



CITY OF
**PALO
ALTO**

Architectural Review Board

Staff Report (ID # 14457)

Report Type: Approval of Minutes **Meeting Date:** 6/16/2022

Summary Title: Minutes of April 21, 2022 Continued From May 19, 2022

Title: Draft Architectural Review Board Meeting Minutes for April 21, 2022

From: Jonathan Lait

Recommendation

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

Background

Draft minutes from the April 21, 2022 Architectural Review Board (ARB) are available in Attachment A. Verbatim minutes for 2850 West Bayshore Road are available in Attachment B.

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

Attachments:

- Attachment A: Minutes of April 21, 2022 (DOCX)
- Attachment B: April 21, 2022 Verbatim Minutes for 2850 W Bayshore Road (DOCX)



ARCHITECTURAL REVIEW BOARD

MINUTES: April 21, 2022

Council Chamber & 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 Council Chamber and virtual teleconference at 8:30 a.m.

Present: Chair Osma Thompson (participating remotely), Vice Chair David Hirsch, Boardmember Peter Baltay, Boardmember Yingxi Chen, Boardmember Kendra Rosenberg

Absent:

Oral Communications

None.

Agenda Changes, Additions and Deletions

Jodie Gerhardt, Manager of Current Planning, stated there were none.

City Official Reports

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

Ms. Gerhardt stated that they had a full Board at the meeting. She shared the ARB 2022 Meeting Schedule and noted that all future meetings are currently scheduled to be held in hybrid format. The next hearing is scheduled for May 5, 2022 and will contain two or three items.

Study Session

2. California Avenue Street Improvements / Parklets

Chair Thompson called for the staff report.

Ms. Gerhardt introduced Assistant Director Rachael Tanner who had a prepared presentation.

Rachael Tanner, Assistant Director of Planning, asked if they needed to do a Resolution for the hybrid meeting.

Ms. Gerhardt indicated that it was done at the last meeting.

Ms. Tanner indicated that she had an update to accompany the staff report. She shared her screen and explained that she would provide an overview of the street closure program, clarify the Council referrals to the ARB, and prepare the ARB for future involvement in the project. She provided a slide of the timeline

of the project from 2020 through 2021, explained it, and indicated she was open to answering questions. Currently, Council gave a direction to prepare a resolution to close portions of California Avenue and Ramona Street until the end of 2023. Staff is preparing the resolution for Council's May 16th hearing. Council also directed staff to allow parklets to continue and to accept new parklet applications. Council has received letters of support from the community supporting the closures. She displayed a map of the City and pointed out the Downtown Street Closure area. She also showed a map of California Avenue and pointed out the closure. With respect to permanent closures Transportation will lead the charge although multiple departments have been involved and supportive. The City has the authority to close streets, but it must follow State law in order to do so and therefore must undertake a study to determine if it meets the justifications. Other examples of municipalities that have closed street include Mountain View which conducted a feasibility study in 2019. That study was put on hold due to COVID, but the Mountain View City Council temporarily closed the streets through the end of January 2023 and have a resolution to permanently close them forthcoming this spring. Palo Alto's Transportation Department will seek consultant support to do a feasibility study including traffic, parking, and economic analysis. She displayed a slide containing Council's February 28, 2022 Motion on a project. They recommended that staff move forward with the Request for Proposal (RFP) and Request for Information (RFI) and return to Council with an extension of the temporary closures and a schedule of the proposed work. On February 28th Council had a significant discussion about the temporary closure and ongoing status of the street. In June 2021 staff was directed to work on a streetscape plan for California Avenue using pro bono design expertise to include evaluation of potential sites for permanent performance stages in other potential areas. This has been an iterative process and Council has had different perspectives over time. The ARB has an opportunity to be very valuable to the process. Staff requests guidance for businesses using the closed street. The ARB could assist with the adjustments to the interim conditions and with the exploration of the permanent closures and their designs. Staff will return to the ARB to discuss parklets and in the future as the program develops.

Chair Thompson indicated that she would call for a round of questions followed by ARB thoughts.

Vice Chair Hirsch asked if anyone involved with the arts was a part of the project.

Ms. Tanner explained there was interdepartmental collaboration with the public art program. Art has been placed in the closed street portions and there has also been collaboration with the Community Services Division on community events. They have also tried to get the merchants involved in promoting the events.

Boardmember Chen asked if the closed streets were still open to bicycles and scooters.

Ms. Tanner explained that currently California Avenue asks people to walk their bikes although some people do bike down the middle. Longer term [break in audio 23:10] ... bicyclists should bike, and pedestrians should walk to reduce the conflict. With respect to the prior question she just learned that there is a master plan for art for California Avenue that takes into account the long term closures.

Ms. Gerhardt stated that she had photographs if Boardmember Chen wanted to view them.

Chair Thompson said that she wanted to get through the questions before there were further presentations. She inquired about the timeline on the RFI and RFP and if the ARB's discussions would help

influence them. Specifically, she asked if there would be a consultant available the next time the ARB discussed the matter.

Ms. Tanner explained the consultant was necessary for the feasibility study. She indicated that she would need to check with Transportation, but she knew they were working on the scope. By the next time they meet with the ARB they could have someone on board. The contract has to go through the Council for approval so the process could take a few months.

Chair Thompson said that Boardmember Chen had a presentation and so did she. She asked if anyone else had one prepared.

Boardmember Baltay indicated he had structured thoughts to give following the presentations.

Chair Thompson stated that they would take feedback following the presentations. She called for Boardmember Chen's presentation.

Ms. Gerhardt asked for a moment due to technical issues on the Zoom. She then shared Boardmember Chen's presentation.

Boardmember Chen said that when thinking about street closures there were two items that should be carefully considered. First, they need to ensure pedestrian safety and second, they should create playful outdoor spaces. An art program would be nice, especially if they could host interactive installations. She explained that her slides provided examples of interactive public art and led the ARB through them. Art installations could also be used to separate spaces between businesses or activities. Some businesses are concerned that the street closures would push pedestrians away from their windows so the artwork could be placed in a way that encouraged business window viewing and increased street traffic. She also suggested creating sections to meet different interests of different age groups. She suggested space for family oriented restaurants that allowed chalk drawing on the streets or walls. The City could also host art events and festivals. If there were bike lanes allowed they could paint the street different colors to enhance pedestrian safety.

Chair Thompson thanked Boardmember Chen. She shared her screen with the ARB and explained that she had walked California Avenue at night on a Wednesday night and captured the current conditions. She displayed pictures of the street and noted that the entrance had definite design opportunities. The temporary solution features egregious signs but as it becomes permanent the threshold to the space should be carefully considered. She showed pictures of some of the street's cafes and noted that some had opaque shelters which made the street feel less active. The ARB could consider shields or boarder protections for certain properties. Mountain View uses planter solutions to create privacy. There are large portions of the street with no activity, but she had no suggestion for that. The music along the street was great and should be encouraged. The ARB should also consider if pedestrians should walk on the sidewalks or the middle of the street as there are pros and cons to both. Some pictures she showed illustrated how closed off it could feel, even in the middle of the street. The sidewalk was more engaging and cozier with activity on both sides. The downside is that walking on the sidewalk splits the activity between the two sidewalks. She stated that she had wanted to share her research in photography.

Ms. Gerhardt said that there was a member of the public ready to speak.

Chair Thompson called the public comment.

Winter Dellenbach stated that she was a long term resident of Palo Alto and that her husband, Jerry Masteller, was co-owner of Printers Inc. Bookstores during its 20 years of existence and there was a store on California Avenue. Printers Inc. Bookstore was a mainstay of Palo Alto with its beloved coffee bar and author's events. She noted that she and her husband take advantage of the outdoor dining on California Avenue and appreciate it very much during the pandemic. However, they believe that retailers are getting lost on the street. She stressed the importance of highlighting their storefronts, entryways, displays, and signs from further away. The City has a study planned, but the ARB presentations did not place enough emphasis on keeping the retail alive. Many of the retailers are smaller and are part of the heart and soul of Palo Alto.

Chair Thompson asked the speaker to return and spell her name for the record.

Ms. Dellenbach did so and stressed that she and her husband were long term residents.

Chair Thompson called for further public comment but there was none. She called for individual ARB comment.

Boardmember Baltay explained he had followed the issue closely and spoken with many Councilmembers and members of the public. He believed it to be a design challenge. Boardmember Chen showed the ARB what the space could be. Chair Thompson shared what it could be and where it is lacking. A member of the public reinforced what many have said, which was to remember the retail. He thought it was a challenge to pull everything together and was uniquely suited to architects. The ARB had an opportunity to guide the City but that is separate from the larger political issue of whether the streets should be closed. Primarily the ARB was made up of design professionals and therefore they could separate themselves from that question and focus on the design issues. He pointed out that all the members of the ARB are experienced, local, familiar with the area, and working on a pro bono basis. He suggested the City should view the ARB as the City architect, not just a group to review Planning applications. The ARB should proactively form a structure so it could insist on being heard. There was already a RFI, and he asked why the ARB was not a part of the process. There could be a subcommittee of the ARB formed to integrate with the City and help direct and develop ideas for how to precede on the urban design issues on California Avenue. The subcommittee would report to the full ARB in public and get feedback. He believed that the City Council would support the ARB in its efforts and the Planning Department would love the help but had no mechanism to get it. Palo Alto had no precedent for this as the ARB has been viewed as a quasi-judicial body to review Planning Applications. He asked if the other members supported his idea of a subcommittee and the ARB getting more involved in the issue.

Boardmember Rosenberg thanked Boardmember Baltay for his eloquent and clear comments. She acknowledged the larger debate over making the street closure permanent but stated there was a lot of support to make it permanent. She thanked Ms. Dellenbach for her comments about retail. Printers Inc. was a destination on California Avenue, which has always been a place one visited, did their business, and left, which is opposed to the way University Avenue has been used. California Avenue felt transient with the exception of Printers Inc. The issue was really how to move forward with the project. She agreed with Boardmember Baltay that this was a profound opportunity to move the City forward with a group of people with the experience and desire to work on it. There are numerous examples of closed streets in

other communities to look to for inspiration. She brought up Boardmember Chen's comments about artwork and noted that other spaces had fountains, sitting areas, and plantings. She mentioned the Santa Monica Promenade and La Rambla in Barcelona as possible examples to learn from. La Rambla has permits for street performers which is something that could be explored. She wanted the project to move forward, and actions taken with a schedule proposed for the merchants and restaurants on the street. Currently the business owners are in limbo and do not know what will be allowed in six months.

Vice Chair Hirsch thanked everyone for their participation and noted they had a detailed but broad view of the problem. He noted that La Rambla was remarkably interesting and thanked Boardmember Rosenberg for reminding him of the street performers. When University Avenue closes they chalk a side street, and the artwork is incredible. That is paid for by local merchants and sponsors. He further appreciated the examples of art provided by Boardmember Chen. Currently some of the merchants are taking up too much of the street and one of the things that needs to be required is a guideline for what can be built. Closing off an area does not work as it affects a neighboring commercial enterprise. That was a practical issue that must be solved perhaps in the Municipal Code. Sight lines are critical and whatever is placed in the street has to retain a view of the sidewalk. It is critical to get children involved in the street and he mentioned examples from Brooklyn. He further suggested staging events for children to get families into the street. The difference between California and University is partially physical. University features two story structures and is a tight space while California is one story and not as structured. The ARB must determine how it wants to participate in the process moving forward or if it would look to the City to provide consulting help. He thought that it might be helpful to hire an architect to work with the ARB so that person could visualize their ideas. The ARB cannot spend the time necessary to design the project, so he suggested they program it instead.

Boardmember Chen echoed the other Boardmember's thoughts and thought either the ARB or the City should develop a masterplan or guidelines with some flexibility for the business owners. The strategies would differ by street since the streetscape and width of the streets were different.

Chair Thompson agreed and explained that Castor Street in Mountain View implemented very different solutions along the street. Boardmember Chen was correct that different typologies required different solutions. With respect to creating a subcommittee she supported the idea and suggested that they set it up although she felt trepidatious about being called "the City's architect" because it was important for designers to be paid. Additionally, the ARB is a reviewing body that is supposed to be impartial to designs that come before them. In that respect it might be better for another to design the project so the ARB could actually review it. However, creating a subcommittee to provide input was a helpful idea that would spur progress. The only way to really hold someone to a work plan and schedule is if they are paid.

Boardmember Chen added that they needed to consider solutions that worked through both the summer and winter seasons and again added that business owners needed to have information to plan their expenditures around.

Boardmember Baltay agreed that designers should be paid for design work. He envisioned the ARB subcommittee's work as functioning as the expert pick the right consultant and keep that consultant focused. Basically the subcommittee would support good design and ensure there was visibility for

businesses and good dining environments. That is valuable expertise that could be given to the City for free in a committee meeting. He stressed that the ARB would not be free designers for the City.

Boardmember Baltay moved to have Chair Thompson form a subcommittee of two people empowered to interact with City Departments to assist with the California Avenue Urban Design Project. The subcommittee will help choose a consultant, formulate RFIs, and interact with the public. The subcommittee will report to the full ARB on a regular basis. Chair Thompson did not have to name the committee at the meeting and that the Motion was simply to direct her to form the committee.

Ms. Gerhardt said that the item was placed on the agenda as a Study Session and that they did not need a formal Motion, but the suggestion could be taken under advisement.

Boardmember Baltay thought it was important for the City to see the ARB do something.

Chair Thompson called for a second.

Boardmember Rosenberg seconded.

Vice Chair Hirsch thought the committee could develop a scope of work based on the meeting's discussion. He agreed that a committee would be an important step in the process.

Boardmember Rosenberg indicated that she seconded the Motion and thought forming a subcommittee was a valuable step forward. She stressed that the subcommittee would need a scope and defined role, but a two person subcommittee could ensure that the process moved forward to provide more certainty to the California Avenue businesses.

Ms. Gerhardt clarified that it was a Study Session, and a Motion was not necessary. The ARB could take a straw poll. Additionally, the ARB Work Plan was later in the agenda and the item could be discussed as part of that.

Chair Thompson thought it might already be in the Work Plan.

Ms. Gerhardt said that the Public Arts Program advised her there was a California Avenue District Public Art Plan done in 2021. Staff would provide that to the ARB at the next discussion.

Chair Thompson called for the straw poll on the subcommittee idea.

Boardmember Chen indicated support.

Vice Chair Hirsch also supported the idea.

Boardmember Baltay strongly supported the idea.

Boardmember Rosenberg supported the idea.

Chair Thompson agreed that she supported the idea. She requested that individual Boardmembers contact her about their interest in serving on the subcommittee.

Ms. Tanner thanked the ARB for its thoughtfulness and time and indicated that she would ensure the subcommittee was connected with the other staff members working on the project.

Chair Thompson asked that the Boardmembers contact her with their interest that week and closed the item.

3. Review of proposed updates to the City's Tree Protection Ordinance, Title 8 of City of Palo Alto Municipal Code

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

Ms. Gerhardt introduced Urban Forester Peter Gollinger and his presentation.

Peter Gollinger, Active Urban Forester, shared his screen with the ARB and explained they have been involved in a long project to update the City's Tree Protection Ordinance. The original ordinance was adopted in 1951 and protected public trees. It was updated in 2001 to add Redwoods to the list of protected species. Since the last update there have been updates to many City policy documents including the Urban Forest Master Plan, the 2030 Comprehensive Plan, and the ongoing Sustainability and Climate Action Plan. Additionally, there have been a number of new State regulations recently added. He provided and walked through a timeline of the updates to the ordinance. The Urban Forest Master Plan calls for the City to achieve a greater percentage of native draught tolerant species, ensure no net loss of benefits, increase habitat, increase canopy cover, and minimize negative impacts of development on the urban forest. The 2030 Comprehensive Plan contains many policies and goals related to the urban forest. The Sustainability and Climate Action Plan contains several policies and key actions related to the urban forest including a measurable goal of increasing the canopy to 40% by 2030 and ensuring no net loss of canopy on all projects. He cited several changes in State Law that also needed to be included in the City's plan. The urban forest provides many benefits and recent studies have made that more apparent. The quantifiable benefits related to CO₂, storm water, air pollutants, and energy saved are impressive. Proposed changes included in the update are to update authorized officers and relevant staff positions, a restructuring of chapters and sections for clarity, and substantive changes to align the ordinance with existing policies and state laws. 8.04.010 to 8.04.040 discuss permits for work on public trees and streamlines and clarifies the process. 8.04.070 and 8.10.100 – 110 deals with enforcement of violations and clarifies the penalties applied and who has the authority to apply them. The main penalties used are administrative penalties, civil penalties, and stop work actions/development moratoriums. Another change implements a designated arborist system where the City would maintain a list of qualified, certified, and selected arborists for hire by City applicants. Some projects would continue along the current path, where the City selects the arborist and bills the applicant for the services. Excessive pruning has a new definition to include roots and lengthen the timespan between pruning. Oaks have been removed from the main definition and they have their own threshold of 15%. Additional species have been added to the list of protected trees including Bigleaf Maple, Incense Cedar, Blue Oak, and Black Oak. Redwoods remain protected. The biggest change is that all other species of tree are protected at 15 inches or greater excluding invasive species or high water users, subject to those definitions. Other protected tree categories remain from the former plan. Another change moves from the use of the Tree Technical Manual to the Tree and Landscape Technical Manual. The purpose of that change is to avoid the planting of exotic fast growing trees to replace canopy. The prohibited acts section was reorganized into categories outlining where a protected tree may be removed. Outside of the development process trees can be removed if dead, hazardous, or a nuisance, or if the tree were a detriment to or crowding an adjacent protected tree or impacting the foundation or eaves of a primary residence. Trees removed may trigger a

36 month development moratorium, which is intended to prevent trees from being removed and then a development application being filed. On a residential lot a tree could be removed if it was so close to the proposed development that construction would result in the death of the tree and preserving the tree was not feasible. He then listed acceptable reasons for tree removal in subdivided land and any project requiring discretionary approval. Another change is a requirement for owners of protected trees to notify the City and post public intent to perform maintenance. The City plans to address tree removal in wildland-urban interface areas in a future iteration in detail. The new section of the current plan specifies that the fire chapter takes control in those situations. The applications, notice, and appeals section were reorganized to clarify the process and include notification requirements. To summarize, applicants must now file for a protected tree removal permit, more applications will require an arborist report, and tree disclosure statements and arborist reports will require completion by a designated arborist. Following the ARB meeting there would be a Parks and Recreation Commission meeting, a tentative second community meeting, and the Ordinance would go to Council at the end of May or early June 2022. He indicated that he was happy to take questions.

Chair Thompson called for the public comment.

Madina Klicheva, Administrative Assistant, indicated that there were several public speakers both online and in person.

Winter Dellenbach indicated that she wanted to discuss the value of trees. Trees add to property value and are important in the fight against climate change. She cited a UC Davis study and informed the ARB about how trees sequester carbon. Trees must be protected, and more trees must be planted. Removal of trees releases stored carbon into the atmosphere. Trees help guard against excess heat in cities and can lower air temperatures in neighborhoods up to 10 degrees. The US Department of Energy states that carefully placed trees can reduce a home's energy consumption by 25% amongst other benefits. Due to these matters Palo Alto must update its Tree Protection Ordinance [break in audio/visual 1:31:22] ... she noted her middle and high school aged grandchildren would participate in the Earth Day March and were aware of climate change. She became emotional and urged the updating of the ordinance.

Karen Holman thanked the ARB for its time and explained that she had been considering the long and short view of things. There used to be a rail line from Stanford to Santa Cruz, but that was taken out. Many towns, including Palo Alto, had trolleys to take people downtown. Most of them are gone. During the pandemic when people were commuting less the air was cleaner and the birds returned. She cited the Audubon Society and explained that in the last 50 years the United States lost 25% of its birds. In the California area they have lost 140 million birds. She continued citing statistics and explained the Audubon Society attributed the losses to a significant loss of trees. Trees provide habitat and if birds are the proverbial canary in the coal mine then Palo Alto needs to do everything it can to support a robust urban forest. Cities must attempt to compensate for the wildfires and the lost of forested lands. Development should embrace rather than replace trees. She explained that she was a member of the Midpen Open Space District Board and they looked at a "no net negative" which is not easy to achieve. She urged the City to listen to the birds and approve the ordinance. She thanked the ARB, Mr. Gollinger, and the staff.

Claire Elliott appeared via Zoom. She explained she was a resident and a senior ecologist with a local nonprofit, Grassroots Ecology. She thanked the ARB, staff, and the ad hoc for the opportunity to comment

and noted that she had many of the same thoughts and feelings as Ms. Dellenbach and Ms. Holman. In her work they focus on increasing the population of native species that support wildlife. The proposed changes go a long way, but she has also provided a written letter detailing further improvements to the ordinance. As mentioned by Ms. Holman, Douglas Tallamy's research shows the importance of providing native trees for insects. California insects are needed to feed native birds. Because of that she was delighted about the species that were added to the protected tree list. She also wanted Buckeyes, Sycamores, and Box Elders added to the list. Los Angeles' tree ordinance protects a longer list of native trees and shrubs over 4 inches. It was also important to control invasive tree species, so she supported using the Invasive Plant Council's definition. Indigenous grasses are included in the weed definition, but they are very important to sequester rainwater and carbon. Item 2 is for fire prevention, but Item 3 covers that so it should be struck. She thanked the ARB for its time.

Julianne Frizzell appeared via Zoom and stated that she was speaking in support of a stronger Tree Protection Ordinance. She is a landscape architect and has practiced in Palo Alto and on the Peninsula for 32 years. Professionally she was surprised the current Palo Alto Tree Protection Ordinance was so weak and noted that the surrounding municipalities have stronger ordinances. Menlo Park requires mitigation for the removal of all trees with trunks over a certain diameter. The Palo Alto Ordinance should expand the number of trees protected and include strong mitigation measures and penalties. She approved of the addition of designated arborists in the Ordinance. She was concerned about trees lost in residential neighborhoods prior to new home construction due to the weak tree ordinance. She requested the ARB support the updated Ordinance.

Dave Dockter appeared via Zoom and indicated that he was the former Planning Arborist and was speaking on behalf of the Canopy Advisory Committee. The ARB has received their Canopy Comment Letter on adopting the proposed Ordinance and all of Title 8. Certain changes are important to the ARBs purview and every site plan it reviews. The City's canopy is the only local solution to climate change and neighborhoods with canopies are up to 10 degrees cooler than other neighborhoods. The update expands the list of protected trees, so he suggested they review the Tree Ordinance Comparison Chart with other local cities contained in the Canopy Comment Letter. Palo Alto must be more inclusive of native species. The permit process for protected trees is well articulated in the new plan. The Ordinance also links the Sustainability and Climate Action Plan with the Urban Forest Master Plan and the Landscape and Tree Technical Manual as well as State wildfire and County water usage regulations. The update will simplify the ARB's site plan reviews and they should expect to see less revisions because the designated arborist system would compel complete landscape plans. He thanked the ARB for recognizing the value of the Canopy Advisory Committee's input. They ask the ARB to emphasize to Council that the update should be completed and adopted without delay and that the Landscape and Tree Technical Manual will be completed and implemented with the necessary budget support from the City.

Rebecca Eisenberg appeared via Zoom and indicated that she strongly agreed with and echoed the concerns of the other public speakers as well as their requests to update the current Tree Ordinance. At the recent community meeting on the topic the public was also in favor of updating the Tree Ordinance. She appreciated the words by Ms. Dellenbach and former Council Member Holman especially and wanted to add that she grew up in Milwaukee, Wisconsin. Milwaukee followed Native American thinking and planned for seven generations down the line. Palo Alto must do the same because of climate change. The

fears voiced by the public are real and trees are important to mental health as well. Canada is proscribing passes to National Parks to fight depression and anxiety. Palo Alto is named after a tall tree and should live its name and act to protect the trees. She stressed that the matter should be handled prior to the Council's scheduled vacation to save trees. Trees need to be considered with proposed developments, not dealt with later such as in the case of Castilleja School. The City needs to act more strongly.

Ms. Klicheva indicated that concluded the public comment.

Chair Thompson called for questions of staff.

Boardmember Baltay stated that the Ordinance allowed for designated arborists. He asked staff to elaborate on how it would make that judgement other than licensing.

Mr. Gollinger answered that staff planned to choose arborists in a RFP process based on other city's systems. Staff would check the credentials and analyze samples of their report writing.

Boardmember Baltay asked if they planned to list the criteria in advance that they would judge the reports by like a list of objective standards. He was concerned that the process would be subjective.

Mr. Gollinger said that the criteria would be included in the RFP. The goal would be to attract arborists familiar with development plans.

Boardmember Baltay asked how a severe development impact was determined and currently when a project proposed to remove or impact a tree how that was evaluated.

Mr. Gollinger asked if he was talking about the residential removal.

Boardmember Baltay stated he was looking at Section 18.100.50(b)(1).

Mr. Gollinger said that the applicant and the arborist would have the burden of proof as to why the tree needed to be removed. The staff arborist would redo their work to determine if the City agreed or if it would request another proposal. Generally, trees are in danger if more than 20% of their Tree Protection Zone (TPZ) is disturbed during development. That also varies on the species and condition of the tree, so it is very site specific.

Boardmember Baltay asked if there were any allowances for construction techniques such as a drilled pier versus a spread footing foundation.

Mr. Gollinger indicated it did because the drilled pier had a smaller impact on the TPZ.

Boardmember Baltay then asked about the designation of the primary structure and if it included Accessory Dwelling Units (ADU).

Mr. Gollinger said he was hoping to resolve that question [break in audio/visual 1:54:15] ... include both the primary home and an occupied ADU and the current language may not specify that. They did not want to include accessory structures like pool homes or sheds, but occupied buildings should be included. Staff hoped for guidance on that item.

Boardmember Rosenberg requested to know the current canopy coverage of the City.

Mr. Gollinger thought that was a good question.

Boardmember Rosenberg said the goal was 40% by 2030 and 50% ultimately. She asked for the current number.

Mr. Gollinger stated that it depended on the study, but Palo Alto was currently somewhere in the upper 30%. He ballparked the figure at 36 to 38%. They are trying to come up with a standard for year by year comparison. A canopy cover tool is in the process of being built.

Boardmember Rosenberg asked how the percentage of coverage would be affected by tree trimming necessary to the health and safety of the canopy.

Mr. Gollinger thought that would be fairly minimal unless a major structural issue were being addressed. General maintenance pruning would not dramatically affect the canopy coverage of the tree.

Boardmember Rosenberg requested a list of invasive species or the location where one was published.

Mr. Gollinger said it was published on the Invasive Plant Council website and was grouped by species. There were not that many as most invade wetlands.

Boardmember Rosenberg asked if Eucalyptus was on the list.

Mr. Gollinger believed Blue Gum Eucalyptus was on the list but none of the rest.

Boardmember Rosenberg asked for a list of the high water use species and if it was available to the public. She wanted to know where people who wished to plant trees would go for information.

Mr. Gollinger stated that staff planned to include a list of both high water users and invasive trees in the plan. the most common high water user in Palo Alto are Redwoods which are exempt. Willows are high water users that would not be protected. The majority of landscape plants are protected.

Boardmember Rosenberg inquired if high water use trees or invasive trees would be banned in the future or if they would be discouraged.

Mr. Gollinger explained there was no current plan to ban any species, but they planned to discourage the planting of both. They are not encouraging the planting of new Redwoods because of water use, but they want to continue to protect existing Redwoods. Staff is working with its nonprofit partner, Canopy, to create a preferred and restricted species list. That would be integrated into Canopy's tree tool and should be complete in about a year.

Boardmember Rosenberg said that there were some WUI (Wildland Urban Interface) interfacing properties in the Palo Alto Hills. Accordingly, she asked how different the regulations were and how much more would be allowed to keep homes fire safe.

Mr. Gollinger explained that the exemption was in order to give staff time to craft a specific policy for tree protection for the foothills. There are separate rules for tree removal in the hospital district and so there would be something similar for the WUI area. Currently the fire rules are referenced for clearance issues.

Boardmember Rosenberg inquired about trees that straddle properties and what would happen should two properties next to each other redeveloped within months of each other.

Mr. Gollinger did not believe there was anything in the Ordinance that would address that specifically. It may fall under the excessive pruning rule and a period of three years may have to pass before the neighbor could do anything to that TPZ. However, in such a specific situation the City could probably come up with reasonable mitigation measures to allow for development. If a property owner did not wait they could be subject to a fine for excessive pruning.

Vice Chair Hirsch asked if San Francisco Creek was in Mr. Gollinger's bailiwick.

Mr. Gollinger indicated that there was a JPA that dealt with everything inside the Creek.

Vice Chair Hirsch explained that he was from New York and the Mayor once called for 1,000,000 trees. That would still not approach the percentage in the Ordinance. He thought the goal might be worthy of some private funding. He thanked Mr. Gollinger for his presentation and work.

Chair Thompson asked if Vice Chair Hirsch had questions.

Vice Chair Hirsch stated he did not.

Boardmember Chen said she had two questions related to Boardmember Baltay's line of thought. First she asked how many designated arborists the City intended to have and how often it would update the list.

Mr. Gollinger said that was still to be determined. The larger the pool of arborists the better, but it depended on how many applied to be included in the list. Staff will consult with other agencies that have a similar process. The list should be fairly large and could be adjusted annually or every few years. The main point is to have arborists on the list who are familiar with the ordinances and development plans.

Boardmember Chen inquired about how staff would investigate if something were financially feasible for homeowners under the single family home tree replacement section.

Mr. Gollinger explained that the burden of proof fell to the applicant and the arborist in the arborist's report and the design.

Chair Thompson asked if the ordinance discussed whether or not bird habitats influenced a tree's removal.

Mr. Gollinger said that it did not specifically address that but they are encouraging the preservation and planting of native species to ensure wildlife corridors and habitat. Arborists are required by Federal law to ensure there is no nesting prior to tree work.

Chair Thompson confirmed that as the nesting was handled elsewhere it was not included.

Mr. Gollinger stated that was correct.

Boardmember Baltay said that "landscape" was added to the Tree Technical Manual and Mr. Dockter implied more information would be provided. He asked if the City was moving toward requiring landscape drawings for residential projects.

Mr. Gollinger said it was not, but that they wanted to provide guidelines for compliance with the MWELo requirements. Landscapes larger than a certain square footage would trigger the Model Water Efficiency Landscape Ordinance Review which requires a full landscape plan with water budgeting. Mr. Dockter was

implying that more projects would likely have full landscape plans. It could be a downstream consequence of having more protected trees.

Vice Chair Hirsch asked if there was a standard process in place based on the size of a project and how that was triggered.

Mr. Gollinger explained that currently Project Coordinators would review the plan set and Tree Disclosure Statement to determine if it needed to be routed to Urban Forestry for review. Urban Forestry currently reviews about 50% of all Planning Applications. There is a staff Landscape Architect that completes the majority of reviews.

Vice Chair Hirsch asked how staff kept track of trees that might need special attention throughout a project.

Mr. Gollinger stated that in the proposed Ordinance they would record the trees in the Tree Inventory Database so they would be tied to parcel reports. Staff has not worked out the procedure yet, but the first step is to add the trees to the Tree Inventory.

Boardmember Rosenberg followed up on what would happen once a tree was added to the Inventory Database and asked if there would be inquiries made into tree deaths. She was concerned about how they would know if a tree died a natural death or if it was removed prematurely.

Mr. Gollinger said that if a tree declined the neighbors or staff would notice. Additionally, most people submit removal permits which triggers an inspection. If the tree was in decline through no fault of the resident then the permit would be issued.

Boardmember Rosenberg asked if the homeowner would then have to replant new trees.

Mr. Gollinger explained that when a tree was determined to be dead, dying, or hazardous then there was no requirement to replant it. Homeowners would be strongly encouraged to replant. The new Ordinance has increased replant requirements so more situations require mitigation plantings.

Boardmember Rosenberg confirmed that trees planted as mitigation would become protected.

Mr. Gollinger explained the new trees would be treated as designated trees on an improved landscape plan. Designated trees are protected in future projects.

Boardmember Rosenberg directed the ARB to a comment in 8.10.020d and read it aloud. She asked how the City would ensure that was a fair process for the applicant.

Mr. Gollinger said that was something that staff would work on. The intention was to ensure that projects have firms or arborists capable of handling large projects. Currently the City hires third party arborists when they want additional feedback, and they bill the applicant. A current example is the Castilleja project.

Chair Thompson thanked the ARB and indicated that it was a Study Session, so no Motion was needed. She called for a round of ARB thoughts.

Boardmember Rosenberg thought the goal of the Ordinance was excellent and that everyone needed more trees for long term planning and planet protection. She asked how native plantings were being encouraged other than simply stating they were encouraged. She was concerned that people would avoid planting the trees the City wanted them to plant in order to avoid potential future impacts. People would also avoid planting Oaks so that they did not have to go through the process to get them pruned. Trees should be protected, but proper care and maintenance should be as easy as possible so people could protect their assets while also being encouraged to plant Oaks and native trees. [break in audio/visual 2:16:42] She repeated that she was worried that people would avoid planting the trees the City wanted. She suggested that people could receive a credit on their water bill or something if they planted certain trees so that there was encouragement to get the trees planted. She indicated that some people might cut down an 11 inch diameter tree just to avoid having an 11.5 inch protected tree. She apologized for not having a solution but stated that she needed to voice the concerns and thanked staff for their time and effort.

Boardmember Baltay said that the City was overdue to update the Ordinance as neighboring municipalities had already done so. He cautioned staff to be impartial when they prepared the list of approved arborists based on objective criteria. Secondly, ADUs should be viewed as primary residences and be protected as such. That is how State law was written and the City should be careful of it. He supported the Ordinance and thought the City should move forward.

Vice Chair Hirsch explained that he was the only retired architect on the ARB but had a personal question. There is a palm tree in his yard that gave dates and he asked if he was responsible for picking them up. Additionally he has a large Oak tree in his yard. Last year the Oaks were infested with caterpillars, were loud, and gave a large mess. Trees come with problems as well, but he stated that he loved them.

Boardmember Chen stated Palo Alto was a tree loving city. She was concerned about the timing of the Ordinance and trees being removed prior to its implementation. Also with the primary residences the rules are in place for people's safety. Therefore it would be nice to include all areas where people might reside. She suggested borrowing the language from the Single Family Technical Manual for all structures greater than 120 square feet and 5 feet in height. That would qualify the primary residence, any ADUs, garages and perhaps other structures.

Chair Thompson stated she was happy to see the Ordinance and appreciated the public engagement. She also appreciated the other Boardmembers concerns and shared some of them. Specifically, she was concerned about the allowable reasons for tree removal and read the portion about a tree being too close to a proposed project and what happens when there is no reasonable or feasible alternative to preserve the tree. Projects have come forward where applicants have a building that might compromise a tree and the ARB has pushed back and challenged them to find an alternative. Based on that, she wondered how the City could put pressure on applicants to deal with trees creatively. She was concerned that non-architects might take applicants at their word and not encourage the creativity to save trees. Another allowable reason to remove a tree was that retention would result in reduction of the otherwise permissible buildable area of the lot by more than 25% and she thought that needed more attention. She asked for the ARB thoughts on those issues.

Boardmember Rosenberg stated that the size of the lot and the size of the tree needed to be considered. If there is a 4,000 square foot (sf) lot with a tree taking up 25% of the space it was very different impact than a tree on a 20,000 sf lot. Because of that she appreciated the percentage aspect of the Ordinance. Given the state of the housing market people tend to buy sight unseen and only look into the property once they've purchased it. She encouraged the tree database to be included with the parcel maps so people understand what they are purchasing. The goal for the solution is to have people live harmoniously with their trees and have them be an asset instead of a liability.

Ms. Gerhardt explained that if there were a tree in the center of a property staff would work with the owner to determine if they could build around the tree. There is also a variance process which could allow a building to enter a side or rear setback to avoid the tree.

Boardmember Baltay stated that he had worked on a number of projects in the City where a tree limited the development of a property. Palo Alto's 25% is a high threshold for most residential lots. The staff and the arborists are proactive and help find solutions. Therefore, the system does not need correcting. Different methods of building can be utilized to protect trees and can be accomplished. The regulations simply force property owners to think about what they are doing and to hire an arborist. 25% is restrictive but also is manageable. The biggest change to the Ordinance is the inclusion of more species of trees. People do need to be allowed to build on their properties. The goal is to increase the overall tree canopy over time, which will happen so long as property owners are required to replace trees at a 3:1 ratio. Chair Thompson's points were well made, but he thought the Ordinance worked well on those accounts.

Vice Chair Hirsch explained that he built his home 10 years prior, and the Oak tree was about 9 feet from the foundation of the house. The lot was only 45 feet wide, so the Oak was shared between two properties. The foundation was carefully dug and finding no roots was able to proceed. Based on that he wondered if Urban Forestry would allow the ground to be tested in that way. The drip line was over the house and if that had been taken as a line one could not pass they would have had significant construction impacts. He asked how that situation would be handled.

Mr. Gollinger explained that exploratory excavation is allowed and often recommended to determine if roots are headed towards proposed development areas. Staff currently uses the method and encourages it on a case by case basis.

Vice Chair Hirsch asked if someone would come to the site. He indicated that he had an arborist present during the digging who prepared a report.

Mr. Gollinger stated that an exploratory trench was the most common method used. That would be inspected by the project arborist and the City to confirm the results.

Chair Thompson called for further comments, but there were none. She thanked staff and the public and called for a brief recess.

The ARB took a break

Action Items

4. PUBLIC HEARING/QUASI JUDICIAL. 2850 West Bayshore (21PLN-00177]: Recommendation on Applicant's Request for a Major Architectural Review to allow for the demolition of an existing office building and construction of 48 townhomes with associated private streets, utilities, landscaping, and amenities. The project also includes a bike lane and 14-foot sound wall along West Bayshore Road. A Conditional Use Permit for residential uses with the ROLM zone district is required. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research Office and Limited Manufacturing).

ALSO SEE VERBATIM MINUTES FOR THIS PROJECT

Chair Thompson called the meeting back to order, introduced the item, and called for disclosures.

Boardmember Baltay disclosed that he visited the site earlier in the week.

Boardmember Rosenberg disclosed she visited the site, grew up near the area, and reviewed the videos of prior meetings.

Vice Chair Hirsch disclosed that he visited the site and other similar housing projects.

Boardmember Chen disclosed that she visited the site and walked through the park from Colorado Avenue to the Southwest corner of the project. She further observed that the parking along Colorado Avenue was better than she had expected it to be.

Chair Thompson disclosed that she had visited the site multiple times in the past and walked through Greer Field. She called for the staff report.

Garrett Sauls, Project Planner, stated that the hearing was the second formal review of the project by the ARB and that the applicant and environmental consultant were present. He shared his screen and showed an aerial view of the parcel. The site is zoned ROLM and can be developed under a Conditional Use Permit (CUP). The project would remove a 32,000 sf office building and replace it with a 48 unit for sale residential townhome project. The project is SB 330 and Housing Accountability Act application and as such must be handled in 5 meetings or less. The project will also go through the Planning and Transportation Commission (PTC) and City Council. The project also qualified for a density bonus and has requested a 1.142 to 1.0 Floor Area Ratio (FAR) based on the density bonus code. The project must provide up to 15% affordable units, which means there will be 7 affordable units built on the site. The affordable units qualify the project for one development concession. A consultant handled the environmental impacts, and the City found the project qualified under Class 32 categorical exemption under California Environmental Quality Act (CEQA). The applicant also requested an allowance to utilize private open space to accommodate for the open space requirements. Approximately 18 units would utilize that provision of the code. A sound wall is proposed between West Bayshore Road and Highway 101 to mitigate noise. There is also a proposed easement to provide for a future bicycle lane. He noted that the staff report contained a correction to the Zoning Comparison Table. There should be a 10 foot setback requirement on the interior sides of the property. He displayed the previously proposed and ARB reviewed site plan and explained there were changes made to the private park and the project now included an access point to Greer Park. He then provided a slide showing the ARB feedback from the last hearing and the applicant's response. The applicant addressed most concerns, but as noted at the January 20th hearing did not include

underground parking as it was financially infeasible. The applicant made efforts to modify the design to meet the Context Based Design Criteria. Materials were changed and were available for ARB review. With respect to additional guest parking the project exceeds the City's requirements but the access point at Greer Park makes street parking more accessible. The applicant confirmed it would be able to accommodate the 7.5 foot clearance requirement for vehicles. The plant palette has been modified to include a majority of native species and additional landscape buffering. He provided renderings of the proposed buildings and asked the ARB to note the color changes and the organization of the building materials and massing. Detail of the landscaping near the common park space was shown as was the pedestrian ramp to Greer Park. In response to the ARB's request there was additional information on the sound wall provided on Page 60 of the staff report. Staff recommends the ARB approve the application with its attachments.

Chair Thompson called for the applicant presentation.

John Hickey, Vice President of Development SummerHill Homes, shared his screen and thanked staff for their work. He welcomed the new ARB members and thanked them for their review of the prior meetings and materials. Mr. Sauls did an excellent job of running through the changes, but he wanted to highlight some key points and was happy to answer questions. On January 20th, the ARB provided clear direction that they wanted a direct pedestrian connection from the project to Greer Park. Accordingly they added a pedestrian connection at the southwest corner of the site near where two park paths connect. That is also closer to Colorado Avenue and strengthens the pedestrian connection to the site. He displayed a section detail drawing of the ramp to the park, an illustration of the project and pedestrian connection from the park, and a demonstration of the parking spaces along Colorado. The paths will be well lit at night for safety. Also on January 20th the ARB requested they look into reducing the appearance of the retaining wall along the site, so they added a slope at the rear of the common area. He displayed a drawing of the slope and the reduced retaining walls as well as a conceptual illustration with a view from the park. The ARB also requested they increase the landscaping between the buildings and the park, so they redesigned Buildings 7 and 8. They made a series of changes with the goal of differentiating the buildings and units. The parapet elements were eliminated and replaced with other roof styles. The massing was revised at the second story, and they introduced different designs and materials for the entries. They also upgraded all windows to casements with thick frames. Each building has its own unique architecture and color scheme. They provided additional materials for Mr. Sauls to bring to the chambers for ARB review and he noted that the colors shown on the video screen are not necessarily a good representation of the actual color palette. The ARB also requested more information about the landscaping and architecture on the private streets. The private streets are at least 32 feet wide with one being 36 feet wide with a sidewalk. He noted that was substantially wider than other private streets in Palo Alto townhomes. He provided conceptual views of the private streets. He thanked the ARB for its time, stated they appreciated the January 20th comments, and believed that the revisions helped make the project a substantial contribution to the City. They respectfully request the ARB recommend the project for approval. The architect, landscape architect, civil engineer, and the Senior VP of Development were all available to answer questions.

Chair Thompson thanked Mr. Hickey and called for the public comment.

Ms. Klicheva indicated there were no public speakers in chambers, but there was one on Zoom.

Rebecca Eisenberg appeared via Zoom and indicated she supported the project. She noted that it was often difficult to discern the difference between Planning staff's description of the project and an applicant's description of the project. She supported the project in this case subject to reasonable modifications but wished the Planning Department would have a more City focused manner of presenting projects. She strongly supported the addition of housing in the neighborhood and specifically the replacement of a commercial building with housing. She commended SummerHill Homes for making the project feasible and showing that it is possible to replace commercial properties with housing. She was also grateful the project had generous living space as many units that have recently been built are too small. She suggested that the City could be more lenient with height restrictions and noted that this project could potentially be taller. She thanked the ARB for its time.

Ms. Klicheva indicated that concluded the public comment.

Chair Thompson called for questions of staff or the applicant.

Vice Chair Hirsch stated that there was a parking lot inside the park and asked if there were any restrictions on that lot. He requested they display the aerial view of the project again.

Mr. Sauls displayed the photograph.

Vice Chair Hirsch thought that it was about the same distance from the project as Colorado Avenue. He asked if people would use that lot to visit the site and suggested a similar connection to that end of the site.

Mr. Hickey answered that the signs in the park state that parking is only allowed during the hours of park operation. During those hours people could choose to park there, but the Colorado Avenue on street parking seemed more appealing. The entry to the park was selected because the ground level of the park is substantially higher at that point. In order to put a ramp on the other corner it would have to be much longer and is not feasible if they want to retain the two on site guest parking spaces.

Vice Chair Hirsch asked about the decibel (dB) reduction provided by the sound wall.

Mr. Hickey explained that they had asked the acoustic engineer to evaluate the project with the wall in place, so he did not have that number to provide. The sound wall had a high STC rating. If the ARB requests they could look into the matter further, but the primary benefit of the wall was at the ground level and second floor. It would also make it more pleasant for pedestrians along West Bayshore.

Boardmember Baltay asked staff how they measured the height of the buildings.

Ms. Gerhardt said that he was correct and that they were measuring from the finished grade of the project. Staff measured five feet out from the building wall.

Boardmember Baltay confirmed that it was measured after the property was graded.

Ms. Gerhardt stated that was correct.

Boardmember Baltay noted that on the site plan Streets C and D dead ended close to the park. Street C goes very close to the park, and he asked for the height of the retaining wall at the end of it. Second, he asked if Street D would need a backup space for the people living in the end units.

Mr. Hickey indicated that those spaces were not for backing up, but rather for guest parking. Guest parking was included at the ARB's suggestion. They could not accommodate those spaces on Street D due to the pedestrian connection to the park.

Mr. Sauls directed the ARB to the Plan Page 56, Section BB and shared that on his screen. He pointed out the intersection on the drawings.

Mr. Hickey explained the section was taken to the east/south of the end of C Street. The upper retaining wall will be within 6 inches to a foot of the outer retaining wall at that location. It must be closer in that area to accommodate the parking spaces. The site plan shows that the path in the park is some distance from the property and there are existing trees and bushes that will screen that portion of the site from the park. He directed the ARB to Sheet A08 for another view of the street.

Boardmember Baltay asked for the height of the combined retaining wall.

Mr. Hickey explained there were two separate retaining walls. He asked his team if they had the height at the top of the wall and the grade at the base available for Boardmember Baltay.

Boardmember Baltay said that they could follow up on the question. He assumed the combined height to be approximately 7 feet. He then inquired how someone would get out of the garage on D Street.

Mr. Hickey explained that the streets were very wide, 32 feet. A car could back straight out and then turn.

Boardmember Baltay had comments on the elevations on Buildings 1 and 3 and directed everyone to Packet Page A14 and A15. He requested that Mr. Sauls display the sheets on the screen.

Boardmember Baltay on A15 he pointed out there was a hip roof on the feature. He asked how it would work.

Mr. Hickey called for their architect to answer the question.

Jennifer Mastro, Architect, stated that Boardmember Baltay was correct and that the drawing was off. There should be a horizontal line rather than a peak in that location.

Boardmember Baltay thanked Ms. Mastro for the clarification. Finally, he asked about the extent of the brick masonry finish on the fronts of the buildings. He requested to see where the brick was on Building 2.

Mr. Sauls showed Building 2.

Mr. Hickey explained that they did not use brick on Building 2. In order to create variety and differentiation they used stucco on the end units.

Boardmember Baltay inquired about Building 6. He thought there was a brick portal at the center and then darker panels.

Mr. Hickey stated that was correct. The elevation uses brick, stucco, and siding. Two of the units have a second level deck which was the reason for the parapet look.

Boardmember Baltay asked for the architect to explain the design rationale for the variation of materials at the base level.

Chair Thompson indicated that she was also planning to inquire about the design intent.

Ms. Mastro explained the idea was to create differentiation amongst the buildings themselves as well as the entries for each unit. The different materials provide differentiation along Bayshore as well as along the internal streets. She suggested they view the park perspective to understand the differentiation. Previously they had the same material, and each entry was more repetitive.

Mr. Hickey added that Buildings, 5, 6, and 7 face the common area. There are brick elements on some of the entries of Buildings 5 and 7. So there is differentiation as well as a unifying theme throughout the project.

Chair Thompson asked if those perspectives were included in the packet.

Mr. Hickey stated that they were in the plan set.

Mr. Sauls said it was the 2nd page of the plan set.

Boardmember Baltay asked Mr. Sauls to zoom in further on the images.

Mr. Sauls zoomed in on building 6.

Mr. Hickey pointed out the brick and the stucco entrance.

Ms. Mastro said that the brick was in the middle and the other unit was sided. There was no stucco on that building.

Mr. Hickey apologized.

Chair Thompson confirmed that the rendering was correct and that the elevation was not.

Ms. Mastro indicated she would pull up her plan set and check.

Mr. Sauls said that he would display the elevations again.

Ms. Mastro explained that Building 6 does not have stucco but Building 2 did.

Chair Thompson thought there was a discrepancy on Sheet A23 between the elevation and the renderings.

Mr. Hickey agreed and said that they inadvertently had included stucco in the elevation.

Chair Thompson asked what the intended design was.

Ms. Mastro said that it was intended to be stucco at the base.

Boardmember Chen inquired about the exterior elevations of Buildings 4 and 5 and their roof design. Building 4 was on Sheet A21.

Mr. Hickey understood that both extended out from the main façade of the building.

Ms. Mastro said they extended about a foot to act as a parapet or shelf element.

Boardmember Chen asked about the recessed area in the end units above the garage door.

Ms. Mastro explained the second floor pushed back in that location and there was a roof over the garage below.

Chair Thompson requested clarification on Boardmember Chen's first question.

Boardmember Chen explained that her first question was related to the side elevations. She asked if the roofs were flat.

Ms. Mastro repeated that they stuck out about a foot and were more shelf like.

Boardmember Rosenberg stated that Building SectionA28 showed a significant attic space above the units. She asked if they would utilize the attic space.

Ms. Mastro said a good portion of the space would be used for mechanical equipment. There is access to the equipment for servicing, but the space is not used for storage or anything due to fire and building codes.

Boardmember Rosenberg confirmed each unit would have its own air conditioning equipment in its own attic.

Ms. Mastro stated that was accurate. There would also be walls in the attic for security purposes.

Chair Thompson said that the roofs appeared solid but would require ventilation for the mechanics. She asked if there would be vents or chimneys.

Ms. Mastro said that code requires ventilation and typically they use a low profile vent that goes into the roofing material. It should not be noticed by the public. Additional venting would occur under the eave line via a small, screened vent.

Chair Thompson confirmed that there would be no chimneys.

Ms. Mastro stated there would not be.

Mr. Hickey noted that the roof of each building would also have solar panels. The project is all electric.

Chair Thompson thanked him for the clarification.

Boardmember Rosenberg asked if they had diagrams of the solar panels.

Mr. Hickey stated that they were shown in the renderings.

Chair Thompson called for further questions.

Vice Chair Hirsch noted that Building 5 has a three story high stucco element that stood out to him.

Mr. Hickey requested Mr. Sauls show Sheet A21 or A20 on the screen. He thought Vice Chair Hirsch was asking about the lap siding and not the stucco.

Vice Chair Hirsch said that it was a vertical window and panel bay. He thought the in between pieces were stucco.

Mr. Hickey said that it was a Hardie panel.

Ms. Mastro said that it was a fiber cement Hardie panel.

Vice Chair Hirsch asked how many of the units had that detail.

Ms. Mastro stated that Building 5 had the two in the back. It is also used as an accent on the front façade of a few buildings.

Mr. Hickey indicated that it was on Buildings 1 and 3 as well. Sometimes the panels are painted to match the adjacent stucco and others in the body color. With respect to his question about the window, it was a bedroom window. That particular bedroom had a volume ceiling.

Chair Thompson called for additional questions.

Boardmember Baltay noted that there were no questions in the chambers.

Chair Thompson indicated she had a few questions. First, she inquired about unit types and mix of units.

Mr. Hickey said that information was on Sheet A09. There are 5 different floor plans with a few alternates. There are 11 four bedrooms, and the rest of the units are three bedroom.

Chair Thompson inquired about the traffic flow on the site and if there would be pedestrians on the streets that have cars.

Mr. Hickey said that there was a sidewalk along B Street. There is also a sidewalk on the entry drive. Streets C and D are alleys only serving the buildings on either side. They are wide enough that people would be comfortable using them to walk, but that would not be necessary because of the dedicated walkways. The site plan was displayed, and he pointed out the walkways.

Chair Thompson asked if there was different paving on C Street versus B Street.

Mr. Hickey said that they planned to use the same paving throughout. The driveway apron for each garage would be a different material though. There will be stamped asphalt/decorative paving for the crosswalk.

Chair Thompson indicated that concluded her questions.

Boardmember Rosenberg said that she had other questions. She asked for confirmation that the project would be all electric.

Mr. Hickey stated that was correct. They will also provide capacity in each unit for level 2 Electric Vehicle (EV) charger in each garage. There will also be an EV charger by the guest parking spaces.

Boardmember Rosenberg asked for the estimated amperage per unit.

Mr. Hickey did not remember off the top of his head, but indicated they worked through the issue with the MET.

Boardmember Rosenberg asked where the transformers would be located.

Mr. Hickey said that they were shown on the site plan.

Mr. Sauls displayed the site plan and indicated where the transformer was proposed.

Boardmember Rosenberg confirmed there were two transformers, one near Unit 18 and one between Unit 1 and 9.

Mr. Hickey stated that was correct and that they were the only transformers necessary. They worked with the Utility Department on the location and number of the transformers.

Boardmember Rosenberg asked if they had designated which units would be the 15% affordable units.

Mr. Hickey said that they submitted a Below Market Rate BMR plan for those. The unit mix matches the mix for the overall complex. He requested a few minutes to find the detail.

Chair Thompson called for other questions which Mr. Hickey looked for the answer.

Mr. Hickey shared his screen with the BMR document they submitted. He reviewed the affordable units for the ARB which were Units 2, 7, 11, 15, 19, 22, and 44. The pricing will be for 5 units low and 2 units moderate income households.

Chair Thompson thanked the applicant and returned to the ARB for their comments.

Boardmember Baltay thanked the applicant and stated that the new housing was exciting and in a good location. There were four items he was unsure about which may keep him from supporting the project. First, he was concerned about the overall amount of site grading and the 4 to 7 feet of fill the project would require. He was profoundly uncomfortable with that type of development and thought there should be a greater space at the boundary line to landscape and slope. Street C would feature a 7 foot retaining wall or two walls 6 inches apart. He found the issue to have a negative impact on the park. He noted that he walked the park, and the project would be behind the softball field and practice areas and there was landscaping on the park side so the impact would not be as great as he feared. He stressed that bringing in 7 feet of fill and pushing it to the boundary of the property with retaining walls was bad practice and planning. He asked the question about the height limit because he believed the intent of the code was to prohibit that kind of development. He was uncomfortable making findings with that level of development. Second, the fundamental orientation of the project is to garages on private streets. These developments house cars first and then the people which significantly limits the pedestrian aspects of the project. Visitors, deliveries, pedestrians would have a difficult time with the way the project is designed so he had an issue with making Finding #4. Third, he was concerned about the basic massing of the buildings. The building design has improved overall, but they are 8 buildings with the same massing and window fenestration. The ARB requested different types of buildings, so they created "building pop outs" to attempt to fulfill the request. He did not see it as high quality design. Lastly, the material palettes contained a lot of basic fiber cement thin Hardie boards and cement brick applied haphazardly. He repeated that he had issues with the basic grading of the site, the traffic and circulation, the overall

massing of the building, and the materials left him on the fence for the project and he welcomed his colleagues' opinions.

Boardmember Chen agreed with Boardmember Baltay. Parking and walking through the park was a nice experience, but functionally it would be better to add guest parking to the site. The four spots provided meet the zoning requirements but were difficult to find on the site. She suggested downsizing some units to shorten the buildings and add guest parking.

Mr. Hickey asked if that was a question for them and whether that were feasible.

Chair Thompson asked if that were a question or a comment.

Boardmember Chen said that it could be a question or something for the architect to explore.

Mr. Hickey asked if they wanted the answer.

Chair Thompson thought it was a comment.

Vice Chair Hirsch stated that he was less concerned about the perimeter wall than Boardmember Baltay. However, he was concerned about guest, delivery, and service parking. A project like this in an area like this with a significant sound impact made him question which windows would be operable. He thought the area should be zoned for a higher density building with appropriate ground level and guest parking given its location. He discussed Prospect Park in New York City and mentioned how the berm near the street closed the interior of the park from vehicular sound. More housing could happen along the border to Highway 101, but it would require a zoning change so that 5 story buildings could be accommodated. He noted that his comments were in addition to Boardmember Baltay's comments. He asked if the ground level created the problems what the alternative would be. He did not think much else could be done on the site. He thought the subtlety of the buildings was nice although the project was a bit of a "paste up." There could be different forms of differentiation used that were more interesting and could make the project more successful. He questioned if the private park was logical given the location next to an actual park. He suggested making the project one way in and one way out to reduce the streets significantly. Then there would be private open space areas adjacent to the units. The Alma Village is a very successful housing project. Each house is very different in texture, material, and color with more guest parking and a delivery area. This project does not work because of the visitor parking.

Boardmember Rosenberg thanked the applicant, stated more housing was needed in Palo Alto, and indicated that the site was ideally located for housing. She appreciated the effort to make high quality housing that was more than studio apartments. She understood the flood plane issue but was concerned about the extent of the fill. She questioned why there could not be an underground structure with 7 feet of fill. There were only 4 guest parking spaces for the units so the overflow would be on Colorado and the park parking lot. She also suggested adding a staircase for another park access point and noted that it would not have to be a ramp as there was already one on property. A greater connection to Greer Park was critical. The guest parking and delivery issues could use more thought. With massing the ARB requested building variety, but the applicant returned with a superficial material variety and slight changes. She urged the applicant to revisit that issue and stated that material and color changes were not enough. With the fill she could be persuaded it was necessary if the applicant provided underground

parking. Raising the site 7 feet and then measuring the height limit of the building from there showed a lack of respect to the park. She noted that the height differentiation on Section D had 7 feet of wall topped by 42 inches of railing. If one compares Section C to Section D there is no question which was better and more respectful of the park. She understood Section C could not be achieved everywhere, but requested the applicant pay more attention to how the project integrates with the park. She also questioned the zoning and whether the site could be more mixed use or have more variety of housing. She thanked the applicant for their presentation.

Chair Thompson thanked the applicant and the ARB for their comments. She understood the flood plane issue and for that reason understood the grading needs of the site. The efforts made to mitigate the relationship to the park were appreciated. The ARB felt that there could be more done, so she encouraged the applicant to consider that. With traffic she did not share the loading concerns. There was plenty of space for delivery trucks to move through the units. The project felt vehicle centric, and she would appreciate efforts to make the streets more pedestrian friendly. She shared Boardmember Baltay's concerns about the massing of the buildings and agreed there was not enough differentiation between the buildings. The façades are busy and chaotic. The garage side façades are simpler and easier to understand. Finding #2 requires the design be unified and coherent and currently that is not the case. She explained she could not make Finding #2 because there were too many materials, too many architectural moves of different styles. Because the elevations do not match the renderings the drawings felt incomplete. She further agreed with the other Boardmembers about the high quality materials, which was a finding as well. No material really shines as a high quality material. With the sound wall she did not think vines were enough to make it visually interesting and she stressed that it could be improved. She appreciated the access added to Greer Park and understood that residents might have security concerns with an entrance to a public park, so she was appreciative of the private park space.

Mr. Hickey interrupted and said that there was a statutory time limit on the project. Based on that he asked to speak to a few things.

Chair Thompson stated that staff mentioned the time limits.

Mr. Hickey interrupted and stated that staff mentioned the 5 hearing limit. If the ARB were to continue the project and then someone appealed the approval it would automatically be considered a denial of the project by the City and the project would end up in court. At that point, the City could be subject to damages. Secondly, SB 330 requires the project be approved within 90 days of the prior week and that includes the tentative map. If the ARB went to a third hearing they would exceed the 90 days and would be considered a denial. He read from the staff report about how the project was in conformance with the City's Objective Development Standards. He understood that some Boardmembers had issues with that, but as things were not raised in a timely manner the project is considered compliant with the Objective Development Standards. He read from the Housing Accountability Act (HAA) and explained that the ARB must find the project consistent with the Objective Standards and the Subjective Standards so long as any reasonable person could make the finding. The ARB could only deny it if no reasonable person could make the findings. He argued that as staff had already proposed the findings there was no grounds for the ARB to say that no reasonable person could make the findings.

Chair Thompson thanked him for his thoughts. Her understanding was that the ARB recommended approval but did not grant it. The City may take the ARB's recommendation or not. She called for ARB discussion or a Motion.

Boardmember Baltay stated that he had hoped he could be persuaded, but he had heard his four colleagues reinforce his opinions. He indicated that he had met with the applicants in advance of the project in an informal review and then there was a formal review. The ARB has consistently made the same comments and did not receive the expected or anticipated changes. He understood that there were constraints the City must follow but indicated he wanted to hear them from staff and noted that he did not know what to believe. Based on that he thought they should recommend denial of the project and move the proposal forward. He was unable to make the required findings and did not have confidence that he would be able to do so if they held another hearing, so he advocated for not wasting the City's and applicants' time. The project could and should succeed but the ARB did not get traction and now he felt threatened. He asked for staff's thoughts if Chair Thompson would support that.

Chair Thompson asked staff if they had anything to add.

Ms. Gerhardt said that many of the statements made by the applicant were correct as related to State law. However, the City had communicated its concerns early and often. They are restricted to 5 hearings maximum including the subdivision. Another ARB hearing would make that timeline difficult especially if there were an appeal. Staff recommended a Motion at this hearing for that reason. In order for the ARB to make a Motion especially if it was a denial the ARB would have to assist the Planning Director in understanding which findings could not be made and which Objective Standards were not met. With a housing development project the bar was high due to State regulations and the Density Bonus Law.

Boardmember Baltay asked Ms. Gerhardt what she meant by Objective Standards as he thought the ARB had to check the project for conformance with the ARB Findings. The Objective Standards were not in place when the application was put in.

Ms. Gerhardt agreed that they were not discussing the new Objective Standards. The current Objective Standards were setbacks and height limits and that was what she meant. The project was discretionary and subject to the ARB Findings. The ARB is not able to reduce density.

Boardmember Baltay said that no one asked to reduce density or unit count. He wanted that clearly placed on record.

Chair Thompson concurred that there was no request to reduce density. She heard concerns on Finding #4 about functionality and Finding #2 which is about unified and coherent design. She agreed that they wanted housing on the site and did not want to recommend denial in that sense; however, housing that was not functionally designed without a coherent design would not be successful. The City wants functional housing. The ARB is made up of reasonable people and she believed in the integrity of the Boardmembers. She called for further comment.

Mr. Sauls indicated that it did not look as though there were further comments from the ARB.

Ms. Gerhardt asked if the Chair had closed the public hearing.

Chair Thompson indicated she had. She called for a Motion.

MOTION: Boardmember Baltay moved, seconded by Vice Chair Hirsch, to recommend denial of the project to the Director of Planning as the ARB is unable to make Findings #2, #3, and #4.

Chair Thompson stated that she wanted to speak to the Motion. She asked if the ARB thought given another hearing that the applicant could provide them with something they would approve. She heard Boardmember Baltay voice doubts but wanted to hear what the other Boardmembers thought.

Boardmember Rosenberg thought that was a question for the applicant.

Boardmember Baltay stated that it was hypothetical question.

Chair Thompson indicated that she wanted to hear the opinions as she was undecided. If other Boardmembers thought the project could get there then she would consider another hearing.

Boardmember Rosenberg said that they wanted to encourage housing projects and agreed that the site was appropriate for housing. The issue was the execution of project. With the applicant returning for a second hearing with minimal changes she asked if they thought they would receive something more successful in the future. She did not think the Boardmembers could answer that question.

Ms. Gerhardt said that if they were going to continue the hearing and request changes of the applicant they should ask for very clear changes.

Chair Thompson asked for Boardmember Chen and Vice Chair Hirsch's thoughts.

Boardmember Chen asked staff to explain the appeal process.

Ms. Gerhardt explained that the ARB was a recommending body to the Director of Planning. The Director would make the ultimate decision on the application and may or may not take the ARB's recommendation. Most of the time the Director follows the ARB's recommendation, but staff would have to take a hard look at the application for conformance with State law. If the Director denied and the applicant appealed if the ARB had a list of requested changes that would make it easier for the applicant to work though items prior to Council.

Vice Chair Hirsch thought that the ARB was put in the position of having to design the project.

Ms. Gerhardt disagreed. The applicant proposed a townhouse project, and the City must decide if it conforms with its standards.

Chair Thompson confirmed that if the ARB denied the project and the applicant appealed they could make changes to the design in the appeal.

Ms. Gerhardt repeated that the Director made the ultimate decision, and the applicant could make whatever changes it wanted to prior to Council.

Mr. Sauls explained there was a preliminary review, a first hearing, and this second hearing. In the first hearing the ARB suggested a substantial change to the project and the applicant returned with something the ARB called piecemeal. It appeared that the ARB would need more modifications to meet their Findings.

He thought it would be good to advise the applicant how dramatically different the ARB would need the project to be for approval.

Boardmember Baltay opined that the project would require a significant redesign at the functional level, the floor plan. The applicant seemed resistant to that, and he understood that but they needed to pull the buildings back and change the end units to have less impact on the park. The buildings need to be simpler yet differentiated. He thought it was stronger to be clear in what they thought. He predicted a third hearing would end similarly to this one and would burn the City's clock. He hoped with clear and unanimous direction the project would have three months to improve. The applicant needed to have the project make sense and address its floor plan. The right thing to do was to vote to deny the project.

Chair Thompson asked if anyone else wanted to speak to the Motion. Hearing none, she called the vote.

VOTE: 5-0-0-0

Ms. Gerhardt stated staff would take the Motion to the Director. She thanked the ARB for its work.

Chair Thompson thanked the applicant and staff and closed the item.

5. PUBLIC HEARING / QUASI-JUDICIAL. 180 El Camino Real [21PLN-00326]: Recommendation on Applicant's Request for Approval of a Minor Architectural Review to Allow new Storefront façade for ALO (retail), Storefront Glazing, and New Signage within Two Spaces (Space #1130 & 1115) at the Stanford Shopping Center. Environmental Assessment: Exempt. Zoning District: CC (Community Commercial). For More Information Contact the Project Planner Tamara Harrison at tamara.harrison@mbakerintl.com

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

Tamara Harrison, Michel Baker International, shared her screen and explained the ALO retail façade and sign project was at the Stanford Shopping Center. She displayed a map of the shopping center and explained the project was subject to the Stanford Shopping Center's Master Tenant Façade & Sign (MTFS) program. Storefronts greater than 35 feet in length require an ARB public hearing. The project faces El Camino Real and does not seek to increase FAR, height, or lot coverage of site or change proposed use. The project seeks to modify the exterior and interior tenant space. The exterior façade features three design components consisting of a white plaster finish, white oak wood trim, and open storefront glazing. The design is consistent with the MTFS program and the character of the shopping center. She displayed the color and material board and explained the signage was subject to the Palo Alto Municipal Code. A maximum of 100 sf is available for signage. Code also allowed blade signs up to 3 sf in area. The project is subject to the El Camino Real Design Guidelines which requires signage to be reduced by ½ to 2/3 the allowable size per code. Therefore this project would be allowed 50 to 66 sf. The MTFS program allows for one wall and one blade sign. The applicant proposed two wall signs [unintelligible audio 4:51:55].

Ms. Gerhardt interrupted and indicated that Ms. Harrison's microphone was having issues.

Ms. Harrison apologized and stated that staff supported the additional wall and blade sign beyond the MTFS program without a sign exception because the tenant space is located on a corner and includes two front door entries. The precedence was already set for this with the previous tenant and its ARB hearing

in 2015. The ARB is asked to ensure the project's conformance with the ARB Findings, the MTF program, the City's sign code, and the El Camino Real Design Guidelines. Staff recommends the ARB recommend approval of the proposed project façade changes and signage to the Director of Planning based on findings and subject to staff's conditions of approval. She indicated that she was available for questions.

Chair Thompson called for ARB disclosures.

Boardmember Baltay disclosed he visited the site.

Boardmember Rosenberg disclosed she visited the site.

Vice Chair Hirsch disclosed he visited the site.

Boardmember Chen disclosed she visited the site.

Chair Thompson stated that she had been out of town and had not visited the site but did shop at the Stanford Shopping Center often. She called for the applicant's presentation.

Jason Smith, Landshark Development Services, thanked the ARB and staff. He explained that he represented ALO and that he had members of his team that had to join the hearing as members of the public. He introduced Laura Donovan.

Ms. Gerhardt indicated they would stop the hearing clock and asked who he needed added as panelists. Mr. Smith provided Ms. Gerhardt information and she indicated she would promote them to participants. She indicated that they would restart the hearing clock.

Laura Donovan, ALO Yoga, explained that ALO is a lifestyle and wellness brand that provides activewear and is excited to join Stanford Shopping Center.

Lan Hwang, Architect, explained that she and Danielle [couldn't hear last name 4:58:00] were designing the store. She repeated that they were combining two tenant spaces and explained they wanted a simple and minimal design with modern materials. The storefront will feature a smooth stucco finish with a powder coated metal.

Chair Thompson asked if Ms. Hwang meant to share her screen.

Ms. Hwang shared her screen and displayed photographs of the current building as well as renderings of the proposed façade. She pointed out the two entries and explained that they met code. The large folding door would remain open weather permitting. She displayed the color palette and noted that they were proposing one primary and blade sign along the garden walk and another primary and blade sign on the mall entry side as the store occupied a corner. The project is fairly simple, and the project team considered the visuals from all sides. She indicated they were happy to answer questions.

Chair Thompson called for the public comment.

Ms. Klicheva indicated there was none.

Chair Thompson called for questions of the applicant or staff.

Boardmember Chen asked the applicant if their rendering on Sheet P005 true to size as the logo looked smaller than the neighbor's signs.

Ms. Hwang stated the rendering was true to size.

Boardmember Chen asked staff if they were allowed to have two primary wall signs.

Ms. Harrison explained that the MTFS was silent on corner building spaces. [audio issues 5:04:52]. One wall sign and one blade sign were required.

Ms. Gerhardt advised Ms. Harrison she was still having microphone issues. The ARB reviewed Vineyard Vines and since there was not much detail related to corner spaces in the MTFS decided to allow two fronts. As the tenant space has two doors staff concluded that two sets of signs were allowed.

Boardmember Rosenberg requested confirmation that both entries had a recessed overhang.

Ms. Hwang believed that the rendering was just a matter of perspective. The overhangs are 4 feet.

Vice Chair Hirsch inquired about the curved window on the corner.

Ms. Hwang said that the drawings showed faceted glazing, but they were considering curves.

Boardmember Baltay stated the renderings implied a monolithic piece of curved glass at the corner. He asked if that was incorrect.

Ms. Hwang asked for Ms. Donovan to comment.

Ms. Donovan indicated that it was shown as a faceted glazing system with an alternate of curved glazing. They are looking into whether the monolithic piece of glass was feasible in the budget and timeline. They preferred that it would be monolithic curved glass but understood that had constraints.

Boardmember Baltay asked about the finish on the white oak.

Ms. Hwang stated that it was a clear coat finish that would keep the nature of the wood.

Boardmember Baltay asked if they specified the varnish.

Ms. Hwang said that it would be water based and clear. They did not want to have any yellowing.

Boardmember Baltay asked if there were any provisions for increased bicycle parking outside the storefront.

Ms. Gerhardt said that the Shopping Center added a fair number of bicycle parking spots and she believed it was now up to code. They could consider adding another bike rack but would have to speak to the overall leaseholder for the Shopping Center.

Mr. Smith believed Ms. Gerhardt was correct and explained that the bicycle parking was handled during the Macy's redevelopment.

Chair Thompson indicated that her questions had already been raised. She called for ARB comment.

Vice Chair Hirsch stated that the design was beautiful and simple and an incredible improvement on the corner. The materials were well chosen, and he was impressed by the abstraction of the project. His only concern was that the corner window be protected so it was not broken. He hoped the project would move ahead quickly.

Ms. Gerhardt interjected that the entire Shopping Center required 522 bicycle spaces and following the Macy's redevelopment it reached 351. They are still deficient 182 bicycle spaces from what is required in the code.

Boardmember Rosenberg thought the project was clean, classy, simple, and beautiful. She was not opposed to either the faceted or the curved glass but preferred curved. Given current supply chain and cost issues either solution worked nicely. She appreciated the recessed doors, the elegant signage, and joint detail.

Boardmember Baltay shared Boardmember Rosenberg's compliments. He thought the glass needed to curve as the space was the gem of the Shopping Center and faceted glass would not look the same. He proposed that the ARB require curved glass or that the faceted glass return for ad hoc committee review. Curved glass would be thick, and he did not believe it could be broken with a brick. He cautioned them to choose a clear conversion finish for the white oak so that it would not yellow. Finally, he thought the ARB should require bicycle parking as part of the project and noted that they did so on the Pacific Catch Restaurant. A yoga studio would certainly attract bicyclists so bicycle parking should be included in the project at staff's direction. He complimented the architects on the design.

Boardmember Chen thought the design was successful as it was clean with high quality material. She suggested thinking about the logo location or size as it seemed small in the rendering. She found the white stucco to be very blank which could be addressed by moving the logo. She noted that those were things to consider but that she thought the current design was good.

Chair Thompson agreed with the other Boardmembers and could recommend approval. She supported the curved glass but did not want that to hold up approval. She echoed Boardmember Baltay's comments on the varnish and bicycle parking. With respect to Boardmember Chen's comment about moving the sign above the doors she was fine with leaving them as they were. She called for further discussion or a Motion.

MOTION: Boardmember Rosenberg moved, seconded by Boardmember Baltay, to approve the item with bicycle parking added to the scope of the project and that if faceted glass were used the project would return for ARB ad hoc review.

Ms. Gerhardt asked how much bicycle parking the ARB wanted or if it should be consistent with the size of the store.

Boardmember Rosenberg said that it should be appropriately scaled with several bicycle parking spaces.

Vice Chair Hirsch asked if he could make another comment.

Chair Thompson acknowledged him.

Vice Chair Hirsch stated that the corner was very important, and he asked if the designer had considered how white the façade was. He suggested adding some texture to the wall to reduce the flat impact.

Boardmember Baltay stated that the storefront was in the right location to do something strong, bold, and dramatic.

Vice Chair Hirsch agreed that it should be white as possible, but texture was reasonable.

Boardmember Rosenberg felt the smoothness was part of the charm and cleanliness of the design.

Chair Thompson agreed with Boardmember Rosenberg and noted the façade faced northeast and would not get a lot of sun.

Boardmember Rosenberg thought that the curve of the building enhanced the material.

Chair Thompson called for the vote.

VOTE: 5-0-0-0

6. Discuss the Draft Architectural Review Board's (ARB) Draft Work Plan, Suggest Changes, and Recommend Submitting the Draft Work Plan to the City Council; and Discuss the ARB's Annual Report and any Bylaw Changes Needed (Continued from March 3, 10, 17, and April 7, 2022).

Chair Thompson introduced the item.

Ms. Gerhardt stated that she was not as prepared as she would have liked to be and offered to bring up the attachments.

Chair Thompson stated that the Work Plan was in the packet and hoped everyone had reviewed it. She called for comments on the Work Plan after she read the list aloud. The Work Plan needs to be sent to Council and would be reviewed at the Special Meeting with Council in May.

Boardmember Baltay thought the ARB could review applications earlier in the process when they first enter the Planning Department to provide informal initial feedback on the design and content. He suggested this could be handled by a subcommittee or the Chair and Vice Chair with staff. This goes toward his idea of acting as the City's architects and should be put in the Work Plan.

Vice Chair Hirsch said that he agreed with Boardmember Baltay and would suggest "a pre-review of projects at the schematic stage in advance of formal hearings." He also thought they should handle sign ordinance.

Boardmember Baltay agreed that needed work but indicated there was not much time for it.

Vice Chair Hirsch said that under project goals (interrupted)

Chair Thompson noted that they were nearing 2:00 p.m. and asked if Boardmembers needed to leave. The item had been deferred in the past and there was another ARB meeting prior to Council review.

Boardmember Baltay was happy to continue.

Vice Chair Hirsch thought it would not take long.

Boardmember Rosenberg said if they could handle it quickly she could stay.

Chair Thompson had an obligation at 2:00.

Ms. Gerhardt thought they could defer the item to the next meeting. She suggested that the ARB provide her with ideas to include in the Work Plan for the next time.

Vice Chair Hirsch said that under “benefit impacts” they should hold joint meetings with the PTC to ensure that they understood material from the ARB.

Chair Thompson said that she met with the Mayor and other Board/Commission chairs where there was discussion about the format being clunky. She suggested adding under Item 2 discussing California Avenue, seeing projects early, subcommittees, signage, and joint meetings with other boards.

Vice Chair Hirsch said that the ARB and PTC overlap on many projects but could support whatever wording. A lower priority would be three unit housing development.

Ms. Gerhardt asked what specifically about the 3 unit development.

Vice Chair Hirsch said it was just a lower priority compared to other issues.

Chair Thompson asked if he had a specific goal with the 3 unit developments.

Vice Chair Hirsch thought under high priority they should have housing site preliminary submission for projects that would impact larger community areas.

Ms. Gerhardt asked if that was a goal Vice Chair Hirsch wanted to add.

Vice Chair Hirsch said that would be a high priority under the project goals.

Ms. Gerhardt asked which goal he was on.

Vice Chair Hirsch stated housing site preliminary submissions, projects that would impact larger community areas, projects that would use State regulations to obtain expedited approvals.

Ms. Gerhardt asked which Packet Page he was on.

Vice Chair Hirsch indicated he was on Packet Page 123 under “high priorities.”

Ms. Gerhardt confirmed that she understood where he was looking.

Chair Thompson stated that she needed to leave. She stated she could leave and Vice Chair Hirsch could continue running the meeting or they could continue the rest of the items.

Ms. Gerhardt suggested that Vice Chair Hirsch take over and get through the Minutes.

Chair Thompson asked if Vice Chair Hirsch was comfortable with that.

Vice Chair Hirsch indicated he was.

Chair Thompson left the meeting and Vice Chair Hirsch assumed the Chair responsibilities.

Ms. Gerhardt stated Vice Chair Hirsch was Acting Chair.

Acting Chair Hirsch suggested that Ms. Gerhardt take down the notes and then the ARB would discuss them later.

Ms. Gerhardt agreed and said that people could also email her.

Acting Chair Hirsch indicated he would email her his thoughts.

Ms. Gerhardt said that emails would be great and that they needed to continue the item to the next hearing.

Acting Chair Hirsch called for a Motion.

MOTION: Boardmember Baltay moved, seconded by Boardmember Chen, to continue the item to May 5, 2021.

VOTE: 4-0-0-1 (Chair Thompson absent)

Approval of Minutes

7. Draft Architectural Review Board Meeting Minutes for March 3, 2022 (continued from 4/7)

Acting Chair Hirsch announced the March 3, 2022 minutes.

Boardmember Baltay requested a correction to Page 20 of the Minutes. The spelling is "Savoye."

Acting Chair Hirsch stated that Packet Page 138 contained a spelling error, and the correct spelling was "charette." He called for a Motion.

MOTION: Vice Chair Hirsch moved, seconded by Boardmember Baltay, to approve the minutes of March 3, 2022 with the requested edits.

Ms. Gerhardt indicated that as only Boardmember Baltay and Vice Chair Hirsch were at the March 3rd meeting she was unsure if the vote would stand. She indicated that she would check afterwards.

VOTE: 2-0-2-1 (Boardmember Chen and Rosenberg abstained, Chair Thompson absent)

Ms. Gerhardt indicated she would confirm the issue with the attorneys.

8. Draft Architectural Review Board Meeting Minutes for March 17, 2022

Acting Chair Hirsch announced the March 17, 2022 minutes.

Boardmember Baltay requested a correction on Page 25, the middle of the second paragraph states that he quickly listed why he preferred D to E. He requested staff list the reasons.

Acting Chair Hirsch called for other changes or a Motion.

MOTION: Boardmember Baltay moved, seconded by Boardmember Chen, to approve the March 17, 2022 minutes with the requested edit.

VOTE: 4-0-0-1 (Chair Thompson absent)

Subcommittee Items

None.

Board Member Questions, Comments or Announcements

None.

Adjournment

Acting Chair Hirsch adjourned the meeting.



ARCHITECTURAL REVIEW BOARD
DRAFT VERBATIM MINUTES: April 21, 2022
Council Chamber & Virtual Meeting
8:30 AM

Action Items

4. PUBLIC HEARING/QUASI JUDICIAL. 2850 West Bayshore (21PLN-00177]: Recommendation on Applicant's Request for a Major Architectural Review to allow for the demolition of an existing office building and construction of 48 townhomes with associated private streets, utilities, landscaping, and amenities. The project also includes a bike lane and 14-foot sound wall along West Bayshore Road. A Conditional Use Permit for residential uses with the ROLM zone district is required. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research Office and Limited Manufacturing).

Chair Thompson: Alright, thanks everyone. We're going to reconvene. So our next item is a quasi-judicial item. It's for 2850 West Bayshore Road. It's a recommendation on an applicant's request for a major architectural review allowing for the demolition of an existing office building and construction of 48 townhomes with associated private streets, utilities, landscaping, and amenities. The project also includes a bike lane and 14-foot sound wall along West Bayshore Road. Okay, do we have a presentation by staff?

Boardmember Baltay: Disclosures, Osma?

Chair Thompson: And disclosures. Thank you. Yeah, let's go around and do that.

Boardmember Baltay: I visited the site earlier this week.

Chair Thompson: Alright, anybody else?

Boardmember Rosenberg: I visited the site as well and I grew up nearish there. Spent many, many childhood years there.

Chair Thompson: Thank you.

Boardmember Rosenberg: And I have reviewed the videos from the previous meetings.

Vice Chair Hirsch: Visited the site and other housing projects, similar.

Boardmember Chen: I visited the site earlier this week and I also parked my car on Colorado Avenue and did the short walk from the Colorado Avenue to walk through the park with my two year old. So I just wanted to let everybody know it will be below average walking speed. And it took us about, so it took us about a couple minutes walking from the Colorado Avenue to the southwest corner, yeah. Oh, and the parking space along the Colorado Avenue I think it's surprisingly it's better than I thought. So we went there like at 5:30 on Monday, so it's a workday, kinda like people are heading home after work. So it's

empty. There are plenty of parking spaces on the south side of the street and then there are still a couple of spots left on the north side of the street.

Chair Thompson: Thank you. And I did not get a chance to visit the site this time, but I have visited the site multiple times in the past and walked through Greer Field looking back at the site sort of to get a sense of visibility and trees there. Okay, let's move to the presentation, staff's presentation.

Garrett Sauls, Project Planner: Good morning, Chair Thompson and the remaining Boardmembers. My name is Garrett Sauls, I'm the Project Planner for this application. Project is 2850 West Bayshore Road. This is the second formal review. This is the second time that this project has been before the Architectural Review Board (ARB). We also have the applicant present as well as our environmental consultants should there be any questions to either group. Let me go ahead and share my screen and can you please let me know when you are able to see it.

Chair Thompson: Yes, we can see your screen.

Mr. Sauls: So this project site is located adjacent to Greer Park which is also sandwiched in between West Bayshore Road and the 101 Freeway. This project site is a Research Office and Limited Manufacturing (ROLM) zone district parcel. Within those standards there is an opportunity to develop the site through a Conditional Use Permit (CUP) as under the RM-30 zone district standards. Parcel or the project would be seeking to remove a 32,000 square foot (sf) office building and proposed a 48 unit for sale residential townhome project on the site. The project is also a SB 330 and Housing Accountability Act application which the SB 330 aspect of the project when they submit a preapplication to the City for review that seeks to trap in time or capture in time when the development standards are able to be applied which development standards are able to be applied to the project. The Housing Accountability Act also identifies that the project must be decided within 5 public hearing. That is inclusive of any subdivision applications which this project does include a vesting tentative map which will need to go to the Planning and Transportation Commission (PTC) as well as the City Council in order for those to get approved. So in terms of total hearings that are required for this application 5 is the maximum number that we're allowed to have before a decision is made on the project. Overall the site is about a 2 acre site and the surrounding uses outside of Greer Park are the Emerson School and Head's Up site to the northwest of the project site. The project also qualifies for a density bonus. This is discussed within the City's consultant's Keyser Marston density bonus analysis, which is provided on the project webpage. Their request is to provide for a 1.142 to 1.0 Floor Area Ratio (FAR) based on our allowances in our Density Bonus Code which is reflective of what the State Density Bonus allows. And effectively what that requires is that the house... the project needs to provide a minimum of either 10% based on the State Density Law of the units onsite as affordable. Our requirements are that they have to provide up to 15%. The greater affordability threshold is what the applicant needs to provide for and so there are going to be 7 affordable units provided on the site as a result of this project which qualifies them for one development concession. Staff has also brought on [Rincon 2:54:48] in order to do the analysis for the project's environmental impact, and staff has found, or the City has found that the project qualifies under a Class 32 categorical exemption under California Environmental Quality Act (CEQA). The applicant is also requesting an allowance to utilize private open space within the complexes private park space in order to accommodate for the additional common open space requirements that each of these units need to provide and there are about 18 of them on the site that would be utilizing that provision in our code. As Chair Thompson had noted before there's a sound

wall proposed as well between West Bayshore Road and Highway 101 to help mitigate noise impact from the freeway onto this property. And they are also looking to record an easement against the property to provide property frontage widening in order to provide for a bike lane to be expanded within that space. There's also one thing I did want to note in the staff report. There is a correction on the Zoning Comparison Table that I wanted to make that it says that there's a street side yard setback applicable to this project. That's actually not the case in that the interior side yard setback on that item, in that attachment should actually be reflective that there's a 10 foot setback requirement on the interior sides of this property. So you can see here on this site plan this is the previous site plan that the applicant proposed which the ARB had reviewed. The primary changes that you'll notice are going to be some changes where you can see my cursor moving around in the complex's private park as well as the new change that the applicant has proposed to include an access point from the project site to Greer Park. They've pulled back this area which you can see here. They pulled back these Units 42 and 48, these Buildings 7 and 8 a little bit in order to provide for additional landscaping between these two spaces and as I mentioned just now this access point to Greer Park. So there are a number of things that the ARB commented on in previous hearing, which was on January 20th this year. Included in those items were, again, this request to have a access from the project site to Greer Park, which the applicant has included, to study the retaining wall along that interface between Greer Park and the project site, which the applicant has sought to reduce that impact by, the height transition from Greer Park to the project site, by sloping down the common area at the rear of the project site and reducing the retaining wall along that area. There's a request and discussion from the ARB to consider putting underground parking on the site which during that hearing the applicant had noted would not be something that they would be proposing as it would make the project financially infeasible for them if it was a requirement that the ARB had pushed for. They had also modified their parapet walls to be removed, or sorry, the fly walls to be removed from the project previously that had been shown and then they also modified their parapets to try and replace them with hip roofs. There was additional attempts that they made to modify the design in order to meet the Context Based Design Criteria which were to modify the massing and materials that they were including, include things like brick veneer which we have samples of for you to be able to review, brick veneer along the ground floor spaces for the units, introduce additional materials and colors to break up and differentiate each of the units between the different building types that they're proposing on the site. There's also the discussion about providing additional guest parking on the site. And while the project exceeds the City's requirements as it is the other addition that they included which was the connection point from Greer, from the project site to Greer Park provides an easier access point for individuals who may park on Colorado Avenue and walk towards the site. It is not a requirement or it's not an intention to say that the offsite parking is going to accommodate guest parking, but it is something that will provide an opportunity for people to access the site if they come visit. There's another item that was raised to reduce or remove the white trim facia as the ARB felt that it was very reflective. So that color choice has been changed to utilize a warmer tone. They have provided additional details on the plans to identify that they are going to be able to satisfy the clearance, minimum 7.5 foot clearance requirements for vehicles. They've also modified their plant palette to include majority native species which this can be found on Page 63 in the plan set. They've also introduced additional landscape buffering. As I noted before on the site plans for between Buildings 7 and 8 and Greer Park. And they had provided additional details about the sound wall, which I'll be able to show as well in this presentation. These images are what you will be able to see in the Packet Pages, in the Packet as well. These are elevations of the buildings, the different building types. You

can see as we transition between them not only the colors are changing, but the organization of the building materials and the massing is also modified as well so that it does not, there may be in certain instances there are buildings that share a common design. So in this instance, Buildings 4 and 5. This Buildings 1 and 2, I'm sorry, this would be Building 1 and 3, not Building 1 and 2. But between them they are all broken up with different building types, styles, and colors as well. Here's a detail of the section of the garage. This is on Page 43 which identifies that they are going to be able to provide within each of the units at minimum a 7.5 foot vertical clearance for vehicles. This is a detail of that area at the rear of the site where there's going to be that common park space and they are seeking to slope down that space to reduce the retaining wall height and that interface at the Greer Park space to this property. This is a section which you'll find on Page 58, which is the section showing the pedestrian ramp connecting to Greer Park. Again, seeking to try to terrace the wall, the retaining wall around that space. And I can zoom into the image too as well so if you're having difficulty reading it I can show that to you as well. And then here is the detail on Page 60 of the sound wall that the ARB had wanted additional information on which they're going to have vines running down on the wall to try to break up maybe some of the color or lack of differentiation on that portion of the wall. So staff's recommendation is to approve the application with the attached draft conditions and findings for approval for the staff report, to the staff report and that concludes my presentation.

Chair Thompson: Thank you. I think next we hear from the applicant.

John Hickey, Vice President of Development SummerHill Homes: Thank you. May I share my screen? The question is actually can I share my screen? There, are you able to see that?

Chair Thompson: Yep.

Mr. Hickey: Great. Good morning Boardmembers. Thank you for your time this morning. My name's John Hickey. I'm Vice President of Development at Summerhill. Before I start I'd like to say a quick thank you to Garrett and to Jodie for the ongoing work they've put into reviewing and commenting on the project.

Chair Thompson: (Interrupted) I think you'll need to state and spell your name for the record.

Mr. Hickey: Oh, yeah, I'm happy to. It's John Hickey, H-I-C-K-E-Y.

Chair Thompson: Thank you. And you have 10 mintues.

Mr. Hickey: Great, thank you. Uh, I'd also like to say hello and welcome to Commissioners Chen and Rosenberg. You of course were not present for the ARB Study Session last April, more than a year ago, or for the first ARB hearing in January, but appreciate that you've both had the opportunity to review the material from those meetings. Thank you very much for taking the time to do that, and again, welcome. We appreciate the chance to be here again today to show you the changes that we've made to the project. Garrett stole my thunder a little bit because he did such a good job of explaining the changes. I won't go into details, but I'd like to try to highlight a few of the key points and of course I'm happy to answer questions after the presentation. There we are. At the hearing on the 20th they heard a clear direction from the Board that they preferred to see a direct pedestrian connection from the project to Greer Park. And as explained in the staff report we added a pedestrian connection at the southwest corner of the site. We chose this location for several reasons. First, it's a natural connection point because as you can sort

of see from the green dashed line on the image here there are two existing paths in the park that meet near this location. Second, the existing grade in the park is slightly higher at this location at the connection point, which means that the ramp onsite doesn't need to be as long to drop down from the elevation of the site to the elevation of the park. And third, as several have noted the southwest corner of the site is closest to Colorado Avenue, so the pedestrian connection gives visitors a convenient shortcut to the on street parking along Colorado Avenue. This slide shows a section detail of the ramp from the project to the park. As you can see we've left room for a landscape terrace between the edge of the walkway and the park so the retaining wall can be screened with plants and vines. There are also existing shrubs and bushes in the park along the edge of the site. This illustration shows a conceptual view of the project and the pedestrian connection as viewed from the park. We've shaded back the trees in this image so you can see the architecture of the buildings more clearly, but as you can see from the illustration the point where the walkway connects has the benefit of being open enough so that it's safe and pleasant, but there are also trees in the park that partly screen the buildings from view. And again as noted you can see from this aerial it's actually only about 350 feet from the corner of the site over to Colorado Avenue and there are more than 20 parking spaces on street along that section of Colorado between West Bayshore and Simkins Court. And in addition that pathway on the site is, is well, it's got street lighting, so it's well-lit at night for safety. Also at the hearing on January 20th the Board asked us to look for ways to further reduce the appearance of the retaining wall along the edge of the site. And after discussing our options with staff we added a slope at the rear of the common area which allowed us to reduce the height of the retaining walls. As you can see from this section having the slope here allowed us to drop down and get closer to the grade of the park adjacent which means that the retaining wall is actually quite low, particularly upper retaining wall. And in addition we have another conceptual illustration here which shows what the view would be like from the park. You can see because that upper retaining wall was so low the focus actually is on the vegetation, on the plants and shrubs that are on the bank there along the slope. Again, we've screened back the trees so that you can see the architecture and also we're not showing the existing trees and shrubs that are on the park side of the property line. And as another point that Garrett alluded to was the fact that at the hearing on the 20th the Board asked us to look for ways to increase the amount of landscaping between the buildings and the park, provide an additional buffer. To do that we redesigned Buildings 7 and 8 with actually a different unit mix which allowed us to shorten the buildings slightly and that gave us the additional room for landscaping between the buildings and the park. And that's in the area that you can see here that's highlighted in the red dashes. In addition to redesigning Buildings 7 and 8 we made a number of other architectural changes all with the goal of differentiating the buildings and differentiating the individual units. At the Board's recommendation we eliminated the parapet elements and we incorporated either shed roofs or hipped roofs depending on the building style. We revised the massing at the second story on a number of different locations. We introduced, excuse me, we introduced different designs and materials at the entries including brick veneer, stone brick veneer, and we also upgraded the stucco finish to a 20 30 light sand float and as noted I think we mentioned this at the previous ARB we were considering this we had upgraded all of the operable windows to a casement window which has a nice thick frame, a substantial frame in it which would... adds to the, to the architecture. With these changes and variations each building now has a unique combination of architecture and color scheme. I want to note that the colors and materials are shown on the boards we submitted with our plans, but for the Board's reference we also provided large size samples of the primary materials which I believe Garrett was able to bring to the chambers this morning for you to see. Please as

a reminder note that the colors shown on your video screen both in chambers and for anybody viewing in the public the colors shown on the screen are not necessarily a good representation of the actual color palette. So please, refer to the color boards to see the actual colors. Also at the hearing on the 20th several Boardmembers asked for information about the architecture and landscaping along the private streets. All of the private streets in our project are at least 32 feet wide. And B Street in particular is actually more than 36 feet from building to building with a sidewalk along one side as you can see in this image. It's substantially wider than in older townhome communities in Palo Alto such as for example the Sterling Court project which is a little bit further south along West Bayshore. In that project some of the private streets are only about 22 feet from building to building. This illustration shows a conceptual view along D Street. As you can see the width of the street, the sidewalk along one side, and the second floor balconies and the landscaping all work to make the scene pedestrian friendly. Again, I'd like to thank you for your time this morning. We very much appreciate the comments that we received on the 20th and we believe that with these revisions we have made to address your comments the project will be we think a substantial positive contribution to the City. And so we respectfully request your recommendation today. Our architect, our landscape architect, our civil engineer, and Elaine Breeze the Senior VP of Development are all participating by video this morning and so we'd be happy to answer any questions. Thank you.

Chair Thompson: Thank you. Are there any members of the public that wish to speak on this item? Please raise your hand if so.

Madina Klicheva, Administrative Assistant: I haven't received any speaker cards and I see one raised hand from Rebecca Eisenberg.

Chair Thompson: Ok.

Rebecca Eisenberg: Thank you so much for the opportunity to speak. I, first of all I want to say I support this project. Second, just as a general matter, it's come to my attention and I think from what I hear others agree with this observation too, that often it's hard to distinguish between the City Planning Department describing an application and the applicant describing an application. In this case I do support, you know, the project, you know, subject to, you know, reasonable modifications, but I just think, I wish that the Planning Department would maybe have a more City focused view of presenting matters. That's just my opinion. AS to this project I support it recognizing that of course, you know, architectural review is likely to have modifications that, you know, I'm a lawyer, I'm not an architect that I am not privy to, but I strongly support the addition of housing in this neighborhood. I especially support the replacement of a commercial building with housing which is something that most commercial developers currently claim is financially unfeasible. Here SummerHill Homes, which as far as I'm aware are very profitable developer has figured out how to do this. And I, I think that is something of which we should all take note. That it is feasible to building housing. Additionally, I'm very grateful that these homes are among the very few if not only that I've seen, that I've seen recently, maybe more exist, that actually provide housing that is bigger than the size of a dorm room or a little larger. For example, the new homes that just went up on the corner of Oregon Expressway and El Camino I pass by there almost every day walking one of my 2 dogs and I see with the window, you know, the shades wide open first that these units are hardly at all rented out, which isn't surprising given their price tag and extremely small size. And second, you can look in and see how small these units are. What a welcome change to have larger units. Finally, I think this would actually be a nice place for the City and to the extent you all have a say in this, maybe you all could

put this forward, to be more flexible about height limitations. Here we have a building that if I understand correctly serves kind of as a wall between the freeway which creates so much noise and potential, you know, hazards and a park and other housing. This would be a nice place, in my opinion, to have taller, taller housing so we could have even more in there. Just something to consider. Thank you for considering these. Do you want me to spell my name, or do you have it from last time?

Chair Thompson: Let's just... I'll ask you to do it just to cover our bases.

Ms. Eisenberg: Sure. It's R-E-B-E-C-C-A and E-I-S-E-N-B-E-R-G. Thanks so much for this opportunity to speak.

Chair Thompson: Thank you. Do we have any other members of the public that wish to speak?

Ms. Klicheva: No, that's it. That concludes our public comments.

Chair Thompson: Okay. Are there any questions of staff or the applicant from members of the Board?

Vice Chair Hirsch: Yeah. There's a parking lot in the park. Is there restrictions on when you can park there? It's about the same, I think it's about the same distance. If you could turn back to the slide that you previously showed kind of the aerial view.

Mr. Sauls: Yeah, give me one second.

Vice Chair Hirsch: No, not the right one. Sort of an angle shot from lower down. It's actually almost like a photograph from... oh there.

Mr. Sauls: This is, I think this is the one you're talking about, correct?

Vice Chair Hirsch: Yeah, that's good. Yeah. So that's, looks to me to be about the same distance from the project as Colorado Avenue. Maybe slide down a little bit to take a look at Colorado Avenue. Just get a sense of it, where it is. Oh, okay. It looks like maybe Colorado's a little, little closer, but wouldn't people possibly be using the area where the... you pass a dog park along there that you can see there's kind of a green thing there. And then that the pathway goes all the way up to the parking lot. seems like a good place to for some of the visitors to get to the site. Have you considered that possibility and perhaps providing a similar connection at that end of the site?

Mr. Hickey: Chair is that a question for (interrupted)

Vice Chair Hirsch: Anybody. Designer?

Chair Thompson: Yeah.

Vice Chair Hirsch: John, perhaps?

Mr. Hickey: I would be happy to answer that. So I guess a couple of points. The first is that the signs in the park indicate that the parking is supposed to be only during park hours, but you're right, during... there's a possibility people would choose to park there. There... I walk my dog there sometimes and there are sometimes cars parked there, but I think the Colorado Avenue point is... uh, on street parking is probably more convenient for people for because of the proximity to that corner and as I mentioned in my presentation the advantage of that corner is that the park is substantially higher, the elevation of the park

is substantially higher at that corner than it is at the I guess that's the, the northwest corner of the site. So if you were to try to put a ramp at that corner it would have to be a lot longer and there simply isn't room for that, particularly if you want to keep the two onsite parking spaces for guests that we have at that location.

Vice Chair Hirsch: Okay. I have a question as to the sound study. The sound wall study. How much of a decibel (dB) reduction would that allow for from 101?

Mr. Hickey: In terms of reduction I don't know that we have the numbers set out that way. What we asked our acoustic engineer to evaluate was the requirement for windows, doors, and assemblies, wall assemblies if we did have the wall in place. It's still a significant level of STC rating, if you're familiar with the term, that we, that we'll need for the second to get to the second and third floor which are above the level of the sound wall, but it is mitigated by the sound wall. If you like we could look into that, but as I say it's the primary benefit of that wall is really more at the ground level and a bit on the second floor. It'll make it a lot more pleasant for pedestrians for example walking along West Bayshore.

Chair Thompson: Are there any other questions of the applicant?

Boardmember Baltay: I have a series of questions, Osma.

Chair Thompson: Sure.

Boardmember Baltay: So I'm going to start with staff. Just very quickly Planner Sauls I'm just concerned, or curious how we're measuring the height of the buildings. When I read the Zoning Code it says the height is measured from the average ground elevation adjacent to the building basically. What I see us measuring is the finished post grading height of the property and you're measuring the building height from there. What I notice in the code it says, "except when the ground has been raised by a berm or similar landscaping feature." So I want to be clear, your interpretation I believe is that the grading that's being done is not a berm or other feature of any kind. So you're measuring the height from the finished grade of the project.

Ms. Gerhardt: Yes, correct because a berm would be sort of come up and come back down before it gets to the building whereas this is the land sort of sloping up to the building itself. And so in those cases we're taking a measurement that's 5 feet out from the building. so we're not measuring right at the building wall we're measuring 5 feet out. So it is, if it is a slope it's going to be a little bit lower.

Boardmember Baltay: I understand that. But it is after the grading that's being done on the property.

Ms. Gerhardt: That's how we're looking at it. Yes.

Boardmember Baltay: Okay. Thank you. Then to the applicant please, I notice on the site plan Streets C and D dead end close to the park. However, I see that Street D is held back a considerable distance. You have some nice landscaping there and the new pathway to the park; however, Street C seems to go very close to the park. So I wonder if you have a section or can explain how tall the end of Street C is where it's close to the park. It seems about a foot away or so, very close. What's the height of that retaining wall? And then is there a reason Street D doesn't also need a similar backup space for the folks in those end units to get in and out of their garages?

Mr. Hickey: Yeah, I would be happy to answer that. So those aren't actually back up spaces, those are guest parking spaces which we had included at the Board's earlier suggestion when we were here for a study session. So that's what those spaces at the end of C Street are. We don't have those over at D Street and we would not be able to accommodate them with the pedestrian connection to the park. And I believe Section... I probably even have it (interrupted)

Mr. Sauls: So in your Packet Page, or sorry, in your Plans Page 56, it shows Section BB which shows that section area and shows the retaining wall height. So I can go ahead and share my screen and John if you want you can describe it a little bit more.

Mr. Hickey: Thank you, Garrett.

Mr. Sauls: So this section that we're talking about is looking at this intersection here. You see section lines drawn as BB there. And the drawing then is... zoom out a little bit, reflected here.

Mr. Hickey: And as Garrett's noting that section is actually taken very slightly to the east/south of where the end of C Street is. And just due to the constraints of the site we will be that upper retaining wall will probably be within about 6 inches to a foot of the outer retaining wall at that location. There will still be room for some planting, but that, that is the one area where we will need to, to bring the two close together in order to accommodate those onsite parking spaces. The advantage though I will mention about that is that if you were to zoom back out and look at a site plan you'll see that that's an area where they... yes, exactly. That one actually will work. If you look at that you can see that's an area where the path in the park is actually quite a ways from C Street, from the property there, and there's existing trees and bushes along that stretch that will actually end up screening that portion of the site from view. You can also see that I think in the excuse me, street scenes that are included in the packet. Actually not in the packet, the plan set, I believe it's Sheet A08.

Boardmember Baltay: Thank you. Two follow-ups on that though. What is the height of that combined retaining wall then? I see the plan; the detail shows 13.7 feet is the top of the wall and the grade at the park is down at 4 or 6. Do you know what the total difference is at that one point?

Mr. Hickey: I will look. So it's actually two different walls just to be clear. It will be two separate retaining walls. The lower one and actually I don't know, our civil is available. If Andrew or Ryan if you happen to have that top of wall height and the grade at base available quickly.

Boardmember Baltay: Okay, well they can follow up on that. I'm guessing it's around 7 feet the combined height of those two. And then the other follow-up is that do you not need some sort of backup space on D Street at the end there? How does someone get out of that garage?

Mr. Hickey: Well the streets are really wide. So unlike a situation like a drive aisle that's only going to be 24 feet wide you have a lot more space than that. You've got 32 feet. And so a car can just back straight out and then be able to easily turn, and you can go down the street. I agree with you, if this were a situation where it would be you know, say a parking lot or something like that or even some of the older townhome communities in Palo Alto that would, it would probably be more convenient to have a back out space, but in this case it won't be necessary.

Boardmember Baltay: Okay, thank you. My next question has to do with some of the elevations I notice in particular on Buildings 1 and 3, let me reference the drawing I'm looking at. It's a small item, but it catches my eye. I'm looking at your architectural drawing on our Packet Page A14 and A15. A15 is perhaps the most illustrative of what I'd like to notion. I don't know if it's possible to bring that up on the screen Garrett?

Mr. Sauls: Sure.

Boardmember Baltay: It's drawing A15.

Mr. Sauls: Sure, give me one minute.

Boardmember Baltay: And I'm looking at the what's labeled the right elevation on A15. It's the upper left hand corner on this sheet. It shows an architectural feature in the middle with a hip roof on it against a building. it adds some character to the building. when I look at the corresponding elevation, it's rear elevation on the right of that it shows that architectural element only projecting from the building approximately a foot. Can you zoom in Garrett on...? Is this the right drawing here? Looks differently formatted from what I'm looking at.

Mr. Sauls: You said this is A15. This is the one you were looking for?

Boardmember Baltay: I'm looking at Sheet A15, yes.

Mr. Sauls: Right, correct.

Boardmember Baltay: So you can zoom into the upper right, upper left corner, I'm sorry. There's an attractive hip roof on that feature. Same zoom in if you look to the right you can see that architectural feature projecting off the building about a foot. So how does that roof actually work? The hip roof? It seems hard to imagine it could have the depth that it's implied.

Mr. Hickey: I understand your question. Jennifer are you, our architect, are you able to speak to that?

Jennifer Mastro, Architect: I am, John. Good morning, Commissioners, Boardmembers. Yes, I do think you're correct that the hipped element that you're seeing on the left image which is our right elevation of this building is incorrect. You would actually see it, there would be a horizontal line rather than it coming to a peak in that location against the wall there.

Boardmember Baltay: Thanks for the clarification on that. I just it's a small element, but I just wanted to get a sense for what I'm really if my eyes are deceiving me.

Ms. Mastro: Yep.

Boardmember Baltay: My last question is just regarding the extent of the brick masonry finish on the fronts of the building. I notice it most extensively on Units 1 and 3 and 7 and 8. And I wonder if you could just show me clearly where you have the brick, especially on like Units 2, Building 2. Is it just that one piece in the middle? This one is 7 and 8, right?

Mr. Sauls: This one is 1 and 3. You wanted Building 2?

Boardmember Baltay: I'd like to look at Building 2. This is the front elevation of Building 2. Where do you use the brick on the front and where do you have other materials?

Mr. Hickey: So actually in Building 2 we aren't using the brick. Again, in an effort to create some variety and differentiating, differentiation from building to building this is actually the one building where we do not use stone brick veneer. Instead we have stucco at the end units and the 4 inch lap siding for units, the one, Unit 1 and Unit 3 units.

Boardmember Baltay: Wonderful. And how about Building 6? Garrett, can you pull that one up? It's Sheet A23. I apologize asking these detailed questions, but I you have much more time looking at this than I do and there's a lot here. But I just want to understand again what I'm, what I think I'm seeing is a brick portal at the center of this building and then a series of Hardie board panels, the darker brown on the sides, is that correct or is it just a misrepresentation of brick?

Mr. Hickey: No, that's correct. So we have, we have the stone brick veneer for that Unit 3R that you see, it's the third unit from the left. And we're using stucco for the other Unit 3R, that's the fifth unit from the left, exactly. And then we're using the 4 inch lap siding, the [unintelligible 3:31:31] siding for the other four units. And obviously as you're seeing two of them have actually a deck at the second level there, which is why we you have the sort of parapet look and then two of them have the shed roof.

Boardmember Baltay: I see. Okay, that answers my question. I'm still curious as to why, what the architectural rationale was. Are you able to have your architect explain the design rational for having that variation of materials at the base level? Chair, if that's ok? If this is too much time say so.

Chair Thompson: No, actually I was also going to follow-up and ask what the design intent behind that choice was.

Boardmember Baltay: That's all my questions. I'll leave it at that, but let's hear the answer to that, please.

Mr. Hickey: Jennifer if you wouldn't mind jumping in?

Ms. Mastro: Sure, yeah, and John kind of alluded to it a minute ago, but the idea was to create differentiation in the buildings themselves as well as the entries with each unit and the building designs. And so introducing the other material of brick and having the 6 inch or the, this header lap siding as well as introducing some stucco entry features or porch features providing that differentiation along the streets and Bayshore as well as internal to the units. And I think if we wanted to look up, you're looking at a park perspective. That's a good example of where you're seeing that differentiation as long as, as well as along Bayshore and giving you that variety of the entries there. Where previously we had the same material, it was more repetitive at each entry.

Mr. Hickey: The only other thing I would add, thank you Jennifer, the only other thing I would add is that it's Building 6 as you recall it is going to be facing the common area as are Buildings 5 and 7. So if I'm, if I'm surmising correctly what's underlying your question Commissioners you're sort of wondering why, why just one unit with the brick. And it's, I'll let Jennifer speak to this, but keep in mind that there will also be brick elements, stone brick veneer elements, at the entries of some of the units in Building 5 and Building 7. So it's again trying to create the differentiation while still, you know, have a unifying theme throughout the project.

Chair Thompson: Are these perspectives in our packet?

Mr. Hickey: Are they perspectives?

Chair Thompson: Are they in our packet?

Mr. Hickey: Yes. Oh, in your agenda packet? I don't know. They are in your, in your plan set.

Chair Thompson: Garrett, do you know what page (interrupted)

Mr. Sauls: This is the 2nd page in the plan set. I can get the Packet Page number in a second.

Chair Thompson: Oh, I see. It's the image on the sheet index.

Boardmember Baltay: Garrett are you able on the screen to zoom in substantially? I bet this is high resolution. It's very hard at least for me to see what the building is like. It's a large building.

Chair Thompson: I don't know if that one is the one with the brick.

Mr. Hickey: That will be. That's Building 6.

Ms. Mastro: That has the brick just in the middle. Yeah, thanks, Garrett.

Chair Thompson: And where is the stucco entrance?

Mr. Hickey: Behind the tree with pink flowers. So it's to the right of that, that gentleman walking to the right if you look back behind.

Chair Thompson: It looks like there's some [unintelligible 3:35:25] framing it.

Mr. Hickey: That may be...

Ms. Mastro: Yeah, this one on Building 6 just has the one stone and the middle John, or the brick in the middle, and then the siding on the other unit.

Mr. Hickey: Oh, it doesn't have the stucco?

Ms. Mastro: It doesn't have stucco on the [unintelligible 3:35:43].

Mr. Hickey: Oh, [unintelligible 3:35:43] apologize.

Chair Thompson: So the elevation and the rendering, the rendering is correct, but the elevation is incorrect? Is that right?

Ms. Mastro: No, I don't think... Let me pull up my set, hang on one second.

Mr. Sauls: So I can share my screen again for the presentation where I had the different building variety types if that makes it any clearer, so give me one second.

Ms. Mastro: So on the six unit building it does not have stucco components at the porch. Building 2 did and we spoke about that one.

Chair Thompson: I think on Sheet A23 there is a discrepancy [unintelligible 3:36:42] between the rendering and the elevation.

Mr. Hickey: I agree, Chair. It looks as though we inadvertently have in the elevation we're showing stucco in that fifth unit from the left, whereas in the perspective image above and in the rendering that you were just looking at it's lap siding, 4 inch lap siding at the entry.

Chair Thompson: And what is the intended design [unintelligible 3:37:06]?

Mr. Hickey: I'll let you address that.

Ms. Mastro: In that case it's the, it's the stucco version, sorry, at the rear, or I mean at the base.

Chair Thompson: Thank you. Sorry, I have more questions, but I want to go around and ask other Boardmembers if they have questions.

Boardmember Chen: Yes, I have a question related to exterior elevations of Buildings 4 and 5. So on the side elevations there seems to be two boxes projected from the wall. Is there, is it a flat roof? Is parapet wall or... yeah, what's the roof design there? I'd like to the applicant to clarify on that.

Mr. Hickey: I'm sorry, you're talking about Buildings 4 and 5?

Boardmember Chen: Yeah, Building 4 on Sheet A21, the side elevations, right elevation and left elevation, there are two boxes on the second floor.

Mr. Hickey: I'll let Jennifer speak to that but looking at the rear elevation my understanding is that both of those extend out from the main façade of the building, the main plane of the building.

Ms. Mastro: And those extend about a foot out and the idea is that it would be a parapet or a shelf element that would get slashed on top.

Boardmember Chen: Okay and how about the rear elevations for the two end units. There is a niche or a recessed area above the garage door with a shed roof. What's going on there? It's kind of like the roof just cut off or...?

Ms. Mastro: It is how you described it. The second floor pushes back in that location and there is a roof over the garage below because that sticks out further than the second floor.

Chair Thompson: Just to clarify on the first question on the other side of the façade were we talking about the grey/blue slats and the white stucco with the transition is like over there?

Boardmember Chen: My first question is actually the side elevation, the right and left elevation.

Chair Thompson: Alright. Okay.

Ms. Mastro: I believe the tan, the tan color is the one you were questioning, correct?

Boardmember Chen: I'm sorry?

Ms. Mastro: The element that's tan on the side?

Boardmember Chen: Yeah, the (interrupted)

Mr. Hickey: [Unintelligible 3:40:03].

Boardmember Chen: With the [unintelligible 3:40:13] and siding there are like two boxes. There's one seems to be a balcony, but my question is what, is it flat roof there or there would be shed roofs or hip roofs like the other locations?

Ms. Mastro: Right. So what I explained is that it's only sticking out a foot and so it's more just a shelf at the top where we would have a flashing piece on it rather than a roof element.

Chair Thompson: Are there more questions Boardmember Chen?

Boardmember Chen: No, thanks.

Chair Thompson: Other Boardmembers, questions? Boardmember Rosenberg?

Boardmember Rosenberg: I do have a question. It might be a little out of left field, but that's okay. On Building Section A28 it shows that there's a pretty significant attic space above all three units. Is there going to be any utilization of this attic space? You're creating a lot of height with this roof form and leaving a flat ceiling in that upper most level and I'm curious what the reasoning was behind that or if there's any intended use of that space?

Ms. Mastro: You want me to answer that John?

Mr. Hickey: Yeah, if you would explain Jennifer, yes, please. You know I don't know the answer.

Ms. Mastro: So a good part of that will be used for mechanical equipment for your HVAC equipment as well as duct runs that need to go down to the lower floors. Typically we don't provide, you know, there's access provided to that to get to the equipment for servicing, but it's not used for storage or anything like that. That would just get into a whole different kind of situation with the fire code and building codes to try and provide that additional storage space up there.

Boardmember Rosenberg: So each unit will have its own HVAC system in its own attic. Is that accurate?

Ms. Mastro: That is accurate, yes. There is a separation wall between each unit that goes up between each unit to keep one person from going to, through the attic to the other person's home.

Boardmember Rosenberg: Okay, thank you.

Chair Thompson: One follow-up question on that. The roofs look solid so if there are mechanical units up there what is the thinking in terms of ventilation? Are there going to be vents or chimneys?

Ms. Mastro: There are required vents, or at least there is code required ventilation that we have to account for. Typically we will use in this kind of situation, excuse me, what's called an [O'Hagan bench 3:43:23], it's a low profile vent that goes in the roofing material that, you know, it's not sticking out like some of the dormers. It's not anything that should be noticeable to the public. There's also venting that's happening at the eaves. Again, under the eave line if you were to look up you might see them, but it's a small, screened vent that provides airflow to the attic.

Chair Thompson: Okay, so there wouldn't be chimneys?

Ms. Mastro: No, no.

Mr. Hickey: Chair I just want to mention too, and you probably noticed this from the applicant and project description. There will also be solar panels on the roofs.

Chair Thompson: Okay, thank you.

Mr. Hickey: And the project as we've mentioned is all electric.

Chair Thompson: That's a good clarification. There will be solar panels on every building.

Mr. Hickey: Mmhm, yes.

Chair Thompson: Are there (interrupted)

Boardmember Rosenberg: Do we have any diagrams of those solar panels at this time or is that something that's going to be coming?

Mr. Hickey: it'll be a [deferred to know 3:44:30] yeah, it's shown conceptually. Well it's shown actually in the rendering that you were looking at a few minutes ago, the view from the, from the park past the common area. We've, we've indicated, you know, potential positions for it there.

Chair Thompson: Are there other questions? Boardmember Hirsch, any questions? I want to confirm there are no questions.

Vice Chair Hirsch: Yes, sorry. The stand out element to me here is that all of a sudden there's a three story high kind of stucco paneled element in the left corner of [faded out 3:45:34] ... Step closer to the mic? Okay. Well on...

Chair Thompson: Do you have a question David?

Vice Chair Hirsch: Yes, it's coming.

Chair Thompson: Oh, okay.

Vice Chair Hirsch: Building 5, you know, you have all of a sudden an addition of the three stories that's stucco and what is, what is, can you describe what are the, what's dividing those elements? The vertical, vertical window. And what is the window for? I mean which, is it for a bedroom at the top and so it's an elevation piece for a bedroom?

Mr. Hickey: It might be useful Garrett if you show Sheet A21 on the screen or potentially A20. I think, I'm not sure whether, whether the material is showing clearly for Commissioner Hirsch, but I think he's asking about the lap siding, not stucco.

Vice Chair Hirsch: It's a vertical window and panel bay. I think this and the in between pieces that isn't glazed is stucco.

Mr. Hickey: No actually, Jennifer I'll let you describe it, but it's actually Hardie panel.

Ms. Mastro: Yeah, no, that's what it is, John, thank you. It's a fiber cement Hardie panel piece. The grey color that you're seeing between the two windows.

Vice Chair Hirsch: That happens in how many of the units?

Ms. Mastro: In this building it's just the two in the back. We also are using that as an accent on some of the front locations on the different buildings.

Mr. Hickey: Commissioner I think it appears actually on a number of the buildings. If you look for example at 1 and 3 you'll see it in at the front elevation you'll see it in four locations. In some places it's painted to match the adjacent stucco and other places it's in the I believe it's the Body 3 color. That's just an example there. And to answer your question about the windows on the third floor, yes, that's a bedroom there. And it's a bedroom with additional volume ceiling so the that upper window sort of quasi-clear story window will provide additional light in the bedroom.

Chair Thompson: Any more questions? Can someone affirm that that there are no more questions?

Boardmember Baltay: No question.

Chair Thompson: In the room? Okay. I had questions. Can, are there different unit types? And if so, what is the unit mix?

Mr. Hickey: Yes. So the unit mix is actually listed for you in your Packet on Sheet I believe it's A09. And so we've sort of got what we are calling 5 different floor plans essentially, a couple of which have alts. Yeah, so you can see it there. We have a number of three bedrooms and then also some four bedrooms, and then also some three bedrooms that have a den. So and in some cases three bathrooms, some is plus a powder. It's sort of a, it's an assortment. So uh, I believe we have 11 four bedrooms, and the others are three bedroom.

Chair Thompson: Okay, thank you. A couple more questions. In terms of circulation on the site the, is there sort of an intended relationship sort of in the sort of street areas, like D Street and C Street versus the inner, like does it assume that pedestrians will take the inner walkways and there won't be pedestrians on the streets where there's cars?

Mr. Hickey: No, not exactly. Certainly on B Street we have a sidewalk all along B Street. And then obviously there's a sidewalk at the, on either side of the entry drive there. And then when you get back to C and D they're really intended, I mean they're alleys. They're only going to be serving those buildings on either side. And they're wide enough with the driveway aprons that frankly I would anticipate that people would be comfortable using them to walk without feeling like they were conflicting with cars, particularly given the low amount of traffic, but it's not necessary for them to use that. They can certainly use the dedicated walkways as the alternative. If you see looking there, that site plan Building 4 certainly, you know, there's a walkway that goes all along the front entrances there. Same for Building 5, Building 6, Building 7, Building 8, all of them.

Chair Thompson: Is there any intended different paving on C Street versus B Street or is it all the same?

Mr. Hickey: No, no we'll be using the same paving throughout. You know, obviously the driveway apron is going to, for each of these garage aprons, is going to be a different material from the asphalt paving,

but the actual asphalted pavement is going to be the same for C and D as it is for B. We will have however as you can see sort of from this image we will have some stamped asphalt/decorative paving at the locations where this is a crosswalk.

Chair Thompson: Yeah, I was asking, okay.

Mr. Hickey: Yep.

Chair Thompson: So that is a different?

Mr. Hickey: Yes, right, exactly. That'll differentiate and make it clear for people that that's intended to be an extension of the walkway.

Chair Thompson: Okay, I think that's the extent of my questions.

Boardmember Rosenberg: I'd like to jump in here with a couple more. Hopefully, they're quick. Did I hear correctly that this project is gonna be all electric?

Mr. Hickey: Yes, you did. It's all electric. We're also going to be providing capacity in every unit for a level 2 Electric Vehicle (EV) charger in each garage. Plus we'll have an EV charger for the two parking spaces over at the end of B Street which can serve the Americans with Disabilities Act (ADA) space and the non ADA space over there.

Boardmember Rosenberg: Do you guys have an estimated amperage per unit that is going to be required? Are they all 200 amps each, 400 amps each, what are we looking at?

Mr. Hickey: That's a great question. It is... I cannot remember off the top of my head, but (interrupted)

Boardmember Rosenberg: Sorry.

Mr. Hickey: When we worked with our [MET 3:53:25] we did... this may answer your question. We ran the demand counts with our MET and specifically took into account the fact that it would be all electric and the fact that we would have a Level 2 EV charger in each unit.

Boardmember Rosenberg: Okay, and then I would assume that you guys need to have transformers on site based on a project this intense. Have they been located? Is that what these grey boxes are on either side? I didn't see anything (interrupted)

Mr. Hickey: Yeah, that's probably... I don't know, it's probably easier to see [on the dry trench sheets 3:53:43] if you look that far back, but they also show up in our, in our site plans. So if you were to look at Sheet (interrupted)

Boardmember Rosenberg: I'm at A05.1 right now.

Mr. Hickey: A05.1, let me flip to that if you don't mind.

Mr. Sauls: If you look at my screen you can see that along Building 1 and 3 there is a transformer that is being proposed along back here (interrupted)

Boardmember Rosenberg: And then on the [unintelligible 3:54:03]

Mr. Sauls: So there's going to be screen from view.

Boardmember Rosenberg: Okay so, yeah so if I'm, again, because they're not labeled, and I apologize if this is something that you guys are familiar with and we're sort of picking up on. It looks like there's two transformers on the site. One is sort of right next to Unit 18 on this sheet and one is between Unit 1 and 9 so basically at either end of B Street it looks like there's two transformers. So are those the only ones?

Mr. Hickey: Those are the only ones. We worked that out with the City of Palo Alto Electric Utilities on the specific locations and the number of transformers.

Boardmember Rosenberg: Okay. And then switching gears a little bit, do you guys have designated which units are going to be your 15% affordable units?

Mr. Hickey: Yes. We actually have submitted a Below Market Rate (BMR) plan for those. It's the unit mix is comparable to the unit mix for the overall project. I... Garrett, I don't know if you have that one handy. I can... bear with me, Commissioner, I can probably pull that up. It may take me a few minutes though.

Boardmember Rosenberg: Not a problem. Thank you.

Chair Thompson: Well while he's pulling that up are there any other, any other questions?

Mr. Hickey: Garrett may I share my screen for just... actually I can just tell you which units they are by number, or I can show you on the screen, whichever you prefer.

Chair Thompson: Go ahead and share your screen.

Mr. Hickey: This is the BMR exhibit that we submitted. I will try to zoom in a little bit for your benefit. [Unintelligible 3:55:47] there's this too. So the unit mix is shown at the bottom here. It's Units 2, 7, 11, 15, 19, 22, and 44.

Boardmember Rosenberg: Can you kindly repeat that one more time?

Mr. Hickey: Sure. 2, 7, 11, 15, 19, 22, and 44. So that is and it's a combination of consistent with the City's requirements, combination of the pricing will be a mix for low income and for moderate income households. So 2 of them will be for moderate income and 5 of them will be for low income households. Five of the units are 3 bedrooms, two of them are 4 bedrooms. Again, consistent with the overall unit mix.

Chair Thompson: Okay. Alright, thank you. But I think if we do have more questions of the applicant we can ask them while we're doing our deliberation. So yes, would anybody like to go first?

Boardmember Baltay: I'm happy to give it a stab, Osma, if that's okay?

Chair Thompson: Yes, please. Thank you.

Boardmember Baltay: So I thank the applicant for bringing this project forth. It's exciting to see this scale of new housing proposed. I think this is the right location for it. And I think this is a thorough and serious application. I'm just gonna talk about the four things that are really leaving me honestly on the fence whether I can recommend approval to this project in hopes that my colleagues can persuade me otherwise. So my first one of the four items is just the overall site grading. They're essentially adding anywhere from 4 to 7 feet of fill on top of the land that's there now to raise the property up to keep it out

of the floodplain to make this project possible. And they're pushing that all the way to the edge of the park with a series of retaining walls. And I'm just profoundly uncomfortable with that, that technique of development. I've said before I think that there should be a greater space between the edge of the property, the boundary line and where the buildings are more, more space to landscape and slope and make a more, a softer transition when we're going to do this. It shows most on things like the end of Street C where you'll have effectively a 7 foot retaining wall or two walls 6 inches apart. And I think it's just not a good policy to build that way, to develop lands that way. I think it's a negative impact on the park. I said I'm on the fence on all these, this is one of them. I really want to feel good about this. I went out to the park again yesterday and really walked carefully all along the edge of this and it's true that this is behind the softball field and the practice areas, a lot of landscaping and bush on the park side. It won't have as bad an impact as I keep thinking it will. Nonetheless though, just adding 7 feet of fill to build something to the property line with retaining walls is to me bad practice and bad planning. I ask questions about for example, how we're measuring the height limits pointedly because I believe the intent of the code is to not allow this. Most development you're supposed to measure from the existing grade if it's lower. Now I agree the code can be interpreted this way, but I just feel uncomfortable making findings on that basic level of development. My second big question comes down to the traffic circulation. The fundamental orientation of this project is to a series of garage doors on streets, private streets. I'll grant again that they're 30 something feet wide. The actual space you can back up even though the paved area is narrower it's better than some developments like this. I think it's endemic to this type of townhouse development where you're really parking cars, not housing people. You're housing the cars first and foremost. It's the cars that are given the comfortable secure way to drive in and out. The result is the pedestrian experience is significantly limited. Walking home is really not very pleasant. I think any visitors are just gonna be really hard pressed if, I used this example last time, my 85 year old uncle comes to visit. He's just not. He can't park 500 feet away across the park and walk that far. Any place he stops his car here is very likely occupied by somebody else or in front of somebody's garage door. There's just not the planning to make it really comfortable. Any Uber driver, any UPS truck, any deliveries, it's just, it's just not there. I just feel uncomfortable with the way it's designed. I feel uncomfortable making Finding #4 that this is functional and safe. I just don't quite think it is. My third level of uncomfot has to do with the basic massing of the buildings. What I'm seeing is the architect's responding and trying hard to our, to our techniques in the building has improved in its overall design, but now I can see more clearly than ever that these are 8 buildings that are essentially the same massing, the same window fenestration, and from any objective standard they're more or less the same building type. And yet we're the ones that brought this up, that we wanted to see different types of buildings. So they're adding, they're applying to it one foot thick little pieces of building pop outs as Boardmember Chen was pointing out. As I pointed out with the roof that doesn't quite work. They're just glued on. There's nothing even in the floor plan that has any rational behind this. It's just efforts to take little pieces of architecture, small "a" architecture, glued on to the building. and I'm just really bothered by that from a design point of view. To me that's not what I call high quality design. It's just sort of applique to an existing box, to 8 different boxes that are the same. So again it's not that it's that bad looking, it's not. It's an attractive building, but in the end I'm just hard pressed to feel like the pieces come together. And then lastly I look at the material palettes and there's an awful lot of basic fiber cement here. Just the thin Hardie boards, not the high quality ones. There's a lot of just back and forth with not brick, but cement brick in a haphazard way. Not thoughtfully put forth on the buildings. I would like to see more of the same building going consistently through. So those four items that basic

grading of the site, the traffic and circulation, the overall massing of the building just not being this continuing to need to be resolved, and then the materials leave me really on the fence on this whole thing in spite of the fact that it's great to see this kind of housing development proposed. So I hope to hear what my colleagues think about this as well. Thank you.

Chair Thompson: Thank you, Boardmember Baltay. Who would like to go next? Boardmember Chen?

Boardmember Chen: Yeah, I'd like to, I agree what Boardmember Baltay said. I think there, although there are additional parking along the street the Colorado Avenue and possibly [unintelligible 4:03:24] park and the what I experienced is the walking through the park it is a nice experience, but I think functionally it's still good to add some additional parking on the site for the guest parking because right now we only provide four although it meet the zoning ordinance, it meet the requirement, but there are two that behind Building 4 and 5 it seems like when people are getting there it's hard for people to know there are two spots there reserved for the guest parking. So I'm wondering if it's possible to downsize some of the units, say some of the bedroom maybe instead of 11 by 10 can it be 10 by 10 so that we could gain some of the space, make the overall length of the building to be shorter and then maybe we could provide more parking similar to what you have down for the delivery area, the drop off area, so that we can have some additional guest parking provided and spread it on the site. Yeah, that's my comment.

Chair Thompson: Thank you.

Mr. Hickey: Chair, was that a question to us? It sounded like a question at the end. I wasn't sure whether the... if she was asking whether it would be feasible for us to do that. I'd be happy to answer, address that because there's a very simple answer.

Chair Thompson: Is that a question Boardmember Chen, or just a comment?

Boardmember Chen: Well, yeah it is, it could be a question, or it is something maybe the architect could explore in the, in your next design phase.

Vice Chair Hirsch: Okay.

Mr. Hickey: So I'm sorry, Chair, was that? She said it could be a question. Does, is she asking for the answer?

Chair Thompson: I think it was just a comment. Vice Chair Hirsch did you want to go next?

Vice Chair Hirsch: Okay. I concur with my previous Boardmembers here. I guess I'm a little less concerned about the perimeter wall than Commissioner Baltay. But I'm from the start have been concerned about the issue of guest parking and delivery parking and all of the other services that come including somebody to repair the plumbing somewhere. And it, it really this brings up a major issue for me is that and it doesn't fall to our Board particularly because it seems to me that a project like this in an area like this where there's a significant sound impact which you tried to address with window treatments and you wonder then does that mean that the 18 units that face Bayshore are going to have closed windows at the side that faces the sound and be able to open the windows on the opposite side because they'll be quiet at that point? The environment here is different than elsewhere. Originally this whole area has been commercial use or some office use where they're not opening windows at all. And now the use is changing,

and this is a significant issue here. So if in fact, you know, you look at this as a wonderful park area right next to it and you think, well, wouldn't this be a nice place for housing, but frankly I conceive of this as some area where the zoning should be looked at to allow for a higher density building with appropriate ground level parking and guest parking with an orientation towards the soundproof side, the park itself, except maybe when the sound is less on a higher level. You know, in New York I was adjacent to or nearby Prospect Park. And Olmsted, the designer of Prospect Park as in Central Park as well of course, but some say Prospect Park was even nicer. The buildings are taller adjacent to the park, but the most wonderful thing happens because there's a berm immediately at the edge of the park and there's a rather busy street right adjacent to the park at that point. The berm completely closes the interior of the park to the perimeter vehicular sound. So I kind of feel this project, this project site if it's going to be housing and certainly maybe more housing could happen along this border to 101, but that what needs to happen is that it needs a zoning change so that perhaps 5 story buildings facing the park would be better than 3 story buildings. And you could have a soundproof interior and open the windows. This is in addition to the comments that Commissioner Baltay described. But if the ground level creates the problems that we're talking about here then what is the alternative? I looked at this site and said I don't think you can do much else. I stretched a bit on that one. And so, you know, what you've done is actually really not bad and I think that the kind of subtlety of the buildings are nice, but it is true that it's kind of a paste up. You know, it's a bit of this and a bit of that to kind of very subtly make the difference between one unit and the next in a grouping of six. And it doesn't strike me as being an exciting way of doing it, you know? There could be different forms of differentiation I think than this. It would be more successful. I also sort of feel that well there's a lot of land here given to a private park in the project when you have a major public park immediately next door. So does that make sense? So in a way that I, the way that I kind of sketched myself to say what else is possible here? I thought that if you have a one way in and a one way out you would reduce the street significantly and you could use that for more private open space next adjacent to these units. That kind of private space is very significant and very important. Looking at a housing project that I thought was very, very successful it's Alma Village, fully planted up and really quite something to go visit. I found the distinction there was each of the houses were very different in their texture and material and color. And there was a significantly more guest parking and there was a delivery truck that was able to be in a corner out of the way close to everybody. So I don't think it works on the basis of for one in which I've stated from the beginning that I know, I think, you know, it's not, not close enough to where visitors will be or the needs of the site will allow. And that's pretty much it.

Chair Thompson: Thank you, Vice Chair Hirsch. Boardmember Rosenberg?

Boardmember Rosenberg: Yes, I want to say thank you for your time and also thank you for your efforts on this. I do feel that more housing is needed. I think this is an ideal location for this. I also appreciate the efforts to make more high quality housing, that it's not just another studio apartment complex. That being said, I have to agree with a lot of my other Boardmembers here on several points. Number 1 is the site fill. And while I understand that there's a floodplain issue it's the extent of the fill that I'm sort of having an issue with. The fact that in certain areas the fill is up to 7 feet tall. And at the same time the applicant has stated we can't possibly do an underground parking structure. Well if you're filling 7 feet you could almost dig down 2 to 4 feet and get a parking structure and then refill. So I'm curious why that was crossed off the list so quickly. Especially when we have so many concerns about guest parking here. It appears there's 4 guest parking spaces for all of these units. You know that that overflow's gonna go onto

Colorado, you know that it's going to go into the park parking space. I'm also while I understand the concerns about getting a staircase in to get more access to the park I think that that is a worthwhile investigation. Maybe it's not at the corner, maybe it's sort of next to this park area, the internal park area, sort of next to Building 30. Maybe there's just simply a staircase. It doesn't necessarily have to be a ramp since you have another ramp in another location. But a greater connection to Greer Park I think is critical. And delivery issues and guest parking issues and all of that I think just really could use a little bit more thought and time and attention. The massing of the buildings based on the previous meetings that you've had with the ARB it sounded like last time, and again I apologize I wasn't here, I'm only watching videos, but it sounded like last time there was a request for more building variety. And instead of getting back a building variety we got a very superficial material variety, slight changes to geometry, little extra roofs, and additions here, but there's no major revision. I mean maybe Building 1 is all these small buildings, the skinny ones. A whole bunch of them that are very differently massed than sort of what's going on here. And I would again urge the applicant to sort of take a second look at that. I'm not here to tell you how to do your buildings, I'm not here how to tell you how to do the architecture, but I would encourage a second look at that and maybe even just sort of figuring out how to break these up a little bit more and create a greater variety of actual building type, not necessarily just material change and color change. I think that's not going deep enough into what the ARB is looking for. I think that the other issue that I have with the fill and with the raising it up, and I could be persuaded that the fill is worthwhile if there's underground parking, right? There's a tradeoff there that's worthwhile, but I think that raising this up 7 feet is, is... and then measuring on top of that the almost 39 foot height limit that's going on with this building is... I'm of two minds about it. On one hand I think that we need more housing and it's worthwhile to make an exemption to have something be higher. On the other hand I think that there's a, I don't know how to put this any other way, but sort of a lack of respect to the park when you're raising this up so high and then you're putting a 4 foot retaining wall and then another 3 foot retaining wall and then on top of that we're adding a 42 inch guardrail. So really this height differentiation when we're looking at Section D, for example, is 7 feet tall of wall and then an additional 42 inches of railing. And while we can landscape and screen and make it look pretty and I do applaud your efforts on that. This is definitely much more attractive wall than 90% of what we see when you're looking at Section C versus Section D there's no comparison which one is better, and which one is more respectful of the park. Now again, I understand the constraints of the site that we can't get that Condition C everywhere. I understand that. But I think a little more thought could be paid to how this better integrates with the park instead of just putting up a wall, putting up a fence and saying this is for our people and that's for you. So a little bit just more integration and respect paid would be the way I would phrase it. I would also question zoning re-regulations and whether or not this could potentially, and again this might be an overstep on my part whether this could be sort of more of a mixed use space or there could be more variety of housing type, something along those lines. Because I think that this is a wonderful opportunity to get more people in this area. So, and I think that's my final comment. So thank you for your time and the presentation.

Chair Thompson: Thank you. I will try to keep myself brief. Thank you to the applicant and thank you to my fellow Boardmembers for being pretty succinct in your remarks. I share a lot of the similar concerns. I do understand the flood issue. We're in the floodplain and for that reason I think the grading, I understand the grading needs of the site. And yeah, I think the efforts that have been made to mitigate that relationship with the park with, you know, that Section C are very much appreciated. And I think it seems

like a lot of our Board feels like there could be more done in some of these other locations where there are issues. So we might encourage the group to consider that, the applicant to consider that. For the traffic circulation I heard a lot of concerns about loading. I don't really share these concerns mainly because there's a ton of asphalt in this, in this project. And it's a lot of space like a delivery trucks, Amazon trucks can make their way through Streets A, B, C, and D without any issues I don't think. It's really big. So I actually don't share concerns like Uber Eats. Like everybody can get to every unit basically with this current layout. That said, you know, I do it still feels very vehicle centric, and I think there could be more done to especially Streets C and D, which are dead ends, I mean there could be more done in general to make those streets much more pedestrian friendly. I think changing the paving might help. Potentially adding more landscaping on that side just to, you know, I always feel like wherever you have cars you need to have landscape just because of the relationship of trees to smog. There are things that can be done to make those streets better than they are now, and I don't know if that means shifting the building a little bit just to allow a bit more of that, you know, backyard/front yard space to make those streets better. I share a lot of concerns especially Boardmember Baltay's concern about the massing of the building. I agree that I don't believe there are there is enough differentiation between the buildings. They all look very, very similar. And I agree that it's the design style it's, it's the façades are very busy. There's a lot going on. There's a lot of materials being used. There's a lot of design moves being used to the point where the façades are very chaotic. And honestly like the back side where you're looking at the garage façade which shouldn't be your money winning façade they, there's they are much more simpler and they're easier to understand. Don't, I'm not saying do the garage side façade, what I'm saying is that the façades need a coherent... So Finding #2 requires us to believe the design is unified and coherent. And I don't believe that is the case. So I'm actually not able to make Finding #2 because there's too many materials, there's too many architectural moves of different styles here as well. There's some, yeah, there's kind of some flat roof moves, some sort of dormer moves, there's, it's a little, it doesn't feel coherent. And I think also because the elevations don't match the renderings the drawings also don't feel complete in that way. So in that sense that's a huge problem for me. And also I agree with the high quality materials. That is one of our findings as well. And all of these materials they don't, there's, there isn't one material that really shines as the high quality material. Which I think, you know, maybe at least, you know, if I could point to one material and say this is great, but I don't think I can at this time. I also think this, I think I made this comment last time on the sound wall I don't think that vines are enough to make that sound wall interesting. I think there needs to be more done architecturally. You know right now that's kind of open to the highway, but I think having just a concrete wall up there with a few, you know, score marks for cracking is not enough. That's going to be a big, a big part of people's backdrop of their lives and there needs to be more done to make that sound wall architecturally better for the environment. And yeah, and in terms of the relationship to Greer Park I appreciate that an access was added. I do understand that there are communities that like to have security between them and a public park. I'm currently working on a project where that's the case. So I do think that having a green heart or core as you have it now is kind of nice that this community has a common space that is just for the community. So in that sense I'm appreciative of that element. Okay, so that is, that is all of my comments. We do have to make a Motion as this is an action item (interrupted)

Mr. Hickey: Chair, Chair? I realize it's a little bit unorthodox but given that there were a number of comments raised and I don't know that the Board is fully aware of the statutory time limits imposed on this project; I would appreciate an opportunity just to speak to a couple of things.

Chair Thompson: The statutory time limits? I think that was mentioned by staff.

Mr. Hickey: There are two. I think there, staff mentioned the 5 hearing limit and obviously, you know, if you were to continue today and then somebody were to appeal the approval then that would automatically be considered a denial of the project by the City in which case, you know, you'd have to go to court and the City would potentially be subject to damages. And I'm sure that, you know, nobody wants that. And the other thing is that the SB 330 requires that the project be approved within 90 days of today, actually 90 days of last week. And that includes the tentative map.

Chair Thompson: That includes the what map?

Mr. Hickey: The tentative map. So if, if this, if you were to go to a third hearing under the City's ordinary timelines you would exceed the 90 days which would be considered a denial in which case you'd be subject to the Accountability Act. And I do think it's important too to just keep in mind what's in the staff report. I'll just read it. "The City, the project is in conformance with the City's Objective Development Standards." And I realize there's some, there's some disagreement about that for some of the members, but because none of those issues were raised in a timely manner that it's, it's considered fully compliant with the Objective Development Standards. As a result the City's discretion to deny or reduce the density of the project is constrained by the Housing Accountability Act (HAA). The HAA states the City cannot disapprove a project or impose a condition that requires a lower density when the project complies with Objective Standards. The only exception to this is when a project would have specific adverse impact which is narrowly defined in the statute. Modifications to the HAA of 2018 made it easier to claim compliance with Objective Standards. A project must be considered consistent with Objective Standards if there is substantial evidence that would allow a reasonable person to conclude that a project complies. And I'll take this a step further that also actually as they say here for purposes of the HAA lower density includes any conditions that would have the same effect or impact on the ability of the project to provide housing. In addition those recent cases say that that objective that they essentially the Board must find that the project is consistent not only with the Objective Standards, but also with the Subjective Standards, the Findings that you're required to make if any reasonable person could make those findings. So even if the Board individually disagrees you really can only deny it if you can say that no reasonable person could make those findings. And candidly, given that the staff has already proposed the findings I don't think there are any grounds for the Board to say that no reasonable person could make those findings.

Chair Thompson: Thank you for, thank you for that. Yeah, I want to kind of bring this back to the Board. My understanding and the staff can also correct me if I'm wrong is that we are, you know, we are a body that recommends approval, we do not grant the approval. So, you know, we can make a recommendation that the Board feels comfortable making and that is our recommendation, and the City may take our recommendation, or they may not. It is up to them. So I'd like to kind of bring this back to the Board and kind of, you know, we've all had a chance to sort of give our two cents. I took notes. Is there any kind of discussion based off of what folks have heard other people say? Otherwise we can kind of try to move towards a Motion.

Boardmember Baltay: I came into this hoping to be talked into it the other way and I've heard four colleagues, four reasonable colleagues, reinforce what I think. I've met with these applicants in advance of their project once at an informal review, we had one formal review. We have consistently made the same comments and we have not seen the level of change to the design that we would normally expect or anticipate. I understand that there are issues regarding how the process has to move forward although I would much prefer Chair to hear that from the staff than from the applicant what the situation really is. I don't, I don't know what to believe honestly. There's a lot of talk. My feeling however is that it's been twice, it hasn't worked, I think we should recommend denial now and just push this forward rather than waste time for the City, waste time for the applicants. If they would like to pursue this through other channels that's fine, but I certainly cannot make the findings I'm required to make. I don't have a whole lot of confidence that I'm going to get there the next time around so sometimes you have to just call it like it is. This is our job here. So I see nods and heads. It's terrible. I feel really bad doing that. This is a project that could succeed and should succeed and yet we haven't really had much traction getting there. And now I feel threatened. So I guess I, through the Chair, I'd like to understand what the real situation is or maybe I don't, it doesn't matter, I don't know. But I'd like to hear staff I think help us out here. Through the Chair, please.

Chair Thompson: Yeah, I mean if staff has anything to add, you know, in terms of, you know, anything that has been said so far... I'm

Ms. Gerhardt: Yes.

Chair Thompson: I'm happy to hear that.

Ms. Gerhardt: So Chair if I may, yes. I think a lot of the statements the applicant made are correct as related to State law. However, as Boardmember Baltay said we have communicated our concerns early and often. So I don't see that we have any late breaking issues there. But we do, we are restricted to the 5 hearings maximum. That includes the subdivision. And so if, if we had another ARB hearing it would make it difficult to fit into those 5 hearings should there be an appeal. We'd have to figure that out. It would be best if we could get a Motion today. It would give us a lot more leeway if there were an appeal. But in order for you to make a Motion, especially if it was a recommendation for denial, the Director would definitely need some help in understanding what findings you cannot make and what Objective Standards they're not meeting. And it is a pretty high bar when we're talking about, you know, a development, a housing development project. There are the State regulations that we need to adhere to and there is also the Density Bonus Law regulations that we need to adhere to. So it's a very high bar.

Boardmember Baltay: Could you address you said Objective Standards. my understanding is that we have to check this for conformance with our ARB Findings. And the Objective Standards were not in place when this was applied for and it only applies to low and to certain housing projects.

Ms. Gerhardt: Correct. We're not talking about the new Objective Standards, you know, where we're taking design criteria and turning them into Objective Standards. The current Objective Standards that we have are setbacks and height limits and things of that nature. So that's what we're talking about with this project. It is still discretionary, so yes, we still have the ARB Findings, but we're not able to reduce density and those sorts of things.

Boardmember Baltay: Yeah, I haven't heard anybody ask to reduce density or unit count. We didn't even discuss that. So... that is for the record. I want to be clear that that's what I've heard or not heard.

Chair Thompson: Yeah, I would concur. There's no request to reduce density at all. I think the concerns that I've heard, you know, involve Finding #4, which is about functionality, and Finding #2, which is a unified and coherent design. So those are the two main issues. I mean I kind of I agree, you know, we want housing here. We don't want to recommend denial in that sense, but at the same time housing that is designed not functionally without coherent and unified designs will not be successful. And that is, that's a fact. And I think we want housing that is functional for our area. And I also, you know, I think we are all very reasonable people. I don't think that our evaluations have been made in bias. And I believe in the integrity of our Board as well. I think we all make, you know, we all have expertise in this area. Any other comments from other Boardmembers? I'm sorry I can't see you guys very closely to make eye contact.

Mr. Sauls: It does not look like there are other comments at the moment from the ARB members unless they would like to speak up now.

Mr. Hickey: I'm sorry, can you ask the question again please?

Chair Thompson: This is for, it's directed at the Boardmembers.

Ms. Gerhardt: Yeah. I think Chair have you closed the public hearing?

Chair Thompson: I have. Yeah.

Ms. Gerhardt: Okay, thank you.

Chair Thompson: Okay, so would anybody like to make a Motion?

Boardmember Baltay: I'd like to try to make a Motion if that's okay Chair? So I'd like to move that we recommend denial of this project to the Director of Planning based on the following statements: That we are unable to make Finding #2, 2D, that the project provides a harmonious transition in scale, mass, and character to adjacent land uses. That we're unable to make that finding regarding the height of the project relative to the park adjacent to it. That we're unable to make Findings #2 and #4 regarding the circulation of vehicles and pedestrians on the project. That it does not create an internal sense of order nor a desirable environment. That's Finding #2. And Finding #4 that the design is not, does not allow for ease and safety of pedestrian and bicycle traffic nor provide sufficient elements that support the building's necessary operations. Then I'd like to further say that we're unable to make Finding #2, let's see, also we want to state, step back a second that the previous statement regarding the circulation neither it does not also enhance living conditions on the site. The way it's designed is centric to vehicles and it does not enhance the living conditions on the site. Help me out gang, I'm trying...

Vice Chair Hirsch: [unintelligible 4:35:46]

Chair Thompson: There's also Finding #3.

Vice Chair Hirsch: Three!

Boardmember Baltay: That's it, high quality aesthetics, yes.

Vice Chair Hirsch: High quality aesthetics.

Boardmember Baltay: So we're unable to make Finding #3, the design is of high aesthetic quality because the buildings are not sufficiently differentiated from each other, and the material use is not of high aesthetic quality nor are they integrated into the design of the building appropriately. So in sum to staff it's Finding #2, #3, and #4 that we're unable to make. I've listed a variety of reasons. So if anybody would make a second then we can go through it.

Vice Chair Hirsch: Second.

MOTION: Boardmember Baltay moved, seconded by Vice Chair Hirsch, to recommend denial of the project to the Director of Planning as the ARB is unable to make Findings #2, #3, and #4.

Chair Thompson: Can we talk to the Motion real quick? Sorry, was that seconded by Vice Chair Hirsch?

Boardmember Baltay: David, did you just second that Motion.

Vice Chair Hirsch: I did.

Boardmember Baltay: David just seconded it.

Chair Thompson: Okay. So Motion by Baltay, second by Hirsch. Let's just I want to talk to the Motion really quick.

Boardmember Baltay: Please. I'd love to get (interrupted)

Chair Thompson: Does the Board, does the Board feel like if we were to move to continue instead of deny that this applicant could put something in front of us that we could approve? Like is there, is there any member of the Board that feels like even though the 3rd hearing might, you know, make it difficult down the road would it be better if we were, if we think this project could get there? I've heard Boardmember Baltay say that maybe not, but I'm curious to what the other three Boardmembers think.

Boardmember Rosenberg: I almost think that's a question for the applicant.

Boardmember Baltay: That's a hypothetical question Osmo. I'm not sure it's wise to, to put it that way right now if you don't mind my saying that. But my colleagues should respond as they see fit.

Chair Thompson: Right, yeah I want to hear because I, I mean just as I'm speaking to this Motion I'm on the fence because I think, you know, if my other Boardmembers feel like this project could get there then I might be inclined to vote towards a continuation instead of a denial.

Boardmember Rosenberg: And I'm agreeing with you that we do want to encourage more housing projects. We all agree that this site is a good site for it, that the intent is good, it's the execution that's the issue and now the question is after coming back for a second round and having minimal reaction from the applicant do we think that they'll actually give us a bigger or more successful reaction between now and the next one. And that's a question I don't think we as Boardmembers can answer. It's we either have to take faith that the applicant will dig in and try and, you know, bring back something with a little bit more grit to it or we deny now and let them deal with it on their end. And I don't have a good answer for that. Just a thought.

Ms. Gerhardt: So Chair if I may? I mean if we were going to continue and ask the applicant to make changes I think we'd want to have some very clear changes that we're asking for.

Chair Thompson: What do, what does, what do the other two Boardmembers, Boardmember Chen and Vice Chair Hirsch think about [unintelligible 4:39:05].

Boardmember Chen: I have a question maybe to the staff. I want to understand about the appeal process. So if say we deny the project today and then the applicant want to go through the appeal process is it the they will submit, they will present the same stuff, the same design to the Board or they could take some of our comments today and make some revisions?

Ms. Gerhardt: Yeah so the ARB is a recommending body to the Director of Planning. So the Director of Planning would make the ultimate decision on this ARB application. The Director, you know, may or may not take the ARB's recommendation. 90 some odd percent of the time the Director does, you know, follow your recommendation. This is one where we'd have to take a little bit harder look to make sure we're in conformance with State law and those sorts of things. But if you had a list of, if the Director were to deny and the appellant or the applicant were to appeal if you had a list of changes that you were asking for I think that would certainly make it easier for the applicant to think though if, you know, they were able to do some of those things before they went to Council.

Chair Thompson: You're saying that they (interrupted)

Vice Chair Hirsch: In response to that a question then. I mean it sounds like we're then put in a position of designing the project, right?

Ms. Gerhardt: No, absolutely not. I mean this is the, the applicant has proposed a townhouse style project, and, you know, we need to see if it's in conformance with our standards.

Chair Thompson: Jodie, I have a question. So just to confirm what you were saying. So if we deny the project and the applicant does appeal they may take liberties to change their design when they appeal?

Ms. Gerhardt: Again, the Director makes the ultimate decision, and the applicant, you know, before they go to Council can make zero changes or a whole lot of changes. That's up to the applicant.

Chair Thompson: Okay.

Mr. Sauls: I guess I would like to add that going between the preliminary review, the first hearing, and now this hearing in the first hearing there was some comments from the ARB about maybe considering a more substantial change to the project. And based on the feedback that we're receiving, based on the changes that the applicant made it sounds like there's more significant change that the ARB would be considering needing to be made on this site to meet those Findings for approval. And some of the things that were noted were that some of the changes that the applicant made were considered by the Boardmembers to be piecemeal additions to the building rather than maybe substantial modifications to reflect the comments they received. And so I think it might be good as well to get an understanding of how dramatically different the ARB would be looking at a project in the future if it were to continue the application or this project. If there's a direction on how dramatically different the Boardmember wants,

the Board wants it to go I think that for the purpose of having a third hearing on this item, I think that would be really critical to understand.

Chair Thompson: That's a good point.

Boardmember Baltay: In my opinion this building would require a significant redesign at the floor plan, at the functional level. And that's what I've seen the applicant's resistant to doing. I can understand their resistance. They want to minimize the effort and not a different, differentiation in units they have. We see this frequently. At the same time as architects we know that that's where the answer really lies. To pull the buildings back and less impact on the park means changing the end units, making them a little bit different somehow, to make the entrances a little more friendly means maybe not having six garage doors in a row. To make the building so that they both look simpler and more together. Right now each one as Osma said is just a conglomeration of different architectural materials. At the same time the differentiation between all of them means changing things like the plate heights, the roof lines, the shapes, the fenestration pattern and, God forbid, even style, look of the windows. Those are all things that architects us to make buildings different or the same. Those are tools in our tool bag. None of which have we seen being done after three rounds of feedback. And so to my colleagues I think sometimes it's much stronger to be very clear what we think and not to keep pushing halfway. What's going to happen eventually after the third hearing, my prediction would be is that we'd be roughly where we are now except we have really no choice and then the clock is burned for the City too. They have no choice. We've tied the Director of Planning's hands. And what we want them to do is find a solution to this. And this way we've given them three months to work on it with clear direction from us, hopefully unanimous direction from us so it really resonates throughout the town. So I encourage us all to this is one of those cases where it's a stronger thing to be really clear right now. The level of changes I just outlined are things that yes, some architects could tackle this. It's a big design job. It's a lot of work to cut this up and work on it. It's stuff we've been talking about looking at these buildings from the get-go. Remember we first had these funky parapet tower things that were flying around, didn't make any sense. Why don't they make sense? Why don't you look at the floor plan? That's what we haven't seen. So this is, this is time and when it's the hard vote to do, but this is the right thing to do. Thank you.

Chair Thompson: Thanks. Would anybody else like to speak to the Motion before we vote? Okay, I'm not hearing anybody. Let's do our vote.

Ms. Klicheva: Boardmember Baltay?

Boardmember Baltay: Yes.

Ms. Klicheva: Boardmember Chen?

Boardmember Chen: Yes.

Ms. Klicheva: Vice Chair Hirsch?

Vice Chair Hirsch: Yes.

Ms. Klicheva: Boardmember Rosenberg?

Boardmember Rosenberg: Yes.

Ms. Klicheva: Chair Thompson?

Chair Thompson: Yes.

Ms. Klicheva: Motion carries 5-0.

VOTE: 5-0-0-0

Chair Thompson: Doesn't feel good. Every time.

Ms. Gerhardt: Yes so we'll bring the recommendation back to the Director and see what he would like to do. So, thank you for, for all your comments and efforts into this project.

Chair Thompson: Thank you. Thank you also to the applicant.