



City of Palo Alto

City Council Staff Report

(ID # 7086)

Report Type: Action Items

Meeting Date: 9/12/2016

Summary Title: Ordinance Revising AR Findings with PTC and ARB input

Title: PUBLIC HEARING: Adoption of an Ordinance Approving Revisions to the Number and Wording of the Architectural Review Findings in Palo Alto Municipal Code Chapter 18.76 and Approval of an Exemption Under Sections 15061 and 15305 of the California Environmental Quality Act Guidelines. The Planning and Transportation Commission Recommended Council Approval of the Ordinance

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that Council adopt the draft Ordinance (Attachment A) modifying the Architectural Review approval findings.

Executive Summary

The proposed modifications to the Architectural Review (AR) findings are intended to improve the quality and consistency of staff's analysis and preparation of written findings, reduce writing and reading fatigue, focus the ARB's deliberations, and make it easier for applicants to understand the City's objectives, and for decision makers to evaluate the applicant's success at meeting those objectives. Attachment A reflects the revised findings as recommended by staff, the Architectural Review Board (ARB) and Planning and Transportation Commission (PTC).

Attachment B, the PTC staff report of August 10, 2016, includes several draft ordinances showing the iterative revision process as explained in that report. The proposed ordinance includes further changes recommended by the ARB in June 2016 and supported by the PTC in August 2016 following Council review in April 2016. Attachment A reflects the suggested modifications after review by staff, ARB, and PTC.

Background

This effort was initiated by staff to focus and improve upon the existing AR findings as part of a code "clean up" ordinance. The goal was to eliminate repetitive findings, combine similar concepts, and remove outmoded or redundant language. These amendments are intended to

improve the quality and consistency of staff's analysis and preparation of written findings, reduce writing and reading fatigue, focus the ARB's deliberations, and make it easier for applicants to understand the City's objectives, and for decision makers to evaluate the applicant's success at meeting those objectives.

Council Action

Modifications to the AR findings in Palo Alto Municipal Code Section 18.76.02 were included in the 2015 "code clean-up" ordinance, and Council pulled the AR findings and continued the hearing of these changes to 2016.

During the April 11, 2016 Council meeting, Council modified the draft AR Findings ordinance for adoption on first reading; however, Council directed that these additional modifications be forwarded to the ARB for review and adjustment as needed, prior to the next reading of the modified Ordinance.

In summary, Council modified:

- the preamble to make sure the reader understood each of the applicable findings would need to be met to allow approval;
- Finding #1 to add 'coordinated area plans;'
- Finding #2 to insert adjectives such as "existing," replace "appropriate" with "relevant," insert nouns such as "size" and "mass," and insert the compatibility criteria from the SOFA II document;
- Finding #3 to add phrases reflecting desirable "aesthetically holistic design..." and undesirable "avoid superficial and "applied"..."
- Finding #5 to use "complements and enhances" verbiage instead of "suitable, integrated, compatible" verbiage, and to insert "indigenous" to refer to native plant materials and a phrase regarding "providing desirable habitat;" and
- Finding #6 to remove the word "sensible."

Planning and Transportation Recommendation

In the fall of 2015, the PTC had reviewed the AR findings that were presented in the context of multiple proposed "clean up" changes to the PAMC. At that time, the PTC did not recommend any changes to the proposed AR findings and did not expand upon the merits of making changes to the draft AR findings.

At its August 10, 2016 meeting, the PTC recommended (on a 4-1-1 vote) that Council adopt the draft ordinance (Attachment A). There were no speakers at the hearing. The PTC report is attached (Attachment B) to this report, as are draft excerpted meeting minutes (Attachment C). Several PTC members noted appreciation for the objectives of this effort.

Architectural Review Board Recommendation

The ARB had reviewed draft revised Architectural Review findings on two occasions during development of the earlier "code clean up" ordinance (September 3 and October 1, 2015). The

April 11, 2016 Council staff report, found at this link (<http://www.cityofpaloalto.org/civicax/filebank/documents/51728>) provides links to the two ARB staff reports and meeting minutes; these links were also provided to the PTC in the staff report and are also provided again below:

ARB 9-3-15 report: <https://www.cityofpaloalto.org/civicax/filebank/documents/48766>

ARB 9-3-15 minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/49026>

ARB 10-1-15 report: <https://www.cityofpaloalto.org/civicax/filebank/documents/49218>

ARB 10-1-15 minutes: <https://www.cityofpaloalto.org/civicax/filebank/documents/49410>

At its June 16, 2016 meeting, the ARB discussed the City Council's April 11, 2016 request and additional wording provided by staff for the ARB's review and deliberation. The June 16 ARB staff report can be found at this link: <https://www.cityofpaloalto.org/civicax/filebank/documents/52834>. Excerpt draft ARB minutes of June 16, 2016 were provided to the PTC and are contained in that report attachment. The ARB approved the full meeting minutes on August 4, 2016; they are found at this link: <http://www.cityofpaloalto.org/civicax/filebank/documents/53305>.

Substantive changes are summarized in the Discussion section below. Generally, the ARB and staff built upon Council's suggested language in order to address the following goals:

- To reduce excess language and inject "compatible" and "compatibility" into findings #1 and #2 to more succinctly address Council's concern for compatible development citywide, and
- To use industry terms such as "integrated" and "climate appropriate" as appropriate (in findings #3 and #5).

Discussion

Substantive changes, as noted in the PTC report, are summarized below:

- The ARB embraced staff's suggestion to insert '(including compatibility requirements)' following Council's insert 'Coordinated Area Plans' into AR Findings #1 to address a concern about compatibility. This structure parallels 'zoning code (context based design criteria)' as an alternative to some of the Council-added wording for AR Finding #2, which duplicated language already found in the SOFA II Coordinated Area Plan.
- In AR Finding #2, the ARB added "is compatible with its setting" to address the fact that ROLM, GM, MOR, RP, and PF zones do not have context based design criteria nor compatibility criteria embedded in the zoning code (as do Commercial, Multifamily Residential, and SOFA). The ARB also added back the phrase "and land use designations" that Council deleted, since the ARB generally looks at Comprehensive Plan Land Use Designations as well as zoning.
- In AR Finding #3, the ARB added "integrated" to ensure that materials are appropriate to the building design and context.

- In AR Finding #5, the ARB supported the addition of the terms “climate appropriate” and “when feasible” to improve the clarity of the requirements. Staff understands a Council desire for California native plants, so the draft ordinance was further amended after the ARB and PTC reviews. With these changes, the finding reads: “The landscape design complements and enhances the building design and its surroundings, is appropriate to the site’s functions, utilizes climate appropriate plant material capable of providing desirable habitat when feasible (and preferably California natives), and can be appropriately maintained.”

In addition to the substantive changes, the ARB also proposed a minor modification to AR Finding #4 (use of ‘traffic’ instead of ‘access’) and proposed to eliminate ‘green building’ in Finding #6 to eliminate redundancy.

Policy Implications

The proposed changes to the Architectural Review findings will not change the substantive review of projects, and the revised findings are in conformance with the City’s Comprehensive Plan.

Resource Impact

Other than staff time, no additional fiscal or economic impacts are anticipated.

Timeline

If Council adopts these revisions or further modifications on first reading, the second reading would be scheduled as a consent calendar review for adoption. Any ordinance adopted on second reading would become effective 31 days from second reading.

Environmental Review

The April 11, 2016 report to City Council included the reasons the modifications to the existing AR findings are in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The report cited CEQA Guideline sections 15061(b)(3) (Review for Exemption) and 15305 (Minor Alterations in Land Use Limitations), because: (1) the activity (rewording of Architectural Review findings) is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significantly effect on the environment, and (2) this ‘minor alteration in land use limitations’ does not result in any changes in land use or density.

Attachments:

- Attachment A: PTC Recommended Ordinance (PDF)
- Attachment B: PTC staff report of August 10 including attachments (PDF)
- Attachment C: PTC 8 10 16 excerpted draft minutes (PDF)

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning Regulations), Section 18.76.020 (Architectural Review)

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. As part of the City's annual Zoning Code update, the City desires to improve its Architectural Review findings to ensure robust design review, to eliminate repetitive findings and to remove outmoded and unnecessary findings.

B. On September 3 and October 1, 2015, the Architectural Review Board (ARB) reviewed the draft updated architectural review findings and provided input. Subsequently, the Planning and Transportation Commission (PTC) reviewed the AR findings and recommended that Council approve them without any changes.

C. On April 11, 2016, the Council reviewed the draft findings, suggested revisions and directed staff and the ARB to review the updated language and offer approval, feedback or changes.

D. On June 16, 2016, the ARB reviewed the updated findings and provided additional comments.

E. On August 10, 2016, the Planning and Transportation Commission reviewed the updated findings and concurred with the ARB and Staff's comments.

F. On September 12, 2016, the City Council conducted a public hearing on the current draft of the updated architectural review findings.

SECTION 2. Subdivision (d) of Section 18.76.020 of the Palo Alto Municipal Code is amended to read as follows:

18.76.020 Architectural Review.

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that each of the following applicable findings is met:

- (1) The design is consistent ~~and compatible~~ with applicable ~~elements~~ provisions of the Palo Alto Comprehensive Plan; Zoning Code (including context-based design criteria, as applicable), coordinated area plans (including compatibility requirements), and any relevant design guides.

- (2) The project has a unified and coherent design, that:
 - (a) creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
 - (b) preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic local resources of the area when relevant,
 - (c) is compatible with its setting,
 - (d) provides harmonious transitions in scale and character to adjacent land uses and land use designations, and
 - (e) enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.
- (3) The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.
- (4) The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).
- (5) The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes climate appropriate plant material capable of providing desirable habitat when feasible (and preferably California natives), and that can be appropriately maintained.
- (6) The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

- ~~—(2) The design is compatible with the immediate environment of the site;~~
- ~~—(3) The design is appropriate to the function of the project;~~
- ~~—(4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;~~
- ~~—(5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;~~
- ~~—(6) The design is compatible with approved improvements both on and off the site;~~
- ~~—(7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;~~
- ~~—(8) The amount and arrangement of open space are appropriate to the design and the function of the structures;~~
- ~~—(9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;~~
- ~~—(10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;~~
- ~~—(11) Natural features are appropriately preserved and integrated with the project;~~

~~—(12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;~~

~~(13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;~~

~~—(14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought resistant and to reduce consumption of water in its installation and maintenance;~~

~~(15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:~~

~~—(A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;~~

~~—(B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;~~

~~—(C) Design for easy pedestrian, bicycle and transit access;~~

~~—(D) Maximize on site stormwater management through landscaping and permeable paving;~~

~~—(E) Use sustainable building materials;~~

~~—(F) Design lighting, plumbing and equipment for efficient energy and water use;~~

~~—(G) Create healthy indoor environments; and~~

~~—(H) Use creativity and innovation to build more sustainable environments.~~

~~—(16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).~~

SECTION 3. Adoption of this ordinance is found to be categorically exempt from the California Environmental Quality Act under CEQA Guideline sections 15061(b)(3) (Common Sense Exemption) and 15305 (Minor Alterations in Land Use Limitations) because: (1) the activity (rewording of Architectural Review findings) is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significantly effect on the environment, and (2) this ‘minor alteration in land use limitations’ does not result in any changes in land use or density.

SECTION 4. If any section, subsection, sentence, clause or phrase of the ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it should have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 5. This ordinance shall be effective upon the thirty-first day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Planning and Community
Environment



Planning & Transportation Commission

Staff Report (ID # 7101)

Report Type: Action Items **Meeting Date:** 8/10/2016

Summary Title: ARB Findings Ordinance

Title: Public Hearing and Recommendation for Council Adoption of an Ordinance Amending the Architectural Review Findings contained in Chapter 18.76 of the Palo Alto Municipal Code; Exempt from CEQA Pursuant to CEQA Guidelines Sections 15601(b)(3) and 15305

From: Amy French, Chief Planning Official

Recommendation

Staff recommends that the Planning and Transportation Commission (PTC) take the following action(s):

1. Recommend adoption of the proposed ordinance (Attachment B) to the City Council.

Background

Proposed are modifications to the Architectural Review (AR) findings that eliminate repetitive findings, combine similar concepts, and remove outmoded or redundant language. These amendments will improve the quality and consistency of staff's analysis and preparation of written findings, reduce writing and reading fatigue and, focus the ARB's deliberations. The changes would reduce the number of findings from 16 to six, and would also make it easier for applicants to understand the City's objectives, and for decision makers to evaluate the applicant's success at meeting those objectives.

Modifications to the Architectural Review findings in Palo Alto Municipal Code Section 18.76.02 were included in the "code clean-up" ordinance recommended by the Planning and Transportation Commission in 2015. The City Council, during its review of that ordinance on April 11, 2016, directed additional modifications for the ARB to consider. Staff conveyed the Council's request to the ARB and offered additional comments for its review and deliberation. Attachment A reflects findings that had been recommended by the ARB and Planning and Transportation Commission in 2015, with annotated edits showing changes proposed by Council in 2016. Attachment B is the recommended draft Ordinance including further changes recommended by the ARB.

Architectural Review Board Recommendation

The ARB had reviewed draft revised Architectural Review findings on two occasions (September 3 and October 1, 2015). The April 11, 2016 Council staff report, found at this link (<http://www.cityofpaloalto.org/civicax/filebank/documents/51728>) provided links to the two ARB staff reports and meeting minutes. The links to these ARB staff reports and minutes are also provided in this report:

- <https://www.cityofpaloalto.org/civicax/filebank/documents/48766> (9-3-15 report)
- <https://www.cityofpaloalto.org/civicax/filebank/documents/49026> (9-3-15 minutes)
- <https://www.cityofpaloalto.org/civicax/filebank/documents/49218> (10-1-15 report)
- <https://www.cityofpaloalto.org/civicax/filebank/documents/49410> (10-1-15 minutes)

On June 16, 2016, the ARB discussed the Council's proposed edits and recommended the changes in Attachment B. The ARB staff report can be found at this link: <https://www.cityofpaloalto.org/civicax/filebank/documents/52834>. Draft excerpt minutes are provided as Attachment D. Substantive changes are summarized below:

- The ARB embraced staff's suggestion to insert '(including compatibility requirements)' following Council's insert 'Coordinated Area Plans' into AR Findings #1, to address a concern about compatibility. This is a logic structure to parallel 'zoning code (context based design criteria)' as an alternative to some of the Council-added wording for AR Finding #2, which duplicated language already found in the SOFA II Coordinated Area Plan.¹
- In AR Finding #2, the ARB added "is compatible with its setting" to address the fact that ROLM, GM, MOR, RP, and PF zones do not have context based design criteria nor compatibility criteria embedded in the zoning code (as do Commercial, Multifamily Residential, and SOFA). The ARB added back the phrase "and land use designations" that Council deleted. Zoning designations are also important to the ARB – a site's designation may be different than the current use of the site.
- ***In AR Finding #3, the ARB added "integrated" to ensure that materials are appropriate to the building design and context.***
- ***In AR Finding #5, the ARB supported the addition of the terms "climate appropriate" and "when feasible" to improve the clarity of the requirements. With these changes, the finding reads: "The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes climate appropriate to the extent practical indigenous drought-resistant plant material capable of providing desirable habitat when feasible, and that can be appropriately maintained."***

¹ The Council-added wording that already appears in the SOFA II Plan and is therefore not recommended for inclusion is: "is compatible within the context of existing development in that it establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by: Siting, scale, massing, materials; The rhythmic pattern of the street established by the general width of the buildings and the spacing between them; The sizes, proportions, and orientations of windows, bays, and doorways; The location and treatment of entryways where applicable;"

Planning and Transportation Commission

In the fall of 2015, the Planning and Transportation Commission (PTC) reviewed and recommended changes to the AR findings after the ARB had completed its review. The PTC recommended that Council approve the changes along with other code changes. Staff is seeking the PTC's recommendation on the revisions to the original draft ordinance and requests that the PTC forward the revised ordinance to the City Council for consideration and adoption.

As the PTC did not comment on the wording of the draft revised AR findings during the 2015 review, staff does not anticipate the PTC will have extensive comments on the wording at this time.

Environmental Review

The April 11, 2016 report to City Council included the reasons the modifications to the existing AR findings are in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The report cited CEQA Guideline sections 15061(b)(3) (Review for Exemption) and 15305 (Minor Alterations in Land Use Limitations), because: (1) the activity (rewording of Architectural Review findings) is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significantly effect on the environment, and (2) this 'minor alteration in land use limitations' does not result in any changes in land use or density.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper at least ten day in advance. Notice of a public hearing for this project was published in the *Palo Alto Weekly* on July 29, 2016.

Public Comments

As of the writing of this report, no project-related, public comments were received.

Attachments:

- Attachment A: Council's Version (DOCX)
- Attachment B: Draft Ordinance (PDF)
- Attachment C: ARB Edits to Council's proposed draft (PDF)
- Attachment D: 06-16-16 ARB excerpt minutes discussion on AR findings (DOCX)

Attachment A

Council Proposed Findings Annotated to Show Council Revisions

“(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that each of the following applicable findings is met:

1. The design is consistent with applicable elements of the Palo Alto Comprehensive Plan, Zoning Code (including context-based design criteria, as applicable), coordinated area plans, and any relevant design guides.
2. The project has a unified and coherent design, creates an internal sense of order and desirable environment for occupants, visitors, and the general community, and preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant appropriate, and provides harmonious transitions in size, mass, scale and character to adjacent land uses and land use designations, is compatible within the context of existing development in that it establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by:
 - a. Siting, scale, massing, materials;
 - b. The rhythmic pattern of the street established by the general width of the buildings and the spacing between them;
 - c. The sizes, proportions, and orientations of windows, bays, and doorways;
 - d. The location and treatment of entryways where applicable; and enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.
3. The design is of high aesthetic quality, is an aesthetically holistic design of massing and materials (intended to avoid superficial and “applied” appearance of design), using high quality materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.
4. The design is functional, allowing for ease and safety of pedestrian and bicycle access and providing for elements that support the building’s necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).
5. The landscape design complements and enhances the building design and its surroundings ~~is suitable, integrated and compatible with the building and the surrounding area~~, is appropriate to the site’s functions, and utilizes to the extent practical, indigenous drought-resistant plant material capable of providing desirable habitat and that can be appropriately maintained.

6. The project incorporates design principles that achieve sustainability and green building requirements in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning ~~and sensible~~

Not Yet Approved

Ordinance No. _____

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 - (c) is compatible with its setting,
 - (d) provides harmonious transitions in scale and character to adjacent land uses and land use designations, and
 - (e) enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.
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- (6) The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

- ~~—(2) The design is compatible with the immediate environment of the site;~~
- ~~—(3) The design is appropriate to the function of the project;~~
- ~~—(4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;~~
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- ~~—(7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;~~
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- ~~—(9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;~~
- ~~—(10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;~~
- ~~—(11) Natural features are appropriately preserved and integrated with the project;~~

~~—(12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;~~

~~(13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;~~

~~—(14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought resistant and to reduce consumption of water in its installation and maintenance;~~

~~(15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:~~

~~—(A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;~~

~~—(B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;~~

~~—(C) Design for easy pedestrian, bicycle and transit access;~~

~~—(D) Maximize on site stormwater management through landscaping and permeable paving;~~

~~—(E) Use sustainable building materials;~~

~~—(F) Design lighting, plumbing and equipment for efficient energy and water use;~~

~~—(G) Create healthy indoor environments; and~~

~~—(H) Use creativity and innovation to build more sustainable environments.~~

~~—(16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).~~

SECTION 3. Adoption of this ordinance is found to be categorically exempt from the California Environmental Quality Act under CEQA Guideline sections 15061(b)(3) (Common Sense Exemption) and 15305 (Minor Alterations in Land Use Limitations) because: (1) the activity (rewording of Architectural Review findings) is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significantly effect on the environment, and (2) this ‘minor alteration in land use limitations’ does not result in any changes in land use or density.

SECTION 4. If any section, subsection, sentence, clause or phrase of the ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it should have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 5. This ordinance shall be effective upon the thirty-first day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Planning and Community
Environment

6/16/16 ARB Edits of 4/11/16 City Council Recommendation

KEY: Council edits accepted by ARB ARB Edits (including ARB-accepted Staff edits)

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that each of the following applicable findings is met:

- (1) The design is consistent with applicable ~~elements~~provisions of the Palo Alto Comprehensive Plan, Zoning Code (including context-based design criteria, as applicable), coordinated area plans ~~(including compatibility requirements)~~, and any relevant design guides.
- (2) The project has a unified and coherent design, *that*:
 - (a) creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
 - (b) preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic local resources of the area when relevant,
 - (c) ~~is compatible with its setting, within the context of existing development in that it establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by:~~
 - ~~a. Siting, scale, massing, materials;~~
 - ~~b. The rhythmic pattern of the street established by the general width of the buildings and the spacing between them;~~
 - ~~c. The sizes, proportions, and orientations of windows, bays, and doorways;~~
 - ~~d. The location and treatment of entryways where applicable;~~
 - (d) provides harmonious transitions in ~~size, mass,~~ scale and character to adjacent land uses *and land use designations*, and
 - (e) enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.
- (3) The design is of high aesthetic quality, using high quality, ~~integrated is an aesthetically holistic design of massing and materials (intended to avoid superficial and "applied" appearance of design)~~, materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.
- (4) The design is functional, allowing for ease and safety of pedestrian and bicycle ~~access~~ traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).
- (5) The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes ~~to the extent practical indigenous drought-resistant climate appropriate~~ plant material capable of providing desirable habitat ~~when feasible,~~ and that can be appropriately maintained.
- (6) The project incorporates design principles that achieve sustainability ~~and green building requirements~~ in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

**ARCHITECTURAL REVIEW BOARD
JUNE 16, 2016**

VERBATIM MINUTES

DRAFT EXCERPT

Item No: 4: ARB Review of Council-Revised Architectural Review Approval Findings

Amy French reported the Council did not adopt the findings but asked staff to return with a Council item for the findings. The Council then offered modifications. The Council requested the ARB's input on the modifications. Ms. French reviewed the Council's modifications.

Board Member Furth understood the Council's major concern was that the adoption of context-based review standards did not achieve the desired results. In response, the Council added the SOFA CAP findings to Finding Number 2. It was helpful that the Mayor affirmed that a modern building located next to a much older building could be successful. The Council indicated that the ARB did not seem to think that all findings had to be made. She wondered whether the problem was the eight or nine findings and perhaps three dozen possible ways of achieving a project that met the standards. The goal of ARB comments was to communicate to property owners, neighbors and the community how a project would be judged. Verbiage should be eliminated. The ARB should consider adopting language that would inspire confidence in a review in court. She questioned whether the ARB had decision-making powers that allowed it to carry out the Council's wishes. She supported fewer standards organized around particular principles. The Council delivered a good message by saying only applicable rules mattered. The Council delivered a good message by saying the City should have coordinated area plans, but the staff messed it up by including compatibility requirements. There were two separate issues. One was whether the standards were adequate. The second was whether the ARB was applying them in a way that the Council considered to be appropriate. She recommended deleting "including Context Based Design Criteria" and "including compatibility requirements." Putting natural features and the historic character in the same subparagraph messed up the standards a bit. She was puzzled by the inclusion of "existing" natural features. Ms. French suggested it was added to clarify that it was what was there already. Board Member Furth thought the addition of "contributing positively to the site" was a good addition, because she hadn't realized trees were included as natural features. She suggested that Paragraph b end after "contributing positively to the site," and have a new Subparagraph c of "preserve, respect and integrate the historical character of the area including local historic resources, if any." She questioned deletion of the power to require that the project be compatible with adjacent land use designations. Ms. French indicated the Council deleted that language. Board Member Furth urged the Council to put it back, because the ARB dealt with many neighborhoods in transition. With respect to Finding Number 3, she supported the staff's formulation as it was clear and easy to apply. With respect to Finding Number 4, she questioned whether the language was sufficient for the ARB to address bicycle and pedestrian access along as well as to a site. Ms. French referred to language of ease and safety. Board Member Furth suggested replacing the word access with traffic. With respect to Finding 5, she expressed concern that by referring to native or indigenous plants, they could do something undesirable. She would support staff's proposed language. She did not believe the City Codes were adequate regarding sustainability. Finding 6 could be read to mean that only meeting the Code was fine. That was not what she had in mind. Ms. French suggested objectives could capture ideals. Board Member Furth clarified that the project should be sustainable. Chair Gooyer added that the language was applicable 5-6 years ago, but now was the norm. Ms. French indicated there were green points for innovation. Chair Gooyer suggested language of meeting LEED levels. The bar should be raised from what was done 5 years ago. Board Member Furth wanted to utilize "achieves maximum feasible sustainability," but that was a tough standard. Board Member Baltay noted the City had increased sustainability standards above CALGreen. To go beyond requirements of the Municipal Code was probably duplicious. Board Member Furth advised that new things evolved and the Code did not catch up. Vice Chair Lew explained that net

zero was the new target. The State committed to doing that; therefore, he did not know if the City had to do more. He asked if Board Member Furth wanted to keep the issue as a discussion point in the findings. Board Member Furth did not want to approve a project that would not improve the environment, because there was no sustainability finding. Board Member Baltay referred Board Member Furth to the finding of "incorporates design principles that achieve sustainability." Board Member Furth suggested ending the sentence after "sustainability." Ms. French suggested eliminating green building requirements. Board Member Furth concurred. She questioned whether another finding specifically about compatibility was needed. Context Based Design Criteria and compatibility requirements should not be singled out in the first finding, because they were integral parts of the Code. Chair Gooyer would prefer not to have another finding regarding compatibility. Ms. French explained that she attempted to reduce the wording in the Council proposal for Finding 2. Board Member Furth suggested the only change in Finding 1 would be to talk about the applicable provisions rather than the applicable elements. Ms. French stated provisions would include elements, policies, and programs.

The Board agreed with changes as shown in the preamble.

In Finding 1, Board Member Furth suggested substituting "provisions" for "elements" in the second line. The Board agreed.

In Finding 2, Board Member Kim felt "internal sense of order" could be confusing. Ms. French indicated it referred to the interior of the site. Board Member Kim asked if that should be specifically stated. Board Member Furth felt it could be deleted, because the Board reviewed the whole project. Ms. French asked if the Board wanted to delete "internal" and retain "sense of order." Board Member Baltay asked if the language on the screen was the complete finding in placement of the larger paragraph. Ms. French reported it was staff's suggestion, because they placed compatibility requirements relating to coordinated area plans in Finding 1. Board Member Baltay suspected the Council would insist on adding something contextual, that word. Board Member Furth suggested "is compatible with the context of existing development." Chair Gooyer inquired whether she meant "provides compatibility in scale and character to adjacent land uses." Board Member Furth suggested a new "c" of "is compatible with its setting," "d" would be "provides harmonious transitions," and "e" would be "enhances living conditions." Vice Chair Lew noted the Board had not discussed that large sections of the City were not subject to the Compatibility Code. This would add it to the Research Park, General Manufacturing, Public Facility zones. Ms. French explained that the language acknowledged that large sites might not have the pattern that was found in an urban setting as far as building articulation, rhythm and those kinds of things. Vice Chair Lew remarked that a house in a residential district next to an office building in a commercial district triggered a daylight plane. A house in a business district did not automatically trigger a daylight plane. This would give some discretion over that. Ms. French indicated a better way would be to amend the Code. The Board agreed to changes as discussed.

In Finding 3, Chair Gooyer preferred "integrated" over "holistic." The Board agreed to changes.

In Finding 4, Board Member Kim recalled the suggestion to change "access" to "traffic." The Board agreed to changes.

In Finding 5, the Board agreed to changes.

In Finding 6, the Board agreed to changes.

Board Member Baltay inquired whether a Board Member could attend the Council discussion to represent the Board's views. Ms. French advised if discussion was needed, then an ARB Member would be invited to attend the hearing.

MOTION:

Board Member Furth moved, seconded by Board Member Baltay, to approve the Findings as discussed and agreed.

MOTION PASSED: 5-0

1 Chair Fine: Thank you very much. Do we have any speaker cards on this issue? None? Ok. So
2 this as Amy was describing is a review of the ARB findings where they have to get all six right in
3 order to move a project forward. And we are essentially looking at Attachment B, which is the
4 proposed ordinance to the Council and to recommend adoption of the proposed ordinance of
5 course we can make comments, ask questions, all the kind of good stuff. So I'd just like to open
6 it up to start with questions from the Commission. Commissioner Rosenblum.

7
8 Commissioner Rosenblum: Yeah, thanks for preparing this. It seems the core of the intention is
9 around compatibility so both with relevant zoning and with the setting. This always seems
10 confusing to me. So this is one of those areas and when many land use items come up
11 discussion often comes down to one group saying, "Well, it meets all [pickle] requirements"
12 and others say, "Well, not compatibility" and they have their of their own view of compatibility.

13
14 I'm wondering is it possible for you or have you seen this done in other cities guides to
15 compatibility that can be referenced? So i.e. using examples of this we consider to be
16 incompatible i.e. there are those who make their own definitions saying, "Oh, I looked at the
17 building across the street," but they say, "But you didn't look kitty corner, the next block down
18 is the one you really should be looking at." And to say that we consider this out of scope things
19 that are more than say one block away. We consider the average of the adjoining end blocks to
20 be the relevant standard for compatibility on height or setback and so we've looked at things
21 like setback where there are actual standards around the number of parcels that are used to
22 look at compatibility for things like setback, but I'm wondering how extensive can these
23 guidelines get? Because I think this is where people get tripped up.

24
25 Ms. French: Well as suggested by the findings I mean the context based design criteria
26 referencing this specifically in Finding Number 1 gives us all a good head start on that discussion
27 the ARB and staff and the public so for many or most of the projects that come through the ARB
28 process they are subject to those context based design criteria. Projects in the Research Park,
29 projects on public facility zoned properties do not have those standards, but so compatibility
30 might be something a little bit looser. But I think we still generally rely on those context based
31 design criteria which are very extensive and provide examples of what to do, articulation, and
32 following the plate heights and alignments and there's quite a host of specifics that are found in
33 those. Again, I would say 95 percent of the projects that go through the ARB do have... yeah,
34 are covered by those.

35
36 Chair Fine: Commissioner Waldfogel.

37
38 Commissioner Waldfogel: Thanks. I want to say that I'm actually pretty excited about these
39 changes. I really like the direction they're going. I like the Provision 2, the unifying coherent
40 design concept. And I like introducing the idea of high aesthetic quality. I mean that's
41 something that I think we badly need is... as a criteria. So I'm very supportive and very excited
42 about this.

43
44 Chair Fine: Other Commissioners? Vice-Chair.
45

1 Vice-Chair Gardias: Thank you. So when I was reading this I recalled the words of former Mayor
2 Holman when she was talking that [unintelligible] aftermath of the design process and it may
3 be the case and I know that she was very concerned and she was very engaged in this project.
4 And when I think about this what she said I also think about what we do here because we of
5 course we don't want to be a space, be an aftermath of a design process, a planning design
6 process, right? So that's we would like to have a quality space as well as the quality
7 architecture, but it's a tough thing to resolve.

8
9 And in general when I was preparing for this meeting I searched through a different municipal
10 codes. I went to Santa Monica and I couldn't find any anything comparable. I went to two
11 other cities and I couldn't find anything comparable either. And so I was wondering as my
12 colleague Eric if you could just provide example of how others are resolving this to have the
13 space and architecture somehow being cohesive. We know that there are detailed plans that
14 are prepared for the key areas that pretty much tie architects, developers, and others with the
15 specific regulations that provide detailed guidelines. Regulation like this has a concern because
16 it keeps a check on the designing party because it's broad enough that pretty much any
17 argument may be brought against the designer or the owner saying that this building is not
18 compatible because there will be many perspectives of this what this is compatible, what's
19 compatible, what's not compatible. So that's my general concern in this perspective.

20
21 And then when I think about this, this document actually ties to the Individual Review (IR) that
22 we're going to have later on today. And so when you were listening to Dan Garber you may just
23 tie his comments about IR to this and then think how this two items should work together in
24 terms of just providing us with the quality space in architecture.

25
26 Ms. French: Through the Chair? Just to put a point on that architecture review findings are
27 generally unrelated to the IR process and program. The only time that they would intersect
28 would be when there are three or more homes coming through the architecture review
29 process. So the architecture review findings would be relevant there. Staff would also provide
30 an analysis with the, of the project with respect to those IR guidelines.

31
32 Vice-Chair Gardias: I didn't mean legal overlap. I meant planning and space overlap. So that's
33 where they intersect, right? Because they have the same set of the thinking rules that impacts
34 our space and buildings.

35
36 Chair Fine: Any other comments or questions yet? Ok. So I'm generally in agreement with
37 Commissioner Waldfoegel here. I think these changes are fairly exciting, their kind of minor,
38 some are a little bit bigger. A few questions and comments; while I agree it's important for the
39 City to have high aesthetic quality and put that into this code I was a little concerned that there
40 was a phrase "aesthetically holistic" and I was wondering if that's a bit prescriptive in terms of...
41 it just made me think are there buildings that maybe we don't want a holistic aesthetic where
42 there may be a few different design styles that make a great building. So I was a bit
43 [unintelligible]. Is that the older draft?

44
45 Ms. French: So that's what the Council Members suggested we take to the ARB and we did, but
46 we came up with something that we feel is will be have greater use and flexibility. And so that

1 would be Finding 3 I believe in Attachment B. So we should be all looking at Attachment B
2 which is the proposed ordinance.

3
4 Chair Fine: Ok. Two other quick questions, one is about desirable habitat. Is that for animals?
5 Insects?

6
7 Ms. French: As had been suggested the whole indigenous thing is that's a word that's
8 associated with animals whereas (interrupted)

9
10 Chair Fine: Ok.

11
12 Ms. French: Yeah, so how it reads now and we did consult with our landscape architect that
13 works for the City in Public Works and kind of hammered out this expression that's in the
14 Attachment B ordinance which talks about climate appropriate. That's the lingo used these
15 days to refer to the right species in the right location with the right water needs, etcetera.

16
17 Chair Fine: Ok. Is the climate appropriate language what's replacing the previous like drought
18 tolerant stuff?

19
20 Ms. French: Correct.

21
22 Chair Fine: Ok. That actually addresses my main concern because I was a little concerned that
23 we were removing the drought tolerant language which I think is pretty important in our
24 current situation.

25
26 Ms. French: And then if, and if I might add to that as well Finding 6 does talk about water
27 conservation with respect to sustainability. So if it hasn't been perfectly clear in climate
28 appropriate then it is made more clear with respect to water and Finding 6.

29
30 Chair Fine: Ok. I'm happy to have any other questions or comments otherwise I'm willing to
31 entertain... Commissioner Tanaka.

32
33 Commissioner Tanaka: I have a really quick question. So I just want to make sure I understand
34 this. So one thing that was added to this was each of the following applicable findings is met.
35 So that's kind of like I just want to understand the process before and process, the proposed
36 process. So was the proposed process, there was a process before that if any one of those
37 were met that was ok or is it now all of them have to be met and it's ok?

38
39 Ms. French: I think it reads as applicable so and this is no different from how we've been
40 applying these findings. No matter what it says at the top in the preamble we've been applying
41 all that apply to the project. I mean you might have a project that's only landscaping so
42 anything that talks about building may not apply to that project. So we do look at each one of
43 those findings as they apply to each project that comes through. And so that's the intent is
44 they should meet all the projects, all the findings that apply to that project.

45
46 Commissioner Tanaka: Ok, so why was that phrase added?

1
2 Ms. French: That was added by Council for clarity.
3

4 Commissioner Tanaka: Ok. Ok, so basically the same kind of rigor as before it's just trying to
5 clarify that?
6

7 Ms. French: Yes.
8

9 Commissioner Tanaka: Ok, thank you.
10

11 Chair Fine: Questions, comments, Motions? Commissioner Alcheck.
12

13 Commissioner Alcheck: I just want to make a few comments about this, these changes which is
14 that I think that we're talking about commercial property, commercial projects here. And in
15 some well, I shouldn't say commercial projects. I'm, we're talking about projects that would be
16 subject to the review of the ARB which could in theory be residential if they were what,
17 multifamily? I think that so these six criteria to me are incredibly abstract. I think that I've been
18 in a position where I've had to articulate concepts like this and it's like it's very laborious, right?
19 You go through this process of trying to like be specific and yet unspecific to hint at what you're
20 looking for without being too constricting. And I think sometimes when you're trying to
21 evaluate statements like this it's, it helps to understand sort of the context behind the change
22 which is in my opinion the context behind these changes is essentially a response to the
23 commercial development in Palo Alto, right? So there is this sense that our development has
24 been out of character, has been incompatible, incompatible. I... one of... to me there we've
25 taken a lot of steps in this to essentially create greater hurdles for commercial and multifamily
26 development in town including the office cap. And to me this is yet another effort to create a
27 set of guidelines that would just make the process...
28

29 I mean look, I understand the ARB's been involved and I do really appreciate the feedback of
30 the ARB. I, my biggest concern is that some of this stuff is very big and abstract and I wouldn't
31 say it's that it's vague to suggest that it incorporate landscaping that has that is energy efficient
32 or conserves water, but here's a good example of something that's not within these guidelines:
33 does the design serve its purpose well? And I don't mean does it allow for pedestrian and
34 bicycle traffic outside of the project I mean does it, does it maximize the use of the land? Let's
35 say it's a multifamily project. Does it house people in an efficient manner? I mean we're sort of
36 creating these, to me when I read these it has to do with look and feel from externally and to
37 me it just seems like we're creating a greater toolset, a greater vague toolset to provide
38 inconclusive feedback to projects, right? So a project will come up to City Council... my concern
39 is a project will come up City Council they'll just suggest issues based on these design criteria or
40 concerns with these design criteria and they'll be vague and it'll be very hard to satisfy this
41 design criteria because it maybe in the eyes of the... it's like a, it's almost personal some of
42 these issues. That's my big concern. And I don't know that there's really any answer that you
43 can provide, but I...
44

1 Chair Fine: So if I can just interject for a second? I do kind of agree with you. These are vague
2 standards, but this is just an update to what the City has been doing for years and luckily this is
3 on the ARB, it's not on the PTC.

4
5 Commissioner Alcheck: Agreed, agreed. I'm just I'm sharing these comments. Well you and
6 Commissioner Waldfogel both said you're really excited about these changes and I think the
7 assumption there is that you feel like the process is really broken or maybe I shouldn't go that
8 far to assume that, but I don't know what you're so excited about. It's not clear to me that the
9 current process has yielded such poor results. It is clear to me that the, that we've developed
10 we've grown a tremendous amount and we're feeling the growing pains. I don't know
11 necessarily that that has anything to do with the general aesthetics of any of the buildings that
12 have been developed and that's my concern.

13
14 We have an ARB which reviews aesthetics, massing. We're not this isn't really setbacks. This is
15 much vaguer than that. Harmonious transitions in scale and character to adjacent land uses.
16 To me this is: look, stop building and let's make it even more, let's... look, I think you
17 understand what I'm trying to say. To me there's, this is... to me to be excited about this means
18 that there's some serious problem in the aesthetics and transitions of the buildings and I don't
19 know if the case has been made for that. It's a comment. I'm not suggesting that it's worth
20 debate, but (interrupted)

21
22 Chair Fine: So I just think the language has gotten a little tighter around some of those
23 parameters, but I see lights from Vice-Chair and I believe Commissioner Waldfogel as well.

24
25 Vice-Chair Gardias: Thank you. So I think that this document as well as IR that we're going to
26 just review two topics from now it just addresses our struggle about what to do with the space.
27 And in some cases its deteriorating so citizens ask about the Single-Story Overlay (SSO) because
28 they disagree with the destruction of their of their privacy by the two-story house that's built
29 next to them. Some other folks may not be happy with some commercial development that
30 totally ignores the existing space. And then there is a variety of comments that you can read
31 throughout the newspapers or gather from this meetings or Council meetings that just brings
32 this understanding that we just don't necessarily like this what's happening around us. And I
33 know that we are trying with this document we're trying to improve this process, but I just
34 don't really think that this is going to address it.

35
36 Look when you when you think about just the basic premise about of a building and of a city
37 none of those were based on any regulations. The greatest cities were developed either by the
38 kings or monarchs or were developed based on the commerce concept. There was no
39 regulation like this or any other whatsoever, right? With all respect to this what we're doing,
40 right? And this was the same with the building. The building was developed based on the
41 commerce premise and not on the architectural regulation. The greatest buildings that were
42 developed throughout Europe in the [unintelligible] cities were pretty much based on the
43 commercial agreements and regulations that were that were related to the to the trades
44 establishment not to the space per se, but they resulted with the development of the great
45 space. That's how it's pretty much developed throughout the centuries or millennia. So it's just

1 that it's maybe greater statement, but it just addresses the that I understand totally what we're
2 trying to do here, but I'm not really sure if that is going to resolve anything.

3
4 And then on the other hand, right, it's not our document it's the ARB's document, but I hope
5 that they will read it and perhaps we're going to one day we're going to meet together with
6 ARB and we are going to just think about just a greater good or **some** that will result with
7 some project how to truly address the public space and how to truly address the good
8 architecture in the City. And with the whole respect I don't think that improvement to this
9 document is going to address it. That's probably a subject of a separate process. Thank you.

10
11 Chair Fine: Thank you very much.

12
13 Mr. Lait: Is it possible to offer a couple of comments?

14
15 Chair Fine: Oh, please.

16
17 Mr. Lait: So thank you Commissioners for all those comments. I just wanted to clarify sort of
18 how we got here and I understand sort of the backdrop of the conversation about development
19 in general and concerns that people have expressed about commercial development. And I
20 would say that that conversation followed this effort which began in early 2015. This is a staff
21 driven initiative and the reason staff has requested these changes is to not change the
22 substantive meaning of the finding, findings, but to collapse the 16 findings that we have today
23 so that we can be more efficient in our review of processing of applications. This was not a
24 response to commercial development. This is a staff, this is staff asking Council for help to be
25 more efficient in how we review and process applications. It gives us a chance to eliminate
26 some outmoded references, tailor it to some issues that we think are repeating themes that
27 happen, and that really is the focus here is to just sort of give us a chance to focus on the
28 quality of the analysis because before we've been criticized of not paying as much attention to
29 all of the details of the 16 findings. And I will tell you as a former staff writer of many reports
30 writing trying to be creative and come up with 16 findings for 100 plus projects year after year
31 is difficult. So the ability to tailor and focus our discussion is really what this is about. And this
32 started in early 2015. I think the growth meter ordinance came around in late 2015, I think
33 December 2015. I understand that since this problem... this and this matter has just kind of
34 lingered on and we haven't been able to resolve it yet. But this is this is not a response
35 necessarily to some of the dialogue that has been taking place in the community.

36
37 MOTION

38
39 Chair Fine: Thank you. I think we're ready to have a Motion to move this forward or otherwise.
40 So the floor is open. Alright, I'll make a Motion. So I would like to move that we recommend
41 adoption of the proposed ordinance Attachment B to the City Council and that staff please
42 submit our full minutes to them as well.

43
44 SECOND

45
46 Commissioner Rosenblum: I second.

1
2 Chair Fine: So there's Motion on the floor. I'm not going to speak to the Motion. Would you
3 like to?
4

5 Commissioner Rosenblum: I'll just I'll reflect Commissioner Waldfogel's comment. I'm excited
6 for this. I understand some of the concerns that this may inject a subjective bar that may be
7 stunting, but I also think that staff's explanation for the purpose of cleaning this up, simplifying,
8 etcetera makes a lot of sense. And I also think that the objective is clear and exciting. So I'd like
9 to see this move forward and I support the recommendation.
10

11 VOTE
12

13 Chair Fine: Thank you. Any last comments or should we just call a vote? Alright, all those in
14 favor? Those against? Abstaining? Alright, the Motion passes. Alright, thank you all very
15 much. That's Item Number 1.
16

17 MOTION PASSED (4-1-1, Commissioner Alcheck against, Vice-Chair Gardias abstained)
18

19 **Commission Action:** Motion by Chair Fine to recommend approval for Council adoption of
20 an Ordinance amending the Architectural Review Findings contained in Chapter 18.76 of the
21 Palo Alto Municipal Code; Exempt from CEQA Pursuant to CEQA Guidelines Sections
22 15601(b)(3) and 15305. Second by Commissioner Rosenberg, vote 4-1-1 (Commissioner
23 Alcheck against, Vice-chair Gardias abstained)