

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF DECEMBER 11, 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 Savage
Absent: Commissioner Sweeney**

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

II. APPROVAL OF MINUTES:

The minutes for the Regular Planning Commission meeting of November 20, 2003 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None

B. NEW HEARINGS:

- 1. SITE DEVELOPMENT REVIEW SD-13-03, VARIANCE V-08-03,**
Initiated by Craig Bonelli of Cold Storage Manufacturing, Inc., on behalf of Kerry Sweet Ingredients, the applicant is requesting approval of a Site Development Review, SD-13-03, and a Variance, V-08-03, to allow a 17,625 square foot expansion to an existing commercial baking/candy production facility and to allow a reduction in the required number of parking spaces on site for the project. The expansion area will allow for additional freezer and cooler storage area and packaging area for the food products produced on site. The Variance would allow for a reduction in required number of parking spaces from 170 parking spaces to 139 parking spaces on site. The project site is located at 33063 Western Avenue, on the southwest corner of Western Avenue and Atlantic Avenue, in the City of Union City, and is identified as Assessor's Parcel Number APN 475-0080-001. The subject property is located within an ML (Light Industrial) zoning district and has a General Plan designation of ML (Light Industrial). The City has prepared a Negative Declaration on the above referenced project and has determined that there will be no adverse effects or impacts on the environment.

Mark Leonard, Director, Economic and Community Development, presented the staff report.

Chairperson Savage asked where the additional parking would be able to be fit in.

Mr. Leonard stated that it would be in an area of open space to the rear of the building.

Commissioner Lew asked why there are no sidewalks.

Carlos Jocson, Interim Public Works Director, stated that in industrial areas sidewalks are not required.

Commissioner Lew asked why condition #4 does not include a requirement for 26 feet of back up space.

Mr. Leonard stated that it should be added to condition #4.

Commissioner Kelley asked what benefit the city receives from adding the extra parking spaces and removing open space.

Mr. Leonard stated that most developers provide more than the required parking and this applicant is asking for the exception because the company runs 24 hours a day and therefore the parking would not be exceeded at any time.

Chairperson Savage opened the public hearing.

Commissioner Lew asked if there would be overnight parking of trucks.

Craig Bonelli, Cold Storage Manufacturing, 740 Bradford Way, Union City, CA, stated that the trucks are there for loading and unloading only and should not be staying overnight.

Commissioner Lew asked if the parking equation also included any company vehicles.

Joan Malloy, Planning Manager, replied that this applies to companies that have their own fleet of vehicles.

Mr. Bonelli stated that there is a separate parking area for the trucks and employee parking.

Commissioner Kelley asked for clarification if it should be 166 or 168 parking spaces.

Mr. Leonard stated that it should read 166 parking spaces.

Patrick Thomas, Plant Manager, 4024 West Las Positas Blvd, Pleasanton, CA 94588, stated that there are 134 people employed at the site; 24 in office, the rest are plant workers, 46 employees on dayshift, and 34 employees on swing shift. The company would prefer to not take any of the lawn away.

Commissioner Kelley asked if the company expected to increase employment from this expansion.

Mr. Thomas stated that they expect to hire 10 more employees.

Commissioner Kelley asked how many additional employees over a period of 5 years.

Mr. Thomas stated that the goal is to automate plant and not expand the employee base.

Commissioner Lew asked where repair and/or maintenance people or visitors would park.

Mr. Thomas stated that there would be about 40 extra parking spaces available in current parking area.

Commissioner Lew asked if they were concerned about the cost.

Mr. Thomas stated that it would be a concern but they do not want to pave over the lawn if it can be avoided.

Chairperson Savage closed the public hearing.

Commissioner Kelley asked about the landscaping in the parking lot between parking spaces.

Ms. Malloy said that there are areas in the existing parking lot that have been landscaped but have died or grown over and staff would prefer the applicant to replant those areas.

Commissioner Kelley asked what type of landscaping would be required.

Ms. Malloy stated that trees and some type of ground cover would be required.

Commissioner Kelley asked why the landscape plan did not provide more detail.

Ms. Malloy stated that staff typically asks for more detail on new building applications than on existing buildings that are being expanded.

Chairperson Savage asked if regardless of the variance would the applicant still have to restripe the parking stalls.

Mr. Leonard stated that he believes that it is just a striping problem versus a space problem. It would be up to the Planning Commission to ask for new striping.

Commissioner Kelley asked if there would still be 26 feet of back up space if the lot is restriped.

Mr. Leonard stated that it is unclear in the plan but he believes that the space is there and restriping will be sufficient.

Commissioner Lew asked who is responsible for the landscaping up to the curb.

Mr. Leonard stated that it is the applicant's responsibility.

Commissioner Lew stated that she does not have a problem with the variance; however, she would like to see the landscaping updated.

Commissioner Anderson spoke against the variance.

Commissioner Kelley stated that the Planning Commission has a tradition of granting parking variances.

Commissioner Anderson stated that usually they are granted when the situation is outside of the applicant's control.

Mr. Leonard stated that as a suggestion, if the majority of the Planning Commission feels the parking is not needed then they should not grant the variance but at the same time not require the installation of the additional parking unless in the City's opinion the demand warrants it.

Commissioner Kelley asked how would it be enforced in the future.

Mr. Leonard stated that it would be noted in the file and have the applicant sign an agreement that the applicant would put the parking in if city determines that additional parking is warranted.

Commissioner Kelley stated he would prefer to grant the variance.

John Bakker, City Attorney, stated that if the Planning Commission can make the findings for the variance then it could be granted.

Commissioner Anderson made a motion to approve Site Development Review SD-13-03 modifying the conditions of approval as stated and make the specific findings for the Site Development Review approval and deny Variance V-08-03 and adopt resolutions confirming this action.

Commissioner Savage seconded the motion.

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

The motion did not pass.

Commissioner Anderson stated that it could be continued to the next meeting.

Commissioner Lew suggested adding to or modifying condition #4.

Mr. Leonard stated that staff could modify condition #4 so that prior to issuance of building permits the applicant shall submit a deferred improvement agreement to the city to install the required parking, if the city deems it necessary.

Mr. Leonard stated that condition #11 should be modified to require the front area landscaping be improved and added to the landscape plan.

Chairperson Savage would like to see that added.

Commissioner Anderson made a motion to approve Site Development Review SD-13-03 as modified making specific findings 1 through 4 and deny Variance V-08-03 and adopt resolutions confirming this action.

Chairperson Savage seconded the motion.

AYES	3 (Anderson, Lew, Savage)
NOES	1 (Kelley)
ABSTAIN	0
ABSENT	1 (Sweeney)

Mr. Leonard stated that this item will be reported to the City Council at their next meeting which will be held on January 13, 2004.

2. **SITE DEVELOPMENT REVIEW SD-14-03; USE PERMIT UP-08-03; TENTATIVE PARCEL MAP 8296**, Initiated by Steve Chess, property owner, the applicant is requesting approval of a Site Development Review Permit (SD-14-03) to construct two 2-story buildings on a 3.11 acre site. Building A would have 10 commercial condominium units and Building B would have 9 units. The condominiums units range in size from 1,573 to 3,050 square feet. As part of this application a Tentative Parcel Map is also proposed to subdivide the proposed site into nineteen (19) individual commercial condominium properties which will be individually owned. The subject site is located on Kohoutek Way, Assessors Parcel Number 463-45-48 and is zoned for Special Industrial uses (MS). The proposed project is considered Categorical Exempt under Section 15332, Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Lew asked about consolidating conditions #16 and #17 and # 56, as they are very similar.

Ms. Gallegos stated that they come from different departments and address different phases of the development.

Commissioner Lew asked if someone checks to make sure that they don't conflict.

Ms. Gallegos condition #56 is for maintenance; condition #16 ensures the preparation of a final landscape plan and condition #17 addresses the role of the owner's association with respect to the landscape.

Commissioner Lew asked what the Use Permit application is for.

Ms. Gallegos stated that it is for a planned unit development.

Commissioner Lew stated that the first sentence in condition #17 is grammatically incorrect

Mr. Leonard stated that it would be corrected.

Commissioner Lew asked why condition #51 for painting red curbs is needed.

Mr. Jocson stated that is to insure visibility of oncoming traffic.

Commissioner Lew asked why there are only four trash enclosures for both buildings.

Mr. Leonard stated that staff looked at the building as a whole and feels that this is a reasonable number based on the size of the project.

Commissioner Lew asked if the garbage would be picked up daily or weekly.

Mr. Leonard stated that the standard is once a week service. Additional service can be purchased but it is up to the property owners.

Ms. Malloy stated that 4 garbage areas for 40,000 square feet in an industrial zone should be adequate.

Commissioner Kelley asked whether employees can access the walking path along the flood control channel.

Mr. Leonard stated that there is a trade off, as a break in the fence may compromise security for the property. Mr. Leonard suggested asking the applicant about this.

Commissioner Kelley asked why the Police Department and Fire Department did not ask for a site map for this project.

Mr. Leonard stated that there will be addresses on the monument sign out front but the Planning Commission can add a condition it to require it.

Commissioner Kelley asked what staff was looking for in the final landscape plan from condition #16.

Ms. Gallegos stated that they were looking for a treatment in the back that is similar to what is currently along the side property lines, including some trees and ground covering shrubs.

Commissioner Kelley asked what is expected for the landscaping along the front property line.

Ms. Gallegos stated that there should be some additional trees and shrubs and also this will be where the public art is proposed to be placed.

Commissioner Kelley stated that he feels that there are an adequate number of trees along the front property line.

Ms. Gallegos stated that the condition could be changed by deleting "front property line" on condition #16.

Commissioner Anderson asked if another story could be added to the proposed buildings.

Ms. Gallegos stated that there is a height limit and that they could add another 15 feet to the building.

Mr. Bakker stated that the CCR's can preclude them from adding another story to the building.

Commissioner Anderson asked if there would be enough parking if another story were added.

Mr. Leonard stated that this site plan requires 69 parking spaces and 121 parking spaces are provided. Mr. Leonard stated that typically industrial buildings do not expand by adding another story.

Commissioner Anderson asked where the visitor parking is.

Mr. Leonard stated when the parking requirements were designed visitor spaces were included in the formula.

Commissioner Kelley asked how many trees are on site.

Ms. Gallegos stated there is one tree on the site.

Commissioner Kelley asked if condition #62 is necessary.

Mr. Jocson stated that it is a requirement.

Chairperson Savage opened the public hearing.

Dennis Kobza, Architect, 2083 Middlefield Way, Mountain View, CA, stated that he does not feel that any of the proposed conditions of approval are a burden to the project.

Steve Chess, Owner, 417 Fourth Street, Oakland, CA, stated that he is willing to put more trees in, however they have put a lot of work into architectural design and they would hate to block the view with more trees. Mr. Chess is willing to put in flowers or shrubs. Mr. Chess is also willing to make a break in the fence so that employees can have access to the walking path next to the flood control canal.

Commissioner Lew asked why most of the parking is located by the loading areas.

Mr. Chess stated that he worked with staff to make sure that there is plenty of space for public emergency equipment, handicap, etc. Mr. Chess stated that there will not be any building allowed above the roofline.

Commissioner Lew what about employees.

Mr. Chess stated that most employees will park in the courtyard areas. Mr. Chess plans to have a deed restriction that would restrict a couple of spaces to each unit.

Commissioner Lew stated that she didn't realize that there are man doors in the back of each unit.

Mr. Chess stated that there is no real truck parking as all of the building including the loading docks will be all at grade.

Commissioner Kelley asked what the back of the buildings will look like.

Mr. Kobza stated that the rear will have a similar treatment as the front and the cornice will continue all around but there will not be as much glass and detail as the front.

Commissioner Kelley asked if the applicant is going to put any additional fencing at the back of the property.

Mr. Chess stated that he is not planning to put a fence in that area.

Commissioner Anderson asked about for a description of the flex area.

Mr. Chess stated that it starts as a warehouse space with an insulated ceiling and two skylights. Mr. Chess stated that tenants could add a dropped ceiling, add HVAC, and change doors to glass or other interior changes that they want. Mr. Chess stated that the two-story glass on the front of each unit is so they can add office space as a loft area without losing warehouse area down below. Mr. Chess stated that it is all up to the future buyers.

Commissioner Anderson asked how parking will be handled if units are being combined and build all as office space.

Mr. Chess stated that the CCR's will restrict office space to a maximum of 75% per unit. Therefore no tenant can expand their office space in their unit past their maximum.

Commissioner Anderson asked how they will determine the space.

Mr. Chess stated that it will be divided evenly among all the tenants.

Commissioner Anderson asked what if the first tenants attempt to take up more office space.

Mr. Chess stated that he is doing a similar project in Hayward that has very strict CCR's to keep this kind of problem from occurring.

Barry Ferrier, 32212 Allison Way, Union City, thinks that this is a great project for Union City.

He doesn't like the fact that the rear of the buildings face to the outside, with very little landscaping and lots of doors as viewed from the street.

Chairperson Savage asked if landscaping is put in to mask the back doors would it interfere with the traffic.

Commissioner Kelley feels that condition #16 should leave out the word "in front" from the second sentence.

Chairperson Savage would agree with that change since there is supposed to be public art at the front of the building.

Commissioner Lew asked where additional trees would be placed.

Mr. Leonard stated that the trees could be distributed evenly along the back.

Commissioner Lew stated that she would like to see more color such as flowers around the buildings.

Commissioner Kelley said that only thing he wants to remove is the additional tree requirement for the front property line.

Chairperson Savage suggested modifying condition #16 to read the "rear and side only".

Commissioner Kelley would still prefer to include only the rear of the building in condition #16.

Commissioner Anderson stated that the condition could be modified so that city staff makes the final determination.

Mr. Leonard suggested the following language for condition #16 "Additional trees shall be provided along the rear property line. The landscape plan shall be subject to the review and approval of Economic and Community Development Director."

Ms. Gallegos recapped the changes to the conditions as follows:

- Condition #16 Additional trees shall be provided along the rear property line. The landscape plan shall be subject to the review and approval of Economic and Community Development Director."
- Condition #17 will correct the grammar on the first sentence.
- Condition #62 will be deleted.

Mr. Jocson stated that since there is only one tree on site they could work with applicant.

Mr. Leonard stated that condition #62 could be removed since condition #61 would protect the city.

Commissioner Kelley asked to add a condition to provide access to the flood control area walking path.

Mr. Leonard stated that there might be a problem with barbwire and they may have to ask the applicant to remove as much as possible.

Commissioner Lew made a motion to approve Tentative Parcel Map TPM 8296, Site Development Review SD-14-03 and UP-08-03 subject to the conditions of approval as modified, making the specific findings 1 – 10 and making resolutions confirming these actions.

Commissioner Kelley seconded the motion.

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

Mr. Leonard stated that this item will be reported to the City Council at their next meeting which will be held on Jan 13, 2004.

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS:

- 1. SITE DEVELOPMENT REVIEW SD-08-03, Initiated by Armando Benoza, on behalf of the property owners, Pedro and Lourdes Mejia, the applicant is requesting Site Development Review approval to construct a 1,144 square foot addition to an existing office building and convert a 1,017 square foot enclosed patio area into office area that would bring the total office building square footage to 4,795 square feet. The proposed addition is a one-story addition. The project site is located at 30545 Union City Boulevard on the southwest corner of Union City Boulevard and Tara Court and is identified as Assessor's Parcel Number APN 482-006-07. The property has a General Plan designation of MS, Special Industrial. This project is considered Categorical Exempt per the California Environmental Quality Act (CEQA) per Section 15301, Class 1(e) (Existing Facilities).
(Received request from applicant to continue to January 15, 2004 meeting)**

Chairperson Savage made a motion to continue this item to January 15, 2004.

Commissioner Kelley seconded the motion.

AYES	4 (Anderson, Kelley, Lew, Savage)
NOES	0

ABSTAIN 0
ABSENT 1 (Sweeney)

B. NEW REPORTS:

1. WORK SESSION TO DISCUSS POTENTIAL AMENDMENTS TO THE ZONING TEXT OF CHAPTER 18.40, INDUSTRIAL DISTRICTS,

The City of Union City is studying potential amendments to the Zoning Text to modify section of 18.40 of the Zoning Ordinance. The proposed amendment would modify the regulation of certain types of permitted and conditionally permitted uses within the MG, Heavy Industrial, ML, Light Industrial and MS, Special Industrial Districts.

Lori Taylor, Economic Development Coordinator, presented the staff report.

Commissioner Lew asked what the vacancy rates are at Crossroads and Willowbrook.

Ms. Taylor stated that Crossroads is full, however, she is not sure about Willowbrook.

Commissioner Lew asked if there had been any missed business opportunities.

Ms. Taylor stated that there may have been.

Commissioner Lew asked how the City would enforce the employment standards.

Ms. Taylor stated that the City usually knows in advance how many employees are going to be brought in.

Commissioner Lew thinks it would be intrusive to new businesses for this information.

Mr. Bakker stated that it is not going to be a condition to enforce; rather only uses that generate a certain number of jobs per square feet would be permitted uses. If the business doesn't meet the requirements then they would need a Conditional Use Permit.

Ms. Malloy stated that the City does ask for the number of employees and the square footage that the business will be occupying on the business license application.

Commissioner Kelley asked if these changes would affect the General Plan.

Mr. Leonard stated that this builds in a level of specificity to the General Plan.

Commissioner Kelley asked how many businesses have been lost to the City due to the current zoning ordinance.

Ms. Taylor stated that she is not sure because she generally only receives a phone call and once they find out the requirements they don't call back. There was one opportunity for a

high-tech satellite manufacturer who wanted to be located in the MS zone and machine shops are not even conditionally permitted in that zoning so they had to go elsewhere.

Commissioner Kelley asked why 25,000 square feet was chosen as the baseline.

Ms. Taylor stated that data collected from industry sources show that most businesses want something that is very flexible for smaller use. Also, in the commercial real estate industry spaces are tracked by size ranges and the smallest category is 0 – 25,000 square feet.

Commissioner Kelley asked if we are missing an opportunity by using 25,000 square feet.

Ms. Taylor stated that more research could be done.

Commissioner Kelley asked about warehouses that are bringing in revenue.

Ms. Taylor stated that Southern Wine and Spirits is one of our largest revenue and job generators and has a very large warehouse area.

Commissioner Anderson asked why the change is needed now.

Mr. Leonard stated that he has heard from brokers that there has been a fundamental shift in warehouse uses. Now small buildings are being used as incubator business. Smaller buildings don't have the large amount of loading docks that older buildings have. Classical warehouses are going to the valley due to the high cost of land.

Ms. Malloy stated that in 1996 the City looked at its inventory of industrial land and recognized that there was very little left. The City wanted to make sure that we built high quality projects for the remaining land. The Zoning Text made efficient use of the property at the time.

Mr. Leonard stated that now we are looking at existing space and how it can be used versus creating new space. Mr. Leonard stated that most inquiries are for existing space. We don't want to lose businesses that generate jobs and sales tax. Staff is looking closer at the tenancy of the projects.

Commissioner Lew wants to change the style of writing in the numbers versus writing them out long ways; anything over the number 10 should be written as numerals.

Mr. Leonard stated that it will be changed.

Commissioner Kelley asked why in the ML, Light Industrial zone, are health clubs a conditional use rather than a permitted use.

Ms. Taylor stated that there are issues of locating health clubs in industrial areas, including safety problems.

Commissioner Anderson asked about possible noise issues.

Commissioner Kelley asked if there has been any interest in health clubs coming to Union City.

Ms. Taylor stated that there has been interest but our zoning would not permit it.

Commissioner Kelley asked how the City of Fremont classifies health clubs.

Ms. Taylor stated she is not sure.

Chairperson Savage opened the floor for public comment.

Steve Chess agrees with Ms. Taylor's statistics but he is not sure he agrees with 25,000 square foot limit. However buildings under 20,000 square feet do not generate a lot of truck use. Mr. Chess stated that Union City has a negative image due to some of these issues.

Barry Ferrier, 32212 Allison Way, Union City, stated that he is strongly interested in anything that improves the job situation and creates more revenue for the city.

Tom Wagner, Harvest Properties, 2200 Powell Street, Emeryville, CA, stated that they are the builders for the Central Avenue project. He stated that one of the issues that will come up is that they will be dealing with less sophisticated tenants when it comes to dealing with conditional use permits, etc. Mr. Wagner wants clarification as to warehouse/distribution issue. Mr. Wagner stated that what has changed from 1996 is that high tech fever is no longer going on. Crossroads Park made it in just under the wire. If it were built today it would still be vacant. Fremont and Silicon Valley have a lot of those big vacant buildings sitting around today.

Commissioner Anderson stated that this particular section of the zoning had a lot of errors and to make sure to clear them up.

Chairperson Savage what action should the Planning Commission take.

Ms. Taylor stated that she could have another meeting with the brokers and come back to the commission with better numbers.

Mr. Leonard stated that the City would have to advertise a public hearing and the Planning Commission would make a recommendation to the City Council. The City Council would also have to advertise a public hearing and then adopt an ordinance. This would be heard twice before City Council and if approved it would become effective after thirty days.

Commissioner Lew asked does it cover new incoming business from that point.

Mr. Leonard stated that it does not grandfather in any older businesses.

Commissioner Lew asked how staff verifies information on the business license.

Mr. Leonard stated that staff works directly with the applicant.

VII. COMMISSION MATTERS:

The staff reviewed the Planning items from the December 9, 2003 City Council meeting.

Buddhist Church, Chronicle addition, City Council adopted fees for secondary units.
New Library

B. The staff listed the upcoming applications for the Regular Planning Commission meeting for January 15, 2004.

Mejia property
Chapel of the Chimes – Use Permit to expand the burial area.

X. GOOD OF THE ORDER:

None.

XI. ADJOURNMENT:

The meeting adjourned at 9:49 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY