

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JULY 21, 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
ABSENT:** Commissioner Sison

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 July 7, 2005 were approved as submitted

- III. ORAL COMMUNICATIONS:** None.

- IV. WRITTEN COMMUNICATIONS:** None.

- V. PUBLIC HEARINGS:**

- A. CONTINUED HEARINGS:** None.

- B. NEW HEARINGS:**

- 1. VERIZON WIRELESS, 30935 COURTHOUSE DRIVE, Modification to Site Development Review SD -05-04 (previously known as SD -03-05) and Variance V-01-05;** the applicant is requesting approval for a third building sign were only two signs are permitted. The store is located at 30935 Courthouse Drive (APN: 463-0060-051-00) and is zoned CUL, Union Landing Commercial. This project is considered categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Sweeney asked if the FedEx/Kinko's store had signs on both the back and the front.

Ms. Gallegos stated that it has a sign on the back but does not have one facing Dyer Street.

Commissioner Sweeney asked if the proposed sign faces onto the Wal-Mart parking lot and not the street.

Ms. Gallegos stated that is correct.

Commissioner Lew asked if the placement of the monument sign for this parcel has been approved.

Mark Leonard, Director, Economic and Community Development, stated that he believed that it had probably been signed off with the issuance of the building permits.

Commissioner Lew asked if the monument sign will be close to Dyer Street and will it have all the tenants on the one sign.

Mr. Leonard replied that the intent of the monument sign is to provide identity for the center not for individual tenants. Mr. Leonard stated that they encourage the developers to come up with a name for the new development and put that on the monument sign. Mr. Leonard stated that on some occasions tenant names have been put on monument signs in front of their section of the project.

Commissioner Sweeney asked if it would be possible for Verizon to get its name on the monument signs.

Mr. Leonard stated that was possible.

Chairperson Anderson opened the public hearing.

Alan Ford, Concord, CA, stated that they would be willing to give up placement on the monument sign in order to get the third sign that they want. Mr. Ford stated that the building is unique and not like Kinko's which has a monument sign on Dyer Street. Mr. Ford stated that they are an in-line tenant but they are also on the end cap so that persons traveling westbound on Dyer Street only see a blank wall and that is where they want to put their sign. Mr. Ford noted that Wells Fargo does have a third sign on the rear on an awning.

Matt Holland, Verizon Wireless, stated that given the opportunity they would give up placement on the monument sign in order to have the third building sign.

Commissioner Sweeney asked which sign they would be willing to give up to get the third sign.

Mr. Holland stated that they want to keep the two current signs and he feels that the Wal-Mart parking lot provides an excellent vantage for that sign.

Mr. Ford stated that sign one is the least valuable sign but it is over the front entrance door. Mr. Ford stated that having all three signs were critical.

Chairperson Anderson closed the public hearing.

Commissioner Lew asked even though giving up the monument sign for the third sign is not part of this application can it be considered. Commissioner Lew asked if the applicants would have to reapply to get this option.

Mr. Leonard stated that he does not have the information regarding the monument signs to make that determination. Mr. Leonard suggested continuing the project for so that staff can get the information for the commission. Mr. Leonard stated that if the building has a monument sign then that whole sign might have to come down and would thereby affect other tenants who might be on the sign. Mr. Leonard stated that not having Verizon's name on the monument sign is not an option.

Chairperson Anderson asked if the monument sign should be part of the commission's deliberations.

Mr. Leonard replied that if you want to take the monument sign into consideration then the application should be modified and he suggested continuing the project to the next commission meeting.

Chairperson Anderson asked what part of condition #16 would need to be changed in regards to the monument sign.

Kit Faubion, City Attorney, replied that the change might not be to condition #16 instead it would be to add a new condition to reflect the change to the project.

Chairperson Anderson asked why the applicant needs to apply for a Site Development Review for this.

Ms. Faubion stated that it is because of the nature of a Site Development Review, which shows how the project will comply with the zoning ordinance. She stated that in this case the dominant application is the Variance but in order to have the Variance approved the Site Development Review would have to be modified to reflect any changes.

Mr. Leonard stated that if the Planning Commission would consider a trade off for the monument sign then the property owner would have to be contacted about this amendment and the other tenants may be affected by this change as well.

Chairperson Anderson stated that he doesn't think that this application is valid because it doesn't have letters of agreement from the property owners or the other tenants.

Mr. Leonard stated that the application as it stands now is valid because the property owner signed the application form.

Chairperson Anderson asked if the applicant would still have to have a Variance if the only change was to give up a monument sign for the third sign.

Mr. Leonard stated that it would still need a modification of the approved Site Development Review.

Commissioner Sweeney pointed out that in other examples where this has occurred the businesses were single tenant freestanding buildings and not part of a chain or strip of businesses.

Commissioner Lew feels that the City should be flexible with businesses because they provide revenue for the City. Commissioner Lew stated that the City made an offer to allow the tenant to install the third sign in lieu of a monument sign. Commissioner Lew stated that the applicant had accepted that offer and that staff just needs to work out the details with the property owner.

Commissioner Sweeney stated that she agrees with Commissioner Lew and that the issue is between the property owner and the tenant. Commissioner Sweeney stated that there needs to be no monument sign for this building; not just not listing Verizons' name on the monument sign.

Commissioner Savage stated that she doesn't see a need for the third sign.

Commissioner Sweeney suggested continuing the application and having the tenant contact property owner and come back with an agreement over the monument sign

Chairperson Anderson asked if this application could come back without change.

Commissioner Sweeney stated that it could if the property owner is not willing to give up the monument sign for this building.

Commissioner Lew made a motion to continue Site Development Review SD-05-04 and Variance V-01-05 to the August 18, 2005.

Commissioner Sweeney seconded the motion.

AYES 4 (Anderson, Lew, Savage, Sweeney)
NOES 0
ABSENT 1 (Sison)
ABSTAIN 0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. **PAN-CAL, 32727 ALVARADO-NILES ROAD, Site Development Review SD-02-05;** the applicant is requesting approval of a Site Development Review Permit (SD-02-05) for the architectural design and site layout of 13 new single family homes and a duplex model on a 2.5 acre site. The subject site is located at 32727 Alvarado-Niles Road (APN 475-0157-051) and is zoned RS 4500, Single Family Residential. This project is considered categorically exempt under Section 15332, Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Savage asked if the existing single family home is going to remain where it is.

Mr. Leonard stated that it would remain where it is.

Commissioner Sweeney asked why is staff asking the applicant to mimic the California Rosecrest development instead of blending more with their existing neighbors on their side of Alvarado-Niles Road.

Mr. Leonard stated that they chose California Rosecrest because it was more modern and the materials would be able to withstand the test of time.

Commissioner Sweeney stated that the plan shows an 8 foot tall Marina wall along Alvarado-Niles Road which does not appear to be similar to the stucco wall at California Rosecrest.

Commissioner Sweeney stated that there are two different colors of granite fines and some plants which does not reflect the same of landscape treatment that we see in front of California Rosecrest.

Mr. Leonard stated that the wall in front of California Rosecrest is a stucco marina style wall which is generally being used on the east side of town.

Commissioner Sweeney stated that the landscape plan does not appear to be similar to California Rosecrest.

Ms. Gallegos replied that the landscape plan is conditioned to match California Rosecrest.

Commissioner Sweeney asked what are the emergency access gates going to look like.

Mr. Leonard stated that it will be a steel fence with baked on black paint.

Commissioner Sweeney asked that the street name continue to be Kenita and have the house numbers continued from the existing houses.

Commissioner Lew asked how the waiver of access rights to Alvarado-Niles Road will be enforced.

Mr. Leonard stated that it will be recorded on the tract map.

Commissioner Lew asked how the two homeowners adjacent to Alvarado-Niles Road will know that they have no access rights to Alvarado-Niles Road.

Carlos Jocson, City Engineer, replied that the title report will state that there will be no access to Alvarado-Niles Road.

Commissioner Lew asked if there will be pedestrian access through the gates to Alvarado-Niles Road.

Mr. Leonard stated that on the tract map that was approved there would be no pedestrian access.

Commissioner Sweeney replied that she thought that there was pedestrian access through the EVA gates when the tract map was approved.

Mr. Leonard stated that he believes that Commissioner Sweeney is correct but pedestrian access will have to be designed into the gate.

Commissioner Lew asked if a condition to allow pedestrian access through the EVA gates could be added.

Commissioner Lew asked why there is a two year limit for the applicant to maintain the landscaping.

Mr. Jocson stated that it is a standard condition of approval by Public Works to ensure that the landscaping is viable before the City takes over maintenance.

Commissioner Lew asked why it is limited to two years.

Mr. Leonard stated that before the City accepts the improvements that the landscaping would have to be maintained by the applicant or homeowners, whichever is applicable, while it gets established.

Mr. Jocson stated that this does not include the landscaping in front of the homes, just the landscaping in the public right of way.

Commissioner Lew asked to have the condition clarified so that specific landscaping is covered.

Mr. Leonard stated that condition #9 requires a Community Facilities District to be formed to pay for landscape maintenance in the future.

Commissioner Sweeney suggested changing condition #46 to read "The applicant shall be responsible for maintaining all irrigation, trees, landscaping and perimeter wall along the frontage of Alvarado-Niles Road. . ."

Commissioner Lew stated that the staff report mentioned using streetlights similar to the ones used in the Pulte Homes subdivision but condition #49 does not mention Pulte Homes.

Mr. Leonard stated that it could be added.

Commissioner Lew asked if condition #73 refers to all the conditions of approval or only those conditions that come before it.

Commissioner Sweeney stated that it was cut from another condition of approval and given its own number but it is still confusing because of where it is in the conditions of approval.

Mr. Leonard stated that condition #73 can be eliminated because the issue it addresses is more comprehensively covered in condition #4.

Commissioner Lew asked if a soils report has been completed on this property.

Mr. Jocson replied that because of the previous use of the property the applicant is required to complete a Phase I and Phase II study.

Commissioner Lew stated that she didn't see the condition for contractor's to obtain city business licenses.

Commissioner Lew asked if the City has looked at the possibility of saving any of the existing trees.

Mr. Jocson stated that the applicant is required to submit a tree survey.

Commissioner Lew stated that she does not like the Kensington name because it doesn't reflect Union City or the city's history.

Mr. Leonard stated that the City does not have a policy for naming subdivisions and the Kensington name has already been used on the west side of the city.

Chairperson Anderson asked why the applicant is responsible for repairs of streets and rights of way in condition #47 when the staff report states that all streets and rights of way will be dedicated to the City.

Mr. Jocson replied that this pertains to the connection point at the end of Kenita Way as it exists now. Mr. Jocson stated that if there are any broken portions of the sidewalk the applicant would be required to repair them.

Chairperson Anderson asked if the condition needs to be modified to clarify the location.

Mr. Jocson stated that the condition could be modified. Mr. Jocson stated that his intent is to provide a seamless connection between the existing and the new.

Commissioner Sweeney stated that the condition means that if the applicant does any work in the public right of way, then they are responsible for repairing whatever work they do.

Commissioner Savage clarified that this condition pertains to the period of construction.

Mr. Jocson stated that this condition covers existing conditions and during construction.

Chairperson Anderson asked if condition #35 is for the EVA gate to Alvarado-Niles Road.

Mr. Leonard stated that is correct.

Chairperson Anderson asked to change condition #75 to say “the applicant shall” and when it needs to be done.

Chairperson Anderson stated that condition #83 and condition #78 are duplicates and one should be deleted.

Commissioner Sweeney stated that they do need both conditions because one refers to the construction phase and one is for the residential phase.

Commissioner Sweeney asked to have the word “stucco” inserted before “exterior walls” in condition #10.

Commissioner Sweeney would like to add to condition #13 that no two adjacent driveways will have the same finish.

Commissioner Sweeney would like to add to condition #22 or condition #67 “that the landscaping will meet or exceed the landscaping at California Rosecrest”.

Leonard Hufton, Pan Ca, representing the applicant, asked to clarify from the staff report that this is really 15 lots because each half of the duplex is on its own lot. Mr. Hufton stated that the soils report and Phase I and II have been submitted to the city and have been approved. Mr. Hufton stated that they have also submitted an arborist report to the City arborist

Commissioner Sweeney asked if they have received a trees permit.

Mr. Hufton stated that they have not.

Commissioner Lew asked for results of soils report.

Mr. Hufton stated that because it used to be a nursery it was recommended to do the Level II study. Mr. Hufton stated that the Level II study found that there was no contamination above acceptable levels and therefore no mitigation measures were necessary.

Mr. Hufton stated that the report is on file with the City.

Commissioner Lew asked how they name new projects.

Mr. Hufton replied that they are open to any name.

Commissioner Lew clarified that the name is needed for marketing purposes.

Mr. Hufton replied yes.

Commissioner Lew noted some inconsistency in the site plan drawing versus the floor plan drawing.

Greg Kawahara, Livermore, CA stated that they have the same plan names because it refers to the elevations not the interior.

Commissioner Lew asked if the houses have to be built exactly as they are shown on the exhibit.

Mr. Leonard stated that when staff does the plan check they try to maintain a good mix of units and will sign off on different plans as long as they meet the setbacks.

Commissioner Lew stated that she likes the driveways being located next to each other because it allows for parallel parking in front of the home.

Mr. Leonard stated that is a typical layout. Mr. Leonard suggested adding a condition that would require the driveways to be paired up to the extent possible.

Commissioner Sweeney asked if condition #1 covers that area.

Mr. Leonard replied that this will make it explicit.

Commissioner Sweeney asked what is the difference between plan 1 and plan 2.

Mr. Kawahara stated that the main difference is the porch, plan one is slightly smaller, mainly in the kitchen area.

Commissioner Sweeney asked where the differences are.

Mr. Kawahara stated that the depth is about 6 – 12” in the family room and also in the kitchen.

Commissioner Sweeney stated that she has a problem with the similarity in the two story homes and feels they lack variety.

Barry Ferrier, Union City, stated that this is a really nice project that will improve Alvarado-Niles Road. Mr. Ferrier is concerned about the existing house that will remain so that the wall will not be finished. Mr. Ferrier is concerned that the existing house will be an island with no access through Kenita Way.

Commissioner Lew asked about dedicated park land.

Mr. Leonard stated that the applicant will be paying in-lieu fees as part of the map.

Commissioner Lew stated that she has no problem with the application but doesn't like the wall.

Mr. Leonard stated that the wall is strictly for sound.

Commissioner Sweeney stated that she has a problem with the fact that the two story homes are almost identical. Commissioner Sweeney wanted to see more variety.

Chairperson Anderson what the City usually requires.

Mr. Leonard stated that we want to see three different models.

Commissioner Sweeney stated that as the application stands she would vote against it.

Commissioner Savage agreed that there should be more variety in the two story plans and she would like to see more variety.

Commissioner Sweeney asked if the applicant would be willing to make a change to one of the plans so that they would be more different.

Mr. Kawahara stated that it was possible. Mr. Kawahara stated that staff did not like the original floor plans with regards to location of the living space and the garage.

Commissioner Sweeney asked if the original plans had the garage farther out in front of the living space.

Mr. Kawahara stated that it was about 5 – 6 feet in front of the living space and then there was the porch area.

Commissioner Sweeney stated that staff probably asked to have the living space brought forward to avoid what is called a “snout house”.

Commissioner Sweeney asked to see something that reflects a different house.

Mr. Kawahara stated they could go back to the original floor plan.

Commissioner Sweeney suggested that they try to move the front of the building up so that the garage door does not dominate the front.

Mr. Leonard stated that this needs to be continued until September. Mr. Leonard stated that they asked for enhancements on the elevations and asked for upgraded homes not for similar homes.

Mr. Hufton would like to come back on 9/1/05.

Commissioner Sweeney asked that they understand that

Mr. Kawahara stated that they will resubmit a revised plan 1.

Commissioner Lew asked what exactly are we asking them to change on this plan.

Commissioner Sweeney stated that the only differences are the size of the kitchen and the walk in closet.

Commissioner Lew stated that you shouldn't be concerned about the interior, you should be concerned about the exterior because that is what the public sees.

Commissioner Sweeney stated that with the exterior massing of the building and the siting of the buildings on the lots there is virtually no exterior difference in locations of windows, doors and porches.

Commissioner Lew made a motion to continue Site Development Review SD-02-05 to September 1, 2005

Commissioner Savage seconded the motion.

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| AYES | 4 (Anderson, Lew, Savage, Sweeney) |
| NOES | 0 |
| ABSENT | 1 (Sison) |
| ABSTAIN | 0 |

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting of August 4, 2005.

IX. GOOD OF THE ORDER:

Commissioner Sweeney thanked Tina Gallegos for all of her hard work for the Planning Commission.

Ms. Gallegos thanked the commission.

X. ADJOURNMENT: 8:50 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY