

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JUNE 21, 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 Alternate Saini

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

Mr. Leonard stated that Rey Sison resigned from the Planning Commission effective June 5, 2007.

II. APPROVAL OF MINUTES: The Special Planning Commission Minutes of May 31, 2007 were approved with corrections.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. MASONIC HOMES OF CALIFORNIA, 34400 MISSION BOULEVARD, Site Development Review SD-09-06, Use Permit UP-08-06, Variance V-06-06;** the applicant is requesting approval to redevelop 11.5 acres of the Masonic Homes Campus located at 34400 Mission Boulevard (APN: 087-031-003-03) in Union City. The Site Development Review proposal includes the construction of six new buildings, which would include 193 independent living apartments, 30 memory care units and associated facilities. A Use Permit has been applied for and is required for all uses in the Private Institutional (PI) District, proposed development within the Hillside Combining (-H) District and to allow a height increase from 35 feet to 50 feet. The applicant is requesting a Variance to exceed the allowable height limit in the PI District. A Mitigated Negative Declaration has been prepared for this project.

Chairperson Sweeney recused herself from the hearing and designated Commissioner Anderson as temporary chairperson.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Saini asked if the street side parking for visitors would be an impediment to large emergency vehicles responding for calls for service at the Masonic Home.

Ms. Evans replied that the Fire Department reviewed the plans and felt that the emergency access provided was adequate.

Commissioner Saini asked if new fire resources are going to be needed with the expanded population of the facility. Commissioner Saini asked if any studies had been done with regards to that.

Ms. Evans replied that City policy is that as development is added there will be incremental impacts on public services and the City Council has the responsibility to approve new personnel and equipment. Ms. Evans stated that City management works with each department to determine staffing levels and equipment needs.

Commissioner Lew referred to condition #5 and asked if the Use Permit is revoked wouldn't the Variance Permit be revoked as well.

Ms. Evans replied that variance approvals run with the land, so as long as the buildings are constructed, the variance would not be revoked. Ms. Evans stated that a building permit would not be issued if the conditions are not being met.

Commissioner Lew asked in regards to the height of the building, if the Use Permit is revoked then would the Variance permit still be valid.

John Bakker, City Attorney, stated that if the Use Permit were revoked, they would probably need to tear down or bring the building into compliance with the code, which would bring them down to 35 feet. Mr. Bakker stated that this is unlikely to happen as Use Permits are typically for uses that are conditioned, such as bars, nightclubs and taverns, which are subject to conditional uses.

Ms. Evans suggested amending the condition to state that a portion or all of the Use Permit because there are three separate Use Permits in this application.

Commissioner Lew agreed that was appropriate.

Commissioner Lew referred to condition #23 and stated that the way the condition reads the City is the one the condition is referring to and not the applicant.

Ms. Evans replied that in order to better ensure that all the mitigations are complied with they were added to the conditions of approval in the most appropriate location rather than having a list of mitigations at the end of the report. Ms. Evans stated that condition #23 has to be in there because it is a mitigation measure and staff felt that the planning division conditions would be the best place to put the mitigation measure.

Commissioner Lew asked what the applicant is required to do to fulfill condition #23.

Ms. Evans replied the applicant is not required to do anything because some of the mitigation measures apply to others besides the applicant.

Mr. Bakker stated that this is a reminder for staff to make sure that this mitigation is being complied with.

Commissioner Anderson suggested changing the wording from "shall" to "will".

Ms. Evans asked to consult the environmental consultant before changing any wording.

Commissioner Lew stated that it is a condition imposed on the applicant that the City is supposed to perform but if the applicant is comfortable with it then it is not a problem.

Ms. Evans stated that the applicant is fine with the condition as it is.

Commissioner Lew referred to the comments received from the four agencies and asked if the recommendations received are considered only as comments and not as mandatory requirements.

Ms. Evans stated that it is not a mandatory requirement for us to modify our environmental document or the project in response but, as noted, these are permitting agencies of the project and in order to get the grading permit from the City, the applicant will have to obtain the appropriate permits for their water treatment, outflow into the creek and tree removal from these agencies. Ms. Evans stated that we have responded the best that we can as to why we think everything was done properly but if the permitting agency won't issue a permit unless the project redesigned, then the applicant will need to return to the Planning Commission for modification of approvals.

Commissioner Lew complimented Ms. Evans on the package.

Commissioner Singh asked if the buildings have been named yet.

Ms. Evans replied that they haven't been named but both the Police Department and the Fire Department want building names prominently displayed on the buildings and on a locator map at the entrance to the campus.

Commissioner Singh suggested putting a site map at the secondary or emergency access road.

Ms. Evans replied that it has been included as a condition and the Fire Department wants to use reflectors instead of electric lights on the emergency access road.

Commissioner Singh asked if the trees screening the site from Mission Boulevard are going to be removed.

Ms. Evans replied that none of those trees are proposed for removal and that if the applicant wanted to remove any of them they would have to apply for a tree removal permit from the City.

Commissioner Anderson asked if guests will have access to the excess parking between the parking garages.

Ms. Evans replied that the area will be gated but it will open for any vehicle that approaches the gate.

Commissioner Anderson asked if the fire sprinkler requirements are in a condition of approval.

Ms. Evans replied that the Fire Department will plan check all building plans and building permits will not be issued until all departments are satisfied.

Commissioner Anderson asked if that also applies to the 400,000 gallon water tank.

Ms. Evans replied that it is in the conditions.

Commissioner Anderson asked what covers the draft suction from the swimming pools.

Ms. Evans replied that is part of an agreement between the applicant and the Fire Department and will be covered by plan check.

Commissioner Anderson referred to the staff report and noted that there was a request for more detailed landscaping and irrigation plans and asked if that was put into the conditions of approval.

Ms. Evans stated that the final landscape plan condition is in the report.

Commissioner Anderson stated that he thought that the City should request more detail and specificity than is usually required.

Ms. Evans stated that the Public Works department was comfortable with the condition of approval.

Commissioner Anderson stated that he would feel more comfortable if the condition included all of the items mentioned in the staff report.

Ms. Evans stated that there are a few landscaping conditions and asked which one should be modified.

Commissioner Anderson replied that it should read “more detailed landscaping, irrigation plans, and those plans would indicate the locations, sizes, quantities and spacing of all plant selections”.

Ms. Evans replied that condition #14 could be modified to add that wording.

Commissioner Anderson asked if there needs to be a condition to require the applicant to respond to the comments from the permitting agencies.

Mr. Bakker stated that if they have permitting authority over the project, then they will impose their requirements in order for the applicant to receive the permit, thus making a condition superfluous.

Ms. Evans stated that all the agencies are covered through conditions and mitigations.

Commissioner Anderson opened the public hearing.

John Howell, Vice-president Strategic Development for Masonic Homes, stated on behalf of the organization they are very pleased with the project and thanked the commission for their consideration. Mr. Howell thanked the staff for their excellent help in guiding this project through the process. Mr. Howell stated that this project has been over four years in the making.

Commissioner Saini asked what kind of earthquake mitigation measures will used for the new buildings.

Tom Cestarte, WWCOT, 3130 Wilshire Blvd, Santa Monica, CA, replied that shear walls are built into these facilities. Mr. Cestarte stated that all the four story buildings are Type II, metal frame buildings. Mr. Cestarte stated that the only wood frame structures (Type V) will be Building C and the cottages. Mr. Cestarte stated that concrete and light gauge metal frames will be used for the other buildings. Mr. Cestarte stated that the bearing wall structures have sheer walls that go all the way through to the floor, so that mitigates the seismic issues.

Commissioner Saini asked if the pool house will be a Type II building.

Mr. Cestarte replied that the pool house will be Type V one hour.

Commissioner Lew asked if the campus will be open to the general public such as hikers or people wanting to walk around the area.

Robert Fallon, Executive Director, Masonic Home, replied that it is a closed campus mainly because the residents prefer it secured. Mr. Fallon stated that there is a fence around it. Mr. Fallon stated that the area is very steep and there are no walking trails. Mr. Fallon stated that the upper hills are leased out for cattle grazing and the flat area below is leased out for growing wheat.

Commissioner Lew asked if they allow people to come in and walk around.

Mr. Fallon replied that at this time they require that anyone coming in be accompanied by a resident or be a guest of a resident. Mr. Fallon stated that they do open it up for certain groups and at certain times of the year.

Commissioner Saini asked after their public meetings what comments did they receive from the neighbors.

Mr. Fallon replied that they did three presentations to the neighbors in different groupings, mostly from the Seven Hills area and the neighborhood across Mission Boulevard. Mr. Fallon stated that mostly people wanted to move in when it was finished. Mr. Fallon stated some neighbors commented that from the Seven Hills side the buildings painted yellow with teal trim were off color. Mr. Fallon stated that they plan on repainting them.

Larry Milnes, 41704 Murphy Place, Fremont, Ca, spoke in support of the project.

Billy Uber, 743 Paradise Park, Santa Cruz, Ca, spoke in support of the project.

Jack McClellan, 34400 Mission Boulevard, Union City, Ca, spoke in support of the project.

Commissioner Singh asked what kind of grass is going to be used to filter the stormwater.

Eddie Sieu, Civil Engineer, 4690 Chabot Dr., Pleasanton, Ca, stated that they are going to use an underground water filtration system, where stormwater runs into the planted area and then infiltrates into sandy loam material, which acts as a sand filter. Mr. Sieu stated that the landscape architect could tell the exact species. Mr. Sieu stated that they have also proposed splashing the roof drains into the landscape area so that it gets filtered before entering the underground stormwater system.

Commissioner Singh asked if it will be synthetic grass or natural grass.

Mr. Sieu replied that it will be fescue grass.

Commissioner Singh asked what kind of mosquito abatement will be done for the area where the water sits.

Mr. Sieu replied that the treatment is for very low flow and there will be a minimal amount of water that will pond.

Commissioner Singh asked if the underground tank is going to require regular maintenance.

Ms. Evans stated that the tanks are going to be kept in place but they are not going to be used. Ms. Evans stated that the one closest to the new development was concreted in place. Ms. Evans stated that the mitigations are included in case they need to remove the tanks.

Commissioner Saini referred to the MMRP on page 2 and asked whether the monitoring will be weekly or monthly.

Ms. Evans stated that Exhibit C in the staff report has the contents and the desk item is just the introduction that goes with it. Ms. Evans stated that each mitigation has its own timing listed in Exhibit C.

Commissioner Lew suggested a change to condition #14 line 3, second sentence and have it read “The applicant shall use Bay Friendly landscaping”.

Ms. Evans reviewed the changes to the conditions of approval:

- Change condition #5 to read “shall be cause for revocation of a portion or all of the Use Permit”.
- Change condition #14 to delete “be required to” and adding text “the plan shall show the location, sizes, quantities and spacing of plants.”

Commissioner Lew made a motion to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting program and approve Use Permit UP-08-06, and Variance V-06-06, Site Development Review SD-09-06, making findings 1 – 15, with modified conditions of approval and adopt a resolution confirming this action.

Commissioner Singh seconded.

AYES	4 (Anderson, Lew, Saini, Singh)
NOES	0
ABSTAIN	1 (Sweeney)
ABSENT	0

Commissioner Anderson called a short recess.

Chairperson Sweeney reconvened the meeting.

2. **ZONING TEXT AMENDMENT, AT-01-07;** The City is proposing to amend Title 18, Zoning, of the Municipal Code to include a definition of superstores, establish that they are a conditional use within the Community Commercial (CC), Special Industrial (MS), and Sub-Regional Commercial (SRC) Union Landing Commercial (CUL) Zoning Districts and require that they be subject to additional criteria. The City is also requesting adoption of a Superstore Policy Statement that provides a list of criteria for use by the Planning Commission when reviewing Use Permit applications for superstores. This project is considered categorically exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Singh stated that it is difficult to make a decision regarding the noise or traffic impacts, since it depends upon the location.

Mark Leonard, Director, Economic and Community Development, replied that staff is proposing a methodology to review superstores by and through a Use Permit process. Mr. Leonard stated that it would apply to any possible location in the City. Mr. Leonard stated that with the guidance of the policy

statement and through the Use Permit process we can look at the traffic impacts for any potential site under consideration. Mr. Leonard stated that this would be the same process for economic impacts.

Commissioner Singh stated Union City needs a superstore because it would bring in more revenue and jobs but it depends on where it will be located.

Commissioner Anderson stated that he thought the economic impact report is a great addition. Commissioner Anderson asked who would be responsible for choosing the consultants. Commissioner Anderson stated that the City should choose the consultant and that the applicant should be responsible for the cost of the report.

Chairperson Sweeney noted that this wording is listed in #4 of the description in the policy statement.

Commissioner Anderson stated that superstores are usually located in remote areas of the city and traffic impacts are required unless there is a rule that they are in an area accessible by public transit. Commissioner Anderson suggested that there should be design guidelines also. Commissioner Anderson stated that the building should be able to be used for other uses if the store leaves. Commissioner Anderson stated that large flat parking lots contribute to flooding problems and stormwater issues.

Mr. Leonard replied that in regards to design, any superstore that is newly built or an existing store that is expanded to become a superstore would require a full site development review application in addition to the use permit. Mr. Leonard stated as with any development, the findings and guidance in the site development review chapter would apply. Mr. Leonard stated that there are some areas within the City that have more specific design guidelines and other areas that don't have any specific guidelines.

Ms. Campbell stated that quality of design in commercial districts is an important consideration when projects are reviewed by the Development Review Committee.

Commissioner Lew asked why staff chose 100,000 square feet versus 90,000 square feet.

Ms. Campbell replied that most superstores are between 150,000 square feet and 200,000 square feet. Ms. Campbell stated that she used the definition from the court case City of Turlock vs. Wal Mart and from the senate bill definition.

Commissioner Lew asked if they used the 10% food basis.

Ms. Campbell replied that is correct.

Commissioner Lew asked where revenue comes from the superstore besides the sales tax base.

Mr. Leonard stated that there are three types of revenue that would be generated from a superstore; sales tax, property taxes, and indirect revenue from shoppers that go to the superstore and then patronize other stores in the area.

Commissioner Lew asked if there have been any inquiries from any superstore corporations.

Mr. Leonard replied that there have been a couple of inquiries but no applications.

Commissioner Lew stated that we have all these warehouses in the industrial areas that could be converted to commercial use. Commissioner Lew asked if that would be something that could happen.

Mr. Leonard stated that it could happen but it would take policy changes. For example, a General Plan amendment and Zoning Ordinance change would be required to convert an existing warehouse within the ML zoning district.

Commissioner Lew stated that this doesn't shut the door on converting industrial properties to commercial properties for use as superstores. Commissioner Lew stated that she thinks that the only areas available for superstores would be the warehouses.

Mr. Leonard stated that this application tonight does not open the door or shut the door, it really doesn't address those industrial areas.

Commissioner Lew wondered if that would come up in the future.

Mr. Leonard stated that it was possible.

Commissioner Saini stated his concerns that the policy statement should provide initial or preliminary guidelines for any Use Permit that comes through because it should be dealt with on a location by location basis. Commissioner Saini wanted to add something that these are only preliminary guidelines.

Chairperson Sweeney stated that we use something like this for large family day care. Chairperson Sweeney stated there is a large family day care policy statement but it is not until a specific location is proposed that we look into more detail. Chairperson Sweeney stated that what this does is warn the applicant for a superstore that we are going to require a lot of information before we even start to make a decision.

Mr. Leonard stated that there is another layer of protection, CEQA. Mr. Leonard stated that under California Environmental Quality Act, we have to do an initial study which has 25 different categories of potential impacts, which we would have to evaluate for the site under consideration. Mr. Leonard stated that gives an opportunity to look at issues that may not be addressed in the policy statement.

Commissioner Saini read a provision from the CEQA guidelines listed in the staff report as the section that allowed for an exception and asked how it applies.

Ms. Campbell stated that this provision applies specifically to your action tonight, which is adoption of the text amendment that would require an additional discretionary process, whereby a superstore would be subject to additional CEQA review.

Commissioner Saini asked if they can choose between the exemptions.

Chairperson Sweeney stated because we are only making a change to our zoning text we aren't required to do a CEQA review and this has no bearing on future superstore applications.

Ms. Campbell stated that through the CEQA exemption process, superstores are too big to qualify, so they will always have to go through an extended environmental analysis.

Commissioner Saini asked if we considered distance from residential areas for potential impacts.

Mr. Leonard replied that there is a section in the CEQA guidelines that looks at impacts on adjoining uses.

Commissioner Saini asked if it looks at distance or also density of use.

Ms. Campbell stated that the impacts look at both.

Commissioner Saini stated his concerns that the public does not get enough notice early enough. Commissioner Saini would like to add something to require the applicant to give more public notice.

Ms. Campbell stated that the State requires the City to provide notice to an area around the project site for each application. Ms. Campbell stated that for larger applications, we also usually have a study session so that gives the public double notice of the project and allows them to provide comments and input.

Chairperson Sweeney stated she understands his concern and that public notice is usually to properties within 300 feet of the project. Chairperson Sweeney stated that is not a very wide circle around a potential superstore site. Chairperson Sweeney noted that impacts could occur in a much larger area and perhaps we need to do a wider notification than the minimum required under State law.

Mr. Leonard replied that we are able to do that and we could add a statement in the policies to show that proposed superstores shall be minimally noticed in a radius of 500 feet, 750 feet or whatever the commission would like to put in there.

Commissioner Anderson noted that superstores rarely rely on local markets, they are usually regional. Commissioner Anderson asked in the economic impact analysis report to add an element that includes an analysis of the superstores impact on the entire market area of the store. Commissioner Anderson feels that this would give wider notice of the project to adjacent cities and nearby communities.

Ms. Campbell stated we could consider that. Ms. Campbell stated that they did consider adding economic impact on surrounding cities, however, typically there would only be a negative impact on adjacent residential uses and we didn't feel it was necessary to go beyond the boundaries of Union City. Ms. Campbell stated that what the study will probably conclude is that we are attracting people from other cities referred to as "retail leakage".

Commissioner Anderson stated that superstores always have a market region that is large than the city it is located in and the economic impact report should be used to provide the basis for noticing.

Mr. Leonard noted that on page 13 of 13, #4 talks about the economic viability and impact and we could add in a couple of words in the first bullet point to address your concerns. Mr. Leonard suggested adding the words "and market area" at the end.

Mr. Leonard suggested adding #7 on the same page but he does not recommend noticing outside the city limits. Mr. Leonard stated that we would notice the administration of the cities adjacent but not the residents in those cities. Mr. Leonard suggested noticing Union City residents in a defined radius.

Commissioner Saini asked what methods are used for noticing.

Ms. Campbell replied that we send out direct mailings to the adjacent neighbors within 300 feet and publish a notice in the newspaper.

Commissioner Saini asked what the readership of the Argus.

Mr. Leonard replied that he was not sure.

Commissioner Saini stated that he liked adding the seventh bullet but when the consultants come in they can do primary research and get a better idea of the affected area. Commissioner Saini stated that most people don't have time to read the notices or come to Planning Commission meetings, so he thinks it is our responsibility to involve them. Commissioner Saini does not think that a notice in the newspaper is sufficient.

Mr. Leonard stated that he is aware that a better publication might be the Tri-City Voice, a weekly newspaper, because it stays around much longer than a daily paper and can be found in local businesses. Mr. Leonard stated that we might start using that paper.

Commissioner Saini referred to page 8 of 13 and asked what happens to superstores that fall between 75,000 and 100,000 square feet.

Ms. Campbell referred to table 18.39.040 "permitted uses by development type" and stated that certain uses are provided for in Union Landing which are over 75,000 square feet. Ms. Campbell stated that it is only when they meet the superstore definition that they would trigger the Use Permit process.

Commissioner Saini asked what would happen if a store would fall below the superstore definition of 100,000 square feet.

Ms. Campbell stated that we do allow for grocery stores and retail stores but there is nothing in the ordinance that is permissive of this combination. Ms. Campbell stated that we could not allow a superstore if it is not the minimum size.

John Bakker, City Attorney, stated that this loophole would exist no matter where you set the threshold. Mr. Bakker stated that it is a matter of trying to capture what is out in the marketplace and get close to it.

Chairperson Sweeney suggested adding the term superstores to a list of items that are not allowed as permitted uses.

Ms. Campbell stated that could be done.

Chairperson Sweeney suggested that the zoning map that shows the four potential sites be included in the report that goes to the City Council. Chairperson Sweeney feels that it would be instructive to the council to show where these sites are and that none of them is currently zoned appropriately.

Chairperson Sweeney suggested that the MS district is not appropriate for superstores unless we change the text that describes what that special industrial area is supposed to look like.

Chairperson Sweeney referred to 18.40.310 which is the description of the MS district and noted that superstores do not fit in the description of the district description in the purpose.

Ms. Campbell stated that the MS district has been morphing over time and we now allow certain retail sales of products and perhaps we should revise the purpose to be more current.

Chairperson Sweeney stated that she believes that projects in the MS district should be on a smaller scale.

Mr. Leonard stated that he would agree, in general, however the Home Depot and the shopping center are in the MS district and it was determined 20 years ago that it would be an appropriate use. Mr. Leonard stated that perhaps we could amend the purpose statement to allow for superstores.

Chairperson Sweeney stated that she does not think that the MS district is appropriate for superstores. Chairperson Sweeney stated that a case for Home Depot would be that it supports nearby manufacturing whereas a superstore does not.

Chairperson Sweeney wants to limit superstores to the CC, SRC and CUL zoning districts and eliminate the MS district.

Chairperson Sweeney asked why a minimum site size for superstores was not given. Chairperson Sweeney noted that the map exhibit shows a 12 acre site and we are asking them to have all of their parking on site in addition. Chairperson Sweeney gave the example of the CUL district that can be as low as 5,000 square feet. Chairperson Sweeney asked to set a minimum site size for what could be a huge building. Chairperson Sweeney suggested 12 acres as the minimum site size for a superstore.

Commissioner Anderson commented that one of the things you create is a location where car traffic has to increase because you can't get to it. Commissioner Anderson stated that it will not be near anything and public transit won't go there.

Chairperson Sweeney stated that we should be really careful not to shoehorn one of these things someplace.

Ms. Campbell stated that there are specific requirements in the commercial districts for landscaping and minimum thresholds for C3 treatment. Ms. Campbell stated that staff's concern about establishing a threshold for site area is that it might preclude a use that could creatively accommodate all of the required parking, building, landscaping, and it would be difficult to establish a threshold.

Chairperson Sweeney referred to #4 of the policy statement and suggested it should read "proposed superstore".

Chairperson Sweeney would also like to add a projection of lost City revenue resulting from the impact on existing businesses. Chairperson Sweeney would like to see two figures to look at.

Commissioner Anderson asked if that wasn't covered by the first bullet.

Chairperson Sweeney stated that it is an assessment of the extent that we would capture a share of retail but it does not talk about the loss of City revenue if some businesses are pushed out.

Commissioner Saini agreed with that point. Commissioner Saini asked what would be an economic impact study.

Ms. Campbell replied the study would result in information that would allow you to make a decision on whether to approve a Use Permit.

Commissioner Saini asked what kind of information would be contained in the economic impact report.

Ms. Campbell replied that the criteria is outlined in policy statement #4.

Chairperson Sweeney asked to add an assessment of lost opportunities for development on the site to the economic impact study.

Ms. Campbell referred back to Chairperson Sweeney's request to remove the MS district from the list of districts and noted that the MS districts are aligned with major thoroughfares such as Alvarado-Niles

Road and Union City Boulevard. Ms. Campbell asked if it would be possible to postpone consideration of the MS districts to a later date when staff can better address your concerns. Ms. Campbell stated that most of the areas that were identified are in the MS district.

Chairperson Sweeney stated that only one of the four is zoned MS, the others are zoned MG, A, and RDC. Chairperson Sweeney stated that on that basis if we exclude the MS district, any of these that are proposed would require a zoning change and maybe that is appropriate.

Commissioner Singh asked if there is a site for a superstore at Union Landing.

Mr. Leonard replied that potentially Wal Mart could be converted into a superstore. Mr. Leonard stated that it has an expansion area on the freeway side of the store of 30,000 square feet.

Commissioner Singh asked why it was not mentioned.

Ms. Campbell replied that staff focused on vacant lots just to get an idea of where potential big box retailers could go.

Commissioner Lew stated that if it is not appropriate to include the MS district then it should be excluded. Commissioner Lew stated that it is not appropriate to include it in the policy statement at this time unless we are going to revise the General Plan to make it appropriate.

Commissioner Singh stated that there are gigantic warehouses on Whipple Road and we should look at future uses.

Mr. Leonard stated that we should just strike criteria #1 as it doesn't seem applicable given the discussion on the zoning.

Commissioner Anderson asked if that would make superstores a conditional use everywhere.

Ms. Campbell replied that the zoning ordinance would provide guidance on where superstores could be located.

Mr. Bakker stated that in a lot of the commercial districts they would not be permitted at all. Mr. Bakker stated that instead of the policy statement talk about zoning, let's just let the Zoning ordinance speak for itself.

Chairperson Sweeney agreed.

Chairperson Sweeney stated that she knows we are trying to include the discount club stores by not excluding them but doesn't know how this is defined elsewhere.

Ms. Campbell replied that they all would fall into this definition of being over 100,000 square feet.

Commissioner Lew stated that they need to look at the fact that Union City is being built out very quickly and there is the possibility that warehouses could be converted. Commissioner Lew suggested looking at superstores that are built up instead of out and that they have structured parking within the building itself.

Ms. Campbell stated that the market might force that to happen.

Chairperson Sweeney stated that this fact also supports not having a minimum lot size.

Commissioner Saini referred to proposed sites #3 and #4 and asked how will the total impact of traffic on these sites be calculated when the build out of the area will not be for many years.

Ms. Campbell agreed with his concerns and stated that the City has sent out requests for proposals for the environmental study for the Intermodal area and the first step is a traffic study based on the entire build out of the area.

Chairperson Sweeney stated that the exhibit only shows sites where a superstore would be possible based on availability of vacant land measuring over 12 acres.

Ms. Campbell asked for clarification for the noticing requirements.

Chairperson Sweeney stated that she is willing to leave the final wording to staff but it has to be more than 300 feet. Chairperson Sweeney suggested noticing affected neighborhoods.

Mr. Leonard suggested adding to #7 “adequate notice to the potential impact area”.

Chairperson Sweeney stated that is fine.

Mr. Bakker suggested adding at the end of Mr. Leonard’s suggestion “as determined by staff”.

Commissioner Anderson made a motion to recommend approval to the City Council of Zoning Text Amendment AT-01-07 and the Superstore policy statement with changes, making findings 1 – 4, and adopt a resolution confirming this action.

Commissioner Lew seconded.

AYES 5 (Anderson, Lew, Saini, Singh, 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 next Regular Planning Commission meeting for July 5, 2007.

The meeting for July 5, 2007 was canceled.

IX. GOOD OF THE ORDER:

Mr. Bakker announced that tonight is his last night as the Planning Commission City Attorney and a new attorney has been assigned to the Planning Commission.

Chairperson Sweeney stated that the monument signs at Alvarado Boulevard and Dyer Street are not in the positions that were approved on the plans. Chairperson Sweeney stated that the sign on Alvarado Boulevard is on the wrong side of the driveway and it obstructs the view of oncoming traffic. Chairperson Sweeney stated that the sign on Dyer Street that was supposed to be set 18 feet back from the sidewalk is only 6 feet back.

Mr. Leonard stated that is correct that the sign is going to be moved back out of the right of way.

Chairperson Sweeney asked if they could also prune the bushes so they don't obstruct the view.

Chairperson Sweeney asked what is the status of the Nor-Cal project site.

Mr. Leonard stated that they should be starting construction soon.

Chairperson Sweeney asked the status of the Dyer/Meteor project.

Mr. Leonard stated that they are in the building permit process and putting together the CCR's.

Chairperson Sweeney asked if Cingular ever came back to the City about the fence that they wanted to put up on Mission Boulevard at the community garden.

Mr. Leonard replied that they never came back to the City but the fence is in compliance.

X. ADJOURNMENT: 9:40 p.m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY