



CITY OF
**PALO
ALTO**

Architectural Review Board

Staff Report (ID # 14564)

Report Type: Approval of Minutes **Meeting Date:** 7/21/2022

Summary Title: Minutes of June 13, 2022

Title: Draft Architectural Review Board Meeting Minutes for June 13, 2022

From: Jonathan Lait

Recommendation

Staff recommends the Architectural Review Board (ARB) adopt the attached meeting minutes.

Background

Draft minutes from the June 13, 2022 Architectural Review Board (ARB) are available in Attachment A.

Draft and Approved Minutes are made available on the ARB webpage at bit.ly/paloaltoARB

Attachments:

- Attachment A: Minutes of June 13, 2022 (DOCX)



Architectural Review Board Retreat Meeting

Minutes: 6/13/22

Council Chamber & Virtual Meeting

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 Chamber and virtual teleconference at 8:30 a.m.

Present: Chair Osma Thompson, Vice Chair David Hirsch, Boardmember Peter Baltay, Boardmember Kendra Rosenberg, Boardmember Yingxi Chen

Absent: none

Chair Thompson noted that there would not be oral communications at this meeting since it was the Board Retreat meeting.

Retreat Agenda

1. Discuss ARB Award Winners and Ceremony

Chair Thompson initiated discussion of the ARB Award Winners and Ceremony. The last action taken was to pick the winners. The next step was to send notices and assign specific addresses to Boardmembers to create a description and work with the architect team to obtain professional photos for the project. Then, a timeline could be discussed and choice of a date for the ceremony.

Jodie Gerhardt, Manager of Current Planning, shared the notes taken from the previous hearings on some of the award winners, including why it was felt they were award-winning. For the Middlefield project, the high-quality materials and landscaping, et cetera, were mentioned. She said it might be good to assign projects to individuals to put together a write-up including some detail as to why the project is award-winning.

Boardmember Baltay thought they had already made assignments. It was thought it might have been with previous Boardmembers. Ms. Gerhardt thought this was the case, so they needed to make new assignments with the new members. Another project, Forest Avenue, had been added as well.

Boardmember Rosenberg's understanding was that the awards happen every five years. Boardmember Rosenberg responded that this is correct, although they are somewhat off-track because of the pandemic. Boardmember Rosenberg asked if anyone on the Board had written up a review like this before. Two former Boardmembers had. Ms. Gerhardt advised that the By-laws are not very specific in regard to this, so it is fairly free-form as far as how to do it.

Boardmember Chen wondered if the write-up would be more like the architect describing the design concepts and the Board commenting on why they are the winner. Ms. Gerhardt thought it was both, with the Board agreeing on why the award was being given, at least on a high level. They would also work with

the project architect to obtain the project description and perhaps share their design process or other details.

Boardmember Baltay commented that he had just joined the Board the last time this occurred, in 2015. One of the first things they did was a public presentation of the awards. He felt the public presentation was embarrassing. There was almost no one there, just five Boardmembers standing around trying to talk about the projects without much substance or presentation. He felt it would be even less represented this time, given the pandemic they had just gone through. He proposed an alternate idea to a public ceremony, consisting of a display in the lobby, and asking the City to put it on the main City website for a month, with a banner, and a flyer from the Architectural Review Board, focusing on a quality presentation. Boardmember Baltay felt this would be more effective.

Vice Chair Hirsch added that they could run a digital presentation that floats across the big screen in the hallway. Ms. Gerhardt thought both ideas were great. The screen would be temporary, but the web page display could live on for a longer period of time.

Boardmember Rosenberg advocated having something more permanent on the website. She questioned whether anyone does models of their project. If the architectural firm has models, it would be an interesting thing to display. Chair Thompson noted they have models for select projects, but thought it was a good idea and wondered about talking to the architects to find out what kind of materials they already have and then reconvene to decide. Boardmember Rosenberg suggested having even a sample materials board where people could see and touch what was used, something more physical. She loved the digital presentation idea but felt that also having the physicality would be interesting, if it was available.

Chair Thompson mentioned the *Uplift* local emails and how they define destinations or events that are happening. She thought perhaps they could have an awards ceremony to kick off the installation in the lobby for the Architecture Review Board winners. She thought they might be able to do better advertising.

Boardmember Chen asked if the winner gets a certificate or something to display in their office. Vice Chair Hirsch indicated that they do. Ms. Gerhardt added that it is up to the Board. Boardmember Rosenberg liked the idea of them being on the website as well, which lives on in perpetuity, because the winners could then link back to it on their own websites.

Chair Thompson said they needed to establish the action items – whether they want to create a plaque, who would create it, whether there would be an installation, et cetera. Ms. Gerhardt said they would take care of securing a plaque, if the Board wanted to design it. Boardmember Rosenberg wondered if there was a budget for such an item, or what the financial obligation might be. Ms. Gerhardt thought the awards done for ARB members were not very costly. Boardmember Baltay thought just a paper certificate would be adequate, something that an office can put on their wall or on their website. Getting the Mayor to sign it, on official paper, with the seal would make it meaningful. The Boardmembers agreed with this.

Ms. Gerhardt noted that they could do a Council hearing as well, as another possibility. Chair Thompson thought that would be great, and Boardmember Baltay thought that could constitute the public ceremony. Chair Thompson wondered about something nicer than a City Council meeting. Ms. Gerhardt recalled that what has been done before is a pre-meeting with appetizers, et cetera, gathering in the lobbying, followed by the Council meeting where the award winners receive their certificate and handshake, et cetera.

Boardmember Chen asked if the certificate would go to the architect or the building owner. Ms. Gerhardt said it was the architect. Boardmember Chen wondered about having a logo or sign in the building, the project site, for people to recognize that it is an ARB-award-winning project. Something like the LEED logo. Ms. Gerhardt said for them to install it on their building would probably be something that the architect would pay for, but there is no reason why they couldn't do something like that.

Boardmember Baltay didn't think it was a big enough deal for them to care that much about. He reiterated that it would be embarrassing if once again only a few people came to a ceremony and just a few of the winners showed up, or if no one comes by to collect their award because it's five o'clock. Chair Thompson

thought if there was enough advertising it could be a bigger deal. Ms. Gerhardt said it was up to the Boardmembers. When they are calling one or two of the architects, it would be their job to get them personally jazzed up about it.

Vice Chair Hirsch noted that some architects are from out of town.

Boardmember Baltay advocated the award be digitally presentable on the website and/or in the lobby and felt that would be more successful. Chair Thompson felt this seemed like a bare minimum.

Ms. Gerhardt recapped the ideas – having the lobby TV spot in the short term, doing the website longer term, a paper certificate, and talking to Council about handing them out, with the mayor's signature, on some sort of official documentation, seal, et cetera. Boardmember Baltay felt a certificate with the official seal from the City would be meaningful. Vice Chair Hirsch added the architects could then digitally produce it for their own brochure and advertising.

Chair Thompson suggested revisiting the concept of the lobby installation after chatting with the architects regarding what kind of materials they would have. Boardmember Rosenberg thought the Junior Museum and Zoo might have a model, which might even be on display now, and they could borrow it for a month. She thought the residential one probably would not. It would be necessary to find out what they have and what is available. Chair Thompson pointed out there isn't that much space in the lobby for all of them to have a model anyway.

Boardmember Baltay said one way to get more buy-in might be to have each firm make their own award presentation. Each could have an easel or display within a designated space. There is enough space in the lobby to put up eight. Everything including the website, the Council meeting, would focus on driving people to come to the lobby to see the award-winning displays. The architects might feel a desire not to be embarrassed by having the least desirable presentation and therefore be motivated to produce a high-quality presentation. Boardmember Rosenberg agreed that the architects would likely want to maintain their branding and certain level of aesthetic in their presentation.

Boardmember Baltay thought they might want to establish the parameters for the presentation. The boardmember supervising each winner would be responsible to make sure they get it done. He remarked that the risk of having their name associated with a blank board in City Hall for a month would be an impetus for the architects to come down and do something. Once they have an easel there, they might show up for a ceremony/reception.

Chair Thompson wondered if they would provide a size, like a 24 x 36 portrait. Boardmember Baltay thought they would have to come up with something standardized in terms of square feet of floor area, or a display easel. Boardmember Rosenberg thought the 24 x 36 easel would be a natural size to use, mounted on foam core. Chair Thompson said if they have a model, then that could be a bonus, but everyone needs a 24 x 36.

Chair Thompson asked how much time they should allow for boardmembers to do this. There was discussion of a month. The question was asked whether permission was needed to use the space. Ms. Gerhardt assumed they could get the space, but she would need to have it approved. Boardmember Baltay suggested aiming to launch it in September. Vice Chair Hirsch agreed with this, after the summer. Boardmember Baltay thought that firms would need a month or two to create their display. Ms. Gerhardt said Council will not be back until August, and agendas will be packed in early August.

Chair Thompson wondered about having the event on a Council day, or if people would be free on an evening. Vice Chair Hirsch questioned presentation of the award in the Council Chambers, because there are eight of them. Chair Thompson agreed they do not want to encroach on the Council meeting.

Boardmember Baltay suggested Council could pass a resolution where they read the names of the winners into the record and the mayor makes the proclamation, as opposed to having all eight of them file in front of the Council. Perhaps a five-minute proclamation. Chair Thompson said they could invite Councilmembers

to come to the event the opening night of the installation. Ms. Gerhardt wondered about it being an extra trip for Council to come down to the Chambers. Chair Thompson commented that Monday is not the most convenient evening for people. Ms. Gerhardt said the event usually occurs about half an hour before the meeting or so.

Boardmember Baltay commented again that it is not worth having a reception, but they should just have the Council make a proclamation the same day the installation is formally unveiled and be done. Chair Thompson felt it would be fun to have something, perhaps on a Thursday night, pointing out that this is celebrated only once every five years, or seven years in this case. A Thursday or Friday night was suggested by Boardmember Baltay. The Council would be invited, highly encouraged to attend for photo opportunities. Ms. Gerhardt suggested they could call the rep from *Palo Alto Online*.

Boardmember Rosenberg thought a cocktail lasting an hour to hour-and-a-half would be sufficient. Boardmember Baltay inquired whether the City can provide wine. Ms. Gerhardt was not sure on this. Boardmember Rosenberg suggested appetizers and finger foods.

Boardmember Baltay suggested the Chair appointed a committee to oversee the social event. Chair Thompson said they will talk about it as a Board and then maybe appoint a committee if they choose to. Each boardmember will have responsibility for a certain architect or project. Boardmember Chen asked how this would be communicated, and to whom. The sentiment was to do a better job with media exposure and communication than the last time. Chair Thompson said with two or three months there would be ample time to build interest in the event. Ms. Gerhardt said this is where the *Uplift* local email could come in. Vice Chair Hirsch asked how *Uplift* is distributed. Ms. Gerhardt said the *Uplift* subscription is not automatic, but citizens can sign up for it.

The month of September was generally agreed upon, pending staff organizing what would work for a Council date and reservation of the lobby. Chair Thompson mentioned possibilities of the 8th and 15th, as well as the possibility of organizing the event as part of the regular ARB meeting. Boardmember Baltay thought it needed to be an evening social event to get people to attend. Ms. Gerhardt said September 1st and 15th would be the regular ARB meeting dates. She thought an off day would make more sense.

Chair Thompson asked for thoughts on September 8th, 6:00 to 7:30, with arrival and refreshments/cocktails until 6:30, then the presentation, followed by another half hour for socializing. Chair Thompson thought dressing up a bit would make it feel special. Boardmember Rosenberg stressed that it is a special event.

The Board discussed who would be the contact person for which project. Ms. Gerhardt stated that she and Ms. Klicheva would get the certificate with a logo and the mayor's signature and consult the Chair for approval of it after it is designed. Assignments of the projects were made as follows:

1. 1451 Middlefield Road – Junior Museum and Zoo – Vice Chair Hirsch
2. 799 Embarcadero Road - Fire Station #3 Replacement Project – Boardmember Baltay
3. 3223 Hanover Street – Office/R&D project – Chair Thompson
4. 4175 Manuela Avenue – Religious Assembly – Boardmember Rosenberg
5. 375 University Avenue – Retail façade renovation – Boardmember Chen
6. 611 Cowper Street – New construction – Vice Chair Hirsch
7. 701 Welch Road – (Honorable Mention) Children's Hospital – Chair Thompson
8. 430 Forest Ave – (Honorable Mention) Residential – Boardmember Baltay

Chair Thompson and Ms. Gerhardt will work together on notices to award winners. Honorable mentions will be recognized, and all will be the same level of award. The notice will include instructions, requirements, and timing, including preparation of a 24 x 36 board that will be displayed in the lobby, models if they have any, and the contact person's information.

The Board discussed the timeline. Ms. Gerhardt suggested early September, with due date for information in late August. Boardmembers should copy Ms. Gerhardt on all emails. Chair Thompson will send the email template to the boardmembers, who will communicate with the architects. Boardmember Baltay said he may also make a personal phone call. Ms. Gerhardt will try to find names and contact information for the architects.

Vice Chair Hirsch asked about what date they should call the architects, either this week or next, a week after she sends the template. Notices will go out no later than the 27th. Ms. Gerhardt thought the personal phone call is warranted, followed up with an email with all the details.

Ms. Gerhardt thought 24 x 36 displays is good but using the lobby TV's is good as well. Architects hopefully have high-quality images or renderings to share. Chair Thompson thought they would need to know the pixel count. Vice Chair Hirsch thought there was a person in charge of designing the whole display. Ms. Gerhardt will check into this.

Boardmember Chen asked if the display should be horizontal or vertical. Chair Thompson thought vertical. Boardmember Rosenberg agreed, stating the TVs are horizontal. Landscape was agreed upon.

Presentations should be sent in to the Board by mid-August.

Vice Chair Hirsch advocated letting the architects choose how to present their projects. Boardmember Baltay agreed and suggested for the physical part giving them a two-square-foot space with a vertical stand for people to look at while standing. Chair Thompson summarized the points for the physical presentation: A 24 x 36, landscape, one board per architect and one model, if available. Vice Chair Hirsch advocated leaving the presentation up to the creativity of the architects and explain that it will be on display in the lobby for the month of September.

The Board discussed availability of easels. The City probably has easels to use. Ms. Gerhardt and Ms. Klicheva will come up with these. Chair Thompson wondered about the Arts Commission, since it is an installation, and thought they might have supplies.

Chair Thompson wanted to make sure they don't already have an installation planned for September in the lobby of City Hall. Ms. Gerhardt will check on these things and will contact Public Arts Commission this week.

Boardmember Chen asked if the photos/images should focus on more the exterior of the project, since this is what the Board reviews. Vice Chair Hirsch thought they should choose their own best images that explain their project the best they can. Exteriors are important and the main focus, but if they had a major space on the inside it could be included – the Junior Museum, for example, where the lobby aspect is important as well as the exterior landscape, with courtyards, animals, cages.

Regarding the digital presentation, Boardmember Baltay suggested the architects provide jpeg files so that they could be placed into a PowerPoint with the Board's own graphics and format for consistency. He recommended a maximum of 10 images, minimum 3. They should pick their "money shot" that best captures the whole thing. This could be played at the Council meeting, with every 10 ten seconds a new image flashing by.

Vice Chair Hirsch thought the architects could coordinate something with a site plan as a background, but it should be left up to them and their creativity to present their project. He thought they needed coordination with a graphics person for the big board, who understands the best way to present a series of building shots. Ms. Gerhardt didn't know if there is any special expertise, except the person that controls the TVs. Boardmember Baltay thought one of the Board members should put together the PowerPoint presentation.

Boardmember Rosenberg took back her suggestion of portrait versus landscape. With the digital PowerPoint, the presentation would be separate and distinct, based on the jpegs. The "money shot" could be the one on the board. Chair Thompson suggested giving an option between landscape and portrait

based on the project, for the 24 x 36 board. Different projects may present better on different formats. Boardmember Baltay suggested encouraging use of a board and something physical representing their project. Ms. Gerhardt said staff will check into a table or pedestal for a model.

Ms. Gerhardt noted that, for the web page, someone needs to design the presentation. Boardmember Baltay recommended producing a PowerPoint with all the images, within consistent graphics, scrolling through the images and the graphics. For the website, the same thing with only one image for each project, scrolling through the eight projects.

Boardmember Rosenberg suggested when they do their 24 x 36, they send in the image, which will be the image for the website. The architects can control which one. Boardmember Baltay suggested when someone clicks the tab on the website, it scrolls the eight images. Then the larger PowerPoint with 3 to 10 images can be shown in City Hall, where you can do more images.

Boardmember Rosenberg said she would want control over what is displayed in her name for perpetuity. She felt they should allow architect to have control over the image used on the website, designed exactly how they want it, understanding it will include a frame or logo for City of Palo Alto Architectural Review Board.

Ms. Gerhardt said she can program this but needs the ideas of how it should look and the verbiage to go with it, et cetera. There are staff who work on the website who can do this. It will be connected with a tab on the ARB page on the City website, with a banner on the City homepage initially. Boardmember Baltay said they want the architects to have incentive to do this, as it is great publicity.

Vice Chair Hirsch said the first step is to get contact information as priority so they can start. Ms. Gerhardt and Chair Thompson will get an email template out and contact information. Regarding Brown Act considerations, Ms. Gerhardt thought Boardmembers emailing each other on this project, an awards ceremony, is fine since no decisions are being made. She will double check with Attorney's office, but the subject is a party, not approving a building.

2. Discuss the Architectural Review Board's (ARB) By-Laws and Council's Handbook. Discuss the ARB's Annual Report and any By-law/Procedural Changes that might be needed.

Ms. Gerhardt gave some background on this and the need to talk about term dates (packet page 7). Number one, term start dates and limits should match the *Handbook*. Council said what is not fully described in the *Handbook* is that the ARB can serve a maximum of three terms, equaling nine years, total.

Chair Thompson thought some terms were extended, potentially. Ms. Gerhardt acknowledged that Boardmember Rosenberg is serving the rest of Grace Lee's term so that's why hers is two years. Vice Chair Hirsch asked if she gets two full terms after that if re-appointed. Ms. Gerhardt said yes, if she gets re-appointed.

Boardmember Baltay commented on the need to be careful because the handbook referenced is out of date (November 2020). The one on the website is incorrect. Council revisited it in June of 2021 and passed new guidance pertaining to how long ARB members can serve. There's never been a clear explanation of what that is. Ms. Gerhardt said there is no new *Handbook* but there was a vote. Boardmember Baltay said when he asked about it, he was told the Clerk's Office was too busy to deal with it. Now it's been a year-and-a-half. For him, when he was re-appointed for a third term, initially it had said two terms, max, and then they said they would make it two terms, plus one more if in a window of time before a new rule was in effect. Now, it says three terms for ARB members.

Ms. Gerhardt said the Council's motion was for ARB and HRB to be three terms. Boardmember Baltay said they were concerned that it's harder to get real architects on the Board, and they wanted to keep them there. He was frustrated that the change has never been made clear publicly in the record. He didn't remember if it was two terms for anybody and three if already in the pipeline. Ms. Gerhardt said the motion was for three terms for anyone. However, at this time there is not a corrected *Handbook*. Boardmember

Rosenberg asked if they could incorporate the three-term policy into the cleaned-up *Handbook*. Ms. Gerhardt responded that only Council has control over the *Handbook*. The Board has control over the bylaws and procedures.

Boardmember Baltay noted they are trying to sync bylaws with a handbook that is not yet published. Ms. Gerhardt agreed but suggested taking into consideration the motion. Chair Thompson clarified that this is just for discussion. Ms. Gerhardt agreed and said they will have to agendaize any formal changes.

Chair Thompson noted this also includes timing of Chair and Vice Chair elections. Ms. Gerhardt said in the bylaws, terms for members have changed two or three times, and they want to sync this up. Everyone's terms currently end on December 15th. Also, under the current bylaws, they were supposed to vote for Chair and Vice Chair before new people came on. However, in their last discussion it was suggested that was not the best approach, and they might want to vote for a Chair after the new people came on.

Boardmember Rosenberg questioned if the reasoning for that was that voting for the Chair before new people came on helped ensure that the Chair is someone who has experience. Ms. Gerhardt agreed. Boardmember Rosenberg said she wouldn't object to that.

Boardmember Baltay noted the political background regarding this issue. There was a real fight with the Council on this. He waded into it when the ARB didn't have enough members. A strong minority of Council felt that a new board should appoint their own Chair. There was quite a debate about putting old board members into the future and putting their thumbprint onto the scale. He said that the Board should be aware that the Council at the time had a strong minority of people pushing hard not to do it that way. The idea was that an active board should appoint their officers at the beginning of each term.

Vice Chair Hirsch thought they should decide on the process on their own. It seemed to him the best way is to get all of the Board to be involved in that and accepting of it. Although two of the members have less experience, he felt they should be included in the decision-making process no matter the Council's thinking. It's a democratic process that all are involved in.

Boardmember Baltay said he was putting this out there in deference to Tom Dubois, who felt strongly about it. He had gotten to know him well over the years, and this is basically his opinion. Boardmember Baltay's opinion was that having the Board, at the end of the year, choose the next year's Chair and Vice Chair is sensible. It gives a very good sense of who's going forward. A person who just came on is hard-pressed to make a good decision. When he first joined, he basically did what everybody else was doing, but that's not really a good way.

Boardmember Rosenberg commented it's like a forced concept that someone with experience gets put into place, an appearance that they have a choice, but if she had to vote for a Chair on her first day, she would probably look to who's been there before and vote for whoever they vote for, so it's sort of an illusion of democracy to some extent. She had no strong opinion either way, and said she is still honestly debating it.

Boardmember Baltay thought it is not a bad thing for the outgoing Board to put their thumb on the scale a little bit going forward to ensure continuity. Boardmember Rosenberg supported this, saying when you have someone with experience, it's not necessarily tipping the scale. The "thumb on the scale" term seems like influencing, and this is not necessarily the case. They are just providing experience and continuity.

Boardmember Baltay responded that is exactly the point. Council is a political body. This was a political decision for them. For the Board, he would like to think their decisions are based on experience, expertise, and design acumen. It's not relevant whether you're likely to approve a development or be pro-growth or anti-growth. Boardmember Rosenberg agreed that providing continuity for applicants is beneficial. If suddenly there's a whole new Board and everything is totally different every two to three years, applicants will go crazy. Projects can take five years sometimes, and if going through three different Architectural Review Boards in a six-year span, it's hard for applicants to know the rules if they are constantly changing.

Boardmember Baltay advocated for having a very strong protocol, so when choosing the Chair, the public can expect how it will go and have a way to have experienced Board members part of making that decision.

Vice Chair Hirsch said this puts them in an in-between position.

Ms. Gerhardt said the terms currently end December 15th. If the Board wants the prior board to be making the Chair and Vice Chair decisions, as currently written in bylaws, it makes sense, and it is a matter of moving it from October to early December so that the Chair can have the whole year, starting with new Chair and new board all at the same time, after December 15th.

Chair Thompson said in their case they were supposed to have changed Chairs and Vice Chair in January. Ms. Gerhardt said that was true for this year. They should have changed in early December if doing it this way, but there was the pandemic and extra turmoil of only having three Boardmembers.

Vice Chair Hirsch wondered how will it work if boardmembers are not in the same three-year sequence together? Ms. Gerhardt said that terms end in December, but they are in different terms, which is part of what keeps the continuity. The Chair and Vice Chair are voted on every year. The end date of the term doesn't affect that.

Boardmember Baltay noted that recently they have done year-and-a-half stints because of changes in the board's membership. Chair Thompson noted that they need to have elections soon, because they're late on this. The question is would it be redone in December or keep the officers for a year-and-a-half again?

Boardmember Baltay said when the *Handbook* was put together there was talk that they were going to stipulate boards and commissions to choose Chairs in June. The rationale was that Council doesn't always get around to appointing new Board members at the end of the year. This is what happened with Chair Thompson and Ms. Lee. That got pushed into February, which is when he objected because it is bad for the ARB Board to have a Chair who has not even been re-appointed. The idea was to put the Chair elections halfway in the cycle so if Council takes a long time it doesn't matter.

Boardmember Baltay said he is not sure how much you can anticipate all of this, but they flexed just fine with it. Ms. Gerhardt said if you get voted Chair and then don't get re-appointed – which seems rare – they would just have to have another election for Chair.

Boardmember Baltay affirmed Boardmember Rosenberg's point, stating the more you can make it transparent and predictable for applicants the more the Board is seen as being impartial, apolitical, and serving the public. He felt strongly that they want that reputation, to not be seen as pawns of political machinations going on with Council, where, for example, the person they're going to re-appoint will affect whether Castilleja gest approved. He said they don't want to go there. Boardmember Rosenberg agreed that it should remain apolitical.

Chair Thompson asked if they would be doing elections that Thursday. Ms. Gerhardt said she put that in because of noticing two weeks ahead. But it is ultimately up to Board to decide if they want to carry on with that item or how they want to do it. She thought they should do something, since Chair Thompson has been Chair for a year-and-a-half, finishing out Ms. Lee's Vice Chair term.

Ms. Gerhardt explained that normally elections are yearly, but the Board can re-appoint the same Chair repeatedly. Boardmember Baltay said it's very rare that that happens. Ms. Gerhardt said where there have been other situations where they have re-appointed people. Boardmember Baltay's opinion was that you shouldn't serve as Chair until you've been re-appointed to the Board and earned the confidence of the Council to get appointed twice. They can't question you if they just re-appointed you.

Boardmember Baltay reiterated the idea that the Board needs to be seen as being impartial, apolitical, experienced, stable. The more they can do to get that kind of internal protocol the better. Not that it would be put in the bylaws, but he has felt it is a good policy.

Boardmember Baltay suggested that the end of the year is when they should have the outgoing annual report that the ARB presents to Council, so the outgoing Chair takes responsibility for getting that report together, and then they make the presentation at the end of their term. At the last meeting of the year, they have an election for the new Chair who then takes over at the first meeting of the next year. That year runs, and they run the report to the Council again at the end of the year. He noted that they now also have this annual work packet which kind of duplicates that.

Vice Chair Hirsch thought if the person who was Chair is Chair for a year-and-a-half it would be a reasonable time for them to put a report together. Boardmember Baltay said it was his second thought – that a year is maybe not a long enough term. Boardmember Rosenberg asked if re-appointing is allowed. For example, can they reappoint Chair Thompson, or would it come down to one of the two experienced ones, because they must change? Boardmember Baltay replied that they can do anything they like. The bylaws only stipulate that they must choose a Chair and a Vice Chair. He didn't think the bylaws should tie their hands. He advocated for policies that make for a strong body. Chair Thompson noted that a term of three years is long, and someone who has been on the Board for less than three years could be Vice Chair, since it is like a learning place.

Boardmember Baltay commented that one of the jobs of a Chair is to bring on the next Chair, just as one of the jobs of a parent is to bring your kid up right. That's what you do if you want to ensure continuity. That's why Vice Chair Hirsch has been Vice Chair for a while. Vice Chair Hirsch added that, at the time, there were only three on the Board, and they had no choice. Ms. Gerhardt said it does get passed around. Everyone has an opportunity. Chair Thompson thought technically in a five-year period, there would be five Chairs. When you have it every year, everyone has a chance, which is important.

Chair Thompson said if they went with concept that a Chair has to be around for three years, even after two years is a long time if you've been Vice Chair. It depends on how the person feels and the Board feels. Boardmember Baltay acknowledged there are many changing circumstances. People come and go.

Vice Chair Hirsch suggested either electing a new Chair or keeping Chair Thompson in the role until the beginning of the year. Ms. Gerhardt noted that the bylaws right now talk about annual elections. They are a little off because of pandemic and not having enough people. She felt they should have some sort of election, but re-appointing the same people is up to them. Vice Chair Hirsch added that situation of Ms. Lee leaving, and Mr. Lew terming out added to the complexity. Ms. Gerhardt replied there are many good reasons to keep the same people to have some stability for a little longer, while bringing on two new members.

Chair Thompson wanted to talk about who is interested in being Chair or Vice Chair. Vice Chair Hirsch said he honestly, to some degree, wasn't sure about his own capabilities, but thinks it is a challenge he would like to try, although for not more than one term.

Boardmember Baltay suggested instead of thinking of this in terms of today, trying to think what they are establishing into the future. What will the process be – to present a Chair at the end of the year, or in June, the middle of the year? Then they can figure out how to get there.

Ms. Gerhardt said December, January or June would be the three likely choices. Vice Chair Hirsch thought December and January were fairly equal. Boardmember Rosenberg noted that one is before when the old members are in place, the other would include the new people. Ms. Gerhardt said since the new people are likely to vote with the older members many times, really the choice is essentially December or June.

Boardmember Baltay said Council's elections are in November, and new members are seated the first meeting in January. This makes it more political and was what caused the controversy last time, an election with new people coming onboard with a different perspective. They wanted to get appointments made before there was a change on Council.

Boardmember Rosenberg observed that if they elected the Chair and Vice Chair in June, there would be a continuous City Council. If in December, there might be a new City Council. Ms. Gerhardt noted that Council is December 31st. ARB is December 15th.

Vice Chair Hirsch remarked that Council itself has elected a new Mayor from a new member who had been Mayor twice before, who was extremely experienced, but it was a new term.

Boardmember Baltay noted that if Council reappoints in December to take effect in January there's an obvious logical continuity to that which makes sense. It is in sync with City Council having a change of leadership. However, does leave it more vulnerable to being political in the event of a sea change of Council and Council desire. They can change who they reappoint, which might affect the makeup of the ARB, and they would not be insulated as much.

Vice Chair Hirsch did not feel it was an issue-by-issue thing.

Chair Thompson wondered why would Council would want to influence who ARB votes as Chair. Boardmember Baltay said they can influence who is on the Board. Last time, a different faction of Council members was elected, not taking effect until later in the year. The ones currently seated wanted to vote for things like board members. They pushed the vote through and had the vote; whereas, if it had been the new Council members it might have been a different selection of people appointed. What the public sees is that it is a political choice, and who they put on the ARB might affect whether controversial projects get approved or not approved.

Chair Thompson recalled in her situation she had been Vice Chair, with her term ending. If her term would have been renewed, she would have liked to have been considered for Chair. At that time, different members had been Chair, and she had been on for a while. As a Board, they decided to push the election until after the appointments. If she was getting reappointed, they could vote, and she could have a turn as Chair.

Boardmember Baltay recalled that the City Council didn't appoint her in the fall like they were supposed to. They pushed back appointments because some of them wanted to see more applicants. He said they treat this more politically than the boardmembers do. Leaving appointments at end of the year makes the Board more vulnerable to the politics. Chair Thompson remembered that it is why they pushed it until after the end date, in case she was elected as Chair but was then not re-appointed.

Boardmember Baltay remarked that such a scenario would be doing institutional damage to the Board. Chair Thompson thought this was an argument for having the election in June so that it's not during a campaign season. Boardmember Baltay remarked that the Federal Reserve Chairman is appointed in years that are not presidential election years. He advocated being on a cycle of June to June, although there are arguments both ways, and the major political storm is rare.

Boardmember Rosenberg reiterated the importance that this body stay non-political. Everything they can do to insulate against that is valid and worth pursuing. Boardmember Baltay agreed but said they need to make sure they all agree. Vice Chair Hirsch advocated keeping it away from the Council relationship.

The Board agreed upon June for the election of Chair via a straw poll. Ms. Gerhardt will do official report and noticed hearing, et cetera. The Board can verbalize hearing the proposal on the 16th and do a true agenda item soon after that.

Regarding annual reports – Council's work plan versus the ARB annual report – Ms. Gerhardt agreed that the outgoing Chair, wrapping up their year as Chair can do the annual report, but it's off-cycle with Council's work plan. The question was how to weave them together, or not.

Boardmember Baltay backtracked briefly to the election discussion and noted that Council takes a break in summer. He asked, would it make sense to have a new Chair start in the fall, September 1st? Vice Chair Hirsch advocated first discussing the annual report/work plan situation. Writing up a report could involve the Chair and Vice Chair working together and reminding each other of things. He felt it would be good if

that relationship was responsible for the report. He remembered Wynne Furth working on her report, coming into planning and writing it up. He stressed that it is a difficult thing to put together and write up. Although it is a summary sheet, it involves a lot of work, so perhaps two people could be responsible for it.

Chair Thompson felt the bigger question was if the work plan duplicates the annual report. Is there a need to do the annual report if the work plan already has everything in it? The only possible difference could be specific things noticed in applications that might be of interest, not in the work plan, but in the annual report, such as proposals for parking that was close to trees or other considerations.

Vice Chair Hirsch asked if they felt an annual report was duplication. Ms. Gerhardt said they didn't have the Council's work plan in past years. This is only the second year for the Council's work plans. In previous years the annual report was a communication tool from the ARB to Council saying what work was done over the year and where they might be seeing issues.

Chair Thompson added that, in thinking more about it, the annual report is different. They might be recapping things they've noticed over the last year – projects approved, projects denied, issues that came up that were difficult to solve. Ms. Gerhardt pointed out a few such items that were included in their annual report.

Vice Chair Hirsch noted that going forward there will be issues with state regulations that will affect them, such as the housing element report coming up. Boardmember Baltay added that there are two or three big issues coming up that the Council could use some education from the ARB on. The annual report is opportunity to push that. They don't have an official Council Liaison, so there is very little real way to get their attention aside from constantly politicking with them informally. He referenced the opportunity to do a design study of the Downtown, a grant that Council has been offered and are hesitating accepting. It is a free grant to study putting housing downtown. The ARB should chime in on that subject, and this is the format they have to do that.

Ms. Gerhardt thought they need to be careful. The ARB is a design review board, whereas PTC is more about reviewing policy. Vice Chair Hirsch questioned, what if they don't do it?

Boardmember Baltay said the question on the table is whether to do a work plan and, additionally, a report to Council, or if they are the same thing. Looking at the one they did last, compared to the work plan, they're different in his opinion, but it is a lot of work putting it together. He felt it is an important job of the Chair.

Chair Thompson mentioned if they're doing elections in June, the annual report would be in June as well, so she wondered if the outgoing Chair would do it. Ms. Gerhardt said that would be one way. Otherwise, they would have just done the work plan for Council, so would they want to combine those things? Both are communication tools to Council. The good thing about the work plan is they did have hearings related to that where Board Chairs could actually speak to Council. The annual report itself doesn't include that opportunity. Boardmember Baltay said on the last one, he insisted that they read it with Council. Ms. Gerhardt agreed they can do that, but as part of the work plan, the Council is expecting more back-and-forth.

Vice Chair Hirsch thought the timing works better if synced with the new Council. Ms. Gerhardt said Council elections are in December. With ARB elections in June, then March/April is three-quarters into a Chair's year. Chair Thompson commented if it's the Chair's obligation to have to do it as part of their duties, it makes sense they should do it before they leave. It involves starting a draft, getting a lot of input, sending out drafts, et cetera. Boardmember Baltay said last time it was discussed at a meeting and the topics agreed upon going into it. He drafted up a paragraph and asked everyone to help with it. Then he put it all together in one format.

Chair Thompson thought the outgoing Chair should do the annual report in June because the person elected as Chair doesn't want to be responsible for things happening between July and November. It will be the next Chair's job.

Boardmember Baltay thought maybe end of summer would be a better time to change than beginning of summer, since this is essentially when everyone is ready to stop thinking about City business. One strength of the Chair is having more access to City Council if speaking to them as the Chair. They learn who you are, and there's more interaction.

Ms. Gerhardt suggested it might be good to have a new Chair to ease into the position.

Boardmember Baltay responded that June is probably just fine. He asked, could they put it in the bylaws that the Chair shall take the lead on presenting the annual report? When he first came on, nobody was aware the annual report existed. Not until a member of the Planning Commission came to him and said they needed to do this report. He brought it to the Chair at the time, who said they don't do it anymore.

Ms. Gerhardt said that is why she brought up the meeting with Council, because there used to be a joint meeting with the ARB and the Council. That was a tradition that got lost. Now the work plan and hearing has brought it back somewhat. It is at least the Chair going before Council. Boardmember Baltay wondered about putting in the bylaws that there will be an annual report and the Chair shall present it to the Council to formalize it a little bit more. Vice Chair Hirsch asked if this would be when Council's new session begins.

Boardmember Baltay felt the more face time with City Council, the more they are taken seriously, the more they can advise Council on trends and issues going on. Putting this in the bylaws as something they must do makes it more likely it will last beyond any one of them.

Ms. Gerhardt asked if he was saying the Chair is responsible for the annual report and for presenting it to Council? Boardmember Baltay said yes, for both.

Vice Chair Hirsch remembered that at the Council meeting last time they were sitting in Council Chambers, split up. Each of them talked to them about particular part of it. Boardmember Baltay agreed and recalled that everybody had a piece, and it was planned out.

Ms. Gerhardt said the annual report is the ARB giving a professional opinion to Council as far as what they've worked on and how things might be improved, which are many times things that only Council can do.

Chair Thompson thought focusing on things Council can do might be a good idea. They wouldn't want to present something to them and there's nothing to be done about it.

Vice Chair Hirsch said it could be items that are prioritized for Palo Alto.

Boardmember Baltay asked if this could be put in the bylaws or regulations/procedures. Vice Chair Hirsch supported this, but Chair Thompson said she was on fence and not fully convinced. Boardmember Baltay said it would make it ongoing, so it doesn't get lost and forgotten.

Ms. Gerhardt suggested if they want an annual report, to put some level of detail into the bylaws as appropriate. Vice Chair Hirsch wondered if the Article referring to the Architecture Review Board might be the place to reference the report.

Boardmember Baltay commented on the *Boards and Commissions Handbook* regarding description of the use of ad hoc and temporary committees. On the third bullet point, 2nd paragraph of page 27, "Ad hoc or temporary Committees" defines what an ad hoc committee does and is not how it is treated. It says an ad hoc committee comes back to the Board for a final decision. Ms. Gerhardt said what it is doing is pre-determining what the conclusion is. There are very limited items that the subcommittee is looking at.

Vice Chair Hirsch thought it should reflect what they do. Chair Thompson said they only do it if they feel they really need to.

Boardmember Rosenberg suggested maybe changing the wording to, "may return to the full Board." Ms. Gerhardt responded that the *Handbook* is the City Council's, and the boards have no control over it.

Boardmember Baltay said they need to be sure when appointing something to a subcommittee to be very clear that the Board is delegating the authority to make a final decision.

Chair Thompson added also the authority to decide if it is enough that they should come back to the Board. In past if an applicant comes back with something, and the subcommittee feels it a big enough change that it needs to come back, they do that.

Boardmember Baltay said their bylaws should be very clear how they use ad hoc committees so that they are always in sync with the *Handbook*.

Boardmember Baltay noted that, under Article 6 of the bylaws (packet page 42) regular meetings of the ARB shall be held not less than twice a month. The Palo Alto Municipal Code says it shall be held monthly. Ms. Gerhardt thought this was okay, because it says, "at least monthly."

Boardmember Rosenberg asked about situations when a meeting is cancelled because there are no items to discuss. Is there a problem then? Ms. Gerhardt thought the bylaws should change. Boardmember Baltay agreed that the bylaws should copy the language of the Code.

Boardmember Baltay suggested striking the language, "Chair shall establish the dates of the meetings. Meetings shall be held on Thursday at 8:30," et cetera, and replace with "the Secretary, with advice and consent of the Chairperson, shall establish dates and places of meetings," the secretary, meaning the staff. Chair Thompson suggested just saying "staff." Boardmember Baltay responded that the secretary is the official appointment of staff, but the point is, don't put the meeting time in the bylaws, just establish who decides the dates and places of the meetings.

Chair Thompson noted that "special meetings only need 48-hour notice," and noted that was different than this special meeting. Ms. Gerhardt remarked that there are the rules and then there's some good common sense.

Boardmember Baltay commented regarding procedural rules on the back of page 49, talking about quasi-judicial hearings and how much time people get to speak. "Applicant gets 10 minutes to speak and then 10 minutes to rebut public testimony." He thought they could change that to "Applicant gets up to 10 minutes, but not longer than the total length of public comment." Boardmember Baltay said it seems unfair that the moment anybody comments on anything, the applicant gets another 10 minutes.

Chair Thompson felt the applicant should be allowed, because they might need it to rebut. If public comment ended up being three hours, the applicant could get only 10 minutes to respond. Boardmember Baltay clarified they would get 10 minutes if there's at least 10 minutes of public comment. But if there is only one minute of public comment, why should applicant get 10 minutes more? Vice Chair Hirsch added that there is also Board comment, and the applicant gets 10 minutes to answer. Ms. Gerhardt clarified that when an applicant is answering questions there is no time limit.

Boardmember Baltay suggested this could be at the discretion of the Chair. He reiterated his point about always being seen as very fair and even-handed with everybody. On Castilleja project it was a big deal to take time to listen to everybody even though it took a long time. Many times, he has felt, when an applicant gets, effectively, 20 minutes to speak, and there is one person who feels strongly, and they get only three minutes at most, that's not fair.

Chair Thompson said it's very rare that it happens, and it may not be worth changing the rules for a very rare occurrence. Vice Chair Hirsch added that if there are three or five of them, they can combine their times. If the sentiment is out there, they can find others who agree as a group and will have a longer period to speak. Chair Thompson pointed out that often the applicant doesn't even take the time to rebut.

Ms. Gerhardt was concerned from an implementation standpoint that it is difficult to remember what the rule is.

Boardmember Baltay commented on packet page 56, Change of Vote, item 5. "Board members may change votes before the next item on the agenda is called," He said it may sound silly, but someone may want to change their vote before the next agenda item at the next meeting is called.

Boardmember Rosenberg said maybe it should say, "...before the next item on the agenda is called, or the end of the meeting." Ms. Gerhardt thought, "...or adjournment."

Boardmember Baltay commented on item 10, packet page 57, when recusing yourself you have to say why. He wasn't aware that was the case, having to disclose the nature of the conflict. It was probably a legal detail, but he would like to be able to recuse himself without having to explain.

Ms. Gerhardt responded that usually people just say they live too close, know the applicant, et cetera, and it's usually generic. She said she would have to talk to attorneys about that one.

Boardmember Baltay commented on page 58, item 3, policy number A., the fourth line, "Usually, quasi-judicial hearings involve a single parcel of land." He said that is not true. Ms. Gerhardt replied that it is usually either a single parcel or contiguous parcels. Chair Thompson added that it doesn't say "always." Boardmember Baltay wondered why they even need to say it. Ms. Gerhardt said a quasi-judicial project is on a specific piece of property, whereas policies are across the entire city, and she assumed this is to say something to that effect.

Boardmember Baltay commented on page 59, item 5, "Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item." His understanding was you disclose anything that's not in the public record that you've learned. It doesn't have to significantly influence you just to be something you have to disclose. Vice Chair Hirsch thought this was different than saying, "Yes, I went to the site." Boardmember Baltay thought they were trying to find a polite way to make everybody say they've been to the site. Chair Thompson thought it was more to pressure people to visit the site. Vice Chair Hirsch wondered if you can simply declare that you've been to the site, because "disclosure" means something else to him.

Boardmember Baltay said he had discussion with Wynne Furth about it. She was the former land use attorney. She said you need to disclose what's not in the public record. If you're a judge you can only take evidence under certain circumstances that everybody sees you taking, so when you go to the site it's giving you input of some kind that's not in the record, or when you speak to a neighbor, have a meeting with somebody, look at the material board. What we should disclose is not whether it influences you, but rather whether or not it's in the record. Chair Thompson responded that it would be good to disclose, however, if something did influence somebody.

Boardmember Baltay remarked that it is hard for him to say whether it influences him until he has heard everything. Vice Chair Hirsch thought they should be asking, "Have you visited this site or spoken to anyone party to this project?" Ms. Gerhardt thought "disclosures" was just a generic way of saying that.

Boardmember Baltay felt uncomfortable on a couple occasions when doing his own technical research on something. For example, when researching cell phone towers on one occasion to verify an applicant's statement, he did not disclose that he had done this research, because the information is out there, but he was the only one finding it. Ms. Gerhardt said the main reason for a disclosure of that sort of information is that you've done some extra homework, and everyone should have the benefit of it. The same goes for a site visit, which is a version of homework.

Chair Thompson noted that presumably the research greatly influenced him. Boardmember Baltay responded, what if it didn't? Suppose it just confirmed what the applicant was saying? Isn't that still important? Chair Thompson agreed.

Boardmember Baltay advocated removing the notion of “influencing you” and rather refer simply to being in the public record. Chair Thompson was not sure she agreed with that. Ms. Gerhardt noted that all of this would have to be taken to the Attorney.

Vice Chair Hirsch talked about putting something about the timing of the annual report in the Articles. Ms. Gerhardt thought she has enough information on that and will draft something so they can make sure it's correct.

Vice Chair Hirsch commented under “Role of Council Liaison” on packet page 26. He said there is a Council meeting every Monday, all digitally recorded. The handbook says the discussion should be officially transmitted to Board as to what the Council has determined. The liaison should, “provide a wide range of info to the advisory board” info about Council discussions, policies and actions.” Therefore, the Board would have a choice. They could ask Ms. Gerhardt to report on it, or take responsibility for listening to the meetings themselves, which is tedious. He wondered to get those pieces of information. It is often important to listen in to those Council discussions, especially when there are projects the Board has opined on.

Ms. Gerhardt responded that she thinks she does provide such information, albeit on a hit-or-miss basis, and does answer questions, although she has not done a formal report. Chair Thompson noted that they sometimes get information in the in the staff report on what the Council has discussed, such as objective standards.

Ms. Gerhardt said if the project comes back to the Board, it would be in the in the staff report. But there are times that they do not come back to the Board. For example, the Bayshore project. ARB recommended denial. Boardmember Baltay asked if the Director had made a decision. Because the question was asked, she reported that, no, the Director did not make a decision, but floated it up to Council. This is what she has done when members have asked questions.

Vice Chair Hirsch wondered again how to get that information. Boardmember Baltay said there's no easy answer because Council decided they don't want to have an ARB liaison on Council. There is no formal person on Council responsible for communicating to the Board. Pushing to get staff to do it is a big ask and a lot of work. Chair Thompson added that it is also not their job.

Boardmember Baltay agreed that the ARB needs to know what the Council is doing and what staff is doing with their decisions and recommendations, but he didn't know how to formalize that. Vice Chair Hirsch suggested each Board could listen to the Council hearing on issues that affect them. The timing of items is usually not exact, but close, within 15 or 20 minutes that they may have to wait for the item to come up. Chair Thompson thought that that is too much to mandate. Vice Chair Hirsch understood this, but stated they need some of that information discussed. For example, information on the Castilleja project.

Chair Thompson thought they should ask Council for a liaison, maybe as part of the annual report. Boardmember Rosenberg inquired if this was asking for a Councilmember to come to the ARB. Vice Chair Hirsch explained no, it is just someone to summarize Council s opinions on things pertinent to the ARB and to present it to the ARB.

Ms. Gerhardt expected that it would probably fall on staff. Vice Chair Hirsch said it's impossible for Ms. Gerhardt to be able to do this, or for any Boardmember to do so. Chair Osma said they need to find a solution that makes sense.

Ms. Gerhardt explained that there are Council action minutes and then there are also Council summary minutes. The action minutes come out quickly. The minutes could be copied into the packets. Then, if there were questions, it would be easy enough for staff to answer them. Reading the minutes would provide a reminder for Boardmembers to be aware of what was discussed and whether Boardmembers have questions.

Boardmember Rosenberg asked if it would be the condensed version with items most pertinent to the ARB. Ms. Gerhardt thought it could be, depending on how quickly they want it. Action minutes come out more

quickly, literally just stating “approve” or “deny”, et cetera. The summary minutes are detailed, like the ARB’s regular minutes.

Chair Thompson wondered if there is an existing table, like Excel, that has the project and then the status that it’s currently in, and maybe an export of projects they’ve reviewed, and the status as to whether approved and awaiting Council. Ms. Gerhardt thought that was a good idea, but it would be a new spreadsheet to create.

Boardmember Rosenberg thought they could review the high-level minutes, with the action taken, and then if they have further questions, they can request more information. Ms. Gerhardt agreed that it would be a trigger for everyone. They will see what Council did, so things don’t slip by.

Vice Chair Hirsch commented on packet page 27, “The Chairperson shall appoint a special committee as they are desired.” He thought they haven’t used that process. Ms. Gerhardt replied that they have more recently. They usually have ad hoc committees for specific projects, such as the Parklet Committee and the Cal Ave Committee.

Boardmember Baltay said they just started following the bylaws, where the Chair appoints the ad hoc committee members, and they do it in public at the time that it’s being discussed. It used to be that the staff would just ask whether you want to be on that committee. In private, the Chair would pick two people, or staff would pick two people. He thought it much better for the applicant to see who that person will be in public, which is what they’ve been doing.

Vice Chair Hirsch noted that the Chair could have a study group on some particular aspect, and they should consider that more as a possibility. Ms. Gerhardt explained that the Chair can appoint any committee as long as people are willing to be on it and do the work.

Vice Chair Hirsch noted on page 44 that on a tie vote, if somebody abstains from voting and there’s a potential for tie votes, a project can be reconsidered or continued at another meeting. He thought this was something they should know about. Chair Thompson agreed and noted that “a tie vote constitutes a denial of the item.” Boardmember Baltay further explained that if an item is a tie and therefore denied, a majority of the people on the Board can still push it to the next meeting for reconsideration. Therefore, the way it is worded, it takes a majority to decide to reconsider the item, which struck him as odd.

Ms. Gerhardt said this would only happen if somebody was absent. If there were only four voting that day, and it is a tie, that constitutes a denial unless three of the Boardmembers present decide to continue the item. Essentially, if there is a tie, three people would need to say, “Let’s vote again,” or “Let’s talk about this when the fifth member is here.” To continue the item would require a motion, a second, and then a majority vote. Ms. Gerhardt said this is the same as any other motion. If it ends in a tie, someone can make another motion. As long as three people agree, then it goes to the next meeting.

[the Board took a five-minute break]

Vice Chair Hirsch shared a general thought about the state law which limits the number of times they can look at a project coming through. This creates an issue because if they put it off to another meeting sometimes they won’t ever get to see a project again. He wondered what to do in that situation. He wondered if they could come up with a procedure that allows them to do enough preliminary review on projects and allows them to communicate with each other, as a possible way out of the issue.

Chair Thompson noted this is what the next item addresses.

Vice Chair Hirsch brought up issue of when there’s an ad hoc decision, what happens with that information.

Ms. Gerhardt explained that for ad hoc committees, there is a formal ARB hearing, a motion is made, the Board decides that whatever the item is, it’s small enough that it can go to an ad hoc. Two people on the ad hoc committee are then delegated to make a decision. An example was 160 Waverly. It was a handful of housing units with a large roof deck. The normal things happened. It went to the ad hoc committee. Ms.

Gerhardt explained that staff until recently sent out a tentative approval letter that said, "You shall go to ad hoc committee," and then after ad hoc, there was a separate letter that said, "You've gone to ad hoc; you're done." This is how they used to do it. Because of the laws changing, with objective standards, et cetera, they are no longer sending out that approval letter. The process is different now because of changes in the state laws within the last month or two.

Chair Thompson noted that before, it used to be that they would approve the project. Ms. Gerhardt said the ARB part has not changed. The staff part has changed, and the time when they send out the approval letter. With 160 Waverly, what happened is that there was a motion. It went to ad hoc committee, but also there was an extra wrinkle in that there was a daylight plane that staff didn't realize applied to the property. It was a misread of the Code. Instead of them being able to go straight up with the roof deck, they had to adhere to a daylight plane, meaning the roof deck got smaller. Ms. Gerhardt said she did not bring this back to the Board because the roof deck was getting smaller. But then the building lengthened and that's why she was emailing members of the ad hoc committee, asking whether the lengthening needed more review. They felt like it was minor change, so they ran with it.

Vice Chair Hirsch saw it differently because the shape of the roof changed with the idea of a peaked roof instead of a flat roof. They had had some general concerns about aesthetics of a flat roof in the general meeting. If changed to a peaked roof, it was quite a substantial change in design. He thought it was wonderful, but that was his opinion. The question is, was this a situation in which it should come back to the Board?

Ms. Gerhardt said there are always minor changes that happen in a project, things that staff has to take responsibility for. This is one of them. This was probably a little bit bigger than they like to handle by themselves, especially because the ARB was involved early on, so they like them to be involved the whole way. There are other projects that are small from the beginning, and staff handles them themselves. In this case, the project had gone down a path, not knowing that the daylight plane was required. She had felt it was a small enough change that staff could handle it, and they owed it to the applicant to send them through a more streamlined process.

Vice Chair Hirsch said by then they had spent a lot of time on a little three- or four-unit project, and that entered into his thinking as well. He made a judgment on it and couldn't talk to Alex, the other member of the ad hoc, because he was no longer with them. He was a little bothered, but he thought they should forward the drawings to the two other members of the Board at that time.

Ms. Gerhardt said she could not do that, because of Brown Act problems.

Chair Thompson said she thinks when they assign an ad hoc committee to review something after it's approved, they trust the members of the ad hoc committee to make the best decision, and if they felt like it didn't need to come back, they have to trust them. The ad hoc also has the power to say it needs to come back to the Board. The Board trusts them to make that choice. So, if he made that choice, they trust them, and she didn't think it needed to come back.

Vice Chair Hirsch felt the Board needed to know it was changed in case they went back to the project a year from now and under construction and say "This isn't what we approved. What happened?" Chair Thompson felt that it was Vice Chair Hirsch's prerogative to approve it.

Boardmember Baltay was bothered hearing that there is only one member of the ad hoc committee who made that decision. His feeling was the ad hoc has a very focused task, a very clear issue that they've been discussing. Anything beyond that is not within their purview. They're not empowered to act on his behalf on something they couldn't agree on, and in his opinion changing the shape of the roof of a building is a big deal. Ms. Gerhardt interjected that the changing of the shape of the roof had to happen because of the Code.

Boardmember Baltay understood but said it doesn't change the basic design impact of the decision, and to have that not come back to the Board, the ad hoc committee should say, "This is beyond our purview. You

have to send it back to the Board.” He felt it was a mistake, especially if there is only one person on the ad hoc. An ad hoc needs to have two members, so if there was only one member then that was a mistake administratively. The Chair should have appointed a second member. Chair Thompson said she wasn’t aware that they needed another member.

Ms. Gerhardt said sometimes there are projects that staff is on the fence about, whether they should come to ARB or not, so in those cases there have been a number of times where they would talk to the Chair and discuss it. In this instance thought she had an ad hoc committee member that had the most recent experience with the project, and that is why she was asking the Vice Chair.

Boardmember Baltay reinforced the importance of being very careful when creating an ad hoc, what that committee is supposed to do. It comes back to the *Boards and Commissions Handbook*. According to that, it must come back to the Board anyway. If empowering a subcommittee to act on Board’s behalf, they must be focused on what they are doing.

Chair Thompson stated that they usually are. Ms. Gerhardt reiterated that this was a staff decision.

Vice Chair Hirsch stated that he went along with the staff decision and made a judgment for everybody.

Boardmember Baltay said he was empowered to do that. Vice Chair Hirsch expressed that it was supposed to be two people. Chair Thompson agreed that it could have been brought to their attention so that they could find someone to fill the vacancy, but once a project is approved, it is approved, and the subcommittee is basically the babysitter for the rest of the things they were hoping to look at afterwards

Vice Chair Hirsch said he raised the issue because they don’t want this kind of thing to happen again. Chair Thompson agreed and said they now know that if an ad hoc committee finds something that is out of their purview, it should be brought back to the Board. Ms. Gerhardt hoped it’s a situation that doesn’t happen again.

Boardmember Baltay felt the situation needs to be put in the Board meeting minutes so that everybody knows what happened. They have struggled in the past because the minutes need to reflect ad hoc committee hearings as well. They do now, but he didn’t recall this one.

Ms. Gerhardt said that’s what the ad hoc approval letter used to do. It was some sort of minutes, but now they’re not doing the approval letter. Boardmember Baltay responded that it makes him cautious about appointing an ad hoc committee.

Chair Thompson noted that it is a good thing to reiterate what the job is for the ad hoc committee.

Boardmember Baltay supported the concept that the Chair would be allowed to advise staff on whether something must come to the Board or whether it needs to go back again. He said you trust the Chair, because that’s who you elected.

Vice Chair Hirsch commented that the first part of that, the ad hoc decision, should come back to the Chair in some way, but because of regulations it cannot. Chair Thompson agreed and said it must come back to the whole Board, or not at all.

Ms. Gerhardt said she, as staff, was ready to approve this, but just was realizing that it had gone through the whole ARB process, so she didn’t want to leave the whole Board out of it.

Vice Chair Hirsch felt the chances were about 100 to 1 that the group would have approved it if they had looked at it.

Chair Thompson assured Vice Chair Hirsch that they trust him. People who get assigned to ad hoc committees are trusted to take care of it, and if he didn’t know it was outside of their purview but now knows, it’s okay.

Vice Chair Hirsch he felt comfortable doing that, but on the other hand wondered if it could have come back a couple weeks later the way the Council takes items that really aren’t part of the general public

interest anymore and makes quick decisions. Ms. Gerhardt said that would be like a consent item for the Council.

Boardmember Baltay thought they tried to do that at one point, and someone, possibly a lawyer, said they can't do consent items. Ms. Gerhardt felt that even if they could it would rarely be used and that this case was really a one-off.

Boardmember Baltay said he would rather have a consent calendar than have an ad hoc committee for exactly this kind of thing. A consent calendar would go to the entire Board, and it would take two members of the Board to pull it from consent to get discussed. Until it crosses that threshold, it's very simple for the applicant, but it doesn't leave it entirely up to two members making a decision. Architecturally, sometimes they want to have that give-and-take with an applicant that can be done with an ad hoc committee. He shared a recent situation in which this was the case. There was debate about how a railing was built. It was discussed until eventually an understanding was achieved. Such situations would be cumbersome to handle through a consent calendar. Ms. Gerhardt agreed and said there usually is no discussion with consent items.

Boardmember Baltay said the situation being discussed would have been perfect for a consent calendar. Vice Chair Hirsch agreed and thought the Board would have been happy with the change.

Chair Thompson felt that if it is a design change, it does require discussion as opposed to just being on a consent calendar, although she wasn't really sure how consent calendars work.

Ms. Gerhardt explained that consent calendar items are normally contracts or second readings, where Council is just saying yes and don't need to talk about it. It is for "easy" things. Vice Chair Hirsch added sometimes staff brings items that simply need approval for payment, which often go on a consent calendar.

Vice Chair Hirsch thought if it was legally possible to do a consent calendar, it would have avoided the problem they ran into. Chair Thompson didn't necessarily agree. Ms. Gerhardt did not agree. She said they were trying to resolve that situation quickly, and putting it on ARB agenda is not quickly, and can only be put on an agenda twice a month.

Boardmember Baltay thought it would be great if they could do a consent calendar but reiterated that he remembers being told that they can't, although they could ask about it again.

Chair Thompson said if this happens again, either somebody on the subcommittee should say it needs to go back to the Board and have it as another agenda item, or they approve it.

3. Discuss How the ARB's Expertise Could Best Be Used in the Early Portions of a Planning Project.

Ms. Gerhardt gave an overview of the item. The existing process is laid out on packet page 63. It is highly recommended that new buildings go through a preliminary ARB process. That is, one hearing with the ARB. This is supposed to be at an earlier stage in the design, so that things are still moldable. There is a checklist of things applicants are asked to provide to the ARB to facilitate informed comments. Packet page 65 lists the formal process, and page 66 is the checklist for the process.

The formal process begins when an application is submitted. Staff reviews it for at least 30 days. It is run through all the different departments – Transportation, Watershed Protection, all of those, with comments collected back from them. During this time staff is making sure that the project adheres to the Code. Have they met setbacks? Do they have enough parking, et cetera? Also, as much as possible, they try to predict what the ARB is going say. The ARB would like benches. The ARB would like below grade parking, things of that nature, requirements for meeting the ARB findings. Staff is talking through these things with the applicant during this time. Once they feel like it is a decent project and meets Code, they bring it to the ARB.

For most applications the ARB has up to three hearings. The applicant should be making changes in between. Also, sometimes if the applicant is agreeable and working with staff, they will continue on. If not,

staff may bring it to the Board earlier on. Or, if they think environmental review is going to take a long time and they want to give the architect some early info they will come to a first hearing and have ARB weigh in and then wait until they have all the CEQA before going to a second hearing.

At the second hearing the ARB could recommend approval if it is a good enough project. Page 72 is the actual Code section with the legal language that talks about the process. A preliminary hearing is only a recommendation, not a requirement. There is a section explaining how to appeal, et cetera. Ms. Gerhardt inquired whether the Board wants to weigh into more when the applicant comes in for first hearing, or even when they come for a second hearing if the Board made comments in a first hearing and want to look at it and see if they have addressed the concerns before coming to a second hearing. Ms. Gerhardt said there is a limitation on hearings, and they want to make sure they don't burn through them and not get the project fixed.

Boardmember Rosenberg asked about packet page 65, the statement "major architectural review new construction of buildings or additions of 5,000 square feet or greater," whether this applies to residential. Ms. Gerhardt replied that this applies to all architecture review. Boardmember Rosenberg asked whether residential has to go through IRB and ARB. Ms. Gerhardt responded no; the IRB process is for two-story homes. The architecture review process would be more for multi-family.

Boardmember Rosenberg said she questioned that, because she can totally imagine having a 6,000-square-foot house and wondered if it would get reviewed here. Ms. Gerhardt said no, that is not the process. Chair Thompson pointed out that the second bullet point refers to residential requirements. Ms. Gerhardt pointed out number three, which is three or more adjacent single-family residences, which is the only time the Board would see single-family, and they did see that with Zuckerberg's property. Also, there have been some church properties where they sell off the parking lot and do three houses. They have reviewed those, but not one house by itself.

Vice Chair Hirsch said the issue is the five meetings and that's it. You max out. Suppose the ARB gets two and the Council gets their preliminary meeting. They have a very preliminary meeting where they say a project does or does not have the potential to make it. Ms. Gerhardt said she will have to double check with the attorneys, but thinks the preliminary meeting has a separate file number and is a separate process so she didn't think they have to count that meeting. Also, housing projects could skip that piece if they chose to. She thought it was mostly the formal process that has the five-hearing limit.

Vice Chair Hirsch was concerned they are going to be limited because of because of state requirements and how to deal with that. He felt what Ms. Gerhardt described as the first submission that the ARB gets is often very extensive, including landscaping, and things the applicant must do. For example, they must do the full survey, get into some of the mechanical issues. If raising site levels, they must deal with all of that. Perimeter walls, et cetera. He said it seems that the Chair could ask for a committee of some sort to look over a project in an earlier, very preliminary stage. Particularly, for housing projects that are complicated they could have a lot of input into that. They could have a preliminary meeting that had some input into the opportunities for a developer to develop alternatives. He felt this could be useful in complex projects. He asked for the Board's opinion on this. Could the Chair and Vice Chair meet at the initial filing of the schematic concept, preliminary zoning application and site plan, and advise the Board to say "Hey, we're going to get a housing project down the line, so let's look at this kind of a housing project around town," and inform the Board that they should go out and do some research into it? They wouldn't have any official application put through the process yet, so maybe that's as far as can go at that point, but he felt it would be a useful item for the Board to do this prior to the fully developed drawings.

Chair Thompson said there is, on packet page 63, a preliminary ARB checklist, and she wondered how is what they would submit to the ARB different than what is on that? That have sometimes seen this as a Board before. For example, they saw the Bayshore project as a preliminary.

Vice Chair Hirsch responded that the preliminary for Bayshore was very close to the final submission, with hardly any changes. Chair Thompson wondered if he was suggesting a "pre-preliminary," and if so, if it

would count towards a hearing. Vice Chair Hirsch said this was his suggestion and he didn't think it would have to count as a hearing, but rather the Chair or a committee looking at a project as it comes into planning.

Ms. Gerhardt said she would check with the attorneys on that. She said they already have a preliminary review process, but it is not required. They could possibly change the requirement part. The prelim would be the best, because that is in the very early stages. She wondered if during the first 30 days when they are routing the application to various departments, if the ARB would want to be considered a department. It would have to be maybe one or two people, but at that point you're reviewing a raw formal project. No staff report or any of that to go with it.

Vice Chair Hirsch said from that point on zoning will become more significant, mechanical issues more significant, elevations. The intent would be they would be looking at block drawings of some sort. Ms. Gerhardt said that is part of the prelim process, the schematic sketches. Architects can bring anything they want to a prelim meeting. When they get to a formal application, they have to have everything. Vice Chair Hirsch said if they could review just a schematic idea then the ARB could have some voice in that. Ms. Gerhardt said this is what the ARB prelim is, though. Vice Chair Hirsch responded that it wasn't on Bayshore.

Boardmember Chen wondered if they should treat housing projects differently, because it most likely they have a 90-day limit and also the five-meeting max. Ms. Gerhardt said yes, but the Bayshore project was an SB 330, so it has the five hearings. They still have some discretion, whereas in the near future, once objective standards are in place, then housing development projects that are mostly housing can just have the one hearing, and its advisory. The current discussion is talking about discretionary, five-hearing types of projects for the most part.

Vice Chair Hirsch thought they will probably be housing projects.

Boardmember Baltay thought the issue was that on some projects they feel they are looking at the projects when it's too late to make some of the changes the ARB thinks would make sense to change. By the time the applicant has put forth the whole package and chosen not to do a preliminary hearing – sometimes even when they do on a complex project – they've already made some fundamental site planning issues, decisions of how to approach trees or views or things, that he sometimes feels he would have approached it differently or at least would like to have seen it done differently. He said he didn't know what mechanism could be used to get a seat at the table earlier, because you can't get all five of ARB without getting that info in this process. The preliminary hearing works pretty well for that, but it still is a formal sort of process to make an application and public hearing, and it has been agendized. In the past five to seven years, for every ARB meeting there's a pre-meeting held between staff and the Chair and Vice Chair. Nominally the purpose of the meeting is to review what's going to happen at the meeting to make sure no administrative things to understand, how they want the meeting to go, make sure there's a materials board, et cetera. Ms. Gerhardt and the Chair and Vice Chair can ask questions that they will later answer at the hearing.

Boardmember Baltay said he has advocated for and thinks it would be a good adjustment to take that pre-meeting – just the Chair or Vice Chair to avoid the Brown Act issues, only two people – to look at projects in the pipeline, not just projects coming up at the next meeting. They should be looking at just the basic design approach. Secondly, the presentation, the thoroughness of what they see. Many times, they get an application where they think the way the project relates to the building to the left is critical, but the applicant doesn't even provide an image of that. If he was sitting in such a meeting he would say, "Be sure to bring that image. We need to see the relationship to the adjacent buildings." Many times, staff planners are not architects and don't see it the same way the ARB does. Really, they're just helping with that kind of input. It short circuits a loop in the process by having that input of what information will help make the application complete. He said while staff is waiting for applicants to provide a complete package, they talk to people as they prepare applications, and that's where staff could bring into the pipeline projects to the pre-meetings as well. "This is something that's going to be coming up. Here's what it's looking like," even offering the applicant a chance to be at the meeting as well. The Chair and Vice Chair could then say, "This

is something that you really should bring for a preliminary meeting,” and encourage the applicant to put it in front of the whole Board. Or they might say, “We think the Board is going to go for this.” Boardmember Baltay saw this kind of pre-meeting as a mechanism to use to pre-screen projects for design compatibility and presentation of content.

Vice Chair Hirsch agreed but thought it might be a problem having the applicant at that meeting. It might be something to avoid. Maybe an applicant wants to be there, but it doesn't necessarily represent the Board decision. He agreed that the relationship between buildings and separation and open space and all that was described. In looking over packages, he is bothered by only getting straight-on elevations. They are great for architects to see how to put things together but not for seeing what buildings really look like from the ground level. It is often a problem for them, so they should have perspective drawings from an eye-level view that they insert into packages in some way. Ms. Gerhardt that's where the checklist comes into play. Chair Thompson those things are already in there. Ms. Gerhardt added that if there is something that the Board always wants from an applicant it needs to be on the checklist.

Chair Thompson said her issue with having this as part of the pre-meeting is that they already consume all of the time in the pre-meeting to talk about what's going to happen on Thursday. To do this thing for an applicant before they even submit a preliminary meeting takes a site visit, takes time to study the site, takes way more time than just to talk about things like is whether there is a material board for Thursday. The prep for a meeting like that is much more than they would otherwise do, and to put that on the Chair and Vice Chair would make no one ever want to be the Chair or Vice Chair, unless they're retired and have all kinds of time. She wanted to encourage anybody in all situations the opportunity to contribute. She was open to a process where if something comes in the pipeline perhaps staff could ask the Chair about it and a subcommittee is formed in advance, separate from the pre-meeting. Also, she didn't know what applicant would go through this trouble to do it.

Chair Thompson said she has seen in past meetings, when they had preliminary meetings with open-minded applicants, the applicants that really listen at the meeting usually come out with a great product at the first hearing. If applicant does not want to do this, they'll attend a preliminary meeting and then change nothing. It's just their attitude, and there's nothing the ARB can do about that. There is only so much power they have as a review board. It's really up to the applicant to take the initiative if they want. She said she doesn't know that creating a whole new process is actually going to change anything and is skeptical based off of projects seen in the past, but she is open to trying it.

On the other hand, she said she has seen that preliminary meetings do wonders. She remembered seeing Wilton, who had a preliminary meeting. It was a nightmare, lots of issues they pulled out, but it came out amazing on the first day. When the applicant is open-eared and open-minded that's when the process really works. She didn't know that it's all on them to make something work with the City. The applicant has to be a co-partner to do that. The preliminary process makes sense and fulfills what he is asking to do. To have a pre-pre-meeting, she was skeptical that it would make a difference.

Boardmember Chen thought a pre-meeting is good and useful but for the design process for the architect it's the basic process they do for the site analysis first, so it depends on what deliverables you're asking for, so if they wanted to ask them about lot coverage, setback, heights, etc. it's basically the first thing they need to solve when they design a project, so she thought it would work for them. It is not some extra burden for the applicant. She agreed it's not necessary that it be the Chair and Vice Chair because everybody will be afraid of that position. But if it is just very preliminary info, maybe they could ask the applicant to prepare like a simple packet and email it to everybody on the Board so all have a chance to quickly know what's there. If somebody has a strong opinion on certain things, they can let the subcommittee know of their concerns instead of relying on just those two board members.

Boardmember Rosenberg said she was on the fence. She said there's part of her that fully agrees. In her own practice she deals mostly with residential, so she has had incidents with Palo Alto where she has to dive in headfirst and get structural, get civil, get all the stuff done and present it, and then one little thing

doesn't actually allow for it, so you have to start all over, and all of that time and money and effort is wasted. It's extremely frustrating. The fact that they already have a preliminary meeting process that the applicant can use or is required to use, whether or not they utilize it the way Wilton did, she thinks it's up to them. She was curious what the additional meeting would really accomplish that the other meeting could not. She agreed that the more information you get the better, the more stamps of approval you get along the way, the more you feel you're going in the right direction, and effort is not wasted, time is not wasted, nobody is getting frustrated. But, if that can be accomplished through current processes, why not simply better utilize what they already have? Why is there need for an additional meeting, or this extra stipulation in the process?

Chair Thompson said it was a good point. That's the struggle. Why isn't their existing process good enough? Would it make sense to modify this preliminary process in some way, if they could find out what it is that it's not doing?

Boardmember Rosenberg agreed and thought it would be better to find a way to streamline to make the current process more efficient, and make sure the preliminary meeting is more useful and provides better outcomes for everyone, versus adding another stipulation and another thing to do.

Chair Thompson added if it is public, like it is, then the concept sheet of getting all the Boardmembers feedback at one go, it would accomplish that as well.

Boardmember Baltay expressed that what Boardmember Chen said is the most commonsense thing that they're just not allowed to do. They can't just circulate that email. He said he is on a design review board, has house in the mountains, and is the Chair of that design review board. It's crazy how somebody submits an application and all of a sudden there's an email, there's a five-member board and everybody, just by emailing, discusses this before anybody has looked at it. It's a grossly unfair process to the applicant and everybody. He said they can't do that. They have to follow this process, and he believes that is the right thing to do. He felt that they should not create a new process but reuse the process they have – the preliminary meeting with Chair and Vice Chair. His feeling is that the pre-meeting for the meetings themselves is generally a waste of time, going through to see if the material board is right, requiring each staff member to come into the room and spend an hour of their day to present to what is already in the record is not really that useful.

Boardmember Baltay suggested that a much better use of time would be, earlier in the process, to have the staff just informally bring whatever is coming down the pike. "Hey, I've got the two of your sitting here for an hour. Give me 15 minutes of feedback on what I see here." He might look at it and say, "Wow, they really should consider bringing the drive on the other side," or "This tree is going to be critical. If they don't back away from that tree, it's just not going to work" Boardmember Baltay shared that Stanford Shopping Center had a building right next to a line of old oak trees, it was a huge issue going through the process. If they had just heard from Boardmembers at the beginning that it was an issue and to do something about it, it would have been very helpful.

Boardmember Baltay advocated re-structuring the process they already have, the meeting with the Chair and the Vice Chair, and encouraging staff to think of them as an additional help to the Planning Department and to think of the ARB as a staff architect who will give additional feedback to Ms. Gerhardt's staff early enough in the process where it makes a difference. Secondly, they can look at the project and advise the applicant of what is going to be really important in the presentation, and make sure they think about this, or present this angle or view, or advise them that the site plans they're looking at are illegible and they need to do something about it. Many times, they get drawings that are just not a good package, and it's much hard to make sense of it. The ability to give informal feedback early enough that an applicant can look at it, would be more valuable. It would be better use of the Chair and Vice Chair's time during those meetings, and better use of staff's time than just going through by rote what's going to be coming up on Thursday.

Chair Thompson asked how to do that thoughtfully, because it's not just 15 minutes of the Chair and Vice Chair's time. They would need to do a site visit and much more study. She asked how they would know a tree is important without going there to see it, because you can't know that from a site plan, and you can't know every tree's location even if noted on a site plan. The site plan could be incorrect, and the tree is much bigger in person.

Boardmember Baltay shared that when he is in the office he will go around to staff and sometimes just sit down and look at what they're doing and casually direct, point, push. This is more what he was talking about, getting staff to think of it not as a task they have to do but as a resource available to them.

Ms. Gerhardt thought if this was a second or third hearing there wouldn't be that issue as much, because they would have already had a first hearing and would know about the project. Then the Chair and Vice Chair could just be asking if it is ready to come back.

Vice Chair Hirsch thought what was described is a much later issue. When a first submission comes into the whole Board it's going to be much more complete but this preliminary discussion like Boardmember Chen described as a process is appropriate. The only thing that was missing from it is the legal issue of distributing the comments to everybody, and they legally can't do that.

Chair Thompson noted that the legal way around it is to have a public meeting where they are all together in public. Vice Chair Hirsch responded that would be one public meeting out of the limited number of them. He said what they are missing is that very early commitment to getting alternatives that might work better.

Ms. Gerhardt was thinking more about when they have a formal application, they need to be careful that they are not burning all of their hearings. So, they could use the pre-meeting for that, to make sure they're not getting to the last hearing and realizing that the project needed a lot of changes. Also, they have to be careful that if a project comes in as townhomes, none of them have the authority to change it into condos. They can suggest and make recommendations, but it's not a requirement.

Boardmember Baltay said that many times when an applicant hears something from the ARB, they will take it seriously. Ms. Gerhardt agreed but pointed out there are some developers that are like only townhouse developers.

Boardmember Baltay said Chair Thompson's point is well-taken that if the applicant isn't interested in working with them it's just going to be a tough process.

Chair Thompson said that is why she has a hard time finding a point in this process. This process appears to work for applicants that are willing to use it. To create an extra "gate," she didn't know if it would necessarily improve the process. She said she knew the discussion was coming from a project that the Board recommended denial on, but she didn't know that that would happen every time.

Boardmember Baltay has been advocating for four or five years the idea that pre-meetings should really be looking ahead in the pipeline, not at what's coming down next Thursday. He said it has been his big push. It is an opportunity to re-focus their time and staff's time way ahead of time, six months downstream, on what's coming to them. He said they can do it informally. When someone makes an application, they're working with a planner. They're going back and forth on the phone all the time, asking "What do you think about this?" "What's the ARB going to say to that?" Planning staff is making aesthetic and subjective judgements and going back and forth. That's their job, but it is where the ARB or architects involved would be helpful. Also, ARB members could say, "You really should consider bringing this to a proper preliminary hearing." When they hear it from the ARB they might take it differently. He's been pushing hard to restructure pre-meetings to be more focused earlier and not just administrative or bureaucratic.

Boardmember Rosenberg wondered how they could better utilize staff's time and effort to begin with. If they are simply going over materials boards, that is something they can do in the meeting, during the public hearing. She acknowledged that she hasn't sat in on a meeting, so she was talking from inexperience. She advocated utilizing existing processes they have, making better use of the Chair and Vice Chair's time,

focusing on things that will actually be beneficial to the ARB, to the client, the applicant. She thought they should save their time for identifying things that are useful and potentially important changes that could happen early.

Vice Chair Hirsch noted that they are part of the process that the public in general says "Oh, you've got to go through Palo Alto. Good luck to you." Chair Thompson acknowledged that Palo Alto does have a bad reputation in that way.

Vice Chair Hirsch stated that there is a possibility they could shorten the timeframe here as well if they can be of help in directing an early, early process in conjunction with staff and just focusing on things which are big planning issues. He commented that the PTC doesn't do it. They looked at the project and said, "We need housing," and that's all that they said. Ms. Gerhardt said that the PTC's purview in that project is only over the subdivision map.

Ms. Gerhardt said she they have project webpages that they load plans to. They try to do that when a project is first on file. Also have a list of projects that are going to the ARB and have to keep that list for the Director. She could show that list to the Chair and Vice Chair, and if they see an interesting address and want to go look at the webpage for the plans, they could do that at any point that it is formally on file.

Chair Thompson announced that they were out of time and needed to stop. She felt they had had a good discussion. They may not have solved anything but can consider what has been discussed and revisit it again in a month or so. Ms. Gerhardt asked if she should agendaize it for a month from now. Chair Thompson thought she should. She adjourned the meeting thanking everyone for the robust discussion.