

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF OCTOBER 15, 2009, 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**

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

**II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of September 17, 2009 were approved as submitted.**

**III. ORAL COMMUNICATIONS: None.**

**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. STUDY SESSION REGARDING MASONIC HOMES FLATLANDS PROJECT – Discussion of Draft General Plan Policies**

Nancy Hutar, Contract Planner, presented the staff report.

Joan Malloy, Economic and Community Director, stated that the approach this evening came out the City Council meeting of September 8<sup>th</sup>. Ms. Malloy stated that the City Council had questions that she felt that the Planning Commission needed to review.

Commissioner Gonzales asked if the proposed General Plan goals and policies are to be added in addition to the current General Plan goals and policies.

Ms. Malloy replied that the intent is to identify specific goals and policies for the flatlands area.

Commissioner Gonzales referred to proposed General Plan policy 1.7 and stated that he feels that this is a very good policy.

Commissioner Lew stated that there are a lot of things in the General Plan that could apply to this project. Commissioner Lew stated that if this is going to be on a ballot measure then a well-written Specific Plan for the area should be enough.

Commissioner Lew referred to page 7 of the staff report, existing Land Use Policy ED-A.14 and stated that she felt that upscale housing was not being offered in the plans that had been submitted by Masonic Homes so far. Commissioner Lew stated that she is not sure that they really want to offer upscale housing there. Commissioner Lew suggested that what is really meant by “upscale” should be defined.

Commissioner Lew referred to the map in Attachment 1 and asked about the agricultural area adjacent to parcels B1 and B2 and asked why that area would remain agricultural.

Ms. Malloy replied that it was part of the proposal to create an open space area all the way down to Mission Boulevard and to respect the historic agricultural uses of the property.

Commissioner Lew stated that the parcel should be rezoned as Open Space because she feels that there will be some development there. Commissioner Lew stated that agricultural is for growing crops or not disturb the existing area.

Ms. Malloy replied that the intention was to use the area agriculturally, such as community gardens.

Commissioner Lew noted that there will be trails going up the hill and that she thought the community gardens would be further up the hill.

Commissioner Lew referred to page 8 of the staff report, existing General Plan Policy YFSH-E1.1, and stated that it should be primarily for the City use and neighborhood use and try to avoid making it a regional draw.

Commissioner Lew referred to page 8 of the staff report, existing General Plan Policy LU-A.7.2, and asked to confirm that there will be hook-ups to the water district and sanitary district.

Commissioner Lew referred to page 9 of the staff report, existing General Plan Policy HS-E.1.3 and stated that it should apply to the non-project area as well as the project area. Commissioner Lew stated that even if it is not being developed there should be some standards for avoiding brush fires and controlling the area so that it is fire safe.

Commissioner Lew referred to page 10 of the staff report, existing General Plan Policy PF-A.1.2, and stated that she believes that approval of this project is going to have a big impact on city services and the surrounding area. Commissioner Lew stated that it should be included in the site plan.

Commissioner Lew referred to page 14 of the staff report, existing General Plan Policy CD-A.1.5, and stated that she feels very strongly that there is a need to maintain the views of the hills because that is part of the City’s identity and is a part of the City’s seal.

Commissioner Lew referred to page 14 of the staff report, existing General Plan Policy CD-C.1.9, and stated that she does not agree with duplicating the type of architectural design and putting it along Mission Boulevard. Commissioner Lew stated that the new development should contrast with the Masonic Homes building on the hill. Commissioner Lew stated that she would prefer something more post-Modern because so many developed areas look the same and there should be an architectural style that complements Masonic Home but also has a more 21<sup>st</sup> century look.

Commissioner Lew commented that while the Masonic Home is a very good addition to the community that type of building is not necessarily “green” or energy efficient. Commissioner Lew stated that there should be other architectural styles that economic to build and are “green” and energy efficient.

Commissioner Lew referred to page 15 of the staff report, existing General Plan Policy NHR-D.1.9, and stated that she believes that policy is also the responsibility of the developer.

Commissioner Lew referred to page 15 of the staff report, existing General Plan Policy NHR-D.1.10, and stated that instead of encouraging drought tolerant landscaping it should be required.

Commissioner Lew referred to page 15 of the staff report, existing General Plan Policy TR-E.1.1, and noted that it is excellent to have access to bus transportation along Mission Boulevard.

Commissioner Lew referred to page 16 of the staff report, existing General Plan Policy CD-A-1.2, and stated that she felt that the policy is contradictory and asked that it be reviewed and revised.

Ms. Malloy asked for clarification.

Commissioner Lew replied that the phrase “sidewalks that are well-shaded and safe from automobile traffic and bicycle facilities” does not make sense.

Ms. Malloy replied that the bicycles would be separate from the pedestrians and not sharing the sidewalk.

Commissioner Lew stated that there should be a bicycle lane available.

Commissioner Lew referred to page 19 of the staff report, existing General Plan Policy CD-A.1.1, and stated that she thought it would apply to the multi-story apartment complexes but not necessarily to the single-family homes that are around that area.

Commissioner Lew referred to page 23 of the staff report, proposed General Plan Policy 2.6, and stated that she was concerned about allowing parking along Mission Boulevard because it is a State route.

Ms. Malloy replied that it is a State route but currently parking is allowed on Mission Boulevard from Tamarack Drive to Decoto Road on both sides of the street.

Commissioner Lew stated that no one is parking there now because there is no development on the flatlands and also there is a storm drain that would make it unsafe to park there. Commissioner Lew asked if they were planning to allow parking there.

Ms. Malloy replied that staff would have to work out this issue with Caltrans but she doesn't think that staff would recommend prohibiting parking on Mission Boulevard. Ms. Malloy stated that this is an opportunity to think about what Mission Boulevard should look like in the future.

Commissioner Lew stated her concerns that unless the parking is set-in with room for traffic lanes and bicycle lanes and landscaping she would be worried about the speed of the traffic alongside the parking.

Commissioner Lew stated that her preference would be to take that space and accommodate bicyclists and give them plenty of room.

Ms. Malloy noted that Mission Boulevard is identified as a primary bicycle corridor, so it is a part of the county-wide plan.

Commissioner Lew referred to page 24 of the staff report, proposed General Plan Policy 2.11, and asked if the City will be able to slow speeds down along Mission Boulevard.

Ms. Malloy replied that it will depend on capacity, safety and the condition of traffic.

Commissioner Lew stated that she is all for a site development plan and is glad that the City Council asked for it.

Commissioner Singh referred to page 5 of the staff report, regarding the existing Hillside Area Plan's policy #'s 11 and 12, and asked what is meant by not allowing major offices.

Ms. Hutar replied that it refers to a high employee generator office uses.

Ms. Malloy stated that in the Hillside Area Plan it states that this area is not seen as appropriate for manufacturing, research and development and major office campus use (e. g. Hewlett-Packard, or a multi-story medical offices building).

Commissioner Singh asked if a major office would not bring in more revenue for the City.

Ms. Malloy replied that it would and there is proposed 100,000 square feet of commercial that would also allow office uses within it. Ms. Malloy asked if Commissioner Singh would support expanding the office uses in this area.

Commissioner Singh replied that he just needed major office defined.

Commissioner Singh referred to having the soils report done at the applicant's expense and asked if that would be the contractor or the person who would be leasing the space.

Carmela Campbell, Planning Manager, replied that any new development would require these reports and these are being done for the EIR and the applicant has hired the firms to perform this.

Commissioner Singh expressed concern that these studies would be costly for the applicant.

Ms. Malloy replied that these studies would be done prior to construction.

Commissioner Singh stated that he was asked to join a meeting of homeowner's who live along Mission Boulevard. Commissioner Singh stated that he was unable to attend their meeting but was told that the homeowners are concerned about the visual impact of the development on the hillside. Commissioner Singh asked if there is going to be some outreach to these homeowners about this issue, which he feels will be an ongoing issue.

Ms. Hutar replied that visual impacts are a part of the Environmental Impact Report which is studying the different views of the hillside from different locations and that document will be available for public review next year.

Ms. Malloy stated the study is not only looking at views from the Mission corridor but also from different parts of the City.

Commissioner Singh asked if there will be a meeting with the residents who live along Mission Boulevard.

Ms. Malloy replied that there has not been one.

Commissioner Singh recommended that there should be one.

Commissioner Singh noted that the residents were also worried about the traffic impacts on Mission Boulevard. Commissioner Singh expressed concern about how traffic would be slowed down on Mission Boulevard to benefit the new businesses on the east side of the road.

Ms. Malloy replied that once the draft EIR is completed there will be a 45 day public review period and during that period there will be a public meeting and she feels that will be the appropriate time for the public to comment on the visual impacts.

Commissioner Panlilio stated that it looks like there is an effort to preserve the views and the historical nature of the area. Commissioner Panlilio stated that new development would have to complement the existing structure. Commissioner Panlilio suggested using a façade to keep the view historical but everything else would be modernized.

Commissioner Panlilio referred to page 4 of the staff report regarding the existing Hillside Area Plan policies and asked for clarification of the rezoning that would change from agriculture to residential.

Ms. Hutar replied that staff is not proposing to alter the existing Hillside Area Plan policies in anyway. Ms. Hutar stated that the applicant is proposing to remove this area from the boundaries of the Hillside area map and those policies were listed for reference only. Ms. Hutar stated that staff is proposing to add a section to the Land Use Element to cover the flatlands (project) area without touching the Hillside Area policies.

Commissioner Panlilio stated his concerns about whether the area will keep a historical character or be modernized and what will the policies for that. Commissioner Panlilio stated his concerns for preserving the hillside views.

Commissioner Panlilio referred to page 19 of the staff report, existing General Plan Policy CD-A.1.9 and noted that the entrances to the new neighborhoods would be accented with different signage and asked what would happen to the old signage at Masonic Homes. Commissioner Panlilio stated that if the Masonic Homes sign is renovated then everything should be uniform.

Ms. Hutar replied that there are certain aspects of the existing site that you may want to remain historic or keep the same. Ms. Hutar stated that perhaps there might be a comprehensive sign program for the entire development or for each part of it.

Commissioner Panlilio suggested that the signs be beautiful.

Commissioner Panlilio referred to existing General Plan Policy C.D-C1.11 and noted that the historical role is emphasized in the policy.

Ms. Malloy replied that this is a policy from 2002 and the City has begun an undergrounding project along Mission Boulevard to underground the utilities and new street lights have been selected that have a historic look.

Ms. Hutar stated that the street improvements will be done when the developments are constructed.

Commissioner Panlilio referred to existing General Plan Policy CD-C.1.11 and feels that this policy is very important to the development of the area. Commissioner Panlilio stated that we want to develop a community that is attractive, as well as being usable, that people would want to live in.

Chairperson Anderson asked will there be a specific plan for the flatland area. Chairperson Anderson asked why doesn't this area just fit into the same General Plan policies that are already in place.

Ms. Hutar replied that the City has not been decided whether to do a specific plan. Ms. Hutar stated that in the Government Code it requires that before a specific plan is created the General Plan must be in place. Ms. Hutar stated that the specific plan would be an implementation of the General Plan and that is what is being discussed now.

Ms. Malloy stated that there is a General Plan in place and many of the goals and policies would apply, however, there is a gap because the flatland area had not been considered for development. Ms. Malloy stated that it really changes the dynamic of Mission Boulevard and provides an opportunity to think about this area and offers an opportunity to create specific goals and policies for the flatland development over the twenty plus years.

Chairperson Anderson asked if the proposed new policies are not covered in the current General Plan.

Ms. Campbell replied that some of these policies have to do with site specific characteristics.

Chairperson Anderson referred to proposed General Plan Policy 1.5 and asked for clarification.

Ms. Hutar replied that it should include something that would benefit the community as a whole, such as recreation benefits.

Chairperson Anderson asked what is meant by "maximizing the community benefits for the residents of Union City".

Ms. Malloy replied that there is a community facility that is part of the proposal. Ms. Malloy stated that it could also be the public space or areas or broadly interpreted to include the walkways.

Chairperson Anderson referred to proposed General Plan Policy 1.8 and the upscale housing and noted that in the General Plan it states 85 percent while in the policy it states "at least 85 percent" so does that mean that you want 100 percent.

Ms. Malloy replied that this policy was taken directly from the Hillside Plan.

Chairperson Anderson stated that is not correct because now it says "at least" and that is a big difference.

Ms. Malloy replied that they still have to meet the affordable housing requirement so that will be corrected.

Chairperson Anderson referred to proposed General Plan Policies 1-10 and 1-13 and stated that they have "should" instead of "shall" statements.

Chairperson Anderson asked how are the proposed policies applied to this area and not to the whole city.

Ms. Campbell replied that they will be listed in the Land Use Element under a special section just for the flatlands area similar to other sections.

Commissioner Gonzales referred to the "Open Space" and "Agricultural" zoning designations and asked if there is a limit to any recreational use of the land in the future.

Ms. Hutar replied that staff believes that the “Agriculture” zoning designation is more flexible but staff would have to look at them side by side.

Commissioner Gonzales stated his concern of limiting public access and use of the land for the community.

Commissioner Gonzales stated that he believes that automobile traffic should be restricted from driving up the hill to the vista points because it would destroy the serenity of the view.

Ms. Hutar replied that it was not the intention to allow automobiles go up the hillsides.

Ms. Campbell stated that some of the trails may also serve the function of emergency vehicle access roads for the hills.

Commissioner Gonzales referred to page 18 of the staff report, existing General Plan Policy LU-A.2.2, and stated that there should be an emphasis on public transit in the new area.

Commissioner Gonzales referred to existing General Plan Policy LU-A.2.2.b, and stated that he did not see how the residents could be protected from nuisances from noise without having barrier walls. Commissioner Gonzales stated that he doesn’t want barrier walls and asked how the community can be protected from noise nuisances.

Ms. Campbell stated that looking at setbacks along Mission Boulevard and landscaping along Mission Boulevard would reduce the nuisance.

Commissioner Gonzales asked if a hill had been proposed.

Ms. Campbell replied that it had been discussed to have a bio swale area between Mission Boulevard and the development that could assist in buffering the noise.

Commissioner Gonzales asked what will be the architectural theme for the new development. Commissioner Gonzales suggested using gladiolas as a part of the architectural and landscaping theme to pay homage to the Union City’s history of growing them.

Ms. Campbell replied that staff would like feedback on architectural styles or vision character for the area.

Chairperson Anderson invited Mr. Howl to speak to the commission.

Commissioner Lew asked for an explanation for the area designated as agricultural especially the piece between parcels B1 and B2 that is adjacent to Mission Boulevard and why they want to keep it zoned agriculture.

John Howl, Masonic Homes, 34400 Mission Boulevard, Union City, replied that there is an agricultural educational program that they would like to do partnered with the schools in the area. Mr. Howl stated that they want to use that piece of land that doesn’t have great development potential for this program.

Commissioner Lew asked if zoning it “Open Space” serve the same purpose.

Mr. Howl replied that as long as they can still do the program then they would be open to rezoning. Mr. Howl stated that he had been told that agriculture is the correct designation to do the farming program.

Commissioner Lew stated that she heard community members who wanted a community garden and that it should be in “Open Space” and she believes that “Open Space” will give them more flexibility should the community gardens not necessarily work out. Commissioner Lew stated that she envisioned a community garden and a restaurant tour, opening a restaurant and making good use of the community garden. Commissioner Lew stated that she believes that “Open Space” is the proper designation just for that piece that sits between Parcel B1 and B2.

Mr. Howl replied that they are open to accommodating that if it is appropriate.

Commissioner Panlilio commented that Ms. Hutar will be checking to see which designation would be most appropriate.

Commissioner Panlilio stated that he thought there was a plan for an amphitheater or aquatic center.

Ms. Malloy replied that there was a proposal early on for something like that but it has not been the focus of the development at this point. Ms. Malloy stated that an amphitheater is not proposed at this point.

Mr. Howl noted that the community was not very interested in an amphitheater but they were interested in a youth and family center, an aquatic center and the agricultural program.

Commissioner Panlilio asked where would the use be located that would use the produce from the community garden or would it be sold.

Mr. Howl replied that the program is still in the very early stages but the school that they are partnered with would either sell to the general community, maybe as a fundraiser, like a farmer’s market type of arrangement. Mr. Howl stated that they want the children to be a part of deciding those things.

Commissioner Singh asked whether he would prefer a historical or modern architectural look.

Mr. Howl replied that they want something that would be complementary to the Masonic Homes but they still haven’t decided and are looking for feedback from the commission and community.

Commissioner Singh asked if they have to wait for the EIR.

Ms. Campbell replied that City staff will be working with the commission and community to really articulate the vision from an architectural standpoint for the area. Ms. Campbell stated that it would be done concurrently with the work on the EIR. Ms. Campbell stated that there might be some design guidelines and that they might be evaluated in the EIR.

Commissioner Lew asked if they don’t use bricks would that be a problem.

Mr. Howl suggested brick accents.

Commissioner Lew commented that they could look to Ardenwood farms as a model for the Union City community garden.

Mr. Howl thanked the commission for consideration of their project.

Commissioner Gonzales asked if there had been any more community outreach meetings since they were last at a planning commission meeting.

Mr. Howl replied that they have been very active meeting with many different community groups and mostly what they are hearing is how the project will impact the community and how will Masonic Homes mitigate those impacts.

Hugh McNamara, 32238 Mercury Way, Union City, stated that because this issue will go to a vote in November 2010 it must be clear cut, concise so that the people will know what they are voting on and the opponents will know what the project will entail. Mr. McNamara stated that any new street signs should be reflectorized so that people can see the signs at night.

Ken Himmler, 35240 Garcia Street, Union City, stated that he sees this as a nice opportunity for Union City.

Ron Standifer, 33177 Quail Drive, Union City, stated that he is impressed that the Masonic Homes is so willing to listen to the community. Mr. Standifer is glad that the hills would be protected. Mr. Standifer thanked them for having a portion of land set aside for Private Institutional use. Mr. Standifer stated that any church or institution that goes in there could partner with the City to help maximize the general community benefit. Mr. Standifer stated that he would like clear design guidelines for buildings.

Chairperson Anderson asked what they should do to wrap this up.

Ms. Malloy thanked the commission for their comments. Ms. Malloy stated that staff will work with the applicant to bring back more specific information on several items that were discussed so that the commission can make more comments.

Chairperson Anderson asked if there would be more study sessions.

Ms. Malloy replied that there were be many more.

Commissioner Lew asked if there is a plan to add a section to the General Plan.

Ms. Malloy replied that either a new section would be added or possibly modify the current section for Mission Boulevard. Ms. Malloy stated that they would add specific policies to the General Plan and that would be part of the action that the Planning Commission would be recommending to the City Council later on.

Commissioner Lew asked what part all of this plays in the time line to get on the November ballot.

Ms. Malloy replied that at the next City Council meeting staff will be presenting an overview of the project process. Ms. Malloy stated that Masonic Homes has applied for a General Plan amendment, Zoning Text Amendment, and Zoning Map amendment.

Commissioner Lew asked if the Planning Commission will act on this before November 2010.

Ms. Malloy replied that it will be sometime in the summer.

Commissioner Lew asked what happens if the Planning Commission and City Council approve these applications but the ballot measure does not pass.

Ms. Malloy replied that this would remain in the Hillside Area Plan and no changes would be made. Ms. Malloy stated that the changes would only become effective if the ballot measure passes.

Commissioner Panlilio suggested that staff also consider where all these new residents will go for spiritual worship.

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 November 5, 2009.

IX. **GOOD OF THE ORDER:**

Commissioner Lew commented that the new paint job looks very nice on the townhomes at Dyer Street and Meteor. Commissioner Lew stated that she noticed a false wall at the back of the building and asked why it was there.

Ms. Malloy stated that at 2:30 p.m. on Friday, October 30, 2009, the ACTIA citizen's advisory committee will be doing a tour through transit oriented development sites in Alameda County. Ms. Malloy stated that Union City is one of the stops on the tour.

X. **ADJOURNMENT:** 8:50 p.m.

APPROVED:

  
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TIKISA ANDERSON, CHAIRPERSON

ATTEST:

  
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JOAN MALLOY, SECRETARY