

Approved

The meeting was called to order by Chair Massey at 7:30pm. Those present were: Commissioner Bonilla, Commissioner Drechsler, Commissioner Whitaker, Vice-Chair Hugg, and Chair Massey.

Minutes of 5/27/14 Commissioner Drechsler approve as amended, 2nd by Commissioner Hugg 2nd Vote 5-0

The Chair opened the Public Comment Period.

No one wishing to speak, the Chair closed the Public Comment Period.

ITEM 1

PUBLIC HEARING

SCHMIER Residence Single Family Dwelling Design Review

Christy Usher, AICP, Associate Planner, gave the staff presentation.

The Planning Commission had the following question(s) for staff:

- Please explain “pulling the 2nd story building line towards the street”. *Staff: Referred to several exhibits to clarify that shows the north building line and the area that was affectively moved toward the street. Were any photos submitted prior to the removal of the large trees on the northeast corner showing the view from the neighbor’s property? Staff: no*

The applicant gave a presentation on their project.

The Planning Commission had no questions for the applicant.

The Planning Commission had the following question(s) for the City Attorney:

- Please expand on the explanation of the California Environmental Quality Act (CEQA) exemption. *City Attorney: staff reviewed the application against CEQA and determined that if a project is exempt from CEQA there is no need to prepare a Negative Declaration or Environmental Impact Report. The exemption applied in this instance is for small structures. This project falls within those parameters. The City received correspondence stating that the city should not rely on that exemption because there is an exception on the exemption for cumulative impacts. That exception provides that if there would be cumulative impacts that would result in a significant impact on the environment then the categorical exemption does not apply. The letter has been reviewed and cases have been reviewed applying that exception and the cases read indicate that the exception does not apply if the impact is speculative and there is no application before you that there will be projects of a similar nature coming “down the line” and that also you have to decide whether or not those cumulative impacts, if they were to occur*

would cause significant impact on the physical environment. The burden is on the person alleging that the exception applies to provide that substantial evidence to the hearing body.

The Chair opened the public hearing. The following people spoke: James Morris, San Mateo; Doris Abouav, San Mateo; Karen Trudell, San Mateo; Paula Finley, San Mateo; Jennifer Deutscher, San Mateo; Wayne Deutscher, San Mateo; Larry Mottin, San Mateo; Sia Glafkides, San Mateo; Julie Kaprielian, San Mateo; Karen Herrel, San Mateo; Sean Williams, San Mateo; Scott Finley, San Mateo/El Dorado Hills, CA; Scott Shawver, San Mateo; Meredith Mazza, San Mateo; Kelly Westberg, San Mateo; Gordon Stause, San Mateo; Amber Elli Seguire, San Mateo; Bess Wiersema, San Jose; Gaudi Stazi, San Mateo; Wai Kei (Max) Poon, San Mateo; Karen Fitzpatrick, San Mateo; LeAnn Katayama, San Mateo; Reme Vargan, San Mateo; Jason Chan, San Mateo; Terri Schmier, San Mateo.

- Evaluation by Planning Division explains in substantial detail how the project conforms to the Single Family Dwelling Design Review (SFDDR). Opponents have not proved this is not the case. If they feel the guidelines are insufficient they can lobby the city council to change the guidelines.
- It is emotionally devastating for owners who suddenly have their view blocked by a neighbor. I understand the concerns for adding on and I wonder how it would have felt if the applicant bought their home at a premium and lost their view by a neighbor. This is a financial loss for those whose views are blocked. It is also an emotional and moral loss. No easy answers to this situation. I oppose this addition. The ordinances should be stricter regarding adding on and blocking another's view.
- It is my view that will be impacted the most. None of the conversations with the applicant have been argumentative but we have very different views. Are there any other possibilities? I bought my home for the spectacular view and for the backyard for my children. I will lose a good portion of the view from my home. I understand that homeowner's have the right to add on and build onto their home but I don't understand how someone can do it. I feel my view is being taken and I believe the applicant is not doing it to hurt me. I would have to build up and pay to get my view. This has had an emotional impact.
- Your decision will impact the views of one property forever. Please consider fairness and equity for both parties. A pole study must be done for accuracy and consistency. All similar applications in the past have had pole studies – why not this one? Review compliance with Single Family Dwelling Design Review Guidelines, section 4. Efforts have been made to minimize impacts but have not gone far enough. Reasonable solutions include reducing ceiling heights on SE corner of the building down to 8 feet. Design the addition within the current courtyard/landscaped area. If my view is removed it will be emotionally devastating.
- Those of us who are against this project have views that are going to be impacted. Are you going to protect my property and my views? A view-preservation ordinance is necessary and I've stated this in my 5/29/14 letter.
- I don't like the fact that a family can put up a 2nd story and impact our view. My question to each of you is how would you feel as the uphill neighbor to have your neighbor build a 2nd story and block your view?
- I understand the applicant's need for expansion but do not believe it should be at the expense of the equity and view of the neighbor. If our view went away we would lose a large portion of our equity.

- I bought my home for the spectacular views. A precedent will be set if this application is approved. I support a homeowner's right to add on to their home, but not when it takes away the views of someone else's property. This addition must be denied. It does not comply with city ordinances and guidelines. Doesn't confine to existing home looks on Verdun. Beautiful design but does not fit with the rest of the neighbor. We are concerned that a precedent will be set here and thousands of properties in SM that could be affected by this decision.
- I wish to point you towards the findings and conditions that I pointed out in my letters. When I was on the Planning Commission there were no guidelines. The council discussed the lack of controls for 2nd story additions. If this situation is considered view-equity, we've gone awry. Several homes on this street experienced the blockage of 2nd story additions. I purchased my home on Caxton Ct 100% for the view. I am in favor of the city adopting an ordinance to preserve existing views.
- I cannot comprehend how you can approve this application without doing a story pole study. Ask the hard questions before you approve the project. You can say no to this project as it is discretionary. Reflect on this decision and what is the legacy that it leaves on the city. Part of the responsibility of a neighbor is to understand how other neighbors are. I don't understand how someone can take away a view. We paid a premium for our home which has a view – this home has had no updates since being built in the 1950's. The appraisal of our house was higher because of the view. We would be financially devastated if someone blocked our view. Something should be done to protect the views.
- I see the plans as having been carefully designed, maintaining the uphill neighbor's view, which the neighbor does not own. It would be shortsighted and unfair to deny the applicant the right to expand their property to benefit their family.
- I have been impressed by the passion that people have for their views. I feel that cities change and evolve and if you are never going to do anything because it might negatively affect someone, it is a danger if the status quo always dominates. The give and take is what keeps cities vibrant over time. When people cannot make changes to their homes, what does that say about the long-term health of our community?
- It is financially difficult to live in this area. I can understand that someone could be upset if they lost their views. My only option would be to add a 2nd story to my home and if I could not I would have to move. The bottom line is if we start kicking people out of our community to accommodate a view and lose people like the applicants, it matters.
- I would like to make some points that I feel have gotten lost in this process. The overlay of several footprints of the property and design, allow you to see the view that is affected. The addition could not be placed on the back of the property as it would affect the setback. We have met all of the design guidelines and standards. If there are people that have a passionate view of this project, they should take it up with the city council and their own expense – not the expense of the applicant. Please consider the professional interpretations of the guidelines in this design.
- A lot of people are unhappy with this project because of the view blockage. I was taken by the view when I bought my house. Views are significant. The view isn't just nice to have it is part of the house. I don't see an attempt to minimize the impact with this project.
- We appreciate the fact that our neighbors have renovated out instead of up. We also support an ordinance that prevents destruction of views.
- There are a lot of older homes in San Mateo with 3 bedrooms and 1 bath. Many families now have to have parents live with them. Family and community make a neighborhood.

- The Planning Commission has reviewed and done due diligence in this project. Everyone is talking about property values and views. We buy because of that. We also buy because of community and neighbors. Part of community and neighbors is compromise and I believe the applicant has gone a long way to make this a good project. They have followed all of the guidelines.
- The current application does not conform to the guidelines. It takes away from the views enjoyed by others. This is an issue about views. If you approve this application it will set a precedent and begin a cascading effect; people will begin building up in order to maintain their views. The lot size of the applicant has been discussed and appears sufficient for them to design in a different way and everyone will be happy.
- We understand the fear of everyone about losing their views. I would like to remind people that only one person is having their view impacted and it is not in totality.

No one else wishing to speak, the Chair closed the public hearing.

There was a 10-minute break.

The Planning Commission had the following question(s) for staff and/or the applicant:

- Question for the applicant: As I look at some Google earth photographs from 2011, it shows the overhead property line between you and your uphill neighbor. I see a large magnolia tree in the northeast corner near the telephone. Is that where the black acacia trees that were removed were located? *Applicant: They were down along the fence line down (south) from that magnolia tree. It was the trees that were past our roof line coming back, they were probably 5' from our roof line, removing those trees opened up the views from the uphill owner's backyard and living room and a little more north facing views from her living room. There was still a view from her living room.*
- I see a stain on the neighbor's roof that tells me that another tree was there, perhaps leaf debris. It looks like a tree used to reside where a view is now enjoyed. *Applicant: we did remove trees that blocked the views to our direct neighbor, behind us, and another uphill family. It did open up the view. We do not have any photos of the view prior to removal of the tree.*
- I see the stains on the roof near where your chimney is located. *Applicant: it would be in between the chimney stack and the magnolia, the back corner of the house.*
- The absence of that tree would have significantly improved the "sweet spot" of your neighbor's view. *Applicant: yes, but you would have to ask our neighbor specifically.*
- I am comparing the Google Earth photo with the photos that I've been shown.
- *City Attorney: The uphill neighbor is able to give a better idea of the issue of removing the trees and is allowed to give more comment. Karen: it was the uphill neighbor that asked if the applicant was willing to cut down the trees. There were 3 of us that shared the cost of the tree removal. Removing the trees did not open the view for me – the views were already there. I do not have a northern view because of the trees growing. I have a photograph of when I first bought the house.*
- What is the allowable height in the neighborhood? *Staff: 24' to the plate line and 32' overall.*
- Scenario: you live in a 2-story and have a great view. Neighbor below has a 2 story house. If there is a similar situation to this, no one is going to be able to add another story. *Staff: we have not done an analysis of this. It would be difficult to add in another floor with a 24' height limit.*

- In reading through Larry Cannon's letters, he listed a few items to improve the street-facing elevation. 1) to have the 2nd floor overhang the ground/first floor; 2) additional articulation of the projecting bay window and bedrooms, 3) more deeply recess the garage door. It's unclear to me whether the design we're looking at tonight has the projecting bay windows and the 2nd floor overhang of the first floor. *Staff: Confirmed, the proposed design includes these building elements.*
- Commissioner Whitaker read from 2nd letter: April 21st letter: "There are inadequate dimensions on the drawings to determine the exact dimensions of the bay window projection. However, the one dimension on the drawings relating to this issue is on Sheet A4.1 section which is 1'-6" from the first floor wall to the face of the bay window. My recommendation would be to increase the projection of the bay window by extending it to the 15 ft front setback line which should add another 4.5 inches to the total projection of the second floor and bay window from the first floor wall below." The graphics seem to indicate we've moved this but reduced this. *Design Consultant: This came as a result of looking at other homes near the subject property. The entire building moved forward to the front setback line but that did not change the bay window.*

The Planning Commission discussion and had the following comments:

- Story poles are not required. It was nice of previous applicants to use them to clarify their proposals, but they are not required. I went and visited the site to imagine what is being requested. It appears to me that the Schmiers have gone to great lengths to minimize the impact on the views of others. They could have been less cooperative. I believe that everyone is standing for what they believe is right. Families need to be able to grow. It is not fair to deny people the right to add on to their house. I believe the Schmiers are not doing this to take away anyone's view. I think the view they will get is not as much as others think. We need to allow the room for people to make changes. They have done a lot to accommodate others. These people are within their right. No one owns a view.
- The Planning Commission packet of information that staff compiled for the Commissioners was detailed and voluminous. For one house to make this improvement and go through this much work. For the neighborhood to have this much angst over a view when the city, through its transparency, provide information and analysis. We are not here to rewrite the ordinance. Those who work for the city serve you diligently. It is obviously a passionate topic. I would not feel good about having my view taken away and I can also feel that the sustainable minded me wants to support someone that doesn't want to take up the remainder of their yard for an addition. There was clearly a process here. I understand that your view is part of the value of your home. I believe this family has done due diligence working hard with their neighbors. I would not want to live in San Mateo if we held everyone to 1950's values. I would want uphill neighbors to consider the downhill neighbor.
- One of the speakers tonight said it best "everyday life is based on community, based on relationships, built on compromise." I've been on the commission for 4 years and this is the 3rd SFDDR application with view issues that I've deliberated. They are all emotional. I believe the applicant's did a good job. They have tried to reduce the impact on the neighbor. San Mateo is going through growing pains and it is a difficult time. As a Planning Commissioner, it is our charge to apply and uphold the approved city documents, SFDDR guidelines and zoning code. We do not have the same latitude as the City Council. For many of you views are not a protected amenity.

- Staff has been diligent in assembling this packet. Mr. Cannon continues to be a valuable asset in helping us evaluate these types of projects. Problems like this are a warning signal that ridiculously high home prices. The notion of having a starter-home is practically precluded.
- The Chair of the Planning Commission concluded that the Planning Commission would not recommend that the City Council revise the existing Design Guidelines to give substantially more protection to existing views and as a result curtail development rights. Instead, the Chair acknowledged the importance of the existing Design Guidelines and process which seeks compromise from all parties involved and accommodates future growth in the City.

Motion: Commissioner Drechsler made a motion to approve the project by approving the project based on the Findings in Exhibit A and the Conditions of Approval in Exhibit B. 2nd by Commissioner Bonilla.

Vote: 5-0.

Note that this decision is final with the Planning Commission unless appealed to the City Council in accordance with the code.

1. Communication from Staff
 - a. Cancellation of June 24, 2014 meeting.
 - b. Commissioners Hugg and Bonilla out in July.
2. Communication from Commissioners
 - a. Chair Massey out in September.
3. Election of Officers: nominations for chair. Vice chair Hugg respectfully declining due to present situation.
 - a. Nomination of Commissioner Bonilla, 2nd by Vice Chair Hugg. Vote: 5-0 Commissioner Bonilla is elected as the Chair of the Planning Commission.
 - b. Nomination by Commissioner Whitaker of Commissioner Drechsler for Vice-Chair, 2nd by Commissioner Hugg. Vote: 5-0 Commissioner Drechsler is elected as the Vice-Chair of the Planning Commission

Adjourn at 10:15pm