Thompson: I think we will do that after we have all had a chance to give our comments.

Board Member Hirsch: Okay, that's fine. Whenever.

Vice Chair Thompson: Anything else on this one? Okay. I am going to give my comments really quickly. I actually had a note on the intent statement that we are looking at here. It's the bullet point third from the bottom: buildings that provide side and rear setbacks and/or upper story setbacks to create separation between adjacent lower density. I was thinking that instead of creating a separation with the lower density around I was thinking it could change to say create a relationship, whatever that may be because this is a subjective standard. I think it really depends. I don't know if we want to be held to specifically separating if there a way to create a different kind of relationship. For the treatment of the corner, I can quickly respond. I would be fine with changing that to 40 feet with a minimum side of 12 feet. For the common open space being a maximum of six feet versus a maximum of two feet, I think that needs a little bit more thought. I understand the concern with six feet because it will feel like a wall on that side. I think the comment at the end of that note sort of talks about creating interest on that wall in terms of it being open but I feel like with topography, I mean Palo Alto is pretty flat but there is potential that that might be tricky. Then the primary entry façade, I am going to skip that one and we can come back to that. Alex's note on the ground floor residential unit shall be setback a minimum of 15 feet, I also kind of flag that one as well that may be arranged might be a better idea depending on the content. Fifteen feet might be a lot if things start to get denser. Okay, why don't we give Jean or Jodie a chance to respond -- I see Jodie with her hand up -- then we can continue.

Ms. Gerhardt: I just wanted to clarify some of these regulations, like the 15 feet setback, that is the objective standard. If a project could not meet the objective standard because maybe it's a shallow lot or something to that degree that would just be a project that would have to come before the ARB and meet the intent statement. There is a way out of that, as a reminder. If we are wanting to minimize that, that is fine as well to continue that discussion. Thank you.

Vice Chair Thompson: I had a question about that actually. Are we assuming that this would be 15 feet regardless of what the actual setback is in the zoning?

Chair Baltay: That's how it reads.

Jean Eisberg: Right. That is only applying to an actual residential unit. If there were no residential units -- I think this means with direct access from the sidewalk -- then this would not apply.

Vice Chair Thompson: I see.

Chris Sensenig: I think there's another way that we could do this. I think the High Street example was a good one where the building entry might want to be 15 feet back but the actual unit could have a different minimum. Another way that I have seen this done is have a relationship to its setback and the height that the ground floor unit has to be above grade because the concern of any of these ground floor residential unit standards is to not end up with one of the situations where you have ground floor units at grade with no privacy in those units and the shades are just down all the time. There is no true activity on that façade.

Chair Baltay: Could we consider a standard that was more flexible? Say ground floor units may be within 5 to 15 feet of the back of the sidewalk if they provide the following additional treatments, like a grate separation, or a front porch, or enhanced landscaping.

Vice Chair Thompson: I could be open to that. What do the others think?

Board Member Hirsch: I could be okay with that as well.

Chair Baltay: Why don't we just let the staff come up with some alternatives that let the units be closer?

Vice Chair Thompson: Sounds good. We are at 10:15 here. Which means we have about 15 minutes left. I had a question for staff. I know that we all have markups and stuff. Does it violate any Brown Act if we are able to see each other's markups on this document? Is that something we could distribute amongst all of ourselves?

Ms. Gerhardt: I will need to double-check with the attorneys. I think to the degree that maybe we put that on the website so the public is able to see that information as well, that is probably the course we would need to take but I will double-check.

Vice Chair Thompson: Okay.

Board Member Hirsch: I have a problem here with specific on the corner building description says a change of height of at least eight feet height greater or less than the eighth of an abutting façade. Chris, can you explain what you mean by that?

Chris Sensenig: Yeah, that the corner doesn't necessarily need to be higher than the rest of the façade to increase its significance and presence on the street but it could be lower than the rest of the façade.

Board Member Hirsch: Does everybody else understand what that means?

Chair Baltay: I had thought of a different way to phrase that but that's just wordsmithing. As I look at my notes more carefully, I thought we ought to instead just have items A and B both be required to define a corner. It has to both to have the entrance and a different material, not one or the other. I think you can leave the height thing off altogether because I have seen many successful corner designs that really don't change the height too much.

Board Member Hirsch: Then, is that material, Peter, only on that façade?

Chair Baltay: Yeah, as I read this carefully I made a note but I didn't mention it. It says that you have to do one of the following. You could make a corner feature that meets the dimensional requirements and has a primary building entrance and it could be identical architectural treatment otherwise. That material, fenestration pattern, et cetera, or you could make it a little bit taller, or have a different material without the entrance in it. It seems to me that it ought to have an entrance to something, retail, or the building entrance, and it ought to be a different material treatment in every case.

Vice Chair Thompson: I feel like I have also seen successful corners that don't change the material as well. I think we are going into subjective-land a little bit. Maybe we have seen some options that worked but we need to make sure that for the options that we don't see that this works.

Chair Baltay: Fair enough.

Board Member Hirsch: Exactly correct.

Chair Baltay: An eight-foot increase in height, in some cases, will look ridiculous. It's just too much.

Board Member Hirsch: Yes, that's what concerned me too.

Chair Baltay: I'm not sure if the height standard is as useful.

Board Member Hirsch: The way this drawing is created here, it is showing (inaudible) vertical extra tall ground floor with a significant notch there between it and the corner but an extra tall ground floor which looks to be standard and a clear story window above it. Is this a prototypical corner building or should it just be in verbal descriptions and not have an illustration with it? It leaves me confused.

Vice Chair Thompson: Can we take a straw poll on the graphics. If we feel like the graphics aid in understanding the criteria versus if the graphics add more confusion?

Chair Baltay: I think the graphics are good.

Board Member Hirsch: You like the graphic here?

Chair Baltay: Yes, David, I think overall the graphics are well done. The basic logic with these A, B, and C dimensions and the explanations and the colors. I think they are all good. Yes, I agree that the buildings perhaps are not as representative of what we are going to see in Palo Alto but the basic concept I think is excellent and well done.

Vice Chair Thompson: Board Member Lew?

Board Member Lew: I am okay with the graphics of the corner.

Vice Chair Thompson: Okay. I also think the graphics are fine. I actually wish there were more graphics throughout the whole document because I think it makes it easier to digest. I also agree that the building that we are looking at here doesn't really strike me as a residential building at all in terms of the patterning of the windows. It is very unlikely that a residential building would have that rhythm because of the living room, bedroom pattern that you usually see. As well as I know that we haven't really talked about balconies or anything but I think there is something to David's that maybe... I don't know. Is it too much to consider fenestration pattern for the example image that we're looking at here?

Chris Sensenig: It's easy to change the fenestration pattern on that diagram.

Chair Baltay: Is it possible to take actual projects that have been done in Palo Alto and use those as prototypes?

Vice Chair Thompson: I don't know if I would be in support of that.

Board Member Hirsch: I am going to jump back in here because I look at the building and I see a different kind of use at the corner. It looks like a commercial piece of this building all the way up. The ground floor all the way along, from this vantage point, looks to be a commercial floor height. I find that of the A, B, and C, I find C to be just confusing. The C portion of it is confusing. I think that a different material application and fenestration pattern on the rest of the facade is a different material application. There's no justification for a different material application. That corner could, in fact, be a brick corner and the rest of the building could be, let's say, brick and it wouldn't be a problem. To require a different material is inappropriate. The drawing illustrates the inconstancies of the use of these materials.

Chair Baltay: I agree with you, David. I think you have convinced me otherwise, yes. I agree that it should not be required completely. The way it is now (crosstalk).

Chris Sensenig: Yes, it's an option. Right.

Chair Baltay: I think that...

Vice Chair Thompson: It's an option. It's not a requirement.

Chair Baltay: I am listening to what you're saying, David. I agree; you are correct. It should be an option.

Board Member Hirsch: It's an option, yeah.

Vice Chair Thompson: It is an option, though.

Chair Baltay: I had suggested it not be an option and I think...

Board Member Hirsch: There are a lot of options. There are many options.

Vice Chair Thompson: Yeah.

Board Member Hirsch: I was arguing for the drawings to be more abstract.

Chair Baltay: let's move on, guys.

Vice Chair Thompson: Yeah, let's keep going. We are at 10:22 here. I think maybe we can... let's wrap up this. I know that on the agenda we still have to know the NVCAP update from Board Member Lew. Are there any closing thoughts from staff on this one in terms of anything that might help wrap this up? Then we can pick up on the next chapter at our next meeting?

Board Member Hirsch: Importantly, I think to keep the flexibility which ought to be a part of the building and one should say corner building shall include one or more of the following special features however it is illustrated. It should say something to that effect.

Vice Chair Thompson: Yeah, that sort of gives people the option to do more than that. Is everybody okay with that? One or more?

Chair Baltay: Sure, that's fine.

Vice Chair Thompson: I want to give staff a chance to ask questions on our feedback. I am going to have to hop off here soon.

Ms. Gerhardt: I don't know if Chris or Jean have any questions at this time or discussion.

Jean Eisberg: This has been really helpful. I appreciate how thoroughly everybody read this. I know it's a lot to go through but I don't have any questions at this time. Jodie, do we need to do anything formal to continue the item?

Ms. Gerhardt: Osma, in hearing that you may need to drop off in a few minutes, we still would have three board members so we could continue. If possible, I'd like to just to give us more discussion. The more discussion we have about this the better.

Vice Chair Thompson: I'll put it to Chair Baltay and the rest of the Board Members. If you guys would like to keep going past 10:30 I definitely have to drop off but maybe I can hand the chair responsibilities over to you.

Chair Baltay: I don't have a strong opinion. I can go for a little bit longer if necessary. Alex, how do you feel?

Board Member Lew: I can go longer if needed.

Chair Baltay: David?

Board Member Hirsch: Yes, I am fine.

Chair Baltay: Okay. Let's try to get a few more of these covered then. Osma, do you want to sign out now or should I just take over as Chair?

Vice Chair Thompson: Yeah, I can hang on for a couple of minutes but why don't you go ahead and take over as Chair...

Chair Baltay: If we quickly summarize on the one we just talked about with the corner buildings. There was some talk about changing the dimension from 60 to 40, minimum 12. Is that agreed on by everybody?

Vice Chair Thompson: I think so. I think you, me, and Board Member Hirsch agreed on it. I didn't hear Board Member Lew's feedback on that.

Chair Baltay: Alex?

Vice Chair Thompson: He said more options provided.

Board Member Lew: I think overall that the treatment of corner buildings doesn't really encompass all of the different building types.

Chair Baltay: Great. Let's direct to staff then to consider the comments about the dimensions and maybe is there another way we can increase the scope on it so it's more flexible.

Board Member Lew: Yeah.

Chair Baltay: Can we come to Alex's comment about number two, public accessible open space. How about if we say it's a minimum dimension of 20 feet on two sides, which are both open to the public right-of-way and that covered spaces are permitted. Do we agree with that?

Vice Chair Thompson: I don't. I think it's fine as it is written.

Chair Baltay: David, what's your take on that?

Board Member Hirsch: I don't agree with covered. I don't agree with that covered.

Chair Baltay: Okay, how about comments though that it be open on two sides?

Vice Chair Thompson: I also don't know that that's necessary.

Chair Baltay: Okay. We are going to leave it like it is, then? Alex, are you okay that way?

Board Member Lew: Yeah, I just want to make sure that we all understand. I think we should just be clear on our definitions, like open spaces open to the sky.

Chair Baltay: Okay.

Board Member Lew: That's different from a porch...

Chair Baltay: Okay...

Board Member Lew: ... for portico share, right?

Chair Baltay: Okay. Staff, if you could take that into account and try to be clear, if necessary, for these things. The third one was whether a common space should be six-feet from the grade or two-feet from the grade. I heard a variety of opinions on that.

Chris Sensenig: Can I add a clarification to that, please?

Chair Baltay: Sure, please.

Chris Sensenig: One of the reasons that it is allowed up to six feet is assuming that this is a residential building and this common open space is a ground floor, and if the ground floor units are greater than the height of the sidewalk for, say, a tuck-under parking or to provide stoops that the goal would be that it would be at the same floor height as the ground floor residential building. I am not saying it has to go up to six feet but I just want to link that intent of a raised ground floor for stoops, privacy of ground floor units, and also the potential for half subgrade parking.

Chair Baltay: I think we might come to that when we discuss parking. At least I feel the building should be no more than three feet above the ground, even with parking. At least from what I've heard from the Board is that from the public's perception, that six-foot common space makes for a real barrier to the public on the building. I don't hear a consensus from the board that we should change that dimension. Is that true, Alex, David, Osma, if you're still with us?

Vice Chair Thompson: I have to jump off. I think this is a tricky one. I see the problem. I think if we allow it go that high, which I am fine with, we just have to have some sort of caveat about the interface of the street so that it's not a blank wall.

Chair Baltay: Okay, we'll just have...

Vice Chair Thompson: Thank you and thank you for taking over Chair duties.

Chair Baltay: Thanks. Staff, we just don't have feedback for you on that item, then.

Ms. Gerhardt: Chair, if I may, it is possible that instead of having a six-foot maximum maybe it's a three-foot average or something like that because I know there was some conversation on sloped sites. That might be where this comes into play.

Chair Baltay: Yeah, I would assume that it also comes in under definitions that you want to give meaning to what these words mean. Like when you say height, how do you measure it? Let's keep moving on and not worry about that any further right now. The last one on this was regarding the ground floor residential units and I think we proposed something about the 15-foot setback that you're going to explore. Are we ready to move to the next item, massing? Jean, do you want to take us on that and give us an introduction, please?

Jean Eisberg: Yes. This is when things get really exciting. This, again, the intent statement here is drawing from the context space design criteria that focuses on this human-scale massing. The intent here is to break down the large massing, break down the building facades to create that pedestrian-oriented human-scaled building, and to try to get at the context and character of what's happening in adjacent uses and adjacent structures. Also to create more transitions between properties of different densities and heights. In terms of our sections on the right side of the screen, we see the contextual massing about upper floor setbacks, the transitions to the lower density zones, and single-family homes. Also regulating maximum façade lengths and requiring significant breaks in the façade. Then, we have a section on special conditions specifically around projects that are adjacent the railroad.

Chair Baltay: Okay. Alex, what do you think?

Board Member Lew: I think on past projects sometimes we have struggled when we want to change a particular area. Say on San Antonio Road, if we are changing it from light industrial to residential, you don't really want the residential to match the existing light industrial necessarily. I do support the emphasis on human-scale. I think that is good in breaking down the large building facades. That is something that I have been arguing for like ten years. I think that this proposed code is addressing my overall concerns with regard to the massing.

Chair Baltay: Okay. Any detail comments about some of these numbers or descriptions here?

Board Member Lew: I didn't make any detailed ones except on D. Maybe we should do that later, which is the railroad frontage because that is very different.

Chair Baltay: Let's come back to that one, yeah. We will skip the railroad for no. David, any thought on this and details?

Board Member Hirsch: During our review and private meetings of it in the past we discussed the neighboring properties in such a way that we thought that maybe sky exposure plane was the better way to treat relationship to the neighboring properties where there is a lower scale, change in zone, et cetera. I am more inclined to keep that as the way of dealing with neighboring buildings. On the first example here I am confused because a relationship is relative to a lower structure, and what we are looking at in the diagram here shows a setback under the gray area building of heights 20-feet above adjacent buildings. Shouldn't we be showing a relationship to the gray structure? In description A, setback along a greater than 70 feet length of a building, why is that there? If it's going to be... what is the purpose of the setback? Chris, can you explain what that is?

Chris Sensenig: The setback, essentially, is at the datum line of the adjacent building.

Board Member Hirsch: Which adjacent building?

Chris Sensenig: The one that's colored blue, and then the upper floors are set back in yellow.

Board Member Hirsch: Yellow.

Chris Sensenig: You're talking about the...

Board Member Hirsch: The yellow floors are...

Chris Sensenig: ... standard when the average height of a building is greater than 20 feet above the average height of the adjacent building?

Board Member Hirsch: The yellow, you're calling it yellow. In my drawing, it comes out like tan color. The same thing, I guess. The neighboring building is 20 feet meaning its two-stories higher than the gray building, right?

Chris Sensenig: Yeah.

Board Member Hirsch: What is the setback of green? What does that show?

Chris Sensenig: a minimum depth of six feet along the datum line. We could add a dashed line that will make the diagram clearer.

Board Member Hirsch: I guess I am confused on where it is located. I would've thought that the actual setback would have been somehow between the gray building and the taller building. I don't understand the purpose of the one in the front.

Chris Sensenig: I think, yes, that is a good point. I think it is a good thing to debate on whether it is important to have the datum line actually be adjacent to the building next to it or just reflect that somewhere in the building façade.

Board Member Hirsch: On the front of the building it has no particular purpose except to reduce the length of the building. That's all. The length of the façade that comes all the way out. I just don't understand the reasoning for it. I think Peter's point is at a question of the dimension there as well. The setback along greater than or equal to 70 feet. If the front of this building is greater than what dimension? What is the front dimension? What is the reason for the setback in the front and why would you do it?

Ms. Gerhardt: Chris, the reason for the setback is to visually reduce the massing when you're adjacent to a smaller building, correct?

Chris Sensenig: Correct. Yes, respecting the datum line and you're changing scales. I don't know that it needs to be directly adjacent. I think the standard is written that it just needs to be a setback along 70 percent of the façade length. Of course, that can be changed by this group.

Chair Baltay: David, do you have other comments on this section or should we all chime in.

Board Member Hirsch: We have, what, the parts to this section?

Chair Baltay: Let's focus on this one part. I think if we changed it so that that setback was adjacent to the adjacent building it would be more appropriate.

Board Member Hirsch: Yes, I agree.

Chair Baltay: We are trying to make objective standards. I can easily see where an architect could do otherwise, but to make dummy-proof plans it has to be next to the thing.

Board Member Hirsch: Yes, if the purpose is a relationship issue, which it is in the drawing below, I think is much clearer at that point. There's a significant change in the massing of the building relative to the neighbor, and that could -- If you chose to do so -- follow a sky exposure plane or daylight plane. That would be appropriate relative to the neighbors' use.

Chair Baltay: To staff, also, this is one case where your diagram, in concept, is working, but the building or the abstract of the building you've chosen doesn't because this is like a six-story building and your making adjacent to a four-story building. We don't have that situation in Palo Alto. Almost always you're talking about going from a two-story building to three or four-stories.

Board Member Hirsch: That is true, yes.

Chair Baltay: If you could make the diagram, the building representation, more suitable to Palo Alto you'll find it much easier to understand.

Board Member Hirsch: Yes, and in terms of that the five-story maximum height of building in Palo Alto.

Chair Baltay: Yeah, we have a 50-foot height limit no matter what, but there are always going to be smaller cases where the example will be crisper in the detail. Alex, do you agree with the idea that the setback should be adjacent to the lower building?

Board Member Lew: Not necessarily. I think it would help. I think you guys are reading too much into the diagram and if you look at the text it would give you more flexibility. I think that the two-foot requirement may be too strict, in my mind. I guess the other way I have been thinking about it on past projects is I have been thinking about having some sort of cornice line around 35-feet, give or take.

Chair Baltay: That's usually where it occurs, yeah.

Board Member Hirsch: Yes.

Board Member Lew: It actually looks good. It's a good pedestrian scale. The 35 feet works really well with our 60-foot wide streets. It's a good pedestrian scale. Then, if you have a one-story building next door, like the blue-gray building is just one-story, I don't necessarily want to do the setback starting at 15-feet. I think it might actually look better up at 35-feet. Again, I think maybe we show a couple of examples, and show a little bit more flexibility, and show an example that's more similar to what we see in Palo Alto.

Chair Baltay: I think that's a very good point, Alex. It's a tricky situation. David do you agree with this example of maybe we should...

Board Member Hirsch: I agree with what Alex said and I also agree with the comment that there should be more examples for every situation here when there are really more issues that are being addressed there should be more examples that show what it could be.

Chair Baltay: Okay, let's keep moving on. Staff, we don't have any changes then. Just some questions. The next one is the second part of this, which is the transition paragraph. Do we have changes to that? David, you didn't finish. What do you think about that?

Board Member Hirsch: Item C?

Chair Baltay: Transition to lower density building types. It's the second part under contextual massing. Is that okay?

Board Member Hirsch: I agree with it when it's based on a sky exposure plane or daylight plane. I think those ought to be overriding limitations.

Chair Baltay: Alex, what's your take?

Board Member Lew: I think I am generally in support of it. My notes I have here are that in some of our zones we have zero setbacks. Then in our performance-based criteria section of the code, there is a 10-foot landscape requirement when the new building is next to a single-family. I think the section is trying to address both of those. I think I am supportive of it just in concept.

Chair Baltay: I am looking through this at the fine print of it, and I am wondering if it shouldn't be all of those things in section one. Not one of them, but it should have both the stepback and the privacy measures, and the landscaping. I am just thinking of a project that we just saw preliminary review to City Council last week that's proposing to put this large building next to the residential stuff off on El Camino. That's a hard sell of the City Council, with all of this stuff they are still pretty uncertain about it, I thought. I think to allow just one of them of three may not be sufficient. Certainly, if this came before us as an ARB project we would look to be getting some sort of modulation on the massing and additional privacy changes, perhaps, on windows, and we would be looking at the landscaping.

Board Member Hirsch: Yes, that's a good point, Peter.

Chair Baltay: Alex?

Board Member Lew: Peter, I think the City is considering going above the 50-foot height limit. I think we should try to get these to work for taller buildings.

Chair Baltay: Yes, this is actually pretty significant for what's going to happen.

Board Member Lew: I think this one is a really big deal. Also, the City is considering removing the height reduction, say you're in the CS zone typically it has a 50-foot height limit but if you're near single-family or duplexes then the height limit goes down to 35 feet.

Chair Baltay: Jodie, does that apply under these State requirements? That's an objective standard in the zoning code, right?

Ms. Gerhardt: Those are development standards so those still apply.

Chair Baltay: These buildings are limited to 35 feet within 300 feet or something of residential. Is that it?

Board Member Lew: 150 feet.

Chair Baltay: 100 feet?

Ms. Gerhardt: One hundred and fifty.

Board Member Lew: I just wanted to throw out there that that's under discussion. I think we should think about this one really carefully.

Ms. Gerhardt: I don't know that it's under discussion. I mean, I think there are projects that are planned community projects that are going through that might want to change those but it would be for a specific site. It would not be a change to the entire code.

Chair Baltay: We're talking here, basically -- 15 plus 25 is 40-feet -- within 40 feet of the property line you can go above 35 feet and the current code is 150. Am I reading that right?

Ms. Gerhardt: Chris?

Chris Sensenig: Sorry, repeat that. I am getting confused with height transition and the standard. Can you please repeat that?

Chair Baltay: The current City code says that when you're next to a residential property you can't go above 35 feet within 150 feet of the property line. This is essentially allowing you to go above 35 feet within 40 feet of the property line. Is that right?

Chris Sensenig: Yes, the daylight plane is more restrictive. I don't think we meant to change the daylight plane.

Jean Eisberg: Item level C applies regardless of use or zone. What's on the screen now is an example of the existing height transition and daylight plane requirement when you're adjacent to a residential zone, other than the RM40, but level C on packet page 29 would apply regardless of use or zone if you're adjacent to another building.

Chair Baltay: Say that again. What is supposed to be on page 29?

Jean Eisberg: What I want to make sure we are talking about little C on packet page 29.

Chair Baltay: I am looking that up now. Let me find it. I don't have packet page 29. Oh, I'm sorry. Packet page. Okay.

