



REGULAR MEETING MINUTES

Date: 10/3/2022
Time: 7:00 p.m.
Location: Zoom

A. Call To Order

Chair Chris DeCardy called the meeting to order at 7:00 p.m.

B. Roll Call

Chair DeCardy said Commissioner Barnes had indicated technical difficulties joining the meeting.

Present: Chris DeCardy (Chair), Linh Dan Do, Cynthia Harris (Vice Chair), Henry Riggs, Michele Tate

Absent: Andrew Barnes

Staff: Christine Begin, Planning Technician; Matt Pruter, Associate Planner; Corinna Sandmeier, Acting Principal Planner; Chris Turner, Associate Planner

C. Reports and Announcements

None

D. Public Comment

None

E. Consent Calendar

E1 Approval of minutes from the June 13, 2022, Planning Commission meeting. (Attachment)

E2 Approval of minutes from the June 27, 2022, Planning Commission meeting. (Attachment)

E3 Approval of court reporter's transcript and minutes from the July 11, 2022, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Harris/Do) to approve the consent calendar consisting of the minutes from the June 13 and 27, 2022 Planning Commission meetings and court reporter's transcript and minutes from the July 11, 2022 Planning Commission meeting; passes 3-0-2-1 with Commissioners Riggs and Tate abstaining and Commissioner Barnes absent.



F. Public Hearing

- F1. Consider and adopt a resolution to approve a use permit to remove an existing chain link fence and construct a new fence that would exceed the fence height/location requirements for properties fronting on Santa Cruz Avenue at 1975 Santa Cruz Avenue (Holy Cross Cemetery), in the R-1-S (Single Family Suburban) zoning district. The new fence would be 5.5 feet in height with column/bollard heights of 6.5 feet, and would feature a block base and columns with iron pickets in between. The existing auto entry gate and columns would remain. (Staff Report #22-052-PC)

Associate Planner Chris Turner noted an email received after publication of the staff report and that it commented on all three public hearing items on this agenda. He said the writer on this item indicated general support for this agenda item but requested that the cloth on the other portion of fence be repaired or replaced and made suggestions regarding heritage tree replacements.

Project applicant representatives Margaret Weimmer and Mark Melbye spoke on behalf of the project.

Chair DeCardy opened the public hearing and closed it as no persons requested to speak.

Ms. Weimmer, responding to Commission question, said they were willing to replace the cloth on the other portion of the fence to improve its appearance.

Chair DeCardy reopened the public hearing.

Public Comment:

- Carole Grace, District 5, requested that the green cloth be replaced in its entirety or removed entirely along the other section of fence.
- Victor Buathier, 1800 Santa Cruz Avenue, expressed concerns with removal of trees as well as the noise level on the side facing his home and suggested the fence be replaced by a wall and shrubs planted on that side to mitigate.

Chair DeCardy closed the public hearing.

Ms. Weimmer, responding to Commission question, said the city was requiring landscaping across the width and the plantings used would be drought resistant and maintained.

The Commission clarified with the applicant and staff that the site view at the corner for traffic had been reviewed by transportation division staff and approved, that the new gates were see-through, and that the height was to provide a physical boundary for the privately owned site and the public sidewalk.

Commissioner Riggs moved approval with the added condition to require replacement of the cloth on the portion of fence otherwise not changed by the proposed work. Commissioner Tate seconded the motion. Replying to Planner Turner, Chair DeCardy clarified with Commissioners Riggs and Tate that the additional condition would be subject to review and approval by Planning staff.

ACTION: Motion and second (Riggs/Tate) to adopt a resolution to approve a use permit to remove an existing chain link fence and construct a new fence that would exceed the fence height/location requirements for properties fronting on Santa Cruz Avenue at 1975 Santa Cruz Avenue (Holy Cross Cemetery), in the R-1-S (Single Family Suburban) zoning district with the following addition to the conditions of approval; passes 5-0-1 with Commissioner Barnes absent.

Add Condition 2.b: Simultaneous with the submittal of a complete building permit application, the applicant shall indicate on the plans that the screening fabric on the chainlink fence proposed to remain shall be replaced with new screening fabric. The fabric shall be installed prior to final inspection subject to review and approval of the Planning Division

- F2. Consider and adopt a resolution to approve a use permit to exceed the maximum night time noise limit of 50 dBA, measured at residential property lines, to accommodate electric pool heating equipment for the approved Menlo Park Community Campus (MPCC) development currently under construction at 100 Terminal Avenue, in the in the PF (Public Facilities) zoning district. (Staff Report #22-053-PC)

Planner Turner said the email previously noted had also expressed concern about the noise from the heat pumps and suggested that noise would be cumulative with noise from Highway 101.

Cherrelle Jarrett, project manager, Meta representative, spoke on behalf of the project.

Chair DeCardy opened the public hearing.

Public Comment:

- Pam Jones, Belle Haven resident, said the excess noise was concerning as there were nearby residences and questioned if there were other no-gas alternatives to use.
- Carole Grace, District 5, said other solutions should be looked at as heat pumps were particularly noisy when they started up.

Chair DeCardy closed the public hearing.

The Commission questioned the noise level and options. Ms. Jarrett said acoustic silencers were not possible due to limited space, that the heat pumps required six feet of free airflow on all sides, and that runtimes would be dependent upon operation of the pool. Ethan Salter, Salter Associates, said they had looked at a number of machines and potential ways to mitigate noise but had not found an effective solution. Replying to the Commission regarding community outreach and mockups for noise, Mr. Salter described the type of "noise storyboard" that they had done for construction projects.

The Commission expressed concern that the noise impact at night on residents from the heat pumps operating was unknown and discussed relocating or using an alternative heating system.

Commissioner Riggs moved to deny the project; Commissioner Harris seconded the motion.

After further discussion with staff and the applicant representative regarding that action and its potential to delay the project, the Commission discussed alternatively the project bringing noise level into compliance which would not require a use permit and continuing the project. Commissioner Harris retracted her second to the motion to deny. Commissioner Riggs retracted his motion to deny.

Commissioner Riggs moved to continue the project to investigate alternate sources for the heat pump, alternate locations or siting of the heating system, and mechanisms to baffle or mitigate the sound.

Chair DeCardy asked if Commissioner Riggs would agree to requiring more proactive and engaged outreach to neighbors with some way to demonstrate the expected noise level. Commissioner Riggs accepted the suggestion. Chair DeCardy seconded the motion to continue.

Replying to Commissioner Do, Commissioner Riggs and Chair DeCardy said alternative sources would not include fossil fuel solutions. Commissioner Tate said the objective was that the residents could sleep at night and not be disturbed by equipment noise and with that she was uncomfortable limiting the solution to non-fossil fuel. She emphasized that residents know what the full impact of heating systems noise would be prior to installation. Commissioner Riggs suggested looking at natural gas for comparison. Chair DeCardy said he could support for comparative information, but fossil fuel should not be the solution.

ACTION: Motion and second (Riggs/DeCardy) to continue the item with the following direction to the applicant; passes 5-0-1 with Commissioner Barnes absent.

1. Research modifications to the project that would reduce the noise level including:
 - a. Alternate heat sources and equipment. Information on the noise produced by fossil fuel-powered heat sources should be provided for reference, but not be considered as an alternative heat source.
 - b. Alternate locations for the equipment
 - c. Noise-dampening enclosures or other physical noise barriers
2. Conduct additional outreach to the affected residents adjacent to the project, including a demonstration of the anticipated noise level

F3. Consider and adopt a resolution to approve a use permit for hazardous materials to install a diesel back-up generator for an under-construction development including a two-story office building and a three-story residential building with 27 residential units and an underground parking garage at 1540 El Camino Real in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The generator would be located in the underground garage under the office building. (Staff Report #22-054-PC)

Associate Planner Matt Pruter referred to the email previously mentioned and had for this project inquired whether the diesel generator was temporary, how it would be used and expressed concerns with noise and continued use of fossil fuels.

Rich Ying, project applicant, spoke on behalf of the project.

Chair DeCardy opened the public hearing.

Public Comment:

- Pam Jones, Belle Haven, expressed concerns with emissions using a fossil fuel generator.

Chair DeCardy closed the public hearing.

The Commission discussed with the applicant representative why an alternative battery powered system was infeasible because of the space needed for that and that the function of the system was to operate basement sump pumps in the event of a weather event and energy outage as part of the required onsite stormwater treatment.

Chair DeCardy reopened the public hearing.

Public Comment:

- Carole Grace, District 5, asked whether it had to be diesel and if it could be gasoline as that would release less particulates.

Replying to Chair DeCardy, Mr. Ying said that diesel fuel was stable for a very long time and that new diesel was fairly clean. He said a gasoline generator would need to have its fuel changed more frequently than diesel and that would increase the potential for hazardous spills.

Chair DeCardy closed the public hearing.

The Commission clarified with the applicant that natural gas generators were not an option as the sump pumps might be needed during an event that disrupted natural gas pipeline delivery.

The Commission discussed that the use of the diesel generator was minimal and emissions not great as a result, that the city was committed to non-fossil fuel energy solutions, and that the project brought needed housing and had reduced its parking spaces.

ACTION: Motion and second (DeCardy/Harris) to adopt a resolution to approve a use permit for hazardous materials to install a diesel back-up generator for an under-construction development including a two-story office building and a three-story residential building with 27 residential units and an underground parking garage at 1540 El Camino Real in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district; passes 5-0 with Commissioner Barnes absent.

G. Regular Business

- G1. Consider and adopt a resolution to approve the Below Market Rate (BMR) Housing in-lieu fee for conversion of existing light industrial commercial space to research and development space in an existing commercial building over 10,000 square feet at 1190 O'Brien Drive, in the LS (Life Science) zoning district. The tenant improvement is subject to building permit approval and is not a discretionary action. (Staff Report #22-055-PC)

Planner Turner said there were no additions to the staff report.

Chair DeCardy opened for public comment and closed public comment as no persons requested to speak.

The Commission discussed a preference for actual housing but noted this was a zoning area lacking residential infrastructure and services.

ACTION: Motion and second (Riggs/Harris) to adopt a resolution to approve the Below Market Rate (BMR) Housing in-lieu fee for conversion of existing light industrial commercial space to research and development space in an existing commercial building over 10,000 square feet at 1190 O'Brien Drive, in the LS (Life Science) zoning district; passes 5-0-1 with Commissioner Barnes absent.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: October 24, 2022

Planner Sandmeier said the next meeting was October 24 and would include Willow Village.

- Regular Meeting: November 7, 2022

I. Adjournment

Chair DeCardy adjourned the meeting at 9:30 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 12, 2022