

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 5, 2005, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL: Commissioners Lew, Sison, Sweeney and Chairperson Anderson
ABSENT: Commissioner Savage**

STAFF PRESENT: Mark Leonard (Director, Economic and Community Development); Aki Honda (Associate Planner); Carlos Jocson (City Engineer); Kit Faubion (City Attorney); Kris Fitzgerald (Administrative Assistant).

- II. APPROVAL OF MINUTES:** The minutes of the Regular Planning Commission Meeting of April 21, 2005 were approved with corrections.

III. ORAL COMMUNICATIONS:

Miriam Keller representing the League of Women Voters of Fremont, Newark and Union City, spoke about a conference sponsored by East Bay Housing Organization (EBHO) that will be occurring on June 6, 2005 that will deal with affordable housing. They are inviting the planning commissioners from the three cities, developers, planning staff and elected officials to a special breakfast hosted by ABAG on Monday, June 6, 2005. She strongly urged the planning commission to attend.

- 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. **YINKA & JAFFE DANIA, 4425 & 4439 HORNER ST., Site Development Review SD-01-05;** The applicants are requesting Site Development Review approval to demolish existing structures and construct two (2) new single family homes on two (2) adjacent lots located at 4425 & 4439 Horner Street also identified as APN: 482-0015-007-00 & 482-0015-008-00. The property is zoned RS-4500, Single Family Residential. The proposed project is considered Categorical Exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines.

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

Commissioner Lew asked why condition #7 requires gas fireplaces.

Mr. Leonard stated that the City passed an ordinance about four years ago to require gas fireplaces instead of wood burning fire places.

Commissioner Lew asked why the package did not include the landscape plan.

Mr. Leonard stated that usually there is just front yard review approval and he recommend that the condition be changed to review the front yard landscaping only.

Commissioner Lew asked where the fence will be and what type of landscaping will be allowed.

Mr. Leonard stated that the lot will be totally redeveloped and new fencing cannot exceed three feet in height in the front yard.

Commissioner Lew asked what will happen to the trees that are currently there.

Mr. Leonard stated that the site is likely to be graded to meet flood requirements and to assume the trees will be removed as part of the redevelopment.

Commissioner Lew stated that she is not sure if she can vote on this because the package doesn't have all the information that she expected to see.

Mr. Leonard stated that the only thing missing is landscape plan and if the commission wishes to hold the application until that is submitted, that is their prerogative or it can be delegated to staff.

Commissioner Lew asked why the garage doors where the same on both homes in condition #13.

Mr. Leonard suggested modifying the second sentence to read "no two garage doors shall be identical on the adjacent lots".

Commissioner Sweeney suggested changing it to read "the two garage doors at each property shall not be identical".

Commissioner Lew clarified that she meant that the garage doors at each address shall be identical however, they shall be different for each home".

Commissioner Lew asked if the garage doors are required to have windows.

Mr. Leonard stated that it is optional.

Commissioner Lew asked if the City requires windows in garage doors.

Mr. Leonard stated that the City does not.

Commissioner Sweeney suggested striking condition #9 as it is duplicated in condition #13 and change the condition to read front yards only.

Mr. Leonard stated that will be done.

Commissioner Sweeney asked to change condition #15 to clarify that there will be an in-lieu fee payable for the affordable housing requirement. Commissioner Sweeney suggested removing “making available”.

Mr. Leonard agreed.

Commissioner Sweeney asked when the fee is due to the City.

Mr. Leonard stated that it is due when building permits are issued.

Commissioner Sweeney asked to include the standard condition to require a tree removal permit and replacement of trees.

Commissioner Sison asked why the home at 4425 shows chimneys on both sides of the house.

Mr. Leonard stated that they encourage developers to put in chimneys for effect and sometimes there is some venting needed.

Commissioner Sison asked if there are going to be modifications to the drawings that have been submitted as required in condition #10.

Mr. Leonard stated that there will be some slight changes. Mr. Leonard stated that they are asking for more articulation in the window casing and a belly band between the first and second story.

Jaffe Dania, Fremont, stated that he is looking forward to living in this neighborhood.

Commissioner Sison asked if they plan on living in one of the houses.

Mr. Dania stated that they would.

Mr. Leonard read back the changes

- Delete condition #9
- Condition #13 add in grass and limit the landscape plan to the front yards
- Condition #15 to clarify that the in-lieu fee shall be paid at the time building permits are issued.
- Condition #14 clarify that the garage doors on the two homes shall be different.
- Add the standard condition for the tree removal permit.

Commissioner Lew made a motion to approve SD-01-05, making findings 1 - 5, with the amended conditions of approval and making a resolution confirming this action.

Commissioner Sweeney seconded the motion.

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

VII. COMMISSION MATTERS:

- A. **WORKSESSION: Update to Title 18 Zoning;** Review of proposed modifications to Title 18 pertaining to the review and processing of planning permit applications.

The commission generally accepted the changes and scheduled further discussion for May 19, 2005.

- B. **AMENDMENT OF PLANNING COMMISSION BYLAWS:** Amendment to the Planning Commission By-Laws to incorporate an agenda item for Redevelopment/Economic Development matters, for action May 21, 2005.

The commission accepted the by-laws for action at the next meeting.

- C. Follow-up on Planning Commission referrals to the City Council.
- D. Upcoming applications for the Regular Planning Commission meeting of May 19, 2005.

VIII. GOOD OF THE ORDER:

Commissioner Sison will be absent from the May 19, 2005 meeting.

Commissioner Lew stated her concerns that the commission is not receiving complete packages for items that they are reviewing. She would like to see that landscape plans included especially in new residential developments.

Commissioner Lew stated that she is also on the Arts Council and they do not receive very good packages from applicants regarding the public art requirements.

Mr. Leonard stated that they could include a new condition of approval that will require complete packages for the Arts Council.

Commissioner Sweeney stated that without the site plans and building elevations it is hard to judge how they will work together.

Chairperson Anderson asked if the problem is that the applicant has not given much thought to the art requirement before submission to the Planning Commission.

Mr. Leonard stated that at the Planning Commission level there is usually only a concept and it is not until after approval that the applicant works towards a design.

IX. ADJOURNMENT: 7:45 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY