

**CITY OF UNION CITY
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING
OF OCTOBER 5, 2006, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Carmela Campbell (Senior Planner); Janice Lum (Assistant Planner); Avalon Evans (Assistant Planner); Farooq Azim (Principal Civil Engineer); John Bakker (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of September 7, 2006 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. JOSELITO GUZMAN, 2660 HOP RANCH ROAD, Use Permit UP-10-06, the applicant, Joselito Guzman, is requesting a Use Permit to locate a day care center for infants, toddlers and preschool age children with a maximum capacity of twenty (20) children within an existing single-family residence located at 2660 Hop Ranch Road (APN: 475-0513-033). The project has been determined to be categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.**

Janice Lum, Assistant Planner, presented the staff report.

Commissioner Anderson asked where are the conditions of approval.

Ms. Lum replied that there are conditions of approval in the resolutions that are attached in the staff report.

Commissioner Anderson asked if the conditions that were referred to in the staff report are also in the resolutions.

Ms. Lum replied that they are in the resolutions.

Commissioner Sison asked if there are any other community service facilities in the area.

Ms. Lum replied that there are no other facilities within the 300 foot area.

Commissioner Sison asked if any complaints had been received by staff about the applicant's other facility located at 2461 Medallion Drive.

Mark Leonard, Director, Economic and Community Development, replied that to his knowledge there have been no complaints.

Chairperson Lew asked if the noise level was measured or if there are studies regarding the noise level of 20 children.

Mr. Leonard stated that staff did not do any quantitative studies but from a qualitative standpoint, the more children that are involved, the noisier it will be. Mr. Leonard stated that this is why staff recommends going to the next lower category which is 8 children and would be considered a residential use of the property.

Chairperson Lew asked if staff studied the applicant's current childcare facility.

Ms. Lum replied that she did not go to his current facility.

Chairperson Lew clarified that staff is not really sure of the level of noise that would be produced at the new facility.

Mr. Leonard stated noise is a factor but staff was more concerned with the traffic impact to the neighborhood.

Chairperson Lew asked if staff talked to the applicant about traffic at his current daycare facility.

Ms. Lum replied that she did not use his current facility as a comparison for the new facility. Ms. Lum stated that the primary basis for the recommendation was the location and the fact that the neighborhood is already burdened and that the point is to look at the site specifically not as a comparison.

Chairperson Lew stated that she is just trying to find out if staff went out to observe or not. Chairperson Lew stated that she has to take staff's word for it when they make recommendations. Chairperson Lew stated that she assumes that staff actually went out and did some observation; spoke to people, or measured noise or distance. Chairperson Lew stated that the report mentioned Teal Lane and the fact that the residents did not have any objections to the project but they are a further distance than the single family homes. Chairperson Lew referred to the drawing and stated that there were other residents on Great Arbor who objected to the project and were not mentioned and they live even farther away than the residents on Teal Lane and yet she is taking those into consideration.

Ms. Lum stated that she did drive around the area and Teal Lane feels like a physically separate area from Hop Ranch Road. Ms. Lum stated that all the residences that line the east side of Hop Ranch feel like one area that is affected by the same traffic, the same noise. Ms. Lum noted that Teal Lane felt more isolated and removed from the Hop Ranch traffic.

Chairperson Lew asked if the traffic and school noise are only a problem during school hours.

Mr. Leonard replied that peak traffic is in the morning and afternoon for the school and there is an additional peak in the afternoon for workers returning home.

Chairperson Lew stated that she wanted to be able to rely on the information provided in the report and wanted some background information on how staff reached their conclusions.

Chairperson Lew opened the public hearing.

Joselito Guzman, 2461 Medallion Drive, Union City. Mr. Guzman stated that his wife is a professional child care educator for the past eight years and they have been providing quality child care for residents of many cities. Mr. Guzman stated that he has received many inquiries for places for child care. Mr. Guzman stated that he is at the maximum allowed capacity of 14 for his facility at 2461 Medallion Drive. Mr. Guzman stated that he decided to expand his business because of all the inquiries he has received. Mr. Guzman stated that the new facility would offer infant, toddler, pre-school and school age programs. Mr. Guzman stated that they would offer before and after school service to school children.

Commissioner Sweeney asked to clarify that his application is for pre-school and below age children but he just stated that he wants to provide after school care for school age children.

Mr. Guzman replied that it would only be for a very limited time and provide the children with homework supervision. Mr. Guzman stated that it would not be the main service provided but would normally be for siblings of children already enrolled in the facility.

Commissioner Sweeney asked where on the plans would the before and after school children be cared for.

Mr. Guzman replied either in the dining area or pre-school area depending on the composition of the children for the day.

Commissioner Sweeney asked what times he expects children to be dropped off and picked up.

Mr. Guzman replied that business operations would be from 6:00 a.m. to 6:00 p.m. and usually parents drop off their children by 7:00 a.m. or 7:30 a.m. and pick up after 4:00 p.m. or 4:30 p.m.

Commissioner Savage asked what time students are let out at Cesar Chavez school.

Mr. Guzman stated that it is about 2:30 p.m.

Commissioner Savage asked if there are any parents that pick up that early.

Mr. Guzman replied that his three children attend New Haven schools, one each at Logan, Cesar Chavez and Kitayama.

Commissioner Savage asked if he had been at the house when school lets out to see what the traffic is like.

Mr. Guzman stated that there is no problem with traffic congestion but there is a problem with the red light. Mr. Guzman stated that they are providing off street parking so that their parents will have a safe space to pick up and drop off the children.

Chairperson Lew asked why he bought a house across from a middle school.

Mr. Guzman stated that they thought it would be a good place because of the location.

Chairperson Lew asked for more information about their existing day care facility.

Mr. Guzman stated that they have 19 children enrolled in their program but at any given time there is no more than 14 at the house. Mr. Guzman stated that the earliest drop off is at 6:00 a.m. and the latest drop off is at 10:30 a.m. but most are dropped off between 7:00 a.m. and 7:30 a.m.

Chairperson Lew asked how long does it takes for a child to be dropped off.

Mr. Guzman replied about 5 minutes.

Chairperson Lew asked if there are neighbors on both sides of his home.

Mr. Guzman replied that there are.

Chairperson Lew asked if his neighbors have ever complained about the traffic.

Mr. Guzman replied they have not.

Chairperson Lew asked if the neighbors have ever complained about the noise from the children.

Mr. Guzman replied that he doesn't consider the noise from children playing as a nuisance.

Robert Mitsuyasu, 2650 Hop Ranch, Union City, has lived there 18 years and there are parking problems due to overflow from the condos across the street. Mr. Mitsuyasu stated that there is no place to put trash cans out on Thursdays. Mr. Mitsuyasu stated that in the morning between 7:00 a.m. and 8:00 a.m. they can hardly get out of their own driveway due to the traffic of the school. Mr. Mitsuyasu stated that noise from school can be heard up to Hop Ranch Road. Mr. Mitsuyasu commented that using the house as a business in a residential area seems to be wrong. Mr. Mitsuyasu stated his concerns that it would lower his property values having a business next door. Mr. Mitsuyasu asked if the commission would like to live next door to a child care facility. Mr. Mitsuyasu asked if the permit is approved what recourse is available to him.

Mr. Leonard replied that if the commission chooses to approve or deny the permit tonight anyone can appeal the decision to the City Council once they pay the appeal fee.

Mr. Mitsuyasu asked if the commission knows that there is a registered sex offender living two doors away from the proposed school.

Ms. Lum stated that is true.

Mr. Mitsuyasu asked if the parents of the children would be told about the sex offender.

Jose Rivera, 2464 Medallion Drive, Union City, stated that he lives next door to the existing pre-school. Mr. Rivera stated that he sees the drop off and pick up of kids at the existing school and does not think there is a traffic problem. Mr. Rivera stated that he has no problem with noise from the school. Mr. Rivera supports the school.

Victoria Scott, 40801 Sundale Dr., Fremont, stated that she takes her children to the Medallion Drive facility and there is no problem with traffic, parking or noise. Ms. Scott is not bothered by sex offender living two doors from proposed facility because where she lives in Fremont there are 50 sex offenders living within a one mile radius. Ms. Scott supports the new facility.

Jennifer Fonseca, 2103 Hartnell St, Apt. 2, Union City, supports the new facility.

Elmina Verzosa, 3236 Santa Rosa Way, Union City, supports the new facility.

Margaret Jefferson, 2629 Ascot Way, Union City, supports the new facility.

Marianne Miller, 3140 Courthouse Dr., Union City, supports the new facility.

Yuko Shima, 345 Nassau Lane, Hayward, supports the new facility.

Doris Tancioco, 3510 Oyster Ct., Union City, supports the new facility.

Maria Verzosa, 33124 Condor Dr., Union City, supports the new facility.

Rochelle Smith, 151 Teddy Dr., Union City, supports the new facility.

Trinie Harris, 838 Broadway St., Hayward, supports the new facility.

Mary Guzman 2461 Medallion Dr., Union City, supports the new facility.

Marta P. Navarrette, 2486 Shield Dr., Union City, supports the new facility.

Diana Agbayani, 3247 Santa Paula Way, Union City, supports the new facility.

Mr. Mitsuyasu stated that he would rather see family living there than a business because it is a residential area.

Bonnie Han, 32108 Condor Dr., Union City, stated that she objects to new facility. Ms. Han stated that she lives next door to the home and the noise on a daily basis will not be very pleasant. Ms. Han stated that her master bathroom window faces the front of their house and she will be able to hear the noise from the kids being dropped off. Ms. Han stated that this is a residential area and she does not think a commercial business will be a good thing.

Christine Suarez, 32717 Bucks Lake Lane, Fremont, supports the new facility.

Mr. Guzman stated that he understands the concerns of the neighbors and he will take measures to address those concerns. Mr. Guzman stated that they don't want to make problems for the neighbors, they just want to operate a quality child care center. Mr. Guzman stated that the benefits of the center far outweigh the concerns of a few.

Chairperson Lew closed the public hearing.

Commissioner Anderson stated that he supports the application in spite of the fact that denial has been recommended.

Commissioner Sison stated that he has very serious concerns about the impact to the neighborhood. Commissioner Sison stated that there is no question that the applicant supplies quality care and as the City grows we will need this more of this type of facility. Commissioner Sison stated that his biggest concern is the location of the facility. Commissioner Sison stated that the location in front of a middle school and with the possibility of Barnard White closing this will be the only middle school east of I-880. Commissioner Sison stated that none of the testimony really addressed the traffic. Commissioner Sison stated that with a 3 to 1 ratio of neighbors against this project he cannot support this application.

Commissioner Sweeney stated that she agrees with Commissioner Sison. Commissioner Sweeney appreciates the time and effort of all the parents to come and testify this evening. Commissioner Sweeney stated that she does not question that this would be a quality facility, it is the location that causes the problem. Commissioner Sweeney stated that having 20 children at this facility will impact a larger number of neighbors and a larger number of people from the community at large who have to drive their children to Cesar Chavez school. Commissioner Sweeney stated that the neighbors are very kind in how they deal with the impacts of the school and those impacts will increase when Barnard White middle school is closed. Commissioner Sweeney feels that it should be taken into consideration when considering this application.

Commissioner Savage stated that she agrees with Commissioners Sison and Sweeney. Commissioner Savage stated that it was never in question the quality or the need for the daycare. Commissioner Savage feels that the traffic problems that already exist and the location across the street from a school are a major concern. Commissioner Savage stated that even though it is very badly needed she cannot support it in this location.

Chairperson Lew stated that she supports this application. Chairperson Lew stated that she believes that the information provided in the staff report is flawed. Chairperson Lew stated that the questionnaire that was sent out stated 30 children and they are only asking for 20 children and she feels that the responses are inaccurate. Chairperson Lew

Commissioner Sweeney made a motion to deny Use Permit UP-10-06, making findings 1 – 4, and adopting a resolution confirming this action.

Commissioner Sison seconded.

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

- 2. BEVERLY SAYSON, 4610 CARMEN WAY, Use Permit UP-09-06;** the applicant, Beverly Sayson, is requesting Use Permit approval to increase the Carmen Way Home for the Elderly's capacity from six (6) to nine (9) residents within an existing single-family residence located at 4610 Carmen Way (APN: 483-0106-074-00). The project has been determined to be categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Sison clarified that this change is to raise the limit to nine (9) residents.

Ms. Evans stated that is correct.

Chairperson Lew noted that in Section V of the staff report it shows the zoning as Agricultural and should be changed to RS6000.

Chairperson Lew opened the public hearing.

Beverly Sayson, 4610 Carmen Way, Union City, thanked the staff and commission for their time. Mrs. Sayson described her care home facility and how they run it. Mrs. Sayson also had some letters of support and a petition of support for her facility.

Commissioner Anderson asked if she is asking for the increase because she already has clients waiting or she expects to have clients in the future.

Mrs. Sayson stated that she has a waiting list for space.

Juvy Nuezca, 30083 Bridgeview, Hayward, stated that they were the previous owners of the home and that they looked very hard for a good person to take over the home. Ms. Nuezca stated that they support Mrs. Sayson's application.

Frank Thomas stated that his father is currently living at the facility and he supports the application.

James Smith, 4618 Carmen Way, Union City, spoke about impacts to neighborhood. Mr. Smith stated his concerns about the number of late night fire and ambulance responses to the facility which disturb the rest of the neighborhood. Mr. Smith stated that six residents in the house should be sufficient. Mr. Smith also spoke of parking impacts from visitors to the facility. Mr. Smith does not support this application.

Hugh McNamara, 32223 Mercury Way, Union City, spoke of his concerns that nine residents might be too much for the facility.

Mrs. Sayson stated that she must call 911 whenever there is a problem with the clients but they do ask them to not turn on the sirens when they respond. Mrs. Sayson stated that they do not have very many night time calls.

Chairperson Lew asked how many times they have had emergency vehicles respond to the house in the past year.

Mrs. Sayson stated that it would be approximately five times but she would have to check her records for a final number.

Mr. Smith suggested contacting the Union City Fire Department to determine the number of trips.

Chairperson Lew stated that the information was not in the staff report.

Mr. Smith asked if a decision could be delayed until that information could be provided.

Mr. Thomas stated that one of the emergency responses was for him.

Commissioner Sison asked how many of the current six clients required an emergency response in the last year.

Mrs. Sayson stated that only two of the clients required an emergency response in the last year. Mrs. Sayson stated that she took over the business in July 2005 and that the previous owner told her that there had been many calls for emergency services prior to Mrs. Sayson taking over the business.

Chairperson Lew asked if staff had canvassed the neighbors or sent notices out about this project.

Ms. Evans replied that staff sent out the 300 foot notice as required by the zoning ordinance.

Chairperson Lew asked if she received any responses from the 300 foot notice.

Ms. Evans replied that she received one phone call from a neighbor.

Chairperson Lew closed the public hearing.

Commissioner Sweeney stated that she thinks that the change from six to nine clients is a minor change and she supports the application.

Commissioner Anderson stated that he supports application.

Commissioner Sison stated that he supports the application.

Chairperson Lew stated that she supports the application.

Commissioner Anderson made a motion to approve Use Permit UP-09-06, making findings 1 – 4, with modified conditions of approval and adopting a resolution confirming this action.

Commissioner Sison seconded.

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

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. CITY OF UNION CITY DRAFT PEDESTRIAN & BICYCLE MASTER PLAN;** the City has prepared a Draft Pedestrian & Bicycle Master Plan which identifies existing and proposed pedestrian and bicycle trails and routes within Union City. The plan also provides a list of improvement projects to provide a complete pedestrian and bicycle network within the City and serves as a guide for prioritization of future pedestrian and bicycle projects.

Joan Malloy, Planning Manager, presented the staff report.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:

A. ECONOMIC DEVELOPMENT UPDATE

Mark Leonard, Director, Economic and Community Development, presented the staff report.

B. HOUSING UPDATE

Mark Leonard, Director, Economic and Community Development, presented the staff report.

C. INTERMODAL UPDATE

Mark Evanoff, Redevelopment Agency Manager, presented the staff report.

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 19, 2006.

Chairperson Lew made a motion to cancel the Planning Commission meeting of October 19, 2006.

Commissioner Anderson seconded.

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

IX. GOOD OF THE ORDER: None.

X. ADJOURNMENT: 10:02pm

APPROVED:

JO ANN LEW, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY