



ARCHITECTURAL REVIEW BOARD
Special Meeting-Retreat
DRAFT MINUTES: February 29, 2024
Community Meeting Room & Hybrid
9:00 AM

Call to Order / Roll Call

The Architectural Review Board (ARB) of the City of Palo Alto met on this date in Palo Alto Community Meeting Room and virtual teleconference at 9:05 a.m.

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

Absent: None

Oral Communications

Administrative Associate III Veronica Dao stated there were public comments on Zoom.

Winter Dellenbach stated that she was disappointed in the discussion with Dark Skys and Bird Safety and would send ARB an article on windows before their next meeting. She hoped the Board would take the time to read over the information and needed consideration for what they learned before they made a final decision. She thanked them for their time and effort to the City and residents.

Sue Chow thanked the Board for their work regarding the city. As a Palo Alto resident, a Sierra Club activist, and sociologist she wanted to see an ordinance put in place that regarded the light pollution and Bird Safe environments that included commercial buildings, as well as residential; and if limited to the Foothills and Bay lands, the ordinance's purpose would be defeated due to the low development. She was dismayed at the suggestion the ARB had given on limiting the areas, and was not focused on areas such as Mountain View, Cupertino, and Sunny Vale. If the ordinance were implemented in all areas of Palo Alto, it would mitigate the amount of bird deaths.

Shani Kleinhaus introduced herself as a Palo Alto resident, a member of the POC and an Environmental Advocate at the Santa Clara Valley Audubon Society, but was speaking on her own behalf. She stated that the ARB had dismissed the Bird Safety issues related to residential areas where most bird collisions had occurred. Many residents had migrated birds that lived in their area and were concerned about the ARB's limited ordinances. Bird safety had a construction and architectural component in areas with parks and natural environments, but with the architectural components, there were ques for bird safety hazards on whether the project should be considered or altered; she referred to a new building complex on Corrina Way and East Meadow that was conservative on how windows and lighting had been used within the design. She had researched and worked with projects on Dark Skys and had known of better options when ARB considered a project plan. Ms. Kleinhaus thanked the Board and asked for reconsideration at their next meeting.

Laura Macias introduced herself and showed her interest in the architectural buildings in Palo Alto but wanted to comment on the Bird Safety issue. She was concerned about the migratory birds in the area and the hazards they faced and encouraged the Board to listen to what the public wanted regarding natural environmental preservation.

Mike Ferrera commented regarding an article he read that indicated the ARB was on an open rebellion against City Council about ordinance updates and he hoped that was not true and suggested if it were, it may be appropriate to pass the work to another committee to resolve the conflict.

Agenda Changes, Additions and Deletions

Senior Planner and Architectural Review Board (ARB) Liaison Claire Raybould indicated that the Utilities Electric was not able to join the retreat, the first item will only be a presentation by Palo Alto Zero Waste.

Retreat Agenda *YouTube video began with the meeting in progress.***

1. Presentations from Palo Alto Zero Waste and City of Palo Alto Electric Utilities

Senior Planner Raybould introduced the City representatives for ZeroWaste, Chuck Muir and Paula Borgas and representatives for GreenWaste, General Manager Eric Cissna and Operational Manager Mosey Hill.

Paula Borgas commented that ZeroWaste worked for the city and was a Public Works environmental service division who oversaw the collection of recyclables, combustibles, and garbage materials; their main contractor being GreenWaste. ZeroWaste worked with GreenWaste as a team on operational issues.

Palo Alto ZeroWaste representative Chuck Muir thanked the Planning Department and ARB for being invited to the retreat, and what would be discussed were the refuse enclosure requirements, guidelines, and laws of the State. SB 1383 was known to be a stringent law regarding recycling in the nation, and Palo Alto had met the requirements since 2018; municipal codes 5.20 and 18.40 were what required a refuse enclosure to be installed when a site plan was made. They provided guidelines and design guides to architects and developers when they made plan reviews as attachments when uploaded to the site. They looked at the health and sanitation collection, safety, recycling, rules, and regulations; when a project was proposed they considered how often collection was needed, the type and size of bins to be placed, and spacing on site for truck pick-ups. He talked about refuse enclosure guidelines provided on the website for architects to refer to when a site plan was drawn. A section of the California resource code stated local agencies shall not issue a building permit unless a development project provided adequate areas for loading and collecting waste materials, so it was added to the guidelines, and was expected when a project had been proposed. There had to be an enclosure area or room built into a project, and it was ideal to have them accessible for collection services and constructed at street level, and a third container would be required, and all customers to subscribe to recycling compost and landfill and to sort their waste correctly.

Chair Baltay asked if being at street level was part of the code.

Mr. Muir responded that was in ZeroWaste guidelines and explained the twenty-five-foot guideline for enclosures and described the ramifications if the code was not met.

Boardmember Adcock inquired if the pull-out zone referred to the collector pulling out the bins and if it included the twenty-five-foot distance requirement as well.

Mr. Muir answered yes if the safety turnaround requirement was met and provided examples of projects that had competing issues.

Boardmember Hirsch inquired if a one-way entrance and exit would be excepted instead of a twenty-five-foot turnaround.

Mr. Muir answered that older projects had been designed with a one way, and it was a preferred method. He mentioned that an issue with safety had to do with early collections done in the morning that interfered with traffic, bicyclists, and pedestrians; they took into consideration the public's comments and concerns on safety. The hotels on Santonio Road had waste enclosures on the back of the building that allowed trucks to drive onto the site for collection and preform a three-point-turnaround instead of issues like El Camino Road where trucks needed to back out blindly to the street or blocked driveways during pick up. He shared pictures of the front and side loader trucks and gave a brief explanation on how they maneuvered, and clearance needed.

Vice Chair Rosenberg asked if Mr. Muir knew the clearance needed with the bin attached.

Mr. Muir responded that the clearance was twenty feet.

Planner Raybould inquired if that was with the fork lifts as well.

Mr. Muir replied that yes it was. He talked about how they collaborated with City Departments on how to educate and coordinate projects with architects and developers. He said that the customer relations they implemented were to set up meetings to talk with planners regarding accommodations, how projects were approved, and he attended the development review committee (DRC) meetings weekly, as well as the monthly Development Center manager meeting to stay connected on concerns and give proper input.

Boardmember Chen inquired if the meetings happened in person.

Mr. Muir responded that the DRC meeting was set up by the planner over Zoom.

Planner Raybould added the DRC met at either 10 A.M. or 11 A.M. every Wednesday with all Department Reviewers across the city; if a project were to come in, they would hold a development review committee around the third week of the review cycle as they gave comments around the fourth week. The Departments discussed key comments to address conflicted requirements within the project and have them resolved before the formal comments were made; it is not always possible to happen, but that was the goal of having the meetings.

Vice Chair Rosenberg asked if contractors used the side loader trucks in the residential areas, and if the dimensions and clearances were different.

Mr. Muir answered that was correct.

Vice Chair Rosenberg inquired if the residential buildings used the side loader trucks and commercial large apartment complexes used the front loader.

Mr. Muir replied that the commercial projects used front loaders as they had one, two, and three cubic yard metal bins that made it more efficient; for residential projects it was better to use side loaders, as it allowed them to go along the block when needed.

Planner Raybould questioned if they had to use side loaders if bins were used.

Mr. Muir stated that it was designed to do that, as you would not want to pick up a cart with a front loader and vice versa.

Vice Chair Rosenberg commented that they needed to discuss how the substantial number of bins along the street affected areas in a multi-family or townhome condensed neighborhood, and how they would know the difference and requirements between the two; as well as how the Board could help reach what was required.

Mr. Muir responded that the planning code 18.40.240 had been updated and requires that multi-family units of three or more be considered as centralized collection areas, which addressed the copious amounts of carts along the street issue.

Boardmember Hirsch asked if a smaller project would have a street side collection required.

Mr. Muir answered that if unable to drive onto the property, they would create a staged area within the twenty-five-foot distance, which could include up to three metal bins that allowed front loaders to have access to.

Boardmember Chen clarified that the apartments, condominiums, multi-family, and town homes with more than three units were considered under the centralized collection requirement.

Mr. Muir answered that was correct.

Planner Raybould noted that there were a couple projects based on when they filed and did not have the centralized collections applied.

Manager of Current Planning Jodie Gerhardt commented that it was the same as the Objective Standards implemented in 2022.

Boardmember Chen inquired how many units were needed to have an enclosure location, such as a unit with forty units compared to ten, and if it needed to have two centralized locations and what was required.

Mr. Muir responded yes, three or more.

[Crosstalk]

Planner Gerhardt asked if it was a section in the code.

Mr. Muir responded that it was more of a guideline than in the code, but they had asked for Greenway's input on complexes and multi-family projects due to them having serviced sites around the city.

Vice Chair Rosenberg asked if there were different collection times, and if an alternative were to have bin pick-ups more frequently.

Mr. Muir replied that it could be, but they needed to consider noise levels and they anticipated complaints in mixed commercial and more dense residential areas.

Paula Borges commented that it tied to the safety and noise components as GreenWaste collected from major corridors in residential areas first, such as schools and churches; the municipal code allowed them to start collections in the residential areas as early as 6:00 A.M. so noise issues were avoided.

Planner Raybould mentioned they had worked towards requirements that focused on these issues, however, if every business were to implement it, Staff would be discouraged because it would cause constrained time for collections.

Mr. Muir stated that as mentioned, they had considered future uses of space by tenants and property managers, noise pollution and multiday pickups.

Planner Gerhardt clarified that pick-up was allowed to start at 6 A.M. She asked what it was in commercial areas.

Mr. Muir answered 4 A.M., but it depended if there were residential buildings in the area as well; if so, they tried not to start as early.

Mr. Muir presented an example of a pass through the Castilleja School project with an egress and ingress that allowed efficient and easy service access for truck pull-up onto the property.

Chair Baltay inquired if the drivers were permitted on the property and needed to stop, get out, wheel the bin, service it, and then return it, and if it were within the twenty-five-foot distance requirement measured from Kellogg Street.

Mr. Muir responded that it was relative to where the truck stopped by the enclosure; within ten-foot of the enclosure.

Chair Baltay clarified that the twenty-five foot was not distance from the property to enclosure, but from the truck to the enclosure.

[Crosstalk]

Chair Baltay added that it would be conceivable that the driver would wheel the bin maximum one-hundred and twenty-five feet at additional cost.

Mr. Muir stated that was potentially correct.

General Manager Eric Cissna noted that there were separate smaller vehicles with pull-outs that assisted in physically impossible to pull, long distance driveways or underground garages at additional costs.

Mr. Muir showed a back example of San Antonio Road's Marriot Hotel with a three-point turn around easy access for service vehicles due to lack of traffic and pedestrians. They had found challenges in some new projects on enclosures that were accessed, and they had worked with architects to add extra space for staged areas on sites that allowed Green Waste drivers access without the additional costs; collectors would bring the bins to a permanent refuse enclosure, and some residential areas bins were picked up daily, which had complaints, so staged bins should be a consideration. The code stated there could not

be a refuse enclosure in the public right-of-way, but staged containers were allowed; things taken into consideration were traffic, bicycle lanes and pedestrian interactions.

Boardmember Hirsch asked what would happen if there were a parking space and it was in use.

Mr. Muir answered it would be added to the code either no parking during certain collection hours or have a red curb installation requested.

Planner Raybould commented that signage was used for restricting hours and required the applicant to pay for a building permit.

Boardmember Adcock inquired if it were the owners and staff who printed out the staging area, and if the restrictions defined a specific time the bins were allowed to be out.

Mr. Muir responded that per municipal code the bins were allowed to be out twenty-four hours before and twenty-four hours after service collection took place; a consideration included was sidewalk and public right-of-way reductions, which created storage space for bins along the sidewalk during service hours. The multi-family project on San Antonio Road in a no parking, high traffic area, created a space along the street that allowed trucks to pull-off, bring bins to the street, service them, and then return to their space.

Planner Raybould commented that with the San Antonio project, they foresaw many parking spaces being removed and being replaced with bike lanes, as well as an issue with a twenty-four-foot setback from property line requirement; drivers would hit the twenty-five-foot limit before they reached the buildings, so there needed to be some accommodation to that site if applied.

Mr. Muir presented the 3265 Real project that was a narrow plot, which Planner Gerhardt clarified as an example because it was a pending project.

Planner Raybould noted new bicycle lanes had been proposed and would make opportunities in the public right-of-way more difficult to maneuver.

Boardmember Hirsch commented that the narrow areas looked difficult to manage in a truck, and asked how drivers would maneuver in narrow spaces.

Mr. Muir answered it depended on what the project was proposing, ideally, they would drive onto the site to service the enclosures, but if unable to, it was asked to install staged areas within the twenty-five-foot requirement; if found inappropriate or inapplicable, they suggested an access staged area along the street.

Boardmember Hirsch inquired if the responsibility was left to the owners to find the appropriate space, or if it needed to be removed.

Mr. Muir replied yes, as well as other departments that helped collaborate on the competing issues that needed consideration.

Senior Planner Raybould commented that on residential townhome style projects it could be complicated when it referred to as enclosures and lobbies for there had been concern about them being set on the street frontage.

Operational Manager Mosey Hill noted that certain residential properties had collection pick-ups in the alleyways off certain streets.

Vice Chair Rosenberg asked if the City had a mandate that regarded alleyways being implemented on project backside streets, such as specific passageways for service drivers that allowed access to enclosures, and if there was a way to pre-plan it being integrated.

Planner Gerhardt stated that a concept plan needed to be developed; currently the CAL POLY students were working on the San Antonio area, and once finished, Staff would provide a formal concept plan based on the findings; if the concept plan were implemented into the original plans, it would become part of a new project.

Planner Raybould commented that they could not plan to have an enclosure area put into the concept plan until a developer built next door or the street would have a dead end.

Vice Chair Rosenberg responded that Palo Alto could build back-alley streets in the area, and each individual could buy into the portion of the structure, and develop the property in accordance with the concept plan; in particular, this suggestion could be invaluable to the San Antonio project due to the high level of cars, parking and pedestrian interactions on the frontage of the streets.

Mr. Muir showed a green block on San Antonio Street with the allowed twenty-five-foot space for service trucks to pull off with a sidewalk reduction.

Boardmember Hirsch inquired if the twenty-five-feet was the regulation for the area.

Mr. Muir answered there were no additional fees if greater than twenty-five feet, if it were to go over, a fee would be applied.

Chair Baltay asked if the red box was just a concrete slab, or if it depicted the enclosure.

Planner Raybould stated she believed it was a slab.

Chair Baltay questioned how long the bins were allowed to be set on the property.

Mr. Muir stated that if the bins were on their property, they could be kept as long as they wanted.

Planner Raybould mentioned there were no requirements, but a condition of approval could be added to the project.

[Crosstalk]

Chair Baltay inquired how long it took drivers to collect the bins, if the pullout area was the drive area, and if the trucks blocked the drive lanes; he gave an example of a San Antonio hotel project that had a similar issue.

Mr. Muir responded that with this design it would not if there were a hotel pull-in or circle driveway it could.

[Crosstalk]

Mr. Muir noted that there were considerations for three trucks that would service the same area, such as recycling, garbage, and compost.

Chair Baltay asked if a building like the current project had recycling and compost daily.

Mr. Muir answered it depended on the service needs of the property development.

[Crosstalk]

Mr. Muir stated that what the capacity size of the bins, it could be possible for pick-ups to occur three to five times a week.

Chair Baltay inquired how long it would take to pull the truck up, bring the bin to service and then continue.

Mr. Muir replied that it would range from five to ten minutes if within the twenty-five-foot distance; if there were multiple bins it would take a little longer.

Boardmember Hirsch questioned if the trucks were scheduled to pass each other without interference.

Mr. Muir responded that the trucks had different routes and schedules they followed.

General Manager Eric Cissna commented that an overlap could happen, but they had ways to communicate between the trucks.

Vice Chair Rosenberg stated that she was concerned about the trucks, and if they got stuck on the egress and ingress blocking traffic and being a hazard.

General Manager Eric Cissna responded that it was a concern, but the Fleet was at an adequate age to manage most situations.

Chair Baltay asked when the last time a truck had broken down and could not be moved.

General Manager Eric Cissna replied one had within the last week.

[Crosstalk]

Boardmember Adcock stated that it would not do well to block driveways longer than two minutes due to residents that had emergencies and needed to leave.

Mr. Muir commented that this project was considered mixed used, so there was commercial as well as residential on the property; they were required to have separate cart and bin waste receptacles.

Vice Chair Rosenberg questioned if a requirement were to have them separated, and why.

Mr. Muir answered that they have separate waste streams due to commercial properties having a different waste stream and rate on service; multi-family residences were considered commercial rates.

Boardmember Hirsch inquired if the trucks entered from a street level to a basement.

Mr. Muir responded that they did not.

Boardmember Hirsch asked if the residents were required to bring the bins to the street.

Mr. Muir replied yes.

[Crosstalk]

General Manager Eric Cissna stated that some customers avoided extra fees by bringing the bins to the street; others will opt to pay a higher fee for a smaller stinger truck that would pick up bins from garages and bring to the street for the larger trucks to collect.

[Crosstalk]

Mr. Muir noted that it still required some staged areas for the vents to be set up for service.

[Crosstalk]

Ms. Paula Borges with ZeroWaste stated that the height needed for the truck to pick up the bins was too high to collect from the underground or basement areas.

Boardmember Hirsch wondered if the trucks that entered the garages were smaller, and if they considered regular vehicles.

General Manager Eric Cissna answered it was a pick-up truck with forks attached to the back that allowed access to the bins.

[Crosstalk]

Mr. Muir mentioned that a few projects purchased ATV's or electric dollies instead of pick-up trucks.

Planner Raybould noted that depending on the use of the project some developers would see the cost as too high, and what is available to them needed to be considered when decisions were made.

Chair Baltay asked what the cost would be if a bin were farther than the distance of twenty-five feet.

General Manager Eric Cissna responded there was a table on the rate sheet with pricing, but it depended on frequency of pick-up; for once a week it would be two hundred dollars per month and would double if twice a week.

Chair Baltay clarified that a bin referred to a large container, not a singular small bin.

Mr. Muir answered that was correct, it would be a large metal dumpster; the smaller bins only cost fifty dollars a month.

Chair Baltay inquired how much it would cost for a seventy-five-unit building.

Mr. Muir replied they would be serviced four to eight times to accommodate all three waste strings.

Chair Baltay stated that it would equal 1,000 dollars per month.

Planner Gerhardt clarified that it was charged per bin.

General Manager Eric Cissna noted that is why some residents opted out of the extra service fee, was due to some apartment complexes having on-site maintenance employees that oversaw the job.

Chair Baltay mentioned that the pricing seemed reasonable for the services provided, and if pushed on to affordable housing it would be effective.

General Manager Eric Cissna added the volume of waste generated and the frequency and container size would determine pricing, but the rate schedule was a place to start and utilize for an applicable equation on costs.

Board member Hirsch asked when a schematic or early drawing of the proposal was presented before ARB, was a study done on how the project would be constructed included.

Mr. Muir answered that when constructing notes on the plan reviews the refuse service included showing the number of containers, the size of the bins and the frequency of pick-up; with all the information collected, they can determine the rates.

Chair Baltay clarified they were wanting to know at what point the processes started discussions.

Planner Raybould stated that if they had not carefully planned and were not meeting the requirements within the first step, they would provide all the information; if there were a preliminary review, they would provide the information before the formal application was submitted.

Chair Baltay commented that if it were a formal application to the ARB, then they would have had everything considered.

Planner Raybould responded they should have had it done already, but it was not always the case.

[Crosstalk]

Mr. Muir replied that the first step was to coordinate with Green Waste to determine services needed and then would provide the information, which was how they designed the collection management system.

Mr. Mosley stated that some complexes that were larger capacity units have started to look at compaction units; this would be a heavier collection load and a higher cost factor for disposal.

Vice Chair Rosenberg mentioned when the cost was divided between each unit in a 300-unit complex, the total would be five dollars and thirty-three cents per unit, and when comments made on how expensive service rates would be, they needed to keep in mind the individual costs.

[Crosstalk]

Planner Gerhardt inquired if the cost calculations would be something they added to their comments.

Mr. Muir answered the recommended long-term Waste Management plan would require projects to have filled out information that included the refuse service and cost analysis of the services provided that helped the overall project.

Chair Baltay stated that ARB was concerned about the look from the street and how it all functioned, and asked what could be done to not have refuse bins stored along the frontage of the street.

Mr. Muir responded that he had worked with Jodi and found many refuse containers are stored in the underground parking structures and has considered creating a way to bring the bins up to the surface.

[Crosstalk]

Chair Baltay questioned whether it would be feasible to have security cameras or safety features added to the trucks that assisted entering and exiting the properties when servicing bins.

Mr. Muir replied that the trucks now had reversal cameras installed, but like newer vehicles, they still had to be cautious.

Chair Baltay asked how long it took for drivers to be comfortable with blind reversing into a site.

General Manager Eric Cissna answered they avoided backing into sites at all costs; it was one of the most dangerous things to do for both the truck drivers, pedestrians, and fellow drivers. They had alternative options for drivers such as driving into the property with a three-way drive forward out of, or a turnaround or key turn used on site.

Chair Baltay stated that the ARB was concerned about the bins stored on the street frontage of buildings. He gave a solution example of crash elevators that pulled out along the street and then the bin would be wheeled to the twenty-five-foot distance, and then inquired how to get the truck on site without a turnover requirement.

General Manager Eric Cissna responded they had talked about shared centralized enclosure area but found similar issues as if there were to put it in the back alley.

Mr. Muir added that it would be an issue with who owned and controlled the land space.

Ms. Borges commented that some easement in the requirements should be exercised.

Planner Gerhardt mentioned that a shared driveway on a property line could have a three-point-turn at the end, but to ensure it could happen, both property owners needed to be coordinated.

Chair Baltay responded that they were there to find a solution that would correlate between ARB and the public that regarded their concerns and standards; as fire trucks made it possible to navigate onto the sites.

General Manager Eric Cissna stated that fire trucks had the bright red hazard lights that flashed that made them easier to see.

[Crosstalk]

Vice Chair Rosenberg inquired if they were not available due to the bright lights that flashed causing light nuisance to the area.

General Manager Eric Cissna said that the reversing sound was a noise concern as well; when reversing to service a mixed-use complex they had issues with awakening the residents.

Planner Gerhardt asked what other cities such as San Francisco did to meet requirements and navigate the issues.

Mr. Muir answered that he had spoken with five cities in the area and found that in the smaller cities, requirements were easier to be met due to the extra lot spaces, in larger more built out areas, it was harder to achieve due to limited space and larger complex structures that produced more waste.

Chair Baltay questioned if they had learned any added information from the cities Mr. Muir had inquired about.

Mr. Muir replied he had acquired guidelines and standards used, but they were similar in what was included. He said plans were based on individual projects due to differential properties of the sites.

General Manager Eric Cissna noted that although companies and municipalities use different guidelines, as collection companies, they were all placed in the same category.

Boardmember Adcock recommended the city had a way that showed future potential zoned areas for housing and roads, and inquired how it could be possible.

Planner Gerhardt responded that the answered questions should already be included in the Concept Plan to an extent, which would allow time for thought on added service roads. She inquired when it was required to install compactors.

General Manager Eric Cissna answered that it was up to the customer, but if it were a multi-story complex, they would need to accommodate the residents and contemplate getting one installed; he was currently working on a project that had proposed installing one.

Planner Gerhardt asked how the compactor was cleaned and unloaded.

General Manager Eric Cissna replied that on-site staff or customers needed to have the front-low compactor in position that allowed the front-loader truck to access it.

Ms. Borges added that the access and safety issues were the same, except that pick-up was serviced once a week compared to five.

Chair Baltay closed the discussion.

[Crosstalk]

The ARB took a five-minute break and returned with all Board members present.

2. Training from City Attorney's Office: Disclosures, Financial Conflict Reporting, and Recusal Requirements

Chair Baltay introduced the item and requested Mr. Yang's presentation.

City Attorney Albert Yang started his presentation with financial conflicts of interest, which are governed by the Political Reform Act that is a state law stating a public official cannot attempt to use their official position to influence a governmental decision that they had financial interest; the Fair Political Practices

Commission (FPPC) had detailed regulations that defined what a financial interest was and what was considered an influence. Key questions looked at were the impact of a governmental decision on official interests, was the material impact substantial enough to matter, and exceptions that were considered. Types of interests that were looked at are ownership or an investment of 2,000 dollars or more in real estate, the rules for leases that were permissive of participation, business entities such as employers or owners that had invested in the business, if the source of income from the business was paid to the individual, and a catch all provision on personal finances that do not fall within these categories; there are separate rules for gifts. Staff can check on the real estate proximity easier when new projects come before the Board when addresses were supplied; state regulations were set up where impacts were presumed to be material if within 500 foot of a project and not considered as such if more than 1,000 foot, and if within the 500 to 1,000 foot it was considered as a case by case multi-factor test. A business was considered material if explicitly involved with an applicant or on behalf of the applicant. Small shareholders in a business were not required to have a recuse but could be impacted by an area being rezoned or a tenant of the property that came before the Board; that would be when the monetary impact was looked at. Thresholds that were considered are whether the business had a gross revenue of five percent, if the business owned real estate that would be subject to the decision if qualified. The source of income looked at covered many incomes the governmental official may receive; the source of income could be a reason for recusal if a party to the applicant were an individual, nonprofit, or business. An individual was looked at for the impact of finances of 1,000 dollars or more and if they had more property or business interests. If the source were a non-profit, it looked to find if there were financial benefits or losses that exceeded a million dollars in gross revenue and whether they owned real property that impacted the decision. If it were a business, they referred to the rules that applied to business interests. The rules on gifts were if the applicant or someone impacted by the governmental decision were given gifts, it would be like the source of income rules. The catch all the personal finances do not have a threshold, but asked if there was a measurable financial benefit or loss. Outside of the Political Reform Act and the FPPC regulations, there was also a government code 1090 which prohibits self-dealing when contracts were made with strict and severe penalties. A common law doctrine stated that a governmental official can not participate in a decision if divided loyalty; it could result in interpersonal relationships with the applicant or someone in opposition of the project and could be based on memberships of other Boards with conflicted responsibilities. Mr. Yang paused to inquire if any members of Staff had questions.

Chair Baltay asked if he were to take a small job from Stanford University would he need to recuse himself from any projects that involved the University.

Mr. Yang replied it depended on the involvement with Stanford; if property were owned by them or where an applicant than yes Chair Baltay would need to recuse himself due to the source of income was a party to the decision.

Chair Baltay requested clarity if the value of the property or the amount of work done had to be over a million dollars.

Mr. Yang responded if the source was a nonprofit and received financial benefits or losses, such as Stanford with a large budgetary impact, then he needed to recuse himself.

Chair Baltay commented that if it were classrooms with a budget of 100,000 dollars the benefit would be less than the million.

Mr. Yang stated that the monetary threshold was one rule, but a separate rule if real property were owned that would be impacted; if it did, it would not matter what the monetary threshold was, it would also be a reason to recuse.

Chair Baltay inquired if it had any impact whatsoever.

Mr. Yang answered the multifactor test that was involved with the real estate interests and would be any meaningful impact.

Boardmember Adcock noted that Stanford owned many properties around Palo Alto that were leased to other entities, and asked if a developer that a lease on Stanford property had would she need to recuse herself.

Mr. Yang responded that the developer was not a client so they would not be a source of personal income; the tenant was the client and the source of income, then asked if that were correct.

Boardmember Adcock stated yes.

Mr. Yang commented in that case, there would be no financial interest in the developer, so no recuse needed on the project.

Chair Baltay asked if the developer benefitted from the tenant.

Mr. Yang replied that if they used Stanford as the client, which would be considered the source of income so that would be an interest and qualified as a source of income; the example Chair Adcock had given there were no incomes or fiscal interests received from the developer.

Boardmember Adcock stated that if she were to receive income from the tenant who made improvements to the property, it would be considered financial interests as the developer was considered her client, which would be similar to the Stanford example; as such she needed to recuse herself from any property involved with that developer.

Mr. Yang responded that was correct.

Boardmember Adcock mentioned that would make many projects and architects ineligible to be brought in front of the Board, due to many large entities who owned property around Palo Alto.

Mr. Yang commented that if it were an architect who worked or received income from a developer, then their decisions should not be made on that property; the rules placed were to insure it had no influence on the decisions made.

Chair Baltay inquired if the Objective Standards the Board was working on with Planning and Development and City Council on zoning would affect landowners.

Mr. Yang answered there was an exception in the various conflicts rule called the public exception; it applied when a decision with twenty to twenty-five percent of the definable subset of the population.

Planner Gerhardt mentioned that it was usually citywide rules and policies; if it were a project that involved the entire neighborhood, then the financial aspect did not come into play.

Boardmember Adcock asked if considered the same financial interest if a design build with a certain contractor and different architect submitted a project to the City.

Mr. Yang replied it depended whether they had received income from the design team and if a source of personal income.

Boardmember Adcock gave an example that if she were a consultant with a design team contractor who had financial interest in many projects around the City would that qualify her to recuse herself from any projects that involved the contractor.

Mr. Yang responded that it would be a financial income, but they did not own the real property impacted, so when the threshold that referred to businesses was applied, it would be the million dollars or five percent of gross revenue of the contractor.

Chair Baltay inquired if it were the million-dollar gross revenue or million-dollar financial benefit.

Mr. Yang clarified that it was governmental decisions on the million-dollar impact of gross revenue.

Boardmember Adcock started to say that if it were a decision on placements of trash enclosures [interrupted]

Planner Gerhardt interjected that the decision would be whether the seventy-five units were built.

Chair Baltay noted that a seventy-five-unit project would be a thirty-million-dollar job with the contractor gaining half a million dollars in profit, and asked if that applied to the projects due to gross revenue or if the benefits were higher.

Boardmember Adcock inquired if he was referring to the thirty-million-dollar project or the profit made.

Chair Baltay commented that if the profit were less than a million dollars that would be a financial benefit.

Mr. Yang replied that the rule stated gross revenue, so that would be considered.

Chair Baltay asked how that amount outcome would be determined.

Mr. Yang indicated that if expected to come close to the outcome amount with the information previously provided in planning.

Chair Baltay stated that developers do not usually share the financial models beforehand, even architects, and it was reasonable to know the defense used against the Board's decisions.

Mr. Yang responded that if the projected cost were the thirty-million-dollars, and they knew who the contractor was, with their expertise it would be possible for the profit to be determined.

Boardmember Adcock inquired how they would find the total value of the project if a contractor or subcontractor team had not relayed the information, and what portion of the schedule of values applied.

Mr. Yang answered that could be used as a defense if they were not able to attain the information, but if the orders of magnitude were greater than the thresholds, it would not have influence. If there were issues or conflicts, they had concerns over, they could call the office or FPPC for advice.

Boardmember Adcock referred to a previous project that was on property that Stanford had owned, and asked if the million dollars were per year they made income, or if a time limit had been placed.

Mr. Yang commented that the million-dollar threshold was just one measure, and a separate included land property ownership. The rules applied to not just development projects, but to all governmental decisions.

Chair Baltay recollected during a training session that may have stated they were not allowed to do business or earn an income within the district they served, except for architects, and inquired if this would be applied to this issue.

Mr. Yang replied that the exception for architects was that they had no influence over decisions that were considered monetary interests. If they were an architect on the project, the exception allowed them to go to the City Council and speak on behalf of the applicant.

Chair Baltay stated that when he had to recuse himself from projects previously, he had Staff represent the project in his place.

[Crosstalk]

Planner Gerhardt commented that was what they had done, but it had seemed different than what Mr. Yang had described.

Chair Baltay clarified it had sounded like they allowed the applicant to present the defense of a project before the Board, even while serving.

Mr. Yang apologized and said it only applied to proprietors, so if they were a last option they would be applicable.

Planner Gerhardt mentioned a previous Board member had stepped down due to being a sole proprietor who felt like he could not speak on behalf of the projects in question, and added unsure if it were from a legal or perceptual standpoint.

Planner Raybould said it were a question as to whether he had to use Staff as representation or if he could have represented himself, and as Mr. Yang had described it, as sole proprietor, he would have been allowed to represent himself if no other options available.

Mr. Yang noted the rule was placed so personal relationships with fellow Board members would not impact or influence decisions on a project.

Chair Baltay stated that when confronted with this issue, he would assign Staff as representatives for meetings, as well as discussions on the project when he had the availability.

Boardmember Adcock inquired if it were for any conversation that concerned the project or if just during ARB presentations.

Chair Baltay referred to projects that had gone in front of the ARB Board.

Boardmember Adcock mentioned that she felt a conversation with Planner Gerhardt or Planner Raybould was allowed.

Chair Baltay asked Mr. Yang for a comment on the statement.

Mr. Yang responded he disagreed with Chair Baltay, as the meetings were potential attempts to influence the governmental decision of the project.

Planner Gerhardt noted that when a single-family home was discussed on a project, it was considered an influence on the decision of the person in question.

[Crosstalk]

Planner Raybould commented that they were currently involved with similar scenario on a project and would be good for Staff to understand the difference in perspectives.

Boardmember Adcock stated that the following Monday she had planned to meet to discuss a project with a friend, and it was good to better understand and clarify if she needed to send a Staff member in her place.

Mr. Yang replied that it would come down to whether they were trying to influence a decision, but if only questions or gathering information he did not see that as an attempted influence; but if rhetorical questions he brought up, it would change the perspective.

Chair Baltay commented they gave objective decisions, and they were not trying to influence decisions.

Planner Gerhardt responded that Staff need to understand as well when to continue a conversation or change the subject matter.

Planner Raybould stated that it depended on the stage of development as well, as some information was pertinent to be included when decisions were made.

Chair Baltay asked if a colleague or someone with a personal relationship were to appear before ARB with a presentation, was a recuse needed.

Mr. Yang answered in the common law doctrine, there were no set rule, but more of a personal decision to be made.

[Crosstalk]

Vice Chair Rosenberg stated that as professionals they knew the limits and responsibility expected, and what reasonable decisions were made; if unsure of an issue they knew who to contact.

[Crosstalk]

Planner Raybould mentioned the rules were placed as a guidance principle based on the regulations, and she felt they were not too concerned about the Board trying to persuade projects; the only issue she could see being a risk would be an outside source having a complaint.

Vice Chair Rosenberg noted that if she were to have had a conversation with a reoccurring architect and someone happened to overhear that would borderline going against regulations.

[Crosstalk]

Boardmember Adcock added that it felt the stipulations made them feel too overly cautious as they deal with many architects in Palo Alto who they have closer personal connections with, and when they had a conversation about a project, was that considered a conflict of interest.

Planner Gerhardt answered that it would be determined as a discloser item as they had a conversation about the project.

Planner Raybould responded they needed to refer to the guidance areas on whether the discussion was unbiased on the topic or not and they as an individual needed to make the choice if an appropriate conversation.

Boardmember Hirsch stated that the disclosures should be less complex, and it should be described on what a relationship with the project in question.

Planner Gerhardt noted that any conversations outside of what the fellow Board members already had known about, needed disclosed on what extra information was given.

Boardmember Adcock commented that it should be both project specific and architect or owner specific as well and gave an example of a project she had known about due to her relationship with the architects involved.

Mr. Yang added that they presumed that public officials were making decisions with the public's best interest as a guide, and it was rare for interpersonal relationships to interfere with interests in the project.

Chair Baltay said that with Mr. Yang being a city representative, he would give ARB advice and protect the public's opinion; they needed to keep in mind what Mr. Yang had told them about making decisions on when to recuse themselves from a project.

Planner Gerhardt stated that if Mr. Yang had suggested to recuse and you did not, the public would see it had been disclosed and would call into question the project itself and had a possibility of the process being restarted.

Mr. Yang mentioned that his office provided the advice to prevent the individuals from conflict of interests and any consequences faced; primarily ensured that the city protected decision making and did not come under suspicion. The second process they had mentioned was due processes were the reason for disclosures and they could be related to conflicts; primary reason for this due process was to ensure the applicant had a fair hearing, and with the disclosures done at the beginning, it helped the applicant and public get the same information that was accessible. Disclosures included meetings that had taken place and site visits that could have had an influence on their interests.

Planner Raybould noted that when they were told of site visits and additional information had been learned from the site that had not been in the Staff report, it should be disclosed to the proper officials.

Chair Baltay inquired if they visited a site, would they need to disclose anything not in public records.

Planner Raybould answered yes, they did.

Chair Baltay asked Mr. Yang how important it was to disclose whether they had learned anything from the site.

Mr. Yang answered if all that had been disclosed was the site visit, the presumption would be nothing had been learned, but had later found that information had been shared it would be said that was pertinent to report. It could be difficult to differentiate the relevance of what you had seen at the site, but if there was something that had stood out to them, it was expected to be disclosed.

Chair Baltay questioned if the goal was to release the information at the beginning of the discussion, so the public had equal access to the information.

Mr. Yang said that was correct.

Planner Gerhardt added that it included fellow Board members as well.

Mr. Yang ended his presentation.

Chair Baltay stated that since he had been on the Board, the started disclosures did not have to do with legal disclosure requirements, but one Chair wanted all members to go to the sites and one had wanted to hold each individual accountable for what they chose to do.

[Crosstalk]

3. Discussion of Ad Hoc Committee Process

Chair Baltay introduced the item and stated that as the process for ad hoc committees had evolved, he wanted to discuss where they were currently with the regulations and get Board feedback on whether they were going the right direction. He mentioned that Boardmember Hirsch had brought to the attention the lack of input or involvement in the early process of projects; by the time an application was submitted, the planning decisions were already hardened in. With the resistance from applicants there needed to be a way to help earlier in the process, which was a challenge due to the Board being unable to review something that had not been applied for yet; the Brown Act requirements also had limits on the structuring of buildings. The ad hoc committees were assigned at the discretion of the Chair. The first specific minor issue brought to attention was issues related to approvals. Two things he stressed of importance were the job of the committee that enforced the will of the Board, and if needed they would refer back to the Board members if unsure on a conflict; the second issue was the meeting minutes needed to publicly notice what the ad hoc committee did as part of the approval process and should be added. He stated that when reviewing minutes, they needed to be vigilant in the details of the regular meetings.

Planner Raybould responded that they had written up a summary of what was printed into the building permits on the project but had not added what the ad hoc committee contributed to in the meeting minutes.

Planner Gerhardt mentioned that in the years past ARB made the recommendation, Staff would have a tentative approval letter with a condition included, and when an ad hoc meeting was held staff would attach a memo including a record of minutes that were tied to the ARB minutes of the hearing. With the recent limited number of hearings, a housing project was allowed to have, Staff no longer made the tentative approval letter and waited until after the ad hoc committee happened.

Chair Baltay inquired if the committee's decision was part of the final approval letter.

Planner Gerhardt responded that was correct.

Chair Baltay questioned if the public needed to know how to access the information.

Planner Raybould replied that it was not stated in the letter.

[Crosstalk]

Planner Gerhardt added when the plans were considered in the final project, but they would consider having the memo added.

Boardmember Hirsch stated it had not been mentioned what happened at preliminary hearings, and if a project was to come in early.

Planner Raybould clarified they would be having a more detailed conversation later regarding preliminary hearings.

[Crosstalk]

Chair Baltay commented that there were specific projects that ARB tacked onto unrelated individual projects, such as the townhome committee, and were asked to assign an ad hoc committee that proposed additional objective design standards; with two members assigned, it aided in not being subjected to Brown Act requirements. That part is very straightforward.

Boardmember Chen [Vice-Chair Chen] added that the ad hoc committee could not decide on certain items until brought back before the Board.

Chair Baltay responded that the main objective of an ad hoc was to bring detailed information in front of the Board before any decisions were made.

Vice Chair Rosenberg gave an example of the Restoration Hardware project where a post ad hoc committee had been assigned for review afterwards for minor adjustments; with the project having major adjustments, the two members of the ad hoc ended up bringing back the decision to the Board.

Planner Raybould replied that was appropriate, but ad hoc committees were assigned to specific projects and approvals; it was not intended to approve recent changes, but if minor changes were added while being reviewed, they would highlight the context how it was relevant.

Vice Chair Rosenberg gave an example such as if they had proposed changes to choose different windows to match railings.

Planner Raybould said that was correct, but if other changes were outside the scope of what assigned, the ad hoc was not to approve them.

Boardmember Chen inquired if the ad hoc contacted Staff, or would they officially announce the decisions.

[Crosstalk]

Planner Raybould stated that it would be published in the Staff report, as it was not usually added as part of the agenda. If they looked at recent town home or parklet assignments, it needed to be taken into consideration how they wanted the projects ran and to what degree ARB was involved; as current planning Staff were not the ones who worked on the projects, the ad hoc committees assisted in moving project forward and gave guidance. It was up to ARB on how it progressed, but it was important to know discussions had and feedback obtained was disclosed as part of formal recommendations. She asked Chair Baltay if ARB felt the current planning Staff needed to be at all the meetings.

Planner Gerhardt commented that if were a project such as the townhouse ad hoc, that they would not have the time.

Planner Raybould added that the townhouses differed from the parklets, and other city Staff were involved, so it was unnecessary to attend the meetings.

Boardmember Adcock inquired if projects that had come before the Board for more than one hearing, was the idea that the ad hoc committee was formed after the first hearing.

Planner Gerhardt referred to Chair Baltay having four types of ad hoc committees and asked him to continue his explanation.

Chair Baltay stated that the second type was the specific planning projects talked about, and the third type was the committee assigned early in the project stages, before formal applications, when the Staff had an idea when it was presented. Within the past three years he had been forming ad hoc committees for certain projects by the Chair's discretion, and had asked the ad hoc to review what was available for the project and have reported back to the Board any information of interest, due to not being allowed to have opinion statements about the project; the goal was to give feedback to applicants that allowed them to look at site planning for the project, and as ARB was considered individuals, they provided feedback to Staff that interacted with the applicants.

Vice Chair Rosenberg commented that the goal was when they received a planning project, they could easily look to see what was missed within the plans, and when reviewed it would be a complete set that alleviated the waste of Board and hearing times. If the project was not reviewed due to lack of information, they needed to be careful about being judgmental when they made decisions.

Boardmember Adcock inquired about the timeline in which they had to submit the application to the city before added to the agenda.

Planner Gerhardt responded that there were two versions, the first list was items that were formally on file that were brought before the ARB, second were the SP 330 and pre-screenings that Staff had seen but had not formed a formal plan yet.

Planner Raybould added that the Senate Bill 330 pre-applications required applicants to provide only the elevations and site plans, which limited the information given beforehand. If a large project were to arise, they needed to look at the highlighted items Staff recommended. She gave an example of a new curb cut proposed on El Camino that CALTRANS had not approved and stated that they needed to redesign at that moment.

Boardmember Adcock inquired when a project like the SB 330 came before Staff as a formal pre-application, did they give a response to the applicant, or did Staff take it as a warning of what was to come.

Planner Raybould responded that it would be reviewed against the seventeen-point checklist and state code, and if requirements were not met within the thirty-day time period, and if they gave no response, it would be presumed complete and would have six months to provide a formal application.

Planner Gerhardt commented that it was a given hold period within the letter to find issues and let them know ahead of time what needed to be added or changed.

Boardmember Adcock mentioned that the first thirty days were when ARB looked at the feedback included in the complete or incomplete letters.

Planner Gerhardt stated that if issues had been found earlier it was easier to address and fix within the time.

Boardmember Hirsch asked if the SB 330s applications were allowed to be advanced, and if Council saw [interrupted]

Planner Raybould responded that Council did not see the SB 330 projects.

Planner Gerhardt explained that the SB 330 projects had slim plan set that had a form required to fill out that gave the six-month frozen period; it did not include sections and details that were pertinent, but larger issues could be seen when reviewed.

Boardmember Adcock clarified that there was not much to assess and get information to pull from.

Planner Raybould agreed.

Vice Chair Rosenberg noted she heard that it gave the opportunity to allocate the bigger issues within the plans.

Boardmember Hirsch indicated that they would not be able to see issues such as garbage with the minute information.

Vice Chair Rosenberg commented that they should due to having the site plan included.

Planner Raybould added that the floor plans were not always provided for information on the certain room areas.

Chair Baltay stated that the objective when started was that within the six month period they were not having site plans formed it allowed the ARB a chance to give input on the field designs as they progressed

with their site plans; the ad hoc committee was what gave insight to ARB's preferences when going before City officials, and allowed early projects to be applicant friendly.

Planner Gerhardt noted that they should not prejudge a project before it was completed and formed.

Chair Baltay responded that there had been frustrations and statements within projects well formed, but site plans would be an improvement.

Boardmember Hirsch stated that if reviewed at an early stage, the ad hoc committee would be precise when opinions and comments were made instead of just disagreeing or being concerned about an issue.

Planner Gerhardt commented that ARB would inquire when unsure of code sections or details, and that would lead discussions geared towards the issues.

Planner Raybould mentioned that it should be less about what was discussed, and instead informing the developers of the objective standards related to privacy and issues within the design, and then having them present how the project would meet the standards.

Boardmember Adcock asked if in terms of the processes if it were deemed complete and within the six-month period, would the ad hoc committee still give advice when the applicant inquired, or would the ARB be responsible for contacting the applicant.

Planner Raybould replied it was difficult to determine the interaction between the two parties; the ARB looked over the plans and made a public report in a hearing setting without discussions relayed between the two.

Vice Chair Rosenberg commented that ARB tried to stay non-judgmental and only was ensuring that the information needed included for the project to move forward.

Boardmember Adcock stated that the elevations that came with the seventeen-point checklist only gave little information.

Planner Gerhardt clarified that there were two early lists, the formal projects and the pre-screening SB 330 projects that had limited information but were early enough in the stage to have issues addressed. The formal projects had a full plan set that allowed additions when in the review process.

Planner Raybould said the difficulty as they moved forward was the projects under Builders Remedy, which have not had formal applications filed yet but had potential to.

Planner Gerhardt noted there were seven Builders Remedy projects with pre-applications on file currently.

Planner Raybould added that the concept of Builders Remedy was to have the option not to comply with the requirements.

Planner Gerhardt mentioned that the Council, attorneys, and management were doing their best to address issues that helped progress projects, such as building new zone areas for Builder Remedy projects.

Chair Baltay stated that an ad hoc committee on a project was publicly noticed and if the applicant wanted to interact with the ARB on questions, it would fall upon the ad hoc committee to give advice. He said that

frequently applicants would contact him for advice, which led him to believe it would be better to have a formal process that allowed two Board appointed members to speak with the applicant on what should be formatted before going back to the Board that allowed a forum to reach the public domain.

Boardmember Adcock questioned if a project were to come before the Board that had been deemed completed within the six-month period with information that included the plans and elevations, and if at the following ARB meeting it would be brought forward as a non-agenda item to be discussed.

Planner Raybould commented that if that were to happen, they had to report it.

Chair Baltay mentioned that the Chair would then ask the committee to report what was disclosed during the meeting.

Boardmember Adcock inquired if that was published in the previous week's meeting.

Planner Raybould answered no, that was considered items under Board member information if an issue needed reported [interrupted]

Chair Baltay said that what he wanted for the ad hoc committee was if the applicant had a meeting with Staff, the ad hoc would be present when the project was discussed; what he would like to have happen was committee members found time and Staff would coordinate with that.

Planner Raybould commented that it had potential to being helpful but could also be hindered depending on the number of ad hoc committees they participated in, and the Staff's interaction with the meetings.

Planner Gerhardt responded that was why the city had an ARB preliminary process that was not utilized.

Planner Raybould clarified that it was the applicants who were not utilizing the preliminary processes.

Vice Chair Rosenberg noted that they needed to practice caution in the legal sense as they did not want to give the applicant or public the impression that with the ad hoc committee, they approved to some extent.

Planner Gerhardt added or gave the impression that they had an extra step to give time for decisions.

Vice Chair Rosenberg agreed and stated that the applicant needed clarified that it was not extra time added, but a resource utilized.

Boardmember Adcock mentioned that with the SB 330 projects, they advised on certain compliance items or wavers that needed approval and made it easier at it only came before the Board once. She gave an example if six SB projects came before them, only about half would want to set up a meeting.

Chair Baltay stressed that the ad hoc committee should not proactively involve themselves with the projects; if an applicant did not want the feedback, it would go unwanted.

Boardmember Chen asked if any of the formal projects that had already been through the review process come before the Board.

Planner Raybould asked if Boardmember Chen was referring to the preliminary review process, and if so that it would come in front of the Board.

Boardmember Chen inquired if any new projects with recent ad hoc committees assigned had been before a full Board meeting.

Boardmember Hirsch added it depended on what was considered a preliminary submission.

Vice Chair Rosenberg referred to a project her and Boardmember Hirsch had gone over that did not include enough information, and had since come before the Board [interrupted]

Planner Raybould commented that the 420 Acactia had an ad hoc that included Boardmember Hirsch and Rosenberg.

[Crosstalk]

Boardmember Chen asked if any positive changes had been noticed since the introduction of the ad hoc committees.

Vice Chair Rosenberg responded she had seen productive changes that allowed clarity before brought before the Board; they had instances where advice and feedback had not been received by the applicant, but the ad hoc ensured that the choice was open for them to utilize.

Chair Baltay mentioned that the feedback he had received from architects was the need for more interaction with the ARB earlier than the formal application; the preliminary process costed the applicant substantial amounts with application fees and having the set plans prepared. Clients are less inclined to want to take the time and spend the money to go through the process of getting a preliminary review done and would prefer a less formal setting.

Planner Raybould stated that it was expected of Staff to ensure the opinions of the Board pertained to the project, and more experienced Staff are knowledgeable to the issues unlike newer Planner's who had not gone before the ARB and did not know what to expect from their feedback.

Planner Gerhardt noted that Staff had been complemented on how prepared they had been for the Board and provided pertinent information within a reasonable time.

Chair Baltay commented that the purpose of the discussion was to question how they were to continue forward and if there were substantial changes that needed to be made.

Boardmember Adcock inquired if the idea were for projects that had come before the Board for a preliminary review more than once to have an ad hoc committee assigned, and if not, would feedback need to be given in between the reviews.

Chair Baltay replied that as Chair, he did not differentiate between the types of projects, but rather if it were a significant project that would be benefitted to the city or had an impact on the area; giving the example of a large development that included over 500 partners being a project an ad hoc should be involved in.

Planner Raybould said that Staff had not done a respectable job of presenting the option throughout the process, and if that were the intent, they would start to notify applicants to utilize the resources available should they want to.

Chair Baltay noted that it was still a new process, and they were still adjusting and discussing the issues that needed to be addressed. He referred to an instance that Staff had contacted him to discuss issues on a project, and felt a better way to handle that situation would be to assign an ad hoc committee to follow up on the project after it had been approved that provided the Board with the final build, what had been changed, and if the goals had been met.

Planner Raybould stated she was hesitant to agree to that due to the considerable number of projects that were before her.

[Crosstalk]

Planner Raybould wanted to have a discussion when a project was completed.

[Crosstalk]

Vice Chair Rosenberg mentioned that there was an easier way to address a post approval that needed to be brought before the default ad hoc that included the Chair and Vice Chair [interrupted]

Chair Baltay said anything that Staff had been questioned on, was brought before the Chair, but he suggested having the ad hoc committee that worked on the project answer the questions.

Planner Gerhardt responded that she had hoped the approval and proposal plans were sent as a single unit.

[Crosstalk]

Boardmember Hirsch added that his opinion was the first meeting should not be the client bringing their proposal before the Board, but have a preliminary meeting with a pre-approval stage that the committee deciphered whether the project had major issues to be addressed, and how it should be discussed; he inquired how after the project had been looked at would they share the information.

Chair Baltay clarified Boardmember Hirsch was referring to specific projects that would be included in the early-stage ad hoc meeting.

Planner Gerhardt replied that the early-staged ad hoc committees were adding projects to the list seen at the next hearing, and the Chair would review and assign a committee. The projects included webpages with plan sets they were allowed access to.

Planner Raybould stated that she was behind in sending emails, but she would do her best to give the web page information to the ad hoc committees.

Chair Baltay commented that Staff was great at keeping the ARB informed on projects. Everyone supported the basic assigning of a project and the support of an idea that was dismissed, but the question was do they want to keep the process of an early assigned ad hoc committee.

Boardmember Chen inquired about [low microphone]

Chair Baltay replied that all the members were working on two to three projects, and he did not think [interrupted]

Planner Raybould mentioned that if advertised to the applicant the ARB would have more available access, they would have had more projects come in and have that kept in mind; if a situation were to arise before the Board, and they used Staff as a resource for changes or feedback that needed to be made, they would give the necessary advice but would not be present for every meeting it involved.

Vice Chair Rosenberg noted that the intent was not to be a free design guide for the applicants but a resource, and the ARB should be careful on how they approached their access to the public.

[Crosstalk]

Boardmember Hirsch stated that it would stretch the ARB further than they intended and should focus on the significant issues that needed to be discussed by the Board; it was important to focus on how they worded what item was allowed to be discussed.

Planner Raybould cautioned that on these certain projects the feedback needed to be objective in a sense of a reminder to the applicant there were codes related to this issue, as well as influencing a site due to personal preferences. The role of the ad hoc needed to limit the design of what was proposed to the ARB.

Boardmember Hirsch agreed with her statement.

Boardmember Chen referred to an apartment complex project on El Camino that the Board all agreed had problems with circulation issues they had fixed by reducing the 400-foot distance to two hundred, but it was not in the code language.

Planner Raybould wondered if that had been feedback the ARB could have provided as an ad hoc committee.

Chair Baltay stated that the role of the committee would be to bring the project before the Board as a whole and officially announce the circulation of the building should be considered carefully, and have appropriate comments provided. Without an application in front of the Board, a judgement could not be made on the item, but they would know it was an issue; the applicant was owed the feedback because having latest information added later was difficult.

Vice Chair Rosenberg commented that the Board had the capacity to say what to be aware of in a design plan to the applicant to have an opportunity to decide.

Planner Raybould said that would be where Staff had more leeway when they provided formal comments or discussions with the applicant on the feedback given.

Boardmember Adcock referred to the 200-foot change in distance the ARB had provided that was enforced by Staff or Board, but a suggested change. Unless they had a reason to not approve an application, which resulted in being a judgmental decision [interrupted]

Planner Gerhardt said if the ARB had specific findings, they would disapprove of the application.

Chair Baltay mentioned that opinions should be based on the issues found, and in the case, they had discussed, the end of the review helped to suggest the functionality needed to progress the project. It was difficult for Staff to notice because it was related to the building codes and fire safety that they had not

been well versed in. If there were the two ad hoc committee members sitting in on Staff discussions with the applicant, the public would be more inclined to listen to Staff feedback.

Boardmember Hirsch felt it benefited the planning of the project having the procedure in place having the elaborate details earlier on in the process.

Chair Baltay stated that they had consistent support for the process they had been practicing, and asked the Board if that was a fair statement.

The board acknowledged their agreement.

Chair Baltay inquired if the Chair was the best way to have ad hoc committees assigned.

Boardmember Hirsch replied it was fine how they had done it.

Vice Chair Rosenberg commented that Chair Baltay had been fair in distributing members between the projects and [interrupted]

Chair Baltay said he would not be Chair much longer, and asked if it would be good practice for the Board to address the issue, or would Staff be the better party to appoint the ad hoc members.

Vice Chair Rosenberg answered that the Chair had worked well on assigning the members of the committee.

Boardmember Adcock noted that most times the Board volunteered a proposed project.

[Crosstalk]

Boardmember Adcock inquired if there would be an ad hoc committee assigned to each project, other than minor issues, and if so, then the Chair assignment of volunteers was a minor part of the discussion.

Chair Baltay responded that as of now, the Chair decided which projects needed an ad hoc subcommittee and then appointed them, and asked if that was how it should be run.

Boardmember Adcock thought it was the Chair's decision on which projects benefitted from an ad hoc committee, and ideally those with interest in the project would volunteer.

Planner Gerhardt added that the way Chair Baltay had been announcing the assigned ad hoc committees at public hearings were open to the public.

Chair Baltay stated that the question to Staff was are they complying with how to assign the committee.

Planner Gerhardt responded that she had thought so.

Chair Baltay closed the discussion.

ARB took a thirty-five-minute lunch break and returned with all Board and Staff members present.

4. Discussion of Meeting and Review Process

Chair Baltay introduced the item. He inquired everyone about their feedback on how meetings were run, whether they had taken too long and if they were discussing items thoroughly. At the start of a project, they would have individual disclosures from the Board members that had been previously discussed, and Staff would have a presentation on what was being conversed over; he stated there would typically be questions after the presentation. The applicant would have a presentation as well, and there was going to be a required public comment that followed; if a member of the public spoke, the applicant would be allowed a rebuttal. Once all comments and rebuttals were finished, there would be discussions followed by a motion and action and would end with the minority of people getting the chance to have their votes addressed. When Chair Baltay had first been elected the Chair, he stated the meetings ranged about an hour in length, and felt they had wasted time on issues, but now felt the opposite as the applicant should be allowed to have enough time to review the projects; he wanted the Boards consensus on the matter.

Boardmember Adcock inquired if they could hold questions until after the Staff and applicant presentations so both parties would be allowed to respond.

Chair Baltay responded they were going to ask Staff questions after their presentation, so they related to the Staff's issues; examples such as questions that regarded zoning and policy issues not related to the design. He liked to use questions to lead to ideas on what he wanted to discuss and helped his fellow colleagues understand what he had thought and asked for some input from the Board.

Vice Chair Rosenberg asked if they wanted to let the applicant give the presentation, then hold public comment, and then Board questions, which was different from the usual meeting agenda.

Chair Baltay wanted clarification whether it was questions to or from the applicant.

Vice Chair Rosenberg replied to the applicant, and if there were typically questions directly after the applicant presented.

Chair Baltay answered they did, but they gave the public a chance to speak so the applicant had to read what the public wanted, so he combined both areas together.

Vice Chair Rosenberg inquired if at the end they were having questions for the applicant and then they would have a formal discussion on ARB where the discussion was closed.

Chair Baltay suggested they allowed the public to speak after the Board had asked all their questions to help separate the discussion.

Boardmember Chen stated that it would be better if the public had provided comments before the Board, so they had a better understanding of what the neighborhood thought of the proposal and what their concerns were.

Chair Baltay questioned whether they allowed the public to speak earlier in the process, right after Staff presented, and before the applicant presented their proposal.

[Crosstalk]

Planner Raybould said she would prefer the public speak as soon as possible so they did not have to wait if they were short on time; she referred to Planning Commission meeting from the previous night, and they had stopped public comment as it had started a round of questions that would be answered by the Public Works Division discussion.

Chair Baltay expressed his observation that the more questions asked, the more thoroughly the projects were analyzed; why he was indulgent on having more questions asked.

Vice Chair Rosenberg commented that she had seen meetings that Staff gave a presentation and the Board had no questions that needed approval, it had been a good experience but Palo Alto did not have the level of review for residential; as they worked with larger scaled projects with more directed impact on the City if brought back before the Board for a second hearing, they could be more efficient with time for questions.

Chair Baltay stated that the real question was if they were spending too much time on discussions during meetings.

Boardmember Chen mentioned that the discussions were what the Board spent their time on, and if they limited the explanation of code languages it would allow more time for public comment.

Planner Raybould responded that the time discussed on objective standards was difficult, as Staff had been trying to better understand the Objective Standards that regarded the consensus, how the standards were viewed, what changes needed made on projects, and have clarified what was expected. Staff tried to limit the number of projects added to the agenda due to time constraints; they still had difficulty with agenda management but tried to have projects spread evenly.

Chair Baltay commented that there needed to be better schedule management due to colleagues in the professional community that had complained about slowed processes and meeting scheduling, and the Board could have more than one project at a time.

Planner Raybould asked if it had been recently the complaints were made, as she did not feel Staff had an issue with scheduling.

Planner Gerhardt indicated that the projects had not been scheduled due to not being completed.

[Crosstalk]

Chair Baltay replied that he would rather have the projects compressed as that gave applicants an opportunity to be heard as the time invested was costly.

Planner Raybould noted that in a worst-case scenario they were unable to get to a project, it would be continued to a later date.

Vice Chair Rosenberg felt it would be appropriate if there were a scheduled meeting that had limited speak time focused on the project so it would be efficient to keep a structured agenda; the trade-off would be the quickness of the meeting for depth and quality of feedback.

Chair Baltay questioned whether a hearing could be limited to an hour for each topic, and if it were timed properly.

Vice Chair Rosenberg answered that it depended on the number of public feedback comments; if it were a smaller meeting it would be doable, but larger projects needed the time and attention to review.

Boardmember Hirsch added that on major projects, there should be a double back opportunity towards the end of the meeting that covered any issues between the Board members before they voted.

Vice Chair Rosenberg suggested a two minute per person summary session, to which Boardmember Hirsch agreed.

Chair Baltay stated that he observed other Boards in City Council that made motions early in the process, so they gained control of the review process, and asked if that was something the ARB needed to consider.

Vice Chair Rosenberg voiced that she had liked the way they run the meetings and appreciated the way Chair Baltay had brought up the discussion, as well as his attempted build for consensus; the invaluable aspect of the ARB Board was how they took every one's opinion into account.

Chair Baltay asked Planner Gerhardt for her opinion on the issue.

Planner Gerhardt responded that there had been many changes in the law over the last few years and tried to remind her planners of that as well; and as her being a veteran planner she still had relearned parts of her profession.

[Crosstalk]

Planner Raybould noted that if they had one round of questions it would help to consolidate the time.

Chair Baltay inquired when the best time to hold questions on a project during the meeting would be.

Planner Raybould commented that it should be after the Staff, applicant, and public had given their comments to better understand the discussion.

Boardmember Adcock mentioned that the questions ARB had from reading reports from Staff were changed due to applicants who had added information to their presentations that helped answer questions asked.

Vice Chair Rosenberg said that if presentations overlapped it would be beneficial for time and helped compile questions that gave an open discussion towards the end.

Boardmember Adcock added that the scale and complexity of a project helped determine the length of discussions; larger projects would be difficult to minimize discussions to an hour as they had more involved planning.

Chair Baltay mentioned Planner Raybould wrote down better integration of Boards, commissions, and council. He said the City Council had decided not to appoint a council to the Architectural Review Board, and that he always had private interactions with Council members and found reaching out to them valuable; they would be contacted about the Bird Safety issue that was brought up.

Planner Raybould stated that the Chair was the key in leadership, and how Chair Baltay managed his position was what she had expected.

Chair Baltay indicated that there were no comments made on how interactions with PTC had been informal, and the City Council had wanted to find a separate way of working with Planning and Commission.

Boardmember Hirsch commented that it had been talked about with other Council members but had yet to make plans to work together.

Chair Baltay encouraged the Board to be initiative-taking and to reach out to Council members as it could be rewarding and would have influence in making decisions. He formulated a leadership selection could be held every year and when Chair and Vice-Chair were elected, he felt they should be allowed to be selected only if reappointed by Council; he felt for the betterment of the Board, they needed a leadership that had been reinforced and had the confidence of the Council. He viewed it important to have Council's support and with two members up for reappointment, he made it a point to ensure they appointed the right members for the job. He said he was not reviewing the social events topic and moved to the annual report. The annual report needed the Chair to take the lead role in drafting and reporting what is brought before the Board for review.

Planner Gerhardt stated that the by-laws state the Chair draft's the report.

Chair Baltay responded that ARB by-laws call for the leadership election to be held every June, even though the Council handbook states otherwise.

Planner Raybould answered that elections were held in April.

Planner Gerhardt mentioned that the annual report had to be completed before the Chair's term, which would be March 31st.

Chair Baltay inquired if that was this month.

Planner Raybould confirmed that was correct.

[Crosstalk]

Planner Raybould commented that the annual report looked back on the work that had been done, and the work plan was what would happen throughout the next year.

Vice Chair Rosenberg questioned who would produce a work plan if they did not know what would come through the docket.

Planner Raybould answered that the work plan was broader so in terms of the individual projects, their role was to review the projects; Staff helped provide feedback to be prepared for what was brought before the Board, and what was accomplished throughout the year.

Planner Gerhardt mentioned that the Council's work plan that Staff had done for ARB had been uploaded to the webpage, as well as the by-laws.

Planner Raybould said that they tried to draft together with Council, and then had it brought to the Board for feedback between April and early May. The work plan was returned to the Council by the end of May to be looked over and organized with the Planning Commission.

Vice Chair Rosenberg asked if the work plan was drafted by the Chair, and if it was due by March 31st.

Planner Raybould responded she believed so but was currently trying to get a definitive date. They had a Council session on Monday that decided how they would work out the processes.

Chair Baltay stated that he thought no one should be elected Chair until they had Council appointments.

Planner Raybould responded that she personally agreed with that statement.

Vice Chair Rosenberg noted that it should be decided before the current Chair and Vice-Chair terms ended in March; if they had not done so, they would not be able to participate in meetings or hearings throughout April.

Planner Raybould replied that the way the by-law had been written, they would be allowed to continue to serve until the next appointment.

Chair Baltay said the last question for discussion was how they were to get feedback from applicants as he took public and applicant feedback seriously.

Vice Chair Rosenberg inquired if there was a survey that the presenters could have filled out at the meeting.

Planner Gerhardt stated that one could be made.

Planner Raybould replied that a basic survey with five questions would not be difficult.

Chair Baltay agreed that would be a good decision.

[Crosstalk]

Planner Raybould expressed a concern would be the time for it to be reviewed, reflected, and decided on to find the changes that needed to be made.

Planner Gerhardt noted that it could be added to the annual report.

Chair Baltay referred to the Board and said that when they spoke individually with applicants, they should ask for feedback, as well as their opinion on how the ARB managed the meeting.

Boardmember Adcock inquired if they were asking for feedback on ARB's reviews and approach, not the comments on the project.

Chair Baltay said he wanted to give the applicant the opportunity to let the ARB know their thoughts about the process; he frequently had compliments on how the ARB managed the reviews and processes, but the time had been a complaint.

Boardmember Adcock added it should be accessible and useful, multiple-choice questions or a space for written comments.

Chair Baltay stated that the feedback he had received over the years helped him become a better Board member and helped to shape design development on projects easier.

Planner Raybould inquired if the Board would be interested in having an onsite visit after a project had finished to see the effect of changes made, and what they could have done differently.

Chair Baltay responded that was what the ad hoc committee did once a project was finished.

[Crosstalk]

Planner Raybould said the idea behind the onsite visit when a project had finished was to have new and old Board members see what a difference something added or changed to a project could have on the site. She was concerned that the ad hoc committees were harder to track year to year, and work was added to Staff by having to research who the members on the ad hoc were for projects.

Vice Chair Rosenberg commented that if Staff had items listed with information on completed dates and what stage the project was in, it gave opportunity to provide needed feedback on the project and applicant.

Boardmember Hirsch stated that if applied, it needed to be prioritized which projects were significant enough to see what site should be visited.

Planner Raybould agreed that some projects had a preference on what was looked at.

Vice Chair Rosenberg said there should be an arranged ARB visit to sites specified within the list; she enjoyed seeing finished projects and liked the idea of having a final visit.

Boardmember Adcock mentioned that it could be added to the end of the reports when a project was completed with it stating the date, time, and year the ARB had reviewed the project.

Chair Baltay asked if they kept the list they had through the course of the project and would it not be removed until completion.

Planner Raybould replied that was a lengthy list and it took a long time to review.

[Crosstalk]

Chair Baltay questioned if the list could be tracked after they had signed it off, the building permit had been issued, and construction completed.

Planner Gerhardt responded that the project planner on the item was the one who applied for the building permit.

Chair Baltay inquired if the planner assigned to the project could be the responsible party to have the list made.

Planner Raybould answered that as the liaison with a list of entitlements updated the list, but the filing of building permits was to access for her.

Planner Gerhardt noted that they had to build up the report.

Boardmember Hirsch asked what happened when they had a final building inspector review the project.

Planner Gerhardt replied that it was planning who made the final building inspections.

Planner Raybould noted that the final planning would not be done until the Planning Department had signed off on the project.

Chair Baltay said the ARB was concerned about the final sign off, as the project was considered active until the list had been signed off.

Boardmember Adcock mentioned that it would be an idea for Staff when they had signed a project off at the end of construction, have listed all the projects that were completed and signed that month.

Vice Chair Rosenberg stated that she liked having dates when the ARB had reviewed the project listed, but if it were a monthly list, it helped shorten the lists.

Planner Raybould said that would be reasonable, but she had to have a report created or rely on planners to acknowledge when they had signed off a project.

Boardmember Questions, Comments or Announcements

None.

Adjournment

Chair Baltay adjourned the meeting at 1:25 p.m.