



Architectural Review Board

Staff Report (ID # 14875)

Report Type: Approval of Minutes **Meeting Date:** 10/20/2022

Summary Title: Minutes of September 1, 2022

Title: Draft Architectural Review Board Meeting Minutes for September 1, 2022

From: Jonathan Lait

Recommendation

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

Background

Draft minutes from the September 1, 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 September 1, 2022 (DOCX)



ARCHITECTURAL REVIEW BOARD
 MINUTES: September 1, 2022
 Council Chamber & Zoom
 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 Yingxi Chen, Boardmember Kendra Rosenberg

Absent: Boardmember Osma Thompson

Oral Communications

Madina Klicheva, Administrative Assistant, stated there were none.

Agenda Changes, Additions and Deletions

Ms. Gerhardt 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) Recently Submitted Projects

Ms. Gerhardt shared her screen, showed the ARB its upcoming meeting dates, and noted Boardmember Thompson's absence. Following the meeting was an ad hoc meeting. The September 15th meeting would include a preliminary review of 824 San Antonio. She explained that the included list of pending projects were likely to come before the ARB in the future.

Chair Hirsch thanked Ms. Gerhardt for adding the prescreening items to the list. He questioned the Home Key project.

Ms. Gerhardt confirmed that Home Key was heard by the ARB while she was on vacation. Since it was a streamlined project it would only receive the one ARB hearing.

Chair Hirsch confirmed the project would be scrubbed from the list. The SB 330 projects were critical, and he asked if the first one had been through a prescreening.

Ms. Gerhardt said 3001 El Camino was scheduled for a major ARB review.

Chair Hirsch explained the recently submitted projects list was an important work in progress. 3001 appeared twice in the schedule.

Ms. Gerhardt indicated that could be combined on future agendas.

Chair Hirsch suggested that Ms. Gerhardt add a place to indicate if a project was prescreened or not and to include any Council comments as well as the date of the hearing.

Ms. Gerhardt said that the first column indicated the process and that she would add the requested information.

Chair Hirsch inquired about including dates.

Ms. Gerhardt explained that she would rather not include dates since they were subject to change and did so frequently. The preliminaries and prescreenings should only take a few months.

Chair Hirsch asked how early an applicant declared whether it would come to the ARB voluntarily.

Ms. Gerhardt said that staff did not know if an applicant wanted to file for a preliminary review before they actually did so. She personally might only know about a week in advance because applicants had to make appointments to file for preliminary review. Once on file the item would be added to the list. Staff had the option to do a two week or a two month review option, which could be left to the applicant.

Chair Hirsch noted that during the executive meeting they discussed how the reviews would be conducted.

Ms. Gerhardt explained that a preliminary review included an early set of drawings. The difference between the two week and two month process was the amount of review done by other City Departments. Developers would be highly encouraged to go through the preliminary review process at the direction of the ARB.

Chair Hirsch noted there were several projects he thought were very important for the ARB and pointed out they were on the second page of the list.

Action Items

2. 250 Cambridge Ave [21PLN-00281]: Request for Architectural Review of a Facade Renovation of a Three-Story Office Building, including a Design Enhancement Exception (DEE) to Allow new Light Monitors on the Roof. Zoning District: CC(2)(R). Environmental Assessment: Exempt per Guideline Section 15301. For More Information, Contact the Chief Planning Official, Amy French at amy.french@CityofPaloAlto.org.

Chair Hirsch introduced the item.

Amy French, Chief Planning Official, indicated that the ARB needed to make disclosures.

Boardmember Chen disclosed she had visited the site and viewed the March ARB meeting.

Vice Chair Baltay disclosed that he had also visited the site.

Boardmember Rosenberg disclosed that she had visited the site and viewed the previous hearing.

Chair Hirsch disclosed that he had previously visited the site but had not been there recently. He reminded the ARB that disclosures should include any conversations about the project as well.

Ms. Gerhardt stated that the main purpose of disclosures was to acknowledge if Boardmembers had spoken with the developers or anyone at the site and learned any information that other Boardmembers did not have knowledge of although visits to the site were also included.

Vice Chair Baltay disclosed that he met with the applicant quite some time ago to review the preliminary project. At the last hearing he was confused because he thought the entire ARB had heard the project, but he knew that they had not. The preliminary design was never presented and had not influenced his thinking so there was nothing the public did not hear.

Chair Hirsch indicated that he also saw the preliminary project, but it had changed, and the applicant was presenting something different.

Ms. Gerhardt explained that due to staffing changes Ms. French had taken over the project.

Ms. French shared her screen with the ARB and indicated that the applicant was also attending and had another presentation. She shared the background slide which gave an overview of the site, its adjacent uses, and the proposal for the DEE. The applicant also proposed a rooftop terrace but needed to formally request it through a separate application which would go to the Planning and Transportation Commission (PTC) and City Council. She then showed a slide with the existing condition of the property, the design discussed in March 2022, and the current proposal. A third slide provided a side by side of the March and September proposals. The new elevation had a ghosted rooftop which was subject to the separate application and was not for consideration at the current hearing. She showed slides containing the ARB's comments and the plan adjustments made by the applicant. The applicant unified the façade, addressed bicycle parking, expressed the second floor slab, and redesigned the wall next to the parking lot. The applicant did not change the palette materials or add operable windows or shading devices. She then showed the Planting and Access, Landscaping and Trees, Access and Parking, and Zoning Compliance and DEE slides. The applicant would provide more information on the materials.

