

**CITY OF UNION CITY**

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF MARCH 21, 2002, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Allen, Mattos, Raymundo, Savage, and Sweeney**

Commissioner Savage was absent.

**STAFF PRESENT:** Mark Leonard (Community Development Director); John Bakker (Interim Assistant City Attorney); Carlos Jocson (City Engineer); Vernon Smith (Housing Community Development Coordinator); Ralph Kachadourian (Associate Planner); Aki Irani (Associate Planner) and Patti Wiersma (Administrative Assistant)

**II. APPROVAL OF MINUTES:**

The minutes for the regular Planning Commission meeting of February 21, 2002, were approved as submitted.

**III. ORAL COMMUNICATIONS:**

Barry Ferrier, 32212 Allison, stated that the landscape berms along the street frontage in front of businesses should be measured from the street. He cited the La-Z-Boy development as an example of the shorter berms being used recently, and stated that he would like to see a 30" height standard applied.

**IV. WRITTEN COMMUNICATIONS:**

- A. Request from Margaret Edgelow to have the City Council devote one meeting per year to discuss the Intermodal Station development.**

Margaret Edgelow, 2429 Balmoral Street, reviewed her request to the Planning Commission and stated that she wanted to clarify that No. 2 of the request (Manage Transit Agency Changes) includes railroads along with transit agencies. She requested that the Planning Commission make a recommendation to the City Council to establish an annual work session to review all of the various aspects of the Station District.

Commissioner Raymundo asked if the meeting would be with the Planning Commission or the City Council.

Ms. Edgelow stated that whatever would benefit the Intermodal Station.

Vice-Chairperson Sweeney thanked Ms. Edgelow, and stated that she thought that it could be a joint meeting with the Planning Commission and City Council.

Mr. Ferrier stated that he read Ms. Edgelow's communication, and he thinks there should be at least two meetings a year to review the Station District, as things are moving pretty fast and this is so important to the City.

Vice-Chairperson Sweeney suggested this request be forwarded to the City Council and stated that the City would benefit from having regular review. She stated that she would like to recommend the meeting with the City Council be held early on in the budget process.

Vice-Chairperson Sweeney moved that recommendation be forwarded to the City Council that a joint meeting with the Planning Commission be held during 2002 and thereafter prior to the budget preparation.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	Savage
ABSTAINED:	0

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:** None.

**B. NEW HEARINGS:**

- 1. SD-11-01, Site Development Review; UP-04-01, Use Permit; - Westland Giftware:** Initiated by Terri Emery, of Fee Munson Ebert Architects, representing Kenneth Kim of Westland Giftware, a proposal to construct a 52,400 square foot two-story building on an undeveloped 2.53-acre parcel located on Faber Street, north of Whipple Road in the Alvarado Business Park (APN 463-045-61-1,2). The proposed new building will have 39,600 square feet of one-story warehousing space with 12,800 square feet of two-story office space. Westland Giftware will be occupying the site as an expanded facility to their existing operations at 30180 Ahern Avenue. (*A Conditional Use Permit is not required for this project*).

Ralph Kachadourian, Associate Planner, presented the Staff Report.

Commissioner Raymundo asked how the City can follow-up to see if the applicant complies with the 25% office space.

Mr. Kachadourian explained that the plans when submitted for building permits will have to show the floor plan layout of the office space. He further stated that the office space portion could be used for other uses, such as assembly, manufacturing, or retail sales.

Vice Chairperson Sweeney opened the Public Hearing and invited the applicant to come up to the podium.

Stephen Fee, 500 Montgomery St., San Francisco, Architect, stated that he guarantees that they will use 25% of the space for office use. He stated that he only had issues with Condition Numbers 5 and 15. He stated that they had planned on putting the P.G. & E. transformer on the side of the building, behind a gate, and provided the Planning Commission with a detailed drawing, showing the location.

Vice-Chairperson Sweeney asked the applicant the size of the transformer, and explained that it should not be seen from the street.

Mark Leonard, Community Development Director, stated that the Condition regarding transformers is standard and clearly states that it needs to be located behind the building or undergrounded.

Vice-Chairperson Sweeney asked why the transformer could not be located in the rear of the building, and Mr. Fee stated that it could.

John O'Neill, 5880 W. Las Positas Blvd., Pleasanton, stated that the office portion is in the front of the building, and there would be a lot of expense to run the electrical to the rear of the building. He stated that the problem with undergrounding the transformer is with PG & E and the annual cost they charge for underground transformers. He stated that there is no charge for above-ground transformers.

Vice-Chairperson Sweeney asked staff about putting a wall in front of the transformer.

Mr. Leonard stated that staff was given direction from the City Council to make transformers as obscure as possible. He stated that he thinks the applicant can run the power line to the rear of the property.

Mr. Fee referred to Condition No. 5, and stated that they met with staff early on and were not aware of the request for cornice treatment until the staff report came out. He stated that the building is contemporary and he feels a cornice treatment would not enhance it. He asked if the Condition could be removed.

Vice-Chairperson Sweeney asked Mr. Fee if he understood the reason for the additional cornice treatment, and he stated he did not.

Mr. Leonard stated the reason for the condition is because of the direction Staff recently received from the City Council at their last meeting when they reviewed the Cal West Concrete application. He stated that the condition was added to respond to upper façade enhancement requests.

Vice-Chairperson Sweeney asked if another treatment could be applied to the parapet area to enhance it.

Mr. Fee stated that he thought the cornice treatment would compete with other elements.

Commissioner Mattos stated that she agrees with the applicant in that the cornice would probably not be compatible with the modern style of the building, and asked if it could be enhanced in another way.

Vice-Chairperson Sweeney asked if it would be possible to do something such as horizontal scoring on upper parapet area to break up the concrete section.

Mr. Fee stated that they could look into that.

Vice-Chairperson Sweeney asked if that would address with what staff is asking.

Mr. Leonard stated that it would.

Vice-Chairperson Sweeney suggested changing Condition No. 5 by eliminating “cornice” and replace it with “provide additional treatment.”

Vice-Chairperson Sweeney asked about the landscape plan and stated her concern with the placement of the plants. She stated that she would like to see the plant varieties mixed, so in the event of some plants dying, there would not be large, dead spots.

Commissioner Raymundo asked if the applicant has thought about what type of public art they are going to put in.

Mr. Fee stated they would be talking to staff regarding the public art.

Mr. Ferrier referred to the Decoto Business Park development that is in progress on Seventh Street and how nice it looks. He asked if the building proposed tonight could ever be converted to a two-story building.

Vice-Chairperson Sweeney closed the Public Hearing.

Commissioner Raymundo moved that the Planning Commission approve Site Development Review (SD-11-01), subject to the stated conditions with changes, making the specific findings A-E in support of the approval. She also moved that the Planning Commission adopt a Resolution confirming these actions.

Commissioner Mattos seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	Savage
ABSTAINED:	0

- 2. AG-01-02, General Plan Amendment; A-01-02, Zoning Map Amendment; VTTM-7369, Vesting Tentative Tract Map; - Nakano Nursery:** Initiated by Kenneth L. Riding of The Riding Group, representing the Nakano Family Trust, a request for a General Plan Amendment to redesignate the Nakano Nursery property from R-3-6, (Residential 3 to 6 Units Per Acre) to R-6-10, (Residential 6 to 10 Units Per Acre), a Zoning Map Amendment to rezone the property from RS-6000 (Single-Family Residential) to RS-4500, (Single-Family Residential), and a Vesting Tentative Tract Map for the subdivision of the entire 4.8± acre property into 33 single-family residential lots with a minimum lot size of 4,500 square feet. The project site is located south of Alvarado-Niles Road between Hop Ranch Road and Dowe Avenue (Assessor Parcel Number 475-153-15-2).

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Mr. Leonard stated that a condition needs to be added indicating that the applicant will need to pay parkland in-lieu fees.

Commissioner Raymundo asked how long the house on the property has been vacant.

Mr. Kachadourian stated that it was occupied until recently.

Commissioner Raymundo asked what will happen if the property does not pass the environmental assessment.

Mr. Kachadourian stated that a Phase 1 Environmental Site Assessment had been submitted and reviewed and a Phase 2 will be required to further access the property.

Commissioner Raymundo stated that she appreciated that staff included the house in the Staff Report. She stated that she wanted to find out how long the house has been vacant. She asked if the Nakano Nursery is still in business

Mr. Kachadourian stated that they are.

Vice-Chairperson Sweeney asked if there was any possibility of narrowing the street further.

Carlos Jocson, City Engineer, stated that if the street were narrowed further, on-street parking would be restricted.

Vice-Chairperson Sweeney stated that she does not want to see small lots, and that's why she inquired about making the street narrower.

Mr. Jocson stated that for this project, the minimum standard for a residential street allows a 36-foot curb-to-curb width with 5-foot sidewalks on both sides.

Commissioner Mattos stated her concern with two-story homes on Lots 18-33 will infringe on the privacy of the adjacent neighbors.

Vice-Chairperson Sweeney opened the Public Hearing.

Kenneth Riding, 1 Almaden Blvd. Suite 705, San Jose, stated that they discussed the issues with Staff regarding the narrowness of the property and the street issue before submitting the project applications. He stated that they have reviewed all of the Conditions of Approval and have no issues with them. He stated that they initially thought they could renovate the existing house, but have since learned that the cost will be enormous, and it would never look the same. He requested that a condition be added that the applicant and staff do a thorough study of the house and that staff should determine the feasibility of renovating the house. He stated the nursery has been there for 25 or 30 years, and that Mr. Nikano has passed away and Mrs. Nikano is very elderly. The house was occupied until recently by Mrs. Nikano's mother-in-law, until she passed away.

Commissioner Raymundo asked the price difference between building a new house and renovating the old house.

Mr. Riding stated it would cost much more to renovate the house than it would to rebuild it. He suggested that when they get ready to build the houses, they build a few like the existing Queen Anne style house. He stated that an environmental report has been done, and other than the removal of some underground storage tanks, it is a clean site.

Mr. Leonard stated that the Chief Building Official has some latitude in applying building codes when it comes to historical structures.

Pam Burnor, 2733 Cormorant Ct. asked how big the lots are in the newer housing development across Alvarado-Niles Road and Dowe Ave.

Mr. Leonard stated that 2/3 of the lots in the California Rosecrest development are 4,500 sq. ft.

Ms. Burnor stated her concern regarding a giant wall obstructing her view of the hills and taking away the light. She stated that she is also concerned about the emergency access roads and asked if regular traffic can drive on them.

Vice-Chairperson Sweeney explained the access roads and how her neighborhood would benefit from it, and stated that only emergency vehicles can use and access them.

Ms. Burnor stated her concern with Cesar Chavez Middle School and the possibility that it might be used for Logan High's 9<sup>th</sup> grade, thus increasing traffic in that area.

William Lum, 2709 Dowe Ave., stated his concern with traffic on Arizona Street, Alvarado-Niles Road, and the surrounding streets, and also with the density of the development. He also expressed his concern regarding parking and lack of privacy if two-story homes are put in.

Larry Gissible, 33001 Hop Ranch Court, stated that he is in support of the plan as presented. He stated that he would like to see larger houses, but understands why the lots have to be smaller.

Vice-Chairperson Sweeney closed the Public Hearing.

Vice-Chairperson Sweeney asked what the difference in lots would be if 6,000 sq. ft. lots are requested.

Mr. Leonard stated that they would have to widen the lots, and unless they get reasonable density, the developer will not be able to provide affordable housing. He stated that they are trying to make everything balance.

Commissioner Mattos stated her concern with two story houses abutting the existing one-story houses. She stated that she thought they could be interspersed with single-story homes.

Vice-Chairperson Sweeney stated that disabled access is another issue. She stated that she would prefer to see a mix of one and two-story houses. She stated that she is hesitant to approve the project as presented.

Commissioner Mattos asked the applicant if losing two lots will significantly impact the project.

Mr. Riding stated that in order to adhere to the setbacks, they will have to make the houses smaller. If we lose any lots, we will have a real problem with the property. He stated that if the project cannot be approved as submitted with two-story houses, they will not be able to build there. He stated they tried their best to come up with a plan that will work.

Vice-Chairperson Sweeney stated that she cannot support the project with the proposed density and with two-story houses.

Commissioner Mattos suggested that staff and applicant review the existing Victorian home and make a determination as to whether to renovate it or build a new house.

Mr. Leonard stated that the proposed Condition by the applicant can be changed to read, "The applicant shall complete a cost analysis and building structural analysis in conjunction with City staff. In the event that it is concluded by City staff that retention and remodel of the building is infeasible, then the City *may* authorize demolition." City Staff will explore with the Chief Building Official any leniencies under the Uniform Building Code that apply to historical structures.

Commissioner Mattos moved that the Planning Commission approve the General Plan Amendment, AG-01-02, Zoning Map Amendment, A-01-02, and Vesting Tentative Tract Map, VTTM-7369, subject to the stated conditions with changes and additions, making the specific findings 1-6 in support of the approval. She also moved that the Planning Commission adopt Resolutions confirming these actions and recommending approval by the City Council of the General Plan Amendment AG-01-02, Zoning Map Amendment A-01-02 and Vesting Tentative Tract Map VTTM-7369.

Commissioner Raymundo seconded the motion.

The vote was split by the following:

AYES:	2 (Mattos, Raymundo)
NOES:	2 (Sweeney; Allen)
ABSENT:	Chairperson Savage
ABSTAINED:	0

Vice-chairperson Sweeney asked Mr. Riding if he would be amenable to a two-week continuance and he stated that he would. The Planning Commission and the applicant agreed to a two-week continuance to the Planning Commission Meeting of April 4, 2002.

**3. FINAL DRAFT HOUSING ELEMENT OF THE GENERAL PLAN: Public Hearing to review the Final Draft Housing Element of the General Plan.**

Vern Smith, Housing Community Development Coordinator, pointed out some changes that were made in the Housing Element that will be presented to the City Council. He solicited input on any corrections needed. He introduced Larry Mintier, Consultant for the General Plan, who presented the Staff Report.

Larry Mintier, J. Laurence Mintier & Associates, gave a brief review of the Housing Element Update process and the California Department of Housing and Community Development (HCD) comments.

Vice-Chairperson Sweeney pointed out that some of the page numbers in the Draft Responses to HCD's Comments on Union City's Draft Housing Element Update do not match up with the page numbers in the Housing Element Document.

Mr. Mintier pointed out that those page numbers do line up with the November draft that they refer to.

Vice-Chairperson Sweeney pointed out an error on Page. 11, Bullet 8, and also on Page 12, which staff took note of and will correct. She thanked Mr. Mintier and Mr. Smith for their hard work in a document that had to be done rather quickly.

Mr. Smith thanked Mr. Mintier and Staff for all their hard work.

Vice-Chairperson Sweeney opened the Public Hearing.

There was no response from the audience.

Vice-Chairperson Sweeney closed the Public Hearing.

Commissioner Raymundo moved that the Planning Commission approve the Draft Housing Element of the General Plan. She also moved that the Planning Commission adopt a Resolution confirming these actions.

Commissioner Allen seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	1 (Commissioner Savage)
ABSTAINED:	0

## **VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. Appeal of the Zoning Administrator's denial of an Extension to an Administrative Site Development Review Permit approval (ASD-31-00):** A request Sprint PCS to appeal the Zoning Administrator's denial of an Extension to a previously approved Administrative Site Development Review Permit (ASD-31-00). The previously-approved Administrative Site Development Review Permit was granted to allow the installation of a Sprint PCS wireless communication facility (antennas and equipment cabinets) on an existing PG&E tower, located ¼ mile west

of Union City Boulevard at the end of Westport Way in the 511 Area zoning district. (County of Alameda Tax Assessor's Parcel Number 482-50-10-6).

Aki Irani, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Raymundo asked why the application was approved in the first place.

Ms. Irani stated that since the approval, City staff became aware of the mounting neighborhood concerns regarding installation of the antennas.

Commissioner Raymundo asked whether there are alternative places for the antennas.

Ms. Irani stated that the Zoning Administrator encouraged the applicant to look at alternative locations in the letter that denied the extension request for the original ASD approval.

Mr. Leonard stated that the tower is in line with several other towers, and staff believes that there may be an alternative location to the north. He stated that two other companies are looking at the location between Seabreeze Park and Turk Island sanitary landfill. He stated that staff has been encouraging the applicant to co-locate there.

Commissioner Raymundo asked if the City will receive any financial gain from the antennas.

Mr. Leonard stated that the City can ask for a rental fee if the antennas are located on City property, but will not receive any financial gain if the antennas are located on private property.

Commissioner Allen asked if there are any environmental concerns with the antennas.

Mr. Leonard stated that there is some controversy regarding the effects of EMFs (electromagnetic fields), which from a scientific standpoint, remains unanswered.

Vice-Chairperson Sweeney invited the applicant to speak.

Pat Saucedo, 69 Lester Ave., San Jose, on behalf of Sprint PCS, stated that they are asking for a continuance for 6-8 weeks. She stated that they had requested an extension of the original application within the one-year time frame. She asked for some additional time so they can work through some issues. She stated that all of the neighbors' concerns were addressed at the community meeting. She stated that they agreed that they would do some additional research to see if co-locating on the alternative tower to the north would work. She stated that they spent an enormous amount of time and cost in researching the currently proposed site. She said that they are still willing to look at co-locating, and explained the issues involved. She asked if the request could be continued for about six weeks while they do the research.

Vice-Chairperson Sweeney asked the applicant if it is a common occurrence to co-locate antennas.

Ms. Saucedo agreed it is common, but obtaining permission from the property owners is difficult in that they have P.G. & E. and Turk Island properties to deal with. She stated that they also need to check into space separation between the antennas to see if it will accommodate their needs.

Vice-Chairperson Sweeney invited members of audience to speak.

Angel Castro, 5199 Westport Way, stated that he is speaking on behalf of other residents. He extended his appreciation to Sprint PCS, but stated that they still had some concerns, especially with EMF, noise, traffic, and environmental effects of the project. He stated that he would like to see the application for Westport Way be denied, but would be amenable to continuing the discussion to review other sites.

Dennis Martin, Sprint PCS, 69 Lester Ave., San Jose, stated that he wanted to clarify some of Mr. Castro's concerns and stated that many of the concerns were addressed prior to the community meeting. He referred to a noise study that was done and stated that there will not be a generator installed, unless there is a power outage of more than eight hours.

Commissioner Mattos asked what the maintenance schedule would be.

Mr. Martin stated that the average maintenance is one visit every 90 days.

Vice-Chairperson Sweeney recommended a continuance and Commissioner Mattos agreed it would be appropriate to give the applicant more time.

Commissioner Allen asked the applicant to obtain more information regarding the effects of EMF's.

Commissioner Raymundo asked Mr. Martin if he can answer that.

Mr. Martin referred to the report in the packet that was prepared by Hammett & Edison, Inc. that shows maximum EMFs produced by antennas is 1,000 times less than the FCC standard.

Commissioner Mattos asked if co-locating antennas with another carrier would increase the cumulative effect.

Mr. Martin said that there is a cumulative effect, but it is still very low.

Mr. Castro stated that the study addresses occupational exposure limits, but does not address residential exposure limits. He said that as they are living in that area, he expressed concerns about the amount of EMFs residents are exposed to 24 hours a day and questioned how safe it would be for residents.

Vice-Chairperson Sweeney stated that she understands his concerns, and explained the difference between occupational and public exposure limits. She stated she would like to see the item continued.

Vice-Chairperson Sweeney moved that the appeal of the Zoning Administrator's denial of an extension to the Administrative Site Development Review Permit approval (ASD-31-00) be continue to May 16, 2002.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	1 (Commissioner Savage)
ABSTAINED:	0

Commissioner Mattos asked the applicant to gather information showing the EMF radiation levels of the proposed antennas at the tower and also radiating away from the tower.

Vice-Chairperson Sweeney reminded the applicant to clearly include what the FCC has provided and to try and put all the requested information together on one page.

**VII. COMMISSION MATTERS:**

**A. Upcoming applications for the Regular Planning Commission Meeting of April 4, 2002.**

**VIII. GOOD OF THE ORDER:**

Commissioner Mattos asked if the stoplight on H and Alvarado-Niles is on a trip. Mr. Jocson explained the operation of the signals, which include peak hour traffic. He stated that he will look into it and have it adjusted, if necessary.

Vice-Chairperson Sweeney voiced agreement with Mr. Ferrier's 30" height measurement for landscape berms measured from the level of the parking lot. Mr. Leonard agreed with Vice-chairperson Sweeney, and stated that he will issue an e-mail to City staff regarding this request.

**IX. ADJOURNMENT:**

The meeting adjourned at 9:55 p.m.

**APPROVED:**

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ROSEMARY SAVAGE,

CHAIRPERSON

**ATTEST:**

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MARK LEONARD, SECRETARY