

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF FEBRUARY 19, 2009, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Raymond Gonzales Jr., Jo Ann Lew, Froilan (Roy) Panlilio, Gurnam (Gary) Singh, and Chairperson Tikisa Anderson

STAFF: Joan Malloy (Economic and Community Development Director); Carmela Campbell (Planning Manager); Kit Faubion (Assistant City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of February 5, 2009 were approved with corrections.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. BLACK DOT WIRELESS FOR AT & T MOBILITY, 1800 H STREET, Use Permit UP-12-08, Administrative Site Development Review ASD-20-08; the applicant is seeking Use Permit approval (UP-12-08) and Administrative Site Development Review (ASD-20-08) approval to replace an existing stadium light at the James Logan High School sports field to accommodate a new wireless telecommunications facility. The applicant is also requesting approval for an enclosure for associated ground equipment. The project site is located at 1800 H Street in the CF Zoning District and is identified as APN: 486-0051-004-02. This project is considered categorically exempt under Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).**

Joan Malloy, Economic and Community Development Director, presented the staff report.

Commissioner Panlilio asked if there is a structure there now.

Ms. Malloy replied that there is not.

Commissioner Panlilio asked how tall the new structure will be and will it be screened.

Ms. Malloy replied that there will be screening on top to keep balls and other equipment from getting into the enclosure and it will be eight feet tall.

Commissioner Panlilio asked if it would be hidden by the trees.

Ms. Malloy replied that it is in a landscape area on the school grounds adjacent to the property line.

Commissioner Panlilio asked if any trees would have to be removed for this enclosure.

Carmela Campbell, Planning Manager, replied that no trees will be removed.

Commissioner Singh asked for clarification of the height of the pole.

Ms. Malloy replied that the new pole is the same height as the pole that is being replaced. Ms. Malloy stated that the pole will be 107 feet to the top of the cellular equipment.

Commissioner Singh asked who manages the lights for the stadium.

Ms. Malloy replied they are managed by the high school.

Commissioner Singh stated that he has heard complaints from neighbors about the length of time the lights are left on and the fact that they are very bright.

Ms. Malloy replied that the City has no control over the lighting of the field but the City does meet with the school and she will pass on Commissioner Singh's comments.

Commissioner Lew referred to condition #19 and asked if the hours had been coordinated with the school district.

Ms. Malloy replied that these are the standard hours from the Union City Municipal Code and have not been coordinated with the school district.

Commissioner Lew asked if the school was going to allow work to be done on weekends, holidays, and while school is in session.

Ms. Malloy replied that it will be up to the contractor to coordinate with the school district.

Commissioner Lew asked what takes precedence if the school objects to these hours.

Ms. Malloy replied that they would need to abide by the Union City noise ordinance.

Commissioner Lew asked if there is a conflict between the school and the noise ordinance, which would take precedence.

Ms. Malloy replied that we would take precedence in this particular case and the school district would have to abide by the noise ordinance. Ms. Malloy stated this is a private application by a private contractor and in this case the City would have jurisdiction over the contractor.

Commissioner Lew asked if the school district has any say at all about when the construction takes place.

Kit Faubion, City Attorney, stated that the applicant has applied to the City for the permits that they need but they will also have a contract with the school. Ms. Faubion stated that the applicant and the school will negotiate the terms of work.

Commissioner Lew asked to amend condition #19 so that the contractor is on notice that they should coordinate the access to the site with the school and the construction activities.

Ms. Malloy replied that the school has signed the application so they are aware of this application.

Commissioner Lew asked who owns the land that will be used for this installation.

Ms. Malloy replied that the school district owns all the land.

Commissioner Lew asked if the land is being leased to the applicant.

Ms. Malloy referred the question to the applicant.

Commissioner Gonzales asked if the agreement between the school and the applicant was pertinent to the discussion at this point.

Ms. Malloy replied no it is not.

Commissioner Gonzales asked if the project is in a residential area.

Ms. Malloy replied that it is in the CF, Civic Facilities zoning district.

Commissioner Gonzales asked if surrounding neighbors were notified of this project.

Ms. Malloy replied that a notice of this project was sent to all property owners/occupants within a 300 foot radius of the project.

Commissioner Gonzales asked for clarification of the height of the pole.

Ms. Malloy replied that the existing pole is 103 feet tall with a four foot communication piece on top for a total of 107 feet. Ms. Malloy stated that the new pole will be 103 feet tall and the existing four foot communication piece will be placed on top for a total of 107 feet.

Commissioner Gonzales asked who is paying for the project.

Ms. Malloy replied that the applicant and New Haven Unified School District will be responsible for all costs.

Commissioner Gonzales asked if the ground equipment facility could be placed behind the bleachers instead of the proposed location.

Ms. Malloy referred the question to the applicant.

Chairperson Anderson opened the public hearing.

Jennifer Walker, AT&T Wireless, 3970 Breuner Ave., Sacramento, CA, stated that for the hours of construction they will adhere to the condition of approval and work with the school district if there is a need for any changes. Ms. Walker stated that pole will remain the same overall height. Ms. Walker stated that they first looked at placing the ground equipment behind the bleachers but the Division of State Architects, whom they have to work with on school sites doesn't allow equipment to be placed under the bleachers. Ms. Walker stated that there was an area behind the bleachers that looked promising

but that is where they store excess sports equipment. Ms. Walker stated that the proposed location is between the trees so that no trees need to be removed.

Commissioner Gonzales asked for clarification of the proposed location.

Ms. Walker stated that there is enough room between the trees and behind the landscaping for the ground equipment.

Commissioner Lew thanked the applicant for coming today. Commissioner Lew stated that she felt there were many things missing from this application. Commissioner Lew granted that the New Haven Unified School District has jurisdiction over the land but they still have to come before the Planning Commission for permission to build this. Commissioner Lew stated that she is very interested in protecting the views of the City and not having eyesores.

Commissioner Lew asked who will be responsible for maintaining the facility and the grounds around it.

Ms. Walker replied that the school district will retain ownership of the pole and their company will keep the area free of debris and graffiti.

Commissioner Lew asked if they would agree to add a condition to keep the area graffiti free.

Ms. Walker stated that she does not have a problem with that.

Commissioner Lew asked if the applicant was aware that if they need to remove any trees they would have to get a tree permit.

Ms. Walker replied that if during the course of construction it became apparent that a tree would have to be removed they would contact the City first for instructions.

Ms. Faubion stated that the City has a tree removal ordinance and they would have to comply with that.

Commissioner Lew stated that she would like the tree removal condition added.

Commissioner Lew asked why the need nine antennas on the pole.

Ms. Walker replied that the standard antenna configuration at this time is between nine and twelve. Ms. Walker replied that the number of antennas goes up into relation to all of the technology that is being used. Ms. Walker stated that this is a difficult area to cover so they are trying to get more coverage for the area.

Commissioner Lew asked if nine antennas will be at capacity or will there be some room for growth.

Ms. Walker replied that nine is for the current need.

Commissioner Lew asked if they plan to share the pole as the City has a co-location policy.

Ms. Walker replied that it would be up to the school district as they own the pole. Ms. Walker stated that they have no problem with a co-location.

Commissioner Singh asked if they would be maintaining the other three poles.

Ms. Walker replied that they would only maintain the area that they are leasing.

Commissioner Panlilio asked if there will be high voltage passing through the system.

Ms. Walker replied they would be getting power from a transformer that is already near the site and it will be routed underground.

Commissioner Panlilio stated his concerns for the safety of the students.

Commissioner Gonazles asked if the City is encroaching on any monopolistic breeches by allowing AT&T to take on this new pole site.

Ms. Malloy replied that she does not know how many carriers are in the City and their specific locations. Ms. Malloy stated that we review individual applications as they come in and do not discriminate against any carrier that may already be in the City.

Andy Arcaina, New Haven Unified School District, Union City, stated that as far as hours of construction they will work with the contractor to make sure that the needs of the school are met first. Mr. Arcaina stated that the contractor will have to abide by the rules.

Commissioner Lew asked how the applicant will get access to the site for general maintenance and emergency maintenance.

Mr. Arcaina replied that they will have to call the school in advance to let them know they are coming.

Commissioner Lew asked if the site would be locked up.

Mr. Arcaina replied that is correct.

Commissioner Lew asked if the school district is leasing the land to the applicant.

Mr. Arcaina replied that he was not part of the negotiations.

Hugh McNamara, 32238 Mercury Way, Union City, stated that the applicant is going to have to put extra security on the ground equipment building because of the problem with thieves stealing copper wiring from buildings.

Chairperson Anderson closed the public hearing.

Ms. Malloy read back the changes to the conditions of approval:

- Add the standard condition of approval for graffiti.
- Add the standard condition of approval for tree removal.

Chairperson Anderson stated his opposition to changing condition #19.

Commissioner Lew stated her position for changing condition #19.

Commissioner Panlilio made a motion to approve Use Permit UP-12-08 and Administrative Site Development Review ASD-20-08 to the City Council, with modified conditions of approval, making findings 1 - 5, and adopt a resolution confirming this action.

Commissioner Singh seconded.

AYES	5 (Anderson, Lew, Gonzales, Panlilio, Singh)
NOES	0
ABSTAIN	0
ABSENT	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. **CONTINUED REPORTS:** None.

B. **NEW REPORTS:** None.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:

VIII. COMMISSION MATTERS:

A. Training for Planning Commissioners.

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

C. Upcoming applications for the Planning Commission meeting for March 5, 2009.

IX. GOOD OF THE ORDER:

Commissioner Singh thanked staff for getting the grocery carts picked up.

X. ADJOURNMENT: 9:05 p.m.

APPROVED:


TIKISA ANDERSON, CHAIRPERSON

ATTEST:


JOAN MALLOY, SECRETARY