



ARCHITECTURAL REVIEW BOARD
DRAFT MINUTES: October 20, 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, Kyu Kim

Absent: Board Member Baltay, Board Member Furth

Amy French: Board Member Furth and Board Member Baltay are recused on the two items today and will not be participating. Thanks.

Oral Communications

Chair Gooyer: With that, is there anyone in the audience who would like to address this Board on any item that is not on today's agenda? Seeing, none, I'll close the public session. Do we have any—no, that's right. We do that at the end.

Agenda Changes, Additions and Deletions

None.

City Official Reports

1. Meeting Schedule and Assignments

Chair Gooyer: Jodie, do you want to ...

Jodie Gerhardt: Yes. I just wanted to confirm related to the schedule. Our next couple of meetings are November 3rd, November 17th, December 1st and December 15th. We have some items coming up, and I just want to make sure that everyone's available on those hearing dates.

Chair Gooyer: I think all three of us checked, and I think we're good on all of them.

Ms. Gerhardt: Wonderful. Thank you.

2. List of Staff Approved (Minor) Architectural Reviews

None.

Action Items

- 3. 450 Bryant Street [16PLN-00092]:** Recommendation to the Director of Planning and Community Environment for Approval of an Architectural Review Permit to Allow the Renovation, Partial Demolition, and Addition to an Existing Historic Resource Resulting in a net Floor Area Increase of 7,158 square feet. Environmental Assessment: This project has been reviewed in accordance with the California Environmental Quality Act (CEQA). An Initial Study and Mitigated

Negative Declaration has been prepared for this Project. Zoning District: Public Facilities (PF) zoning district. The ARB hearing of this Project is continued from September 1, 2016. For additional information contact amy.french@cityofpaloalto.org.

Chair Gooyer: If that's the case, why don't we start with Item 3, which is 450 Bryant Street, recommendation to the Director of Planning and Community Environment for approval of an Architectural Review permit to allow the renovation, partial demolition and addition to the existing historic resource resulting in a net floor area increase of 7,158 square feet. Environmental assessment, this project has been reviewed in accordance with the California Environmental Quality Act, CEQA. An Initial Study and Mitigated Negative Declaration has been prepared for this project. Zoning district, public facilities, PF, zoning district. The ARB hearing of this project is continued from September 1st, 2016.

Ms. French: Good morning. Amy French, Chief Planning Official. Today we are here for the third formal hearing of the 450 Bryant Street, the Avenidas Senior Center, project. As you are aware, we have three members participating today. We do have a quorum. This went to the HRB last week. On the 12th, they rendered a decision which was to recommend to the ARB and the Director approval of the project. Today we are seeking the ARB's recommendation. As the third formal hearing, today is the day, per our Code, that we're looking for a recommendation one way or the other. We're interested in hearing your comments on the revised Initial Study, Mitigated Negative Declaration. It was revised to reference a more recent report from the historic consultant on the project. There's been some discussion about retention of the former garage called the garden room. They weighed in on that and on the more recent project, which was the revisions made to address the ARB's comments made on the last meeting, which was in August. I'm sorry; September 1st is when that occurred with the ARB. Our request today is that you review and comment on the Architectural Review findings for approval, which is what staff is recommending. We reference the Comprehensive Plan and the Urban Design Guide, which is referenced in the Comprehensive Plan. Just a note. In the Public Facilities Zone, the Context Based Design Criteria that you're accustomed to seeing do not apply. Those are not contained in that chapter of the Zoning Code. The third floor has been reduced as you saw in plans. It's also been in-set as part of that reduction. The garden room is retained, and there's a new deck over the courtyard, providing some interaction there. Bird-friendly glass is being used on both the parking lot-facing elevation and the parking lot-facing elevation. There's some new details. Looking at the Bryant Street elevation, we have an addition. This is the latest set of renderings showing the reduced third floor. The addition is definitely visible from Bryant Street, but it is subordinate to the primary facade. The HRB found that to be the case. The view from Cogswell Plaza with the trees shows that not a lot of it will be seen. It will be interrupted as far as views from Cogswell Plaza. You can see the hyphen is how the addition and the Category 2 building are connected. That allows visibility, viewing of the Category 2 building. Here we have a view from the parking lot. This view does not show street trees along Ramona. If you're on the sidewalk, there will be street trees to interrupt this view as well. There are a couple of trees in the parking lot, not a whole lot. This glassed-in tree is not really a tree, as we are clear that that's a placeholder for public art. The applicant is meeting with the art folks and will be going to the Public Art Commission to look at a piece of art for that space. As I noted, bird-friendly glass is proposed. It's the dotted glass. Here's this new courtyard. Sorry; this new deck where the third floor was pulled back. You can see in the June scheme where the floor came out to. That floor has been pulled back, and it's now a deck overlooking this courtyard. That does provide some interactive space. There were formerly panels, the metal panels, up here. Those have been replaced by glass. Just in summary. From the park and alley elevations, as you see here, you can see this glass hyphen. You can see the floor pulled back. Here's the courtyard where they have the trash facilities and the nice, new gate that they're proposing. This is about 65 feet from Bryant Street, so it's quite a distance from the main facade, the entry. Here I have the plans that are in front of you. This is an elevation from the set that came to you in September, showing Approach 1. You can see here that the pitch of the roof has changed a bit and flattened. It's gentler than it was in September. The height has been reduced from this set in September to this now. You can see the additional trim that comes out. As far as the Initial Study, Mitigated Negative Dec, I noted it's been revised to reflect the reduced square footage. This is the net square footage increase of 7,158 square feet. In terms of net floor area, it's not a large project for this increase. We have the aesthetic section of the document that is the purview of the ARB. That has not changed since the last time you saw this,

the aesthetic section. There is a reference to cultural resources. That section did change to reflect that memo from the historic consultant. The AR findings are provided in this set. We are still on the findings that are in the existing Municipal Code. Council has not finalized its deliberations on the Architectural Review findings. We are still grouping those 16 findings into sets. I put those on the screen here. We could come back to those later. That concludes staff's presentation. The applicant is here to make a presentation.

Chair Gooyer: Does the applicant ...

Lisa Hendrickson, Avenidas: Good morning. I'm Lisa Hendrickson. I haven't spoken to you before. If I may this morning take a couple of minutes. I'm currently the capital project manager at Avenidas. We're returning today with modifications that respond to your comments at your September meeting. We're very hopeful that you will approve this design. We agree with others that the numerous modifications that we've made have only made this design better. I'd like to take a few minutes to explain why further delays, however, would put this project at serious risk and also to respond to Mr. Hirsch's comments at the last meeting and his letter to you requesting yet again that we demolish the old garage and start over with a two-story design. Next month it will be 2 years since we first met on this project. In November 2014, there was a study session at the site. We presented a two-story design that eliminated both the garage and the courtyard. At that meeting, we were urged by the City staff as well as members of the HRB and perhaps members of this Board—I don't remember—to further study the historic characteristics of the garage. We asked our historic consultants, ARG, to do that. They returned with a report that asserted that the garage is part of the historic fabric of the site and should be retained. To be honest, we were a little disappointed. The City accepted these findings, and it would have been, of course, unethical to seek a firm that would return with different findings. In July 2015, we returned with an entirely new design featuring a three-story addition where there is now a 1970s dining room and preserving the garage and much of the courtyard. This design reflected many of the comments that we received from this Board and the HRB. Our participants were very pleased that we were retaining much of the courtyard. There was concern expressed that the design called for the removal of some of the original eaves. We were asked to create a separation between the original building and the addition. We were also asked for a design that was more compatible with the historic building. We returned again in May of 2016, this year, with a design that added a connector to preserve the eaves and with less contemporary styling, more in keeping with the historic building. Your comments were generally supportive, and we took note of the suggestions that you made with regard to massing and the additional detail that you requested. Over the summer, the City obtained a peer review of the historic resources evaluation, which confirmed ARG's findings about the garage. The CEQA document was completed. Last month we returned again with a design that reflected additional modifications and details that addressed your questions. We hope for your support for this design today for several reasons. Notwithstanding the comments that have been made about the significance of the garage and this design's compatibility with the Standards, that compatibility has been supported by two historic resource experts. A new design that demolished the garage would trigger a focused EIR, adding several more months to the entitlement process and could put the approving authority in the position of having to approve a design that did not comply with the Standards. We have been advised that if the City were to approve such a design, it would be risking a lawsuit for having approved the demolition of the garage. We also understand that the City usually asks the applicant to bear the cost of defense of such a lawsuit. Further delays put our project at risk for other reasons. Delays add unaffordable expense to the project. We've already spent about \$500,000 on design costs and City fees and another \$400,000 on fundraising expenses. Construction costs are escalating. There is only so much money that we can raise for this project, and delays add to the difficulties of funding the costs. Delays also put our fundraising at risk. We have a lead donor who will fund 20 percent of the project costs, but we will not be able to meet the conditions of his gift unless we start construction in 2017. Another \$250,000 gift comes with the condition that the project be approved this year. Other gifts are contingent on design approval. Further delays put these pledges at risk. Our almost 90-year-old building is sorely in need of modernization. Our community's seniors deserve a better community center, one that is safer and with enough space for all of the programs that they want. We are 2 years into this entitlement process and have made numerous modifications to the design at the request of this Board and the HRB. The window to get this done is

closing. We urge you to support this design today and hope you do. Thank you very much. With that, Kevin Jones, our architect, is going to describe the modifications.

Chair Gooyer: Thank you.

Kevin Jones: Good morning. My name is Kevin Jones. I'm with Kenneth Rodrigues and Partners Architects. I'm going to try to just do a fairly brief overview of some of the things that we've presented to you in the past, basically focusing on the comments that we heard from you and how we have addressed those comments in our drawings. I think the comments that we've heard from both the ARB and the HRB over these past couple of months have yielded a much better project as a result of those. I'd like to share that with you now. Here's a little bit of a summary in kind of bullet form of the items that we heard from this Board and how we've addressed them. I'd just sort of like to briefly walk through them. Basically concerns about the overall height of the building. The approach was to step the third floor back. In doing so, we reduced some floor area, but I think the result of it, as you can see in some of the materials, really does a good job of altering the perception of the massing of the building. In doing so, we also on the third level, as Amy pointed out, pulled the third level back along the courtyard face to allow for much more of a two-story feel on that edge, and then creating an exterior deck as well. The clay tile comment, which I think was a great one as well. We're utilizing a flat, clay tile instead of the barrel tile that occurs on the existing building, further creating a differentiation between the historic building and the proposed new building. The next items here are about some cornice details and glazing. I'll walk you through those as we kind of go through it. As just a general overview, the massing of the project consists of the main 1926 Birge Clark building, the garden room or the former shed building, which we are retaining. There is the connector element that helps to create a glass connection in some ways between the old and then the new addition. That vocabulary carries its way up through the project as you proceed up the levels. Again, the second story of the Birge Clark building and the connector between the Birge Clark building and then the new structure and then down at the one-story level the existing, former shed building or the garden room. The third floor only here. Here's the area where we pulled back the facade at the loss of some square footage, but we were able to create a very pleasant deck that would look down into the courtyard as well as reducing the massing of the building along the courtyard face. At that level, we have an exterior patio deck here as well as a larger one here that the original design had proposed. We've also done some work to try to reduce the roof heights and the pitches to again create a much shallower impression of it. These are the elevations, one from Bryant Street. The other one here is from the alleyway. The renderings give you a more true-to-life appearance of what happens in terms of where the perspective enters into it. You can sort of see on the wall here and also in your packet these renderings which help give you a better feel for what that perception will be if you're really on the ground looking at the building. Those elements are highlighted by the existing garden room building. This large glass element, which enters into a two-story, atrium-like space, serves as both vertical circulation, a stair and elevator, and a connector between the old and the new. Most of the program inside of the building in terms of the new elements are within this wing of the building. The ground-level of it being the loo and the new dining room. The second level being a wellness center, and the third level being a fitness center component. I'm getting this sign to sum up. I'm going to zoom a little bit here. We spent some time developing particular details. Much of the building is limestone-clad in large-scale pieces as well as precast concrete trim elements, which you'll see through it further articulation of the glazing system on the third floor, which shows in the renderings as well. Railing details, all of this is in your packet. Additional elements in terms of providing sunshading throughout. Here the view of the project from Bryant Street with the addition in the background. A view from the parking lot as Amy described. You can see here the stepping back of the third floor, reducing the appearance of this element to be smaller than that of the main building. By pulling the building back on the third floor, I think it does create a feeling of this as being the second story. In addition to having the glazing here, it does create a much more ...

Chair Gooyer: If you'll start to wrap it up.

Mr. Jones: I can wrap it up now. Any questions you might have, please ask. I as well as our Avenidas contingent can try to answer them. Thank you.

Chair Gooyer: I think we're good at the moment. Thank you. I have three speaker slips, starting with Kathleen Basak and then Linda Jolie. You'll have 3 minutes.

Katherine Basak: My name is Katherine Basak. I'm presenting in behalf of my neighbor, David Hirsch, who could not attend today. David is a respected, thoughtful and articulate architect with over 50 years of experience designing public buildings in New York City. To the ARB. The entire Avenidas scheme that you have seen for months is the result of a mistaken conclusion by the historic consultants with the misguided urging of Avenidas and the approval of the Planning Department. This mistaken conclusion is a garage structure behind the Birge Clark-designed building merits special consideration as a historic feature. Consider the following. It was built after the original design as an afterthought by Birge Clark and not included in his original drawings. It was hidden for years, hemmed in by other buildings. See the Sanborn maps in the historic report. It was only exposed to view when the surrounding buildings were torn down and this area became a parking lot. It was never the intention of Clark for it to be seen from this open parking space as is clearly evident in its blank wall. It does not represent any of the special, significant design characteristics of Birge Clark buildings. The question is why should you accept this structure as a legitimate historical element. As architects, I am sure some of you know that preserving it while the three-story addition is constructed immediately adjacent to it, with the deep foundations that are required, will be an expensive piece of work and cause immeasurable complications and cost to the project. If you ask, as the HRB did in an official vote, that the applicant show you a scheme without the garage, you will discover that it is possible to construct a two-story structure containing the entire Avenidas program completely in scale with the Birge Clark building. The applicant and the City chose not to bother with this HRB request. You won't have the opportunity to see this unless you do not accept what is being presented here today. This will be a hard choice because there is a conspiracy between the applicant, City Planning and their hired historic consultant to preserve this meaningless garage structure and its adjacent minimal courtyard to the detriment of a proper design. These should not be the aesthetic judges. You should. Turn this proposal down and require the applicant to redesign a two-story scheme by eliminating the garage. Respectfully, David L. Hirsch, RA, AIA, 798 Palo Alto Avenue.

Chair Gooyer: Thank you. Now, I have Linda Jolie [phonetic], and then Wes Marinov.

Linda Jolie: Hi. I'm Linda Jolie. I actually have attended Avenidas and so has my friend, Wes Marinov. We're familiar with the attitude of users there and we're familiar with the attitude of members of La Comida which supplies the meal. To make a long story short, there is massive opposition among those people to this proposal. The Board Members of La Comida have actually said that they can pull out of Avenidas, ending the meal, ending the relationship. There's also a chance that they will propose legal action to end this thing. This is a very disturbed proposal, which should not go any further. I have extra copies of the architect's article exposing this, if Board Members would like to consider that. The users of Avenidas do not want their program broken up. They don't want to be moved to another building during construction. These are older people in walkers that should not have to undergo this. They're not here because they are in walkers. I think we represent them. I think that the underpinnings of this project have not been examined. The need for this project has not been adequately examined. I described the mendacity behind us. It has been alleged that Avenidas is overcrowded and, therefore, has to expand. Why don't you go there and see how overcrowded it is? The dining room is only half empty. There has been an allegation that there will be seniors in the future who will need these facilities. I tell you I'm over 70, and I don't see seniors like me using these facilities. There is loud music. There are other things that we don't want. You're going to build a big, expensive, empty building if you build this. You should reconsider the motives behind this, money or whatever it is. As far as we can see, we do not want it. We don't want it.

Chair Gooyer: I now have Wes Marinov, and then Herb Borock.

Wes Marinov: Good morning. My name is Wes Marinov. I got involved in this project on the urging of some vocal opponents of the project among the La Comida diners, the seniors who are the customers of Avenidas and La Comida. I presented a list of 20 signatures, some of the more vocal opponents, during

the Historical Review Board meeting about a week or 10 days ago. I hope that committees for the City Council communicate with each other so you can get a copy of that list. Unfortunately, the negative sentiment continues to persist; although, there have been efforts on the part of the project management to popularize it or to expose the diners to the truth of the project. The main objections are, one, the people like that building, the current La Comida building. They like the cozy style, Spanish type. They like the ability to look at the park and at the same time look at the patio. The patio is the other question here. Most of the diners are opposed to have this patio be demolished. I understand the new version will have part of the courtyard remaining. The current atmosphere of sitting in this building that people have gotten used to love will not be maintained. I don't know how much time I have. There is another point here. There were allegations that some of those opposed to the project, diners of La Comida, have gone to the management and have complained and have not been listened to. Unfortunately, this was not confirmed. I talked to the main opponent, Electra [phonetic] (inaudible). She was in the hospital. I waited until she got out. She is in some—I'm sorry, I can't say that word—convalescent home. I talked to her and she couldn't remember whom she talked to. I want to apologize to any present involved managers who got (crosstalk).

Chair Gooyer: If you'll wrap it up.

Mr. Marinov: A couple of sentences more. There was an event which was quite discussed, and that was an altercation between Bruce Felber [phonetic] and Phil. The La Comida management or manager did not listen to one of the parties. Maybe that's why Electra imagined this thing. We can safely assume this is not true, that the managers and La Comida and the Avenidas and the project ...

Chair Gooyer: Thank you.

Mr. Marinov: ... managers listened.

Chair Gooyer: Thank you. I now have Herb Borock, and then Bruce Heister.

Herb Borock: Good morning, Chair Gooyer and Board Members. This agreement between the historic experts is a classic disagreement that the Council can decide on as an argument between experts. While you're being threatened that if you agree with Mr. Hirsch, the City would be sued, whoever sues will lose the case. There's no concern for economic reasons there. There is a potentially significant effect by going along with the proposal. That is, you will be spending all this money building a big building that's supposed to serve all the seniors, but it won't. We all know how crowded Downtown is with all the over-development. It really doesn't serve people who are unable to get there. The alternative that should be studied is to have an alternate, second location down at a place like Cubberley where you won't need all this building Downtown. You have what purports to be a recommendation from the Historic Resources Board. In fact, the Historic Resources Board could not make a legal recommendation because every member who participated on the October 12th meeting had already expressed an opinion on October 11 which was not a legal meeting. Therefore, they demonstrated bias. They could not incorporate what they did on October 11th into the October 12th meeting. If they could do that, they could do the same thing for Chair Bernstein and Board Member Bunnenberg, who also expressed an opinion outside of the regular meeting and, therefore, had to recuse themselves. I mentioned this on October 11th and urged the HRB not to proceed and make comments, but they did anyway. The history is that there was a public notice as required by environmental law that was not required to have a description that you would have for the Brown Act. It omitted the fact that actions were being taken. The Brown Act notice was correct. The agenda was posted and said that actions would be taken. There was someone participating from a remote location. It wasn't noticed on the official notice that that person would be participating. The agenda posted at the remote location was not the agenda for the Brown Act. It was what was published in the public hearing notice, which omitted the fact that actions would be taken. It's very clear that the meeting on October 11th was not a meeting of the HRB. What happened there could not be incorporated into the October 12th meeting because members of the HRB were expressing an opinion outside of a legal meeting and, therefore, had bias which prohibited them from participating in the action on October 12th. As far as Mr. Hirsch is concerned, since he's new to Palo Alto, he may not be aware of

the process to preserve his rights going forward. The next stop would be, if he disagrees with the Director's decision ...

Chair Gooyer: If you'll finish it up.

Mr. Borock: ... to appeal. Thank you.

Chair Gooyer: Thank you. I have one more speaker, and that is Bruce Heister.

Bruce Heister: I am a member of Avenidas. I am former Chair of the Board and still on the Board. I live at 107 Emerson Street, within walking distance of Avenidas. I think that people have (inaudible) talked about 20 people signing a petition, for instance, from La Comida. Avenidas serves over 7,500 people a year, clients. Of that, 1,600 of them are actual members of Avenidas. Very few of the people who go to La Comida have actually joined Avenidas as memberships. Avenidas hosts the La Comida program. You're hearing not the majority of members who benefit from Avenidas, the 7,500. You're hearing from at most 150 people that make up the dining set. With respect to what Avenidas has been doing, we have started to look at obviously using Cubberley as a second point to relocate during construction but also to use that as a place to start setting up classes. Avenidas carried on for over 5 years a discussion with the City about actually locating a wellness center in conjunction with some other organizations at Cubberley. Of course, because of the problems of Cubberley's ownership or joint ownership or lack of a future, nobody was able to guarantee anything that would allow you to put money into a location down there. It would be using the existing buildings but not adding any new building with the kind of facilities that seniors demand today, particularly for physical fitness. Thank you for hearing me.

Chair Gooyer: Thank you. Is there anyone else that would like to address the Board on this item? Seeing none, I'll bring it back to the Board. Kyu, why don't you start?

Board Member Kim: I'll start with two quick questions for clarification. In the staff report, it was noted that the HRB meeting minutes from October 11th and 12th would be provided. I did not see those yet. just wondering if ...

Ms. French: I think they weren't returned from our transcriptionist. It was just last Wednesday. I can give a basic summary of that meeting. I think I provided a summary in the staff report itself. I apologize ...

Chair Gooyer: That would probably be a good idea.

Ms. French: ... that I did not have those available at places today. In essence, just to respond to Mr. Borock's comments. The ad was correctly placed in the newspaper. The agenda was posted on the Friday. It did not state that telephonic participation was going to happen. The morning of, we put something out on the table to clarify that. It was not 24 hours in advance, which was the requirement for that agenda. What happened then at that meeting on the 11th is at 10:30, there was a continuation of the meeting to the next day beginning at 10:30. A notice was placed outside and at the HRB member's house regarding that meeting the next day. The HRB incorporated the comments made on the 11th and made a decision on the 12th. That was posted, that agenda. All four members that were participating, one telephonically, recommended approval of the project. I guess we don't have a number here today to convey the Board's general opinion about that. To sum up, they were pleased at the changes, the revisions. They did read and they announced, and I asked each one of them to clarify that they had read Mr. Hirsch's letters to the Board. They had and considered all of that and considered the report that ARG had prepared regarding the compliance of the project with Secretary of Interior Standards 9 and 10, retention of the garage. They were resolved in their opinion and did forward that recommendation for approval of both the Initial Study and the project.

Chair Gooyer: Thank you.

Board Member Kim: My second question is regarding the approximate construction year of the garage/shed. In the architect's drawing set, it's been noted that it was an addition made in 1950. However, in the historic report, it says approximately 1930. Is there clarification on that?

Ms. French: Yes. 1930 is the correct. The 1950s addition was the kind of kitchen area to the side that you can see from Bryant Street. It's the Bryant Street-facing, one-story component of the building, attached to the Category 2 building. The shed at the back is the 1930 building. I can show it on the screen if that would help.

Board Member Kim: No, I think that's okay. Thank you. I just want to say thank you to the applicant and to the architect for the presentation. I'm actually very pleased with the way this project has progressed and the latest revisions that have been made. I actually find the project and the building to be very poetic. I think there's kind of a beauty that's been—there's a certain beauty that's come up throughout the evolution of the project. I think looking at the way that the old building is separated from the new building, the transition, the way that the new building is kind of nestled between two parts of the older buildings while also retaining the courtyard, the size, the massing, even though the new structure is taller, I do think there has been quite an effort made to make the taller portion of the building still feel subordinate to the historic structure. I think there's been a real careful kind of punctuation to the way that this project has begun to situate itself on the site. I think in a project like this it's the very little things that make a very big difference. I'm very pleased with the way that the project has come to where it's been presented today. I appreciate the changes that you've made to the metal panels along with the new entry on the parking lot side, changing them to glass, pulling back that third-story portion facing the courtyard and also the other architectural details to the roof, the eaves. The other accent elements, I think, make a big difference in bringing this project together. I do not find this three-story scheme to be overly massive. I think I've stated several times in previous meetings that facing towards Eleanor Cogswell Plaza, it's very well screened by those trees. Even if it wasn't for those trees, I think a case can be made that this building does not look out of place. I think there are other, taller structures in the surroundings such as the parking structure itself even that do not make this building feel too large. It's very hard finding a balance. I think you've really, truly come to find that balance. I applaud your efforts and your resolution that you've come to. I would be more than happy to approve this project, seeing the changes that you've made. Again, thank you for your revisions and sticking through the process.

Chair Gooyer: Thank you. Alex.

Vice Chair Lew: Eloquenty said, and I agree with everything that you described, Kyu. I think the only difference that I have is—I have like a list of nitpicky things that I think should come back to the Board at some point. I think ...

Chair Gooyer: The Board or the ...

Vice Chair Lew: I'll go through the list, and then we can talk about it. I think I did also want to distinguish two elements regarding the third floor. It seems like there are two issues. There's one issue which is the three-story mass overwhelming or over-scale to the park. There's a second issue of is the three-story addition over-scale to the historic, existing building. I think those are two issues. There's been opposition to them. I think that some of the other Board Members who aren't here today and then also David Hirsch are mixed up. They both sort of wanted to redo this scheme but, I think, they were making somewhat different arguments. With regard to the three-story, we have lots of three-story buildings around open space or courtyards here in Downtown. If you go all throughout the Stanford campus, you'll see lots of three-story buildings around courtyards. They're fine. They're beautiful spaces, and they're attractive. I think that's the case with this particular project. I'm not in a position to—I would not support somehow changing the ARG historic report and the peer review, which both state that retention of the garage is the correct solution. My list of things that I think should come back somehow. The new light fixtures. They seem like a little art deco style to me. They don't seem quite right. That's just a minor issue for me, though. They're illuminating outward. I would prefer ideally like

some sort of shielded fixture or a down-light. We don't have a photometric plan of them. I think we have a photometric cut sheet of the fixture itself, but we don't have the photometric plan for the project. Also, I think you're showing trellis lights in the courtyard, but those don't appear in the lighting plan. I think my question would be if you have required egress through the courtyard, then do you need to meet the emerging lighting standards and whatnot for that. Also, in that courtyard, I think, we don't have any details of the trellis or the trash enclosure roof. It seems like it's somewhat of a combined structure. I would caution you that sometimes I've had like the Building Department require those trellises to be fire-rated if it's part of the egress path of travel. It seems like some of the landscape drawings are showing the trellis as wood, but in some other photos it looks like it's a metal structure. I think we need to see that. Also, the landscape plan is showing a pittosporum hedge along the park side of the project. It wraps into the—what do you call it? The hyphen, the glass connector window. That seems to me the wrong solution, to have like a 15-foot high hedge blocking the nice window that you have there. I think that's like a feature window. It should make a connection between the building and the park. I'd like to see that revised. We don't have any—at least in our packets, in our drawings, we didn't really have any of the colors or materials specified. I think maybe there's a color board. That's great. I haven't seen it. I think my question would be for the architect. Sometimes there's an issue when you have like sunshades and all the other metalwork. Sometimes it's hard to get those to match the windows. I don't know how you figured that out. Depending on what you specified, sometimes it works and sometimes it doesn't work. I think we just need to see all of the materials together. Also, I don't think we've seen any of the paint colors for the existing building. I was wondering if you're doing all of this work, that maybe the existing building would be repainted, maybe not. I don't know. We haven't seen anything for that. If that is happening, I would like to see the colors and have the HRB weigh in on those. That's what it is. They're nitpicky, but that's where I am. I can support the project.

Chair Gooyer: I agree. This project, I think, is very nicely done. I think it's come a long way since the first time we saw it. It is a three-story building, but I don't think the way it's been designed that it overpowers the existing two-story building. As far as the couple of items you have, those to me are subcommittee items if you want to do that. You're right with some of the things. As far as the anodized aluminum, for instance, sometimes you won't know that until it actually comes out in the field. Then, it's going to have to be a call on the architect's part to say, "I either accept these or don't accept these." I've done it myself, where you just have to do some work between the various vendors and see if you can get it done at the same time. I don't have a real problem with that. The same thing. I'm willing to approve it as it stands right now. Can I get a motion from one of you?

Ms. Gerhardt: Chair, if I may. Can we just confirm that we've closed the public hearing before we make a motion?

Chair Gooyer: I'm sorry?

Ms. Gerhardt: Can we just confirm that we have closed the public hearing before we make a motion?

Chair Gooyer: I'm sorry. I did close the public hearing already. I closed the public hearing and then brought it back to us. Can I get a motion from one of you?

MOTION

Board Member Kim: Sure. I will move that we approve the project with the following things to come back for subsequent review with the subcommittee. These items are to include possibly reconsidering the light fixtures and also seeing the details for the light fixtures that we do not have spec sheets on; an overall photometric light study; details of the trellis and also the trash enclosure roof, if they are separate or if they are a single structure; and the final colors and materials palette and that they also be reviewed one more time; and also to look at possibilities of repainting the existing historic structures.

Chair Gooyer: He got everything pretty much that you have?

Vice Chair Lew: I will second that.

Chair Gooyer: All those in favor? Against? Passes 3-0 or 3-0-2, I guess.

Ms. French: Two recused, absent actually.

Board Member Kim: Can I just say on the record that I'm very appreciative of the comments that were made by the public, also including Mr. Hirsch. I think those comments are important. I do not want the public to think that we disregard those comments. They are taken into consideration. I really hope to see more of those kinds of comments and engagement by the public in the future. Thank you.

4. **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: This project has been reviewed in accordance with the California Environmental Quality Act (CEQA). An Initial Study and Mitigated Negative Declaration has been prepared for this Project. Zoning District: Downtown Commercial (CD-C (GF)(P)) District. For additional information contact APetersen@m-group.us.

Chair Gooyer: The next item. We have 429 University Avenue, to consider an appeal of the Director of Planning and Community Environment 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, this project has been reviewed in accordance with the California Environmental Quality Act, CEQA. An Initial Study and Mitigated Negative Declaration has been prepared for the project. Zoning district, Downtown commercial, CD-C(GF)(P).

Adam Peterson: Good morning, Chair Gooyer, members of the Architectural Review Board. I'm Adam Peterson from the Planning Division. I'm here today to present the project at 429 University Avenue. The applicant has responded to the ARB's comments from the September 1st study session. They have submitted plans for a new four-story, 50-foot tall, 31,407-square-foot, mixed-use building. Again, just to remind you, this is the timeline of the project. It was at City Council in November. The City Council referred it back to ARB for continued deliberations. Most recently, like I said, there was a study session on September 1st. The applicant has responded to that. From the City Council meeting on November 30th, the City Council asked the ARB to evaluate the project related to specific design criteria and Architectural Review findings. The specific design criteria to consider for this project are the project's compatibility with the siting, scale, massing and materials of buildings adjacent to the site; the rhythmic patterns on the street of University Avenue; the rooflines and projections; and whether or not the project is at a human scale. The specific Architectural Review findings to consider are the project's compatibility with the immediate environment of the site; its unified design character; and the appropriateness of materials, textures, colors and details to the project's function and to adjacent structures. Again, this will give you a quick overview of some of the buildings immediately adjacent to the project site on University Avenue. The project would essentially replace these three storefronts and relocate it adjacent to this building. This is one right next to it. This is the rendering or basically the street view of the project from Kipling Street. Again, this is the alley that would provide access to the project site with the subterranean parking. This is a one-story building with a sloped roof located just immediately behind the project on Kipling Street. Again, this is more sort of on the east side of Kipling Street. Again, just a reminder of the project that the ARB evaluated at the September 1st study session. This is the project from University Avenue. Again, it's a four-story building with an eyebrow. Bottom floor is commercial use. Middle floor is office. There are three residential units on the third floor with the fourth floor office. The fourth floor was set back approximately 40 feet from University Avenue. It was also set back from the western property line and approximately 40 feet from Kipling Street as well. This is the proposed project and the revisions that the applicant has made and that the ARB is considering and evaluating today. The applicant added back in two residential units and basically increased the square footage by approximately 3,000 square feet to this project. They did relocate the office from the fourth floor to the third floor. It's located here on the right-hand side of the rendering on University Avenue. They did vary the materials

and the colors—excuse me. They varied the colors between the second and third floor. It's a darker shade of concrete on Floors 3 and 4 versus Floors 1 and 2. The applicant removed the eyebrow but has installed sort of these glass, I guess, window coverings or window awnings over the windows. The third and fourth floors are now aligned, and they're parallel to each other. They're set back approximately 19 feet or a little bit more than 19 feet from University Avenue and 10 1/2 feet from Kipling Street. They are aligned parallel with little 6-foot sort of balconies set back along the western property line over here. They are also aligned parallel on the alley. These next few slides will take you through just the renderings for the project, walking around the site, for you to evaluate. Again, we have these metal, mesh screens to sort of modulate the building. There are floor-to-ceiling glass windows. This is the setback on Kipling Street. Again, about 10 feet 6 inch setback on Kipling Street. This is the project rendering from the alley. Again, the residential uses are set back 10 feet from the property line, but there are these balconies and sort of entryways that extend and project to that. This is a garden wall. The applicant has provided landscaping and landscape details in the project. This is sort of a patio, dining area. Excuse me, not dining area, but more of sort of a porch area, that's aligned with landscaping for this site. Again, these are two renderings. The next two slides are renderings of the project on University Avenue. This is more, I guess, from this spring. The foliage on the trees is a little bit more full. This is a rendering, I guess, more from autumn. As you can see, the foliage is a little less full and a little less green in that time. Again, that's the project site. In terms of the analysis of the project, the recommendation that staff came to is that we would recommend that the ARB recommend to City Council affirming the appeal and denying the project subject to Architectural Review findings and Context Based Design Criteria. Alternatively, the ARB may consider recommending denial of the appeal to the Council and approving the project reviewed by the ARB at the September 1st study session. If the ARB has any questions, I'm free to answer them at this time.

Chair Gooyer: Thank you. Are there any questions of staff? If the applicant wants to have a presentation.

Jonathan Lait: Chair, because this is a quasi-judicial matter, we do want to give the Board Members an opportunity to do ex parte communications or indicate if they've had any contact with the applicant or anybody that may impact your perspective about the project.

Board Member Kim: I've stated in the past my interactions with the architect. Since the last formal hearing of this project on September 1st, I was reached out to by Ms. Wong, the client. I did meet with her for about an hour just for her to show me basically the progress that was being made between then and now.

Vice Chair Lew: I have not had any new contact with the applicant or anybody else on the project. The contact that I had is in the minutes that are going to be approved later today.

Chair Gooyer: I haven't made any contact.

Ms. Gerhardt: If I may. Also, Attachment K was a little bit cut off in the packet. We do have a new version back on the table. You should have received that at places. Also on October 18th, the Chair received a letter from the applicant, and that should be at places as well.

Chair Gooyer: You have 10 minutes.

Jaime Wong: Good morning ...

Chair Gooyer: Morning.

Mr. Wong: ... Chairman Gooyer, members of the ARB. I'm here this morning just to open up a dialog to talk about this building on its architectural merits. Let me say or suggest that we are here mainly because of fear of the unknown. I think there are people who are just afraid that this building, because of its location and its design, it's going to cause issues with how it fits in with the neighborhood, how it

affects traffic, how it affects the pedestrian look and everything else. I think that those are really not the issue. As we see from a lot of construction that has occurred over the years, Palo Alto grows organically, and it becomes a beautiful city. I think this is going to be an addition that will be celebrated in the future, if it's every completed, based on its architectural merits. Speaking of architecture, I'd like to introduce our architects, Pratima Shah and Joseph Bellomo of Joseph Bellomo Architects. The last time I mentioned that Joseph is a recipient of the Birge Clark Award. For the record, I'd like to read that the Birge Clark Award is given by the Santa Clara Valley Chapter of the American Institute of Architects. It's given once every 2 years to an individual architect to recognize outstanding achievement in quality, consistency, design of architectural work as expressed in a body of work over a period of at least 10 years as selected by a panel of his peer architects. I'd like to introduce Joseph Bellomo.

Joseph Bellomo: Thank you. Thank you, Jaime. Good morning. I hope you're doing well. My name's Joseph Bellomo. I work at 102 University Avenue. I've been living and working on University and Kipling Street for more than 30 years. In fact, my children were born in a house on Kipling Street. I'm very familiar with Kipling, University Avenue. It holds definitely a good place in my heart. We're really trying to design a building that fits into the University Avenue streetscape. We've had very good luck on University Circle with designing City parking structures, commercial buildings. We find that this will fit in. It's a perfect storm with the alley for parking access as it's placed, and it's adding residential units to University Avenue. I live on University Avenue in a similar building. It's wonderful to step outside and take a walk. We're really excited about the project. We want to commend Mr. and Mrs. Wong for their perseverance with this project. It hasn't been easy, but they feel very passionate about it. We feel the same way. We really applaud their efforts. It's been a long haul. Again, I want to work with the neighborhood throughout this process, throughout the construction. We want to celebrate, we want to respect the neighbors, the retailers. We understand how—it's a tricky site to build, but we again are familiar with building on University Avenue. Program. First floor retail. Two levels underground parking with the access from the alley for that parking structure. First floor retail. Second floor office. Third floor one office and two residences, and fourth floor there will be three residential units. Really, ask me some questions.

Pratima Shah: Here is the site plan of major change. Second floor, we have retail. Second floor has retail space. Third floor, there is major change between what we propose earlier. Earlier proposal had three residential units. This proposal has two residential units on third floor and office space. There are major setbacks on University Avenue, 19 foot 9 inches on University and 10 foot 6 inches on Kipling Street. We really took into consideration ARB's comments about reducing or eliminating the fourth floor terrace and dividing the square footage equally between third and fourth floor. Basically we haven't increased any square footage, but we have used or located our permitted square footage and distributed it equally between third and fourth floor by eliminating terrace. This is the fourth floor plan. We do not have terrace, but we have three residential units. This is as per Palo Alto's comprehensive building plan. We are enhancing a residential and adding more residential units, though they are smaller than previously proposed.

Mr. Bellomo: Here is a view from Kipling Street with the alley to the right. This is like set back into actually the existing buildings, but it gives you an overview. It would never really be viewed like this, but we wanted to show you the overall elevation. Again, top floors are set back. The pedestrian experience is enhanced by using recesses, display windows, retail entry and welcoming porticoes. Sixty-foot storefront and retail entry has been added on Kipling, where no store frontage exists now. It will be a very sustainable project similar to a project we did at 102 University, using slag concrete. Basically as many renewable resources as possible, hydronic heat and cooling, very efficient systems, 500-year building, very maintenance free. It will really uphold a look and feel, we think, for many, many years. Again, we want to celebrate the canopy. That's really the beauty of University, the canopy. We'll be protecting those at every aspect of the project, the tree canopy.

Ms. Shah: We are now going to show you pictures of University Avenue and Kipling and overall picture. I would like you to evaluate these picture based on following criteria, like context, compatibility, scale and mass. Here is the context. This is the aerial picture from University Circle. Red dot shows our building.

All the reports or the comments feel like we are talking about the—how many feet? (inaudible) tall building, but we're really proposing four stories-style building which is permitted.

Mr. Bellomo: I just want to bring up the circle on this photo. The parking structure was built, but the five-story building at 102 University and Alma was not built. It shows still the one-story actually building at Alma. Right now that's a five-story building. Street views. As I'm sure you're all familiar with walking down University. A mix of buildings. I love that buzzer. Mix of buildings, mix of heights, two-story, three-story, four stories, different architectural styles, facadism, modern and all coexist together. Here's the Cheesecake Factory, Apple Store. I think you guys probably walk University a lot, so you know the rest.

Chair Gooyer: If you could pick it up.

Mr. Bellomo: Is that 428? 428 University, a four-story building.

Ms. Shah: We like to show this building. This is right in front of the 429 University Avenue. This is also a four-story building right next to two-story building with sloping roof facade. In the report it says we need to replicate the style, material. We see here example of the sloping-roof and flat-roof building right next to each other with two-story and four-story building. This is not—what we are proposing is not new to University Avenue. It's been already there. We would just like to bring—they have different architectural have been celebrated on University and which created vibrant Downtown. We are just adding to that.

Chair Gooyer: Thank you.

Mr. Bellomo: Thanks for your review. I know ...

Chair Gooyer: Thank you.

Mr. Bellomo: ... how much work you guys put into ARB. Thanks.

Chair Gooyer: Are there any questions of the applicant? Go ahead.

Vice Chair Lew: Thank you, Mr. Bellomo. Could you go back to the—you have like a sustainable design and materials sheet. I did have some questions about that. My question is I think you changed the concrete eyebrow and replaced it with like a sunshade. You're also listing 3form, which I don't recall that being on there before. I did want to confirm with you. Is the 3form the sunshade or is that also the railings?

Mr. Bellomo: It's the siding. It's the building siding.

Vice Chair Lew: That's different. I think the staff report is saying that the third floor and the fourth floor walls are just colored concrete.

Mr. Bellomo: No. It's framed with a cladding of 3form cladding.

Vice Chair Lew: Got it. 3form is a rainbow of things. Is there a sample or do you have a photo of another project that you've used it on?

Ms. Shah: Basically on third and fourth floor, there is changing of material. Also what we are proposing is a proprietary structural modular steel spring system. The cladding is 3form. There is no change in color of the concrete basically. 3form color we would like to match with the surrounding brick buildings and the building right in front of us basically.

Vice Chair Lew: That's a substantial change that I was not aware. I think we have to—yeah, that's huge. Do you have a better ...

Board Member Kim: I think the architect has a building at 640 Everett that actually uses a similar 3form siding.

Mr. Bellomo: Yeah. It's exactly. It's complete 3form siding.

Vice Chair Lew: I haven't seen it, but I will take a look at it today.

Mr. Bellomo: It's in the corner of Everett and Byron. It's been recently finished also.

Vice Chair Lew: Thank you.

Chair Gooyer: Thank you. I have three speaker slips for people that would like to address the Board. Why don't we start with Michael Harbour, and then Herb Borock. Give him 10 minutes if he needs it. He's the ...

Michael Harbour: I have 10 minutes? Hi, I'm Michael Harbour, as we've met before. I'm here on behalf of the appellants for this project. Again, we heard from Mr. Wong that this is a fear of the unknown, and he wanted to open up dialog. I'm sorry. This is not a fear of the unknown. The time to open up dialog passed long ago. The motion from the City Council was May 4th, 2015. Dialog was attempted to be open now. We're 18 months later, and we're hearing open up dialog. It's really ridiculous. The fear of the unknown is again absurd. This is the known. The City Council made it very known in their mandate what they wanted in terms of this project. Again, the project shall have design linkages that include both University and Kipling Avenue. The project was to be resubmitted to you to assess compatibility, to minimize massing. Upper floor shall have setbacks to fit into the context of the neighborhood. Then, they said the option of third or fourth floors provided they are visually compatible from the streets and require articulation and setbacks. The Code states that all sides should be treated equally. Again, I want to just remind you of that with regard to Kipling Street. The fact that they say open up dialog, this is just disingenuous. The staff report that you have here cites multiple violations of Municipal Code and Comprehensive Plan. I won't go through all those, but they outline again multiple context and compatibility issues, the fact that there's not appropriate transition. They talk about the design elements and whatnot. They also talk about secondary business district recognition and the massive building discourages the use of Downtown alleyways for pedestrian, bicycle-only use. We've seen the HRB's evaluation. This has not gone back to the HRB, but they stated that this building was just way too large. They had a number of different issues with the building. We've seen multiple renditions. As many of you said in the past meetings, this is just a change of the skin. We still have the same massive building with just different exterior appearance. That was the first design. The second design was not compatible. Now, this final design is still as big and massive and cubicle as it was and without any changes and some of the suggestions that you've given to them to make it look like a two-story building with some setbacks. It's just not compatible with the neighboring buildings. Again, we have this four-story structure plus elevations for HVAC and elevator shaft even making it look larger against the one-story building next to it on Kipling Street. Mr. Bellomo talked about "trying to design a building for the University Avenue streetscape." That's nice, but the problem is that we have Kipling Street here too, which is a very unique street which we cannot forget about. At the last meeting, Ms. Wong sent me a letter. She released it to the media. Here's the front page of *The Daily Post*: "Wong Agrees to Reduce Size of the Downtown Project." She publicly promised a smaller mass and size to try to appeal to people here in the community. Let's take a look here at the size history. If you look at the total square footage back on August 4th, 3,157. Then, she submitted the 28,336. Now, it's up to even larger than it was before, 31,407. Size and massing has not been addressed here at least with regard to massing. Excuse me, size. I'm a physician; I've taken a lot of physics. Mass is a component of size and density. That hasn't changed here. The overall appearance has not changed here as well. They've made the third—excuse me—the fourth floor much larger here. It's still a colossal building on the narrowest street of Downtown Palo Alto. It's a four-story building that overwhelms its one-story neighbors. Again, increased alleyway

traffic discourages pedestrians and interferes with existing businesses. It really interrupts this peaceful entrance to the YogaWorks. It's obscured by this massive wall that will be on the Kipling Street alleyway side. I want to just talk about and summarize here. There's multiple violations that still exist with regard to size, massing and compatibility, which the staff report highlights. The staff analysis proposal states that the applicant has only been partially responsive and has ignored other repeated requests. A year and a half of this. We all are outraged. This is just ridiculous. The developer has made the fourth floor massing worse by enlarging the size despite being told by you at the last study session that she was going in the right direction by making it smaller. Now, it's been made bigger. The total size and mass of the building is as large as it was when I filed the appeal originally almost 2 years ago. The applicant has not adequately addressed the issues outlined in the May 4th, 2015 Council motion. The applicant has demonstrated an unwillingness to adhere to the Council mandate and your recommendations. The proposed plan negatively impacts quality of life for existing residents, businesses, tenants and pedestrians. It's an imperative that this unique street is developed thoughtfully, because this is going to serve as a model for future proposals when you have—this is not an argument about design. I haven't criticized Mr. Bellomo's design nor any particular design of any architect that has come forth. It's about size, massing, compatibility, pedestrian-friendliness, making a building that's unique for Kipling Street as well as University and maintaining the business aspects of that unique alleyway. I'm requesting that at this time, after as much length that we have done—Chair Gooyer, you had said before that that was going to be your last session, two times ago before they did the study session—the ARB deny this project at this point. We've had enough time to discuss it. The issue was clear. The mandate from City Council was clear. I honestly think that the applicant is just trying to delay this through the elections to try to get a new City Council on board to try to vote this differently. That's what she had publicly stated at a previous meeting. I'm angry. I'm angry that we've wasted so much time, and we haven't progressed anywhere. We've gone backwards. Thank you.

Chair Gooyer: Thank you. Now, we have Herb Borock, and then Jeff Levinsky.

Herb Borock: Thank you, Chair Gooyer. The architect, Mr. Bellomo, is doing a good job for his client. He's presented with the client's objectives and plans and did his best to satisfy them. Unfortunately, the applicant is requesting Mr. Bellomo to design a project with more floor area than it's entitled to. I provided you at a previous meeting, August 4th—it's in your administrative record—with substantial evidence that the applicant does not have the right to use a floor area transferred from a demolished building. The purpose for seismic rehabilitation is to rehabilitate an existing structure. In fact, the applicant had previously come to the Architectural Review Board with a project that did that. It was just a facade change. It was only after they started demolishing the building that they decided that there were hollow structures upholding it and, therefore, they couldn't do what their original plan was. They demolished the building. At that point, they no longer had an entitlement for any seismic bonus to transfer. That's the problem here. You're starting with too much floor area than is allowed by the Municipal Code. It doesn't matter how good an architect you have, and they have a good one here. You can't produce a building that violates the Code. I would ask you to recommend that the Council affirm the appeal and deny the project and to add to the findings that fact that they're not entitled to all this floor area because they can't transfer floor area from a demolished building. It doesn't matter that somebody on staff—whether or not they actually did it, the applicant has said someone at staff told them they could do it. They can't rely upon that to violate the Code and neither the City Council. In regard to the previous speaker, I had also made a comment at a previous meeting that you had said at that meeting you were going to make a decision. I think it's time to move on. I know the applicant would like you to keep on meeting on this project until you do what the applicant wants you to do. That's not what the Municipal Code says. Thank you.

Chair Gooyer: Thank you. Then, we have Jeff.

Jeff Levinsky: Good morning, everyone. For me personally, if you do decide to send this project back to the Council up or down, I don't know what I'm going to do with my Thursday mornings. Three quick points. First of all, there was discussion that you consider the tall bank building across the street on University for compatibility. We always want to point out that that is a nonconforming building. It's an

oversize building, and so we don't think it's appropriate to use those for compatibility purposes. Secondly, we've been asking since early on that the public be given visualizations that show from a pedestrian perspective how this building will appear, especially on Kipling. I've studied all the projections and so forth that are included in the packet. None of them seem to me to show from where someone walking on the street or living in a house on the street, what they would see. Everything is from an elevated perspective and often from a point that doesn't actually exist physically and one could be at. The concern is you're going to look down Kipling, and you see these one- and two-story homes. At the end of the street will be this tall, four-story structure. Finally, I'd like to thank the staff for at least mentioning loading area as a concern. It's part of their grounds for denial. They point out that the policy of supporting the use of Downtown alleyways for pedestrian and bicycle-only use is not being met, because the alley will be used for loading. We do, of course, want to again point out that the project is required by the Municipal Code to have an off-street loading area. They're not providing that. The alley is considered under the Municipal Code as a street. That's very clear in the Municipal Code. The loading area is missing, and that's one of the problems that this project has and presumably why it can't meet this requirement. Thank you very much.

Chair Gooyer: Thank you. Is there anyone else who would like to address this Board on this item? Seeing none, I'll bring it back to the Board. Fine. If you want to get technical, I'll close the public session and bring it back to the Board. Alex.

Vice Chair Lew: I don't know where to begin on this one. I'll just say a couple of things off the top. One, I think that so much time has gone by on this particular project that it's really not—I would say it's not fair. The time between hearings that we've had has been huge. I do definitely want to acknowledge that. Second, I think, Mr. Bellomo, your argument for sustainable design is laudable. I've seen that thought process on another project, on the Brower Center in Berkeley. I used to work for Dan Solomon, and he was working on that particular project. It was a really great exercise to get to the most sustainable design. It was a really great exercise to really just rip apart everything that we know about buildings and get to the true essence of environmental performance. I definitely want to acknowledge that. I think that's important. We haven't really had that discussion here in town. It's come up a little bit before on some of the other projects, like 636 Waverley. It's out there. There are other architects who are working in town, who are getting ahead of the curve, doing net zero buildings and whatnot. We haven't had to really—what do we call it? Had a really big discussion about it, the aesthetics of sustainable design. I think we're overdue for that. At some point in the future, we should maybe have a retreat or something on that. I am, though, likely to recommend to the Council to deny the project. It goes back to what I said before in the last two hearings. The design linkages to me are weak. I think also all of the modulation and setbacks that you've done—I think you've done a great job in trying to address the Board's comments. I think there's a fundamental thing that has not happened, which is to make the building look smaller. You've applied all the setbacks, but I think the issue is that it still looks like a block. I think that comes down to the sustainable design, which is you're eliminating cladding and you're using lots of glass, 14-foot high glass windows on all the glass railings. To me, there's something in there that's just not working. We have lots of buildings Downtown that are at 3.0 floor area. We have lots of buildings Downtown that don't have setbacks at all. They all seem to coexist happily as you've shown in your aerial photos. To me, there is still something though that's missing in the design of the building. If I went through all of our Context Based Criteria—I went through line by line to try to figure out which ones you were meeting and which ones you weren't meeting. I did this before I read the staff report. I would say that you're meeting actually a lot of them if you go through it line by line. I think the ones where I'm having trouble is 2A, new construction shows general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained. I think I'm a no on that. You do address points of that, but I don't think you get to the essence of what the Code is saying. 2Bi, which is the siting, scale, massing and materials. Again, my take on it was that the massing is too big. It appears too big. We have other buildings that are just as big that fit. On materials, I think I was saying no. When I was looking at the packet, I was assuming that everything was concrete. I haven't seen the 3form. I could change my mind about that, the 3form. The pattern of rooflines and projections, I'm going to say no on that. The sizes, proportions, orientations of windows, bays and doorways, I'm going to say no on that. You've got 14-foot high glass. The window patterns

are very different. You have 10-foot high headers on the upper floors. It seems to me to be incongruous. Location of entryways, I'd say yes to that. Shadow patterns, I'm not sure about. Siting and treatment and parking, I think you're complying. Treatment of landscaping, I would say there's so little on that block of University that I would say that's not applicable. Ground-floor uses, all the retail space, I think that's a yes. Here it says you have climate and weather protection where possible such as covered waiting areas, building projections and colonnades and awnings. I'm thinking that's a no. You do have some recesses, but they're really minimal. There's not really a lot of awnings on your project. You do have the metal screens, but I think the screens are really sunshades for the upper floors. That doesn't really address the pedestrian environment on the street. Streetscape or pedestrian amenities, I don't really see very much. You do have the porch area on the back corner of the building. I'm thinking that really the essence of this is really on Kipling and University. I don't really see anything there at all. The bike amenities, I think you have that. That's fine. On the facades, we have a thing for facades that include projecting eaves and overhangs and porches and other architectural elements. I think you have that. I think you have a fair number of projections and balconies on there. There's a section in the Code for entries that are clearly defined features of front facades. I think you have the portals, one on University and one on Kipling. I think all the other doors are all uniform. When I go down that block, each building has something slightly different. The storefronts are very narrow on University Avenue. They're like 15 feet, which is narrower than really anything else that's being built currently. Most retail is going to be 20 feet or 25 feet wide. That's part of the block. That's the context. Every storefront is different. Residential units and storefronts that have a presence on the street and are not walled off or oriented exclusively inward, I think you're doing that. That's a yes. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street, I think you're doing some of that. I think you do have the balconies, and you do have the stair that goes up to the upper floors. I think you're kind of doing it there. All exposed sides of the building are designed with the same level of care and integrity, I think I'm a no on that one. I think that the Kipling facade is weaker than the others. I think it could be stronger. Reinforce the definition and importance of the street with building mass, I think you're definitely doing that. Upper floors set back to fit in with the context of the neighborhood. This one is very interesting to me. If you're just looking at the numbers, I think you're doing it. If I'm just looking at like the 20-foot setback on University, that seems similar to other buildings further down on University Avenue. I think you've got like a 10-foot setback on Kipling and a varied setback on the alley. I think you're kind of doing it. The Council directive was to step down the building, I think, on all sides. That's a little bit different than the literal interpretation of the Code. My take on it is that it's not. When I'm looking at it, I don't see that the Council's going to think that there's enough difference between what you are proposing today and what they last saw. I think the staff report had an alternate suggestion, which was to approve the study session or to recommend modifications to the study session set of drawings. Since so much time has gone by on this project, I've been inclined to go with that with a lot of conditions. I'm hesitant to do that because so much—we've gone through so many different revisions on the packet and on the drawings and have not really gotten anywhere. I'm really kind of reluctant to do it. I think I would be able to do it if we were able to get awnings and detailed and articulated storefronts and doors on the University Avenue and Kipling facades as well as breaking up the volumes on Kipling. That would be like distinguishing the stair tower from the third and fourth floor and from the University and Kipling corner. That's where I am on here. I'm curious to see what you guys have to say on this one.

Chair Gooyer: Kyu.

Board Member Kim: I'm on the same page. I'm thoroughly worn out at this point. I think there are positives to take away from this latest revision. I think the differentiation of the materials, going from concrete on the bottom two stories to the 3form on the upper two stories, is definitely a plus. I think the fact that you're adding more housing units is definitely a plus. I think the quality of the renderings are beautiful. I think there's a lot of information that's being given there that was maybe a little bit more lacking in previous revisions. I also wanted to applaud the sustainable features. I think at this point they shouldn't really be features. They should almost be requirements. I commend the way that you're going about the design of the building in a sustainable way, because those really shouldn't be extra features anymore. That's really the responsible architect taking charge. I applaud that. I think the reduced or

eliminated concrete, cantilever, what was often referred to as the eyebrow was a plus. There are also several items that, I think, are just not there. When I compare the elevations of this scheme to the very previous scheme, we seem to have gone backwards. Although there has been kind of an average setback where the top two floors now are pushed back to almost 20 feet, at least on the University side, when you're looking at the elevations side by side, it appears that there's a much greater setback for the top half of the building in the previous scheme. I think that's why the staff report is offering an option to run with that previous scheme rather than this one. I also am a little bit disappointed by the quality of the straight-on elevations, the architectural elevations. While the renderings do bring it up to speed, to a certain extent I'm a little worried. Like, I don't understand why these elevations cannot relay the depth of materials, the depth of the push back, the setback. If this is going to Council, as an architectural professional I think we can kind of understand the intent. If a layperson is looking at this elevation, it just looks like a flat, four-story building. I think the elevations really have to come across to show the difference in line weight, the difference in the push backs, the depth of the materials such as the concrete and the metal mesh and even the 3form. There's certain characteristics of those materials that just are not coming across in the elevations. I had also previously asked for a site section. I do realize that you've provided some of that. My recommendation was actually for you to provide a site section. If you're looking at the Kipling elevation, so that it's going from the Kipling elevation over to the left, cutting through University Avenue and further over to the left, cutting through 428 University, that four-story building, I think that is a site section that definitely shows that there are other, taller buildings within the site context. I guess you do have that here, but I don't know if we need to go further left. It's just not doing what I was hoping that it would do. I apologize. I do see the site section, the Kipling streetscape, Number 2 on A3.6. Perhaps you can go further left so that you can show the completion or the termination of that building. I'm torn. It's not fair to Mr. Bellomo for all the work that he's done here to say that time has run out. I feel like if this were brought to us as a new application, a new project, we could encourage further revisions to make it get there, so that we could recommend approval. With the status of the project being the way that it is and the length of time that we've gone through so many iterations, honestly the massing hasn't changed all that much. It's really just been a re-skinning. I thought with the previous scheme presented September 1st, that we were getting somewhere with some of the massing being pushed around more. With this latest one, having looked through the packet and reading through the staff report, I just don't know that it's heading in the right direction anymore. I think Board Member Lew brings up a good point as far as linkages. I don't know if I'm exactly on the same page, but I do think there is some transitions that can be made. In a previous scheme, there was an attempt for a transition along the University Avenue facade to kind of match with the height of the building next door to the left and kind of showing that portal as a separate element. These are things that, I think, have become lost. I guess the biggest issue is that there are still some components to the City ordinances and to our findings that have not yet been met. With the project being presented just the way that it is, I'm afraid that I cannot recommend that this project be approved. I would have to recommend that it continue with the appeal.

Chair Gooyer: Thank you. I'm not torn. I think this project is going backwards. We've seen numerous iterations of it. None of them really seem to be addressing what we asked for, and that really has nothing to do with the architect. I think it's just some of the basic criteria that we're dealing with. I was very disappointed—actually I felt good that after the last one you had reduced the square footage of the building. I've mentioned that it's perceived volume. If you take square footage out, it makes it a whole lot easier for the perceived volume to be accomplished. Then, I get this one, and it's 3,000 square feet bigger than the last one again. I'm sorry. I'm all in favor of sustainable design and everything else, but this particular design is—I don't know. It's a very bland, nondescript, two-story box that was placed on another two-story box. I think from day one I've never been a fan of the screens. I don't think they fit in their surroundings. I don't think we can do enough iterations or give you enough suggestions to recommend that this project come back for one more try. We've been there, and it hasn't helped. It's my opinion that we recommend to affirm the appeal. Can I get a motion from someone or I'm willing to make the motion at this point myself. I've mentioned it before. This project needs to just move on. We've seen it gosh knows how many times.

Board Member Kim: Before we make a motion, can I just reiterate that us as a Board have approved the project previously. We recommended approval of the project. The large part of my frustration is that—if this current project were brought to us as a new project, I think we could work with the project and make it so that we can offer our design feedback and perhaps make a recommendation to approve it. It puts us in a difficult situation. Again, we've approved the project, and yet we're here still talking about this project 2 years later.

Chair Gooyer: The thing is the project that we approved actually, I think, looks better than this project. Had we taken that one as a base and then been told by City Council to manipulate it a little bit or whatever, I would have been much happier. I don't think this project is up to the same level of following the criteria as the project that we approved—I don't know—four or five times ago. There was much more sensitivity to the surrounding area on that one than there is with this project. That's why I'm saying I think it's going backwards ...

Board Member Kim: I guess that goes to (crosstalk) with your comments.

Chair Gooyer: rather than forwards.

Board Member Kim: I guess that goes with your comments that it's really not the architect's fault here.

MOTION

Chair Gooyer: I'll make a motion then that we recommend that the City Council affirm the appeal and deny the project subject to the Architectural Review findings and Context Based Design Criteria contained in Attachments C and D respectively. Can I get a second from someone?

Vice Chair Lew: I will second.

Chair Gooyer: All those in favor? It passes 3-0. Obviously this will then go to—I don't know. Does it go to the City Council from this point on?

Study Session

None.

Approval of Minutes

August 4, 2016, September 1, 2016, September 15, 2016

Chair Gooyer: Did we have any meeting notes that we needed to approve?

Vice Chair Lew: Yes.

Chair Gooyer: I thought so. Here we are. August 4th, September 1st and September 16th. Are there any comments for any of them?

Vice Chair Lew: Yes.

Chair Gooyer: You want to take them one at a time then? How about August 4th?

Vice Chair Lew: On page 4 ...

Chair Gooyer: We're talking August 4th now?

Vice Chair Lew: Yes. Page 4, the third paragraph from the bottom, it says the Board concurred that the project was not moving in the wrong direction.

Board Member Kim: Nice use of a double negative.

Vice Chair Lew: It's a double negative. This is about 429 University Avenue. My recollection is that the Board concurred that the project was not moving in the right direction. That's my memory of that. I didn't have my notes.

Chair Gooyer: I agree.

Board Member Kim: My memory is actually that I may have said this, word for word as it's written.

Chair Gooyer: Really? Okay.

Vice Chair Lew: Then we should say—it would be ...

Board Member Kim: Maybe Board Member Kim also said.

Chair Gooyer: You want to do it that way? Why don't we do that? Just say Board Member Kim.

Board Member Kim: Maybe just move that up two paragraphs and include it at the end of my statements.

Vice Chair Lew: We can check the transcript—the video.

Board Member Kim: It was with the little recorder and that situation.

Vice Chair Lew: Right, right, right.

Chair Gooyer: That's right.

Vice Chair Lew: We had technological issues. That's all I have on that one.

Chair Gooyer: How about September 1st?

Ms. Gerhardt: On September 1st, I just want to make sure that—there were a couple of versions floating around the office. I want to make sure on the subcommittee item that you have the conclusion paragraph there for the subcommittee item.

Vice Chair Lew: Yeah, that's good. There was just one little typo on page 4. In paragraph 5, Birge Clark is misspelled.

Ms. Gerhardt: We had tried to find all those.

Chair Gooyer: How about September 16th?

Vice Chair Lew: September 15th. I just wanted to say that I was recused on one of them, but I think I can still vote on this. I sort of abstained from that Item 3.

Chair Gooyer: You're okay?

Board Member Kim: I was also recused from Item 5, but I think it's fine. I'm okay with the meeting minutes.

Chair Gooyer: Can I get a motion? Why don't we just do all three of them?

MOTION

Board Member Kim: I will move that we approve the Architectural Review Board draft minutes from August 4th with that minor change of the one comment on 429 University, also approve the draft minutes of September 1st and September 15th.

Vice Chair Lew: I will second.

Chair Gooyer: All those in favor? Opposed? None.

Vice Chair Lew: I have a question for staff on the minutes. If we have like on one of these minutes—it doesn't really matter which one—it says motion passed 3-2. We don't necessarily list who was opposed or for. Occasionally I will get a question from like the Council Members on a project. They'll say, "Who was opposed" and whatnot. Maybe we should say who ...

Chair Gooyer: Either that or who was against it or something.

Vice Chair Lew: Yeah. It comes up.

Ms. Gerhardt: I think we probably just need to be better about verbalizing it at the end of the hearing, so that the transcriber can pick it up.

Mr. Lait: I would offer if there's somebody against, give that dissenting vote an opportunity to speak as to why.

Vice Chair Lew: Say why, yes. Excellent.

Subcommittee Item

None.

Board Member Questions, Comments, Announcements

None.

Adjournment

Chair Gooyer: Anything else from anyone? Staff? We're adjourned.