

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF APRIL 15, 2004, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL: Commissioners Anderson, Kelley, Lew Savage and Sweeney
ABSENT: Chairperson Savage, Commissioner Sweeney**

STAFF PRESENT: Joan Malloy (Planning Manager); Aki Honda (Associate Planner); Tina Gallegos (Assistant Planner); John Bakker (City Attorney); Grant Cramond (City Engineer); and Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES:

The minutes for the Regular Planning Commission meeting of March 18, 2004 were approved as submitted.

III. ORAL COMMUNICATIONS:

Mattie Rousseau, 2469 Ascot Way, asked if her neighbor could build a second driveway in the side yard of his corner house that is on a cul-de-sac.

Grant Cramond, City Engineer, stated that the limit is 40 percent of the lot. Mr. Cramond suggested that she call Public Works during the day. Mr. Cramond stated that it is generally not permitted but would be reviewed on a case-by-case basis by the City Engineer.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS: Next PC Res. #20-04

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. STATION MIXED USE DISTRICT, Zoning Text Amendment AT-03-04, Zoning Map Amendment A-01-04 – The proposal is to add Chapter 18.38, Station Mixed Use District, to provide for high-density, mixed use development in the area around the Union City BART Station. The text shall include permitted and conditionally permitted uses, performance standards, setbacks, design criteria, and other standards for development. This proposal also includes a modification of Chapter 18.36, Commercial Districts to add a new section known as *Section 18.36.190, Sidewalk Café Standards*, to allow café seating within public sidewalk areas. A Zoning Map Amendment is proposed to reclassify approximately 59 acres of land around the Union City BART Station to create the SMU district that allows high-density, mixed-use development. The Planning Commission will also review the Strategic Action Plan for the Station Area that will be a guide for future planning and implementation efforts in the greater Station Mixed Use District area. The City has determined that the above amendments are exempt from further environmental review, pursuant to Section**

15168(c)(5) of the California Environmental Quality Act (CEQA) Guidelines in that a Program EIR for the 2002 General Plan was certified in February 2002 and the proposed amendments are to bring the Zoning Ordinance and Zoning Map into compliance with the General Plan.

Joan Malloy, Planning Manager, presented the first half of the staff report regarding the Strategic Action Plan.

Aki Honda, Associate Planner, presented the balance of the staff report regarding the Zoning Map and Zoning Text Amendments.

Commissioner Anderson asked what is being asked in regards to Commissioner Sweeney's comments on lot coverage in the new ordinance.

Ms. Honda stated that staff wants the Commission to confirm that the language as proposed is consistent with the current City Zoning Ordinance.

Commissioner Anderson stated that he thinks that Commissioner Sweeney is worried that the new zoning ordinance will allow something that the previous zoning did not allow.

Ms. Malloy stated that she believes that Commissioner Sweeney is requesting that staff specify setback standards within the lot coverage so there is no confusion that buildings cannot be built in the setback areas. Ms. Malloy stated that typically that language has not been included in the Zoning Ordinance.

Commissioner Kelley asked what is the impact with regard to traffic on Decoto Road and Alvarado-Niles Road. Commissioner Kelley stated his concerns that the traffic quality is very poor and that the new area will have a further negative impact.

Ms. Malloy replied that when staff did the General Plan they included State Route 84 which has not been built yet. Ms. Malloy stated that the success of the Station district will need support either from State Route 84 or a local roadway. Ms. Malloy stated that traffic was model based on the Countywide Plan which included that State Route 84. Ms. Malloy stated that there have been some environmental and traffic studies done.

Commissioner Kelley asked if State Route 84 is delayed what will happen to the quality of traffic on Decoto Road and Alvarado-Niles Road when they build these very large buildings.

Ms. Malloy stated that the Commission would have to look at each project on a case-by-case basis.

John Bakker, City Attorney, stated that there could possibly be no more development approved unless traffic improvements were made.

Commissioner Kelley asked if State Route 84 is built what happens to the quality of traffic in the area.

Ms. Malloy stated that she believes Decoto Road/Alvarado-Niles Road intersection is at level D LOS and there are plans as part of the Station District to make some key traffic

improvements. Ms. Malloy stated that there are also some underutilized intersections in the area, specifically at Union Square/Alvarado-Niles Road.

Commissioner Kelley asked what category bookstores would fall under.

Ms. Honda replied that bookstores are considered a general merchandise retail type of use.

Commissioner Kelley asked if that is similar to sporting goods stores or bicycle shops.

Ms. Honda stated yes.

Commissioner Kelley asked why wall mounted satellites dishes are not permitted.

Ms. Malloy stated that the city does not want a proliferation of wall mounted satellites dishes, rather have the building provide the services as part of the project and use roof mounted dishes.

Commissioner Kelley asked how is “active urban character” defined from Chapter 18.38.50 design criteria section a.

Ms. Malloy stated that it refers to active uses on the ground floor, which could be retail, residential, or building articulation such as columns.

Commissioner Kelley asked how to define “building character”.

Commissioner Kelley asked how to define “building imparts a sense of human activity, habitation, and interest to the street”.

Mr. Bakker stated that it gives the Commission an opportunity to focus on what you want, this ordinance give you the power to impose what you want.

Commissioner Kelley asked what the nighttime look and feel of area will be. He would prefer a lot of lighting similar to Union Landing.

Ms. Malloy stated that it is not specifically called out but with design development of the streets, e.g. 11th Street, there is a combination of street lighting and pedestrian lighting that will be provided.

Commissioner Kelley stated that he wants to be more specific in the requirements for lighting.

Mr. Bakker stated that the commissioner is referring to public improvements and the zoning just controls private development.

Ms. Malloy stated that something could be added in the section of Ground Floor standards.

Commissioner Kelley feels that the standard is very vague and would like to coordinate the public improvements with the private improvements.

Ms. Malloy stated that the following could be added “ground floor treatment shall incorporate building lighting along public sidewalks and other pedestrian walkways that reflects the design of the overall building and provides a safe pedestrian environment.” Ms. Malloy stated that there could be potential alleys in the area.

Mr. Cramond stated that there is a special street lighting and pedestrian lighting that will be included in the 11th Street improvements.

Mr. Bakker stated that page 32 of the Strategic Action Plan addresses 11th Street as the signature street including the design of the lighting, which will run throughout the area.

Commissioner Lew stated that the parking standard of 1.5 stalls per unit seems low and 1 bicycle stall per unit seems high. Commissioner Lew wanted to know if there could be shared parking for the bicycles and more stalls for cars.

Ms. Malloy stated that the parking standard is low because the intention of the district is to minimize automobile use and encourage alternate modes of transportation. Ms. Malloy cited the example of the Veranda Apartments that was approved with 1.5 car stalls per unit.

Commissioner Lew asked if there would be curb parking available.

Ms. Malloy stated that most likely there would be metered parking during business hours.

Commissioner Lew asked if there would be permit parking.

Ms. Malloy stated that it has not been considered.

Commissioner Lew asked if these were going to be covered stalls or below ground parking garages.

Ms. Malloy stated that there were several prototypes, including a submerged parking garage, an interior-parking garage with housing around the perimeter.

Commissioner Lew asked to add government offices to Section 18.38.020 Section A #9.

Ms. Honda stated that it would be covered under civic uses in Section B.

Ms. Malloy stated that it could be added.

Commissioner Lew asked if there will be curb parking on both sides of the street.

Ms. Malloy stated that there will be curb parking on both sides of all streets.

Commissioner Lew asked if there would be parking meters in the residential areas.

Ms. Malloy stated that eventually there would as this is a mixed use development.

Commissioner Lew asked if the height requirements in Chapter 18.38.140 exclude items such as spires, cupolas, chimneys, elevator penthouses, etc.

Ms. Malloy stated that they do as long as they don't exceed 25 percent of the roof area of the building.

Commissioner Lew asked if vinyl frame or vinyl clad windows would be allowed.

Ms. Malloy stated that at this time the material list excludes vinyl.

Commissioner Lew asked if new applicants can propose different materials than what is on the approved list.

Ms. Malloy stated that the last section of the code states that the Planning Commission can approve changes to the design criteria .

Commissioner Lew stated that on page 7 of the staff report there are two number fives.

Commissioner Lew asked what is meant by "lots are not allowed after the initial phases of development" as found on page 8 item 6(b).

Ms. Malloy stated there may be some initial surface parking lots, however, these lots should be phased out as the build-out progresses.

Commissioner Lew what is the time frame for the initial phase.

Ms. Malloy stated that it will be market driven.

Commissioner Lew asked if the play areas referenced on page 9 are going to be public or private and who will be responsible for maintaining them.

Ms. Malloy stated that they are private amenities for the residential development.

Commissioner Lew asked if the City is anticipating attached buildings.

Ms. Malloy stated that the Zoning Ordinance would not require any setbacks between structures so they could be attached or built adjacent to each other.

Commissioner Anderson asked what is problematic about have a minimum 3 story height.

Ms. Malloy replied that it was considered to be too restrictive.

Commissioner Anderson asked why the City would not change it.

Ms. Malloy stated that the City wants high density, transit oriented uses for this area.

Commissioner Anderson opened the public hearing.

Barry Ferrier, 32212 Allison Way, Union City, stated that he has been involved with the planning for this district since the beginning. Mr. Ferrier stated that the General Plan is the City's constitution, and the Strategic Action Plan is the interpretation, and the Zoning Ordinance is the implementation. He is concerned about the height of the circles on the map and they were supposed to go out to 7th street. He stated that there should be more

on each square foot closer to the BART station because the land is so valuable. Class A office building is of much higher value than a tilt up building. He stated that there is no specific ordinance that interprets the heights of the buildings in those circles. Mr. Ferrier asked if per the new Chapter 18.38.100 does that mean that lot coverage could be 100 percent coverage of the lot. Mr. Ferrier stated that during the public hearings, citizens wanted to have some space between buildings, they intended to have some green space around the buildings. Mr. Ferrier asked in regards to the parking design standards to clarify that mean that there will be no visible parking

Ms. Malloy stated that at full build out to meet the FAR (floor area ratio) as the City has laid out parking would need to be structured. Structure can be handled in a variety of ways, they can be internal to the development, below grade, or free standing parking structure.

Mr. Ferrier stated that means that parking on site will be within the building.

Ms. Malloy stated that it won't be that way in the first phases but at build out the surface lots should be gone.

Jamie R. Rivera, 2939 Sorrento Way, Union City, is a tenant at the Litke property and is concerned about pedestrian traffic from the BART station Ms. Rivera stated her concerns that sidewalks are narrow and there will be café seating, which does not seem to leave much room for pedestrians. Ms. Rivera stated her concerns that there would not be enough room for bicycle traffic mixed in with the pedestrian and automobile traffic.

John Shelton stated that the development needs to have a lot of rooftops. Mr. Shelton stated that the City should maximize residential building early to provide users for the commercial projects. Mr. Shelton recommends that the City not under park the residential area as it will discourage people from coming here. Mr. Shelton thinks that there needs to be pedestrian access from all directions. Mr. Shelton stated that there is good access from the south and east but the railroad tracks are making a break that will prevent residents to the north from getting to the commercial areas. Mr. Shelton feels that the City could lose a lot of medium to high-income residents if the City doesn't provide access from the north.

Commissioner Anderson closed the public hearing.

The Planning Commission took a break at 9:40 p.m.

The Planning Commission meeting resumed at 9:50 p.m.

Commissioner Kelley asked if there would be a color palette similar to Union Landing.

Ms. Malloy stated that it had never been envisioned to have that level of color uniformity.

Commissioner Kelley asked if there are side benefits to having a color palette as far as graffiti removal.

Ms. Malloy stated that there are certain treatments that can be put in the paint or on the walls to deter graffiti.

Commissioner Kelley asked if there is anything that could be done to minimize graffiti in the new downtown area.

Ms. Malloy stated the best way to deter graffiti is to have a lively community with people on the streets.

Commissioner Kelley asked if there is a way to minimize homeless people sleeping in the downtown area through design.

Ms. Malloy stated that there are strategic things that can be done such as shorter benches to discourage sleeping. Ms. Malloy stated that storefronts could be gated to keep people from sleeping in the doorways.

Commissioner Kelley stated that he wants to keep the downtown area a safe area for everyone.

Commissioner Kelley feels that one bicycle stall per unit is too high and that the area may be under parked.

Commissioner Kelley asked how the City would mitigate traffic impacts for businesses that do not need a Use Permit but still needs a Site Development Review and building permits.

Ms. Malloy stated that the initial building would require a Use Permit for this development. Ms. Malloy stated that the Planning Commission would be able to look at all of the issues prior to the building being built.

Commissioner Lew stated that the date on page #4 of the staff report should refer to 2004.

Commissioner Lew stated that she wants to develop additional standards for private property that will make the property pedestrian friendly. She suggested items such as gazebos, public art, shade trees, covered walkways around the buildings.

Commissioner Lew asked if a budget or funding section in the Strategic Action Plan so that the public will be aware of how this will be paid for.

Ms. Malloy stated that the funding for Phase I is all secured funding either through Redevelopment Agency funds or through regional funds.

Commissioner Kelley asked if there is going to be a maintenance district for the Station Mixed Use District.

Ms. Malloy stated that is correct.

Commissioner Kelley asked if there were going to be any other districts created to fund items such as Police.

Ms. Malloy stated that the maintenance district is the only one being considered at this time. Ms. Malloy stated that the City Council indicated that they wished for a higher level of maintenance for this area, as it would be the City's downtown area.

Commissioner Kelley believes that there should be a district created for policing for this area.

Commissioner Lew asked to have some standards put in for “Green Buildings”. She stated that there is nothing in the Strategic Action Plan that addresses “Green Building and Sustainable Development”.

Commissioner Lew asked the staff to look at an organization called “U.S. Green Building Council”. She recommended looking at the website and adding some of the recommendations to the Zoning Ordinance. She addressed issues such as energy efficiencies, recycled products, efficient uses of resources like water and power.

Ms. Malloy stated that staff would look at it.

Commissioner Anderson asked if the new ordinance would allow a property owner to build a building that would cover the entire site.

Ms. Malloy stated that it is possible but highly unlikely as there would be issues with light and air, and building and fire codes that would need to be addressed.

Mr. Bakker stated that if there was a huge building with that much mass and scale from a Site Development Review prospective the Planning Commission could make a finding that it is inappropriate.

Commissioner Anderson asked then why have as part of the ordinance that there does not have to be a sideyard setback between buildings.

Ms. Malloy stated that there are several levels of review. Even if there are no zoning standards, there may be building and fire code issues.

Commissioner Anderson asked to go through the public comments to see how the rest of the commission feels about them.

Ms. Malloy stated that currently fast food restaurants would require an Administrative Use Permit, Commissioner Sweeney prefers that they be Conditional Use Permitted.

Commissioner Anderson asked what Commissioner Sweeney’s concerns were.

Ms. Malloy stated that in Commissioner Sweeney comments she believes that the community desires small mom and pop type businesses; however, the reality is that it will be most likely be the larger chains that can afford the rents.

Commissioner Kelley stated that he doesn’t think that the commission should review in-line fast food restaurants.

Commissioner Lew stated she is willing to leave it the way it is.

Commissioner Anderson stated that he would leave it as is.

Ms. Honda stated that the next item is a request that exterior walk up ATM's should require Administrative Use Permits. Staff believes that Commissioner Sweeney thinks this is for drive-up ATM's. Staff would add language to clarify that the proposed ordinance refers to sidewalk ATM's.

Commissioner Anderson confirmed that staff will add language that excludes exterior drive through ATM'S.

Ms. Malloy stated that they will add exterior sidewalk to the condition.

Commissioner Lew asked if there would be parking near the exterior ATM.

Ms. Malloy stated that staff can exclude drive through or drive up ATM's.

Ms. Honda stated that Commissioner Sweeney wanted to add additional language to clarify setback would still be required even with full lot coverage.

Commissioner Lew asked if it would be redundant to add additional language.

Commissioner Anderson asked if that would apply to sideyards.

Ms. Honda stated that applicants will still have front yards and street facing yards that have to meet setback rules, however, interior rear yards and side yards would not require setbacks.

Ms. Honda stated that Commissioner Sweeney wants to designate a truck route and limit truck traffic in the Station District.

Ms. Honda stated that staff believes that it would be difficult to limit all truck traffic at this time because of business service needs.

Ms. Honda stated that Commissioner Sweeney request to add above ground landscaping planters and elements. Staff is concerned about maintenance and cost issues.

Commissioner Lew asked if that wouldn't be the responsibility of the property owners.

Ms. Honda stated that the cost would still be an issue.

Commissioner Lew asked if this was the case for public garages.

Ms. Malloy stated that Commissioner Sweeney doesn't identify public or private garages. Staff feels that it would add a burden and does not want to add it as a blanket requirement.

Commissioner Kelley commented that it could be requested at design review.

Ms. Honda stated that Commissioner Sweeney want to add balconies to Chapter 18.38.170 as an open space feature. Staff feels that the place to add this would be in the residential design criteria.

Commissioner Anderson stated that was acceptable.

Ms. Honda stated that Commissioner Sweeney felt that using the word “reasonable” was too vague for the standards and asked how it would be enforced.

Commissioner Anderson asked if the word “reasonable” could be removed and replaced with something more definite.

Ms. Honda stated that the City Attorney was looking at the language.

Mr. Bakker believes that “reasonable” could be changed to “a reasonable amount of time not to exceed 30 days”.

Ms. Honda stated that staff is requesting to change the front yard setbacks on Decoto Road to a 20 foot setback to accommodate utilities and match the existing development along Decoto Road.

Ms. Honda stated that BART would like a height limit of 8 stories.

Ms. Malloy stated that the existing language in the Zoning text does not constrain a building from being higher than 5 stories or 65 feet but BART and other interested parties have requested that the height restriction be more consistent with the Intermodal Station District diagram. Staff has provided alternative language. Staff feels that maintaining a lower height limit would allow more design review from the commission and more control within the community. The current language doesn’t say that you can’t go over the height limit but when you do you are subject to more review.

Commissioner Kelley spoke of his concerns with traffic in the new development area.

Ms. Malloy stated that as part of the Site Development Review they will go through an Initial Study and CEQA process and will evaluate the environmental impacts and if it becomes clear that there will be impacts they will have to be mitigated.

Ms. Malloy summarized the changes to be made to the ordinance:

- Recommend the residential parking standards be increased to match existing standards and reduce bicycle parking standards to 1 stall per 3 units.
- Add new language regarding lighting at the ground floor of the building.
- Add 20-foot setback along Decoto Road.
- Clarify that ATMs would be exterior walk-ups on the sidewalk and exclude drive through ATMs.
- Change language under parking design to encourage entrances and exits from garages to be on side streets.
- Accept Commissioner Sweeney’s change to state “Have buildings that abut the pedestrian alleys” rather than “facing the pedestrian alley”.
- Add balconies on above ground units as encouraged residential design criteria.
- Minor clerical changes with renumbering in the report.
- Change the language to “reasonable period of time not to exceed 30 days” in the café standards.
- Add government offices to professional offices under permitted uses..
- Fix the typo in Chapter 18.36.190L (Café Standards)

- Accept Commissioner Sweeney’s language change to include public plaza.
- Delete “station mixed use” from sidewalk café section.
- Add “green” building guidelines per the U. S. Green Building Council to the Strategic Action Plan.
- Add security to the landscape, lighting & maintenance district on page 18 of the Strategic Action Plan.
- Add a table of funding sources for infrastructures in the Strategic Action Plan.

Commissioner Lew made a motion to recommend to the City Council approval of Zoning Text Amendment AT-03-04 and Zoning Map Amendment A-01-04 and making findings 1 – 11, with modified conditions of approval and adopting resolutions confirming these actions. Commissioner Lew also motioned to recommend that the City Council accept the Strategic Action Plan for the Station District with the understanding that the plan is not a regulatory document and is solely for the purpose of guiding future planning and implementation efforts in and around the Station Mixed Use District.

Commissioner Anderson seconded the motion.

AYES	2 (Anderson, Lew)
NOES	1 (Kelley)
ABSTAIN	0
ABSENT	2 (Savage, Sweeney)

2. **UNION 76 STATION, 31300 ALVARADO-NILES ROAD – Modification of Use Permit UP-05-70**, Initiated by Kyle Chou, the applicant is requesting modification of the original Use Permit approval to operate a test only smog station. This would be located at the existing Union 76 service station at 31300 Alvarado-Niles Road, identified as Assessor’s Parcel Number APN: 463-0060-017-14. This project is exempt per Section 15303 of the California Environmental Quality (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Kelley asked why staff has conditioned the project to prevent cars from parking overnight.

Joan Malloy, Planning Manager, stated that this station is in a highly visible location adjacent to Union Landing and should be kept clean. This will not be a heavy repair station so no overnight parking should be necessary.

Commissioner Anderson opened the public hearing

Commissioner Anderson closed the public hearing.

Commissioner Lew asked staff to change a sentence in condition #3 as she feels it is an awkward sentence.

Ms. Gallegos stated that she will change the sentence.

Commissioner Lew asked if condition #11 should refer to the smog business, as this is an existing business.

Ms. Malloy stated that it should say “prior to establishing the smog station”.

Commissioner Lew made a motion to approve Modification of Use Permit UP-05-70, making findings 1-4, with modified conditions of approval and adopting a resolution confirming this action.

Commissioner Kelley seconded the motion.

AYES	3 (Anderson, Lew, Kelley)
NOES	0
ABSTAIN	0
ABSENT	2 (Savage, Sweeney)

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS:

- 1. VICTOR VAN, 1005 F STREET - Administrative Site Development Review ASD-10-04,** Initiated by the applicant Victor Van, on behalf of property owner, Vui D. Tran, the applicant is requesting approval to construct a new two-story, 2,244 square foot single-family residence with an attached two-car garage. The property is located at 1005 F Street and is identified as Assessor’s Parcel Number APN: 486-0033-015. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked if the Police Department had a condition for the glass inserts in exterior doors.

Ms. Gallegos stated that according to the security ordinance the glass in the door must be 36 inches away from the locking mechanism. Ms. Gallegos stated that if the door does not meet that requirement then the applicant will have to install a solid wood core door.

Commissioner Lew asked to modify condition #22 to allow for the glass in the door.

Ms. Malloy stated that it could be changed to say “that the front door shall comply with the Security Ordinance chapter 15.64” which identifies appropriate doors and windows for residential properties.

Commissioner Kelley asked why this house been singled out to require the 40-year dimensional shingles.

Ms. Gallegos stated that staff is trying to encourage the use of tile roofs in the Decoto area but the applicant is not able to comply so staff is asking for the 40 year dimensional shingles to provide some width to match other houses.

Commissioner Kelley asked to confirm that this house meets all zoning requirements for the area.

Ms. Gallegos stated that it does.

Commissioner Kelley asked why there is not a requirement for outdoor security lighting on new homes.

Ms. Malloy stated that the Police Department has standard condition of approval for Industrial sites but not for residential sites.

Commissioner Kelley would like staff to look into changing the conditions of approval in the future to address this issue.

Ms. Gallegos stated that condition #24 requires illuminated addressing.

Commissioner Anderson opened the public hearing

Aaron Selinger, JVC Construction, 5248 Claremont #34B, Oakland, CA 94618, stated that in the California Building Code it states that outdoor lights need to be placed within six feet of doorways and 72 inches above the ground. Mr. Selinger stated that this project was previously approved in 1992 but the applicant was unable to build at that time. Mr. Selinger stated that the new proposal is more modest in scale.

Commissioner Anderson closed the public hearing.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-10-04, making findings 1-5 with modified conditions of approval and adopting a resolution confirming this action.

Commissioner Kelley seconded the motion.

AYES	3 (Anderson, Lew, Kelley)
NOES	0
ABSTAIN	0
ABSENT	2 (Savage, Sweeney)

B. NEW REPORTS:

- PARRA BUILDERS, DEPOT ROAD BETWEEN DECOTO ROAD AND H STREET - Administrative Site Development Review ASD-12-04.** Initiated by Rudy Parra, on behalf of property owner, George Emmitt, the applicant is requesting approval to construct a new one-story, 2,049 square foot single-family residence with an attached two-car garage. The property is located on Depot

Road between Decoto Road and H Street and is identified as Assessor's Parcel Number APN: 486-0027-119-00. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Kelley asked what type of roofing this house will have.

Ms. Gallegos said that it would be 40-year composition shingles.

Commissioner Kelley asked why there is not a condition calling for that roof type.

Ms. Gallegos stated that it is called out on the first page of the plans.

John Bakker, City Attorney, stated that if it is called out in the plans then they have to build it according to those plans.

Commissioner Kelley asked why there is no requirement for undergrounding of utility lines.

Ms. Gallegos stated that the utilities in that area are overhead.

Commissioner Lew stated that this is a nice home.

Commissioner Lew thanked staff for adding condition #44.

Commissioner Kelley stated that the developer has done a nice work on previous homes in the area.

Commissioner Anderson opened the public hearing.

Commissioner Anderson closed the public hearing.

Commissioner Kelley asked if there are built in lights or lights with motion sensors for the front of the house.

Rudy Parra, Parra Builders, 2230 Sol Street, San Leandro, CA, stated that the electrical plans show lights on either side of the garage which are motion detection lights and also one light next to the front door.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-12-04, making findings 1-5 with modified conditions of approval and adopting a resolution confirming this action.

Commissioner Kelley seconded.

AYES	3 (Anderson, Lew, Kelley)
NOES	0
ABSTAIN	0
ABSENT	2 (Savage, Sweeney)

2. **PARRA BUILDERS, 33454 3rd STREET - Administrative Site Development Review ASD-13-04.** Initiated by Rudy Parra, on behalf of property owners, Evaristo and Donna J Ramos, the applicant is requesting approval to construct a new two-story, 3,283 square foot single-family residence with an attached 515 square foot two-car garage. The property is located 33454 3rd Street and is identified as Assessor's Parcel Number APN: 486-0030-043-00. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked why it appears that this is one large lot.

Ms. Gallegos stated that there are two separate lots owned by the same person.

Commissioner Lew asked if the existing home will stay where it is.

Ms. Gallegos stated that there is 5,000 square feet available in the second lot.

Commissioner Anderson opened the public hearing.

Commissioner Anderson closed the public hearing.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-13-04, making findings 1-5, with the conditions of approval and adopting a resolution confirming this action.

Commissioner Kelley seconded the motion.

AYES	3 (Anderson, Kelley, Lew)
NOES	0
ABSTAIN	0
ABSENT	2 (Savage, Sweeney)

3. **SHELL STATION, 33365 MISSION BOULEVARD – Administrative Site Development Review ASD-06-04,** Initiated by Ron DuHamel, on behalf of Shell Oil Products, the applicant is requesting Administrative Site Development Review approval to remodel the existing Shell Station located at 33365 Mission Boulevard, identified as Assessor's Parcel Number APN: 486-0003-064-00.
(CONTINUED TO MAY 6, 2004 PLANNING COMMISSION MEETING)

VIII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.

B. Upcoming applications for the Regular Planning Commission meeting of May 6, 2004.

IX. GOOD OF THE ORDER:

Commissioner Kelley stated that the graffiti on light posts and utility boxes in Union landing and on the walkways has gotten out of hand. He would like to see some abatement of the problem.

X. ADJOURNMENT:

The meeting adjourned at 11:30 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY