



ARCHITECTURAL REVIEW BOARD
MINUTES: November 2, 2023
Council Chamber & Zoom
8:30 AM

Call to Order / Roll Call

The Architectural Review Board (ARB) of the City of Palo Alto met on this date in Council Chambers and virtual teleconference at 8:34 a.m.

Present: Chair Peter Baltay, Vice Chair Kendra Rosenberg, Boardmember Yingxi Chen (arrived 8:36 a.m.), Boardmember David Hirsch, Boardmember Mousam Adcock

Absent:

Oral Communications

None

Agenda Changes, Additions and Deletions

Senior Planner and Architectural Review Board (ARB) Liaison Claire Raybould indicated there were no Agenda changes, additions, or deletions.

City Official Reports

1. Transmittal of 1) the ARB Meeting Schedule and Attendance Record, 2) Tentative Future Agenda items and 3) Recently Submitted Projects

Senior Planner Raybould reported that upcoming items for the November 16 meeting include an SB 9 item that staff has decided to present as a final study session item which will summarize the Focus Group work that was done following the ARB hearing regarding the Objective SB 9 Standards. Following the study session with the ARB it will be presented to City Council for final review. Staff is anticipating a preliminary architectural review on December 7 for 70 Encina, next to Town and Country.

Manager of Current Planning Jodie Gerhardt explained it is a three story ten unit town house project that has greatly changed from the project that the ARB previously saw.

Ms. Raybould continued that the North Ventura Coordinated Area Plan (NVCAP) second study session has been delayed due to staff's anticipation of not only including the Chapter 7 Implementation, but also the language of the potential zoning code changes staff is looking to make. It's taken some extra time as a result of staffing issues and the priority of the Housing Element. November 16 Agenda includes the Ad Hoc item of the 123 Sherman project.

Chair Baltay expressed an interest in assigning an ad hoc committee for the 70 Encina project.

Ms. Gerhardt explained she didn't believe an ad hoc committee was needed immediately, it's a preliminary application, so the entire board would be acting as a subcommittee during the study session.

Boardmember Adcock volunteered for when the documents in the application have been submitted.

Chair Baltay assigned Boardmember Hirsch to join Boardmember Adcock when staff indicates they have received the formal application. Regarding 3000 El Camino, currently in a holding pattern, Boardmember Thompson had been a member of that ad hoc committee, Chair Baltay assigned Vice Chair Rosenberg to the committee in her place.

Chair Baltay announced that Boardmember Chen had joined the meeting.

Study Session

2. STUDY SESSION: 739 Sutter [23PLN-00201]: Request for a Streamlined Housing Development Review to Allow the Construction of an Approximately 18,000 Square Foot (sf) Multi-Family Project Consisting of 12 Three-Bedroom Condominium Units in 3-story Buildings on an Approximately 0.38-acre (16,707 sf) Parcel. The Project would replace an existing 8-Unit Residential Rental Building. The Project includes two Units Provided at Below Market Rate and, Accordingly, Requests Concessions and Waivers Pursuant to State Density Bonus Law. Environmental Assessment: Exempt from the Provisions of the California Environmental Quality Act in Accordance with CEQA Guidelines Section 15332 (in-fill development). Zoning District: RM-20 (Multiple-Family Residential). For More Information Contact the Project Planner Claire Raybould at Claire.Raybould@cityofpaloalto.org. Click [here](#) for staff report.

Chair Baltay introduced 739 Sutter as a request for a Streamlined Housing Development Review to allow the construction of an approximately 18,000 Square Foot (sq) Multi-family project consisting of 12 three-bedroom condominiums in three story buildings on .38-acre parcel, informed the public speakers the study session process, and requested staff's presentation.

Senior Planner and Architectural Review Board (ARB) Liaison Claire Raybould reported that staff was requesting that the ARB conduct a study session to provide feedback on whether minor adjustments to the application would result in closer adherence to the objective design standards contained in Chapter 18.24, Objective Standards, consistent with the streamlined review pursuant to 18.77.073 for housing development projects. The proposed residential for-sale townhome project, located on a 0.38-acre parcel at 739 Sutter Avenue, includes 12 residential for-sale units, two of which are to be provided at below market rate to low income (50-80% of AMI). The project would replace an existing 8-unit residential rental development that is currently occupied. The project is a housing development project in accordance with the Housing Accountability Act and qualifies for a Density Bonus based on the percentage and income level restrictions on the provided units. The project is also eligible for three concessions as well as unlimited waivers, or changes to the objective development standards, to accommodate the development in accordance with the State Density Bonus allowances (California Government Code §65915) and Palo Alto Municipal Code (PAMC) Chapter 18.15). The applicants are currently requesting one concession for height and waivers from Chapter 18.13 for floor area and noted that any area that is considered private street is excluded from the total floor area. They are requesting five feet rear setbacks where 20 feet is required, and 4.6 feet side setbacks where ten feet is required. They are also proposing a 20-foot width

on a private street where generally 32-feet is required. Waivers for Chapter 18.24 and 18.40 include the finished floor height of .5 where 1.5 is required. The individual residential width is 4.5 feet on the rear buildings where five feet is required. A waiver is being requested for privacy screening on the south property line where the drive isle and the property abuts R-1 residential to the east side. Rooftop landscaping has been shown but is not built in with permanent irrigation and a waiver has been requested. They are also requesting a waiver for the daylight plane for fixtures on the rooftop (the parapet for the rooftop open space on Building 1). The applicant is requesting a waiver for a nine foot setback for twenty-five percent of the building on the upper floor at a 27-foot height on the south side. A six foot setback for seventy percent of the building at thirty-three feet is required. Façade break is a one foot by four foot break with 8.9 square foot area, where two feet by two feet break with thirty-two square foot area is required. Design revisions based on preliminary feedback include comments that mostly align with what the public were asking for at the time. They reduced the height of both buildings, the plan sets in the original design were a bit unclear, but it seemed that the intent was to provide rooftop open space on both buildings originally, they are no longer proposing rooftop open space on the rear building, Building 2, which brought down the height by a few feet. It was originally proposed at thirty-five and a half feet and is now down to thirty-two feet. Originally there were rear balconies on the second floor, they revised that to be up on the third floor and setback the second and third floor, so the balcony is set back by about 9 feet more than it was originally designed. With the balcony being moved to the third floor, it now meets the line of sight requirements that are under the Objective Standards for privacy. Rear windows have been revised to comply with the privacy requirements of Chapter 18.24. There were no changes to reduce parking per ARB feedback as a possible way to reduce the height of the building. There were no changes to reduce density. They are instead using a specific allowance allowed under the State Density Bonus Law under Assembly Bill 2345 that allows for a fifty percent density bonus if the project provides twenty five percent of the base units to low income. The project is not subject to SB 330, however there are some renters protection that applies subject to PAMC Chapter 9.68, in which they will be required to provide relocation assistance in the form of either the last month rent free or the equivalent amount in relocation assistance. Key considerations for the scope of the project include the Housing Accountability Act, Streamlined Housing Development and consistency with Objective Standards, Waivers which physically preclude construction at the proposed density is what the project is being evaluated against, concessions are whether they reduce costs. A location map for the proposed project is included in Attachment A and the project plans are included in Attachment I. The City, acting as the lead agency in accordance with the California Environmental Quality Act, determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 (Class 32 - infill exemption). Documentation to support the exemption is also provided in Attachment I. A Historic analysis was completed to confirm the building is not historic. The CEQA consultant and transportation staff are available for questions.

Chair Baltay opened the floor for Board questions of staff and noted the project is not subject to the ARB's normal findings, however it is subject to the Objective Standards and those are subject to conditional concessions and waivers.

Vice Chair Rosenberg requested clarification in regard to the waivers and how they work with the Objective Standards.

Ms. Raybould explained that applicants are allowed unlimited waivers under State Density Bonus Law and the waivers are anything that physically precludes development of the project at the proposed density. The waiver request that was provided provides diagrams that show why it would reduce the density of the project for each of the waivers and that is outlined in Attachment F beginning on Packet page 65 in the supplemental packet.

Chair Baltay asked for clarification on the meaning of reduced density, if it is intended as reduced unit count or reduced square footage.

Ms. Raybould responded that it could be both reduced unit count and square footage. Originally, there was some lack of clarity in the code, the courts have not been supported of cities that have been reducing anything that changes the development, reduces amenities, reduces bedroom count, but also even square footage of the project.

Ms. Raybould further explained that this is a true density bonus project. They can use the density bonus law, even when they are not using it to increase density on the site. For example, there have been projects that have been proposed that are not exceeding the maximum density allowance that the zoning code would allow for. This project is actually using the density bonus law to exceed. In relation to the context of the zoning code presumably allowing for a maximum density of a certain range, it's meant for eight units on the site, they are proposing twelve units which is a 50% increase in density; of those four units two are being proposed as low income affordable housing and make up 25% of the base density.

Chair Baltay noted that in the report it states the burden is on the City to identify a basis to deny a requested concession or waiver and asked if the ARB's opinion would be considered part of that definition of what the standard is.

Ms. Raybould answered that what it's saying is that if the City wants to respond to the waivers in such a way that they don't feel the waiver is needed to complete the project, it then becomes the City's responsibility to do the financial analysis or other documentation to support that opinion.

Manager of Current Planning Jodie Gerhardt added that the outdoor hired proof would be necessary if they had to get into the financials of the project.

Chair Baltay stated that in reading the law it states anything that physically precludes development of the project at the proposed density and generally that's determined by architects. This is new law they are all having to learn to navigate, he wanted to confirm clarity for both the ARB and the general public.

Ms. Gerhardt stated from the court cases they've been watching the ARB's opinion is definitely helpful, however if a decision were to be escalated to an appeal, it would not be the full conclusion.

Ms. Raybould noted that the ARB's opinion is very helpful, along with to what extent they may make conditions of approval for the intent of refining the project.

Boardmember Adcock referenced the list on the first page of Attachment F and asked if the City has any guidelines in terms of how much reduction in square footage or units is the limit. There's a big range of each waiver's benefit to the project and a big range of detriment based on neighbors of the project.

Ms. Raybould answered that she believed that would depend; things that are less than one unit might be more feasible to consider changes. Where it would preclude one or more units, it's very difficult because they would truly be reducing density. For waivers that modify less than one unit, the ARB's feedback on how it might be designed in order to still make it work without the waiver would be very useful and staff could consider conditions of approval that might refine the design.

Boardmember Adcock inquired if based on the square footage of the current building and number of units being roughly 691 square feet and the proposed units are 1,500 hundred feet, would it be within the City's purview to request a reduced square footage of say 1,400, as an example, to eliminate the need for some of the waivers.

Ms. Raybould stated that thus far the courts have not supported Cities in that respect.

Boardmember Chen asked since all the waivers and concessions are based on the 25% of the base unit, is there a definition of the base unit. Is there maximum or minimum percentage on the site.

Ms. Raybould stated that base density is what's allowed in the code, which is currently 20 dwelling units per acre. It's how many units can fit in the allowed density under the base zoning of the project. The base allowance for the site is eight. Because there are eight units now, it would be illegal to reduce the density. The base allowance for this project is eight units for the site.

Boardmember Hirsch inquired if the Objective Standards are revisable, particularly concerning daylight planes.

Ms. Raybould stated that it is very possible to revise the standards, staff has had a lot of discussion surrounding revisiting the Objective Standards and refining them, however they would not apply to this project, and noted that this project is actually complying with the Objective Standards for daylight planes, it's exceeding the rear setback where it abuts R-1 zoning. They are requesting side yard daylight plane exceptions.

Chair Baltay stated that his understanding was that the Objective Standards are reviewed once a year for the first few years they are in existence, which was also supported by City Council. The limitation lies in staff resources.

Ms. Gerhardt added that in regard to staff resources, as projects such as this are submitted more and more and staff are referring back to the Objective Standards, they recognize the need to find the staff to make that work.

Boardmember Adcock noted that a tentative map had not yet been submitted.

Ms. Raybould explained that the code encourages completing the entitlement before the map, the applicants have expressed a desire to make these as for sale so it will be included as a condition of approval, that the tentative map process will be completed for the project.

Boardmember Hirsch noted that while changes to the Objective Standards would not apply to the project that is in front of them, it is important that the review them and make changes.

Boardmember Chen stated that in the staff report it stated that the project is exempt from CEQA however letters from the neighbors indicated that CEQA is required and requested clarification.

Ms. Raybould responded that CEQA was completed as a Class 32 exemption for the project. The documentation for that exemption was provided as part of the last Attachment and has been posted on the website, to include all of the appendixes to the Class 32 Exemption.

Chair Baltay requested the applicant's presentation.

Kriselle Rodrigues, architect with Dahlin Architectural Planning & Interiors, represented the applicant and introduced Eric Muzzy who provided the ARB the applicants presentation for the project.

Mr. Eric Muzzy, Senior Planner with Dahlin Architectural Planning & Interiors, provided a summary of the site plan with slides depicting aerials, elevations and floor plans for the project being proposed for 739 Sutter Avenue. The site's General Plan designation is multifamily. The proposed residential density is 31.3 units to the acre which includes two townhome buildings with garages that access from a shared drive isle. The residential access for Building 1 is Sutter Avenue and the residential access for Building 2 is from a shared walkway. Each unit features 3 bedrooms, private decks, and a two-car garage. The project includes two adaptable units and two affordable units. Common open space includes new trees around the perimeter of the site.

Ms. Rodrigues continued with the architectural details of the project which includes changes to the design based on the preliminary review that was submitted with the application, and concerns from the neighbors during their community outreach process. The rear of Building 2 reduced the second floor decks to windows and the third floors were recessed approximately nine feet from the front facades with decks recessed approximately three and a half feet to address neighbor privacy concerns and comply with the daylight plane requirements. Glazing has been added to the second and third floor windows that will incoming light with downward views obscured. The side facades have been stepped back and the rear setback was increased to comply with the daylight plane and allow for a landscaped buffer. The rear yard perimeter trees will be strategically placed to diminish views further once the trees reach maturity. Building 1 facing Sutter was designed to engage with activities on Sutter Ave and enhance the pedestrian experience on the front façade. Second and third floor decks, along with front facing roof decks are on the front of the building rather than the rear, eliminating privacy concerns with Building 2. The differences between the two buildings were done strategically in order to respect the neighbors privacy and attempt to address their concerns.

Chair Baltay opened the Board to questions for the applicants.

Boardmember Adcock inquired about the height not being depicted for the walls between the balconies on the third floor of Building 2 in Section A3.1.

Ms. Rodrigues explained that the parapet height on the third floor is forty-two inches and the parapets between the units for privacy were raised higher to five feet.

Boardmember Adcock asked how they balanced the daylight plane for the neighbors while also providing tall screening, which is essential but also blocks the daylight plane.

Ms. Rodrigues stated the recess in the deck helped with both the daylight plane and the line of sight. The rear fence is an eight foot tall fence to also help obscure views. There are plans to plant trees near the second floor windows which will help privacy concerns. The trees will likely be within the daylight plane.

Boardmember Hirsch questioned the structural material of the front facing decks and the supports for the decks.

Ms. Rodrigues answered they would be wood framed decks on posts.

Boardmember Hirsch asked about the daylight plane on the sides of the building.

Ms. Rodrigues explained the side daylight plane is part of the waiver requests from the applicants, which can be found in supplemental documents.

Boardmember Chen asked what the wall heights are between the units of Building 1.

Ms. Rodrigues replied they had to keep it the same as the guardrail height for fire access. The fire department specifically requested the driveway side roofline drop for ground to roof ladder access since they are not able to pull the fire truck in because of the overhead utilities. There are two spots on both buildings where the roofline was dropped to twenty-seven feet. They have not provided additional screens due to that request.

Boardmember Chen inquired how the residents gain rooftop access.

Ms. Rodrigues responded there is a deck off the primary bedroom on the third level with an external staircase that leads to the rooftop deck.

Vice Chair Rosenberg inquired of the intended roofing material for the flat portion of the roofs and the decked portions of the roof and the colors.

Ms. Rodrigues answered if it's a portion that will be walked on it would be a ply-deck roof; the flat portion of the back will be a built up TEPIO [TIMESTAMP 1:11:18 phonetics]. The colors have not yet been chosen.

Vice Chair Rosenberg asked if the material had been selected for the slight overhang awnings on Building 1.

Ms. Rodrigues replied that those would be perforated thin metal awnings. They have not yet zeroed in on a design pattern. The color will likely be a metallic silver to grey.

Vice Chair Rosenberg asked if it would also be metal on Building 2.

Ms. Rodrigues confirmed that is the case.

Chair Baltay inquired about the design intent of the rear entry stoops on Building 2 depicted on plan sheet A1.4 first floor plan.

Ms. Rodrigues stated the difference was to allow for a parking space.

Chair Baltay referenced Site Plan Sheet A0.6, and explained that if each of the units were six inches wider, it would enable them to meet the five foot entry stoop if the whole building were shifted to the left 3 ½

feet, it would reduce the back up area of the private street drive isle, and inquired if there was a reason why they couldn't reduce that portion of the drive isle.

Mr. Muzzy explained that is an existing shared driveway with the neighboring parcel and the twenty-four foot back up is required for the existing parking on that parcel.

Chair Baltay inquired about the façade breaks and asked them to identify where the 1'x4' proposed break would be versus the larger ones that the Objective Standards request and referenced Sheet A1.2 with a one foot building recess in the primary bedroom of the units facing the front.

Mr. Muzzy stated there's a secondary piece of the requirement that talks about square footage, there's the minimum two-foot to four-foot dimensions but there is also a thirty-two square feet, so the conflict would be more than just taking a foot of depth out. One of the two dimensions would have to be bigger to accommodate the square footage required. Mr. Muzzy shared the waiver request sheet. In building 1 they believe they are in compliance because the façade breaks would be created by the decks on the front of the building.

Chair Baltay asked if staff had reviewed that.

Ms. Raybould answered they had.

Boardmember Adcock requested information on how they are managing the water runoff from roof onto the open stairwell to the lower deck on Building 1.

Ms. Rodrigues stated they do not have the rooftop drainage spouts shown in the drawings but there will be deck drainage that filters to the second level gutters which would flow the water to the ground.

Boardmember Adcock inquired if the applicants considered operable dividers between the units for added privacy.

Ms. Rodrigues stated they had not due to fire safety.

Boardmember Hirsch requested clarification regarding the door to the stairway from the deck depicted on the elevation and asked if that stairway would actually be open.

Ms. Rodrigues stated there would be a door from the deck because of the access roof deck from the third level bedrooms, and the deck will be sloped to shift water away from the building. The original idea was to build a penthouse and they elected to do the roof top decks with the door access to the rooftops from the third story unit decks.

Chair Baltay noted for the record that decks are complicated and quite expensive to build but likely cheaper than building a penthouse.

Vice Chair Rosenberg noted that the Objective Standards discussions relates to a base, middle and top design of the exterior elevations and requested they explain what they believe are the base, middle, and top portions of their buildings are.

Ms. Rodrigues answered in Building 1 the entry and porches are the base. The middle is defined by the two levels of decks that face Sutter Ave; the top would be the roof deck, but they do have the Awnings

with the metal features that define the top without being just a vertical plane. Building 2 the base is defined by the entries of the bottom units, the middle is the second floor with the glazing on the windows and the top is well defined because it's stepped back and it has a definitive break up in the façade.

Boardmember Adcock inquired about the affordable units in Building 2 and if the applicants considered making it equally available in each building, rather than putting them both in the rear building.

Ms. Rodrigues explained that was a discussion they had, however they landed at putting them both in the rear building, mainly because both of the affordable units have three bedrooms, and the rear building has the adaptable front units. The affordable units are not adaptable.

Ms. Raybould stated that the City strongly feels that in order to comply with the Citywide affordable housing, they would want one provided for each building based on the square footage difference between the rear units and the front units, and the amenities provided for the front units should also be available for the rear affordable unit.

Boardmember Hirsch asked who made that decision.

Ms. Raybould answered that if the applicant does not make the change, staff would add it as a condition of approval of the project.

Chair Baltay inquired if the applicant provided the City with a list of their previous tenants for the past five years and if they were able to verify that they tenants were low income.

Ms. Raybould explained they were provided with information on the income level of the tenants over the past five years.

Chair Baltay opened the meeting to public comments.

PUBLIC COMMENT

Ms. Dao stated there were 8 public comments.

Jue Cheng commented that she lives next to the proposed project and believes the thirty-two foot building with seven units is a mere 12 feet away from their kitchen windows and that poses several critical safety and privacy concerns that should be addressed.

Richard Wang commented that he is a resident behind the proposed building project, and strongly urged City staff and the ARB give this project serious consideration of the building permit of the project. There are fourteen total waivers and the applicants have provided no concessions to making changes regarding privacy despite there being many ways to achieve privacy without all the waivers. The height and high density of the project pose greater risk factors for fire and safety for the neighborhood and none of the other options were considered that wouldn't require the waivers. The privacy of the neighbors has not been seriously considered. There should be a CEQA study.

Carolyn Garbarino commented that the San Carlos Neighborhood Association opposes the development of housing on Sutter for the following safety and health reasons. The project has inadequate emergency

access, and due to aerial utility lines, the ladder access points are not included in the proposed fire safety plan. The reduced setbacks increase the fire risks to the adjacent neighborhood along with construction related safety issues that have not been studied which include construction noises for a fifteen month period at levels that can cause hearing damage and impede individuals from working effectively. A shade and shadow analysis has not been completed to determine impacts to residents who live on San Carlos Court. There has been no mention of hazardous materials during the demolition phase of the project or those impacts. It would seem that the City is brushing aside fire safety, hazardous waste exposure, light intrusion, neighborhood security for four additional units.

Jeff Levinsky commented that he believed the City has gone beyond the court rulings in their interpretation of the Density Bonus Law and is now acting inconsistent with the intent of the original draft of the law. Staffs comments regarding the compliance floor area ratio of the project is 1.25, there is a special law that allows 1.25 FAR for a project of eight units, but this project is twelve units. As a twelve unit project it should be held to the standard of .5 FAR. The objective standard for continuous shrubbery as a means of separation from the adjacent neighborhood should be six feet tall. As it appears on the bottom of Packet Page 51, much of the rear screen is listed as having a maximum height of three feet. Even if it were to grow to six feet, that's the height of the fence line, possible less, which does not meet the objective standard. A requirement of different plants would help screen the neighbors on San Carlos Court.

Haiying Yu provided public comment as a neighbor on San Carlos Court. She is supportive of the project as the current building is outdated and new buildings are needed in the neighborhood. The proposed project is perfect for Sutter homes for new and young families. The law is objective, and she believed City Council professions can make judgements accordingly.

Ellen Hartog commented she has seen projects be erected with full grown trees with the idea that the tree will provide a screen buffer. If that is the intent of this project, they need to show that in the plans. The side elevations have zero screening, and the three story wall is a horrible view. The balconies provide amplification of noise to the neighborhood on the front and rear of the buildings; mixed with the high density FAR, it makes the units unlivable for families. Fourteen waivers seem excessive and open the door to future problems. Full grown trees are an option for screening and would help reduce the noise pollution.

Scott O'Neil commented he was pleased to learn that SBL protections are stronger than he thought. He reminded the room that Palo Alto is in an epic housing shortage that has been building for decades. It's driving homelessness displacement, rent burdening, super commuting, and open space loss. Some of those factors drive climate change and traffic. There has been much discourse from neighbors of the project, however these are townhomes, and those standards are different. To the neighbors who are displeased with the projects, they are able to modify the effects of the project by modifying their own homes. If the current building were to remain, it does not comply with any fire safety standards. Best of luck to the applicant.

Don Sung provided public comment as resident on Emerson Street who also owns a house on Yule Street. He is in support of more affordable housing in Palo Alto and feels the city has evolved into an extremely premium market. There is a general lack of projects for affordable townhome development in Palo Alto

by comparison to neighboring cities, and those other cities have adopted more progressive policies with respect to providing more housing on a much more affordable scale. It hurts him to see renters having to pay \$8,000 per month in rent while having to put their kids through school. When looking at the inventory of nice townhomes in Palo Alto, the supply is very limited. If the developer is able to provide certain concessions to work with the neighbors that will introduce more working families to the area, it's a win-win situation.

Chair Baltay closed public comment and offered the applicant the opportunity to reply to any public comments to which the applicants declined.

The ARB took a ten minute break.

The ARB returned with all members present.

Chair Baltay brought the item back to the Board for comments and reminded the ARB that this is a study session.

Boardmember Chen commented that it's an appropriate location for a multifamily project such as this. The massing and material seem appropriate for Building 1, however the building adjacent to the RM-1 neighborhood seems compact considering it's only twelve feet from the fence and it is three stories high. Better screen has to be provided. She encouraged them to reconsider the unit sizes if they wanted to keep the number of units proposed, particularly for the rear building. Additionally, the parking provided is more than what is required, that could also be reduced. Other projects in the area provided two story buildings adjacent to the single family home zoning rather than three stories. The roof deck feature is a nice feature; however, they should consider further the fire access to the roof, privacy concerns, and water drainage concerns. Eliminating that feature for a private deck of the primary bedrooms on the third floor units is worth consideration. Regarding the waivers, the 5'6 [TIMESTAMP 2:04:33] off the deck could be worked out to meet the six feet requirement. It's not hard to reduce the room size to gain six inches. She expressed concern regarding the daylight plane facing the single family neighborhood. If they choose to keep the third floor units, her suggestion would be to have the third floor units that currently are planned to face the RM-1 neighborhood be shifted to face the other side of the building.

Vice Chair Rosenberg believes the project is necessary and a step forward with the affordable income housing crisis in the area. Unfortunately, some of the challenges with construction are bound to happen with any project that goes onto this site. Her concern is that they took an eight unit project and turned it into a 12 unit project and only two of which will be affordable housing. That should be kept in mind. This project shows some of the flaws with the objective standards meaning they are in place in an attempt to protect the privacy, safety and well-being of the residents of the City and when there is an unlimited amount of waivers, it seems the Objective Standards list isn't applicable. The intent of the objective standards is that if a project is reasonable, considerate of it's neighbors, well within scope, it should move forward uninhibited. When fourteen waivers are requested, it becomes clear that to some extent the list is being disregarded and an advantage is being taken. A project does need to happen, more time and consideration needs to take place with regard to the scope of the project and the neighbors need to be considered more in the through process of planning the project. She encouraged the applicant to tidy up the plan set, as going through it was quite complicated. Her hope that future plan sets will have more logic to the order and layout of the plans.

Boardmember Adcock commented that she agreed with Vice Chair Rosenberg in that this is a very needed type of project in the area and the low number of affordable housing associated with it should be reconsidered. Other steps could be taken to increase the affordable housing units or tweak the height of the rear building adjacent to the single family home neighbors. Be more judicial about the waivers and optimize them to make that extra step in affordability. Same applies to the screening in the rear. Consider different types of plants that will increase screening onto the RM-1 zoned area quicker than what is currently being proposed. A lift might be considered in the rear units so that parking can be shared, which could potentially allow them to decrease the height of the building, as well as considering third floor decks over the shared drive rather than the rear roof top decks. These types of changes would go a long way in this type of project and for acceptance from the current neighbors.

Boardmember Hirsch commented that he agrees with all points already expressed by the Boardmembers who already commented and added that the amount of waivers is excessive but some of them are likely also resulting from conflicts with objective standards. Some may be as a result of interpretation allowed by the objective standards and not necessarily from the intent of those standards. Townhouses of this scale tend to create a problem as if the project had been larger there may have been a way to lowering the height by creating parking below grade. He'd be interested in seeing those numbers to see if it would be feasible in a project twice the size versus the size of the project being proposed. He agreed this type of housing is necessary in Palo Alto, however the comments regarding the 12 foot distance and daylight planes are also applicable and should have been considered in the beginning phases of the project and not an afterthought to solve a problem. The side yard lot line relative to the height of the building should be reconsidered, as it pertains to future residential development, which could also pose challenges with height of the building and daylight planes. He expressed concerns that there hasn't been a discussion with regard to materiality and the texture of the buildings. He expressed hope that the project is not approved until further details of the material have been disclosed.

Chair Baltay commented that staff is under cutting the requirements on the waivers. He sees comments such as physically precluding the project from being built at the allowed density and he believes density generally refers to unit count. He believed staff was correct in that courts are starting to interpret that as far as bedroom count, he finds square footage being used to factor density is illogical. All an applicant would have to do is set the standard to how many square footage is wanted through a waiver for the FAR and all the other waivers are pointless. The residents want more privacy, he'd like to see staff be more aggressive in applying the standards and making waivers hard to achieve. Applicants need to work hard at meeting the standards.

Chair Baltay requested the ARB go through the list one by one, each time a waiver is listed the ARB can comment on whether they accept the waiver or not. He would like to see the ARB reach consensus to provide staff uniformity with regard to what the ARB would like to see. Referencing Section 18.24.020, public realm sidewalk character, Chair Baltay listed the pieces under that section. He had an issue with the pathways as it was originally requested that the project have an eight foot walkway to access the units and the project is proposing less than that and staff are considering private. The rear units are accessed via a walkway on the Sutter side of the property, which is a public walkway.

Boardmember Adcock agreed there was an issue with the front walkway meeting the standards as well. The front walkway is a public way and it's not wide enough to accessible and bikes.

Vice Chair Rosenberg agreed that the intent was to make the entire pathway on the sides of the buildings and between the buildings public access and should be eight feet wide.

Ms. Raybould confirmed that the front walkway is wider at the ground level.

Vice Chair Rosenberg noted that the sidewalk is depicted as 6'5" and the pathway is noted as four feet.

Boardmember Chen mentioned that the units are showing individual bike storage.

Ms. Raybould commented that the bikes would access the site via individual garage units via the driveway.

Chair Baltay moved on to site access and commented that he was astonished to see drawing A0.5 showed a note that bins must be immediately brought back into place after servicing on trash collection day and that is patently unrealistic. Objective Standard B4, under loading docks, interprets to him that where trash is collected is considered a service area and it's pretty clear that it should not be on the front of the building, street side. Admittedly they were thinking more of larger buildings when the standards were created, however the idea was to prevent trash collecting from taking place in a public realm in front of the building.

Vice Chair Rosenberg supported Chair Baltay's commentary.

Boardmember Adcock added that in the plans it showed the bins being stored in the back of the garages which seemed unpractical for moving the bins to be serviced.

Chair Baltay stated if cars are parked on the streets that poses another issue for servicing trash and asked if parking is eliminated on trash days and he interpreted the objective standards to consider more conservatively services, in order to prohibit that kind of thing.

Ms. Raybould confirmed that is the case, there is a requirement for them to put up no parking signs on trash service collection days.

All Boardmembers agreed with Chair Baltay's comments.

Boardmember Hirsch added that he looked to see how it could be handled otherwise and it was difficult to come up with a scenario.

Chair Baltay responded that another applicant had put the trash area in the turnaround piece of the private street, which seemed to be a good solution.

Ms. Raybould reminded the Board that the trash is still serviced on the street and those units still have to bring their bins out to the street in that scenario, which is allowed under Title 5. Even if they have it, trash will not be serviced on the site, they must bring it out to the street.

Boardmember Adcock agreed that is true, however when there are larger bins versus 24 bins, that's a lot of bins.

Ms. Raybould refreshed the ARB that the key difference in the Acacia project scenario was when the bins sat side by side, they exceed the area of the frontage of the property. If the Boards interpretation is that trash should not be serviced on the street, Green Waste has already stated they will not service on the sight.

Chair Baltay stated that what the applicants are proposing is not going to work to get 36 bins on the street, and the objective standards are not perfect.

Ms. Raybould responded that if the intent is to not have trash service on the street, there will need to be revisions made to the objective standards to reinforce that intent.

Chair Baltay moved onto Section 18.24.040, building orientation and setbacks. This was intended to refer to corners of apartment buildings, Packet Page 46.

Boardmember Adcock commented that the objective standard should apply as it seemed that the standard was written more for large apartment complexes that would have corner units streetside. The ends of town homes should be designed with the same level of care.

Chair Baltay recalled that the Board was specific in saying units that face a public right of way for the standard to apply. A better argument would be that the private street is effectively a public right of way in that it does allow the building to be seen as you travel down Sutter.

Boardmember Adcock added that it's also shared with the next door neighbor.

Chair Baltay commented that this is another example of a more conservative interpretation of the object standards and the ARB would like for staff to enforce the standards and let the applicant push back.

Ms. Raybould responded that it could be argued that it is a street, however, it is not a publicly accessible street.

Chair Baltay added that the report calls it a street, so he would support that it should apply on the left side of the building, and this would not be a difficult standard to meet.

Vice Chair Rosenberg stated that she felt that if a waiver was going to be granted, it would be fair to say it would be waived more so on a commercial shared driveway versus on the side of residential housing.

Chair Baltay stated his biggest concern is the height of the ground floor, the idea was to make residential units with some measure of privacy from the public right of way and going by that calculation it should be about one and a half feet. He doesn't understand why the waiver for .5 feet is necessary or why it should preclude the construction of the building at the allowed density.

Ms. Raybould felt that would be better suited towards the applicant.

Boardmember Hirsch stated in this project they are talking about a ground floor where there is parking, there is no privacy issue.

Ms. Raybould noted that it probably relates partially to how they would step down into the garage and into the building, and also the fact that two of the units have to be ADA compliant.

Boardmember Adcock stated she supports the waiver because of the accessibility and the building is already taller than thirty feet and this is giving them a foot of reduction. Similarly, because of how the building meets the street, the building feels more friendly having one steep versus three.

Planning Director Amy French noted that how the objective standard was originally created is that there's a sense of privacy you get when the first floor is raised up above the street. Maybe a difference of a foot

is not huge, however there are other situations where it would be greater than that and up a higher level would make a big difference.

Vice Chair Rosenberg commented she has zero issues with the waiver on the tandem units with the garage spaces, she doesn't believe privacy on the street side is an issue on this specific project.

Chair Baltay reminded that they are trying to make the waiver findings based on the requirement of the law. The waiver is granted if it physically precludes the construction of the building at the requested density. He hasn't heard too many arguments if that is the case. If they are going to allow it because of all the other arguments, they then have made an exception to something. This is the challenge of objective standards.

Ms. Raybould suggested going back to the packet of what they stated in the waiver request.

Chair Baltay invited the applicant to explain why the waiver should be granted for the height of the first floor of the buildings.

Ms. Rodrigues explained that the waiver was specifically for Building 1, which had two adaptable units in the front, which requires a flush threshold at the porch. The other units consecutively, raising the floor height would add to steps into the garage which would then encroach into the clear area, and they would have to be further widened, which would have a trickle effect to the remainder of the property. Raising the floor would require a lot more ramp area which would reduce the street connectivity for the neighborhood. The ramp would eat into the units because it would be pushing them back, which would reduce the units square footage.

Boardmember Adcock asked the applicant to explain how not granting the waiver would reduce building two units.

Mr. Muzzy explained that on the waiver diagram for the finished floor height, part of the standard allows for reduced finished floor height if the setback was eighteen feet as opposed to fourteen. To increase the front setback to allow for the lower finished floor height, would preclude the tandem units in the rear and result in ten units instead of twelve units. If they increase the floor height by one foot in the current location, stairs would be needed going from the living space into the garage, which would conflict with the required parking area.

Ms. Raybould noted that would also require a ramp on the frontage, which would affect the tree requirement as well as the C-3 requirements.

Vice Chair Rosenberg replied that there is a den and a powder room on the first floors of the front building units, removing those to accommodate accessibility into the front step does not decrease the density.

Ms. Raybould stated they are required to have a powder room on the first floor.

Vice Chair Rosenberg responded that the den is not necessary, it's an amenity to the facility and inquired why the powder rooms are not required on the tandem parking.

Ms. Rodrigues explained they just need two of the units to be adaptable, ten percent of the total number of units.

Chair Baltay suggested leaving two units lower and raising the rest of the units. He didn't accept that creating two or three steps into the garage was a feasible argument of precluding the construction of the site.

Vice Chair Rosenberg added that the den is also not a required space, the stairs could eat into the den space rather than the rest of the property. And it's interesting that the adaptable units do not have elevators, the concept that these are adaptable units is not a valid argument. There needs to be a habitable first floor bedroom if they are adaptable.

Ms. Rodrigues responded that the code does not require an elevator.

Ms. Raybould added she had extensive discussions with Building to ensure they were code compliant for accessibility.

Vice Chair Rosenberg inquired if the adaptable units required a six foot turning radius in the restrooms.

Ms. Rodrigues answered that these are adaptable and not fully accessible.

Chair Baltay commented that the City is looking for staff to be tighter with the objective standards and he didn't buy into the denial of the waiver would preclude the construction of the building at the current density.

Boardmember Adcock agreed in light that the applicants were already asking for a height waiver.

Vice Chair Rosenberg agreed and additionally they do not have a full clarity of what the floor to floor heights are that are being suggested, a piece of information that would be helpful. On a side note, Sheet A0.10, the applicant showed in drawing 3, the plan to third floor. There is a corner radius shower in that bathroom, which will never comply with Palo Alto's standards of turning radius inside a shower. Food for thought.

Boardmember Chen stated she agreed with the other Boardmembers.

Boardmember Hirsch stated he's perfectly happy seeing the building at a lower level, it works with the landscape, and he doesn't like the idea of creating any problems with the trees. He would accept the waiver.

Chair Baltay moved on to Section 050, building massing and explained this was the waiver for the sidestep modulations and the side daylight planes. This also affects the building notching of the façade.

Chair Baltay commented that he first thought it was crazy that they had an eighty-two degree daylight plane on the right side, however forcing compliance with the daylight plane would reduce two bedrooms on that third floor unit, and that is a significant reduction on density. Ultimately, he determined that is an acceptable waiver for this project.

Boardmember Adcock agreed.

Vice Chair Rosenberg countered that they are also looking for this waiver with a ten foot side yard setback, and an additional height waiver. Understanding that all three together are allowing for the additional end units, however the three waivers combined are having significant impacts on the neighbors.

Chair Baltay suggested that perhaps the daylight plane should be ten feet higher on townhomes.

Boardmember Hirsch suggested that the three waivers don't preclude the project from being built, it just precludes them from building it the way it is designed.

Chair Baltay commented that code requires projects to have a bigger step in the form of the building across a greater percentage of the width of the elevation. They have a notch in the roof and have lowered it somewhat, what it really would do is take of the parapet wall for the roof and not really affect the use of the spaces inside. The bedroom count and the floor area wouldn't change, but the roof functionality would, which is pretty much the intent of these things, to get those side spaces at a bigger privacy, impacts would be further reduced. Regarding Section B1, on the south side, the setback occurs at 27 feet, that waiver isn't necessary, referencing Packet Page 51 at the very top right corner, south elevation of Building 1.

Ms. Rodrigues directed the ARB to Page 5 of the waivers.

Vice Chair Rosenberg stated that on page 5 of the waivers, the right side of the building is highlighted in red, there's an office on the middle floor, it profoundly impacts all three bedrooms on the second floor. Possibly the office could become a second bedroom. Architecturally it isn't completely infeasible to say that the daylight plane needs to be respected.

Ms. Rodrigues stated she believes that it would ultimately eliminate the third bedroom of all three units on that level. On the second floor it reduces part of the kitchen, dining room, living room, all the rooms. Complying with the daylight plane would preclude the unit from being built.

Vice Chair Rosenberg noted that the orientation of the second building is opposite from the first.

Chair Baltay stated on Page A2.3 he sketched in what he felt the daylight planes are on the elevations. It clearly depicts the dramatic impacts on the right side and the minimal impacts on the left side. Staff should state that at a minimum, the waiver on the left side is not appropriate.

Same category, very bottom of the page and the trees waiver.

Ms. Raybould noted that typically a row of threes is required between the property and the residential neighborhood, they are requesting the waiver because the drive isle is in that location.

Chair Baltay commented that without the drive isle the project doesn't work and for that reason he would support it.

Vice Chair Rosenberg agreed, however, looking at the back fencing trees are planted every twenty-five feet with gaps between the trees with benches and that does not meet the privacy screening requirements across that rear property line.

Chair Baltay stated that adding the additional trees would be an easy way to satisfy the privacy screening of the single-family homes, and moved into the next item, the Façade Break waiver. The intent was to avoid having large apartment building walls facing major streets in town.

Boardmember Chen commented that it didn't apply in this case.

Chair Baltay moved to Section E, Balconies. He believed the roof decks on the north side of Building 1 don't comply, you can walk up to the parapet wall and look at the neighbors, the piece that has the dramatic daylight plane violation. Building 1, right hand side (north).

Planning Director Amy French requested Chair Baltay clarify which Objective Standard.

Chair Baltay answered 18.24.050, Building massing, under section B2, transition to lower density building types, subsection E/ Packet Page 53 at the top of the page. Where the balconies look over the two residential neighbors at the back and the neighbors at the right. The roof balcony on Building 1 does not comply with the objective standard as it looks down to the neighbor at 746. He also feels the third floor balconies at the rear of Building 2 don't comply with the way they are shown, there's not enough information included. The intent was to have a five foot barrier so people couldn't see over that, if it was less than that there had to be some sort of lattice design or planters.

Ms. Raybould stated A3.1 is where they show the line of sight from five feet.

Chair Baltay noted that on the third floor roof balcony, the intent with the daylight plane begins at five feet at the railing; the applicant begins the daylight plane at the edge of the parapet wall.

Ms. Raybould stated they show it beginning from the ground of the deck up at five feet.

Chair Baltay stated the intent was for it to begin at the barrier line. The way the applicant has it listed someone could lean over the barrier wall. The drawing just isn't clear. It's an awkward barrier line that would normally be put at the edge of the building in order to simplify waterproofing and construction. He encouraged the applicant to continue that but keep the barrier wall at five feet high. That's the standard throughout the City for individual review guidelines on anyone wanting to build a residence with a balcony on the upper floors looking over neighbors.

Ms. Raybould stated they would have to reduce in some way because it would exceed the daylight plane. They are meeting the daylight plane at that rear property line. Any sort of attachment or something. Once caveat is staff would allow for landscaping or plant material to exceed, however any structural component can not exceed the daylight plane without a request for a waiver.

Chair Baltay stated his point is that the City enforces rigorously single family home privacy guidelines, he does not see the City doing that for this project.

Ms. French stated because they don't have stated regulations that change the factors that the City has to enforce.

Chair Baltay stated that again, none of it would preclude construction of a building of that type.

Boardmember Hirsch stated that his concern is more a question of distance more than privacy specific to visual issues. If there is distance, there is privacy. That is a requirement he suggested be revisited by staff.

Chair Baltay agreed and recalled they spent hours on the exact topic of what is the appropriate distance, angles, daylight plane affects; there are no easy answers, and it is true that on townhomes and multifamily dwellings the open space is more important. That allows for different standards and in this particular case, it is a dramatic impact on the neighbors.

Ms. French commented that the State has implemented new regulations that limit the cities ability to regulate multifamily properties versus single family, who have a different set of State regulations.

Vice Chair Rosenberg felt they were requesting a waiver for an objective standard that isn't necessary and would in fact likely save the applicant money.

Ms. Raybould stated that the roof top decks on Building 1 are meeting the private open space for that building, the decks on Building 2 meet the private open space requirements for that building, however both are offering more than what is required. On diagram A04 it indicates the private open space. That correlates to the A09 where it shows the roof decks.

Vice Chair Rosenberg reiterated that the information needs to be clearer.

Ms. Rodrigues explained that for Building 1 the roof decks area has been used to qualify for open space area and the calculation in A0.9 only calculates the highlighted square footage because that is the usable roof deck area. The portion in the back is what would be used for solar and the mechanical units. Building 2 meets the required dimension calculated for private open space so the deck on the third floor, shown on A0.10, the ninety-one square feet is the private open space calculation. The required minimum for open space is fifty square feet per unit.

Boardmember Adcock stated that for Building 1, if they made the decks slightly bigger that would meet the requirement, so on the end units they could eliminate the roof deck and make the third floor decks two square feet bigger.

Ms. Rodrigues said they could take a look at the decks that overlook into the neighbor residential lots to see if that could be pushed back. She expressed concern regarding having to push the wall in to accommodate that change.

Boardmember Adcock stated the same applies on the northeast side over the RM-20 zone.

Chair Baltay stated the easiest fix they've seen have been applicants who affixed planters on those side walls facing the neighbors such that no one can stand there. On the roof decks on the front building on both the left and the right side, are pretty easy design fixes.

Vice Chair Rosenberg inquired if the deck is increased from forty feet to fifty feet would they still be compliant with the open space calculation required, without the roof deck.

Ms. Rodrigues said that would likely be the square footage, she would have to check for the depth. If both were met, then yes.

Vice Chair Rosenberg explained that if the staircases were removed and they were to notch the two balconies in, it would eliminate the need for the roof top deck which is an amenity, and they would no longer need to request the three roof top waivers.

Ms. Raybould stated it would also have to meet the six foot depth requirement.

Boardmember Hirsch referenced A2.5 roof decks have privacy planters in between.

Ms. Rodrigues stated it's the little box for the condensing unit.

Chair Baltay inquired if the ARB had consensus on 18.24.050 building massing section E regarding balconies and privacy and that Building 1 roof decks and end units do not comply. His opinion that for Building 2, the proper documentation is missing.

All Boardmembers agreed.

Ms. Raybould stated she would look into the ARB's suggestions regarding the privacy concerns for the end units on Building 1.

Chair Baltay found ARB consensus that waiver number 12, section 18.24.080 for standard E1 has not been justified for shortening the six foot requirement for outdoor balcony.

Chair Baltay moved on to the Façade design waiver, objective standard 18.24.060, the rear stoop waiver for Building 2 for the stoops to be four and a half feet wide and not five feet.

Boardmember Hirsch felt not granting the waiver likely would not preclude construction of the building.

Ms. Raybould noted that if they leave it at five feet, it encroaches into the garage clear space.

Boardmember Adcock stated on the waiver page it stated not having the waiver would decrease the unit count by one unit. In terms of the width of the parking in relation to the location of the stoops, it is not impacting the cars at all and not evident how that would impact the car space.

Vice Chair Rosenberg noted that the car diagram does not meet up with the required minimum spaces. The car diagrams are smaller than the required minimum space.

Chair Baltay stated the ARB consensus was the waiver does not preclude construction of the space.

Vice Chair Rosenberg referenced 18.24.060 façade design for base middle top requirements have not been met and encouraged the applicant to go back and look at that and at some of the previously approved designs, they provide a clear representation of what they require for a base, middle, and top. Base to middle is covered, middle to top is not and can be easily fixed by attaching a parapet railing.

Chair Baltay moved on to 18.24.070 residential entries. ARB consensus was they were okay with that waiver. Chair moved on to 18.24.080 and commented that the Board had already addressed that one regarding the depth of the balconies.

The next waiver is for the materials, 18.24.090 and he's never seen the list, but if it's on the webpage that should be objectively checkable.

Boardmember Adcock stated her only comment was the point made earlier that the window shading material was not present and could not be commented on and is a significant portion of Building 1 on the front façade.

Ms. Raybould stated that staff will follow up and ask them to provide a completed material board samples so they can determine those plans.

Chair Baltay commented that this is the last time the ARB will see this project and inquired if all questions had been answered.

Ms. Raybould replied that was correct and staff will go back and request the changes to the design that the ARB felt would eliminate the need for some of the waivers.

Chair Baltay expressed an interest in assigning a subcommittee to be part of the process of approval in case they have further questions, and the subcommittee can return to the full Board to report what was ultimately approved. Board members Adcock and Chen were assigned to the subcommittee.

The ARB took a ten minute break.

The ARB returned with all members present.

Action Item

3. 2501 Embarcadero Way [22PLN-00367]: Consideration of a Site and Design Application to Allow the Construction of a Local Advanced Water Purification System at the Regional Water Quality Control Plant (RWQCP). The Proposed Project Includes the Construction and Operation of a Membrane Filtration Recycled Water Facility and a Permeate Storage Tank at the City's RWQCP to Improve Recycled Water Quality and Increase its Use. Environmental Assessment: Council Previously Adopted an Addendum to the 2015 Environmental Impact Report for the City of Palo Alto Recycled Water Project Which Evaluated the Environmental Impacts of the Proposed Project. Zone District: PF (D) (Public Facility with Site and Design Combining District). For More Information Contact the Project Planner, Claire Raybould, at Claire.Raybould@Cityofpaloalto.org. Click [here](#) for staff report.

Chair Baltay introduced the item and requested staff's presentation and noted that there is no signage at the property notifying the public of this meeting.

Senior Planner and Architectural Review Board (ARB) Liaison Claire Raybould noted Chair Baltay's comment and replied she will get that resolved.

Chair Baltay requested Boardmember disclosures.

All Boardmembers visited the site.

Senior Planner and Architectural Review Board (ARB) Liaison Claire Raybould reported the site before the ARB is for a site and design review for the local advanced water purification system project proposed by the City of Palo Alto in conjunction with Mountain View and Valley Water. The project is proposed at the Water Quality Control Plant along the Embarcadero way frontage, across from the airport. The project includes the construction of a Reverse osmosis permeate storage tank, a pre-engineered open-air covering, a membrane filtration system, chemical storage/feed system components and other ancillary components essential to the purification system, and a small prefabricated electric building. The building would have an approximate footprint of 15,544 square feet. The pedestrian pathway along Embarcadero will be revised and repaved for the proposed project in order to accommodate it. Everything is elevated up to meet Federal Emergency Management Agency (FEMA) flood plain requirements. Key considerations include the ARB findings for site and design that are applicable as well as site and design findings of approval from the Planning and Transportation Commission (PTC). The ARB findings will be printed into

the packet as Attachment B, the Baylands Design Guidelines, trees, and colors/materials. The Baylands Design Guidelines Master Plan mostly apply to the parkland dedication area but also state that commercial projects should also comply. Staff have applied it in respect to colors and materials of the project as applicable. During discussions with the community services division, they expressed any interpretive signage that goes along the pedestrian trail on Embarcadero Road will need to also comply with the Baylands Sign criteria for signage. There are a number of trees that are being removed as part of the project, staff has requested an updated tree report to reflect the changes since the original submittance, based on comments received from the Parks and Recreation Commission requesting that the larger twenty-five inch or greater trees be saved. Additionally, a couple of trees have fallen as a result of storms and weather. Public works indicated that they have increased the number of trees that will be planted in order to comply with the Title 8 requirements for tree canopy replacement. Most of the trees being removed are eucalyptus and other invasive species. Urban Forestry did a walk through, as well as a discussion with the Parks and Recreation Commission during the two study sessions that was done with them. Staff is interested in receiving ARB feedback on colors and materials, in particular with regard to the red roofing being proposed. There is a material board that has been provided. For context purposes, Ms. Raybould noted that as the project will be worked on there is another project that has not yet been filed, however Valley Water has indicated they expect a project will be proposed for a source water pump station at the corner. This station is related to the larger Valley Water Advanced Water purification facility that is being proposed near the Home Key site at San Antonio Road. Staff recommends the ARB provides feedback and then continue to a date uncertain. Staff hope to go before the PTC, possibly before the end of the year, it would then return to the ARB for formal recommendation in early 2024, followed by review by Council who will make the ultimate decision on the project.

Chair Baltay requested the applicants presentation.

Applicant Tom Kapushinski, Capital Engineering Group, introduced Diego Martinez-Garcia and explained this is a regional facility which includes services several municipalities in addition to Palo Alto. Palo Alto operates and maintains the facility, the other partners pay into the operation for the maintenance of the facility. They produce recycled water and the purpose of the upgrade to the facility is to improve the water quality of RWQCP by lowering salt content and decreasing potable water demand for irrigation uses. The project requires them to follow the Palo Alto Baylands Nature Preserve Design guidelines and provide screening of the RWQCP facility and comply with the City's Sea Level Rise Policy. The Landscape engineer has a history of work that conforms to the Baylands Nature Preserve guidelines and is well aware of those standards.

Mr. Martinez-Garcia explained the benefits of the project which include higher water quality used at Golf Course and Greer Park, to support salinity reduction goals previously set forth by City Council, reduce conversion of marsh near outfall, increase the use of recycled water to reduce discharge to the bay, one stage within a potential future Direct Potable Reuse project, to continue collaborative relationship with treatment plant partners, and it sets up the potential for future recycled water customers within Palo Alto and Mountain View. A feasibility study was completed in 2017 determined that this was the best location for the project as the other sites were deemed non usable due to constraints by underground utilities and location within Measure E – closed landfill. The total Capital Cost share is \$56 million dollars. Funding resources include Valley Water, a grant from rural reformation, and a State Water Board loan. They have

received approval from Mountain View to move forward with the project, as well as the Palo Alto City Finance Committee, and recently City Council. They are currently in the phase of permitting and the financial agreements and the architectural review by the ARB. The goal is to begin construction in 2024, with a completion date near the end of 2026. Mr. Martinez-Garcia introduced Bob Norbutas who provided the architectural features of the project.

Bob Norbutas, principal with Siegfried Landscape Architects, reported that the structure will be a pre-engineered open air structure covering the equipment with a standard seam metal roof system over a rigid frame steel structure that will be 118' by 78'. The Electrical building will face Embarcadero and is designed to be an 81' by 21' custom engineered heavy duty modular factory built electrical utility building. Materials and colors were determined based on comments by the Parks and Recreation Commission. Material samples have been provided to ensure that the material is more of a muted terracotta brown red color and not red. The color of the metal structure will be a warm grey color. The electrical buildings will be a cool grey color. Those are limited colors that the manufacturer provides.

Mr. Kapushinski continued by explaining that the RO Permeate Tank is a glass-lined bolted steel tank that stores 350,000 gallons of RO Permeate with a diameter of fifty feet and a thirty foot straight sidewall height. There will be a chain-link perimeter security fence and the project will upgrade the pedestrian path to a five foot wide asphalt path with headerboard. There is a ten foot high sound wall being added, the wall is a color stained wood panel Formliner with texture. Vines are being planted on the entire segment of wall with a minimum of eight foot on center. The intent is to have a green vertical wall as well. The intent for updating the pedestrian bath is to provide a safe separation between the traffic on Embarcadero, bikers, pedestrians, and plant operations.

Mr. Martinez-Garcia provided an overview of the landscape modifications which included two meetings before the Parks and Recreation Commission. Most of the existing trees are in fair to poor conditions as well as several trees were lost in the storms in early 2023. The minimum requirement for replacement ratio is 75% based on Urban Forestry due to poor health of the trees, and non-native species. Proposed replacements exceed the minimum requirements by five trees. The landscaping information is included in the plans. Streetscape elevation plans were shown to the ARB.

Boardmember Adcock inquired about the dimension of the structure covering the equipment and requested clarification regarding the 11.5 feet mentioned on the elevation drawing.

Mr. Kapushinski explained that flood plain elevation is 10.5 feet and they've been adhering to the City's policy on Sea Level Rise from the Ocean Protection Council which has an elevation of 11.5 feet for the main structure, 13.5 feet for critical electrical equipment.

Boardmember Adcock asked about the suspended lighting in the open Canopy and the time frames it will be on.

Mr. Kapushinski responded that it's a twenty-four hour facility so lighting will be on under the canopy for safety reasons and staff access. They have considered light pollution.

Ms. Kaitlin Gellerman explained they have been in contact with other groups and are in the process of gathering the lighting details for interested Boards/Commissions that include the lighting details of the pedestrian path and at the property line.

Boardmember Hirsch was interested in knowing if the larger chlorine tank would remain at the facility.

Mr. Kapushinski stated that is the old chlorine contact tank that is no longer being used. They made a switch from chlorine to UV disinfection. The tank is slated to be demolished as part of another major capital project in the future, the new works facility.

Boardmember Hirsch expressed interest in seeing the overall site plan for the future project as well.

Mr. Kapushinski stated they could provide that at a future time uncertain.

Vice Chair Rosenberg asked about the height and length of the chainlink fence.

Mr. Kapushinski explained that the fence is 8-feet tall to match the existing perimeter fencing.

Vice Chair Rosenberg inquired if there was something a little less permeable than a chainlink fence.

Mr. Kapushinski stated that the current fence does not have anything permeable currently.

Vice Chair Rosenberg requested information regarding the pedestrian path plans.

Mr. Kapushinski stated that the path will run parallel to Embarcadero Road as it does now.

Vice Chair Rosenberg inquired who made the final decision for the red terracotta roof and what the other color options included.

Mr. Kapushinski answered that most colors out there lean towards a rustic desert.

Mr. Martinez-Garcia added that the color schemes are limited to white, grey, and green. The color of the tank was chosen because it was the closest color to the vegetation that surrounded it.

Boardmember Chen inquired if there were certain patterns they were trying to stay within when choosing the color of the sound wall.

Mr. Norbutas explained that the wood will have a very worn out look to it, so it is not uniform. The staining will be done in a patch way so that it will catch and hold in different ways and will appear more natural.

Boardmember Chen asked if the intent is for the vines to eventually grown over the wall.

Mr. Norbutas replied yes.

Chair Baltay asked if the concrete wall is cast in place or pre-cast panels supported by peers set in the ground.

Mr. Norbutas responded that the sound wall will be cast in place with continuous footing.

Chair Baltay inquired if the wall is included in the budget of the funding.

Mr. Kapushinski answered that it has been accounted for already.

Chair Baltay requested information regarding the height of the equipment under the building and how much extra space there will be between the top of the equipment and the prefabricated roof structure.

Mr. Kapushinski explained they have allowed space above the equipment skids to allow for maintenance access and the changing of lights under the canopy. He did not know exactly how much clearance there would be.

Chair Baltay confirmed with staff the Baylands Design guidelines that apply to this project.

Ms. Raybould explained that the Baylands Design guidelines are a bit vague in how their guidelines apply because it's not meant to preclude any sort of development from happening in areas outside of the Parkland Dedication. When they provided examples for fencing, it was meant to be for areas within the Parkland where there is low wood fencing. Trying to apply that to a facility that has to have property security is a little challenging.

Chair Baltay followed up with a question about the new building that was just reviewed and approved at the corner of Embarcadero at the Mercedes Benz dealership, which was also held to the Bayland's standards.

Ms. Raybould responded that the standards were applied to the Mercedes dealership; they apply to the Baylands Dedication area but also apply to commercial.

Boardmember Adcock inquired about the electrical building and if it is prefabricated concrete or metal.

Mr. Kapushinski stated it is a prefabricated metal building that will be fabricated with the control center and heavy electrical equipment in it. It will come out shipped as one steel enclosure. The metal is flat.

Boardmember Hirsch inquired if there was a reason the larger building is left as an open structure.

Mr. Kapushinski stated it's for ventilation and it is also a cost saving measure, and there is already a lot of outdoor equipment in place, it's also easier to replace equipment with cranes if necessary.

Vice Chair Rosenberg asked if they considered screening just the one side that faces the pedestrian pathway.

Mr. Kapushinski stated they did consider screening; it was cost efficient to do it as depicted in the plan with the sound wall.

Chair Baltay opened the item for public comment.

PUBLIC COMMENT

Ms. Veronica Dao responded there have been no requests for public comment.

Chair Baltay moved the item back to the ARB for discussion.

Boardmember Hirsch referenced a photo of the approach to the site and commented that what is currently viewed as vegetation is not what will be seen in the future. He is disappointed that it will change the view forever and believes more screening should be considered, even if it's just planting more trees, as it is the entrance to the Baylands. He encouraged the applicant to naturalize the equipment as much

as possible even if it's just on the side that faces the street and the pathway. The location of the facility is in conflict with the Baylands.

Boardmember Adcock commented that the elevations do not show the vine growth clearly and that's important; additionally, she expressed concerns about the light pollution from the thirty foot candles that was mentioned in the plans. If thirty foot candles are used, the facility will be lit up at night as bright as a Christmas tree. Screening should be considered on the street side and possibly even on the Baylands side of the facility. The screening could include planting to make it better as well.

Boardmember Chen isn't as concerned with the view during the daylight hours but is concerned with the light pollution at night. She believed the noise wall would provide great screening and, in her opinion, sometimes feels that it's interesting to see the equipment behind the wall. It's a good educational opportunity for the kids who pass by. When she walked along the trail it was interesting to see the plates that explain how the equipment works. She agreed that there is concern with the lighting at night. It is in close proximity to the Bay, and it will distract the birds in the area.

Vice Chair Rosenberg commented she would appreciate seeing more designated property lines on the site plan. She appreciates Boardmember Hirsch's concerns with having a master plan and even if it's not in the packet, present one at the next round would help them fully understand where this project is going. It may help them understand why this location of all the spaces around it was selected. The five point diagram was very helpful. She views this more of an infill rather than leaking out towards the Baylands, which would be much more problematic. The sound wall is a huge design feature, and the prominent scope of what people will see. If there is any possibility of obtaining a photograph for the sound wall, or even of a sample piece for the material board, that would also help. She encouraged them to add some slats to the chainlink fence for privacy screening. Her concern for the screening of the building was raised from the plan of a sound wall, which introduces the question of how loud the equipment will actually be, and if there needs to also be a barrier on the Baylands side. Vice Chair Rosenberg encouraged them to put more thought into screening on both sides. She's not a fan of the red roof and urged them to reconsider the color of it. The nighttime lighting is a big concern particularly for wildlife. There is capacity for timers, she encouraged them to look into that or even use something other than white lighting. She agreed that educational signage along the pathway would be a great feature. More information on the sound decibel would be appreciated.

Chair Baltay agrees with Boardmember Hirsch regarding the loss of the greenery at the gateway of the Baylands. Unfortunately, the design seems to disregard the impact on the natural environment for that loss. It's a great addition for how it will help the town and understands the budget constraints, but it seems the building could be pushed about 10 feet further into the vegetation from Embarcadero, which would mean all the difference for more planting along Embarcadero. There is one Oak tree that is a beautiful specimen and it's right on the edge of the road and it really should be preserved. The building itself is a little too tall and he questions the open nature of it considering the noise and light impacts on the surrounding area. Both need to be addressed in a comprehensive way. The red roof wouldn't be his first choice but could easily be minimized if it were lower. The building itself isn't educational, what they are doing for recycling water is. The educational portion would be of the big green tank, and it's quite attractive and fits into the environment. Looking through the history of developing all the facilities in that area, in 1976 when the first two treatment plants were installed there was a good bit of community

involvement with how to screen those buildings. It is not unreasonable for the ARB to hold a firm line on the appearance of the buildings. There needs to be more landscaping along the road, make the building lower, and alter the color on the roof. Be cautious of the sound and the light.

[Boardmember Adcock left the meeting at 1:28 P.M.]

MOTION: Vice Chair Rosenberg motioned, seconded by Boardmember Hirsch, to approve staff's recommendation to continue this project to a date uncertain, based on the comments received by the ARB who would like to see a study on the potential light impacts to the Baylands wildlife, in addition to the noise decibel level of the equipment.

VOTE: 4-0-1 (Adcock Absent)

Approval of Minutes

4. Draft Architectural Review Board Meeting Minutes for October 5, 2023.

Chair Baltay asked for comments or a motion.

MOTION: Vice Chair Rosenberg, seconded by Boardmember Chen, to approve the meeting minutes for August 17, 2023 as written.

VOTE: 4-0-1 (Boardmember Adcock absent)

Boardmember Questions, Comments or Announcements

None

Adjournment

Chair Baltay adjourned the meeting at 12:30 p.m.