Board Member Hirsch: Are we talking about page 10? Is that right?

Chris Sensenig: Can you bring that up on the screen?

Ms. Gerhardt: Page 11.

Board Member Hirsch: Eleven, okay. Page 11.

Ms. Gerhardt: Yeah, page 11 of you the objective standards.

Board Member Hirsch: If you had 35 feet, does that allow, let's say, a residential project which is nine feet floor-to-floor? That would be 36, right? Where does that number come from, 35 versus 36?

Ms. Gerhardt: Thirty-five is the zoning code number.

Jean Eisberg: Yeah, that's the existing code. Maybe that's a three-story building.

Board Member Hirsch: Three-story building, right, but not a four-story. You know some of these dimensions that are part of the code are problematic when you consider a building, let's say a residential building, starting on the first floor unless that first floor (inaudible) and you want to get four floors into the building.

Ms. Gerhardt: Yeah, but our intention is not to change the development standards that are currently in the code. Our intention is only to make objective the design criteria. What Jean has on the screen right now is the daylight plane. Those would remain in place, and we can make sure that the... as Jean said, these daylight planes must be adhered to when a project is adjacent to lower density residential but for projects that are higher than densities that are probably more where the objective standards would come into play.

Chris Sensenig: Peter, to answer your question, I think you could... wait, go back to the table. When the building has to... the diagram is showing the building 40 feet from the property line where it goes up above 30 feet.

Chair Baltay: Okay.

Chris Sensenig: According to this table that should be 50 feet. If you go back to the other one. Basically, in order to go above 35 feet, you have to be 50 feet from the property line.

Chair Baltay: But isn't the current code 150 feet?

Chris Sensenig: No, it is... go back to the table, please. It says within 150 feet of a residential zone district a butting...

Ms. Gerhardt: Interpreting this code section is fraught with problems. Actually, Jean, that might be something that maybe we do want to look at changing the way that this is worded on the left-hand-side there within 150 feet or located within 50 feet. That's causing confusion right this second and we need to look at cleaning that up. I will take back everything I just said. I think we do want to change the code. If the ARB can please help us clarify what might be a better way to say this.

Chair Baltay: let me throw out an idea. I think there are two things that I have encountered with projects that are close to these residential zones. One is that 150 feet is too much. It should be closer to 50 feet, I think. Maybe let's consider proposing to Council. This is a change in code that a 50-foot setback to go above 35 feet is more appropriate. Secondly, I think it really should state not the zone but the use. We had this happen with the Redwood project just down in El Camino recently where it is clearly a residential use but because of some quirk in the zoning, it didn't apply. That just didn't seem to be the intent of the code.

Board Member Lew: Peter, that's because it was a commercial.

Chair Baltay: That's right.

Board Member Lew: To wads commercially zoned and it was determined to be equivalent to RM40.

Chair Baltay: Yes.

Board Member Lew: Which is high density.

Chair Baltay: I guess what I am really looking at is not... the City is not protecting residential properties next to larger developments. Maybe we can chime in and say it is appropriate to go taller closer, but protect all residential uses regardless of the zoning thing. That's just two thoughts I had on this.

Board Member Lew: Peter, historically we have done it by zone and not use.

Chair Baltay: I know that, yeah.

Board Member Lew: The most recent comp plan I think has changed to residential use and not the exact zoning.

Chair Baltay: Yeah, I think that makes more sense.

Board Member Lew: I have a question for staff on this one. Would underground basements be required to follow the setbacks, and can the trees be in raised planters on top of the garage in setback A that is show in the diagrams?

Ms. Gerhardt: Underground basements, when you're in the R1 basements need to be under the footprint of the building. When you're in commercial zones, like a research park, then the basement can expand beyond the building footprint. There are pieces in the middle where it really depends on which zone you're in. I don't want to comment because I may get something wrong on that. We also have other uses that happen in the R1 where the basement could go beyond the footprint for other uses that are in the R1.

Board Member Lew: I just wanted to highlight -- I mentioned this at the City Council ARB meeting -- that when we allow the basements to extend beyond the footprint, right, as sometimes they need to do, the trees are getting a haircut with limited soil volume. You get limited soil volume and then you get limited height of the trees. I think some developments that I have seen have done a good job with landscaping above the garage and you just need to get enough soil volume in there. I think you can probably do that with the setbacks that you're showing, but we should have some sort of standard for the height of the raised planters. If you do them too shallow I think you might not have enough soil in there.

Chair Baltay: Alex, what if we just said that within a certain distance of the property line there must be a certain amount of soil below grade? In other words, the garages have to go deeper. Can you throw out some numbers that might be good to put as a blanket requirement?

Board Member Lew: Yeah, I think we have some in our performance standards. I think there are options. I have seen projects where the garage is fully excavated but there are, I guess we would call it rooms, maybe, in the garage but it is actually just soil for the trees. You are taking out a couple of parking spaces so that you can get enough soil in there. There are other projects in San Jose where they have just done really tall planters, maybe like four feet high raised planters in order to get enough soil for the trees. I have seen some in Mountain View where they have done about two feet of soil and the trees are struggling and some of them are dying. Maybe we have something in the landscape section about soil volume for trees.

Chair Baltay: Maybe we are getting off track on that but I think that is something we should pick up on regarding...

Board Member Lew: Yeah, I think we should move on.

Chair Baltay: I'm pretty sure the Council would appreciate a little more clarity on what the standard ought to be on that. We are coming back to this business of how far a setback from the property line should these taller buildings be. Jodie, is something you guys want to think about more before we talk about it more?

Ms. Gerhardt: Yes, I think that a good point was made that we can clarify the code. Once we clarify the code we can make sure that the guidelines are appropriately lined up with that. Yeah, let us take the information we have and provide you with something more.

Chair Baltay: Okay. Alex and David, how do we feel about having a requirement for privacy restrictions on things like windows and window placement adjacent to residential uses?

Board Member Hirsch: I think there should be standards on that and on the side yard issues. I think it would be preferred, for me, to see a daylight plane be the common denominator here. There, again, Jodie, if you're going to be changing the code for other reasons to change those dimensions the way they are written why not have a daylight plane that reflects all potential neighboring uses that works for this particular change in the planning? I don't understand exactly what the purpose of this, but maybe there is some purpose to it when it is closer than it has to have a landscape area as privacy or the neighboring and for your building here, but I definitely wouldn't see two lines of trees being the answer. If it's, for example, that whole area that is belonging I would assume A belongs to whom? A belongs to the new building.

Ms. Gerhardt: Yes.

Board Member Hirsch: It may, in fact, be an open area that's used public open space. Would you put two lines of trees in an area like that? Would you force that because of the privacy issue of the neighboring property or would a line of trees closer to the property line be more appropriate than open space within? I mean, I would prefer the simplicity of a daylight plane being a condition that determines a massing of the neighboring building.

Chair Baltay: I'll agree, David. I wrote a note to myself that daylight plane is a very useful concept in this situation. Alex, do you agree that a daylight plane would be an easier way to accomplish this?

Board Member Lew: Not necessarily. I think on this particular item I would, maybe, try to give additional options besides the two that are provided. I think a lot of homeowners do like the frosted window requirement and the staggered window requirement. On some projects, I think we've done punched windows instead of a continuous window wall, like floor to ceiling glass. Sometimes with an office project the ARB has required automatic window shades to reduce the lighting at night towards the neighbors.

Chair Baltay: I think a clear direction, Jodie, for the ARB is that some sort of privacy guidelines are appropriate. I just don't hear any censuses how you modulate the mass of a building; possibly a daylight plane, possibly just a couple more examples, possible looking at the mass and correlating it to the code more carefully.

Board Member Hirsch: David, can I just go back? I have one thought on the 35-foot height limit within 150 feet of residential use. Jodie, for staff, my recollection is that we apply that 150 feet even across a street. There's a project on Park Boulevard and there is a little triangular wedge of residential across the street and it brought the height limit down. I think we should look at that carefully and consider the impacts on adjacent properties versus ones that are across the street.

Chair Baltay: Point well made.

Ms. Gerhardt: I think the interpretation of that code section has been difficult.

Board Member Hirsch: Yes, I do think so.

Ms. Gerhardt: I am glad that it came up and I will work with the team to suggest something else. The question that I have is if we have that existing daylight plane when you're adjacent to the lower density residential... if we were adjacent to a higher density or adjacent to another commercial would we need the same daylight plane? Sometimes what we do, too, is copy the daylight plane of your neighbor. Maybe that's a way to think about it but we will go back and look at those various options. It's a good conversation and I appreciate it. I think we've got enough to work from.

Chair Baltay: Shall we move on to façade length or is there anything else about this other one? Let's discuss...

Board Member Hirsch: I want to make just one other comment about this. I think that this diagram here on the bottom of (ii) is a good diagram because it is very simple and very understandable. It doesn't show

floor-to-floor heights, particularly so that is open-ended. If you use that kind of a diagram for all of this study here I think all of this presentation it would be much, much better than being too specific. Just show an illustration of the new regulation, and then, of course, the daylight plane issue, if, in fact, that is what is decided to be the overriding regulation. This kind of diagram will work much better.

Chair Baltay: Thank you, David. That's good to have that feedback for them. Let's look at section C, maximum facade length. Alex, this is yours. What do you think?

Board Member Lew: Yes, I do appreciate this section a lot.

Chair Baltay: Does this look (inaudible)?

Board Member Lew: I am generally supportive of it. I think that the 100-foot limit makes sense. As an example, many of the buildings on Hamilton Avenue are 100 feet and in some cases, there is a 25-foot alley in between them, which provides some sort of visual break. I think it is a nice scale, and it allows slightly larger buildings. I think I am generally in support of this. I think what's not clear is that the section says maximum facade length but it actually doesn't specify the maximum length. We are talking about breaks, and modulations, and stuff, but sometimes it will say maximum facade length is, like, whatever, 400 feet with exceptions for certain types of projects like schools, or governmental buildings. We might want to consider the exceptions. There are occasionally larger commercial buildings that do need a continuous length. I think the requirement says that the modulation should be two feet deep minimum. I think I understand the intent of the two feet. When I actually measure buildings, what I think of as I am standing in front of a building, I say "oh, that looks two feet." Then I actually go measure it and it is often like four feet. What I think of in-person is usually much larger when you're outdoors on a large urban site.

Chair Baltay: I share that experience. As I am looking at this first section, this is saying that if a building is less than 25 feet high there is no limitation on its facade length. I am not sure that's what we intend. It says that there is no minimum length and that you don't have to have a break. If I look at this carefully, if it's above 25 feet you have to do something no matter how long the building is and I don't think either of those is the intent. Shouldn't there be a minimum length in which this doesn't apply? Say 50 feet. Alex or David?

Board Member Hirsch: We're talking about maximum facade length significant breaks, right? that's where we are in the text here?

Chair Baltay: Yes, well both of these sections here.

Board Member Hirsch: Okay.

Chair Baltay: This is a big issue and I just raised the point that there probably should be some minimum dimension where this doesn't apply.

Board Member Hirsch: There are so many different ways to deal with the facades of long buildings. The existing code says what? If it's 100 feet then you have to have an A dimension break of 25 feet if the overall length of the building is greater than or equal to 100 feet. I don't know what the reason is for this significant piece of a break but it doesn't come from any particular plan description, right? It's a planning regulation. The one dimension is... I think that if you revise the text a little bit to agree with some information that I had about outer courtyards from the New York text and that is that they're half the depth as the width to create an outer court. That's one element to deal with here on a building that you could create an outer court that's a certain dimension when the building is a certain length. I find that the New York zoning is painful but accurate in some way as long as you begin got know it. The dimension of a courtyard is really good, and I found the description of courtyards had been a good one. It's not fair, of course, because our zoning is really quite different. It comes from different sources, I guess, but I think there are so many different ways to change the massing of a building with balconies, or with elements in the front, or with a whole series of bays, such as the building on Page Mill. The new one that's going up in the OF zone there with tall of the bays. Therefore, if it is 100 feet I would think that the bays are a very

good way to break up the façade. I am not in favor of an exclusive requirement here for every 100 feet that it has an access like this.

Chair Baltay: How do you say it, David? We have to say something.

Board Member Hirsch: I know. I'm not good with the language.

Chair Baltay: I appreciate your sentiment but this says if a SB35 building comes in and it's a 200-foot long façade we have to tell them something or else they're just going to do nothing.

Board Member Hirsch: Give them an option of a variety of things that could be done. That's what I would prefer.

Chair Baltay: It gets really challenging to start writing out a bunch of options. I think section B here is pretty good in the sense that it gives you something you can sink your teeth into. It is not perfect, nobody is saying that.

Board Member Hirsch: I don't think it's particularly useful at all. I think you have a big courtyard all of sudden in the middle of a building that's 100 feet long.

Chair Baltay: You think it's too big?

Board Member Hirsch: I think if you had four smaller courts it would be much better.

Chair Baltay: Okay. Jodie, and Chris, and staff, can we break this down, do you think, to give two or three options to modulation?

Board Member Hirsch: The problem with this is that the 100 feet and the depth of this is part of the present code and we're stuck with that, right?

Chair Baltay: No, I don't think so.

Board Member Hirsch: Okay. If we're not then I think we should change it.

Chair Baltay: Alex, what's your take on it?

Board Member Lew: I am okay with this. I am fine with doing options. If somebody wanted a series of very small notches I would think that should be an option.

Chair Baltay: Okay.

Board Member Lew: We don't see it very often but I would say use the same -- San Francisco is an example -- bay windows. Maybe that's an option.

Chair Baltay: Jean, can your team come up with some options for section B?

Jean Eisberg: Yes.

Chair Baltay: Is that realistic?

Jean Eisberg: Yes.

Chair Baltay: Yes, okay. I'd like to go back to section A. I had proposed that we put a minimum façade length where it doesn't apply. Is there any traction on that? Let's say less than 50 feet long you don't have to do this stuff.

Board Member Lew: Yeah, I could go with 50 or 75 feet.

Chair Baltay: David?

Board Member Hirsch: We're going back here, right?

Chair Baltay: Yeah, I am just trying to pick up all the pieces here.

Board Member Hirsch: Yeah.

Chair Baltay: I think on a narrow building making somebody modulate 70 percent or 30 percent of their façade may be really difficult. That's not reasonable.

Board Member Hirsch: In all cases, I feel that -- I think Grace's comments were this way -- options are a great idea here and that's what we should be considering. I agree with you, Peter, that the smaller buildings shouldn't force something on it but I don't know...

Chair Baltay: What's a good definition of a smaller building? What's the length of the façade?

Board Member Hirsch: I think what we're likely to see is like a double-loaded corridor building probably 50 feet deep.

Chair Baltay: Alex, is 50 feet too little for you? What do you think?

Board Member Lew: A double-loaded corridor apartment building is going to be more like 68...

Chair Baltay: How about we say 70 feet?

Board Member Hirsch: You're right, Alex. It's going to likely be deeper than 60 feet.

Chair Baltay: Staff, come back with something between 50 and 70, okay?

Jean Eisberg: Okay.

Chair Baltay: Let's go on to the question about the railroad frontages. David, what do you think about that?

Board Member Hirsch: I have no opinion.

Chair Baltay: Alex what's your take.

Board Member Hirsch: Actually, I have an opinion that there should be a blank wall on all railroad facades.

Chair Baltay: Okay, so you don't agree with the retractions then.

Board Member Hirsch: No, we just over something here, right? Haven't we? The maximum façade length issues, here. Is that the one you were talking about just now?

Chair Baltay: We're finished with maximum façade length. I am trying to go on to the next thing.

Board Member Hirsch: I mean, the maximum façade length ought to include some discussion about balconies with recesses so that there could be balconies with recesses that could be a bay window.

Chair Baltay: David, that will come into play when they put together the options for section B.

Board Member Hirsch: Okay.

Chair Baltay: As a member of the subcommittee, come up with those options with them.

Board Member Hirsch: Okay. I am reading through a note that I had before which actually conforms to what we've already decided on.

Chair Baltay: Okay, go ahead.

Board Member Hirsch: That's it.

Chair Baltay: On these railroad frontages, the question is do you agree with these proposed standards for buildings fronting railroad lines?

Board Member Lew: I have a question for staff. What is the intent of this because this seems to be a very big departure from the existing code? I think calling it a daylight plane doesn't make sense because we are not trying to provide sunlight to the train tracks. Maybe we should just call them setbacks. I guess, the way that I have been thinking about it is adjacent to downtown Sunnyvale they have a lot of multi-family projects going on East Evelyn, and there is a daylight plane but they do have modulations similar to what we were just talking about in the previous section. I think that that is working really well for housing near transit. I think I don't necessarily agree with this section unless you could clarify what the intent is.

Chair Baltay: I agree with you, Alex. Jodie, if we're trying not to go beyond current code what is this doing here?

Ms. Gerhardt: I don't know that I have a good answer for you right this second. We'll go back and look at this section.

Chair Baltay: Okay. Great.

Jean Eisberg: Part of the intent was to make sure that we don't have one of those continuous facades on the railroad, and to make sure that that wall does have some -- it's not articulation because we're still on the massing section -- façade breaks on that railroad frontage. Now, if you think that the previous section on significant breaks covers that then maybe it's not needed.

Chair Baltay: Didn't you have something in here about whether it's visible from the public right-of-way? That would probably be more appropriate. In cases where you see across the railroad frontage from Alma Street, we have worried about in the past, but if it is totally not visible, I don't see why we would want to regulate it.

Board Member Lew: I would throw out there the best example, or worst example, is the 195 Page Mill Road which has a 35-foot high blank wall right near the property line.

Chair Baltay: Yeah.

Board Member Lew: The landscape is on a Caltrain leased strip. There is some landscaping but it's not even on the property line...

Chair Baltay: That's right. They were (crosstalk).

Board Member Lew: ... that's through the trees, like the gaps in the landscape, from Alma. There is modulation but it is a blank wall because at the time there was a noise requirement for high-speed rail. I think we should improve upon that project.

Jean Eisberg: Now I found it. The existing context space design criteria for the PTOD, which is the Cal Ave area, includes criteria about providing visual interests from the train and the neighborhood east of the track. This relates to that desire for articulation setbacks and materials that minimize the massing and breakdown of the scale. This was trying to translate that criteria into something objective.

Ms. Gerhardt: That PTOD section has been rarely used but I think the concept is good. Now we have a chance to think about that again and about how we want to implement that. Would we just want to do a landscape setback along the railroad? Do we want to do some modulations? Maybe we don't need the daylight plane portion.

Chair Baltay: I think those are the better directions to go, Jodie, but any other feedback from the Board on this particular subject of railroad frontages? Any other special conditions regarding building massing? Do we have the bandwidth to go on to one more section? Alex, David, and Jodie, how do we feel?

Ms. Gerhardt: I'm here all day.

Jean Eisberg: We have lost Chris.

Chair Baltay: Alex?

Jean Eisberg: He had another meeting.

Board Member Lew: Peter, I can continue but I need a five-minute break.

Chair Baltay: David, are you up for one more?

Board Member Hirsch: I'm up for one more.

Chair Baltay: Okay. Let's take a five-minute break. We'll re-adjourn at 11:30 exact. Thank you, everybody.

Jean Eisberg: Thank you.

[Architectural Review Board took a five-minute break. Resumed at 11:30 A.M.]

Chair Baltay: Jean, you want to give us an update and rundown on the façade design section, please.

Jean Eisberg: Yeah. Before I get right into our new section, I just want to recap the existing context space design criteria. This is a pretty big section on façade design. This is related to the human-scale aspect of the façade design. We are trying to make this pedestrian-oriented, similar to the building massing section, to break up those elements of the building with features like overhangs, and porches, and bay windows, which has been discussed. We really want to push for craftsmanship and articulation. This got somewhat controversial with the ARB subcommittee that we worked with around the existing context space design criteria talking about a base, body, and top to the building. That is something we have continued in the design standards that are presented here. You will see in the intent statement a lot of those some verbiage and same intent around the human-scale and around craftsmanship. On the right side of the screen, we are seeing the components that are described as regulations or standards. This is one. In the application of façade design, the idea being this is a four-sided building unless it's at the zero lot line. We have the base, middle, and top, and we have standards on façade articulation, the compatible rhythm, and pattern, and that we are emphasizing particular building elements and massing. Then, we have sections on the ground floor character and on the location of parking, loading, and utilities to keep those away from the primary frontage. As we are going through the sections, I do have sort of a side-by-side view of some of these graphics. Hopefully, it can help the conversation a bit.

Chair Baltay: Why don't we go piece by piece on this one, gang? Let's start with the intent statement. How do we feel about that? This is a lot to digest here. I think the third one is the one that is more detailed, perhaps, and doesn't belong here. The articulation of the building: base, middle, and top. I do not think that is necessarily an intent. That's a design device to achieve an intent. Well, it is. That's really a device we use to give building a different sense of scale. David, what's your take?

Board Member Hirsch: The fact that is most buildings will have a base, middle, and top. I just say that in the beginning because I am the one who actually had the most problem with this (inaudible) to the building.

In a way, what they have done so far is added to that and I get the feeling that we ought to say use of the (i), (ii), (iii), and (iv) not...

Chair Baltay: David, can you speak clearly into your microphone. I am just really...

Board Member Hirsch: Yeah, I am sorry. Okay. I feel that it is likely that most buildings will have a base, middle, top...

Chair Baltay: Okay.

Board Member Hirsch: ...but that shouldn't be an exclusive way in which somebody designs a building. There are other options. I agree with you that it is one method of designing a building, not the exclusive one. Actually, that is what I have been pushing them towards and I think that the intent statements allow for a little bit more but I am wondering if they couldn't be even more flexible in some way that they would say human-scaled architecture including the following various -- what do you want to call them? The following techniques of some sort, you know? Find a word that describes it but not any one exclusively but all of them are possible.

Chair Baltay: I think we will come into that when we come up with that when we come into these more objective standards we are going to get into the base, middle, and top. I am just questioning whether it belongs in an intent statement.

Board Member Hirsch: My feeling is it belongs more in an intent statement than it does in every particular example that we'll show.

Chair Baltay: I see.

Chair Baltay: Alex, what's your opinion on this?

Board Member Lew: I think we have to be mindful that there are a variety of building housing types, and that the base, middle, top may not really apply to all of them. Say if you have a two-story townhouse or something, or a three-story townhouse not all of this would apply, right? Maybe we should just have the base, middle, top down lower and not in the intent section. I think that makes more sense. It sort of presumes that it's a large urban building.

Chair Baltay: David, any way that we could persuade you that we discuss the base, middle, tops as one option within the human-scaled architecture section down in section C and not have it in an intent statement? Let me try this, David. I can't tell you how many times I feel hamstrung reviewing all kinds of projects and having this blanket statement about base, middle, and top riding what we're doing. Many types of designs (crosstalk).

Board Member Hirsch: but I don't want the examples, then, to show it in every case.

Chair Baltay: That's right, exactly. It shouldn't show it in every case, no. I think Alex just made a very valid point that not every housing building type needs to have this base, middle, and top delineation. It's a convenient design device that's worked well historically but it doesn't have to be exclusively that.

Board Member Hirsch: Okay. Leave it out, then.

Chair Baltay: Alex, what do you think? Should we just strike that from this intent statement?

Board Member Lew: Yeah, I am inclined to agree.

Chair Baltay: Okay. Jodie, is that clear enough?

Ms. Gerhardt: Yes, I think we can strike base, middle, and top from the intent. We still have it lower down in the objective standards but there it says that base, middle, and top basically applies to buildings three stories or taller.

Chair Baltay: Okay. We will get to that in a second. Let's go to section B, the application of these façade design standards. This is saying that all facades have to meet these standards. Jean, can you tell us where do these apply?

Jean Eisberg: The idea is that this would apply to all four facades except on the zero lot line where that zero lot line is not visible at the time of approval. That may be another abutting building, or it is not visible from the right-of-way then these standards would not apply.

Chair Baltay: That doesn't seem all that controversial. Are there any questions from David or Alex about this?

Board Member Lew: I actually think it is kind of controversial for some smaller buildings. I guess the ones I was thinking about were mixed-use buildings that are 50-foot wide that have driveways in the front as well as stairs and elevators. I wrote down three projects. One was 1845 El Camino, one is 636 Waverly, and another one is 484 Hamilton. The last one is on a corner. I think my inclination is that the requirement is fine for larger buildings. I am thinking that it shouldn't apply to lots less than 50 feet wide. Maybe we should have some provision for corner buildings. To me, requiring the horizontal shift of two feet on both sides of a corner building may be too much. I would use the example of the University Avenue project on Kipling. We sort of beat that to death on the side street issue. That's all that I've got.

Chair Baltay: Okay. I think the blanket statement is that all facades have to meet this requirement, and the question is are there exemptions when you can't see it from the right-of-way and it is on the zero lot line. Is that right? Am I reading this correctly?

Ms. Gerhardt: Yes. Alex is, maybe, bringing up on smaller lots some of these things may be harder to do but maybe we can address that as go further into the document.

Chair Baltay: But on smaller lots generally the sidelines are going to be visible, right? I mean, you can see these things. Alex, is your concern that the standard is too tight or too loose here?

Board Member Lew: I think it is too... the 80 percent requirement. I may be mixing B and C together but, again, it is functional things like garage ramps, stairs, elevators, share walls, eat up a lot of space. I don't want to make a requirement that makes those impossible. I would just say I haven't done a case study on this particular one but I would... maybe after the meeting I will take a look at a couple of projects and see what numbers I can come up with.

Chair Baltay: Okay. I think, Alex, that the section B purpose is just to carve out two places where whatever standards we agreed to don't apply. It is really where they aren't visible. It's hard to see where that's an issue. Shall we move on to section C directly? Item number one in section C, in section (i) the way this done is regarding the base, middle, and top, right? Yes. Oh, boy. Okay. David, you're arguing against this one, then. We're talking Section C, letter (i), base, middle, and top.

Board Member Lew: I am there.

Chair Baltay: Just to be clear for everybody. There are four pages or so on this.

Jean Eisberg: I put it on one page on the slide.

Chair Baltay: Oh, fatalistic. Here we go. Yes. This is great. A good graphic.

Board Member Hirsch: Do we have a base, middle, and top shown on all of these here? There are actually more other ones that will come along later, right? For example, where the material changes happen

between the base, middle, and top that aren't really shown here. Why aren't all buildings that have a base, middle, and top shown in one place? Human-scale architecture base, middle, and top. Does this mean that all human-scale architecture has to have a base, a middle, and top? Is that the assumption that you make here?

Chair Baltay: That's right, yeah. That is what this is saying.

Ms. Gerhardt: It means that you have to have a base, middle, and top to go through the objective streamline process. You could go to the ARB if you wanted to do something different.

Chair Baltay: Good point, Jodie.

Board Member Hirsch: I understand. I find that to be rather restrictive and perhaps it doesn't work with the planning for certain housing that's above three-stories or more. In other elements will actually create as much human-scale as a base, middle, and top would. Here is where I find it to be more of a problem than up front where it is described. Eliminating it completely wouldn't be a bad idea. Buildings can have a base, middle, and top or they can have a series of bays that go all the way from the bottom to the top, or they can have bays and recesses and balconies. There are so many different ways in which buildings can be of a human-scale. Why would we concentrate on only those, which are base, middle, and top?

Chair Baltay: Okay. That is your argument. I hear you. That sounds good.

Board Member Hirsch: Yes, that's my argument.

Chair Baltay: Alex, what do you say to this?

Board Member Lew: I did not make any notes on this section.

Chair Baltay: Okay. That means you have no opinion about it?

Board Member Lew: I think I understand what it is trying to do. I don't disagree with it. I don't know if it works in all situations.

Chair Baltay: Let me throw out a few thoughts here. I think that this is the only way to create human-scale architecture. There are many ways to do that. I think it is important for an architect to have the option of not following this base, middle, and top hierarchy, which, I think, we have now allowed, especially by removing that from the design intent, what we are saying is that there are other ways to achieve this option. That said, David, I think -- I am addressing this to you because I think it is pertinent -- historically, traditionally residential apartment buildings have a base, middle, and top design motif. It is one that has just worked extremely well over hundreds of years in many urban and somewhat suburban environments. If we are trying to create an objective standard, it makes it easy to comply and I think this is a good way to do it. If you want to do it simple and quick follow the age-old standard of what we've got, base, middle, and top and you get done quickly. I am thinking of the example of the Joseph Bellomo building -- oh wait, that's not been approved so I can't say that.

Board Member Hirsch: It's three-stories.

Chair Baltay: I can think of numerous design examples where a base, middle, and top is not necessary and still can achieve our design intent, which is a human-scaled architecture for residential buildings. I think to objectify that, to put it in some sort of design options and diagrams is just not possible. I think it is too subjective, it is too subtle, and it is too dependent on the skill of the architect and the quality of the client, that kind of thing. Whereas I think the idea of trying to objectify base, middle, and top is possible. It is not a perfect solution what we have but it is possible and I think this is a good way to go about it. I strongly think we should leave this in our objective standard. As long as there's a way for an architect to get around it with a subjective ARB review, I think this is great. That's my argument for keeping this.

Board Member Hirsch: I guess I could come back on that?

Chair Baltay: Yes, I am trying to persuade you.

Board Member Hirsch: You haven't.

Chair Baltay: I haven't, okay.

Board Member Hirsch: No.

Ms. Gerhardt: I think -- sorry, if I can but in for a second -- what's happening here is that maybe on this particular subject we had talked about creating this medium-sized box where an average number of projects could get through by just following the objective standards, whereas in this particular case with base, middle, and top maybe we are making that box a little more restrictive so that more projects have to come to the ARB. We just have to think through if that is okay or not. I hear Chair Baltay this is one of the easier ways to get to this human-scale and having that being a little more restrictive is fine mostly because trying to come up with other options is going to be difficult to describe in an objective manner.

Board Member Hirsch: Okay.

Chair Baltay: And, this is historically, traditionally what's been done. It's not...

Board Member Hirsch: I guess it is historically until Le Corbusie and (Walter) Gropius, et cetera all changed everything.

Chair Baltay: I think, David, most apartment buildings today even still follow this basic motif.

Board Member Hirsch: Yes, I agree.

Chair Baltay: It's not just because they're required to by code. It is a commonly used way to reach this kind of scale. I don't know why that is. It's been since the Italian Renaissance, I suppose, but...

Board Member Hirsch: Yes. It is true, Peter, in particular in the United States. Not so much in Germany or other places where alternate designs are...

Chair Baltay: Yeah, but how do you possibly, David, write up a standard for something like Unite d'Habitation. It's a masterpiece. I just don't see how you do it. That's sort of where I am coming from, really.

Board Member Hirsch: Maybe I won't have a very argument against it but I do have a feeling about the different illustrations that are here. You could say that every building should have some variety on the face of it so that public floors are described in one way and private spaces are described in another. Buildings should naturally have a top. Most buildings have a higher percentage of masonry wall or exterior wall at the top, and some of them are very minimal with no particular cornice line or ending at the top. I, myself, have worked on some buildings that have a very minimal cornice line and horizontal windows versus vertical windows. We will get into that a little bit later but I don't know. Is it necessary to have something that describes base, middle, and top as human-scale? Because it could also be, as I said before, a building with bays, or a building with recesses, or a building with a change in material texture.

Ms. Gerhardt: I am wondering about these diagrams. These are one definition of base, middle, and top but I have heard all of the members speak of other ways to define base, middle, and top. Maybe there are more options that could be added here.

Board Member Hirsch: Yes, that would satisfy me if there were other options.

Ms. Gerhardt: Still saying base, middle, and top but other ways to get to that same answer.

Chair Baltay: I am all in favor of that, sure. I think (crosstalk). Alex?

Jean Eisberg: The text is...

Chair Baltay: Go ahead. I'm sorry, Jean.

Jean Eisberg: The text is a little more elaborative. It talks about different ways you may do that with recesses or changes in the windows whereas the graphics are showing more of this real separation at the datum lines or at the cornice lines. Maybe it is a little bit of where the graphics are going versus that there are more expanded options in the text.

Board Member Hirsch: Yes, okay. That's correct. Okay. It is more acceptable that way. I didn't read the text as carefully.

Chair Baltay: I agree with that. The buildings in these graphics just don't quite do it for me.

Board Member Hirsch: Yeah, neither.

Chair Baltay: The fact that you have them is good, but, David, with the subcommittee you can come up with more options that will fly on this subject?

Board Member Hirsch: Yeah, I think it is more just -- as Jean was saying -- as long as the verbiage is there that allows for the variety and then we look to see the illustrations show some alternatives.

Chair Baltay: That's fine. Alex, are you on board with this?

Board Member Hirsch: Yeah, I think I said that previously.

Chair Baltay: Just checking. Okay, can we go to the next section on demonstration? Façade articulation is what it's called. This is separate from base, middle, and top, right? This is just talking about -- Jean, tell us what this is, please.

Jean Eisberg: I don't have a separate slide for it so let me move to our document. This is calling for a minimum of one of the following strategies, which could be to create visual interest. The whole idea of this is to create visual interest, which could be play of shadow and light. It talks about either vertical or horizontal recesses, vertical and horizontal projections, which could be shading devices, architectural details, or bay windows. Again, using the datum lines to show that length of the building, such as at a cornice, balconies, and other projections, Juliet balconies, by screening devices like louvers or shading devices, sunshades. Six, using a finer grain building material with texture such as wood, shingles, or brick.

Chair Baltay: Okay. You're saying we have to choose one of these ideas, right?

Jean Eisberg: A minimum of one. At least one.

Chair Baltay: Okay. It seems to me like you should choose more than one. Any one of these alone may not be enough. Other members, what do you think?

Board Member Hirsch: More than one option, it could be three. Definitely one or more should always be the way in which these should be described.

Chair Baltay: When I am designing a building, you are constantly going back and forth with all of these kind of things. It is neat to see you break it out like this in words, but the thought of only doing one of these techniques would be kind of crazy. Alex?

Board Member Lew: Agreed. When I have worked on affordable housing projects normally we would try to do as many as possible, budget permitting. Maybe we should require more than one.

Chair Baltay: Looking at these carefully now, I think you always do four of them probably. I would. Is that too many?

Board Member Hirsch: I would limit it specifically. I think if you just said a variety of the following elements should be...

Chair Baltay: But that's not really making an objective standard then, David.

Board Member Hirsch: Picking from this list.

Chair Baltay: How many do they have to pick? Just one? None?

Board Member Hirsch: Oh, no.

Chair Baltay: Just a flat wall, with no detailing whatsoever, made out of brick is okay because it's a fine grain material?

Board Member Hirsch: I have done a good building that did use exclusively brick.

Chair Baltay: But that's not enough to make something human-scale just using material.

Board Member Hirsch: It was.

Chair Baltay: It was?

Chair Baltay: Well, you're an amazing architect then,.

Board Member Hirsch: I don't espouse it as being the only appropriate way to do this.

Chair Baltay: I couldn't do brick buildings without doing item number one and really thinking hard about the openings in the wall.

Board Member Hirsch: Oh, yeah. Of course.

Chair Baltay: Immediately, if I am going to do a brick building, I have got two of these checked off.

Board Member Hirsch: Okay.

Ms. Gerhardt: We might be losing some steam as it's getting to the lunch hour.

Chair Baltay: Do you want to just put it all on hold, Jodie, and we'll pick it up next time?

Ms. Gerhardt: It's up to you. I think we do have a decent amount of information, even on this topic, to give us some to go back and think about.

Chair Baltay: We are at your service here. This is something that we can go on and finish this subject or we can leave it at this. Maybe it is better to stop. Are you okay with that, Jodie?

Ms. Gerhardt: Yeah, I am fine either way. I really do appreciate all of the conversation that we have had. I know all of you are practicing architects and that is very helpful in this discussion. I think it would be good to probably bring this back and continue this item to a date uncertain where Grace would be present and Osma would be present for the discussion as well. I think it will give Staff some time to go back and tweak some things and let you see what those are.

Chair Baltay: Alex, what do you think? Should we break it here?

Board Member Lew: Sure. I think that makes sense. I don't know how productive this is going at the moment.

Chair Baltay: Fair enough. Okay. Do we need a motion or anything, Jodie, or is this just informal enough as feedback like this?

Ms. Gerhardt: My brain is mush right now. Let's just do a motion just because.

MOTION

Chair Baltay: I move that we continue this subject to a date uncertain.

Board Member Lew: I will second.

Chair Baltay: Okay. Can we have a roll call vote, please? Board Member Lew, what's your vote?

Board Member Lew: Aye.

Chair Baltay: Board Member Hirsch?

Board Member Hirsch: Nay.

Chair Baltay: You move that we do not continue this?

Board Member Hirsch: I do believe we should continue it but I disagree with the motion. Okay, so I will put it in a separate motion. Never mind. I'll do that. Nay for the moment.

Chair Baltay: I am not following you, David. We are voting to continue this.

Board Member Hirsch: I think this should be brought back to not a date uncertain. It should be brought to a date certain.

Chair Baltay: A date certain? Okay. You are going to register your vote no. I vote yes to the motion.

Aye: Baltay, Lew (2)

No: Hirsch (1)

Absent: Thompson, Lee (2)

MOTION TO CONTINUE PASSES 2-1-2.

Chair Baltay: Let's continue to a date uncertain that has been voted and approved, and we will go forward from there. Okay, everybody? Do we have anything else, Jodie, on this?

Subcommittee Items

Ms. Gerhardt: I believe we just have the report for NVCAP, if there is anything there from...

Chair Baltay: Fair enough. Alex, do you have anything to report on the NVCAP?

Board Member Lew: I do. We did have a meeting on October 8th, where staff prepared three alternative schemes. One is for 500 units of housing. Another one is for 1,170 units of housing, and the largest one is for 1,490 units. The next meeting is going to be November 5th, which will be a joint meeting with the Parks and Rec Commission to review naturalizing the creek that goes through the site. That's all that I've got on NVCAP. I did also want to mention that the Council did a pre-screening on October 5th for 2951 El

Camino Real, which is 150 units of housing on within the NVCAP boundary. The project would go above the height limit and would change some of the requirements, potentially, for daylight planes and the 35-foot height reduction that we mentioned earlier today. Also, at that meeting, the Council did mention that another pre-screening that happened across the street from NVCAP, which is the 3300 El Camino project, that is office plus housing. After the pre-screening, the developers decided to delete all of the housing and just proceed with an office because they didn't get good enough feedback from the Council. I just also want to mention that the Council is going to be meeting on October 19th about the Boards and Commissions handbook and training. I just want to make sure everybody is paying attention to that.

Chair Baltay: Alex, you're swaying into board member's questions and comments. I'll just put it under that category. Say that again.

Board Members Questions, Comments or Announcements

Board Member Lew: Again, on October 19th there will be a City Council on the handbook and training for Boards Members.

Chair Baltay: Yes, which is of interest to us, obviously.

Board Member Lew: Yeah, and the packet is out.

Chair Baltay: Yeah, I've looked at it. Any other Board Member questions, comments, or announcements? With that, we are adjourned. That's everybody for the patience to put through this.

Ms. Gerhardt: Thank you all.

Adjournment