

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF SEPTEMBER 2, 2004, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Anderson, Lew, Sweeney and Chairperson Savage

STAFF PRESENT: Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); Farooq Azim (Engineer III); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of August 19, 2004 were approved with corrections.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS: None.

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. NELIDA CAMPOS & JERRY GAMARDO, DEPOT ROAD AND 9TH STREET, Site Development Review SD-09-04,** are requesting approval to construct two (2) new single-family two story detached residential homes on two existing lots located between Depot Road and 9th Street (APN: 486-0027-123). The subject parcels are within the R-5000, Single-Family Residential zoning district.

Tina Gallegos, Assistant Planner, presented the staff report.

Commissioner Sweeney asked if there is an easement or gap between the two properties.

Ms. Gallegos stated that there is just a break in the graphics.

Commissioner Sweeney asked why the plans show one of the streets being Railroad Avenue.

Ms. Gallegos stated that Railroad Avenue is incorrect and would be corrected when the plans are submitted for plan check.

Commissioner Sweeney asked if the three-foot wall along Decoto Road extends the whole length of the block or if it is just around the corner to a six-foot fence.

Ms. Gallegos stated that the three-foot wall would be along the frontage of both lots and would also extend along the whole side of Decoto Road.

Commissioner Sweeney asked where the backyard would start.

Ms. Gallegos stated that the area between the two homes is considered the rear yard.

Joan Malloy, Planning Manager, stated that technically the six-foot fence could start ten feet back from Decoto Road. Staff is suggesting that the six foot fence be pulled back to at least the building setback.

Commissioner Lew asked how the City Engineer will determine whether the utilities will have to be put underground.

Farooq Azim, Engineer III, stated that it is unlikely that the City Engineer will demand that the utilities be undergrounded, because the surrounding area is not undergrounded. Mr. Azim stated that they will request that the utilities be undergrounded from the pole to the house.

Commissioner Lew asked if condition #28 should be revised to refer to the utilities from the pole to the house.

Mr. Azim stated that would be correct.

Commissioner Lew asked what lines would be undergrounded.

Mr. Azim stated that only the telephone and power lines would be undergrounded from the pole to the house.

Ms. Malloy stated that this is a standard condition and references not only the lines that service the home but other overhead lines adjacent to the property.

Commissioner Lew asked why the affordable housing in lieu fee that is referenced on page 5 of the staff report is not called out in the conditions.

Ms. Gallegos stated that they will add that condition.

Commissioner Lew asked if it was necessary to have in condition #13 that no two garage doors will be identical.

Ms. Malloy stated that the last line should be deleted.

Commissioner Lew stated her concern about the plans not showing where the fence lines will be. Commissioner Lew stated that she noticed some properties on Decoto road do have taller than three-foot fences.

Commissioner Sweeney stated that some of those fences predate the current ordinance and because this is a new fence it must meet the current standard.

Commissioner Lew asked if there is a landscape plan.

Ms. Gallegos stated that condition #12 requires the applicant to submit a final landscape plan showing more shrubbery and trees.

Commissioner Anderson feels that condition #28 is not specific enough and would like it rewritten.

Ms. Malloy stated that condition #28 refers to the public right of way.

Commissioner Anderson asked if the applicant has jurisdiction over the public right away.

Mr. Azim stated that the City can ask an applicant to do work in the public right of way.

Commissioner Anderson asked to have condition #28 specify what exactly is to be put underground.

Commissioner Sweeney suggested that it could say “shall install all utility service lines underground”.

Ms. Malloy suggested “any” versus “all”.

Commissioner Sweeney agreed that would be better.

Commissioner Anderson asked why condition #32 was included in this project.

Ms. Malloy stated that it is the park dedication in lieu fee which is applic able to all residential development.

Chairperson Savage opened the public hearing.

Jerry Gamardo stated that they would prefer a higher fence because Decoto Road is such a heavily traveled road. Mr. Gamardo stated that they had proposed a 3-foot fence and then an eight-foot fence to give an enclosed backyard.

Commissioner Sweeney asked if that would be in line with the ten-foot setback.

Mr. Gamardo stated that it would.

Mr. Gamardo stated that they also proposed a 3-foot fence with a wrought iron top but was told that would probably not work.

Mr. Gamardo stated that they have not gotten a price for the utilities but they would like to eliminate the pole. Mr. Gamardo stated that the house next to them on Depot Road has a pole but it is camouflaged by a tree.

Mr. Gamardo asked why they have to pay the same fees as a big developer would have to pay.

Commissioner Anderson stated that it is more related to the Tentative Parcel Map which generated the fees.

Chairperson Savage closed the public hearing.

Ms. Gallegos read back the changes

- Add a condition for affordable housing
- Delete the last line on condition #13
- Add the word “applicable” to condition #32
- Change condition #28 to add the word “service” to refer to “all utility service lines”.
- Add the two conditions presented as desk items.

Commissioner Sweeney made a motion to approve Site Development Review SD-07-04, making findings 1 – 5, with conditions of approval as modified and making a resolution approving this action.

Chairperson Savage seconded the motion.

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

VII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of September 16, 2004.

VIII. GOOD OF THE ORDER:

Commissioner Sweeney gave a brief report on the meeting that was held to kick-off the design of the Intermodal Station and BART property reconfiguration.

IX. ADJOURNMENT: 7:52 p.m.

APPROVED:

ROSEMARY SAVAGE, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY