

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF AUGUST 20, 2009, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Joan Malloy, (Economic and Community Development Director); Carmela Campbell (Planning Manager); Nancy Hutar (Contract Planner); Farooq Azim (Principle Civil Engineer); Kit Faubion (Assistant City Attorney); Kris Fitzgerald (Administrative Assistant).

**II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of August 6, 2009 were approved as submitted.**

**III. ORAL COMMUNICATIONS:**

**IV. WRITTEN COMMUNICATIONS: None.**

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS: None.**

**B. NEW HEARINGS: None.**

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS: None.**

**B. NEW REPORTS:**

- 1. MASONIC HOMES FLATLANDS PROJECT. The proposed project is for General Plan and Zoning amendment to allow the eventual development of multi-family residential uses, retail commercial uses, a civic facility use and possibly a private institutional use on the 67.3 acres on the northeast side of Mission Boulevard, between May Road and O'Connell Lane.**

Nancy Hutar, Contract Planner, presented the staff report.

Commissioner Crosby referred to the proposed change to the height limit in the RM 2500 zoning district to 35 feet and asked if that would just be a change to the zoning text.

Carmela Campbell, Planning Manager, replied that is what is proposed. Ms. Campbell stated that this change was to provide more flexibility for the product types that are being proposed in the RM 2500 zoning district.

Commissioner Crosby referred to the proposed overlay district and asked what would be addressed in the overlay district.

Ms. Hutar replied that staff is still looking at approaches to the area and it could be design standards or an overlay district. Ms. Hutar stated that it could include special setbacks, landscape requirements, etc.

Commissioner Crosby referred to attachment 5, policy goal LU-F.1.8 and asked what is meant by “only be located above the first floor when directly adjacent to Mission Boulevard”.

Joan Malloy, Economic and Community Development Director, replied that when the General Plan was updated in 2002, it was envisioned that there would not be individual unit entrances from Mission Boulevard (the west side of the street) going directly into the units in order to provide privacy for the units. Ms. Malloy stated that when this policy was written no development had been contemplated for the east side of Mission Boulevard. Ms. Malloy stated that some of the existing policies will have to be rewritten in light of this proposed development.

Commissioner Crosby referred to General Plan Policy Goal CD-E.1.2 and asked what a view shed impact is.

Ms. Malloy replied that it is to retain the views of the hillside. Ms. Malloy stated that as development occurs on the westside, it should have consideration for those views to the hills.

Commissioner Crosby referred to General Plan Policy Goal CD-E.1.4 and asked what does it mean to orient development towards the hillside.

Ms. Malloy replied it is to capture the hillside views.

Commissioner Gonzales asked what the City had considered for types of development for this area.

Ms. Malloy replied that the original hillside plan vote had a couple of alternatives on the ballot. Ms. Malloy stated that one alternative set the boundary at the base of the hillside so that the flat land area could have been developed but that was not the alternative that was approved. Ms. Malloy stated that the area had been zoned Agriculture/Open Space for as long as she has been with the City (about 15 years).

Commissioner Gonzales noted that ideas for the area have including a farm/agriculture aspect, cultural sites for children, and different types of housing areas for different sectors of the community. Commissioner Gonzales noted that there has been digging on some of the parcels and asked if the EIR report has been completed or when will it be completed.

Ms. Hutar replied that the geology section of the report is still in process and the whole report has not been finalized.

Commissioner Gonzales referred to Parcel A1 and asked if the 30 - 35 foot height proposed is consistent with the adjacent apartment heights.

Ms. Campbell replied that she was referring to the townhomes along Eleventh Street.

Commissioner Gonzales made a recommendation to have tier type buildings that would not obstruct the views from the Decoto area.

Ms. Campbell clarified that he is looking for a shorter height closer to Mission Boulevard and then increasing the height to 35 feet as the buildings get closer to the rear of the site.

Ms. Hutar noted that one of the sections of the EIR report will be on aesthetics which will include an analysis of view impacts.

Commissioner Singh asked what is the height of the Mission Gateway apartment buildings.

Ms. Campbell replied that they are 40 feet.

Commissioner Singh noted that there is a very tall building on C Street near Mission Boulevard and asked how tall is it.

