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**STAFF REPORT**

**Healing Springs Acupuncture and Wellness**  
**33428 Alvarado-Niles Road**

**UP-23-001**  
**March 2, 2023**



## Agenda Item

**DATE:** MARCH 2, 2023

**TO:** PLANNING COMMISSION

**FROM:** CARMELA CAMPBELL, ECONOMIC, AND COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** USE PERMIT (UP-23-001)

**APPLICANT:** HEALING SPRINGS ACUPUNCTURE AND WELLNESS

**LEGAL OWNER:** TERRENO PARK UNION CITY, LLC

**REQUEST:** Use Permit (UP-23-001) to operate an acupuncture and acupressure medical service within an existing 1,303 square-foot tenant space within Building B of the Central Plaza development.

**LOCATION:** 33428 Alvarado-Niles Rd. (APN: 475-100-36)

**SIZE OF PARCEL:** 10.08 Acres

**GENERAL PLAN:** MS (Special Industrial)

**ZONING:** MS (Special Industrial)

**SURROUNDING LAND USES:**

Table 1 – Surrounding Land Uses			
Location	General Plan Designation	Zoning District	Land Use
North	ML (Light Industrial)	ML (Light Industrial)	Light Manufacturing and Warehouse
South	CO (Office Commercial R10-17 (Residential 10-17 du/ac	CPA (Professional & Administrative Commercial) RM 2500 (Residential)	Office, and Multi-Family Residential
East	MS (Special Industrial)	MS (Special Industrial)	Office and Mini Storage
West	MS (Special Industrial)	MS (Special Industrial)	Warehouse

## ENVIRONMENTAL ASSESSMENT:

Staff is recommending this project be considered categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

## LOCATION MAPS:

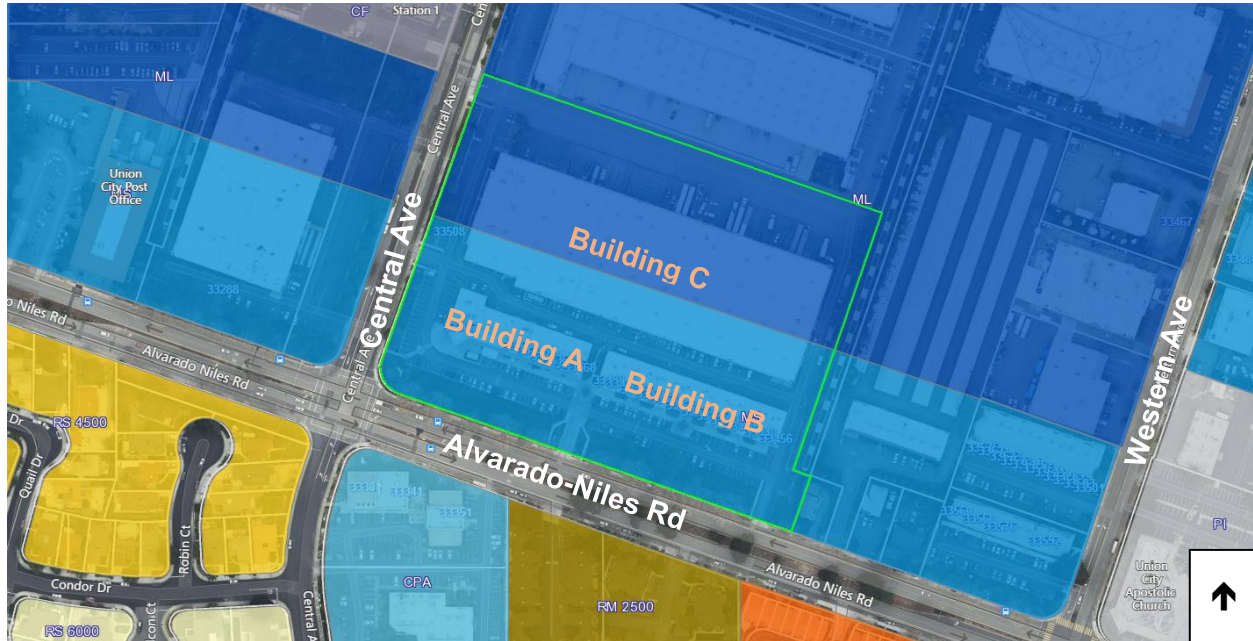


Figure 1 – Zoning Map of 33428 Alvarado-Niles Rd



Figure 2 – Location Map of 33428 Alvarado-Niles Rd

## I. BACKGROUND & PROPOSAL

The site is located at 33428 Alvarado-Niles Rd within the MS (Special Industrial) Zoning District. The tenant space is within Building B of the Central Plaza development.

Central Plaza was approved by the Planning Commission in 1987 as a three-building mixed-use project, consisting of:

Building A - 15,010 square feet, approved for retail and restaurant uses;

Building B - 20,490 square feet, approved for office and showroom uses; and

Building C - 133,133 square-feet, approved for warehouse and distribution uses.

Central Plaza is currently occupied by a variety of restaurant, small warehouse, professional, health service, and recreational uses. The site has two zoning designations: (1) MS, Special Industrial, along the Alvarado-Niles Road frontage with Buildings A and B; and (2) ML, Light Industrial, on the northern portion of the site with Building C, as illustrated in Figure 1, above.

The project applicant, Healing Springs Acupuncture and Wellness, is seeking approval of Use Permit (UP-23-001), to operate an acupuncture and acupressure medical service within an existing 1,303 square-foot tenant space within Building B of the Central Plaza development. The project plans and Statement of Use are included as Exhibit A and Exhibit B, respectively.

## **II. PROJECT ANALYSIS**

### **A. Proposed Use**

Health Services uses are conditionally permitted in the MS (Special Industrial) district, subject to issuance of a Use Permit, per Section 18.40.330.E of the Union City Municipal Code (UCMC).

### **B. Parking**

Central Plaza was approved with 266 parking stalls to be shared amongst the tenants. There are approximately 100 shared parking spaces directly surrounding Building B. The site was developed with compact spaces and experiences a heavy parking demand during peak lunch hours around the restaurant uses in Building A.

Section 18.36.150 of the Zoning Ordinance requires one parking space for every 200 square feet of medical office space. With 1,303 square feet, the acupuncture operation would require seven (7) parking spaces. The attached statement of use (Exhibit B) indicates that there would be a maximum of four (4) staff and two (2) patients on site at any one time. Based on this and staff observations of the center's parking situation, staff has determined that the site provides adequate parking for Healing Springs Acupuncture and Wellness.

In addition, consistent with Condition #07 employees will be required to park in the back of Building B. This requirement is to ensure that the parking in front of the tenant space remains open to clients. There is a rear exit door that employees can use to access the rear parking area.

### **C. Consistency with the General Plan**

The project is generally consistent with the subject property's General Plan designation of Special Industrial (MS), which allows for the lightest industrial operations, including limited manufacturing, assembly, distribution of manufactured products, R&D facilities, industrial supply, incidental warehousing, offices, and supportive sales, as well as limited commercial uses along major arterials. This designation includes a Floor Area Ratio ("FAR") maximum of 1.0.

Central Plaza currently leases space to a number of small restaurants, service, and professional business uses, which supports the surrounding industrial uses, as well as the lightest industrial operations, consistent with the purpose of the Special Industrial (MS) designation. Staff does not anticipate that Healing Springs Acupuncture and Wellness would have negative impacts on the neighboring uses. The proposed medical services use is consistent with existing and previous uses in the Central Plaza development. Additionally, the use is consistent with the purpose of the MS designation because it is a limited commercial use that supports the surrounding industrial uses, by providing a medical service to employees nearby where they work.

### **D. Noticing & Communication**

Consistent with State law noticing requirements, public hearing notices were posted on site and were mailed to neighbors within 300 feet of the project site boundary. Staff has not received any public feedback regarding the project.

### **E. Conclusion**

The City's Development Review Committee (DRC) has reviewed the proposal and, as conditioned, found that the project meets the requirements discussed above and is consistent with the General Plan.

## **III. REQUIRED FINDINGS**

### ***California Environmental Quality Act (CEQA)***

1. *This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) guidelines*

### ***Use Permit***

1. That the proposed location of the conditional use is in accord with the purposes of this title and the purposes of the district in which the site is located;

*The proposed location of the conditional use is in accordance with the purposes of Title 18 and the purposes of the MS Zoning District in which the site is located. The proposed location of the use is in accordance with the purpose of Title 18, which seeks to promote and protect the public health, safety, morals, comfort, convenience, and the general welfare of the people, to protect the character and maintain the stability of business and industrial areas within the City, and to promote the orderly and beneficial development of such areas.*

*The proposed location of the project is also in accordance with the purpose of the MS Zoning District, which seeks to provide space for the lightest industrial operations and uses that support nearby industrial uses and that exhibit virtually no nuisance characteristics. The proposed use supports surrounding industrial uses, by providing a medical service to employees nearby where they work.*

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

*The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The project, as conditioned, will be constructed consistent with current Building and Fire Code requirements.*

3. That the proposed conditional use is consistent with the general plan, any applicable specific plans, and will comply with each of the applicable provisions of Title 18.

*The proposed conditional use is consistent with the General Plan designation of Special Industrial (MS) and will comply with each of the applicable provisions of Title 18. There are no specific plans applicable to the project site.*

#### **IV. ALTERNATIVES**

1. Approval of Use Permit (UP-23-001) as proposed;
2. Approval of Use Permit (UP-23-001) with modified conditions;
3. Denial of Use Permit (UP-23-001) with stated findings; or
4. Continue the matter for further consideration.

## **V. CONDITIONS OF APPROVAL**

### **PLANNING DIVISION**

#### *General*

1. All use and any actual site improvements shall be made with adherence to the plans and statement of use, listed in Exhibit A and Exhibit B, respectively, except as they may be modified by other conditions of approval listed below. Any variation or modification from the approved plans are subject to the review and approval of the Economic and Community Development Department.
2. This application shall expire one year from the date of Planning Commission approval unless the use has been established, is active, and all conditions of approval have been addressed.
3. The applicant and/or property owner shall adhere to all conditions of approval. Failure to adhere shall be cause for revocation of the Use Permit.
4. The applicant and/or business owner shall obtain a business license from the City and shall maintain said license as long as it operates at this address.
5. All signage, including temporary signs, shall comply with Chapter 18.30 of the Zoning Ordinance and the Central Plaza Master Sign Program.
6. The applicant and/or property owner shall ensure that any graffiti appearing on the site be removed within forty-eight hours after discovery. If not removed in a timely manner, the City may, at its option, remove the graffiti and charge the owner for the services performed.
7. The applicant and/or property owner shall ensure that all employees park in the rear of the building (between Buildings B and C).
8. The applicant and/or property owner shall obtain all required building and fire permits for any interior tenant improvements and building signage. Plans submitted to the Building Division and Fire Department must demonstrate compliance with all applicable local and state requirements.
9. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.

### **BUILDING DIVISION**

10. The applicant and/or property owner shall maintain all public and exterior private improvements in compliance with the Americans with Disabilities Act (ADA).

11. Any construction shall fully comply with the Building Standard Codes in effect at the time of building permit issuance.
12. The applicant and/or property owner shall provide detailed construction plans (working drawings) and calculations to the Building Division for plan review prior to issuance of a building permit for any interior tenant improvements and building signage. Plans and supporting documents shall be prepared by a state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid, and a building permit issued prior to commencement of any actual construction work on site.
13. The applicant and/or property owner shall comply with the Construction and Demolition Ordinance 576-01 to divert recyclable debris away from landfills. The applicant and/or property owner shall submit a completed Construction and Demolition Waste Management Plan with their application for a construction or demolition permit.

#### **FIRE DEPARTMENT**

14. The project shall comply with the California Building and Fire Codes and current local ordinances regarding life safety and exiting requirements by installing the required exit signs and emergency lights above all doors and ensuring that the fire sprinklers are meeting all code requirements.
15. The applicant and/or property owner shall provide a KNOX BOX Mode 3200 (Lock Box) with door hinge, mounted adjacent to the front door no higher than six (6) feet, prior to final inspection of building permit.
16. The applicant and/or property owner shall have the Fire Alarm system professionally monitored by a Central Monitoring Control Center.

#### **ENVIRONMENTAL PROGRAMS**

17. The applicant and/or property owner is hereby advised that unauthorized discharge of any kind to the storm water system, which includes the streets and gutters, is prohibited, and that such discharges, whether intentional or not, are subject to penalties up to \$20,000 per violation, per day. This applies both to the construction phase and to routine facility operations.

#### **VI. RECOMMENDATION**

The DRC recommends that the Planning Commission approve Use Permit (UP-23-001), subject to conditions, making the following specific findings in support of this approval:

- a. That the project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA); and
- b. That the proposed location of the conditional use is in accordance with the purposes of Title 18 and the purposes of the MS Zoning District in which the site is located. The proposed location of the use is in accordance with the purpose of Title 18, which seeks to promote and protect the public health, safety, morals, comfort, convenience, and the general welfare of the people, to protect the character and maintain the stability of business and industrial areas within the City, and to promote the orderly and beneficial development of such areas

The proposed location of the project is also in accordance with the purpose of the MS Zoning District, which seeks to provide space for the lightest industrial operations and uses that support nearby industrial uses and that exhibit virtually no nuisance characteristics. The proposed use supports surrounding industrial uses, by providing a medical service to employees nearby where they work; and

- c. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The project, as conditioned, will be constructed consistent with current Building and Fire Code requirements; and
- d. That the proposed conditional use is consistent with the General Plan designation of Special Industrial (MS) and will comply with each of the applicable provisions of Title 18. There are no specific plans applicable to the project site.

It is further recommended that the Planning Commission adopt a Resolution confirming this action.

**Prepared by**

Brandon H DeLucas, Associate Planner

**Attachments**

Exhibit A: Project Plans

Exhibit B: Statement of Use