



ARCHITECTURAL REVIEW BOARD DRAFT MINUTES: May 19, 2016

City Hall/City Council Chambers
250 Hamilton Avenue
8:30 AM

Call to Order

Roll Call

Present: Chair Robert Gooyer; Vice Chair Alexander Lew, Board Members Peter Baltay, Wynne Furth, Kyu Kim

Absent:

Oral Communications

None.

Agenda Changes, Additions and Deletions

None.

City Official Reports

1. Meeting Schedule and Assignments
2. List of Staff Approved (Minor) Architectural Reviews

None.

Action Items

3. **1700 Embarcadero Road [15PLN-00394]:** Continued from May 5, 2016. Request by Deeg Snyder, on behalf of Jones Palo Alto Real Property, LLC for a Major Architectural Review to demolish the existing approximately 18,000 square feet building and construct a new approximately 62,000 square feet building for an automobile dealership. The application includes Design Enhancement Exception requests to allow deviation from the 10 feet build-to-line from Embarcadero Road and Bayshore Road. A request to apply the Automobile Dealership (AD) zoning overlay is also being considered separately by the Planning and Transportation Commission. Environmental Assessment: Initial Study/Mitigated Negative Declaration. Zoning District: CS (D) Service Commercial and Site Design Review Combining District. For more information, contact Sheldon Ah Sing at SAhsing@m-group.us.

Sheldon Ah Sing reported the project had received a recommendation from the Planning and Transportation Commission. The applicant had submitted information in response to the Board's concerns at the prior ARB hearing.

Deeg Snyder advised that the lighting engineer and landscape architect were present to answer questions.

Board Member Kim inquired whether staff had received clarification regarding the dates in the traffic study. Mr. Ah Sing indicated the study was being revised in response to comments from the Board and others. Board Member Kim inquired whether comments were made by staff or the public. Mr. Ah Sing reported staff received comments from the Santa Clara County Parks and the Santa Clara Valley Transit Authority.

Mr. Snyder related that the fence along the property line appeared to be owned by the adjacent property owner; however, his client would replace the fence as part of the project.

Board Member Baltay requested the landscape architect and the lighting engineer describe changes made to the project.

David Neault, David Neault Associates, explained that red oak and Eucalyptus trees replaced smaller trees.

Vice Chair Lew asked if unloading of cars would occur onsite and during specific hours. Mr. Snyder reported deliveries would be scheduled. Vehicles could be unloaded at the rear of the building. More likely, vehicles would be delivered to a holding yard and brought to the dealership one at a time.

Board Member Furth inquired about the location of pedestrian seating along Embarcadero and East Bayshore. Mr. Snyder indicated seating was located mid-block at the cluster of trees on Embarcadero. Along Bayshore, a bench could be added at the location of the sculpture which had been removed.

Chair Gooyer asked if the applicant had decided to pay the in-lieu fee for the public art feature. Mr. Snyder explained that obtaining approval of an artwork would require too much time; therefore, the applicant decided to pay the in-lieu fee.

Arun Garg, KJWW Engineering, advised that the tallest fixture was 14 1/2 feet from the floor; all lights were LED; and all lights were programmable to dim or turn off at specific times. The maximum intensity of lighting was approximately 10 foot-candle. Chair Gooyer inquired whether lights were zoned so that they could be controlled separately. Mr. Garg replied yes. Board Member Baltay inquired about the location of pole lights on the roof. Mr. Garg indicated they were located at the center only. Board Member Baltay asked if lights along the perimeter were pier mounted. Mr. Garg responded yes. Lights at the ramp were mounted on the wall. Board Member Baltay asked if pole-mounted lights were visible from the ground. Mr. Snyder answered no. The poles should not be visible from the path in the Baylands. Lighting on the roof was designed for safety rather than display. Board Member Furth inquired whether lighting would be needed as late as 10:00 p.m. as referenced in the conditions. Mr. Snyder did not know why 10:00 p.m. was chosen, but they would comply with required scheduling. Board Member Furth explained that the 10:00 p.m. time was chosen to accommodate wildlife. Jodie Gerhardt added that 10:00 p.m. was the beginning of late night hours in the City.

Board Member Baltay accepted the color of the concrete for the stair tower. The lighting design and landscape changes were satisfactory. He noted gaps in the privacy screening along the south property line. He questioned whether installing larger plants was practical for a parking area. Mr. Neault indicated the screening along the south and east sides would reach 15-25 feet at maturity and should be adequate. He wanted bigger trees because they would have a better presence and effect. The size was appropriate for the site.

Board Member Kim felt questions and concerns had been addressed.

Vice Chair Lew felt the revised elevations were good. Lighting was great. He liked revisions to the landscape. It seemed out of scale, but the site had large setbacks. He was concerned about light reflecting off the western face of the building, but the amount of metal had been reduced and colors darkened.

Board Member Furth believed the proposed project was good for the site. She deferred to other Board Members regarding lighting. The original location for public art was not a good place for illuminated artwork. She requested Staff confirm that the traffic analysis was updated and revised if necessary. If colleagues agreed, she requested the applicant add seating along the East Bayshore frontage.

Chair Gooyer appreciated the quality of the current elevations. Having previously approved a 5 or 6-story hotel for the site, he could support a 3-story car dealership for the site. The building had been softened a great deal.

Vice Chair Lew referenced the DEE findings, Attachment A, and inquired whether Number 1 should address the parcel itself. Ms. Gerhardt agreed and would review the finding before presenting it to the Council. Vice Chair Lew suggested staff add that the parcel was located at a heavily traveled, regional intersection. The intersection was difficult to navigate, and the applicant was attempting to allow movement around the site.

MOTION: Board Member Baltay moved, seconded by Vice Chair Lew, that the ARB make the findings for architectural review and findings for the Design Enhancement Exception with changes suggested by Vice Chair Lew and accept conditions of approval and approve the project.

Board Member Furth requested the motion include a provision that seating be added along the East Bayshore frontage subject to staff approval.

AMENDMENT: The applicant to add seating along the East Bayshore frontage subject to staff approval.

MOTION PASSED: 5-0-0-0

Board Member Furth was bothered by City regulations not requiring buildings to accommodate sea level rise during the anticipated life of the building.

4. **901-909 High Street [14PLN-00116]:** Continued from March 17, 2016. Request by Peter Ko, Ko Architects, Inc., on behalf of Bettencourt & Santana for Architectural Review by both the Architectural Review Board and the Historic Resources Board for a 18,413 square foot mixed use building with retail, office and 14 residential units on a vacant 20,288 square foot lot in the South of First Area. Environmental Assessment: Mitigated Negative Declaration. Zoning District: RT-35 (Residential Transition District). For more information, contact Margaret Netto at margaret.netto@cityofpaloalto.org.
To be continued by staff to a date uncertain. New notices will be sent.

5. **429 University Avenue [14PLN-00222]:** To Consider an Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-Foot, Four Story, Mixed Use Building With Parking Facilities on Two Subterranean Levels on an 11,000 Square-Foot Site. Environmental Assessment: Mitigated Negative Declaration. Zoning District: Downtown Commercial (CD-C (GF)(P)) District. For more information, contact Christy Fong at Christy.fong@cityofpaloalto.org.
To be continued by applicant to June 16, 2016.

MOTION: Vice Chair Lew moved, seconded by Board Member Kim, to continue 429 University Avenue to June 16, 2016.

MOTION PASSED: 3-0-2-0 (Baltay and Furth abstaining)

6. **1925 Embarcadero Road [16PLN-00145]:** Request by the City of Palo Alto Public Works, Airport Division, for the replacement of existing perimeter fencing at the City of Palo Alto Airport with new fencing and gates that meet Federal Aviation Administration (FAA) standards for security and safety. Environmental Assessment: Exempt from the provisions of CEQA per 15302

(Replacement or Reconstruction). Zoning District: Public Facility with Combining District Overlay PF (D). For more information, contact Claire Hodgkins at Claire.hodgkins@cityofpaloalto.org.

Andy Swanson, Airport Manager, shared details of the project and FAA requirements. The fencing would not be located in any identified seasonal wetlands. A biologist would be onsite during construction.

Board Member Baltay asked if wrought iron fencing would comply with FAA standards. Mr. Swanson answered yes; however, the cost would be greater.

Board Member Kim inquired whether fencing had to be the typical square fencing. Mr. Swanson had reviewed other types of fencing; however, the FAA would not approve them. The FAA approved the wrought iron or standard fencing. Board Member Kim would have preferred to have design drawings or perspectives. He asked if the new fencing would be located in the exact location of the existing fencing. Mr. Swanson indicated the new fencing would follow the same fence line.

Vice Chair Lew did not like barbed wire; however, there were no other options. The height was fine. The Baylands Master Plan indicated the landscape screen along Embarcadero Road should be maintained. The current screen contained gaps which allowed views of planes. The Baylands Master Plan did not distinguish between screening the airport or the parking area. He suggested something be done for those gaps. Mr. Swanson explained that the screening was originally a mitigation measure for a hangar. City staff would review filling those gaps in the future. Vice Chair Lew suggested landscaping could be done in conjunction with golf course improvements.

Board Member Furth felt barbed wire was not pleasing or desirable along trails in the Baylands. Wrought iron fencing was not a better choice. She inquired whether hangar-style fencing was too expensive or not logical. Mr. Swanson advised that Baylands stakeholders felt the wrought iron was more intrusive. Board Member Furth did not believe Condition Number 6 was needed.

Chair Gooyer believed the wrought iron was more menacing and more of a barrier than the chain link. The barbed wire was better than other security fencing choices.

Board Member Baltay found the wrought iron to be less worse than the chain link. The wrought iron fencing should be placed along the road frontage, perhaps turning the corner to the gate. The barbed wire and chain link were the only practical choice in the Baylands. Expense was not a sufficient reason for dismissing wrought iron fencing along the front of the property. Vice Chair Lew referred to the Baylands Guidelines which recommended black chain link fencing. Chain link fencing was utilized around the golf course and along the creek. Board Member Baltay remarked that the current proposal deviated substantially from the Guidelines. The wrought iron fencing complied with FAA regulations. Board Member Kim appreciated Board Member Baltay's concerns for design, but he did not believe the City had many options for the fencing. Chair Gooyer concurred.

MOTION: Board Member Baltay moved, seconded by Board Member Furth, to continue the project subject to it returning with a different design for the Embarcadero Road frontage to the gate of the airport.

MOTION FAILED: 2-3-0-0

MOTION: Board Member Furth moved, seconded by Board Member Kim, that the ARB recommend approval of the project under the findings and conditions submitted in the Staff Report with the following modifications: (1) Attachment B, remove Condition 6; and (2) revise the beginning of Attachment A to include a sentence similar to "Federal law prohibits the installation of a project that would be in compliance with the City's regulations, Comprehensive Plan and Baylands Guidelines. Given those limitations, the proposed project is consistent with the elements of the Palo Alto Comprehensive Plan that the City has legal authority to apply."

MOTION PASSED: 4-1-0-0

7. **355 University Avenue [15PLN-00237]:** Request by Hayes Group Architects, on behalf of Palo Alto Masonic Temple Association, for Architectural Review, Historic Review, and Seismic Rehabilitation Floor Area Bonus for a new façade and signage, new second story with outdoor rooftop patio area, and interior modifications at 355 University Avenue, and a new façade and site improvements to the ground floor and adjacent public alley at 461 Florence Street for Design Within Reach. The project requests approval of a seismic rehabilitation floor area bonus for the addition of the new second story. Environmental Assessment: Categorically exempt per CEQA Guideline Section 15301 (Existing Facilities), Section 15304 (Minor Alterations to Land), and Section 15311 (Accessory Structures). Zoning District: Downtown Commercial (CD-C(GF)(P)). For more information, contact Rebecca Atkinson at Rebecca.atkinson@cityofpaloalto.org.

Rebecca Atkinson noted the ARB previously heard the project on March 3 and April 21, 2016. The applicant had provided a new sheet, A2.2, which staff had not analyzed. She understood the new sheet illustrated the preferred options for the Florence Street facade and a display window in the ground-floor area. Ms. Atkinson reviewed details of the preferred options. Staff recommended the Architectural Review Board recommend approval of the project to the Planning Director. Staff included quite a few conditions of approval. Staff had not received any public comment on the project.

Board Member Baltay asked if any changes other than removal of planters were made to the University Avenue frontage. Laith Sayigh replied no. Board Member Baltay questioned whether the purpose of the drawing was to indicate removal of the planters. Mr. Sayigh advised the planters were removed to provide an area for pedestrians to leave the flow of traffic. Board Member Baltay inquired whether a condition of approval could be added to condition issuance of the final certificate of occupancy upon completion of the mural. Ms. Gerhardt reported the entire project should be completed prior to occupancy. She asked if Board Member Baltay was suggesting the City grant temporary occupancy prior to completion of the project. Board Member Baltay wanted to know if the Board could remove the mural from the time constraints. Could the Board condition final occupancy of the entire building upon the mural being completed? Ms. Gerhardt questioned whether Board Member Baltay meant completion of design of the mural or completion of installation of the mural. Board Member withdrew the question.

Ken Hayes, Hayes Group Architects, advised that removal of the planters was the only deviation contained in the revised front elevation. The plan provided two options for the Florence Street facade. The applicant favored the display window option because of the logistical difficulties associated with bike parking. The applicant preferred the mural option over the trompe l'oeil. If the mural was referred to the Art Commission for review, then the applicant would need some concessions on time.

Laith Sayigh, DFA Architects, reported the door opening was revised to 7 feet 5 1/2 inches wide and planters were removed on the University Avenue side. On the Florence Street side, the windows would contain display areas for Design Within Reach. The amount of glass was increased. The mural would be located on the upper part of the building. Details of the proposed mural were in question. The alleyway would be painted, perhaps with some kind of graphic, and be well lit.

Ms. Gerhardt explained that art pieces commissioned through the City needed a separate approval, and that process had not been started. She needed to speak with the Art Department to determine if they could accommodate a mural or if it would need to be applicant driven. Chair Gooyer inquired whether that aspect of the project could be referred to subcommittee for approval. Ms. Gerhardt responded yes. Ms. Atkinson added that the first condition of approval recommended changes to the mural.

Vice Chair Lew asked how the architect selected the glass for the University Avenue side. The proposed glass had a light transmittance of approximately 47 percent, which was not acceptable for a retail storefront on University Avenue. Mr. Sayigh explained experience and Code requirements were factors. In other projects, no one had commented on the glass. Mr. Hayes added that the glass was commonly used in Downtown projects. Vice Chair Lew noted it had a gray tint. Mr. Hayes explained the

composition of two layers of glass. Vice Chair Lew reiterated that the glass had one layer of clear and one layer of gray tint. Mr. Sayigh stated it should be all clear glass. The specification for the glass windows was Solarban 70 standard vision glass. Vice Chair Lew referred to the California Energy Code and shading the facade to provide more options for glass. Making the facade full-width glass and full-height glass limited the number of options for glass. If the applicant had more wall and more overhang, then he could use more clear glass. He liked the design generally. He agreed with the preferred mural and storefront options for the Florence Street facade. He thought the storefront would be deeper than the plan showed; however, he understood there were some constraints to making that conform. He would recommend a no vote on the project if the applicant could not change the glass. Mr. Sayigh reiterated the plan was incorrect; he was not aware of any gray glass in the project. Ms. Gerhardt noted Sheets A2.2 and A2.1 listed the glass as 70XL optigray. Mr. Sayigh stated it should be starphire clear. Vice Chair Lew reiterated that 47 percent light transmittance was not acceptable; therefore, the drawing or the glass had to change. Mr. Sayigh agreed. Ms. Gerhardt requested the applicant clarify the type of glass proposed for the glass. Mr. Sayigh advised low-iron starphire glass, Solarban 70 coat, a clear glass second sheet. Both layers were clear glass. He would correct the drawing.

Board Member Furth shared the goal of having clear glass; the percentage of light transmittance should be higher than what was proposed. She inquired about the depth of the proposed display window on Florence Street. Mr. Sayigh believed it was between 5 and 6 feet. Ms. Atkinson indicated that minor floor area changes would be allowed and permissible by the Code under grandfathered facilities. A 10-foot deep display window would be permissible in a 20-foot wide area. She was surprised that the plans showed a different depth. Board Member Furth would favor a deeper window if it was feasible and legal. Mr. Sayigh clarified that drawings showed a depth of 8 feet. Mr. Hayes added a 2-foot recess and an 8-foot display window. Board Member Furth requested assurance that the space would be functional. Mr. Sayigh did so. Board Member Furth asked if the space behind the display window had a use. Ms. Gerhardt reported no use was allowed in that middle space. The parcel was above the allowed FAR. Board Member Furth did support trompe l'oeil windows, but a significant graphic design on the wall could be feasible. The mural should be a serious piece, rather than the previously proposed supergraphic. The display window was a good approach. In the future, the City should work with the applicant and the property owner on privately owned public uses of the middle space. She did not wish to delay the project while the art piece was under review.

Board Member Baltay found the current proposal for the University Avenue facade to be improved. He supported concerns about the glass. On Florence Street, the mural should be really nice and in keeping with the tradition in Palo Alto or be a genuine work of art. He asked if the Board could request the mural be removed from the current application, and then condition final use of the current application to having a separate application for the mural. The mural should not be referred to the subcommittee. Chair Gooyer reported the alternative would be to bond it. Mr. Hayes explained that the applicant had paid the in-lieu fee for the artwork. The in-lieu fee could be committed to the mural. Board Member Baltay could accept that. Chair Gooyer felt those were two different things. Mr. Sayigh understood the applicant had the choice of paying the in-lieu fee. Ms. Gerhardt clarified that the applicant had a choice early in the process. The project was now at the end of the process. The choice had been made to pay the in-lieu fee; therefore, it would be difficult to change course. The Art Department indicated a mural painted by an artist would cost much more than \$25,000. She suggested the applicant propose graphics rather than a mural. Chair Gooyer explained that something should be placed on the wall to address the blank architecture, not something that covered the \$25,000 in-lieu fee. Ms. Gerhardt could speak with the Art Department about obtaining advice from the Art Commission regarding artwork for the wall. Board Member Baltay felt the Board should ensure the artwork was appropriate and sufficiently designed. The wall was an opportunity to create something memorable. He questioned whether the Board should refer the artwork to the subcommittee or simply deny the project. The Board had requested alternatives, but the applicant had not provided any. Ms. Gerhardt indicated the mural was a new choice. It could be further refined. The applicant could take it through the Art Commission and then back to subcommittee. Board Member Baltay stated that was his preferred least desirable option. The idea of a storefront was okay; although, he preferred to see Option 2. The conditions and ideas contained in the Staff Report were sensible, and that was the preferable option. Otherwise, the problem would return each time the

space changed hands. The City should allow some legal use of the space that benefited the City or allow a store in the space. Chair Gooyer felt comments were beyond what a tenant wanted to do for a building it did not own. Board Member Baltay agreed the situation was difficult for a tenant. This was the time for the City to ask the building owner to do something. Chair Gooyer felt the applicant deserved an approval or denial. Board Member Baltay suggested the Board approve the project with the conditions contained in the Staff Report. The conditions were sensible. Option 2 with the conditions in the Staff Report were logical and a better solution in the long run. The storefront was not a terrible option, just not preferred.

Board Member Kim preferred Option 1. The increased glazing did a great deal. The mural showed as gray in the rendering; however, the slide showed it as green, which made a lot of sense. Mr. Sayigh explained that the mural was abstracted furniture that looked like leaves, that then was made to look like the tree. He had submitted six different mural designs to staff; the leaf mural was the least directive but the most pretty. Board Member Kim asked if the new curb would be marked as "no parking." Ms. Gerhardt replied no. On-street parking would be allowed. The Fire Department and Transportation Department advised the existing red curb could be removed, which would provide two additional parking spaces. Board Member Kim felt the bicycle parking could be too close to the curb in that case. Ms. Gerhardt reported the Transportation Department added draft conditions of approval regarding the distance of the racks relative to cars opening.

Mr. Sayigh provided confirmation that the specifications for the glazing were incorrect on the drawings.

Board Member Kim believed the potential murals in the alleyway would be great. Overall, the minor revisions were appreciated. He could approve the project as is.

Chair Gooyer remarked that the storefront was a better solution on the Florence Street side. He suggested possibly angling the storefront at a 45 degree angle so that the opening into the alley became more prominent. He did not like the University Avenue elevation. The whole transition from the size of the exterior facade to the actual size of the interior bothered him the most. Highlighting the transition with wood paneling was the opposite of what should be done. He agreed with removing the planters.

Board Member Furth suggested the Board approve the University Avenue portion of the building with correction of the glazing materials as shown on Sheet A2.2 Revision Number 10. Ms. Gerhardt noted the main change was removal of the planters. Board Member Baltay wanted to vote on the project as a whole rather than in pieces. He suggested the Board approve the project as submitted with the mural and bicycle parking options on Florence Street and the University Avenue facade as submitted.

Vice Chair Lew suggested the Board recommend approval of the Florence Street mural option with the storefront ground-floor as shown in Revision Number 10, and refer design of the mural to subcommittee. Chair Gooyer, Vice Chair Lew and Board Member Kim supported this suggestion. Board Members Baltay and Furth opposed the suggestion. Vice Chair Lew clarified that the glass for the storefronts should be revised and a condition of approval should be added for referral of the mural to the subcommittee.

Board Member Furth expressed concern that the Board had not devised a good use of the middle space. Better lighting and painting would make the alleyway more attractive. The display window made the street livelier. The Board had not addressed seating for people, dumpster storage, or walls between the alley and the space. Perhaps the City could address seating within its own space. The Board was attempting to approve the project without bringing up to Code this section of the frontage on Florence Street.

Board Member Baltay recalled the applicant originally proposed bike parking, seating, etc., in that area. The staff conditions for Option 2 were a loose collection of ideas for the applicant to follow. The thing said agree to partner with the City in the future to implement an agreement to do these things. It just made sense. Chair Gooyer reiterated that the applicant was a tenant of the building, not the owner. Board Member Baltay stated the applicant made the proposals at the beginning. Mr. Hayes clarified that

the applicant originally proposed six parking spaces in that area. They learned from staff that covered parking counted as FAR, that the space was illegal, and that the space couldn't be used as FAR. The Board was not excited by the idea of parking off the alley. The applicant then proposed bike parking because it was not included as FAR. Chair Gooyer added that bicycle parking opened the City to liability. Ms. Gerhardt clarified that the space was private property, and the City would need a public access easement to allow bike parking.

Board Member Baltay felt something better than a storefront was possible. Chair Gooyer recalled three Board Members supported the display window option.

Ms. Atkinson requested clarification of paint color for the ground floor area and alley and the paint color for the rear of the Design Within Reach building. Chair Gooyer indicated the subcommittee could determine that.

Board Member Furth noted bicycle parking was cramped because of the distance between the display window and the sidewalk and there was no seating. She asked if the display window would be counted as floor area even if it was set back. Ms. Gerhardt replied yes. The display window was floor area no matter its location. Board Member Furth clarified that she was asking about the area between the display window and the sidewalk. Ms. Gerhardt explained that if it was not used for sales or service, then it was not FAR. Board Member Furth inquired about the possibility of pushing the display window back. Ms. Gerhardt suggested asking the applicant about the distance. Mr. Sayigh would push the glass back 10 feet or so to create some area for bike parking or seating. Ms. Gerhardt asked if the first bay could be physically opened. Mr. Sayigh believed it could be opened on the left-hand side. He could push the glass to the first bay, and then that area could be used for bike parking and seating. Ms. Gerhardt stated pushing the display back 10 feet and opening the first side wall would provide a larger entrance to the alleyway.

MOTION: Board Member Furth moved, seconded by Board Member Kim, that the ARB recommend approval of the project as presented in the Staff Report with the findings and conditions and with the following modifications: (1) applicant to correct the description of the glass; (2) applicant to install a mural on the Florence frontage subject to staff conditions for review process; and (3) the applicant to include the display window option as described on page 5 of the Staff Report and as shown on Sheet A2.2 Revision 10 with the further modification that the window be set back the equivalent of one full structural bay and that the bay provide pedestrian and bicycle amenities, landscaping, and accessibility between the bay and the alley subject to subcommittee approval.

MOTION: 4-1-0-0

Study Session

None.

Approval of Minutes May 5, 2016

Board Member Kim corrected page 3, the second to last to paragraph, to "the Director could make a decision."

MOTION: Board Member ??? moved, seconded by Board Member Baltay, to approve the May 5, 2016 minutes as amended.

MOTION PASSED: 5-0-0-0

Subcommittee Items

None.

Board Member Questions, Comments, Announcements

None.

Adjournment