

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF AUGUST 19, 2004, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF PRESENT:** Mark Leonard (Director, Economic and Community Development); Aki Honda (Associate Planner); Grant Cramond (City Engineer); John Bakker (City Attorney); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:** The minutes of the Regular Planning Commission of July 15, 2004 were approved as submitted.

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None.

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

- 1. DRY CREEK COTTAGE AND GARDENS, MAY ROAD, Site Development Review SD-07-04;** The East Bay Regional Park District is requesting approval of Site Development Review to construct a 50 car parking area and to allow limited public access to the property gardens through May Road. The East Bay Regional Park District, as lead agency has prepared a Mitigated Negative Declaration on the project and has determined there will be no significant effect on the environment with the incorporation of mitigation measures. **(CONTINUED TO SEPTEMBER 16, 2004)**

Chairperson Savage made a motion to continue Site Development Review SD-07-04 to September 16, 2004.

Commissioner Sweeney seconded the motion.

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

**B. NEW HEARINGS:**

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

1. **WASHINGTON HOSPITAL/BERKELEY LAND, 33077 AND 33121 ALVARADO NILES RD, Site Development Review SD-08-04;** Washington Hospital and Berkeley Land are requesting approval of a Site Development Review Permit to construct a 5,940 SF one-story medical office building for Washington Hospital with an associated 2,050 SF conference center on property located at 33077 Alvarado-Niles Road (APN 475-0148-004) and a 7,350 SF one-story retail commercial building on property located at 33121 Alvarado-Niles Road (APN 475-0148-005). The proposed project is considered Categorically Exempt per Section 15332, Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Aki Honda, Associate Planner, presented the staff report.

Commissioner Lew asked if the driveway on Alvarado-Niles Road will be right turn only.

Ms. Honda stated that is correct, as the median will block left turns.

Commissioner Lew asked if patrons would have to make a u-turn to get into the project from Alvarado-Niles Road.

Ms. Honda stated they could do that or they could enter and exit at the Dowe Avenue entrance/exit where there is a signal at Dowe Avenue/Alvarado-Niles Road.

Commissioner Lew asked if the project will maintain two separate addresses.

Ms. Honda stated that it would.

Commissioner Lew confirmed that there are two separate property owners for this project. Commissioner Lew stated that when the demolition was approved by City Council they added a condition of approval for one of the addresses for public art. Commissioner Lew asked why the second property isn't required to have public art.

Mark Leonard, Director, Economic and Community Development stated that staff looked at this project as one project even though the ownerships are separate. Mr. Leonard stated that staff felt that money for public art should go into one art piece, which might be more prominent than two pieces.

Commissioner Lew stated that the requirement for water tower art only applied to one property.

Mr. Leonard stated that is true but the public art would probably be located between both buildings and serve as a unifying piece of art for the entire project.

Commissioner Lew asked how much will the art piece cost.

Mr. Leonard stated that cost is premature; staff wants to see what the art will look like first.

Commissioner Lew stated that she would like two pieces of art or an in-lieu fee if there is only one.

Ms. Honda stated that the applicant is proposing a water feature in the central plaza area.

Commissioner Lew asked if a concrete fence is proposed to separate the project from the residential development.

Ms. Honda stated that there would be a masonry wall to separate the commercial site from the adjacent residential properties and they also plan on adding heavy vegetation on the Washington Hospital site.

Commissioner Lew asked if there would be any access from Quail Drive.

Ms. Honda stated that there will be no access from Quail Drive into the project.

Commissioner Sweeney stated that she noticed that some trees have already been removed but there is no condition of approval for replacing the trees already removed.

Ms. Honda has spoken with Rick Sealana, CityArborist, and he has done an assessment of the trees that have been removed and is working with the applicants on how to provide additional replacement vegetation.

Commissioner Sweeney asked if there were going to be additional trees removed.

Ms. Honda stated that is correct.

Commissioner Anderson asked to have a condition to make sure that the future tenant uses are consistent with the zoning.

Ms. Honda stated that could be added.

Commissioner Anderson asked if condition #17 could be modified to include a requirement to upgrade the tree sizes dependent on the City Arborist's assessment.

Commissioner Anderson asked if the location of artwork could be made a part of the conditions of approval.

Ms. Honda stated that the proposed artwork has to go to Arts Council for approval but the Planning Commission can make a recommendation to the Arts Council on locations.

Commissioner Anderson asked to modify condition #19 to assign a location for the artwork.

Ms. Honda stated that was possible.

Commissioner Anderson stated that in condition #50 it calls for red curbs for 30 feet in both directions. Commissioner Anderson stated that he does not think there will be enough curb for that.

Ms. Honda stated that there would be.

Commissioner Sweeney asked to clarify that Commissioner Anderson wants to change condition #17 to upgrade the size of the trees.

Commissioner Anderson stated that he wants to change to let the arborist determine what trees need to be upgraded.

Commissioner Sweeney stated that the condition #17 is to add additional trees on the Berkeley Farm site.

Commissioner Sweeney stated that the trees were removed from the Washington Hospital site.

Commissioner Anderson stated that he wanted condition #17 to include that the City Arborist can upgrade trees if needed.

Commissioner Sweeney asked if Commissioner Anderson would be willing to use location B for additional trees.

Commissioner Anderson stated that would be fine.

Chairperson Savage opened the public hearing.

Joyce Cortez, 33134 Quail Drive, Union City, CA, stated that her home is adjacent to the old Sa property. Mrs. Cortez stated that she has concerns about the height of the masonry wall and the location near her front door.

Ms. Honda stated that a specific design for the wall has not yet been submitted. Ms. Honda stated that the wall will be 6 feet in height.

Mrs. Cortez stated that her front door faces that masonry wall, will be only 14 feet from their front door and devastate the view. Mrs. Cortez suggested a four-foot tall masonry wall with some type of open metal lattice work up to six feet.

Mr. Leonard stated that the maximum fence height is six feet and they could work with a four-foot masonry wall with a metal lattice on top. Mr. Leonard stated that it would be up to the commission to condition the application if they so desire.

Mrs. Cortez stated that she would like the artwork to be placed in the plaza as the other location would be visible from her property.

Mrs. Cortez stated her concerns about the location of the trash enclosure. Mrs. Cortez stated that on the current plans it would be located next to her property line. Mrs. Cortez stated her concerns about the smells, noises, etc.

Mrs. Cortez stated her concerns about the type of tree proposed along her property and that the magnolia tree proposed is very messy and would drop flowers and leaves on their property. Mrs. Cortez would like a less messy tree next to their property.

Mrs. Cortez asked if new proposed uses for the retail uses would come before the Planning Commission.

Mr. Leonard stated that they would be processed through over the counter business licenses.

Mrs. Cortez asked what will be the final elevation between their property and the new site.

Commissioner Sweeney pointed out that she had just asked for lower fence.

Mrs. Cortez stated that this is more for the backyard than the front yard.

Mrs. Cortez stated that they are not worried about the height of the fence at the rear of their property.

Mr. Leonard stated that right now staff doesn't have the information.

Grant Cramond, City Engineer, stated that the wall could be 6 feet but by the time it gets to your property it could be 7 feet.

Mrs. Cortez stated that there is a pest problem on the Sa property as there are many ant nests.

John Eddy, Washington Hospital, 2000 Mowry Ave., Fremont, CA, thanked the commission and staff for having them here tonight. Mr. Eddy stated that they had notified the surrounding neighbors about the project and held a meeting with them.

Commissioner Lew asked if there will be a covered walkway or canopy between the conference center and the main building.

Mr. Eddy stated that they have not designed one at this point.

Commissioner Lew spoke about her concerns for the patrons having to cross without some sort of protection.

Mr. Eddy stated that they didn't feel that an awing would fit aesthetically.

Commissioner Lew asked if the conference center will be used on daily basis.

Mr. Eddy stated that he did not know if it will be used everyday.

Commissioner Lew spoke about her concerns for safety on the project.

Mr. Eddy stated that the hospital employs a private security firm.

Commissioner Lew stated her thoughts that since there are two separate addresses there should be two separate art projects.

Mr. Eddy stated that they proposed in the central area to design a sculptured object that has a water element to it.

Commissioner Lew suggested enhancing the water tower art with something to remember the Victorian home that will be torn down.

Mr. Eddy stated that there are no firm ideas at this point. Mr. Eddy suggested one possible design with plexiglass sides so that information about the area and city could be posted behind it.

Commissioner Lew stated that she likes the landscape plans.

Chairperson Savage stated that she had some initial reservations but now finds the project very attractive.

Barry Ferrier, 32212 Allison Way, Union City, stated that he is glad to see that this is finally getting developed. Mr. Ferrier thanked Commissioner Sweeney and Carol Dutra-Vernaci for helping the Union City CERT team have space to store their equipment in the conference center. Mr. Ferrier stated that he is glad to see more meeting space available for Union City.

Hugh McNamara, 32238 Mercury Way, Union City, stated his concerns that any restaurants located in the retail center on the Sa property will be unique to the area considering the proximity to Union Landing.

Mr. McNamara asked if the new business will be high traffic because it is hard to make a right turn on to Alvarado-Niles Road.

Commissioner Sweeney asked about the landscaping in front of the retail site.

Neelu Yadan, Landscape Architect, stated that along Alvarado-Niles Road there will be London Plane trees that will match with what the city has already planted along Alvarado-Niles Road. Ms. Yadan stated that the corner will be accented with the conference center, pear trees, and accent plantings in front of the sign.

Commissioner Sweeney stated that her concern is the frontage of Alvarado-Niles Road by the retail building. Commissioner Sweeney stated that there will be opaque panels with stucco above and no street frontage activity.

Ms. Yadan stated that there will be lawn then a double tier first of ground cover and then shrubs.

Commissioner Sweeney asked what will be the height of shrubs.

Ms. Yadan stated that the lawn will be 4–6 inches, the ground cover will be 18 inches and the shrubs will be about 3 feet tall.

Commissioner Sweeney suggested more softening on the sides.

Ms. Yadan stated that there are no detailed plans yet.

Chairperson Savage closed the public hearing.

Commissioner Sweeney thanked Washington Hospital for providing an area to store the equipment for the CERT team.

Commissioner Sweeney suggested that condition #54 be modified to state “site owner or operator” instead of “homeowner’s association”.

Mr. Leonard read back:

- New Condition to add that new future uses shall conform to the CPA zone.
- Condition #17 - the applicant shall add additional or upgraded trees along the southern and eastern property lines of both properties that are adjacent to residential properties per the City Arborist requirements. The applicant shall pay a fine or plant additional trees for the premature removal of trees on the hospital site per the City Arborist recommendations. Plant more trees to flank the Alvarado-Niles Road driveway in Location B.
- Condition #19 shall include a recommendation to the arts council that placement of the public art be in location A. Add a requirement to enhance the water tower art to include acknowledgement of the Victorian home.
- Condition #54 change to the site owner and/or operator shall be responsible...

Commissioner Anderson asked where the applicant could move the trash enclosure.

Mr. Leonard pointed out the locations on the model.

Ms. Honda stated that it is not in the conditions of approval but is shown on the plans.

Mr. Leonard stated that staff should add a condition to relocate the dumpster from the south east corner of the site to another location to be determined.

Mr. Eddy stated that he is concerned that it is all residential behind the properties and that this issue will come up again.

Commissioner Sweeney stated that was true but the first location is near a homeowner's front door and the new location would be closer to a backyard area.

Mr. Eddy stated that he is willing to work with the residents.

Commissioner Sweeney asked if it can't be relocated then perhaps they could more densely vegetate the area.

Mr. Leonard stated that the new condition could read "that the location of the trash enclosure at the south east corner of the site shall be reevaluated and relocated if possible".

Commissioner Sweeney asked to include that if it stays in it's current location that it will be more heavily landscaped than is currently shown on the plan.

Brian Lamprell, Hawley, Peterson & Snyder Architects, pointed out that the trash enclosure is in the southeast corner not the southwest.

Commissioner Lew pointed out that that is also the area where the fence height would be lowered and grill work added.

Commissioner Anderson stated that he would prefer to let staff work it out with the applicant.

Commissioner Lew asked if there aren't there two trash enclosures, one for the retail building and one for the hospital. Commissioner Lew asked if the retail enclosure could be put inside the building or adjoining the building.

Mr. Leonard stated that might want to check with the applicant as putting it in the building would take up a lot of space.

Alan Turner, Hawley, Peterson & Snyder Architects, stated that they did look at all these options and did speak with the residents about these concerns. Mr. Turner stated that one option is to move the wall off the property line a little to the west and then the wall could stay tall enough to shield the trash enclosure and give them more room on the resident's side of the wall. Mr. Turner is willing to work with staff and the neighbors.

Commissioner Lew asked if they would be giving up the property on the other side of the wall if it was moved to the west.

Mr. Turner stated that would have to be discussed.

Commissioner Anderson made a motion to approve Site Development Review SD-08-04 making findings 1 – 5 and with the modified conditions of approval and recommending the Planning Commission adopt resolutions confirming these actions.

Commissioner Sweeney seconded the motion.

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

**VII. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of September 2, 2004.

**VIII. GOOD OF THE ORDER:**

**IX. ADJOURNMENT:**

**APPROVED:**

---

ROSEMARY SAVAGE, CHAIRPERSON

**ATTEST:**

---

MARK LEONARD, SECRETARY