

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF DECEMBER 19, 2002, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Anderson, Kelley, Lew, Savage, and Sweeney

STAFF PRESENT: Mark Leonard (Economic and Community Development Director); John Bakker (Assistant City Attorney); Aki Honda (Associate Planner); and Patti Wiersma (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of November 21, 2002 and December 5, 2002, were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. USE PERMIT (UP-06-02); WOODY'S CHICAGO STYLE HOT DOGS: Conditional Use Permit request to operate an outdoor hot dog cart at the Lowe's Home Improvement Warehouse in Union Landing. Woody's Chicago Style is a franchise business that operates at other Lowe's Home Improvement stores in the western United States.**

Mark Leonard, Economic and Community Development Director, presented the staff report.

Commissioner Anderson asked if there are health guidelines for operating a food cart.

Mr. Leonard stated that it is possible that there are County health regulations, and the applicant may be able to answer that question.

Commissioner Kelley referred to Condition No. 1 and asked if it would be possible to have more flexibility in the location of the cart.

Mr. Leonard explained that the two locations shown in the exhibit were recommended because of parking and circulation issues, and those locations were acceptable by the Fire Department.

Commissioner Savage asked if the Lowe's building expansion referred to in the staff report was the outside enclosure.

Mr. Leonard stated that Lowe's would like to enclose a small vestibule area for a cashier and return area outside, but it is unsure if that will happen.

Chairperson Sweeney opened the Public Hearing and invited the applicant to come up to the podium.

Brian Webb, Western Regional Manager, Woody's Chicago Hot Dogs, stated that he would be happy to answer any questions.

Commissioner Lew asked how much actual space would be needed for the business.

Mr. Webb stated that their agreement with Lowe's is for a 24 square foot area. He stated that they would be 22 feet from the exit, allowing ample room for handicap access, fire exit clearance, and loading zone access. He stated that their goal is to host Lowe's customers on their way out of the store.

Commissioner Lew stated her concern that customers will have to go around the cart to enter and exit the store.

Mr. Webb showed the location of the cart on the drawings. He stated that the cart will be up against the wall and will not impede any access to the store.

Commissioner Lew asked how many trash containers there will be and how often will they be emptied.

Mr. Webb stated that there will be one container on each end of the cart and one behind the cart for food handling, and they will be emptied every day and the one behind the cart up to twice a day. He stated that Woody's is responsible for emptying them. He stated that Woody's carts are all run the same throughout all the Lowe's, and that is how they got the contract. He stated once a month the cement and walls are steam cleaned and they perform daily maintenance. He stated that they follow the County health codes.

Commissioner Lew expressed her concern regarding traffic circulation at Lowe's.

Commissioner Anderson asked if there is a health code regarding food handling.

Mr. Webb stated that they teach their franchisees never to touch food at any time, and explained the procedure.

Chairperson Sweeney asked if the cart will be propane or electrical.

Mr. Webb explained that the cooking unit is propane powered and the rest is electrical.

Chairperson Sweeney asked how the wastewater is handled.

Mr. Webb explained that the cart is taken off site and the wastewater goes to a sanitary sewer.

Chairperson Sweeney asked where the trailer for the cart would be parked.

Mr. Leonard stated that it would probably be stored either behind or on the west side of the building.

Chairperson Sweeney closed the Public Hearing.

Commissioner Lew moved that the Planning Commission approve the Conditional Use Permit (UP-06-02) making the specific findings 1-4 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:** None.
- B. **NEW REPORTS:** None.

VII. COMMISSION MATTERS:

- A. **INNOVATIVE CLUSTER HOUSING DESIGN** – Continued discussion regarding standards to apply to future cluster developments in Union City. This review was requested by the City Council in response to the need to provide for a creative vision for cluster development on the McKesson property.

Mark Leonard, Economic and Community Development Director, stated that background information has been provided so the Planning Commission can review it, look at the site, envision what the applicant is proposing, etc. He stated that the requested development standards were also provided that the applicant is requesting be adopted as an amendment to the DIPSA (Decoto Industrial Park Study Area) Specific Plan, and the current Chart of Standards. He stated that the proposed new standards will not delete anything currently in the standards, but would add to them. The Planning Commission was also provided with pictures of the paseo to review. The application is not accompanied by a Site Development Review application at this time, but sample designs will be provided when the application for a General Plan amendment, Zoning amendment, and request for Vesting Tentative Tract Map comes forward to the Planning Commission at the Public Hearing.

Chairperson Sweeney invited the applicant to come up to the podium.

Darrell Bolognesi, Braddock and Logan, 4155 Blackhawk Plaza Circle, Suite 201, Danville, stated that he would be happy to answer any questions.

Chairperson Sweeney stated that the direction originally proposed by the Planning Commission was that the applicant provide a strip to provide additional open space along the existing park. She stated that it appears that a parcel is being proposed. She asked how the square footage of the parcel compares with the earlier proposed strip.

Mr. Bolognesi stated that he believes that if the two parcels for tot lots, along with the larger staging area for Shorty Garcia Park are added together, it is pretty close to the original proposal.

Mr. Leonard stated that is correct. He stated that he believes that one of the concepts was to provide a 40-foot wide strip by approximately 600 feet (24,000 square feet), which is what parcels D and E add up to.

Chairperson Sweeney stated that she believed the earlier proposed strip was going to be in addition to a tot lot.

Mr. Leonard stated that he believes that was the expectation. The parkland that is being provided will be not only Parcel D and E, but the applicant is also offering to pay up to \$1.3 million to turf two adult-sized soccer fields at Shorty Garcia Park. This combination is in excess of what the Ordinance would require.

Mr. Bolognesi stated the other reason the two parks were broken up was the Planning Commission's desire that there be a tot lot in addition to a "passive/active" type park area. He stated that he believed the larger park area was going to be a park for the neighborhood and users of the Shorty Garcia Park.

Chairperson Sweeney suggested combining the two play areas, as it would be easier to maintain one park.

All Planning Commissioners were in favor of a strong pedestrian and bicycle connection to 7th Street.

Mr. Bolognesi stated that the pump station would most likely be relocated there, and a portion of it could be utilized to have a small paseo parkway connection to 7th Street. He stated that he understood that Public Works had some issues with combining the paseo with the pump station. He stated that with the Planning Commission's direction and by working with staff, a paseo could probably be put in that area and resolve that issue.

Chairperson Sweeney asked if there would be sufficient street frontage to eventually develop that area as a lot, unless the interim water treatment facility is intended for future City acquisition. She stated that access to that lot on a residential basis on Seventh Street is not permitted.

Mr. Bolognesi stated that he believes there is, but they would have to measure it.

Chairperson Sweeney stated it is important for that connection because with future development across the street, it is important to have the flow through the project. She asked if netting will be required to contain balls in the park, what provisions will be made for them, and if the residents will be aware of this when purchasing property.

Mr. Bolognesi stated that extensive disclosure statements are provided to future buyers. He stated that he has not heard anything regarding netting, and he has not seen the layout of the park.

Mr. Leonard stated that advice from Leisure Service staff would be needed. He stated that it might be possible to construct a type of “pull-up” net when needed.

Chairperson Sweeney stated that that when looking at the information about smaller lots the proposal by Braddock and Logan was somewhat between a townhouse, apartment, or courtyard designation, and the drawings before the Planning Commission tonight are for basic single-family tract homes. She stated that the lots are only slightly larger than Union City would look at for a townhouse or apartment complex, and asked the applicant what type of product they are proposing.

Mr. Bolognesi stated that they plan on using the same architects who designed their Prescott project, which is basically small lot, single-family homes. He stated that they would like to design the product (which would be similar to Prescott, but a smaller version), work with staff to refine the details, and then make a formal submittal. He stated the lots would be approximately 2800 square feet, and the largest house would be approximately 1500 – 1900 square feet.

Commissioner Lew asked if there will be any access from Red Cedar Court or Torrey Pine Lane into the development to get to Shorty Garcia Park, or will their access be along Myrtle Lane.

Mr. Leonard stated that access would be along the paseo along Myrtle Lane.

Commissioner Lew stated that her preference would be to have Street A running along the park and have the homes across the street facing the park, rather than right up against the park.

Mr. Bolognesi stated that they can look at that, but usually when putting a single-loaded street along a park, they will have to change their whole program of what they are offering the City, since they would have to eliminate a number of lots (8).

Chairperson Sweeney asked the applicant to look at that option, and stated that she thinks they would probably only lose about 5 lots.

Commissioner Kelley stated that the current DIPSA standard for minimum rear yard setback for small lot single-family is 15 feet, and the minimum lot area is 3500 square feet. He stated that he would find it difficult to support a proposal of 2800 square foot lots with 12-foot rear yard setbacks with homes that large. He stated that they just will not fit in that area, and asked the applicant to reconsider putting in townhomes.

Mr. Bolognesi stated that they are trying to provide things for the City and come up with a density and product size to support the value of the product.

Commissioner Kelley stated that he would prefer the lot sizes be moved up to 3500 square feet for the single-family homes and use the existing standards. He stated that he believes that townhouses cater to a different group of people than those who purchase single-family homes, and can offer them a higher standard of life. He stated that townhouse developments can offer greater common areas and balconies that are open space.

Commissioner Anderson stated that he is not have as much difficulty with the proposal as some of the other Commissioners. He stated that he agrees with Commissioners Lew and Sweeney regarding the orientation of the homes along the park.

Chairperson Sweeney asked if the City is waiving their standards in achieving the below market rate of 50% of the units.

Mr. Leonard stated that she is correct, and when the staff report is prepared, a result similar to the Ponderosa development in getting a deeper affordability was going to be suggested, in exchange for not meeting the 50% requirement in the Ordinance. He stated that the Ordinance states that only half of the duplexes can count as affordable units, and the other half has to be in the standard single-family product. He stated that Ponderosa provided a slightly deeper level of affordability in exchange for not meeting the standard. He stated that when the standards have not been met, there has always been an offset to make sure the essence of the standards have been met. He stated that staff can explore that with the applicant.

Chairperson Sweeney stated that a density bonus is being asked for in this area that far exceeds what was asked for by the Ponderosa project, as that project had much larger sized lots. She asked what the orientation will be of the homes along Myrtle Lane.

Mr. Bolognesi stated that it will be a continuation of the paseo that exists on Myrtle Lane now.

Chairperson Sweeney stated that the wall is not popular with the people there now, as they feel that there are sub-walled communities within their own neighborhood. She encouraged the applicant to look at the orientation of the homes to face Myrtle Lane.

Mr. Leonard stated that may be possible to achieve, and the applicant should look at that. He stated that when the application was filed, staff suggested that the garages for lots 29 through 37 come off B Street, fronting the homes on the paseo. He stated that the applicant indicated at that time that they would look at it. He stated that the question becomes "What is the resulting rear yard?" He stated that may be able to achieve if the homes are moved closer to the paseo. He stated that would be a Site Development Review issue.

Chairperson Sweeney suggested that the Site Development Review be included in the application for the Tract Map, because of the change in the density, zoning, and General Plan. She stated that she would not be able to support a Tract Map that does not include a Site Development Review, because the homes must fit with the neighborhood, which looks very different. She encouraged the applicant to bring forward the whole project, as it will be very difficult to evaluate what it means to subdivide the property into lots that are to the City's current zoning substandard. If the applicant wishes to come forward with something innovative, different, and a product of the future, let the Planning Commission see it and discuss the whole development.

Mr. Bolognesi stated that they would like to proceed, refine what they are proposing, and bring some elevations and plans to the January 16, 2003 Planning Commission meeting.

Chairperson Sweeney stated that would be helpful, because what they are proposing is very different from what the Commission has seen before.

Commissioner Kelley stated that he doesn't see having the additional strip along Shorty Garcia Park much of a benefit, because of parking issues.

Chairperson Sweeney stated that she thought it would be a more useable area because as a strip it would be difficult to locate things such as picnic tables or groups in only a 40-foot strip. She stated that people usually park along Seventh Street, and if some of the red curbs could be painted out where they are not needed, there would be a lot more parking.

Mr. Bolognesi asked the Planning Commission if a product type came with 12' rear yards and 5' side yards, could it be acceptable if a nice product is proposed. He asked them for direction on what type of housing they would like (cluster, townhouse, etc.).

Commissioner Anderson stated that he is anxious to see what the applicant could produce, but he is willing to wait and see if they could produce something good and workable in a small lot and still be of value to the City.

Chairperson Sweeney stated that she is not opposed to small lots, but she thinks they are too small for the size of the houses. She stated that if the homes were scaled back and more in tune with the size of the lots being proposed, she wouldn't have a problem with them. She stated that if the 1900 square foot houses are only put on the larger corner lots, she could go along with that, but she does have a problem with very small lots. She stated that she is concerned with houses looking like cereal boxes next to each other, and also whether the applicant is going to produce a single-story product, as they are important for disabled accessibility. She stated that she would like to see what is proposed for the lots.

Commissioner Kelley stated that he understands the need for higher density in the general area. He stated that he is not against having smaller lot sizes, but not as small as 2800 square feet. He stated that he could not be supportive of any design on a 2800 square foot lot. He stated that minimum 3500 square foot lots would be preferable, or switch over to a courtyard or townhouse environment.

Commissioner Savage stated that she is not totally opposed to smaller lots, but would like to see the product before making a decision.

Commissioner Lew stated that she is not opposed to small lots and higher density, depending on what is put on the lots. She stated that no matter what product is put there, it is an ideal area, especially for families, as there is an elementary school, recreation, access to a major thoroughfare, fire station, and business district nearby.

Chairperson Sweeney encouraged the applicant to have some idea of what kind and size building they are planning on building.

Chairperson Sweeney invited public to speak.

Hugh McNamara, 32238 Mercury Way, stated that he lives in townhouse with a 10-foot backyard and open space. He stated that they have fences, versus walls. He stated that they do need open space and houses that will accommodate disabled.

Barry Ferrier, 32212 Allison, stated that he is pushing for the attractiveness of the houses on all four sides, regardless of the size.

Chairperson Sweeney closed the public comment period.

This application will be a Public Hearing at the next Planning Commission meeting on January 16, 2003.

B. Planning Commission Referrals to City Council.

C. Upcoming applications for the Regular Planning Commission Meeting of January 16, 2003.

X. GOOD OF THE ORDER:

Commissioner Lew pointed out some publications she found in researching the intermodal area and provided the Planning Commission with the National Governor's Association website, which contains a very informative publication called New Community Design to the Rescue.

Chairperson Sweeney stated that she attended Railvolution last year. She stated that Union City is trying to develop job-oriented growth next to a transit station, and it is difficult to find examples of that type of growth. She stated that Union City has an opportunity to develop something truly unique.

XI. ADJOURNMENT:

The meeting adjourned at 8:30 p.m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY