

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MARCH 20, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Lew, Panlilio, Singh, Sweeney and Chairperson Anderson
Alternates: Crosby, Gonzales**

STAFF: Joan Malloy (Planning Manager); Avalon Schultz (Assistant Planner); Janice Lum (Assistant Planner); Farooq Azim (Principle Civil Engineer); Mike Rodriquez (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission minutes of March 6, 2008 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

- 1. GENERAL ASSEMBLY OF ALAMEDA COUNTY, 33115 CENTRAL AVENUE, Variance V-01-08; the applicant is requesting Variance approval to reduce the front and street side setbacks for a six (6) foot high fence to 15 feet and four (4) feet where 20 feet and ten (10) feet are required respectively. The project site is located in a Private Institutional, PI, Zoning district at 33115 Central Avenue (APN: 475-0090-005-00). This project is considered Categorically Exempt under Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.**

Avalon Schultz, Assistant Planner, presented the staff report.

Chairperson Anderson opened the public hearing.

Terry Tope, 5150 Brocade Court, Fairfield, CA, stated that he has been a member of the church for 19 years. Mr. Tope stated that although he was not involved in the initial planning of the fence he requested that the Variance be approved. Mr. Tope stated that he feels safer at the property with the new fence and electric gates that have been installed. Mr. Tope stated that the fence discourages trespassing. Mr. Tope stated that in 1996 the pastor was shot twice in the face. Mr. Tope stated that the suspect parked at the curb and crossed over the landscaping into the parking lot and a fence would have prevented the crime. Mr. Tope stated that the church was robbed of over \$25,000 of property. Mr. Tope noted that the fence has discouraged loitering and trespassing on the property. Mr. Tope stated that there has been an increase in violent acts on church properties, citing a fatal shooting that took place at an Oakland church. Mr. Tope feels that the fence is very aesthetic and that a three foot fence would not be as much of a deterrent.

Commissioner Panlilio asked where the fatal shooting took place.

Mr. Tope stated that it took place in Oakland,

Commissioner Sweeney asked why they chose to put the fence up without meeting the zoning regulations.

Mr. Tope stated that he was not involved at that time.

Kenny M. Mares, 39993 Fremont Blvd, #302, Fremont, CA, stated that he is a member of the church and is the security manager for the church. Mr. Mares stated that many of the incidents at the church were not reported to the police and that is why the number of complaints in the report is low. Mr. Mares stated that the fence has deterred trespassing and theft at the church. Mr. Mares stated that by securing the parking lot it makes it safer for the attendees. Mr. Mares stated that increasing violence at churches throughout the country make having this fence a good thing. Mr. Mares stated that he thinks the fence looks good.

Commissioner Panlilio asked if staff is asking for the fence to be taken down.

Ms. Schultz replied that if the Variance is not approved the fence will need to be removed or relocated to the appropriate position.

Commissioner Panlilio stated that we are asking them to move the fence to the location approved by the zoning code.

Ms. Schultz stated that would be an acceptable solution.

Mr. Mares stated that moving the fence would be very expensive for the church.

Commissioner Singh asked if there would be a problem with the fence being so close to the parking spaces when larger vehicles park in the space.

Mr. Mares agreed

Joan Malloy, Planning Manager, stated that the parking stalls should be 9 feet wide by 18 feet long which is more than adequate for most vehicles. Ms. Malloy stated that the fence would be closer to the parking stall but it would also be in the approved location.

Commissioner Singh stated that he doesn't think there would be enough room between the cars and the fence.

Commissioner Sweeney noted that adding a concrete tire stop for each parking stall would help deter damage to the fence.

O.B. Chambers, 155 Sequoyah View Dr, Oakland, CA, stated that he is a member of the General Assembly Church and he laid out the fence knowing where the setback was supposed to be but he was worried about the cars hitting the fence if it was located in the proper place. Mr. Chambers stated that when the church was built extensive landscaping was required. Mr. Chambers stated that the fence was placed so that they did not have to remove any of the landscaping. Mr. Chambers apologized for the fence not being where it is supposed to be. Mr. Chambers stated that the fence was there for safety.

Commissioner Sweeney noted that they wanted 3 ½ feet between the curb and the fence for vehicles and noted that there are hedges right behind the curb.

Mr. Chambers stated that the hedges are 3 ½ feet back from the curb. Mr. Chambers stated that where the fence is supposed to go is right behind the curb.

Commissioner Sweeney stated that the hedge starts right behind the curb.

Mr. Chambers agreed.

Commissioner Sweeney stated that there is already something there that cars could run into when they park in those spaces.

Mr. Chambers stated that if they hit the hedge there won't be much damage but if they hit the fence there would be a lot of damage to the fence.

Commissioner Sweeney stated that she is unconvinced that this fence cannot be moved to the proper place. Commissioner Sweeney stated that she understands that it was placed there for convenience but she is not hearing any argument that it cannot be moved to the proper location.

Mr. Chambers stated that it will cause more damage if it is behind the curb.

Commissioner Sweeney stated that they would just need to add a concrete tire stop to each of those stalls.

Mr. Chambers stated that then the car would be hanging out into the drive aisle.

Commissioner Sweeney stated that if it is an 18 foot stall that should not be a problem.

Mr. Chambers stated that it would be another expense for the church that they are trying to avoid.

Commissioner Singh stated that the best solution is to put in the concrete blocks and then move the fence.

Mr. Chambers stated that they have met all the Fire Department requirements.

Chairperson Anderson closed the public hearing.

Commissioner Panlilio stated that if the commission approves the Variance it will be something that is different from what is standard and what is in the code for the City. Commissioner Panlilio stated that he would agree with staff's recommendation.

Commissioner Sweeney made a motion deny Variance V-01-08, making findings 1 - 6, and adopt a resolution confirming this action.

Commissioner Panlilio seconded.

AYES	5 (Anderson, Lew, Panlilio, Sweeney, Singh)
NOES	0
ABSTAIN	0
ABSENT	0

C. **NEW HEARINGS:**

VI. **SUPPLEMENTAL STAFF REPORTS:**

A. **CONTINUED REPORTS:** None.

B. **NEW REPORTS:**

1. **STUDY SESSION**

Review proposed modifications to Title 7, *Health and Sanitation*; Title 12, *Public Improvements*; and Title 18, *Zoning*

Janice Lum, Assistant Planner, presented the staff report.

The Planning Commissioners provided feedback and suggestions.

VII. **REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:** None.

VIII. **COMMISSION MATTERS:**

A. Ralph M. Brown Act presentation

Mike Rodriguez, Assistant City Attorney, presented information about the Ralph M. Brown Act.

B. Follow-up on Planning Commission referrals to the City Council.

C. Upcoming applications for the next Regular Planning Commission meeting for April 3, 2008.

IX. **GOOD OF THE ORDER:**

Commissioner Sweeney asked about the new noticing requirements for Planning Commission actions.

Mr. Rodriguez stated that it will change the timelines and it will add extra time to each project.

Commissioner Sweeney asked if it will have an impact on the requirement that the City act on projects in a certain time frame.

Mr. Rodriguez stated that all the impacts have not been discussed.

X. ADJOURNMENT: 8:55

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY