

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF FEBRUARY 7, 2002, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Allen, Mattos, Raymundo, Savage, and Sweeney

Commissioner Mattos was absent.

STAFF PRESENT: John Bakker (Interim Assistant City Attorney); Carlos Jocson (City Engineer); Joan Malloy (Planning Manager); Aki Irani (Associate Planner) and Patti Wiersma (Administrative Assistant)

II. APPROVAL OF MINUTES:

The minutes for the regular Planning Commission meeting of January 17, 2002, were approved as corrected.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. TENTATIVE PARCEL MAP, TPM-7867 for UNION LANDING TRANSIT CENTER: The City of Union City is seeking approval of a tentative parcel map to consolidate land to allow the construction of the Union Landing transit center that will provide up to nine bus bays and includes a driver's break room and public restrooms. The parcels to be consolidated are located on the east side of Union Landing Boulevard, north of the Union 76 Service Station and south of the In-N-Out drive-through restaurant, and include APN: 463-60-18-15, 18-14 (portion), 18-22 (portion) and 18-24 (portion, remnant parcel acquired by City as part of Pappas' Parcel Map 7678).**

Joan Malloy, Planning Manager, presented the Staff Report.

Commissioner Sweeney asked about the property to be acquired along the In-N-Out Burger property, and asked if the acquisition has to be completed before the Tentative Parcel Map is approved.

Ms. Malloy explained that the parcel has been acquired.

Chairperson Savage opened the Public Hearing.
There were no speakers.

Chairperson Savage closed the Public Hearing.

There were no further questions or comments by the Planning Commission.

Commissioner Sweeney moved that the Planning Commission approve Tentative Parcel Map 7867 subject to the stated conditions, making the specific findings 1-7 in support of the approval. She also moved that the Planning Commission adopt a Resolution confirming these actions.

Commissioner Savage seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	Commissioner Mattos
ABSTAINED:	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. ASD-01-02, ADMINISTRATIVE SITE DEVELOPMENT REVIEW:** Ivan Go, on behalf of Island Pacific Supermarket, is requesting approval of a Site Development Review Permit (ASD-01-02) to allow exterior façade and site improvements on property located at 4122 Dyer Street (APN 483-73-10-05) for the establishment of a new supermarket in an existing building (formerly occupied by a supermarket). The exterior façade and site improvements will consist of new paint on the exterior of the building, replacement of the existing roof material to a red clay tile roofing, new storefront doors, construction of a new trash enclosure and upgrading of landscaping on site. The project site is located on the southeast corner of Dyer Street and Alvarado Boulevard within a CC (Community Commercial) zoning district and a CR (Retail Commercial) General Plan area.

Aki Irani, Associate Planner, presented the Staff Report and gave a Power Point presentation.

The Planning Commissioners were provided with two desk items regarding this item: 1) A letter from the property owner's attorney, requesting that Condition No. 2 be maintained as a Condition of Approval to the project, requiring the applicant to obtain the owner's consent prior to any building permits being issued. 2) A letter from a dentist next door and pictures of a fence dividing their property that is in need of repair.

Commissioner Raymundo asked if the four tenants will be inside the supermarket, and if so, that will make it much smaller than Marina Foods. She asked where the shopping carts will be stored, and how many there will be.

Ms. Irani stated the carts will be stored in the supermarket, and the applicant can respond to the question regarding the number of carts.

Commissioner Raymundo asked if the parking lot will be resurfaced, as it is in poor condition.

Ms. Irani stated that she has not seen any to repave the parking lot, but that they are going to improve the landscaping.

Commissioner Sweeney asked about Conditions No. 3 and 4, regarding trash enclosures, and stated that the conditions requiring that it be indicated on the building plans that the existing trash enclosure be repaired and upgraded is not strong enough to assure it will be done.

John Bakker, Interim Assistant City Attorney, stated that the applicant is required to construct in accordance with the building plans. A statement can be added Condition No. 4, such as “shall indicate on the building plans *and construct, etc.*”

Commissioner Sweeney stated that the Condition was worded different than it has been in the past, and Ms. Irani stated that the conditions could state that the trash enclosures be completed “Prior to occupancy.”

Commissioner Sweeney referred to Condition No.6, regarding trash compactor, and asked if it has to be sealed within another structure.

Ms. Malloy stated that trash compactors themselves can be fully sealed and enclosed.

Commissioner Sweeney referred to Condition No. 23, regarding filtering devices, and asked who determines whether the devices are current technology. She stated that frying fish on site at the market can generate some odors that could possibly be a problem to the neighbors.

Ms. Irani stated that the Building Official makes that determination.

Commissioner Raymundo asked how it was done at Marina Foods.

Ms. Malloy stated that there are standards and specifications on equipment that the Building Official reviews. She stated that staff will follow up on Commissioner Raymundo’s inquiry.

Commissioner Allen asked if the trash enclosure will be moved.

Ms. Irani stated that the existing trash enclosure is in need of repair. It will remain in the same place, but a new enclosure is being recommended to be re-built. An additional trash enclosure will also be constructed.

Commissioner Allen asked if anything was going to be done to the flower shop.

Ms. Irani stated that was not part of the application.

Commissioner Sweeney referred to Condition No. 62, regarding the storage of bulk materials, and Ms. Irani explained that it was a standard condition added by the Environmental Programs Division.

Commissioner Sweeney requested the Condition be changed to state that there be no outdoor storage.

Chairperson Savage asked if the fence referred to in the letter from the dentist is a common fence. Ms. Irani stated that it is not known, but the dentist stated that it is on the market property.

Chairperson Savage invited the applicant to come up.

Jeff Coffman, 1441 No. Harbor Blvd. Fullerton, Architect, stated that he will be happy to answer any questions. He stated that they have been working with Staff, who have been very helpful and courteous. He stated that he appreciates Commissioner Sweeney's careful review of the conditions. He stated that he had some questions and comments regarding the Conditions of Approval, and that he wanted to review them, as he views them as a binding contract. He stated that the new trash enclosure will be going up against the building where there is no landscaping, and it is more than 400 ft. away from the street and not very visible. He stated they are very willing to add landscaping to existing planters, but it would be difficult to add planters.

Commissioner Sweeney asked Staff to clarify the request for additional landscaping and if additional planters were being requested.

Ms. Irani explained the intent was to add new planters and to densify existing planters, and specified where staff would like them.

Commissioner Sweeney stated that losing one parking space in the back by putting in a planter along the back wall would not be detrimental. She asked Mr. Coffman if he understood that was the only new planter being requested.

Mr. Coffman stated that losing one parking space would not be detrimental, but he wouldn't want to lose more, as more parking might be needed in the future. He referred to Conditions No. 14 and 15, and stated that the existing transformers are more than 400 ft. from street and are screened by the existing walls in the back. He felt that they didn't need to be screened any more. He stated he would agree to screening any additional transformers.

Ms. Irani stated that screening would not be required for the existing transformers.

Mr. Coffman referred to Condition No. 17, regarding requiring minimum 24" boxed trees, which is contradictory to the Staff Report that refers to 15" boxes.

Ms. Irani stated that the minimum 24" could be taken out of the Conditions, as the minimum is 15".

Mr. Coffman referred to Condition No. 27 and stated that they will be using the existing fire sprinkler system.

Ms. Malloy stated that the word "install" can be changed to "provide".

Commissioner Raymundo asked if the applicant is going to improve the pavement in the parking lot.

Mr. Coffman stated that if there is damage to the pavement, it will be patched. The pavement will be slurry sealed and striped. He asked how Condition No. 50 will apply to their project.

Ms. Irani stated that is a standard condition and that anything new, such as trash enclosures, would apply to that condition.

Mr. Coffman had several questions about the Conditions of Approval, and Ms. Malloy explained that many of them are standard Conditions of Approval.

Mr. Coffman responded to Commissioner's question regarding the four tenants, and stated they will be located toward the front of the store.

Commissioner Raymundo asked if they already have the tenants for the restaurant. She asked where the shopping carts will be stored and how many there will be.

Mr. Coffman stated there are prospective tenants for the restaurant. He stated that there will be 150 shopping carts, and they will all fit inside at night.

Commissioner Raymundo asked what filtering device will be installed.

Mr. Coffman stated that it will be the latest equipment.

He responded to Commissioner Sweeney's question regarding Conditions No.3 and 4, and stated they will not have a trash compactor, and they will not be storing any bulk materials.

Commissioner Sweeney referred to Condition No. 64, and stated it should be changed to include "or other food preparation facilities."

Commissioner Raymundo asked if they are only cleaning and frying fish, and Mr. Coffman stated there will be no serving of food.

Commissioner Savage asked about façade improvements and asked if it can be improved.

Mr. Coffman stated they will be changing the roof and trim and painting the entire building. He stated that he didn't see the letter or pictures from the dentist, so he cannot respond to it.

The pictures were shown to Mr. Coffman.

Chairperson Savage opened the Public Hearing.

George Navone, 21 Columbus Ave. #221, San Francisco, stated that he is one of the owners of the property and that he is totally in agreement with applicant and 100% in favor of project.

Commissioner Sweeney asked if he owns the video store, and asked if he was aware that one of the tenants will be a video store, and if he had a problem with that.

Mr. Navone stated that they own the video store, and see no problem with it, and that they are just looking forward to seeing the shopping center get rehabilitated.

Hugh McNamara, 3223 Mercury Way, stated he has seen the center at its peak and at its decline, and he is looking forward to the shopping center being rehabilitated, and he hopes the parking lot will be improved.

Chairperson Savage closed the Public Hearing.

Commissioner Savage voiced her concern regarding the letter from the owner of the property that was given as a desk item.

Mr. Bakker stated that Condition No. 2 requires the consent of the property owner prior to the issuance of building permits. He stated that he has not seen the lease. He stated that the letter appears to be requesting that Condition No. 2, regarding obtaining permission from the owner, remain.

There was some discussion about the portion of the fence between the shopping center and the dental office, and it was the consensus of the Planning Commission and Staff that a condition be added requesting the applicant to work with the dental office to resolve the issue. The applicant agreed to the request.

Commissioner Raymundo moved that the Planning Commission approve Administrative Site Development Review, ASD-01-02, subject to the stated conditions with changes and additions, making the specific findings 1-4 in support of the approval. She also moved that the Planning Commission adopt a Resolution confirming these actions.

Commissioner Sweeney seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	Commissioner Mattos
ABSTAINED:	0

- ASD-20-01, ADMINISTRATIVE SITE DEVELOPMENT REVIEW:** Emily and Tony Rojo, as property owners and applicants, have submitted an application for an Administrative Site Development Review Permit (ASD-20-01) to allow the construction of a new one-story, single-family residence on a currently vacant lot. The applicants are proposing to construct a 2,134 square foot residence with an attached 435 square foot, two-car garage on a 5,000 square foot lot. The project site is located on a vacant lot (identified by APN 486-15-026) on the west side of 4th Street, between B and C Streets. The project site is located within the Decoto District in the R-5000 zoning district.

Aki Irani, Associate Planner, presented the Staff Report and gave a Power Point presentation.

Commissioner Sweeney stated that she is pleased to see a lovely home that fits well with the area. She asked about the fireplace that intrudes into the 5' setback along the side, and asked if is a problem with the Fire Department.

Ms. Irani stated that it is permitted.

Commissioner Raymundo stated that because it is a vacant lot, the condition regarding the burrowing owl survey should be added.

Ms. Irani stated that condition can be added.

Chairperson Savage opened the Public Hearing.

Tony Rojo, 2474 Aptos Court, stated that he is going to build a home for his son, who was born and raised in Union City, teaches in Fremont, and wants to stay in Union City.

Commissioner Sweeney thanked the applicant for bringing in a design that fits so well in the neighborhood.

Chairperson Savage closed the Public Hearing.

Commissioner Sweeney moved that the Planning Commission approve Administrative Site Development Review Permit, ASD-20-01, subject to the stated conditions, making the specific findings in support of the approval. She also moved that the Planning Commission adopt a Resolution confirming these actions.

Commissioner Raymundo seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	Commissioner Mattos
ABSTAINED:	0

VII. COMMISSION MATTERS:

A. Upcoming applications for the Regular Planning Commission Meeting of February 21, 2002.

VIII. GOOD OF THE ORDER:

Commissioner Sweeney stated that the Planning Commissioners and City Council received a letter from the children of Mr. and Mrs. Hiramine that stated that they did not receive a notice about the proposed change in the designation for their property. She asked what kind of notice was sent to affected properties in the General Plan.

Ms. Malloy stated that as part of the General Plan Update, it was noticed as a citywide revision of the land use diagram. She stated that the letter was forwarded to the City Council, and will be a part of the

Council's review. She stated that Staff has no strong opinions on it, and the nursery could continue to operate as commercial indefinitely.

Chairperson Savage stated that they received a notice for the 2002 Planners Institute, and Commissioners that would like to attend will let staff know by February 19, 2002.

IX. ADJOURNMENT:

The meeting adjourned at 8:35 p.m.

APPROVED:

ROSEMARY SAVAGE,

CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY