

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JUNE 3, 2004, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Anderson, Kelley, Lew, Sweeney and Chairperson Savage

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Carlos Jocson (City Engineer); John Bakker (Assistant City Attorney); and Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES:

The minutes for the Regular Planning Commission meeting of May 20, 2004 were approved as submitted.

III. ORAL COMMUNICATION: None.

IV. WRITTEN COMMUNICATION: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. PATTERSON RANCH, INC. 33121 ALVARADO-NILES ROAD, Use Permit UP-05-04 and Zoning Map Amendment, A-03-04.** The applicant is requesting approval of a Use Permit to demolish the existing Victorian residence and associated water tower on the property and a Zoning Map Amendment to remove the Landmark and Historic Preservation (LHP) Overlay zoning designation on the property located at 33121 Alvarado-Niles Road (APN: 475-0148-005). Notice is also give that the City has prepared a Negative Declaration on the project and has determined that the structures on site are in a state of disrepair that cannot be remodeled or rehabilitated in a manner which would allow a reasonable use or return from the property as it is commercially zoned.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Kelley asked why staff is recommending demolition now when last year there was an applicant that was willing to rehabilitate the property.

Mark Leonard, Director, Economic and Community Development, stated that the fact that the project from last year did not go ahead shows that it was not a viable project. The property owner, Hoffman, had two potential buyers who were going to subdivide the property and they both backed out.

Commissioner Kelley asked if they backed out after the City Council denied the application.

Mr. Leonard stated that they backed out before the application went to City Council. The property owner lost interest in the project and then there was no point in approving the subdivision.

Commissioner Kelley asked if the subdivision would have improved the attractiveness of the property.

Mr. Leonard stated that he believed that it would have detracted from the marketability of the site because it would have made the property too small to put anything of consequence on the site.

Commissioner Anderson asked if the historical designation was applied to this property before the current owner bought the property.

Mr. Leonard stated that it was applied after the current owner, Hoffman, bought the property from Mrs. Sa.

Commissioner Anderson asked if the applicant submitted costs for renovating the property.

Mr. Leonard referred the question to the applicant. Mr. Leonard stated that an exhibit was included with the staff report that shows some of the costs of construction.

Commissioner Anderson stated that those costs were for relocation not renovation of the property.

Mr. Leonard stated that the costs will be very close to the same.

Commissioner Anderson asked if there were historical building codes that have to be complied with.

Mr. Leonard stated that the Uniform Building Code allows the Chief Building Official to waive some modern code requirements for historic structures.

Commissioner Anderson asked if the owner made a request to the City to get loans or grants to defray costs for the home.

Mr. Leonard stated that the City doesn't have the funds for these types of project. Mr. Leonard stated that had there been a low or moderate-income buyer he might have been able to get a renovation loan through the City to rehab the structure; however the cost of relocation or renovation is so high that the loan may have been beyond the means of the buyer to repay even on a low interest basis.

Commissioner Anderson asked if Susan Hoffman would be considered a low or moderate-income buyer.

Mr. Leonard stated that she would not.

Commissioner Anderson asked if the current owner receive tax breaks on the property.

Mr. Leonard stated that he did not know.

Commissioner Anderson asked if there was a condition to repay the City for costs that it has incurred for cleaning up the property.

Mr. Leonard stated that when a development project is approved it will include conditions to repay all the City's costs including overhead, prior to issuance of building permit.

Commissioner Anderson asked why the ordinance to keep the property in good repair has not been enforced.

Mr. Leonard stated that is in the ordinance but it is essentially unenforceable. Mr. Leonard stated that the City could put lien on property and then go in and fix it, but it is a very lengthy process.

Commissioner Anderson asked what defines feasible as far as costs to relocate or renovate.

Mr. Leonard stated that it difficult to say. Mr. Leonard stated that to move the house would involve expenses including moving traffic lights out of the way and removing overhead power lines because the house is so tall. Mr. Leonard stated that he not sure that structurally the house could survive such a move.

Commissioner Anderson asked if the owner has exhausted all reasonable means to accomplish the requirements of the designation.

Mr. Leonard stated that from staff's point of view the property owner has.

Commissioner Anderson asked if there were 13 other examples of historical designations.

Ms. Malloy stated that there is at least 13 other examples.

Commissioner Anderson asked how many of them are in the same shape, worse shape, better shape.

Mr. Leonard stated that those other examples are inhabited so they are in better shape.

Commissioner Anderson stated that he is concerned that all that someone would have to do is let their property fall in to disrepair to get the designation removed.

Mr. Leonard stated that he feels that this property is a different situation because of its location on Alvarado-Niles Road. Mr. Leonard stated that the City is struggling to meet its service demands and the City needs every bit of economic development that it can get.

Chairperson Savage opened the public hearing.

Myrla Raymundo, Union City Historical Museum, requests that the Planning Commission deny the application for the following reasons.

1. The house is over 100 years old and is under the City's preservation ordinance.
2. Mary Sa was born there and lived there all her life. Mrs. Sa took care of soldiers during the war.
3. The other houses are not Victorian houses. This is the only Victorian house.
4. We need a Victorian house museum in the city. We can make the house generate revenue by renting it for parties, etc. with it being staffed by volunteers.

The Union City Historical Society wants the house to be moved by the applicant and Washington Hospital with them footing the expenses and moved to a place designated by the city in the Old Alvarado area.

Mrs. Raymundo stated that the City is undergrounding many of the utilities. Mrs. Raymundo stated that as far as the termites and fungus are concerned because the house was built with redwood the house is still very strong and this won't be a problem. Mrs. Raymundo stated that she agreed with Commissioner Anderson about people letting properties go to get around the historical designation.

Commissioner Anderson asked where they would move the house.

Mrs. Raymundo stated that there is a big park in the Alvarado area that the City owns.

Commissioner Sweeney asked if she had checked that all the overhead wires have been moved between the current location of the house and Cesar Chavez park.

Mrs. Raymundo stated that she felt that most of it had been moved.

Commissioner Sweeney stated that there are still many overhead wires in the Old Alvarado area.

Commissioner Kelley asked how this house compares in age to the other 13 houses.

Mrs. Raymundo stated that some of the other homes are being lived in.

Commissioner Kelley asked if this is the oldest home in Union City.

Mrs. Raymundo stated that it is not.

Norman Alberts, Patterson Ranch, Inc., 321 Hartz Ave., Danville, CA, stated that it would be very expensive to move this house. Mr. Alberts stated that it is not feasible to use as a commercial site because it doesn't sit on the parcel in logical manner. Mr. Alberts stated that converting the house would require upgrades for ADA issues, fire issues and safety issues. Mr. Alberts stated that they are working with Washington Hospital to develop the site in a very integrated manner. Mr. Alberts stated that they had a sign up for over 9 months offering the house and they did talk to a couple of people about moving it but they couldn't afford it. Mr. Alberts stated that the house was offered to Ardenwood farms but they didn't want it as they already have 3 homes that they cannot afford to renovate or use. Mr. Alberts stated that he knows that vandalism has been a problem and that they have repeatedly tried to secure the house but the vandals still get it.

Commissioner Kelley asked if they explored the economic viability to restore the house for use as a party house or similar uses.

Mr. Alberts stated that they were brought in to make the site work with the hospital.

Commissioner Sweeney asked what is the actual condition of the interior of the home.

Mr. Alberts stated that he has only been to house once and most of the molding is gone, most of the plaster is gone, hardwood floor is gone and the kitchen is an add-on not really historical. There is very little of the interior fittings left. Mr. Alberts stated that most of the original windows are gone and the ones that are left are aluminum and not historical.

Commissioner Lew asked what the timeline is for the project with Washington Hospital.

Mr. Alberts stated there is one but he does not have it at this time. Mr. Alberts stated that the goal is to go to the City with both applications at the same time.

Commissioner Lew asked if a community group came to you and wanted to try to raise funds to move the house, would you be able to fit that in to the timeline.

Mr. Alberts stated that it would depend, so far no one has come up with the funds yet.

Commissioner Anderson asked why not move the house themselves.

Mr. Alberts replied that it's ok to move the house but they don't want to pay for it. Mr. Alberts stated his concerns of costs involved with the move and where do those costs stop.

Commissioner Anderson asked why the reluctance to move the house it is because of economics or philosophical issues.

Mr. Alberts stated that the reasons are financial because there are no hard numbers for moving it.