Chair Hirsch called for the applicant's presentation.

Heather Young, Heather Young Architects, indicated that she was representing Robert Wheatley Properties. Since the March 2022 ARB hearing there was a change in ownership of the property, so she asked to introduce Christian Hansen and Robert Wheatley.

Chair Hirsch indicated they had 10 minutes to make their presentation.

Christian Hansen, Robert Wheatley Properties, thanked the ARB and explained that he had been partners with Mr. Wheatley for 15 years. They are very familiar with California Avenue and own and manage several other buildings in the area. They also pride themselves in renovating buildings and bringing new life to them. According to their tenants California Avenue was in need of office tenants to patronize the restaurants. Some of the coffee shops have not been opening and to return people to the office it was helpful to have amenity space. This was the third ARB meeting, and they appreciated the past comments and did their best to address them.

Ms. Young stated that the ARB was familiar with the site and location of the project as well as its existing footprint. She pointed out on a plan where the primary entrance and the vehicular entrance were located. She showed the existing conditions and then noted that the ownership change caused some new things

to be folded into the ARB responses. First, there had been a recessed balcony over the entrance, but the new ownership liked the change in color, the new paving, and the signage. They thought that was sufficient to demarcate the entry, so they removed the balcony proposal. At the garage entry they felt a third floor terrace was too prominent and felt a second floor balcony was more appropriate. Therefore there was a new modest balcony over the garage entry. Third, there was a concurrent application process for a rooftop terrace. That is a separate process, and she was sure that it would come back before the ARB. She showed a series of slides comparing the project as it was presented in March 2022 to the current proposal and indicated how the ARB's previous questions and comments were addressed. The first comment requested they look into reportioning the windows, so they were broken up. The step in the massing near the middle of the building and the garage entry was removed. They added a new column at the base of the garage entry to ground the end of the building and provided safer egress. The steel columns in the middle of the building were removed and the cladding was changed to the same material as the main façade. The steel column at the entry was retained to associate with the steel beam and entry signage. The entry was a challenge for the property since the doors were so recessed and that was why they required so many visual clues to its location. The building now had the same wall plane across the front façade. At the prior hearing a Boardmember felt the Equitone was too cool, but they disagreed. She displayed the colors and tones for the ARB and explained there was a limited color selection available from the Equitone manufacturer. The existing building's rear façade was full of operable windows. The new design also had an opening sliding door system. Tenants on the ground floor could open the doors to the terrace. The building mechanical engineer strongly advised against operable windows on the Cambridge façade as it would be disadvantageous to the HVAC system. They were able to adjust the bicycle parking and have it approved by the Transportation Department. Vice Chair Baltay had been concerned about the flatness of the curtain wall so the glass plane was moved back, and she was confident that it would be prominent and visible. Finally, they opened the side wall by the entrance per the ARB's suggestion. She thanked the ARB for its time and stated they were happy to answer questions.

Chair Hirsch called for the public comment.

Ms. Klicheva indicated that there were none.

Chair Hirsch called for ARB questions of the applicant.

Boardmember Rosenberg requested more information on the bicycle parking. She noted that there were two locations, one near the entrance and another near the garage that had space for two bicycles.

Ms. Young explained that the Transportation Department had strict requirements on the amount of clearance. Each bicycle rack supported two bicycles for a total of four temporary spaces, three of which were required. The long term spaces were provided in a new bicycle storage location in the basement near the building's underground parking for occupants. The slide was not included in the presentation, but the March package included it.

Boardmember Rosenberg said that they had seen that in the video presentation in March. She asked how the bikes went from the upper level to the garage.

Ms. Young stated that there were two ways. The first was to walk the bike down the ramp, even though that was not recommended. Second would be to enter the building and take the elevator down.

Boardmember Chen stated that she did not hear much about the roof monitor during the last hearing. She noted that this time it was smaller and shorter and asked why.

Ms. Young explained that the roof terrace was separate, but they wanted to show the impact to the roof monitors if the roof terrace was approved by the City Council and ARB. Since they would still be a DEE they wanted to make sure it was part of the application.

Boardmember Chen asked if they would be operable.

Ms. Young explained they were fixed vertical windows in the roof monitors.

Boardmember Chen pointed out the curtain wall in the middle of the building and asked about the paint color.

Ms. Young stated that it should be the color of the mullion. She deferred to Mark Munoz, the project architect.

Mark Munoz, Project Architect with Heather Young Architects, appeared off camera and explained that the panel occurred behind the glass and was the same color as the concrete.

Ms. Young repeated that the glass was there, and the metal panel was painted the same color as the concrete to promote the slab effect.

Boardmember Chen asked if the recessed balcony on the 2nd floor had wood cladding on the ceiling. The wood material was used in the entry vestibule.

Ms. Young stated that the wall returns would be the ribbed Equitone. The ceiling would be the same wood panels as used on the entry soffit.

Vice Chair Baltay stated that he had a question for the applicant and one for staff. He inquired about the four large windows and the grid lines.

Ms. Young stated that the grid lines did not show up well on the rendering. She explained that was part of the wider pieces of the Equitone panels.

Vice Chair Baltay asked if they were structural or if they were used for any reason other than to break up the spacing on the windows.

Ms. Young said that they were not structural. They tried to break down the speed of the large glass opening in the middle zone. They thought the rhythm helped to differentiate it from the earlier design. They also liked the proportions better.

Vice Chair Baltay asked Ms. French to explain the process related to the rooftop terrace.

Ms. French explained a request would be filed for a prescreening to the City Council. It would then be a similar process to that used for Downtown rooftop terraces. Following the City Council the applicant would proceed with the ARB application.

Vice Chair Baltay asked if it required a Code Text Amendment.

Ms. French said it was a Text Amendment that would have the prescreening and then go to the PTC. Following the PTC it would return to the Council for the ordinance.

Vice Chair Baltay asked if the change would apply to other properties in the area.

Ms. French said that the request was from the applicant for the specific property, but the Code could apply more broadly. It would be considered as available more broadly and the wording would be crafted that way.

Vice Chair Baltay said that Council recently reviewed a similar situation where an applicant requested a Code Text Amendment. While Council was favorable to the project it was a bit ask to change it for the whole district. He asked if there were another way to get the rooftop terrace approved such as through a DEE.

Ms. French explained that she had not done the analysis as she just picked the project up. There was a fair amount of discussion with the prior planner that she was included in.

Vice Chair Baltay asked if Ms. Gerhardt could offer more clarity.

Ms. Gerhardt explained that DEEs were normally reserved for corner towers and things of that nature. On this project they wanted skylights which would enhance the interior and not have a great impact on the neighbors. A full rooftop deck needed a code change as it was pretty significant.

Vice Chair Baltay asked Chair Hirsch if they could hear from the applicant.

Chair Hirsch indicated that the applicant could answer.

Ms. Young clarified that when the project was heard by the ARB in March Samuel Gutierrez was the planner. A new planner worked on the rooftop terrace and the exterior façade but then left the City. Therefore the submitted application was in a bit of limbo. The roof terrace was proposed for 2/5th of the roof area on the California side. Roof terraces are allowed in the CC2 District, but the height required for the protective railings, the egress system, and the height of the elevator overrun required to serve the terrace would exceed the building height maximum. The previous planner advised that it needed to go through a Text Amendment, but they would love a DEE process if that was possible. The DEE process would be much faster and a better use of the City staff's time. Finding ways to make the buildings more attractive to tenants and workers to get them back in the buildings and eating and shopping in the City was a big goal of the building's owners.

Vice Chair Baltay clarified that the applicant stated that the roof deck would be allowed by code, but the question was the height limit regarding access to the terrace. Staff stated that was not the case. He requested further clarification on the code requirements if possible.

Ms. French referred to Sheet A23 and stated that there was a painted steel trellis frame. So it was not just railings in question.

Ms. Young thanked Ms. French and indicated she had neglected to mention the trellis element. They based the design on what had been approved for the CDC District for rooftop terraces. There were several

examples of successful rooftop terraces in the CDC. It was not that they could not have the roof terrace, it was just that all the other things needed for accessibility, safety, and comfort exceeded the height limit.

Chair Hirsch wanted to follow up on that point. He asked if it would be better for the applicant to come to the ARB about the rooftop terrace.

Ms. Young said that they were advised that it should be completely separate and done under two different applications for the Text Amendment approach. They decided to show it to the ARB because they did not want the ARB to feel that it had seen a bait and switch. They also wanted to demonstrate that the terrace did not have a significant visual impact on the street level to the proposed façade design. If the roof terrace is ultimately not successful it would not have an impact on what was being heard and hopefully approved on the façade. They welcomed feedback on the terrace as well.

Chair Hirsch indicated that the ARB would return to the issue at the end of the hearing. He called for opinions on the façade.

Boardmember Chen thanked the applicant for the project. There were big improvements compared to the last submittal. She thought the façade was beautiful, clean, and coherent. She appreciated the large glazing area which made the building more contemporary. She also liked the open corner near the entry. She suggested they reconsider the operable windows on the front façade, at least in a few places to provide better user experience and climate control. She was unsure about the white color due to the context of the building and how it is surrounded by parking. The building might appear too bright on the street and present glare issues.

Boardmember Rosenberg also thanked the applicant for the presentation. The design intent was very clear. She agreed with Vice Chair Baltay's comments from the March hearing. The original design was good, but the pushback created a better building. The color palette was very attractive, and the façade was clean. She agreed that operable windows would be better but did not think it was enough to prohibit the project from moving forward. If there was opportunity for better ventilation on the sides or rear she would embrace that. They had significantly reduced the wood material from the previous design, and she missed the warmth. She strongly encouraged that the bench in the entrance way remain a warm wood feature as it was shown in the landscape documents. The existing façade included a bench which matched the wall and was not successful. She indicated that she would not comment on the rooftop terrace since it was not part of the current hearing. The light monitors could not be seen from the street and was a reasonable ask. Overall the project was done beautifully.

Vice Chair Baltay felt that he could make the Findings on the previous application and on the revisions as well. With respect to the colors and whether the Equitone panels were too bright or not he was happy to leave that with the architect. It was not so bright that he could not make the Finding about high quality design. If the architect chose to they could reconsider the color. He thought potential tenants would want operable windows. He understood that the HVAC consultant told them it was the best way to balance the system, but buildings with operable windows had been built for millennia and it was possible. He did not think a building without operable windows met the standards but felt the project should go through. The applicant owed it to the tenants and the community to use operable windows. He sketched the 3rd floor window mullions inside the shadow boxes and thought they did not break up the windows in a positive way. They would be better if there was a consistent spacing of glass mullions there all the same size. That

was not a big item, but he wanted to point it out to his colleagues. Finally, he asked Chair Hirsch if the rooftop terrace could be discussed separately as he had a few comments.

Chair Hirsch [unintelligible 57:45]

Vice Chair Baltay stated that he would reserve his statement on the rooftop terrace for later.

Chair Hirsch thanked the applicant for the presentation. The project was improved in a positive way. The comments that resonated were on operable windows. That was the item about which the ARB was most concerned, and he agreed with his colleagues. He understood there were planning issues with furniture on the inside of the building but thought that if operable windows were properly done that could be dealt with and the façade would still work with careful thought. He thought they did a spectacular job of relating materials and increased the feeling of the building. The new details were thoughtful, and it was impressive that the window wall was broken up with recesses. He loved the proportions of the building and thought the applicant had done a wonderful job. He agreed that the bench should be a wood material. He liked the way the windows were broken up but wondered if the tone of the material could be toned down and made so that it was not exactly the same. He requested confirmation that it was the same white Equitone.

Ms. Young confirmed that it was.

Chair Hirsch suggested that they look at that a bit more and thought it might not be necessary for that to be exactly the same. If it were toned down it would still look like an entire surround and not like the other surfaces on the outside. With respect to Boardmember Chen's comment on the whiteness he thought the problem was the material was not showing its shadows. So he thought it might work out very well and it was up to the applicant to decide if it was too bright or not. The bicycle racks were perfect, and the entry was wonderful. With the opening on the side of the parking lot he hoped the plants could grow higher in that area so that vehicles could not be seen. There were very minor areas in question as it was a beautiful building with terrific proportions. He was anxious to see the building built and felt it would be a standout.

Ms. Young thanked Chair Hirsch.

Chair Hirsch appreciated the thought in the project like the recess at the exit. He enjoyed the bicycle drawings and thought they were nicely done. He suggested the ARB discuss the rooftop as it was an important aspect that would make the building more useful to tenants and was a great improvement.

Ms. Young asked if they could get a Motion related to the façade before the discussion of the rooftop terrace.

Chair Hirsch called for a Motion.

Vice Chair Baltay said that he wanted to complete his comments prior to the Motion because after the Motion they would be speaking beyond their purview. Additionally, he thought that his comments on the rooftop might affect the rest of the project.

Ms. Young apologized.

Vice Chair Baltay asked if he could address the rooftop.

Chair Hirsch suggested they just talk about the issue.

Vice Chair Baltay understood that the rooftop terrace was not part of the Motion, but it was part of the package. He appreciated the applicant's showing the ARB what they really wanted. He did not think the Council was likely to give the applicant a Code Amendment for that as it was reluctant to make sweeping changes for one project. As much as the project would benefit from a rooftop terrace of some kind going to the Council and asking that it be available to everyone was a tough sell. He wished staff would find a way to make it work. He thought the rooftop terrace was good and noted the applicants were not tearing the building down and were trying to remain part of the community. They wanted to provide small scale commercial spaces. The City needed to listen to applicants when they explain how they intended to make their buildings attractive to tenants. Rooftop amenities were a way of doing that without tearing existing buildings down. It was a shame that the City could not find a way to support the effort and make it happen. Avoiding a Code Amendment was a big service to everybody. He repeated that he was skeptical that the current process would result in success. When rooftop terraces impact the privacy of nearby residents he got very concerned, but in this case the building was situated around places that needed activation. The building was huge and the more the City could encourage visual activity the better off it was. On the backside there was potential impacts to residents, and they needed to be careful and avoid or minimize impact to them. Once the residential impact was mitigated they should push for rooftop gardens as much as possible as they were positive things. It might be beneficial for the ARB to weigh in on that to Council. He repeated that the rooftop terrace was good, that they needed to be careful of privacy issues, and they needed to find a way to get it to happen.

Chair Hirsch said that he would like to see the rooftop terrace be part of the Motion if possible.

Boardmember Chen asked to make another comment about the materials. Chair Hirsch brought up a good point that the material would create a shadow and then maybe appear less bright. She asked the ARB to look at Sheet A.18 and stated that the existing building was more of a brown/yellow but was highlighted in the sunshine and appeared much lighter compared to the actual color. Therefore, she still suggested the applicant rethink if it would be too bright and if the color could be toned down. It was not something that should hold up the approval of the project. She was in support of the project's approval.

Chair Hirsch asked Ms. Young if it was possible to work with Equitone to get a variation.

Ms. Young held up two samples and explained that they were the only existing options. Equitone was limited in the existing color palette. Getting them to do a custom run for the project in the scope of their international production could be expensive, although she was not sure if they had inquired about the cost. She thought that it would probably be cost prohibitive. She assured Boardmember Chen that they had done a lot of studies and were also concerned about the brightness. Because of the horizontal ribbing the color and darkness and lightness of the façade would change throughout the day due to the lighting. Because it was an animated material they felt it was part of the joy of the building and would give life to it. When they attempted to replicate that with the darker Equitone that was available it went very dark very fast and lost the crisp modernity that they were working toward. They took the matter very seriously and believed that the selected colors were the best recommendation. She confirmed that the ARB had the material board.

Chair Hirsch stated that Vice Chair Baltay was standing with the material board in the window.

Boardmember Rosenberg respectfully disagreed with the other Boardmembers and felt the white was an appropriate shade. The proportions of the building were broken up with the glass and she agreed with the shadow element changing over the course of the day. She also understood the issue with darkening the material. She suggested that they could swap the colors so that the white was near the entrance but stated that the darker color was very flat whereas the white had the texture and shadow so she wouldn't recommend it. The current design was more successful. The ARB had many conversations about white façades on other projects which is why it was a hot button topic. White was a current trend, and she would not fight it too hard. Because of the glazing elements and texture she was fine with the color.

Chair Hirsch agreed with Boardmember Rosenberg. It was important to think about the color but in this project the contrast would be exciting, and the shadows made the difference. He then called for a Motion.

Boardmember Rosenberg asked if they wanted to discuss the trellis for a moment. She explained that she was hesitant to do so since they did not have a formal application or design although she sincerely appreciated the proactive nature of the architect. She was comfortable commenting on what the ARB had but was uncomfortable with making a Motion on it.

Ms. Gerhardt clarified that she was discussing the roof trellis. Staff would appreciate a Motion on the building itself. If the ARB wanted a separate Motion or a straw poll that discussed the roof deck that should be done separately.

Chair Hirsch did not see any problem with showing the ARB's intent. He called for a Motion.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Rosenberg, to recommend approval of the proposed project per the staff report.

Boardmember Chen asked if they wanted to add operable windows to the project.

Vice Chair Baltay suggested she make the Amended Motion and see if it had support.

Ms. Gerhardt suggested that Boardmember Chen offer a Friendly Amendment.

FRIENDLY AMENDMENT: Boardmember Chen moved to recommend approval of the proposed project per the staff report and with additional consideration of operable windows on the front façade.

Vice Chair Baltay rejected the Friendly Amendment and suggested she offer an Unfriendly Amendment. He thought the issue went beyond the scope and the findings. He supported the idea but thought that requiring it was something else entirely.

Chair Hirsch thought that Boardmember Chen just wanted to study it.

Vice Chair Baltay asked for her to repeat the language.

Boardmember Chen stated that it was to "suggest" or "consider" operable windows on the front façade.

Vice Chair Baltay stated that he could accept "consider."

Boardmember Rosenberg agreed.

FRIENDLY AMENDMENT ACCEPTED

Chair Hirsch stated that he saw Ms. Young nodding.

Ms. Young said she would talk to the mechanical consultants and owner and see what they could do.

Chair Hirsch stated that they would put it in.

UPDATED MOTION: Vice Chair Baltay moved, seconded by Boardmember Rosenberg, to recommend approval of the proposed project per the staff report with additional consideration by the applicant of adding operable windows on the front façade.

VOTE: 4-0-0-1

Ms. Young thanked the ARB.

Chair Hirsch asked if they wanted to add a recommendation about the rooftop terrace.

Vice Chair Baltay felt that if everyone expressed an opinion it went on the record. There was nothing to move on or make a statement about. He asked staff for clarification.

Ms. French stated that she was not sure she heard the DEE Findings clearly stated in the Motion and Vote.

Vice Chair Baltay said that they included “per the staff report” and said that the way it was laid out there was fine.

Ms. French said that she just wanted to make sure it had been included since they were seeking architectural approval and the DEE.

Vice Chair Baltay said the DEE was also approved.

Ms. French thanked the ARB for the clarification.

Chair Hirsch thanked Ms. Young and said that they looked forward to the project moving forward.

Ms. Young thanked the ARB and staff.

Vice Chair Baltay noted that Ms. Gerhardt had something to add.

Ms. Gerhardt asked if the ARB wanted to voice its opinion on rooftops in general for the Council.

Chair Hirsch asked everyone to speak.

Vice Chair Baltay said that he made a statement a few minutes earlier. He thought the others should make similar statements. There was nothing to vote on.

Ms. French said that they also could agendize a general discussion about rooftop and rooftop terraces for office buildings in Palo Alto building off of what happened Downtown.

Boardmember Rosenberg thought that was a good idea and stated she would love to have that conversation. In the current moment she was focusing on the project, but she loved rooftop terraces. For the current project she appreciated the design efforts and the proactive nature of the design team. When the item returned to the ARB formally it will have had the appropriate time to process the proposal. She thought rooftop terraces were excellent and a nice way to get fresh air and a gathering space. It also

approved the aesthetics of the roof. She encouraged consideration of solar panels and attention to neighbors and setbacks. Any rooftop terrace that went to the edge of the roof was potentially problematic. Specifically on this project she agreed with Vice Chair Baltay because it was an existing building. New buildings and new designs were different and had strict height limits. The applicant was trying to enhance an existing building and she thought an exception or variance should be strongly considered for that reason and then it would not be applicable to the entire City. The trellis would make it taller and impact the height, but the thought of umbrellas that might blow off in the wind was problematic, so a shade structure made sense. When it was presented formally the ARB would like to understand the shade structures better.

Chair Hirsch added that it was premature for the ARB to consider the rooftop deck as a completed piece as it was not done being designed or presented. He thought it was still a preliminary idea.

Ms. Young explained that they had documentation directly responding to the comments from Vice Chair Baltay and Boardmember Rosenberg about visibility from the neighbors, setbacks from the perimeter, and quality of materials. It was unfortunate that the project was tied up in staff turnover. She indicated they would love to do a study session with the ARB on the rooftop deck.

Ms. Gerhardt stated that the public hearing had concluded but the Boardmembers could continue.

Chair Hirsch said that they were in Boardmember comments.

Boardmember Chen stressed that she wanted to see the privacy of the neighbors in the residential area protected.

Chair Hirsch thought that summed up the ARB's position and thanked the applicant.

3. Discuss the Architectural Review Board's (ARB) By-Laws and Council's Handbook. Discuss the ARB's Annual Report and By-law/Procedural Changes That May be Needed.

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

Ms. Gerhardt shared the staff report on the screen and explained that they had previously held discussions about the By-Laws and the Municipal Code at previous retreats. The purpose of the discussion was to conclude some of those items. With respect to term limits the Clerk's office helped staff and it is a three year term commencing on April 1st. The Municipal Code was updated to reflect the correct dates. That applied to all Boardmember's current terms and was listed on the ARB website. The Handbook was updated to show that unlike the PTC and Stormwater Oversight Committee who could only serve two terms the ARB and other boards were able to serve three consecutive terms. Those issues were clean and concluded. The timing of the Chair and Vice Chair elections needed to be discussed as the By-Laws stated that the election would be held the first meeting in October. When written new ARB members started their terms in November with the idea being the Chair would be voted in before new members started. The current Chair and Vice Chair started their terms in July 2022. The ARB could discuss and determine the timing of the election. Finally, the Annual Report is called for in the Municipal Code not less than once a year to the PTC and Council to communicate the concerns of the ARB with respect to plans and policies. That was a bit different than the Annual Workplan recently put in place as part of the Handbook. The version in the Handbook is more of a look forward. Staff suggested that they could do both a look forward

and back in one document in the spring as the Council wanted the workplan before June. She stated that staff would love to hear discussion of the last two topics.

Chair Hirsch called the public comment.

Ms. Klicheva indicated that there were none.

Chair Hirsch called for ARB comments.

Vice Chair Baltay stated that they discussed the issues at length during the retreat. He agreed that the term start dates were straightforward and did not require discussion. With the timing of the Chair/Vice Chair election he recalled that they wanted the timing out of sync with the appointments of new members so as to not have a political sensibility about Council thinking they could affect the elections by appointing new members. After some thought he realized that if you held the elections out of sync it was possible that there could be a Chair up for reappointment. If not reappointed then the Council would effectively have removed the Chair. Therefore he thought that maybe the first item done by the new Board would be to hold the election. That was the way City Council handled their officer elections. He suggested the ARB not worry as much about political machinations as he was not sure that existed in Palo Alto. That was his current opinion, but he noted that he could be persuaded either way. Either way the decision should be included in the By-Laws and followed. As long as he remembered it had been vague as the By-Laws were from 1973 and holding the election in October made no sense. With the annual report and workplan he explained that when he joined the ARB neither existed. Staff had explained that the ARB used to hold an annual meeting with the City Council. A Planning Commissioner correctly brought to his attention that the ARB was negligent in not providing the report. Following that the ARB drafted an annual report, and it gained traction. The second or third time through the process the ARB managed to insist that it present the annual report to Council in a joint meeting. That was successful in his opinion. There were two elements to what Ms. Gerhardt said: 1) if the ARB should try to combine the required workplan with an annual report, and 2) how the timing and the structure should be. He thought that they should do one joint report to reduce staff's workload. The ARB's workplan is for the most part reviewing projects as they are not really to present the Council with policy issues. The annual report was an opportunity to provide Council with advice on how policies affected projects and they needed to hear that type of thing. The outgoing Chair at the end of the term should drive the report and workplan and get it finished and voted on by the end of their term. It would essentially be a summary of the Chair's time in office. That process should be memorialized in the By-Laws. To summarize he wanted officer elections at the first meeting of Boardmember terms in April. The annual report and workplan should be combined and created by the outgoing Chair in March.

Boardmember Rosenberg voiced wholehearted agreement with Vice Chair Baltay's comments. She originally thought that the elections ahead of time were beneficial and thought that if the ARB voted a person as Chair she would be surprised if the City Council did not reappoint that person. That would be unusual, so it was not a concern she held. However, she appreciated the democracy of holding the election with the newly seated ARB. She further agreed that the workplan and annual report could be combined. She planned to keep a list of items the ARB continued to see and the first thing on that list would be rooftop terraces. Otherwise the ARB did not have an extensive workplan like some of the other Boards.

Chair Hirsch stated that he agreed with his colleague's thoughts. He was concerned about how to express the content and noted it was a schedule issue. He asked how that would be determined and what would be included in the report. It could be left to the Chair, but he thought it would be better to provide Boardmembers with an outline to comment on. He asked if they could discuss that.

Vice Chair Baltay thought it was discussed in the Municipal Code and asked Ms. Gerhardt to read it aloud.

Ms. Gerhardt said that the annual report was in the Municipal Code. The purpose was for communicating the concerns of the ARB with respect to the City's plans, policies, ordinances, and procedures as they affected projects that the ARB reviewed. She clarified that the Chair did not have to complete the report alone. Previous Chairs have brought outlines to the ARB, the ARB added their thoughts, and then the Chair added more information. Then the Chair brought the report to the ARB for approval via a vote.

Vice Chair Baltay noted that the annual report needed to be agendized by the Chair in advance of the deadline. The Chair could then solicit the ARB's thoughts on what should be discussed. There could be votes and discussion around the topics. Ideally the ARB would unanimously support the annual report. The Chair simply had to drive the process and put it on the agenda in advance. The past few annual reports were products of discussion. The staff could not be expected to handle the report so it should be memorialized in the By-Laws that the Chair was responsible for ensuring its completion. It was necessary for the staff to draft a text change to the By-Laws incorporate the requirement from the Municipal Code and make it clear that the report should also include the annual workplan as described in the Boards & Commissions Handbook. He expected that to return to the ARB for a vote. He also suggested that Boardmember Thompson be allowed to voice her opinion on the matter the next time it was heard. At this point the staff should be directed to revise the By-Laws per the Board's comments. He asked staff if that was an acceptable process.

Ms. Gerhardt said that they would have to return with By-Law changes for a formal vote. The ARB would be presented with a track changes document so they could see what was being added and deleted. This session all that was needed was direction to staff.

Chair Hirsch thought that took care of the item. He noted that leadership also wanted to add to the discussion as indicated in their meeting.

Vice Chair Baltay explained that the Chair and Vice Chair held a premeeting in advance of the general meeting. The purpose was to review the projects coming to the general meeting and ask staff for additional information if needed. It was a bureaucratic meeting and not one in which judgement was passed. There was nothing anywhere in any document which explained that the premeeting took place or described how it worked. When he started on the ARB he did not know it existed and he was surprised about it. Accordingly, he believed the meeting and its purpose should be discussed in the By-Laws. Additionally, he and Chair Hirsch had advocated for the ARB to be able to get input on design or feedback to applicants before the project was deemed complete and presented to the ARB in a formal way. It had been discussed several times and was tricky because they did not want it to count as another formal review. They also needed to be cognizant of staff time and whether an applicant was interested in participating. The goal was to make the process go more smoothly. He suggested that they put a process in the By-Laws whereby staff presented on a regular basis a list of incoming projects and Boardmembers looked at them and then had a chance at each meeting to make a statement about it. Since it was an

individual thing he did not believe it would be a problem although the Council and City Attorneys might have a different opinion. The question was if the ARB wanted to do that. He understood that Boardmember Thompson was fairly strong about not wanting to do that kind of thing. He asked if they could hold a discussion and indicated that it was not in the staff report.

Boardmember Chen thought it was good to hold prescreening, especially during the site planning phase. She asked if it would be required or if it would just be offered to applicants. Additionally, she asked how the staff would format the documentation the ARB would be provided.

Chair Hirsch stated that he had asked Ms. Gerhardt to put together the list of upcoming projects. that list would be refined as they moved forward to include information on the Council's screening and intentions. Creating the list was the first step and the next was to determine what the applicants would need to submit. There already was a series of required items and it was not that extensive. The ARB could review the list and decide what ought to be included in a prescreening package. Ms. Gerhardt had suggested that an ad hoc committee could explore the projects and report to the whole ARB.

Ms. Gerhardt said that she did not know that she suggested an ad hoc committee. She worked with the officers to provide the list of pending projects as part of the City Official Report. She was happy to make the changes requested by the Chair about previous hearings on the same address. The ARB also received a link in the City Official Report to the webpage where the plan sets, and things were included for their early review. She did not believe that staff could do more than that.

Chair Hirsch asked what was seen and when by Planning.

Ms. Gerhardt explained that applicants applied for a given process and then the documents went into the database. They could apply for a preliminary ARB hearing and that was highly recommended, or they could go straight to the major review. If applicants wanted a Planned Community (PC) or a PHZ then they would go to City Council first through the prescreening process. Following the prescreening there could be a preliminary ARB hearing or a major review.

Chair Hirsch asked if they got the text of the prescreening from Council then they could see drawings which would provide a sense of the project.

Ms. Gerhardt shared her screen and displayed the pending projects webpage. The City Official Report included a link to the page. She then showed the ARB how to navigate the webpage. All projects that would have a public hearing had a webpage. The other link in the City Official Report was to Building Eye. Everything was available there.

Chair Hirsch said that it was up to the ARB to move forward and bring up projects at meetings. Another way to do it was to have a smaller committee handle the projects and then report to the ARB.

Ms. Gerhardt suggested that if Boardmembers wanted to they could research pending projects. if they had concerns about a project they could email staff the concerns. She needed to talk to the attorneys for further clarification on how to avoid Brown Act issues. They needed to ensure that the ARB was not coming to a conclusion before they heard all the evidence. Boardmembers could certainly ask questions early.

Boardmember Rosenberg was concerned about extending the process for the applicant. Extending the process in an unofficial way was problematic due to scheduling and other issues. Second, she was concerned about prejudgment. If Boardmembers had seen enough of a project and dug in without hearing from the applicant and having a formal presentation they might come in with a bias. She wanted those concerns placed on the record.

Chair Hirsch stated that those concerns were reasonable. On the other hand, he thought the current process led to discussions on things like materiality without discussion of the initial concepts and other important aspects. He took Bayshore as an example where they discussed materiality at length, but the Council determined that the project should proceed. They never discussed the other serious issues about the project. There were major planning concerns and site issues that should have been addressed, such as the heat island effect. Those items could be commented on by the Board since they were architects and make suggestions to Planning to look at the regulations in regard to certain aspects of the zoning. If the comments were not offered then there was no basis for any change to occur and then the ARB only discusses materiality. He did not think it was appropriate to focus on just that one aspect. He wanted to find a way to review projects and discuss generalities and ask questions of staff.

Boardmember Rosenberg sincerely appreciated those points and thought they provided clarification. She asked if the list included every project in the pipeline.

Ms. Gerhardt stated that it did not. Her team had approximately 200 projects at any given time. The list included those projects that would come before the ARB and was shorter.

Boardmember Rosenberg said she would be distressed if the ARB reviewed some of the smaller items like façades at the Stanford Shopping Center. She asked if list reflected the larger planned developments which required more time and effort to consider or if it covered a broader spectrum.

Ms. Gerhardt indicated that they were all things that would come to the ARB. Shopping Center façades would be included on the list. Boardmembers could choose to skip those items.

Chair Hirsch work pick some of the larger housing projects to look at. He thought the San Antonio Road area would become a major issue since the Council requested greater density there causing significant zoning issues. Those issues would need to be addressed and might explode some of the current objective rulings since they would have to be taller buildings. They needed to take a broader look at the City and he and Vice Chair Baltay felt it was necessary.

Vice Chair Baltay said that the ARB was currently reviewing an action item to approve changes to the By-Laws. He suggested including the list staff prepared as a By-Law item. What was on the list and how it was prepared should be included. They could only do that with the strong support of the ARB since it was a lot of work. The City Attorney might not believe that it was in the purview. He thought that it was and believed that the Board should make the decision. He asked if they wanted to put it in the By-Laws.

Boardmember Rosenberg suggested that while it should be put in the By-Laws they could consider waiting until they were done modifying how the list was presented. She said she was not sure if that was actually an issue.

Ms. Gerhardt hoped that the By-Laws would be a little more generic and not go into that level of detail.

Chair Hirsch thought it was a work in progress.

Ms. Gerhardt said that there were five items in discussion. They cleaned up the Municipal Code related to term limits so that was handled. With the timing of officer elections she requested a straw poll. She thought that she currently heard that should be done at the first meeting of a new Board in early April. She called for a raise of hands and indicated that the ARB agreed unanimously. Related to the annual report and the work plan staff suggested they be combined, and she heard general agreement. She called for another raise of hands and stated that the ARB agreed unanimously. The next item was adding the premeeting with the officers to the By-Laws. She called for a rise of hands and stated that the ARB agreed unanimously.

Chair Hirsch asked if that included a description of what was discussed at the meetings.

Ms. Gerhardt said that she would work with the City Attorney's Office to come up with the language about what was discussed. The final item was the list of pending projects. She would be happy to put that into the By-Laws so it continued into the future but thought that it would be left fairly generic. She asked for another show of hands and indicated the ARB agreed unanimously.

Vice Chair Baltay brought up his point about the Chair spearheading the annual report/work plan document and having that added to the By-Laws.

Ms. Gerhardt called the straw poll and stated that the ARB agreed unanimously. The entire ARB would provide their thoughts and the Chair would summarize them.

Vice Chair Baltay offered to make a Motion.

Chair Hirsch suggested they take it back up at the next meeting.

Ms. Gerhardt suggested they continue to a date uncertain.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Chen, to continue the item to a date uncertain.

VOTE: 4-0-0-1

Approval of Minutes

4. Draft Architectural Review Board Meeting Minutes for July 21, 2022 (Continued From August 18, 2022)

Ms. Gerhardt announced the ARB minutes for July 21, 2022 and explained that they had been continued in order to include the minutes from the ad hoc meeting.

Vice Chair Baltay appreciated the inclusion of the ad hoc minutes.

MOTION: Vice Chair Baltay moved, seconded by Boardmember Rosenberg, to approve the minutes of July 21, 2022 as presented.

VOTE: 4-0-0-1

Board Member Questions, Comments or Announcements

Boardmember Rosenberg stated that with the ARB Awards they had received all the boards and most of the digital items. She asked each Boardmember to compose their presentations related to their project. Ms. Gerhardt would forward an email with links to all the items and Boardmembers who needed anything further should let the ad hoc know.

Boardmember Chen asked if they needed to get a description from the design team.

Boardmember Rosenberg explained that would be in the materials Ms. Gerhardt would provide. Boardmembers needed to prepare an introduction and overview.

Boardmember Chen inquired about the deadline.

Ms. Gerhardt asked that the Boardmember introductions only needed to be complete by the night of the Awards.

Boardmember Rosenberg repeated that the materials were in and that the deadline for Boardmembers would be in the next week or so to ensure everything was ready.

Ms. Gerhardt said that the introduction needed to include the ARB's reasoning behind the award.

Chair Hirsch asked if Vice Chair Baltay wanted to speak about the parklets.

Vice Chair Baltay indicated that he had nothing prepared to say.

Adjournment

Chair Hirsch adjourned the meeting.