

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF NOVEMBER 3, 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, Sweeney and Chairperson Anderson  
**ABSENT:** Commissioner Sison**

**STAFF PRESENT:** Mark Leonard (Director, Economic and Community Development); Jene Jernigan (Senior Interim Planner); Avalon Evans (Assistant Planner); John Bakker (City Attorney); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

**II. ELECTION OF OFFICERS:**

Commissioner Sweeney nominated Commissioner Lew for Chairperson

Commissioner Savage seconded the motion.

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

Commissioner Savage nominated Commissioner Sison for Vice-Chairperson

Commissioner Sweeney seconded the nomination.

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

- III. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of October 20, 2005 were approved as submitted.**

**IV. ORAL COMMUNICATIONS:**

Hugh McNamara, Union City, asked citizens to attend the Holiday Craft Faire being held at the Ruggieri Senior Center on November 5, 2005

- V. WRITTEN COMMUNICATIONS: None.**

**VI. PUBLIC HEARINGS:**

- A. CONTINUED HEARINGS: None.**

- B. NEW HEARINGS:**

1. **NEXTEL COMMUNICATIONS, 4400 HORNER ST.. Use Permit UP-13-05, Administrative Site Development Review ASD-25-05;** Initiated by the applicant, Christian Svensk, is requesting approval to allow a 50 foot tall wireless antenna monopole, disguised as a flagpole, to be located in the center of existing warehouse spaces, known as Diamond Mine storage. The project is located at 4400 Horner Street (APN: 482-0027-007-13) and is zoned ML, Light Industrial. This project is considered Categorical Exempt under Section 15303, Class 3 (e) Construction of Small Structures, of the California Environmental Quality Act (CEQA) Guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Sweeney asked to change the word “produce” to “submit” in condition #11.

Commissioner Sweeney asked what source of the noise is being anticipated.

Ms. Evans replied that because the flagpole is hollow there is a possibility that the lines will strike the pole when it is windy and produce a loud banging noise that would be a nuisance to the surrounding neighbors.

Commissioner Sweeney stated that it would be the external halyards making the noise and she is not sure rubberizing the halyards would be better than wrapping the halyard tightly around the pole so that there is no slack as is commonly done on sailboats.

Commissioner Sweeney suggested adding wrapping the halyard tightly around the pole before tying it off as an option.

Commissioner Sweeney asked if the pole goes through the roof of the building and is not mounted on the roof.

Commissioner Sweeney asked if the flag is being lowered from the roof and does that mean that someone must get on the roof to raise and lower the flag.

Commissioner Anderson asked how the city will know when the applicant is not in compliance with condition #5.

Mark Leonard, Director, Economic and Community Development, replied that if the equipment appears to be noisy, staff can take a decibel reader and check the sound level to make sure that it is within required standards. Mr. Leonard stated that this is an extra precaution because normally these installations are not known for exceeding the noise standard.

Commissioner Anderson asked if it is possible to require the applicant to submit annual noise measurements and have them certified by an engineer.

Mr. Leonard replied that it is possible but it would impose an administrative burden on staff to make sure that the reports are submitted

Commissioner Anderson asked if condition #9 should be changed.

Mr. Leonard stated that condition #9 should be left as is but add at the end “In addition the halyards shall be wrapped around the pole to reduce the slack”.

Commissioner Anderson asked if the applicant has the authority to remove the existing flagpole.

Mr. Leonard stated that both parties signed the application therefore they should be cooperating on the removal of the existing flagpole.

Chairperson Lew asked to change the word “insuring” to “ensuring” in condition #4.

Chairperson Lew asked if the US flag will be flown from the flag pole.

Mr. Leonard replied that it would be the US flag.

Chairperson Lew asked to clarify condition #10 to specify that it will be the US Flag.

Chairperson Lew asked why staff is allowing the conduit to run up the outside building walls.

Ms. Evans stated that the lines will be put in a trench to the building.

Chairperson Lew stated that the normal requirement is for utility lines to be undergrounded.

Mr. Leonard stated that the buildings are on a slab and we don't want to ask them to bore through the slabs.

Chairperson Lew opened the public hearing.

Christian Svensk, Nextel, San Francisco, CA, thanked staff for their help with this application. Mr. Svensk stated that it will be the US Flag flying and all applicable flag protocol will be observed. Mr. Svensk stated that the site is not visible to passerby so the cable trays should not be a visual nuisance. Mr. Svensk stated that he believed that cleating the halyard should be sufficient to stop any noise from pole.

Commissioner Savage asked how the flag is going to be raised and lowered.

Mr. Svensk replied that there will be a ladder on the side that will be used by the person raising or lowering the flag and also by the Nextel technicians who will be onsite to service the equipment every month.

Commissioner Sweeney asked if cleating the halyard would be enough.

Mr. Svensk replied that he believes that a solid cleat at the bottom of the pole will be enough to stop any noise making.

Commissioner Sweeney stated that she prefers the wrap going around the pole and that they will need additional length for the halyard to accommodate that method.

Mr. Svensk replied that he is willing to do whatever works best.

Commissioner Sweeney asked if they are going to illuminate the flag at night or lower it.

Mr. Svensk stated that hasn't been worked out with the applicant.

Commissioner Sweeney asked who is going to maintain the flag and when will it be replaced so that it will not become tattered and soiled and whose responsibility it will be to do these things.

Mr. Svensk stated because it is Nextel's pole, Nextel will be responsible for the flag maintenance.

Commissioner Sweeney asked if he would object to a new condition for the maintenance of the flag

Mr. Svensk replied that would not be a problem.

Chairperson Lew closed the public hearing.

Mr. Leonard read back the changes to the conditions of approval:

- Change wording in condition #4 from "insuring" to "ensuring"
- Change condition #8 to add at the end of the sentence "and submit evidence showing such."
- Change condition #9 to add a new sentence "In addition the halyard shall be wrapped around the pole to reduce the slack."
- Change condition #11 from "produce" to "submit".
- Add a new condition "The flag shall be regularly replaced as soon as wear becomes evident."

Commissioner Savage made a motion to approve Use Permit UP-13-05 and Administrative Site Development Review ASD-25-05, making findings 1 – 6, with the amended conditions of approval and adopting resolutions confirming this action.

Commissioner Anderson seconded the motion.

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

## **VII. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. PEDRO MEJIA, 30545 UNION CITY BLVD., Site Development Review SD-10-05;** Initiated by the applicant, Pedro Mejia, is requesting Site Development Review approval to add 1, 144 square feet of office area to an existing 2,634 square foot office building and convert a 1, 017 square foot enclosed patio area into office area bringing the total office building square footage to 4,795 square feet. The project is located at 30545 Union City Blvd. (APN: 482-0006-07-00) and is zoned MS, Special Industrial. This project is considered Categorically Exempt under Section 15301, Class 1 (e) Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

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

Commissioner Anderson stated his concerns that condition #41 doesn't say that the parking lot must meet city standards and identify where the parking lot will go. Commissioner Anderson asked to have wording added to the condition that identifies the parking lot location and that the parking lot must meet City standards.

Mr. Jernigan suggested adding after "paving section" the wording "for the newly paved area."

Commissioner Anderson suggested "the vacant lot adjacent to the project on Tara Court" and add a phrase that it must meet city standards.

Commissioner Sweeney stated her concerns that the paved section does not go all the way to the fence.

Commissioner Sweeney stated that all of the parking area needs to meet City standards.

Mr. Leonard suggested adding a sentence to condition #41 "The pavement section of the parking lot shall meet City standards".

Commissioner Anderson asked if there are storm drains and catch basins on the property.

Mr. Jernigan replied that he was not sure about the old section of the property but the new section probably will have them.

Carlos Jocson, City Engineer, stated that the applicant shall submit a grading plan and depending on that plan storm drains and catch basins may required.

Commissioner Sweeney asked to change condition #52 from "is responsible for" to "shall".

Commissioner Sweeney asked to change "Fire Authority" in condition #30 to "Fire Department".

Commissioner Sweeney asked if there is actually a permit being issued as called for in condition #21.

John Bakker, City Attorney, stated that it is an approval and a permit and suggested leaving it as is.

Commissioner Sweeney asked what is stone rubble.

Mr. Jernigan replied that it is similar to broken stone but what will be used comes in sheets to be applied to the wall.

Commissioner Sweeney asked if it is aggregate.

Mr. Jernigan stated that it is larger pieces than aggregate.

Chairperson Lew asked if we are requesting more than one soils report in condition#24.

Mr. Leonard stated that it should be "A soils report shall be submitted for this site".

Chairperson Lew asked why a site survey is required.

Mr. Jocson stated that it is required to verify exactly where the lot lines are so that adjoining parcels do not encroach on each other's property.

Chairperson Lew asked what the underground fire service line in condition #30 is for.

Mr. Jernigan stated that it is for water.

Chairperson Lew asked if it is provided by the water department.

Mr. Jernigan stated that it comes from the water main but the fire department wants a separate line from the drinking water service for the sprinkler system.

Chairperson Lew asked how many fire hydrants are required by condition #31.

Mr. Jernigan stated that the condition is from the Fire Department and that it would be whatever they specified.

Mr. Bakker stated that the Fire Department will look at the code to see how many hydrants will be required.

Commissioner Sweeney stated that if there is a need for a new fire hydrant in this location, then now is the time to add one.

Chairperson Lew asked who will have to pay for the new fire hydrant.

Mr. Leonard stated that if one is required then the applicant will have to pay for it.

Mr. Jernigan stated that they are increasing the occupant load and size and that may be why it is required now.

Chairperson Lew asked if the City is going to be installing a traffic signal at that intersection.

Mr. Jocson stated that condition #43 is a required fee that goes toward general service area.

Chairperson Lew asked why the Police Department conditions appear to have been omitted.

Mr. Jernigan stated that it can be added.

Chairperson Lew would like the standard condition added.

Mr. Leonard stated that it would be added.

Commissioner Sweeney asked what kind of treatments are going around the building.

Mr. Jernigan stated that he thinks they are foam treatments.

Commissioner Sweeney asked that they be foam treatments rather than just wood. Commissioner Sweeney stated that they may soften the retro 60's look of the building.

Commissioner Sweeney stated her concerns that the stone rubble is not going to look nice.

Mr. Leonard suggested using the stone as a wainscoting instead of going all the way up.

Commissioner Sweeney asked if the existing windows are plain aluminum.

Mr. Jernigan stated that he was not sure.

Chairperson Lew asked to have two wash basins in the men's room instead of just one.

Mr. Leonard read back the amended conditions of approval:

- Change condition #5 to read “the applicant shall submit exterior materials and color schemes. . .”
- Change condition #24 to read “A soils report shall be submitted for this site”
- Change “fire authority” in condition #30 to “Fire Department”
- Add a new condition under the Police Department section requiring solid core doors with the peepholes.
- Add a sentence to the end of condition #41 “the pavement section of the parking lot shall meet city standards
- change word in condition #52 from “is” to “shall be”
- Add a new condition that “the applicant shall use stone rubble veneer as wainscoting and foam treatment on the upper ledge.

Commissioner Anderson made a motion to approve Site Development Review ASD-10-05, making findings 1 – 5, with the amended conditions of approval and adopt a resolution confirming this action.

Commissioner Sweeney seconded the motion.

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

**VIII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.**

**IX. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of November 17, 2005.

**X. GOOD OF THE ORDER:**

Commissioner Savage asked when the landscaping in front of the Thai Kitchen will be upgraded.

Mr. Leonard replied that he was asked by Harvest Properties if they could do the entire landscaping along the frontage but it has been six months. Mr. Leonard stated that he would remind them.

Commissioner Savage asked to have stop signs installed at 9<sup>th</sup> Street and H Street and at 6<sup>th</sup> Street and B Street.

Mr. Jocson replied that they have to do a traffic analysis when a stop sign is requested to justify the installation of new stop signs.

Commissioner Savage stated that the driveway coming out of Safeway on to Alvarado-Niles Road needs to be painted red a little farther in each direction to allow persons to see the oncoming cars because the cars parking for BART are blocking the view.

Mr. Jocson replied that he would look into it.

**XI. ADJOURNMENT: 8:17 p**

**APPROVED:**

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**JO ANN LEW, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**