

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 15, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Lew, Panlilio, Singh, Sweeney, Alternate Gonzales and Chairperson Anderson

STAFF: Mark Leonard (Director, Economic and Community Development); Carmela Campbell (Senior Planner); Avalon Schultz (Assistant Planner); Mike Rodriquez (City Attorney); Farooq Azim (Principle Civil Engineer); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of May 1, 2008 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

- 1. CITYWIDE, MUNICIPAL CODE TEXT AMENDMENT AT-02-08; the City is proposing to amend the Union City Municipal Code for the purposes of clarifying language, rectifying minor inconsistencies, and adding provisions where necessary to implement the Code more effectively. Proposed modifications to Title 7, *Health and Sanitation*, address citywide issues related to visible debris on private property and smoking in public and place of employment. Modifications to Title 12, *Public Improvements*, would disallow basketball hoops in the public right-of-way. Title 18, *Zoning*, is proposed to be modified as follows:**

- a.** Add definitions for housing types;
- b.** Allow significant additions to historic homes and homes built as part of a planned unit development with existing nonconforming setbacks;
- c.** Allow reduced front yard setback for porches in the Decoto neighborhood;
- d.** Regulate freestanding sign locations;
- e.** Limit auto repair and the use of storage containers in residential districts;
- f.** Clarify design requirements for modular and mobilehomes;
- g.** Modify setback requirements for one-story homes and bulk regulations for two-story homes;
- h.** Establish a rear setback standard for through-lots;
- i.** Clarify requirements for density bonuses;
- j.** Allow outdoor flower display for floral shops;
- k.** Provide development standards for mixed-use projects in the Old Alvarado area and along Mission Boulevard;

Mark Leonard, Director, Economic and Community Development, stated that there are superblocks instead of the smaller blocks divided by streets. Mr. Leonard stated that when working with a developer and issuing an exclusive negotiating agreement they realized that there was too much infrastructure to build. Mr. Leonard stated that for high rise, high-density, residential mixed-use commercial development they needed bigger blocks to work with. Mr. Leonard stated that a couple of streets were eliminated. Mr. Leonard pointed out the changes on the projected map.

Commissioner Lew stated that she loved the project.

Commissioner Sweeney asked how the future streets will be financed.

Mr. Leonard replied that it will be handled in a couple of ways. Mr. Leonard stated that there are two grant applications into the State to help pay for infrastructure and the other way to pay for the streets is to put an obligation on the developer. Mr. Leonard stated that would have to be negotiated. Mr. Leonard stated that it might also be possible to issue another bond through the Redevelopment Agency.

Commissioner Sweeney noted that if this were privately owned and a developer came in to redevelop then the burden for providing that kind of infrastructure would fall entirely to the developer. Commissioner Sweeney stated that she feels that this is a huge burden for the City to be assuming, having already completed 11th Street, to provide all the rest of these streets as well.

Mr. Leonard stated that they are in negotiations with the developer to provide a share of the infrastructure, in particular, Railroad Avenue and some of the side streets. Mr. Leonard stated that there are a number of costs that the developer is going to be facing for this project. Mr. Leonard noted that the cost is now up to \$60,000 per unit for City and regional fees. Mr. Leonard stated that there are other construction and development costs, including affordable housing. Mr. Leonard stated that the developer is going to propose a pro forma and the City will analyze it and to the extent the developer can get a reasonable rate of return, they will put as much of the infrastructure burden on the developer. Mr. Leonard stated that these projects aren't really happening these days without Redevelopment Agency participation.

Commissioner Sweeney referred to parcel #6 along the 11th Street side and asked what the 20 foot deep by 60 foot long notch is for.

Farooq Azim, Principle Civil Engineer, replied that it is to accommodate the water district facilities so that they will be consolidated and located in the public right-of-way.

Commissioner Sweeney asked if it will be a subsurface facility.

Mr. Azim replied that there might be a fire hydrant in that location.

Commissioner Sweeney noted that we don't normally change the property line to accommodate a fire hydrant that normally there would just be a public utility easement.

Mr. Azim replied that in this case they did not want to issue an easement. Mr. Azim stated that there was an option to have all of 11th Street as an easement for the time being with it ultimately being a public right-of-way.

Chairperson Anderson opened the public hearing.

Chairperson Anderson closed the public hearing.

Commissioner Lew made a motion to recommend approval of Tentative Parcel Map TPM 9781 to the City Council making findings 1 - 3, with conditions of approval and adopt a resolution confirming this action.

Commissioner Sweeney seconded.

AYES	5 (Anderson, Lew, Panlilio, Singh, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

2. **MASONIC HOMES, 34400 MISSION BLVD., Development Agreement DA-02-08, Modified Site Development Review SD-09-06a, Modified Use Permit UP-08-06a, and Extension of Variance V-06-06:** The applicant, Masonic Homes of California, is requesting a modification to their Site Development Review approval to redevelop 11.5 acres of the Masonic Home Campus located at 34400 Mission Boulevard (APN: 087-0031-003-03) in Union City. A modification to the approved Use Permit is required for the proposed project to approve a reorganized site plan and elevations. The applicant is seeking a one-year extension of the approved Variance to exceed the allowable 50 foot height limit in the Private Institutional (PI) zoning district. The applicant is also seeking approval of a Development Agreement to allow construction of the development in two phases over a ten year period, with a possible extension of up to five years. Pursuant to §15070 of the California Environmental Quality Act (CEQA) Guidelines, the City Council adopted a Mitigated Negative Declaration (MND) on July 10, 2007 for the original project, which determined that, with the incorporation of mitigation measures, the project will not have a significant effect on the environment (Resolution No. 3401-07). The proposed modifications will result in a scaled back project and would not result in additional impacts or mitigations. The proposed Development Agreement reflects the modified project and likewise would not result in additional impacts or mitigations. No further environmental review is required.

Commissioner Sweeney recused herself from this item due to owning real property within 300 feet of the subject property.

Alternate Commissioner Gonzales was seated in her place.

Avalon Schultz, Assistant Planner, presented the staff report.

Commissioner Gonzales asked how tall were the buildings that were demolished.

Ms. Schultz replied that they were about 30 to 35 feet tall.

Commissioner Lew asked for an explanation of how the emergency vehicles will circulate around the new buildings.

Ms. Schultz stated that there have been numerous discussions between the applicant and the Fire Department regarding this issue. Ms. Schultz showed on the site map how the circulation has been planned.

Commissioner Lew asked if the access roads are two lane roads.

Ms. Schultz replied that they are.

Commissioner Lew asked when the public art will be installed.

Ms. Schultz replied that it will have to be designed prior to building permit issuance and installed during Phase One construction.

Commissioner Lew asked if any of the conditions need to be modified due to the phasing of the development.

Ms. Schultz replied that the conditions and mitigations apply to both phases of the project.

Commissioner Lew stated that she would like it clarified that the public art will be installed during Phase One.

Commissioner Lew noted that the conditions for the modified project are the same as for the original project and asked how the updated Exhibit A for the modified project will be referenced.

Ms. Schultz stated that there will be a new resolution for the modified project, with a new Exhibit A, which will supersede the previous approvals.

Commissioner Lew asked what are the building pads for Phase Two will be made of.

Ms. Schultz stated that they will consist of dirt, but will be landscaped during Phase One.

Commissioner Lew referred to page three of the Development Agreement and suggested at the end of section G that "Phase One and Phase Two" be capitalized.

Commissioner Lew referred to page four of the Development Agreement and stated that the reference to "Section 18" should actually be "Section 19" and the word "term" should be underlined to match other headings.

Commissioner Lew referred to Exhibit C of the Development Agreement and suggested that "Phase One" be identified at the top of the page under the title of the document.

Commissioner Lew referred to Exhibit C, page three, section H and asked why they are asking for additional assessor's parcels to be created and asked if that would require a Tentative Parcel Map.

Ms. Schultz replied that this is a very unique situation. Ms. Schultz stated that because a Capital Facilities District (CFD) is required for new development and is administered by parcel, which in this situation would require a vote of all voting age residents of the Masonic campus and would include all existing units. Ms. Schultz stated that it was the intent to only apply the CFD to the new development, which requires the creation of a new assessor's parcel number for tax purposes only, but does not create a subdivision of property.

Commissioner Lew asked if this was consistent with county law.

Ms. Schultz replied that it is.

Mr. Leonard stated that it follows state law. Mr. Leonard stated that we are able to do this because the assignment of an assessor's parcel number meets the provisions of state law.

Commissioner Lew asked what part of the government code is it in.

Mr. Leonard replied it is under planning regulations.

Commissioner Lew referred to page nine, section 18 and stated that it should read "City of Union City".

Commissioner Singh referred to the grading of Building B and asked how it will be changed. Commissioner Singh also asked about the site grading with regards to the proximity of the Hayward fault.

Ms. Schultz replied that the future Building B pad will consist of landscaped berms in the interim and that the area with modified slopes is in between the pool building and Building A, which resulted in the removal of retaining walls in that area. Ms. Schultz stated that there are geotechnical engineers working on the project and on site everyday that have taken the site's proximity to the fault into consideration.

Commissioner Singh asked why the second phase will be developed in up to 10 years.

Ms. Schultz replied that Phase Two provides assisted living and memory care on the first floor of the building and Masonic's intent is to wait until there is a demand for that type of care before building the second part of the project.

Chairperson Anderson referred to the fee section of the conditions of approval and noted that the development agreement doesn't include specific fees and asked if the conditioned fees are the only fees that that apply to this project.

Mr. Leonard replied that those are just a summary of some of the fees, they will have building permit fees, water and sewer fees, grading and public works fees. Mr. Leonard stated that the fees in the conditions have been enacted by separate legislation by the City Council.

Chairperson Anderson asked why all the fees are not listed.

Mr. Leonard stated that it is not necessary because the formulas could change in between now and the time they obtain building permits for Phase Two so we don't want to be held to a specific fee. Mr. Leonard noted that the Development Agreement states that they have to pay the fees that are in effect at the time building permits are issued.

Chairperson Anderson opened the public hearing.

John Howell, Vice-President Strategic Development for Masonic Homes, stated that the reason for changing the project phasing was because during the marketing of the project they found that needs and demands of the people that they will serve has changed. Mr. Howell stated that the Development Agreement will allow them to build the project based on the changes in the needs of their clients. Mr. Howell stated that Masonic Homes had an open house for the neighbors in the vicinity and he felt it was a very positive meeting.

Commissioner Gonzales stated that he is very excited to hear that the program is going to focus on senior citizens and their future needs. Commissioner Gonzales asked how someone can become a resident of Masonic Homes.

Mr. Howell replied that their programs give preference to Masons of California and someone would need to be a member of the fraternity or the wife or widow of a Mason. Mr. Howell stated that it is a charitable program.

Commissioner Gonzales asked if they accept Medical or Medicare payments.

Mr. Howell replied that they just recently became certified to accept Medicare and Medical payments.

Commissioner Lew asked what the weight load is for the sky bridge between the Pool Building and Building A.

Joel Roos, Pacific Union Development, replied that the sky bridge will meet all the required building code requirements. Mr. Roos stated that he could have the structural engineer send the information to Ms. Schultz, if needed.

Commissioner Lew asked what the bridge will be constructed of.

Mr. Roos replied that it will be made of glass and steel floor members to span between the Pool Building and building A.

Commissioner Lew asked what the capacity of the elevator will be.

Mr. Roos replied that it will be standard capacity and will accommodate a full gurney.

Commissioner Lew asked if the elevator opens through.

Mr. Roos replied that you enter the Pool Building and go through a short hallway to the elevator which will take you to the lobby of Building A.

Commissioner Lew asked if there are stairs between the two buildings.

Mr. Roos replied that there are no stairs at this point but they are discussing second means of egress out of the bridge with the Fire Department.

Commissioner Lew stated her concerns because the bridge will offer a really nice view and would likely attract a lot of use.

Mr. Roos stated that the glazing is a nice feature.

Commissioner Panlilio asked what is the procedure to get someone from the pool to emergency care if the electricity is out.

Mr. Roos replied that there is access for an EMT at the pool level.

Chairperson Anderson asked if the location of the elevator and bridge is the steepest part of the site.

Mr. Roos replied that they have created a flat pad at the pool level for the bridge and elevator.

Chairperson Anderson closed the public hearing.

Mr. Leonard read the added condition “The applicant shall entitle the public art prior to the issuance of building permits for Phase One”.

Commissioner Lew made a motion to recommend approval to the City Council of Development Agreement DA-02-08, Modified Site Development Review SD-09-06a, Modified Use Permit UP-08-06a and extension of Variance V-06-06, making findings 1 - 19, with modified conditions of approval and adopt a resolution confirming this action.

Commissioner Panlilio seconded.

AYES	5 (Anderson, Gonzales, Lew, Panlilio, Singh)
NOES	0
ABSTAIN	1 (Sweeney)
ABSENT	0

Commissioner Sweeney returned to the meeting.

- 3. BOND BLACKTOP, 2828 FABER STREET, Use Permit UP-02-08;** The applicant, Jim Moon, on behalf of the property owner, is requesting approval of a Use Permit to allow Bond Blacktop, Riley’s Striping, and Union City Construction to operate a contractor’s yard at 2828 Faber Street in Union City (APN: 463-0045-064-002). The project site is an approximately 2.88 acre parcel at the corner of Faber Street and Eigenbrodt Way. This project is categorically exempt under Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act (CEQA).

Avalon Schultz, Assistant Planner, presented the staff report.

Commissioner Panlilio asked if they were already using the area.

Ms. Schultz replied that they have been operating there for two years.

Commissioner Panlilio asked what steps are being taken to ensure that this site does not become a dump site for hazardous waste.

Ms. Schultz replied that the area has been paved so chemicals cannot seep into the ground. Ms. Schultz stated that because they do not have a lot of hazardous materials on site they are considered a small user.

Commissioner Singh noted that when he visited he saw concrete blocks and cones everywhere. Commissioner Singh remarked that there were cars parked all over the place. Commissioner Singh noted that there was a gate on Eigenbrodt that was locked. Commissioner Singh asked if there would be a knock box there.

Ms. Schultz replied that there would be.

Commissioner Singh noted that there was very nice landscaping around the area and asked if we were going to require Bay Friendly landscaping.

Ms. Schultz stated that it would be required on both frontages and they will be required to provide a precast wall on both frontages to screen the yard from off-site views.

Commissioner Singh expressed his concerns about the hazardous materials stored on site.

Ms. Schultz suggested adding a condition of approval that requires the site to be kept in good maintenance and be clean and orderly as possible.

Commissioner Sweeney stated that condition #11 and #12 appear to be duplicates and suggested one be eliminated.

Commissioner Sweeney referred to condition #17 and asked why a separate permit is being required for storage racks.

Ms. Schultz replied that there are racks installed in the building and the Building Official needs to determine that they have been installed per the Building Code.

Commissioner Sweeney stated that in regards to the pre-cast wall design, her preference is for a smooth finish wall with vines planted in front.

Commissioner Sweeney asked if the cyclone fence along the back side is going to remain with the barbed wire intact.

Ms. Schultz replied that a condition should be added to require the barbed wire to be removed.

Commissioner Lew referred to condition #5 and asked if the hours of operation include weekends and holidays.

Ms. Schultz replied that the intent was to be everyday including weekends and holidays. Ms. Schultz stated that because of the industrial location, staff did not believe the hours would result in a negative impact.

Commissioner Lew suggested clarifying the condition because she believes that daily only includes Monday through Friday.

Commissioner Sweeney suggested changing it to read Monday through Sunday.

Commissioner Lew agreed with that suggestion.

Commissioner Lew referred to condition #13 and asked if it was only a one story building.

Ms. Schultz replied that it is a two story building where the offices are located. Ms. Schultz stated that this condition refers to the new construction and it is a general condition to all projects but it could be removed.

Commissioner Lew noted that one of the businesses located in the project does striping and asked why they could not restripe the lot to show all of the required parking.

Ms. Schultz stated that they could but they want to keep the yard open to allow for equipment and materials.

Commissioner Lew stated that the Commission should not make an exception on striped parking just because the yard is big enough to accommodate all of the employees and visitors.

Commissioner Singh noted that some of the equipment is bigger than a standard parking space.

Commissioner Sweeney noted that generally we ask for striping so that in evaluating a plan we can insure that a minimum is met rather than specify where a car can be located.

Commissioner Lew noted that the other problem she saw was cars parked along the street in front of the business and this contradicts that there is sufficient parking available.

Mark Leonard, Director, Economic and Community Development, stated that there are not red curbs in front of the business and the street parking is available to employees, visitors, and the public in general. Mr. Leonard stated that he agrees with Commissioner Sweeney that we do have a contractor's yard with equipment of various sizes and we do want to maintain the flexibility for that equipment to be orderly parked in a way that would suit that business need. Mr. Leonard stated that requiring striping of the whole lot would be a mistake because the lines would wear off quickly.

Commissioner Lew stated that she would like to see striping where you could see minimum vehicle parking spots and the truck parking. Commissioner Lew stated her concerns about trucks idling next to the building and the smoke and the exhaust going into the building and harming the health of those working inside. Commissioner Lew stated that the truck idling needs to be away from the building and striping would be one way to keep them away from the building.

Commissioner Lew asked why the curbs are not painted red along the driveway.

Mr. Leonard replied that it is not usually required unless there is a safety impact.

Farooq Azim, Principle Civil Engineer, stated that there have been no complaints so there has been no requirement to paint the curbs.

Commissioner Lew stated that she does not feel that the application meets the Title 18 requirements because it does not provide a full submission and drawings for the commission's review.

Commissioner Singh stated that he thinks the main gate should be painted along both sides just for safety reasons because of all the vehicles entering and exiting.

Chairperson Anderson opened the public hearing.

Jim Moon, Applicant, stated that the yard has been a little messy because the workers are bringing leftover materials back to the yard. Mr. Moon stated that he has suggested that they build a concrete box to store that material so it does not scatter around the yard. Mr. Moon stated that they are trying to get the trucks to park correctly when they come in so that it doesn't look so messy. Mr. Moon stated that they are looking for a contractor to do the smooth wall and the suggestion to use the plants is a great idea.

Commissioner Sweeney asked how oils and other fluids from the vehicles are collected and disposed of.

Mr. Moon replied that the yard has been paved so that everything drains to the regular drains.

Commissioner Gonzales asked where the customers park.

Mr. Moon replied that there are about seven parking spaces in front of the offices for visitors.

Chairperson Anderson closed the parking hearing.

Chairperson Anderson asked to add a condition to require the curbs be painted red on either side of the main driveway.

Chairperson Anderson asked to add a condition that requires a smooth wall with vines.

Mr. Leonard read back the changes to the conditions:

- Change condition #5 to read “Monday through Sunday” instead of “daily”.
- Delete condition #11 because it is a duplicate of condition #12
- Delete condition #13 because it does not apply.
- Change condition #8 to read “the wall shall be planted with vines along its entire length”.
- Add a new condition to read “the site shall be kept clean and in good maintenance at all times”.
- Add a new condition to read “the applicant shall remove all barbed wire prior to the issuance of permits for the wall.”
- Add a new condition to read “the applicant shall paint the curb ends red at each side of the main entrance.”

Commissioner Sweeney made a motion to approve Use Permit UP-02-08, making findings 1 - 4, with the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Panlilio seconded.

AYES	5 (Anderson, Lew, Panlilio, Sweeney, Singh)
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 for June 5, 2008.

IX. GOOD OF THE ORDER: None.

X. ADJOURNMENT: 9:10 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY