

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF NOVEMBER 6, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL: Commissioners Raymond Gonzales Jr., Jo Ann Lew, Froilan (Roy) Panlilio, Gurnam (Gary) Singh, and Chairperson Tikisa Anderson
Alternate: Phillip Crosby**

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

II. ELECTION OF OFFICERS:

Commissioner Panlilio nominated Chairperson Anderson for chairperson of the Planning Commission.

Commissioner Gonzales seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

Commissioner Panlilio nominated Commissioner Jo Ann Lew for vice-chairperson of the Planning Commission.

Commissioner Singh seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

- III. APPROVAL OF MINUTES: The regular Planning Commission Minutes of October 16, 2008 were approved as submitted.**

IV. ORAL COMMUNICATIONS:

Hugh McNamara, 32238 Mercury Way, Union City, stated that Miles Price, former Senior Commissioner, passed away on Tuesday, November 4, 2008. Mr. McNamara stated the vigil will be from 4:30 p.m. to 8:30 p.m. on Thursday, November 10th at the Chapel of the Chimes with a rosary at 7:00 p.m. Mr. McNamara stated the mass will be held at Our Lady of the Rosary on November 11th at 2:00 p.m. and internment will be at Chapel of the Chimes. Mr. McNamara stated that there will also be a reception at

the Ruggieri Center at 4:30 p.m. Mr. McNamara stated that Mr. Price was one of the original members of the Senior Commission and stepped down in 1997.

V. **WRITTEN COMMUNICATIONS:** None.

VI. **PUBLIC HEARINGS:**

A. **CONTINUED HEARINGS:**

1. **CITY OF UNION CITY, CITYWIDE, Zoning Text Amendment AT-05-08** – the City is proposing to amend several provisions of Chapter 18.40 of the Union City Municipal Code to be more consistent with the goals and policies of the current Union City General Plan that include:
 - a. Increasing the allowed height from 50' to 75' subject to Use Permit approval in ML (Light Industrial) zoning districts;
 - b. Allowing for up to a 25 percent reduction in required off-street parking in ML (Light Industrial) Zoning Districts if transit demand programs are instituted including installation of showers and lockers, employee shuttles to and from BART, etc.;
 - c. Including a provision that allows the Planning Commission to determine off-street parking requirement for uses not specifically listed.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Lew asked where the 25% figure came from.

Ms. Campbell replied stated that she reviewed other cities zoning codes and since there was a wide variety, 25% seemed like a reasonable number. Ms. Campbell stated that they did not want to reduce the parking demand by too much because as Transit Demand Management plans become more and more mainstream there might be more ways to achieve the provision.

Commissioner Singh asked if the parking demand is reduced by 25% are the parking stalls going to be reduced in size.

Ms. Campbell replied that they are proposing to reduce the number of stalls and not the size.

Mark Leonard, Director, Economic and Community Development, stated that there are compact stalls in the Mexico Lindo development and that has led to complaints that cars are too close together and people cannot get in and out of the cars without scraping the other car. Mr. Leonard stated that because of that they now use an intermediate size and that seems to have worked better.

Commissioner Singh stated that in his development he has about 15 parking stalls that are 8 ½' by 26' and thinks that it works well in his situation and would work well in an industrial area rather than in a commercial development.

Chairperson Anderson opened the public hearing.

Barry Ferrier, 32212 Allison Way, Union City, CA stated that he has been in Commissioner Singh's parking lot and he thinks his spaces are not quite adequate. Mr. Ferrier stated that he had been involved

in the General Plan process and one of the things that they looked at was demolishing some of the older buildings and building high-rise office buildings. Mr. Ferrier stated his concern that there are no associated facts in the General Plan to support this. Mr. Ferrier stated that he is glad to see that there will be a 75 foot limit. Mr. Ferrier stated that he is not sure that this will open the door to taller buildings later on should we take down a warehouse and replace it with an office building which is part of the reason that we have a higher employment rate as a goal in the General Plan. Mr. Ferrier stated that it would create more employment and generate more property tax revenue for the City. Mr. Ferrier pointed out some inconsistencies in the General Plan. Mr. Ferrier stated that the height should be 100 feet rather than 75 feet.

Hugh McNamara, 32238 Mercury Way, Union City, CA, referred to the 25% reduction in parking and asked if the employers agree to running shuttles is there any financial encouragement for the employers to do this for such things as liability insurance. Mr. McNamara stated that the parking reduction may not work if there is not more public transit through the industrial park.

Chairperson Anderson closed the public hearing.

Commissioner Lew made a motion to recommend approval of Zoning Text Amendment AT-05-08 to the City Council, making findings 1 - 3, and adopt a resolution confirming this action.

Commissioner Singh seconded.

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

- SOUTHERN WINE & SPIRITS, 1555 ATLANTIC ST., Site Development Review SD-03-08, Use Permit UP-10-08** – Southern Wine and Spirits is requesting approval of a Site Development Review application, SD-03-08, to demolish an existing 180,000 square foot warehouse building and construct an approximately 402,000 square foot building, that will serve as their main warehouse and distribution facility, located at 1555 Atlantic Street (APNs: 475-0130-023, 475-0121-011, 475-0121-012). The applicant is also requesting Use Permit approval, UP-10-08, for establishment of a warehouse/distribution use, to increase the allowed height from 50 feet to 75 feet, to decrease required parking demand by 25 percent by instituting Transit Demand Management strategies and allow for an averaging of setbacks as a Planned Unit Development. The City has prepared a Mitigated Negative Declaration for this project and has determined that, with the incorporation of mitigation measures, the project will not have a significant effect on the environment.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Panlilio referred to the driveway on the site plan and asked if it would allow for two-way use by the trucks.

Ms. Campbell replied that it is about 36 feet wide and would be able to handle the two-way traffic.

Commissioner Singh stated that he feels that this is step forward in the development of the area.

Commissioner Singh asked who will be responsible for running the shuttle bus from BART to the industrial area.

Ms. Campbell replied that the details are being worked out. Ms. Campbell replied that at the Industrial Roundtable this issue was discussed and while the City would be involved, the shuttle buses would be the responsibility of the employers and business owners.

Commissioner Singh asked if there was consideration to adding bus service into the area.

Ms. Campbell replied that the transit department will be consulted about possible changes to the routes.

Commissioner Singh referred to the intersection of Central Avenue and Atlantic Street and asked if a signal light was being considered for this intersection.

Ms. Campbell replied that the applicant will be allowed to use either Whipple Road and/or Alvarado-Niles Road via Central Avenue or Dowe Avenue. Ms. Campbell stated that the engineering department has not recommended a light at that intersection because they do not see a change in traffic patterns at this point.

Commissioner Singh noted that they are expecting 1100 or 1200 employees at that corner and he feels that the City should look into putting in a traffic signal at Central Avenue and Atlantic Street because there will be so many cars using that intersection.

Farooq Azim, Principle Engineer, replied that he will ask the City Engineer to look into it.

Commissioner Singh asked if there will be bicycle racks in front of the building.

Ms. Campbell replied that the applicant will be providing bicycle parking consistent with the ordinance as well as showers and lockers inside.

Commissioner Lew asked if the Planned Unit Development (PUD) standards are being used solely for the setback requirement or as an exception to the setback requirements and for no other reason.

Ms. Campbell replied that is correct, the project meets all the other requirements listed in the PUD.

Commissioner Lew asked if it covered not meeting the landscape requirements or the density of the landscaping or the parking requirement. Commissioner Lew stated that the City's calculations for parking spaces is not being met so what is the reason for approving the shortfall.

Ms. Campbell replied that what is being proposed is a reduction by the Planning Commission of the parking demand for this specific use based on the uniqueness of the use being not really consistent with a standard warehouse and distribution. Ms. Campbell based the requirement on the overall parking demand of 191 spaces and the maximum number of employees on site at one time which is also 191. Ms. Campbell stated that staff is requesting the Planning Commission to make a determination that because of the special attributes of this use that the parking demand can be reduced, which the Planning Commission can do because of the previously approved Zoning Text Amendment.

Commissioner Lew asked which application would that be under.

Ms. Campbell replied that it is a determination only by the body but it is included in the Site Development Review.

Commissioner Lew asked why the applicant did not ask for a Variance for the front yard setback.

Ms. Campbell replied that it is a little more difficult to make Variance findings when you are starting with a vacant lot and building new.

Commissioner Lew asked if the lot was vacant.

Ms. Campbell stated that it would be after the old building is demolished.

Commissioner Lew asked if the current building met all the setbacks and city codes.

Ms. Campbell stated that it does and the applicant could have asked for a Variance and maybe accomplished the same thing.

Commissioner Lew stated that when you do that you establish a precedent and other applicants may want to take advantage of the same process. Commissioner Lew stated her concerns that the building is going to be so close to the narrow sidewalk when all the surrounding buildings are fairly setback. Commissioner Lew stated that she doesn't understand why an exception is being made for this project when a Variance could have been requested instead of a PUD.

Mark Leonard, Director, Economic and Community Development, stated that it is an alternate procedure that is in the zoning code and it is a procedure that applies to larger lots. Mr. Leonard stated that smaller lots are not eligible for this procedure. Mr. Leonard stated that a similar PUD was done for the Home Depot shopping center, where they could not meet the strict standard approach to development and so they came in with a site plan which staff felt was superior and could be handled under the PUD process. Mr. Leonard stated that a PUD gives more flexibility as to how to judge a project based on its own merits and characteristics.

Commissioner Lew stated that the Home Depot project is different because there were other buildings and businesses on the site.

Mr. Leonard stated that he was using that as an example to show how a PUD had been applied in the past. Mr. Leonard stated that there are other examples of industrial PUD's.

Commissioner Lew stated that the only other industrial PUD she could recall were industrial condominiums or office condominiums that were sold to other tenants. Commissioner Lew stated that she could not recall any applications for a single building project that used a PUD.

Commissioner Lew stated that she saw that there were several locations on the plans for bicycle rack but she did not see a condition of approval that referenced 18. 28.080 regarding the design criteria for bicycle parking facilities and she would like to see that added.

Commissioner Lew stated that she did not see a drawing that shows the roof area and asked if there will be equipment on the roof.

Ms. Campbell stated that a minor amount of air conditioning units are proposed for the roof area and the roof plan is on sheet D.A.B.2-10. Ms. Campbell stated that it shows eight air conditioning units in the northeast corner of the roof.

Commissioner Lew asked if that was the area above the office space.

Ms. Campbell stated that is correct.

Commissioner Lew stated that they should be far enough back from Atlantic Street to not be a view issue.

Commissioner Lew noted that the plan shows seven handicap stalls and asked if that is based on a state requirement for parking and on the 191 stalls or the required 311 plus stalls.

Ms. Campbell stated that she believes that requirement is based on the 191 stalls but the architect can also respond to the question.

Commissioner Lew referred to condition #26 and stated that she has not seen a wall where the vines have successfully covered the wall. Commissioner Lew noted that the condition does not have a time constraint and asked how long the City is going to wait for the vines to cover the walls.

Joan Malloy, Planning Manager, replied that vines grow at different rates depending upon the soil conditions, etc. Ms. Malloy stated that they can increase their coverage if they are planted at a tighter density. Ms. Malloy suggested a tighter density to get quicker coverage.

Commissioner Lew replied that vines are beautiful when they are growing and not when they are dying on the wall and her preference would be to establish what the City wants to accomplish and leave the solution up to the landscape architect. Commissioner Lew stated that what she wants to accomplish is no graffiti on the walls and no opportunity for the artist to stain the walls.

Mr. Leonard suggested changing the last line of condition #26 to read “anti graffiti coating and planted with adequate landscaping to eventually cover the wall”.

Commissioner Lew agreed with that change.

Commissioner Gonzales stated that he is very pleased with the drawings for the new building.

Commissioner Gonzales asked besides Transit Demand Management (TDM) what other ways is the City working to manage commuting issues. Commissioner Gonzales asked what kind of incentives are we offering employers to encourage their employees to use mass transit. Commissioner Gonzales asked what are the factors that would lead to Alvarado-Niles Road not being used as a commercial route in the near future.

Mr. Leonard clarified that Alvarado-Niles Road is still an official truck route. Mr. Leonard stated that there has been discussion over the years that perhaps it ought to be removed from the truck route because there are so many residents using that street. Mr. Leonard mentioned that during the commute hours there is additional traffic generated by the high school and the middle school and it was suggested to remove Alvarado-Niles Road from the approved truck route but nothing has been done as of this time.

Chairperson Anderson asked what happens if the applicant sells the project site to a retail/commercial use. Chairperson Anderson asked how the new use would accommodate the parking needed.

Ms. Campbell replied that it could because the rear of the site could be reconfigured to meet the parking demand.

Chairperson Anderson asked what the constraints are that keep the applicant from meeting the 10% landscaping coverage.

Ms. Campbell replied that it is the size of the building.

Chairperson Anderson asked if the size of the building is a site constraint.

Ms. Campbell replied that because of the size of the building they were not able to add the additional landscaping.

Chairperson Anderson asked how does this affect the policy statement that requires the 10% coverage.

Ms. Campbell replied that the policy statement does not have the same binding status as a zoning ordinance provision. Ms. Campbell stated that a policy statement can be varied from without requiring a formal exception process.

Chairperson Anderson stated the Planning Commission must ignore a policy statement in favor of a better design with bigger trees.

Chairperson Anderson referred to condition #11 and noted that he could not find the trash area on the site plans.

Ms. Campbell replied that the applicant has indicated that they will be located inside the building similar to how they are doing it now.

Chairperson Anderson noted that condition #11 states that the trash enclosures should be identified and they are not.

Ms. Campbell replied that the applicant would provide that information on the plans submitted for the building permit.

Chairperson Anderson asked if condition #11 should be changed to reflect that.

Ms. Campbell replied that could be done.

Chairperson Anderson referred to condition #19 and noted that the condition does not include a method for calculating the in-lieu fee. Chairperson Anderson would prefer that to be included.

Ms. Campbell replied that it could be added but it is already codified in the zoning ordinance under the Public Art fee ordinance.

Chairperson Anderson suggested having the condition refer to the zoning ordinance.

Chairperson Anderson referred to condition #25 and asked if the wording should be corrected to "shall not be allowed".

Ms. Campbell agreed with the correction.

Chairperson Anderson opened the public hearing.

Larry Chaplin, Vice-president, Southern Wine and Spirits, 1555 Atlantic Street, Union City, CA, stated that they have outgrown their facility and they really need a new facility to service Northern California. Mr. Chaplin stated that they have developed a plan to really maximize the use of this particular site. Mr. Chaplin stated that they want to take advantage of new material handling technologies and build up rather than expanding out. Mr. Chaplin stated they will build the building so it looks like what is in the drawings.

Commissioner Gonzales stated that the false front is a very unique disguise of the warehousing use. Commissioner Gonzales asked how they would help their employees on the commuting issue.

Mr. Chaplin replied that when the gas crisis hit in the 80's they worked with their employees to create carpools and other options. Mr. Chaplin stated they would be willing to work with the City and other employers to create commuting options for employees.

Commissioner Lew asked what amenities will be at the site.

Mr. Chaplin replied they will have lunch rooms, break rooms, quiet rooms, and shower and locker rooms.

Commissioner Lew asked if they will be able to buy food on site or bring their food in.

Mr. Chaplin replied that they will go out in the community as they do now.

Commissioner Lew asked if they will have a walking facility for walks at lunch time.

Mr. Chaplin replied that there is not enough room on the site for this.

Commissioner Singh asked if they will install an electric car charging system for the employees.

Mr. Chaplin replied that they are thinking about it but the problem is they are not sure if they want to pay to charge the employees cars. Mr. Chaplin stated there is a huge liability involved.

Commissioner Singh asked how he feels about the shuttle service to and from the BART station.

Mr. Chaplin replied that he thinks it is great and is willing to partner with other employers to get it in place.

Commissioner Singh asked why is the wall 10 feet tall rather than six feet around the building.

Mr. Chaplin replied because they are an alcoholic beverage distributor which has special security concerns.

Commissioner Singh asked if they are open 24 hours a day.

Mr. Chaplin replied that they traditionally are not open on weekends but during the week they are open almost 24 hours a day.

Commissioner Panlilio thanked Mr. Chaplin for keeping the business in Union City.

Commissioner Panlilio asked if it might be possible for them to have a small gym inside the building.

Mr. Chaplin replied that they might partner with a fitness center to allow their employees to have a membership at a reduced rate. Mr. Chaplin stated that if they don't take care of their employees then they won't be able to take care of us.

Commissioner Panlilio asked if there will be bike lanes along the roadways and if not perhaps they should be put in.

Chairperson Anderson asked where will the trash enclosures be located.

Mr. Yung, HPA Architects, 18831 Bardeen Avenue, Irvine, CA stated that they will be inside by the dock doors.

Ms. Campbell stated that it is marked on the page plan D.A.B.1.1.

Chairperson Anderson referred to condition #51 and asked where is the emergency vehicle road shown on the site plan.

Ms. Campbell stated that the road around the site is 36 feet wide and the Fire Department requires a minimum of 26 feet width.

Chairperson Anderson stated that the condition does not make it clear if the road is temporary or permanent.

Ms. Campbell replied that there are access requirements during construction that the applicant will have to work out with the Fire Marshall and then the 26 foot wide road will be permanent after construction.

Chairperson Anderson asked to have condition #51 changed to be made clearer.

Mr. Leonard stated that the word "permanent" can be added to the condition.

Chairperson Anderson asked if they could add the additional 484 parking spaces required if they sold the site.

Mr. Chaplin replied that they can accommodate those spaces.

Chairperson Anderson asked which site plan will they be approving for this project.

Ms. Campbell replied that it will be sheet D. A. B. 1.1 which is consistent with the color rendering on the second page.

Ms. Campbell played a CD with a demonstration of the racking system.

Mr. Chaplin narrated the CD demonstration.

Chairperson Anderson closed the public hearing.

Mr. Leonard read back the changes to the conditions of approval in addition to the desk items:

- Condition #11 shall read “The applicant shall identify trash on the building plans all trash enclosures areas including receptacle for recycling on the plans submitted for building permit issuance”.
- Condition #13 change the fourth sentence to read “The applicant shall prepare and submit a final landscape plan which is consistent with the preliminary landscape plan but shows the size of all trees being upgraded to 24 inch box along the Atlantic Street frontage, provides a specific number of each plant species being provided and shows the installation of adequate landscaping in lieu of vines.”
- Condition #19 add the wording at the end “...as required by the Public Art Ordinance.”
- Condition #25 change the wording “no outdoor storage of pallets shall be allowed on site.”
- Condition #26 replace the word “vines” with “adequate landscaping.”
- Condition #51 change to read “the applicant shall install a permanent 26 foot wide all weather road for emergency vehicle access within 150 feet of all construction.”
- Add the standard condition for bicycle storage.

Commissioner Lew made a motion to recommend approval of Site Development Review SD-03-08 and Use Permit UP-10-08 and adopt a Mitigated Negative Declaration to the City Council, making findings 1 - 12, with the modified conditions of approval and adopting a resolution confirming this action.

Commissioner Panlilio seconded.

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

B. NEW HEARINGS: None.

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. Regional Vision Presentation

Kenneth Kirkey, Planning Director, Association of Bay Area Governments

2. SHELL OIL, 2001 DECOTO ROAD, Administrative Site Development Review ASD-17-08;

the applicant is requesting approval to install a proposed vapor recovery system at an existing gas station. The subject property is located at 2001 Decoto Road (APN: 486-0099-007-05). This project is categorically exempt under Section 15303, Class 3, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA) Guidelines.

Joan Malloy, Planning Manager, stated that the applicant has withdrawn the original application and has come forward with a more modest design and staff is asking the Planning Commission to refer this project back to the Zoning Administrator.

Commissioner Panlilio made a motion to refer Administrative Site Development Review ASD-17-08 back to the Zoning Administrator.

Commissioner Gonzales seconded the motion.

AYES	5
NOES	0
ABSTAIN	0
ABSENT	0

VIII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

IX. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting for November 20, 2008.

X. GOOD OF THE ORDER:

Commissioner Lew stated that she wants to revisit the issue of the Planned Unit Development.

Mr. Leonard stated that they believe that there should be some clarifications made to it in the next round of Zoning Code updates.

Commissioner Lew stated that she would like to see a clearer purpose statement, how the PUD application applies, what it actually covers and what its intent is.

Commissioner Lew stated that she is glad that Southern Wine and Spirits is making the maximum use of their property but she wants to see the mechanism by which the City is going to do these approvals. Commissioner Lew stated that in our industrial areas that we should allow applicants and property owners to demonstrate that this is the best use of their land and beneficial to the company as well as the City.

Commissioner Lew stated that ACTIA has sent out an invitation for grants.

Commissioner Lew stated that she received an email from the Department of Homeland Security and they are offering grants to state, county and local agencies that staff should check out.

XI. ADJOURNMENT: 09:55 p.m.



 TIKISA ANDERSON, CHAIRPERSON

ATTEST:



 MARK LEONARD, SECRETARY