

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF NOVEMBER 20, 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, Savage and Sweeney
Absent: Commissioner Lew**

STAFF PRESENT: Joan Malloy (Planning Manager); Aki Honda (Associate Planner); Tina Gallegos (Assistant Planner); Carlos Jocson (Interim Director of Public Works); John Bakker (City Attorney); and Kris Fitzgerald (Administrative Assistant)

- II. APPROVAL OF MINUTES:**

The minutes for the Regular Planning Commission meeting of November 6, 2003 were approved as submitted.

- III. ORAL COMMUNICATIONS: None.**

- IV. WRITTEN COMMUNICATIONS: None.**

- V. PUBLIC HEARINGS:**

- A. CONTINUED HEARINGS: None**

- B. NEW HEARINGS:**

- 1. SITE DEVELOPMENT REVIEW SD-12-03 AND VARIANCE V-06-03,**
Initiated by Uyen Doan-Hoang, of Kodama Diseno, on behalf of the property owner, Southern Alameda County Buddhist Church, the applicant is requesting approval of a Site Development Review Permit, SD-12-03, and a Variance, V-06-03, to allow development of a private senior assisted-care living facility for 16 senior citizens to be operated by the Southern Alameda County Buddhist Church and to allow a reduction in the required number of parking spaces to be provided on site for the project. The proposed senior assisted-care living facility will be comprised of 8 bedrooms (each with 2 beds), a community kitchen, community living room, community dining room, and reception/office area on the first floor and three (3) living units for the staff and caretakers on the second floor. The proposed senior care facility will be 8,786 square feet. The project site is located at 32951 Alvarado-Niles Road on the south side of Alvarado-Niles Road, west of Dowe Avenue, in the City of Union City, and is identified as Assessor's Parcel Number APN 475-148-001. The subject property is located within an RM 2500 (Multiple-Family Residential) zoning district and has a General Plan designation of R 10-17 (10-17 residential units per acre).

Aki Honda, Associate Planner, presented the staff report.

Commissioner Sweeney asked if the existing planter located next to the Buddhist church is going to be reduced in size when the new driveway is put in.

Ms. Honda stated that is correct.

Commissioner Anderson asked what the distance is from the front side of the existing house to Alvarado-Niles Road.

Ms. Honda stated that it is about forty feet to the property line.

Commissioner Anderson asked what the distance is from the edge of the new driveway to the west edge of the property line.

Ms. Honda stated that it is about double the length of the existing home.

Commissioner Anderson asked what the distance would be from the back of the house to the planter.

Ms. Honda stated there will be a covered trellis area in that area.

Ms. Honda stated that from the back of the house it would be 11'4" and from the existing building to the new building it would be about twenty-two feet.

Commissioner Anderson asked why a garage would not fit in either of those spaces.

Ms. Honda stated that if they put it behind the house then they would have to remove the covered patio and trellis area.

Ms. Honda stated that if the garage was placed in front of the house, it would be a very tight fit and then the garage would become the predominant view from Alvarado-Niles Road.

Commissioner Anderson asked why staff is asking for a variance for parking when there is room to put in a garage or additional parking.

Ms. Honda stated that the existing residence has no formal parking and the applicant is trying to accommodate the current residence.

Joan Malloy, Planning Manager, stated this is not a typical single-family lot and staff feels that this project provides sufficient off-street parking and to require a garage on the property would take away from amenities being provided and there are no changes to the existing residence being proposed.

Commissioner Anderson asked how many staff people will be onsite.

Ms. Honda stated that they don't have a final number for the staff but it would probably be 2 caretakers, a cook, a maintenance person and a manager.

Commissioner Anderson asked if there is a set of regulations for senior citizens that are analogous to the regulations in condition #25 regarding people with disabilities.

Ms. Honda stated that she is not aware of a different set of regulations.

Commissioner Sweeney said that regulations are written to include disabilities of any age.

Commissioner Anderson asked if the applicant will have to have a state license.

Ms. Honda replied that this is a private facility and the applicant has stated that they do not have to have a state license.

Commissioner Kelley asked what the two additional parking spaces are being used for near the house.

Ms. Honda stated that they are meant for the residents of the existing house.

Ms. Honda stated that the applicant did the calculations to show what the parking requirements would be for the new senior care facility and the two parking spots for the existing residents.

Ms. Honda stated that staff looked at the whole property to do the calculations.

John Bakker, City Attorney, stated that a key point is that the existing parking spaces for the residents will be wiped out when the driveway is widened.

Commissioner Sweeney clarified that this is one parcel, including the existing residence.

Commissioner Kelley stated that there does not seem to be enough parking for the whole project.

Ms. Malloy stated that two parking spaces are intended for the single family dwelling and the remaining spaces are for the care facility and that there will be adequate parking for the senior facility.

Ms. Malloy stated that past experience with senior residence parking has indicated that a lower calculation can be used and will not result in an underparked project.

Commissioner Kelley stated that he doesn't feel that there is enough of a reason to grant the variance for the parking.

Ms. Honda stated that the average age of the residents will be 90 – 95 and they don't as a rule drive.

Ms. Malloy stated that this is not a typical parcel.

Commissioner Kelley stated that he has counted at least 20 people for this project and there are only 10 parking spaces proposed.

Ms. Malloy stated that Rosewood Terrace and Eden Housing are parked at .25 spaces per unit.

Commissioner Kelley asked if there would be medical assistance for the occupants.

Ms. Malloy stated that she is not sure what level is being provided at this facility.

Chairperson Savage asked if they are going to restrict residency to persons of Japanese descent only.

Ms. Honda stated that the commission would have to ask the applicant.

Commissioner Sweeney asked if the existing house is part of the Landmark and Historic Preservation Overlay

Ms. Honda stated that it is not.

Commissioner Sweeney stated that it appears that the applicant has already proposed a sign that seems to meet condition #15.

Ms. Honda stated that it is just a conceptual drawing and the applicant has not submitted a specific sign design.

Commissioner Sweeney asked why condition #42 is being required.

Ms. Honda stated that it is a standard condition from the Police Department.

Commissioner Sweeney suggested deleting condition #42.

Commissioner Sweeney asked why condition #48 is being required.

Ms. Honda stated that condition #48 can be deleted.

Commissioner Sweeney asked why mailboxes were being required in condition #52 as most facilities of this type receive their mail inside.

Ms. Malloy stated that if there are mail boxes for each unit they would have to meet the standard.

Commissioner Sweeney asked if the Buddhist church were to grant two additional spaces to the project would the variance still be needed for the covered spaces.

Ms. Honda stated that would be correct.

Chairperson Savage opened the public hearing.

Jim Brancic, 1725 Montgomery Street, San Francisco, CA, the .25 parking spaces are generally more than what is needed as most residents don't have their own cars. They have provided two

uncovered spaces for the existing residence, one space for each of the two permanent caretakers and the visiting caretakers will not require parking spaces.

Chairperson Savage asked if the facility is going to provide any type of transportation, such as a van, for transportation of the residents.

Yasushi Yamada, 41765 Covington Dr, Fremont, CA, 94539, said that the patients' family will form an association and then make arrangements to drive the patients around.

Commissioner Anderson asked who will do the cooking.

Mr. Brancic said that a cook comes in only in day time hours and leave for the evening.

Commissioner Anderson asked if a license is required for this facility.

Mr. Brancic said that because there is no medical care provided they don't need a license; if residents need medical care they must go off-site and if anyone living there becomes too ill they must move to another facility. Mr. Brancic stated that it is more like a group home.

Commissioner Anderson asked if he would oppose a condition of approval to limit the types of residents that could be accepted at this facility.

Mr. Brancic stated that he had no problem with that.

Commissioner Anderson asked if they could accept patients with dementia.

Mr. Brancic stated the patients with dementia must go to a licensed facility.

Commissioner Anderson asked if that would also be the case for patients that require oxygen, etc.

Mr. Brancic stated that they could not be accepted as there would be no onsite medical care.

Commissioner Anderson asked if they would accept patients who are non-ambulatory.

Mr. Brancic stated that the entire facility is designed to meet the requirements of Title 24 and the Americans with Disabilities Act, so that someone with a walker or in a wheelchair can get around the entire facility.

Commissioner Sweeney asked about trash area behind the kitchen and how will the service area be accessed.

Mr. Brancic stated there is a concrete sidewalk all the way around the building and connects to the trash area, laundry area and kitchen area.

Commissioner Sweeney asked how is trash going to get out to the pick up area.

Mr. Brancic stated that it can be rolled out to the loading zone.

Commissioner Sweeney asked how many garbage cans will there be.

Mr. Brancic stated that he doesn't know.

Commissioner Sweeney asked the applicant to consider how much trash is going to be generated and how it is going to get to the pick up area.

Mr. Brancic stated that they may be able to get the trash picked up more often or maybe get some type of larger bin.

Commissioner Sweeney stated that a provision for adequate number of garbage pickup to keep trash from piling up should be added to condition #13.

Commissioner Sweeney asked if the landscape plan included any in front of the existing residence.

Mr. Brancic stated that there is a quite a bit of landscaping in front of the existing residence and also along the western property line. There are some really mature trees that provide a screen between the property and the townhouses.

Commissioner Sweeney asked to include the area in front of the existing house in condition #19 in order to make it more uniform across the front of the property.

Commissioner Sweeney asked where the bamboo plants in palette #3 are going to be located on the property.

Mr. Brancic stated that they would be planted along the fence line to provide a visual barrier from the adjacent townhouses.

Commissioner Sweeney asked to have a non-invasive bamboo variety planted.

Mr. Brancic stated that he would check on it.

Commissioner Sweeney asked to have it added to the conditions of approval.

Commissioner Sweeney asked if there were existing mailboxes for the two existing residences.

Mr. Brancic stated that there is a separate mailbox for the house in the front. Mr. Brancic did not know if there was a mailbox for the house in the rear of the property.

Commissioner Sweeney stated that the condition of approval for mailboxes would be left as it is written.

Commissioner Sweeney asked if the applicant had any problem with condition #29.

Mr. Brancic stated that there is no problem as they have no intention of subdividing the property.

Commissioner Sweeney asked why the covered sidewalk connects the new building to the existing residence.

Mr. Brancic stated that it really terminates at the side of the building and is not connected to the existing building.

Commissioner Sweeney asked why parking is not provided for the interns.

Mr. Brancic said that it is his understanding that they are coming from Japan and only coming for a short period of time.

Commissioner Kelley asked if an easement will be needed for the parking spaces on the church property.

Mr. Brancic stated that they will.

Commissioner Kelley asked how they will prevent church users from using those spaces.

Mr. Brancic stated that they will mark the spaces for the use of the senior facility

Commissioner Kelly asked why they did not ask for an easement for additional two parking spaces so that they would not need to have a variance.

Mr. Brancic stated that it was not an option that was discussed.

Ms. Malloy suggested that perhaps the parking could be posted.

Commissioner Kelley asked to add a condition of an approval to sign the parking for the exclusive use by the senior facility.

Mr. Bakker suggested adding a condition that the applicant grant an easement to itself for the extra parking spaces.

Commissioner Kelley suggested that six parking spots would be adequate.

Chairperson Savage closed the public hearing.

Commissioner Anderson stated his objections to the variance.

Commissioner Sweeney suggested some alternatives.

Mr. Bakker offered his opinion that given the existing conditions a variance seems appropriate.

Chairperson Savage stated that there will be no other property in Union City that will have the same issues as this one and it would be correct to grant the variance.

Mr. Bakker stated that he had looked at the code that included an exception that states "...however no building erected or used lawfully established prior to the effective date of this

ordinance shall be required to provide such additional parking or loading facilities unless the aforesaid increase in units of measurement shall amount to at least 15%. . .”. Mr. Bakker states that this effectively grandfathers in this building and they would no longer need the variance for the covered parking for the single family home.

Commissioner Sweeney stated that they still need the variance for one covered parking space for the senior housing.

Mr. Bakker concurred.

Commissioner Sweeney stated that finding #8 on page 19 could be deleted or changed to say that the existing conditions on the building would remain the same.

Commissioner Anderson still wants to add the restriction that the applicants cannot provide medical care at the facility.

Mr. Bakker stated that they should ask the applicant to submit some evidence that they are not required to have a license.

Commissioner Anderson stated that it was not enough.

Mr. Bakker stated that we could require them to comply with anything that would exempt them from State regulations.

Commissioner Sweeney stated that she approves of the project and just wanted to make sure that the building will serve the community as it is intended to.

Ms. Malloy reviewed the changes to the conditions of approval:

- Delete conditions #20, 48 and 42
- Change condition #17 to require bamboo plants of clumping variety
- Change condition #19 so that the entire frontage of property will be landscaped in a similar manner
- Change condition #13 that a trash pickup plan will be approved by Economic and Community Development
- Add a condition that the applicant shall submit a letter stating that they will not provide services that will require licensing by the state and no medical services will be provided
- Add a condition that the applicant shall grant an easement or other permanent cross parking agreement to himself for six new parking spaces and allow signage that they are for the exclusive use of the senior care facility
- Add a condition to include the inclusionary housing ordinance
- Add a condition to provide handicap ramps on the walkway from the public right of way

Commissioner Sweeney asked if they could add a seventh covered spot on the church site.

Mr. Brancic said that the parking on the church site is at an angle and if the structure crosses the property line they may not be able to do that.

Commissioner Anderson asked if they could be angled.

Mr. Brancic stated no they could not.

Commissioner Sweeney made a motion to approve Site Development Review SD-12-03 and Variance V-06-03 based upon amended findings 1 – 13 (changing finding #8) and based on the amended conditions of approval and adopting a resolution confirming this action.

Chairperson Savage seconded the motion.

AYES	3 (Anderson, Savage, Sweeney)
NOES	1 (Kelley)
ABSTAIN	0
ABSENT	1 (Lew)

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. SITE DEVELOPMENT REVIEW SD-11-03,** Initiated by Fred Dal Broi, for the San Francisco Chronicle, the project proposes to expand the existing San Francisco Chronicle packaging center with an additional 22,000 square feet to the production printing press plant. The project site is located at 1550 Pacific Street, Union City, and is identified as Assessor's Parcel Number APN: 475-0100-035. The property is zoned ML, Light Industrial. A Mitigated Negative Declaration has been prepared for this project.

Tina Gallegos, Associate Planner, presented the staff report.

Commissioner Sweeney asked if it is a Mitigated Negative Declaration or not.

Ms. Gallegos stated that it is a Mitigated Negative Declaration.

Commissioner Kelley asked if the condition for numbering the building was necessary.

Ms. Gallegos stated that it can be deleted.

Commissioner Sweeney asked to have conditions #17 and #18 changed to state "Union City" vice "Fremont".

Chairperson Savage invited interested persons to come up to speak.

Commissioner Anderson moved to approve Site Development Review SD-11-03 making the specific findings 1 – 4, with the amended conditions of approval and adopting a resolution confirming this action.

Commissioner Sweeney seconded

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

VII. COMMISSION MATTERS:

A. The staff reviewed the Planning items from the September 23, 2003 City Council meeting.

B. The staff listed the upcoming applications for the Adjourned Regular Planning Commission meeting for December 11, 2003.

Kerry Ingredients
Mejia project
Industrial planned development on Kohoutek
Study for change of the Industrial Zoning Ordinance

X. GOOD OF THE ORDER:

Commissioner Sweeney asked whom to contact about people dumping trash along Appian Way.

Ms. Malloy stated that she should contact Rick Sealana in the Public Works Department.

Chairperson Savage stated there is still graffiti on the fence at 9th Street and E Street and now it is spreading to the sidewalks.

Ms. Malloy suggested moving the next Planning Commission meeting to Dec 11, 2003 and canceling the meetings on December 4 and 18, 2003.

The Planning Commission agreed to the change.

Commissioner Anderson asked about getting the staff reports via electronic means.

Ms. Malloy stated that the text could be sent electronically but the exhibits are not usually received in electronic form and therefore could not be sent. Ms. Malloy said that she would refer the question to Mr. Leonard.

XI. ADJOURNMENT:

The meeting adjourned at 9:18 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY