

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF SEPTEMBER 15, 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); Joan Malloy (Planning Manager); Jene Jernigan (Senior Interim Planner); John Bakker (City Attorney); Christine Friday (Economic Development Coordinator); Mark Evanoff (Redevelopment Agency Manager); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of August 18, 2005 were approved as submitted

III. ORAL COMMUNICATIONS:

John R. Smith, League of Women Voters, Fremont, Newark, Union City, asked the Planning Commissioners to attend the CEQA meeting that will be held in Fremont on Saturday, September 24, 2005.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

1. **PAUL C. BUNTON, 4312 DYER ST., Site Development Review SD-04-05, Tentative Tract Map TTM 7668;** the applicant is requesting approval of a Site Development Review Permit (SD-04-05) for the architectural design and site layout of 15 new town homes on a 39,000 square foot lot located on the corner of Dyer Street and Meteor Drive also identified as APN: 483-007-300-002. The property is zoned RM 2500, Multi-Family Residential. This project is considered categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines.

Jene Jernigan, Interim Senior Planner, presented the staff report.

Commissioner Lew asked why the number of units was reduced.

Mr. Jernigan replied that the number of units was based on what is allowed by the density of the General Plan and Zoning code which is 15 units.

Commissioner Lew asked why is there a condition to build a new six foot tall wood fence along the east property line when there is already a fence there.

Mr. Jernigan stated that there is currently a six foot wood fence along the northerly border between the site and the apartments and on the easterly border there is a chain link fence with privacy slats that should be changed to match the wooden fence.

Commissioner Lew asked if the chain link fence is on the townhouse property.

Mr. Jernigan replied that he was not sure.

Commissioner Lew stated that it appears that the chain link fence is not on the applicant's property and that the applicant might need permission from the other owner to change the fence.

Commissioner Lew stated that the chain link fence runs from Meteor Drive to the property line where the church is located.

Mr. Jernigan stated that the wood fence between the site and the apartments goes all the way to Dyer Street.

Mark Leonard, Director, Economic and Community Development, stated that if the chain link fence is on the other property, then staff would ask the applicant to construct the wood fence right next to it on their side of the property if they would not be willing to remove the chain link fence.

Commissioner Lew asked the city to reconsider that request because it would be redundant to put two fences next to each other and that area is the entry way for two of the units and it would be safer to leave an exposed fence than put a wooden fence there.

Mr. Jernigan suggested that perhaps they could just replace slats that are not in good condition.

Commissioner Lew stated that the applicant will still have to work with the other property owner.

Commissioner Lew stated that it appears in the drawings that the front doors have glass inserts and would these doors meet condition #41 that specifies solid wood core doors for front entries.

Mr. Leonard replied that the front doors have to meet security ordinance, which if there are glass inserts must be burglar resistant type glass.

Commissioner Lew asked to clarify condition #41.

Commissioner Lew asked if the front doors still need door viewers even if doors have glass inserts as required in condition #42.

Mr. Leonard replied that they are still required.

Commissioner Sweeney asked to clarify that condition #9 applies to the integral color coat for the exterior stucco.

Mr. Leonard agreed that it should be just for the exterior stucco portions.

Commissioner Sweeney stated that it appears that condition #17 and #18 were incorrectly edited and the first sentence in condition #18 belongs in condition #17.

Commissioner Sweeney stated that conditions #21 and #59 appear to address the same issue and suggested that staff retain the one that is the most comprehensive.

Mr. Jernigan stated that one of them could be deleted.

Commissioner Sweeney stated that the condition that requires subcontractors to have a Union City business license should be added.

Commissioner Sweeney would like to add a condition the Tentative Map to show the correct number of units.

Commissioner Sison asked where the 2 additional guest parking spaces are located.

Mr. Jernigan showed that they are adjacent to units #7 and #13.

Commissioner Sison asked where the trash enclosure will be placed.

Mr. Jernigan stated that staff wants to delete this requirement and have individual cans for each unit because they will be individually billed and to encourage recycling. Mr. Jernigan stated that each unit would only have two garbage cans because they would not need the green waste can.

Commissioner Sweeney asked where will the trash cans be lined up on garbage day.

Mr. Leonard suggested that they would have to go along the sidewalk where there is no curb cut.

Commissioner Sweeney asked what about the cars that are going to be parked there.

Mr. Leonard stated that this is a problem city wide.

Commissioner Sison stated that there is not very much space to put out 30 cans.

Mr. Leonard stated that this is a decision that the commission has to make. Mr. Leonard stated that in multifamily developments they don't get participation in the recycling program if each unit doesn't have their own cans. Mr. Leonard does not want to see a common trash enclosure.

Commissioner Sweeney asked if then you are going to have to have a no parking sign for the night before and day of trash pickup so that there is a place to put the cans.

Mr. Leonard stated that they could have the applicant put up signage to that effect.

Carlos Jocson, City Engineer, stated that it needs to be worked out by the homeowners.

Commissioner Sison stated that this is a common problem in Union City.

Commissioner Sweeney asked if there are any alternatives to the current pick up method for garbage such as instead of leaving the cans on the curb being able to leave them behind their garages within the drive aisle.

Mr. Leonard stated that it is now automated equipment and in order for that to work the cans need to be placed against the curb.

Commissioner Sweeney replied that they can grab the cans from the middle of the street.

Commissioner Sison pointed out that the pick up arms are only on the right side of the truck which might be a problem for a couple of the units.

Commissioner Sweeney stated that this problem needs to be resolved before the project is approved.

Commissioner Savage asked if they could park in front of the church across the street on the day that garbage is picked up.

Commissioner Sweeney suggested marking the area as no parking.

Mr. Leonard stated that they could make one particular area a no parking area and everyone could put their cans there.

Mr. Jocson stated that the area is not really available for parking because the curbs have to be red for 30 feet on either side of the driveways and that should leave sufficient space for the garbage cans. Mr. Jocson stated that it may not be in the conditions of approval now but it could be added.

Chairperson Anderson asked what the distance is of the frontage of Meteor to Dyer Street.

Mr. Jocson replied that each car needs 22 feet for street parking and the first driveway to the east does not have sufficient room and the second and third driveways would probably only have room for one or two cars to park on the street.

Chairperson Anderson stated that he does not think that will leave enough room for the trash cans because the trash cans are two feet wide and they have to be spaced two feet apart on each side, therefore, for two cans you would need eight feet.

Commissioner Sweeney noted that some people only put one can out on some weeks.

Mr. Leonard recommended adding a condition that says "The applicant shall paint the curbs red for 30 feet on each side of the driveway aprons."

Commissioner Lew stated her concerns with moving the garbage cans to the street and feels that some of the homeowners will not want to wheel them all the way out to the street.

Commissioner Lew stated she would rather that the owners kept the garbage cans in their garages and put them in the individual driveways for pick up, although it may be a problem for Allied Waste trucks to maneuver through the driveways.

Mr. Leonard stated that because the trucks can only pick up on one side there is no option for them to pick up in the driveways.

Commissioner Lew stated that the homeowners are not going to want to roll the cans all the way to the street.

Commissioner Sweeney asked whether it would be more inconvenient for the homeowners to carry their trash to a central enclosure everyday rather than rolling their garbage cans to the curb once a week.

Chairperson Anderson stated that because this project falls under Section 15332 Class 32 of the California Environmental Quality Act (CEQA) Guidelines that there should be something that this project will not create a noise, traffic or air quality impact.

Mr. Leonard stated that there is a finding on page 18 that covers this.

Chairperson Anderson stated that the finding agrees this is true but there is nothing to support that finding.

Mr. Leonard stated that this is a categorical exemption and therefore you do not need to consider environmental impacts.

Chairperson Anderson asked for something in the report to support the finding.

John Bakker, City Attorney, suggested changing the proposed finding to read “ that the proposed project is exempt per 15332 Class 32 because it does not have any additional traffic impacts beyond those that were found in the original project.”

Mr. Leonard stated that staff would use the City Attorney’s suggestion.

Chairperson Anderson asked if there are any sidewalks in this project.

Mr. Jocson stated that there will be sidewalks on the west and the south sides of the development.

Chairperson Anderson asked if there will be a common play area in the project.

Mr. Jocson stated that Contempo park is about a half a block away from this site.

Chairperson Anderson stated his concerns that children will be playing in the driveway areas.

Mr. Jernigan pointed out other areas that children could ride their bikes.

Chairperson Anderson stated his concerns about the safety of children playing in the driveway areas with cars coming in and out.

Commissioner Savage noted that she has a relative living in a complex similar to this one and they have never had a problem with a car hitting a child.

Mr. Leonard reminded the commission that they recently approved a 216-unit development similar to this one on the PSSC site.

Chairperson Anderson stated that the General Plan has a goal to provide one-story units in each development and asked why this development has no one story units.

Mr. Leonard stated that the goal really pertains to single-family detached units and is not really achievable in multi-family dwellings.

Joan Malloy, Planning Manager, pointed out that the garage takes up a substantial portion of the first floor and that the entry and first floor are the next level up.

Chairperson Anderson asked if each unit has private space and if there is common space for the development.

Mr. Jernigan stated that this project meets both the private and common space requirements.

Chairperson Anderson noted that on some of the floor plans they have two living rooms in one unit.

Mr. Jernigan replied that it was mislabeled and would be corrected.

Chairperson Anderson opened the public hearing.

Sandrine Hitchcock, for Paul Bunton, this evening, stated that they tried to maximize the amount of open space in this project and minimize the amount of driveway space needed. Ms. Hitchcock stated that they turned the buildings sideways so that the first thing people see is not the garages.

Commissioner Sweeney stated her concerns about the street frontage from Meteor Drive and the massive amount of paving at the front of the project.

Commissioner Sweeney asked why unit #1 is made to be this gigantic home and not something relative in size to the rest of the project.

Commissioner Sweeney asked if unit #2 and #3 can be turned so that their garages don't face the street because this is the introduction to this project.

Ms. Hitchcock stated that when they had to reduce the number of units they worked with staff to reduce the number of units and replace them with one big unit.

Commissioner Sweeney has a problem with putting a single family home on this property and calling it a condo or town home.

Commissioner Sweeney asked about the guest parking that is at the back of the drive aisles and how the cars exit after pulling into those spaces.

Ms. Hitchcock replied that the driveway is big enough to back up and then turn the car around to go forward.

Commissioner Sweeney asked to verify that those distances are correct before the project is approved.

Mr. Jocson stated that you only need 26 feet and they have provided 32 feet.

Commissioner Sweeney suggested adding a condition to paint the middle part red at the back of the drive aisles to keep people from parking there.

Mr. Leonard replied that we would add a condition that the ends of drive aisles 2 and 3 would be painted red.

Commissioner Sweeney complimented the overall architecture and landscape plan.

Commissioner Sweeney asked why use an all stucco wall around the patios.

Ms. Hitchcock stated that half of wall is solid stucco and half is a picket type fence.

Commissioner Sweeney asked which units have this treatment.

Ms. Hitchcock replied that it is units #4, # 5 and #6.

Commissioner Sweeney asked which page is unit #4 on.

Ms. Hitchcock replied that it is on page 2.

Commissioner Sweeney stated her concerns that the plans that were given to them are incorrect.

Commissioner Sweeney asked whether there was any additional landscaping proposed in the area where the garages are located beyond the grass that is shown on the plans.

Commissioner Sweeney stated her concerns about the large stucco areas with the small windows adjacent to the driveway.

Ms. Hitchcock replied that the landscape plan shows trees next to the garages and in the elevated areas there will be shrubs.

Commissioner Sweeney asked how they will provide water for the young trees.

Ms. Hitchcock stated that there will be an irrigation plan that goes with the landscape plan.

Commissioner Sweeney stated her concerns about the streetscape that this plan presents to Meteor Drive.

Commissioner Sweeney asked if any of these units will provide disabled access.

Ms. Hitchcock that none of them will.

Commissioner Lew asked what will be the interior finished height of the garages.

Ms. Hitchcock stated that it should be 8 foot six inches.

Commissioner Lew asked if that is a standard size.

Ms. Hitchcock stated that it could go from 8'6" to 9 feet or higher.

Commissioner Lew pointed out that the laundry facilities will also be in the garage.

Ms. Hitchcock stated that that is a fairly standard arrangement.

Commissioner Lew asked if they will be grading down for the garages.

Ms. Hitchcock stated that all buildings will be at grade level.

Commissioner Lew asked if there is an exterior exit from the garage besides the garage doors themselves.

Ms. Hitchcock stated that there is not.

Commissioner Lew asked if they would consider using a double garage doors instead of two single garage doors.

Ms. Hitchcock stated that because these are two car garages they used two doors to break up the façade.

Commissioner Lew stated her concerns for getting cars in and out with the pillar in the middle of the garage opening.

Ms. Hitchcock stated that they are willing to work with staff.

Commissioner Lew asked if there will be any kind of fencing or shrubbery along Dyer Street and Meteor.

Ms. Hitchcock replied that the only fencing proposed is behind units #1 and #13 between the building and the existing fence.

Mr. Leonard suggested that on Page 5, they look at Dyer Street elevation #2 where there is a nice treatment that is rock along the base of the porch and he suggested using the stone treatment on the elevations on Page 4 as well.

Hugh McNamara, Union City, stated that there are problems with the trashcans being set out behind the garages in the Contempo area. Mr. McNamara stated that there are already many parking issues in the area. Mr. McNamara stated that the garbage trucks have problem driving through the Contempo area.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney stated her concerns that the single family home does not fit with either its neighbors or the development itself. She suggested three 2-unit buildings and three 3-unit buildings that could face each other with the garages as they are now. Commissioner Sweeney stated her concerns that as it is now the streetscape along Meteor by Dyer will be unattractive.

Commissioner Sison stated that if those changes are made then there would be more driveways and less parking available.

Commissioner Lew stated that she could not vote for the project for the following reasons. 1. No attempt was made to save any of the trees; 2. There will be problems with access to pick up trash; 3. Loss of street parking; 4. New red curbs that would prevent even guests from parking on the street; 5. The craftsman style does not fit the neighborhood as it is too different from the architecture of the town homes, apartments and St. Anne's Church; 6. Doesn't like the windows that face away from the street; 7. Feels that driveways #2 and #3 will be dangerous driveways because of children playing in the area.

Commissioner Lew stated that she would prefer to see the homes aligned so that the front doors face Meteor Drive and have the parking in the rear. Commissioner Lew would like to see carports instead of garages.

Commissioner Sweeney would not support the project as it is now.

Commissioner Savage would vote against the project as it is now. Commissioner Savage would like to see unit #1 be a duplex.

Commissioner Sison would support the project as it is now.

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

- Condition #10 to repair or replace the chain link fence
- Condition #9 to add the word “stucco” to the third line.
- New condition to paint the curbs red 30 feet each side of the driveway aprons and those red curb areas may be used for setting out trash cans for collection.
- New condition to add the stone treatment to all columns.
- New condition that the ends of drive aisles 2 and 3 be painted red.
- New condition that all contractors and subcontractors shall obtain a Union City business license.
- Condition #18 shall start with the words “Landscaping plans shall. . .”
- Condition #16 be deleted.
- Condition #41 “the applicant shall use solid core wood doors and comply with the security ordinance”.
- Condition #21 be eliminate and keep #59
- Under first finding will add “ beyond those found in the original project”.
- New condition to correct the Tentative Tract Map.
- New condition to provide correct plans.
- New condition to make the garage doors double doors and no two doors will be of the same design.

Commissioner Lew wants the units realigned to have the front doors facing Meteor Drive and have the garages in the rear.

Mr. Leonard stated there may not be enough depth in the lot.

Commissioner Lew wants to reduce number of driveways and save as much of the street parking as possible.

Commissioner Savage suggested taking one of end units off on right hand side and make number unit #1 into two units and put the garages in the back for units #1, #2, #3, and #4.

Chairperson Anderson wants emphasis on where children play that keeps them away from traffic and trash areas.

Commissioner Sison is not sure that realignment is a good idea but he likes the garden common open entry rather than having the units facing Meteor and having the garages in the back.

Commissioner Sweeney stated that she supports Commissioner Lew’s suggestion to face the units towards Meteor.

Ms. Hitchcock stated that it would take about 30 days to do a redesign. Ms. Hitchcock stated that the design that the commissioners are asking for was turned down by the DRC committee.

Commissioner Sweeney made a motion to continue Site Development Review SD-04-05 and Tentative Tract Map TTM 7668, to the October 20, 2005 Planning Commission meeting.

Commissioner Lew seconded the motion.

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

ABSENT 0
ABSTAIN 0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED 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.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Lew asked to move the driveway for house #2 so that there will be more street parking for house #3.

Commissioner Sison asked about moving the driveways on homes #4 and #5.

Ms. Malloy replied that staff can explore flipping driveways but homes #4 and #5 have extra long driveways that can be used for off-street parking.

Leonard Hufton, San Jose, representing Pan Cal, noted that there are two elevations for revised Plan 1.

Mr. Hufton stated that he thought that the community facilities district is for right of way landscaping not landscaping within the development as stated in condition #9.

Mr. Leonard stated that this is a minor Mello Roos and is intended to cover police and fire services and other costs that have been identified.

Commissioner Sweeney made a suggestion that it also cover the emergency vehicle access gate maintenance.

Mr. Hufton feels that there is a conflict between conditions #9, #19 and #48 which call for the developer to maintain landscaping on the Alvarado-Niles Road public right of way for two years. Mr. Hufton feels that if there is a CFD in place then that should be paying for the maintenance of the landscaping in the public right of way.

Mr. Leonard replied that when the calculations were done in the past, they did not include maintenance in the first two years.

Mr. Hufton asked what the mechanism is for the developer to maintain the landscaping for the first two years.

Mr. Leonard replied that it would be by condition of approval for the project.

Mr. Hufton asked if the Police Department and the Fire Department had any objections to pedestrian ingress and egress through the EVA gate.

Mr. Leonard stated that both departments sit on the DRC and had seen the staff report and had no objections.

Mr. Hufton asked if solid fiberglass doors would be acceptable for condition #41.

Mr. Leonard suggested adding to the condition “that the applicant shall use solid core wood doors for exterior man doors or any other solid door that meets the security ordinance”.

Chairperson Anderson asked why it needs to say “solid wood doors”.

Mr. Leonard stated that the wording was changed to ‘solid core doors’ so that hollow core doors would not be used.

Chairperson Anderson suggested removing the word “wood” and just have it read “solid core doors”.

Commissioner Lew asked about moving driveways for house #2

Mr. Hufton stated that they have no problem doing that.

Commissioner Lew asked if the name for the development has been changed.

Mr. Hufton stated that for marketing purposes they are using the new name “Melodia”.

Mr. Leonard replied that we could add to the conditions that “all plans submitted for building permits shall reflect the new name”.

Commissioner Sweeney stated her concerns that the home outlines for lots #10 and #11 are too similar and wants to swap Plan 1a on Lot #11 for Plan #2b on Lot #12.

Greg Kawahaza, Livermore replied that Plan 2b will not fit on those lots because of their size.

Commissioner Sweeney asked to have staff see if they can make it look more interesting instead of having the same two walls facing Alvarado-Niles Road.

Mr. Kawahaza stated that his intention was to keep the living areas farther from the traffic noise of Alvarado-Niles Road by placing the garages closer to the street.

Mr. Hufton noted that there will be an 8 foot masonry wall and landscaping backing up to those two homes.

Hugh McNamara, Union City, wants to make sure that the previous applicant knows that fiberglass solid doors are approvable under the security ordinance.

Mr. Leonard restated the new and modified conditions of approval:

- Condition #41 will eliminate the word “wood” in the first line.
- New condition that will flip the driveway for the house on lot #2 to be flipped to create more on-street parking.

- New condition added that all plans submitted to Building Department shall show the new name “Melodia”

Mr. Leonard stated that on condition #13 they added two sentences “. The final design of the enhanced driveway paving shall be reviewed and approved by the Planning Division prior to issuance of building permits. No two adjacent driveways shall be of like finishes.”

Commissioner Lew asked if the area at the end of the street where the EVA gate will be needs to have the curb painted red.

Mr. Jocson replied that Public Works will paint the curb red.

Commissioner Savage made a motion to approve Site Development Review SD-02-05, making findings 1 – 5, with the modified conditions of approval and adopting a resolution confirming this action.

Commissioner Lew seconded the motion.

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

B. NEW REPORTS: None.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:

A. CODE ENFORCEMENT UPDATE:

Mr. Leonard presented the staff report.

B. ECONOMIC DEVELOPMENT UPDATE:

Mr. Leonard presented the staff report.

C. UPDATE ON PSSC AND INTERMODAL STATION:

Mark Evanoff, Redevelopment Agency Manager, presented the staff report.

VIII. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting of October 6, 2005.

IX. GOOD OF THE ORDER:

Commissioner Sweeney feels that someone is trying to lure Café Belissamo to another city.

Mr. Leonard stated that all cities that belong to EDAB have a compact to not lure business from other cities that also belong to EDAB and he would be checking on this.

Chairperson Anderson commented that the microphone system seems to be working better.

Mr. Leonard commented that a new system is in the process of being procured.

X. ADJOURNMENT: 10:00 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY