

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF OCTOBER 6, 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:** Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Jene Jernigan (Senior Interim Planner); Kit Faubion (City Attorney); Farooq Azim (Civil Engineer); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:** The minutes of the Regular Planning Commission Meeting of September 15, 2005 were approved as submitted.

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None.

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:** None.

**B. NEW HEARINGS:**

- 1. AT-02-05, CITY OF UNION CITY, Ordinance for Recycling Facilities;**  
The City is proposing to amend Chapter 18.40, Industrial Districts to reclassify enclosed recycling facilities as a conditionally permitted use in the ML (Light Industrial) district. This project is exempt under Section 15061 of the California Environmental Quality Act (CEQA).

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Lew asked what is required for the application of a Use Permit.

Mark Leonard, Director, Economic and Community Development, stated that a Use Permit requires a site plan, how the operations will be laid out, if in an existing building, then pictures of the building, and a statement of use. Mr. Leonard stated that the statement of use should include operational hours, how many trucks in and out, what type of materials, environmental review under CEQA standards if needed.

Commissioner Lew asked if that operation required a business license.

Mr. Leonard replied that a business license is required.

Commissioner Lew asked how the business license works.

Mr. Leonard replied that a business license is not regulatory, it is a tax mechanism.

Commissioner Lew asked if the City has standards for recycling businesses.

Mr. Leonard replied that the standards are found in the zoning code for the ML district.

Commissioner Lew suggested that the City create standards to measure new recycling businesses.

Commissioner Sweeney suggested adding as part of application, wind direction, source of recycling materials, disposal of non-recycled material. Commissioner Sweeney would like to add a review date for the Use Permit to give the commission an opportunity to comment on actual operations.

Chairperson Anderson opened the public hearing.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney made a motion to recommend approval to the City Council Zoning Text Amendment AT-02-05, making findings 1 – 5, and adopting a resolution confirming this action.

Commissioner Lew seconded the motion.

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

- SPRINT WIRELESS SERVICES, 33485 WESTERN AVENUE, Use Permit UP-10-05 and Administrative Site Development Review ASD-20-05;** the applicant is requesting approval to allow a 50 foot tall wireless antenna monopole to be located in a ML, Light Industrial zoning district at 33485 Western Avenue in Union City (APN: 475-0100-010). The new antenna is proposed to be located behind the existing warehouse and will also include a 25' X 25' ground lease area that will accommodate four (4) equipment cabinets.

Jene Jernigan, Interim Senior Planner, presented the staff report.

Commissioner Sweeney asked whether the antennas would be flush mounted or mounted on arms out from the pole.

Mr. Jernigan replied that the application is for flush mounted antennae.

Commissioner Sweeney noted that missing from the conditions of approval is the condition stating to 'Failure to adhere to any conditions of approval by the applicant or occupant of the site shall be cause for revocation of the Use Permit.

Commissioner Sweeney noted that missing from the conditions of approval is the condition for contractors and sub-contractors to obtain Union City business license.

Commissioner Sweeney asked to add new condition that any change to the size or design of the antenna requires review and approval of the Economic and Community Development department.

Commissioner Lew asked who would pay for the sound study if it is required.

Mr. Leonard replied that it would be paid for by the applicant.

Commissioner Lew asked to change the condition to reflect that change.

Commissioner Lew asked where the technicians will park at the site after construction.

Mr. Jernigan stated that the antenna would be located in the large paved area in the back and there is sufficient parking in that area.

Chairperson Anderson asked what is the “Wireless Communications Policy” statement.

Mr. Jernigan replied that it asks applicants to locate on existing buildings, poles etc. before building new poles and to make them as unobtrusive as possible.

Chairperson Anderson asked to make the statement part of the record.

Mr. Leonard suggested adding a condition that applicant will abide by the “Telecommunications Policy” statement.

H. Glenn Davis, Sprint, complimented the planning department and its processes. Mr. Davis stated that the lease provides for 24/7 access to the site so there is no need to address parking in the application. Mr. Davis stated that there is well over ¼ of an acre of paved yard in the back area where the technicians can park their trucks.

Commissioner Lew asked if the cabinets are exposed to the weather.

Mr. Davis replied that they are.

Commissioner Lew asked if there is an existing fence around the area.

Mr. Davis replied that they will be building a new fence around the area that Sprint is leasing.

Commissioner Lew asked if all of Sprint's equipment will be located within the fenced area.

Mr. Davis replied that it would. Mr. Davis stated that they are prepared to allow another company to co-locate on their pole and that the pole would be able to accommodate a 15 foot extension to that end. Mr. Davis explained that some companies need a higher height to get coverage from their antennas.

Commissioner Lew asked if there is a concrete pad there.

Mr. Davis replied that they would be building a about 10 foot by 15 foot initially.

Commissioner Sison asked what the benefit to the city and residents of building a new monopole.

Mr. Davis stated that customers will have better service and since all carriers are being required to add GPS to aid in tracking where people with cell phones are calling from.

Commissioner Sweeney asked if the facility will have a back up generator.

Mr. Davis replied that there is no generator but there is a 4 hour battery back up.

Commissioner Sweeney asked about the 15 foot extension and who would be taking the upper position on the pole.

Mr. Davis replied that Sprint would remain in their current position on the pole and lease the higher space to the applicant.

Chairperson Anderson opened the public hearing.

Chairperson Anderson closed the public hearing.

Commissioner Lew made a motion to approve Use Permit UP-10-05 and Administrative Site Development Review ASD-20-05, making findings 1 – 3, 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

- PEIRONG GUO, DDS, INC., 29300 KOHOUTEK WAY, SUITE 100; Use Permit UP-11-05;** the applicant is requesting approval to allow a dental office in a MS, Industrial Special zoning district at 29300 Kohoutek Way, Suite 100, in Union City (APN: 463-0045-048). The facility proposes to occupy 2,396 square feet of space plus a 900 square foot mezzanine in the existing Kohoutek Commerce Center. The facility will provide all disciplines of dental care. The proposed project is categorically exempt under Section 15301. Class 1(a) Existing Facilities, of the California Environmental Quality Act (CEQA).

Jene Jernigan, Interim Senior Planner, presented the staff report.

Commissioner Sison asked how many persons will be on staff.

Mr. Jernigan referred the question to the applicant.

Commissioner Sweeney asked if the stairway shown on the plans currently exists or if it is part of the mezzanine improvement.

Mr. Jernigan replied that it would be part of the tenant improvement.

Commissioner Sweeney stated her concerns that shelving or other items will be stored in the non-office area.

Commissioner Lew asked how many bathrooms are downstairs.

Commissioner Sweeney stated that there appears to be two bathrooms downstairs.

Mr. Jernigan stated that the upstairs bathroom is for the staff only.

Commissioner Lew asked if they can use the area as a living area.

Mr. Jernigan replied that they could not.

Commissioner Lew asked if they would they be allowed to have kitchen facilities in the mezzanine area.

Mr. Jernigan replied that would be allowed.

Chairperson Anderson asked if the zoning ordinance assumes that office use in an industrial zone requires fewer parking spaces than office spaces in a commercial zone.

Mr. Jernigan replied that it does because the office is typically associated with the warehouse operations and therefore not a lot of public coming to the facility.

Chairperson Anderson asked if the parking requirement was calculated on the industrial zone or the commercial zone standards.

Mr. Jernigan replied that he used the industrial zone standard.

Chairperson Anderson asked how many more parking spaces would be required if this was in a commercial zone.

Mr. Jernigan replied eighteen parking spaces.

Chairperson Anderson asked to add a condition that requires there be one parking space for every 200 square feet of gross floor area.

Mr. Jernigan replied that there is sufficient parking available now.

Commissioner Sweeney stated that she has a problem with that in that the non-office area and the mezzanine are not occupied by the staff or the public and to base the parking on the total square footage penalizes the applicant.

Chairperson Anderson replied that if this operation were located in a commercial zone then the parking would be based on the gross floor area regardless of how it is used and the fact that it is being permitted to operate in an industrial zone doesn't change the requirements.

Chairperson Anderson asked to change condition #4 from "above" to "all".

Chairperson Anderson asked to change condition #7 from "must" to "shall".

Commissioner Sweeney asked to add the condition about contractors and subcontractors getting business licenses.

Commissioner Sison asked to clarify what it means that the association will take care of future parking problems.

Mr. Jernigan stated that the owners all have an interest in whether there are parking problems or not.

Commissioner Sison stated his concerns about future parking problems and does not want to see it spill over into the street.

Chairperson Anderson opened the public hearing.

Peirong Guo, DDS, Union City, stated that they will only be using 75% of the downstairs space for office and the mezzanine will be a staff lounge only. Dr. Guo stated that she believes that there will be adequate parking for the dental office.

Commissioner Lew asked how the mezzanine will be furnished.

Dr. Guo stated that it will be kept simple, just chairs and maybe a sofa.

Commissioner Lew asked if there will be a kitchen area upstairs.

Dr. Guo replied that the staff break room downstairs that will have a refrigerator and microwave.

Commissioner Lew asked why there is a bathroom with a shower upstairs.

Dr. Guo replied that the bathroom is optional.

Commissioner Sweeney asked what will be in the non-office area.

Dr. Guo stated that they plan to just leave it as open space or maybe some storage.

Commissioner Sweeney stated her concerns that shelving or anything else pushed up against the window.

Commissioner Sweeney asked if the windows are mirrored.

Mr. Jernigan stated that is correct that without interior lights on you cannot see into the building.

Commissioner Sweeney asked if the applicant would object to a condition that the mezzanine cannot be used as a residential unit.

Dr. Guo stated that it is not going to be used as a living space.

Commissioner Sweeney asked to add a condition to prohibit living in the mezzanine.

Chairperson Anderson wants to add condition to prohibit office use of the mezzanine.

Dr. Guo stated that would be fine.

Commissioner Sison asked how many staffers will be working there.

Dr. Guo stated that there will two or three dentists and 3 dental assistants.

Commissioner Sweeney asked how many non-dentist staff will be employed.

Dr. Guo replied usually the dental assistants work at the additional tasks and there might be an insurance person.

Chairperson Anderson closed the public hearing.

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

- Condition #4 change “above” to “all”

- Condition #7 change “must” to “shall”.
- Add a new condition that contractors and sub contractors must have a Union City business license.
- Add a new condition that the mezzanine shall not be used for office space.
- Add a new condition that no space in the building will be used for living purposes.
- Add a new condition that the applicant shall not place shelving or stack materials against the windows in the non-office area on the first floor.

Commissioner Sison stated his concerns over the parking.

Mr. Jernigan stated that some of the uses won't come before the commission because they will be permitted uses.

Chairperson Anderson feels that the owners will not bring in businesses if there are not enough parking spaces.

Commissioner Lew asked if the Police Department had reviewed this project because there were no conditions from the department.

Mr. Jernigan replied that they had and sent over a sheet with no requirements.

Commissioner Sison made a motion to approve Use Permit UP-11-05, making findings 1 – 5, with the modified conditions of approval and adopting a resolution confirming this action.

Commissioner Lew seconded the motion.

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

4. **LU HUANG, 1719 DECOTO ROAD; Use Permit UP-12-05;** the applicant, as representative for B & F Massage, is requesting approval to allow a massage facility at 1719 Decoto Road in Union City, zoned CC (Community Commercial). (APN: 486-0051-007). The facility proposes to occupy 696 square feet of space in the existing El Mercado Shopping Center, and provide body and foot massage therapy. The proposed project is categorically exempt under Section 15301 Class 1(a) Existing Facilities, of the California Environmental Quality Act (CEQA).

Jene Jernigan, Interim Senior Planner, presented the staff report.

Commissioner Lew asked why there are no conditions from the Police Department.

Mr. Jernigan replied that Police Department had done the background checks on the applicant and they had no new requirements for this site.

Commissioner Lew asked does the background check consist of.

Mr. Jernigan replied that he believes that it is a criminal history check and training certification on the applicant.

Commissioner Lew asked if the applicant has a license if it is required.

Mr. Jernigan replied that they are accredited by an organization.

Commissioner Sweeney asked to fix condition #4 to change “above” to “all”.

Commissioner Sison asked how the ceiling is.

Mr. Jernigan stated that it is the regular height and that the partition is six-foot high.

Chairperson Anderson asked to change to condition #4 to remove the word “modify”.

Lu Huang, B & F Massage, stated that the six foot high partition is to protect the customer.

Commissioner Lew asked where they were trained.

Ms. Huang replied that she was trained in Fremont at a massage school.

Commissioner Lew how many massage therapist will be employed there.

Ms. Huang stated that there would be three massage therapists.

Commissioner Lew asked if they are all certified.

Ms. Huang replied that they are all certified.

Commissioner Sweeney asked what the business hours will be.

Ms. Huang stated that it would be 10:00 a.m. to 10:00 p.m. 7 days a week.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney made a motion to approve Use Permit UP-12-05, making findings 1 – 4, with the modified conditions of approval and adopting a resolution confirming this action.

Commissioner Lew 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 October 20, 2005.

**IX. GOOD OF THE ORDER:**

Commissioner Lew stated that the Smith Street sign in the median is totally obscured by shrubbery when you are driving south on Union City Boulevard.

Commissioner Sweeney thanked the City Council for raising the stipend for the Planning Commission.

Commissioner Sison stated that on Smith Street by the Layola building there are two gaping holes where two trees were removed in the sidewalk area and it needs to be fixed or at least coned off.

**X. ADJOURNMENT:** 8:40 p.m.

**APPROVED:**

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**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**