



ARCHITECTURAL REVIEW BOARD
DRAFT MINUTES: September 7, 2023
Council Chamber & Zoom
8:30 AM

Call to Order / Roll Call

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

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

Absent: None

Oral Communications

None

Agenda Changes, Additions and Deletions

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

Boardmember Chen inquired if the bird safety subcommittee was due for a report-out.

Ms. Raybould explained that it will be part of an Agendized meeting, not necessarily as a subcommittee report out at the end of the meeting, however if Boardmember Chen wanted to speak on it, she was welcome to do so. It would be very helpful. The North Ventura Coordinated Area Plan (NVCAP) was moved to October 19, so she could do that as an informational item at the end.

Boardmember Chen stated she did have summaries of information they had gathered.

Chair Baltay stated that subcommittee was requested to get the subcommittee of the Board to report back on their findings regarding bird safe glazing, they had intended to link that with the NVCAP project review, however that had been pushed back. Chair Baltay asked Boardmember Chen if she preferred to report at the current meeting, or with the NVCAP.

Boardmember Chen answered she could report it today and they could provide extra links that could be added to the staff report for the future meetings.

Chair Baltay commented they could do that at the end of the current meeting.

City Official Reports

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

Senior Planner Raybould reported that upcoming items include the fire station at 3600 Middlefield on September 21, an item was just added for Our House who have chosen to make some revisions to their design and are scheduled for further ARB review on September 21 as well. The project at 420 Acacia Avenue is a housing project that is hoping to be reviewed on the October 5 Agenda. The NVCAP study session was moved to the October 19, 2023 meeting. New projects that were added in the last week include a request for a preliminary review for 616 Ramona.

Study Session

2. 425 High Street [23PLN-00171]: Request for Preliminary Architectural Review of a proposed fourth floor addition to an existing three-story hotel use (Hotel Keen). The applicant proposes to add 2,632 sf to the existing building utilizing transferred development rights for either a new office use or eight additional hotel guest rooms. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: CD-C (P) (Commercial Downtown-Community with Pedestrian Combining District). For More Information Contact the Project Planner Claire Raybould at Claire.Raybould@Cityofpaloalto.org.

Chair Baltay introduced the item, stated the study session does not require disclosures, and requested staff's report.

Senior Planner Claire Raybould reported that the project before the Board is 425 High Street, a preliminary review of the project. It is located in the commercial area of the downtown community with surrounding uses of religious institution to the south, an office use to the north, across High Street is a mixed use development that is zoned PC, and the Landmark Aquarius Theater is located at the rear of the site. The applicant is looking to add a four story to the existing Hotel Keen that includes either eight new guest rooms totaling 2,632 square feet (sf) extra floor area, or 2,632 sf of office. Either way they would be using transferred development rights (TDR) and that they are still in the process of obtaining. Once they obtain those rights they would appear before the ARB with their formal application. No additional parking is currently being proposed for the site's addition. Key considerations for the ARB were an interest in getting the Board's comments regarding materials, colors, and neighborhood context. Ms. Raybould listed the following items as being highlighted in the staff report: no new parking is proposed; however, they did pay in the District for 48 parking spaces. The required parking for the current building is 50 spaces based on the square footage of the building. The new project for hotel use would bring the required parking up to 60 spaces. They are interested in asking for a parking exception in order to allow the hotel use. Under AB 2097, if they were to create office use, additional car parking would not be required. Staff noted that there doesn't seem to be any bike parking in the area and would expect them to meet the minimum required by Code, perhaps by adding some bike parking in front of the building or somewhere on the interior ground floor if possible. Staff also noted that the floor area that is being calculated for the new fourth floor didn't seem to be calculated correctly. There seemed to be a few areas on the upper floors that need to be counted towards floor area and staff expects there would be some revisions to the design to accommodate those differences, and for it to not exceed what they are requesting, which brings them to the maximum 3.0 floor area (FAR). She also noted with respect to trash, there didn't seem to be a trash enclosure shown on the ground floor, but the applicant had indicated that trash is provided onsite and brought out to the street for pickup. With the proposed change, there could be additional bins that might be warranted, particularly with the addition of office use. Zero Waste could require a dedicated room for

the trash, which would need to be resolved as they move forward with a formal application. No formal action was being requested, staff is looking for ARB feedback, following the preliminary review meeting the applicant may choose to file a formal application. The applicant also has a brief presentation.

Chair Baltay asked the Board if there were any questions for staff prior to hearing the applicants presentation.

Vice Chair Rosenberg asked for confirmation that the proposed plan shows the upper level as office space, but there is potential for it to be a hotel, or the applicants are requesting a hotel.

Ms. Raybould answered that there were discussions with the applicant because the plans have some inconsistencies throughout where it references hotel addition as well as office addition. They have expressed to staff that the real interest is doing a hotel addition, but they are still exploring their options. There were some possible misunderstandings with the Code, in thinking that the office space addition would be an easier option for them, particularly with AB 2097, should staff choose not to work with them on the parking exception for the desired hotel addition. The applicant specifically expressed concern that if they had to pay for the parking spots for the hotel use, it would make the project economically infeasible. They are still exploring their options with respect to both.

Vice Chair Rosenberg inquired if the FAR for a hotel and office space are both 3.0.

Ms. Raybould answered yes.

Boardmember Hirsch commented that he had been trying to figure out the area on the foot top in relation to public areas and asked if it was open to the sky.

Chair Baltay explained that would be a question for the applicant after they give their presentation.

Chair Baltay requested Ms. Raybould walk the Board through the process for transferred development rights, he felt that part seemed vague as the applicants have not yet secured those rights.

Ms. Raybould displayed the code and explained that the applicant has to secure the transferred development rights (TDR) before they are allowed to get approval on a proposed project. It's acceptable to identify them without purchasing them, have an option in place that if a project is approved, they would be able to purchase.

Ms. Gerhardt commented that 1880 is transferred development rights and evidence of the development rights would need to be in place before such a project could be approved.

Chair Baltay clarified that there is no bearing on the ARB whether or not they have those rights secured already.

Ms. Raybould read the code beginning with "evidence that the applicant owns the transferrable development rights or a signed statement from any other owners of the TDRs that the specified amount of floor area is available for the proposed project and will be assigned for its use".

Chair Baltay asked if once they secure that, it's not a subjective approval process still to get those rights.

Ms. Raybould answered if they purchased them, they would still need approval to use them on that building.

Chair Baltay clarified that the approval is not a subjective thing that the ARB takes part in.

Ms. Gerhardt responded that is not the ARB's purview, it is a black and white code section. If they purchase the TDRs, they are allowed to use them up to the 3.0 FAR and other restrictions in the code.

Chair Baltay requested information on how the reduction of the parking works with the parking plan.

Ms. Raybould explained that it would be a request for the reduction of parking under 1852 of the code, which allows for that request.

Ms. Gerhardt explained there is generally a TDM that goes along with that.

Chair Baltay invited the applicant to make his presentation, and explained he would be allowed ten minutes.

Tony Carrasco, Carrasco & Associates, introduced himself as the architect of the project. He provided the address and additional square footage of the project and explained the context of the project, which was based on the codes for downtown Palo Alto, where there are buildings of varying heights. Different policies created different heights in buildings and when this building was proposed as four stories, it was because of those policies. The main driver of the current project was how to see the building from University Avenue, and they wanted to add landscaping on the top of the building. The project is in the parking assessment district, and they paid for 48 parking spaces and use only seven per day. That metric is calculated by the number of parking passes that the hotel sells, and it very rarely exceeds seven. Usually, it's between three and four. Most people use public transportation, so they don't need more parking. It would be great if they could get approval before they buy TDRs, because those are expensive. However, they will comply with the present regulation that states the TDRs must be obtained before acquiring approval for the project. The addition will conform with the existing footprint, they prefer to do the addition as hotel rooms, but that is dependent on what staff has to say about the parking reduction request.

Chair Baltay opened the floor to ARB questions of the applicant.

Boardmember Hirsch stated he is confused about the top floor regarding what is roofed and what is not. Particularly because the planting is throughout the area of the circulation and in the front. If the planting is in the back area, it really wouldn't be seen.

Mr. Carrasco responded that the idea is to build cottages, with everything open between them. There will be trellises on top for the plants to grow on. The roof would be more than fifty percent open to the sky.

Boardmember Hirsch clarified that the type of plantings would be vines growing over the open spaces.

Mr. Carrasco answered yes. There would be two planters in the front section that sit on either side and from there the overhangs would have vine type plants.

Boardmember Hirsch asked about the red Bougainvillea.

Mr. Carrasco replied that was their preference, either red or white, it could be other colors.

Boardmember Hirsch clarified there is no problem with the use of the space when in the corridor area and then enter a private residential or office room.

Mr. Carrasco stated there may be an awning over the door, but it would be open. They want to make it feel like they are outside.

Boardmember Hirsch inquired about the drainage from rainwater.

Mr. Carrasco responded it would be collected below. The way the structure will be built is with a parapet wall about eighteen inches tall and they are going to lay 3 feet steel across from one parapet to the other with additional space underneath with contains mechanical equipment that will need to be protected. They will build above the parapet wall. The water will go into the space between them with a membrane on it and will distribute to the existing vertical drainpipes.

Boardmember Hirsch commented that they have looked at the front elevations, the side elevations done really indicate anything about material, and inquired if they were going to carry the same change in color of the stucco portions onto the side walls of the building.

Mr. Carrasco answered yes, and explained the existing color is a type of oak or beige color and that color will be continued up, and front two walls are currently dark grey, they are going to paint those the same as the sides.

Boardmember Chen stated on the elevations there is already an existing site for the mechanical, on the elevations they are showing glazing and inquired if there would be spinodal glass for that portion.

Mr. Carrasco stated that is existing glazing. The top part is a frame, but all of that is existing glass.

Boardmember Chen asked about the design features above the elevator towers and their design intent for those.

Mr. Carrasco explained that when they took the elevator tower straight up, it looked too clunky and didn't touch the sky well. They bent the corners up like the World Trade Center, using a smaller scale of the same geometry, it shows up in plan but it's not very clear in the elevations. He thanked Boardmember Chen for asking about that.

Boardmember Chen asked if there would be any lighting around the elevator.

Mr. Carrasco answered there's no lighting other than on the front columns, which already exists.

Boardmember Chen commented that the front elevation seems to have a big tree logo and inquired about the material of it and if it's flat or three dimensional.

Mr. Carrasco said they wanted to hire an artist to do that, and the drawings are a place holder for a mural that will have a tree like shape on that façade. They will bring that before the ARB at the final hearing. The image shown is not the final image.

Boardmember Chen inquired about the trellis on the top floor and if there would be any extra protection layers for rainy days.

Mr. Carrasco stated it's all open. They want to make it feel like an alley, and they are considering graffiti along those walls.

Vice Chair Rosenberg stated she didn't have any questions at that time.

Chair Baltay commented that on the front left elevation he saw a projection for what appeared to be stairs and requested an explanation of why that would be necessary.

Mr. Carrasco stated that because of the extra space, which is about three and a half feet, maybe four feet deep for the mechanical stuff, the stair length gets a bit longer than the normal stair length and they had to project it out and that was the only place they could do that to get up there.

Chair Baltay asked if there were any other options to not have a projection of the stairs.

Mr. Carrasco explained they tried looking at all kinds of ways to get up there without the projection, but they felt that it would not be too noticeable.

Chair Baltay referenced the right south side of the building, fronting next to the church structure, and the series of light shafts; noticing the new building appears to be built on those, Chair Baltay inquired if they studied how light would get into those windows with the new addition.

Mr. Carrasco answered that the building next door is about twenty-eight feet high, so there is light that comes in over that building and into the shafts.

Chair Baltay asked if it was correct that if the other building were to be redeveloped to a higher limit, there would be no restriction on them blocking off those light shafts all together.

Mr. Carrasco stated that was correct. However, they tried to purchase that building and it's a church and has not paid into the parking assessment district and so they cannot add anymore, at least with present regulations. He doesn't see those regulations changing.

Chair Baltay requested an explanation of how trash and bicycle parking would be handled for this building.

Mr. Carrasco explained that the bicycle parking is currently almost fully developed on the site except for one corridor on the north side. There is some space for bicycle parking however, it's already close to full. There may be some space that can be provided because they know there's a need, but they haven't looked that far into adding that into the plans as of yet.

Chair Baltay commented that he believes staff is going to require additional bicycle parking and asked if he could explain where that would be located.

Mr. Carrasco stated this is the first he's heard about bicycle parking and if the ARB believed it's an important issue, they would look for a place to put it.

Chair Baltay inquired how trash is currently being handled.

Mr. Carrasco answered there's a trash bin under the front stairs, under the landing. That is used and never seems to get full. On collection days it's taken through the gate on the left side under the projection.

Chair Baltay stated that currently the building is a grey color on the street side and asked why they are changing that to a tan color.

Mr. Carrasco explained that the owner claimed a lot of the residents can not find the building, the owners believe it's because of the dark color.

Chair Baltay was under the impression that Mr. Carrasco was the architect of the original building.

Mr. Carrasco stated the remodel for the hotel, yes.

Chair Baltay commented he finds it quite attractive as it is and confirmed that a material board with samples has not yet been provided.

Mr. Carrasco stated that was correct. There is no material board, however the materials are called out on the third to the last sheet in the plan packet.

Chair Baltay stated that as he understood it, on the fourth floor, the floor area calculations would require not only the space that's used, but also the minimum requirement for circulation, in the upper corridor. Typically, that's done with a solid roof over the whole space. Chair Baltay asked if the same calculations are used on a trellis that is more than 50% open.

Ms. Raybould stated that was something she wanted to discuss further internally for the formal application, but as noted in the staff report, she included the language from the code, and it does indicate that whether open or

Ms. Gerhardt continued with "open or roofed porches, patios, balconies, breezeways, if located above the ground floor and used for required access" does count towards gross floor area.

Chair Baltay commented that the code was very clear, there would be an impact to the design because they will have to accommodate for that. It seems clear that they are trying to leave it open, in part for that reason. He wanted to put that out there for future reference.

Chair Baltay stated the plans are not specific about it being a hotel or office space and asked if the intent is for a hotel.

Mr. Carrasco answered yes, the desire is for the space to be hotel use.

Chair Baltay asked why it was being shown as an office building.

Mr. Carrasco stated that as Ms. Raybould previously mentioned, they thought the hotel would only go two to one FAR, and an office could go to three to one FAR. It turned out the staff clarified that with TDRs, a hotel can go up to three to one FAR. If there are no additional parking requirements, their desire is for it to be hotel use.

Ms. Gerhardt stated there is an additional parking requirement for hotel use, because that is not covered by State Law.

Chair Baltay inquired if they are able to apply for a parking management plan, in which staff could then determine that the current parking is adequate for the new hotel use, even if it's larger.

Ms. Gerhardt replied yes, staff would also look at a TDM plan and consider a reduction from that standpoint.

Chair Baltay asked hypothetically speaking, would staff approve that type of request.

Ms. Gerhardt asked Ms. Raybould if she was correct in assuming they were fully parked and speaking in terms of a handful of spaces that would be the reduction; she didn't know what the exact percentage was.

Ms. Raybould stated that it could be feasible based on the discussions she had already had with the applicant regarding what's already available on the site and based on the information about what their current use is. Use being the actual current use of the facility, and the fact that the applicants are already tracking that information. She didn't have the actual reduction percentage, but she knew they had worked out that it could be feasible with a TDM plan, based on the location.

Ms. Gerhardt commented that the applicant is stating a twenty percent reduction is allowed.

Mr. Carrasco stated the requested reduction percentage would likely be less than twenty percent.

Ms. Gerhardt stated that if it were less than twenty percent and they were to buy train passes for employees and offer some sort of subsidy for hotel guests, they have had other hotels offer \$20 dollars towards an uber ride or something to that effect. If those things were in place, it would likely be approved, but it's not exactly in planning's purview. It would need to be discussed with the office of transportation.

Ms. Raybould stated that it's exactly twenty percent after her calculations.

Vice Chair Rosenberg asked when the applicant does need to calculate that three foot wide corridor on the roof level, is it a straight line down the middle or going from staircase to elevator. She wants to ensure the applicant has an accurate way to account for that.

Ms. Gerhardt answered that it's whatever the required access is based on the building code.

Vice Chair Rosenberg asked if that goes from each room individually or straight down the middle.

Ms. Gerhardt stated that it does need to get from each room.

Vice Chair Rosenberg inquired from the applicant if it was just the parapets that have varying heights.

Mr. Carrasco stated there is a mechanical space above the bathrooms, at those points the roofs would be a little lower.

PUBLIC COMMENTS

Chair Baltay opened the meeting to public comments, seeing none, he closed the meeting to public comments and turned the floor to the Board for discussion.

Chair Baltay stated that since this was a study session, the Board would offer their opinions to the applicant.

Boardmember Hirsch commented that they asked a lot of technical questions, and the idea of changing the color from the gray is more than just a wayfinding for the building. By making it a lighter color with the vertical elements in the middle, it better defines the design and he's happy to see that. However, he

expressed caution in doing so since those colors were not provided for review. The ARB generally likes to see colors that aren't so bright in nature that the building doesn't fit in with the surrounding area. The ARB will need to see those colors on a material board to show a relationship to the front façade. They haven't discussed the style of the building but appears to be post modern in nature with the addition. Concerning raising part of the staircase, he believed it benefited the top of the building quite a lot. He noticed the building across the street is five stories. Regarding establishing heights of buildings, they are under pressure to create more dense housing throughout the city, that's going to change the skyline a good bit and the regulations will have to change in order to accommodate that. The idea of there being a variation in height for this project is not a problem for him. He suggested for future hearings they do a better job in showing the rest of the buildings on neighboring streets. Particularly across the street from the five story building. He believes the elevation is quite interesting and he's okay with the massing of the building and extending it up is a pleasant idea. The fact that it's an open rooftop, one needs to get used to the concept of that, he believes it might be nice to go up and be under the sky to an extent and to have the coloring from the planting. It's important for it to extend to the front so people can see it from the street. He projected it might be nice to have a café on the roof, but it's not a requirement. He would like to think that it might have furniture and could be usable space, although that would require the furniture to be protected from the weather. Boardmember Hirsch stated that without joint lines, it becomes important to see the scale of the division between a stucco wall and other materials. More clarity will need to be shown for the plans of bicycle parking and trash management. He understands the big picture of the project must first be clarified before they can fine tune the details. The roof top addition will add significantly to the aesthetics of the original building and the finished effect isn't presented well currently, so they have an opportunity to add to that.

Vice Chair Rosenberg thanked the applicant for the presentation and stated that she's quite fond of the building and pleased to see them renovating and possibly expanding to the current existing space. In terms of the FAR, they will need to comply and figure out how to get that done, and the question would be if it's worth covering the walkways in just those zones if they have to. She does love the open air concept. Her one piece of advice would be to make sure there is protection from the rain at the doorways. Maybe if they know a storm is coming in, they can book people into the lower rooms. She appreciates how airy, light, and bright the open air concept is. Her items of concern include that the elevator shaft is very tall and while she appreciates the chamfering element to it, she wondered if there wasn't a better solution to it. Visually, she had trouble with that element being so much taller than the rest of the building. Additionally, it's the only element that has that chamfer. She liked the chamfer and suggested considering another spot where that element could pick back up again. Possibly at the top of the staircase, or possibly in the mural. She appreciated Boardmember Hirsch idea of having a rooftop lounge type area, possibly outdoor seating that could provide a gathering space for the hotel guests. She is partial to the grey color, but that was just her own preference in aesthetics. The new color being proposed is nice, she would like to see the sample boards for it. She is concerned about the darkness of the olive color on the sides, particularly if there will be shading on them, and she would want to see more details about how dark that olive color is.

Boardmember Chen thanked the applicant for the presentation and commented that she finds the addition is quite interesting and well thought out and blends well with the original building. It's hard to see it as an addition. She appreciated the concept of an alley between cottages; however, she suggested

covering above the corridors as protection from potential weather. If it becomes hotel space, the intent is for those rooms to be used. She believed the lighter color would help with the wayfinding. The rooftop trellis with the planting also helps. Those are good features for the addition.

Chair Baltay agreed with his colleagues, it's a wonderful project and he loved to see the additional height. It's interesting and it's nice to see taller buildings in different places in town. He liked the idea of the open air terrace lounge on the roof, it would bring vitality and life and there's been a lot of interest in that. He could support all of that comfortably and encouraged them to proceed. The applicant needs to show bicycle parking and trash circulation and those type of elements need to be resolved, as well as more details on the colors and materials. He could comfortably support the direction that the project is going. He believed it's up to staff to figure out the FAR, transfer development rights and then up to the applicant to comply. The two elements that concern him are the projecting stair tower on the left to the front, there must be some other way to structure that staircase that doesn't require a projection out. His concern is when that is looked at three dimensionally from Litton Avenue, it will look odd with that overhanging a very clean and well defined façade. It's worth another effort to find a way to get that stair to function, and if not, prepare some renderings that convinces that the projection fits into the scheme. His second concern is that the bedrooms on the right façade (southwest façade) are going to become even darker than they are now by covering the windows with the new addition. He didn't believe it was a good idea to restrict the light to those rooms. Particularly on the lower floors. If the adjacent building were to be redeveloped that could potentially be a real problem. They should consider adjusting the floor plan of the addition to not be so restrictive to the lighting that is already in place for those rooms. Otherwise, he believed it to be a very good project.

Chair Baltay requested the Board speak about the two concerns he had so the applicant would have clear direction.

Vice Chair Rosenberg stated she agreed with both of those statements, that stair mass is rather imposing and would love a second look at that to some extent. She also agreed with the lighting comments from the rooms on that southeast side. It will be very important, even though the expectation is that the other building will not be developed further, no one can know for sure.

Boardmember Hirsch commented that when one looks at a straight elevation, they should look at it from the street side, but the tree cuts off that extension on that elevation and asked the applicant to clarify that wall.

Mr. Carrasco stated the existing wall is set back about six inches.

Boardmember Hirsch clarified that above the tree from the front side of the building going up to the parapet line in front of the staircase, there's a line that runs all the way across with the wall behind it.

Mr. Carrasco stated that's way back, it's the rooms behind it. Regarding the daylight into the lower windows, with the run of the beam on the exterior side of those jobs, a beam has to be run on top for sheer. That is the limitation that they have, they can't move that beam in. He would have loved to have brought more light into those wells.

Chair Baltay commented that they could possibly head it out, have a pair of beams at each side of the light shafts and then step the floor back between the two. It's a common framing technique.

Boardmember Hirsch asked if an entirely new stair is being erected to get to the top and questioned the reasoning for that.

Mr. Carrasco explained they are adding to the existing stairs on the front stairs, for the top floor only. Because of the intraspinal space for the mechanical equipment that needs to be protected, the run up the stairs gets longer.

Boardmember Hirsch commented that if they look at the elevation, it shows the cantilever, and he believes it relates nicely if you look at it relative to the asymmetry of the open space on the roof. It creates a type of balancing act in the façade. He doesn't have a problem with that. His opinion regarding the lighting on the lower floors is based on something that may or may not happen, so they can hope for the best. If the church was built there would still be open area.

Chair Baltay commented that it wouldn't be enough for a safety egress.

Boardmember Hirsch stated there are no egress.

Mr. Carrasco confirmed there is no egress on that side. The egress is through the corridor, not on the windows.

Boardmember Hirsch stated he's willing to take a chance that the church will not expand up.

Boardmember Chen commented that speaking in terms of the stairs on the roof, she agreed with Boardmember Hirsch, she doesn't believe it's offensive for the size of the cantilever. She sees a lot of buildings that have cantilevers on the side, but she does agree that if they should not leave the side façade blank and suggested maybe having something there that ties in the cantilever. In terms of the light shafts, she agreed with Chair Baltay and had concerns, however, they still have the opportunity to rework the floor area on the top floors to accommodate making those light shafts work.

Chair Baltay asked if the applicant had any questions on any of the feedback that was received.

Mr. Carrasco stated he felt it would be good to meet with the Board if possible.

Chair Baltay suggested he reach out to staff, if it seems appropriate, they would be more than happy to accommodate that request.

Approval of Minutes

3. Draft Architectural Review Board Meeting Minutes for August 3, 2023.

Chair Baltay asked for comments or a motion.

Boardmember Hirsch commented that on page 10 of 16, he was concerned that the minutes don't repeat the idea that he expressed. He would like added, starting at "Another suggestion" on line 13, with "Boardmember Hirsch requested that the applicant relocate the mechanical equipment to the roof top,

and provide clear story windows at the perimeter of the exercise room, and revise the façade materials to match the front façade”.

Ms. Raybould commented that staff has already received notice that the applicant is ready for the second hearing and her recollection was that they did make changes to the clear story windows as well as the equipment, but she was not sure if they changed the material.

Chair Baltay stated he was trying to get the record straight.

Vice Chair Rosenberg noted a typo on the top of page 4, staff is misspelled.

MOTION: Boardmember Hirsch , seconded by Chair Baltay, to approve the meeting minutes for August 3, 2023 as revised above.

VOTE: 4-0-0

Boardmember Questions, Comments or Announcements

Chair Baltay commented that they were going to have the discussion about bird safe glazing, however before that he shared that he attended a City Council meeting on Tuesday where he presented to Council the results of their discussions concerning the Portage Avenue, Fry’s site. There were quite a few members of the public there, almost everyone spoke in some form or another to preserving the cannery building. He was very clear in presenting the ARB’s findings and the two comments about the historic reuse of the building and about additional density or development types of housing. The ARB was represented at that meeting.

Boardmember Chen thanked staff for sending them additional links for the bird safe codes in other areas. The subcommittee also did additional research on the website for the lead requirement for bird safety and a study by the US Fish and Wildlife Association, and the website of the American Bird Conservancy who provides a look at different materials and displays the threat factors of those materials to the birds. They concluded that the Board needs to consider more than just the UV coated glass for bird safety and ask applicants to follow the lead requirement. There are different hazard zones that are separated by height. For example, from grade level to forty feet, it’s easier for birds to fly into glass while leaving a tree. There are four items might affect bird safety. Material choice is one of them and they would like the applicant to reference the American Bird Conservancy for their list of materials that are appropriate. Polished steel could also be a hazard to the bird. The second item for consideration is the placement and adjacency. The subcommittee would request the applicant to minimize the clear glass and reflective surfaces adjacent to landscaping, and possibly consider using angled glass. Extra screening would help the louvers for shading. The third item would be landscape and the subcommittee suggest they not funnel the birds towards the glass. An example would be interior landscaping with clear glass above it, which can also be a danger to the birds. Sometimes the rooftop gardens are near a large area with glazing, and if it’s near heavy landscaping, it could be a danger to the birds. The fourth item for consideration is light pollution. During the night, if there is beacon lighting, it could impact the birds in finding their way particularly during migration seasons because the birds rely on the stars and moon for finding their way. Finally, in considering historic buildings in town, they should be treated differently; they might consider

working with the Historical Resources Board for alternative solutions when the other strategies won't work for historical buildings.

Chair Baltay asked if they found an existing standard for bird safe glazing for buildings.

Boardmember Chen answered that the link for the San Francisco Bird Safety building code, the same applies to Portland Oregon. Lead requirements is also good to reference for specific points for bird friendly designs.

Ms. Raybould stated that there is no real set standard, she believed the idea was what could be considered to see if they want to include something in the NVCAP in order to set a standard. Those were very helpful points.

Chair Baltay believed that some of those may on some level be contradictory to other current design objectives. Things like not having glazing near landscaping, that sort of flies in the face of every window view. He inquired from staff if they knew of any effort within the city to try to come up with a more comprehensive regulation for bird safety. Their objection was to try to come up with something for the ARB to provide clear guidance to applicants, as he looked at the list that the subcommittee uncovered, it seemed even more important to try to do that, but he felt uncomfortable trying to make a standard such as that, as a Board.

Ms. Gerhardt stated that they don't currently have direction from Council on this specific topic, however, they have had conversations with Audubon Society in the past. Based on that past conversation, staff started somewhat using the San Francisco guidelines and bringing that to the attention of applicants and incorporate those into their projects when they could. They are also hearing that possibly the San Francisco standards may be somewhat out of date and staff were guided towards Cupertino. Ms. Gerhardt didn't see much detail in their guidelines that was helpful. There are a handful of other cities that have already tackled this issue, that would be the easiest way to go. Staff could also have another conversation with the Audubon Society to see what their thoughts are.

Ms. Raybould added that the answer to that could be a little bit nuance because she felt it could be a bigger concern in certain areas, or as Boardmember Chen noted, once they get to taller buildings over forty feet it becomes slightly more concerning. Areas in the Baylands are certainly paying more attention to that. It has come up as an issue, particularly when office buildings are looking at designs that have a substantial amount of glass. It comes down to what is being proposed, where it is being proposed for how significant the concern is. An NVCAP area is not quite as tall for most of the buildings, and a lot of them will not be big window office buildings, but they still wanted to explore if they should include something. The Comprehensive Plan does have a policy that encourages staff to come up with bird safe guidelines, so it came up as part of the NVCAP, but it's something that they might can explore to include in the objective standards to address that in the future.

Chair Baltay believed that staff thinks it could be linked towards being a comprehensive plan item. He was looking at it from the ARB's finding No. 6 regarding sustainability and to him, it's a sustainability issue and affects how the buildings interact with the broader environment. He inquired if it was something the Board wanted to create a statement for applicants, or perhaps suggest to Council that they modify one of

their findings to be more explicit about that issue. He guessed staff was not ready to pick that up as a full project.

Boardmember Hirsch stated that seemed clear to him as well, and he agreed with Ms. Gerhardt in that there are other places that have been working on this and they should do the research to find out if regulations are already incorporated into other city's standards that they could use. There is a representative of the Audubon Society, Ms. Shani Kleinhaus, it might make sense to include her in some of the discussions, and she has been involved in this to some depth. In his opinion, it would be best not to tie up the ARB's time for more detail that's already been presented and use other city regulations and make to work to Palo Alto's benefit.

Chair Baltay stated he had heard information from former Boardmember Thompson and Boardmember Chen that was interesting to him, and he had never thought about the highly reflective materials and that it becomes more important the higher a building gets. It's good to educate the Board in that way. Another goal might be to put out some sort of standard to communicate with applicants that come before the ARB, that they understand that the ARB considers it to be serious, and what the ARB's position is. They don't have a regulation they can reference and it's likely they won't get any formal process made on that. Do they feel that is an item the Board should issue some sort of statement for applicants.

Boardmember Hirsch commented that it becomes a bit of a precedence if they are going to start giving regulations from them.

Chair Baltay stated exactly, if they want to do that, they have to be careful about it and be united behind it.

Chair Baltay felt it was not sufficiently important to warrant explicit instructions. It is one of many items they deal with that are more broadly encompassed with findings regarding the comprehensive plan and sustainability.

Boardmember Chen agreed that as they read more, they find out there's even more they don't know and it's beyond the ARB's knowledge. She believed the NVCAP should not say bird safety standards, but rather bird friendly strategies in design.

Chair Baltay commented that one of the things that brought this up was looking at the NVCAP as a series of design parameters within it, and they wanted it incorporated but they do need to be careful not to make it a standalone guideline and only for those particular buildings.

Vice Chair Rosenberg feels that she is a bit more tentative about moving forward with the broad goal of the City and thinks that when they've seen bird glazing come up in previous discussions, it's been in locations closer to the Baylands, it's been in buildings with a vast quantity of glazing in their exterior façades and she felt uncomfortable implementing something broad strokes, not feeling like they understand how big the problem is. She didn't want to put in writing a solution going forward on something that's not necessarily an actual problem. She did not feel that as a Board, they had accurate information on how detrimental the bird strikes are within the City. They don't know how common the problem is, if the city is in the path of a bird migration, et cetera. She did not feel comfortable implementing anything at that time.

Chair Baltay asked Boardmember Chen how big of a problem this was in their recent research.

Boardmember Chen responded that it could happen anywhere, but when they review the design of a building, there are many factors they have to balance. It's not just the bird safety issue. It's a broad topic and not just buildings. The wind turbines are also a concern. She believes it's a bigger issue than what is within their purview to decide. However, it is an important item for the applicant to think about, to not limit the bird safety to just glazing.

Boardmember Hirsch said ditto to Vice Chair Rosenberg's comments. She was right on in that the Board could get sidetracked on something they don't know enough about. When they get near waterways, that's where those things become more important, the creek that runs next to Fry's might be a concern for that project. However, it's something they should spend a lot of time thinking about.

Chair Baltay agreed that they should not spend any more time thinking about it. He appreciated the work of Boardmember Thompson and Boardmember Chen, it was very educational report, and they will take that as an educational process at the moment.

Adjournment

Chair Baltay adjourned the meeting at 10:30 a.m.