

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF NOVEMBER 16, 2006, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF: Mark Leonard (Director, Economic and Community Development); Carmela Campbell (Senior Planner); Avalon Evans (Assistant Planner); Farooq Azim (Principal Civil Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of November 2, 2006 were approved with corrections.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

1. CITY OF UNION CITY, CITYWIDE, Zoning Text Amendment AT-06-06

– The City is proposing to update Title 18, Zoning, of the Municipal Code to include specific requirements and design criteria for the provision of bicycle parking facilities within multi-family, commercial, private institutional and industrial zoning districts. The project has been determined to be categorically exempt per Section 15061(b) of the California Environmental Quality Act Guidelines.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Singh asked if large stores like Wal-Mart or Rite Aid will have more bicycle parking or how will the number be determined.

Ms. Campbell replied that the requirement for commercial parking is 10% of the automobile parking demand. Ms. Campbell stated that automobile parking is determined to be one space for every 175 square feet of store space.

Commissioner Lew referred to page 5 and asked why pedestrian was included in recommendation #3.

Ms. Campbell replied that it is a direct quote from the City General Plan and it partly does apply to ordinance amendments.

Commissioner Lew asked what it has to do with pedestrian travel.

Ms. Campbell replied that it will be consistent with the quote to leave it as is.

Mark Leonard, Director, Economic and Community Development, stated that if it is troubling then you can strike it as part of your action.

Commissioner Lew stated that she doesn't think it will make it any less legal.

Commissioner Lew referred to page A-3, paragraph C and in the last line the word "nor" should be "or".

Commissioner Sweeney asked to include a provision for an indoor room or a bicycle corral such as for an industrial facility for employees primarily where they might not want to leave their bicycles outside. Commissioner Sweeney feels that this has limited flexibility. Commissioner Sweeney passed a picture example to the other commissioners. Commissioner Sweeney noted that it is possible to make a bicycle corral that is not made of chain link. Commissioner Sweeney noted that if there is a large number of spaces required the bicycle corral would be a better fit. Commissioner Sweeney stated that as it is written now it limits the applicant to either the locker or the rack. Commissioner Sweeney stated that the language as it is precludes the use of an alternative to the locker or the rack.

Ms. Campbell asked if the requirement for bicycle corrals would have to be consistent with the requirement for bicycle shelters for when it is ten or more. Ms. Campbell stated that it would be possible to add it to that section.

Commissioner Sweeney stated that she does not want to tie it to a particular number of spaces rather it should be tied to the use. Commissioner Sweeney suggested an example of an industrial user who is required to include bicycle parking and he would like to include that parking inside the building. Commissioner Sweeney stated that there is no flexibility the way it is written. Commissioner Sweeney stated that at this point it is only allowed in residential, multi-family districts.

Ms. Campbell suggested adding it to subsection a under bicycle parking facilities, so it would read bicycle racks, lockers and corrals.

Commissioner Sweeney stated that the idea is to provide secure and accessible options for bicycle riders. Commissioner Sweeney thinks that we are being too specific and not allowing for creative options. Commissioner Sweeney stated that most applicants would put in a bike rack because it is cheap, and if their employees insist they might put in some lockers but if it is more convenient for them, she would like to give them the option of having a totally enclosed space inside their building.

Chairperson Sison suggested adding language to section f of 18.28.080.

Commissioner Sweeney offered the example of an industrial user who would only be required to put in 5 spaces and parking is tight on the site, then it might be easier to put the bicycles in the building, up against a wall so they don't take a lot of space.

Chairperson Sison suggested that the term bicycle shelter could mean a corral or a locker.

Ms. Campbell stated that they would insert some language to address Commissioner Sweeney's concerns.

Commissioner Lew suggested putting it in section (a) and create a paragraph number 3 and add a description of the facility option.

Commissioner Sweeney stated that it won't appeal to anyone other than the person who has a very specific situation where getting those bike racks would be difficult on their site.

Mr. Leonard suggested 18. 28.080 (a) be amended to read as follows “bicycle parking facilities shall consist of bicycle lockers, racks, a totally enclosed space within a building, or a City approved enclosure that conforms to the following”

Commissioner Sweeney agreed with the amendment.

Commissioner Lew asked what is meant by totally enclosed.

Commissioner Sweeney suggested that it would be up to the City to determine.

Commissioner Sweeney stated that it could be a glassed in shelter for example.

Chairperson Sison stated that the intent is to provide protection and security, however, it is done as long as it meets the objectives.

Commissioner Lew agreed.

Commissioner Singh asked if there will be bicycle parking signs posted in the industrial and commercial districts.

Ms. Campbell replied that there is no requirement for bike signage parking included but it can be added if the commission do desires.

Commissioner Singh feels that for the larger stores it would make it easier for bicyclists to find the bicycle parking.

Commissioner Sweeney agreed that it would be good for areas that the public accesses.

Mr. Leonard stated that they will add a requirement for signage under the commercial and industrial districts chapters.

Commissioner Sweeney asked if that would include the station mixed use district.

Mr. Leonard stated that it would be included.

Ms. Campbell stated that the CSMU chapter refers back to the commercial and industrial chapters by reference.

Ms. Campbell thanked the commission for their enthusiasm and feedback and doing the extra research.

Chairperson Sison opened the public hearing.

Chairperson Sison closed the public hearing.

Commissioner Lew made a motion to recommend approval to the City Council of Zoning Text Amendment AT-06-06, making findings 1 – 3 (including removing the word “pedestrian” from finding #3), and adopting a resolution confirming this action.

Commissioner Sweeney seconded.

AYES 5 (Anderson, Lew, Singh, Sison, Sweeney)

NOES 0
ABSTAIN 0
ABSENT 0

2. **SHUANG LI, 33540 CENTRAL AVE., Use Permit UP-11-06** – The applicant is requesting Use Permit approval to locate a badminton facility in a ML (Light Industrial) zoning district at 33540 Central Avenue (APN: 475-0100-036-00). The project site is a 12,934 square foot tenant space in an existing warehouse located behind an existing commercial center at the intersection of Central Avenue and Alvarado-Niles Road. The project has been determined to be categorically exempt per Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act Guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Lew stated her concern that there is only one restroom for the facility.

Ms. Evans stated that it is in the building code that the number of required restrooms is based on the number of employees. Ms. Evans stated that it has been suggested to the applicant that based on the business volume he may want to add a second bathroom facility.

Commissioner Lew asked what the vacancy rate is for that entire warehouse space.

Ms. Evans replied that she believes that the warehouse is 100% occupied.

Commissioner Sweeney referred to condition #4 and asked if basing the general plan cost recovery fee on the building valuation is appropriate.

Ms. Evans replied that we are anticipating that they will be applying for tenant improvements and every building permit issued automatically has the general plan cost recovery fee added.

Commissioner Sweeney asked that it not be based on the building valuation.

Ms. Evans stated that it would be based on the valuation of the job only.

Commissioner Sweeney asked why the hours of operation were not included in the conditions of approval.

Ms. Evans stated that a condition could be added if the commission directed.

Commissioner Singh stated that he visited site at 6:30 p.m. and there were six big rigs parked in the regular parking and he is concerned that this will cause a parking problem.

Ms. Evans stated that normally they are parked in the loading areas and the tenant spaces have reserved parking in front of their facilities so it should not be a problem. Ms. Evans stated that if it becomes a problem the tenants should talk with the owner of the property.

Commissioner Singh stated that there is a speed bump where you exit the facility to turn right on Alvarado-Niles Road and the vehicles coming from the other direction are coming very fast and he feels that it might cause an accident. Commissioner Singh would like to see another speed bump put in to slow the other direction traffic down.

Mr. Leonard stated that it could be conditioned.

Chairperson Sison asked what is the current ventilation method for the site.

Ms. Evans replied that at this point it would be opening the roll up doors.

Chairperson Sison opened the public hearing.

Chin Lu stated that he is a partner with the applicant.

Commissioner Lew asked how many clients will it take before you will install a second bathroom.

Mr. Lu stated that they took two factors into account when planning for bathroom facilities. Mr. Lu plans to hire one part time employee in addition to the owner. Mr. Lu stated that they don't plan to have more than 32 players at one time and most of the time it will be less than that.

Commissioner Lew asked if this was his first badminton business.

Mr. Lu replied that it is his first business.

Commissioner Lew asked if he had any experience working for another badminton business.

Mr. Lu stated that they had done a lot of marketing research about badminton businesses.

Commissioner Singh asked if they were going to put in vending machines or snack machines and where would you put them.

Mr. Lu replied that they have not decided to have them and if they did the machines would probably be put in the front area.

Commissioner Sweeney asked if they were going to have an employee overseeing the play area.

Mr. Lu stated that they were going to have a video monitoring system that would be connected to a computer in the reception area.

Mr. Lu stated that the office area is air conditioned but the playing area is not. Mr. Lu stated that at first they will ventilate the area by opening the roll up doors and may install roof ventilators if needed.

Commissioner Sweeney noted that some of the assigned parking is in the rear of the facility and asked if they were going to allow players to enter through the back of the facility.

Mr. Lu stated that they checked with the owner of the facility and there is no assigned parking for any of the tenants. Mr. Lu stated that he would have the employees use the parking in the rear and have the client's park in the front.

Chairperson Sison asked if they had considered putting in roof ventilators.

Mr. Lu stated that they looked at other facilities in the Bay Area and he does not think that they will need extra ventilation but if it was needed they would do it.

Chairperson Sison noted that although there is no Building Code requirement for another restroom or roof ventilators it might be prudent to consider the clients comfort.

Phu Khuu, Fremont, CA, owns a badminton facility in Sunnyvale and feels that there is a lot of use for the bathrooms and that one restroom may not be enough.

Hugh McNamara, Union City, CA suggested using ceiling fans to help the ventilation inside rather than adding air conditioning. Mr. McNamara stated that it would be less costly to install extra bathrooms at the beginning.

Chon Lee, Union City, CA commented on the restroom situation.

Commissioner Singh stated that he doesn't think that opening the roll up doors will provide adequate ventilation for the facility.

Chairperson Sison closed the public hearing.

Mr. Leonard stated that the new condition shall read "The applicant shall seek the property owner's permission to install a second speed bump at the eastern side of the building on the access driveway."

Commissioner Lew noted a change to condition #4 changing "building valuation" to "construction valuation".

Commissioner Sweeney made a motion to approve Use Permit UP-11-06, making findings 1 – 4, and adopting a resolution confirming this action.

Commissioner Lew seconded.

AYES 5 (Anderson, Lew, Singh, Sison, Sweeney)

NOES 0

ABSTAIN 0

ABSENT 0

3. **TAN LAM, 33743 8TH STREET, Extension of time for Tentative Parcel Map TPM 8477 and Variance V-04-04** - The property owner is requesting a 12-month extension of time for TPM 8477 and V-04-04, for the subdivision of a property into two (2) parcels located at 33743 8th Street (APN: 486-0027-005-07). The variance permit was required to allow the establishment of an 8.8 foot rear yard setback from the new property line to an existing single family residence. A Mitigated Negative Declaration was adopted by the City Council on October 26, 2004 for the original approval, which adequately analyzes the potential environmental impacts of the proposed project. No further environmental review is required.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Singh asked if one year would be enough time to finish this application.

Ms. Evans replied that they are ready to go forward for the final approvals.

Commissioner Sweeney stated that she has no problem with this application.

Chairperson Sison opened the public hearing.

Tan Lam, Union City, CA, the applicant and Do Li, engineer and designer, were present.

Chairperson Sison closed the public hearing.

Commissioner Sweeney made a motion to approve Extension of time for Tentative Parcel Map TPM 8477 and Variance V-04-04, making findings 1 – 10, and adopting a resolution confirming this action.

Commissioner Lew seconded.

AYES	5 (Anderson, Lew, Singh, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	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 December 7, 2006.

IX. GOOD OF THE ORDER:

Commissioner Sweeney commented on the newspaper articles about Barry Swenson.

X. ADJOURNMENT:

APPROVED:

REY SISON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY