

**CITY OF UNION CITY  
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING  
OF APRIL 6, 2006, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Mark Leonard (Director, Economic and Community Development); Janice Lum (Assistant Planner); Avalon Evans (Assistant Planner); Carlos Jocson (City Engineer); Kit Fabian (City Attorney); Teresa Garcia (Building Permit Technician).

**II. ORAL COMMUNICATIONS: NONE**

**III. WRITTEN COMMUNICATIONS: NONE**

**IV. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

- 1. APPEAL OF THE ZONING ADMINISTRATOR'S CONDITIONS OF APPROVAL OF ADMINISTRATIVE SITE DEVELOPMENT REVIEW ASD-16-05;** Initiated by Misako Hill, of PlanCom, Inc., representing Cingular Wireless, a request to appeal the conditions of approval of an Administrative Site Development Review application (ASD-16-05) for the installation of a Cingular wireless communication facility on an existing PG & E tower. The project site is zoned CN (Neighborhood Commercial), and is located at Mission Boulevard and Appian Way. This project is considered Categorically Exempt per Section 15303, Class 3, of the California Environmental Quality Act (CEQA) guidelines.

Janice Lum, Assistant Planner, presented the staff report.

Mark Leonard, Director, Economic and Community Development, stated that staff feels strongly that the wall should be built as a pre-cast Marina wall design. Mr. Leonard stated that he believes that Cingular will find a way to make things work out and if they don't then leave it the way it is.

Commissioner Anderson asked what the differences are between the alternatives.

Ms. Lum stated that the second alternative provides for modifications that the Planning Commission could make changes to condition #8.

Commissioner Anderson clarified that they can either uphold the original condition of approval or modify condition #8.

Ms. Lum stated that alternative #1 would be keeping the original condition as written and alternative #2 would ask the Planning Commission to make whatever changes they feel are necessary.

Commissioner Anderson asked what would happen if it is sent back to staff.

Ms. Lum stated that at this point it would not do much.

Commissioner Sison asked if the appeal is denied then will the chain link fence remain as it is now.

Mr. Leonard stated that is what would happen.

Chairperson Lew opened the public hearing.

Misako Hill, Cingular Wireless, stated that she has consulted with P G & E and they will grant Cingular permission to install the solid CMU wall. However, the installation is subject to the Public Utilities Commission approval which will take approximately three to six months to obtain. Ms. Hill stated that there is a possibility that the PUC will not approve the solid wall design. Ms. Hill stated that they have submitted another design that shows the wood fence painted the same color as the wall. Ms. Hill would like to get the commission's opinion on that alternative. Ms. Hill stated that P G & E is still against paving the existing gravel road. Ms. Hill stated that Cingular has obtained an environmental study of the proposed project site and it is not in a known flood zone. Ms. Hill stated that P G & E maintenance workers are not aware of storm runoff or drainage issues in that tower area. Ms. Hill stated that Cingular operates all of its sites in compliance with FCC RF emission standards. Ms. Hill stated that staff has included a copy of the report dated July 8, 2005 showing that the proposed facility is in compliance with the FCC current prevailing standard for limiting human exposure to RF energy. Ms. Hill stated that Cingular is committed to providing improved wireless service in Union City and is also committed to improving design aesthetics at all of its proposed facilities.

Commissioner Anderson asked if it is possible to make the wood fence look more like a Marina wall.

Ms. Hill stated that she could look into that.

Commissioner Sison asked if the PUC would have to approve the wooden fence alternative.

Tom Guarrino, P G & E, stated that the PUC would have to approve any improvements to the site. Mr. Guarrino stated that the safety workers would like to see at least a portion of the fence to be made of wood so that they can access the tower alternately in an emergency.

Commissioner Sison asked if he has seen this situation before and how was it resolved.

Mr. Guarrino stated that there are alternate access points to gain access to the tower.

Commissioner Sison asked whether P G & E requires access to the tower on all four sides.

Mr. Guarrino replied that right now there is access from the gravel road and access from Mission Boulevard.

Commissioner Sison clarified that there is an alternate access but P G & E prefers to use the front access.

Mr. Guarrino stated that he is not sure about that.

Chairperson Lew asked if they objected to paving the gravel road because it would increase water run off.

Mr. Guarrino stated that there were a couple of reasons, including the water run off and the cost. Mr. Guarrino thought that the asphalt road would increase run off into the community gardens. Mr. Guarrino

stated that the time involved and the cost may also trigger another PUC review. Mr. Guarrino stated that the gravel road is working just fine.

Chairperson Lew asked if that included the area behind the chain link fence.

Mr. Guarrino stated that the workers have not had any problems using the gravel road.

Chairperson Lew asked if you don't have access to the site from Mission Boulevard now, why do you want access at this time.

Mr. Guarrino stated that in the case of an emergency they can easily get through a chain link or wooden fence which would not be the case with a Marina wall. Mr. Guarrino stated that they do not have any objection to additional fencing as long as it is not a solid concrete nature.

Mr. Guarrino stated that they would have no problem with a partial wooden fence.

Chairperson Lew asked if the Marina walls are made in a modular fashion where one panel could be lifted out if needed.

Ms. Hill stated that her construction manager is not aware of any walls made with removable panels.

Commissioner Sweeney asked what constitutes an emergency.

Mr. Guarrino replied that any kind of earthquake that destabilized the tower so that it is leaning, or storm related activity or an aerial object landed on the tower.

Commissioner Sweeney asked what is the width of access that P G & E requires.

Mr. Guarrino replied no wider than a conventional truck about 15 feet wide.

Commissioner Sweeney asked if 12 to 15 feet would be appropriate.

Mr. Guarrino agreed.

Commissioner Sweeney asked if access to the equipment would be at the base of the tower.

Mr. Guarrino stated that it will all depend on what has happened.

Commissioner Sweeney stated that it will be a roll of the dice as to where to put the board fence. Commissioner Sweeney suggested the extreme southern end of this area as a place to put the board fence so that the emergency crews can work there way up to the tower area carefully.

Mr. Guarrino stated that the more access points the better. Mr. Guarrino stated that the scenario you have suggested is only one possibility.

Commissioner Sweeney asked if they were going to pave the area under and around the base of the tower so that the equipment could actually access the site because right now the equipment would probably be stuck in the mud that surrounds the tower.

Mr. Guarrino stated that the safety workers didn't feel it was a problem with their equipment.

Commissioner Anderson asked if they are required to have more than one access point.

Mr. Guarrino stated that he doesn't think it is required but it is preferred.

Commissioner Anderson asked him to relate an emergency condition to the access required so that he understands how it would work.

Mr. Guarrino suggested that if the tower had fallen away from Mission Boulevard then they would need several access points to bring a crane in to bring the tower back up.

Commissioner Anderson asked if knocking down a wall would be something they would do in an emergency.

Mr. Guarrino stated that in a very critical situation it would still be easier to go through a wooden fence than a concrete wall.

Commissioner Anderson stated that he was under the impression that they required multiple access points but they don't and they haven't needed them up till now. Commissioner Anderson asked how long that tower had been there.

Mr. Guarrino stated that it had been there for about 40 years.

Commissioner Anderson stated that he doesn't see the argument that now they suddenly need access to the tower.

Commissioner Sison asked Ms. Hill to clarify that they would provide a CMU wall if the PUC would approve it.

Ms. Hill stated that is correct.

Commissioner Sison stated that if the Planning Commission denies the appeal, Ms. Hill can take the original CMU wall design to the PUC and if they approve it, then they are done.

Ms. Hill agreed.

Commissioner Sison stated that they could approve the appeal with the fence and they still have to go to the PUC for approval and if they deny it then you have to come back to the Planning Commission.

Ms. Hill stated that is correct. Ms. Hill asked how she would initiate the process if the PUC does deny their application.

Kit Fabian, City Attorney, CA stated that she would have to submit a request to staff to amend the condition and present staff with evidence of the PUC denial.

Commissioner Sweeney agreed that the deciding body has not seen this yet and it would be good to know what would be acceptable to them.

Bruce Mitchell, Saratoga, CA stated that he is the owner of Appian Plaza and he is supportive of the wall with a removable partition. Mr. Mitchell stated that he can understand P G & E's desire for a second point of access in case the first point of access is not available. Mr. Mitchell is supportive of anything that gets the power up and running.

Commissioner Sweeney made a motion to affirm the Zoning Administrators decision subject to the stated conditions, making the finding 1 – 6 and adopting a resolution confirming this action.

Commissioner Anderson seconded the motion.

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

**B. NEW HEARINGS:**

- 1. DISPOSITION AND DEVELOPMENT AGREEMENT** – Adoption of Findings to declare that the proposed Disposition and Development Agreement is consistent with the 2002 General Plan. The parties to the Disposition and Development Agreement will be the Community Redevelopment Agency of Union City and Stern & Champion to develop an affordable housing project on the former Nor Cal Steele site on 7<sup>th</sup> Street.

Vern Smith, Housing Coordinator, presented the staff report.

Commissioner Anderson asked to fix a typo on page 21 section 6.1 should read section 6.1

Mr. Smith stated that this is a very rough draft and they are currently in process of adding all of the other data for the DDA.

Commissioner Anderson pointed out another typo on page 23 section 6.7 in the title should say “satisfy”.

Commissioner Sweeney referred to section 2.3 and pointed out two areas where the Building Division is a part of different departments.

Chairperson Lew opened the public hearing.

Chairperson Lew closed the public hearing.

Commissioner Sweeney stated that she is very happy to see this site going forward.

Commissioner Anderson made a motion to approve a resolution adopting the DDA and recommending it to the City Council.

Commissioner Sweeney seconded the motion.

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

**V. SUPPLEMENTAL STAFF REPORTS:**

- A. CONTINUED REPORTS:** None.

B. NEW REPORTS: None.

VI. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None

VII. COMMISSION MATTERS:

A. WORKSESSION: Comprehensive update to Title 18 Zoning; Review of proposed modifications to Title 18.

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

C. Upcoming applications for the Regular Planning Commission meeting of April 20, 2006.

VIII. GOOD OF THE ORDER:

Commissioner Sweeney asked about stop signs in Union Landing. In some places the paint has faded on the asphalt or there are no signs, especially in the area around Borders.

Mr. Leonard stated that they are going to make some minor changes in the circulation around Borders. Mr. Leonard stated that they are going to make the two lanes coming in to Borders into one lane and widen the other lanes.

Commissioner Sweeney stated this is a great idea.

Mr. Leonard stated it has already been approved and they are just waiting for better weather. Mr. Leonard stated that they would repaint the stop lines and put in signs as appropriate.

Commissioner Anderson reported that they attended the Planners Institute last week and two of the seminars really stood out. One was "Decoding the gobbledygook in traffic studies" and the other was "Form based codes". He thought it would have worked well on the Intermodal Station.

Chairperson Lew stated that all of the presentations are on the website.

Commissioner Sweeney stated that she received the flyer from the CA Manufactured Housing and the designs are really improving.

Kenneth Ballard, League of Women Voters, Fremont, reminded the Planning Commission that the League of Women Voters are putting on a seminar on the Brown Act on Monday, April 24 from 5:30 to 7 pm. at the new City Hall in Fremont. It is open to the public.

Commissioner Sison stated that it is sometimes difficult to get loans for manufactured housing.

Chairperson Lew thanked the City for allowing her to attend the Planners Institute and that she found it to be very good.

**IX. ADJOURNMENT: 8:33pm**

**APPROVED:**

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**JO ANN LEW, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**