



MENLO PARK PLANNING COMMISSION MINUTES

**Regular Meeting
February 13, 2006
7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bims (Chair), Deziel, Keith (Vice-chair), Pagee (Absent), Riggs, Sinnott

INTRODUCTION OF STAFF – Justin Murphy, Development Services Manager; Thomas Rogers, Assistant Planner

A. PUBLIC COMMENTS

There were no public comments

B. CONSENT CALENDAR

There were no items on the consent calendar.

C. PUBLIC HEARINGS

1. **Use Permit/Gary Ahern/1059 Tehama Avenue:** Request for a use permit to construct a second-story addition to an existing single-story, single-family residence on a substandard lot in regard to lot width and lot area in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Rogers said that staff had no additional comments.

Public Comment: Ms. Cathy Tokic, property owner, introduced her husband Mr. David Tokic. She said they had lived at the property for over three years. She said they wanted to add investment to their home and neighborhood. She said that they had worked with all five adjacent neighbors including the neighbor directly across the street on windows and their placement. She said that they had five letters of support from those property owners.

Commissioner Riggs asked whether the applicants and property owners were willing to accept the recommended modification to the balcony. Ms. Tokic said they had discussed this with the architect Mr. Gary Ahern. She said the future plans for the balcony would have the required 20-feet for the setback; however, they had discussed also eliminating the balcony.

Ms. Susan Lamkin, Menlo Park, said she and husband had lived at their property for 20 years and had found their neighbors, the Tokics, to be delightful, responsible and conscientious neighbors. She said she and her husband supported the proposed project fully.

Chair Bims closed the public hearing.

Commission Action: M/S Riggs/Sinnott to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Focal Point Design, consisting of six plan sheets, dated received December 7, 2005, and approved by the Planning Commission on February 13, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to the building permit issuance, the applicant shall implement the tree protection plan and technique recommendations in the Arborist Report for all applicable heritage trees.
4. Approve the use permit subject to the following *project-specific* conditions:
 - a. Prior to building permit issuance, the applicant shall submit revised plans, showing the second-floor balcony in compliance with the relevant regulations. These plans shall be subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioner Pagee not in attendance.

2. **Use Permit/Opportunities Industrialization Center West (OICW)/1165 O'Brien Drive:**

Request for a use permit to locate a private employment training facility in the M-2 (General Industrial) zoning district.

Staff Comment: Planner Rogers said staff had no additional comments to the staff report.

Questions of Staff: Commissioner Riggs confirmed with staff that on page four of the staff report a reference to an existing use at 1165 O'Brien Drive should read 1160 O'Brien Drive.

In response to a question from Commissioner Deziel, Planner Rogers said that unless an identical use came into the facility at 1160 O'Brien Drive in the future the use permit would expire. Development Services Manager Murphy said it would be very rare for this same use to occur.

Public Comment: Mr. Rod Johnson, facilities manager for Opportunities Industrialization Center West (OICW), said that Western Allied, which is a sheet metal HVAC company, would be taking over the entire building at 1160 O'Brien Drive.

Commissioner Keith confirmed with Mr. Johnson that condition 4.a was acceptable to OICW.

Ms. Carrie Cabak said that she was representing Mr. Michael Cabak, her father and the owner of the property. She said that OICW had been an excellent tenant and they looked forward to OICW continuing as tenants at its new location.

Chair Bims closed the public hearing.

Commission Action: M/S Keith/Riggs to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by CRJ Architects, consisting of three plan sheets, dated received January 4, 2006, and approved by the Planning Commission on February 13, 2006, except as modified by the conditions contained herein.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Revision of this use permit is required in the event that: 1) OICW modifies operations at the 1200 O'Brien Drive facility such that overall demand for parking is increased, or 2) OICW loses the right to use the auxiliary parking lot in the Hetch Hetchy right-of-way.

Motion carried 5-0 with Commissioner Pagee not in attendance.

3. **Use Permit/Metro PCS/300 Middlefield Road:** Request for a use permit to install two panels antennas flush mounted to two existing posts between the tower and the platform on the west side (Middlefield Road) of an existing drill tower at the Menlo Park Fire Protection District headquarters. Additionally, the applicant proposes one panel antenna flush mounted to an existing lattice tower on top of the platform and the installation of two equipment cabinets in an existing room on the second floor of the tower in the R-1-S (Single Family Suburban) zoning district.

Commissioner Deziel recused himself because of a potential conflict of interest and left the Council chambers during consideration of C.3.

Staff Comment: Development Services Manager Murphy said that staff had no additional comments to the staff report.

Public Comment: Mr. Tom Spaulding said he was representing Metro PCS. He said they had redesigned the project and now had two panel antennas flush mounted to two existing posts, which would be painted to match. He said he thought this was a superior design to the one they had submitted previously. He said he had reviewed the conditions of approval and found them acceptable.

Chair Bims closed the public hearing.

Commission Action: M/S Keith/Sinnott to approve as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 of the current State CEQA Guidelines.
2. Make necessary findings, pursuant to section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
3. Approve the use permit subject to the following *standard* conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by KP Design, dated February 7, 2006 consisting of eight plan sheets and approved by the Planning Commission on February 13, 2006, except as modified by the conditions contained herein.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility company regulations that are directly applicable to the project.

- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following *project specific* conditions:
 - a. This use permit shall expire at the end of five (5) years from the date of building permit issuance unless extended by the Planning Commission. If the applicant desires to extend the use permit, the applicant shall explore and implement, to the extent feasible, the available technology to reduce the size and/or visibility of the antenna.

Motion carried 4-0 with Commissioner Deziel recused and Commissioner Pagee not in attendance.

D. REGULAR BUSINESS

1. **Consideration of the minutes from the September 26, 2005, Planning Commission meeting.**

Commission Action: M/S Bims/Sinnott to approve as submitted.

Motion carried 5-0 with Commissioner Pagee not in attendance.

2. **Consideration of the minutes from the October 10, 2005, Planning Commission meeting**

Commission Action: M/S Bims/Sinnott to approve as submitted.

Motion carried 5-0 with Commissioner Pagee not in attendance.

3. **Consideration of the minutes from the October 24, 2005, Planning Commission meeting.**

Commission Action: M/S Bims/Sinnott to approve with the following modification.

Motion carried 4-0-1 with Commissioner Deziel abstaining and Commissioner Pagee not in attendance.

- Page 5, 6th paragraph, last line: Replace "Commissioner" with "Commission."

E. COMMISSION BUSINESS, REPORTS, AND ANNOUNCEMENTS

Development Services Manager Murphy made a report on the preparation of minutes, the timeliness of which had been a concern expressed by the Commission at the January 23, 2006 meeting. He said the plan was for three sets of minutes to be prepared for each meeting through the March 13th meeting. He said that would get the minutes up-to-date and the most up-to-date he had seen in his 10 years with the City. He said that a court reporter would be used for the February 27th meeting for the Stanford Park Hotel item.

- **Review of upcoming planning items on the City Council agenda.**

Development Services Manager Murphy provided the Commission with a review of upcoming planning items on the City Council agenda.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Staff Liaison: Justin Murphy, Development Services Manager

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on April 10, 2006.