

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF JULY 17, 2008, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Mark Leonard (Director, Economic and Community Development); Carmela Campbell (Senior Planner); Avalon Schultz (Associate Planner); Mike Rodriguez (City Attorney); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES:** The regular Planning Commission Minutes of June 5, 2008 were approved as submitted.

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None.

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

**1. ARROW SIGN COMPANY, 32115 UNION LANDING BLVD. AND 32364 DYER ST., Use Permit UP-03-98a (noticed as UP-05-08);** the applicant is requesting approval of a Use Permit to modify the sign program for the Union Landing Shopping Center to allow:

a. A multi-tenant monument sign on Holly Way near Texas Roadhouse located at 32115 Union Landing Blvd. (APN: 463-0060-042-00); and

b. A second building sign facing Alvarado-Niles Road for the Union Landing Dental Center tenant space located at 32364 Dyer Street (APN: 463-0060-015-13).

This project is considered categorically exempt under Section 15303, Class 3, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Commissioner Singh made a motion to continue Use Permit UP-03-98a, to the August 8, 2008 meeting.

Commissioner Lew seconded.

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

**B. NEW HEARINGS:**

- 1. WESTERN PACIFIC MATTRESS, 33436 WESTERN AVE., Use Permit UP-08-08** – the applicant is requesting Use Permit approval to allow establishment of a mattress assembly business that includes a warehousing, wholesale and distribution component at 33436 Western Avenue (APN: 475-0100-025-02). This project is considered categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Panlilio asked if the applicant will have to submit Material Safety Data sheets for any possibly hazardous materials.

Ms. Campbell replied that it is covered in the desk item and the applicant has indicated that there are no hazardous materials on site although some of the materials are flammable.

Commissioner Panlilio stated that he is concerned about the health of the workers. Commissioner Panlilio asked if there would be adequate ventilation since there will be a lot of particulate matter in the air during production.

Ms. Campbell replied that the applicant will be required to comply with all OSHA regulations including employee health.

Commissioner Singh noted that it does not appear that there is an emergency exit at the back of the building and asked what the employees would do in the event of an emergency.

Ms. Campbell replied that the Fire Marshall has been working with the applicant regarding exiting. Ms. Campbell stated that there is one exit door to the rear on both of the facilities and it is also assumed that the docks also function as emergency exits.

Commissioner Singh noted that there is a lot of graffiti on the back wall of the building.

Ms. Campbell replied that there is a condition of approval to address graffiti.

Commissioner Singh noted that the back area of the building needs to be cleaned as there is a lot of trash and weeds.

Mark Leonard, Director, Economic and Community Development, stated that condition #19 does address litter, weeds and debris on the site. Mr. Leonard suggested that prior to finalizing any occupancy permits staff will ensure that the area has been cleaned per this condition.

Commissioner Singh noted the landscaping at the front of the building was a little skimpy and asked if a landscaping plan had been submitted.

Ms. Campbell replied that she did a field visit and there is a landscaping and a 3 – 4 foot hedge separating the use from Western Avenue and it was being maintained.

Commissioner Singh noted that there is an empty space that could use some more landscaping.

Mr. Leonard agreed with the comment and added if the commission desires to add a condition requiring some ground cover it would be appropriate.

Commissioner Lew asked if waste disposal was discussed with the applicant.

Ms. Campbell stated that the applicant indicated that he would be using the existing facilities on site.

Commissioner Gonzales noted that there was a fire at the previous location. Commissioner Gonzales stated that he saw how fast a mattress can burn over the 4<sup>th</sup> of July weekend. Commissioner Gonzales referred to condition #22 and asked for more emphasis on where materials can be stored in the building so that it is away from potential ignition sources.

Mr. Leonard suggested adding a condition that would read “The applicant shall store mattress materials within the building in designated areas as recommended by the Fire Marshall”.

Chairperson Anderson referred to condition #21 and asked for more clarification of “adequate protection”.

Ms. Campbell stated that during the meeting with the Fire Marshall and the Building Department staff, the applicant was told that he would have to bring on Commercial architect to obtain his building permits and work through the electrical issues and determine an adequate level for the fire system. Ms. Campbell pointed out that there is an existing fire sprinkler system in the building and preliminary review by the Fire Marshall indicates that it is most likely adequate.

Chairperson Anderson asked if the Fire Marshall has a written definition for adequate.

Ms. Campbell replied that it is based on the use and occupancy of the building and that is translated into fire protection requirements.

Chairperson Anderson asked if condition #21 could be changed so that it is more specific such as by citing a code or standard.

Ms. Campbell replied that doing that would preclude other forms of mitigation if they were needed. Ms. Campbell stated that is probably why the Fire Marshall stated this condition this way so that there was some flexibility.

Chairperson Anderson asked how anyone can tell if the requirement is being met.

Ms. Campbell replied that a lay person couldn't tell and that they would have to bring in a professional to do the analysis.

Chairperson Anderson asked if the Fire Department will write some sort of statement when they feel that the protection is adequate.

Ms. Campbell replied that the applicant's professional will work with the Fire Department to make that determination and then it will be listed on the building permit plans.

Chairperson Anderson referred to the exhibit and stated that he did not see designated areas for staging, storage, and for the finished product and asked if the diagram should be upgraded to show where these functions would occur.

Ms. Campbell replied that after discussions with the various departments the applicant was allowed to defer that issue until building permit issuance but hearing Commissioner Gonzales's comments will address this issue.

Mr. Leonard stated that staff will review the exhibit for adequacy to make sure there is no conflict with electrical or other systems that might create a hazard.

Chairperson Anderson stated that he thinks that mattress manufacturing would have some kind of hazardous materials component and the staff report states that there will be no hazardous materials on site. Chairperson Anderson asked why there is an apparent discrepancy.

Mr. Leonard stated that there will not be any hazardous materials but there will be flammable materials but those are not classified in the Fire Code as hazardous.

Chairperson Anderson stated that he thinks that the materials that are flammable become hazardous once they are in flames.

Mr. Leonard replied that items that are flammable are not necessarily classified as hazardous materials.

Ms. Campbell stated that the desk item does add a requirement to submit a hazardous materials business plan or documentation to the effect that there will not be any hazardous materials on the site.

Chairperson Anderson replied that a condition should be added that there will be no hazardous materials stored on site.

Mr. Leonard replied that as it is now proposed there are no hazardous materials in the plan, however, if they have hazardous materials in the future then they would have to amend their hazardous materials management plan to adequately demonstrate how those materials will be stored and handled.

Chairperson Anderson asked if a condition should be added that there shall be no hazardous materials.

Chairperson Anderson asked if the applicant would have to amend the Use Permit to have hazardous materials.

Mr. Leonard replied not necessarily because under Fire Code regulations they could change their business plan.

Commissioner Panlilio asked what time the photo in the presentation was taken.

Ms. Campbell replied it was taken around 1:00 p.m.

Commissioner Panlilio stated that he passed by the site at 8:00 p.m. and the parking lot was filled with trucks. Commissioner Panlilio stated his concerns about the safety of the site.

Ms. Campbell replied that the applicant does have some trucks parked at the location.

Commissioner Panlilio stated his concern that the business next door is over parking into this site.

Ms. Campbell replied that it might be a management issue that would have to be worked out with the business next door.

Commissioner Panlilio asked if the other business is still open at 8:00 p.m. at night.

Ms. Campbell stated that she does not know their hours of operation.

Commissioner Lew stated that she went by the site late in the evening and noticed that the parking lot was full of trucks and some were not parked correctly.

Ms. Campbell asked if it was in front of both businesses.

Commissioner Lew stated it was mostly at the end. Commissioner Lew stated that the City has parking standards and it does not look like these businesses are not following the rules.

Mr. Leonard stated that it may be an issue of enforcement for the existing business and the applicant has not violated any of the standards, so staff needs to talk to the existing business about keeping the drive aisles clear for emergency access.

Chairperson Anderson opened the public hearing.

Commissioner Gonzales asked the applicant about his past experiences in the mattress business with regards to safety.

Tuan N. Dang, Western Pacific Mattress, 33436 Western Ave., replied that he has fifteen years experience in the mattress business.

Commissioner Gonzales asked if there were any accidents in that time frame.

Mr. Dang replied that they did not.

Commissioner Lew stated that she was pleased that he wanted to open his business here and she has no objections to this application. Commissioner Lew asked if he was going to recycle any of the waste material.

Mr. Dang replied that they don't have a storage area to keep items for recycling and everything will go in the existing dumpster.

Commissioner Lew asked if they make the box springs.

Mr. Dang replied that they buy the box springs from other suppliers and then recover them to match the mattresses.

Commissioner Lew asked if they use fire or flame retardant material for the mattresses.

Mr. Dang replied that he meets the federal standards otherwise he would not be able to sell to the public.

Chairperson Anderson asked if they use glues and fill materials in the manufacturing process.

Mr. Dang replied that they do not; they use staples and tacks to attach the covers to the springs.

Chairperson Anderson asked what they use to fill the mattress.

Mr. Dang replied there are three to four layers of materials including foam and there is nothing in between the springs.

Commissioner Singh asked if he is planning to open another facility in the near future.

Mr. Dang replied that if the business grows then he would need a larger facility.

Commissioner Panlilio asked how many employees he will have.

Mr. Dang stated that he will start with between 10 and 15 employees and add more as needed.

Chairperson Anderson closed the public hearing.

Mr. Leonard read back the modified conditions of approval:

- Add a condition “The applicant shall plant groundcover and re landscape bare areas on the site.
- Add a condition “Within the building, mattress materials shall be stored in designated areas as recommended by the Fire Marshal.
- Add the conditions from the desk item.

Commissioner Lew made a motion to approve Use Permit UP-08-08, making findings 1 - 4, 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	0
ABSENT	0

2. **HIGHLAND COMMERCIAL ROOFING, 4381 BETTENCOURT WAY, Use Permit UP-07-08;** the applicant is requesting Use Permit approval to establish a contractor’s yard at 4381 Bettencourt Way (APN: 482-0015-021-01). This project is considered categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act.

Avalon Schultz, Associate Planner, presented the staff report.

Commissioner Gonzales asked if the black iron fence goes all the way around the property.

Ms. Schultz stated that it is only be along the frontage.

Commissioner Gonzales asked what would be along the back and sides.

Ms. Schultz stated that she would have to check but the code allows chain link fencing along the interior and rear yards.

Commissioner Gonzales asked why they are storing the hazardous materials in the building.

Ms. Schultz stated that in the Light Industrial zone hazardous materials are allowed on site as long as they are managed and stored in a safe way.

Commissioner Lew referred to condition #4 and asked why there is a discrepancy in the closing time for the business; the staff report states 5:30 p. m. but the statement of use stated 6:30 p.m.

Ms. Schultz replied that was an oversight and it should be 6:30 p.m. for the closing time.

Commissioner Singh noted that there were some materials on the side of the building and asked if they were going to be allowed to leave it there.

Ms. Schultz replied that the applicant has not moved into the site yet.

Commissioner Panlilio noted that some of the proposed hazardous materials are flammable and asked if there is a sprinkler system where they will be stored.

Ms. Schultz replied that the building is sprinklered. Ms. Schultz noted that most of their hazardous materials are in very small quantities.

Chairperson Anderson referred to the Light Industrial (ML) district and asked whether hazardous materials are allowed in that zoning district.

Ms. Schultz stated that the ML district is the second most intensive zoning area and all of the industrial zones allow some amount of hazardous materials.

Chairperson Anderson asked what level of materials does this business propose.

Ms. Schultz replied that they are in the permitted range for the ML zone.

Chairperson Anderson opened the public hearing.

Commissioner Singh asked how many vehicles would they have on the site.

Rick Cunningham, Highland Roofing, 5105 Heintz St., Baldwin Park, CA replied that there will be about 6 – 10 trucks eventually.

Commissioner Singh asked if they run on gas or diesel.

Mr. Cunningham replied that they will run on bio-diesel.

Commissioner Singh asked if most of the trucks would leave before 8:00 a. m.

Mr. Cunningham replied that is the plan because they don't do any work on site, it is just a storage yard. Mr. Cunningham stated that the bulk of the materials are delivered directly to the job site.

Commissioner Singh asked what will they do with the waste material.

Mr. Cunningham replied that there really is no waste material in the process because they do not remove the existing roof. Mr. Cunningham stated that any trash would probably be disposed of in a dumpster at the job site.

Commissioner Lew stated that she is very glad that they are coming to Union City.

Commissioner Gonzales asked if there were any other steps they could take to be a greener business.

Mr. Cunningham replied that he thinks they are as about as green as they can get.

Commissioner Gonzales asked what their mission statement is.

Mr. Cunningham stated “We install sustainable cool roofing systems since 1991, Cool before it was green, Green before it was cool.”

Commissioner Gonzales asked what he thought their business growth pattern would be.

Mr. Cunningham replied a measured growth over the next 4 -5 years.

Commissioner Gonzales asked if Union City was a good location for the business.

Mr. Cunningham replied that it is.

Chairperson Anderson asked if the business locations in other cities required Use Permits from those cities.

Mr. Cunningham replied that one city did require a Use Permit but the other city did not.

Chairperson Anderson asked what the zoning was of the property in the city where the Use Permit was required.

Mr. Cunningham replied that it was zoned Light Industrial.

Chairperson Anderson stated his concerns about having hazardous materials in a Light Industrial zone.

Mr. Cunningham stated the materials that they use are not solvent based or highly flammable, they are similar to acrylic paints and water based emulsions. Mr. Cunningham stated that while they would not be environmentally friendly if spilled into a storm drain they are not explosive or flammable and the company has not had any accidents since they opened in 1991. Mr. Cunningham stated that all of the employees are trained in handling the materials and the materials are delivered by tanker to the job site, so unless the job is in Union City, there will not be any materials at the yard.

Mr. Cunningham stated that the building is fully fire sprinklered.

Chairperson Anderson stated that he wasn't sure what an asphalt emulsion is.

Mr. Cunningham replied that it is a mixture of asphalt and clay that is emulsified in water so that it can be applied as a liquid. Mr. Cunningham stated that once the water evaporates what is left is waterproof clay and flexible asphalt.

Chairperson Anderson closed the public hearing.

Mr. Leonard read the change to condition #4 to broaden the work hours to 6:30 p.m.

Commissioner Lew made a motion to approve Use Permit UP-07-08, making findings 1 - 4, with modified conditions of approval and adopt a resolution confirming this action.

Commissioner Singh seconded.

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

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

1. **MAYSEVEN RABOCA, 33754 4<sup>TH</sup> STREET, Administrative Use Permit AUP-01-08;** the applicant is requesting approval of an Administrative Use Permit to operate a large family daycare for up to 14 children in a single-family residence located at 33754 4<sup>th</sup> Street (APN: 486-0006-073-03). This project is considered categorically exempt per Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act.

Avalon Schultz, Associate Planner, presented the staff report.

Commissioner Panlilio stated his concerns that additional children will create additional noise and asked how that will be handled.

Ms. Schultz replied that there would probably be more noise with the additional children and staff has added condition #5 that would allow staff to respond to noise complaints and revisit the approval for the Use Permit.

Commissioner Panlilio asked if the landscaping in the front was going to be removed to create another parking space.

Ms. Schultz replied that it would not be allowed.

Commissioner Singh referred to the PowerPoint presentation picture of the garage and noted that it was not big enough to park two vehicles inside.

Ms. Schultz stated that she verified that two cars can be parked inside the applicant's garage.

Commissioner Singh noted that he visited the area at around 10:30 a.m. and there was no parking available on the street and he saw children playing outside with one person watching them.

Commissioner Singh stated his concerns about the safety of the children on that particular street and felt that there were already too many children for the location. Commissioner Singh stated his concerns about the width of 4<sup>th</sup> Street and with cars parked along the sides it was very dangerous. Commissioner Singh suggested the applicant start with 10 children for about a year and if there are no complaints then the applicant could have more. Commissioner Singh stated that he visited the area at 2:30 p.m. and still had the same complaints about the area.

Ms. Schultz stated that the desk item might address some of his concerns.

Commissioner Singh stated that he is still concerned about the safety of the street area.

Mark Leonard, Director, Economic and Community Development, stated that these are the exact issues that classify this particular use as discretionary, requiring an Administrative Use Permit. Mr. Leonard stated that these are legitimate concerns and the commission needs to get a sense of whether the proposal, as presented, is reasonable. Mr. Leonard stated that if they don't feel that it is reasonable then it can be modified.

Commissioner Singh agreed it should be modified for the safety of the children.

Commissioner Lew stated that she did not have any questions but thanked Ms. Schultz for her diligence in addressing past issues in this application.

Commissioner Gonzales asked if there are laws regarding smoking around children in this type of setting.

Ms. Schultz stated that there are no-smoking requirements for businesses but she is unsure if they apply to home based businesses.

Commissioner Gonzales referred to the part-time employee and asked if the part-time person would only be on-site when the number of children reached the maximum. Commissioner Gonzales stated his concerns about the ratio of the number of people watching the children and the make-up of the ages of the children in the home. Commissioner Gonzales feels that 6 – 8 children under one person's care may be inadequate.

Ms. Schultz suggested that question be referred to the applicant. Ms. Schultz stated that the California Community Care licensing board sets the staffing ratios for child care.

Commissioner Gonzales asked what are the ratios.

Ms. Schultz stated that she did not have that information.

Commissioner Gonzales asked if the house is in compliance with all building codes.

Ms. Schultz stated that the house was built to the standards in effect at the time but it has been fire sprinklered and there is a fire inspection required. Ms. Schultz stated that even though the state does the licensing they rely on the local jurisdiction for safety inspections.

Commissioner Gonzales referred to condition #5 and asked if there had been any past complaints about the facility. Commissioner Gonzales asked if the neighbors had been given notice that the applicant wants to increase the capacity of the facility.

Ms. Schultz replied that a standard 300-foot notice was sent to the surrounding neighbors. Ms. Schultz stated that she received one phone call from a neighbor who was more concerned about the parking and safety than the noise. Ms. Schultz reiterated that the question before the commission is whether this is an appropriate location for 14 children and three adults in terms of noise, parking and traffic.

Commissioner Gonzales asked if the neighbors know that they are not supposed to park there.

Ms. Schultz replied that the neighbors can park wherever they choose on the public street as long as it is a legal parking space.

Commissioner Panlilio asked if the children would be playing in the front yard.

Ms. Schultz replied that the desk item requires that the children only play in the backyard.

Commissioner Panlilio asked if there was any concern with the children running into the street.

Ms. Schultz replied that there is a fence but the care providers need to make sure the gate is latched.

Commissioner Panlilio stated his concerns about the children running into the street from the yard.

Mr. Leonard stated that if the commission is concerned about the paint job on the house, it is possible to require that the house be painted.

Commissioner Gonzales agreed with that.

Commissioner Panlilio asked if that was trash in the side yard.

Ms. Schultz replied that it is their green waste bin.

Chairperson Anderson opened the public hearing.

Mayseven Raboca, 33754 4<sup>th</sup> Street, Union City, CA, stated that she is a qualified site supervisor and she decided to open up daycare in her own house. Mrs. Raboca stated that she feels confident having 14 children in her daycare. Mrs. Raboca stated that as a teacher she worked with 14 pre-schoolers at a time. Mrs. Raboca stated that she has a part-time worker but she can hire a full-time worker. Mrs. Raboca stated that the ratio for infants is one to four. Mrs. Raboca stated that she doesn't take infants. Mrs. Raboca stated that she can have four 2-year olds and the rest would be school age (5 – 12 years of age). Mrs. Raboca stated that her husband, who is on disability, is working with her full-time. Mrs. Raboca stated that when she first opened her childcare facility, the Fire Marshal only asked for one side yard to be open. Mrs. Raboca stated that she closed that side yard last year. Mrs. Raboca stated that when she applied for 14 children, the Fire Marshal asked her to open the side yard again. Mrs. Raboca complied but then Community Care licensing told her that she could close one side yard as long as one side yard is open for exiting. Mrs. Raboca stated that she has three doors in her house, one for entrance and two in the middle of the house for exiting into the side yard. Mrs. Raboca stated that she tries to be innovative. Mrs. Raboca stated that the loft that she made was not acceptable to the Fire Marshal. Mrs. Raboca stated that she took down the part of the loft that was wrong. Mrs. Raboca stated that she made the playhouse in the rear yard. Mrs. Raboca stated that she moved it to where the Fire Marshal and Planning asked her to. Mrs. Raboca stated that she moved the stuff out of the side yard so that it is open. Mrs. Raboca stated that she moved all the stuff into the garage and will be shipping it to the Philippines this weekend. Mrs. Raboca stated that if the neighbors complain that the kids are too noisy playing in the backyard she will take the play structure down. Mrs. Raboca stated that she is painting her own house and she will finish it. Mrs. Raboca stated that she is accepting all ages for her childcare. Mrs. Raboca stated that she will make sure that both side yards are open. Mrs. Raboca stated that she will park her two cars in the garage. Mrs. Raboca stated that she cannot discriminate against smokers but she will not allow smoking in her house.

Commissioner Gonzales asked about the child ratios.

Mrs. Raboca stated that with a license for eight children, only four can be infants. Mrs. Raboca stated that if she is licensed for 14 children she cannot have 14 infants; she can only have eight infants with two workers.

Chairperson Anderson asked for guidance from staff about what the commission can do in this situation.

Mike Rodriguez, Assistant City Attorney, replied that Exhibit A of the staff report will provide guidance to the commission.

Mrs. Raboca stated that the children don't stay outside all day. Mrs. Raboca stated that she keeps them inside to work on workbooks. Mrs. Raboca stated that the children need to get outside for some play time.

Commissioner Gonzales asked the applicant about her background.

Mrs. Raboca stated that she is a licensed teacher in the Philippines; she is credentialed as a site supervisor in California and for multiple subjects teaching in elementary schools. Mrs. Raboca stated that she chose to do daycare because she wanted to stay home with her own three children.

Commissioner Gonzales asked what the children are going to study.

Mrs. Raboca stated that she works with the children on writing, numbers and reading. Mrs. Raboca stated that they have indoor games and outdoor games.

Commissioner Gonzales asked if there is a space set aside for just studying.

Mrs. Raboca replied that she has lots of space.

Commissioner Gonzales asked what grades she taught in the Philippines.

Mrs. Raboca replied that she was licensed to teach toddlers to grade 6 in the Philippines. Mrs. Raboca stated that in California she is licensed for pre-school through grade 8.

Mrs. Raboca stated that she disagrees with limiting herself to 10 children.

Kenny Mar, 32204 Deborah Drive, Union City, CA, stated that he is an undergraduate at University of California at Berkeley working towards a business degree with a minor in city planning. Mr. Mar asked how much would it cost to put in a “Children At Play” sign within 10 to 15 feet of the facility.

Mr. Leonard replied that the City does have a sign shop and it would cost around \$100 to make the sign.

Mr. Mar stated that he feels that it would be a reasonable cost for the City to implement considering the sacrifices already made by the applicant. Mr. Mar stated that if child safety is a huge concern then this could be an extra precaution for drivers turning onto 4<sup>th</sup> Street.

Mrs. Desoto, 401 H Street, Union City, CA, stated that her main concern is the high volume of traffic. Mrs. Desoto stated that there is a three-way stop coming from Decoto Road and H Street. Mrs. Desoto stated that drivers go really fast through the area. Mrs. Desoto stated that parking is full all day. Mrs. Desoto stated that she doesn't want to see parents stopping in the middle of the street to drop off children. Mrs. Desoto agreed with the caution sign.

Mrs. Raboca stated that if her cars are parked in the garage then parents can use the driveway to drop off children. Mrs. Raboca stated that she will comply with all the conditions of approval.

Hugh McNamara, 32232 Mercury Way, Union City, CA, stated that he has driven through this intersection. Mr. McNamara stated that many drivers run the stop signs in this area. Mr. McNamara feels that the caution sign would be a good idea.

Chairperson Anderson closed the public hearing.

Chairperson Anderson stated that he would approve this application. Chairperson Anderson stated that the commission is here to approve a Use Permit, not do licensing or traffic regulation or any other things.

Commissioner Gonzales stated that he would approve this application based on the applicant's statements.

Commissioner Lew stated that she would approve this application based on the fact that Union City needs more childcare. Commissioner Lew stated that she is pleased with the application and the City did a good

job working with the applicant. Commissioner Lew stated that she is pleased with the earnestness of the applicant and she will be very successful with 14 children.

Commissioner Singh stated that he would disapprove this application because he disagrees with the applicant having 14 children.

Commissioner Panlilio stated that he would approve this application. Commissioner Panlilio stated his concerns for the children and suggested adding something about the latch and agreed with the suggestion for putting in the caution sign.

Chairperson Anderson asked how the commission feels about the caution sign.

Chairperson Anderson stated that he does not feel the sign is necessary.

Commissioner Singh stated that he thinks the sign is a good idea.

Commissioner Lew stated that she thinks the sign should not be a condition of approval for this application. Commissioner Lew stated that the City should put in the sign and also do something about traffic management in that area with more oversight.

Commissioner Gonzales stated that he lives on 4<sup>th</sup> Street and he has seen a lot of bad driving in the area but he doesn't feel that the sign should be added to this application.

Commissioner Panlilio clarified that he was concerned about the latch on the gate for the safety of the children, which would be within the application and the sign would be up to the City.

Commissioner Panlilio asked for a new condition of approval for the latch on the gate for the safety of the children.

Commissioner Gonzales agreed with the new condition.

Commissioner Lew agreed with the new condition.

Chairperson Anderson asked if any of the commissioners's wanted the children limited to 10.

Commissioner Gonzales disagreed with the limit.

Commissioner Lew does not want to change the number of children served.

Commissioner Panlilio does not want to change the number of children served.

Chairperson Anderson asked if there needs to be a condition of approval for the applicant to finish painting her house. Chairperson Anderson doesn't feel that it would affect her care of the children and is not in favor of adding it.

Commissioner Gonzales is in favor of adding a condition for painting the house.

Commissioner Lew would prefer to see a condition added because the City raised the issue and it is part of the neighborhood.

Chairperson Anderson asked if a condition should be added regarding keeping the debris and litter on the property picked up.

Mr. Leonard stated that on the desk item there are two additional conditions of approval. Mr. Leonard stated that the first one deals with keeping the site in good repair and could be modified to read “the applicant shall remove the play structure and leather couch from the front yard and shall maintain the site in good repair and condition at all times”.

Chairperson Anderson agreed with that.

Mr. Leonard read back the changes to the conditions of approval:

- Add the two desk items with the first one modified “The applicant shall remove the play structure and leather couch from the front yard and shall maintain the site in good repair and condition at all times”.
- Add a new condition “The applicant shall finish painting the house prior to the effectiveness of the Use Permit”.
- Add a new condition “The applicant shall install a child proof latch on the gate at the front driveway, this latch shall not lock”.

Commissioner Panlilio made a motion to approve Administrative Use Permit AUP-01-08, making findings 1 -7, with modified conditions of approval and adopt a resolution confirming this action.

Commissioner Lew seconded.

AYES	4 (Anderson, Gonzales, Lew, Panlilio)
NOES	1 (Singh)
ABSTAIN	0
ABSENT	0

**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 August 7, 2008.

**IX. GOOD OF THE ORDER:**

Commissioner Panlilio stated that along Novato Street and Navarro Street there is a problem with vehicles staying in the correct lane and suggested adding a center line.

Mr. Leonard replied that staff will confer with the City Engineer for the best solution.

Commissioner Singh stated that the Home Depot parking lot has a lot of litter and needs to be cleaned up.

Commissioner Lew stated that this fall ACTIA will be making a call for grant applications for bicycle and pedestrian projects and suggested that staff looks for qualifying projects for Union City.

Commissioner Lew stated that the traffic signal at Dyer Street and Santa Susanna appears to stop east bound traffic for no discernable reason. Commissioner Lew suggested that the left turn signal from Dyer into Santa Susanna maybe creating the problem.

Commissioner Gonzales stated that there is a problem in the Decoto area with aggressive drivers doing donuts in the street and speeding. Commissioner Gonzales asked if the City could provide speed bumps or other traffic calming measures.

Mr. Leonard stated that this would be referred to the Police Department for increased enforcement.

X. ADJOURNMENT: 9:32 p.m.

**APPROVED:**

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**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**