



ARCHITECTURAL REVIEW BOARD

MINUTES: October 5, 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, Boardmember David Hirsch, Boardmember Adcock

Absent: None

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.

Chair Baltay commented that Boardmember Hirsch would be making a statement at the end of the meeting.

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 there are several packed future agendas and requested the Board let her know their status for the December 21, 2023 meeting, and that the January 4, 2024 meeting is scheduled to be canceled.

Vice Chair Rosenberg requested that the future meeting dates listed at the end of the agenda include dates for a month or two out so she can confirm her calendar for the holidays.

Ms. Raybould stated there is an upcoming preliminary review for 616 Ramona, and they will be using transfer development rights in the downtown area. The November 2 Agenda has a study session for the Local advanced Water Purification System at the regional water quality control plant and a housing project at 793 Sutter. November 16 will be the second study session for the North Ventura Coordinated Area Plan (NVCAP). There were no new projects added to the upcoming projects list since the last meeting.

Vice Chair Rosenberg read that the 3000 El Camino project listed there had been a report out and she didn't recall there being a report and requested that be updated.

Ms. Raybould stated staff had held off on that report due to attorney conversations surrounding that project, and staff is not yet sure how to move forward.

Chair Baltay asked if 3400 El Camino Real project should have a subcommittee since it is an SB 330 Builders Remedy application and inquired about its status.

Ms. Raybould answered that it is a SB 330 pre-application in the very preliminary stage. They filed an SB 330 pre-application and have not yet filed a formal application. Staff's plans for the project are still very vague as the applicant submitted two very different plans under SB 330, which was when it was initially reviewed.

Manager of Current Planning Jodie Gerhardt stated this is the Creekside Inn property and staff is still in discussions with the applicant because they don't believe they have a compliant SB 330 application, the project under SB 330 is required to have two-thirds housing and it currently doesn't appear to meet that requirement.

Chair Baltay asked if she saw any value to assigning an ad hoc committee at this stage of the process.

Ms. Gerhardt responded not at this point. She believed there will be some changes that could happen, and the implementation of the Housing Element will be moving forward which could potentially change the zone of the area; new projects would also be required to adhere to those requirements as well. It is a changing environment.

Chair Baltay reported that at a previous engagement he had the opportunity to speak with former Planning Director Lait who mentioned there is a need to come up with revised guidelines for parklets in Palo Alto. Chair Baltay volunteered an ARB ad hoc subcommittee to help in that process and asked if any Boardmembers had an interest in serving on the committee with him.

Boardmember Chen expressed an interest in serving on the ad hoc subcommittee.

Ms. Gerhardt expressed that was a great idea and she, with Amy French, recently attended a Regional meeting in the City of Campbell where they showed them their parklets. They have two specific designs that were preauthorized and three parklets currently under construction. She could provide them as good examples for the ad hoc committee. Los Gatos also has examples.

Chair Baltay commented that he would reach out to her separately and they could set the schedule for the ad hoc to meet and moved on to the Action Item.

Boardmember Adcock stated that she was advised that she might consider recusing herself for the Stanford Shopping Center item and requested the ARB's opinion, as she didn't believe there was a conflict. She does projects at Stanford University but nothing on Stanford lands that are leased to other entities.

Chair Baltay stated that was an individual decision and the ARB could not weigh in and requested staff's opinion.

Ms. Raybould stated that it was at the advice of the City Attorney and it was determined that it would be most appropriate for Boardmember Adcock to recuse herself in compliance with State Law.

Ms. Gerhardt commented that she has a housing presentation before the first Action Item unless the ARB wanted to change the Agenda. With regards to Boardmember Adcock's situation for the first Action item, staff believes there is a conflict. She can choose to stay, but that could potentially jeopardize the approval of the project if someone else believed there was a need for her to be recused.

Boardmember Adcock stated that none of her projects have anything to do with Stanford Shopping Center, however, after the housing presentation she will recuse herself.

Ms. Gerhardt asked if the Board wanted her to wait on the housing presentation.

Chair Baltay apologized for having missed the item and requested staff provide their presentation.

Boardmember Hirsch inquired if it would be possible to receive more information to help the Board decide when it's necessary to recuse themselves.

Ms. Gerhardt explained that it is a personal choice for each Boardmember, and staff wouldn't necessarily disclose personal information about a Boardmember choosing to recuse themselves, however if there were a generic question for the attorney, she could find that out.

Boardmember Hirsch said it might be helpful if the attorney could explain the language within the law as to why it would be necessary.

Ms. Raybould commented that within the law it states that "for a source of income that is non-profit organization, a conflict exists where the non-profit owns real property that is a subject of the decision even if they are not the named applicant". If, as a Boardmember, they obtained income from a certain non-profit, under State Law, staff believes a conflict exists if that source of income is a named applicant for an application, or the underlying landowner for that application. In this case, Stanford is the real property owner.

Chair Baltay stated he did not want to continue the discussion and requested staff discuss it and decide if they need to bring it to the Board as a whole to provide an answer at a later date. In today's situation, he was not willing to jeopardize the Board's standing and the City's advice should be taken seriously.

2. Staff Presentation Providing a Summary of State Housing Laws for Multi-family Housing Projects.

Chair Baltay called for staff's presentation.

Manager of Current Planning Jodie Gerhardt explained that this presentation was about recent State Housing laws and Palo Alto's Streamlined Process that came out of the recent changes. There have been many changes in recent years, even those in the planning profession are trying to keep up. In order to combat the State's housing crisis, the legislature passed a number of laws aimed at increasing the supply of housing. The one's reflected in the presentation including the Housing Element (HE) and Regional Housing Needs Allocation (RHNA), the Housing Accountability Act, SB 330, and State Density Bonus Law and how they apply to Palo Alto's Objective Standards, and Palo Alto's Streamlined Process. The Housing

Element must be updated every eight years, and a major component is RHNA. The 2023-2031 RHNA requires California to plan for a total of 2.5 million new housing units, which is a significant increase from the 1.8 million units that were required in the 2019-2025 RHNA Plan. Palo Alto's RHNA is 6.086 units which makes them eligible for a number of state funding programs if they are able to fulfill the State's requirement. Additionally, compliance would ensure that Palo Alto maintains local control. Other housing laws kick in if they are not able to comply with RHNA. The deadline to submit an updated Housing Element to California's Department of Housing and Community Development (HCD) was January 31, 2023. Council adopted Palo Alto's Housing Element on May 8, 2023. Builder's Remedy is a streamlining tool that provides housing development projects with at least 20% affordable housing that is not in conformance with a jurisdiction's zoning or Comprehensive Plan. Because the HE has not yet been approved by HCD, it puts the city in a grey area in which Builder's Remedy could potentially be possible. Without an HCD-certified housing element, the city has limited ability to deny such a project. Currently there are three such pending projects, the Creekside project, McDonalds/fish market project, and a project on Fabian (next to the JCC) are the three pending projects. The next deadline is January 1, 2024, for upzoning HE properties to allow housing. Staff have already started that portion of that process at the most recent City Council meeting. Housing Development Projects (HDP) means a use consisting of any of the following: residential units only, transitional or supportive housing, and mixed-use developments consisting of resident and non-residential uses with at least two-thirds of the square footage designated for residential use. The housing consultant Jean Eisberg put together different handouts regarding the Housing Accountability Act (HAA) which passed in 1982 but has become more significant in recent years. The City cannot deny a project, reduce its density, or otherwise make a project infeasible, when the HDP complies with all objective standards. There are also hand-outs for Senate Bill (SB) 330. The most noteworthy change is that an applicant can freeze development standards and fees for 180 days for SB 330 compliant pre-application, based on the date an SB 330 application is submitted. New zoning codes put in place would not apply to that project. When they get to the formal stage, there can be up to 20% tweaks to the project and still remain in freeze status. Other parts of SB 330 compliant projects include the five hearing limit, including appeals, for projects that are consistent with the Comprehensive Plan and Zoning. SB 330 prohibits cities from enforcing subjective design standards established after January 1, 2020. Existing standards may continue to be applied. Cities cannot reduce height, density, or floor area ratio, increase open space, lot size, setbacks, or frontage; or limit maximum lot coverage. The City may add objective condition. It requires the replacement of any existing units and/or demolished "protected" residential units with at least the same number of units/bedrooms. Once a project specific California Environmental Quality Act (CEQA) is adopted, there are reduced timelines the City has to take action against an application, designed to ensure a project continues moving forward. State Density Bonus Law (SDBL) allows developers to increase the density of their projects in exchange for providing affordable housing units: up to 50% bonus for projects that include at least 15% of very low income housing, up to 50% bonus for projects that include 24% low income units, up to 80% bonus for projects that are 100% affordable. These bonuses are in combination with the 15% affordable that the City already requires. The projects that meet those requirements are eligible for the bonus, without having to build additional units. Any project that qualifies for the Density Bonus can take advantage of concessions and waivers. Waivers are unlimited and generally for physical constraints such as height limits, daylight plane, setbacks, and most design standards. Concessions are for financial limitations and projects are allowed one to four concessions dependent upon the affordability of the project. Ground floor retail requirements or decreasing required open space could

be examples of possible concessions. Reduced parking would be another concession. Object Design standards went into effect in July of 2022. That information can be found on the City's website. The entry point for the Objective Design Standards applicability is for multi-family projects, mixed use projects which require 2/3's of the project be for residential, and transitional and supportive housing, but are limited by the zones that allow multifamily housing (RMs, Cs, CDs, ROLMs, PTOD, PF). When staff redid the Objective Design Standards (ODS), they also built a new streamlined process. HDP's must meet entry points, but they also have to meet ODS, and any area plans in order to qualify for the streamlined process. If a project does not meet the entry points or the ODS, they can opt into the discretionary review which is the standard ARB process, however they then would weigh themselves against the context based design criteria. City Council chose to continue using those, and there are the ARB findings, and up to three hearings. In the streamlined process there are two findings: 1) The application complies with all applicable and objective standards in the Comprehensive Plan, the Palo Alto Municipal Code and other City plans or policies, and 2) Approving the application will not result in a specific adverse impact upon the public health or safety, which cannot feasibly be mitigated or avoided in a satisfactory manner. As used in the Section, a "specific, adverse impact" means a significant quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete. Assembly Bill (AB) 2097 parking exemptions applies to all projects in the city; however, hotels and event centers must still provide parking requirements. If a housing project is within a half mile of a major public transit, then parking does not have to be provided. Major public transit is defined as Caltrain stops and intersecting buses, but those must have a fifteen minute headway. There are many buses on El Camino, there are not frequent buses on Page Mill and other intersecting streets. Because of that, the only areas that apply to the parking exceptions are those within a half mile radius of the University and Cal Ave CalTran stations; San Antonio CalTran station also seeps into the city's area. If they do provide parking staff would apply the same ratio's for Americans With Disabilities Act (ADA) and Electric Vehicle (EV) parking. Staff are also working on the Transit Demand Management (TDM) program regulations in which developers can purchase train passes in lieu of providing parking.

Chair Baltay opened the item to Board questions only as discussions are not allowed on informational items.

Boardmember Hirsch commented that all of the information was impressive and inquired when the Board will get copies of all of the information.

Ms. Raybould stated they would send it to him that day.

Vice Chair Rosenberg commented it was a great presentation and she may have questions in the future.

Boardmember Adcock commented that a PDF copy would be great and inquired if she could get a copy of the Objective Standards that was created in 2020.

Ms. Gerhardt commented that staff have worked their way through most of the projects that came before those, and they are starting to get into the projects in which Objective Design Standards apply. Staff are on the cusp of that, so in their staff reports they will make sure the Board is aware of which side the line the project is on.

Ms. Raybould commented that she was unaware of any projects that are not subject to the Objective Standards.

Boardmember Chen inquired if the Bonus Density Law applied added units or added floor area to units.

Ms. Gerhardt responded that it could be applied to either. If they had a density restriction, then it is first based on that. If there is not a density restriction, it becomes more based on Floor Area Ratio (FAR) and how many units could be fit in that FAR and then calculating the number from that. It gets complicated quickly.

Boardmember Chen commented there are three areas of Housing Development categories, one being transitional and supportive housing and inquired if the transitional housing was also a mixed use, would it meet those requirements.

Ms. Gerhardt stated she would have to get back to her on that answer.

Boardmember Chen if the standard ARB process always included three meetings or if that was new.

Ms. Raybould stated that it has always been that process.

Chair Baltay inquired if the implementation of a daylight plane is considered downzoning.

Ms. Gerhardt stated that would be a grey area as there are varying daylight planes.

Chair Baltay stated then it would be subjective.

Ms. Raybould responded if it affects density.

Chair Baltay stated that theoretically everything effects density and daylight planes are important; and that with objective standards projects are still required to comply with design guidelines and area plans and posed the question of those being subjective.

Ms. Raybould clarified that it's only to the extent that they are objective.

Chair Baltay asked how that determination is published or made clear, what is the objective portion of those standards and how does an applicant know that.

Ms. Raybould stated that was a good question and staff are currently trying to work on that.

Chair Baltay inquired regarding AB 2097 and a property being within a half mile of public transit if that applied to the entire property or any corner of the property.

Ms. Gerhardt answered that she believed it was 75% of the property needed to be within a half mile of the transit station. There are maps online that are detailed enough to show that.

Chair Baltay questioned if those maps are published at what that half mile radius zone is.

Ms. Gerhardt replied she was unsure if staff had placed those maps on the internet, however staff have access to them and are available to the public at the asking.

Ms. Raybould stated at the development center staff can assist anyone in looking at GIS online.

Chair Baltay thanked staff for the presentation.

Action Items

3. PUBLIC HEARING / QUASI-JUDICIAL. 180 El Camino Real [23PLN-00155]:
Recommendation on Applicant's Request for Approval of a Minor Architectural Review Board Application to Allow Exterior Modifications, Including a Newly Designed Façade for the Previously Approved Three-Story, Stand Alone Building, "Restoration Hardware" at the Stanford Shopping Center. No Modifications are Proposed to any Site Design Details and There is no Change of use. Zoning District: CC. Environmental Assessment: Exempt from CEQA per Section 15302 (Replacement or Reconstruction). Zoning District: CC (Community Commercial).

Chair Baltay asked if any of the Boardmembers wanted to recuse themselves.

Boardmember Adcock stated she would recuse herself for the item.

Chair Baltay introduced the item located at 180 El Camino Real [23PLN-00155] and asked for Boardmember disclosures.

Vice Chair Rosenberg stated she visited the site, reviewed previous items, and familiarized herself with the project.

Boardmember Chen stated she visited the site and reviewed the previous meeting videos.

Chair Baltay disclosed he visited the site and was on the Board for the previous meetings and noted that Boardmember Hirsch had stepped away and he would ask him once he returned.

Tamara Harrison, with Michael Baker International, provided the staff report as the contract planner for staff. The location is 180 El Camino Real and is for Restoration Hardware modifications.

Chair Baltay requested Boardmember Hirsch's disclosures.

Boardmember Hirsch stated he had no disclosures to report.

Ms. Harrison continued and stated the project is for a new three-story standalone building that is currently under construction at the site. The site is located within the Stanford Shopping Center, subject to the Master Tenant façade and sign program and the Master program requires that tenants in free standing buildings require City review. Restoration Hardware will be located at the Sand Hill Road and Shopping Center Way entrance and the applicant seeks to modify the previously approved exterior façade of the building. The building was previously approved as part of the Macy's Men's Redevelopment project [19PLN-00110] on February 20, 2020. The applicant now proposes to modify the exterior façade of the building to a lighter color palette, remove various large light sconces, remove green walls and green fixtures, and have proposed to modify the door pulls and add Italian Limestone trim/cap in various areas of the building. Ms. Harrison showed slides for each elevation with both the previously approved elevation design and the current proposed changes. On the north elevation they are proposing to remove the green wall on the third level and add Italian trim around the outside of the patio balcony area and to remove the large light wall sconces for lighting. The south elevation has the same proposed changes as the north

elevation. The east elevation is split into two sections on the upper floor. Additionally, the green walls have been proposed for removal, and there are alternate landscaping features that are being proposed. There are eight light sconces that have been proposed for removal, and they are requesting to replace the green columns with potted plants. The west elevation also shows the implementation of the Italian Limestone trim cap, four light sconces to be removed and reduced landscaping on both the top level and the lower level of the elevation. They are also proposing new door pulls on the entrance doors. A slide depicted the new proposed colors shown next to the previously approved color schemes. Key considerations for the project included ARB findings and the Master Tenant Façade and Signage (MTFS) program. Staff recommends that the ARB consider the proposed façade modifications and recommend that the ARB continue the proposed project or recommend approval to the Director of Planning and Development Services.

Chair Baltay requested the applicants presentation.

Michael Avellone with RH provided the applicant's presentation and showed slides depicting the changes to the building. With the original approval being several years ago, the applicants wanted to take the opportunity to update the building in the company's future color palette, the massing and the majority of the building and landscaping will remain the same. They retained the character defining features such as the awnings, balconies, and heritage olive trees around the perimeter of the building. The three changes include a stoned parapet cap of Italian Limestone, which compliments the new light velvety finish of the Mediterranean style light plaster, which is a lime based cementitious plaster composed of local sand and seashell aggregate from the Monterey area. They are looking to update the exterior metal color to a light warm champagne color. They have removed molding features around windows to enhance the plaster and it's workmanship. The finishes on the interior are also being updated to complement the exterior finishes, which complements the product assortment for the gallery. The side elevations have been updated to remove the sconce lighting. For a more maintenance free building they are proposing to remove the hedging that was proposed on the back elevation of the building to screen the mechanical walls on the third floor. They are open to the ARB's feedback and looking to provide a more resilient building and final product by finishing those walls with the plaster being used on the rest of the exterior. Their design intent is to define the Palo Alto building as the next generation by not pulling in the old details from past buildings.

Chair Baltay thanked the applicant and opened the item to Public Comment.

PUBLIC COMMENT

Ms. Dao stated there are no public comments.

Chair Baltay closed the meeting to public comment and inquired if there are any Board questions for staff or the applicant.

Chair Baltay inquired where the champagne color sample was and if it is included on the material board.

Vice Chair Rosenberg held up the material board.

Chair Baltay asked the applicant why they chose to remove the light sconces instead of changing the style.

Mr. Avellone responded that they view those as the old design and architecture of their buildings, and they require a lot of maintenance and waterproofing into the building. Their intent is to create a more resilient building.

Chair Baltay commented that light fixture is part of Restoration Hardware sales and asked if they are discontinuing the sale of light fixtures.

Mr. Avellone replied they are not.

Boardmember Hirsch commented that the assumption is the lighting of the building in the evenings will be internally sourced and asked how it works with no windows on the side that is facing the shopping center.

Mr. Avellone responded that they had retained the architectural lighting on the building, which includes building up lights and a cornice up light from the previous approval. The sconces were more decorative than useful, and the large sconces are not an RH product and not supportive for the company.

Boardmember Hirsch inquired about the perimeter hedging.

Mr. Avellone explained the perimeter hedging would remain. It is the third story hedging they propose to remove.

Boardmember Hirsch inquired if the courtyard was still intended to have product and how that would work after hours.

Mr. Avellone answered that the store staff would close the gates each evening.

Boardmember Hirsch commented he did not see anything regarding gates in the hedging.

Mr. Avellone stated that the gates were approved at the previous meeting and the only change would be painting them to match the new façade.

Boardmember Hirsch asked if they would repeat the metal coloring of the awnings.

Mr. Avellone stated that was correct.

Boardmember Hirsch inquired if the top floor dining stayed lit during night hours.

Mr. Avellone responded that the area is lit during open hours of the evening and there is a night setting for the light fixtures along the perimeter of the building. The majority of the internal lights would be off during closing hours.

Boardmember Hirsch asked if the furniture at the entrance of the building would remain overnight.

Mr. Avellone answered that was correct, the furniture would remain.

Boardmember Hirsch inquired how they proposed to protect that from potential vandalism.

Mr. Avellone stated they cover the furniture during bad weather and have looked into ways to discreetly anchor the furniture down and are working with the mall security who will also be monitoring the area.

Vice Chair Rosenberg thanked the applicant for the presentation and inquired if they have an LRV of the new plaster color.

Mr. Avellone replied they have one for the metal color, not the plaster color. The LRV for the metal siding is 36.66. He can provide that for the plaster.

Vice Chair Rosenberg asked if the updating of the door handles would be just a style change.

Mr. Avellone stated that was correct, there is a style change to the pull handles. There is a change in the color with a minimal change to the style, it is still a large bar pull.

Vice Chair Rosenberg inquired if removing the green walls on the upper level was to provide easier maintenance on the building.

Mr. Avellone responded that was correct.

Vice Chair Rosenberg asked Mr. Avellone to explain why they kept the uplighting on the sides of the building but chose to remove the sconces.

Mr. Avellone explained the uplighting is to highlight the architecture of the building, capped with the stepped corners lighting. The sconces often create large shadows on the building, which diminishes the intent to highlight the architecture. They are looking to move into a more contemporary design with all of their buildings moving forward.

Vice Chair Rosenberg commented that a lot of the windows and doors appear to be operable on the first and second floor and asked if they actually are operable or are designed to look as if they do.

Mr. Avellone answered they are fixed and made to look like doors.

Vice Chair Rosenberg asked if they were concerned about people being confused and trying to open the wrong doors.

Mr. Avellone replied that is part of the reason they no longer make them operable. They removed the hardware on the inside of the building so people don't think they are operable while on the sales floor.

Vice Chair Rosenberg requested clarification on which doors are operable.

Mr. Avellone stated the entry façade on the ground floor, the large 25' opening, bi-fold open on both the rear and the front of the building. All of the entries on the north and south sides of the building on both levels one and two are fixed. Every opening on the terrace level is operable, three on each side. They are all fixed on the rear of the building, with the exception of the main level 25' door.

Vice Chair Rosenberg noted that on Sheet RH6.1 – North Elevation, it does show that one of the side doors still has the swing operation.

Mr. Avellone said yes that was correct, it is still a swing door.

Boardmember Chen commented she visited the site the previous day and noticed work on the west side of the building and inquired if what she saw was going to be the final finish or if there was still more work to do.

Mr. Avellone stated that was very indicative of what the final result will be, the trellis changes still need to be completed, but the plaster and the store front and the awnings would be indicative of the changes being requested.

Chair Baltay noted there were no further questions and returned the item for Board comments.

Vice Chair Rosenberg commented that these were significant changes from what was originally submitted and approved. She finds the project to be very aesthetically pleasing and it's a beautiful creamy color without being too bright. She would still like to know the LRV number for the plaster but based on the samples in the Chambers for the review, Vice Chair Rosenberg felt they did a good job in finding a balance between being lighter without being stark. Her two concerns include that the green walls on the top floor provided an aesthetic break up in shadow and textures of the vertical features on the upper level. Now that the building is white, it makes those elements much more noticeable. Additionally, she understands removing some of the sconces, and even changing some of the fixtures. The wall sconces provided wayfinding, safety, and a warm look to the building. There are a lot of doors on the building, her preference would be to keep some of the sconces to highlight where the entries to the building are located.

Boardmember Hirsch stated he agreed with Vice Chair Rosenberg's comments about the building being elegant, and they answered his questions regarding the uplighting. He agreed it's a terrible idea to have the shadows on a building that the sconces produce. Removing the sconces was a good idea. There is a connection between the ground level greenery and the green wall on the upper level and didn't feel the green wall was out of place, but that is a choice matter for the designers. It works well on the opposite side to not have the greenery wall. Every step along the way advances the design and he felt the changes were a significant improvement. It's interesting that can look at their past store's and each time they are able to do a little bit better than the previous stores. The elegance is continuing to grow with each building they renovate. Boardmember Hirsch thanked the applicant for the presentation and the sequence of interesting design.

Boardmember Chen thanked the presentation and commented that the lighter pallet in her opinion was a good move, and it makes the building more elegant and more attractive, particularly on the rendering of the night view. Her concern is with the champagne color of the metal hardware. She believed the colors are too close to each other; there could be more contrast between the metal and the plaster on the walls. During the daylight hours the sun will make the building appear even more bright, a subtle contrast between the trellis and the wall is necessary and would add even more detail. It would also be nice if they could reconsider keeping the green wall on the upper level. It would soften the building and eliminate what could end up looking like a big blank wall, particularly with the added greenery in the landscape on the ground level. She agreed with Vice Chair Rosenberg about keeping some of the lighting fixtures. All of their buildings are like a showcase of their products, if they were to choose some of their own fixtures for the exterior of the walls, it could be a selling point and good example of what you have to offer potential clients.

Chair Baltay commented that he finds he agrees with what has been said by his colleagues. If this had come to them originally with the lighter color, they would have approved the project. They would have been more concerned with the bulkiness of the building. When they originally approved the project, one

of the things the ARB appreciated was the greenery on the top level, as it reduced the apparent bulk. The light fixtures helped to define more texture and diverted the attention from large blank walls and suggested they keep some of them and replace them with something similar in scale. The contrasting trim was also something he appreciated from the original plans. He agreed they should consider a higher contrast on the trim. Having a lighter color on the trim accentuates the blankness of the walls without the sconces. He believes the color should come back to a subcommittee and the green walls and the light fixtures should remain as approved.

Boardmember Chen requested clarification of Chair Baltay's request and asked if the applicant could choose the style of the sconces or was his request to keep the same sconces in the same locations.

Chair Baltay stated it's quite reasonable to say they want to upgrade the building and they can absolutely choose a different style. He is excited to see what Restoration Hardware could come up with and doesn't feel that needs to be brought back to the subcommittee. He's looking for compatibility with the community, large light colored buildings are something they have a difficult time with. He agreed he would like to see the LRV of the plaster siding as well.

Boardmember Hirsch stated for consensus purposes he agrees that in looking at RH-2 that the bulk of the upper part of the building is emphasized way too much and the planting on the upper level could really reduce the appearance of that bulkiness. He also agreed with Boardmember Chen's comments about having more contrast between the metal and plaster siding, and Chair Baltay's point that those changes could be done through a committee rather than returning to the ARB.

Chair Baltay stated the only thing he felt the ARB was not in consensus with was the light fixtures. He suggested they could keep light fixtures of a similar scale with a new design and that wouldn't need to be returned to a subcommittee. It's also possible to come up with a different design element, however, feels that should return to an ad hoc committee.

Vice Chair Rosenberg stated she's not as concerned about the removal of the sconces on the sides of the building as she is on the entry façades. She was interested in hearing the Board's thoughts on the applicant removing the side fixtures and finding replacements for the front and rear elevations. She suggested they keep the four fixtures on RH 5 and RH7 façades. On RH6 and RH8, she felt they could remove all of them.

Chair Baltay agreed that on the RH 6 side there are many oak trees, and those sconces typically are not visible. He believes the opposite side is very visible and he's not comfortable with having no fixtures. The right two fixtures seem to him to be tacked on and applied. He could support no fixtures on the north elevation, not the south.

Boardmember Chen agreed with removing the ones on the north elevation and replacing the fixtures on the south elevation.

Boardmember Hirsch stated he was okay with that suggestion.

Vice Chair Rosenberg requested clarification of Chair Baltay's comment about the right fixtures on the south side.

Chair Baltay responded that his suggestion was that he wasn't sure if light fixtures were the best design solution on the right hand side, but he didn't want to home in on that detail, as the review was to them wanting to remove the fixture. The option is to approve that request or not. He was inclined to say keep the fixtures on the south façade and believed it's better to have them than not have them.

Chair Baltay asked the applicant if they had any comments regarding the ARB's feedback pertaining to keeping the greenery, keep the bulk of the light fixtures or come back with a different design element that affects the same thing, and provide a different color for the contrasting metal.

Mr. Avellone commented that they are understanding of keeping the greenery, which makes sense for the bulk of the building and new color, regarding the light fixtures, whatever they decide, they would do a symmetrical layout on both the north and south side of the building. They would not return with something on the south side that they had omitted on the north side. Regarding the metal, it is a complimentary and custom finish to the plaster. He believes that looking at a building that is in progress without landscaping, furniture and décor within the building causes the building to stand out more. It's supposed to enhance the plaster and blend in.

Chair Baltay inquired if they had already purchased those elements in that color or would it be possible to make that change.

Mr. Avellone stated they have already purchased the paint for the large mockups that they've done and applying it to the metal is already in process.

MOTION: Moved by Chair Baltay, seconded by Vice Chair Rosenberg, to approve the project with the following conditions: the existing greenery from the previous design be retained, the light fixtures be retained. They may be modified in design style but should maintain a similar. The color of the metal trim around the windows and the canopy should be changed to a higher contrast and they should return to an ad hoc committee for review approval.

Vice Chair Rosenberg stated she would like to make a friendly amendment.

FRIENDLY AMENDMENT

Vice Chair Rosenberg stated she doesn't believe they need to maintain the vertical green walls, only the top two on the upper level. She only heard concern about the two on the upper level as depicted in sheet RH7 on the left and right.

Chair Baltay agreed that is acceptable. The Board is looking for them to retain the greenery on the upper two greenery walls on the left and right.

Boardmember Hirsch commented they should not exclude the fixtures on only one elevation.

Chair Baltay stated that the applicant made comment to that effect and asked Vice Chair Rosenberg if she was okay with removing the sentence about the north elevation.

Vice Chair Rosenberg agreed she was fine with that.

VOTE: 4-0-1 (Adcock Abstained by Recusal)

Chair Baltay assigned Boardmember Chen and Vice Chair Rosenberg to the ad hoc committee for this project.

The ARB took a short break.

All members of the Board returned from break.

4. [At-Places Memo Added](#)

PUBLIC HEARING/QUASI-JUDICIAL. 420 Acacia [23PLN-00058]:

Request for a Streamlined Housing Development Review to Allow the Construction of an Approximately 35,354 Square Foot (sf) Multi-Family Project Consisting of 16 Two- and Three-Bedroom Condominium Units in Four 2- and 3-story Buildings on an Approximately 0.8-acre (35,753 sf) Parcel. The Project would replace a paved, 68-space surface parking lot. The Project includes two Units Provided at Below Market Rate and, Accordingly, Requests Concessions and Waivers Pursuant to State Density Bonus Law. A Compliant Senate Bill Pre-Application was Submitted on January 4, 2023; Therefore, this Project is Being Processed in Accordance with SB 330. Environmental Assessment: Exempt from the Provisions of the California Environmental Quality Act in Accordance with CEQA Guidelines Section 15332 (in-fill development). Zoning District: The Project Site has a Split Zoning Designation of RM-30 (Multiple-Family Residential) and R-1 (Single-Family Residential). For More Information Contact the Project Planner Claire Raybould at Claire.Raybould@cityofpaloalto.org.

Chair Baltay introduced the item at 420 Acacia and asked for Boardmember disclosures.

Boardmember Hirsch commented no. Chair Baltay reaffirmed no disclosures.

Vice Chair Rosenberg stated she visited the site.

Chair Baltay stated he visited the site.

Boardmember Chen stated she visited the site.

Boardmember Adcock stated she visited the site.

Chair Baltay requested staff's presentation.

Senior Planner Claire Raybould provided staff's presentation for 420 Acacia [23PLN-00058] and stated it is the City's first Streamlined housing development review project. The project is located in the North Ventura Coordinated Area Plan (NVCAP) future planning area. The land use is fairly unique as there is split zoning and split land use on the site. The majority of the site is zoned RM 30 for multifamily residential and a small portion at the rear of the parcel is zoned R-1 single family residential. The land use aligns with those. The RM 30 zoned area also has a multifamily land use designation and the R-1 portion has a land use designation of single family residential. The project proposes to construct sixteen unit multifamily with two units affordable to medium income on a .8 acre parcel that has surrounding uses of single family along Olive Avenue at the rear and nonresidential uses such as office and gym on Acacia across the Acacia, and an approved 129 unit multifamily affordable housing project adjacent the site along El Camino and Acacia. Additionally, the existing Cannery building 200-404 Portage sits to the east of the site at the end

of Acacia. The project is proposing to utilize State Density Bonus. They are eligible for one concession which they are planning to use for the landscaping for the rooftop open space, as well as unlimited waivers which are proposed to be used for height, floor area, lot coverage, front setback, private street width, finished floor height, and for the daylight plane for the fixtures on the rooftop open space. This exact details are included in the staff report. Key consideration includes the project is a housing development project in accordance with the Housing Accountability Act, it is also subject to SB 330, they submitted a compliant SB 330 pre-application in January 2023, which freezes the development standards. This was after the Objective Standards were adopted, so the project is complying with the Objective Standards. It is subject to the Street and Light Housing development review. The code in the Streamline Housing Development review states that the ARB should be looking at the project and looking at opportunities for minor improvements for better consistency with the Objective Standards. To address that, staff indicated some areas where they believe there could be some improvements for better consistency of those standards. Staff is open to hearing the ARBs thoughts on that. Staff is asking the ARB to conduct a study session to provide feedback on whether minor adjustments to the application would result in better adherence to the contextual design criteria or objective design standards contained in Chapter 18.24, consistent with the streamlined review pursuant to the new code section 18.77.073 for housing development projects. Ms. Raybould noted that in terms of next steps, following the ARB's review, staff would look for hopefully some revisions to the plans to address some of the concerns raised by the ARB and then issue a decision on the project, following that the applicant also has a vesting tentative map on file since these are 'for sale' units. That vesting tentative map would follow and go before the Planning Commission and City Council for review and decision. Staff recommended the ARB to hear from the applicant as well.

Chair Baltay asked if anyone on the Board has questions for staff.

Boardmember Hirsch commented that they were at one point working on standards for townhomes, and requested why the project is not being reviewed relative to townhome standards.

Ms. Raybould explained staff are looking at potential changes to the code, however, they are not able to apply things that are in the code at this time.

Boardmember Hirsch confirmed they applied the general objective standards that were in place prior to looking at town homes and asked if they would be inserting townhomes once they became official.

Ms. Gerhardt explained that at the time they approved the ODS, they had already heard the townhouse question and had the consulting architect look at the design standards to see if a townhouse project could fit within those standards and the answer was yes, it could. Staff feels like the current standards can be applicable to townhouses, but they could also be refined.

Boardmember Hirsch noted within the detail of this project conflicts can be seen, as staff pointed out, and the ARB was hoping they could see how the ODS would apply and revise them as they see they no longer work or are not appropriate.

Ms. Raybould answered staff began looking at the things they may want to revise in the code, and this is the very first project since the ODS was completed, so staff was hoping that through this process they could highlight things in the code they feel may need to be changed or refined to be a possible alternative

to townhomes, or in just generally applying to project. To date, they have to apply the standards that were in the code as of January 4, 2023.

Boardmember Chen requested clarification on the required setback, or the buildable area for the project, referencing Sheet 8.6, there are red dashed lines and black dashed lines, a line called the R-1, a line for the RM-30 designation boundary and asked what the limitation is to the buildable area.

Ms. Raybould stated that this project is unique in that it has the land use split with the multiple land use designations, specifically in the R1 land use designation, they are only allowed to do single family residential. They've designed the project to stay outside of the R1 area and stay within the multifamily RM 30 boundaries. That produced a greater setback than what is otherwise required, but it aligned because it also had to maintain a daylight plane. In doing so, they also aligned with the R1 daylight plan requirement.

Boardmember Adcock thanked Ms. Raybould for the presentation and referred to Page 54 of the document regarding the landscaping concession being requested and asked if the required document was provided by the developer that supports the cost reduction that's achieved through the concession.

Ms. Raybould answered that was provided and requested some time to locate it if the ARB wanted to move on.

Boardmember Hirsch asked if there was any possibility within the zoning to do spot zoning revisions, as it would simplify the project considerably.

Ms. Raybould explained that if they site is rezoned, the developer would no longer be eligible for the Streamlined process that they have proposed, thus choosing not to rezone. State Density Bonus and SB 330 cannot be used if property is being rezoned.

Boardmember Adcock referred to Page 63 of the report and inquired about the highlight Section XII, treatment of buried archeological and asked if that was intentional.

Ms. Raybould apologized and stated she should have noted that there an At Places Memorandum for the project, as there was an accidental draft version of the conditions of approval that she had been working from that had other standard conditions that were not relevant. The At Places Memo is in the packet, however staff has also updated the conditions of approval for the project.

Chair Baltay referenced Packet page 76, checklist item B-1 and inquired why the treatment of corner buildings less than forty feet in height and the end unit of townhouses didn't apply to the end unit of the townhomes.

Ms. Raybould answered because it's not on a corner.

Chair Baltay recalled in doing those standards that it was either the corners of the buildings forty feet in height, or the end units of townhouses. It's very unlikely you would put the end unit of a townhouse on a corner.

Ms. Raybould replied it's under treatment of building corners, on corner lots.

Chair Baltay reiterated that the intention was for that to apply to end units whether they were on a corner or not. That being the case, he asked if those would need to apply.

Ms. Raybould requested that he repeat his question.

Chair Baltay stated that if it is the case that it be applied to end units, those units would need to have the design standards and the height to width standard is the one that jumps out at him. It's potentially a conflict on units that are required to be low at the same time. Chair Baltay brought that to his colleagues attention the project and suggested there is a potential issue with the standards.

Vice Chair Rosenberg referenced Packet page 76, the first item under 18.24.040, B1 "Treatment of corner buildings" and said it's not a corner lot, it's 'a corner building that is less than forty feet in height, and end units of townhomes or other attachment housing projects that face the street shall include all of the following features on their secondary building frontage'. Vice Chair Rosenberg asked staff if the items in the applicant's justification are items the applicants write in and staff prints it or are the reviewed by staff?

Ms. Raybould answered that those were written in the document by herself.

Vice Chair Rosenberg noted that earlier the report stated that the applicant states that this requirement is not objective, but subjective, and expressed frustration because the City has Objective Standards and found it interesting that the applicant was fighting as to if an item on the Objective Standards is actually objective. That's a determination made by the City, Staff, and the Board. They should adhere or not adhere.

Ms. Gerhardt reinforced that those comments were the reason they were before the Board and stated that the check list in the code language is an abbreviated version.

Vice Chair Rosenberg inquired the height of the buildings.

Ms. Raybould answered they are maximum forty-four feet, and she had misinterpreted the code thinking it only applied to buildings on street corners and acknowledged Vice Chair Rosenberg's point that the code also be applied to this project.

Chair Baltay mentioned that not all the buildings are over forty feet and the one in question is three stories, twenty something feet.

Ms. Gerhardt stated there are two different code sections based on height. If buildings are over forty feet tall, it is not clear if the code applies to the end of townhouses.

(crosstalk)

Chair Baltay stated this was a question session and asked if the ARB had any further questions of staff and inquired if they had found the answer to Boardmember Adcock's earlier question.

Vice Chair Rosenberg wanted to further note the zoning issue on the project that with Building B it's unit #5 and with Building C, those units have to be shorter because they about the residential zoned strip on the back side of the property and questioned if the daylight plane was being imposed.

Chair Baltay commented there are several regulations requiring those units to be lower.

Ms. Raybould confirmed there is a daylight plane on the R-1 shown on the drawing.

Vice Chair Rosenberg questioned the intent with the code for Building B because the end unit is under forty feet in height and the rest of the building is over forty feet in height.

Ms. Gerhardt responded by reading the specific code text and clarified that the building does not face a street, therefore it is not applicable in this case.

Chair Baltay expressed concern that this will become an issue for future projects because the intention is to make the buildings have the appearance of being vertical, rather than seeing conflict such as two-story townhouses that require parking; also noting this ties into Boardmember Hirsch's previous comment that the Objective Standards were not designed with townhomes in mind, it's an area that needs refining to mitigate applicant confusion.

Ms. Raybould reported as to Boardmember Adcock's previous question, the cost estimate is \$4,250 per home or \$68,000 for the project as a whole; there were concerns with respect to long-term maintenance of the common area because these units are for sale, causing it to be unclear if the Homeowner's Association or the resident's would assume the maintenance of a drip system.

Boardmember Adcock commented that in reference to the appearance of a loophole in the code, has staff considered that the applicant is getting the additional height and the building orientation and setbacks waiver?

Ms. Raybould responded that if it doesn't apply, it doesn't apply. It's not a waiver they are requesting if the building is over forty feet, however she understood her point.

Boardmember Hirsch requested clarification on which drawings as the site plan on A-6 show no connection to the entry street for access to the garage. There is a drawing on C-3 that shows the proposed condition to access the garage, which would have impact on the public street being used.

Ms. Raybould stated that the street is not public, it is a private shared easement between the two property owners. On A-6 there is a very light dashed line around the easement location and references it as "Access easement for adjoining property", and it shows the existing condition on that site, however Council recently approved that project so several of the drawings are showing what staff expects will be that shared access point.

Chair Baltay invited the applicant to make a presentation.

Mr. Josh Vrotsos, with Dividend Homes, thanked Ms. Raybould's diligence in getting the project before the ARB as quickly as she has and introduced Ritu Raj Sharma of the Dahlin Group, the architect for the project.

Mr. Ritu Raj Sharma, architect, first addressed the Board's concerns with applicant's approach to objective standards, explaining that sometimes objective standards set the path forward, and pose limits on what can be done. This was an interesting split site with many different zones around it. It is a small site with distinct edges, and they had to consider the edges in order to determine what their options were for the project. They stayed out of the residential R1 zone which they felt helped to create a buffer against the neighborhood, which also allowed them to have two story units on that edge. They limited the open space

for the two story units by not having open space in the units which helped facilitate more ground level open space and helped with privacy concerns from the R-1 zone. The Units fronting Acacia are side turned with the two single story end units being the residential view versus a three story building and complies with daylight plane requirements for R-1 zones. The access easement was worked out collaboratively with the Sobrato project. The street side units have the paseo's and porches on the street side which mitigates any concerns of there being a residential project crammed into a small space between large buildings. There is a mix of two and three story units with five different unit types, two units are provided for below market rate (BMR), a mix of tandem and two car garages and the units are a mix of two and three bedrooms, ranging from 1400 square feet (SF) to 2100 SF. They've incorporated step backs, roof decks, clean materials, articulation through massing and changes in material to create a contextual look that suits the current and future environment. Mr. Sharma continued with slides of material information, views of the different varying elevations from the neighbors, and invited the ARB to ask questions and thanked the staff for their work.

Chair Baltay opened the hearing to Public Comments and was met with they were interested in hearing the questions from the Board to the applicant.

Boardmember Adcock posed a question about the screen material being used between the units and it was not included on the material board.

Mr. Sharma stated they had not yet determined what that would be, the intent is for the owner to decide if they want a privacy screen built into the roof decks on the upper levels.

Boardmember Adcock inquired if that was going to be left up to the owner, one of the requirements of townhomes is nothing is built between the property between one home and the next.

Mr. Sharma responded they had not decided if there would be a screen or not.

Boardmember Adcock referenced between Building A and B on Sheet A-13, also show as the end unit elevation on Sheet A-8, and inquired about the change from the darker siding to the stucco below and it being higher than the rest of the units and what the applicants intent was and if it was a result of the additional height waiver, and if so, how did they plan to join the two materials; additionally, there is a vertical while line which is unclear to her on both buildings, but best seen on Building B on Sheet A-8 on the south elevation there appears to be a gap between two units .

Ron Cariaga commented there is no gap between the two units, other than a covered air gap. The additional height on the soffit of the end unit is a higher plate height on the first floor of the two story unit of ten feet. It's 9 feet over 10 feet on the two story units and 9 feet for each level on the three story units.

Boardmember Adcock referenced Sheet A-31 the left section with the similar soffit and inquired what the material is on the soffit; additionally, there is a wood trim on the upper left Detail 9 that was not listed on the renderings, inquiring which one is correct.

Mr. Sharma stated the material for the soffit would be shiplap, and they will revise the detail of the wood trim, it's supposed to be a metal trim.

Boardmember Adcock commented that the rendering looks cleaner than the detail.

Boardmember Hirsch asked for a description of the garage door locations of the opposing units in Buildings C and D and the width of the driveway. He believed he saw twenty-two feet.

Mr. Sharma answered twenty-two feet is the drivable surface. There's a four foot difference on either side so he thought it was either twenty or twenty-one feet.

Boardmember Chen stated it's on the C-3 sheet. There's a twenty two foot driveway plus four feet aprons on either side.

Boardmember Hirsch thought planning had concerns with the street width itself.

Ms. Raybould clarified the door to door is slightly different than what they would consider to be the street width, which also for the purpose of calculating the total floor area because staff does reduce the street width, but that doesn't include the aprons.

Boardmember Hirsch referenced Building A, South elevation along the paseo, the canopy detailing appears to be incomplete and inquired if the canopy extends from the building and wraps around the corner on the two story unit. Generally, canopies turn corners when they are on one.

Ron Cariaga stated on Page A-13, it wraps around the corner, but the extend out is shorter by about six inches.

Boardmember Hirsch commented there needs to be coordination if the intent is to cut it off at the end of the building, and inquired about the projections above the roofline and some being white while others are dark, listed Building A, south elevation on A-7.

Mr. Sharma explained those are stair towers and the intent was to breakup everything being white.

Boardmember Hirsch inquired about the daylight plan issues surrounding the stair towers.

Ms. Raybould stated the applicant is requesting a waiver under the rooftop open space requirement for a 45 degree angle from the edge of the bottom of the rooftop open space moving inward. The applicant is requesting a waiver for the guardrail, parapet, and a couple of stair towers which encroach the 45-degree angle. They did centralize the other stairwells.

Boardmember Hirsch questioned the design intent on some of the elevations with the smaller buildings not aligning with the larger buildings, referencing Building B on Sheet A-8, there's a window on one side and there isn't a roofline on the adjacent lower material.

Mr. Sharma explained that was intentional to break up the mass on the front of the building.

Boardmember Hirsch stated on the smaller building the canopy doesn't extend out beyond the line of the face of the lower brown section. Additionally, he didn't understand the east elevation of Building D.

Ron Cariaga explained those were accent panels.

Mr. Sharma stated those also were to break the massing and add additional color.

Boardmember Chen inquired how the applicant intended on solving the guest parking for the project.

Mr. Sharma stated the city does not have a guest ratio for multifamily units.

Boardmember Chen asked if they gave it any thought?

Mr. Sharma answered there is on-street parking on Acacia in comparison about 5 units down from the building.

Boardmember Chen referenced Sheet A-34, the pedestrian circulation sheet, and inquired how Building A residents would access the trash enclosure.

Mr. Sharma stated the last unit could go through their backyard. The other residents would go through the alley side of the building. They assume the residents will have cans that will come out of the garages, but that hadn't yet finalized that detail. The safer route would be they could use the paseo's too.

Boardmember Chen clarified that the rest of the building would go down the driveway between Building A and B.

Mr. Sharma replied that residents could do what she suggested, or they could use the paseo.

Boardmember Chen referenced the walkway behind Building C and inquired if that was intended for the residents of Building C only.

Mr. Sharma explained there are meter closets on the outside of the two story building, so the utility folks would also be using it, but staff expressed concerns about other people mistaking it for a shared walkway while the car next door was backing out, which is why the pedestrian route was routed through the top end of the project, and it's just for the end unit.

Boardmember Chen questioned the applicants design intent with the trash enclosure roof slope as it is the only sloped roof in the project.

Mr. Sharma answered that it had to do with ventilation for fire safety for potential combustion. It's low and on the backside of the property they did not feel it would be an issue.

Ms. Raybould noted there is also a daylight plane requirement for accessory structures, there has to be a certain height of the structure, but it also has to meet a daylight plane.

Boardmember Hirsch requested clarification of the finished floor height under the Density bonus waiver, two feet versus two-feet-eight.

Mr. Sharma stated that as per the Objective Standards there is a floating scale as to how far the building is from a sidewalk variant on how raised the building is from grade, and based on step requirements, how many steps are required leading down to the sidewalk and into the garages.

Chair Baltay opened the hearing to public comments.

PUBLIC COMMENT

Ms. Dao stated there was one speaker care from Yugen Lockhart

Mr. Yugen Lockhart provided comments as an Olive Avenue resident stated he has spoken to the applicants, and he supports the project, however expressed concerns with the trash enclosure being in one of the resident's backyard and requested that if it stayed there, their request would be for rubber gaskets and soft closed hinges on all the metal doors, to mitigate banging and clashing and creating an audible nuisance. They appreciate that Building C is stepped down however there is a big grey wall created by the façade of the second level going up to the third and expressed an interest in there being some type of wood feature as part of that story's massing to break those edges. He appreciates the non-standard situation of Acacia being very industrial and trying to match the Charities building and the Sobrato project. The Square look is appealing on the Acacia side of the street. A more residential feeling on the back side overlooking the R-1 zone would also be appreciated. He likes the idea of the rooftop area and offered the suggestion of building some horizontal trellises to break up the sun beating down on the residents during the hot part of the days. Please make sure there is adequate draining as that property is prone to flooding, and with the slope tends to run off in the residential area.

Chair Baltay closed the hearing to Public comment and brought it back to the Board for discussion.

Boardmember Adcock requested clarification as the applicant responded there were trash bins in the garages that would come out, however a trash enclosure had also been mentioned.

Ms. Raybould answered there would not be individual trash service with bins in their garages, there is a community trash area in an enclosure. In previous iterations of the project, it was determined there would be too many bins along the frontage of the property that they wouldn't be able to fit individual trash service along the frontage. Staff required the trash enclosure and for clarification, the property would be responsible, by means of an HOA or maintenance, for taking the three bins of trash from the enclosure to the street for pickup service.

Chair Baltay stated there will be more questions regarding the trash when Boardmember Adcock finishes her comments.

Boardmember Adcock commented that the path between Building C and the residential R-1 neighborhood has an alley feel to the area and feels it should be a discussion. There is a 3 foot difference between the first floor planned width and the second floor planned width on Building A. It goes from twenty eight feet to twenty five feet which creates a three foot ledge that could be a waterproofing concern. The units with outdoor space on the first floor are not consistent in showing which units have gates. Privacy is a concern for townhouses as they are units that are individually sold, consideration should be given towards substantial height of the roof decks and barriers between the units.

Boardmember Chen thanked the applicant for the presentation and commented she agreed with Boardmember Adcock's comments regarding the trash circulation for the enclosure and suggested the applicant work to resolve some of those issues. In regard to the resident pathways, Boardmember Chen asked staff if using different pavers to designate residents paths is allowed, she recalled it being used in Alma Village.

Ms. Raybould stated that it is allowed, but it is not required, and she didn't know that there would be space to provide a separate pedestrian pathway, nor would it necessarily be safe to paint a pedestrian pathway that goes across everyone's garages.

Boardmember Chen inquired about Building C, with the boundaries between the R-1 and RM 30, and what the zoning requirements are for the rear yard daylight plan starting from the setback or the property line.

Ms. Raybould explained for the R-1 zoning is being treated based on the RM 30 zoning because the areas within the RM 30 zone are subject to the RM 30 zone and that district standard is to measure ten feet up at the property line and a 45 degree angle in.

Boardmember Chen is concerned about the alley that's created behind Building C that abuts the R-1 neighborhood. If it is only going to be used by one unit, consideration should be given to treating it as described on Building A and the unit that accesses the trash from their patio. That would also allow a private yard in back. The elevation materials need more defined details of treatment, and Boardmember Chen suggested raising the plate height of the windowsill to five plus feet for the two story end unit facing R-1, in Sheet A-17 Building A west elevation. This will prevent them from being able to look into the R-1 neighbor's back yard.

Chair Baltay and Ms. Raybould both stated those are all shown as opaque windows.

Ms. Raybould apologized and stated she thought it was in the actual printed plans.

Chair Baltay suggested it be translucent glazing, which is not opaque.

Ms. Gerhardt rephrased it to obscured, and added they were asking for frosting, it didn't have to be black out windows, it just needed to be frosted.

Vice Chair Rosenberg appreciated the applicants presentation and the public speaker and commented that the overall stepped heights and the fact that they are townhouses are pretty respectful to the location. It's a nice transition from the property on El Camino and the residential. The zoning was handled in a clever manner. The R-1 strip was a great way to add a buffer to the residential area. She agrees the pathways are hit and miss, the path for Building A going to the trash doesn't exist and that works well. The one from unit 15 is the one unit that needs a pathway. Landscaping could be used to create privacy along that path. More details about the rear fence material, length, and height would be helpful in reviewing appropriate light screening. Clarity on the number of patios would be helpful. She's concerned about the trash enclosure and maybe a solution could be having two driveways with two trash enclosures. The mailboxes could be split as well. Particularly since it's already a concern for staff. Soft joints for the trash enclosures are a great idea to minimize noise. The roof terraces are in a good location however she sees no way a three foot tall parapet can be acceptable between the units. It's a safety hazard and there needs to be privacy and should be a permanent fixture, not optional by the residents. Additionally, that material would need to be added to the material board. Vice Chair Rosenberg suggested they consider having a sloped roof on units four and five of the building that abuts the residential neighborhood. It would give that side a more single family appearance and would complement the trash enclosure. A way to get the water back into the water table from the patio could be to make the patio permeable pavers.

It's a quick and easy solution. The pathway that goes from the front units of Building B stops at unit 5 would benefit from a connection that continued around to the trash enclosure.

Chair Baltay commented that he agreed with much of what Vice Chair Rosenberg said and finds overall that it is excellent site planning. They did a great job in building something that transitions into such a varying space. It's compatible, there are a good number of units, and it will be a great addition to the community. They did a great job respecting the neighbors and at a high level the project works well. He believes there's a greater grade change on the site than what staff indicated on the drawings. The back of the property that abuts the houses on Olive has a large berm with plants, and behind the berm the grade is significantly lower than the grade of the site itself, by at least two feet, possibly three. The importance of that detail is that's where the daylight plane measurements should actually start. It begins at the existing grade of the back property line. The drawings indicate the daylight plane begins at the grade of the project. That could potentially impact the rear neighbors significantly. They had a great surveyor involved; however, the elevations are missing from the drawings. There are plus or minus details on the drainage plan but that's all that's listed. Staff will need to follow up with receiving that information. Chair Baltay is concerned about two of the roof decks that abut the Olive Avenue side. There will be privacy impacts to those neighbors. The back units on both Buildings A and C have roof decks that can potentially see into those yards and there should be some type of buffer to include landscaping, planters or high walls. The Objective Standards don't seem to have any requirements surrounding that topic and his recollection was there had been considerable discussion on the topic of balconies and how close they could be to the edge, their overlooking views.

Ms. Raybould apologized and stated that it seemed like there was something missing from the list. However, it still wouldn't have applied to this project because those standards require privacy elements for decks within 40-feet of other windows and in both scenarios, there were no decks within that area. Staff will revisit the Objective Standards check list and fix the missing item.

Chair Baltay stated it is important to make sure that's documented. Additionally, he recalled there being a list of materials created by the Director of Planning considered high quality pre-approved materials that would be updated by the ARB. This project is requesting fiber cement panels, and he doesn't recall that being directly allowed.

Ms. Gerhardt stated there is a list of approved materials, she believes the one this projects falls under is 'fiber enforced cement siding and panels' is allowed for 100% of the façade area.

Chair Baltay thought they had any other information on texture detailing was allowed. He echoed Vice Chair Rosenberg regarding the pitched roof on the back of Buildings C and on the lower units of Buildings A and B. It would provide a roof eave which would likely save the project money and is a better view for the residential neighborhood. He believes the trash collection circulation doesn't work. Vice Chair Rosenberg suggestion of creating two driveways and splitting the trash location into two mad a lot of sense. Again, something else he saw that wasn't mentioned in the objective standards and it's an issue that comes up often.

Ms. Raybould commented that she asked the applicant to indicate the distance, everything was 200 feet or less, which is suggested was appropriate in general discussion. With that in mind, she didn't comment on the trash any further. She agreed they could ask the applicant to consider the trash circulation more,

however, she was not clear on where there would be ample space to add another trash enclosure without conflicting with storm water drainage, easements, transformers, or bike parking. Trash enclosures are required because individual trash service requires each unit to have a bin for trash, compost, and recycling. When they lined all the bins, they exceeded the length of the frontage because all the bins would have to be pulled to Acacia for pickup. Zero Waste were the folks who said they needed to have a trash enclosure.

Chair Baltay stated that he felt this was a conflict with what is allowed in the City. Most townhomes don't try to do this.

Boardmember Hirsch stated they did some research on this and what comes to mind is Arbor Real, their trash is brought out to the street and there are thirty or more bins that are lined up on each side of the street on garbage day. Some of those people have to then drag their bins back to their residence within the property. There are better ways to handle trash than that. However, he believes that the Board is reaching a consensus that there is an issue of garbage on this particular site.

Chair Baltay asked Boardmember Chen if she discovered anything enlightening from the ad hoc committee related to trash circulation.

Boardmember Chen commented they noticed the problem but really didn't find any solutions, but noticed some communities such as Mountainview, pushed their bins in front of their garage. In that case she's not sure what the minimum requirement would be from garage to garage.

Ms. Raybould stated that historically that was happening but more and more the trash companies weren't willing to take on the liabilities of navigating through the tight properties to pick up at each garage. The noise of backing out of dead end aisles is also a concern and they won't pick those up either.

Chair Baltay questioned how the trash in the trash enclosures would be picked up.

Ms. Raybould stated she envisioned putting a requirement into the vesting tentative map that the CCNRs require a maintenance person to bring the trash out unless they assign someone in the HOA to handle that.

Chair Baltay stated there aren't any regulations and their hands are tied, this is a chance for them to solve the problem because everything they've discussed is not satisfactory. One trash bin for all isn't going to work well and he had doubts that an HOA was going to want to have the expense of an ongoing maintenance person. He encouraged the applicant to resolve the problem.

Boardmember Hirsch commented that he agreed it's not sufficient for there to be only one trash bin and it's horrible for one unit to take their trash 200 feet through the property. He suggested shifting Building C at the far end, to gain the space to add an additional enclosure. He believes there needs to be fencing on the rear of the property overlooking the residential area and the ARB is going to need to collectively review the material used for any privacy element. In general, he hoped the project would return to the ARB.

Ms. Raybould confirmed that the project would not be reviewed again by the ARB.

Boardmember Hirsch finds the elevations interesting. The mail has a similar issue to the trash in terms of being accessible. Putting it at the drive in is a legitimate suggestion to solve that. The center paseo is a shift in the circulation in front of unit 6 of Building B and everyone who uses the paseo will be walking right in front of their door and window. It's a privacy issue for that unit. The furniture in this area is a mistake. That's used for larger buildings. The seating should be contained to the common areas where they cook out or gather. There are ways to create courtyards in such a manner that still maintains privacy for the residents abutting the common areas. He encouraged them to work on that area to make it cohesive both socially and functionally. He agreed with continuing the pathway around the corner to the trash area, however, that wouldn't be necessary if they added a second trash enclosure. The detailing of the façades is very good, and they did a good job with the elevations. He liked the way they work and the materials that they used; the varying materials is nice to see versus each unit looking different. The site plan has been very well done along with the planning of the apartments. It's exciting to see the residents have choices regarding floor plans and window treatments. He appreciated the Board comments regarding the alignments of the finishes and the privacy fencing. He disagrees with the comments about sloping roofs, this isn't a sloping roofs project and is rectangular in all aspects. If he were to get another presentation, he would love to hear the details of how the materials meet the other materials on the façades. He believes it's going to be a great project and he's looking forward to seeing it completed.

Boardmember Adcock added she believes there is room for improvement with the trash circulation and on the pathways leading towards the trash area(s) should they add another one particularly the two units in Building C.

Boardmember Chen explained she sketched out an alternate site plan in which she separated building B or eliminating it and adding the units split between Building C and D, they could have the buildings in a loop style format in which the garbage service would be able to pick up trash at the individual garages. In doing so they could use the trash enclosure space as a common patio space.

Chair Baltay inquired if staff were looking for a motion.

Ms. Raybould answered they were not looking for a motion. The ARB can make comments, however a lot of what she was hearing was not related to Objective Standards. The only one she noted was the request for staff to review closely and ensure the correct elevations were being used to determine the daylight plane. With regard to the privacy screen, staff were not aware that it might not be added, and it doesn't seem like it's a detail that is shown on the plan, and relevant to the design and what had been reviewed. While there is no requirement for the screening, it was proposed on the plan therefore staff would expect that to be constructed.

Boardmember Adcock stated that Vice Chair Rosenberg had mentioned not having the screening could be a security concern and Chair Baltay added that safety is definitely objective.

Boardmember Adcock asked if it would be appropriate to add a condition of approval for the concession that was being requested and recommended that every unit have a hose bib in each terrace so that if the residents choose to do their own planting, they have some way to water the plants, even if landscaping is not provided per the concession that they are requesting.

Chair Baltay commented that was a great suggestion and asked staff if they could recommend that as a condition of approval.

Ms. Raybould stated it is a good suggestion, however, they have no requirements related to that. It is something staff could suggest to the applicant. They have stated they were agreeable to putting in removable planters or something of that nature on the rooftop.

Mr. Josh Vrotsos, with Dividend Homes, explained they had a lot of concerns regarding adding hose bibs on the rooftop decks because if someone leaves it on, it becomes a huge water intrusion issue. Particularly with construction litigation for condominiums. It opens the developer up to a lot of liability. He loves the idea of landscaping both for privacy and aesthetics. He believed potted plants would be a better way to go.

Chair Baltay moved on to the next item on the agenda.

Approval of Minutes

5. Draft Architectural Review Board Meeting Minutes for August 17, 2023.

Chair Baltay asked for comments or a motion.

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

VOTE: 4-0-1 (ABSTAIN by Adcock)

6. Draft Architectural Review Board Meeting Minutes for September 7, 2023.

Chair Baltay asked for comments or a motion.

MOTION: Vice Chair Rosenberg, seconded by Boardmember Chen, to approve the meeting minutes for September 7, 2023 as noted.

FRIENDLY AMENDMENT

Boardmember Adcock noted when she read the minutes that “lead” was used in the minutes when she felt they were referencing LEED.

Vice Chair Rosenberg and Boardmember Chen accepted the friendly amendment.

VOTE: 4-0-1 (ABSTAIN by Adcock)

Boardmember Questions, Comments or Announcements

Chair Baltay stated Boardmember Hirsch has a statement to make.

Boardmember Hirsch commented the information that was provided in Staff's Presentation was impressive. He had been thinking about the housing issue and he feels like they are lacking urban design. In that he means the pieces that go beyond planning. He said that in imagining the new construction on parking lots in the downtown area, there are issues about how that's done that don't necessarily apply to what planning requires. Diagrams can be utilized to really get a sense of how things would look. That requires an architectural point of view. Site access, parking scheme alternatives, commercial requirement locations, community open space consideration, related neighborhood impacts, special zoning considerations for unique sites, public utility requirements and costs, affordable housing considerations, these are all mentioned in the Housing Element in more of mathematical way and then need conceptual planning in urban design. Other City's have separate organizations that deal with those and the development, so they get something like a high line in New York, which is dealt with as a completely different structure within the City. It strikes him that every time they do something in planning, they are missing an opportunity and that was demonstrated in the Hamilton Avenue project. It's something that could be looked at from a design standpoint in creating something unique. Something like insisting on daylight in garages. Those types of aspects of urban design needs to be addressed, as it will have an affect on the city as a whole. Additionally, the financial considerations and possibilities need to be considered so that if a building is built on a parking lot that is owned by the City and leased to the developer, what is the return? Could there be a significantly higher number of affordable housing units, and should that be considered? Instead, the City asked affordable housing developers to consider the sites downtown and didn't say, what happens if we find a private developer and negotiate a deal with a long term lease, for a higher number of affordable units.

Adjournment

Chair Baltay adjourned the meeting at 12:18 p.m.