Miles Price, 369 Monaco Avenue, Union City, CA, stated that the Planning Commission is heading towards a very dangerous precedent. Mr. Price stated that because the property owner let the property deteriorate and not maintain it the property owner should be fined. Mr. Price stated that when a home is designated as a historical property that the owner agrees to maintain it. Mr. Price feels that the City has entered into an agreement with the developer that the house can be demolished so they can do their development. Mr. Price wants the house moved to the city-owned property next to the museum and the Historical Society would maintain it. Mr. Price urged the Commission to deny the application.

Commissioner Sweeney asked to confirm that the historical museum would maintain the home if it were moved to their property.

Mr. Price stated that he had talked to many members of City staff.

Commissioner Sweeney asked even if the house were moved for you would the historical society be able to cover the costs that are needed to put the house in place. Commissioner Sweeney listed some of the costs including \$25,000 for the new foundation, \$9,000 for a new roof. The City does not have the money to do so.

Mr. Price stated that he had not done any research on the costs. Mr. Price stated that he had been told the cost to move the house would be \$20,000. Mr. Price stated that he was told that to renovate the building would cost between \$200,000 and \$300,000. Mr. Price stated that the society has looked into the possibility of getting volunteers to work on the house but have had no luck.

Jim Jandik, 2489 Regal Drive, Union City, UC Chamber of Commerce, suggested that we look at the reality of the situation. Mr. Jandik stated that no one wants the property, not even real estate agents. Mr. Jandik stated that it is time to demolish the eyesore and put the property to better use.

Timothy Swenson, 2455 Medallion Drive, stated that the society strongly opposes the demolition of the Mary Sa house. Mr. Swenson stated that the home is historically significant because its history can be accurately traced. Mr. Swenson stated of the approximately 19,000 historic structures in Union City only 13 buildings have been designated with the Landmark and Historical Overlay zone. Mr. Swenson stated that since the City has cut down the weeds and boarded up the home that means that the property has been abandoned for over 4 years. Mr. Swenson stated that property owners have a duty to maintain historical properties according to the ordinance.

Jeffrey King, Patterson Ranch, 36 Edinburg Pl, Alamo, CA, stated that he produced the estimates that are being used tonight. He stated that redwood is not immune to termites. There is a termite report that shows that the termites have gone all the way through the frame to the rafters. Mr. King stated that his estimate did not include any costs for things such as ADA requirements, such as elevators or other things.

Mr. King stated that the lowest estimate was \$35,000 to move the house and that did not include moving the PG&E lines, telephone lines, etc. Mr. King stated that undergrounding started in the 1970's and if you drive around the city you will see lots of overhead lines still. Mr. King stated that one of the speakers stated that they would have volunteers come in to work on the house. Mr. King stated that could be a problem as there is asbestos inside the house and lead on the outside. Mr. King stated that even if they just moved the building to a different location on the site it would still require a lot of upgrades.

Mani Patel, 30824 Tidewater Drive, Union City, CA, stated that if the City has a will to preserve this house they will find the money to do it. Mr. Patel stated that if this property is lost, then it will begin a domino effect on future properties. Mr. Patel strongly opposes the demolition of the house.

Mr. King stated that he has been boarding up and trying to maintain the property since Patterson Ranch has acquired the property. Mr. King stated that someone is out at the property every week.

Armando Cortez, 33134 Quail Drive, Union City, spoke of his concern of commercial development near his home. Mr. Cortez strongly opposes the removal of the LHP designation of the property. Mr. Cortez suggested allowing subdivision of the property as originally suggested by the owner and move the house so that it faces Quail Drive and use it as a residence.

Barry Ferrier, 32212 Allison Drive, Union City, stated that if the society wanted the property they should have done it when the property first became available. Mr. Ferrier stated that he feels there would be significant liability associated with the property. Mr. Ferrier feels that trying to bring the property up to today's standards would be cost prohibitive. Mr. Ferrier feels that the house is not a good example of a Victorian house.

Joyce Cortez, 33134 Quail Drive, Union City, CA, stated that she has lived in Union City for 25 years and that what drew her here was the open space and now in less than 25 years most of it is gone. Mrs. Cortez stated that Susan Hoffman had an obligation to maintain the home. Mrs. Cortez believes that Ms. Hoffman should be required to repair the house back to the condition it was when she bought the home. Mrs. Cortez wants the City to sue Ms. Hoffman for not maintaining the property. Mrs. Cortez stated that the issue is historical, not economical. Mrs. Cortez wants it maintained as an historical site.

Hugh McNamara, 32238 Mercury Way, Union City, stated that he is more worried about the weeds and the fire hazard that they represent. Mr. McNamara stated that the City had to go in and take down the weeds and they sent a bill to the owner that was not paid.

Mr. Alberts stated that he has paid twice to take the weeds down on the lot.

Chairperson Savage closed the public hearing.

Commissioner Lew asked about a shed to be demolished and that is not on exhibit A, is this a structure that will be removed or has been removed.

Ms. Malloy stated that the shed is still there and is labeled as a shack on the plans.

Commissioner Lew asked if the shack will be removed.

Mr. Leonard stated that structure would come down also. Mr. Leonard stated that the shack was not designated as an historic structure.

Commissioner Kelley asked where there are other Victorian residences in Union City.

Ms. Malloy stated that 31046 Granger is a one-story Queen Anne Victorian house on a raised foundation.

Commissioner Kelley asked when it was built.

Ms. Malloy stated that it was built approximately in 1890.

Commissioner Kelley asked if it is covered by the LHP.

Ms. Malloy stated that it is in the inventory but it not covered by the LHP.

Mr. Leonard stated that this particular one is not designated. Staff has taken the position that they will not forward a designation without the cooperation of the property owner. So far, the historical museum has not come forward with any further structures where the property owners are willing to cooperate.

Commissioner Kelley asked if he feels that Ms. Hoffman did not meet the spirit of maintaining this property during her six years of ownership.

Mr. Leonard stated that he is not going to buy the premise that we should litigate anyone that is not maintaining structures. Mr. Leonard stated that Ms. Hoffman did maintain it part of the time and part of the time she did not.

Commissioner Kelley asked what can be done about property owners devaluing historic property by not maintaining it.

Mr. Leonard stated that this is the reason why it is imperative that we have cooperation of the property owners when we make the historical designation. In this case, we had a property owner purchase from the original family and that maybe her vision for the site got caught in the financial recession and what was a sound investment in the 2000 became a problem a few years later.

Commissioner Kelley asked if it is the City's opinion is that the structure is no longer historically significant because it has become rundown.

Mr. Leonard stated that as has been heard in testimony, there is not much left inside the building that maintains its original character. Mr. Leonard stated that if it is converted to a commercial structure there would be so many changes that it would not be the original structure anymore.

Commissioner Kelley asked about converting it to something like the Meek house or the McCounaghy house.

Mr. Leonard stated that it would be a commercial structure. Mr. Leonard stated that the structure would have to meet ADA regulations, for example reconstructing bathrooms to meet handicapped accessibility ramps. Mr. Leonard stated that if you add a ramp to the front of the house for wheelchairs it will not look the same.

Commissioner Sweeney commented that the future use of this parcel is immaterial to this application and that the Commission should keep in mind that the issue is the condition of the existing structure. Commissioner Sweeney stated that even if the structure is moved the City does not have the financial capacity to make it safe, much less to make it useable in any capacity.

Commissioner Kelley asked if she doesn't think it could be made safe.

Commissioner Sweeney replies that at the time that they came forward they didn't have the pest report that is recommending almost complete replacement of the structure.

Commissioner Kelley asked if we weren't told last year about this information.

Commissioner Sweeney stated that she does not believe that the information had been obtained at that time.

Commissioner Kelley noted that Commissioner Sweeney did approve the application last year.

Commissioner Sweeney stated that she did not have the information then that is available now and it changes her viewpoint.

Commissioner Kelley feels that there is not enough information available to make that decision.

Commissioner Sweeney asked if he doesn't believe that the construction services estimate is relevant.

Commissioner Kelley stated that he doesn't think that is accurate information.

Commissioner Sweeney stated that the presentation of additional information has altered her viewpoint.

Chairperson Savage stated that maybe that is why Ms. Hoffman did not proceed with the renovation after approval last year.

Commissioner Kelley stated that there are so few homes under the LHP designation, and this is the only Victorian home. Commissioner Kelley feels that just because the house has deteriorated and it would be expensive to renovate does not remove its historical significance.

Chairperson Savage stated that in an ideal world there would be unlimited funds available to save these homes. The City doesn't have money to do it and in all the time that the home was offered no one came forward to take it on.

Commissioner Sweeney made a motion to approve Use Permit UP-05-04, Zoning Map Amendment A-03-04 making the findings 1- 15, and recommending the City Council adopt a resolution confirming this action.

Commissioner Savage seconded the motion.

AYES	2 (Savage, Sweeney)
NOES	2 (Anderson Kelley)
ABSTAIN	1 (Lew)
ABSENT	0

The motion failed.

Commissioner Lew explained her vote by saying that she grew up in a San Francisco Victorian home in the Mission district. Commissioner Lew described the home. Commissioner Lew described how San Francisco regulates Victorian homes. Commissioner Lew feels that the City had an obligation to go after the property owner to maintain this home and that the surrounding residents should have called to complain about the gang activity and other problems. Commissioner Lew stated that it is very hard for

her to vote one way or the other on this item. Commissioner Lew stated that she would be very happy if someone came in and saved the home.

Mr. Leonard stated that this item will go to the City Council on June 22nd for a public hearing with no recommendation.

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS: None

VIII. COMMISSION MATTERS:

A. Shurgard Storage, 2525 Whipple Road, Hayward – A proposal to demolish two existing storage buildings and construct a three-story storage building and a one-story manager’s office with decorative tower.

Commissioner Lew asked if the parcel that belongs to Union City is paved.

Ms. Malloy stated that a portion may be paved but most is unimproved.

John Bakker, City Attorney, stated that the line shown is the city boundary not the parcel line.

Ms. Malloy stated that it appears that the current edge of pavement stops at the Union City city boundary line.

Commissioner Lew asked if the applicant still wants to use this parcel as part of the development.

Ms. Malloy stated that they do.

Commissioner Lew asked if the city is seeking a lease agreement.

Ms. Malloy stated that they are.

Commissioner Lew asked if the applicant seeks to improve or use the parcel would that impact the lease payments.

Ms. Malloy stated that the city would seek reimbursement for any use of the property.

Commissioner Lew asked if the lease payment would depend on the type of use.

Mr. Leonard stated that the fact that it is being used for a storage business sets a certain value and that will be negotiated.

Commissioner Sweeney asked if we know the height of the freeway at that location.

Ms. Malloy stated that she does not know.

Commissioner Sweeney asked if Union City has the right to say no, if we don’t want them to put the driveway on City property.

John Bakker stated that we do.

Steve Tangney, 21669 Redwood Rd, Shurgard, Castro Valley, stated that the property was built in 1980's by a different developer, later Shurgard acquired the property. In 1945, Union City abandoned a road called Alquire Road. Mr. Tangney stated that is the alignment for the 40 foot strip of property that is still in Union City. Mr. Tangney stated that when he had the property surveyed discovered that Union City still owns the parcel. Mr. Tangney stated that the property does not use the parcel and it is not paved. Mr. Tangney stated that they are proposing to run part of the parking lot across part of the 1000-foot parcel.

Joe Medina, Diamond Mine Mini-Storage, 4400 Horner Street, Union City, asked the Planning Commission to deny the application for the 3-story tower. Mr. Medina stated that demand for storage space is down in the Tri-City area. Mr. Medina stated that the latest Yellow Page ad says that Shurgard is located in Union City when they are really in Hayward. Mr. Medina stated that this draws business away from legitimate businesses in Union City.

Mr. Tangney stated that they would be willing to get a business license from Union City. Mr. Tangney stated that there is a "Welcome to Union City" sign located near their driveway and customers use it as a direction to the facility.

Commissioner Sweeney commented that she is not happy with the proposal to cross the Union City property. Commissioner Sweeney stated that there are plans to use the spur line as an extension of Dyer Street. Commissioner Sweeney does not like the massiveness of the new buildings. Commissioner Sweeney believes that it will have an impact on Union Landing. Commissioner Sweeney would like it to look more like an office building and would like the tower element reduced.

Commissioner Kelley stated that he does not have a problem with the tower element. Commissioner Kelley stated that he does not think the massing of the building would be a problem.

Commissioner Lew stated that she does not have a problem with the project but would like to see more landscaping.

Chairperson Savage would like tower to be smaller and would like the driveway relocated. Chairperson Savage does not have problem with the mass because she doesn't think it will be visible from the freeway.

Commissioner Anderson does not have a problem with the whole project.

Staff will forward Planning Commission comments to the City of Hayward.

- B.** Follow-up on Planning Commission referrals to the City Council.
- C.** Upcoming applications for the Regular Planning Commission meeting of June 17, 2004.

IX. GOOD OF THE ORDER: None.

X. ADJOURNMENT: 9:15 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY