

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF AUGUST 18, 2005, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF PRESENT: Joan Malloy (Planning Manager); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of August 4, 2005 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

1. **VERIZON WIRELESS, 30935 COURTHOUSE DRIVE, Modification to Site Development Review SD-05-04 (previously known as SD-03-05) and Variance V-01-05;** the applicant is requesting approval for a third building sign where only two signs are permitted. The store is located at 30935 Courthouse Drive (APN: 463-0060-051-00) and is zoned CUL, Union Landing Commercial. This project is considered categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

Joan Malloy, Planning Manager, stated that the applicant has withdrawn the application.

B. NEW HEARINGS:

1. **LOWE'S, 32040 UNION LANDING BLVD., Site Development Review SD-08-05, Use Permit UP-08-05;** Initiated by Brian Nelson on behalf of Lowe's, the proposal is to infill 454 square feet under the Lowe's front entry canopy to create a Returned Merchandise Area, Money Room and Pick-up Room. As a result of this expansion of use, the front entry doors will be relocated and a pedestrian zone that is protected by bollards will be created at the front of the store. Some service and loading area will be eliminated immediately in front of the entry and exit doors. The property is located at 32040 Union Landing Boulevard, also identified as APN 463-0060-019. The property is zoned CUL, Union Landing Commercial. The proposed project is considered Categorically Exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Lew asked what the difference is between the pick up room and the money room.

Ms. Malloy replied that the deposits would be brought to the money room and then passed through a window to the pick up room for the armed guards to take to the armored car.

Commissioner Lew asked if the room will have a solid door.

Ms. Malloy replied that it would have a solid door.

Commissioner Lew asked what will happen to the hot dog stand.

Ms. Malloy replied that she believes it will be moved to the right of the new addition.

Commissioner Lew asked if that will require a new or revised Use Permit for the hot dog stand.

Ms. Malloy replied that it would not.

Commissioner Lew asked if the new entrance will allow entrance and exiting.

Ms. Malloy stated that there will be separate entrances and exits.

Commissioner Lew asked if trailers would be included in condition #10.

Ms. Malloy replied that trailers would be included.

Commissioner Sweeney asked to also include containers in condition #10.

Ms. Malloy stated that there is a condition in the original application to not store containers on site.

Commissioner Lew stated that she thinks there is a conflict between the original approval condition #41 and the new site plan where the flow of traffic is being changed by the new plan.

Ms. Malloy stated that there is no change in the traffic flow in the new plan.

Commissioner Sweeney asked to fix "A-N road" in condition #11.

Commissioner Sweeney asked whether the screening around the loading area would interfere with the traffic easement from the business next door.

Ms. Malloy stated that there should be no interference.

Commissioner Sweeney asked to split condition #12 into three separate conditions because they are 3 separate actions.

Commissioner Sweeney asked to add a condition that the loading area shall be kept clear of items for sale at all times because of the reduced size of the loading area.

Commissioner Savage asked if the condition to restrict items for sale on the sidewalk still applies.

Ms. Malloy replied that it still applies.

Commissioner Sison spoke of concerns with high pile storage and suggested making conditions more stringent.

Ms. Malloy stated that the property owner has submitted plans for trellising and Petsmart is in plan check.

Commissioner Sison stated his concern that moving the door will mean that customers will not have any shelter from the rain or a place to wait out of the elements.

Commissioner Sison suggested opening the emergency doors on the side to provide a vestibule area for customers.

Chairperson Anderson asked why a Use Permit was required for this expansion as there is an ordinance that allows for office space on the first floor of a building.

Ms. Malloy replied that this is a general merchandise retailer and their operations require a Use Permit and these changes are a part of the operations and therefore requires a Use Permit.

Chairperson Anderson opened the public hearing.

Brian Nelson, Architect, Lowe's, asked what area needs to be screened by the trellises.

Ms. Malloy replied that the trellising would go along Alvarado-Niles Road to screen the loading area.

Mr. Nelson asked what height the trellises should be.

Ms. Malloy replied that they should be similar to what is behind Best Buy which is about 12' high.

Mr. Nelson stated that these issues are the property owner issues and not the store issues.

Commissioner Anderson stated that Use Permit goes with the property and that they are listed as the applicant for this Use Permit.

Mr. Nelson asked if he could get the information for the applicant of the trellises.

Mr. Nelson asked where the additional screening is required in condition #11a.

Ms. Malloy stated that based on site walks with owner there are trees that have died and been removed in the front and on the side and additional landscaping in the loading area.

Mr. Nelson stated that the doors to the left of the vestibule will be egress only.

Ms. Malloy clarified that the commission wanted the doors to be opened up for entrance.

Commissioner Sison explained that there is a canopy over the existing entrance doors that helps with inclement weather and the new doors do not have any type of outside cover and by opening the doors on the left it provides customers an opportunity to shelter from the weather.

Mr. Nelson stated that there will still be a vestibule area and there will be a smaller cover area outside of the new doors.

Commissioner Sweeney asked where the armored car will park when making pick ups.

Mr. Nelson stated that they will stop in the loading zone.

Commissioner Sweeney asked if that is a fire lane.

Mr. Nelson stated that would stop on either side of the fire lane.

Commissioner Sweeney asked why they are not painting that area as a fire lane.

Ms. Malloy stated that the Fire Department will review the plans to make sure that all areas are marked appropriately.

Commissioner Sweeney asked why the pedestrian zone extends so far to the west.

Mr. Nelson stated that the original zone only went to the pick up room; however, Ms. Malloy said she wanted it to extend to the first pilaster.

Ms. Malloy stated that this is so people exiting the store will be protected by the pedestrian area.

Commissioner Sweeney asked where the store will put the materials that are currently stored in the truck trailer that has to be moved.

Richard Bowden, store manager, Lowe's, replied that the trailer is already empty and will be removed and the blue dumpster will also be removed.

Commissioner Sweeney asked if the food cart will stay where will it be located.

Mr. Bowden stated that it will probably be moved to the right side of the new entrance.

Commissioner Lew asked if there will be a way for customers who are making returns only to exit without going through the store.

Mr. Bowden stated that the outer doors of the vestibule will allow ingress/egress.

Barry Ferrier, Union City, CA stated concerns about the large expanse of concrete wall on the west side of the store. Mr. Ferrier stated that there are 10 rows of pallets in the parking lot that are visible from Interstate 880 and rental trucks with Lowe's names on them parked so they can be seen from the freeway. Mr. Ferrier is concerned about incorrect lane markings on Union Landing Blvd and the exit lane from Interstate 880 that should not be a right turn only lane.

Chairperson Anderson closed the public hearing.

Commissioner Lew asked to add a new condition for city approval of the new location of hot dog stand.

Commissioner Lew asked to add a new condition that new front doors will work both ways.

Commissioner Lew asked to add a new condition to restrict where Lowe's parks the rental trucks.

Commissioner Sweeney asked to add a new condition that existing doors near cart storage be used as entrance doors.

Commissioner Sweeney asked to add a new condition to restrict having sale items in the loading zone at all times.

Commissioner Sweeney asked to restate the original condition #26 that there shall be no outdoor display, storage or sale of products or supplies by any of the tenants, except when an Administrative Use Permit has been provided for a specific (five days or less) outdoor commercial event. Any outdoor sales event sponsored by Lowe's shall be located in the east parking lot adjacent to I-880.

Commissioner Sweeney asked to add a new condition to repair/replace the bollards in front of the store.

Ms. Malloy restated the new and amended conditions of approval:

- Entry doors into vestibule to operate as both entry/exit doors
- City to approve the new location of the hot dog stand
- City to specify where to park rental trucks.
- Condition #10 revised to clarify that it also applies to truck trailers and containers.
- Condition #12 to be broken into 3 separate conditions.
- Condition #14 revised to have the applicant repair/replace the bollards.
- New condition to keep the loading area clear of merchandise items.
- Restate condition #26 from original application.

Commissioner Lew made a motion to approve Site Development Review SD-08-05 and Use Permit UP-08-05, making findings 1 – 4, with the modified conditions of approval and adopting resolutions confirming this action.

Commissioner Sweeney seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSENT	0
ABSTAIN	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS: None.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting of September 15, 2005.

IX. GOOD OF THE ORDER: None.

X. ADJOURNMENT: 8:15 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY