

CITY OF UNION CITY

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF OCTOBER 16, 2003, 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, and Sweeney
Absent: Commissioner Savage**

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

II. APPROVAL OF MINUTES:

The minutes for the Regular Planning Commission meeting of October 2, 2003 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. VARIANCE V-04-03, Initiated by Headlands Realty Corporation on behalf of Harvest Properties, the applicant is requesting a Variance approval to allow a nineteen-foot (19') front yard setback where twenty-five (25') is required. The applicant is proposing an architectural element/arcade that will encroach six-feet (6') into the designated front yard for a distance of approximately thirty feet (30') along the street frontage. The architectural element/arcade is not building floor area. The project site is located at 33280 Central Avenue in the Central Bay Industrial Park, in the City of Union City, and is identified as Assessor's Parcel Number APN 475-0090-009. The subject property is located within an ML (Light Industrial) zoning district and has a General Plan designation of ML (Light Industrial). The Harvest Properties project was considered in a Negative Declaration for the initial project approval. Further, this project would also be Categorically Exempt per the California Environmental Quality Act (CEQA) per section 15301 of the CEQA Guidelines. No further environmental review is required.**

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Kelley asked how this is different from a trellis element.

Ms. Malloy stated that the arcade is attached to the building and trellis are generally freestanding.

Bk

Mm

Open public hearing

Closed public hearing

Chairperson Sweeney stated she was glad to see that they had made the changes.

Chairperson Sweeney moved to approve subject to stated

Commissioner Lew seconded

AYES: 4 (Kelley, Lew, Savage, Sweeney)

NOES: 0

ABSENT: 1 (Savage)

ABSTAINED: 0

2. **ZONING MAP AMENDMENT A-01-03**, Initiated by the City of Union City, the proposal is to amend the Zoning Map to bring it into compliance with the General Plan regarding the 40.26-acre Accinelli property located at 4717 Lowry Road, Union City and is identified as Assessor's Parcel Number APN 543-0201-004-02. The General Plan was amended in February 2002 that redesignated this property from Agriculture to Residential, 3-6 units per acre, and Private Institutional. Approximately 32 acres of the property are proposed to be rezoned from Agriculture to Single-Family Residential, RS6000 and 8 acres are proposed to be rezoned from Agriculture to Private Institutional, PI. The City has determined that the above amendment is exempt from environmental review pursuant to Section 15061 (b3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed rezoning of the land is to bring it into compliance with the General Plan, as required by State Law.

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Anderson stated that he received a telephone call from the applicant's attorney.

Mr. Leonard stated that this action is to bring consistency with the General Plan per State Law.

Ta why the timing

MI city does not want to be caught with an inconsistent general plan, the state can stop development if

Bk why wouldn't it be a problem to wait another 5 months.

MI it is our duty to do this and no valid reason to delay.

JI have we received any queries from any faith based or non-profit organizations.

MI yes, they have been referred to the applicant

Cs opened the public hearing.

David Bonaccorsi, 3900 Newpark Mall Road, Third floor, Newark, CA 94560,

Asking for two things recommendation from planning comm. To delay until march 2004, or to delay after the 28th so that they can approach the city council again.

Cs asked why they have a problem with doing this rezoning.

Db believes that general plan provides for more options than the rs6000 zoning. Doesn't want to have to go thru the zoning process again., don't have a development plan in place,

Cs asked if the majority of the lots will be small

Db doesn't want to get into specifics,

Cs

MI 3-6 units per acre, there are two zones RS6000 or RS4500 if approved by the planning commission.

Cs if they pc continues then what?

MI double advertise item, pc and cc meeting date. If pc don't

Cs action must be taken this evening

MI correct.

Jl asked are they going to get public comment on any development plan

Db that would be up to the seller

Jl would like for public to have input into the plan

Jl asked if the developers have had any comments on the location of the 8 acres

Db city would prefer one contiguous lot, but haven't had any offers for the whole 8 acres right now.

Jl are you entertaining letters from any faith based orgs

Db allowing developers to be the point entity for that

Jl when you will select developer

Db within the next couple of weeks.

Jl feedback from developers what are they saying about the area adjoining the rr tracks

Jim Accinelli, 4717 Lowry Rd., try to keep homes as far away from track as possible. Understand that city desires some sort of buffer for the rr trks. Very desirable piece of property, gone out of their way to check out developers and trying to pick one that will provide a quality developer.

Jl concered that all 8 acres will be right next to the rr trks

Db wants to keep this item on the cc calendar for the 28th.

Barry Ferrier, 32212 Allison Wy, Union City, was involved in the recomm for the gp and why is there no set aside for parks in this development, faith based orgs , worried about the risk that the State could be to other plans upcoming.

Cs closed the public hearing.

Ml clarified that if a zone is proposed that is not consistent with the gp, then a gp amend would have to be done prior to the zoning , offered that pc can add that rs4500 can be added now and then specifiy that at the future could

Cs does not want to do that because there is no specificity to that determination, worried that it would be developed as mostly 4500 lots which would not fit the area., doesn't want it to look like lots on Mission blvd. Doesn't see any delay in having to zoning done now as later.

Ta asked

Cs

Ta asked

MI gave example of Ponderosa home where some blocks are 6000 and some blocks are 4500 and kityama also. If

Ta asked

MI gp sets the density range and there are certain zones that are compatible 6000 for sure, 4500 maybe.

Ta what are alternatives.

MI take action to rezone property from A to rs6000 with a floating PI zone, and can give recommendations for other

Bk asked if the gp would restrict the mix of 4500 and 6000

MI

Bk

MI

Jl what is diff between 4500 and 6000

MI min lot size is 6000 sf can't have a lot smaller than that, 4500 sf min.

Jl 6000 would have larger house on larger lots, fewer lots, 4500 smaller lots

MI zon ord encourages corner lot duplexes.

Jl size of lot for duplex is

MI size varies roughly 2500 to 3500 sf looks at it as one lot, density bonus applies

Jl but two titles

MI

Cs density bonus allows developer to exceed inclusionary housing ord.

Jl concerned that the land near the rr trks will end up being the PI land

MI when est gp put the PI along the trks bec it would be a good buffer, done by cc, but it is a suggestion, subject to review

Bk not compelling applicant to develop on any timetable, concerned about density and traffic issues, this seems very reasonable,

MI that is correct

Cs moved to approve

Ta seconded

AYES: 4 ()

NOES: 0

ABSENT: 1 (Savage)

ABSTAINED: 0

MI that moves forward to the cc

3. **SITE DEVELOPMENT REVIEW SD-10-03, USE PERMIT UP-05-03 AND VARIANCE V-05-03**, Initiated by CRJ Associates for Hirbond Enterprise Inc., the applicant is requesting a Site Development Review and Use Permit approval to establish a Mini-Mart within an existing Chevron service station. The applicant is also applying for a Variance to allow one (1) parking space less than what is required. The project site is located at 31890 Alvarado Boulevard, Union City, and is identified as Assessor's Parcel Number APN: 483-0040-033-00. The property is zoned CC, Community Commercial. The proposed project is considered categorically exempt per the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Ta asked when they build the mini mart will that fit the policy about razed and remodeled
When they convert the bays

Tg existing alteration

Ta so it is not new construction

Tg no it is not.

Ta that limits the floor area to 500 so why are they proposing 2600 sf

MI owner see a market here, from staff point of view there are no other similar stores nearby, city has issue with large marketers being built ifo 7-11's or mom and pop stores.

Ta

MI utilize them as a guide since there are no such services nearby, could make

Ta how many service stations have a mini mart

MI most of them do, especially the newer stations.

Ta how do you compare the size of this lot to other

MI thinks that the chevron lot is bigger, and the shell has a marketer

Ta do the other stations that have marketers have enough parking

MI yes,

Ta what makes this lot special that it does not

Tg has an existing site config that doesn't allow them to

Ta

Jm existing property with existing layout, if it was a new property that they could meet the parking,

Ta 2 parking spaces near the front look to be in conflict with the pumps.

MI

Cs asked about next to the new trash enclosure,

Jm that is correct

Cs why not put another parking space next to the trash encl

Jm refe to arch, may be grade changes.

Ta cond #6, does that need to be in there

Tg that can be removed

Ta cond #38

Jm req that street trees be added, can change wording

Ta cond #56 there is no failure to comply with....

John Bakker, City Attorney, city has to deal with several regulatory bodies and this condition is more like a notice and it would be enforced by other processes.

Bk asked cond #32 why use wood doors

Jm applies to rear exiting doors, perhaps metal door

Jb states that it applies to

MI can change wording to "shall use solid wood core doors or metal doors.

MI important to pd for security

Bk didn't see any trees on site, cond #46 and ?? applicant provides a tree survey.

Tg pointed out existing trees.

Bk are all service bays being taken out and replaced with market space, ocnd \$48

Tg, Anke Neuman of EPD has been working with applicant on tank closure, water cleanup
Cond #71 and #72 require that.

Jl is there only one restroom

Tg correct

Jl does city have any regulations for having sepe

Jm governed by building code, one restroom

Jl any cooking on site, microwave

Tg

MI ask applicant, they are common in these facility

Cs cond #72,

Cs/Tg remediation prior to remodeling/construction

Cs is there any prohibiton of sale of alcoholic beverages

MI yes they cannot

Cs nothing that addresses where the equipment is to be cleaned etc,

Jm discussed at DRC, EPD did not feel that based on what the applicant proposes does not
require those restrictions,

Alan Andress, architect, reducing the area of the bldg, enclosures being removed, parking
expericence is that spaces at the pumps are used as parking while patrons are using store,
problems caused by shared driveway and mall to rear.

Cs where are the air and water facility located.

Aa located on the dyer corner.

Jl clairy type of food served.

Aa no food preparation, pre packagesd, one microwave, drink cupss

Jl how to control trash

Aa Hirbod Ent prides themselves on keeping their stations very clean, place trash containers,

Jl

Aa Sam is a franchisee

Jl do you plan to seel tires, batteries,

Aa no things like oil, air fresheners not intended to be an automotive store

Jl displays outside

Aa no

Jl landscape plans tree ifo the bldg where the cashier is located obstructs cashiers view

Aa wiling to work with staff to

Bk asked planning to change hours of operation

Aa this has always been a 24 hour operation.

Bk are there goig to be additional street signs

Aa llimited to architects,

Sam Hirbod, monument signs owned by corp, not allowed to make any changes.

Bk

Aa trying to modernize the bldg

Ta why need variance

Aa the main constraints where the current driveways needed to keep, had to work around them.
Position of the bldg, sits just 20 ft off the property line, dashed line is a pg&e easement
Desire to maintain good circulation around the pumps. Some cities allow the spaces at the pumps to be counted but not union city.

Cs glad you cleaned up the back alley

Aa at about 24% landscape.

Barry Ferrier, 32212 Allison Way, Union City, the whole intersection is an eyesore.
Too much asphalt, not enough greenery,

Sign is at 90 degrees to Alvarado so it is very hard to read

Closed public hearing

Jl asked applicant to explain the process of renovation of the station

Aa stated that the area removed would be the two sheds on the dyer side, remove the roll up doors, replace with contemporary metal /window system, hoists have been removed, water cleanup pour a concrete overlay to correct the slope

Jl was there a below ground walkway for oil changes

Aa not in this bldg

Jl arch enhancements

Aa take off replace with

Bk what color tile roof

Aa reddish brown color

Bk why didn't put the trellis and vines on the dyer side

Aa hadn't planned on it but wiling to work with staff

Bk are there any design standards for the four corners area

Ml thinks it will more closely match the Fremont bank center and will blend in well.

Cc asked staff to meet with owners of this shopping center to rehabilitate this center.

Cs

Sam Hirbod, would be willing to work with staff but the current canopy lighting will extend out into the first lane of traffic.

Bk were the two other markets noticed

Tg yes

Cs

Cond #6 deleted

Cond #32, include ref to metal doors

Cond #72, change should to shall , change lang to

Add cond trellis around east elevation and add a berm to the corner

Sam Hirbod clarified that

Cs specific to the service bays only

MI add cond that alcoholic beverages shall not be sold

Cs moved to approve
JI seconded

AYES: 4 ()
NOES: 0
ABSENT: 1 (Savage)
ABSTAINED: 0

VI. SUPPLEMENTAL STAFF REPORTS:

- A. **CONTINUED REPORTS:** None.
- B. **NEW REPORTS:** None.

VII. COMMISSION MATTERS:

- A. The staff reviewed the Planning items from the September 23, 2003 City Council meeting. City council did approve variance for a 18 month period of time, with provision that staff explore changes,
Cc refered to Repac issue of contempo to find a way to reverse the blight that has occurred over the years
Cc asked to have staff through redevelopment agency to meet with tenants and owners of International Market to see if they can reverse the decay that has occurred.
- B. The staff listed the upcoming applications for the Regular Planning Commission meeting for November 6, 2003.
U. S. Pipe

X. GOOD OF THE ORDER:

Bk doesn't want in lieu fees to be tied to specific projects.

MI that is state mandated use of fees

Ta Ul courthouse drive, pavers are failing,

MI spoke to ??? told him to fix them himself,
Change to circulation at Ul doing to put a driveway from the theater to dyer between petco and??

XI. ADJOURNMENT:

The meeting adjourned at : p.m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY