

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF APRIL 20, 2006, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF: Mark Leonard (Director, Economic and Community Development); Janice Lum (Assistant Planner); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of March 16, 2006 were approved as submitted. The regular Planning Commission Minutes of April 6, 2006 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. SIMARDEEP KAUR, 33724 5TH STREET, Tentative Parcel Map 8812 and Site Development Review SD-03-06; Simardeep Kaur, as applicant and property owner, is requesting approval of Tentative Parcel Map 8812 to subdivide a 10,000 square foot property located at 33724 5th Street (APN: 486-0009-052) into two (2) 5,000 square foot lots. The applicant is also requesting Site Development Review approval to construct two (2) 3,010 square foot single-family residences, each having an attached secondary dwelling unit. The project site is zoned R5000 (Decoto Residential). This project is considered Categorically Exempt per Section 15315, Minor Land Divisions, and Section 15303, Class 3(a), New construction, of the California Environmental Quality Act (CEQA) guidelines.**

Janice Lum, Assistant Planner, presented the staff report.

Commissioner Anderson stated that findings #4 and #6 in section 5 are almost the same except for one phrase at the end of finding #6. Commissioner Anderson suggested cutting that phrase from finding #6 and adding it to the end of finding #4 and deleting the rest of finding #6.

Commissioner Sweeney suggested amending finding #6 with the phrase “project offers homes which are of quality design”.

Commissioner Anderson questioned why keep finding #6.

Commissioner Sweeney suggested that there might be other reasons that it might not be detrimental to the public health, safety or welfare aside from the quality of the design.

Commissioner Anderson asked if she wanted to add additional wording.

Commissioner Sweeney stated that she is suggesting take out first phrase on #6 through “because”.

Commissioner Sweeney asked why the lots are numbered 3 and 4 on the parcel map and are referenced in the conditions of approval as lots 1 and 2.

Ms. Lum stated that she is not sure where the other numbers came from and is not sure that it will impact the conditions.

Commissioner Sweeney suggested picking one numbering system or the other in order to provide clarity.

Carlos Jocson, City Engineer, stated that the nomenclature is from the assessor’s parcel map.

Commissioner Sweeney asked if the conditions of approval should be changed to match the parcel map.

Mr. Jocson stated that then it will be consistent with the parcel map.

Commissioner Sweeney stated that all the conditions that reference the lots will need to be amended.

Commissioner Sweeney noted that the entrance to the secondary unit on lot #2 will overlook the neighboring property and asked if obscure glass will be required in the doorway and the main windows in the living areas.

Ms. Lum stated that is what is being required and that there might be an exception for the top panel on the mullion section of the window.

Commissioner Sweeney stated her concerns that this will be a security issue for the person living there because if this wasn’t a glass panel door there would be a 180 degree viewer and with the glass obscure there is no way to see who is at the door.

Commissioner Sweeney stated that the door should be altered to a solid door with a 180 degree viewer for security purposes.

Commissioner Sweeney asked if storage will be allowed beneath the stairways to the second units.

Ms. Lum stated that it will and will also have fire sprinklers for those areas.

Commissioner Sweeney stated that she thinks it will be unattractive.

Commissioner Savage asked what the purpose is for the secondary unit on both homes since the homes are so large.

Ms. Lum referred the question to the applicant.

Chairperson Lew referred to condition #19 and asked if “first building permit” means the first permit issued for each building.

Ms. Lum replied that the applicant could apply at different times for each dwelling unit so it means that the first building permit pulled for this project would be the time that they would have to pay the fees.

Chairperson Lew referred to condition #33 and asked to change “the building” to “each building”.

Chairperson Lew referred to condition #34 and asked to change “system” to “systems”.

Chairperson Lew asked if there are parking requirements for the secondary units.

Ms. Lum stated that there are none.

Chairperson Lew asked if it had been considered to reverse one of the floor plans.

Ms. Lum stated that it had been considered to have one of the floor plans mirror the other but because they want to reuse the driveway for lot #3 they would lose one on street parking space in between the units.

Chairperson Lew opened the public hearing.

Jitender Makker, Edge Concepts Inc., stated that he is the designer of the project. Mr. Makker stated that he thinks that raising the windows would be a preferable alternative to having the obscure glass, which he does not think would be very nice. Mr. Makker asked to clarify that if they pay all the fees when the first permit is pulled and then pull the second permit after the City has raised fees, would they be responsible for paying the difference.

Mark Leonard, Director, Economic and Community Development, stated that if the fees are paid up front for both of the units upon the issuance of the first building permit then if the fees go up you would not be subject to those increases.

Commissioner Savage asked what the purpose is of having a secondary unit in both homes.

Mr. Makker stated that it is allowed and that the owner probably wants to rent those units.

Commissioner Sweeney referred to the elevation on lot #1 and stated that the arches look awkward and asked to have them changed.

Mr. Makker stated that he could make them a flat arch instead.

Commissioner Sweeney suggested to the commission that they flatten the top of that arch across the top of the porch entry on lot #1 so that it looks more like the one across the garage door.

Commissioner Sweeney asked about the storage area under the stairs

Mr. Makker stated that the intent was to put a bench or chair there.

Ernest Barron, Union City, stated that he wanted to develop his lot but couldn't because of parking issues. Mr. Barron stated that across the street the duplexes don't have any parking and adding two driveways will limit street parking. Mr. Barron stated that each house could have six cars per house and there is nothing in the code about secondary units having to have parking. Mr. Barron stated that this will make parking a real problem for this area.

Mr. Leonard stated that when we established our standards, which were required by state law, to comply with state law, it was decided that we would not require additional parking for the secondary unit.

Hugh McNamara, Union City, stated that he doesn't know if the house is considered a historical house but if there are any historical artifacts they should be given to the Historical museum. Mr. McNamara stated he doesn't see how the two driveways will fit and still manage to leave room for car parking.

Chairperson Lew closed the public hearing.

Commissioner Anderson referred to condition #8 and asked if it is only true for the second story windows and not any windows on the first floor.

Ms. Lum stated that was correct.

Commissioner Sweeney asked about raising the windows next to the entry instead of the glazing.

Mr. Leonard stated that it could be done and maybe the shape of the window could be amended to be a less deep window.

Commissioner Sweeney suggested making an option for a redesign but even with obscure glass you minimize the light coming in.

Commissioner Sweeney asked if the fees would be charged with each building permit.

Ms. Lum stated that it would be paid upon the issuance of the first building permit.

Commissioner Sweeney stated that the owner's representative had suggested that it might not be possible.

Mr. Leonard suggested to take out the first several words of condition #19 and start with "the applicant shall pay a capital facilities fee, etc.

Commissioner Sweeney stated that she is sensitive to the fact that they are asking to replace one home with two units for a total of 12 bedrooms and we are providing no additional parking. Commissioner Sweeney stated that she is disturbed by the size of new units. Commissioner Sweeney stated that she can't support application because they are too big for that area.

Commissioner Savage agrees with Commissioner Sweeney that the homes are too large for the area and secondary units causing more problems by bringing in more cars.

Commissioner Sweeney stated that she doesn't have a problem with the secondary unit, it is the combination of the homes being designed for large number of people and then having the secondary unit that she objects to. Commissioner Sweeney stated that she supports secondary units.

Commissioner Anderson supports the application and he does not think it is too large for its use. Commissioner Anderson stated that he doesn't have an issue with the size and he thinks it is well designed.

Commissioner Sison asked if there are parking requirements for duplexes.

Mr. Leonard stated that for real duplexes each unit has to have two parking spaces but in those cases the units are on their own individual lots and the parking is applied as if they were two single-family homes.

Commissioner Sison stated that he thinks that two separate dwelling units in the same building should have the same parking requirements as a duplex. Commissioner Sison is concerned that we are replacing

one living unit with four living units and at the same time reducing the amount of street parking available because of the additional driveway. Commissioner Sison stated that he likes the design and is not concerned with the size of the homes.

