



Architectural Review Board

Staff Report (ID # 14029)

Report Type: Approval of Minutes **Meeting Date:** 2/17/2022

Summary Title: Minutes of January 20, 2022

Title: Draft Architectural Review Board Meeting Minutes for January 20, 2022

From: Jonathan Lait

Recommendation

Staff recommends the Architectural Review Board (ARB) adopt the attached meeting minutes.

Background

Draft minutes from the January 20, 2022 Architectural Review Board (ARB) are available in Attachment A.

Draft and Approved Minutes are made available on the ARB webpage at bit.ly/paloaltoARB

Attachments:

- Attachment A: Minutes of January 20, 2022 (DOCX)



ARCHITECTURAL REVIEW BOARD MINUTES: January 20, 2022

Virtual Meeting
8:30 AM

Call to Order / Roll Call

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

Participating Remotely: Chair Osma Thompson, Boardmember Peter Baltay, Boardmember David Hirsch

Absent:

Chair Thompson stated that they would reorder the meeting and take Item 2, the recognition of Boardmembers Lee and Lew, first.

1. Recognition of Board Member Lew and Board Member Lee for Their Service with the Architectural Review Board.

Jodie Gerhardt, Manager of Current Planning, shared her screen with the group and displayed two plaques for Boardmembers Lee and Lew. Boardmember Lee's entire terms of service are listed. She stated appreciation for the work done and time spent.

Chair Thompson said it was great to learn from and watch Boardmember Lew. She stated that when she started on the ARB she really looked to his leadership. She hoped he would continue his participation as a member of the public. She was grateful for Boardmember Lee's service, insights, and observations. She was also thankful for Boardmember Lee's support as Vice Chair.

Ms. Gerhardt explained the Boardmember Lew had been on the ARB her entire time with the City of Palo Alto. She appreciated his service and how he kept the history of the ARB.

Boardmember Hirsch said that he wished the ARB could somehow maintain and share Boardmember Lew's knowledge for the future. Boardmember Lew knows the history of Palo Alto and approached his research diligently and would be greatly missed. He stated that Vice Chair Lee often spoke before him on projects and left him with little to say. They have often thought alike and will be missed.

Boardmember Baltay thanked both Boardmembers Lew and Lee for their service on the ARB. He stated it was both fun and frustrating, agreeable, and contrary, but always sincere, well informed, and frequently persuasive. He further thanked Boardmember Lee for always thanking applicants and being such a positive person. He thanked Boardmember Lew for always adding unexpected additional intelligence to the discussions. Boardmember Lew has always been friendly, humble, inspiring, and never personal about business.

Amy French, Chief Planning Official, agreed with what had been said and gave her heartfelt thanks from the City and community to Boardmembers Lee and Lew. They both participated in three ARB Awards, and they could not have occurred without their many years of service. There were many projects made better by Boardmembers Lee and Lew.

Chair Thompson stated that they would be missed and asked them to stay in contact through all channels.

Former Vice Chair Lee requested she be allowed to speak. She wished to properly thank everyone and see them in person. It was wonderful to be a part of the ARB and she sincerely thanked everyone. It was wonderful working with Chair Baltay, Chair Thompson, and Boardmembers Hirsch and Lew for years. She appreciated everyone's desire to improve Palo Alto and thanked them for their service. She also thanked Ms. French and Ms. Gerhardt and past staff. She looked forward to emailing and getting coffee with her former colleagues without worrying about the Brown Act.

Former Boardmember Lew thanked everyone for their kind words. He is considering continuing to research projects and then presenting his findings to the ARB before their hearings, as a former member of the Historic Resources Board used to do. He left them with a Jane Jacobs quote that applies to Palo Alto, "Dull, inert cities, it is true, do contain the seeds of their own destruction and little else. But lively, diverse, intense cities contain the seeds of their own regeneration, with energy enough to carry over for problems and needs outside themselves." The key is regeneration, and the ARB sees that. He trusted the City would continue to make great decisions. He also hoped to spend time with his former colleagues following the pandemic.

Ms. Gerhardt thanked both Boardmembers Lee and Lew and stated that they would receive their plaques shortly.

2. Adoption of a Resolution Authorizing Use of Teleconferencing for Architectural Review Board During Covid-19 State of Emergency

Chair Thompson introduced the item and explained it needed to be voted on.

Ms. Gerhardt explained the item would have to happen monthly to meet 100% virtually. Council has requested that they remain virtual through the end of February.

Chair Thompson called for a Motion.

MOTION: Boardmember Baltay moved, seconded by Chair Thompson, that the ARB adopt a resolution authorizing use of teleconferencing during the Covid-19 State of Emergency as presented.

MOTION PASSED: 3-0

Oral Communications

None.

Agenda Changes, Additions and Deletions

None.

City Official Reports

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

Jodie Gerhardt, Manager of Current Planning, shared her screen with the ARB. They will remain virtual through the end of February 2022. Hybrid meetings could potentially start in March. 300 Pasteur is likely to be the only item at the next hearing.

Action Items

4. Discuss Revision to Objective Design Standards based on Feedback from City Council.

Chair Thompson introduced the item and explained that the ARB needed to review the Motion and then provide preliminary direction on three parts listed in the packet.

Ms. Gerhardt said that the consultant, Jean Eisberg, was in attendance to present the topic. Then the ARB will review the City Council's Motion. City Council requested the project go to the ARB and community for refinements. There are three specific items that the ARB needs to focus on.

Jean Eisberg, Lexington Consulting, explained she planned to recap the progress on the project since the last ARB hearing on it. The three topics the City Council requested the ARB focus on were related to privacy standards, the menu of options, and height transition standards. The Objective Design project is to prepare objective design standards to regulate housing development projects that are eligible for streamlined review. The second part of the ordinance was to clarify ambiguities, remove redundancies, and other standards in Title 18. The ARB worked on the project in 2020 and 2021 as both a full board and a subcommittee comprised of Chair Thompson and Boardmember Hirsch. Following ARB actions in April 2021 the matter went to the Planning and Transportation Commission (PTC) and in June 2021 they approved the design standards. City Council met in the fall. Chair Thompson attended the PTC and City Council meetings and explained the ARB's role. City Council appreciated the ARB's work. The Council acted in November with a Motion that she planned to review. She provided a summary of the project's schedule starting with a January 24th City Council meeting which will be followed by two community meetings and an additional Council meeting in March or April. The Council's November Motion Item B. is about the applicability of the new design standards. The design standards and intent statements would only apply to the housing development projects undergoing streamlined review. Motion Item B. requires staff to return with a detailed matrix comparing the existing context based design criteria and the new design standards and intent statements. Motion Item B. II needs ARB feedback on privacy standards and their application near higher density districts. In Motion Item E. the Council requested two additional community meetings. Motion Item F. instructs them to look at increasing the number of required choices per category. Motion Item G. is both about the height transition and having heights based on existing lower residential buildings. Motion Item H. was about language and the remaining items were cleanup. Topic one is related to privacy and sight lines. She provided an excerpt from the design standards and a copy of the Motion. The purpose of the meeting is for the ARB to brainstorm what they may want to add in response to the Motion. She showed the existing context-based design criteria. Standards in the Municipal Code also impact sun and shade impacts, such as the daylight plane. In the draft design standards, it is proposed to prohibit balconies in the daylight plane, provides a glazing standard for the

lowest density districts, and requires tree planting and landscape minimums for projects adjacent to lower density districts. The ARB could consider expanding the standards and make the privacy intent statement more robust. She provided an example of an offset window standard. With the menu of options, the Motion said that in the building massing/façade sections, where there is a menu of choices, increase the number of required choices per category. Council was interested in having more articulation and “dressing up the box more.” She provided examples of additional options. The third issue is related to the changes in the height transition standard that is in the development standard tables, but they need the ARB’s perspective on the idea of a contextual height transition standard. State Law, particularly SB 330 prevents the City from downzoning. The draft ordinance should clear up the ambiguities related to the existing height standards. There will be a community meeting on February 1, 2022, which is a project overview and listening session. There will be another community meeting in March to give feedback on the February meeting and discuss the proposed changes to the standards based on the Council Motion and the ARB hearing. Staff recommends the ARB provide feedback on the key topics from the Council’s action, which she shared on her screen.

Chair Thompson called for the public comment, but there was none. She called for ARB questions of staff.

Boardmember Baltay requested clarification on if an applicant did not want to meet the objective standards if they could propose something different and have a subjective review.

Ms. Eisberg stated that was correct. Instead of meeting the design standards and intent statements they would have to meet the context based design criteria as they currently stand. There would be up to three meetings with the ARB and would be subject to its findings.

Boardmember Baltay said that a 15% restriction on a façade was significant. They were being conservative as a City to require that or push someone to a different level of review.

Ms. Eisberg stated that was correct. If someone wanted to do 20% they would remove themselves from the objective standards route back to the context-based design review.

Boardmember Baltay explained that his high level thinking was rather than trying to perfect it would be better to be more conservative so long as applicants had the option to move to the other review process. He was uncomfortable with limiting the percentage of glazing.

Boardmember Hirsch was unsure how to respond and indicated it was hard to keep up with the staff and consultants since they have such a high level of expertise and experience. He looked at the Council’s concerns and appreciated that they wanted more options.

Chair Thompson asked if Boardmember Hirsch had a question for staff.

Boardmember Hirsch asked if this was a question period with time for detail later.

Chair Thompson stated that was correct.

Boardmember Hirsch said he would hold his comment.

Chair Thompson planned to go through each item individually for discussion.

Boardmember Hirsch understood the ARB needed to address the specific items and questioned how much further they would need to go today. He wondered if it was better to submit the project to the committee.

Ms. Gerhardt said that since there was only a three member ARB it made sense to come to the entire board. They want to focus on the three items in the staff report. On privacy there needs to be a floor or the minimum amount they were willing to accept. If a project can meet all objective standards it must be approved so that privacy issue is key.

Boardmember Hirsch said that if a project was next to a neighboring lower density zone then certain rules and regulations might make the project unable to be developed. He asked if that was a bad idea in transitional zoning.

Ms. Eisberg said that State law says they cannot reduce the density of a zone or change development standards that would have the effect of reducing density before January 1, 2020. They cannot make development infeasible and would need to be cautious and demonstrate nuance. It is less about height and more about allowing density to happen.

Boardmember Hirsch stated that restricted them to physical changes like privacy windows.

Ms. Eisberg thought that the draft standards already prepared it already works, the 15% limitation could be restrictive. The project cannot be made infeasible.

Chair Thompson said that if they were limiting upper windows then it may limit bedrooms, but those need access to light and air.

Boardmember Hirsch asked if they could be restrictive to the point where the windows only open top down. Diffuse glass is only as good as where the window opens.

Chair Thompson suggested they focus on privacy. She heard Boardmember Hirsch discuss the distance from the side yard and the daylight plane. They discussed clear story windows as an option.

Boardmember Baltay said balconies effected privacy as well and asked how that factored into window glazing areas. Do they need to regulate balconies separately or are they satisfied with the glazed glass inside the balcony?

Ms. Eisberg said that the glazed surface inside the balcony applied and there is a draft design standard that states you cannot have a balcony in the daylight plane. So, the balcony would have to face the street or a yard where the daylight plane did not apply.

Boardmember Baltay stated that the daylight plane only applied to R1 and lower RM zones.

Ms. Eisberg believed that the daylight plane applied to all lower density residential districts as well as the RM districts.

Boardmember Hirsch suggested where there was a deep site there could be a long building that would not be allowed to have balconies due to the daylight plane. He thought they needed to address issues like that as irregular lots could lead to real issues.

Ms. Eisberg said that they were pushing toward more open space at the ground level or courtyard in a C shape or donut. The Council was concerned about sightlines from upper balconies.

Ms. Gerhardt clarified that the standards as written say balconies shall not be in the daylight plane. They would have to be laid back; it does not mean that they are not allowed. There are daylight planes in the RM, but if it abutted a RM30, RM40, or Planned Community (PC) and the width was 70 feet or greater there is no daylight plane.

Chair Thompson asked if the concern was mainly between higher density and lower density or if the standard was supposed to also be between high density lots.

Ms. Eisberg said that right now the standards only apply next to lower density districts and the public comment to the PTC and Council was that the RM30 and RM40 districts should also have the privacy protection. Currently some of the draft standards only apply to lower density zones.

Boardmember Hirsch stated that in New York there would be a minimum setback, rear yard setback between buildings.

Boardmember Baltay thought the formalized subjective standards were pretty good and most architects understood what they were being asked to do. He gave an example of 5 foot windowsills as something that could be objectified. The Individual Review (IR) polices have not gotten into whether a window opens or not. Most of the time windows are kept closed, so while you could open one and violate privacy that is rare and may not be worth pushing. The glazed surface is more important. They also need to look at the difference between casual viewing opportunities like a bathroom or staircase window and a living room window. Outdoor surfaces and balconies and they way they are used have a large impact on privacy. A large balcony with a party has greater impact than a small one where a couple of people might sit. Privacy screening could also be used for balance. He suggested they pick up language from the IR guidelines and work them into regulations on windows and balconies.

Ms. Gerhardt said that Boardmember Baltay noticed many of their ideas from the IR process. Many times on the sidewalls of a balcony there would be a 5 foot 6 inch screen wall. That idea could be utilized further.

Chair Thompson said that a deep planter or other barrier could also limit visibility. That might make more sense for a larger balcony.

Ms. Gerhardt stated they have done that for single family homes. In a multifamily situation a rim of planters could work well.

Chair Thompson said that people like the planters or buffers for safety reasons as well.

Boardmember Hirsch asked how they would objectify the IR standards.

Ms. Gerhardt said that it was mostly done because of the SB 9 regulations. The information is on the website, and she stated she would forward it to the Boardmembers.

Chair Thompson asked if staff wanted to process the ARB's thoughts and return to another meeting.

Ms. Gerhardt explained that for the objective standards process they have put one study session into the proposed ordinance. If an applicant follows the objective standards it's supposed to be a ministerial

process. The City Council asked staff to return to the ARB for a second look and for the community to have another arena to voice concerns. There would be a study session and staff would demonstrate how the standards and zoning requirements were met and the ARB and community could voice its opinions with ultimately the staff making a ministerial decision.

Chair Thompson asked if they discussed privacy enough or if staff needed more.

Ms. Gerhardt asked Ms. Eisberg's opinion.

Ms. Eisberg said that if there was anything else about site lines she would like to hear it. They have received direction to look at the IR guidelines and the proposed SB 9 changes. That was helpful.

Boardmember Baltay explained he was a practicing architect, and they are often told to align windows with neighbors, but it's very unusual to have that information. It is not always possible to measure the windows of your neighbor. It is asking a lot of an applicant to figure out that information, but the standards the City is working toward request that level of specificity. He thought they should make statements about windows, glazed surfaces, and balconies and say that they need to meet a certain privacy standard. There should be an absolute standard about anything that has a potential privacy impact. There must be mitigation for all balconies and that should not be related to the neighbor's size, height, or position. Architects want to understand the standards. He thought that using glazed surfaces and balcony services might be a way to develop the standard.

Chair Thompson stated preference for Boardmember Baltay's suggestion instead of a percentage requirement. She was concerned about limiting beds and units if they imposed a percentage requirement.

Boardmember Hirsch agreed with Chair Thompson and Boardmember Baltay that it is better to be general about window openings. Sight line issues should have requirements. The review process on his own home was very difficult because of an irregular lot. Those situations come up and therefore it is better to have a general concept.

Chair Thompson said that landscape could also be used.

Boardmember Hirsch said he was most concerned about landscape due to seasonal changes. Building elements are more specific.

Chair Thompson agreed that was true. She said another strategy would be to kink the wall so the windows point to the side. In multifamily housing you kind of want people to see common areas such as central courtyards. That is done for safety. In R1 no one wants eyes on their yard, but in multifamily views of common areas are important to supervise children and create culture. They should determine if between multifamily housing if the standard was applicable.

Boardmember Hirsch stated that was true.

Boardmember Baltay suggested they should try to define a surface or façade that requires privacy. It could be done relative to the configuration of the neighboring lot. Not every adjacency requires privacy as demonstrated by Chair Thompson's point about multifamily dwellings. First they should define what requires privacy and then make a standard for the glazing or balconies. Projects can always go for a subjective review.

Ms. Gerhardt thanked the ARB. She asked if they could discuss the menu of options.

Chair Thompson stated they could move on.

Boardmember Hirsch called attention to the diagrams on Packet Page 24 and 25.

Ms. Eisberg shared the diagram with the ARB and explained the standard was in the building orientation section and was talking about the location of the entrance. The standard for the purple box is not there.

Boardmember Hirsch said that there could be an entrance into a similar element.

Ms. Eisberg said that you could.

Boardmember Hirsch thought the City Council's comment that there should be a lot of options was good.

Chair Thompson asked if the City Council wanted the ARB to create more menu options or that they wanted applicants to adhere to more than one option. The verbiage says in some places the applicant must adhere to two or more and sometimes it says, "at least one." She thought Council wanted more things required to be followed.

Ms. Eisberg thought it was the latter. The Motion was about increasing the number of required choices per category.

Chair Thompson thought that was different than what Boardmember Hirsch was saying.

Boardmember Hirsch said it was. There was nothing about entry on a recessed corner.

Chair Thompson referred to Packet Page 35 about ground floor step back as part of massing.

Ms. Eisberg said that the standards were isolated by themes.

Boardmember Hirsch stated that he might be wrong.

Chair Thompson said that part of the reason they kept it to a smaller number was to allow an architect flexibility. Potentially doing all the things at once would not make a tenable building.

Boardmember Baltay recalled that what Council Members were asking for was a more restrictive standard by requiring more options be followed. That is what the ARB is being asked to do, but they have viewed it as very restrictive. If the City requires they conform to more options then they should be given a greater number of options to choose from. Otherwise, the standards are designing the buildings.

Boardmember Hirsch agreed.

Boardmember Baltay thought they needed to do both. Some of the requirements are lax and easily manipulated. If there are twice as many options and they require conformance with half of them it's a greater level of granularity and more work. Someone needs to sit down and sketch out what the options might be.

Ms. Gerhardt said it would be helpful to staff and might warrant a second hearing, but perhaps Boardmember Hirsch could write down some general ideas of topics to be added.

Boardmember Hirsch stated he could do so.

Chair Thompson asked if they were thinking of adding to the list.

Boardmember Baltay said they were increasing the level of options to be selected from otherwise the City is designing the buildings.

Chair Thompson thought they could add a few things. It would be an interesting exercise to see what would happen if someone conformed to all the standards or if that was even possible.

Ms. Gerhardt said that they did that exercise when Chris Sensenig was onboard. There are several types of buildings that would get through the objective standards.

Boardmember Hirsch was concerned they were showing four story buildings. There is a 50 foot height limitation and he saw issues coming forward from the State related to density.

Ms. Gerhardt explained staff was careful to show buildings that would be allowed in Palo Alto with the height limit. That is why they used four stories.

Boardmember Hirsch wanted to allow for some flexibility.

Ms. Gerhardt said that just because the diagram was four stories that was not a limiting factor. The height limit controls what happens.

Boardmember Hirsch was concerned that the perception would be that the buildings were limited to four stories. If the height limit increases they could get five stories, so he questioned how the diagrams worked.

Ms. Gerhardt explained many diagrams did not express the number of stories for that reason. Some show windows because of the nature of the criteria. The diagrams have been reviewed carefully to ensure that they were not forcing people into one direction.

Chair Thompson thought it would be helpful to have a list of the menu without the diagrams for reference.

Ms. Gerhardt said that she had been putting together a checklist. She suggested that would be helpful for the ARB.

Chair Thompson agreed. The ARB is made up of architects so they could imagine adhering to the list.

Ms. Gerhardt agreed to return with the checklist. She encouraged Boardmembers to write staff about any options they would like to add.

Ms. Eisberg reminded them to focus on building massing and façade design.

Boardmember Baltay said he was comfortable delegating Boardmember Hirsch the sketches.

Chair Thompson thought everyone could draw up some sketches and Boardmember Hirsch was welcome to do so as well.

Boardmember Baltay thought that was great but indicated he did not have the time.

Boardmember Hirsch said he had time.

Chair Thompson jokingly told Boardmember Baltay to give her a napkin sketch to work from. She suggested they move on to the height transition.

Boardmember Baltay stated that Ms. Gerhardt had put a lot of work in on height limitations related to residential properties.

Ms. Gerhardt said that she had, and that it was a matter of making the item clear so that everyone who reads it reaches the same conclusion.

Boardmember Baltay remembered that Council was reluctant to be overly restrictive.

Ms. Gerhardt referenced the Motion and explained that in the commercial zones there was the most ambiguity. Staff pushed for 50 feet and Council and some residents were uncomfortable with that. Now they are trying to compromise and use 150 feet in commercial zones with ARB review.

Boardmember Hirsch was bothered because 150 feet is over a street dimension. He confirmed they had been discussing Wilton Court.

Boardmember Baltay agreed.

Ms. Gerhardt said Wilton Court was an affordable housing project that required 49 feet. It was a special case. The 150 feet is a fair distance and was not staff's initial take. She needed an answer to take back to staff. Since 150 feet is in the code staff did not feel they were downzoning. Being able to go to the ARB provides additional flexibility to look at the context of a project. When they move forward with Regional Housing Needs Assessment (RHNA) numbers and the Housing Element update they may have to have further discussions, but right now they need a starting point.

Ms. Eisberg clarified that there were two parts to the Motion. The first were the development standards and the second was for a more contextual standard with neighboring properties.

Boardmember Hirsch had a problem with the 150 feet and noted that if Wilton Court could not have been built as designed he would have been bothered by it. When there is a street dimension to refer to the neighbors because of a restrictive regulation bothered him.

Boardmember Baltay said there was a 35 foot height limit adjacent to residential within 50 to 150 feet and beyond that it's a 50 foot height limit.

Ms. Gerhardt confirmed that was generally correct, but a bit different for each district.

Boardmember Baltay said that 150 feet is too much. There is no contextual issue there. Staff had it right the first time, it was intended to be 50 feet in most circumstances. Given the desire to increase housing 150 feet is unreasonably restrictive and 50 feet is adequate in most circumstances. Many times the ARB reviews projects and the 50 feet seems to work well. The Council wants real advice, and the ARB should come out strongly for 50 feet. He wondered if there could be an additional overlay for the daylight plane in the case of a lower building. His general rule of thumb is that a two story step is sufficient, not three. If there were a daylight plane starting on the property line or the neighboring building that would be a trigger for a more subjective review. Daylight planes are the best way to regulate this issue.

Boardmember Hirsch agreed with Boardmember Baltay. The daylight plane is the best objective way to do the zoning. If everything else can be done contextually and objectively as possible that would be preferable. With the side yard issues and setback they could also look at the daylight plane in mixed zone areas.

Chair Thompson agreed that 50 feet would be more appropriate. When a property is zoned for a certain height a developer should be allowed to build what is zoned. She referenced a building in San Francisco that was next to a home and felt in context. Height alone does not need to dictate contextual based design.

Boardmember Hirsch referred to Packet Page 31.

Ms. Gerhardt shared her screen with the ARB.

Boardmember Hirsch explained that the setback related to the building next door, but it would have been better if the total purple area was setback on the side yard as well. The diagram does not work, but it could demonstrate Chair Thompson's point about massing.

Chair Thompson said that it would help, but the way the diagram read worked.

Boardmember Hirsch agreed it worked on the façade, but if the neighboring building was taller it would be an example of what she had said.

Chair Thompson agreed.

Boardmember Baltay said that if the ARB proposed to Council that rather than a setback distance and height restriction at the property line adjacent to other residential units you have a 10 foot up and a 45 degree daylight plane that allows a 50 foot building that's 40 feet from the property line. It also restricts a 35 foot building 10 foot from the property line, which is currently allowed. It is a more restrictive requirement, but he believed that was what Council had asked the ARB to do. If an applicant wants to go into stepping they would need a different level of design review. The 10 foot 45 degree daylight plane is straightforward to enforce. This would also establish a daylight plane and a clear standard. It provides architects the opportunity to be creative.

Boardmember Hirsch agreed completely about the daylight plane.

Chair Thompson said that it could help for the diagrams to include that.

Ms. Gerhardt said that there were daylight planes in the RM zones. Only when there is a larger parcel adjacent to higher densities would there not be a daylight plane. She asked if the ARB would like to add that.

Chair Thompson said that they were talking about only when it was adjacent to smaller parcels/buildings

Ms. Gerhardt said that they might need a daylight plane based on the size of the adjacent structure, not zoning.

Chair Thompson asked if that was dictated by the zoning.

Boardmember Baltay thought Council was concerned about the impact on all residential stuff. The ARB are the professionals, and they are advising Council that the daylight plane works better. It should be a Council decision which zones or housing it applies to, but this is the way it should be regulated.

Ms. Gerhardt thanked Boardmember Baltay.

Boardmember Hirsch agreed with Boardmember Baltay.

Chair Thompson said she was confused because she thought they were discussing transitioning to a lower density zone.

Boardmember Baltay stated the item came up when Council was discussing RM zones, not just housing. The Council can make the clarification though.

Chair Thompson explained that she was concerned about the buildings on El Camino all looking like pyramids.

Boardmember Baltay agreed. RM40 next to RM40 would not work.

Chair Thompson thought they needed to make that clear.

Boardmember Baltay said that Chair Thompson should state that to Council when she is in front of them. The ARB would simply tell them how to do it.

Ms. Gerhardt stated El Camino was a good example and thanked Boardmember Baltay.

Chair Thompson said that either a Council member or a PTC Commissioner was concerned about pyramid shaped buildings. She suggested they move to the next action item unless there were further comments for Council. She further noted that on the Table Items B and C1 were about the relationship of objective standards to the context based design criteria. She understood the intent statements were close to the context based design criteria but asked why the City wanted to keep both B and C1 if they were redundant.

Ms. Gerhardt thought Council was concerned that they were losing something because the intent statements are much shorter than the context based design criteria. Ms. Eisberg is working on producing a side by side comparison. If anything is missing they can add it back at that time. Staff is hopeful that Council will appreciate the side by side and continue with the intent statements.

Chair Thompson asked if the ARB would see the matrix.

Boardmember Hirsch thought they looked at that in the beginning and liked the way Ms. Eisberg handled it. It should not be lost in the final draft.

Ms. Eisberg said that the crosswalk was available on the project website and organized with the context based design criteria and a reference to the code section. They plan to put the verbiage in, but it is challenging. The version has been modified over time.

Chair Thompson thanked staff and Ms. Eisberg and closed the item.

Recess

5. 2850 West Bayshore [21PLN-00177]: Request for Architectural Review of a Proposed 48-Unit Residential Townhome Development. Environmental Assessment: Pending. Zoning District: ROLM (Research Office and Limited Manufacturing).

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

Garrett Sauls, Associate Planner, explained the project was to develop a 48 townhome development at 2850 West Bayshore.

Chair Thompson called for ARB disclosures.

Boardmember Hirsch had no disclosures but did visit the site and other sites on the corridor.

Boardmember Baltay disclosed that he visited the site and the park. He emailed staff and there were several things that came up, but he would leave it to Mr. Sauls to discuss the points.

Chair Thompson stated that she had no disclosures but was familiar with the site and had been there multiple times.

Mr. Sauls said he would touch on Boardmember Baltay's points following the presentation. He shared his screen with the ARB. The hearing is the first formal review of the project. In April 2021 there was a preliminary application reviewed by the ARB. The site is adjacent to Greer Park, East Bayshore Road and the 101 Highway, the creek and Baylands. The site is zoned ROLM and follow the RM30 development standards. The proposal is to demolish a 32,000 square foot office building and replace it with 48 for sales units of a residential townhome project. The project is subject to SB 330 and the Housing Accountability Act (HAA) and is a density bonus project. He explained key points of SB 330 and the HAA which the ARB needed to adhere with. The surrounding uses to the property are Greer Park, Emerson School, and a preschool. The project qualifies for a density bonus based on its affordable units. Of the 48 units 7 are held aside for the 15% affordability requirements. Under State Density Bonus they receive one concession, and the applicant has requested additional Floor Area Ratio (FAR). RM30 typically allows a .6 to 1.0 FAR ratio, and the applicant has requested a 1.15 FAR ratio. The applicant has also proposed a Design Enhancement Exception (DEE) for the tower elements, the use of private open space toward common open space, a sound wall between West Bayshore Road and Highway 101, and to record a right of way easement to expand and widen a bicycle lane. He showed the ARB the orientation of the 48 units and more detailed plans. The ARB previously requested the applicant save more street trees on West Bayshore road, so the project was realigned to do that. Under the current plans 8 of the 9 street trees are retained. The courtyard has been more detailed to show potential uses. He provided slides of the previous elevations which the ARB had commented on and an updated picture of the elevations. He also showed a slide listing the modifications made based on the comments from the preliminary ARB hearing. The ARB supported the DEE, but requested the towers have some function. The ARB also felt the tower elements were a bit excessive, that the project needed to incorporate three different building types and color schemes, that the project needed additional guest parking, and that the design should retain as many existing trees as possible. The applicant addressed each point by adding windows, removing the central tower and reducing the others, introducing different color schemes and materials, adding two guest parking spaces, and preserved 8 of 9 trees. Staff requested a widened bike lane, additional open space for units, that the applicant break up and landscape the Greer Park retaining wall, and that they plant more

around the garbage area. The applicant has addressed all the staff's points. Staff requests the ARB provide input on the DEE for the towers, address Greer Park stairway access considerations, and review the landscape composition and privacy considerations. The ARB has advised other applicants that the majority of their landscape should be native species and the remainder should satisfy either drought tolerance needs or form habitat for wildlife. Staff is not seeking an ARB recommendation at this time as it needs to finish environmental review so there will need to be a Motion to continue to a date uncertain.

Chair Thompson called for the applicant's presentation.

John Hickey, Summerhill Homes, thanked staff for their work and Mr. Sauls for his summary. The immediate neighbor is the school next door. They have met with the President of the school and the owner of the site. They hosted an open house for the neighborhood on October 27, 2021. They made private open space for each unit. Between the sound wall and the design of the site every unit will either have private open space at the ground level or on an interior space that utilizes shelter from the buildings. The wall is also for protection with the Federal Emergency Management Agency (FEMA) flood zone. The units will have an elevation of at least 13 feet, so they are above the 100 year floodplain level. The retaining wall is necessary but will be tiered for plantings. There are two additional guest parking spaces and a new drop off delivery space. Onsite circulation has been improved and an additional street tree has been retained. There are plans to extend the southbound bike lane to Colorado Avenue. He provided a rendering of the bike lane and public sidewalk. They have discussed additional trees with the adjacent school and have determined that another four trees would be sufficient to provide additional screening. He introduced Jennifer from STG to discuss the architecture.

Jennifer Mastro, STG, said that the townhomes are designed in a contemporary style with simple but refined materials. The project is a contemporary urban/suburban community with shared and private open space. She showed multiple views of the project to the ARB. Pursuant to the ARB's suggestion they enhanced the end units that face the park in buildings 4, 5, 7, and 8. They also reduced the massing and rooflines closer to the park. She showed another graphic that illustrated the variety of form and color while still providing a cohesive design. Pursuant to the ARB's suggestions they reduced the number of tower elements in each building and integrated them into the interior design. She showed another graphic and listed the various materials used in the project. She introduced Shari Van Dorn to discuss the landscape plans.

Mr. Hickey explained that last week they learned about the STC ratings required and the various windows that might meet the requirements. The single hung windows in the current plans do not have sufficient STC ratings to address freeway noise, so they are proposing a switch to casements. He provided a side by side graphic and stated that the casements improve the elevations.

Shari Van Dorn explained that one of their primary goals was to provide outdoor amenities for the residents in the heart of the community. Pedestrian circulation is improved. Outdoor rooms include a fireplace lounge, a ping pong space, a barbeque area, a dining court, a social space with a variety of seating, and a lawn. All plant material is native or Mediterranean species adapted to Palo Alto's climate. Inside the project they utilize planting for specific purposes such as privacy. Views down the streets will be permeated by vines on guardrails and trees. They considered providing a pedestrian connection to the park from the west side of the project. They created terraced walls along the park frontage to bring the

scale of the grade change down. To achieve access to the southwest corner they would need a 52 foot long ramp and it would cut off pedestrian circulation on the southwest of Building 8. They looked to add a ramp further north, which would require a 100 foot long ramp. They felt both options created a canyon feeling and took up too much space. They opted for a path to the park at the southeast corner.

Mr. Hickey thanked the ARB for its time and noted that their civil engineer and the Senior Vice President of Development were also available for questions.

Chair Thompson asked Jennifer and Shari to state and spell their names for the record, which they did.

Mr. Sauls explained he wanted to discuss the points brought up by Boardmember Baltay via email with the ARB. He shared the email which Boardmember Baltay sent to him and Ms. Gerhardt the day before. The questions were related to a section in the building code about setbacks from property lines. The Municipal Code references a figure but does not include it online. He is still working on getting a copy of the image, but Public Works advised him that Code Section 1628310(b) references the types of grades or setbacks needed when a major utility runs through the property to provide for safe access. Second, Boardmember Baltay inquired about Palo Alto Municipal Code (PAMC) 181340f8, which requires properties that do not have a neighborhood commercial service or use to provide a minimum of 1,500 sf of retail, personal service, or other neighborhood serving use. The neighboring school and preschool provide daycare and preschool and falls under the "retail like" classification. Since it is within 500 feet of the property staff determined that was an appropriate compatible use and the project did not need to include the 1,500 sf onsite. The final question was about the context based criteria and if the terminology of building type had been defined in the PAMC. He has been unable to find a definition, but the Echelon Apartments on Fabian Way tried to maintain a cohesive look while breaking up the facades, balconies, materials, and colors.

Chair Thompson called for the public comment.

Ms. Klicheva stated there was none although she had seen a raised hand earlier in the meeting.

Chair Thompson called for ARB questions and indicated she would call for the public comment again after that.

Boardmember Baltay said that they received a letter from the public the day prior questioning if the matter should be reviewed prior to the full Environmental Impact Report (EIR) and asked for staff input.

Ms. Gerhardt explained that there will be architectural changes that need to be addressed which are irrelevant as far as the EIR. The standard practice is to do one hearing before the environmental review was completed.

Boardmember Baltay thanked Ms. Gerhardt. He asked if the applicant had an arborist review the trees in the park adjacent to the retaining wall.

Mr. Hickey stated that they had reviewed it and proposed the removal of two trees. They will work with Parks to identify an appropriate species for replacement of those trees.

Boardmember Baltay asked if an arborist commented on the impact on the remaining trees.

Mr. Hickey explained the remaining trees were far enough from the wall to escape impact.

Chair Thompson asked if that included the four additional screening trees.

Mr. Hickey stated that those trees would be planted after the installation of the wall. The retaining wall will be installed with initial grading and trees will be planted following that. There are a total of 12 trees that will be planted on the school property, all of which will be Coast Live Oaks per the school's request.

Boardmember Baltay requested the applicant show where the guest parking and drop off area was on the plans.

Mr. Hickey shared his screen and identified the areas on the plans. There are now a total of four guest spaces, one of which is Americans with Disabilities Act (ADA) accessible.

Boardmember Baltay confirmed that a delivery vehicle or an Uber could utilize the drop off space.

Mr. Hickey said that was what it was intended to do. Palo Alto requires all the private streets be 32 feet wide, which is wider than subdivisions in other cities. The wider space allows for ease of access. The drop off space is intended for services like Uber and DoorDash.

Boardmember Baltay requested Mr. Hickey point out the guest parking again.

Mr. Hickey said that there were two spaces at the end of B Street and two at the end of C Street.

Boardmember Baltay requested clarification of the width of the streets.

Mr. Hickey said that it was 32 feet width to width from building to building.

Boardmember Baltay asked for the paved street width.

Mr. Hickey stated that 26 feet is from the edge of one driveway to another.

Boardmember Baltay confirmed there were three extra feet on both sides.

Mr. Hickey said that in some cases it was more than three feet due to the variations of the building. The 32 feet from building to building is a Palo Alto requirement.

Boardmember Baltay requested that the landscape architect discuss the possible ramp to the park and the 10 foot 6 inch wall it would require.

Ms. Van Dorn said that would happen because there is no way to tier the wall near the entry to the park. She asked Mr. Hickey to show the appropriate elevation to the ARB.

Boardmember Baltay asked how she arrived at the 10 foot 6 inch number.

Ms. Van Dorn said that there was a grade change of about 7 feet 6 inches and then there is a 3 foot 6 inch guardrail on top.

Boardmember Baltay confirmed there was 7.5 feet of fill at the point.

Ms. Van Dorn stated there was at the top of the ramp.

Boardmember Baltay confirmed that the plan currently shows a stepped series of walls.

Ms. Van Dorn said that was correct.

Boardmember Baltay said that the difference is that the full height of the height is exposed with the ramp.

Ms. Van Dorn stated that was correct.

Mr. Hickey noted that there would be no landscape screening between the edge of the property line and the top of the upper guardrail.

Boardmember Baltay thanked the applicant.

Chair Thompson requested an explanation of the thinking related to the color schemes of the buildings.

Specifically, she wanted to understand which buildings were getting which color scheme and why.

Ms. Mastro explained that the idea was to intersperse the color schemes throughout the community. From Bayshore each building is a different color scheme. The same thing can be seen in the view from the park. There is nothing that explicitly calls out the where the color schemes are at this point, but the idea is that no two buildings next to each other would have the same color scheme.

Mr. Hickey advised the listening public that the colors on a computer screen may be different from the actual colors in the color deck. The ARB has the colors as presented by Sherwin Williams.

Chair Thompson said that she wanted to know the design intent and that was that no two adjacent buildings would be the same color scheme.

Boardmember Baltay requested the applicant provide additional information on the sound wall.

Mr. Hickey referred to Sheet L2.1 of the set.

Boardmember Baltay indicated that he had seen that page.

Mr. Hickey said that it would be a precast concrete wall with a finished texture. The colors are indicated.

Boardmember Baltay confirmed it would be 14 feet tall.

Mr. Hickey said that it would be 14 feet. The drawing was just an example of the style of the wall.

Boardmember Baltay asked if there were any proposed integrated landscaping.

Mr. Hickey said that there would be, but he did not have it in the presentation. As per the letter they submitted to summary they are attaching vines at the base of the wall on the site side. They hoped it would resemble the sound wall on Amarillo. The sound wall by the Sterling Park community is also 14 foot tall.

Mr. Sauls stated that Sheet L1.0 identifies where the vines will be placed.

Boardmember Baltay understood that the tower elements were now vaulted interior spaces. He requested the architect explain which rooms have the vaulted spaces.

Ms. Mastro explained that the towers contained the primary bedroom, formerly the master bedroom. It is a full height flat ceiling with the clear story windows.

Boardmember Baltay thought that the tower was wider than the bedroom and asked how that could be.

Ms. Mastro referred to Sheet A12 and Boardmember Baltay confirmed that he was looking at it. On the third floor the wall is wider, but the room is contained in the tower.

Boardmember Baltay said that there was an interior wall of the bedroom that was not the same as the exterior wall.

Ms. Mastro stated that was correct.

Boardmember Baltay confirmed that the tower effectively sat on top of the closet and adjacent room.

Chair Thompson requested they show A12 on the screen.

Mr. Sauls shared his screen with the ARB and displayed the third floor and the walls they were discussing.

Ms. Mastro indicated the bedroom would have the vaulted space and the master closet would have a standard ceiling.

Boardmember Baltay thanked the applicant.

Chair Thompson called for further ARB questions, but there were none. She called for the public comment, but there was none. She opened the item for ARB discussion.

Boardmember Hirsch said that he looked at other projects along the 101 corridor and a few others that are inland. He provided a slide showing the setup of the Woodland Creek project and described it for the ARB. The project has underground parking but has natural light and ventilation. The balconies that face the street are unused. 101 is a noisy street that will impact any project in the area. Council needs to determine if against a freeway is a good place for housing. Personally, he did not think housing should be close to the 101. Even with the sound walls residents are going to be aware of the 101. He provided a picture of a project on Edgewood. He showed the amount of screening to the public street but noted that even given that the outdoor areas did not receive much use. He showed another project that had areas for guest or alternate parking near the unit. The next slide showed a garage to garage street from a project, and he requested to view a similar rendering for the project. He showed a slide of the Parker Apartments and its provided parking. He showed a picture of the Oak Court on Ramona/Channing/Bryant corner. The front gardens are not well used publicly, but there is access to the parking below. He believed the takeaway was that the applicant was trying to create a nicer environment on the private street side of the development, but the planting does not do much in a car centric environment. The present scheme is not desirable based on ARB Finding #2. Any project facing parking bays with minimum planters is a harsh car centric environment. Finding #4 states that guest and service parking cannot be appropriately accommodated on the adjacent public street. Even with meeting codes it is inadequate to satisfy the requirement because of the more isolated site. There is no street parking on West Bayshore and therefore the applicant must accommodate parking on the site and a limited amount of guest parking. The plan has inadequate and isolated guest parking. There is parking in Greer Park, but that is at capacity most of the time. Alternatives are suggested by other projects. The open space park could become an underground

parking lot. There would have to be flooding mitigation, but an underground lot provides opportunities for guest parking and moving other parking to free up space for gardens. C Street and D Street could be converted into ground floor gardens. The design has terrific potential, but if the site plan is changed significantly they would have a different building. He thought his suggestion made for a better dwelling, which was achieved by moving the cars to a center underground lot. The discussion of materiality of a building must follow an appropriate site plan. He did not mind the plans themselves if they work with a scheme as he described. He did not accept the idea that everything should be raised to the level of the inner court as reasonable. The ground floor home office/guestroom is an okay idea that could probably remain so long as there is enough light. He did not believe the project would be appropriately soundproofed and would have to be persuaded with an acoustical discussion. The ground level as described is not the best possibility. He praised the Woodmark and other projects done by the applicant.

Boardmember Baltay remembered that the City Council had seen the project informally.

Boardmember Hirsch also thought that Council had looked at it.

Boardmember Baltay asked if they could have looked at it without a record.

Mr. Sauls indicated he would look again.

Ms. Gerhardt said that Mr. Hickey was shaking his head no, that they did not have contact with Council. There was a preliminary hearing with the ARB. The project did not need a prescreening, which would be heard by Council.

Boardmember Baltay thanked staff for the clarification.

Ms. Gerhardt said that Mr. Hickey had his hand up.

Chair Thompson said they would return to the applicant after ARB discussion.

Boardmember Baltay said that if Council had weighed in it should be included in the discussion, but it appeared they did not.

Boardmember Hirsch knew that he heard the Council discussed the issue of housing adjacent to 101. It could have been in reference to another project.

Boardmember Baltay said that he was sure he had just misunderstood something. With the project he was both in agreement and disagreement. Housing along the 101 is something that Palo Alto must do because they do not have enough available land. He found Boardmember Hirsch's comments regarding the site planning to be spot on. He was uncomfortable with grading up the site and the idea of creating an underground garage provides many site planning and architectural benefits. He stated that he had a long list of items to discuss. He found it challenging to review the floor plans and understand the building design. He suggested that they provide the floor plans for each building. It was challenging to review Elevation 1 as it is so tiny. That is a graphics problem emblematic of a larger issue which is that how the development looks from the park has not been properly addressed. This is a 2 1/3 acre site, and the applicant proposes to raise the ground by about six feet on average. That is 850 large truckful's of dirt. He questioned the environmental impact of that. There is nothing in the staff report about bringing in that much dirt. He disagreed with Public Works on the Code. There is a guideline which needs to be reviewed

and considered. If they plan to do the grading it needs to be done more carefully. The applicant needs more space and should step the retaining wall and make room for more landscaping. The Tree Report shows at least a half dozen large trees in the park within 20 to 30 inches of the retaining wall. He could not imagine how the six feet of fill would not impact those trees and questioned whether they would survive construction. Dead trees in the park would be a large impact, especially because it would highlight the wall. The answer is to do the grading more carefully, which would require the architect to modify the buildings. There needs to be a connection to the park and everything else will have to give to make it work. The parking does not work at all as the guest parking is on the edge and practically an afterthought. For 48 apartments it is highly likely that there will be visitors who will park in the 26 foot street or block fire or emergency vehicle access. He could not find that it was a functional site plan without adequate guest and service parking. He supported Boardmember Hirsch's suggestion to think about the parking in a different way, perhaps underground. The trash pickup is incredibly tight, and most people will leave the trash bins outdoors in front of garage doors, which is unsightly. They need to address what will happen with the trash bins. The Contextual Design Code is part of the PAMC, and it clearly states that for a site this size there should be three building types. The project provides for six identical building types. They buildings are well variegated but are not three building types. The ARB cannot veer from the Code that dramatically. The tower elements are nice, but the flat parapet elements appear added on and not well integrated. With respect to the floor plans he referenced Drawing 810 and the first floor plan. The stairs directly encroach on the headroom in the garage, which is not allowed. The 3rd floor plan has a closet in a bathroom such as the bathroom does not have a window and he would prefer that it did. Trash bins are proposed to be stored in the garage and most people do not leave them inside. Therefore, that does not seem reasonable. The material palette is made up of midrange quality materials but Finding #3 requires high quality materials so that should be adjusted. The white paint are extremely bright whites and too reflective. Otherwise, the colors work well enough together. He was concerned about the attempt to make Mediterranean plants a selection that meets the PAMC requirements. He did not want to establish the precedent as Palo Alto wants native plants planted. He found that less than half of the plan called for native plants. He requested additional native plants to meet the standard. The landscape plans were also very difficult to read and could be improved. The biggest concern is creating a stronger landscape buffer along the perimeter of the property. The sound wall is very important, and he would like to see more information going forward. He stated that he was concerned that with only three current Boardmembers they were leaving the applicant in a strange position. What Boardmember Hirsch requested and supported was a dramatic redesign. He wanted to make sure that the ARB gave the applicant straight advice.

Chair Thompson said that she would provide her comments and then the ARB could try to give the applicant more direction. With the site planning she reminded the other Boardmembers that the site was in the floodplain and that is one of the reasons for the high grading. The site does seem car orientated, but she was not opposed to the parking being segregated from the living spaces. She would be open to different site planning and could support a design that was more pedestrian, but some of the recommendations made might not be feasible because of the floodplain. They could consider other options such as a parking garage to the side, but then they would also have to consider those aesthetics. She agreed with Boardmember Baltay about the elevations and plans. The retaining wall height was hard to understand because the images look small. She suggested the applicant provide an image on the park

side next to the retaining wall with a person for scale. She would also appreciate a section of the wall and through a building to allow them to see the bulk of the project against the park. She shared Boardmember Baltay's concerns about the trees. The different building type point interested her as she had not noticed it before Boardmember Baltay pointed it out. She asked how type was defined and noted that she might not want the buildings to be terribly dissimilar. The current differentiation with the color palettes is nice. The white paint mentioned by Boardmember Baltay is too reflective. She was unable to view the material palette because she has been quarantined for COVID exposure. It is important to have a logic for how the colors are dispersed throughout the site. She suggested they go for more of a park feeling than a street feeling. In multifamily housing windows in bathrooms are a luxury, so if they are possible that would be great. She agreed with Boardmember Baltay that the materials are mid-grade. The colors do elevate the material, but she supported the comment. She also supported the comments about needing more native plants and a landscape buffer. For the sound wall she suggested they investigate art or an interesting pattern. If they choose to do the vaulted ceilings it may be nice for that to be expressed on the inside as well. She asked what the other Boardmembers thought about the floodplain issue.

Boardmember Baltay said that he thought that you could put parking in the flood zone. They approved a project in Downtown with below grade parking and a floodplain issue.

Ms. Gerhardt said that it could be done but the entrance of the garage had to be situated to hold back the water at the entrance.

Boardmember Baltay asked to hear from the applicant on the idea.

Chair Thompson said that if they wanted to open it to the applicant she would.

Mr. Hickey asked Elaine to address the ARB. She had computer issues, so they waited a moment and she joined on Mr. Hickey's computer.

Elaine explained that with the floodplain they would not consider an underground garage. It would trigger a different construction type and require flood insurance. These are for sale houses and not an apartment building so while they appreciate the comments, they will not build an underground garage.

Mr. Hickey stated that they looked at underground garages on other projects recently and it would not be feasible here. He asked to address some misconceptions he heard earlier. There is existing parking along West Bayshore which would have remained except Public Works and Transportation requested it be removed for a southbound sharrow. There is parking along Colorado as well. The north side of the road is approximately 30% open during the daytime. There should be space for 12 to 14 cars there at any time. On weekends when the park is crowded the parking tends to be on the Amarillo side. He apologized if the plans were difficult to read, but the building types were included and where they are located on the site is listed in the keymap. There are three distinct types. With respect to the section details they are shown in the civil sheets.

Chair Thompson stated that she had seen them and that they did not have a figure for scale.

Mr. Hickey stated that was true and that they could enhance and provide those materials. He shared his screen and showed the ARB the rear elevation. He noted that it did not show the existing trees so that they could see the elevation. He then showed the street scene which includes the outline of the tree

canopy. He understood there was concern about the visibility of the retaining wall, but it will be mostly covered by the existing canopy. He stated that he was happy to provide the information that did not come through in the initial presentation.

Chair Thompson thanked Mr. Hickey and returned to the Board.

Boardmember Baltay was concerned that parking on Colorado was too far from the project. People have guests, service people, and deliveries and that needs to be addressed in the design. There is a photograph on Page A04 showing the trees and is barely legible. The applicant needs to prove its arguments. He also noted that they had not addressed the 20 inch diameter trees only 30 inches from the retaining wall. They will not survive. With respect to Boardmember Hirsch's point he noted that he would rather have the housing then have the applicant walk away because a subterranean garage was infeasible. He could support the application with the grading if they can prove the buffer edge was done more carefully. He hoped Boardmember Hirsch could support that as well.

Boardmember Hirsch noted that Boardmember Baltay had already questioned the cost of bringing in all the fill. He questioned how much it would be to enclose a garage with a different landscaped scheme. The project shows the drawings from a distance to show the façades. The towers are important, but the rest of the façade is more visible. People do not see elevations; they see parts of buildings. He could not buy the fact that the applicant could not create a waterproof parking area. It could be built higher which would create a landscaping problem. That could be solved with other landscaping ideas. There are additional possibilities for landscape design which reduce the impact of the project on the trees. The site plan shows the trees adjacent to C Street rather than the center of the property.

Boardmember Baltay stated that he did not believe the applicant would build the garage as it was outside how they built projects. the ARB has a choice to tell them to do the garage and kill the project or could flex so they could build what they could.

Boardmember Hirsch said he would not go along with it and would like the applicant to show them how it was financially infeasible before they agreed to it. The ARB must receive the facts and those have not been presented.

Ms. Gerhardt explained that she agreed with Boardmember Baltay that they needed to be careful of designing a project for an applicant. The applicant must adhere to the Code while designing their project. If they continue to push for an underground garage they must base it on a Comprehensive Plan Policy or ARB findings.

Chair Thompson thanked Ms. Gerhardt for her point. She agreed that an underground garage would be nice and in keeping with the Comprehensive Plan, but projects have budgets they need to adhere to as well. She also understood the floodplain issues. She could be open to the current site plan or an alternate that keeps the grading but further separates the cars from living spaces. She appreciated how under the current plan the street along Bayshore becomes more pedestrian. Depending on the future of the area that could be good for the street. She also appreciated the bike lane and supported that over parking. She asked if Boardmember Hirsch could support an alternate site plan that did not include an underground garage.

Boardmember Hirsch said that there would need to be significant rethinking of the design. The guest/service parking must be solved and must be convenient. If that means they need to reduce the park that might work. He suggested they make a Motion that the guest and service parking be provided in a more convenient place necessitating site plan changes. The only way he could accept the project is to make a major change in the site plan. He suggested some of the housing facing 101 be pulled back. He did not think the yard facing 101 would be used even with the sound wall. The site plan must accommodate service vehicles and reduce the impact of parking to allow a more landscaped streetscape. If that happened the scheme could possibly work.

Chair Thompson said that she was working on a Motion.

Ms. Gerhardt explained they did not need a Motion, but direction to the applicant would be helpful.

Mr. Sauls said that he understood the ARB's concerns about guest parking but noted the City does not have guest parking as a requirement. Obviously, people will have guests, but there are no guest vehicle parking requirements. There are guest bicycle parking requirements that the applicant has provided.

Chair Thompson thanked Mr. Sauls and indicated they would do some straw polls. The ARB may ask the applicant to reconsider the site plan related to parking, to reconsider the reflective white paint choice, tree locations, increasing the landscape buffer on the perimeter of the site, and to consider varying the building type design more.

Boardmember Baltay thought that what Chair Thompson stated was true but sounded mild. The parking, transportation service, and trash must function. That is Finding #4 in the ARB standards. It is not about requiring guest parking it is about Finding #4 and functionality. Secondly, it is not possible to have a 6 foot wall without an additional setback of buildings. The buildings will have to be pulled back from the park to make the landscape work. To earn his support they would have to pull the buildings back further. They may not be able to have 6 to 8 buildings of the planned size. The applicant could still have a greater FAR than the Code allows, but it might not be as much as they initially requested. He repeated that he was most concerned with the functionality of the parking, transportation service, deliveries, and a greater physical buffer with the park.

Boardmember Hirsch added that he was concerned about exactly what was expressed although he was more concerned about altering the site plan so they could make Finding #4. The applicant could perhaps cut the outdoor space by the units that back up to 101 and West Bayshore to answer the service and provide a more attractive and broken up street façade. As discussed by Boardmember Baltay the park did not need to be as large and could be sculpted back so the ramp was further within the private park. That would break up the façade of a large wall and allow better access to the park for residents.

Chair Thompson thought that was a good idea. She thought the ARB was mainly in agreement and agreed that the streets would be nicer if they felt more pedestrian. She asked if staff was clear or if they needed another summary.

Ms. Gerhardt said that staff heard the site plan and parking concerns. she appreciated them relating that to Finding #4 and the functionality of the site. Finding #2 also discusses internal sense of order and a desirable environment. The ARB made it clear they are looking for major changes to the landscape buffer

because of the elevation change. The other issues such as the reflective white color were easily handled. She asked if the ARB thought different paint colors or unit sizes were enough to differentiate the three building types.

Chair Thompson shared her screen and Slide A13 and A16. The edges were different, but the middle of the buildings were similar and that made up the bulk of the façade. If they are looking for differentiation they needed to see more of it.

Boardmember Baltay said that the building type issue was not his primary concern. If his other concerns are addressed he was willing to be flexible. He understood the Code requirement but agreed with Chair Thompson's earlier point about cohesiveness.

Boardmember Hirsch thought that they were not taking advantage of their material opportunities. They could increase textures and colors to differentiate the buildings. The proportions of the front work as a modern detailed piece. the materials and facades are okay as designed. One of the problems is the main entry is opposite from the garage side. There are site plan issues related to the project's limitations. He asked if the applicant could consider creating additional access to the upstairs. He noted that he raised the biggest issues with the underground parking but addressing the access could also improve the project.

Chair Thompson thought the ARB conveyed Boardmember Hirsch's points.

MOTION: Boardmember Baltay moved, seconded by Chair Thompson to move the project to a date uncertain and subject to the ARB comments.

MOTION PASSED: 3-0

6. ARB Awards: Consider the Eligible 11 Projects and Associated Photographs Taken by Board Members, and Decide on a List of Award Categories and Award Winners

Chair Thompson suggested they move the ARB Awards to the next meeting as it only had one item on the Agenda and confirmed the other Boardmembers were comfortable with that.

Ms. Gerhardt asked for a Motion with a specific date. The next ARB meeting is scheduled for February 2, 2022.

MOTION: Chair Thompson moved, seconded by Boardmember Baltay, that Item #6 be moved to the February 2, 2022, ARB meeting.

MOTION PASSED: 3-0

Approval of Minutes

7. Draft Architectural Review Board Meeting Minutes for November 18, 2021

Chair Thompson called for the approval of the minutes.

Boardmember Baltay noted that he read both sets of minutes carefully and would like to make the Motions.

MOTION: Boardmember Baltay moved, seconded by Chair Thompson, to approve the ARB meeting minutes for November 18, 2021.

MOTION PASSED: 3-0

8. Draft Architectural Review Board Meeting Minutes for December 9, 2021

MOTION: Boardmember Baltay moved, seconded by Chair Thompson, to approve the ARB meeting minutes for December 9, 2021.

MOTION PASSED: 3-0

Subcommittee Items

None.

Board Member Questions, Comments or Announcements

Chair Thompson called for Boardmember questions, comments, and announcements.

Boardmember Baltay suggested they consider appointing a Vice Chair even though staff thought it unnecessary. An important role of the Vice Chair is to be exposed to the experience of being a Chair. He suggested it be placed on a future agenda.

Chair Thompson agreed that was a good thing and suggested anyone interested contact her.

Boardmember Baltay asked if the discussion needed to be agendized.

Ms. Gerhardt stated that it did need to be agendized. The nominations could be done at that point.

Chair Thompson asked how it would work if both Boardmembers Hirsch and Baltay were nominated.

Boardmember Baltay said he would not accept the nomination.

Ms. Gerhardt stated they would have to play nice as there were no tiebreakers.

Boardmember Baltay stated for the record he could not accept a nomination.

Ms. Gerhardt indicated the item would be on the February 3, 2022, Agenda.

Chair Thompson asked if there was anything further.

Ms. Gerhardt reminded everyone that the Development Center was currently closed to appointments until at least February 1, 2022, due to COVID. On February 1st they will set up the community meeting for the objective standards, so more details are forthcoming on the website and via email.

Adjournment

Chair Thompson adjourned the meeting.