Ms. Malloy replied that it is an equipment enclosure for telephone equipment and is about 40 feet tall.

Commissioner Singh asked if noise would be studied for the EIR.

Ms. Hutar replied that it will be part of the EIR.

Commissioner Singh referred to the staff report and noted that the applicant is proposing to donate something to the East Bay Regional Park District and asked for clarification.

Ms. Hutar replied that the applicant will work directly with East Bay Regional Park District and staff will report back to the commission the results.

Commissioner Singh asked what is going to be done with the one or two acre agriculture parcel.

Ms. Hutar replied that the plans are still very conceptual and subject to the City Council recommendations.

Commissioner Panlilio asked to see a mock up so that the commission can see how the buildings will affect the view.

Chairperson Anderson referred to the commercial parcel and asked which of the two zoning designations will be applied to the parcel.

Ms. Hutar replied that one of the designations refers to the General Plan designation and the other designation is the zoning designation that the applicant is suggesting.

Chairperson Anderson asked is the difference between RM 2500 and RM 1500 zoning designations the height of the units and the size of the units.

Ms. Hutar replied that those are two of the differences.

Ms. Malloy stated that the difference is the density and is based on how much site area you need for each dwelling unit.

Chairperson Anderson asked where else in the City these zoning designations have been used recently.

Ms. Malloy replied that Mission Gateway is zoned RM 1500 and there are several apartment complexes in Union City where RM 1500 is used.

Chairperson Anderson stated his concerns that RM 1500 is not appropriate for the site because of the height allowed.

Chairperson Anderson asked if you have a 55 foot building on Mission Boulevard and have a normal size person stand in front of that building what would they be able to see.

Ms. Campbell replied that what the person would see would be different from different locations.

Chairperson Anderson asked then how far away from that 55 foot building would a person have to be in order to see the hills. Chairperson Anderson felt that you would have to be about 30 feet away just to see the top of the building and they would not be able to see the hills. Chairperson Anderson stated his concerns about the view corridors and the limiting of views of the hills.

Ms. Malloy replied that analysis of these concerns will be included in the EIR report. Ms. Malloy pointed out that the project has a forty foot setback and Mission Boulevard is over 100 feet wide.

Chairperson Anderson stated his concerns about the internal access road on the southern portion of the property having no direct access to emergency vehicles and it would be difficult to get transit in there. Chairperson Anderson stated that since this portion is being planned for the senior citizens it should have better access.

Chairperson Anderson stated that two things about this project trouble him, one is the RM 1500 designation, which would allow the 55 foot height and the access road that terminates in the parcel C1 or C2.

Chairperson Anderson opened the public hearing.

Vickie Grenz, Masonic Homes, 34400 Mission Boulevard, Union City, stated that she was happy to be here tonight. Ms. Grenz stated that many of the technical people working on the project are here tonight to answer any questions. Ms. Grenz stated that there is an access road to parcel C which would allow fire trucks to enter.

Jim Leggate, Union City, stated that he has been to two previous meetings about the flatlands project. Mr. Leggate stated that he was glad to see that suggestions provided to the applicant have been included in the project. Mr. Leggate stated he supports the project.

Irwin Fershleiser, Union City, stated that he is in favor of the project.

Dr. Arnulfo Cedillo, 32226 Slocum Ct., Union City, stated that he is representing the Apostolic Church of Union City. Dr. Cedillo stated that they want to see a site set aside for private institutional use for faith based organizations. Dr. Cedillo stated that his church is looking for a larger site because of their membership growth.

Jean Treash, 34400 Mission Blvd., Union City, stated that she likes that an area for young people to come and grow has been set aside. Ms. Treash supports the project.

Ron Standifer, 33177 Quail Drive, Union City, stated that he represents Hillview Baptist Church. Mr. Standifer stated that he wants to see a portion set aside for private institutional use.

Jeanne Fershleiser, Union City, stated that she is in favor of setting aside areas for agriculture and faith based organizations. Ms. Fershleiser stated her support for the project.

Betty Ashfield, Union City, stated that she likes how the plans take into account many different groups and needs. Ms. Ashfield stated her support for the project.

Barry Ferrier, 32212 Allison Way, Union City, stated his concerns about the layout of the streets in the section with the townhomes and that they will block views of the hills.

Jeanne David, 34212 Torrey Pine Ct., Union City, stated that she supports setting aside an area for a swimming complex.

Dean Iwasa, Treadwell and Rollo Geotechnical, stated that they have completed the exploratory trenching for the fault study and they have concluded that there is no trace of the fault that crosses through the development area or within 50 feet of the development area. Mr. Iwasa stated that they have been studying the landslide area and have concluded that to mitigate the area will require controlling surface water drainage and perhaps removing some of the soil and perhaps having a setback at the toe.

Commissioner Panlilio asked if there would be a landslide if there was an earthquake.

Mr. Iwasa stated that they do not think there would be a landslide.

Chairperson Anderson asked if there is a risk of flooding on the flatland area.

Mr. Iwasa referred the question to the civil engineer.

Chairperson Anderson asked where the landslide area is located.

Mr. Iwasa replied that it is located in parcel B.

Chairperson Anderson asked if the Hayward fault is at the eastern boundary.

Mr. Iwasa replied that it runs along the eastern boundary of the site.

Chairperson Anderson asked if there is a risk to the flatlands area from the hillside.

Mr. Iwasa replied that if the fault ruptures there could be a shifting of ground, however, the hazard would be if there is any structure or critical improvement along that trace.

Chairperson Anderson asked if there is anything along that trace.

Mr. Iwasa replied that it would be designed around the trace.

Commissioner Gonzales asked how many landslides have there been in the last 50 years.

Mr. Iwasa replied that it looked like the landslide had been triggered by an earthquake that occurred in the 1860's.

Commissioner Gonzales asked for a new home in the flatlands area how much greater risk from an earthquake is there than to one in the Decoto area.

Mr. Iwasa replied that there are two potential issues with an earthquake, fault displacement hazard and how much shaking occurs during an earthquake. Mr. Iwasa stated that they looked for fault trace evidence around the property and did not find any. Mr. Iwasa stated that the Building Code addresses the second issue by making sure the buildings are constructed to withstand shaking.

Jared Frey, RJA, Civil Engineer, stated that they have not found any potential flooding problems for the flatlands area.

Commissioner Lew asked what role does the concrete canal that runs along Mission Boulevard.

Mr. Frey replied that they are looking at replacing the concrete ditch with an earth lined bioswale which would help with treating run off from Mission Boulevard and from the site.

Commissioner Lew asked if there would be a sidewalk along Mission Boulevard.

Mr. Frey replied that there will be a sidewalk.

Commissioner Lew asked where would the sidewalk be located in terms of the bioswale.

Mr. Frey replied that the sidewalk would be on the Masonic Homes side.

Commissioner Lew asked if there would be a curb.

Mr. Frey replied that there would be a standard curb with openings so that water could drain into the bioswale.

Commissioner Lew asked if there would be drains and the sewer system under Mission Boulevard where the bioswale is.

Mr. Frey replied that there are already culverts across Mission Boulevard and they plan on tying the bioswale system into those.

Commissioner Lew asked there will be utilities brought into the property.

Mr. Frey replied that they are planning to run in new water, sewer, and storm drain lines throughout the development. Mr. Frey stated that they will be running new infrastructure through the site. Mr. Frey stated a water supply assessment will be done in conjunction with Alameda County Water District.

Commissioner Singh asked if the study for the flooding is done.

Mr. Frey replied that the studies that are finalized show the drainage is going to be solved but there is nothing that shows there will be flooding.

Commissioner Singh noted that back in 1988 or 1989 there was a heavy rain and that area was flooded.

Mr. Frey replied that there are new requirements from the Regional Water Quality Control Board that say that you cannot let anymore water off the site than is already happening.

Commissioner Panlilio asked if there will be any plantings to mitigate flooding from the hillside and will there be any hiking and/or biking lanes along Mission Boulevard.

Gerry Tierney, Perkins and Will Architects, replied that the original design was for a multi-use trail from O'Connell Lane across the back of the development area at the base of the hill that would connect at May Road and the East Bay Park system. Mr. Tierney stated that users could also use the city streets and the sidewalk behind the bioswale. Mr. Tierney stated there would potentially be three north-south trails through the development. Mr. Tierney stated there would be landscaping around the building development. Mr. Tierney stated that they would like to keep the area around the hillside in a native condition, with native grasses and trees, except for the agriculture area.

Commissioner Panlilio stated his concerns for persons who want to cross Mission Boulevard to get to the new trails.

Ms. Malloy replied that at this time the City has not proposed any over or underpasses across Mission Boulevard.

Arthur Ashfield, Union City, stated his support for the project.

Chairperson Anderson closed the public hearing.

Commissioner Lew stated that she found the package confusing and there were several inconsistencies.

Commissioner Lew noted that there are two other families living within the area that is surrounded by the Masonic property and asked how they access their property.

John Howl, Masonic Homes, 34400 Mission Boulevard, Union City, replied that there are two access easements through the Masonic property to the other family's properties and those access roads will not be changed by the development.

Commissioner Lew asked which parcels will be sold and which they will keep ownership of.

Mr. Howl replied that they will keep ownership of parcels B, C, and consider selling parcels A1 and A2.

Commissioner Lew asked if they will subdivide the property before or after the sale.

Mr. Howl stated that he cannot answer that at this time.

Mr. Tierney stated that the property would be entitled to be subdivided but it is very unlikely that Masonic Homes would file a subdivision map. Mr. Tierney stated that it is normally the responsibility of the purchaser to file for the subdivision.

Mr. Howl stated that Mr. Tierney is recommending that Masonic Homes not go through a subdivision until after the ballot measure and then it would come back by whomever they would partner with.

Commissioner Lew asked how they are going to present this on the ballot. Commissioner Lew asked if their intention is to sell undeveloped land or land that has been improved. Commissioner Lew asked what value is going to be placed on the land at the time of the ballot.

Commissioner Lew asked if the open space is part of parcel A.

Mr. Howl replied that the area to the east of parcels A1 and A2 would be considered for open space.

Commissioner Lew asked who would own that land.

Mr. Howl replied that it would continue to be owned by Masonic Homes.

Commissioner Lew asked if he understood that if it is designated open space then it is open to the public.

Mr. Howl agreed that it would be open for the benefit of the community as well as Masonic Homes.

Commissioner Lew asked what benefit do they derive from allowing public use of that land which they still own.

Mr. Howl stated that there may be different ways to create an easement for use but they are working with East Bay Regional Park and could create something there.

Commissioner Lew stated her concerns about liability if the public is allowed to use it.

Commissioner Lew noted that the area they are recommending stay as agriculture is much larger than the parcel that is shown as being converted to development and asked if Masonic Homes would retain ownership of the 210 acre agricultural parcel.

Mr. Howl stated that they would keep ownership.

Commissioner Lew asked if only a portion would be shown on the map for the ballot measure.

Mr. Howl replied that what would be on the ballot measure would be the flatlands and where the boundaries would change to go with the topography of the hillside. Mr. Howl stated that the hillside area would remain open space and they will maintain it that way.

Commissioner Lew stated that she sees an inconsistency as to whether all 212 acres is part of the project or not.

Mr. Howl replied that they are committing to maintaining that as open space as a part of the overall project.

Ms. Grenz noted that this question was asked at the public meetings and by showing the whole area it provided context. Ms. Grenz stated that it is not their intention to undo the Hillside Ordinance but they are proposing to make a boundary change which would allow development move forward.

Commissioner Lew suggested that any future maps should have something that identifies that not all of that area is part of the development package.

Commissioner Lew asked if they are looking for the community to do the planting and growing on the agriculture area.

Ms. Grenz replied that it is all open for discussion at this point.

Commissioner Lew asked how they are going to avoid the boxy look of the two and three townhouses and the 55 foot senior housing.

Mr. Howl stated that they want the look to be architecturally pleasing and to fit with the landscape and setting that is there. Mr. Howl stated that they have done the design yet.

Commissioner Lew suggested that they bring in pictures to help with the design phase.

Mr. Howl stated that was possible.

Commissioner Lew asked if they sell parcel A undeveloped how will they influence the actual development itself, architecture and landscape.

Mr. Howl replied that they will try to have a theme to cross all the parcels but that hasn't been decided yet.

Commissioner Lew asked if they would still be able to influence the development of a parcel that they sold.

Mr. Howl replied that they would negotiate an agreement with the buyers.

Commissioner Lew asked what is going to be done with the part of O'Connell Lane that turns into a dirt road.

Mr. Howl replied that the dirt road would be kept up as emergency vehicle access at this point.

Commissioner Lew asked where the main access is to the proposed senior housing.

Mr. Howl replied that it is off the main entrance through parcel B2.

Commissioner Lew asked how they will keep people off of the dirt road.

Mr. Howl replied that there is a security fence there right now and in the future they anticipate keeping the fencing and maybe moving a gate.

Chairperson Anderson asked why resource management and public safety would be considered for the open space area.

Ms. Campbell replied that regarding the agriculture area, staff is going to work with Masonic Homes to come back to the commission with a more refined concept.

Ms. Campbell stated that for the buildings located along Mission Boulevard staff is working on design standards for the area and they will be brought back to the commission for their approval.

Ms. Campbell stated that O'Connell Lane will be for emergency vehicle access only and the City will require that it be brought up to standard.

Ms. Campbell stated that resource management and public safety are part of the Open Space General Plan designation.

Ms. Malloy stated that public safety would be where there are fault lines, unstable areas any areas that the public would need to be protected.

Commissioner Gonzales asked what will happen to the horse stables above parcel A2.

Mr. Tierney replied that what they are planning has nothing to do with the horse ranch and there are no changes contemplated.

Commissioner Gonzales referred to parcel B1 and wants it to focus more on youth activities.

Mr. Tierney replied that there are some very exciting ideas that focus on youth and family services. Mr. Tierney stated that they have met with several groups that have ideas about creating a program for kids 13 and up to go afterschool and get help with school, training and other activities.

Commissioner Gonzales stated his concerns about the youth on the east side of the City needing some type of program.

Commissioner Singh asked how the Masonic Homes feels about having private institutional uses on their property.

Mr. Howl replied that they are very open to the uses and have had discussions with two of the churches that were here this evening.

Commissioner Singh asked what they are looking for in terms of size.

Mr. Howl replied that one church that has a school and they would be looking at going up to six acres and the Masonic Homes will potentially set aside up to nine acres for private institutional use.

Commissioner Singh asked if it would come from parcel B.

Mr. Howl replied that it would.

Commissioner Lew stated that it was an excellent staff report and she is very pleased with this project and how it is progressing. Commissioner Lew stated that she is not sure if she would vote for it right now but there are a lot of positives about and she is looking forward to future presentations.

Commissioner Lew stated that this project needs to serve the community within its self first; secondly it needs to support the neighboring community. Commissioner Lew stated that she is glad that no walls are proposed and thinks there should be anymore walled communities in Union City. Commissioner Lew recommended that the agriculture area be more defined in terms of what is part of the project and what is not part of the development, a definite boundary line. Commissioner Lew recommended rather than designating it as agriculture it should be designated as open space because open space is a more flexible designation than agriculture. Commissioner Lew stated that she has no objection to the building heights but she would like to see more terracing or something so it doesn't look like building blocks. Commissioner Lew stated that the people living there will have the best views of the hills. Commissioner Lew stated that she is more concerned with the architecture and the height than the hillside views. Commissioner Lew stated that she is glad that staff is looking at the design standards and fully supports an overlay for this area. Commissioner Lew stated that she wants the affordable housing to be fully spread out amongst the different housing types. Commissioner Lew stated that there should be a finite time that the private institutional parcel is offered so that if there are no takers then the land can be put to other uses. Commissioner Lew wants to know who is going to maintain the landscape buffer at the north end of the parcel A1.

Commissioner Gonzales feels that the project is moving forward in a positive direction and he is glad that they are reaching out to the community and not automatically rejecting ideas.

**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 Planning Commission meeting for September 3, 2009.

**IX. GOOD OF THE ORDER:**

Commissioner Lew asked what is happening with Elite Bakery on Dyer Street.

Ms. Malloy replied that they have been progressing slowly.

X. ADJOURNMENT: 9:15 p.m.

**APPROVED:**

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**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

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**JOAN MALLOY, SECRETARY**