Chairperson Lew stated her concerns with the size of the homes for the neighborhood. Chairperson Lew wants the applicant to come back with a redesign by pulling the second story back and she doesn't like the obscure glass. Chairperson Lew stated that she cannot support the application as it is.

Mr. Leonard stated you could ask the applicant if he is willing to redesign. Mr. Leonard stated that staff did propose a "mansionsization" ordinance for the Decoto area, the Planning Commission approved it but the City Council stated that there would be absolutely no restrictions on the size of units in Decoto. Mr. Leonard stated that they were not concerned about the size of buildings in Decoto as long as all of the other requirements were met. Mr. Leonard stated that when staff wrote the secondary unit ordinance they consciously chose not to include any parking requirements because it was felt that it might inhibit people from putting in a unit in an area like Decoto.

Mr. Leonard stated that they could ask the applicant to redesign the units because that it is part of the Site Development Review. Mr. Leonard stated that they could ask the applicant if he could provide an additional parking space for each lot. Mr. Leonard stated that it would not be a proper finding to state that you are denying the project on the basis that there are not enough off street parking spaces because they are in fact meeting the code.

Chairperson Lew asked if the second story were pulled in would the obscure glass still be required.

Mr. Leonard stated that you would be creating a new set of circumstances which could possibly eliminate the requirement for obscure glass.

Mr. Makker asked to at least have the map move forward. Mr. Makker stated that he could remove one bedroom on the second floor in the main unit of each house and make house smaller.

Chairperson Lew asked if he could work with city to eliminate the need for the obscure glass.

Mr. Makker stated that he would.

Mr. Leonard stated that the map could be moved forward and continue the Site Development Review and have it come back to you. Mr. Leonard stated that if you approve the Site Development Review with conditions you will not see plans again and would you be comfortable delegating that responsibility to staff.

Commissioner Sweeney stated that she is comfortable with the second option.

Commissioner Sison asked to clarify what changes the commission wants to see.

Commissioner Sweeney stated that then this should be continued.

Commissioner Sison stated that he does not think there is a consensus on the changes.

Commissioner Anderson stated that he is willing to move the map forward and he is willing to approve the Site Development Review but would also be willing to continue it.

Commissioner Savage is willing to move forward with the map and continue the Site Development Review.

Mr. Leonard reviewed the changes:

- Go through all conditions and change to lots 3 and 4
- Change condition #19 to read “each building permit. . .”
- Change condition #33 change to “each building”
- Change condition #34 to “systems”
- Amend the findings for the map 1 2 3 4.
- Eliminate any specific conditions that relate to the design and Site Development Review. e.g. 3, 4, 8,
- Keep conditions for the Parcel Map.

Chairperson Lew asked the applicant when he could come back with a redesign.

Mr. Makker stated that he needed about two weeks.

Mr. Leonard suggested continuing to May 18th.

Commissioner Sweeney made a motion to recommend approval of Tentative Parcel Map 8812 and to continue Site Development Review SD-03-06 to May 18th, 2006, making findings 1 - 4, and with amended conditions of approval.

Commissioner Anderson seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSENT	0
ABSTAIN	0

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. RHL DESIGN GROUP, 31901 ALVARADO BOULEVARD, Site Development Review SD-05-06;** the applicant, RHL Design Group, on behalf of Conoco Phillips, is requesting Site Development Review approval to install new fascia on the existing canopy and new signage at the 76 Station located at the corner of Alvarado Boulevard and Dyer Street (APN: 483-0073-012-08). This project is categorically exempt under Section 15301, Existing Facilities of the California Environmental Quality Act (CEQA) guidelines.

Commissioner Sweeney made a motion to continue Site Development Review SD-05-06 to Planning Commission meeting of May 4, 2006.

Commissioner Anderson seconded the motion.

AYES 5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES 0
ABSENT 0
ABSTAIN 0

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of May 4, 2006.

IX. GOOD OF THE ORDER:

Commissioner Sweeney noted again that the property across the street from Logan is still a mess and now a neighbor is parking the ir car on the lawn.

X. ADJOURNMENT: 810 p.m.

APPROVED:

JO ANN LEW, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY