

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 16, 2002, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Allen, Mattos, Raymundo, Savage, and Sweeney

STAFF PRESENT: Mark Leonard (Community Development Director); John Bakker (Interim Deputy City Attorney); Carlos Jocson (City Engineer); Vernon Smith (Housing Community Development Coordinator); Ralph Kachadourian (Associate Planner); Aki Irani (Associate Planner); and Patti Wiersma (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of April 18, 2002, were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. SD-04-02, SITE DEVELOPMENT REVIEW; V-02-02, VARIANCE; DECOTO HOUSING PROJECT:** Initiated by the Union City Redevelopment Agency, a proposal to construct five, four bedroom, one-story, single-family homes on five vacant lots in the Decoto neighborhood to create additional affordable housing opportunities in the City. Two lots are located at 5th Street and Decoto Road (503 Decoto Road) - APN: 486-09-67; and two lots are located at 3rd and D Streets and one lot at 4th and D Streets (33354 4th Street) - APN 486-03-15-1, 15-2, 16. The properties are located in the R-5000, Single-Family Residential zoning district (Decoto) with a General Plan designation of R-6-10, (Residential 6 to 10 Dwelling Units/Acre).

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Raymundo asked how many low-income houses the City currently has in the Decoto neighborhood.

Vern Smith, Housing Community Development Coordinator, stated that there are 12 affordable units in the E Street corridor.

Commissioner Raymundo asked Mr. Smith to explain the pricing of the homes.

Mr. Smith stated the homes will be priced at approximately \$190,000, and will be worth approximately \$400,000.

Commissioner Raymundo asked how many applicants are currently on the list.

Mr. Smith stated that there are approximately 240 people on the information list at this time.

Commissioner Raymundo ask if the people on the list live and work in Union City.

Mr. Smith stated that most do, but the list is an informational list, not a waiting list. As with other projects, information will be sent out to those on the list when the project is ready to go to market, and there will be a lottery for qualified applicants.

Commissioner Sweeney asked if the 12 affordable houses are basically the same floor plan.

Mr. Smith stated yes, as the units are with the same developer.

Commissioner Sweeney stated that we need to start looking at diversifying the plan designs, in order to integrate affordable housing into the community.

Mr. Smith agreed with Commissioner Sweeney and stated that they are looking at a future project and the plans will be different.

Commissioner Allen asked what will happen when the homes are resold.

Mr. Smith stated that there will be resale restrictions on the homes.

Chairperson Savage invited the public to comment on the project.

As no one came forward, Chairperson Savage brought it back to the Planning Commission.

Commissioner Sweeney requested that Condition No. 17 be changed to include window bands for the garage doors with "different style" window bands for the homes that are next to each other. She requested two additional conditions be added as Conditions #64 & 65, requesting a hip roof design be constructed for the home on Lot 6 at 5th and Decoto Road, plus an additional home on Lots 7, 8, or 9 at 3rd and D and 4th and D Streets, and the windows on street facing sides to be fully trimmed.

Commissioner Raymundo moved that the Planning Commission approve Site Development Review (SD-04-02) and Variance (V-02-02), subject to the stated conditions of approval with changes and additions and making the specific findings 1-10 in support of the approval. She also moved that the Planning Commission adopt a Resolution confirming this action.

Commissioner Savage seconded the motion.

The motion passed by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAINED: 0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS:

1. **Appeal of the Zoning Administrator's denial of an Extension to an Administrative Site Development Review Permit approval (ASD-31-00):** A request by Sprint PCS to appeal the Zoning Administrator's denial of an Extension to a previously approved Administrative Site Development Review Permit (ASD-31-00). The previously-approved Administrative Site Development Review Permit was granted to allow the installation of a Sprint PCS wireless communication facility (antennas and equipment cabinets) on an existing PG&E tower, located ¼ mile west of Union City Boulevard at the end of Westport Way in the 511 Area zoning district. (County of Alameda Tax Assessor's Parcel Number 482-50-10-6).

Aki Irani, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Chairperson Savage invited the applicant to come forward.

Pat Sausedo, Sprint PCS, 4683 Chabot Dr., Pleasanton, introduced the many engineers on behalf of Sprint who were present, stated that they are requesting that the Planning Commission grant their appeal, and brought the Planning Commission up to date on what they have done to date. She introduced Mr. Dennis Martin, from Sprint PCS to go over the analysis.

Dennis Martin, Sprint PCS, 4683 Chabot Dr., Pleasanton, stated that he believes there has been ample documentation to show that efforts have been expended for this site. He stated that there have been significant delays in obtaining permits, and that Sprint PCS has spent a significant amount of money and time on this project. He stated that they are ready at this time to begin building at the Westport Way site. He stated that the alternative locations suggested by City staff will not work, and explained the reasons why. He talked about looking at the two alternative PG & E towers, and reported their findings. He stated that he believes that Sprint PCS has diligently pursued the project, and all issues have been resolved. He stated that he believes that no other PG & E tower in the vicinity will meet their needs. He stated that the proposed site is needed and necessary to provide adequate service to the community.

Mr. Bill Hammett, Registered Professional Engineer, Hammett & Edison, Inc., summarized the report he provided to the Planning Commission regarding RF exposure conditions. He stated that the studies show that the proposal complies with federal safety standards.

Ms. Sausedo addressed the Zoning Administrator's findings, stated Sprint PCS's rebuttal to the findings, and stated that the proposed antennas will meet or exceed the requirements. She requested that the Planning Commission grant their appeal.

Chairperson Savage opened the meeting for public comment.

Angel Castro, 5199 Westport Way, stated that he is representing the residents in the area, reiterated their concerns and disapproval of the project, and urged the Planning Commission to uphold the Zoning Administrator's denial of the extension to the Administrative Site Development Permit.

Commissioner Raymundo asked the applicant how many times the tower is serviced per year and what type of equipment is used.

Mr. Martin stated that the Operations and Maintenance Department makes regular visits to the site once every 90 days for preventative maintenance. He stated they use a small mini-van or sports utility vehicle, and are at the site approximately one hour.

Commissioner Raymundo asked staff to explain the determination of the EMF's in layman's language.

Ms. Irani stated that the information was provided in the packet and additional information was provided tonight by Mr. Hammett, of Hammett & Edison, Inc.

Commissioner Mattos asked if there is still duck hunting going on in the vicinity.

Mr. Leonard stated that he believed that duck hunting has ceased. The City passed an Ordinance two years ago that prohibits the discharge of weapons near residences.

Commissioner Mattos asked what the equipment structure looks like.

Mr. Martin and Ms. Irani provided the Planning Commission with color photographs that had been provided at the March 21, 2002 Planning Commission meeting.

Commissioner Mattos asked how long the construction takes, and what type of equipment there will be.

Mr. Martin described the proposed equipment and stated that the construction will take approximately 60 days.

Mike Stafford, Construction Engineer for Sprint, stated that they start with utility lines, then they use small equipment to install the antennas and support structure. He stated that the largest piece of equipment will be either a bobcat or flatbed.

Commissioner Mattos asked if Sprint PCS would be amenable to more stringent time lines on construction hours.

Mr. Stafford stated they would be amenable to that.

Commissioner Mattos asked about the fan and if it will be the only noise generated from the site. She asked about the noise from the fan and where it is on the graph.

Mr. Martin stated that the fan will produce the only noise and stated that the engineer can answer the question regarding the noise graphs.

Deborah Jue, Acoustical Consultant, explained the sound levels on the noise graphs, and at Commissioner Mattos' request explained the noise of the fan in layman's terms.

Commissioner Allen asked about the letter from PG & E regarding the PG & E tower not being able to support the antenna equipment, and Ms. Irani explained that the letter referred to the alternative PG & E tower to the north, where the antennas would have required co-location.

Chairperson Savage closed the meeting for public comment.

John Bakker, Interim Assistant City Attorney, stated that federal statute that states that if a wireless telecommunications facility complies with the FCC standards, local governments cannot deny an application on grounds of EMF concerns. There is no evidence suggesting that it does not comply with FCC standards.

Commissioner Sweeney stated that she understands the neighbors' concern with the RF issues, Traffic does not seem to be a barrier. Cell phone coverage also needs to be addressed, and on that basis she would like to move that the project be approved, with additional Conditions of Approval.

Ms. Sausedo stated that Sprint PCS is in full agreement with the conditions and will abide by them.

Commissioner Sweeney moved that the Planning Commission approve the extension to the Administrative Site Development Review Permit (ASD-31-00) and overturn the Zoning Administrator's denial, subject to the following findings for approval of the project:

1. That the proposed project is categorically exempt pursuant to Section 15303, Class 3 of the California Environmental Quality Act (CEQA) Guidelines; and
2. That the proposed project is consistent with the Wireless Communication Facilities Standards Policy Statement, adopted by the City Council on August 27, 1996; and
3. That the proposed project is consistent with the General Plan designation of OS, Open Space, and the requirements of the 511 Area zoning designation; and
4. That the proposed project is designed to be compatible with the existing PG&E tower and with the existing residential and open space areas; and
5. That the proposed project will not be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity; and
6. That the proposed project will promote the orderly, attractive and harmonious development of the area.

She further moved that the following additional Conditions of Approval be added to the originally approved project:

1. Construction hours be limited to Monday through Friday from 8:30 a.m. to 4:30 p.m. No construction on weekends.
2. Require that the applicant provide utility connections to the PG & E tower by way of horizontal boring, rather than trenching.

3. That no permanent backup generator shall be permitted on site. Temporary use of generators may be permitted only in the event of an emergency.
4. That the applicant shall increase the amount of landscaping around the PG &E tower for additional screening.

She further recommended that the Planning Commission adopt a resolution confirming this action.

Commissioner Mattos seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

B. NEW REPORTS:

1. **LANDSCAPE BERMS POLICY:** An amendment to the current Landscape Standards Policy Statement to address a 30-inch height requirement for landscaped berms.

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Sweeney suggested that the Policy go back to her original suggestion of a minimum of 30 inches in height from the street, versus the parking lot. She agreed that many of the sites will not have enough width in the planter strip in front of the parking area to achieve a 30” height and still stay within a reasonable slope. She stated that if a mix of plantings, instead of sod only is encouraged, instead of sod only, adequate screening can be achieved. She suggested an additional standard be added that states “If a vegetated swale is provided, use landscaping to achieve the minimum screening.”

Commissioner Mattos stated that it might be time to reconvene the Tree and Landscape Review Committee to determine appropriate landscaping.

Commissioner Sweeney agreed with Commissioner Mattos, and stated that the most effective screening sites throughout the City do not have large physical barriers in terms of a lot of dirt mounded up, but had some mounding with additional planting. The berms that seemed least effective in providing screening for the passerby were the ones that were simply grass.

Commissioner Raymundo asked if there is still a Tree and Landscape Review Board, and Mr. Leonard stated that they haven’t met in some time.

Commissioner Allen stated that he is on the Committee, but they haven’t met for a long time.

Mr. Kachadourian stated that City staff has been diligent in getting appropriate landscaping on development sites, per the Landscape Standards Policy Statement.

Chairperson Savage opened the meeting for public comment.

Barry Ferrier, 32212 Allison, stated the bulleted items in the Staff Report describing the benefits of landscaping screens should be treated as goals and should be included in the policy statement. He stated that he strongly agrees with comments regarding planting along the berms. He stated that in his request he asked for a minimum of 30", and not "up to 30" as stated in Revised Standard No. 2. He suggested changing the width of the planter strips in commercial districts from 10 feet in width to 15 feet. He stated that where berms are not feasible or are less than 30" in height, plants should be used for screening.

Chairperson Savage closed the meeting for public comment.

Commissioner Sweeney stated that she agreed with Mr. Ferrier that the bulleted items in the staff report be included in the policy statement goals, and the other Commissioners agreed.

Commissioner Sweeney reviewed the changes and additions to the policy.

Commissioner Sweeney moved that the Planning Commission amending the Landscape Standards Policy Statement with the proposed language, with changes and additions. She further recommended that the Planning Commission adopt a resolution confirming this action.

Commissioner Savage seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

Mr. Leonard stated that he thought this was a worthwhile exercise, and thanked Mr. Ferrier for bringing it to staff's attention.

2. **REQUIREMENTS AND BENEFITS OF ENACTING THE MILLS ACT:**
At the March 18, 2002 Planning Commission Meeting, the Planning Commission requested that staff prepare a report explaining the requirements and benefits of enacting the Mills Act, a State-enabling legislation that allows property tax relief for owners of qualified historic properties.

Aki Irani, Associate Planner, presented the Staff Report.

Commissioner Raymundo asked staff to explain the difference between the City's Landmark and Historic Preservation (LHP) Overlay Zone Ordinance and the National Registry.

Mr. Leonard stated that in order to get on the National Registry, one has to have a historic resource that is of national importance, and not just local.

Commissioner Raymundo stated that it seemed like there is no advantage to the City to enact the Mills Act.

Mr. Leonard stated that in very few cases there are some properties that may be eligible for the National Register of Historic Places. By enacting the Mills act, anybody with a home 50 years or older could have

their property taxes would be cut by approximately half, and given the City's budgetary state at this time, that would not be very wise. It should only be applied to absolutely special resources.

Commissioner Raymundo right now there would only be one or two properties that it would apply to if we adopt it. She stated that if we pursue it now, it would just be a plan for the future.

Mr. Leonard stated that is correct and staff is recommending that it only be possible to apply when there is a resource listed on the National Register or officially designated as a State Historic Landmark.

Commissioner Sweeney stated that she believed the City could enter into a contract without doing anything further.

Mr. Bakker explained the ordinance requirements and stated that it would be voluntary on both sides.

Commissioner Raymundo stated that the Historical Preservation Committee tries to nominate historical homes that are listed in the Historical Inventory at least once a month, and the City doesn't have any incentives for the property owners. She stated that she thought the Mills Act might be an incentive. She stated that the committee was supposed to develop a brochure, and they want to be able to include something in it that would benefit them.

Commissioner Savage stated that she thought that might be misleading to people who think they might be eligible.

Commissioner Raymundo stated that the only ones who would be qualified are the ones that are listed.

Commissioner Mattos stated that she thought that if the Mills Act is not a benefit to anyone and there are no houses that qualify, why would we want to enact it?

Commissioner Raymundo stated that it would be for the future.

Commissioner Mattos stated that enacting it would send a false hope to owners of historical homes would be eligible, and that's not what it's about.

Commissioner Raymundo stated that the City needs an incentive for property owners to be included in the list of historical homes. She stated that she would like to include the Mills Act as part of the Ordinance, in preparation for the future.

Commissioner Mattos stated that she thought we would be sending a false hope by enacting it now, and that we should wait until the future.

Commissioner Sweeney stated that if any of the structures on the Historical Inventory qualify for State or National Historic places, at that time it would be appropriate to enact the Mills Act.

Chairperson Savage stated that if we find down the road that we have structures, we can enact the Mills Act at that time, but to do it now would not make sense.

Commissioner Raymundo stated that she would like to see it included in the Ordinance now, but if the other commissioners are not in favor of it, it should probably be tabled for now.

Chairperson Savage opened the meeting for public comment.

Mr. Ferrier stated that he thought that reducing taxes would create a serious problem, considering the state the budget is in. He stated that he thinks the type of architecture contributes to the historical value of structures, and not just the age of them.

Chairperson Savage closed the meeting for public comment.

It was the consensus of the Planning Commission to table the item at this time.

VII. COMMISSION MATTERS:

A. Upcoming applications for the Regular Planning Commission Meeting of June 6, 2002.

As there are not items for June 6, there will not be a Planning Commission Meeting. The next meeting will be on June 20.

Mr. Leonard stated that there will be three upcoming meetings regarding the City's budget. The first meeting will be on Saturday, June 1, 2002, 9:00 a.m., at the Senior. Center. The City Manager will go through an overview of the budget with the City Council. The City Council scheduled two additional meetings to discuss the budget in detail. The first will be June 10, 2002, at 8:30 pm at the Holly Center, and the second will be on June 17, 2002, 6:00 p.m., at the Kennedy Center.

Mr. Leonard provided the Planning Commission with a booklet put out by the Greenbelt Alliance , called Smart Infill: Creating More Livable Communities in the Bay Area.

VIII. GOOD OF THE ORDER:

Commissioner Sweeney thanked the Public Works Department for installing stop signs at 7th and H Streets, and also for painting the curbs red. She stated that some of the median strips, such as south of Mission and Decoto Road, and Union Landing Blvd., need weed abatement.

Chairperson Savage stated that it looked like someone emptied the contents of the Johnson Industrial Park buildings onto frontage on Railroad Ave.

IX. ADJOURNMENT:

The meeting adjourned at 9:40 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY