



Architectural Review Board

Staff Report (ID # 14978)

Report Type: Approval of Minutes **Meeting Date:** 12/1/2022

Summary Title: Minutes of November 3, 2022

Title: Draft Architectural Review Board Meeting Minutes for November 3, 2022

From: Jonathan Lait

Recommendation

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

Background

Draft minutes from the November 3, 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 November 3, 2022 (DOCX)



ARCHITECTURAL REVIEW BOARD
 MINUTES: November 3, 2022
 Council Chamber & Zoom
 8:30 AM

Chair Hirsch announced that the meeting was delayed, but would begin at approximately 8:45 a.m.

Call to Order / Roll Call

The Architectural Review Board (ARB) of the City of Palo Alto met on this date in Council Chambers and virtual teleconference at 8:45 a.m.

Present: Chair David Hirsch, Vice Chair Peter Baltay, Boardmember Osma Thompson, Boardmember Yingxi Chen

Absent: Boardmember Kendra Rosenberg

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

Chair Hirsch introduced the item and called for a Motion.

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

Vice Chair Baltay stated that he only supported the Resolution during the declared State of Emergency. He would look for City Council to provide further guidance beyond the State of Emergency.

Boardmember Thompson indicated that she would support the resolution even without a declared State of Emergency.

VOTE: 4-0-0-1

Oral Communications

Madina Klicheva, Administrative Assistant, stated there were none.

Agenda Changes, Additions and Deletions

Jodie Gerhardt, Manager of Current Planning, shook her head to indicate there was none.

City Official Reports

2. 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 with the upcoming ARB meeting dates.

Sheldon Ah Sing, Principal Planner, gave the presentation for Ms. Gerhardt. He indicated that the November 17th hearing included 3001 El Camino Real and 123 Sherman. There were two hearings scheduled for December and Boardmember Rosenberg would be absent on the 15th. He noted that the list of pipeline projects was included for the ARB's reference.

Ms. Gerhardt indicated that she updated the status for Sutter.

Chair Hirsch called for the Sutter comments.

Mr. Ah Sing explained that Ms. Gerhardt updated them in the report.

Vice Chair Baltay thought it was fine not to call for the report at the current hearing.

Chair Hirsch agreed and noted that he had just wanted further clarification. He thanked Ms. Gerhardt for adding the uses of the projects to the pipeline list.

Action Items

3. PUBLIC HEARING / QUASI-JUDICIAL. 1700 Embarcadero Road [21PLN-00191]: Recommendation on Applicant's Request for Approval of a Site and Design Review, DEE, Variance and Off-Street Loading Space Modification to Allow the Demolition of a Vacant Restaurant and the Construction of a new two-Story 31,000 Square Foot Automobile Dealership. Environmental Assessment: Addendum to a Mitigated Negative Declaration. Zoning District: CS(D)(AD) Service Commercial (Site & Design Review / Automobile Dealership Combining Districts). For More Information Contact the Project Planner Sheldon S. Ah Sing at sheldon.ahsing@cityofpalto.org

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

Vice Chair Baltay asked if he could make a disclosure and indicated that he had visited the site earlier in the week.

Chair Hirsch called for the staff report prior to the disclosures.

Mr. Ah Sing said that would be fine so long as disclosures were made. He explained that he had a presentation, and that the applicant did as well. He shared his screen with the ARB and reviewed the project background which included over 20 public hearings. The preliminary ARB hearing for the current iteration of the project occurred in 2021 with the first formal ARB hearing in June 2022. There was a Planning and Transportation Commission (PTC) hearing held earlier in the month. The project was zoned for an automobile dealership and was subject to unique development standards afforded to dealership applications. The project proposed to demolish the existing vacant restaurant building and redevelop the site to a two-story dealership. The site was 2.5 acres near Highway 101 with surrounding uses including office and automobile dealerships. The site is within the private development area of the Baylands Reserve. The requests for the project include a site and design review, a request for a variance, and a Design Enhancement Exception (DEE) for the build to setbacks. There is also consideration needed for a waiver of a loading space. The dealership would be around 31,000 square feet (sf) which is 0.29 Floor Area Ratio (FAR). That was well below what would otherwise have been allowed on the site. The drive area between the showroom and the service building was not counted as FAR per the code. The building was proposed to be 26 feet tall with a small tower element for a future sign and was overall compliant with

the 50 foot height limit. The site included driveways off Embarcadero and East Bayshore. There was circulation around the building for customers, service vehicles, and inventory. The project included its inventory on the surface lot, which was different from the other iterations of the project which included inventory inside the building through a parking structure or automatic vehicle storage system. Accordingly, the current proposed building was significantly smaller than the older projects. there was more parking lot area which made it difficult for the applicant to meet the parking lot shading requirements. The applicant heard comments from the ARB about the multi-use pathway and eliminating a row of parking to allow for a bicycle path. He showed the ARB a list of its comments and the applicant's response. The applicant has included a Class 1 bicycle path, which is a 10 foot wide concrete path in the public right of way. They considered eliminating a row of parking along the front but did not incorporate the change. They made color changes to the office facing façade and pulled back the metal paneling. The materials board was in chambers for ARB review. The applicant revised the planting plan to include more native trees on the site. The ARB had stressed that the applicant needed to meet the parking lot shading requirements, so the applicant revised it and increased the cover where possible; however, it still did not meet the threshold, so a variance was required. The ARB requested and the applicant provided additional interior elevations showing the service drive and wood paneling. The west elevation was visible along East Bayshore, and he shared a rendering of the elevation and materials. The glass was bird safe, and the living wall provided a lot of texture. The Embarcadero façade also highlighted the glass, metal paneling, and wood. The colors were darker on that elevation due to the branding. The other elevations contain more green colors to blend with the Baylands. He displayed the southeast elevation to the ARB as well. The key issues staff identified were compliance with the Baylands Master Plan, the bicycle pathway, the parking lot shading, the build to setbacks, and the loading spaces. With the Baylands Master Plan there were design guidelines that staff wanted to highlight, such as the project promoting low and horizontal elements. The project also used muted and compatible colors in appropriate materials. The lighting would be addressed thorough conditions of approval in order to prevent light spillover. Currently there was no bicycle lane along the project's frontage. There were mature trees under the powerlines and a gap in the bicycle network. The project required a Transportation Demand Management (TDM) plan, but due to its nature as a dealership there was no real way to reduce single occupancy vehicle trips to 20%. Therefore, the project needed to construct a Class 1 bicycle path as a means to try to meet the TDM requirement. Accordingly, the applicant returned with a bicycle path incorporated into the plan. As a result of the path the mature trees needed to be removed. The code also required parking lot shading of 50%, but the project only reached 41%. Staff noted that 26% of the property was covered by various above and below ground easements from PG&E and the City. Those easements contained various restrictions on everything from structures to planting. Another issue was that the lot was a trapezoid and had a narrow point near the intersection which caused issues with circulation. The project will plant native trees off site in the Baylands. If the easements were removed the project would meet the 50% coverage standard. Along with the easements the build to setbacks did not make sense as they needed to have circulation around the building. the code required the project to have two loading spaces which were marked on the site plan. If used the space near the carwash would not provide adequate driveway access space to go around. Staff supported a waiver of the space pursuant to the municipal code. The PTC reviewed the project and recommended approval 6-0 with 1) the elimination of Condition of Approval #14, 2) the elimination of Condition of Approval #19, and 3) flexibility to Condition of Approval #31. The 2019 project met the criteria for an addendum to a previously adopted Mitigated Negative Declaration (MND) under the California

Environmental Quality Act (CEQA). The traffic and noise analyses were updated and completed by the applicant with peer review. The City received correspondence from a neighbor regarding the carwash. That neighbor hired a third party to peer review the work related to the carwash and found some anomalies. The City was not prepared to address that dispute, but staff could return with a mitigation measure. There were no new impacts of the project. He read the carwash noise reduction mitigation measure aloud and noted that it needed to be compliant with Chapter 9 of the Municipal Code. Staff also recommended adding a condition of approval since the project was in concurrent building plan check. The applicant needed a building permit by the end of the year, or the project would “go away.” The project was being reviewed for compliance with conditions that were still being established. Staff recommended a Condition Of Approval for the owner to provide an updated acoustical report to the satisfaction of the Planning Director demonstrating compliance with mitigation prior to the issuance of an occupancy permit. That would allow the building to be built and for the noise study to be done with the equipment functioning. Necessary changes could then be recommended and made. He spoke to both the neighbor and the applicant and thought that they were near agreement. The next step was an ARB recommendation on the project which would go to the City Council.

Chair Hirsch thanked staff for the report. He called for disclosures.

Boardmember Chen had no disclosures.

Boardmember Thompson stated that she had visited the site in the past and also reviewed a previous iteration of the project.

Vice Chair Baltay disclosed that he had visited the site earlier in the week.

Chair Hirsch disclosed that he had visited the site. He called for questions of the staff and asked for clarification of what staff needed from the ARB on the carwash.

Mr. Ah Sing said that they wanted to update the mitigation monitoring reporting exhibit to include the mitigation measure. The Conditions of Approval were referenced in the document. They also wanted a new Condition of Approval that the mitigation measure be implemented prior to significant occupancy.

Chair Hirsch asked if they needed to have discussion on the carwash or if they could just include the staff's recommendation in the Motion.

Mr. Ah Sing stated that the ARB could discuss any agenda item, but it was part of staff's recommendation to include the new Condition of Approval.

Chair Hirsch called for further questions of staff.

Boardmember Thompson said that she wanted to wait until after the applicant gave its presentation.

Vice Chair Baltay said that he had questions about the easement. He noted that the PG&E easement was listed as 60 feet wide on the plans. He understood that precluded planting of large trees within it. It seemed that there were 10 to 15 feet to the side of the easement between the easement and Bayshore Drive where the applicant planned to plant trees. He asked if that was allowed.

Mr. Ah Sing said that portion was outside of the PG&E easement and could have trees.

Vice Chair Baltay noted that the tree report in the package seemed out of date.

Mr. Ah Sing explained that the project was in building permit review and was with the Urban Forestry team. He knew there were comments but did not know if they would request a new tree report.

Vice Chair Baltay stated that he was referring to the Tree Disposition Schedule which showed the street trees as being retained. Those trees were proposed to be removed elsewhere in the application. He asked if staff intended to clean that up.

Mr. Ah Sing said that staff could ask the applicant to update the document. That would be helpful in the building permit process. The plan showed staff the size of the trees at the time they took the survey and informed them which trees were subject to the Tree Protection Ordinance.

Vice Chair Baltay pointed to C3.1 on the Civil Plans and stated there were a series of cross-sectional details but it did not really show the bicycle path. He asked if there was a plan to make things consistent as the engineering drawings, the bicycle path drawings, and the renderings were out of sync. He asked staff how complete or current the application was.

Mr. Ah Sing explained that staff looked at the construction documents that were on file. They used the same cross-sections and the grade had not changed.

Vice Chair Baltay asked if there would be a retaining wall between the path and the dealership.

Mr. Ah Sing said there was a space between the retaining wall and the bicycle path which accommodated the trees.

Vice Chair Baltay confirmed that even in the building permit application there was no resolution as to how things would fit together.

Mr. Ah Sing said that the cross-sections were the same with the difference that the sidewalk was extended an additional 5 feet. The exhibit showed the sidewalk as a shaded rectangular element. The grades did not change nor did the location of the retaining wall.

Boardmember Thompson asked Vice Chair Baltay if his note about the tree disposition was looking at C5.1.

Vice Chair Baltay said that he would find the page.

Boardmember Thompson could see the removal of the trees along the street in C5.1.

Vice Chair Baltay directed her to Sheet T3, which was effectively the tree protection plan. That had the formal tree inventory map and a schedule of the trees on the site. That seemed to be from 2015 and was not current to the application. The labeling of the trees also seemed inconsistent. He did not think it should hold up the project but noted that it would be easier to approve it if things were consistent.

Chair Hirsch said that the ARB had seen projects where trees were added even with the easement issues. They were described as smaller trees generally. He asked if that had been thoroughly explored in this project and noted there were no secondary trees on the inside of the project. Additional trees would increase the coverage over the paved areas.

Mr. Ah Sing rephased that Chair Hirsch's question was if staff had explored if smaller trees could be placed in the landscape fingers along the front.

Chair Hirsch agreed that was the question.

Mr. Ah Sing explained that he had spoken with the applicant about that and thought it was possible to do something there with small trees like western redbuds to the extent that would not conflict with any underground easement. That appeared to meet the PG&E guidelines.

Chair Hirsch asked if that could be achieved under the current timeline to ensure the project met the deadline.

Mr. Ah Sing thought it could and noted that they wanted to hear the applicant's presentation.

Chair Hirsch stated that it was hard to tell from the drawings what would be replaced when they paved the perimeter of the site.

Mr. Ah Sing asked if Chair Hirsch were asking about the multi-use path.

Chair Hirsch said that he was not speaking only to the multi-use path. He asked if the entire perimeter paved areas would be repaved, such as the sidewalk.

Mr. Ah Sing understood that there was a curb, a 10 foot concrete path, a planter area, and then the parking lot. At the interior there was at least a 5 foot landscape area around the parking lot.

Chair Hirsch clarified that he was asking if the entire public sidewalk on the outside would be replaced.

Mr. Ah Sing stated that it would be.

Chair Hirsch clarified that the curb would be retained and the paving on the inside would be replaced.

Mr. Ah Sing said that was correct. There would not be any landscape break in there.

Chair Hirsch asked if it was new concrete.

Mr. Ah Sing said that it was.

Chair Hirsch thought Vice Chair Baltay's comments (interrupted)

Ms. Gerhardt reminded the ARB that it needed to hear from the applicant.

Chair Hirsch said that he had to understand if that was part of the project or not. He called for the applicant's presentation.

Eric Iversen, Swickard Automotive Group, thought staff did an excellent job of summarizing the project history and the changes made since June. The easements covered 26% of the lot. The biggest change to the project was the addition of the bicycle path along the perimeter. The path would replace the sidewalk and was primarily on the existing public right of way. There was a small section at the corner where it crossed the existing property line. The plans showed a small dedication of their property to the public right of way in order to accommodate the multi-use path. The last meeting raised questions about how the building addressed the Baylands and how visible it would be from them. He thanked staff for including

the additional pictures he provided from the path through the Baylands looking back towards the property. From the Baylands the predominant colors were sage green, and the red roof of the current building stood out. Those greens informed the revised design. The green wall was extended and wrapped around the corner of the building. the metal panels at the back of the building were removed so the only metal panels visible from that side were mechanical screens. The rest of the building would be stucco and easily painted to blend with the Baylands. The current project was significantly smaller than previously proposed projects. the size of the building had not changed since June, but it was almost half the size of the initial proposal. The initial proposal was significantly larger and taller than the current proposal. The primary easement on the property was the 60 foot PG&E easement with overhead transmission lines. PG&E proposed the guidelines which is why the plan currently did not show trees. He was fine adding the redbud trees within the area but did not want to include them on the plans they had already submitted related to shade coverage because those trees were not really under their control as PG&E had the right to trim or cut the trees as they saw fit. The trees they counted were the ones they knew that they had control over. The multi-use path would be made up of new paving and would replace the existing sidewalk. Finally, with respect to the noise from the carwash it had been moved further from the property line. The edge of the carwash was 45 to 50 feet away from the property line. The carwash was 100% enclosed and they were in the process of identifying the drying system, which was generally the noisiest component of the carwash. They have identified an alternative dryer within the noise ordinance threshold of below 70 decibels. He indicated that he was happy to answer questions and noted that they were looking forward to moving forward with a very unique Mercedes Benz store featuring the green wall and the recycled materials.

Chair Hirsch called for the public comment.

Ms. Klicheva stated that there were two public speakers.

April Garguena explained that she worked with Alexandria [unintelligible 1:09:35] and they had a property at 2100-2400 Geng Road next to the Baylands Park. They were interested in the traffic impacts on Embarcadero leading to Geng Road and along Bayshore during construction.

Chair Hirsch asked Mr. Ah Sing if they had done any analysis.

Mr. Ah Sing explained that construction traffic would be addressed in the logistics plan. operational traffic was reviewed in the environmental analysis and did not exceed any level of service thresholds or vehicle miles traveled.

Chair Hirsch asked if that answered Ms. Garguena's question.

Ms. Garguena indicated that it had and thanked the ARB.

Ryan Schofield explained that he was an acoustical engineer hired by the neighbors to the southeast on East Bayshore Road to review the noise generated by the project including the carwash. The carwash would use drier blowers that were extremely loud. The neighbors were a peaceful office park that included an outdoor seating area. The addendum to the MND published in October contained several large errors which he discussed the day before with Mr. Ah Sing. First, they used an incorrect method to determine the allowable noise level created by the project which resulted in a difference of 17 decibels. The project

assumed that the noise it created could be three times louder than allowed under the municipal code. There were several simple and effective changes that could be made to the project which would allow it to move forward. First, they requested a simple noise barrier such as a wooden fence be added to the property line at the location of the existing chain link fence. Second, the carwash could operate with doors to both the exit and entry closed. Those changes would bring the project into noise code compliance. He stated that he was available to discuss the matter further and thanked the ARB for its time.

Gemma Lin stated that she was the property manager for the neighboring office building at 2479 East Bayshore Road. Mr. Schofield was the sound consultant they hired, and they spoke with Mr. Ah Sing the day before. They were very concerned that the carwash noise would threaten the quiet enjoyment of their tenants, which were mostly small business owners. They hoped the ARB would further discuss the noise issue and thanked them for their time.

Boardmember Thompson noted that the applicant was generally allowed to respond to public comments.

Chair Hirsch asked if the applicant wanted to respond to comments.

Mr. Iversen said that they were concerned about noise and were committed to meeting the code. He believed that the consultant made an error with the ambient reading and believed the code was set up to read ambient noise at the completion of construction as opposed to it on the vacant site. A vacant site would be extremely quiet. The code also makes a specific exception for commercial use during daytime. He stressed that they would meet the code. The driers that they researched did not exceed the allowable amount.

Chair Hirsch suggested that the ARB make its comments.

Vice Chair Baltay said that he had not fully comprehended Mr. Ah Sing's proposal for a condition of approval related to the sound and asked for another explanation.

Mr. Ah Sing said that staff wanted the project to be consistent with Municipal Code Title 9. The definitions and thresholds are laid out in the code. This was not a new impact and they had mitigation from the prior project. They wanted to bring that into the project which needed to be compliant with the City's sound standard. There were multiple ways things could be met, several of which were mentioned by the neighbor's sound consultant such as a wood fence and doors on the carwash. The Condition of Approval proposed by staff would guarantee that the applicant would conduct a new acoustical study for the City's approval prior to occupancy.

Vice Chair Baltay asked if it would be reasonable to add to the Condition of Approval that the concerned neighbor or its consultant could review or comment on the study.

Mr. Ah Sing explained that he had conversations with both parties and thought it would be helpful to encourage discussion about the study and its baselines otherwise there would be a lot of back and forth. He did not know if the City could require it and stated that staff would be transparent.

Boardmember Chen asked if the carwash was feasible in its current location.

Mr. Ah Sing thought there were multiple solutions to solve the problem without having to move the carwash. The drying was the biggest generator of sound for the facility and could be solved with automatic doors.

Boardmember Thompson stated that she had a question about the color palette. On the elevations the greens were noted as “light, medium, and dark” but there were actual names on the material palette. She asked which color was the “medium” and which was the “dark.”

Mr. Iversen explained that despite researching the colors himself he could not recall which was the medium and which was the dark. He asked for a minute to look up the answer.

Boardmember Chen directed them to Sheet 06 and the exterior elevations and asked a clarification question about the ribbed metal panel.

Mr. Iversen confirmed that she was speaking about the roof of the service drive.

Boardmember Chen said that she was looking at the wall above the service canopy and wanted to clarify which material would be used there. The two walls next to it appeared to be the ribbed metal panels.

Mr. Ah Sing shared his screen and confirmed with Boardmember Chen that it was the correct elevation.

[Boardmember Thompson and Boardmember Chen spoke at the same time 1:24:50]

Mr. Iversen said that the area above the reclaimed wood was the ribbed metal panel.

Boardmember Chen asked about the wall to the left of that part.

Mr. Iversen explained that was a smooth metal panel. It was traditional in automobile dealerships that the smooth panel would be over the showroom area and the ribbed panel over the service area.

Vice Chair Baltay referenced the rendering on Sheet 15 and noted it showed continuous ribbed panels.

Boardmember Chen [off microphone 1:25:47]

Vice Chair Baltay asked the applicant again if it was a smooth or ribbed panel.

Mr. Iversen said that it should be a smooth panel over the showroom. If the ARB wanted to provide direction they could revise it.

Boardmember Thompson said that the rendering on Page 16 was also showing it as ribbed.

Vice Chair Baltay thanked the applicant for the clarification.

Boardmember Chen pointed to Sheet 09 and inquired about the white vertical thing between the wood panel.

Boardmember Thompson confirmed that she was looking at K and L.

Boardmember Chen said that was correct. There was a white vertical piece going from the floor to the structure on Sheet 09.

Mr. Ah Sing displayed Sheet 09 on his screen.

Mr. Iversen said that he was unsure what the question was.

Boardmember Chen said that she was asking about the white vertical piece in between the wood panel.

Mr. Ah Sing pointed it out with his cursor.

Boardmember Chen indicated that was what she was asking about.

Mr. Iversen explained that the white line was an interior wall.

Boardmember Thompson asked if there was a garage door blocking the access.

Mr. Iversen said that there was no door into the service drive. The white line could have been left over from the garage door, but it did not appear to be in the right spot.

Boardmember Thompson requested confirmation that would be a smooth wood wall all the way.

Mr. Iversen agreed that there should not be anything interrupting the wood wall. The white line could be because they were viewing the plans in sections, but nothing would interrupt the reclaimed wood.

Boardmember Chen thanked him for the clarification.

Boardmember Thompson clarified that in order for the multi-use path to happen the row of trees needed to be removed and replaced.

Mr. Ah Sing stated that was correct.

Chair Hirsch called for the ARB to move forward with comments.

Boardmember Thompson thanked the applicant for the project. She thought the current proposal was the best iteration of a plan she had seen for the site. She agreed that it was compatible with the Baylands Design Guidelines in that it was low, horizontal, and had a balanced palette. She appreciated the bird safe glass and thanked the applicant for considering those comments. Generally she could support the project as the acoustic concerns seemed to have mitigatable solutions. The bicycle lane versus the trees was an interesting question and the parking lot shading was of concern. She understood the complication of the easement and was open to solutions. She would also support trees with more canopy coverage if they were feasible. With respect to the materials she preferred the ribbed paneling to the solid so if that was up for discussion that was her preference. With the colors she presumed that the dark green was "rosemary", and the medium was "dried thyme." The project was the most appropriate proposal the ARB had seen for the site, and she thanked the applicant for it.

Vice Chair Baltay supported Boardmember Thompson's comments and could support the project. He was concerned about whether the ARB should review the project again in subcommittee as there were a number of items that concerned him. There were several things on the elevations such as the colors not being correctly identified, the elevations were not consistent, the section cut was sloppily done. He asked if they wanted those items to be returned to subcommittee. The building would be handsome and met the requirements, but the ARB was setting a standard. He was concerned about the trees. They were removing them for the bicycle lane but there was little documentation of what was being removed. There was a whole row of street trees, and the City had a history with public entities removing trees. Everything

related to the trees needed to be clear and complete. He asked if the ARB wanted to add a Condition of Approval to ensure that item be reviewed by the staff or the Board. He also asked how the grade change around the corner would be resolved for the multi-use path and whether a retaining wall next to the path was safe. He also wanted to see how the path was delineated from the street. None of that kept the project from meeting the ARB standards but he questioned whether the project should return to the ARB in order to check on those items. On a higher level he was concerned about the trees and easements because the applicant proposed to replant a number of large trees between the new bicycle path and the edge of the parking lot within several easements but outside of the PG&E easement. He did not think that was allowed in the past on other projects. Accordingly he wanted to ensure that the trees could really be replaced and in order to be comfortable he needed further clarification. With the noise and the carwash the standard should be that the project needed to meet the noise ordinance. He was uncomfortable stating that they needed to put doors on the carwash or build a fence as those mitigations should be a product of the new sound study. The doors on the carwash were utilized as a solution when the carwash was located at the property line. The carwash was now proposed to be 40 feet away so it would be unfair to require the doors as an absolute. The Condition of Approval needed to ensure that the project met the City's sound requirements. The neighbor hired a sound consultant that he was familiar with and pointed out legitimate concerns about how the sound study was conducted and staff might not have the bandwidth to dive into it. The difference between 56 and 70 decibels was significant and there needed to be a process that enforced the City ordinance. He suggested that in the Conditions of Approval the neighbor be offered the chance to review the sound study and work with the City staff. Finally with respect to the variance for the parking lot shading he thought it was acceptable they request one. A variance was acceptable when there was something unique or special about a property that did not apply to other properties and the easements were just that. He was concerned that the variance findings proposed by staff included other things like the trapezoidal shaped property. That was not so unique or oddly shaped and he did not want to set that precedent. For him the singular thing that allowed the variance was the PG&E easement. Based on that he suggested they strike the other items from the findings.

Boardmember Chen thanked the applicant for the project and was generally in favor of it. She agreed with much of what her colleagues mentioned and wanted to see more details on how the multi-use path was designed. She also agreed with Boardmember Thompson about the front elevation materials. The ribbed metal panel looked better than the flat one. With the carwash the ARB needed a more detailed acoustic report and to make sure it meets the City's code. They also needed to find a solution that would work for the neighbors. There were many improvements made by the applicant compared to the last submission.

Chair Hirsch thanked the ARB for their thoughts. He supported the comments already made but was more concerned about the environmental aspects of the project. He requested Ms. Klicheva share the first group of slides with the ARB.

Chair Hirsch indicated that he had visited the site the day before and was concerned with the possibility of tree growth under the utility lines as indicated by his first slide. He showed additional slides of the PG&E wires and the existing trees. Repair work could happen around lower trees. The next slide showed the street trees which would be removed for the multi-use path. There was a pole that might need to be relocated and the area needed to be treated differently. The next slide showed plantings across the street at the Stanford Medical Building. The final slide showed landscaping which could soften the building. the

ARB needed to look at the perimeter of the site as the renderings did not show any softening, only ground cover. His slides were simply to show possibilities that could be planted at the perimeter to soften the edge. He found the building well designed and beautifully sited with well-chosen materials. With respect to the car wash he found it to be further from the property line than the previous one. It was up to the applicant to prove that it could function in compliance with the code. It seemed reasonably possible that the applicant would meet the requirements and he thought the information should be shared with the neighbor. He encouraged more of a commitment on placing trees in the fingers in the parking lot in order to answer the shading percentage and thought trees could be added to the plan. He agreed that there was a grading issue with the multi-use path and noted that it was not clear in the plans. He asked if the rest of the ARB wanted to see the item return in committee. He congratulated the applicant on a well designed project. He called for a Motion.

Vice Chair Baltay said that he had a question for staff about having the project returned to subcommittee or ad hoc committee. He asked if having the item returned would affect the applicant's entitlement process in a negative way.

Mr. Ah Sing said that the project went to the City Council following the ARB hearing. The question was whether they would have to go to the subcommittee before or after the Council hearing. He thought it had to be before.

Vice Chair Baltay noted the Council was scheduled to hear the project within a month.

Mr. Ah Sing stated that it was scheduled for December 5th.

Vice Chair Baltay asked the applicant if they could tidy the package up in time. He asked staff if that was unrealistic.

Boardmember Thompson noted that the ARB had a meeting on 12/1 where they could review ad hoc items. She noted that her list of potential items included clarification on the multi-use path section, the metal panel elevations, better definition of the materials on the elevations, considering trees with larger canopies for better shading protection, and confirmation that trees could be planted where they were noted.

Chair Hirsch suggested adding low level planting between the two paving areas.

Boardmember Thompson agreed.

Vice Chair Baltay said that they were also talking about the fingers in the parking area where they could put rosebuds.

Chair Hirsch said that was correct and noted that there could be a double layer of trees.

Mr. Ah Sing explained that the reason they wanted the item to go to subcommittee before Council was because of State Law SB 335. However, there was opportunity to have the subcommittee after the Council meeting.

Chair Hirsch thought that a little more time was needed. He called for a Motion.

MOTION: Boardmember Thompson moved, seconded by Vice Chair Baltay, to approve the project subject to the Conditions of Approval noted in the report with the following items to return to ad hoc committee: 1) clarification of sections along the multi-use path indicating changes in elevation, 2) clarification that the trees adjacent to the multi-use path could be planted, 3) additional low level vegetation planting in between trees and outside of easement constraints and consideration of trees with larger canopies to increase shading such as in a double layer in the fingers between the parking spaces, 4) updated elevations clarifying materials and colors used and the placement of the ribbed/flat metal panels, and 5) proof that the acoustics related to the carwash met the sound ordinance.

Mr. Ah Sing noted that the sound condition was a new condition.

Boardmember Thompson asked if that was not already included as a Condition of Approval.

Mr. Ah Sing said there was a Condition that referred back to the mitigation monitoring reporting program. Staff wanted a Condition for an acoustical report prior to the certificate of occupancy. There was also a question in the pre-meeting about loading/unloading. There was no Condition of Approval for not allowing loading in the street. Staff wanted that added as well for clarity.

Chair Hirsch asked if that was not allowed adjacent to the property or adjacent to the building itself.

Mr. Ah Sing stated that if the applicant could do it on the site within their loading spaces it was fine. The Condition of Approval would be related to the street.

Boardmember Thompson confirmed that was not currently in the Conditions of Approval.

Mr. Ah Sing indicated that it was not.

Vice Chair Baltay asked if that issue was addressed by the PTC.

Mr. Ah Sing did not believe that they had.

Vice Chair Baltay noted that was the PTC's purview.

Mr. Ah Sing said that staff requested it.

Ms. Gerhardt explained that it was common sense, and it was a request from staff.

Mr. Ah Sing said that they would ask the Council as well.

Vice Chair Baltay thought it made sense.

Chair Hirsch said that he had raised the issue in the pre-meeting and thought it was important.

Vice Chair Baltay seconded the Motion but wanted to propose changes.

Boardmember Thompson said that he would have to make a Friendly Amendment.

FRIENDLY AMENDMENT #1: Vice Chair Baltay proposed a Friendly Amendment that the neighbor be given an opportunity to review the acoustic study prepared regarding the carwash.

Boardmember Thompson accepted Friendly Amendment #1.

FRIENDLY AMENDMENT #1 ACCEPTED

FRIENDLY AMENDMENT #2: Vice Chair Baltay proposed a Friendly Amendment to change the wordings of the variance findings on Packet Page 36. The second sentence in the first paragraph was to be struck leaving the last sentence ending in “subject site.” The fourth paragraph could also be struck. The shape of the property and the fact that the project was a dealership should not be part of the reason for the issuance of the variance. He also requested that staff clean up the document as the PG&E easement was 60 feet and not 80 feet. The last paragraph should also be struck. The goal was to justify the variance because of the PG&E easement.

Chair Hirsch asked to hear staff’s opinion on those changes.

Mr. Ah Sing thought they could strike the shape of the lot. with the clarification of the easements he noted that some were subsurface, like a storm drain, and might affect the vegetation.

Vice Chair Baltay noted that almost every property had some easements. The 60 foot PG&E easement precluded large trees and was a justification in his opinion.

Boardmember Thompson asked if the storm drain easement did not count as justification.

Vice Chair Baltay said that in and of itself it was not necessarily a justification. Designers had many options to meet code requirements and every site had some restriction, easement, or issue. He did not want to set a precedent that any easement was considered unique enough to allow for a variance. He wanted to hold variances to high bar. He wanted the ARB to hold a tight line so long as there was consensus.

Mr. Ah Sing said that they heard the Vice Chair’s concerns and would relate them back to the Director who would review the findings before the Council. the ARB had a purview that was more architectural in nature, but staff heard their concerns.

Chair Hirsch replied that Vice Chair Baltay thought it affected architecture in one way or another.

Vice Chair Baltay wanted to request something the ARB could agree on. He suggested asking staff to reconsider the wording of the variance finding.

Boardmember Thompson did not want to claim to know the nature of the easements in depth. She was ok with striking the text in the first paragraph and also the one that started “automobile dealerships” but everything else she did not support striking.

Ms. Gerhardt suggested they not get into the detail and use “reconsider.”

Boardmember Thompson confirmed that she meant to reconsider the variance findings language. She was okay with that.

FRIENDLY AMENDMENT #2 RESTATED: Vice Chair Baltay proposed a Friendly Amendment for staff to reconsider the variance findings language.

Boardmember Thompson agreed.

FRIENDLY AMENDMENT #2 ACCEPTED

VOTE: 4-0-0-1

Board Member Questions, Comments or Announcements

Ms. Gerhardt stated that the ARB wanted to discuss Objective Standards at the next hearing.

Chair Hirsch said that was not on the look ahead schedule for the meeting, but he and Boardmember Chen had worked on townhomes and were putting together a presentation for the ARB.

Adjournment

Chair Hirsch adjourned the meeting.