

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

I. SWEARING IN OF NEW PLANNING COMMISSIONER: Rey Sison

**II. ROLL CALL: Commissioners Lew, Sison, and Acting Chairperson Sweeney
Absent: Chairperson Savage, Vice-Chairperson Anderson**

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); John Bakker (City Attorney); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

III. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of September 16, 2004 were approved as submitted.

IV. ORAL COMMUNICATIONS:

Councilmember Carol Dutra-Vernaci, 30601 Watkins Court, Union City, spoke urging citizens to support Proposition 1A on the November ballot.

Hugh McNamara, 32223 Mercury Way, urged citizens to vote, as there are many issues in the upcoming election that are very important.

V. WRITTEN COMMUNICATIONS: None.

VI. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

- 1. PETSMART, COURTHOUSE DRIVE, Site Development Review SD-11-04 and Use Permit UP-07-04; the applicant, Glenn Shearer, representing PetsMart, is requesting Site Development Review to construct an 17,400 square foot pet supply store with a vet clinic. The applicant is also required to receive a Use Permit as stated by Union City General Plan Policy LU-D.1.4, where new uses for Union Landing must comply with the Conditional Use Permit provisions. The subject site is located on a vacant pad between Best Buy and Babies R Us in the Union Landing Shopping center, between Union Landing Boulevard and Courthouse Drive, Assessor Parcel Number APN: 463-60-48. A Program EIR was adopted for Union Landing in 1995, and a draft Negative Declaration was prepared to address the construction of the 316,000 square feet of retail commercial, which includes the project site. Therefore, no additional environmental review is required.**

Joan Malloy, Planning Manager, presented the staff report.

Mark Leonard, Director, Economic and Community Development, stated that it is important to receive conformation from Pappas Investments that they will abide by condition ##30. Mr. Leonard stated that if

they have any reservations or feel that they cannot commit to it, that the project should be continued until they can arrive at an acceptable solution to the screening behind Lowe's.

Acting Chairperson Sweeney suggested that condition #30 be modified to make it clear as to what is going to be screened. Acting Chairperson Sweeney suggested that it read "landscaping, irrigation and plants to screen the garden center and the service area as seen from Interstate 880, the off-ramp and Alvarado-Niles Road." Acting Chairperson Sweeney suggested the screening may need to include the frontage along Interstate 880, the frontage of the off-ramp, Alvarado-Niles Road and the western edge of the Lowe's property next to the transit center.

Chairperson Sweeney opened the public hearing.

Thad Johnson, Pappas Union City, 2020 L Street, Sacramento, CA 95814 stated that they still have objections. Mr. Johnson has objections to conditions #14 and #24. Mr. Johnson stated that staff met with Lowe's and Pappas Investments. Mr. Johnson stated that Lowe's has started to take down the materials that were stored above the screening, and a landscaper has said that there was inadequate flow to the landscaping and will correct the problem. Mr. Johnson stated that Lowe's is considering putting in slats in the fencing but is worried about high wind issues. Mr. Johnson stated that they are still looking in the problem with the trellises. Mr. Johnson stated that they still object to the condition because it is for a separate property and that they can't go on the property without Lowe's approval. Mr. Johnson stated that they do not want to hold up PetsMart due to these issues.

Acting Chairperson Sweeney stated that in condition #30 it states that if the property owner can provide written proof that they are not allowed to enter the property then the condition will not apply and the city will have to pursue other remedies.

Mr. Johnson stated that they support the PBID because it provides valuable resources, but they do not like giving up their right to an independent vote.

Acting Chairperson Sweeney asked about the turning radius behind the PetsMart building and whether a truck turning would encroach on the loading ramp.

Glen Shearer, Huitt-Zollars, 426 N 44th St., Suite 300, Phoenix, AZ 85008, stated that they worked with Karl Schneider of the Fire Department, and that they are looking into moving the ramp more so that turns could be made.

Acting Chairperson Sweeney asked about other trucks besides fire truck that are going through there.

Mr. Shearer stated that the fire truck has the largest turning radius and that is what they are considering.

Acting Chairperson Sweeney asked if the ramp is not going to be part of the turn.

Mr. Shearer stated that they are trying to move the ramp back so that it won't be part of the turn.

Mr. Shearer stated that PetsMart still objects to conditions #24 and #30. Mr. Shearer stated that they are leasing the land from the property owner and it is not fair to hold up their project for these two conditions.

Acting Chairperson Sweeney closed the public hearing.

Acting Chairperson Sweeney is prepared to leave the conditions the way they are and let the application go forward.

Mr. Leonard wanted to clarify that there are two types of PBID's a business PBID and a property owner PBID. Mr. Leonard pointed out that the property owner (Pappas) voted against the PBID on several properties and that is why staff has chosen to condition the project the way they did. Mr. Leonard stated that we know how the votes were cast because it was a public vote and the City Clerk opened the votes in a public session.

Commissioner Lew stated that in this situation they are not going to be able to satisfy the property owner and that the City Attorney has said that these condition are supportable and support the City's interest.

Acting Chairperson Sweeney made a motion to approve Site Development Review SD-11-04 and Use Permit UP-07-04, making findings 1 – 8, with conditions of approval as modified and adopting resolutions confirming these actions.

Commissioner Lew seconded the motion.

AYES	3 (Lew, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	2 (Anderson, Savage)

B. NEW HEARINGS:

- 1. ZONING TEXT AMENDMENT AT-05-04;** Initiated by the City of Union City, a proposal to amend Chapter 18.44, Planned Unit Development, to permit planned unit developments on mixed-use (commercial and residential) parcels smaller than five acres in the Community Commercial (CC) and Specialty Commercial (CS) Districts within the Old Alvarado and Mission Boulevard neighborhoods with density limitations based on the RM 1500 standards. Also, proposed is an amendment to add a section to Chapter 18.36, Commercial District, to specifically address special design and siting criteria for the Mission Boulevard commercial corridor.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked what areas this would apply to in the Old Alvarado District.

Ms. Gallegos stated that it would only be allowed in the areas designated as CS (Specialty Commercial) in parts of Union City Boulevard and Smith Street in the Old Alvarado District.

Commissioner Lew asked what areas this will apply to on Mission Boulevard.

Ms. Gallegos stated it will apply to parcels zoned CC (Community Commercial) on Mission Boulevard.

Commissioner Lew asked if the west side of Mission Boulevard from Decoto Road to the Hayward city limits is part of the redevelopment area.

Mr. Leonard stated that the redevelopment area runs from city limits to city limits on the west side of Mission Boulevard.

Commissioner Lew asked how this zoning change would affect the redevelopment plan.

Mr. Leonard stated that the redevelopment plan is a financial mechanism to implement the zoning ordinance since the 2002 General Plan was adopted. Mr. Leonard stated that it is a goal of the General Plan to encourage mixed-uses along Mission Boulevard, Smith Street and Union City Boulevard.

Commissioner Lew asked if the current zoning code doesn't allow a PUD designation.

Ms. Gallegos stated that PUD designation is only allowed in residential districts not in commercial districts.

Commissioner Lew stated that in the new text of Chapter 18.36.200 the first statement is not a complete sentence.

Commissioner Lew asked if there are any other PUD's in Union City.

Mr. Leonard stated that there have been some PD's in commercial areas and industrial zones on parcels over 5 acres. Mr. Leonard stated that a PD was applied to the Home Depot area. Mr. Leonard stated that they used a PUD in Case Verde many years ago to create the linear parks.

Commissioner Lew stated that she thinks there must be CC&R's for the new development.

Mr. Leonard stated that PD and PUD standard's have nothing to do with ownerships unless a Tentative Tract or Tentative Parcel maps is involved.

Commissioner Sison clarified that this change only applies to the CS (Commercial Specialty) zoning district.

Acting Chairperson Sweeney asked what the area definition for Old Alvarado area is.

Ms. Gallegos stated that the Old Alvarado Design guidelines has a map of the area that is designated as Old Alvarado.

Acting Chairperson Sweeney suggested that when doing the update to the zoning code to include something that defines the Old Alvarado area.

John Bakker, City Attorney, stated that that it is a good suggestion to add a parenthetical to reference the Old Alvarado Design guidelines.

Acting Chairperson Sweeney asked why the design guidelines for the Old Alvarado area and the Mission area are not the same.

Ms. Malloy stated that some of the Old Alvarado design guidelines come from the Old Alvarado study. Ms. Malloy stated that the Mission guidelines come from the General Plan

Acting Chairperson Sweeney suggested carrying some of the Old Alvarado design guidelines from Sections 18.36.180(3) and 18.36.180 (5) into the Mission Design Guidelines. Acting Chairperson Sweeney suggested splitting the first paragraph of Section 18.36.200 to make it more easily understood.

Acting Chairperson Sweeney asked if the sidewalk is going to be widened or stay five feet wide with a ten-foot planting strip.

Ms. Malloy stated that the sidewalk should be six feet wide; the intention is to provide enough space to provide a pedestrian walk area.

Acting Chairperson Sweeney opened the public hearing.

Acting Chairperson Sweeney closed the public hearing

Commissioner Lew made a motion to recommend to the City Council to approve Zoning Text Amendment AT-05-04, and make a resolution confirming this action.

Commissioner Sweeney seconded the motion.

AYES	3 (Lew, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	2 (Anderson, Savage)

- 2. SANJIV BHANDARI, 33659 MISSION BLVD., Site Development Review SD-10-04, Use Permit UP-08-04;** the applicant is requesting Site Development Review approval to construct a mixed-use project with a new veterinary office and six living units. Use Permit approval is also requested to allow a planned unit development designation on the project to aggregate the street side yard requirement. The subject site is located at 33659 Mission Blvd. and is identified as Assessor's Parcel Number APN: 486-0006-033-00. This project is considered Categorical Exempt under Section 15332, Class 32 of the CEQA guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked if the single-family home is occupied.

Ms. Gallegos stated that she thinks it is rented out and referred the question to the applicant.

Commissioner Lew asked who will do the work of undergrounding the utilities.

Carlos Jocson, City Engineer, stated that PG&E will do the work.

Commissioner Lew asked if there will be any more cost for undergrounding the utilities after paying the deposit to the City.

Mr. Jocson stated that the deposit is a fair share of the cost as they are planning to underground the utilities from Tamarack to Decoto Road. Mr. Jocson stated that the cost may be more later on.

Commissioner Lew asked how much would the cost of the deposit be.

Mr. Jocson stated that as soon as he has more than 90% commitment to the project he can have it estimated. Mr. Jocson stated that it usually costs around \$250.00 per linear foot to underground utility lines.

Commissioner Lew asked if this will cover all the residential units and the veterinary clinic.

Mr. Jocson stated that it would.

Commissioner Lew asked if the City is requiring CC&R's on this project.

Ms. Gallegos stated that they are not.

Commissioner Lew asked if the residential units are going to be sold.

Mr. Leonard stated that they will be rental units so there is no subdivision map needed.

Commissioner Lew asked why a Variance for parking is mentioned in the staff report.

Ms. Gallegos stated that it was a typographical error in the report.

Acting Chairperson Sweeney opened the public hearing.

Sanjiv Bhandari, BKBC Architects, 1371 Oakland Blvd. #101, Walnut Creek, CA, thanked staff for their time and effort on this project. Mr. Bhandari stated that there is an existing veterinary clinic and house on the site and they are going to upgrade the site. Mr. Bhandari stated they used mixed uses to create the best use for the site. Mr. Bhandari stated that they enclosed the parking to create a better site. Mr. Bhandari tried to stay with the mission style but with a more contemporary look. Mr. Bhandari stated that they hope that the veterinarian will occupy one of the new units.

Commissioner Lew asked if the home is occupied.

Mr. Bhandari stated that it is a rental home.

Commissioner Lew asked if one of the new units will be offered to the family living in the rental unit.

Mr. Bhandari stated that it would.

Commissioner Lew commented about having the laundry room on the second floor and flooding problems that could occur.

Mr. Bhandari stated that it has been a dilemma. Mr. Bhandari worked on a project in San Ramon, and there they wanted the laundry room next to bedrooms.

Commissioner Lew asked why the food preparation area in the veterinary clinic is next to the treatment area. Commissioner Lew asked if it would be partitioned from the treatment area.

Mr. Bhandari stated that the area is for the staff.

Commissioner Lew asked if the units are being built for people to work at home.

Mr. Bhandari stated that they want to have the people that are working at the clinic live there, so as to cut down on commuting, etc.

Commissioner Lew asked where they have built similar projects.

Mr. Bhandari stated that they have built one in Fremont on Fremont Boulevard, and 3 projects are in Hayward. Mr. Bhandari stated that the Fremont project is very similar to the one they want to build here.

Acting Chairperson Sweeney commented on the fact that in units #2 and #3, the laundry is about as far away from the bedrooms as it could be.

Acting Chairperson Sweeney asked why only the east and west elevations have the enhanced window treatments.

Mr. Bhandari stated that he tried to create a variety of window treatments for the different sides.

Acting Chairperson Sweeney stated that she felt that the G Street sides of the two buildings are very plain.

Mr. Bhandari replied that they were trying to have similar architecture on the commercial buildings.

Acting Chairperson Sweeney asked how the clinic will handle the bio-hazard material.

Dr. Mann, stated that bio-hazard material is either picked up by outside service or there are containers that can be bought from private companies

Acting Chairperson Sweeney asked which method they are proposing to use.

Dr. Mann stated they would use the outside service.

Acting Chairperson Sweeney would you object to a condition that none of the bio-hazard be deposited in the trash nor stored in the trash enclosure.

Dr. Mann stated that is fine.

Acting Chairperson Sweeney asked where the dogs are going to be walked.

Dr. Mann stated that there will be no boarding at this clinic. Dr. Mann stated that there will be mostly day surgery with no one staying overnight at the clinic. Dr. Mann stated that overnight patients will go to either San Leandro or Fremont.

Acting Chairperson Sweeney asked how the parking is going to be reserved for the clinic.

Dr. Mann stated that the parking areas for the residents will be specified in the lease.

Commissioner Lew asked if the balconies that face Mission Boulevard are real or decorative.

Mr. Bhandari stated that they are functional balconies.

Commissioner Lew asked how they will keep small children from falling off the balconies.

Mr. Bhandari stated that the building will follow the Uniform Building Code with regards to balconies.

Commissioner Lew spoke of her concerns about the safety of the balconies.

Acting Chairperson Sweeney closed the public hearing.

Acting Chairperson Sweeney asked if condition #30 applies to the veterinary clinic only.

Ms. Gallegos stated that it is for the commercial part of the development.

Acting Chairperson Sweeney suggested clarifying condition #30 so that it states it is for the veterinary clinic.

Acting Chairperson Sweeney questioned the use of “shopping center” in condition #30.

Ms. Gallegos suggested a change to “the Mission Boulevard standards”.

Acting Chairperson Sweeney asked if there is a Mission Boulevard Design standards document.

Ms. Malloy stated that staff is currently working on new standards for Mission Boulevard.

Acting Chairperson Sweeney asked why condition #34 does not include painting numbers on the curb.

Ms. Gallegos stated that it can be included.

Commissioner Sison suggested changing conditions #24 and #25 so that it is buildings plural.

Commissioner Sison asked if there is a current project to underground utilities on Mission Boulevard.

Mr. Jocson stated that there is.

Commissioner Sison asked if all the other owners on Mission will be also be paying into the project.

Mr. Jocson stated that they would, however, most other properties are owned by the City at this time.

Commissioner Sison asked about the schedule of construction.

Mr. Jocson stated that they will work with an architect to coordinate the two projects. Mr. Jocson believes that the City project will be starting soon and that the applicant will catch up with them.

Acting Chairperson Sweeney went over the changes to the conditions of approval:

- Change conditions #24 and #25 “building” to plural
- Change condition #30 to specify for the veterinary clinic only.
- Change condition #34 to paint the street numbers on the curb.
- Add the Capital Facilities fee
- Add the Affordable housing in lieu fee

Commissioner Sweeney made a motion to approve Site Development Review SD-10-04 and Use Permit UP-08-04, making findings 1 – 7, with conditions of approval as modified and adopt resolutions conforming this action.

Commissioner Sison seconded the motion.

AYES	3 (Lew, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	2 (Anderson, Savage)

3. **TAM LAM, 33743 8TH STREET, Tentative Parcel Map TPM 8477, Variance V-04-04**, is requesting approval of a Tentative Parcel Map to subdivide a property located at 33743 8th Street (APN: 486-0027-005-07) into two parcels. Parcel 1 will be 7,625 square feet and Parcel 2 will be 5,000 square feet. No new structures are being proposed at this time. The applicant is also requesting a Variance to allow a reduced rear yard setback from the existing home to the proposed rear property line.

Joan Malloy, Planning Manager, presented the staff report.

Acting Chairperson Sweeney opened the public hearing

Acting Chairperson Sweeney closed public hearing

Acting Chairperson Sweeney asked if there is a way to make sure that if the house is replaced that they do not attempt to make use of the variance for the reduced setback.

Mr. Bakker stated that the variance does not run with the building and they would have to come back for a new Site Development Review in the event of any changes. Mr. Bakker stated that the variance applies to a very specific set of facts.

Commissioner Sison asked why there is a discrepancy between the letter from the property owner, which stated the distance is 8 feet and the staff report which states it is 8.8 feet.

Kevin (No speaker card filled out) stated that the letter was just an estimate until they had the final measurement from the surveyor.

Commissioner Lew made a motion to approve Tentative Parcel Map 8477 and Variance V-04-04, making findings 1 – 11, with the stated conditions of approval and recommending to the City Council to certify the Negative Declaration and adopting resolutions confirming these actions.

Commissioner Sison seconded the motion.

AYES	3 (Lew, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	2 (Anderson, Savage)

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. **ATHISH PRASAD, 4216 MARSTEN AVENUE, Administrative Site Development Review ASD-33-04**, the applicant, Timothy Green of HomeDesigns, on behalf of the property owner, Athish Prasad, is requesting Administrative Site Development Review approval for the construction of a new two-story single-family residence with an attached 2-car garage on an existing vacant lot. The property is

located at 4216 Marsten Avenue and is identified as Assessor's Parcel Number APN: 482-0030-043-01. This project is exempt per Section 15303, Class 3(a) of the California Environmental Quality (CEQA) Guidelines.

Joan Malloy, Planning Manager, presented the staff report.

Acting Chairperson Sweeney asked why the City is not requiring the applicant to underground the utilities.

Mr. Jocson stated that the area electrical service is overhead and when new development comes in they review each situation and it would be a hardship to make this one owner underground the utilities.

Commissioner Lew asked for clarification of condition #18.

Commissioner Lew asked for clarification of how the windows will be modified in condition #11

Mr. Leonard stated that it would be changed to say "centered horizontally" in condition #11

Commissioner Lew suggested changing condition #33 to say "the" instead of "each".

Commissioner Lew suggested that condition #40, and #41 should be modified to remove the word "development".

Mr. Leonard stated that condition #41 shall read "The developer shall provide a street tree in front of the home."

Commissioner Lew asked if the existing tree is on this lot or on the neighboring lot.

Mr. Leonard replied that he believes that the tree is in the next lot.

Commissioner Lew asked if it is a city tree.

Mr. Jocson stated that it is not a City tree. Mr. Jocson stated that they cannot remove any tree without a permit and if they do the fine is \$1000.00.

Commissioner Sweeney made a motion to approve Administrative Site Development Review ASD-33-04, making findings 1 – 5, with conditions of approval as modified and making a resolution approving this action.

Commissioner Lew seconded the motion.

AYES	3 (Lew, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	2 (Anderson, Savage)

2. REPORT ON THE BICYCLE AND PEDESTRIAN MASTER PLAN.

Joan Malloy, Planning Manager, presented the staff report.

Ian Moore, Alta Planning, presented the outline of how the Bicycle and Pedestrian Master plan will be prepared.

VIII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of October 21, 2004.

IX. GOOD OF THE ORDER:

Acting Chairperson Sweeney asked about the proliferation of the “Factory 2U” signs.

Mr. Leonard stated that he is going to put somebody on weekends to go out and confiscate the signs.

Acting Chairperson Sweeney stated that on east bound Alvarado-Niles Road at Mann Avenue there is a sign that says “No Parking” that is washed out and inconsistent with the striping on the pavement.

Acting Chairperson Sweeney stated that at 1647 H Street there is front yard of dirt with a car parked on it. She asked if there would be more landscaping done in the front yard.

Acting Chairperson Sweeney stated that at the Washington Hospital clinic groundbreaking she received a suggestion that the name of the subdivision relate in some way to the main street in the subdivision.

X. ADJOURNMENT: 9:55 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY