

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF DECEMBER 2, 2004, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

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

**II. APPROVAL OF MINUTES:** The minutes of the Regular Planning Commission Meeting of November 18, 2004 were approved as submitted

**III. ORAL COMMUNICATIONS:** None.

**IV. WRITTEN COMMUNICATIONS:** None.

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:** None.

**B. NEW HEARINGS:**

1. **PAN-CAL, 32727 ALVARADO-NILES ROAD, General Plan Amendment AG-03-04, Zoning Map Amendment A-06-04, and Tentative Tract Map TTM-7578;** Leonard Hufton, on behalf of Pan-Cal, is requesting approval of a General Plan Amendment (AG-03-04) from CR (Retail Commercial) to R6-10 (6-10 units/acre) and a Zoning Map Amendment (A-06-04) from CN (Neighborhood Commercial) to RS 4500 (Single Family Residential) on property located at 32727 Alvarado-Niles Road (APN 475-0157-051). The applicant is also requesting a Tentative Tract Map to allow the subdivision of the subject property into 15 lots, including 13 single-family residential lots and two (2) duplex lots with a minimum single-family lot size of 4,500 square feet. The subject property is located on the south side of Alvarado-Niles Road, east of Medallion Drive. The City as lead agency has prepared a Negative Declaration for the property.

Commissioner Sweeney made a motion to continue General Plan Amendment AG-03-04, Zoning Map Amendment A-06-04 and Tentative Tract Map TTM-7578 to December 16, 2004.

Commissioner Lew seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

2. **PBP LIMITED PARTNERSHIP, 30639-30995 UNION CITY BOULEVARD, Site Development Review SD-12-04, Variance V-06-04 and Use Permit UP-09-04;** Initiated by Rob Peterson, on behalf of PBP Limited Partnership, the applicant is requesting approval to construct a mixed-use (residential and commercial) development with approximately 20,000 square feet of commercial area and 22 residential units. The applicant is seeking approval of a Variance for Parking and Use Permit approval to allow a Planned Unit Development designation on the project site. The project site is located at 30639-30995 Union City Boulevard (APN(s): 482-0010-086-00, 482-0011-001-002, 482-0011-002, 482-0011-003-004, 482-0011-014-002) and is currently zoned CS, Specialty Commercial. The City has determined that the above referenced project will not have a significant, adverse effect or impact on the environment and as lead agency has prepared a Negative Declaration that is available for review at City Hall.

Commissioner Sison made a motion to continue Site Development Review SD-12-04, Variance V-06-04, and Use Permit UP-09-04 to December 16, 2004.

Commissioner Savage seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

3. **GUY S. LUNA, 33351 6<sup>TH</sup> STREET, TENTATIVE PARCEL MAP 8519;** the applicant is requesting approval of a Tentative Parcel Map to subdivide a property located at 33351 6<sup>th</sup> Street (APN 486-0015-073) into two (2) parcels both having 5,000 square feet in area. All existing structures are proposed to be removed and no new structures are being proposed at this time.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Sweeney asked if the concrete planters would be removed from the property.

Ms. Gallegos stated that they would remain.

Commissioner Sweeney pointed out that the concrete planters would narrow the sidewalk

Carlos Jocson, City Engineer, stated that there would be a four-foot wide sidewalk, however, he would not object to the removal because it might not compliment future development.

Mark Leonard, Director, Economic and Community Development, stated that in the Decoto area there is a landscape strip between the curb and the sidewalk.

Commissioner Sweeney stated that the map looks like it has been concreted in

Mr. Leonard replied that then the concrete would have to come out.

Commissioner Sweeney asked to have condition #5 changed to reflect that the concrete and pavers should be removed.

Mr. Leonard stated condition #5 will add “the four-foot landscape mow strip behind the curb shall be reinstalled”.

Commissioner Lew asked what is the condition of the rental units.

Mr. Leonard they are in poor shape and are going to be removed.

Commissioner Lew asked if they are occupied.

Mr. Leonard stated that one or two of the units may be occupied.

Commissioner Lew asked if the City approves removing the housing.

Mr. Leonard stated that they will become non-conforming with the new property line, the units have building code violations and there have been complaints about the units to the City.

Commissioner Lew asked if the City has a construction debris recycling program.

Mr. Leonard stated that there is one.

Commissioner Lew asked if that is in the conditions of approval.

Mr. Leonard stated that condition #13 addresses the issue.

Commissioner Lew asked if there is a City recommended street route for construction trucks.

Mr. Leonard stated that they would be considered local traffic.

Commissioner Lew asked about condition #7.

Mr. Leonard stated that the City recorded a notice in the title that requires that all the structures be removed. Mr. Leonard stated that they must be removed prior to approval of the final map.

Commissioner Lew asked if the property owner can grade the property at the time of the demolition.

Mr. Leonard stated that minor grading can occur at any time.

Chairperson Anderson asked how many homes could be built on the lots.

Mr. Leonard stated that there would be one home per lot.

Commissioner Sison asked if they could add a condition requiring the applicant to put a fence around the property to discourage dumping and vandalism.

Mr. Leonard stated that it could be added as a condition.

Commissioner Anderson opened the public hearing.

Commissioner Anderson closed the public hearing.

Commissioner Lew made a motion to approve Tentative Parcel Map TPM 8519, making findings 1 – 4, with the modified conditions of approval and adopting a resolution confirming this action.

Commissioner Savage seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

- SKYVENTURE, ALVARADO-NILES ROAD AND UNION LANDING, Site Development Review SD-13-04 and Use Permit UP-10-04;** the applicant, Sky Venture SV, is requesting Site Development Review (SD-13-04) and Use Permit (UP-10-04) approval to construct an approximately 5,848 square foot, two story building for a skydiving simulator for entertainment purposes. The 9,507 square foot property is located on Alvarado-Niles Road directly east of the Union 76 gas station (APN 463-0060-018-22 (portion), TPM 8509, Parcel 3. The City certified an EIR in 1995 that cleared up to 1 million square feet of retail/commercial and entertainment uses for Union Landing. No additional environment review is required.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Lew asked why condition #33 doesn't mention that the valet parking will be offered to other tenants.

Ms. Malloy stated it could be added to the conditions of approval and the applicant stated that the valet parking will be up and operating prior to the opening of Skyventures.

Commissioner Lew asked if the flagpoles would be allowed to have or become wireless antennas.

Ms. Malloy stated that has not been discussed.

Commissioner Lew asked if there is intent to prohibit wireless antennas.

Mr. Leonard stated that there has been no discussion and if proposed at a later date staff would have to look at design.

Commissioner Lew asked how the video is going to be shown.

Ms. Malloy stated that the applicant has indicated that this is something he wants to explore. The applicant would like to show video clips on the main tower so that people outside could see what Skyventures is about.

Commissioner Lew asked if it would be a sign.

Ms. Malloy replied that it is not technically a sign.

Commissioner Lew stated her concerns about safety issues and distraction to the passing traffic.

Mr. Leonard replied that staff will take direction from the commission on this issue.

Commissioner Lew asked if the green screen trellis will block pedestrian access between the gas station and Skyventure.

Ms. Malloy stated that it was not meant to block pedestrians. Staff recommended the trellis along the property line adjacent to the gas station as a way to get green plants up a little higher as a decorative screen since there is limited area for landscaping.

Commissioner Lew asked if it is intended to block foot traffic from the gas station.

Ms. Malloy stated that the intent is to create a visual impact.

Commissioner Lew asked if it would be one continuous fence.

Ms. Malloy stated that it could be a series of panels so that people could easily move between the properties.

Commissioner Lew asked to make a correction to condition #3 third line to delete the second “will comply”.

Commissioner Lew stated that condition #24 doesn't refer to the life of the project but should say the PBID.

Ms. Malloy stated that she would replace project with PBID.

Commissioner Lew asked if condition #25 refers to just the previous condition or all conditions.

Mr. Leonard replied that we will put “any” into condition #25.

Commissioner Lew stated that she had never seen condition #25 regarding contractors and licenses.

Ms. Malloy stated that it should be a standard condition of approval as all contractors are required to get a business license when working in the City.

Commissioner Lew asked about condition #35.

Ms. Malloy stated that when it is known that there will be additional attorney fees with a specific project then the City will seek to recover those costs.

Mr. Leonard stated that when the City established planning fees it only calculated the time spent on projects and that did not include the city attorney's time. The city attorney suggested adding this condition to all projects to cover any extraordinary time that might be required for the project.

Commissioner Lew asked if it is on the planning fee schedule.

Mr. Leonard stated that it is not.

Commissioner Lew asked if in condition #32 should the applicant seek approval from the property owner as well.

Commissioner Lew asked if the applicant has initiated contact with the property owner.

Mr. Leonard stated that he has.

Commissioner Sweeney asked shouldn't the approval be in place before the construction is finished.

Mr. Leonard stated that not necessarily.

Commissioner Sweeney asked if the permit for the skytower would be separate from any other structures that would be built.

Mr. Leonard replied that it should say "prior to issuance of building permits, the applicant shall. . ."

Commissioner Lew stated that on page 10 of the staff report in the noise section, the second bullet item is not included in any of the conditions.

Ms. Malloy replied that since there are no structures to be demolished the only part that would apply would be the muffling of equipment.

Commissioner Sweeney stated that in condition #30 the last sentence does not relate to the rest of the condition and should be made a separate condition.

Ms. Malloy replied that a new condition could be created.

Commissioner Sweeney stated that the new condition should be "Noise impacts to the adjacent residential neighborhood during construction and grading shall be minimized". Commissioner Sweeney stated that then the item from page 10 second bullet could be added.

Commissioner Lew stated that on page 10 dealing with hazardous materials the last sentence on page does not appear to have an associated condition.

Commissioner Sweeney replied that condition #98 covered it.

Commissioner Anderson asked if in condition #17 it could read that "the applicant shall submit plans signed by ACWD".

Commissioner Sweeney asked to clarify condition #23 to use either emulate or similar design.

Ms. Malloy stated that it will be emulate the design.

Commissioner Anderson opened the public hearing.

Kent Sessions, Skyventures Silicon Valley, 26415 Anancapa Court, Los Altos, CA presented a short film about the project. Mr. Sessions stated that the flagpoles are just for flags. Mr. Sessions understands parking issue and does intend to offer it to the other Union Landing tenants but is uncomfortable with being forced to have to offer it.

Andy McGregor, Skyventure, 1154 Brook Drive East, Duneden, FL , stated that he built the original tower in Orlando. Mr. McGregor stated that there is a set of pre-existing recorded cross easements of record and therefore they do not need any approval to put in the driveway.

Commissioner Sweeney asked if the cross access easement is recorded on both properties.

Mr. McGregor said yes.

Commissioner Lew asked about the video projection.

Mr. Sessions stated that he wants to do a projection system either on the front or back or both so that he can project clips of people flying in the tunnel. They have sited the towers so that the video would not be visible from the freeway or the traffic exiting from the freeway.

Commissioner Lew asked if there are projectors at other Skyventure projects.

Mr. Sessions said no.

Commissioner Sweeney spoke of her concerns with the traffic safety on Alvarado-Niles Road.

Mr. Sessions stated that they could just project it at the rear of the building and it would only be done at night.

Commissioner Sison felt that it would be better projected at the rear for the patrons in Union Landing.

Commissioner Savage asked what the attraction would cost.

Mr. Sessions stated it will cost around \$40.00. Mr. Sessions stated that the price may be based on the cost of power.

Commissioner Sweeney spoke of her concern that the parking extends into an area that the City owns, she feels that the site is going to be very bare when the City does widen the road.

Mr. Sessions stated that he doesn't have any plans for when the City widens the road. Mr. Sessions stated that the existing site in Orlando has 8 spots and even if he lost the 3 parking spots there would be still be sufficient parking available. Mr. Sessions is willing to work with staff to make sure that the site does not look bare.

Commissioner Sweeney suggested to the commission to not permit parking spaces in the right of way. Commissioner Sweeney stated that the commission has put conditions on other properties when they wanted to use the right of way and she does not feel that this project should be an exception.

Ms. Malloy pointed out that there is about 20 feet from the back of the walkway to the property line. Ms. Malloy pointed out that typically there is only 10 feet. Ms. Malloy stated that some portion of that

landscaping will either be shifted forward to the front of the future sidewalk or back within the city's right of way but landscaping would still exist.

Commissioner Savage stated that she does not like the dark gray color.

Commissioner Sweeney suggested the "Best Buy" blue.

Commissioner Lew asked who determined the road would go from Lowe's to Skyventure.

Mr. Leonard stated that the City was concerned that cars would try to make it a short cut from Alvarado-Niles Road to Lowe's and they wanted to design a circulation pattern that would avoid that.

Commissioner Lew stated her concerns about the amount of traffic coming out from Lowe's.

Mr. Leonard stated that one disadvantage is that they can only turn right onto Alvarado-Niles Road. If they want to go east on Alvarado-Niles Road they will have to exit Union Landing at the light.

Commissioner Lew asked what are the sources of power for the project.

Mr. Sessions stated that the site draws about 800 watts of power but there is currently no alternative power source available and he must use power supplied from PG&E.

Commissioner Anderson asked about the safety of the flight chamber.

Mr. Sessions stated that there are 3 things preventing accidents; 1 – the shape of chamber is designed to keep people from going too high, 2 – there is a controller watching participants, 3 – there are light curtains that automatically slow the fans if someone gets too high.

Commissioner Anderson closed the public hearing.

Commissioner Sweeney asked about the parking stalls, length of stalls and whether they would remove wheel stops. Commissioner Sweeney would like the wheel stops removed so that there would be more area for landscaping.

Commissioner Sison stated his concerns about pedestrian safety without the wheel stops.

Commissioner Anderson stated that cars are not going very fast in a parking lot.

Mr. Leonard summarized the changes to the conditions of approval as follows:

- Add a new condition that the applicant shall remove wheel stops and widen the sidewalk in front of the building and widen the landscaping along the west side of the site.
- Add a new condition that the blue color used by the applicant shall be the same as on the "Best Buy" wedge.
- Add a new condition that videos shall not be shown on the exterior wall so as to be visible from Alvarado-Niles Road.
- Change condition #3 change to say "to" instead of "for" and take out the extra "will comply".
- Change cond #8 to revise the last sentence "final color scheme shall be consistent with the Union Landing color palette".
- Change condition #17 shall be amended in the final sentence to show that the applicant shall submit plans signed by the ACWD.

- Change condition #23 last line shall read “emulate the design of the Pappas trellis’s located behind “Best Buy”.
- Change condition #24 so that the last word shall be “PBID”.
- Change condition #25 the sixth word shall be “any” rather than above.
- Condition #30 shall be broken into two conditions. The first 6 lines shall remain the same.
- Add a new condition noise impacts to the adjacent neighborhoods shall be minimized, and include the second bullet from page 10 regarding noise impacts.
- Change condition #32 “prior to the issuance of permits, the applicant shall secure approvals from Lowe’s or the property owner as required to construct the cross parking lot.”

Commissioner Lew made a motion to approve Site Development Review SD-13-04 and Use Permit UP-10-04, making findings 1 – 8, with conditions of approval as modified and adopting resolutions confirming these actions.

Commissioner Sison seconded the motion.

Commissioner Sweeney stated her position for voting against this project as she feels that the Planning Commission is showing favoritism to this property owner by granting them the ability to use the right of way that we have denied to another property owner in the same development.

Commissioner Lew stated that there are only small parcels left for development and she thinks that the City will benefit from this project.

AYES	4 (Anderson, Lew, Savage, Sison)
NOES	1 (Sweeney)
ABSTAIN	0
ABSENT	0

Chairperson Anderson recessed the meeting for a short break.

Chairperson Anderson called the meeting to order at 9:00 pm.

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. BRIEFING ON INTERMODAL STATION PHASE 1A PROJECT.** Phase 1A includes the pedestrian underpass under the BART and UPRR tracks, BART parking lot reconfiguration, Decoto Road connector, and interim BART parking lot on the PG & E property.

Joan Malloy, Planning Manager, presented the staff report.

Boris Dramov, ROMA Design Group, presented the report.

Some of the commissioners stated that they thought this layout was an improvement over the original plan.

**VII. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of December 16, 2004.

**VIII. GOOD OF THE ORDER: None.**

**IX. ADJOURNMENT: 10:00 p.m.**

**APPROVED:**

\_\_\_\_\_  
**TIKISA ANDERSON, CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**MARK LEONARD, SECRETARY**