

**CITY OF UNION CITY**

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF MARCH 06, 2003, 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; Chris Maxwell (Interim Fire Chief); Carlos Jocson (City Engineer); John Bakker (Assistant City Attorney); Aki Honda (Associate Planner); and Kris Fitzgerald (Administrative Assistant)

**II. APPROVAL OF MINUTES:**

The minutes for the regular Planning Commission meeting of February 20, 2003 were approved as submitted.

**III. ORAL COMMUNICATIONS: None.**

**IV. WRITTEN COMMUNICATIONS: None.**

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

- 1. GENERAL PLAN AMENDMENT AG-02-02: Initiated by Jeff Vines, on behalf of the McKesson Corporation, the applicant is seeking to redesignate the project site from an OS, Open Space, designation to an R6-10 (Residential, 6-10 dwelling units per acre) designation for the 62 new residential lots and to a CF (Civic Facilities) designation for the new fire station lot. The park extension to Shorty Garcia Park and the tot lot will remain as Open Space designations. The project site is located on properties currently identified as 33950 7<sup>th</sup> Street (APN 087-021-15 and 087-021-06-03) on the north side of 7<sup>th</sup> Street, east of Decoto Road, and is commonly referred to as the McKesson property.**
- 2. ZONING MAP AMENDMENT A-02-02: Initiated by Jeff Vines, on behalf of the McKesson Corporation, the applicant is seeking to redesignate the subject property from an OS, Open Space, zoning designation to an RS(s) (Small Lot, Single-Family Residential) zoning classification on the Zoning Map for the residential portion of the project site and to a PF (Public Facilities) zoning designation for the fire station lot. The park extension to Shorty Garcia Park and the tot lot will remain as Open Space zoning designations.**
- 3. SPECIFIC PLAN AMENDMENTS SP-02-02 AND SP-03-02, Specific Plan Amendment to the DIPSA Specific Plans : Initiated by Jeff Vines, on behalf of the McKesson Corporation, the applicant is seeking to amend the DIPSA Specific Plan Land Use and Zoning Maps so that the Specific Plan will be consistent with the**

General Plan and zoning, and the DIPSA Specific Plan Text to incorporate a new residential zoning classification with associated development standards. The applicant is requesting the following specific changes:

DIPSA Land Use Map

- A) Redesignate property to an R6-10 land use designation and the fire station lot to be designated to a CF (Civic Facilities) land use designation, matching the General Plan designations.

DIPSA Zoning Map

- A) Redesignate residential lots from OS, Open Space to RS(s) 3000
- B) Redesignate the fire station lot to PF (Public Facilities).

DIPSA Text

- A) Incorporation of a new RS(s) 3000 Zoning classification.
- B) Incorporation of development standards for the new RS(s) 3000 zoning classification.

- 4. **VTTM-7393, Vesting Tentative Tract Map:** Initiated by Jeff Vines, on behalf of the McKesson Corporation, the applicant is seeking approval to subdivide the Project Site into 58 small lot single-family residential lots with a minimum lot size of 3,080 square feet; four (4) duplex lots on corner sites that will be sold as the affordable housing units to meet the City's Affordable Housing Ordinance requirements; a 35,760 square foot lot for a new fire station to be constructed and serve as a relocated site for the fire station on 10<sup>th</sup> Street in the Decoto area (Parcel F); a 23,463 square foot lot to serve as a park extension to Shorty Garcia Park (Parcel E). Lot 13 is intended to be used for the relocation of the groundwater treatment facility. All access to the residential portion of the subdivision will be provided from Myrtle Lane.
- 5. **SD-03-03, Site Development Review:** Initiated by Jeff Vines, on behalf of the McKesson Corporation, the applicant is seeking approval of a Site Development Review application for the design and layout of 58 two-story, small lot, single-family detached homes and four (4) duplex homes.

Aki Honda, Associate Planner, presented the staff report and gave a PowerPoint presentation.

Mark Leonard, Economic and Community Development Director said the Prescott project was shown as an example of Braddock and Logan's previous work.

Mr. Leonard also stated that there are three changes to be made to the Staff Report.

- 1. Page 8 – paragraph 3, line 4, remove the word “very” from before low income.
- 2. Page 8 - paragraph 4, line 5, change condition of approval numbers to #38 and #39
- 3. Page 8 – paragraph 4, line 8, remove “and rental restrictions”.

Mr. Leonard received an email from Bruce Stanley about possible future lighting at Shorty Garcia Park and wants to add one condition to the staff report “The applicant shall be required to notice all homebuyers that in the future lighting may be installed at Shorty Garcia field. The notification shall be in the form of a disclosure acknowledgement to each homebuyer and the CCR's should contain a provision to this effect”. Mr. Leonard said that the developer was made aware of this item earlier in the day.

Chairperson Sweeney asked about the fact that CCR'S are mentioned but that there is no homeowners association provided for in the conditions. She wanted to know how the CCR's would be enforced. Mr. Leonard said that there are several developments that have CCR's but no homeowner's assoc. (e. g. Casa Verde). He stated that they are self-enforcing and that they are in most new developments.

Commissioner Tikisa Anderson asked about conditions #27 (applicant contribution of \$1.3 million to the City) and #73 (applicant contribution of \$1.3 million to the City) being the same. Mr. Leonard consulted the city attorney who said both conditions should be left in as presented.

Commissioner Anderson asked about condition #31 (lots 44, 45,52 and 53 are to be developed as duplex units) and why the word "shall" was not used. Mr. Leonard stated that the condition should use the word "shall" instead of "are to be".

Commissioner Anderson asked about condition #38 (units designated as affordable). Mr. Leonard stated that the condition should use the word "shall" instead of "will be".

Commissioner Anderson asked about condition #68 (right of way). Carlos Jocson, City Engineer, said that the city allows 5 ft. sidewalk to each side of the curb-to-curb street. Mr. Jocson wanted to remind the applicant that there is a 6 ft. public utility easement for each lot. Mr. Leonard stated that the setback overlaps the easement.

Commissioner Anderson asked that there be a condition to specify who provides maintenance of the common areas (e.g. irrigation trees, landscaping and walls). Mr. Leonard said that there are no common areas in this development. The city will maintain the streets, fire lot, and park area.

Chairperson Sweeney asked about condition #60 (applicant responsibilities for maintenance of the development). Mr. Jocson said that this condition is only in effect until the project is finished. The condition needs to be amended. Mr. Jocson suggested changing it to "until the infrastructure has been accepted by the City Council".

Chairperson Sweeney opened the Public Hearing.

Warren Sattler, representing the applicant McKesson Corp. spoke about the project. Braddock and Logan is in contract with McKesson to buy the land and develop it. Mr. Sattler said that they were directed by the city to attempt to create cluster housing so that they could increase the value of the property. Mr. Sattler said that the firm tried to meet the City Council's request. Mr. Sattler wants to change conditions #27 and #73 to read the applicant shall pay "up to \$1.3 million." Mr. Leonard said that he was unsure what leisure services intentions are in regards to the extent of turfing the soccer fields. Mr. Sattler said that all of the applications were made using the language "up to". Mr. Leonard agreed with the suggested change after conferring with the City Manager. Chairperson Sweeney said that this money was specified for a specific use. Commissioner Anderson said that money was developed based on valuation of the property. Mr. Leonard stated that the estimate came from Public Works Superintendent Phil Sachs.

Commissioner Anderson asked about condition #23 regarding the appraisal process for the fire station. Mr. Sattler would like to add; “however in no case shall the value be determined prior to the sale of the residential site to the housing developer”.

Mr. Leonard agreed with the suggested change.

Commissioner Lew wanted to know if we were being held to a specific use of the \$1.3 million dollars.

Mr. Leonard spoke of direction provided by the City Council in regards to getting the artificial turf for the fields.

Chairperson Sweeney asked about value of property used to establish the “in lieu fee” park money.

Mr. Leonard answered that they estimated what the cost of artificial turf would cost.

Commissioner Bob Kelley asked why the lighting wasn’t included in this.

Mr. Leonard said it was discussed and that the city has money available in the capital improvements plan for this park.

Mr. Sattler asked if there was any city ordinance covering this condition.

John Bakker, City Attorney, stated that the City Council mandated the condition.

Mr. Sattler asked about timing of payment of the \$1.3 million.

Mr. Bakker answered that the city should take the money at the same time that they would ordinarily take the park in lieu fee, which would be prior to the City Council approving the final map and there would be a refund of any excess.

Chairperson Sweeney asked if by time of final map will the sale have occurred to Braddock and Logan?

Mr. Sattler said yes.

Commissioner Anderson asked about the orientation of lots on Myrtle and on the Shorty Garcia park side.

Mr. Sattler deferred to Braddock and Logan

Chairperson Sweeney asked how this was an innovative development and how did this meet what City Council requested.

Mr. Sattler said that they explored many different options before deciding on this one.

Darrell Bolognesi, Braddock and Logan, 4155 Blackhawk Plaza Circle, Suite 201, Danville, CA spoke about how they created this project as innovative housing.

Chairperson Sweeney asked about the storm overland swale release.

Mr. Bolognesi said that it is for overflow for the storm drain system.

Jill Williams, Principal Architect, KTG Y Group, stated they have 13 designs for the lots in this project. They created six different architectural designs for the neighborhoods. She spoke at length on the designs and features that were used for the project.

Commissioner Kelley asked about the dimensions of the master bathroom in Plan 3

Ms. Williams answered 13 feet by 11 feet.

Commissioner Anderson asked what the advantages were of tandem garages to the owners of the duplexes.

Ms. Williams said that it was more part of the community design and generating an area for a private rear yard.

Commissioner Anderson questioned facing the houses to Shorty Garcia Park which would result in a loss of density.

Ms. Williams said that they did not want to design rear-loaded garages with alleyways that would take up more site area. The loss might be two lots per acre.

Mr. Bolognesi said that there were 2 ways to proceed with the lots but rear loaded garages would take too much acreage and would lower the land value. Also the units would end up with no back yards plus the houses behind them would be facing those garages.

Commissioner Kelley asked if one-car garages were considered.

Mr. Bolognesi said that they were considered but it did not look like it would work.

Commissioner Kelley asked why there were no windows on the garages.

Ms. Williams stated that they could be added if necessary.

Commissioner Savage likes the designs of the homes but the designs did not seem much different from the original offering.

Commissioner Lew did not like the orientation of the homes by Shorty Garcia park or on Myrtle.

Commissioner Lew wanted to know about the break in the masonry wall on Myrtle Lane and whether there will be breaks in the wall for every lot.

Mr. Bolognesi said they just wanted to create a break at the entrance of the project. There would be no other breaks in the masonry wall.

Commissioner Lew asked whether the concrete walkway that currently exists by the school would stay.

Mr. Bolognesi said yes.

Commissioner Lew wanted to know what would separate Shorty Garcia park from the new homes and if there would be openings into the park from the rear yards of these homes.

Mr. Bolognesi stated there would be a six-foot masonry wall and no openings because of security issues and possible use issues with the artificial turf.

Commissioner Lew asked who will be responsible for the water treatment plant.

Mr. Sattler said that McKesson will be responsible and that it might be in place for 6 – 7 years or longer.

Chairperson Sweeney wanted to know what the water treatment site would look like.

Mr. Sattler stated that it would have masonry wall all around it with landscaping and that the existing building would be relocated.

Commissioner Lew asked about plan #3 home with an optional den/bedroom.

Mr. Bolognesi stated that there was a den option that could be converted to a bedroom and no one would know the difference once the homeowner moved in.

Commissioner Lew asked why there were no one story homes in this developments.

Mr. Bolognesi stated that one-story homes were not economical

Ms. Williams stated that it was not achievable because of the small lot size.

Mr. Sattler said that it was not able to be done and still meet the City Council directives to create more density to get higher value of the property.

Commissioner Lew asked Mr. Leonard about city requirements for one-story homes in developments

Mr. Leonard stated that the City Council has asked the planning department to be more aware of the needs for handicap accessibility.

Mr. Leonard stated we have to remember that our requirements, as is the case with many cities now, for affordable housing has gotten very expensive it is a factor that is affecting land values and home prices. Also we have to keep in mind that this project is located in the DIPSA which has a Mello-Roos community facilities district to pay for ongoing services. It is not a huge amount but it is a factor that goes into the formula in pricing homes. There are also hefty specific plan fees (DIPSA fees) to pay for items such as the Highway 84 corridor, under grounding the utilities on Mission Blvd., etc. All these factors go

into the developers spreadsheet when they come up with their feasibility for the development. We are squeezing on probably eight or ten different sides and Mr. Leonard wants to make sure everyone understands that.

Commissioner Lew asked about the easement along side lots 59,60,61 and what street name they would be on.

Mr. Jocson said that they would probably be on street "A".

Mr. Leonard stated that there would probably be five street names in the development.

Commissioner Lew asked about the easement along side the fire station lot that goes from parcel #13 to 7<sup>th</sup> street. Will people be able to use it for access?

Mr. Jocson said that it is just a ditch and might be added to the fire station lot.

Mr. Bolognesi said that they did not want to put walkways between lots in the development.

Mr. Leonard said that he hopes that in 6 – 8 years when the water treatment plant is taken out that the property would be added to the fire station and then a pedestrian walkway to 7<sup>th</sup> street could be created.

Commissioner Lew asked whether the streets would be wide enough to permit street parking.

Mr. Leonard said yes.

Commissioner Lew asked why the garages looked different on the duplexes.

Ms. Williams said that it was an attempt to make each unit look unique.

Commissioner Lew asked whether the affordable units would be of the same material and quality as the other units.

Mr. Bolognesi said that they would be identical on the exterior to all the other units. On the interior, the affordable units would get the basic amenity package offered to all buyers.

Commissioner Anderson said that condition #13 required that the garages all be different.

Commissioner Lew said that she was looking more at the exterior details.

Hugh McNamara, 32238 Mercury Wy., stated that the new development will have the cluster mailboxes. He said they must be kept up otherwise they look ugly. He also stated at another development the homeowners were turning their garages into something else. He was not sure how the tandem parking would work out.

Barry Ferrier, 32212 Allison Way, feels that the proposed lot size for the fire station is too small.

Fire department will have problems getting equipment in and out of the station and being able to meet the response times.

Bruce Stanley, 4808 Rocklin Drive, wants to have the entire McKesson property as a park. Union City needs soccer fields. Putting in the artificial turf is a good idea to get more use out of the soccer fields and should require less maintenance. Shorty Garcia is currently configured for 3 different types of soccer fields.

Chairperson Sweeney closed the Public Hearing.

Chairperson Sweeney commented that she was disappointed with this layout. She is alarmed by the fact that this was driven by the dollars and with the small size of these lots with large homes. She does not see anything to recommend this project.

Commissioner Anderson feels the same as Chairperson Sweeney. He suggested using alternatives #3 and #4 from page 25 of the Staff report.

Commissioner Savage suggested a joint meeting with the City Council.  
Chairperson Sweeney agreed with Commissioner Savage.  
Commissioner Lew also agreed with Chairperson Sweeney.  
Commissioner Lew does not think she could approve this development as is.

Mr. Sattler requested the commission either approve or deny this plan tonight. He doesn't believe that there are any alternatives to the presented plan.

Commissioner Lew thinks they may have focused too much on the \$1.3 million turf rather than the development itself.

Mr. Sattler requested a denial of the project so that the project could be sent forward to the City Council.

Commissioner Anderson made a motion to continue the item and request that the City Council immediately hold a joint study session with the Planning Commission regarding Innovative Cluster Housing Design to provide the applicant with direction on the housing design type and density for the project site.

Commissioner Savage seconded the motion.

The motion passed by the following vote:

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

Mr. Leonard suggested that the study session be set at the City Council meeting Tuesday night. He will speak with the City Manager.

Chairperson Sweeney made a motion to continue this item to the Adjourned Regular Planning Commission meeting on March 27<sup>th</sup> with the understanding that the we will ask the City Council to expeditiously schedule a joint meeting prior to that date.  
Chairperson Sweeney stated that the regularly scheduled meeting of March 20<sup>th</sup> will not take place due to the fact that there will not be a quorum.  
Commissioner Lew seconded the motion.

The motion passed by the following vote:

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

**B. NEW HEARINGS:**

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

**VII. COMMISSION MATTERS:**

**A.** Follow-up on Planning Commission Referrals to the City Council.

Mr. Leonard stated there were no planning commission referrals. There were a few redevelopment agency matters that were handled by the City Council.

**B.** Upcoming applications for the Adjourned Regular Planning Commission Meeting of March 27, 2003.

Mr. Leonard went over the items for the March 27, 2003 meeting.

**X. GOOD OF THE ORDER:**

Commissioner Kelley asked if there was anything that could be done about the current parking situation at the BART station.

Mr. Leonard said that there is a planned surface parking lot on the PG&E lot and that the City is expected to close escrow on the purchase in June.

**XI. ADJOURNMENT:**

The meeting adjourned at 10:00 p.m.

**APPROVED:**

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CATHI SWEENEY, CHAIRPERSON

**ATTEST:**

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MARK LEONARD, SECRETARY