



Architectural Review Board

Staff Report (ID # 14668)

Report Type: Approval of Minutes **Meeting Date:** 8/18/2022

Summary Title: Minutes of July 21, 2022

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

From: Jonathan Lait

Recommendation

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

Background

Draft minutes from the July 21, 2022 Architectural Review Board (ARB) are available in Attachment A.

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

Attachments:

- Attachment A: Minutes of July 21, 2022 (DOCX)



ARCHITECTURAL REVIEW BOARD
 DRAFT MINUTES: July 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 David Hirsch, Vice Chair Peter Baltay, Boardmember Osma Thompson, Boardmember Yingxi Chen (participating remotely), Boardmember Kendra Rosenberg

Absent: None

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

Following City Official Reports Chair Hirsch returned to this item and called for a Motion.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Thompson, to adopt the Resolution Authorizing Use of Teleconferencing for ARB during Covid-19 State of Emergency.

Vice Chair Baltay commented that he only supported use of teleconferencing so long as it was required by State regulations for emergency ordinances, otherwise he would need to see it directed by City Council.

Boardmember Thompson stated that she thought teleconferencing was going to be permanent.

VOTE: 5-0-0-0

Oral Communications

Madina Klicheva, Administrative Assistant, stated there were none.

Agenda Changes, Additions and Deletions

Amy French, Chief Planning Official, stated that there were no agenda changes, additions or deletions.

City Official Reports

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

Ms. French announced that the August 4, 2022, meeting was canceled with some items moving to August 18, 2022.

Boardmember Thompson reminded the ARB that it had skipped Item 1 [Note-see above].

Study Session

3. PUBLIC HEARING / QUASI-JUDICIAL. 1237 San Antonio [22PLN-00114]: Request for Advisory Review of a Planning Project to Allow Construction of Eleven Three-Story Emergency Shelter Modular Buildings with 88 Pods and approximately Eight Site-Built Support Buildings. This Project is Being Developed with a Project Homekey Grant. Environmental Assessment: Exempt from the California Environmental Quality Act (CEQA). Zoning District: PF (Public Facility). For More Information Contact the Project Planner Emily Foley at emily.foley@cityofpaloalto.org

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

Boardmember Thompson asked if they needed to do disclosures for a study session.

Chair Hirsch called for disclosures.

Boardmember Thompson disclosed that she visited the site.

Vice Chair Baltay disclosed that he visited the site and listened to past City Council meetings on the subject. He also visited the adjacent site in Mountain View and printed out an aerial view of the site to share.

Boardmember Rosenberg disclosed that she visited the site and reviewed the previous minutes and videos.

Chair Hirsch disclosed that he visited the site, had visited the Mountain View site in the past, but had not been granted access to it and had not returned.

Boardmember Chen disclosed that she had visited the site.

Emily Foley, Project Planner, shared her screen with the ARB and noted that other City staff was available to comment on the project via Zoom. The project address was 1237 San Antonio Road, and it was for the Homekey interim housing project under AB 140. The project was deemed consistent with the local zoning regulations for ministerial approval and is exempt from the California Environmental Quality Act (CEQA). The project contained 88 interim housing shelter sleeping modules. There are 24 family units consisting of three beds each and 64 single units with one bed each. The project utilizes modular construction so the building permits would be reviewed by California Department of Housing and Community Development (HCD) and is a partnership with LifeMoves, so the City was considered part of the applicant team. As a part of Council's approval of the project it is an ARB advisory project. The ARB is tasked with making the project as good as possible but are not tasked with approving it. She displayed a site plan and explained it was slated for the city-owned LAMP site. Project Homekey would be a 63,000 square foot (sf) leased area of the site. Surrounding uses were office, the GreenWaste sorting facility, and the Baylands trailhead. San Antonio serves as the boundary between Palo Alto and Mountain View and most of the San Antonio right of way is outside of the City limits. She displayed the site plan with its 8 three-story sleeping modules, 3 two-story sleeping modules, and various support buildings. There were two driveways on the site, one at the southern end providing access for the Homekey project and another on the north end providing access to the GreenWaste sorting facility. That would be relocated to the back end of the site away from San Antonio Road. The last time City Council saw the project it was to consider increasing the height from 2

stories to 3 stories, which was authorized as the project is located in a flood zone. The finished grade for the buildings would be about 13 feet so the 3 story buildings would reach 33'1" tall. The grade of San Antonio Road was approximately 8 feet. She showed a rendering provided by the applicant that was previously shown at a Council meeting. The items circled in green showed how the project would be visible from the nearby Baylands Trail. Key areas for discussion were how the project fit in with the Baylands Design Guidelines, the materials, and the fences. LifeMoves was encouraged to consider the Baylands context when designing the site. She displayed a photo used by staff for inspiration as well as pictures of adjacent buildings. The Baylands Design Guidelines encouraged a lot of grey, but staff felt the facility would benefit from using more color than typically included in a strict interpretation of the design guidelines. Staff wanted the area to be more inspired by nature and modern feeling. The roof eaves were increased to 18 inches since the last project iteration. She displayed a slide showing the elevation of the 3 story sleeping modules. The proposed materials were wood siding with metal accents and the material boards were in chambers. Pictures were also sent to the ARB but were too thick to fit in the material board case. Windows were proposed to be recessed to provide depth to the materials. The bottom two floors would be in a darker color with a lighter color on the upper floor. The other buildings throughout the site would have a different color palette to help identify their usages. She displayed the color boards for the sleeping modules and the support buildings. Staff had suggested the battens be a different color or different shade than the boards, but this was not yet adopted. The modules would be connected by a system of decks and catwalks for Americans with Disabilities Act (ADA) access. The decks would be mostly metal in a green aqua color, similar to that of the accents on the sleeping modules. The roof would be a standing seam metal in a pale grey color with a wooden pergola for an accent. Common areas included sunshades that were also grey in color. Many fences were proposed for the site due to the use including a wood fence at San Antonio road, and a black vinyl coated chain link surrounding the perimeter of the site. A featured entry gate was desired with a more decorative metal material. She displayed the site plan again and pointed out the connections along San Antonio Road and the different proposed fence locations. Staff further recommended either a rolling or swinging gate separating the GreenWaste driveway from the rest of the site. LifeMoves also had a presentation for the ARB and staff was seeking comments and reasonable solutions for improvement. The project had a constrained timeline that was largely dependent on the timing of State funding.

Chair Hirsch called for questions from the ARB to staff. Hearing none he called for the applicant's presentation and granted them 10 minutes.

Ms. Foley indicated that she would share her screen for the applicant's presentation.

Joanne Price, Vice President Real Estate for LifeMoves, explained the project was a joint application with the City of Palo Alto and thanked them for their partnership and work. LifeMoves is a provider of interim supportive services. Homelessness was a growing crisis and programs like this help give people a place to stay and make the greater community safer for everyone. LifeMoves believes that everyone has the right to safety, security, and dignity. Non-congregant shelters are the key to the program's success and the project provides that. She explained that the LifeMoves model was a platform for connecting and providing services to their clients. Because of that 30% of the site was for support spaces dedicated to deliver their services effectively. To highlight the impact of the project on Palo Alto she shared the data

gathered through the Mountain View project. Over the last year they served 310 people in Mountain View. She introduced the architect to discuss the project details.

Mark Warren, Associate at Charles F. Bloszies, explained the concept came from his office's work with San Francisco's navigation centers. They provided onsite support services in addition to large, shared dormitories. They focused on privacy, possession, and pets to get clients to stay there. However, the privacy provided by the shared dormitories was not sufficient to encourage clients to come in off the street. During the pandemic shared dormitories were not practical as isolation was impossible. Many dormitories had been retrofitted with dividers and therefore had their capacities reduced. In response to this they developed a modular concept which broke the program into smaller pieces: sleeping units, food service, showers/bathrooms/laundry facilities, storage, support spaces, and indoor and outdoor community spaces. The project would be the third iteration of the concept, with the first being in Mountain View and the second under construction in Redwood City. Shared exterior spaces and communal buildings encouraged socialization among clients and staff. The Mountain View project was recently recognized with an Urban Land Institute Award which they took as proof of concept and validation of the design scheme. Their collaboration with Mountain View was a big part of the jury's selection and they were engaged in a similar experience with Palo Alto. He thanked staff for their time and effort. The site configuration was adjusted and granted plenty of room for GreenWaste's continued operation and for the project. The environmental context consisted of office parks and industrial buildings adjacent to the wetlands. He provided an aerial view of the project and a floor plan for the individual sleeping units. Each module was 40 feet long and 10 feet wide and contained two sleeping units and an ensuite bathroom. The family units were composed of twin modules and could either be one large unit or four smaller units with shared restrooms or several other configurations in between. The primary entrance was located at the south end of the site and access would be tightly controlled. A service entrance was located off the parking lot and all other gates were for emergency use only. The top driveway was for GreenWaste use only and would be blocked off with a gate. He displayed renderings showing the street view and explained that the Baylands Guidelines were used as a starting point. The aesthetic inspiration was that of a piece of driftwood washed ashore. At the recommendation of the Planning Department they introduced color to help break up the mass. He then showed the configuration of the fences on a diagram including a breakdown of the fence materials. He again thanked staff for their help and stated that he was looking forward to ARB questions.

Chair Hirsch called for ARB questions.

Boardmember Thompson asked if the wooden fence would be painted.

Mr. Warren explained that it would be stained.

Boardmember Thompson asked if it would match any of the colors on the board.

Mr. Warren said that it would be in the same color family as the board but would not match.

Boardmember Rosenberg pointed out that the staff report said that both the interior and exterior perimeter would be black chain link, but Mr. Warren said that only the exterior would be black chain link. She requested clarification.

Mr. Warren said that what happened was in response to discussions with Planning staff about preferences for an upgraded and higher quality fence. The inner perimeter would be mostly wood and within the site there would be some black chain link separating the family area from the individual area and separating the utilities spaces out. Otherwise the fencing at the shared boundary lines and around the utilities was anticipated to be black chain link.

Boardmember Rosenberg asked if there was a sample of the color of the wood fence.

Mr. Warren indicated that he would check.

Boardmember Rosenberg asked Mr. Warren to explain the open spaces and location of the greenery on Sheet A01.3.

Mr. Warren said that the open spaces were crucial to the function of the facility. Part of the reason they revised the project to three stories was to provide more open space. Some space would be used for dining and gathering with picnic tables and loose seating. Some would be for recreation and children's play areas.

Boardmember Rosenberg noted that there was a pet area as well.

Mr. Warren confirmed that was correct.

Vice Chair Baltay understood that the parcel was being filled to bring the property above the flood plain. He asked if that included the fire lane roads, most especially the road to GreenWaste.

Mr. Warren said that the driveway to the GreenWaste entrance would be at the same elevation as San Antonio Road. The fire access lane would ramp up as it approached the southwest corner of the road.

Vice Chair Baltay summarized that the GreenWaste facility was lower and the main access to it was also at the lower San Antonio level. He asked for the height of the site adjacent to the road and how much the property needed to be filled.

Mr. Warren explained that there was a gully which would be filled to the grade of San Antonio.

Vice Chair Baltay asked for an approximate amount of fill.

Mr. Warren believed they would use 5 to 6 feet of fill.

Vice Chair Baltay confirmed that between the roadway for GreenWaste there would be a 5 to 6 feet elevation difference between the site itself.

Mr. Warren said that it would be about 4 or 5 feet.

Vice Chair Baltay asked if there was a ramp up to the parking area off the GreenWaste access.

Mr. Warren said it was.

Vice Chair Baltay asked if there would be a concrete retaining wall.

Mr. Warren said there would be a low concrete retaining wall.

Vice Chair Baltay asked if the road on the other side of the site was up on fill.

Mr. Warren explained it was a ramp up from San Antonio Road to grade 13.

Vice Chair Baltay inquired about how much they needed to ramp up from San Antonio to the entrance of the project.

Mr. Warren said that it was about 5 feet.

Vice Chair Baltay confirmed there was enough room to do that.

Mr. Warren said there was room for a 5% ramp.

Vice Chair Baltay confirmed they had studied the feasibility of the ramp.

Mr. Warren indicated they had.

Vice Chair Baltay said that kind of thing had to be done before they went to Public Works.

Mr. Warren said that the ramp was 75 feet long.

Vice Chair Baltay asked if they had used the modular construction on other projects.

Mr. Warren said that the Mountain View project was modular.

Vice Chair Baltay said that Mountain View was a series of single story structures. He asked if they were confident they could make the three story construction work.

Mr. Warren said that the Redwood City project was currently under construction and used the same system.

Vice Chair Baltay asked how many stories that project was.

Mr. Warren explained it was three stories.

Vice Chair Baltay asked if the request to do roof eaves affected the ability to do modular construction.

Mr. Warren said it did not as the eaves projected off the short ends, so they did not affect the width of the module. If they needed to add eaves on the longer end it could be done in the field like they did with gutters.

Vice Chair Baltay confirmed that it was only an extension on the short end of the buildings with a visual roof element.

Mr. Warren said that they would also extend past the long face.

Vice Chair Baltay confirmed that the extension would be done in the field and questioned if 18 inches could be done that way.

Mr. Warren said that it would be a shorter exception projecting out.

Boardmember Chen asked if the elevator tower would be built in the field.

Mr. Warren said that the elevators were modular and would be delivered to the site.

Boardmember Chen asked how tall they would be and noted that the elevations appeared to show that the elevator was taller than the three story building.

Mr. Warren said that it depended on the type of elevator, but there would be an override at the top story to get to the 3rd story.

Boardmember Chen confirmed that it would be over 40 feet tall, perhaps closer to 45 feet.

Mr. Warren said that was a reasonable assumption.

Chair Hirsch asked if there was a section through the modules that showed the passageways and open space below in the plan set. He said that if they did not have a drawing he would like to hear a description.

Mr. Warren thought that was shown in the A4. Series but he did not have it with him. The space was exterior, unenclosed, and unconditioned. The decks would be sprinklered and made from noncombustible material. The decks at the second and third stories were pulled back from the edge to allow light to come in. They also increased privacy to the residential spaces.

Chair Hirsch asked for the dimension between the units.

Mr. Warren explained that it was 8'6" between the individual units and 9' between the family units. The decks spanned the full width between the two and then cantilevered another 5' towards the interior for circulation.

Chair Hirsch requested to see the latest overhang drawing as suggested by Planning.

Mr. Warren said that was included in the A4. Series drawings in the ARB plan set. He thought it was A4.11.

Boardmember Thompson asked if she could ask a follow-up question about the eaves.

Chair Hirsch said that she could but that he was not finished with his questions.

Boardmember Thompson suggested he finish.

Chair Hirsch said that the drawings did not define the dimension. They were straight on elevations. [Note- Boardmember Thompson marked something with her pen for him 1:01:52]. He said that the cantilever was very small and asked if that was what had been agreed upon.

Mr. Warren said that it was 18" on either side.

Chair Hirsch asked about the end of the building.

Mr. Warren apologized. He explained he was referring to the ends of the building along the shorter side. Those were 18" eave. The long faces had a smaller projection that was not yet determined and would be worked out with the modular vendors.

Chair Hirsch asked how they would greet people at the entry. He explained it was really a process question.

Mr. Warren explained that there was a walk up window outside of the gates where visitors would check in. Security would buzz people in. New clients arriving for intake would be taken into a reception office so

traffic was directed to the right off the support courtyards. A returning client would check in and then go to their residence or other activity. The more public spaces were located near the front for access.

Ms. Price added that the site would be staffed 24/7 365 days per year. Clients were accepted through a coordinated entry system. There would be no loitering or walkups allowed.

Chair Hirsch inquired about if the windows were operable.

Mr. Warren stated that they were required to have rescue windows which would be operable, but that the other windows would not. The operable windows would be at the short ends of the units.

Chair Hirsch confirmed that they ventilated the perimeter rooms but would not have that capability at the middle of the unit.

Mr. Warren said that the spaces were mechanically ventilated.

Chair Hirsch asked if the plans showed the ventilation for the interior.

Mr. Warren stated that they did.

Chair Hirsch referred to Building #2 on A1.00 and asked if they determined what the height was from across the street.

Mr. Warren said that had not been measured.

Chair Hirsch noted that the drainage issues were not completely explained and asked if some of the gutters were yet to be added.

Mr. Warren explained that they were working with City staff on a workable solution for drainage.

Chair Hirsch called for follow-up questions.

Boardmember Thompson requested confirmation that on the 3 story modules the bottom two were getting the darker color.

Mr. Warren said that was correct.

Boardmember Thompson confirmed that for the most part the windows were not operable.

Mr. Warren said that was correct. The windows would have internal blinds sandwiched between the glass panes and would not be operable.

Boardmember Thompson asked what the thinking was behind that.

Mr. Warren explained that the anticipated clients were rough on fixtures and equipment. Therefore, if possible things should not be operable.

Boardmember Thompson referred to Sheet A411b and noted something was called "louver access panel." She asked how it was finished.

Mr. Warren said it would be painted to match the window trim.

Boardmember Thompson confirmed it was not the stained wood color. She asked why the windows were placed where they were on the façade for the sleeping units.

Mr. Warren explained the design intent was to create a bay window at the corner with as little structure as possible so that there was a visually open corner.

Ms. French said that the City was working on the drainage for the project in a meeting scheduled for the next week.

Ms. Foley explained there were weekly coordination meetings and the items related to Public Works, Engineering, and other departments were being worked out.

Boardmember Rosenberg said she had a few more questions. The elevators did not have listed colors and materials so she requested more information about what the elevator shafts would look like. Additionally, on A3.01 versus A3.11 the elevator shafts were notably different heights, so she requested an explanation.

Mr. Warren said that he would expect the height to be closer to the taller one. For the exterior appearance they were planning to use similar board and batten vocabulary in the same stains as the adjacent sleeping modules.

Boardmember Rosenberg asked if the two elevator shafts were completely connected through the catwalk systems.

Mr. Warren explained that there were two elevator shafts, one for the family units and another for the individual units. Those were not connected to each other.

Boardmember Rosenberg clarified that the catwalk fences were solid wood and requested more information on them as they would be a large design element.

Mr. Warren said that they were anticipating that those would also be wood with some metal vocabulary at the stairs on the interior.

Boardmember Rosenberg asked if they had considered a welded wire mesh infill to make them lighter or less bulky in appearance. She indicated that she was not aware if that was a cost consideration.

Mr. Warren said that they were definitely considering it.

Boardmember Chen requested more information on the HVAC system. She saw vents coming from the units on the elevation so she wondered if there were vertical pipes run along the side elevation or if units would be located outdoors somewhere.

Mr. Warren explained that each module would have its own self-contained mechanical system. The vents were ducts that went to the units sleeping rooms and bathrooms. The community building and dining hall would have more traditional HVAC systems. The modular manufacturer had the responsibility of designing the mechanicals for the modular buildings.

Vice Chair Baltay asked about potential landscape screening or planting on the Baylands side of the project. He asked if it was possible to fit two trees that would grow large on the property.

Mr. Warren said that could be explored although they were currently very tight on space. All the driveways and sidewalks were dialed in as tightly as possible. There could be opportunities for planting.

Vice Chair Baltay asked Chair Hirsch if Ms. Price could respond to something that was not really architectural. He explained he was concerned about the selection of the site for the facility. He asked her to defend why it was the right place to put the facility in Palo Alto.

Chair Hirsch said that he would allow the question.

Vice Chair Baltay asked why the site was the right place for transitional housing.

Ms. Price said that the site was chosen by the City of Palo Alto. There was an extensive exploration of sites that were available as well as hotels that were available to suit the needs of an interim housing solution. The site was apparent because it was available and vacant. The site was within a mile of jobs, amenities, and a grocery store. There was also a bus stop which would be resurrected across the street. Everything that was happening on the other side of the road was in Mountain View but was part of the North Bayshore Precise Plan and would be built up over the next several decades with employment opportunities and downtown amenities within walking distance of the project site.

Ms. Foley said that the Deputy City Manager was on the Zoom and could provide additional clarification.

Vice Chair Baltay said that with the indulgence of the Chair he would like to hear the clarification.

Chair Hirsch indicated it was acceptable.

Chantal Cotton Gaines, Deputy City Manager, explained that she was helping coordinate staff on the project. As mentioned by Ms. Price the City Council wanted to take advantage of the HomeKey program and tasked staff with finding the site. Staff contacted many hotels to determine if that was a viable option, but that did not go as far as needed. Therefore, they looked at City owned properties that were available. In evaluating the different City properties the project site had the bandwidth to hold the project. They also considered available transit and other connectivity to the site. Mayor Burt was active with the Valley Transportation Authority (VTA) and there were possibilities there for additional transit. The City Council found the site to be a good option and staff was able to work with the applicant on the project before the ARB. Finally, the project was tweaked over time so that it could serve the unhoused population in a way that was humane and fitting and also fit with the zoning and Comprehensive Plan sections about shelters in the City. Lack of availability in other parts of the City was also a factor.

Vice Chair Baltay asked if sites on the Cubberley Campus were considered.

Ms. Cotton Gaines stated that was looked at, but the City Council encouraged staff to move in the direction of the current parcel. There were other plans in play related to Cubberley and it did not seem to be something that could be figured out in the grant timeframe.

Vice Chair Baltay indicated that concluded his questions.

Chair Hirsch thanked Ms. Cotton Gaines. With respect to transportation he thought it was logical to work with VTA. It looked like the project would move forward soon, but it was likely that the neighborhood

would not evolve for many years. It was critical there would be a connection to VTA and transportation throughout the City.

Ms. Price explained that they operated a shuttle at the Mountain View site, and they planned on having a similar vehicle for the Palo Alto residents. Many clients ride bicycles and therefore they partner with a bicycle company. She noted that the new site was bicycle friendly, especially with the new bridge that just went in over Highway 101.

Chair Hirsch noted that biking in the Baylands was spectacular, and the trails connected to Mountain View. He said that the plans showed different sizes of the battens that were on the outside of the building. He asked that they speak to that idea further.

Mr. Warren explained the intent was for the battens to all be 1 by 2's with other areas expressed further.

Chair Hirsch asked if they would be a consistent pattern on the face of the building.

Mr. Warren indicated they would be spaced evenly or perhaps irregularly at windows where they could not line up with regular spacing.

Chair Hirsch called for the public comment.

Ms. Klicheva indicated there were none.

Chair Hirsch called for ARB discussion.

Boardmember Thompson thanked the applicant for the project. She loved many of the things they had done and generally had no exception to the project. She enjoyed the choice of the wood, the parti of the driftwood, and the color palette. She was pleased staff recommended the use of color and thought it was thoughtful to color code the buildings. Sheet A102 had a perspective ad she thought the window pattern on the one story buildings was great. On the elevations the placement of the windows on the sleep modules seemed to be skewed to the edge. She understood the thought of the bay window but did not think it worked in execution. She suggested they consider shifting the windows over to mimic the proportions of the lower buildings. With the non-operable windows she had heard that people on the street really enjoyed fresh air and that moving into more sheltered spaces could be jarring. Based on that she encouraged looking into a restricted hopper or casement. With landscape she understood the limitations on the site and that some trees needed to come down. The shade structures were a good thought, but they did not make a place cooler the way plants did. Therefore, she suggested potted plants or additional landscaping where possible. Additionally, the fabric on the shade structure might require additional maintenance over time. She stressed that she was very excited for the project.

Boardmember Rosenberg also thanked the applicant for the project. There was a clear need for the project and its execution would provide a clear benefit. She studied similar centers in Los Angeles in the past and the success rates for this type of program was incredible. With respect to architecture she appreciated the color palette and enjoyed the introduction of colors. She also encouraged more planting overall despite the cost and maintenance issues. She appreciated the shade structure and suggested that they consider putting one over the play area as well. She loved the pet area and the playground and encouraged a bicycle storage area that was safe and secure. She was pleased that the interior fence was

wood as it provided a homier feel and encouraged welded wire mesh fences with wood accents to chain link. Wood buildings and catwalks could feel very heavy, so she also encouraged looking into ways to make them lighter. She enjoyed the placement of the windows on the corners and disagreed with Boardmember Thompson because of the interior circulation. If the casements would open to the catwalks she was concerned about intruding on the flow of travel, so she asked the applicant to think about that further. Finally, she found the bus stop and shuttle critically important and wanted to know more about the height of the elevator shafts. In addition to the extended rakes and eaves if there was a way to have a short awning that covered the roof by the entry it might be preferable, and she urged they consider it. She thanked the applicant and staff for their work.

Boardmember Chen thanked the applicant for the project. Generally she really liked the project although the three story buildings looked tall compared to the nearby office buildings. She thought the massing and the color palette fit the Baylands context. She agreed with her colleagues that some lighter materials would be nice in order to break up the wood. With the fence she suggested they consider using a decorative metal, especially along the Baylands. The same pattern could be carried to the entry feature for consistency.

Vice Chair Baltay thanked his colleagues and the applicant. He stated that the location was not the best place for the type of project in the City. There were other locations that would work better, and he found it unfortunate that it was not being done elsewhere. The Mountain View site was more walkable, he saw pedestrians there running errands there and he did not think that would be as possible at this site. Secondly, he thought there was a distinct conflict with the Baylands Design Guidelines. He cited the Mercedes Benz dealership and how the ARB gave them a much harder time about shielding their building from the Baylands views. It was hypocritical to say this project was great because of its function when the Mercedes Benz project got a lot of grief. The ARB was in place to judge the merits of the design and not of the use. The project would be visible from the Baylands, and three story buildings were not horizontal, which was a key guideline. The bright splashes of color made sense for the use of the project and the occupants but did not with the Baylands. The Mercedes Benz dealership would never be allowed to use those colors. Lastly with respect to the guidelines the project was proposed with simple inexpensive materials which would weather terribly and might become a disaster in only 10 years. He doubted the organization had the funds to maintain the buildings when they were only made from stained plywood. He apologized for the negativity and offered some suggestions to make the project better. In Mountain View they had noticeable chain link fencing around the whole site which made it feel institutional. If they were to use decorative painted metal it was not much more expensive and was architecturally preferable. The chain link fence could be used at the perimeter with GreenWaste, but other materials should be used in the interior. He also suggested increasing the landscaping including trees on the Baylands side of the site and stated that he understood they could not have a 10 foot buffer of planting like Mercedes Benz. The Mountain View site did not include a lot of landscaping and that could be improved. Operable windows were extremely important, and he urged them to do some research to find windows that would fit their needs. There would never be a home built in Palo Alto without operable bedroom windows. He understood the functional issue but thought they could find a way around it. With the roof eaves he urged them to be cautious about the width for transportation issues. Standing seam metal roofs were a nice architectural feature but would not be visible in this case and therefore was possibly a way for them to save money. With the savings from the roof he urged them to upgrade other materials from plywood to

fiber cement panel. Those would look identical to the plywood but would be extremely durable over time. Similarly, natural wood would wear quickly on the catwalks in the Baylands area, so he urged them to use a synthetic project with greater durability. When nails and fasteners were specified he encouraged them to specify stainless steel or double hot dipped galvanized for durability and appearance. With the colors he felt the colored bands of metal were not appropriate with the Baylands and suggested a dark bronze color instead. The project needed landscaping that would reach 20 to 30 feet high between itself and the roadway going into GreenWaste and the Baylands. He noted to staff that he understood the City owned the former treatment plant and suggested planting out near the trail similar to what was done with the sewage treatment plant. Without the landscape screening the project was vertical and would be visible from the Baylands which was contrary to the Guidelines. Finally, he suggested a colored trim band between the head of the window and the eave to provide a sense of a larger overhang and to be more cohesive. He wanted to avoid the sense of the stacked modules and create more of a building feel. He stressed that the landscape screening was the most important issue in his opinion and requested more planting between the project and the Baylands.

Chair Hirsch praised the project and mentioned that the experience looking out from the project over the Baylands would be wonderful. Despite the issues regarding the location brought up by Vice Chair Baltay there were some significant pluses to the location. He thought it could be a place of healing for a lot of people and the location would add to it. He noted that sometimes one could smell the garbage treatment from next door and voiced concern about the garbage trucks traveling through the north portion of the site. He agreed that landscaping was important and should be used as much as possible. Between the applicant and the City he hoped that could be explored further. The stacked feel just mentioned by Vice Chair Baltay was vitiated by the vertical board and batten and preferred that the board and batten went all the way up like a New England Church. Breaking up the modules would be nice since the elevations were simple. Running the batten up might take away the modular sense and provide more character. With the fencing he suggested providing openings and windows to let in more light for the lowest level. He agreed with his colleagues on the other fencing issues. The muted colors and waterfront feel to the project was great but there was concern about long term maintenance. That could be solved by ensuring the covering had a long lifespan so he encouraged them to study how the wood elements would weather. He referred to A3.11 which provided a view from a distance and disagreed that the project would stand out and not fit the Baylands "look." He commended the team on how the project fit the area and hoped the roof could be extended out from the edge of the units and combined with vertical siding. The project certainly fit the landscape better than the current office and storage buildings that made the edge. Overall he hoped the project team considered the comments useful and stated that he was looking forward to the project.

Ms. French indicated that she and Ms. Foley would review the topics they heard and then ask the ARB for further comments.

Vice Chair Baltay said that he was about to suggest to the Chair that the ARB summarize itself.

Boardmember Thompson asked if Ms. French had the summary already.

Ms. French indicated they had taken notes, so they wanted to check in.

Vice Chair Baltay wanted to see if the group could make a clear public statement about what they thought was most important.

Chair Hirsch said that the ARB was asked to comment, and he thought staff had taken good notes. He was comfortable with what the ARB had stated and thought they could move forward without too much additional summary.

Boardmember Thompson asked if they could hear what Ms. French was going to say.

Ms. French said it was up to the Chair but thought it was helpful for the public and applicant to hear the topics. She asked if Ms. Foley wanted to start.

Ms. Foley thought the topics discussed were consistent with what was requested of the ARB regarding the materials, their durability, the color palette, the recommendation to consider different roofing materials, the thoughts on the fencing, and the preference for additional landscaping.

Ms. French said there was support for the colors and materials from all the ARB members with a suggestion to reconsider the color bands on the modules. Weather protection at the entries to the sleeping quarters was mentioned. The ARB requested more information on the height of the elevator towers and increased landscaping. Finally, there was a suggestion to introduce decorative fencing on the Baylands facing side. Consideration was also requested for operable windows.

Ms. Foley said that they also heard comments on the sunshades and the cons regarding maintenance in the Baylands.

Boardmember Thompson thought there was also a comment about having awnings on the upper levels.

Ms. French said that was the comment about weather protection.

Chair Hirsch said that the railings for the walkways were pretty high but that they could have openings for light. Little details would make a big difference.

Ms. French stated that was noted as were the comments about transportation and shuttle services.

Boardmember Thompson indicated that she had a quick response to some of her colleagues' thoughts.

Chair Hirsch invited her to speak in a second round.

Boardmember Thompson agreed with most of what the rest of the ARB said, but thought the project felt very different from the Mercedes Benz dealership, which was entirely black in color. Based on that she stood by her previous comments about the project being appropriate for the Baylands color wise. With the window placement she clarified that she only wanted them moved a few inches.

Chair Hirsch announced a five minute break.

The ARB took a Break

Action Items

4. Architectural Review Board (ARB) Hearing to Consider the Proposed Parklet Operation and Design Standards, with Particular Focus on the Design and Aesthetic Standards. The ARB may Modify the Standards and/or Recommend Adoption by the City Council.

Ms. French indicated that they were back in session and that she was happy to introduce Item 4.

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

Rachel Tanner, Assistant Director of Planning & Development Services, shared her screen with the ARB and explained she was joined by Planner Hannah Chan Smyth of Urban Planning Partners who was assisting on the project. Staff was requesting that the ARB provide feedback and recommend the Design Standards to the City Council. As discussed previously in May 2022, Parklets became popular during the pandemic with many communities allowing them on a temporary basis to provide outdoor dining space. The pilot guidelines were done quickly with little feedback on design and aesthetics. She displayed a slide of the legislative history related to parklets. In May 2022 the draft Guidelines were discussed with the ARB and the City Council, and the temporary program was extended to the end of 2022. The City Attorney and staff were in the process of drafting the permanent ordinance. At the May 2022 Council meeting the City Council concurred with the ARB's straw polling. Any new parklets proposed under the temporary program would be steered in the direction of the new guidelines. Following the May 2022 meetings the ARB assembled an ad hoc committee to further discuss the Permanent Parklet Guidelines. The ad hoc committee and staff recommended that parklets be considered as semi-public outdoor dining spaces without sidewalls and side coverings. When those items were discussed they were not in the middle of the current COVID surge. Parklets could continue to serve an important role in allowing businesses to host patrons who were cautious about eating indoors. Based on that more climate control might be appropriate, but heaters and blankets were options other than sidewalls. With respect to heaters propane versus electric was discussed at length, but the Fire Department was concerned about propane heaters and ongoing violations. Accordingly, the Council, staff, and the ad hoc committee recommended that propane heaters not be allowed in parklets. There were concerns about businesses requiring upgrades to their electric panels to support electric heaters and staff planned to prioritize those upgrades to align with the parklet permits. After discussion the ad hoc committee also recommended connecting electrical power supplies overhead. The enclosure height was recommended to be lowered to a minimum of 36 inches and allowed to a maximum of 38 inches as measured from the platform service. The ad hoc committee further agreed with the ARB in not restricting colors on parklets, but prohibiting the use of particle board, vinyl, soft plastics, or tarps. With respect to the 4 foot setback the ad hoc committee recommended not allowing any uses as staff reviewed it and the Office of Transportation was adamant it was not safe. Delineators and wheel stops were recommended to meet national or state standards. The ad hoc committee recommended maintaining the planting and vegetation requirement every 6 feet on the parklet and not allowing amplified sound and/or outdoor televisions. At the May 2022 meeting the ARB asked several questions which staff answered. The distance from manhole covers could not be reduced, vertical and horizontal clearances for street trees could not be more flexible, and other uses of parklets are now allowed for retail and exercise uses. The Fire Department reviewed the idea of reducing parklet roof heights from 9 feet to 8 feet and agreed that was fine. The standards were also updated related to lighting but still prohibited flood lighting. Staff requested further feedback from the ARB, asked

if they concurred with the ad hoc committee recommendations, and provided the ARB with a clean copy of the design related standards as well as the track changes version.

Chair Hirsch asked if the 8 foot ceiling height included lighting within the 8 foot dimension. He thought that was pretty tight for taller people with hanging lighting.

Ms. Tanner stated that staff originally recommended 9 feet and the ARB asked if the height could be lowered. 8 feet was the new minimum height and projects could go higher if they wanted. One of the main drivers of the thoughts behind the changes was to provide projects flexibility. Appropriate clearance could be part of the review process.

Chair Hirsch called for the public comment.

Ms. Klicheva indicated that there were none.

Chair Hirsch brought the discussion back to the ARB.

Vice Chair Baltay asked if he could provide a quick summary from the ad hoc committee point of view and encouraged Boardmember Chen to also chime in.

Chair Hirsch asked him to please do so.

Vice Chair Baltay said that the ad hoc committee discussed two items that he was not sure they had full consensus on with the ARB. First, whether or not to allow transparent sidewall enclosures. Everyone agreed that up to 3 feet for a railing was acceptable and they had discussed if it was acceptable to have glass or plexiglass partitions. Following discussion at the ad hoc meeting they felt it was not good to allow that, but it was something that should be discussed further as a group. Second, they discussed allowing propane heaters. Personally his thinking evolved quite a bit, but the ARB should probably discuss it further. He suggested that Chair Hirsch lead a discussion around those items and asked Boardmember Chen if he gave a fair summary.

Boardmember Chen agreed that those items needed further discussion.

Chair Hirsch called for comments.

Vice Chair Baltay said that he could present the ad hoc committee's thoughts.

Chair Hirsch asked him to do so.

Vice Chair Baltay explained the ad hoc committee felt it was important to consider the outdoor parklets a semi-public type of space. The idea was not to create the best possible outdoor dining experience, but to keep in mind the best interest of the general public. based on that having visibility into and from the parklet was important. Glass screening seemed to detract from that and therefore should not be allowed. He provided an example on Ramona Street of parklets that were in the public space and one with banquet seating and glass barriers that felt more private and separate. With the propane heaters he initially thought that the rules should be the same as what applied to private patios; however, given the amount of carbon dioxide emitted the City had a responsibility to attempt to limit that. The importance of reducing the greenhouse gas emissions overrode the desire for propane heating at the ad hoc committee. He understood there was some disagreement among the ARB on that issue.

Chair Hirsch asked for Boardmember Chen's comments on the ad hoc committee.

Boardmember Chen said that she wanted to add a comment on the propane heaters. Restaurants use heaters for a longer period of time and more frequently than residential propane units. She agreed with the use of electric heaters as they were cleaner and more sustainable. With the site covering they discussed something retractable but felt it was important for pedestrians to interact and be able to see storefronts. Therefore, she thought it was better for that area to be clear and transparent but wanted to hear other Boardmember's thoughts.

Chair Hirsch called for Boardmember comments.

Boardmember Thompson voiced surprise that things were different than how the ARB voted and thanked the ad hoc committee for the clarifications. There was a difference between a transparent wall and no wall, and she had an issue with not allowing wind screens. She did not see why they should not strive for a good outdoor dining experience and a good urban experience with variety. A physical transparent window provided visibility and connection while also providing a more comfortable atmosphere to eat outside. If it was uncomfortable eating outside then no one would do it and the street would not be activated. She strongly believed that an enclosure should be permitted with a transparent element above 36 inches because it made the parklets more viable. With respect to the heaters she understood the greenhouse gas issue but enjoyed the visible fire heaters as they really brought warmth to the space. There were other big culprits for greenhouse gasses that she thought were more of a problem and was not sure that the aesthetics of the street should be sacrificed for that. She suggested permitting one or two gas elements for aesthetics. There should be a way to allow for a variance with that issue. With the overhead electrical connections there was nothing in the text about concealing the connection from view or what it should look like and that should be included in the design guidelines. She asked if the attractive delineator and wheel stop was staying the same.

Vice Chair Baltay explained that as long as the design met State standards they could do whatever they want. The ad hoc committee did not specify exactly what needed to be done.

Boardmember Thompson thought that was a good clarification.

Vice Chair Baltay asked staff for further clarification.

Ms. Tanner said that was what it stated. "More attractive" was a relative term and she did not want to give the impression that someone could have a wildly different coloring. Part of the standards for delineators and wheel stops dealt with contrasting colors. Delineators had to have the reflective light at the top. She did not want the ARB to think that these could be artistic and very attractive.

Vice Chair Baltay stated that the request was that as long as it met State standards it could be as artistic and attractive as the designer could make it.

Ms. Tanner agreed that was correct. However, State standards addressed the coloring and provided limitations.

Boardmember Thompson said that unless someone could point it out she did not believe that there was anything in the standards that provided freedom.

Ms. Tanner explained it need to comply with Manual on Uniform Traffic Control Devices (MUTCD) standards. The applicant would have to refer to the MUTCD for approved wheel stops and delineators.

Vice Chair Baltay suggested that they remove the sketches from the standards and state that they had to meet State standards.

Ms. Tanner thought that could be done but explained the challenge would be people would have to research that. She suggested that there be an appendix with typical illustrations.

Boardmember Thompson thought it was fine to leave the sketches in. they could note that they were examples and that alternative form factors that met the requirements would still be acceptable. The way it was currently written it did not seem like applicants had any options. The next item was about amplified sound. She did not remember what the ARB had discussed related to that and was fine prohibiting TV screens but noted there was great amplified sound on California Avenue. There were live singers with amplified sound and restaurants with speakers for their outdoor guests that created a beautiful soundscape. Prohibiting amplified sound was a huge mistake. That concluded her notes.

Chair Hirsch asked the ad hoc committee to respond to the issues one at a time.

Vice Chair Baltay said that he preferred to hear everyone's comments first. He did not think it was fair to move forward in that manner but left the decision to Chair Hirsch.

Boardmember Thompson suggested they hear from Boardmember Rosenberg.

Boardmember Rosenberg said that she was very torn about the side wall situation. She agreed it was more connected to not have side wall partitions of clear plexiglass; however, the parklets are because of COVID and not wanting to be in an enclosed space. Therefore, enclosing something created another indoor space outside which was a problem. On the other hand putting the partition up kept people from those on the street and may be safer. Based on that she was very conflicted and thought there had to be middle ground. She thought flexibility was good and suggested that two walls could be enclosed instead of four, or that one needed to be a lattice material with open air circulation. She apologized that her thoughts were not more linear and stated it was a complicated situation. She wanted to err on the side of caution and allow for flexibility. She leaned toward allowing two sides to be enclosed since there was no clear cut answer about what was better for COVID and for coziness of the street. She voiced her preference for gas and propane heaters. However, Boardmember Chen's argument about how they would be used all day every day versus an at home situation was compelling. The quantity of the use should be considered. She saw Boardmember Thompson's point about allowing a few for ambiance as well so overall it was an area she could go either way on. She apologized for not being more definitive but explained that was how she felt. With the wheel stops she would support the rest of the Board. With respect to plants she noticed that the guidelines said no plants should have thorns, spikes, or sharp edges. She wanted to note that children tended to climb and touch things so poisonous or sharp plantings could be problematic.

Boardmember Thompson asked if she had a comment on the amplified sound.

Boardmember Rosenberg would like to allow for amplification but understood they would have to limit decibels because there were impacts on the neighbors. She liked light ambient music and suggested a

decibel limit. She noted that there were apartments to consider and asked if they wanted to add to the noise. Overall she leaned toward allowing amplified noise to a certain level.

Ms. Tanner requested time to explain how amplified sound was regulated. She liked ambient music and amplified sound and thought it could create a great atmosphere, but staff had concerns about how they already regulated amplified sound in the City and creating a disparity about how parklets were regulated versus other uses. She asked Ms. French to discuss the requirements.

Ms. French explained that when Conditional Use Permits (CUP) were approved for restaurants with outdoor seating there was some restriction on amplified sound and hours of operation. If it goes past 10 p.m. there was a CUP just for the late night. There was a standard condition placed on restaurants regarding amplified sound. Staff could review that to be sure the parklets were viewed as an extension of the restaurants. There is a noise ordinance that specified how much over the ambient noise could be allowed. That would have to be reviewed along with Police who were in charge of monitoring the noise environment. Personally she also enjoyed being drawn in by music.

Boardmember Thompson said that it was their city and they wanted to make it the best they could. These were key aspects of making the spaces successful. They needed to be careful about the regulations which could cause all kinds of problems moving forward.

Ms. French said that it was always helpful to have flexibility in the standard that allowed for exceptions.

Chair Hirsch said that he did not have a lot to add. With the sound issue he noted that if it was directional it could solve both issues and be answered by sound engineers. The sound was preferred within the parklet boarder to boarder but not into a neighboring one. The sound could be in the public area to attract and create atmosphere for the street. It was a problem to solve, but he agreed with Boardmember Thompson that it was critical to the nature of the concept of parklets. One of the big problems on California Avenue were the places where there was nothing. He was not sure that the guidelines addressed the fact that there needed to be more going on throughout the street either through planting areas or activity spaces. Generally speaking, the ARB did a good job of identifying the elements that needed to be addressed. He thanked everyone for their effort on the project. He asked if anyone had anything to add.

Vice Chair Baltay suggested they review a few of the issues in an attempt to come to consensus. He thought the idea of transparent panels on the sides of the parklets was a good idea. He heard enough from his colleagues and the public thought it was an obvious thing that should be allowed. When the ad hoc discussed it another concern to restauranters was solar shading which was equally important. Without sunshade on a hot day outdoor dining did not work. That was what the ad hoc committee felt was more difficult to regulate because drop down shades fought against the idea of the spaces being open and were impossible to regulate. Because of that the ad hoc committee felt it best to be clean and simple. Staff had repeatedly requested clear and simple guidelines that were easy to regulate and enforce. He thought they could allow transparent panels between the 3 foot rail and the roof height. When the panels were clear they allowed visibility. He suggested they discuss that issue to see where they could agree.

Boardmember Rosenberg thought that restaurants that wanted more shade could build a roof structure. There was already a solution there.

Vice Chair Baltay said that the ad hoc committee repeatedly said that if they wanted shade people could go indoors.

Chair Hirsch said that a roof structure created a potentially dangerous situation if it was built into the street. He said that they would need something within that would roll up or down.

Boardmember Chen thought a transparent panel above the barrier had no use for shading and could provide visual openness but would block the sound. She asked why they would allow the panels.

Boardmember Thompson explained it was for wind protection.

Chair Hirsch thought that it was not that effective and that it could be diffuse glass to a point and then clear glass higher. Clear glass to 36 inches was possible and that was the applicant's choice. It could also be diffuse glass if they wanted the feeling of enclosure up to say 42 inches.

Boardmember Rosenberg asked for a clarification and thought that railings were allowed to be 42 inches.

[multiple people speaking at once – unintelligible 2:54:43]

Boardmember Rosenberg thought 36 inches was the minimum but was allowed up to 42 inches.

Chair Hirsch agreed.

Vice Chair Baltay said that as it was written it was 36 inches with a 2 inch variance. He thought that the ARB felt strongly that 42 inches was too high.

Boardmember Thompson agreed and thought that anything beyond that was supposed to be transparent.

Vice Chair Baltay said that the current issue was whether they would allow transparent panels above the 36 inch rail. He noted that Boardmember Thompson was about to defend that position.

Boardmember Thompson advised Boardmember Chen that a restaurateur had mentioned that if there was no wind screen it was not viable to eat outside and gave an example of a salad blowing away. She stated that was what she was trying to avoid and was arguing that it was important to allow wind screens. Solar was not a concern, for her it was about the wind. There was also a potential plus side to allowing the wind shields for sound insulation as well.

Vice Chair Baltay suggested that Chair Hirsch conduct a straw poll since it was a change from the presented standards.

Boardmember Thompson suggested making a Motion at the end that summarized the straw polls.

Vice Chair Baltay suggested they move on to the gas heater issue. He agreed that burning gas was a human thing, but Palo Alto recently passed a regulation that one was not allowed to burn gas in new homes. That was a very strict regulation. They were trending toward regulations that required no burning of gasses because of greenhouse gas emissions. Burning of carbon fuels increased greenhouse gas emissions and that was not good for the environment. He did not want to redebate that issue. Boardmember Chen's point that each restaurant would burn a 20 gallon tank of propane each night per heater was significant. Maybe it did not matter globally, but anything the City did counted and there was clear direction from the City Council that they were trying to regulate gas burning. Therefore, it was incumbent on the ARB to push

in that direction. The issue was having consistent regulations regarding the use of propane heaters on outdoor patios, not whether it was bad for greenhouse gas emissions.

Chair Hirsch added that Boardmember Thompson felt they added character to space, but there were many ways to provide character. He thought that was more of a decoration issue and less of an energy issue. The energy issue was critical, and he agreed with Vice Chair Baltay.

Boardmember Rosenberg argued that one thing to consider especially in Palo Alto was that they were placing a tremendous strain on an electrical grid that was not ready to handle it. There were housing projects that needed an 800 amp electrical meter, but that was not allowed in Palo Alto. They were having to special order electrical transformers. She heard the energy and greenhouse gas issues and did not disagree with the argument but was aware that the electrical grid Palo Alto had was not capable of handling everything being transferred to electricity immediately. For ease of flexibility she suggested they allow one or two propane heaters and repeated that she was uncomfortable banning propane heaters because it required upgraded electrical panels and placed more strain on the system.

Boardmember Thompson said that she agreed with Boardmember Rosenberg. It was not that she disagreed with the environmental points but the points about the electrical grid were valid, and she was primarily driven by aesthetic reasons. She was open to limiting the numbers per square foot and did not believe that they would be constantly running. If they were for aesthetic reasons they would be on for a few hours at night and they probably would not be on in the summer. She suggested limiting hours of use as well although that made her less comfortable. She suggested limiting the number of heaters as a good middle ground now that could be changed when the design guidelines were revisited.

Vice Chair Baltay stated that he was open to compromise. The distribution grid was stressed, but Palo Alto was one of the few cities with 100% carbon free sourcing. None of the electricity was coming from fossil fuels so it would be good to take advantage of that. Everyone needed to do what they could to stop greenhouse gas emissions, and this was something they could do. Staff repeatedly told the ad hoc committee that complicated regulations was tough to enforce. If staff could provide middle ground he would support it.

Chair Hirsch commented that limiting the number of heaters would not address the restaurant's needs as patrons would want to be warmer in the winter. For that reason he did not think that two heaters would be sufficient. The grid was an issue the City Council needed to deal with, not the ARB. If the City Council was pushing to eliminate gas it would have to address the electrical issue and he thought they were going to. The ARB should not use the limits that Palo Alto currently has and thought the electric heaters were appropriate at this point for the reasons mentioned and because the gas heaters were not really attractive anyway. He pointed to Nola as an example of good heating.

Vice Chair Baltay stated that Nola had the Infratech electric ones.

Chair Hirsch thought those were the better quality and he did not want to assume that there was need for additional decoration because that was up to the owners.

Vice Chair Baltay suggested a compromise for firepit type gas heaters. Things that burned at the ground level for a more decorative effect, but not space heaters.

[unintelligible at 3:05:21]

Vice Chair Baltay said that fire cones were intended to be space heaters.

Boardmember Thompson thought that things should also serve a purpose to provide heat. There was no point in having something that did not provide heat.

Vice Chair Baltay said that he went to a restaurant that had patio tables with flames in the middle that you would sit around, and it was wonderful. It was mostly for the ambient effect that Boardmember Thompson wanted, and he hated to think that effect couldn't be offered especially since it did not give off as much gas as a space heater. He asked if flame for a decorative effect was a good compromise that staff could regulate.

Boardmember Thompson asked how that would be regulated.

Vice Chair Baltay said that fire pits would be allowed but not space heaters. He asked for Ms. French's opinion.

Ms. Tanner said that they could take the idea to the Fire team. She thought they might have some concerns, but it might be allowed. Practically having a fire pit could take up a lot of space in terms of seating so if someone was really looking for heat they would probably use the electric heaters.

Vice Chair Baltay said that the question was if staff was able to regulate the difference between a fire pit and a space heater and if that was a realistic requirement.

Ms. Tanner thought that they could as they were different in terms of shape and function.

Boardmember Thompson asked what the fire cones would fall under.

Chair Hirsch thought that the fire pits did not burn fuel and were made from some kind of electrical apparatus that looked like a flame.

Ms. Tanner said that there was a mixture of both. There were outdoor firepits that were table like with a propane tank underneath and then there were nonfuel combustible ones that were used in houses. The difference was probably the indoor versus outdoor use. She was not completely sure.

Vice Chair Baltay repeated that he was looking for a compromise regulation that allowed for some burning of propane to meet some of the concerns of the ARB while also meeting concerns about eliminating greenhouse gas emissions.

Boardmember Thompson asked about a square footage restriction.

Ms. Tanner said that the City Council was not very supportive about allowing propane and that they would ultimately decide the issue. Propane storage remained a significant issue for most locations. In some cities the propane was stored on the parklets overnight to deal with the storage requirements, but she was not sure that Palo Alto would want to do that. They could theoretically limit the number of heaters by square foot in the review, but people could always bring in more after the fact. It would be another thing that was checked during the annual inspection and people could be cited for additional heaters. Having no propane heaters was certainly easier to enforce.

Ms. French added that table flames would take care of the fire issues with the overhead elements like umbrellas. It would be interesting to find out how much propane was necessary for those tables compared to the column type elements. Staff could discuss it with the Fire Department.

Vice Chair Baltay repeated that he was looking for a compromise but would be happy with no propane heaters.

Boardmember Thompson asked if they could take a straw poll to see how the ARB felt about having a propane element for every 100 square feet and noted they were only making a recommendation.

Chair Hirsch said that he was kind of against taking a straw poll, but they could take a straw poll on holding the straw poll.

Boardmember Thompson said that Chair Hirsch could say no.

Chair Hirsch said that he was outvoted and that everyone wanted a straw poll so they would take one.

Vice Chair Baltay indicated that he was opposed.

Boardmember Rosenberg clarified that they were taking the poll on one gas heater per 100 square feet of parklet. She indicated that she was in favor of that.

Vice Chair Baltay repeated that he was opposed to it.

Chair Hirsch was opposed.

Boardmember Chen was opposed.

Boardmember Thompson was in favor of it. She asked if they should have a straw poll on fire pits.

Vice Chair Baltay respected Boardmember Thompson's thoughts that it was aesthetically valuable but thinking practically he did not believe the Council would approve propane space heaters no matter what the ARB said. Fire pits might slip through.

Boardmember Thompson asked if the proposal was to permit fire pits.

Vice Chair Baltay thought the ARB should direct staff to include in the regulation that fire pits and propane burning decorative flame devices were allowed.

Boardmember Thompson indicated that she would support that.

Chair Hirsch asked about electrical firepits.

Vice Chair Baltay said that they were not regulated.

Boardmember Thompson agreed.

Vice Chair Baltay thought that was a compromise he could support.

Boardmember Thompson thought so as well.

Boardmember Chen was not sure about if the firepit idea worked well even though it was a compromise. Considering the size of the parklets firepit tables might take up too much space and not be supported by business owners.

Chair Hirsch said that if it was a large parklet and the business wanted that atmosphere in part of it they could do so and referenced a space on California Avenue with a gathering area and a separate area for eating. Larger establishments could have that option. The ARB was specifying the possibility of having it or not. He thought an owner should be allowed to make the decision.

Boardmember Thompson thought a straw poll would go in favor of firepits.

Boardmember Rosenberg suggested a straw poll about firepits and decorative flame elements. She indicated that she was absolutely in favor.

Vice Chair Baltay was in favor.

Chair Hirsch was also in favor.

Boardmember Thompson was in favor.

Boardmember Chen indicated that she was fine with that suggestion.

Vice Chair Baltay stated that Boardmember Thompson really wanted amplified sound.

Boardmember Thompson said that was true.

Vice Chair Baltay thought it came down to a regulatory issue. He asked staff if it was possible to regulate it in an evenhanded manner.

Boardmember Thompson asked if the ARB could unprohibit amplified sound.

Ms. Tanner thought it was feasible to allow amplified sound. When people get too loud it technically fell to the police department to enforce the noise ordinance. If there are conflicts over the sound then the Police Department would have to measure the sound and enforce the regulations. One issue was if someone had a parklet they were allowed amplified sound, but without a parklet a CUP was required. That was part of the decision the ARB had to make.

Ms. French explained that a CUP was used for restaurants regarding sound. Music from the restaurant could project towards the parklet and could be useful to enable sound without allowing it to travel too far. She suggested the ARB think about that in its discussion.

Boardmember Thompson explained that she was reacting to Packet Page 37 but realized that was not in the track changes version. She asked if amplified sound was mentioned in the current design guidelines. She read from Packet Page 37.

Ms. French said that she needed to review the parklet guidelines but saw the reference she mentioned.

Boardmember Thompson preferred that the ARB recommend that they do not prohibit amplified sound.

Chair Hirsch thought this required study by a professional that described where and how things would work to fit a regulation that the sound should not be objectionable to a neighboring business. That the

sound would be directed out towards the street as an attraction to the parklet. He did not see why it needed to be inside the restaurant if it were properly engineered. He wanted the regulation to include study by an acoustic professional.

Ms. French said that she was not finding it in the proposed standards attached to the staff report. So currently the guidelines were silent on the issue. She did not think the ARB had to do anything specifically other than advice to staff.

Chair Hirsch said that it was to recommend not allowing amplified sound or outdoor television.

Ms. Tanner thought if it was not currently in the guidelines staff would add it if the ARB went that direction. If the ARB did not speak to amplified sound currently having amplified sound required a CUP. That would be the process available for parklets or other uses to have amplified sound. Unless there was specific direction for that not to be the process, that would be the process staff would rely on.

Vice Chair Baltay inquired about a restaurant with a private outdoor patio that wanted a TV or amplified sound. He asked if they would need a CUP.

Ms. French said that they typically saw it with alcohol serving establishments and anything open after 10 p.m. required a CUP. A lunchtime musician would not require a CUP if they did not have alcohol.

Ms. Tanner did not want to understate the CUP process, which was extensive. If an existing business wanted to add amplified sound it was a significant cost. For late night establishments it was worth the cost of the CUP as it was their business. With a parklet a business would have to consider if the cost of the CUP was worth it for amplified sound. If the ARB wanted to allow amplified sound in parklets then they should have it be part of their recommendation so staff could propose it to Council. If the ARB wanted to remain silent then the default would be the CUP for amplified sound.

Ms. French [interrupted 3:23:11]

Chair Hirsch thought the ARB should take a straw poll. He would make a Motion to allow amplified sound under strict regulations by an acoustician to ensure it did not interfere or bother the neighbors.

Vice Chair Baltay did not believe there would be support for an acoustic study.

Chair Hirsch thought Ms. Tanner pointed out that it was expensive to do a CUP so places might not want to go through that process.

Ms. Tanner suggested that might be amended to direct staff to allow amplified outdoor music and define the direction to set a decibel level or other way to determine how to minimize conflict within the regulatory framework. Then Council would have to decide whether or not to support the idea.

Ms. French added that there would need to be a time limit because after 10 p.m. there was a requirement for a CUP.

Boardmember Thompson supported a time limit and a decibel limit related to the noise ordinance. She thought that could be the proposal.

Chair Hirsch called for a straw poll.

Boardmember Thompson suggested that the straw poll measure support for amplified sound within a defined decibel and time limit as it related to the noise ordinance and approved by City Council. No TVs would be allowed.

Vice Chair Baltay indicated his support.

Boardmember Rosenberg supported that.

Chair Hirsch supported it.

Boardmember Chen supported it.

Boardmember Thompson also supported it. She said that the last thing she had in her notes was concealing overhead electrical connections or aesthetically treating them.

Vice Chair Baltay explained he spoke to an electrical contractor and the cost to underground the wires was approximately \$20,000 compared to \$3,000 to bring them overhead. There were clear guidelines in the National Electrical Code about how to do either way. The ad hoc committee found it difficult to regulate how to make it look better. It would be a conduit or wire stretching across the sidewalk which was already regulated for height. They did not want to rewrite the National Electrical Code. If anyone could think of a way to make it look better he welcomed the ideas.

Boardmember Thompson asked if the regulation could be that the conduit was concealed from view.

Vice Chair Baltay did not think that was possible.

Boardmember Thompson suggested that a cap be put over it or something.

Boardmember Rosenberg supported Vice Chair Baltay's position. With the issue it was what it was. There were not exposed copper wire. They were in a sheath and regulated already. She appreciated and supported the intent but did not see how or why.

Boardmember Thompson explained that she worked in transportation architecture. One of the stipulations a client made was for all conduit to be concealed from view as they did not want conduit to be the aesthetic of the station. She thought painted conduit was better than seeing galvanized steel. A decorative pipe that sleeved over the conduit would be acceptable as well.

Vice Chair Baltay suggested they say it had to be in conduit rather than cable stretched because that was a big steep. The electric code allowed for wire across the sidewalk. That was legal and the cheapest way to go. Conduit was a step up. He suggested they say that one conduit or group of conduit was allowed per parklet. Lastly, he suggested they require the conduit to be painted to be more compatible. He thought those were reasonable regulations.

Boardmember Thompson agreed that one or two would be acceptable.

Vice Chair Baltay thought it should allow one conduit or a group of conduit.

Boardmember Thompson asked what would happen if that was not feasible.

Vice Chair Baltay said they would have to figure a way to have it be one. It was only a matter of where it was sourced from.

Ms. Tanner did not believe they would need two sources because once the electricity was run then it could be taken from one end to another on the parklet side. It was practical to only have one source of electricity. Minimizing the clutter by specifying one conduit and having the cable be in conduit would be more attractive than cabling.

Vice Chair Baltay said that he proposed three regulations: 1) all conductors be in conduit, 2) one conduit per parklet, and 3) the conduit be painted to match the décor of the parklet or restaurant. He asked if that met Boardmember Thompson's concerns.

Boardmember Thompson thought that worked. She questioned if an industrial looking parklet wanted to show its galvanized steel but noted that would be part of the aesthetic.

Vice Chair Baltay said that color was not regulated anywhere else. He suggested they say, "finished to match the parklet design" instead of "painted."

Boardmember Thompson thought that was reasonable.

Vice Chair Baltay asked if staff captured the items.

Ms. Tanner indicated that she had.

Vice Chair Baltay asked if they needed a straw poll.

Boardmember Chen was in support.

Boardmember Thompson said she was ready to make a Motion.

Boardmember Rosenberg said that she was not sure where the ARB landed on the clear panels.

Boardmember Thompson said that they did not take a straw poll, but it seemed like most people were in support of clear panels above 36 inches. She asked if the ARB was recommending approval of the standards.

Ms. Tanner said that she had tracked the straw polls and thought the Motion should be to recommend approval with the modifications which were to allow clear panels above 36 inches, allowing propane fueled fire pits and decorative elements, conductors must be in conduit, one conduit per parklet, and the conduit should be finished to match the décor of the parklet, and allowing amplified sound in parklets with a time and decibel limit prepared by staff, and prohibiting televisions.

MOTION: Boardmember Thompson moved, seconded by [none until Restated Motion], to recommend approval of the Proposed Parklet Operation and Design Standards with modifications to allow clear panels above 36 inches, allow propane fueled fire pits and decorative elements, require conductors to be in conduit with one conduit per parklet that was finished to match the décor of the parklet, allow amplified sound in parklets with a time and decibel limit prepared by staff, and prohibit televisions.

Vice Chair Baltay noticed that the plant height was restricted to be 6 inches above the top of the 36 inch enclosure and asked if he was reading that properly.

Ms. Tanner said that was included to ensure motorists and pedestrian visibility. They did not want a hedge but agreed that 6 inches might be too short.

Vice Chair Baltay suggested they strike “shall not exceed 6 inches” and leave “plant material shall not impede or hinder pedestrian and vehicular visibility.”

Ms. Tanner agreed that would work.

Vice Chair Baltay stated that he was looking at Page 30, Item #6.

Boardmember Thompson supported striking that as well.

Boardmember Rosenberg was also in favor.

RESTATED MOTION: Boardmember Thompson moved, seconded by Vice Chair Baltay, to recommend approval of the Proposed Parklet Operation and Design Standards with modifications to allow clear panels above 36 inches, allow propane fueled fire pits and decorative elements, require conductors to be in conduit with one conduit per parklet that was finished to match the décor of the parklet, allow amplified sound in parklets with a time and decibel limit prepared by staff, prohibit televisions, and strike “shall not exceed 6 inches” from Item 6a on Page 30.

Ms. Tanner said that she would interpret the clear sidewalls to be both hard like plexiglass and soft. She asked if it was the intention to only have hard sidewalls.

Boardmember Thompson said that vinyl was prohibited elsewhere.

Ms. Tanner said that was good because it provided clarity.

Boardmember Rosenberg stated that they did not want a shower curtain look.

Ms. Tanner thanked the ARB.

Chair Hirsch called for the vote.

VOTE: 5-0-0-0

Ms. Tanner thanked the ARB and the ad hoc committee.

Boardmember Rosenberg stated sincere appreciation to the ad hoc committee for their time. She also appreciated how they brought the items that were slightly different back to the full ARB to make sure everyone was on the same page.

Chair Hirsch and Boardmember Thompson echoed Boardmember Rosenberg.

Approval of Minutes

5. Draft Architectural Review Board Meeting Minutes for June 13, 2022

Chair Hirsch announced the ARB minutes for June 13, 2022.

Boardmember Rosenberg requested Boardmember Thompson’s first name be added to the roll call on Packet Page 61.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Thompson, to approve the minutes of June 13, 2022 as amended.

VOTE: Called back as Chair Hirsch had a comment.

Chair Hirsch stated that he read the minutes carefully and had a few comments. He enjoyed the interpretive minutes and preferred them to verbatim. He asked if Ms. Klicheva took the minutes.

Ms. Klicheva indicated that the vendor that completed the minutes was Cybertary.

Chair Hirsch enjoyed how the minutes read and stated that he was pleased. He noted that the ARB needed to further discuss the ARB Awards.

Ms. French asked if they could have a future meeting to focus more on the minutes and reminded Chair Hirsch about the subcommittee item.

Chair Hirsch asked if they could have a subcommittee.

Boardmember Thompson suggested the item be agendized at a later meeting.

Chair Hirsch thought it should be agendized for the next meeting rather than canceling it.

Ms. French suggested that the matter wait for Jodie Gerhardt's return as she was the ARB liaison.

Chair Hirsch agreed but stated that they needed to move forward. He stated that there was not a subcommittee.

Boardmember Thompson asked if he was talking about meeting minutes.

Chair Hirsch said that Boardmember Thompson had been working on things.

Vice Chair Baltay indicated the ARB needed to approve the minutes.

Chair Hirsch said that they needed to understand how to proceed and had a process moving forward. He repeated that Boardmember Thompson had taken charge of the item and asked if she needed assistance.

Boardmember Thompson asked what Chair Hirsch meant.

Chair Hirsch said that she and Ms. Gerhardt were getting the Awards.

Boardmember Thompson explained she was working with Boardmember Rosenberg on the subcommittee.

Chair Hirsch confirmed that there was a committee.

Boardmember Thompson stated that there was.

Chair Hirsch said that the committee needed to put everything together and noted that many things were discussed in the minutes. He recommended they review the minutes carefully.

Boardmember Thompson said that she had notes.

Chair Hirsch hoped that someone could synthesize the minutes into a discrete list of items.

Boardmember Thompson indicated the committee had a to do list.

Chair Hirsch requested that be done prior to the next meeting and Ms. Gerhardt's return.

Boardmember Thompson said they would share the to do list with Chair Hirsch.

Ms. French reassured Chair Hirsch that she was working with the subcommittee to move things forward in Ms. Gerhardt's absence.

Chair Hirsch praised the minutes and stated that everything was described well. It needed to be synthesized into specifics.

Vice Chair Baltay suggested they approve the minutes and address the rest of the matter under the Boardmember Questions, Comments or Announcements.

Ms. French said they needed a roll call vote to approve the June 13th minutes. There was a Motion and second on the table.

Vice Chair Baltay asked what question Chair Hirsch had about the minutes.

Chair Hirsch said that they could approve the minutes and then have the discussion.

Vice Chair Baltay said that they needed to determine if the minutes were accurate.

Chair Hirsch said they seemed accurate to him. He called for the vote

VOTE: 5-0-0-0

6. Draft Architectural Review Board Meeting Minutes for June 16, 2022

Ms. French announced that they also had the June 16th meeting minutes to approve.

MOTION: Boardmember Thompson moved, seconded by Boardmember Rosenberg, to approve the minutes of June 16, 2022 as presented.

VOTE: 5-0-0-0

Board Member Questions, Comments or Announcements

Ms. French stated that Boardmember Thompson and Chair Hirsch were the subcommittee for the next item. If there were no questions, comments or announcements then the meeting could adjourn and move to the subcommittee item.

Chair Hirsch announced that he and Vice Chair Baltay wanted to move forward with the possibility of meeting with Planning on a pre-level on items of importance, but most significantly housing items, that the ARB was likely to hear within a year or two. The "look ahead" list was fantastic and should be carefully reviewed. He would work out a procedural outline as suggested by Ms. Gerhardt which would include scope of work issues to look at items at a schematic level. The process needed to be defined and was a significant change from past ARB activity. He indicated that he would not create a subcommittee until the issues and procedures were discussed and voted on.

Adjournment

Chair Hirsch adjourned the meeting.