



City of Palo Alto

City Council Staff Report

(ID # 6466)

Report Type: Action Items

Meeting Date: 4/11/2016

Summary Title: Ordinance Modifying Architectural Review Findings

Title: PUBLIC HEARING: Adoption of an Ordinance to Amend Chapter 18.76 (Permits and Approvals) of the Palo Alto Municipal Code to Modify the Architectural Review Findings. The Planning and Transportation Commission and the Architectural Review Board Reviewed and Recommended the Proposed Draft Ordinance. The Proposed Amendments are Exempt From Further Environmental Review per CEQA Guideline Sections 15061(b) and 15301, 15302 and 15305

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the City Council adopt the attached draft ordinance (Attachment A), which is a continuation of the annual planning codes update discussed in December 2015 and contains amendments to the Architectural Review approval findings contained in Chapter 18.76 of the Palo Alto Municipal Code (PAMC) Title 18.

Executive Summary

Council is requested to discuss the Architectural Review approval findings in the attached draft ordinance. The Architectural Review approval findings were presented to Council during the ordinance hearing on December 7, 2015, but the Council deferred discussion and action on these findings until all members could be present. The changes proposed to the Architectural Review findings would replace 15 findings with six findings, and are intended to:

- Facilitate easier review, reduce writing and reading fatigue, and improve analysis
- Provide applicants a better understanding of how projects will be evaluated, and
- Improve the standing of projects in court.

The Discussion section of this report elaborates on these points. The revised findings have been recommended by the Architectural Review Board (ARB) and the Planning and Transportation Commission (PTC).

Background

Zoning provisions in Title 18 of the Palo Alto Municipal Code are complex and contain any number of items that could be clearer, making the provisions easier for the public to use, and for the City to administer consistently. Even clarifying code changes with little or no inherent change in policy require adoption of an ordinance, however, and require careful consideration by the City Council following public input and review and recommendation by the PTC. On December 7, 2015, Council voted to adopt the First Annual Planning Codes Update ordinance with some modifications, and deferred consideration of proposed changes to the Architectural Review approval findings. Council meeting minutes from December 7, 2015 are provided as Attachment B to this report. On January 11, 2016, Council adopted the ordinance on second reading; these changes become effective on February 11, 2016.

Planning and Transportation Commission Review

The PTC reviewed the Architectural Review approval findings in the fall of 2015 and recommended that Council approve them. The PTC was aware the ARB had met in public hearings to publicly review and polish the revised findings, and the PTC did not provide input into the wording the findings, nor expand upon the merits of making changes to these findings as presented by staff.

Architectural Review Board Review

The ARB reviewed the revised findings in two public hearings. ARB reports and minutes are attached via links later in this report. The ARB supported staff's efforts to reduce the number of findings and group the findings into similar categories; the ARB reports had reflected the grouping of findings for nearly a year by the time the ARB considered the revised findings.

Prior to providing input into the revised findings, the ARB stated the positive aspects of the existing Architectural Review approval findings, including:

- short declarative sentences,
- concrete nouns,
- incorporation of phrasing about bicycle and pedestrian access,
- a sustainability finding to ensure green design is not an afterthought, and
- phrases found in the code-stated 'Purpose' of Architectural Review, about preserving natural features, desirability of living conditions, and enhancing the quality of life.

During the October 1, 2015 meeting, the ARB provided final refinements that are reflected in the attached ordinance.

Discussion

The proposed ordinance in Attachment A shows in "strike out" format the existing Palo Alto Municipal Code Chapter 18.76 Architectural Review findings, and shows the proposed new findings as underlined text.

All projects that go before the Architectural Review Board (ARB) are recommended for approval, conditional approval, or denial to the Director of Planning & Community Environment (PCE). These recommendations and the Director's determination (and City Council on appeal) are currently based on 16 required approval findings. In commercial and multiple family residential zoning districts, the 16 Architectural Review (AR) approval findings in the current code are supplemented by Context Based Design Criteria findings. (Most development projects reviewed by the ARB are subject to this additional Context Based Design Criteria evaluation.) Some projects also are evaluated with respect to Design Enhancement Exception findings if, for example, they propose a greater setback than allowed under the current "Built To Line" standard (which has been proposed for modification). Thus, it is not uncommon for a board-level Architectural Review application to be subject to 21 separate findings.

Many of these existing findings address recurring concepts and some are unnecessary because the City has updated the code to address the issue via regulatory requirements since the finding was established. The ARB recognized these shortcomings and supported staff's approach in the 2015 staff reports to group topically similar findings in order to facilitate an easier review of the staff prepared responses, reduce writing fatigue, and improve the qualitative analysis of those findings.

Findings are legally required for quasi-judicial planning decisions. Findings establish how the City has evaluated a project, and document a project's conformance to local plans, regulations and other criteria. Review of a project with respect to the findings enables staff and the ARB to recommend conditions of approval or project modifications. If a project is appealed, the City Council will review the project findings to affirm, modify or reject the Director's conclusions. If legally challenged, the findings help bridge the analytic gap between the evidence and the ultimate decision and must be supported by substantial evidence in the record. For these reasons, project findings are very important when acting on a project. Increasingly, some community members and Councilmembers have asserted a need to improve the analysis provided for project findings.

The proposed AR findings are designed to enhance the review process and achieve the following benefits:

- Improve qualitative analysis
- Focus project review on key issues
- Provide applicants a better understanding of how projects will be evaluated
- Reduce writing and reading fatigue (preparing and reviewing redundant findings)
- Strengthen the legal standing of projects challenged in court
- Help to address some of the recent criticisms related to the ARB process and more specifically the findings
- Eliminate redundant and superfluous findings.

ARB staff reports and minutes on this topic are viewable via the links below:

<https://www.cityofpaloalto.org/civicax/filebank/documents/48766> (9-3-15 ARB report)
<https://www.cityofpaloalto.org/civicax/filebank/documents/49026> (9-3-15 ARB minutes)
<https://www.cityofpaloalto.org/civicax/filebank/documents/49218> (10-1-15 ARB report)
<https://www.cityofpaloalto.org/civicax/filebank/documents/49410> (10-1-15 ARB minutes)

The October 1, 2015 ARB staff report is provided as Attachment C. The six proposed Architectural Review findings ensure a project is/has: (1) compatible, (2) coherent design, (3) quality materials, (4) functional, (5) well-landscaped, and (6) sustainable. The ARB considered the proposed finding language, and recaptured the best wording of the existing findings and purpose section of Architectural Review, since one of the existing findings referenced the purpose of Architectural Review.

The Architectural Review purpose is excerpted below:

“The purpose of architectural review is to: (1) Promote orderly and harmonious development in the city; (2) Enhance the desirability of residence or investment in the city; (3) Encourage the attainment of the most desirable use of land and improvements; (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.”

Below is a brief summary of how the six findings in the attached ordinance capture portions of the AR purpose and existing 16 findings:

- Revised AR finding #1 incorporates existing AR findings #1 (regarding consistency with the Comprehensive Plan) and adds consistency with Zoning, Context Based Design Criteria and Design Guides (to represent such existing guides for the Downtown, South El Camino Real, and the Baylands).
- Revised AR finding #2 incorporates portions of existing AR findings #2, 4, 5 and 11, and of the AR purpose (sense of order, harmonious transitions, adjacent land uses/designations, enhancing living conditions on the site and adjacent areas).
- Revised AR finding #3 incorporates portions of existing findings #6 and 12, and of the AR purpose (high aesthetic quality).
- Revised AR finding #4 incorporates portions of existing AR findings #3, 7, 8, 9, and 10.
- Revised AR finding #5 incorporates portions of existing AR findings #12, 13 and 14.
- Revised AR finding #6 incorporates the gist of existing AR finding #15.

If the Council adopts the proposed changes and adopts the attached ordinance, projects requiring AR approvals would be assessed using the six new findings as well as the context based design criteria, as applicable.

All PTC and ARB hearings were noticed in the local newspaper (Palo Alto Weekly) for the code-prescribed period. Staff had reached out to several local architects and a Google group (Palo Alto Architects), who are interested in providing feedback and suggestions for additional code changes for upcoming code change efforts. Staff reached out to the ARB to discuss and refine the revised Architectural Review findings as described above.

Policy Implications

The proposed changes to the Architectural Review findings will not change the substantive review of projects, and the revised findings are in conformance with the City's Comprehensive Plan.

Resource Impact

Other than staff time, no additional fiscal or economic impacts are anticipated.

Environmental Review

The intent of this modification is largely clerical; it will retain the existing architectural design goals, but streamline the findings by eliminating duplicate or unnecessary findings and better grouping and organizing remaining findings. Given that intent, staff has evaluated the changes with respect to the California Environmental Quality Act (CEQA), and determined the proposed amendments to the Architectural Review findings are exempt from further environmental review per CEQA Guideline sections 15061(b)(3) (Review for Exemption) and 15305 (Minor Alterations in Land Use Limitations), because:

- (1) the activity (rewording of Architectural Review findings) is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significantly effect on the environment, and
- (2) this 'minor alteration in land use limitations' does not result in any changes in land use or density.

Attachments:

- Attachment A: Ordinance Amending AR Findings (PDF)
- Attachment B: Council 12/7/15 Action Minutes (PDF)
- Attachment C: Staff Report to ARB 10.1.15 (PDF)

Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.76 (Permits and Approvals) of Title 18 (Zoning) of the Palo Alto Municipal Code Pertaining to the Architectural Review Approval Findings

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Section 18.76.020 of Chapter 18.76 (Permits and Approvals) of Title 18 (Zoning Code) of the Palo Alto Municipal Code is hereby amended to read as follows:

18.76.020 Architectural Review

...

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- ~~(1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;~~
- ~~_____ (2) The design is compatible with the immediate environment of the site;~~
- ~~_____ (3) The design is appropriate to the function of the project;~~
- ~~_____ (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;~~
- ~~_____ (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;~~
- ~~_____ (6) The design is compatible with approved improvements both on and off the site;~~
- ~~_____ (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;~~
- ~~_____ (8) The amount and arrangement of open space are appropriate to the design and the function of the structures;~~
- ~~_____ (9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;~~
- ~~_____ (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;~~
- ~~_____ (11) Natural features are appropriately preserved and integrated with the project;~~

Not Yet Approved

~~———— (12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;~~

~~———— (13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;~~

~~———— (14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;~~

~~———— (15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:~~

~~———— (A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;~~

~~———— (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;~~

~~———— (C) Design for easy pedestrian, bicycle and transit access;~~

~~———— (D) Maximize on-site stormwater management through landscaping and permeable paving;~~

~~———— (E) Use sustainable building materials;~~

~~———— (F) Design lighting, plumbing and equipment for efficient energy and water use;~~

~~———— (G) Create healthy indoor environments; and~~

~~———— (H) Use creativity and innovation to build more sustainable environments.~~

~~———— (16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).~~

1. The design is consistent with applicable elements of the Palo Alto Comprehensive Plan, Zoning Code (including context-based design criteria, as applicable) and any relevant design guides.
2. The project has a unified and coherent design that creates an internal sense of order and desirable environment for occupants, visitors, and the general community, preserves, respects and integrates natural features and the historic character of the area when appropriate, provides harmonious transitions in scale and character to adjacent land uses

and land use designations and enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

3. The design is of high aesthetic quality, using high quality materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.
4. The design is functional, allowing for ease and safety of pedestrian and bicycle access and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).
5. The landscape design is suitable, integrated and compatible with the building and the surrounding area, is appropriate to the site's functions, and utilizes drought-resistant plant material that can be appropriately maintained.
6. The project incorporates design principles that achieve sustainability and green building requirements in areas related to energy efficiency, water conservation, building materials, landscaping, site planning and sensible design.

...

SECTION 2. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline sections 15061(b) and 15301, 15302 and 15305 because it simply provides a comprehensive permitting scheme.

SECTION 5. This ordinance shall not apply to any planning or land use applications deemed complete as of the effective date of this ordinance.

Not Yet Approved

SECTION 6. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

City Manager

Director of Planning & Community
Environment



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
December 7, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

Present: Berman, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent: Burt

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Action Items

- 11. PUBLIC HEARING: Review and Adoption of an Ordinance to Amend Land Use Related Portions of Titles 16 and 18 of the Palo Alto

[REDACTED]

ACTION MINUTES

Municipal Code. The Purposes of the Code Amendments and Additions are to: (1) Improve the Use and Readability of the Code, (2) Clarify Certain Code Provisions, and (3) Align Regulations to Reflect Current Practice and Council Policy Direction. The Affected Chapters of Title 16 Include but are not Limited to Title 16 (Building Regulations), Chapters 16.20 (Signs), 16.24 (Fences), and 16.57 (In-Lieu Parking Fees for New Non-Residential Development in the Commercial Downtown (CD) Zoning District), and Title 18 (Zoning), Chapters 18.01 (Adoption, Purposes and Enforcement), 18.04 (Definitions), 18.08 (Designation and Establishment of Districts), 18.10 (Low Density Residential RE, R-2 and RMD Districts), 18.12 (R-1, Single Family Residence District), 18.13 (Multiple Family Residential (RM-15, RM-30, RM-40) Districts), 18.14 (Below Market Rate Housing Program), 18.15 (Residential Density Bonus), 18.16 (Neighborhood, Community, and Service Commercial (CN,CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts)), 18.20 (Office, Research and Manufacturing (MOR, ROLM, RP and GM) Districts), 18.23 Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts), 18.31 (CEQA Review - a new Chapter), 18.34 (PTOD Combining District Regulations), 18.40 (General Standards and Exceptions), 18.52 (Parking and Loading Requirements), 18.70 (Non-conforming Uses and Non-complying Facilities), 18.76 (Permits and Approvals), and 18.77 (Processing of Permits and Approvals).

Public Hearing opened at 7:14 P.M.

Public Hearing closed at 7:26 P.M.

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to adopt Ordinance Sections 1-3, modifying Municipal Code Title 16 (Group 1 Interpretations of 16.20 (Signs)).

MOTION PASSED: 8-0 Burt absent

MOTION: Council Member DuBois moved, seconded by Council Member Wolbach to adopt Ordinance changes in Group 2 with Staff's suggested changes to American's with Disabilities Act (ADA) language, and with changes to Zoning Code Interpretation and Interpretation of Land Uses in order to include a process to bring changes to Council quarterly for approval.

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "bring changes to Council quarterly for approval" with "bring an Information Report to Council quarterly."

AMENDMENT: Mayor Holman moved, seconded by Council Member XX to add to the Motion, when a project Staff Report is written that requires a formal written interpretation as referenced in Municipal Code Section 18.01.025 the description of that determination shall be called out in the Staff Report.

AMENDMENT WITHDRAWN BY THE MAKER

MOTION AS AMENDED PASSED: 8-0 Burt absent

MOTION: Council Member Scharff moved, seconded by Council Member Berman to adopt Ordinance Sections 10-13, modifying Municipal Code Chapters 18.13-18.15.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Municipal Code Sections 18.15.040(b), and 18.15.100(d)(iv), "59 years" with "55 years."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Section 19 of the Ordinance, Municipal Code Section 18.34.040(e)(3) with "the provisions of this section are intended to address the density bonus requirements of state law within the PTOD District. The maximum bonus density available under this section shall be the greater of the bonus density allowed under this chapter or under the City's density bonus provisions contained in Chapter 18.15."

AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to remove from Municipal Code Section 18.13.010(a), (b), and (c), "with no required minimum density."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION AS AMENDED PASSED: 7-1 Wolbach no, Burt absent

ACTION MINUTES

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to adopt Ordinance Sections 14-15, modifying Municipal Code Chapters 18.16 and 18.18 including Staff proposed changes to Municipal Code Section 18.18.120(a)(2)(C).

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add at the end of the Motion, "to replace 'volume of space that is' with 'three dimensional shape and space.'"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "in Municipal Code Section 18.18.060(e), replace "minimum extent necessary" with "incremental square footage necessary."

MOTION AS AMENDED PASSED: 8-0 Burt absent

MOTION: Council Member Wolbach moved, seconded by Council Member DuBois to approve Ordinance Sections 16-21, modifying Municipal Code Chapters 18.20-18.52.

SUBSTITUTE MOTION: Mayor Holman moved, seconded by Council Member DuBois to continue discussion of the addition of Municipal Code Sections 18.31.010, 18.31.020, and 18.31.030.

SUBSTITUTE MOTION FAILED: 3-5 DuBois, Holman, Schmid yes, Burt absent

MOTION PASSED: 7-1 Holman no, Burt absent

MOTION: Council Member Scharff moved, seconded by Council Member Berman to approve Ordinance Sections 22-24, modifying Municipal Code Chapters 18.70-18.77.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to continue Municipal Code Section 18.76.020 to the next available meeting.

MOTION RESTATED: Council Member Scharff moved, seconded by Council Member Berman to approve Ordinance Sections 22 and 24, modifying Municipal Code Chapters 18.70-18.77 with the exception of Municipal Code Section 18.76.020.

ACTION MINUTES

MOTION AS AMENDED PASSED: 8-0 Burt absent

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to continue Attachment E of the Staff Report to a date uncertain.

SUBSTITUTE MOTION: Vice Mayor Schmid moved, seconded by Mayor Holman to set a hard stop of 11:00 P.M.

SUBSTITUTE MOTION FAILED: 4-4 DuBois, Filseth, Holman, Schmid yes, Burt absent

MOTION PASSED: 5-3 Filseth, Holman, DuBois no, Burt absent

[REDACTED]

[REDACTED]

Adjournment: The meeting was adjourned at 10:33 P.M.



City of Palo Alto

Architectural Review Board Staff Report

Item #4

(ID # 6158)

Report Type: Consent**Meeting Date: 10/1/2015****Summary Title: ARB Findings**

Title: Discussion and Recommendation to the City Council regarding a proposed changes to the ARB findings.

From: City Manager**Lead Department: Architectural Review Board**

Recommendation

Staff recommends that the ARB review the revised draft findings (Attachment A) and forward a recommendation of support to the City Council.

Background

September 3, 2015 Discussion

On September 3, 2015, the Architectural Review Board (ARB) considered a reduced number of Architectural Review (AR) approval findings. The current findings are provided as Attachment C and the 9/3/15 staff report (without attachments) is provided as Attachment D. The ARB supported staff's efforts to reduce the number and group findings into similar categories, and discussed the positive aspects of the existing Architectural Review approval findings, such as:

- short declarative sentences,
- concrete nouns,
- incorporation of phrasing about bicycle and pedestrian access,
- a sustainability finding to ensure green design is not an afterthought,
- phrases found in the code-stated 'Purpose' of Architectural Review, about preserving natural features, desirability of living conditions, and enhancing the quality of life.

The ARB was provided a copy of the existing AR findings and Context Based Design Criteria (CBDC). The ARB requested that staff:

- re-order the CBDC so #8 appears earlier in the sequence, and
- cite 'sign integration', to ensure signage is shown in conceptual designs.

Staff noted it is staff's intent to:

- minimize reference to other portions of the code,

- not reduce or minimize the ARB’s authority, but better focus its review authority through the revised findings,
- give maximum discretion to the ARB to require project modifications,
- provide enough specificity to allow ARB guidance of projects,
- consider placement of CDBC into one zoning code chapter, and
- update the current application checklist (Attachment B) as needed and carefully review submitted materials to ensure applicants are demonstrating how they are meeting the zoning standards, context based design criteria, and approval findings.

Staff has revised the draft findings in this report and in Attachment A.

Purpose of Architectural Review

The ARB had noted that several phrases from the code-stated ‘Purpose’ of Architectural Review were important to include. In PAMC Chapter 18.76, Section 18.76.020 states “The purpose of architectural review is to:

- (1) Promote orderly and harmonious development in the city;
- (2) Enhance the desirability of residence or investment in the city;
- (3) Encourage the attainment of the most desirable use of land and improvements;
- (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas;
and
- (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.”

Staff has incorporated the underlined text into the revised draft findings.

Discussion

The six proposed Architectural Review findings ensure a project is/has: (1) compatible, (2) coherent design, (3) quality materials, (4) functional, (5) well-landscaped, and (6) sustainable. Changes to the ARB findings will be presented to the City Council in the fall. Revisions made after the September 3, 2015 ARB public hearing are annotated in the proposed findings below:

Proposed AR Findings

1. The design is compatible with ~~applicable elements of~~ the Palo Alto Comprehensive Plan and any relevant design guides and context-based design criteria, and enhances the desirability of the immediate site or in adjacent areas, with harmonious transitions in scale and character. In cases where context-based design criteria do not apply, the transitions and scale of the project are compatible with the neighborhood. [Incorporates Findings 1 and 5, *and the phrase from AR purpose #4.*]

2. The project has a unified and coherent design that creates an internal sense of order and desirable environment for occupants, visitors, and the general community, is ~~compatible with~~ considerate of the surrounding environment and preserves, respects and integrates natural

features and the historic character of the area when appropriate. [Incorporates Findings 2, 4, 6, and 11, *and words from AR purpose #5 and AR Finding 11.*]

3. The design uses high quality materials and appropriate construction techniques, and incorporates textures, colors, and other details that are compatible with, and enhance the surrounding environment. [Incorporates Findings 2, 4, 6 and 12.]

4. The design is functional, allowing for ease and safety of pedestrian and bicycle access and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.). [Incorporates Findings 3, 7, 8, 9, and 10, *a phrase from CBDC #8 and a mention of signage among the specific examples.*]

5. The landscape design is suitable, integrated and compatible with the building and the surrounding area, is appropriate to the site's functions, and utilizes drought-resistant plant material that can be appropriately maintained. [Incorporates Findings 12, 13 and 14.]

6. The project incorporates design principles that achieve sustainability and green building requirements in areas related to energy efficiency, water conservation, building materials, landscaping, site planning and sensible design. [Excerpted from Finding 15].

Prepared by: Amy French, Chief Planning Official

Reviewed by: Jonathan Lait, Assistant Director

Attachments:

- Attachment A: ARB findings revised for 10 1 15 (DOCX)
- Attachment B: Major ARB Submittal Checklist (DOC)
- Attachment C: Architectural Review Findings from PAMC Chapter 18 (DOCX)
- Attachment D: September 3, 2015 ARB Staff Report (PDF)

Palo Alto Municipal Code Chapter 18.76 Sections 18.76.020 Architectural Review

Item (d) Findings

“Neither the Director, nor the City Council on appeal, shall grant architectural review approval unless it is found that:

1. The design is compatible with the Palo Alto Comprehensive Plan and any relevant design guides and context-based design criteria, and enhances the desirability of the immediate site or in adjacent areas, with harmonious transitions in scale and character. In cases where context-based design criteria do not apply, the transitions and scale of the project are compatible with the neighborhood.
2. The project has a unified and coherent design that creates an internal sense of order and desirable environment for occupants, visitors, and the general community, is considerate of the surrounding environment and preserves, respects and integrates natural features and the historic character of the area when appropriate.
3. The design uses high quality materials and appropriate construction techniques, and incorporates textures, colors, and other details that are compatible with, and enhance the surrounding environment.
4. The design is functional, allowing for ease and safety of pedestrian and bicycle access and providing for elements that support the building’s necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).
5. The landscape design is suitable, integrated and compatible with the building and the surrounding area, is appropriate to the site’s functions, and utilizes drought-resistant plant material that can be appropriately maintained.
6. The project incorporates design principles that achieve sustainability and green building requirements in areas related to energy efficiency, water conservation, building materials, landscaping, site planning and sensible design.



CHECKLIST

ARB Submittal for MAJOR PROJECT

Please provide the following items for the City of Palo Alto to review.

Incomplete application packages may not be accepted and will not be scheduled for public hearing

1. An appointment is required to submit all applications. Appointments can be made in person at the Development Center, 285 Hamilton Avenue, or by calling the Planning Division at (650) 329-2441.
2. Final project approval from Stanford University if project is located on Stanford land
 - Signed approval form from Stanford Management Company
 - Plans stamped and approved by Stanford
3. Planning Application Form
 - Items 1-5 on the application form completed
 - Property owner's signature
4. **Written project description:** 14 copies of a summary of the project proposal, which shall include:
 - The scope of work to be done
 - The existing and proposed uses
 - An explanation of the design concept
 - Relationship to existing conditions on site
 - Materials, colors, and construction methods to be used

(The proposal will be reviewed by City department representatives and others who have not had the benefit of meeting with the applicant. Therefore, be thorough in your description and submission)
5. **Public Outreach Images:** USB flash drive or CD-ROM containing proposed site plan, elevations and perspectives. The plans shall be PDF format for posting on the City's website. The file should be generally 4-6 pages in total, and optimized for printing to 11 inch by 17 inch paper. Revised and final electronic plan sets shall be provided as needed.
6. **Photographic display:** Photographs showing the relationship of the proposed project to adjacent buildings and to the neighborhood.
7. **Plans:** Minimum legible size needed, bound and folded to 8 ½" x 11". Fold-out pages are allowed. Information must be consistent on all sheets.
 - A. **Plan sets:**
 - 16 sets for ARB review (2 full-size (24" x 36" max.) + 14 reduced-size sets (18" x 24" max.))
 - 10 additional reduced size sets for HRB review if site is on the City's Historic Inventory
 - B. **Vicinity map:**
 - Small schematic map showing the location of the site within the City
 - C. **Neighborhood context:** show project in the context to its surrounding by providing:
 - Dated, aerial photograph of the site and adjacent properties (available at the Development Center)
 - Streetscape elevations, photographs and/or sections showing the proposed project and adjacent properties on each side of the property, including street trees. The drawing should be three times the width of the site (if site frontage is 50', the context elevation must include 50' on each side of the site).
 - Site plan showing the adjacent streets and buildings (see E below for other site plan items)

D. Project data: provide the following project data on the cover sheet and site plan

- Lot area
- Lot coverage
- Floor area
- Required parking

For Residential projects only:

- Common usable open space area (total area calculated and percentage of site area indicated)
- Private usable open space area (total balcony and/or private patio areas)

E. Site Plan: show existing conditions and proposed changes

- Scale
- North arrow (orient all sheets in the same directions)
- Dimensioned property lines
- Any underlining lot lines
- Footprint of all buildings and structures on the site
- Footprint of adjacent buildings and structures
- Surface parking area, driveways, paths and sidewalks
- Zoning setback lines (including Stanford setback lines if applicable)
- Site contours
- Existing and proposed signs
- Light fixtures, bicycle parking, trash and recycling (including proposed containers or related equipment) enclosures, fences
- Improvements in the public right-of-way, including streets, curbs, sidewalks and street trees within 30 feet of the property
- Underground utilities (sewer, gas, electric, water)
- Location of backflow preventers, above-ground electrical utilities, boxes, transformers, meter mains, fire standpipes, etc
- Any easements or encumbrances across the property
- Creeks or waterways on or adjacent to the property Indicate 'top of bank'.
- Tree location, species, size, dripline area, including trees located on neighboring property that overhang the project site, consistent with the City [Tree Technical Manual](#), Section 1.28

F. Building Elevations: show existing conditions to remain and proposed changes

- Elevations of all sides of the buildings
- Outlines of adjacent buildings
- Height limit, daylight plane
- All window, door, eaves, skylights, chimneys, rain water leaders, roof equipment and screens, and other appurtenances on the building exterior
- Type, finish, material, and color of all surfaces
- All signs and lighting on the building

G. Floor Plans:

Submit sufficient floor plans to indicate how the interior of the building affects the exterior design, particularly window and door placement, required emergency exists, space usage, stairs, elevators, etc.

- Dimensioned floor plans showing how floor area was calculated
- Fully dimensioned parking garage plans

H. Roof Plans:

- Heating Ventilation Air Conditioning (HVAC) Units shall be shown
- HVAC equipment screens
- Photo-voltaic panels, if proposed

I. Parking Layout and Circulation:

- Fully dimensioned parking plan and required number of vehicular and bicycle parking spaces
- Handicapped parking, loading signage

___ Main points of entry and exit and traffic flow

J. Sections:

- ___ Provide illustrative wall section from parapet to foundation showing foundation, wall, windows, and doors, parapet, cornice, eave, roof (drawing should be at a minimum 1/2" = 1' scale)
- ___ Provide building site sections showing roof and floor heights, site slope, automobile or pedestrian ramps, basements, underground garages, penthouses, etc.
- ___ Provide section(s) at adjacent property lines indicating any grade differentials, showing fence height, retaining walls, ground slope, etc. (drawing should be 1" = 10' scale)

K. Landscape Plan:

- ___ Statement of design intent: written statement outlining the concept of the landscape design
- ___ Show common usable open space and private open space dimensioned
- ___ Schematic Landscape Plan
 - a. Trees and vegetation to be removed, retained, and planted
 - b. Location, species, quantities, and size of all proposed plant materials (plant list)
- ___ Fences trellises, pots, street furniture, and other amenities
- ___ Trash enclosures, bicycle enclosures, etc.
- ___ Location of backflow preventors, above-ground electrical utilities, boxes, transformers, meter mains, fire standpipes, etc
- ___ Drainage plan to conform with the Storm Water Pollution Prevention Plan (SWPPP) and C-3 Requirements where required (contact [Public Works Engineering](#) (650) 329-2151 for requirements) (The final planting and irrigation plan must be approved by Planning and Utilities Marketing prior to building permit approval)

L. Lighting Plan:

- ___ Photometric drawing including foot-candle numbers
- ___ Catalog cuts of proposed exterior fixtures

M. Schematic details:

- Appropriate architectural details to indicate the quality and nature of the design, including:
 - ___ Details showing how adjacent, dissimilar materials connect. Examples include: siding to windows, siding to roofs and parapets, eaves, railings, corners, connections to existing structures
 - ___ Details showing attachments to buildings, when these occur (such as railings and awnings)

8. Green Building program:

A list of sustainable aspects of the proposed design beyond the minimum code requirements. Consult the City's [Green Building](#) webpage for more information.

9. 3-Dimensional images: massing model, axonometric or perspective drawings from the most visible locations. 3D images may be physical models, hand drawings, or computer generated.

10. Colors and materials:

- ___ Samples of actual colors and materials mounted on 8" x 14" foam board to be retained by the city as part of the permanent file
- ___ Colored rendering for presentation in the public hearing to show accurately how color will be placed on the building (duplicate copies not needed)

11. [Environmental Information Assessment Worksheet](#) (14 copies)

12. [Tree Protection Plan Sheet T-1](#)

13. Arborist assessment and report for protected and designated trees: shall be consistent with the City [Tree Technical Manual](#), Section 2.10

14. [Hazardous Materials Disclosure Checklist:](#) if use or storage of hazardous materials on site, see [Fire Department](#) for hazardous material permit

15. Fee Schedule

If there are any questions regarding submittal requirements, please contact city staff. <http://www.cityofpaloalto.org/arb>,
Development Center, 285 Hamilton Ave., Palo Alto, Ca 94301 Planning: (650) 329-2441 Building: (650) 329-2496
Fire: (650) 329-2135 Public Works: (650) 329-2151 This Checklist was Revised 6-11-13

Architectural Review Findings from PAMC Chapter 18.76 Section 18.76.050

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

(1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;

(2) The design is compatible with the immediate environment of the site;

(3) The design is appropriate to the function of the project;

(4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;

(5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;

(6) The design is compatible with approved improvements both on and off the site;

(7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

(8) The amount and arrangement of open space are appropriate to the design and the function of the structures;

(9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;

(10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;

(11) Natural features are appropriately preserved and integrated with the project;

(12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;

(13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

(14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;

(15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:

- (A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
- (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
- (C) Design for easy pedestrian, bicycle and transit access;
- (D) Maximize on site stormwater management through landscaping and permeable paving;
- (E) Use sustainable building materials;
- (F) Design lighting, plumbing and equipment for efficient energy and water use;
- (G) Create healthy indoor environments; and
- (H) Use creativity and innovation to build more sustainable environments.

(16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).



City of Palo Alto

Architectural Review Board Staff Report

(ID # 6087)

Report Type: Study Session**Meeting Date: 9/3/2015****Summary Title: Architectural Review Findings****Title: Discussion of Revision to Architectural Review Approval Findings****From: City Manager****Lead Department: Architectural Review Board**

Recommendation

Staff recommends the Architectural Review Board (ARB) discuss the proposed wording and benefits of a reduction in the number of findings for approval of ARB applications, and recommend any modifications to the draft revised findings.

Background

The Planning and Community Environment Department (PCE) is embarking on an effort to make annual zoning code amendments to address outmoded regulations, align codes with current policies, correct inaccurate references and typographical errors, and introduce changes to improve department efficiency, the quality of work and enhance transparency to the public.

The first round of amendments is intended to be non-controversial, though some recommendations will require more consideration than others. The Planning and Transportation Commission will be responsible for forwarding a recommendation to the City Council on zoning code amendments. However, one of the proposed changes directly relates to the Architectural Review Board (ARB), which is the reason for this discussion topic. It is anticipated that the ARB will review the proposed change, offer modifications if needed, and forward a recommendation to the City Council reflecting the ARB's position.

Discussion

All projects that go before the ARB are recommended for approval, conditional approval, or denial to the PCE Director. These recommendations and the Director's determination (and City Council on appeal), are based on required findings.

Findings detail how the local agency evaluated the project and documented its conformance to local plans, regulations and other criteria. Review of a project to the findings enables the Board to make recommended conditions of approval or project modifications. If a project is challenged, the appellant body (City Council) will review the project findings to affirm, modify

or reject the Director conclusions. A similar review is conducted by a judge if a project is challenged in court.

For these reasons, project findings are very important when acting on a project. Increasingly, some community members and Councilmembers have asserted a need to improve the analysis provided for project findings. Staff agrees.

Palo Alto has a minimum 16 findings that are reviewed for each project that goes before the ARB. Additional findings are required for any Design Enhancement Exception and several other findings must be made if a project is subject to Context Based Design Criteria (PAMC 18.16.090). It is not uncommon for a project to be subject to 21 findings.

Many of the existing findings are redundant. Some are unnecessary because city has updated the code since the finding was established, or do not need to be evaluated at the conceptual design phase and are checked during plan review for a building permit. The ARB has recognized these shortcomings too. Recently, staff reports to the ARB now group similar findings to facilitate an easier review by the Board and public, and improve the qualitative analysis of those findings.

Now is an opportunity to take this practice one step further. Staff has reviewed the 16 ARB findings and is proposing to formally codify similar findings, eliminate unnecessary findings, and strengthen others to give the ARB the tools it needs to evaluate projects and recommend approval of those that strengthen the urban environment.

The proposed findings have been drafted to retain all the important criteria that exist today. It is requested that the ARB review and offer suggestions ensure this objective.

It is anticipated that updating the ARB findings will achieve the following benefits:

- Improve qualitative responses
- Focus project review on key criteria
- Provide applicants a better understanding of how projects will be evaluated
- Reduce writing and reading fatigue (preparing and reviewing redundant findings)
- Strengthen the legal standing of projects challenged in court
- Help to address some of the criticisms related to the ARB process and more specifically the findings
- Reduce, to some degree, the amount of paper generated to print reports

The proposed modification to the ARB findings will enhance the review process and make it more efficient. Moreover, many projects will remain subject to the Context Based Design Criteria, which imposes significant standards that will be reviewed and evaluated in the staff report and findings.

The proposed and existing findings are provided in Attachment A. The Context Based Design Criteria are there too.

With regard to the annual zoning code effort, at least for the first round, any items that require a sufficient amount of discussion or turn out to be too controversial will be dropped and revisited next year. As it relates to the ARB, staff will also be reexamining in the near term, the ARB application, the staff report template and process to officially document final actions. Staff can schedule a future discussion on these items and welcomes ARB member comments to help improve the quality of the application material the Board receives and staff efficiency.

Prepared by: Amy French, AICP, Chief Planning Official

Reviewed by: Jonathan Lait, AICP, Assistant Director
Cara Silver, Senior Assistant City Attorney

Attachments:

- Attachment A: ARB Findings (Proposed / Existing) (DOCX)