

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF MARCH 17, 2005, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Lew, Savage, Sison, Sweeney and Chairperson Anderson**

**STAFF PRESENT:** Mark Leonard (Director, Economic and Community Development); Tina Gallegos (Assistant Planner); Carlos Jocson (City Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:** The minutes of the Regular Planning Commission Meeting of March 3, 2005 were approved with corrections.

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

1. **SUMMERHILL HOMES, 4717 LOWRY RD., General Plan Amendment AG-04-04, Zoning Map Amendment A-07-04, Tentative Tract Map 7601, Site Development Review SD-14-04, and Use Permit UP-11-04;** Initiated by Adam Tennant of Summerhill Homes, the applicant is requesting a General Plan Amendment to redesignate eight (8) acres (floating) of the 40.3 +/- acre undeveloped Accinelli property, located at 4717 Lowry Road (APN:543-0201-004-02), from PI (Private Institutional) to four (4) acres of OS (Open Space) and four (4) acres to R 3-6 (Residential). The applicant is also requesting a Zoning Map Amendment to rezone four (4) acres to OS (Open Space), and four (4) acres to RS 6000 (Single family residential), to be consistent with the proposed General Plan Amendment. The applicant is also requesting approval of a Tentative Tract Map for the subdivision of the proposed site, into 178 single family home lots (with a mix of 5,000 and 6,000 square foot parcels) and 16 Below Market Rate duplex lots (consisting of 28 duplex Units). The project includes Site Development Review for the architectural design and site layout of five (5) separate home models for the 5,000 square foot lots; and three (3) separate models for the 6,000 square foot lots. A duplex model is also proposed to meet the affordable housing requirements. The project includes a Use Permit to establish a Planned Unit Development (PUD) on the property which would allow the applicant to average the yard setbacks of the homes and to provide lots smaller than the minimum required size per the RS 6000 District, but which are within the density prescribed by the General Plan of 3-6 dwelling units per acre. A Mitigated Negative Declaration has been prepared on the project and it has been determined that the project will not have a significant, adverse effect or impact on the environment with mitigation measures.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked if the alternative site plan presented at the last meeting was no longer a part of this application.

Mark Leonard, Director, Economic and Community Development, stated that was correct.

Commissioner Lew asked for an explanation of how the setbacks will be measured per condition #11.

Mr. Leonard replied that this condition allows for minor architectural projections into a yard. He said that setbacks will be measured from the foundation of the home towards the property line. Mr. Leonard stated that the Zoning Code does allow certain projections to occur into the yards. He said that the enhancements may be details such as window trims, depth of shutters.

Commissioner Sweeney asked how deep will the minor architectural features be and whether that included chimneys.

Commissioner Sweeney pointed out that if you have a chimney on one side of the home and on the other side of the home there is some other architectural feature that intrudes two and a half foot into the setback, that the property owner may have a difficult time rolling their garbage can into the back yard.

Mr. Leonard suggested taking the condition out.

Commissioner Sweeney stated her concerns that without some control and thoughtful application could result in homes where they could not roll the green waste can into the backyard.

Ms. Gallegos suggested amending the condition to allow the architectural projections only on the second floor.

Commissioner Lew stated her preference to have the projections only on front and rear yards not on side yards at all.

Commissioner Lew stated her concerns about the eaves protruding out from the second story.

Mr. Leonard stated that those projections are allowed by the Zoning Code.

Commissioner Sison stated that he feels that the side yard setbacks are too narrow.

Commissioner Savage stated her preference would be to have the projections only on the rear and front yard and not on the side yards.

Commissioner Lew asked if the payment required in condition #31 is a non-refundable payment.

Mr. Leonard replied it is.

Commissioner Lew asked if they must make the payment in order to get building permits.

Mr. Leonard stated that is correct.

Commissioner Lew wants to add language to condition #31 to clarify that the payment is non-refundable.

Mr. Leonard stated the changed condition shall read “the applicant shall pay a non-refundable amount of two million dollars to the City in cash.

Commissioner Lew stated that the mitigation measure LU-1 is not as strong as condition #19 and she prefers the condition because it is stricter.

Commissioner Sweeney suggested striking the last sentence in LU-1 because condition 19 provides more detail.

Commissioner Sweeney suggested deleting LU-1.

Mr. Leonard recommended striking mitigation measure LU-1.

Commissioner Sweeney asked to add the words “on-site” before affordable housing requirement in condition #19

Kit Faubion, City Attorney, recommended instead of striking mitigation measure LU-1 to change it to read “see condition #19”.

Commissioner Lew stated that mitigation measure N-1 mentions lot D-2 which does not appear in condition #41. She feels the language in mitigation measure N-1 is more restrictive but it excludes lot D-2.

Chairperson Anderson asked if there is language that could be included in the conditions that would automatically make the stronger of the two apply.

Commissioner Sweeney stated that in condition #5 it stated that the more restrictive mitigation will apply.

Commissioner Sweeney suggested changing the word “mitigation” to “language” in condition #5.

Commissioner Lew stated that she doesn’t believe it will solve the problem. She believes that the language must be consistent.

Mr. Leonard stated that in this case “lot D-2” should be added to mitigation measure N-1.

Commissioner Lew asked why mitigation measure U-1 still “optional”

Ms. Gallegos stated that “optional” should be deleted.

Commissioner Lew asked if extending Hanford Street into the project will make it a public street.

Mr. Leonard replied that it would.

Commissioner Lew asked if condition #60 was still necessary.

Mr. Leonard stated that condition could be eliminated.

Commissioner Lew stated that mitigation measure N-7 refers to “public holidays” and condition #91 refers to “holidays”. She asked which is correct.

Mr. Leonard suggested striking the word “public” in the mitigation measure.

Commissioner Lew stated that conditions #80 and #93 appear to be asking for the same fee.

Carlos Jocson, City Engineer, stated condition #93 is a requirement for new intersections to be signalized. He said that the fee is approved by city council.

Commissioner Lew asked if condition #80 is a fee over and above what is required by condition #93.

Mr. Jocson stated that is correct.

Commissioner Lew asked for a definition of “future” from condition #96.

Mr. Leonard suggested taking out the word “future”.

Commissioner Lew pointed out that the first condition at the top of page 28 is not numbered.

Commissioner Lew asked if in that condition it should be “obtain” versus “receive” approval.

Mr. Leonard agreed to change it to “obtain”.

Commissioner Lew asked who will be providing the final map.

Mr. Leonard suggested changing it to “prior to approval of the final map”.

Mr. Jocson suggested striking the words “receiving a final map and” so that the condition will read “Applicant shall receive Environmental Programs Division approval prior to the issuance of grading and building permit(s)”.

Commissioner Lew asked if condition #101 should read “the property owner” or “each property owner”.

Mr. Jocson replied that it means the developer.

Commissioner Lew asked who is going to record this agreement.

Mr. Leonard stated that it would be the developer.

Chairperson Anderson asked if it should be “the developer” or “the applicant”.

Ms. Gallegos replied that using “the applicant” would be consistent with the other conditions of approval.

Commissioner Sweeney asked who is going to provide the O & M plan that is required post construction.

Mr. Jocson stated that since the City will be taking over the maintenance and operation of the storm water treatment the condition can be deleted.

Commissioner Sweeney asked if these would be the storm treatment facilities that would be located on public property.

Mr. Jocson replied that this will be the treatment facilities located in the public right of way.

Commissioner Sweeney confirmed that the City has responsibility post construction for those facilities.

Mr. Jocson replied that was correct.

Commissioner Lew asked if “all” in condition #102 meant the conditions that preceded this one or all that are listed in the report.

Mr. Jocson replied that it means all the conditions in the report.

Commissioner Sweeney suggested striking the words “of these” from condition #102.

Commissioner Lew suggested that perhaps it should be placed at the end of the conditions.

Commissioner Lew stated that mitigation measure WQ-2 and condition #116 are exactly the same.

Mr. Leonard stated that the condition implements the mitigation measure.

Commissioner Sweeney asked that in the future any new conditions be added at the end so that the original conditions still have the same numbers.

Commissioner Sweeney asked to add to condition #3 that the street name of the entry street will reflect the development name. She said that even though there are no houses on that street, the Fire Department will require it to be named and it would be less confusing to have two different names there.

Commissioner Sweeney asked how much is the actual cost per household and how much is the base community facility fee that was put onto recent development, such as PSSC or the Ponderosa property.

Mr. Leonard stated that this fee is substantially higher than the base fee that was applied to the DIPSA area. He stated that it started around \$300/year per lot and is now around \$360/year. Mr. Leonard stated that final calculations are still being done.

Commissioner Sweeney asked if the final calculation is based on actual city cost. She stated her concerns that by setting the fee to low to start that the City is not adequately funding those resources.

Commissioner Sweeney stated that the City recently had to pass a parcel tax to fund public safety.

Mr. Leonard stated that the consultant has a formula based on the original calculations from the DIPSA plus the updated costs for this particular development. He said that they are doing a study using the DIPSA as a base.

Commissioner Sweeney asked why they are not using the actual costs for the police and fire departments, whose budgets are well known and publicized, divided on a per household basis. She feels that it is a reasonable approach to coming up with the fee amount.

Mr. Leonard suggested striking out the last sentence of condition #25.

Commissioner Sweeney encouraged the City to use a real cost based method for determine the appropriate base for the CFD.

Commissioner Sweeney stated that at the last meeting the applicant asked for a limit of \$30,000 and six months to be added to condition #27 and why was it not changed.

Mr. Jocson stated that the intent is that the applicant shows a good faith effort in dealing with this issue.

Commissioner Sweeney asked why the condition dealing with the factory processed color finishes was deleted.

Mr. Leonard stated that they discussed it with the developer and they are using a paint color that is more reflective of the color scheme and those paint colors are not available in a factory baked finish. He said that standard practice is to custom paint those trims to match a particular color scheme rather than being limited to factory colors.

Commissioner Sweeney asked if this would include roof vents and vent covers.

Mr. Leonard referred the question to the applicant but stated that usually those vents reflect the color of the shingles.

Commissioner Sweeney asked why the extension of Hanford Street shows the right of way as only 45 feet wide when Hanford Street as existing has a right of way 50 feet and all the other streets existing are 56 feet wide.

Mr. Jocson replied that the streets are measured curb to curb and that there are some particular features of Hanford Street that doesn't allow it to be extended at the same width through.

Commissioner Sweeney stated that it narrows for one block length.

Mr. Jocson stated that is correct.

Mr. Jocson stated that the development to the west came in first and what has been approved for this development is 36 feet curb to curb width.

Commissioner Sweeney stated that it looks more like 28 feet curb to curb, 2 ten foot lanes and an eight foot parking strip, and a five foot sidewalk and a two and a half foot wide planting strip.

Commissioner Sweeney asked doesn't the City require 20 feet passing for emergency vehicles passing.

Mr. Leonard stated that in this area there is parking allowed only on one side of the street, so one side would be painted red curb.

Commissioner Sweeney asked why the parking is being put up against the sound wall instead of in front of residence lot D-16.

Mr. Jocson replied that it is to accommodate the users of the park.

Commissioner Sweeney stated her concerns about having a red curb in front of the residence at lot D-16 and suggested putting the red curb on the sound wall side of the street.

Mr. Leonard replied that then the car passengers would be disembarking into the landscape area.

Commissioner Sweeney stated her concern that the planting strip at two and a half feet is too narrow for the amount of plantings required to be planted to screen the railroad tracks.

Mr. Leonard stated that it is not wide enough for trees and there would have to be climbing vines and shrubs in that section.

Commissioner Sweeney did not like that alternative.

Mr. Leonard stated that the sidewalk could be eliminated.

Commissioner Sweeney stated her concern that eliminating the sidewalk would be a public safety issue.

Mr. Leonard stated that there is no sidewalk on Hanford Street against the railroad tracks.

Mr. Jocson stated that the sidewalk is for the benefit of those people going to the park and parking on that side of the street.

Commissioner Sweeney suggested moving the parking to the other side of the street so that we could make the planting strip seven and a half feet wide which would accommodate a taller planting to screen the railroad tracks.

Commissioner Savage agreed with that change.

Commissioner Sweeney stated that it looks like the lot lines on the landscape plan for the duplex make it look like one half of D-1 and D-2 but the fence lines for the rear yards do not follow the property lines. She suggested that it looks like one of the duplex units is being allowed to fence and use a piece of the neighbor's property. Commissioner Sweeney asked if the Tentative Tract Map should be altered to reflect the actual lot lines.

Mr. Leonard referred the question to the developer.

Commissioner Sison asked who will be removing the graffiti as specified in condition #51.

Mr. Leonard stated that it would be the property owner because the homes will be under different ownership and the condition will apply into the future.

Commissioner Sison asked to clarify that the homeowner is the property owner

Mr. Leonard stated that it should read "property owner(s)".

Chairperson Anderson asked how the property owners will know that they have this responsibility.

Mr. Leonard stated that it will be part of the disclosure to the buyers.

Commissioner Lew stated that she thought that it was just for the construction period.

Mr. Leonard stated that it applies to everything.

Commissioner Sison asked what is meant by a fireplace certified by the EPA in condition #49.

Commissioner Sweeney replied that this was model language developed by the Bay Area Air Quality Management District. She said that they asked local jurisdictions to include this language as a standard condition of approval. She said that at the time and currently the EPA says that it is still developing these particular certification standards and until they develop them they cannot be incorporated.

Commissioner Sison stated his concerns about the timing for the developer if the certification goes into effect.

Commissioner Sweeney replied that if the certification goes into effect then they can only install these items or that at the time they can show that what they want to install is EPA certified.

Commissioner Sison asked that at this time the EPA does not have a certification program but if they do then the applicant would have to use EPA certified appliances.

Commissioner Sweeney stated that if the program is started in a couple of months and the applicant would like to use one of those types of fireplaces, then this condition would permit them to do it.

Chairperson Anderson opened the public hearing.

Adam Tennant, Summerhill Homes, stated that he wants this to be a win-win for the City and Summerhill. He stated that they dropped two lots in the process but have not reduced any offerings to the City. Mr. Tennant would still like to have a cap or sunset clause on the condition referring to a sidewalk connection to Fremont. He would also like to see Summerhills pro rata share of the traffic signalization fee reduced.

Mr. Tennant asked for a clarification of the pop out issue. He believes that there is only the chimney projection on the first story.

Commissioner Sweeney stated that one of the elevations shows a pop out window that wasn't in the previous plans.

Mr. Tennant asked if the commission was in favor of the second story projections.

Commissioner Sweeney asked how far out the pop out goes.

Mr. Tennant stated that it is about one foot depth.

Commissioner Sweeney stated that instead of a ten foot separation between buildings there will only be nine feet between the buildings.

Commissioner Sweeney suggested a prohibition to having pop out windows facing each other.

Commissioner Lew asked which side it would be on.

Commissioner Sweeney replied that it is on the 6000 series so that there is six-foot setback for a total of 12 feet between the houses.

Mr. Tennant stated that there will be fifteen feet between the homes.

Commissioner Lew asked how many pop outs will there be.

Mr. Tennant believes there would be about six or seven total.

Commissioner Lew stated that it will be alright as long as they are scattered.

Mr. Leonard suggested adding a sentence to condition #11 at the end that “side window pop outs may be allowed on the second story if they are not opposite another pop out element on the adjacent home”.

Commissioner Sweeney rephrased “Side window pop outs as shown on Plan 2 Sheet A-42 shall be permitted in the normal distribution of styles and not adjacent to a similar unit”.

Mark Rutherford, Summerhill Homes, stated that because of the limited time to make changes, they did not show the pop outs on all the plan sheets. He said that they are proposing them also for the Santa Barbara and the French Normandy.

Commissioner Sweeney asked if they were proposing the same modification for sheets A 41 and A 43.

Mr. Rutherford stated that they are trying to make a consistent enhancement to the side elevations.

Commissioner Lew asked if they are all the same size.

Mr. Rutherford stated that they are the same size just done in a different style.

Commissioner Sweeney stated that the condition should read “in the 6000 series”.

Commissioner Lew stated that one of the models looks like it has a first and a second story pop out.

Mr. Rutherford stated that this is actually a recess, not a pop out.

Mr. Tennant stated that Summerhill is looking for assurance that the CFD won't be enormous because they are being asked to provide maintenance for a regional park. They do not want to see the homeowners saddled with an exorbitant amount each year.

Commissioner Sweeney asked if it doesn't make more sense to base the fee on actual costs rather than on a number pulled out of a hat. Commissioner Sweeney wants to see the City make an effort to base the CFD on the actual costs.

Mr. Tennant stated that the roof vents would be painted similarly to the exterior of the home.

Tom Armstrong, HMM Engineers, stated that reciprocal easements are common in land use today. He stated that Lot D14 is a good example of where the property line is being set to square up the area between the two homes and to meet setbacks and other building code regulations and it makes the yards more balanced and useable for each of the units.

Commissioner Sweeney asked are the reciprocal easements going to be recorded on the deed.

Mr. Armstrong stated that it is up to the City Engineer but it can be recorded on the final tract map or recorded on the deed.

Commissioner Lew asked who is responsible for the little piece of land.

Mr. Armstrong stated that who actually owns the land, who has rights, and who is responsible for the maintenance is part of the way the language is set up by the title company, the developers, and their engineers.

Commissioner Lew stated that the yards in lots D-3 and D-4 don't appear to be accessible to either of the owners.

Mr. Armstrong stated that they will look at how the building is laid out and how the property lines will run and make sure that whoever needs access will have it.

Commissioner Lew asked if this is appropriate for Union City.

Ms. Gallegos stated that this was also done at Ponderosa Cove II.

Commissioner Sweeney asked who determines that the rear lots are equal.

Mr. Armstrong stated that this is a very small scale and it is done correctly for the plot plans.

Commissioner Sweeney asked who reviews the plot plan.

Mr. Armstrong stated that it is reviewed by the City prior to the issuance of building permits.

Commissioner Sweeney asked if the new homeowners sign the disclosure package or do they just receive it.

Mr. Leonard stated that they must sign it.

Commissioner Lew asked what is a stucco break.

Mr. Armstrong replied that it is an expansion break made out of sheet metal to separate the upper and lower parts of the house.

Commissioner Lew asked how wide is the crease.

Mr. Armstrong stated about a 1/4 to 1/8 of an inch.

Commissioner Lew asked if it was an indentation into the building.

Mr. Armstrong stated that it is an inward crease.

Chairperson Anderson asked what will be the street name will be for the new street.

Mr. Tennant stated that they hadn't thought about it.

Commissioner Sweeney asked to make the three connecting blocks have the same name.

Commissioner Sweeney asked if it would it be a problem to have decorative street lighting.

Mr. Tennant stated that they can work with Public Works.

Commissioner Sweeney wants lights like the ones in the Pulte subdivision.

Commissioner Sweeney asked if they offer options to homebuyers, such as low VOC paints, carpets, high-efficiency appliances, etc.

Mr. Tennant stated that is not something that he is aware of.

Commissioner Sweeney asked what other green building technique they use.

Mr. Tennant stated that there are scores in the green building program from the construction process.

Commissioner Sweeney suggested Summerhill consider offering as options green building products and appliances.

Commissioner Sweeney stated that she is disappointed about the level of enhancements in the Site Development Review on these elevations. She asked if the Site Development Review is essential to their timetable or could it be continued.

Mr. Tennant replied that he would like to work it out this evening.

Commissioner Sweeney stated that she is concerned with the side and rear elevations and that these are large block buildings with no second story setbacks, or anything to ease the bulk. She stated that the sides are extremely plain. Commissioner Sweeney has about four pages of changes she would like to see made to the elevations.

Chairperson Anderson asked whether they are suggestions or conditions.

Commissioner Sweeney stated that she wants them as conditions.

Chairperson Anderson asked to have them gone through.

Commissioner Sweeney gave her new conditions:

Condition: Plan 1 Sheet A3 revised 3/7/05 shall be further modified to add at a minimum a) window sills below the living room window on the right elevation and on all windows on the second story except the horizontal 2 pane window on the left elevation and b) a stucco break between the first and second story on the left, right, and rear elevations.

Condition: Plan 1 Sheet A4 shall be modified to add at a minimum a stucco break or other trim strip between the first and second story on the left, right, and rear elevations.

Condition: Plan 1 Sheet A4a shall be modified to add at a minimum a) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations and b) window sills below the living room window on the right elevation and on all windows on the second story except the horizontal 2 pane window on the left elevation.

Condition: Plan 1 Sheet A5 shall be modified to add at a minimum a) siding and corbels to the upper part of the gables on the second story pop out on the right elevation and on the gable on the left elevation and b) a contrasting trim strip between the first and second story on the left, right, and rear elevations.

Condition: Plan 1 Sheet A5a revised 3/7/05 shall be further modified to add at a minimum a) a contrasting trim strip in place of the stucco break between the first and second story on the left, right, and rear elevations, b) a pot shelf below the living room window on the right elevation, and c) trim matching the front elevation on all windows on the second story except the loft/bedroom 6 window on the left elevation and master bath window on the rear elevation which shall remain as revised.

Condition: Plan 2 Sheet A8 shall be modified to add at a minimum a) decorative medallions, groups of decorative tile, or decorative roof vents on the large gable on the right elevation (not the pop out) and the two gables on the left elevation, b) a stucco break between the first and second story on the left, right, and rear elevations, and c) a second set of shutters on the left elevation.

Condition: Plan 2 Sheet A8a revised 3/7/05 shall be further modified to add at a minimum a) decorative roof vents on the gables on the right and left elevations and b) continue the stucco break around the rear and right elevations.

Condition: Plan 2 Sheet A9 revised 3/7/05 shall be further modified to add at a minimum a) a second set of shutters on the left elevation and b) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 2 Sheet A10 shall be modified to add at a minimum a) a contrasting trim strip between the first and second story on the left, right, and rear elevations, and b) a second set of shutters on the left elevation.

Condition: Plan 2 Sheet A10a shall be modified to add at a minimum a) window trim and treatment matching the rear elevation on both the left and right elevations, b) a contrasting trim strip between the first and second story on the left, right, and rear elevations, and c) a second set of shutters on the left elevation.

Condition: Plan 3 Sheet A13 shall be modified to add at a minimum a) an exterior man door to the garage, b) decorative roof vents on the four gables on the right and left elevations, and c) a stucco break between the first and second story on the left, right, and rear elevations.

Condition: Plan 3 Sheet A13a revised 3/7/05 shall be further modified to add at a minimum a) window style, window trim, and treatments matching the rear elevation on both the left and right elevations, and b) decorative roof vents on the four gables on the right and left elevations.

Condition: Plan 3 Sheet A14 shall be modified to add at a minimum a) an exterior man door to the garage, b) a window sill with corbels as seen on the rear elevation shall be added to the 3 panel window on the right elevation, and c) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations.

Condition: Plan 3 Sheet A14a shall be modified to add at a minimum a) an exterior man door to the garage, b) a window sill with corbels as seen on the rear elevation shall be added to the 3 panel window on the right elevation, and c) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations.

Condition: Plan 3 Sheet A15 revised 3/7/05 shall be further modified to add at a minimum a) an exterior man door to the garage, b) a window sill with corbels as seen on the rear elevation shall be added to the 3 panel window on the right elevation, and c) a contrasting trim strip between the first and second story on the left, right, and rear elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 4 Sheet A16 shall be modified to add at a minimum a squared entry feature on the cottage style in place of the arch.

Condition: Plan 4 Sheets A18 revised 3/7/05, A19, and A20 shall be further modified to add decorative roof vents on the left and right gables.

Condition: Plan 4 Sheet A19 shall be further modified to add decorative roof vents on the left and right gables.

Condition: Plan 4 Sheet A20 shall be further modified to add decorative roof vents on all gables on the left and right elevations.

Condition: Plan 7 Sheets A23 shall be modified to add at a minimum a) a stucco break between the first and second story on the left, right, and rear elevations and b) a larger decorative element, grouping of tiles, or decorative roof vent on the right gable. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 7 Sheets A24 shall be modified to add at a minimum a) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations and b) a larger decorative element or decorative roof vent on the right gable. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 7 Sheet A25 shall be modified to add at a minimum a) window trim and treatment matching the rear elevation on both the left and right elevations, b) a contrasting trim strip between the first and second story on the left, right, and rear elevations, and c) siding and corbels to the upper part of the gables on the second story on the right and left elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: BMR Sheet A28 shall be modified to add at a minimum a squared entry features on the cottage style in place of the arches.

Condition: Plan BMR Sheet A31 shall be modified to add at a minimum a) corbels, window trim and other treatments matching the right elevation on the left elevation, b) a contrasting trim strip between the first and second story continuing as shown above the garage door on the right elevation around the rear and left elevations, and c) a decorative roof vent on the rear gable. In addition, in those locations where the rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on the rear elevation.

Condition: Plan BMR Sheet A32 shall be modified to add at a minimum a) window style, window trim, and other treatments matching the right elevation on the left elevation and b) a contrasting trim strip between the first and second story continuing as shown above the garage door on the right elevation around the rear and left elevations. In addition, in those locations where the rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on the rear elevation.

Condition: Plan BMR Sheet A33 shall be modified to add at a minimum a) window style, window trim, and other treatments matching the right elevation on the left elevation, b) a contrasting trim strip between the first and second story continuing as shown above the garage door on the right elevation around the rear and left elevations, and c) siding and corbels to the upper part of the gables on the second story on the left and rear elevations. In addition, in those locations where the rear elevation is visible from a public

area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on the rear elevation.

Condition: Plan 1 Sheet A36 shall be modified to add at a minimum a) a stucco break between the first and second story on the left, right, and rear elevations and b) window trim and treatment matching the rear elevation on both the left and right elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 1 Sheet A37 shall be modified to add at a minimum a) a contrasting trim strip between the first and second story on the left, right, and rear elevations and b) window trim and treatment matching the rear elevation on both the left and right elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 1 Sheet A38 revised 3/7/05 shall be further modified to add at a minimum a) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations and b) window trim and treatment matching the rear elevation on both the left and right elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 2 Sheet A41 shall be modified to add at a minimum a) a stucco break between the first and second story on the left, right, and rear elevations, b) window sills below windows on the left, right, and rear elevations, and c) either hipped roofs replacing the gables on the left and right elevations or larger decorative elements or decorative roof vents on those gables. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 2 Sheet A42 revised 3/7/05 shall be further modified to add at a minimum a contrasting trim strip between the first and second story on the left, right, and rear elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 2 Sheet A43 shall be modified to add at a minimum a) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations and b) window sills below windows on the left, right, and rear elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 3 Sheet A46 shall be modified to add at a minimum a) a stucco break between the first and second story on the left, right, and rear elevations, b) matching window trim with window sills below windows on the left, right, and rear elevations, c) a window or pair of windows in the rear garage location revised on Plan 3 Sheet A47, and d) either hipped roofs replacing the gables on the left and right elevations or larger decorative elements or decorative roof vents on those gables. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 3 Sheet A47 revised 3/7/05 shall be further modified to add at a minimum a contrasting trim strip between the first and second story on the left, right, and rear elevations. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Condition: Plan 3 Sheet A48 shall be modified to add at a minimum a) a stucco break or other trim strip between the first and second story on the left, right, and rear elevations, b) matching window trim with window sills below windows on the left, right, and rear elevations, and c) a window or pair of windows in the rear garage location revised on Plan 3 Sheet A47. In addition, in those locations where a side or rear elevation is visible from a public area obstructed only by a fence, window styles, window trims, and other treatments shall be enhanced to the level of the front elevation on all four sides.

Barry Ferrier, 32212 Allison Way, Union City, strongly supports Commissioner Sweeney's approach to the houses. He understands the issue of having second story neighbor houses that are just plain stucco walls. He hopes that Union City will get away from the big box look in houses.

Chairperson Anderson closed the public hearing.

Commissioner Lew asked what change was made to condition #25.

Mr. Leonard stated that the last line was going to be deleted.

Commissioner Lew asked what happens after that.

Mr. Leonard replied that staff will get further direction from the city council.

Commissioner Lew asked for an explanation of the reciprocal easement.

Mr. Leonard stated that it doesn't impact the City. He stated that easements will follow the fence lines, and recorded on the title. Mr. Leonard stated that it is a fairly common practice especially when there are zero lot line houses that have maintenance easements on one of the sides. He said that the property owners need to be aware of where their property lines are versus where the fence is.

Commissioner Lew asked who owns the easement land.

Mr. Leonard replied that the land is owned by the adjacent unit but the easement gives rights of use to the other unit.

Commissioner Lew asked how it is working in Ponderosa Cove.

Mr. Leonard replied that it is a concept used throughout the country. He said that in Union City we usually build standard size lots where easements aren't necessary.

Commissioner Lew stated her concerns with the reciprocal easement.

Mr. Leonard stated that it is just like a single family home just that they are attached.

Commissioner Sweeney stated that based on the tentative drawing if the fence line followed the property line then some homes would have a very large front yard and side yard but not much of a backyard.

Commissioner Lew asked why not divide the lot so it is more equitable.

Mr. Leonard stated that for this level of review this plan is accurate enough. He said that only preliminary plans are required now. Mr. Leonard stated that after final engineering is done and the site is graded and each lot is individually surveyed then fence placement would be made.

Commissioner Lew stated that she does not see the value of the easement in this case.

Mr. Leonard stated that they are not dealing with regularly shaped lots.

Commissioner Lew stated that she is opposed to reciprocal easements if there is no access from the street.

Chairperson Anderson asked if Commissioner Lew is opposed to the Site Development Review.

Commissioner Lew stated that she wants the City to take steps to see that the lots are divided equitably and that the property owners have all the private space that they are entitled to when they purchase the property.

Mr. Leonard stated that the City will be reviewing the plot plans when they come in for building permits and that they will try not to create irregularities if possible.

Commissioner Lew stated that the City should use the reciprocal easement as a last resort.

Mr. Leonard stated that they would use it only when necessary.

Commissioner Sweeney asked to have the items that she detailed sheet by sheet to be added as conditions.

Mr. Leonard replied that we can make a condition that changes made to the elevations shall be in accordance with the changes in Commissioner Sweeney's document.

Mr. Leonard reiterated the changes to the conditions of approval:

- Condition #3 the applicant shall provide a name for the entry street and the development itself that is reflective of Union City history.
- Condition #5 change the word "mitigation" in the second line to "language"
- Condition #11 add a new sentence "Along the sides of the 6000 series lots second floor side window pop outs are permitted in a normal distribution of style but no pop outs shall be facing each other on adjacent homes".
- Condition #19 last line, "units to meet the onsite affordable. . ."
- Condition #25 delete the last sentence.
- Add a new condition that the applicant shall use decorative streetlights similar to the ones used in the Heritage Point subdivision".
- Condition #31 "the applicant shall pay a non-refundable amount of two million dollars to the City by January 15, 2006 to help fund the Union City gymnasium".
- LU-1 "See condition #19".
- N-1 change to include lot D-2.
- N-7 strike the word "public"
- U-1 take out word "optional".
- Condition #51 the third word shall read "owner(s)" and add a sentence that "the applicant shall disclose this obligation to the buyers".

- Condition #60 is deleted.
- Condition #96 take out the word “future”.
- Page 28 give this paragraph a number for a condition of approval “the applicant shall obtain Environmental Programs approval prior to the issuance of the grading and building permits”.
- Condition #101 deleted
- New condition “the changes discussed by Commissioner Sweeney with the applicant shall be implemented”.
- Condition #102 remove the words “all” and
- Add a condition that the connector road to Hanford Street will be redesigned to allow parking on the west side of the road.

Commissioner Sweeney suggested adding to the condition the desk item regarding maintenance of the duplex units.

Commissioner Sweeney asked how the reciprocal easements are recorded.

Mr. Jocson stated that they can be recorded by parcel map, tract map or deed.

Commissioner Sweeney asked if there is any advantage to one method.

Mr. Jocson replied that recording by deed gives some leeway whereas the tract map is final.

Chairperson Anderson questioned whether condition #93 should be changed.

Mr. Leonard replied that the applicant has asked for a change but staff is not going to recommend any change and the applicant can take it up with the City Council.

Commissioner Lew asked if the deposit will be returned with interest.

Mr. Jocson stated that they are returned without interest.

Commissioner Lew wants that added to condition #93.

Mr. Leonard stated that the words “without interest” will be added at the end of the sentence to condition #93.

Commissioner Lew wants to add “shall make a good faith effort” in condition #27.

Commissioner Lew stated that the applicant wanted a cap on time.

Mr. Tennant stated that they would still like a cap to cover the cost exposure on condition #27.

Mr. Leonard stated will leave it as it currently reads and let the City Council change it if needed.

Commissioner Sweeney stated that she has a problem with finding #10 because the distance between structures is not being met. She would like to add a new finding “The standard distance between structures is not met however other aspects of site design and amenities adequately offset this deviation and are consistent with the objectives of the Zoning title”.

Commissioner Sweeney made a motion to approve General Plan Amendment AG-04-04, Zoning Map Amendment A-07-04, Tentative Tract Map 7601, Site Development Review SD-14-04 and Use Permit UP-11-04 subject to the specific findings 1 – 14 and subject to the modified conditions of approval and adopt resolutions confirming these actions and recommend to the City Council approval of the General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, Site Development Review, and Use Permit.

Commissioner Lew seconded the motion.

AYES	5 (Anderson, Lew Savage, Sison, Sweeney)
NOES	0
ABSENT	0
ABSTAIN	0

Chairperson Anderson recessed the meeting at 10:20 p.m.

Chairperson Anderson called the meeting to order at 10:30 p.m.

**B. NEW HEARINGS:** None.

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. ARTURO RAYGOZA, CORNER OF 11<sup>TH</sup> STREET AND H STREET, Administrative Site Development Review ASD-04-05; Initiated** by Arturo Raygoza, the applicant is requesting Administrative Site Development Review for a new two-story 2,900 square foot single-family residence (including a garage). The subject property is located on the corner of 11<sup>th</sup> Street and H Street and is identified as Assessor's Parcel Number APN: 486-0033-067-00. 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 Sison asked if they will be able to comply with the requirement for a clean-out area required in condition #52.

Mr. Jocson stated that they are trying to prohibit concrete trucks from flushing their residue down the storm drains. He said that in this case they will just require the concrete trucks to dispose of it in an approved manner. Mr. Jocson stated that the City inspectors do monitor the concrete trucks.

Chairperson Anderson asked that the reference or amendment referred to in condition #19 be spelled out.

Mr. Leonard stated that this condition does not have to appear here at all.

Chairperson Anderson asked to have condition #32 changed to "the applicant".

Commissioner Savage stated her concerns about having a house of this size on this lot surrounded by the older one-story homes. She feels that it will be very out of place.

Commissioner Sweeney stated her concerns about the size of the house in comparison to the neighboring homes. She feels that it does not fit in with the Decoto style of homes.

Commissioner Savage stated her preference for a one-story home on this lot instead of the two-story proposed.

Commissioner Sweeney stated her concerns that house will be too close to the other homes on the sides. She thinks it will look odd and may adversely affect its neighbors.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-04-05, making findings 1 – 5 and with the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Sison seconded the motion.

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

- UNION 76 GASOLINE SERVICE STATION, 31300 ALVARADO-NILES ROAD, Administrative Site Development Review ASD-43-04;** An application for approval of a corporate reimagining program that will entail modifications to an existing gasoline service station.

Mark Leonard, Director, Economic and Community Development, presented the staff report.

Commissioner Sison asked what is the trellis structure referred to in condition #5.

Mr. Leonard stated that it is the wood outline of the freestanding sign.

Commissioner Sweeney asked if there would be a reduction in the height of the sign.

Mr. Leonard stated that the new sign will be four feet six inches and the frame will be above that. He said that it should be below six feet and would have to work with the applicant to achieve that goal.

Commissioner Savage asked if any new landscaping was proposed for the site.

Mr. Leonard stated not at this time.

Commissioner Savage feels that there should be some improved landscaping around the sign.

Mr. Leonard stated that a condition could be added that the landscaping around the corner sign monument will be enhanced to the approval of the Director, Economic and Community Development.

Commissioner Lew noted that these are very bright colors and asked what will happen when they start to fade.

Mr. Leonard suggested adding a condition that the applicant shall maintain the color scheme to appear fresh and clean.

Mark Rathmore stated that they are willing to comply with the sign height, enhancing the landscaping and keeping the paint up.

Commissioner Lew asked how the brick base and the trellis are going to be finished.

Mr. Rathmore replied that they were just going to match the existing colors.

Mr. Leonard suggested using the white stone that is used in Union Landing instead of the brick and a condition could be added for that.

Mr. Ferrier asked if the City is still going to widen Alvarado-Niles Road and if the station would have to give up the five-foot easement.

Mr. Jocson replied that eventually they will require the station to give up the right of way.

Mr. Ferrier stated his concern that the flat roof over the pumps may encroach into the widening of Alvarado-Niles Road.

Mr. Jocson stated that the station had an opportunity to reconfigure the station but that opportunity is gone.

Mr. Jocson stated that it may happen that they will have to take the whole station when the widening occurs.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-43-04, making findings 1 - 4 and with the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Savage seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSENT	0
ABSTAIN	0

**VII. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of April 7, 2005.

**VIII. GOOD OF THE ORDER:**

Commissioner Sison stated that the entrance to Union Landing from Dyer Street has broken pavers and would like to know when they are going to be fixed.

Mr. Jocson stated that the property owner has been told of the problem and will be replacing the brick pavers with concrete and asphalt as soon as there is good weather.

**IX. ADJOURNMENT:**

**APPROVED:**

\_\_\_\_\_  
**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**MARK LEONARD, SECRETARY**