

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MARCH 18, 2004, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL: Commissioners Anderson, Lew, Savage and Sweeney
ABSENT: Commissioner Kelley**

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); Grant Cramond (Engineer, Public Works) and Kris Fitzgerald (Administrative Assistant).

- II. APPROVAL OF MINUTES:**

The minutes for the Regular Planning Commission meeting of March 4, 2004 were approved as submitted.

- III. ORAL COMMUNICATIONS: None.**

- IV. WRITTEN COMMUNICATIONS: None.**

- V. PUBLIC HEARINGS:**

- A. CONTINUED HEARINGS: None**

- B. NEW HEARINGS:**

1. **PAPPAS LP., COURTHOUSE DRIVE, UNION LANDING - Site Development Review SD-05-04, Use Permit UP-02-04, And Variance V-01-04.** Initiated by the applicant, Pappas Union City, LP., is requesting Site Development Review approval to construct three shop buildings and a bank pad for a total of 38,846 square feet. The applicant is also requesting a Use Permit to allow 5,000 square feet of restaurant uses and 2,500 square feet of ancillary food uses in a Sub-regional Specialty Commercial area in the Union Landing Commercial District; and a Variance for 25 parking spaces to accommodate the restaurant uses. The subject site is located on Courthouse Drive and Dyer Street and is identified as Assessor's Parcel Number APN: 463-60-51. A program EIR was adopted for Union Landing in 1995 and a draft Negative Declaration was prepared to address the construction of 316,000 square feet of retail commercial, which included the project site, therefore, no additional environmental review is required.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Sweeney asked if there is going to be a 3-foot retaining wall at the rear of the Pappas property.

Ms. Malloy stated that the retaining wall will run along the property line, approximately 23 feet from the Wal-Mart parking lot curb.

Commissioner Sweeney asked if it will go all the way along the entire length of the property.

Ms. Malloy stated that it will go the entire length of the 3 shops building and then will taper down to match the grade.

Commissioner Sweeney confirmed that Wal-Mart will be putting in a sidewalk on the property line and landscaping between the sidewalk and the roadway.

Commissioner Lew asked if the second bulleted item in condition #37 is intended for the interior of the building only.

Ms. Malloy stated that it was.

Commissioner Lew asked if the condition can be clarified to specify that it means interior improvements only.

Mr. Leonard stated that it could be changed.

Commissioner Lew asked if the fifth bullet is intended for all four buildings or just the three shops.

Ms. Malloy stated that this is intended specifically for the food uses.

Mr. Leonard stated that the introduction sentence should clarify that.

Commissioner Lew stated that this only applies for restaurant uses and not retail uses.

Mr. Leonard stated that is correct.

Commissioner Lew asked if condition #65 only applies during construction.

Ms. Malloy stated that this is only applicable during construction.

Commissioner Lew asked then is the applicant only responsible for repairs within the development during construction.

Mr. Leonard stated that any time a private property owner affects the quality of the public improvements those improvements have to be repaired so in actuality it does apply for the life of the project.

Commissioner Lew asked to clarify what it means for the parking spaces to be marked and reserved at all times in condition #70.

Ms. Malloy stated that it means that the parking spaces will be striped and reserved for parking at all times and not used for other purposes.

Mr. Leonard stated that the condition is to read "...reserved for parking at all times" versus "purpose".

Commissioner Lew asked if condition #71 is intended to cover the area from Dyer Street to Holly Way and the Wal-Mart property line to Courthouse Drive.

Ms. Malloy stated that it does. Ms. Malloy stated that it was a condition of approval for the original project to allow reciprocal access among the properties.

Commissioner Lew asked if the property will be subdivided.

Mr. Leonard referred that question to the applicant.

Commissioner Lew asked if condition #36 should read “above stated” or “all conditions”.

Mr. Leonard stated that it should read “...failure to adhere to all stated conditions...”

Commissioner Anderson asked if the previous approval that the applicant received is still in effect.

Mr. Leonard stated that the prior Site Development Review would be replaced by the new approval. Mr. Leonard stated that it could be made clear that the prior approval is null and void.

Commissioner Anderson asked that it be included in the conditions of approval.

Commissioner Anderson asked what is impact of 2-foot overhang with 16-foot length parking stalls.

Mr. Leonard stated that normally parking stalls are 18 feet deep. Mr. Leonard stated that in order to provide more landscaping in front of the parking stalls the length is shortened.

Commissioner Anderson asked if the car would overhang the landscaping.

Mr. Leonard stated that it would.

Commissioner Sweeney stated that there is extensive parking where cars pull in towards building and does that mean they will overhang sidewalk by 2 feet.

Ms. Malloy stated that it will but there is about 9 to 10 feet of sidewalk in front of the building.

Commissioner Anderson asked about providing windows on all 4 sides of the bank building.

Ms. Malloy stated that the applicant has put windows on all 4 elevations.

Commissioner Anderson asked for a definition of retail food uses and is that the same as specialty food stores.

Ms. Malloy stated that it refers to bagel shops, candy stores. Ms. Malloy stated that the shops have no seating and the food is already prepared.

Commissioner Anderson stated that there is no definition in the ordinance for “retail food uses” so is this the same as “specialty food stores” which is in the ordinance.

Ms. Malloy stated that specialty food stores are markets such as Trader Joes’s.

John Bakker, City Attorney, stated that staff is trying to distinguish between retail food uses and restaurants.

Commissioner Anderson stated that the term is not defined and how would you know what a retail food use is.

Mr. Bakker stated that it is not in the ordinance but it is not relevant to the regulatory issue that we are looking at here.

Commissioner Anderson stated that it has to do with condition #37 and the amount of parking that is required.

Mr. Leonard stated that on the top of page 12 in the first paragraph 5 lines down, there is some guidance of retail food uses. Mr. Leonard stated that if you want a definition it could be made as a footnote in the report.

Commissioner Anderson stated that he would prefer the reference to be already in the ordinance.

Mr. Leonard stated that the best place to define retail food uses would be in the conditions of approval, where it is limited to 2,500 square feet in condition #37.

Commissioner Anderson asked how the parking requirements were determined.

Ms. Malloy stated that they take the standard retail area which would include 37,000 square feet, back out the area used for restaurant uses.

Commissioner Anderson questioned the parking calculations.

Mr. Leonard stated that staff would look into this question and will have an answer after a short break.

Commissioner Anderson asked if a condition of approval could be added to require the marketing plan to meet the four cited General Plan policies.

Ms. Malloy stated that a condition of approval could be added that the marketing plan would comply with the General Plan standards.

Commissioner Anderson stated that there is a typo in condition #4 "model" should be "Uniform". Also, "amend" should be "amended".

Commissioner Anderson stated that there is a typo in condition #6 "building" should be "buildings".

Commissioner Anderson stated that condition #20 should be changed so that it falls upon the applicant to comply and not on Alameda County Water District.

Commissioner Sweeney asked if there is a limitation on the size of signs in windows.

Mr. Leonard stated that it could not be more than 25 percent of the window area.

Commissioner Sweeney stated that she doesn't want windows to become advertising area.

Mr. Leonard stated that we have had trouble with stores on this issue.

Commissioner Sweeney stated that the variance is not needed if there are no restaurant uses.

Ms. Malloy stated that is correct.

Commissioner Sweeney asked if there is planned pedestrian access between Pad A and Lazy Boy to Dyer Street.

Ms. Malloy stated that on the previous project approval it was required and she has indicated to the applicant that the applicant should complete that connection.

Commissioner Sweeney asked if that had to do with connecting the pedestrian access with the sidewalk at the parking lot.

Ms. Malloy stated that the walkway does not go out to Dyer Street.

Commissioner Sweeney stated that she wants to extend the sidewalk to Dyer Street.

Commissioner Sweeney stated that the north elevation of shops #3 doesn't have any varying of roofline and she would like to see it done.

Commissioner Sweeney stated that the staff report mentioned that stone veneer should match existing center and asked what center does that mean.

Ms. Malloy stated that it should match the existing Pappas center, e.g. Sportmart.

Chairperson Savage opened the public hearing.

Thad Johnson, Pappas Investments, 2020 L Street, 5th Floor, Sacramento, CA, believes that this project is much better than what was approved last year. He believes that the revised site plan is much better. Mr. Johnson stated that the Variance and Use Permit only come into play if they have restaurants. Mr. Johnson stated that if they want to get the appropriate mix of tenants this Variance is vital to achieving that goal. Mr. Johnson stated that the bank is only open during business hours so those parking spaces will be available to be used by other tenants after hours.

Commissioner Sweeney asked if they can vary the roofline on the back of shops #3.

Mark Marvelli, RMB Architects, 2277 Watt Ave., Sacramento, CA, stated that it can be varied, it wasn't done here because of the design rhythm, and if a section is raised he prefers an odd number of bays below it. Mr. Marvelli does not have a problem with raising it.

Commissioner Sweeney stated that staff has asked for significant three-dimensional detail on the columns.

Mr. Marvelli stated that many of the columns are furred out only at the top. When that parapet is raised higher than the adjacent parapet then the entire pilaster needs to go all the way to the ground.

Commissioner Sweeney stated that she cannot tell that from the drawings which areas have the enhancement and which do not.

Commissioner Sweeney asked if the entire back of the north elevation with the exception of the brown colored tower element is completely flat.

Mr. Marvelli stated that it is flat at the base and some areas at the top are furred out. The arbors are out 8 feet from the building.

Commissioner Sweeney confirmed that the trellis items are 8 feet out from the building.

Mr. Marvelli stated that they are.

Commissioner Sweeney asked if the west elevation on shops #3 is also completely flat.

Mr. Marvelli stated that it will not be based on these conditions and will probably be 6 inches out.

Mr. Marvelli stated that in many jurisdictions it is allowed to have a two-foot overhang for the parking stalls. They plant ground cover near the stalls and other landscaping farther in.

Commissioner Anderson asked what the width of the parking stalls are and what is the back up area.

Mr. Marvelli stated that they are 9-feet wide with an 26 foot back up area.

Mr. Leonard stated that there are 2 standards for parking stalls one can be 9 ½ wide with a 25 foot back up area or 9 feet wide with 26 feet back up area.

Commissioner Lew asked if there is a sidewalk along the edge of Courthouse Drive.

Mr. Marvelli stated that there will be a sidewalk at Courthouse Drive.

Commissioner Lew asked if you can work with the City to provide a pedestrian walkway across Courthouse Drive.

Mr. Marvelli stated that right now the way the medians are built prohibits pedestrian cross over, pedestrians have to go to Holly Way or Dyer Street to cross.

Mr. Leonard stated that staff does not support mid-block crossing across Courthouse Drive because it would not be safe. Staff prefers pedestrians to cross at the corners.

Commissioner Lew asked if it wouldn't be better to anticipate that some people may attempt to cross Courthouse Drive.

Mr. Leonard stated that he does not believe that there will be much pedestrian traffic across Courthouse Drive.

Mr. Johnson stated that he supports the proposal to extend the sidewalk to Dyer Street.

Mr. Craig Bures, stated that he was hired by Pappas Investments to do the general leasing for the property. Mr. Bures stated that he would like one small eatery in each building. Mr. Bures is looking for special retail stores and special ethnic style restaurants for the project.

Commissioner Sweeney asked if he would have a problem with specifically excluding fast food uses from this project.

Mr. Bures stated that he doesn't have a problem with that change.

Commissioner Sweeney asked if he would object to changing bullet #4 on condition #37 to read "Union City" instead of "Union Landing".

Mr. Buress stated that as a leasing agent it is not in his interest to put in two of the same uses, however, he doesn't want to limit himself.

Commissioner Sweeney stated that she doesn't want to duplicate specific restaurants that are already located in Union City. For example, there is already a Togo's so can't put another one in. She just wants to broaden uses in Union City.

Mr. Buress agrees that they are just getting bogged down with semantics, still has a problem with duplicating anything within Union City. If something is 10 miles away and is very successful, why not do it here as well.

Commissioner Lew asked if any of the restaurants you are considering require outside seating.

Mr. Buress stated that some do. Mr. Buress wants to encourage outside seating with upscale furniture. Mr. Buress stated that in the lease the landlord has the right to approve what is used for outdoor seating.

Commissioner Lew asked where in the buildings would you put a restaurant requiring outside seating.

Mr. Buress pointed out some locations on the map and doesn't anticipate signing more than 2 restaurants.

Barry Ferrier, 32212 Allison Way, Union City, stated that the new design looks much better.

Chairperson Savage closed the public hearing.

Commissioner Anderson stated that he has concerns about the Variance because he doesn't see a compelling reason to approve the Variance because the design is within the applicant's control.

Commissioner Sweeney agreed with Commissioner Anderson that there is a problem meeting the findings of the Variance, however, she thinks the property is over parked as there are uses with different hours and that other uses will overlap.

Commissioner Anderson believes that there will be parking problems especially after the build out of this project.

Commissioner Lew stated that this is not a pedestrian friendly project. Commissioner Lew believes that there are under parked areas to the east of Wal-Mart, at Office Max, and across Courthouse Drive. Commissioner Lew feels that the City is refusing to make Courthouse Drive more pedestrian friendly.

Commissioner Sweeney believes that Courthouse Drive is not safe for a mid-block pedestrian crossing.

Commissioner Anderson asked how do we get around the requirements for the Variance.

Mr. Leonard suggested that in considering the innate condition of the land, which is long and narrow, circulation may be impacting the applicant. The location of Courthouse Drive has left the applicant with a long and narrow parcel that is difficult to develop.

Commissioner Sweeney asked in condition #37 how will it be determined that a business is a sub-regional attraction.

Lori Taylor, Economic Development Coordinator, stated that they are looking for someplace that people are willing to drive 10 – 15 miles to patronize.

Commissioner Sweeney asked how will the City know if the proposed tenant meets that definition.

Ms. Taylor stated that it is defined in the zoning by the description.

Commissioner Sweeney asked how will this be enforced in the future.

Ms. Taylor suggested an alternative by defining it as a business that attracts customers in a certain radius. Ms. Taylor stated that the operators know the demographics and can track customers by area codes, zip codes etc.

Mr. Leonard suggested that operators who are a new sub-regional attraction where the majority of patronage would be drawn from beyond the city limits.

Chairperson Savage called for a 5-minute break at 9:34 p.m.

Chairperson Savage called the meeting to order at 9:40 p.m.

Mr. Bakker explained how the parking was determined that the total square footage in the center is 38,846, then remove restaurant uses that leaves 33,846 square feet which would require 169 parking stalls. The 5,000 square feet of restaurant uses would require 50 parking stalls which would make a total of 219 parking stalls.

Commissioner Anderson stated that he is now comfortable with the project. Commissioner Anderson stated that the Site Development is okay and he is less troubled by the Variance.

Commissioner Sweeney stated that condition #13 the third sentence should be changed to “all landscaping including large pots will be irrigated”.

Commissioner Sweeney stated that in condition #28 the word “elevation” should be “elevations”.

Ms. Malloy asked to clarify that applicant indicated that he would have difficulty adding bays on shops #1.

Commissioner Sweeney stated that she would rather have a stucco wall rather than windows that have racks or other items stored against.

Ms. Malloy asked if adding one window bay to shops #2 on the east elevation would be sufficient.

Commissioner Sweeney stated that would be fine with her.

Mr. Leonard stated that in condition #37 an asterisk will be added after retail food uses. *Retail food uses are defined as shops that sell food for consumption off-site, e.g. candy stores, bagel shops, coffee and tea stores, etc.

Mr. Leonard summarized the changes to the conditions of approval as follows:

- Condition #4 change “model” to “uniform” change “amend” to “amended”
- Condition #6 change “building” to “buildings”
- Condition #13 add “all landscaping including large pots shall be irrigated.”
- Condition #20 change “the applicant shall be required to submit a signed plan from the Alameda County Water District”.
- Condition #28 change “elevation” to “elevations”. Change the third bullet “retail windows will only be required along the pedestrian pass-through of shops #2.
- Add a new condition to upgrade trees to 24-inch box.
- Delete condition #35
- Condition #36 change “above” to “all”.
- Condition #37 add an asterisk with a new definition “*Retail food uses are defined as shops that sell food for consumption off-site, e.g. candy stores, bagel shops, coffee and tea stores, etc.” Change the second bullet to add the word “interior” before tenant. Change third bullet to add, “. . .where a majority of their patronage comes from outside Union City”.
- Add a new condition that upon the effective date of SD-05-04 the prior approved Site Development shall be rendered null and void.
- Add a new condition that the applicant shall submit a marketing plan which reflects the General Plan standards.
- Clarify in the appropriate place that the north and west elevations shall contain a raised corner parapet on the Shops #3 building.
- Add a new condition that specifically excludes fast food as an eligible use.
- Condition #70 change “purpose” to “parking”.
- Add a new condition that there be no duplication of businesses at Union Landing.
- Add a new condition to extend the walkway out to Dyer Street.

Commissioner Savage made a motion to approve Site Development Review SD-05-04 and Use Permit UP-02-04 and Variance V-01-04 making findings 1 – 17 with the modified conditions of approval and adopting resolutions confirming these actions.

Commissioner Sweeney seconded the motion.

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

This item will go to City Council on April 13th, 2004

2. **BEN CHAWLA, 449 RIVIERA DRIVE - Site Development Review SD-06-04, Use Permit UP-03-04;** Initiated by the property owner, Ben Chawla, is requesting approval to construct a new two story, 4,360 square foot single-family residence with an attached three-car garage located at 449 Riviera Drive and is identified as Assessor’s Parcel Number APN: 087-0096-020. Use Permit

approval is required for any development project in the Hillside Combining District, which includes the subject property. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked if there will be a fence around the property

Ms. Gallegos stated that there is a retaining wall but no fence is proposed at this time.

Commissioner Lew asked if the house next door is similar in design.

Ms. Gallegos stated that it is similar in size and bulk and has a 3-car garage and has a tile roof and stucco exterior.

Commissioner Lew asked why the City is asking to review the exterior building materials and colors as stated in condition #10.

Joan Malloy, Planning Manager, stated that staff reviews these items on new single-family projects on a regular basis.

Chairperson Savage opened the public hearing.

David Garges who lives across the street from proposed residence, stated that in 1985 there was a large landslide that came into the street about 20 feet. He believes that there is a problem with the hill and that the foundation should be set into bedrock. He stated that someone should find out how deep the slide was, as they may need to build a larger retaining wall. He thinks the footing will have to be very deep and expensive. He stated that houses that were built previously now have two families living in them in order to make the payments and he doesn't want to see the new project become a multi-family home as well. He also complained about trash and garbage blowing thru the neighborhood during construction and is worried about the noise during construction.

Mark Leonard, Director of Economic and Community Development, stated that there is a desk item recommending the commission add 3 additional conditions of approval that were left out of the staff report. The first condition requires a geotechnical soils report be submitted to the building department that is stamped and signed by a soils engineer which verifies the foundation design to be in conformance with the soils report. The second condition requires that prior to requesting a foundation inspection the civil engineer or geotechnical engineer who prepared the soil investigation must provide a field report which states that the building pad was prepared and compacted in accordance with the soils report and that the foundation and/or pier excavation depth has been backfilled material substantially conforms with the soils report. The third condition requires that prior to final inspection of the building the same engineer who prepared the soils report issue a final report stating that the completed pad foundation, finished grading and drainage associated with the site work substantially conforms to the approved plan and specifications.

Mr. Leonard stated that a condition of approval could be added that only one family occupy the home and that there be only one kitchen in the residence.

Commissioner Sweeney asked if the colors in the elevations are the actual colors that will be used.

Keith Royster, 5681 Robertson Ave, Newark, CA, stated that the colors were a close approximation of the colors that are intended to be used.

Commissioner Sweeney stated she would like to condition the project to have the exterior color as close to the color of the summer grass as possible.

Mr. Royster stated that would not be a problem.

Commissioner Sweeney stated that there is a huge amount of plain stucco on both sides of the building and asked if it could it be broken up with banding or molding.

Mr. Royster stated that a bellyband could be added and that the roof on the middle level wraps back to break up the side.

Commissioner Sweeney asked about the sides of the front steps and what landscaping would go there. She stated that it appears to be all concrete and asked if is there is anything proposed to screen the stairs.

Mr. Royster stated he could ask the landscape architect to add landscaping to the right side elevation to screen the stairs.

Commissioner Lew asked if the applicant would object to having windows in the garage doors.

Mr. Royster stated that it would be no problem.

Commissioner Lew stated she would like to add that to condition #7.

Commissioner Lew asked if the applicant was planning to add a swimming pool.

Mr. Royster stated that it is virtually impossible to put in a swimming pool on this property.

Commissioner Lew asked to add a condition of approval prohibiting the building of a swimming pool.

Commissioner Anderson asked if there is going to be a fence around the property.

Mr. Royster stated he was not sure and the property owner was not able to attend this evening.

Mr. Royster stated that there will probably be a fence on one side to separate the property from the neighbor.

Chairperson Savage asked if there will there be a retaining wall behind the home.

Mr. Royster stated there will be two retaining walls about 4 to 6 feet in height that will terrace the back.

Mr. Leonard stated that the municipal code limits construction hours to 8:00 am to 8:00 pm, Monday thru Friday, 9:00 am to 8:00 pm on Saturdays and 10:00 am to 6:00 pm on Sundays and holidays.

Commissioner Sweeney stated that there is a condition to keep the property picked up and if the neighbors have a problems they should contact the Building Department.

Commissioner Lew asked what is the city's liability if the hillside slides.

Mr. Leonard stated that there will not be liability to the City because through the building permit process the soils engineer or geotechnical engineer will be taking on the liability.

Commissioner Lew asked what kind of soils finding would it take to keep the home from being built.

Mr. Leonard stated that an engineer would have to say that there is no way to design a stable foundation on this particular soil.

Grant Cramond, Associate City Engineer, stated that the only condition that would prevent building would be if it sat directly on a fault.

Mr. Leonard stated that if the foundation becomes so expensive it would make it impractical to build.

Commissioner Lew asked if a permit has been denied based on similar circumstances.

Mr. Leonard stated that it has not happened here but has occurred in other cities.

Mr. Leonard summarized the changes to the conditions of approval as follows:

- Change condition #7 to add windows to the garage doors.
- Change condition #10 to specify colors that blend with the summer grass color.
- Add a condition to enhance the side elevations to reduce the massing of stucco.
- Add a condition that requires a geotechnical soils report be submitted to the building department and which is stamped and signed by a soils or geotechnical engineer that verifies the foundation design to be in conformance with the soils report.
- Add a condition that requires that prior to requesting a foundation inspection the civil engineer or geotechnical engineer who prepared the soil investigation must provide a field report which states that the building pad was prepared and compacted in accordance with the soils report and that the foundation and/or pier excavation depth has been backfilled material substantially conforms with the soils report.
- Add a condition that requires that prior to final inspection of the building that the same engineer who prepared the soils report will issue a final report that stating that the completed pad foundation, finished grading and drainage associated with the site work substantially conforms to the approved plan and specifications.
- Add a condition to limit the home to one kitchen.
- Add a condition to add landscaping to screen the front stairs.
- Add a condition to say in ground swimming pools will not be permitted.

Commissioner Sweeney made a motion to approve SD-06-04 and UP-03-04 subject to specific findings 1 – 5 with the modified conditions of approval and adopting resolutions confirming this action.

Commissioner Lew seconded the motion.

AYES 4 (Anderson, Lew, Savage, Sweeney)

NOES 0
ABSTAIN 0
ABSENT 1 (Kelley)

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS:

1. TWELVE STAR BUILDERS, DYER STREET, 175 FEET WEST OF ALVARADO BOULEVARD -Site Development Review SD-03-04;

Initiated by Twelve Star Builders on behalf of the owners, the applicant is proposing to construct a two-story 5,641 square foot building on an existing vacant lot. The proposed uses include a bakery and two additional retail spaces. The project site is identified as Assessor's Parcel Number APN: 483-0076-009-01 and is zoned CC, Community Commercial. The property is located on Dyer Street, approximately 300 feet south of the Alvarado Boulevard intersection. The project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines under Section 15332, Class 32.

Continued indefinitely at the request of the applicant.

B. NEW REPORTS:

1. GERARDO VIZMANOS, 10TH STREET BETWEEN G STREET AND F STREET - Administrative Site Development Review ASD-09-04.

Initiated by Gerardo R. Vizmanos, on behalf of property owner, Boro Savanovic, the applicant is requesting approval to construct a new one-story, 2,750 square foot single-family residence with an attached two-car garage. The property is located on 10th Street near Decoto Road and is identified as Assessor's Parcel Number APN: 486-0033-078-02. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Anderson asked if the lot size is 4,525 square feet and the house is 2,570 square feet doesn't that violate the lot coverage standard.

Ms. Gallegos stated that lot coverage only applies to the foot print of the home.

Ms. Gallegos stated that the first floor only covers 41 percent of the lot.

Commissioner Sweeney asked if the capital facilities fee should say "minimum" instead of "maximum" in condition #8.

Mr. Leonard stated that it should say "minimum".

Commissioner Lew asked if condition #7 can change to add windows on the garage door.

Mr. Leonard stated that we don't have to because it is shown on the plans and because the other conditions of approval require that the home be built per the plans.

Commissioner Lew asked why staff is specifying the roofing material.

Mr. Leonard stated that in the past in the Decoto area we have tried to get applicants to use tile as much as possible. Mr. Leonard stated that if using asphalt, requiring a heavier shingle, would achieve some architectural enhancement.

Chairperson Savage opened the public hearing.

Maximiliano Cerda, 33831 14th Street, suggested the applicant use Spanish or concrete tile roof as it would look nicer.

Chairperson Savage closed the public hearing.

Commissioner Sweeney asked if the stone veneer wraps around the front to the fence.

Ms. Gallegos stated that it only wraps a few feet around on one side.

Commissioner Sweeney asked to add a condition that the stone veneer on the front of the house wrap around to the fence on both sides.

Commissioner Sweeney reminded staff to correct condition #8.

Commissioner Lew made a motion to approve Administrative Site Development Review ASD-09-04 making findings 1 - with the conditions of approval as modified and adopting a resolution confirming this action.

Commissioner Savage seconded the motion.

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

- VICTOR VAN, 1005 F STREET - Administrative Site Development Review ASD-10-04**, Initiated by the applicant Victor Van, on behalf of property owner, Vui D. Tran, the applicant is requesting approval to construct a new two-story, 2,960 square foot single-family residence with an attached two-car garage. The property is located at 1005 F Street and is identified as Assessor's Parcel Number APN: 486-0033-015. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew stated that condition #22 requires solid door but the plans show a front door with a glass insert.

Mr. Leonard stated that staff will have to check with the security ordinance to see if it is permitted feature, if it is not allowed then condition will stand as is.

Commissioner Lew asked what is the plan for landscaping.

Ms. Malloy stated that the site plan has minimal landscaping shown, the applicant would be required to submit a landscape plan with the building plans.

Commissioner Lew should there be a condition for that.

Ms. Malloy stated that condition #6 covers the landscaping.

Commissioner Lew stated that condition #6 only covers the front yard landscaping.

Mr. Leonard stated that there has been a standard that front yards be fully landscaped and sprinklered. Mr. Leonard stated backyards are usually customized by the homeowner.

Chairperson Savage opened the public hearing.

Chairperson Savage closed the public hearing.

Commissioner Sweeney stated that this a very small lot and this home is huge in comparison to its neighbors. Commissioner Sweeney stated that the previous home was larger but it was designed to fit into the neighborhood. Commissioner Sweeney stated that she cannot support this size home on this small lot.

Commissioner Lew agrees with Commissioner Sweeney but wonders if applicant would be willing to reduce the size of the second floor.

Commissioner Anderson made a motion to approve Administrative Site Development Review ASD-10-04, making findings 1 – 5, making modifications to the conditions of approval and adopting a resolution confirming this action.

Commissioner Savage seconded the motion.

Commissioner Lew asked how condition #22 was going to read.

Mr. Leonard suggested the following change “the applicant shall use solid core wood doors for all exterior man doors unless the glass as proposed is allowed under the security ordinance.”

Commissioner Anderson asked that that change to condition #22 be included in the motion.

Commissioner Lew asked if the applicant would be willing to reduce the size of the second story.

Mr. Leonard stated that the applicant is here.

Victor Van, stated that he did try to reduce 2nd floor level.

Commissioner Sweeney stated that the fireplace is only 34 inches from fence.

Commissioner Sweeney asked if the applicant could reduce size of second story by stepping in the second story.

Mr. Van stated that he was trying to maximize the use of lot.

Commissioner Sweeney stated that they have done that in a less than desirable way.

Commissioner Sweeney asked if the applicant would be willing to come back with new plans.

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

The motion failed.

Chairperson Savage made a motion to continue this project to the April 15th, 2004 meeting.

Commissioner Sweeney seconded the motion.

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

This item is continued to the April 15th meeting.

3. **MAXIMILIANO AND ANA MARIA CERDA, 33831 14TH ST. - Administrative Site Development Review ASD-07-04**, Initiated by the property owners, Maximiliano and Ana Maria Cerda, the applicants are requesting approval to construct a new one-story, 2,500 square foot single-family residence with an attached two-car garage. The property is located at 33831 14th Street, and identified as Assessor's Parcel Number APN: 486-0045-004-00. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew stated that condition #8 needs to be fixed.

Chairperson Savage opened the public hearing.

Chairperson Savage stated that the house has a nice design.

Commissioner Sweeney stated that Mr. Parra designed a nice house.

Rudy Parra, 2230 Sol Street, San Leandro, thanked the commission for their comments.

Chairperson Savage closed the public hearing.

Commissioner Sweeney made a motion to approve Administrative Site Development Review ASD-07-04, making findings 1 – 5, with the stated conditions of approval and a resolution confirming this action.

Commissioner Lew seconded the motion.

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

ABSENT 1 (Kelley)

VII. COMMISSION MATTERS:

- A. The staff reviewed the Planning items from the March 9, 2004 City Council meeting.
- B. The staff listed the upcoming applications for the Regular Planning Commission meeting for April 1, 2004.

X. GOOD OF THE ORDER:

Commissioner Lew asked if there is a transportation plan for developers due to the fact that streets are falling apart from heavy truck use.

Mr. Leonard stated that there are truck routes. When there is construction in town the construction vehicles will have to go off route but public works will specify truck routes when necessary.

Commissioner Lew asked if there is a need to condition projects to ensure that trucks stayed out of residential areas.

Mr. Leonard stated that would be acceptable.

Commissioner Lew would like to keep them away from residential areas as much as possible.

Commissioner Sweeney asked how long temporary banner signs are permitted to be out. Commissioner Sweeney used the Crown Plaza hotel banner as an example.

Mr. Leonard stated that the Crown Plaza has had a new sign permit issued.

Commissioner Sweeney stated that the Neo Center has had a banner up for a long time.

Mr. Leonard stated that he will have Code Enforcement check out the situation.

Chairperson Savage stated that she has noticed shopping carts all over town again.

Mr. Leonard stated that Public Works has stopped picking them up so it is up to the individual businesses to be responsible for picking them up, the City no longer has the staff or resources to pick them up.

Chairperson Savage suggested making calls to the businesses.

Mr. Leonard stated that the State usurps our ability to charge more than a few dollars per cart, which does not pay for the staff time to pick them up.

XI. ADJOURNMENT:

The meeting adjourned at 10:05 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY