

CITY OF HERCULES

MEMORANDUM

TO: Chair McCoy and Members of the Planning Commission

FROM: Dennis Tagashira, Planning Director

FOR: Regular Planning Commission Meeting of November 16, 2009

SUBJECT: Administrative Use Permit No. 09-37, 6.62 Acre Site (former Hercules Transit Park-n-Ride Lot) located at San Pablo and Sycamore Avenues.

BACKGROUND. In January, 2009, the Planning Commission recommended approval of the following applications to the City Council, relating to the New Town Center (NTC) development:

1. Final EIR No. 08-01,
2. General Plan Amendment No. 08-01 which created the “New Town Center” Mixed-Use land use designation and changed approximately 35 acres within the Central Hercules “Hospitality Corridor Area”,
3. Zone Amendment No. 08-01 created a “New Town Center” Mixed-Use zoning district and designated the 35 acres within the Central Hercules District with the “New Town Center” Mixed-Use zoning district classification,
4. Initial and Final Planned Development Plan No. 08-01 for development of the project known as “Market Town” on the 6.62 acre site for a mixed-use, multi-story, transit-oriented project in the New Town Center (NTC) zone consisting of 320 multi-family units, 56,000 square feet of ground floor retail space, and 80,000 square feet of office space.

On February 10, 2009, the City Council approved all recommendations from the Planning Commission related to the New Town Center development including the Initial and Final PDP for the 6.62 acre Market Town parcel.

Plan Area. The NTC is comprised of seven parcels covering approximately 35 acres located at a visible, regionally prominent, heavily traveled crossroads (I-80 and SR 4 interchange). The PNR Parcel (former Park n’Ride lot) is located at the northeast corner of San Pablo Avenue and Sycamore Avenue west of I-80. Parcels 2 through 5 are located between SR 4 to the north and Willow Avenue to the south east of I-80. Parcels 6 and 7 are located between Willow Avenue and the railroad right-of-way.

Description of Plan Area. The topography of the Plan Area is predominantly flat except for the freeway ramps and a small mound on the PNR site north of the paved improvements. Existing uses among the seven parcels is shown in the following table:

Table 1: New Town Center Development Parcels

No.	reference name	acreage	current use	APN
1	PNR site/Market Town*	6.62 ac	transit center	404-040-040
2	C-1*	8.69 ac	mostly vacant	406-070-043
3	Loop	6.25 ac	open space	406-070-042
4	Ramp*	3.23 ac	ramp/landscaping	none
5	Caltrans Maintenance*	6.35 ac	maintenance facility	406-070-025
6	JR & BL Carone	2.04 ac	<i>on both</i> – storage of construction materials and equipment	406-160-002
7	WC Drilling	1.77 ac		406-160-006
	Total	34.95 ac		

* Owned by public agencies

DESCRIPTION OF ADMINISTRATIVE USE PERMIT NO. 09-37. On November 9, 2009, Red Barn Company submitted an Administrative Use Permit application requesting approval for the following (refer to sheet “SK-3”):

1. An open-air freestanding, 25-foot high, “market hall”, pavilion-type building with 7 concession trailers and public seating area (18 tables),
2. 6 freestanding shipping containers and 4 airstream-type (aluminum exterior) trailers used for soft-goods, retail spaces,
3. A freestanding drive-through Coffee House,
4. An outdoor fireplace area,
5. Freestanding Stage adjacent to a “great lawn” area,
6. Bocce Ball Courts,
7. A “play area” for children,
8. Freestanding trailer to be used as bathrooms,
9. A trailer for storage purposes,
10. A sales trailer,
11. Entry Identification Signs at the corner of Pablo and Sycamore Avenues, and at the main driveway at San Pablo Avenue.
12. Electrical service is proposed by using existing light standards, and constructing overhead electrical lines.
13. Events include art and craft exhibition, food fairs, and the farmers market.
14. Proposed hours of operation are 15 hours each day, 7 days each week, and on Fridays from 11:00 a.m. to 9:00 p.m. Operating hours and times would vary based on the community event.
15. Event storage is located in a lockable shipping container.
16. There are no employees associated with this proposal.
17. Permits are the responsibility of individual vendors, especially Contra Costa County Health Department permits.

PERMIT REQUIREMENTS. Table 18.1 on page 72 of the existing Zoning Ordinance lists land uses permitted in the New Town Center zoning district; “outdoor retail sales and services” is a use which could be approved through an administrative use permit application. Staff feels the former Park n’ Ride lot, approved for the construction of Market Town, will take a year and a half to begin construction; in the meantime, an interim use such as a farmers market, art and craft

exhibitions, outdoor musical concerts, and food vendors could be approved contingent upon the following conditions:

1. That the design of any freestanding structures proposed to be located on the site receive Design Review Permit approval by the Planning Commission and/or Design Review Sub-Committee including, but not limited to:
 - a. The 25-foot tall open-air market building,
 - b. Any steel, shipping container,
 - c. Any wooden or airstream-type trailer used for retail, storage, sales, or restroom purposes,
 - d. The freestanding, drive-through coffee house,
 - e. The freestanding stage,
 - f. The exterior signs proposed at the intersection of San Pablo and Sycamore Avenues, and the identification signs at the main driveway entrance on San Pablo Avenue,
 - g. The landscape design, treatment and planting proposed for the bocce ball courts, play area for children, “great lawn” area, outdoor fireplace area,

STAFF CONCERNS. Staff concerns focus on the following:

1. Lack of specific architectural design elevations for the abovementioned freestanding structures and buildings, steel container units, wooden and airstream trailer units, fencing, and signs. At this time there were no specific details, conceptual construction drawings submitted for any proposed structures, signs, trailers, fencing, drive-through structures, landscaping. The City has historically denied the placement of steel container units even on a temporary basis. Staff will condition AUP 09-37 to be contingent upon approval of a Design Review Permit application for all structures, buildings, trailers, signs, and landscape improvements; the Design Review Permit application to be reviewed and approved by the Planning Commission.
2. Lack of water and sanitary sewer lines and plumbing lines for the freestanding buildings proposed uses. Usually freestanding, drive-through coffee kiosks required underground plumbing improvements; County Health has been requiring grease interceptors for food-related service vendors. County Health has not approved the use of semi-permanent concession trailers which do not drive to another location to remove food scraps and garbage. Staff recommends a letter from Contra Costa County Health approving the use of semi-permanent concession trailers serving food items to be submitted prior to processing of AUP 09-37.
3. The long-term nature of the proposed uses exceeding the definition of a temporary use permit, greater than a 30-day maximum time period. Staff is considering AUP 09-37 be limited to a maximum time limit of 3 months, with possible extensions of time up to one year. Any failure to comply with conditions of approval, or any violations or complaints from neighbors would possibly result in revocation of AUP 09-37.
4. Handicapped accessibility requirements have not been submitted for the freestanding buildings, trailers, structures, improvements or units. The City has not received any details on how the ADA requirements are satisfied. Prior to approval of AUP 09-37, ADA accessibility requirements will be required to be submitted and approved by the Chief Building Official.
5. Lack of specificity on overhead electrical service; usually temporary electrical service is valid for a maximum 90 days.

6. Some outdoor uses are challenging, difficult to monitor, and generally unacceptable to the City public safety departments, such as, outdoor car sales and outdoor “flea” markets which display goods on the ground or makeshift stalls, temporary peddlers, food cart vendors, and outdoor music concerts.
7. Overall, visually-appealing quality of this proposal is difficult to determine. Staff has some concerns and will be conditioning AUP09-37 prohibiting colorful banners, bunting, flags, for-sale, prices on vehicles, temporary signs; and submitting a landscape and irrigation plan, and a lighting plan.