

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 3, 2007, 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: Carmela Campbell (Senior Planner); Janice Lum (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 April 19, 2007 were approved with corrections.

III. ORAL COMMUNICATIONS:

Barry Ferrier, 32212 Allison Way, Union City, stated that the wall being built behind the new Starbucks project on Alvarado Boulevard is not being built as approved. Mr. Ferrier stated that there should be some type of relief or arches on the wall. Mr. Ferrier would like someone to check the construction of the wall to determine if it is consistent with what was approved.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. GREEN OAK DEVELOPMENTAL CENTER, 2827 WHIPPLE RD., USE PERMIT UP-02-07; the applicant is requesting approval of a Use Permit UP-02-07 to establish an adult day care facility at 2827 Whipple Road in Union City (APN: 463-0045-026-00). The project site is a 4, 416 square foot tenant space in the Whipple Business Center. The facility expects to provide day care for up to 60 developmentally disabled clients and will have 15 staff members on the premises Monday through Friday 8:30 a.m. to 2:30 p.m. The subject property is zoned MS, Special Industrial and has a General Plan designation of MS, Special Industrial. This project is categorically exempt under Section 15301, Class 1(a), Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines.**

Janice Lum, Assistant Planner, presented the staff report.

Commissioner Singh noted that there is only one handicapped space and asked if more handicapped parking could be required with the number of the clients involved.

Kit Faubion, City Attorney, replied that one of the conditions of approval requires the applicant to provide a parking control and parking circulation plan and one of the purposes of the plan is to ensure that not all of the buses are at the facility at the same time; therefore they should not need another handicapped parking space.

Commissioner Singh stated that it could still happen that all three buses would come in at the same time due to traffic or other reasons.

Ms. Faubion stated that this is a discretionary decision and if the Planning Commission feels that there should be another handicapped parking space they can require one.

Commissioner Singh stated that he would recommend having one more space.

Ms. Faubion noted that there are additional regular parking spaces in front of the building.

Carmela Campbell, Senior Planner, stated that staff has observed the existing facility because this was a concern when the original site was approved and they have not noticed an issue with stacking of buses. Ms. Campbell asked if he wanted to add another van aisle that has additional area for loading.

Commissioner Singh stated that is correct.

Ms. Campbell stated that it could be added to the conditions of approval.

Commissioner Singh stated that this way they would be covered in case two buses are there at the same time.

Commissioner Singh noted that the applicant will be upgrading the bathroom facilities and asked if staff is requiring any green building practices for the business.

Ms. Lum stated that it could be recommended for the tenant improvements.

Ms. Campbell stated that at this time it has not been made a requirement for businesses to go green. Ms. Campbell stated that staff is encouraging businesses to use green practices but staff is still working with the City Attorney to determine if the City can require this.

Ms. Campbell stated that a condition could be added to strongly encourage the business to use green practices.

Commissioner Singh thinks that is a great idea and it would benefit the owner as well.

Chairperson Sison stated that the City has not clarified its position nor have we developed a program that we can enforce; making it mandatory would be difficult. Chairperson Sison feels that a strong recommendation would be good.

Commissioner Lew referred to condition #10 and asked to add "traffic impacts" to the condition.

Chairperson Sison stated that he understood that the van arrivals and departures will be staggered and that is the main transportation mode. Chairperson Sison stated that at the most there should only be one van at the facility at a time. Chairperson Sison stated that he doesn't think this will create a major traffic impact.

Commissioner Lew stated that she is concerned for the other tenants and she wants to provide them with an opportunity to address their concerns with the City if necessary.

Commissioner Singh stated that Green Oaks used to be located near his business and they were very quiet.

Commissioner Lew stated that she is not worried about the noise but she is concerned about the traffic circulation because that is the corner that is very heavily traveled with big trucks coming off the freeway and making the turn off Dyer Street.

Chairperson Sison stated that the shuttle comes at specific times.

Commissioner Lew stated that we need to be flexible and provide an opportunity to address the concerns of the public.

Commissioner Sweeney stated that she doesn't have a problem adding it to the condition because she doesn't think there will be an impact.

Commissioner Anderson stated that he does not have a problem adding it to the condition.

Chairperson Sison asked staff to modify condition #10 with the wording suggested by Commissioner Lew.

Chairperson Sison opened the public hearing.

Jamie Rivera, 2939 Sorrento Way, Union City, stated that in order to mitigate traffic problems they will use the back portion of the site to bring clients in and out. Ms. Rivera stated that at this time there is not much traffic around the back. Ms. Rivera stated that they try to have half of the clients out in the community every day, so even though there are 60 clients, they try to only have half in the facility on any given day. Ms. Rivera stated that they try to get the clients out into the community so they are part of it.

Chairperson Sison asked about the handicapped parking situation.

Ms. Rivera replied that they would appreciate it if it is an option. Ms. Rivera stated that it would be a good thing if a second space was available just in case.

Commissioner Sweeney noted they are going to remove the existing roll-up door and install emergency doors with panic hardware and asked if they were also going to use that for drop off and pick up.

Ms. Rivera stated that they would like to so that it relieves the pressure on the front door.

Commissioner Sweeney stated that she was concerned about the small lobby area in the front being the only pick up and drop off area and she thinks using the back door will be good.

Commissioner Lew asked if there is parking in the back.

Ms. Rivera replied that she does not believe there is parking but it is mostly used as a drive through. Ms. Rivera stated that they want to change it so it looks more normal.

Commissioner Lew asked if it is appropriate to load and unload people in that area.

Ms. Rivera stated that as long as they change the doors it should be all right. Ms. Rivera stated that at their current facility they are using the back door for entrance and exit.

Commissioner Lew asked if there is red curb painting.

Ms. Rivera stated that there is not.

Commissioner Lew asked to explain how the shuttle schedule works and asked how many shuttles they have.

Ms. Rivera replied that they have service through the county, Para transit and MV. Ms. Rivera that on average six buses come in through the day, three of which belong to Green Oaks.

Commissioner Lew asked how they are scheduled.

Ms. Rivera replied that they come in every fifteen minutes.

Commissioner Lew asked if everyone has to check into the facility when they arrive.

Ms. Rivera stated that they do not. Ms. Rivera stated that the staff keeps track of the clients.

Commissioner Lew asked if they do case management at their facility.

Ms. Rivera replied that they do not.

Commissioner Lew stated that there appears to be a lot of fluctuation from day to day.

Ms. Rivera replied that there would be six buses at the most. Ms. Rivera stated that the staff drivers keep records for each trip.

Commissioner Singh asked if there is any restriction on parking in the back.

Ms. Campbell replied that this is the first that staff had heard that there will be loading and unloading of clients in the back of the building. Ms. Campbell stated that staff is going to look into whether it is feasible for them to have pick up and drop off in the back.

Commissioner Singh noted that there is no signage for parking in the back.

Ms. Campbell stated that it is an assumed loading and unloading zone.

Commissioner Singh stated that he thinks it is a good idea to have a loading and unloading zone in the back.

Commissioner Lew stated that it needs to look like an entrance which will look quite different from the other units. Commissioner Lew stated that she does not have a problem with clients being dropped off in the back because it will be quieter back there and as long as the other businesses don't have big trucks coming in all the time it should be better for the clients. Commissioner Lew stated that the new door should also have proper paving, maybe some plants.

Chairperson Sison stated that staff needs to find out if it is allowable to drop off clients in the back of the building and if it is feasible, then a condition needs to be added to make sure the door area is properly designed to accommodate the drop off of clients.

Commissioner Anderson stated that he is in agreement with that.

Commissioner Lew stated that if it is going to become an entrance it must meet the Building Code.

Commissioner Sweeney stated that she does not believe that additional design criteria are appropriate. Commissioner Sweeney stated that she supports them using it as additional entrance.

Gina Rivera, 2939 Sorrento Way, Union City, CA, stated that it is part of their plan to change the door because it is something that Fire and Safety asked them to do. Ms. Rivera stated that at their existing facility they have added plants. Ms. Rivera stated that there is extra parking on the side that is never used.

Nick Freeman, 4729 Darlene Court, Union City, CA, spoke in support of the application

Robbie Cagle, 4729 Darlene Court, Union City, CA, spoke in support of the application.

Chairperson Sison closed the public hearing.

Ms. Campbell went over the changes to the conditions of approval:

- Add a new condition “The city strongly encourages the implementation of green business practices. The City shall provide resources to the applicant regarding green business practices.”
- Change condition #10 to add “or traffic impacts” after “noise” in both locations.
- Change condition #11 to add “An additional handicapped van accessible space shall be provided in front of the facility and shall be shown on the submitted circulation plan.”
- Add a new condition “If drop off or pick up will occur in the rear of the building, required upgrades shall be made in conformance with any applicable building code regulations.”
- Delete the duplicate conditions of approval #3 and #6.

Commissioner Lew made a motion to approve Use Permit UP-02-07, with the amended conditions of approval, making findings 1 – 4, and adopt a resolution confirming this action.

Commissioner Sweeney 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 May 17, 2007.

IX. GOOD OF THE ORDER:

Commissioner Lew noted that Title 18 on the City website does not seem to be up to date and she does not have the latest changes.

Ms. Campbell replied that the City has contracted with a new code company and they have not yet gotten all the updates in but the City Clerk has said that the updates should be here soon and we will make sure that all the commissioners get copies.

Commissioner Sweeney stated that she attended the Dumbarton Rail Policy Committee and they are moving forward with the EIR for all of the segments except for the one in Union City which has already been completed. Commissioner Sweeney stated that they are looking strongly at interim bus service which would go on a circle route as far as Newark and then there would be feeder lines from there. Commissioner Sweeney stated that they are short of funds.

Commissioner Anderson asked if the rail was going to be on the side of the bridge.

Commissioner Sweeney replied that they purchased the old railroad bridge that is south of the Dumbarton Bridge. Commissioner Sweeney stated that the voters approved a rail service that would go from Union City across the bridge to the Cal Train station. Commissioner Sweeney stated that they are proposing to repair the bridge in such a way that it could be used for rail in the future but would be used as a roadway for one way bus service in the interim. Commissioner Sweeney stated that they are still looking at moving forward to fund segment G which is the Union City section for the Intermodal station.

Commissioner Singh asked to get the tall vegetation trimmed at Central Street and Atlantic Street and by Caravan bakery on Western Avenue there is an empty lot with tall weeds and a mattress and sofa that should be cleaned up. Commissioner Singh suggested that with all the new employment (East Bay Landscaping and Emerald Packaging) in the area there needs to be a bus stop on Western Avenue with service to the BART station.

X. ADJOURNMENT:

APPROVED:

REY SISON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY