



# Historic Resources Board

## Staff Report (ID # 8641)

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**Report Type:** Approval of Minutes **Meeting Date:** 11/9/2017

**Summary Title:** HRB Draft Minutes of October 12, 2017

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**From:** Hillary Gitelman

### **Recommendation**

Staff recommends the Historic Resources Board (HRB) adopt the attached meeting minutes.

### **Background**

Attached are minutes for the following meeting(s):

- October 12, 2017

### **Attachments:**

- Attachment A: Draft HRB October 12 2017 (PDF)



# HISTORIC RESOURCES BOARD MEETING DRAFT MINUTES: October 12, 2017

City Hall/City Council Chambers  
250 Hamilton Avenue  
8:30 A.M.

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## Call to Order/Roll Call

Present: Chair Martin Bernstein; Vice Chair Bower, Board Member Margaret Wimmer, Beth Bunnenberg, Roger Kohler, Michael Makinen

Absent: Brandon Corey

Chair Bernstein: Welcome to the October 12<sup>th</sup>, 2017 meeting of the Historic Resources Board. Will staff please call role? Thank you.

## Oral Communications

Chair Bernstein: First on our agenda is oral communications if there are any members of the public that would like to speak? I have one card from Council Member Holman, please and welcome.

Council Member Holman: Thank you. Before you, you have a sponsorship sheet from the CPF Conference and I am here this morning as the Chair of the Committee to ask you as individual members of the community and as members especially of the Historic Resources Board, to consider making a sponsorship level contribution to the success of the CPF Conference. Obviously, the HRB does not have a budget so this would be something that you as individuals collaborate on and decide about what level of sponsorship you would like to provide to support the conference. The conference has not been here for 30-years so – as of next year and so it’s really important that this be a successful conference. We want to represent our City and our Palo Alto Stanford community very, very well. Last night at the Palo Alto Stanford Heritage Board meeting, \$5,000 was committed by that Board. They said it could be used as a matching challenge as well. You’ll notice – I’m hoping that the Board will see fit to do something along those lines but you’ll notice at the pillar \$2,500 range, that actually has seven entrances. So, what that means is like for the California Preservation Conference it has two – the pillar has – I’m sorry, the pillar has three memberships for that – registration for that, the (inaudible) circle reception two people can go to that, the opening reception two people can go to that so that happens to be seven people. You can divide them up as you wish or you could prorate them however you wish but I’m hoping as individuals you will get together so the Historic Resources Board can be represented in a very obvious and public way at the CPF Conference. Thank you very much and also, CPF Board is or CPF staff is a little bit short-handed right now so just know that those of you who have volunteered to serve on the Committees, there will be a meeting next Tues – excuse me, next Wednesday at 2:30 if you haven’t seen the email yet this morning. I appreciate your consideration and maybe through the Chair, you could communicate back to me about any commitment that you’re interested in making. Thank you.

Board Member Bunnenberg: And...

Chair Bernstein: Thank you. Yes?

Board Member Bunnenberg: Is there a place that we should say something or agree to some sponsorship money or how do we handle that?

1 Chair Bernstein: Council Member Holman, do you care to respond to Beth (inaudible) comments?  
2  
3 Council Member Holman: I'm not clear on the question. What do you mean someplace? You could have –  
4 you'll have – depending on the level of contribution, you can see where – here where the marketing  
5 benefits are so what the publication opportunities are with sponsorship levels. That way there would be  
6 published sponsorship recognition of the Historic Resources Board. Does that answer the question Beth?  
7  
8 Board Member Bunnenberg: (Inaudible)  
9  
10 Chair Bernstein: We need your – Beth, we need your light on, please.  
11  
12 Board Member Bunnenberg: I don't see a paper that's the color of yours and...  
13  
14 Council Member Holman: Oh, it's the same thing, this is just – I just wanted to make sure that I kept one  
15 for me, it's the same thing. We can talk offline if you'd like because this is a – not specifically an HRB  
16 action. It's one that I just hope the HRB will back but it's an individual decision of money of HRB  
17 Members but I am happy to talk with anybody who has questions.  
18  
19 Board Member Kohler: Is there on here a date?  
20  
21 Council Member Holman: Yes.  
22  
23 Board Member Kohler: I didn't see that.  
24  
25 Council Member Holman: It's not on here but the Conference is next May; as it always is its preservation  
26 month in California. It will be May 17<sup>th</sup>-20<sup>th</sup> and it may possibly be the 18<sup>th</sup> to 20<sup>th</sup> but right now its  
27 scheduled for the 17<sup>th</sup> to the 20<sup>th</sup>.  
28  
29 Chair Bernstein: Ok, thank you.  
30  
31 Council Member Holman: Anything else?  
32  
33 Chair Bernstein: Beth, you have your light on, anything else? Ok.  
34  
35 Council Member Holman: Again, we can talk offline if anybody has any questions and I appreciate your  
36 consideration. Thank you.  
37  
38 Chair Bernstein: Ok, thank you. Any other members of the public who would like to speak to us on any  
39 item, not on the agenda? Seeing none.  
40  
41 **Agenda Changes, Additions and Deletions**  
42  
43 Chair Bernstein: Moving to if there are any agenda changes, additions, and deletions?  
44  
45 Ms. Amy French, Chief Planning Official: None.  
46  
47 Chair Bernstein: Thank you.  
48  
49 **City Official Reports**  
50  
51 **1. Historic Resources Board Meeting Schedule and Assignments**  
52  
53 Chair Bernstein: City official reports, Historic Resources Board meeting schedule, and assignments.  
54

1 Ms. French: I'd like to just report that the meeting of October 26<sup>th</sup> will be canceled. We don't have any  
2 items that are critical for that but we are going to meet on November 9<sup>th</sup>, assuming we have a quorum.  
3 So, if any of you know that you're not going to be here, that would be good to know and make sure we  
4 do have a quorum for that meeting. We also have the 23<sup>rd</sup> is canceled for obvious reasons, it's  
5 Thanksgiving and then December 14<sup>th</sup> we'll have a meeting but of course, another obvious cancellation is  
6 December 28<sup>th</sup>.

7  
8 Chair Bernstein: Thank you.  
9

## 10 **Study Session**

### 11 12 **2. INFORMATIONAL REPORT: Eichler Design Guidelines and Process for Developing** 13 **Potential Regulatory Options** 14

15 Chair Bernstein: Next would be a study session and where public comment is permitted, 3-minutes per  
16 speaker. Informational report on Eichler Design Guidelines and process for developing potential  
17 regulatory options. Does staff have a report for us?  
18

19 Ms. French: Yes briefly, we did provide an informational report regarding this project which was  
20 authorized and directed by City Council last December. You – we've talked about this and several of you  
21 have attended these outreach events. We've had several workshops now to ascertain what the public,  
22 the Eichler owners, in particular, think about going with Eichler Design Guidelines; what's important to  
23 them and the values of these neighborhoods. We've had several workshops and we've had a workshop  
24 with the two historic districts -- the National Register historic Eichler districts. We've had the memory  
25 event which some of you attended as well, which went during I think July it was; possibly August. Excuse  
26 me, air quality problems and that's what we've done to date. Our consultants have drafted the  
27 Administrative Draft Guidelines and so we are in the process of working through those and getting those  
28 into a publication at the end of this month, October. We have targeted and reserved a room November  
29 28<sup>th</sup>, after Thanksgiving, in the downtown library here for people to come and learn about the guidelines,  
30 provide input, and discuss so that's on the immediate calendar there. A couple things about the  
31 guidelines – oh, and I should say that the next steps after that are indicated on the last page of this  
32 particular report; packet page 10 indicates our plans going forward beyond November 28<sup>th</sup>. We do intend  
33 to bring those to you in December, the first meeting in December or the only meeting of December. We  
34 will come to the HRB with – for discussion of those guidelines. Of course, you will get them at the end of  
35 October so you will have a month to digest and consider your comments. Then going forward after  
36 December, we would come in January – I'm sorry, in December we would also visit with the Planning and  
37 Transportation Commission and probably the ARB as well, to share with them what we're doing as far as  
38 potential code modifications; which we are working on developing possible code changes that people can  
39 weigh in on and the Council can decide if they want to direct us to move in a direction of regulations of  
40 any kind. Right, getting back to that so Eichler's – I should say we've received some comments on this –  
41 recent comments. One email came and noted that CCNRs are not in every Eichler tract. CCNRs being  
42 covenants and code restrictions that talk about restricting to one-story or other restrictions and I don't  
43 think that was intended to – in the report I said other Eichler tracts, I didn't mean all other Eichler tracts.  
44 There are Eichler tracts that have CCNRs and we know of several so we can in the next report, report on  
45 this. We can describe which ones we are aware of that have these CCNRs. Excuse me, the other  
46 comment that we did get was somebody commenting on just Eichler tracts and not being appreciative of  
47 the City getting involved with any kind of regulations or guidelines with respect to Eichler's. I think I am  
48 going to stop there. If you've read the report you can kind of get a gist of where we're going with this.  
49 We'll have more to tell you in probably our November meeting and you will have a chance to give us  
50 some input before we have our public workshop if you'd like at that meeting.  
51

52 Chair Bernstein: Thank you. On that public works, did you mention or do you know that community  
53 workshop on November 28<sup>th</sup>, where the location is?  
54

55 Ms. French: The downtown library, right across the street from here on Forest.

1 Chair Bernstein: Thank you.

2

3 Board Member Kohler: Martin, can I?

4

5 Chair Bernstein: Yes, Rodger, go ahead.

6

7 Board Member Kohler: Let's see, about a year and a half ago or so I worked with some folks for an  
8 Eichler right off Charleston. It turned out to be a really sad and kind of not a good situation where these  
9 owners wanted to do two-story home and the neighbors came out in force and complained. We then did  
10 some drawings for a one-story home and the owners just gave up. Part of the things that you have to be  
11 careful of when you recommend one-story only is that having lived here all these years and worked on  
12 many Eichler's and I live just a half mile away, you can do these one-story homes that literally they fill up  
13 the entire site. So, there's hardly any open space, there's hardly any room for trees and it becomes this  
14 big blob of house. They are really not, in my mind, very comforting for the neighborhood because you  
15 end up -- these homes -- I don't know how you control it but in theory, one-story homes can be 17-feet  
16 high. You end up with these houses that are just huge, 15-17-feet high, and they pop out. Now, unless  
17 your guidebook that you're proposing here specifically says you have to do an Eichler style home, that  
18 might help but I should have brought -- next time I'll bring my site plans that I did. It's just shocking how  
19 little yard area is left when you do one-story homes on a property. So, I'm not a huge -- I just don't  
20 understand the problem and I think I'd rather have a neighbor with lots of trees and foliage going and a  
21 two-story home with the windows set up so that they can't look anywhere. To me, that's a much better  
22 solution than these -- I'll have to bring it to show you. It's startling because there's just hardly any yard  
23 left at all. I mean you have the 20-feet in the back but sometimes that's projected by another 4-feet or  
24 so and so it's just kind of shocking that you -- a lot of these Eichler's have redwood trees and everything  
25 so they aren't going to be able to expand anyway. If you -- if they can't -- because of the redwood trees,  
26 which is (inaudible) property there, they won't be able to expand their maximum floor area because they  
27 can't tear down the -- take down the redwood trees. I think there's -- I just think it's easy to say we all  
28 should have one-story but two-story homes can be designed in such a way as an individual review. You  
29 provide modest windows, covered windows and all kinds of things that will keep the privacy continuing. I  
30 don't know what to say about all that but I just think it's too bad if it ends up that way.

31

32 Chair Bernstein: My understanding is the maximum lot coverage is equal to the FAR, is that current  
33 regulation?

34

35 Ms. French: When building a one-story home, by choice anybody can in any district, Eichler or not, build  
36 up to the floor area ratio maximum for the site. There's no design review or anything else discretionary  
37 there. One -- can I -- because Rodger is -- as an HRB Member, I feel like I need to...

38

39 Board Member Kohler: Correct me.

40

41 Ms. French: Well, make sure that you're -- because you're an ambassador of what we are doing here with  
42 the Eichler Guidelines, that I'd like to make it clear. This grew out of the single-story overlay broken  
43 process, I'll just call it that, which was that people self-select to be a single-story overlay. They come  
44 forward, the support level erodes and it fails; we had that happen twice. As part of that action Council  
45 said, what we really need is guidelines so that when people build a two-story home there are guidelines  
46 for how to fit it into the neighborhood to be compatible. So, really what I was referring to early about the  
47 CCNRs is background material and I brought it up because I had an email about it. People seem to think  
48 by my mentioning that many neighborhoods have those or some neighborhoods -- Eichler neighborhoods  
49 have those that that is somehow what we're doing; we're not and that's just a background piece. You  
50 know when I have the report and the guidelines in front of you to help everyone understand, you will  
51 understand that it's guidelines for two-story development, as well as guidelines for compatible additions  
52 to a one-story addition so it's the whole gambit. It's not just for two-story homes, it's not just for one-  
53 story homes.

54

55 Chair Bernstein: Yes, Vice Chair Bower.

1 Vice Chair Bower: I have a couple of questions that I don't expect you would answer but I hope that in  
2 the report are answered. The map that you've provided us on page 7 is very helpful because it shows us  
3 in the pink where the single-story overlays are in effect and like the two green districts are the historic  
4 register districts. What I was hoping to see and I thought I had seen in the first community meeting is  
5 what the total area of impact would be. In other words, another color that would show what  
6 neighborhoods would be – that wherein the Eichler Design Guidelines would be effective. The yellow – so  
7 the three colors that are here, yellow was every other single-family home in the City. I guess the  
8 question – the reason why I bring this up is that I think it's important that we figure out some kind of  
9 graphic that will show homeowners if they're in or not. Is every Eichler going to be subject to the  
10 Guidelines or just the neighborhoods?

11  
12 Ms. French: I'll – that's nuanced, subjected to implies regulations. At this point in time, there are no  
13 regulations that are being worked on other than the potential for regulations but the guidelines can be  
14 used, along with the IR two-story review process, to ensure that the two-story home that ends up is  
15 compatible and to help with that. As far as subject to and required, there's no edict coming forward with  
16 these guidelines.

17  
18 Vice Chair Bower: It's not going to be – it's not similar to the Professorville Design Guidelines which are  
19 whether – they are guidelines that I think determine the design – the ultimate design of additions and  
20 new buildings in Professorville. This would not be similar?

21  
22 Ms. French: So, what's – so let's review on that. Professorville is regulated by the City's historic  
23 ordinance. All of the Eichler's in town are not regulated by the City's historic ordinance so there's no  
24 required discretionary review in those districts now and there's wouldn't be unless the Council directs us  
25 to do so.

26  
27 Vice Chair Bower: So, these guidelines aren't by the way, going to put a single-story lay anywhere and  
28 they don't really address that.

29  
30 Ms. French: They can be used in single-story overlay neighborhoods that already exist. For  
31 neighborhoods that want to elect in the future to be a single-story overlay, they can use them. People  
32 can use them even without single-story overlay because when they proposed a two-story or a single-  
33 story home, they are useful as guidance.

34  
35 Vice Chair Bower: Ok but every individual review project would have to look at – I'm not sure what the  
36 right terminology is but would use these Eichler Design Guidelines as part of that review process, is that  
37 right?

38  
39 Ms. French: Yes, there would be a connection to the individual review which is a discretionary process.  
40 For a discretionary process requiring discretionary City review, these would have some tie into that and  
41 that's the intent of having them. One of the intents – the most important intent is to ensure that the two-  
42 story home that comes along has greater compatibility than what we've seen without these guidelines.

43  
44 Vice Chair Bower: Another question which is related to the email that we received as Board Members  
45 from a community member. Two of the districts, the single-story overlay districts did not reach a level of  
46 support by the neighborhood to put that in place but I note here that there are nine of that where  
47 successful. Do you know what the -- can you describe what the vote or the neighborhood participation  
48 level has to be in order for a single-story overlay to become effective?

49  
50 Ms. French: Yes, there's the simple answer which is an application by the neighborhood for such a single-  
51 story overlay rezoning, in a – there are percentages. There's seventy percent participant – of the  
52 participants, seventy percent of the neighborhood supporting it. If there are CCNRs that restrict the  
53 neighborhood to one-story when Eichler put it together, it's sixty percent. However, the ordinance that  
54 we have in place for single-story overlays is not clear what happens when the support – when people  
55 change their minds during the process. That's what happened with Royal Manor and Fair Court, they are

1 the two that failed. They first came in with an application so they met the requirement but during the  
2 process with the Planning Commission and Council, people changed their minds and reversed from a yes,  
3 I support this to a no, I don't support this and so that's why those failed.

4  
5 Vice Chair Bower: Ok but in the nine districts that did have adequate support, they had to have seventy  
6 percent or sixty percent minimum if there was a CCNR...

7  
8 Ms. French: Correct.

9  
10 Vice Chair Bower: ... but that – so – ok, let me move onto CCNR because those are pretty powerful and  
11 they are not subject to – well they are subject to change if the community can – you know if the  
12 community decides to change them by a vote, I presume. Are there design guidelines in the CCNRs in  
13 some of these neighborhoods? I mean I'm trying to get a sense of how much design oversight the  
14 communities themselves have and whether there are lot – 2,000 Eichler's and they are in little tiny  
15 groups. Any kind of...

16  
17 Ms. French: So, I can tell you what I know and the first thing is that I'm absolutely positive there are two  
18 Architectural Control Committees that are active in this City. One is Charleston Meadows which we've met  
19 with Charleston Meadows group and they do look at all project coming that affect the exterior of Eichler's  
20 in the Charleston Meadows neighborhoods or they try too. Sometimes they are not successful convincing  
21 people to come to the water trough. There is Green Meadow and that is a very large single-story overlay  
22 and historic National Register district. A representative of that district is here, Penny [Elson], in the  
23 audience and if you would like to ask a question about that, she is here. Basically, they do have an  
24 Architectural Control Committee and they look at things like color even; they have an active group.

25  
26 Vice Chair Bower: I'm assuming as you develop the final language in the report that will come back to us,  
27 that you will quantify and explain the very things you are talking about here; that there where eleven  
28 proposed single-story overlays. Well, explain what that is and then describing the thresholds for  
29 participation and for inclusion in a single-story overlay district. The fact that two of them lost support, I  
30 think those things are important for the community. I'd be interested in knowing how that support – if  
31 they reach the seventy percent level to get to a review by planning and maybe Council, where did they  
32 end up – where did the support sag too or how much support was withdrawn? Seventy percent is a very  
33 high bar, that's higher than required to pass a tax increase and the only tax increase vote that I know of  
34 in Palo Alto that is routinely higher than the sixty-six percent requirement is the school district bonds,  
35 which last time I think received eighty-two percent support. That's a really significant number and it, I  
36 think will help the homeowners who own the Eichler's understand how this works and the history of these  
37 zones. So, I'd like to better understand I guess the – how Eichler Design Guidelines would affect an  
38 individual house that's not in a registered district and not in a single-story overlay district?

39  
40 Ms. French: That would definitely be part of what our plan is as far as getting to a workshop. We have –  
41 and I think sufficient time before then to a matrix to help people understand the relationship of the  
42 guidelines to existing programs like the IR program – review program and single-story overlays. There  
43 are definitely background reports written over the last year that I've written that I can certainly forward  
44 links to and have a – even for the next meeting, provide another informational report to help everyone to  
45 understand how we got here, why the SSO (single-story overlay) has been problematic and is not  
46 achieving – is not the perfect vehicle because of the erosion problem etc.

47  
48 Vice Chair Bower: The last thing is that I think that the Charleston Meadows group and the Green  
49 Meadow Homeowners Associations, because they have CCNRs, that those need to be highlighted and  
50 described in a different way. I would imagine the CCNRs and the architectural review groups of those two  
51 homeowner's associations would drive – would be the first level of design and review that the Eichler  
52 Design Guidelines that we develop as a City might – their review I would gather – I would imagine is  
53 more thorough and probably more strict but I'd like to know what that is too. Maybe it's just a simple I  
54 want to do a second story, I want to do a first story addition, there's no review or it's minimal but we

1 need to understand how that works because I'm imagining they will have greater control than what we  
2 develop here.

3  
4 Ms. French: Thank you, I think that's a great suggestion. I would like to perhaps invite those two groups  
5 that we're aware of, the ACC groups, to present and talk about it as far as how it goes and I can ask  
6 them. I'm in contact with those groups.

7  
8 Vice Chair Bower: I don't mean to take up all the time here but the reason that CCNRs is important to me  
9 as I had a condo at Pajaro Dunes down in Watsonville for 15 – almost 15-years and we went through two  
10 CCRNs revisions and I got very deep into the weeds about what those mean. They have design review  
11 there that's quite strict, it's all exterior so I'd be – I mean it was much more stringent than any of the  
12 Building Department or Planning Department requirements so it's important. Maybe you could ask them  
13 to forward them – a summary of the CCNRs as they relate to design to us...

14  
15 Ms. French: Yeah, I think that's...

16  
17 Vice Chair Bower: ...before a big report.

18  
19 Ms. French: That's a good idea. I would say let's just call out an example of a project that was reviewed  
20 by the CCNRs of the Green Meadow and then came to this Board. The Green Meadow – the new building  
21 at the community center so that's an example of well, it came to us already looking Eichler compatible  
22 and it needed to be tweaked but there was already a qualifying review or what have you.

23  
24 Vice Chair Bower: I think we made modest small changes to their design because of that review. Anyway,  
25 these are just some ideas that I think would help the community and help the Board Members  
26 understand where we're going with this.

27  
28 Chair Bernstein: Any other Board Members for comments or questions? I do, I have one. The – is it true  
29 as these things are – as the guidelines are being developed, the only buildings that involve the HRB are  
30 ones that are listed on the National Historic Register or is it all Eichler's that the HRB is going to be  
31 involved in if these guidelines become published?

32  
33 Ms. French: That's not the plan, that the HRB would be involved in every Eichler's so that's definitely not  
34 the plan. The guidelines are to help the customers, the homeowners, the architects because now we  
35 don't bring National Register Eichler homes to the Board and that's not going to change either. National  
36 Register homes is not a designation that is subject to our ordinance.

37  
38 Chair Bernstein: Ok, thank you for that. You mentioned the Architecture Control Committee on some –  
39 one or two of the neighborhoods. What that Committee decides, is there any enforcement to what their  
40 group suggests to property owners, do you know?

41  
42 Ms. French: Not by the City, it's an entirely separate activity; they are looking at what's happening out  
43 there. That's a private – CCNRs are an agreement, a private agreement that the City is not a party too.

44  
45 Chair Bernstein: If the guidelines do become published and adopted by the City Council, when does the  
46 City involve that? It looks like – I saw that in the report that it's something about the individual review  
47 process and that's when the City of Palo Alto gets involved in reviewing additions?

48  
49 Ms. French: These are items that we'll definitely cover in the December report because we are studying  
50 the connections – possible connection on the potential for the Council to consider making these  
51 connections in a zoning code kind of way for the single-family home neighborhoods.

52  
53 Chair Bernstein: I do see the reference to individual review so right now individual review ordinance only  
54 involved two-story homes, correct?

55



1 Ms. French: That continues to be the case, that's only for two-story homes or second-floor additions.  
2  
3 Chair Bernstein: Right, ok. Also, I see in our report today limitation Eichler Design Guidelines, it's not  
4 prescribing an architectural style so – (inaudible) Eichler Guidelines would help in reinforcing the  
5 importance of compatibility but they would not legislate or prescribe in enforcement way architectural  
6 styles that fit within existing homes. It sounds like as of now the strongest message about compatibility is  
7 neighborhood Architectural Control Committees, is that the current...  
8  
9 Ms. French: Currently yes, there is no – the City does not review Eichler one-story anywhere in town. We  
10 don't look at one-story homes except for Professorville.  
11  
12 Chair Bernstein: Are guidelines essentially just suggestions?  
13  
14 Ms. French: That's correct. They are intended to be helpful suggestions that link with an implementation  
15 plan for code modifications or connections written in a code to the IR program. I mean that's when they  
16 would become more useful for the City when reviewing projects but they are intended to be useful for  
17 homeowners and architects to – until that time, they would be that kind of a document.  
18  
19 Chair Bernstein: Alright, any other comments? Board Member --Vice Chair Bower.  
20  
21 Vice Chair Bower: Is – Green Meadow is a National Historic district – registered district and it has  
22 architectural review through the CCNR process but does Green Gables? It's also...  
23  
24 Ms. French: No, does not.  
25  
26 Vice Chair Bower: It does not.  
27  
28 Ms. French: They have CCNRs...(crosstalk)  
29  
30 Vice Chair Bower: But no architectural...  
31  
32 Ms. French: ...for part of that tract but they do not have an Architectural Control Committee. In fact, we  
33 had invited a representative from that neighborhood to the Green Meadows workshop that we held for  
34 those two National Districts. We only had one person attend from that neighborhood and she was  
35 amazed at just how involved the Green Meadow ACC is in terms of what they are looking at because they  
36 don't do that in Green Gables.  
37  
38 Chair Bernstein: Thank you.  
39  
40 Chair Bernstein: I do see members of the public who have arrived. If there are any members of the  
41 public who would like to speak to us on this for information or comments, have you – welcome. Oh, I see  
42 a member of the – if you could just state your name for the record if any member of the public does care  
43 to speak to us. Hi, welcome so because we are recorded we just need your name for the record please  
44 and welcome.  
45  
46 Mr. ???: My name is [??] and I live in Royal Manor actually. Sorry, so I was actually involved in the last  
47 time that we had the (inaudible) work in Royal Manor. I actually was part of the group that was fighting  
48 against it very much so most of the things that I want to say here is the things I learned through that  
49 process and working with the people of the neighborhood through that process. I think we had from one  
50 side where people that were very worried about privacy and the houses – people might come build or  
51 builders might come build to – their very against the look and the feel of the community. The other side  
52 – sorry, people including like me who were worried about the space (inaudible). You know we came here  
53 to raise our family and sometimes that because of lack of space, we have to build that second story.  
54 Some of the lots in the neighborhood really doesn't provide you enough space on the first floor because  
55 of the setbacks and where the lot is located and the context; you have to build a second story. So, what I

1 want again here is to kind of remind myself and the team here that I think people had a lot of pushback  
2 against (inaudible) relation that would kind of limit what they can build. They did feel that a lot of people  
3 have worked very hard for many years to be able to come and buy a house in Palo Alto and they want to  
4 be able to use that land to provide a space for their family. At the same time, I think the same people  
5 who live in the same (inaudible) that I just mentioned, they will be open to that conversation to build  
6 something that is considerate to their neighbors but they definitely want to use their space. At the same  
7 time of that conversation, I think the initial support that it got or the continued support that it had by the  
8 time that this got to the City Council was mainly around privacy. People were worried about privacy so I  
9 think from my point of view, the main conversation here or the main challenge here is how to actually  
10 provide a way for people to build a second-story or build the space they need for their family and try to  
11 be considerate to the neighbors; think about the privacy and think about the look of the building. You  
12 know how it's situated in the neighborhood and how's the effect of that new building to the neighbors?  
13 I'm a little bit worried that the conversation only goes on about preserving Eichler's or preserving Eichler  
14 neighborhoods. It very quickly goes back to the conversation of either no second-story or a lot of  
15 limitation on what a second-story – how big it can be? I'm worried that then it gets us to the same  
16 situation we had (inaudible) so that we had a lot of pushback from the community, unfortunately. We  
17 had a lot of conversations – I didn't go to the (inaudible) with a lot of friction inside the community. I  
18 definitely want to avoid that situation to come back to us. Again, I think the main worries there was how  
19 much people can build? Can they -- they have real needs for their family and they want to use the space  
20 that they are allowed to build. At the same time, we had the worry about privacy. I think if you limit  
21 those issues or think about the main concerns people have, I'm hoping that there is a solution for it. I  
22 think – I almost didn't see anybody on the side of the people (inaudible), they don't like (inaudible). They  
23 say we wouldn't be considerate to our neighbor when you build a second story but at the same time,  
24 they didn't want to have a lot of limitations. Thank you.

25  
26 Chair Bernstein: Thank you. Any other members of the public who would like to speak? Welcome and if  
27 you could state your name for the record, please.

28  
29 [Ms. Penny Elson:] Sure. First of all, thank you for discussing this item today. My name is Penny [Elson]  
30 and I'm a resident of the Green Meadow Community Association. For today's purposes, I'm speaking as  
31 an individual though previously I've been here as a representative for the neighborhood. We've taken no  
32 votes on this matter and Green Meadow operates on democratic rules so I can't speak for the  
33 neighborhood without their approval. I can tell you that when the SSO was approved in Green Meadow, a  
34 vote was taken and it exceeded eighty percent support and we have those records in our archives if you  
35 are interested in looking at them from that whole period. We also have a very active ARC; Green Meadow  
36 has an elected – annually elected Board and we operate many Committees because we have shared  
37 property and one of those Committees is the ARC. They are very active and as you say, they did look at  
38 the neighborhood project but it's a little different when they are looking at individual homes. What we're  
39 talking about here is neighbors reviewing neighbors and so what it comes down to in a meeting is a  
40 matter of persuasion. So, the people who are on the ARC are very dedicated to maintaining the character  
41 of our historic Eichler neighborhood but really, we don't have an enforcement mechanism and we've sort  
42 of rely on neighbors respecting the supermajority choice of the neighborhood too – we also voted, by the  
43 way on the supporting the historic place designation. The people who lived in the neighborhood at that  
44 time will remember that; you know we all agreed on this. That was sort of statement of support and we  
45 can fall back on that but it's – all it is a persuasive argument. It's not – we don't have an enforcement  
46 mechanism so I wanted to just offer that clarifying information because it sounded like maybe there was  
47 some misunderstanding of that. Then I just want to really quickly mention that I've had a personal  
48 experience with this. I have a neighbor who built a big window, raised a floor, raised the roof so that her  
49 Eichler now looks into my Eichler in a way that invades my privacy in my master bedroom, my master  
50 bathroom, my living, my kitchen and my family room. This – when her lights go on at night, my backyard  
51 is lite up so these homes are designed in a way where they really – Eichler and his architects design them  
52 to speak to each other in a neighborhood like Green Meadow. I know that some of the neighborhoods  
53 you are looking at have sort of scattered Eichler's next door to different houses. Perhaps we should be  
54 looking at historic neighborhoods differently and this is my personal opinion. I want to just clarify again  
55 this is Green Meadow's opinion but my thought is that I am observing as the ADUs are moving forward in

1 the neighborhood, we're seeing more and more additions on houses. I'm observing casement windows  
2 going in on the facades of our Eichler homes and people are making choices that – it's getting harder and  
3 harder for the ARC to manage this, I think. I would just encourage you to – we're looking forward to  
4 reading the guidelines in Green Meadow and I'm here today mostly to learn but I want you to be aware  
5 that enforcement is not something neighborhood associations do very well. Thank you.  
6  
7 Chair Bernstein: Penny, I have a question for you. Oh, please – ok, thanks and then Rodger. You  
8 mentioned about the privacy concerns for your personal experience. Do you know if the house next door  
9 – was that done prior of the ordinance to individual review where privacy is looked at, do you know?  
10  
11 Ms. Elson: I think it was prior to that but honestly, I can't remember when it passed.  
12  
13 Ms. French: I'm just going to jump in because the individual review has no application in Green Meadow.  
14  
15 Chair Bernstein: Oh, even for two-story?  
16  
17 Ms. French: They can't do two-stories because they have a single-story overlay.  
18  
19 Ms. Elson: See we're SSO, we're single-story overlay.  
20  
21 Chair Bernstein: But you said something about privacy – second floor – did you say windows are looking  
22 into your...  
23  
24 Ms. Elson: No, she raised her floor. When an Eichler – if you raise – so now like their heads and  
25 shoulders above the fence that separates our two homes. So, where I use to have privacy, I don't  
26 anymore. So, the simple matter of raising a floor makes a difference is what I was getting at. Adding a  
27 window in the wrong place and raising the floor, when you have a house that's glass on one side, it  
28 matters.  
29  
30 Chair Bernstein: Alright, so it sounds like that case was – it was no higher than 17-feet, therefore no IR  
31 review, ok.  
32  
33 Ms. Elson: And no two-stories, right. Well, they couldn't – they can't do two-stories.  
34  
35 Chair Bernstein: The idea – so I just want to get the logistics of geometry. The privacy issue is if it's still –  
36 if it's only 17-feet so the floor level is high enough to look in? That's what I'm...  
37  
38 Ms. Elson: That's correct.  
39  
40 Chair Bernstein: Oh, ok and that's not considered a two-story even though you've raised the floor level.  
41 Alright, that's why I'm...  
42  
43 Ms. Elson: I mean well, I will differ to Amy who's the expert.  
44  
45 Ms. French: Yeah so there's no floor height regulation – finished floor height regulation unless there's a  
46 basement underneath.  
47  
48 Chair Bernstein: Ok yeah but in 17-feet you could raise the floor and that's how you get the privacy  
49 concern. Oh, ok.  
50  
51 Ms. Elson: Well and also just putting windows on that side of the house. If it's high enough and you've  
52 got a big enough window and you put lights at the top, those lights will light the house next door. They  
53 will light the backyard and the house next door. So, it's -- these things – this is the kind of thing we  
54 should be looking at. Where there any further questions?  
55

1 Chair Bernstein: On that, is there anything in the – in your Architectural Review Committee that prohibits  
2 basements? If homeowners wanted to expand floor area?  
3

4 Ms. Elson: I don't know the answer to that question but I'm pretty sure a basement in Green Meadow,  
5 given our groundwater issues, is not likely.  
6

7 Chair Bernstein: Well, if there's – ok, I understand but in general for Eichler's, if there are no  
8 groundwater issues basements are not prohibited?  
9

10 Ms. French: That's correct.  
11

12 Ms. Elson: I'll let Amy get that, I don't know. I'm not on the ARC so I don't know the details of what they  
13 do; I'm on the Civic Affairs Committee. Our Architectural Review Committee is separate from what I do  
14 but I have been talking with them about this because they can't always get to these meetings and so  
15 we're tag teaming.  
16

17 Chair Bernstein: Another question that I just have quickly on design compatibility. I have seen some  
18 Eichler's, including one-story Eichler's, where the galvanized piping for the heating system is disintegrated  
19 and homeowners are electing to put ductwork on the roofs of these. Are you fair with any of your  
20 neighborhood guidelines that talk about not having the ducts visible from the street because of that  
21 effects neighborhood character?  
22

23 Ms. Elson: I don't know the answer to that question. Again, I don't get into the details of it and I haven't  
24 had that problem personally so I don't know how you deal with it. I do know that in my -- actually, I  
25 should say there is – there are a couple of Eichler's in my immediate vicinity that have on the roof  
26 ductwork and you cannot see it from the street. Whether or not that's because of the ARC, I don't know.  
27

28 Chair Bernstein: Ok, great. Board Member Kohler, you had a comment or question.  
29

30 Board Member Kohler: Yeah, I did but you covered almost everything I was asking questions but I do  
31 know that there aren't many options when you go from concrete heating system to on the roof there. In  
32 Eichler's especially you can't – it has to go up there and there's no other way to do it a far as I know. Go  
33 where tell me?  
34

35 Vice Chair Bower: You could do it inside, flat very...  
36

37 Ms. Elson: Well actually, many people are doing it on the floor now so you can – I've added – I don't  
38 want to get into the weeds of this but you can do it on your floor internally. You can lay a subfloor that it  
39 goes into and I've done that actually and we added a room on our house and did that.  
40

41 Chair Bernstein: Oh yes, oh yes, and there's one more speaker too.  
42

43 Ms. Elson: All set?  
44

45 Chair Bernstein: Thank you so much and welcome. Please state your name for the record, thank you.  
46

47 [Mr. Eumay Shorduct]: Hi, morning. My name [phonetics] [Eumay Shorduct] and I'm a resident of Royal  
48 Manor. Thank you for your time and I just jotted down a few comments. I wanted to start off with Mr.  
49 Kohler bringing up – I'm sorry, am I addressing you the right way, Mr. Kohler. He's bringing up the right  
50 point about having a big benefit of bigger backyards, that is absolutely invaluable. If you expand on a  
51 single-story you absolutely lose all the room so that's a great point. As (inaudible) mentioned the single-  
52 story application in Royal Manor were rejected mainly because our lots are constrained. There are so  
53 many different constraints on each individual lot that we cannot build on single-story if that was an  
54 option. Finally, to the previous speaker's point, single-stories can also be raised. Royal Manor entirely lies  
55 in a flood zone and that means that anytime there's new construction, we will have to build a new house

1 that's like 3-feet or 4-feet raised. The main point is that in the guidelines – the Eichler Design Guidelines  
2 privacy, how do we tackle privacy issues? That's probably the number one concern and pretty much  
3 restricting on single-story is not really going to help privacy that means. To end with it, I have a couple of  
4 questions, one is that the perception that I got when I read the report – the draft report is the Royal  
5 Manor SSO still shows up At Place as proposed because even though it's rejected and there is no  
6 proposal on the table anymore. I think that proposed language should be removed, that's one. A second  
7 question is there any effort in the – as part of the Design Review Guidelines to provide concrete  
8 examples as these are single-story houses that are compatible with – sorry, these are two-story houses  
9 that are compatible with Eichler neighborhoods. That's something that I am looking forward to in the  
10 report and yeah, I'm definitely looking forward to the report for – to answer how we can solve this  
11 (inaudible) challenge together. Thank you.

12  
13 Chair Bernstein: Thank you. Let me just make a comment that I think that's an excellent suggestion,  
14 having some good drawing examples. I know in some of our other guideline publications there are  
15 examples of somethings that are considered compatible or good and somethings that are considered not  
16 compatible and not good. I think that will help from the educational point of view. I think Board Member  
17 Wimmer had – you had a question or comment? Ok, Vice Chair Bower.

18  
19 Vice Chair Bower: Sorry, to monopolize this meeting but I think one of the advantages of guidelines is  
20 that they let the community, I'm using that in the broadest sense, know what is excepted. In the  
21 Professorville Guidelines development, which I participated in, we ended up having exactly the kinds of  
22 things that the last speaker suggested would be helpful. That is certain types of windows where more  
23 compatible, certain windows were not, roof styles, landscaping, and driveways. I mean there's a lot of  
24 information and some of the problems I think that individual homeowners have when they approach to  
25 design is the architects, as Rodger described earlier in his experience, there are no limits. So, then what  
26 happens is the first-time neighbors see a project, they're surprised, there's a certain nimby attitude about  
27 any development here. Guidelines can actually focus attention and I think to limit some of the more  
28 extreme architectural styles in a district or in a neighborhood like an Eicher neighborhood. The purpose  
29 of this is actually to help all of the neighborhoods deal with development and development is going to  
30 happen because those buildings were all built pre-earthquake and pre-economic pressure that we have in  
31 this City. They change and of course the example of the neighbor whose house is raised because it's in a  
32 flood zone, that's a big issue and maybe one of the things that the guidelines will suggest is that in cases  
33 where that happens, fences could exceed the 7-foot high limit that they now – that the City now imposes  
34 or suggests. They don't really impose it and there are lots of fences that are higher than 7-feet. Again,  
35 we use to be able to screen with planting but if you have solar panels on your roof, you can't shade those  
36 by landscape screening so it's a big issue. Anyway, I'm looking forward to seeing the report.

37  
38 Chair Bernstein: Board Member Kohler your light is on.

39  
40 Board Member Kohler: Oh, sorry. Well, I think this has been a really good discussion because it's not  
41 going to go away and as long as the Eichler – well, homes in general in Palo Alto age and some of them  
42 are now 50, 60, 70-years old. They are starting to disappear and there's not only that but there are also  
43 folks who are remodeling because they move into these homes and they aren't quite as large as they  
44 hope so they plan on remodeling. This would be good to have clear set guidelines as to what needs to be  
45 done or what can be done. I actually didn't – today's meeting, I thought there was an overlay in some of  
46 the Eichler's near where I live down on the map here but anyway, it's a good thing to happen. Anything  
47 that you can do to help the homeowners understand what their situation is, is a good thing and that's  
48 part of the problem, that sometimes they don't know that they can come down here and get that or that  
49 sometimes there's is not enough for them to know. Also, there's – just a side table, there seems to be  
50 some – sometimes when I come here to get answers from staff that just happen to be there but we're  
51 finding that some of the – totally out of the (inaudible) but some of the things that people are told in the  
52 department across the street doesn't seem to jive with what I understand as the zoning ordinance.  
53 Homeowners are coming back and saying oh, they couldn't do this or this or this and I say well I don't  
54 think so. Next time it happens I will let you know what it is.

55

1 Chair Bernstein: Board Member Wimmer.

2  
3 Board Member Wimmer: I too agree that the guidelines are going to be really critical because it's sort of  
4 a lasting legacy of these neighborhoods that we have to think forward because the people who live there  
5 now are not going to forever live there. How do you pass that on to the next generation of residents and  
6 owners? I think it's really imperative for I guess the real estate agent community when those properties  
7 come up for sale, that any prospective buyer is well informed as to what the neighborhood expectations  
8 are and that maybe – I think these guidelines, hopefully, will fall into the hands of those real estate  
9 agents. Some real estate agents I know specialize in these homes and these neighborhoods and I think  
10 just leaving a lasting legacy that will continue onto the next generation of homeowners. I do see the  
11 challenge of the guidelines are set in place but they're not supported by any legal binding but I think the  
12 fact that they are in place, I think most people will abide by them and listen. I think it makes – maintains  
13 the character of the neighborhoods so I think – I mean I think it's nothing but positive. I think it's great  
14 to get the community like you guys who came and spoke today, I think that's one of the most valuable  
15 aspects of this meeting today is hearing from you. I think that's – I really appreciate hearing what you  
16 have to say.

17  
18 Chair Bernstein: Board Member Makinen.

19  
20 Board Member Makinen: Thank you, Martin. I think it's – the guidelines are a very idea and I think it's  
21 also a good thing to reflect upon Eichler who was really the legacy of Frank Lloyd Wright. Eichler was  
22 really a fan of Frank Lloyd Wright and he tended to build a house that was affordable in a Frank Lowd  
23 Wright style. So, that's an important legacy to remember here that we're carrying forward a tradition of a  
24 pretty prominent architect. Personally, I have owned a Frank Lowd Wright house back in the mid-west  
25 and really enjoyed the style of it and that's kind of the Eichler's follow onto that as a more affordable  
26 concept. I guess the other question that I have is where you able to survey any other communities to see  
27 what they used in the way of guidelines and information you might have gained that would be helpful in  
28 the effort of creating our guidelines for Palo Alto?

29  
30 Ms. French: Yes, Cupertino and Sunnyvale, those are the local examples of – and our consultant is well  
31 aware of those and has those, we have those. Some of those are regulations, Eichler overlay zone kind of  
32 thing and some of them are guidelines. Regulations come in the form of the zoning code that has  
33 prescriptive requirements. Overlay zone is kind of like a single-story overlay zone conservation district  
34 what have you and the other one is guidelines and they're examples of all of those.

35  
36 Chair Bernstein: Rodger Kohler.

37  
38 Board Member Kohler: Thank you, it's Rodger Kohler, yes, ok. I just – thinking about this, I've lived down  
39 near the Eichler's for a long time when I was a kid and all that. The common story is that these things  
40 where being built and the Super Intendant got a phone call and he'd go over to lot X5 and he says, well  
41 the owners don't want this and they want to move this wall over here and they would just do it. It's --  
42 they had an easy way of the building if they – literally, every house – a lot of homes look the same on  
43 the outside but when you get inside there's sometimes the walls are different, this or that and they just  
44 went ahead and built them and sold them. It was a pretty good set up that they had going, not like today  
45 in Palo Alto where you know you have to get everything checked two or three times. I think the Eichler's  
46 are really – I've been in them a lot and worked on a bunch of them and at homeowner – some of the  
47 kids – not to drag on but good. I'm glad we're getting this resolve so everyone who wants to do  
48 something will have guidelines as to what to do and how to approach it. That's a pretty big deal.  
49 Whoops, sorry, thank you. Turn it off.

50  
51 Chair Bernstein: Is that an electrified train?

52  
53 Board Member Kohler: (Inaudible).

54  
55 Chair Bernstein: Alright, the...

1  
2 Board Member Kohler: (Inaudible)  
3  
4 Chair Bernstein: Is there a – what was the general source for engaging on the idea of a potential  
5 guideline for Eichler? Is it just coming through – yeah, what...  
6  
7 Ms. French: City Council.  
8  
9 Chair Bernstein: City Council?  
10  
11 Ms. French: Yes.  
12  
13 Chair Bernstein: So, City – not neighborhood (inaudible)(crosstalk)...  
14  
15 Ms. French: Well, no, City Council and the neighborhood during the single-story overlay processes that  
16 we went through. There was the – in 2016, we had two successful and two unsuccessful single-story  
17 overlays. During that process of that year, we had some folks say we just want some guidelines. We  
18 don't want to be a single-story overlay. That statement was paraphrasing of course but that was the  
19 sentiment of some that we don't want to have a restriction of a one-story, we want to be able to build,  
20 we value our privacy as was said, so help us with some alternative.  
21  
22 Chair Bernstein: Council Member Holman, please.  
23  
24 Council Member Holman: Amy, did depict that very clearly. It's – there are some neighborhoods that are  
25 predominately Eichler that also have spotted around a few two-story homes. So, a single-story overlay  
26 doesn't necessarily apply on those and that seems to have been a point of a lot of contention on the  
27 neighborhoods where single-story overlays are sought. That was one thing and another is that when  
28 there is even a neighborhood that has CCNRs, as you brought up Vice Mayor Bower in your questioning,  
29 that not all neighborhoods that are CCNRs – that have CCNRs have a Review Committee either. Even  
30 with that, if there are a disagreement and Amy said this and I'll say it in a different way. Even with that --  
31 even if there is a CCNR – our CCNRs and even if there is a Design Review Committee, there is no  
32 enforcement. The only enforcement would be a lawsuit by neighbors against neighbors and people don't  
33 really want to go do that. I think what Board Member Wimmer brought up is like having the guidelines  
34 that would help take some burden and provide some clarity for the neighborhoods because right now it  
35 could get to be a neighbor versus neighbor thing. The other thing that this conversation and that you've  
36 raised some really good questions and have made some really good comments is that perhaps there  
37 could be an opt-in or however, I'm not going to try to say how it should be. I don't know how it should  
38 be at this point but maybe some could adopt it as requirements and some as guidelines. There might be  
39 some interest in that by some neighborhoods but that's for another discussion but just maybe it isn't a  
40 one size fits all.  
41  
42 Chair Bernstein: Any other Board Member comments or questions? Staff or Council Member, any other  
43 comments? Board Member Bower.  
44  
45 Vice Chair Bower: So, in following up on Council Women Holman's comments, I would assume that  
46 guidelines would be superseded by any CCNRs by a local Eichler Homeowners Association. That would be  
47 important because CCNRs can be changed by the homeowners with whatever appropriate vote but it's  
48 usually a pretty high bar. I wouldn't want the City's guidelines to superseded a neighborhood guideline  
49 and that's falling on the notion that one size doesn't necessarily have to fit every community – I mean  
50 every neighborhood community.  
51  
52 Chair Bernstein: Ok, anything else on this topic? I just want to conclude that I agree having guidelines  
53 that are published again, it's useful for owners and property owners. Also, I would suggest that it's also  
54 useful for developers that want to increase or modify homes in these areas by having examples published  
55 of here's something that's recommended, something that's not recommended. I think it just helps speed

1 up that review process, to get something that will be more compatible and useful for the neighborhood.  
2 So, I am also in support of these guidelines. Anything else before we move on? Ok, thank you so much  
3 for that.

4

#### 5 **Action Items**

6

7 None.

8

#### 9 **Approval of Minutes**

10

#### 11 **3. Draft Minutes of the Historic Resources Board Meeting of September 14, 2017.**

12

13 Chair Bernstein: Alright, next on our agenda item is – I think it's approval of minutes. Yeah, approval of  
14 minutes from September 14<sup>th</sup>. Any amendments or a motion? Thank you for members of the public for  
15 coming, thank you so much, I appreciate it. Any motion to amend or approve the minutes of September  
16 14<sup>th</sup>?

17

18 Board Member Wimmer: Yes, I wanted to clarify two things. One was when I was talking about the  
19 architectural tour in San Jose and I bought a book that was – it was by the architects called Wolf and  
20 Higgins and in the minutes, it's said [Wolfen] Higgins; just in case someone is looking back.

21

22 Chair Bernstein: Someone's looking – what page? What packet page?

23

24 Board Member Wimmer: I guess there's on packet page 23 at the bottom on the far right, it says  
25 [Wolfen] and then there was another sighting of it on page 24 at the top, the third line down on the right  
26 also. Then also something I said on packet page 22, I was – we were talking about the Mills Act and I  
27 was suggesting that Pat Di Cicco possibly be one of our pilot program participants. Where it says in that  
28 first paragraph, it's the second line from the bottom, I said she is very adverse but I think I was trying to  
29 say she is well versed because she – I was suggesting her because she has a Mills Act contract I believe  
30 in Southern California so she wouldn't be adverse, she is well versed. Yeah and recently we were talking  
31 at our subcommittee and we were talking about how important to read the minutes because something  
32 like that is a perfect example. I'm getting better at reading the minutes and I'm going to correct my  
33 adverse statements.

34

35 Vice Chair Bower: I was just going to say that these little inaccuracies are intentionally put in here to see  
36 if we read these.

37

38 Chair Bernstein: Ok, a motion to approve as amended.

39

#### 40 **MOTION**

41

42 Board Member Wimmer: I'll move to approve as amended.

43

44 Chair Bernstein: Ok, any second?

45

46 Board Member Bunnenberg: I'll second.

47

48 Chair Bernstein: It's been seconded, thank you. All those in favor say, aye? Thank you.

49

50 Vice Chair Bower: I abstain.

51

52 **MOTION PASSED 5-0 WITH VICE CHAIR BOWER ABSTAINING AND BOARD MEMBER COREY**  
53 **ABSENT**

54

#### 55 **Subcommittee Items**



1  
2 **4. Mills Act Pilot Program Next Steps - Followup from August 28, 2017, HRB/CC Meeting**  
3

4 Chair Bernstein: Next item on our agenda is subcommittee items and I see none listed here. Any  
5 subcommittee reports?  
6

7 Vice Chair Bower: Well, the Mills Act subcommittee met last week and with Emily's help, tremendous  
8 help, we're flushing out the – what we hope will be an ordinance presentation and I think the timeline is  
9 that this Board would review and hopefully approve the plan that we're developing in March? Yeah,  
10 probably March. We have another meeting scheduled for early November, primarily because it's difficult –  
11 I'm out of town for the next two weeks but we're making great progress.  
12

13 Chair Bernstein: Thank you. Any other subcommittee comments? Ok.  
14

15 **Board Member Questions, Comments and Announcements**  
16

17 Chair Bernstein: Next is Board Member questions, comments, and announcements. Council Member  
18 Holman suggested that Board Members take a look at and perhaps discuss the idea of a sponsorship level  
19 for the 2017 conference. This says 2017 on this piece of paper so I'm assuming...  
20

21 Council Member Holman: Yes, the new brochure has not yet published so those are the sponsorship  
22 levels for 2017. If there's any change it would be minor for 2018.  
23

24 Chair Bernstein: Right, ok, thank you. Alright, does any Board Member like to bring up this topic of  
25 sponsorship?  
26

27 Council Member Holman: Can I just inter...  
28

29 Chair Bernstein: Oh, I'm sorry.  
30

31 Council Member Holman: I have to run off to another meeting but I'd be happy to answer any questions  
32 individually or if the Chair would like to convene some folks because this wouldn't be a Brown Act I think  
33 because it's not an HRB action, correct? I mean run that through staff just to make sure because you'd  
34 be hopefully publicizing your support as the HRB so just clarify with staff if there wouldn't be any Brown  
35 Act issue. I'd be happy to talk with anybody and one thing that I didn't say earlier that I should say is  
36 that even though it's not until 2018, the earlier sponsorship is very helpful in the CPF entity in being able  
37 to make plans for the conference and those plans are being put in place very, very soon. So, a decision  
38 about whatever sponsorship you might be interested entertaining would be helpful and brought forward  
39 soon.  
40

41 Chair Bernstein: Very good.  
42

43 Council Member Holman: Thank you.  
44

45 Board Member Wimmer: I actually have one question before Karen leaves. This last meeting, we were  
46 brainstorming and talking about what great topics we'd like to listen to at the conference but then we  
47 realized well maybe the conference has already been sort of mapped out and they don't need any  
48 suggestions. I mean we spent like 5-minutes throwing out great ideas of what they could talk about but  
49 we don't know if it's – is it too late to suggest?  
50

51 Council Member Holman: No, not at all.  
52

53 Board Member Wimmer: Oh.  
54

1 Council Member Holman: Not at all and that's one of the purposes also of the meeting next Wednesday  
2 at 2:30. Do we have – I don't have a confirmation yet but we're trying to get the conference room out  
3 here in the lobby where we met last time so not at all. There's a structure that's established that's kind of  
4 like their template for how they do the conference but the subject for tours and topics and stuff isn't  
5 established. There are suggestions throughout but it's not established.  
6  
7 Board Member Kohler: (Inaudible)  
8  
9 Council Member Holman: Out here is where we're hoping to get confirmed. City Hall but we're hoping the  
10 Council conference room out there.  
11  
12 Board Member Wimmer: So, maybe knowing that Karen has to leave, maybe as a group we can just  
13 come up with a couple of those ideas that maybe we had last time and whoever can go to the meeting  
14 might talk on our behalf as to what items we might have been interested in.  
15  
16 Chair Bernstein: Does that need to be agendize or we can discuss those ideas?  
17  
18 Board Member Wimmer: Well, we don't have a meeting before the next...  
19  
20 Chair Bernstein: Oh, yeah.  
21  
22 Ms. French: I think just a recall would be – you know put the recall button. I recall something -- maybe  
23 this is how my mind works but I recall something about a kind of cocktails and something the day before  
24 – the Wednesday before the conference. Some kind of pre-conference something that isn't officially in  
25 the conference schedule per say but it's for the community and in celebration of this conference being  
26 here; some kind of – something for officials.  
27  
28 Board Member Wimmer: I know one item that Chair Bernstein mentioned was compatibility,  
29 differentiation of the Interior -- Secretary of the Interior Standards for Rehabilitation. I think it was what  
30 some of the things that the Council was asking us to sort of train them on. We thought that could be a  
31 possible good topic.  
32  
33 Vice Chair Bower: Martin?  
34  
35 Chair Bernstein: Yes.  
36  
37 Vice Chair Bower: Because I am a member of the past Board, last night the past organization I think is  
38 fairly – it's not quite decided but they have an annual meeting in May and the discussion was to put that  
39 meeting at the end of the conference on Sunday. That's a public meeting, it's open to anybody and we  
40 also talked about having the meeting – that meeting and it's an awards presentation, the Wednesday  
41 before. I think we decided that it wouldn't be the Wednesday before but it would be the Sunday  
42 afternoon because the conference ends on Sunday morning. There are a few events Sunday mornings  
43 and then most people who are out of town leave but – so we might want to coordinate something if the  
44 HRB is going to do something. Certainly, anyone who wants to come talks about compatibility, that would  
45 be terrific and I'm sure we could work that in. So, I just wanted to make everybody aware of that. I had  
46 one other thing that actually occurred to me last week, I've been watching the discussion mostly in the  
47 newspaper about the grade separation on the Caltrain corridor. One of the really significant crossings is  
48 San Francisquito Creek which is a historic structure in Palo Alto and I don't think anybody has been  
49 talking about that because that's just a train crossing. I wonder if Amy you could make the Committee –  
50 since it's a City Committee that's looking into this, aware of the fact that there's a historic structure there  
51 and that's going to be part of the discussion, I think.  
52  
53 Chair Bernstein: What is the historic structure?  
54  
55 Vice Chair Bower: It's the train – the trestle between...

1 Chair Bernstein: The trestle.  
2  
3 Vice Chair Bower: Now, the grade separations are really at Churchill and East Meadow and Charleston  
4 that are most difficult but the bridge, I think in this upgrade, is also going to be part of the discussion.  
5 Although I suspect it will just be destroyed or maybe we could take it out to the Bay Lands. I don't know,  
6 anyway.  
7  
8 Chair Bernstein: We say it's historic – it's not a listed historic structure.  
9  
10 Vice Chair Bower: It's actually – it is – Amy, correct me if I am wrong but I think it's on the list for  
11 potential historic structures because when I was scanning all of that information in, that was in the  
12 Dames and Moore report in 1990 and it was listed as a potential. Actually, it – I don't know what 1890 or  
13 something? It's really old.  
14  
15 Chair Bernstein: That structure spans two counties I think. Also, two Cities and two counties.  
16  
17 Vice Chair Bower: Yeah it does because San Francisquito Creek is a separation line between San Mateo  
18 and Santa Clara.  
19  
20 Chair Bernstein: Alright, any other comments regarding the sponsorship issue?  
21  
22 Board Member Makinen: I had one.  
23  
24 Chair Bernstein: Yeah, go ahead.  
25  
26 Board Member Makinen: Is the CPF a 501C3? Non-profit?  
27  
28 Chair Bernstein: As Council Member Holman mentioned there's no historic resources budget; we don't  
29 have a budget.  
30  
31 Ms. French: There is a budget for training that's required for the HRB to maintain their – under the CLG  
32 rules or whatever.  
33  
34 Chair Bernstein: As far as donations, again it seems like that's just going to be individual Members  
35 donating.  
36  
37 Vice Chair Bower: I would like to suggest that since this is not an official Board action but is a private  
38 action by Board Members, that we wouldn't necessarily – if we decided to get together and make a single  
39 contribution that met of the levels of sponsorship, that it would be an individual sponsorship by Members  
40 of the HRB and that would be it. So, it's a private contribution and its individuals coming together and  
41 thus I think that doesn't violate the Brown Act requirements.  
42  
43 Board Member Makinen: I think you'd want to have the attorney give a judgment on that because it  
44 sounds like you're still making a quasi HRB.  
45  
46 Vice Chair Bower: I just think it would be individuals are sponsoring – are making a contribution as a  
47 sponsor and they happen to also be HRB Members. So, we're not – we would not be representing the  
48 HRB thus representing the City. We would be doing this as individuals and it would I imagine fall under  
49 the socialization kind of exemption. So, if we all got together and had dinner and didn't discuss Board  
50 business, that's not a Brown Act violation.  
51  
52 Ms. French: I would say the City is already a sponsor – yeah, a sponsor and your part of the City too.  
53 Let's face it, this is not a development project, this is something different than that. I think we don't have  
54 too much concern how it plays out.  
55

1 Vice Chair Bower: So, we don't necessarily have to have this conversation on camera.  
2  
3 Ms. French: Right.  
4  
5 Vice Chair Bower: So, I would suggest we have it off camera.  
6  
7 Chair Bernstein: Ok, anything else before we move toward adjournment? Any announcements or  
8 anything else from staff? Alright, anything else? Board Member Kohler or Board Member Rodger or Board  
9 Member....  
10  
11 Board Member Kohler: Just brought up the horrible fires that are going up north of us and all the historic  
12 structures that were up there are now gone. It's huge. We have friends who are just over the hill and he  
13 has a big property and we did a house there but it's now creeping up on him on the other – Glen Ellen  
14 over the hill and so it's still moving.  
15  
16 Vice Chair Bower: It's terrible.  
17  
18 Board Member Kohler: What?  
19  
20 Vice Chair Bower: The winds are getting worse today.  
21  
22 Board Member Kohler: Oh, the wind, oh gosh.  
23  
24 Chair Bernstein: Anything else before we adjourn?  
25  
26 **MOTION**  
27  
28 Vice Chair Bower: I move that we adjourn.  
29  
30 Chair Bernstein: Ok, good. We are adjourned, thank you, bye bye, thank you.  
31  
32 **Adjournment**