

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF FEBRUARY 5, 2004, 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: Mark Leonard (Director, Economic and Community Development); Aki Honda (Associate Planner); Tina Gallegos (Assistant Planner); John Bakker (City Attorney); and Kris Fitzgerald (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the Regular Planning Commission meeting of January 15, 2004 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-02-04, USE PERMIT UP-01-04, ZONING TEXT AMENDMENT AT-02-04; Initiated by Vincent Wong, on behalf of the property owner, Christopher Viray, D.D.S., the applicant is requesting approval to construct a one-story, 3,137 square foot dental office building on an approximately 7,200 square foot vacant property on the northwest corner of Union Landing Boulevard and Alvarado-Niles Road, identified as 31210 Alvarado-Niles Road (APN 463-60-29). The project entails a request for a Zoning Text Amendment, AT-02-04, to modify the Union Landing Commercial (CUL) zoning district to conditionally permit medical and dental uses in stand alone office buildings within the Subregional Specialty Commercial (SRSC) Development Type, a Site Development Review, SD-02-04, to allow development of the one-story building, and a Use Permit, UP-01-04, to allow the dental office in the stand alone building within the Subregional Specialty Commercial (SRSC) Development Type in the CUL zone. The General Plan designation for the project site is CR (Retail Commercial). The proposed project is considered Categorically Exempt per Section 15332 (In-Fill Development Projects) and Section 15303(C) (New Construction or Conversion of Small Structures) and 15061 (b)(3) of the California Environmental Quality Act Guidelines (CEQA).**

Aki Honda, Associate Planner, presented the staff report.

Commissioner Sweeney asked where the 14-foot right of way is drawn on the plan.

Ms. Honda stated that it is on the plan but it is not labeled.

Commissioner Sweeney asked if any of the landscaping in the planters where the right of way is would remain after widening of Alvarado-Niles Road.

Ms. Honda stated that the applicant has proposed landscaping next to the building that will remain.

Commissioner Sweeney asked why a Zoning Text Amendment is needed.

Ms. Honda stated that it is to eliminate restaurant uses.

Commissioner Sweeney asked if the signage in the proposed plans would be the one the applicant plans on using.

Ms. Honda stated that the applicant has not submitted a sign plan.

Commissioner Sweeney asked if any of the plants would remain after Alvarado-Niles Road has been widened.

Ms. Honda stated that there would be approximately six feet of space remaining after the road is widened.

Commissioner Sweeney asked if the property line would be behind the sidewalk.

Ms. Honda stated that the property line would be behind the planter.

Commissioner Sweeney asked if the planter would have a retaining wall behind it.

Ms. Honda referred the question to the applicant.

Commissioner Kelley asked if condition #24 was needed since the lot is so small.

Ms. Honda stated that it is included because it is a standard condition of approval and that the Planning Commission can delete it.

Commissioner Sweeney stated that condition #24 is unnecessary due to location of lot.

Commissioner Kelley asked why condition #39 in the second paragraph referenced a second story when this project does not have one.

Ms. Honda stated that the second paragraph could be removed.

Commissioner Sweeney clarified that only the second paragraph of condition #39 is being removed.

Commissioner Kelley asked what is Environmental Programs asking for in condition #63.

Ms. Honda stated that it is an Environmental Programs catch all standard condition of approval.

John Bakker, City Attorney, stated that the following conditions #64 and #65 are also Environmental Programs conditions and condition #63 states at the end to incorporate all of the following conditions into the plans. It is the responsibility of the applicant to respond to all of the required conditions.

Commissioner Kelley asked regarding condition #13 whether the applicant or the city is to coordinate with the City's Graffiti Action Team.

Mark Leonard, Director, Economic and Community Development, stated that the applicant will submit the color schemes and then the staff will coordinate with Public Works for graffiti abatement and then staff would apprise the applicant of the actual colors available.

Commissioner Kelley feels that condition #94 should be grouped with conditions #64 and #65.

Commissioner Sweeney feels that it is true for conditions #94, #95 and #96 and that they should be moved to the Environmental Programs area.

Commissioner Kelley page A2 where will the trash receptacles be placed.

Ms. Honda stated that there will be a utility room at the back of the building and the trash enclosure will be inside the building.

Commissioner Kelley asked how much closer would the Radio Shack store be to Alvarado-Niles Road after the road-widening project.

Mr. Leonard stated that the road widening would be at a slight angle so there will not be as much right of way taken as it goes west toward Dyer Street.

Commissioner Anderson asked if the Holiday Inn Express is supportive of the redesigned project.

Ms. Honda replied that Holiday Inn Express is supportive verbally.

Mr. Leonard stated that staff met with the representative from Holiday Inn Express and went over design of new project with the lower height and they are now supportive of the project.

Commissioner Anderson stated that the second to last sentence in condition #23 doesn't appear to be applicable to the applicant.

Mr. Bakker suggest that the second to last sentence be changed to read, "The applicant shall obtain the signature of the Alameda County Water District on plans to acknowledge the 10 foot setback requirement".

Chairperson Savage opened the public hearing.

Vincent Wong, Architect, 10050 Imperial Ave., Cupertino, CA 95014, would like to change the condition for public art to be in place before the certificate of building occupancy is issued versus before building permits are issued. Mr. Wong is willing to work with staff on the color palette. Mr. Wong stated that the property line will be at edge of sidewalk after the new road is built and there will be a 10 foot area that will be occupied by sidewalk and landscape.

Commissioner Sweeney asked if that would be to the back of the sidewalk or to the curb edge of the sidewalk.

Mr. Wong stated that it would be to the curb edge of the sidewalk.

Commissioner Sweeney asked about the ramp that has a downward slope and how will it be accommodated after the road widening.

Mr. Wong stated that it will be turned sideways and will slope about 2% over 20 feet.

Commissioner Sweeney clarified that means that about 20 feet of planting will be removed to accommodate the ramp.

Commissioner Sweeney asked how the elevation of the front of the building looks in relation to Alvarado-Niles Road.

Mr. Wong stated that the slope would be about 2% there will be a retaining wall and a 2-foot planting strip that will follow the slope.

Commissioner Sweeney asked if the other planter would have a retaining wall.

Mr. Wong stated that it would and would be about 2 feet below present sidewalk.

Commissioner Sweeney stated that the planter strip would be considerably lower than Alvarado-Niles Road after the widening.

Mr. Wong stated that he couldn't tell at this point because he doesn't know the final elevation of the sidewalk.

Mr. Wong stated that the ramp is sloping down and the planter is level with a retaining wall that is level.

Commissioner Kelley asked if the City has plans to widen Smith Street at the same time as Alvarado-Niles Road.

Mr. Leonard stated that the City does not.

Commissioner Kelley asked if the City has plans to widen Dyer Street from Whipple to Alvarado-Niles Road.

Mr. Leonard stated that the City does not.

Commissioner Kelley asked if a wider Alvarado Niles Road would create more congestion on Dyer Street.

Mr. Leonard stated that it may and should be considered if anything else is built along Dyer Street.

Chairperson Savage closed the public hearing.

Commissioner Sweeney stated that she likes the building but is not comfortable with how this building will fit with the future widening of Alvarado-Niles Road. She feels that the public art should be visible after widening and the planter and trees are important.

Commissioner Sweeney stated that she would like to continue this item so that the City Engineer can check the plans, especially the sidewalk and retaining walls.

Chairperson Savage would agree to continue also.

Commissioner Sweeney stated that she has concerns about the ramp.

Commissioner Kelley feels uncomfortable with continuing the item, as he doesn't have any problems with the new design of the building.

Commissioner Anderson thinks that this new building design could work.

Mr. Leonard suggested if the applicant would be comfortable meeting with the City Engineer to come up with a diagram that will show the grading, and new elevations and the continuing the project for one or two meetings.

Mr. Wong stated that would be an excellent suggestion, as he wants to work with the City to get this project completed. He would be willing to have his design team meet with City staff. Mr. Wong stated that now that the City has installed the new driveway they should have a better idea of how the plans should be drawn.

Mr. Wong stated that he could eliminate the ramp and put in landscape and steps instead.

Mr. Leonard suggested a condition of approval to install the sculpture at the proper height.

Commissioner Sweeney asked the applicant if he wanted the Planning Commission to approve the application this evening with modified conditions of approval or to continue the project.

Mr. Wong stated that he would prefer approval this evening with appropriate modified conditions of approval and to work with City staff.

Mr. Leonard asked if the Planning Commission wants to see the new elevation or are they comfortable with staff approval.

Commissioner Kelley stated that there are precedents for final approval by the Economic and Community Development Department through the conditions of approval rather than through the commission.

Chairperson Savage likes the plan and would be comfortable with conditions for staff approval.

Mr. Wong stated that it would allow them to work on several elements at the same time and would not change the building itself and the changes would be to the exterior.

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

1. condition #23 reword the last couple of sentences to read that "the applicant shall obtain signature approval from Alameda County Water Department prior to approval by Economic and Community Development Department.
2. condition #24 deleted.
3. condition #39 removed paragraph A.
4. condition #94 - 96 reorder with the rest of Environmental Programs Division conditions.

5. Add a new condition that the applicant shall meet with the City Engineer to design the cross section elevations to show the future right of way design after the widening of Alvarado-Niles Road as it relates to the building fountain and retaining wall.

Commissioner Sweeney stated her objections to the plan and that she would vote against it for the following reasons:

1. The conditions of approval don't adequately address the elevations of the public art.
2. The elevation of the retaining wall
3. Does not adequately address the landscaping selection after the road widening.
4. Does not talk about the engineering of the planter areas to address the change of elevations.
5. Have not asked the staff to look at how the building addresses the intersection now and after the widening of Alvarado-Niles Road.

Commissioner Kelley made a motion to recommend approval of Zoning Text Amendment AT-02-04 to the City Council, to approve Site Development Review SD-02-04 and Use Permit UP-01-04 making findings 1 – 7 and subject to the modified conditions of approval and adopt resolutions confirming this action.

Commissioner Anderson seconded the motion.

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

VI. SUPPLEMENTAL STAFF REPORTS:

A. **CONTINUED REPORTS:** None.

B. **NEW REPORTS:**

1. **ADMINISTRATIVE SITE DEVELOPMENT REVIEW ASD-29-03,**
Initiated by Jose Manuel Valdez on behalf of the property owner, the applicant proposes to demolish the existing residence and build a new two-story 2,690 square foot single-family residence with an attached 465 square foot two car garage. The project site is located at 33305 3rd Street and is identified as Assessor's Parcel Number APN 486-003-008-00. This project is exempt per Sections 15302 and 15303, Class 3 (a) of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Chairperson Savage asked why they still need a basement with a home this large.

Commissioner Kelley stated he is pleased to see the room over the garage removed. Commissioner Kelly asked how would the City enforce that the basement is going to be used just for storage.

Commissioner Kelley asked if condition #34 is appropriate for this project.

Ms. Gallegos stated that it could be removed or modified.

Chairperson Savage opened the public hearing.

Jerry Catanzano, 33125 7th Street, Union City, CA, stated that he is here at request of his sister-in-law and that the new plan is big improvement over the original plan and he recommends that the Planning Commission approve it.

Jose Manuel Valdes, 705 Canonbury, #383, Hayward, CA, stated that he wanted to come up with a design that would enhance the neighborhood. He stated that he worked on the issue of parking and the basement. Mr. Valdes stated that it would be a hardship on the owner to remove the basement because of cost.

Chairperson Savage asked how much it would cost to fill in the basement.

Mr. Valdes consulted with a civil engineer and said it would cost a lot to fill in the basement.

Commissioner Kelley asked if the applicant could have a parking space in the rear yard set back.

Mr. Leonard stated that there is a certain amount of frontage that would have to be unpaved and staff would have to do the calculations and asked whether the Planning Commission would want that much concrete in the backyard.

Commissioner Sweeney stated that there is adequate parking and compared to new homes that have more bedrooms there is more than enough.

Commissioner Sweeney stated that they have done a very nice job of redesigning the house.

Chairperson Savage closed the public hearing.

Commissioner Kelley made a motion to approve Administrative Site Development Review ASD-29-03, making the findings 1 – 5 with the stated conditions of approval and adopting a resolution confirming this action.

Commissioner Anderson seconded the motion.

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

- 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 proposed building will have a stucco exterior, tile roof, an arcade walkway, and a pedestrian connection to the adjacent shopping center. The project site is identified as Assessor's Parcel

Number APN 483-76-9-1 and is zoned CC, Community Commercial. The project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines under Section 15332, Class 32.

Ms. Gallegos stated that the applicant would be ready on March 4, 2004

VII. COMMISSION MATTERS:

- A. The staff reviewed the Planning items from the January 27, 2004 City Council meeting.
- B. The staff listed the upcoming applications for the Regular Planning Commission meeting for February 19, 2004.

X. GOOD OF THE ORDER:

Commissioner Sweeney received an announcement for the 2004 Planning Institute if anyone is interested. Commissioner Sweeney is planning to attend.

Commissioner Anderson is interested in attending the 2004 Planning Institute.

Commissioner Sweeney stated that there is a group of young people who hang out in her neighborhood that have vandalized the light standards and fire hydrants, etc. and asked if Public Works could repaint the objects that have been vandalized.

XI. ADJOURNMENT:

The meeting adjourned at 8:30 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY