

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 18, 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: Joan Malloy (Planning Manager); Carmela Campbell (Senior Planner); Janice Lum (Assistant Planner); Avalon Evans (Assistant Planner); Kit Faubion (City Attorney); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of May 4, 2006 were approved as submitted.

III. ORAL COMMUNICATIONS:

Patricia Forgatsch, Union City, spoke about a neighboring home that had been previously used as a home for juvenile delinquents. Ms. Forgatsch stated that she has heard that it is going to be used as a home for wayward girls. Ms. Forgatsch stated that when it was a boy's home there were problems with breaking and entering into houses and stealing. Ms. Forgatsch stated that the police were there every day. Ms. Forgatsch asked if they can stop the new girls' home from opening.

Joan Malloy, Planning Manager, stated that the home in question has a current State license and because they are licensed for 6 or fewer children, the City has no regulatory authority over them. Ms. Malloy stated that there is a 300 foot over concentration law but it only applies to other 24 hour care facilities.

Chairperson Lew suggested that Ms. Forgatsch meet with staff at a later time.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS:

1. **SIMARDEEP KAUR, 33724 5TH STREET, Site Development Review SD-03-06**; Simardeep Kaur, as applicant and property owner, is 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 located at 33724 5th St. (APN: 486-0009-052) and zoned R5000 (Decoto Residential). This project is considered Categorical Exempt per Section 15303, Class 3(a), New Construction, of the California Environmental Quality Act (CEQA) guidelines.

Commissioner Sweeney made a motion to continue Site Development Review SD-03-06 to June 1, 2006.

Commissioner Anderson seconded the motion.

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

C. NEW HEARINGS:

1. **ANDERSEN BAKERY, 30935 - 31075 COURTHOUSE DRIVE, Use Permit UP-02-04A and Variance V-01-04A;** the applicant, Andersen Bakery, is proposing to amend Use Permit UP-02-04 to increase the allowed square footage dedicated to retail food uses from 2,500 square feet to 3,700 square feet to accommodate a proposed bakery, and to amend Variance V-01-04 to allow for a reduction in the number of required parking spaces. The project site is located at 30935 - 31075 Courthouse Drive. Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15162 and 15168, this project's environmental impacts were previously evaluated in a certified Program EIR for development of Union Landing and the adopted Negative Declaration for development of a 316,000 square feet commercial center which includes the project site.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Sweeney asked if the new terrace seating will fit onto the existing sidewalk.

Ms. Campbell replied that it will be accommodated on the current sidewalk.

Commissioner Sweeney asked if the terrace seating is adjacent to the dumpster.

Ms. Campbell replied that is correct.

Commissioner Anderson asked how this application meets the "retail/food service" definition.

Ms. Campbell replied that staff did not think that it fit into the restaurant category and the "retail/food service" was a better fit.

Commissioner Anderson asked how the size of the indoor seating compares with a standard retail use.

Ms. Campbell stated that she thinks it would be larger.

Commissioner Anderson asked if there is a comparable use in Union City.

Ms. Malloy stated that this area does have a larger seating area to accommodate a restaurant venue. Ms. Malloy stated that she believes their prime time is lunch time. Ms. Malloy stated that there is a full counter service for take out baked goods. An additional nine parking stalls based on a one to one hundred square foot area were accounted for in the variance request because of this seating area.

Commissioner Anderson noted that the definition of “retail/food use” is that the food is not consumed on the property and yet there is 936 square feet of food consumption area.

Ms. Malloy stated that the entire facility is 2,500 square feet and the restaurant component is approximately 900 square feet of that. Ms. Malloy stated that there is a bakery on-site and a substantial portion of the business is oriented towards retailing.

Commissioner Anderson asked if the increased space for retail food is what allows the increase demand for parking.

Ms. Malloy stated that when this center was originally permitted, the retail food use was calculated at standard retail, so there was no additional parking required for the retailing. Ms. Malloy stated that this project does introduce additional seating and that staff did calculate additional parking so that is why there is a Variance as a part of this application.

Commissioner Anderson asked if the applicant initiated the request for additional space.

Ms. Campbell stated that the increase in square footage is to accommodate the bakery use and was initiated by the applicant.

Commissioner Anderson asked if there will be waiters and waitresses.

Ms. Campbell stated that it is strictly self-service or take-out.

Commissioner Anderson asked if she had visited the site to make an assessment of traffic.

Ms. Campbell replied that on several different occasions she has visited the site and had not observed any parking issues for this particular center.

Commissioner Anderson asked how she determined that there were no parking issues.

Ms. Campbell stated that she based it on her site visits.

Commissioner Anderson stated that the bakery is not yet open for business and asked how she was able to determine that parking was adequate.

Ms. Campbell stated that it was based on how many parking spaces are available to accommodate the use. Ms. Campbell stated that there are more spaces available on the east side of the building.

Commissioner Anderson asked if a restaurant type use requires more parking spaces than a retail food use.

Ms. Campbell stated that is correct.

Ms. Malloy stated that when this center was originally approved there was a Negative Declaration and an extensive traffic study done on the property that incorporated a mix of uses.

Ms. Malloy stated that at one time full service restaurants were part of the programmatic look at this particular area. Ms. Malloy stated that she feels confident that traffic is not a significant issue on this project. Ms. Malloy stated that Andersen Bakery is a bakery use; not a use that is in Union City at this time and will provide a service we don't have for our citizens and it also has different peak hourly times than another dinner house or other full service restaurant will have.

Commissioner Anderson clarified that the original EIR study was done there were no restaurants in the picture and later on the original Variance was for 5,000 square feet of restaurant use and then 5,000 square feet of retail food was added. Commissioner Anderson stated that these uses were not considered in any previous traffic or parking study. Commissioner Anderson noted that this application is asking for an additional 1,200 square feet.

Ms. Campbell stated that the environmental determination was done for the entire Union Landing development which allowed for a variety of uses and was not tied to specifically any proposals. Ms. Campbell stated that the Negative Declaration was for a much larger project site and included 316,000 square feet.

Commissioner Anderson pointed out that there is a typo on page 9 of the staff report regarding item #2 under the Variance heading that appears to be an incomplete sentence.

Commissioner Sweeney stated that the resolution has the complete language.

Chairperson Lew clarified that the project site is not fully occupied at this time.

Ms. Campbell stated that was correct.

Chairperson Lew asked if a Variance is granted for this business will other new businesses moving in also require a Variance.

Ms. Malloy replied that Andersen Bakery will complete any opportunities for any food uses to move in the center. Ms. Malloy stated that there are 1,200 square feet of retail food use that has not been occupied, so that is why Andersen Bakery is seeking an additional 1,300 square feet of food use for their Use Permit to complete the build out of food type uses in the center. Ms. Malloy stated that there would be no other food uses permitted in the center.

Chairperson Lew asked if staff took into consideration the parking requirements for the other commercial business when looking at Andersen Bakery's application.

Ms. Campbell stated that the parking demand takes into consideration that the rest of the center will be used for retail uses only.

Chairperson Lew asked how they came up with the ratio that 5,000 square feet would be restaurant and 2,500 square feet would be retail foods.

Ms. Malloy stated that this was part of the original application for the center and that the applicant has indicated that as part of their marketing plan they needed one food use in each of

the buildings and staff felt that 5,000 square feet was sufficient to provide a full service restaurant use and the other 2,500 square feet for other retail food uses.

Commissioner Sweeney stated that if this bakery did not have the sit down component and therefore need the additional space that is required for that it would have fit into the allowed area for retail food uses.

Chairperson Lew asked who came up with the numbers.

Ms. Malloy stated that it was negotiated with the developer. Ms. Malloy stated that staff sought to minimize restaurant uses to protect the center for retail uses.

Chairperson Lew opened the public hearing.

John Pappas, Sacramento, CA thanked staff for their work on this project. Mr. Pappas stated that with the previous approval and an approval tonight, it is a very complicated and subtle process to get a tenant like Andersen Bakery into the project site.

Commissioner Sison asked if the New Park mall site has more or less seating than the proposed site at Union Landing.

Madelyn Ream, Andersen Bakery, Redwood City, CA, stated that they are looking forward to doing a successful business at Union Landing. Ms. Ream stated that there is slightly less seating at the New Park Mall location.

Commissioner Sison asked what the average seating capacity for the store is.

Ms. Ream stated that the seating capacity is full for only a two hour period during the day from about 11:00 am. to about 1:00 pm. Ms. Ream stated that they tend to do 30% of their business in the morning and about 45% during lunchtime and then trickle business for the rest of the day. Ms. Ream stated that their business does tend to suffer if they don't have seating for that peak period.

Commissioner Anderson asked if the New Park store had waiters and waitresses.

Ms. Ream replied that they do not. Ms. Ream stated that most of the time customers place orders at the counter and pick up their order there or at the kitchen counter. Ms. Ream stated that if it is really busy, sales persons will take orders to the tables but that this does not happen often.

Commissioner Anderson asked if the menu will be the same as at the New Park store.

Mr. Ream replied that it would be.

Commissioner Anderson asked if she knew the size of the seating area at the New Park store.

Ms. Ream replied that she thinks it is about 40 seats.

Commissioner Anderson asked how many seats would be in the Union Landing store.

Ms. Ream replied that it will be in the 80 seat range, including patio seating.

Commissioner Sweeney noted that the plan that she has shows 110 seats.

Ms. Ream replied that there is a modified plan with a larger service area. Ms. Ream stated that they are estimating that during the peak service time there will be 100 to 150 customers per hour for the two hour peak time. Ms. Ream stated that would be when they would require 50 parking spaces.

Commissioner Sweeney asked why they planned to put the outdoor seating next to the trash enclosure.

Ms. Ream stated that when the plan was drawn up the architect did not know that would be a trash disposal area.

Commissioner Sweeney asked if they were going to keep the seating there.

Ms. Ream stated that they would move it to a more appropriate location.

Commissioner Sweeney asked what type of outdoor furniture will be used.

Ms. Ream replied that it has not been selected yet.

Commissioner Sweeney asked if it would be that “junior high school metal bolted to the ground type” furniture.

Ms. Ream replied that it would be sophisticated upscale style furniture.

Commissioner Sweeney asked if the outdoor furniture would be outside all the time.

Ms. Ream replied that it would.

Commissioner Sweeney asked if they were going to submit the new plan with the reduced seating.

Ms. Ream stated that she had just received it yesterday.

Commissioner Sweeney stated her concerns over the amount of seating and the amount of required parking by this current plan.

Chairperson Lew closed the public hearing.

Commissioner Sweeney stated that there is a typo in the resolution in #10 in the next to last line should read “due”.

Commissioner Anderson stated that he is opposed to the application because it is granting a special privilege. Commissioner Anderson stated that he could not make the findings because this application is a result of the applicants request and not a special circumstance. Commissioner Anderson stated that he cannot make the traffic finding because the traffic has not been studied. Commissioner Anderson stated that Union Landing was meant to be the major retail center of the City and this does not fit with the General Plan.

Commissioner Sison stated that are parking requirements are based on square footage and not so much on the actual volume of customers going in and out. Commissioner Sison stated that with a bakery he does not expect the same type of volume as there would be with a typical restaurant. Commissioner Sison stated that he does not expect the same volume as in a restaurant where people linger for a long time. Commissioner Sison stated that he is not too concerned with the parking issue. Commissioner Sison stated that even though they are proposing 80 seats he doesn't think they will be full. Commissioner Sison stated that he doesn't think the traffic will be a problem either. Commissioner Sison stated that he would have no problem approving this request.

Commissioner Sweeney stated that she does not like the terrace seating next to the dumpster. Commissioner Sweeney stated that she does not like that they do not know what type of seating will be used for the outdoor seating. Commissioner Sweeney stated that she feels that this is more of a restaurant use than a retail food use because of the amount of seating that is proposed even if it has been scaled back slightly. Commissioner Sweeney stated that looking at the requirements for a Variance, she agrees with Commissioner Anderson, this is entirely due to actions of the applicant and because the requirements for a Variance are part of the ordinance, she can't simply ignore them or step aside or decide not to follow them just this once. Commissioner Sweeney stated that she cannot support this application.

Commissioner Savage stated that she also has a problem with approving the parking Variance because it was directly caused by the applicant. Commissioner Savage does not like the outdoor seating area the way it is. Commissioner Savage stated that she cannot support this application.

Commissioner Anderson made a motion to deny Use Permit UP-02-04 and Variance V-01-04 because the conditional use is not in conformance with the General Plan and there are no exceptional or extraordinary circumstances conditions to support the Variance. Commissioner Anderson stated that the circumstances do exist and do result from the actions of the applicant and that granting this Variance would constitute a grant of special privilege and adopting a resolution stating the reasons for denial.

Commissioner Sweeney seconded the motion.

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

Ms. Malloy stated that the Planning Commission's decision is final unless it is appealed to the City Council within five days.

2. **LYNDA SCHWABE, 2635 STANFORD WAY; Administrative Use Permit AUP-02-06**; the applicant is requesting approval to operate a large family daycare for up to 14 children in a single-family residence at 2635 Stanford Way (APN: 463-0450-026) in Union City. This project is categorically exempt under Section 15301, Class 1(a), Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Janice Lum, Assistant Planner, presented the staff report.

Commissioner Anderson asked if the other business is preventing this applicant from expanding her business.

Ms. Lum stated that we are not able to prohibit them from locating there because the state is the licensor.

Commissioner Anderson asked if it is a timing issue.

Ms. Malloy stated that it is not a timing issue. Ms. Malloy stated that the State of California regulates the group home only in its location to other 24 hour care facilities.

Commissioner Anderson stated that the City policy statement could regulate the group home in terms of being next to something.

Ms. Malloy stated that we cannot.

Kit Faubion, City Attorney, stated that the City has no discretion over the Astor group home.

Commissioner Anderson asked if the City has control over where it is located.

Ms. Faubion replied that the City has no discretion over the Astor group home.

Commissioner Anderson asked if the City has an over concentration rule for group homes.

Ms. Malloy replied that the 300 foot over concentration rule is established by State law and only applies to other 24 hour care facilities and does not consider daycare locations or other facilities.

Commissioner Anderson asked what makes the Astor group home exist.

Ms. Lum stated that they have an active State license.

Commissioner Savage asked if a site visit had been done during the peak hours for the daycare home to see what the traffic impact is on the court.

Ms. Lum stated that she did not but she had received calls from neighbors who object to the traffic. Ms. Lum stated that neighbors had described the area as noisy and chaotic at times.

Commissioner Sweeney asked which streets were noisy and chaotic.

Ms. Lum stated that she received a call from a resident of Hilton Street complaining about the existing noise levels and she also received a few calls from residents of Nevada Street.

Chairperson Lew asked why the Zoning Administrator did not deny this application.

Ms. Malloy replied that when working with the applicant and it became apparent that we had an adjacent community care facility and could not recommend an approval of the application. Ms. Malloy stated that it was suggested that the applicant withdraw her application, however, she wanted to pursue it. Ms. Malloy stated that because it was of a community interest it would best be decided at the Planning Commission level.

Chairperson Lew asked how the policy statement works with the Municipal code.

Ms. Faubion replied that the code requirement allows this use with an Administrative Use Permit; however, the ordinance does not provide any guidelines on how to interpret and what kinds of discretion should be exercised. Ms. Faubion stated that the policy statement, which was adopted by the City Council, in an attempt to provide some guidance when these situations come before the decision makers.

Chairperson Lew asked what the basis of the policy statement is.

Ms. Malloy replied that it was adopted in 1992.

Chairperson Lew asked who has the authority to waive the policy statement.

Ms. Faubion stated that it is a guideline for anyone making a decision on these kinds of cases and if the commission feels that a different outcome is appropriate based on this policy statement, it has the discretion to make the decision.

Commissioner Sweeney stated that #8 of the policy statement allows for deviations from the criteria relating to concentration and parking if the finding can be made that it will not result in significant adverse impacts on the residents in the immediate vicinity.

Chairperson Lew opened the public hearing.

Lynda Schwabe, Union City, the applicant stated that she has been a child care provider for 14 years. Ms. Schwabe stated that she cares for predominately infants and toddlers. Ms. Schwabe stated that she wants the large license so that she can care for one more infant than the three infants her current license allows. Ms. Schwabe states that she does not want to take in school age children and although the large license allows for 14 children she would probably only have 10 children at a time. Ms. Schwabe stated that she has tried to be a good neighbor. Ms. Schwabe stated that she has not had any trouble with the group home during her hours of operation. Ms. Schwabe stated that most of the trouble with the group home occurred on the weekends.

Commissioner Sison asked how she was affected by the group home located behind her home.

Ms. Schwabe stated that when there were boys housed there the primary problem was them playing basketball in the backyard and then throwing things over the fence into her yard.

Commissioner Sison asked how she plans to keep the children she cares for safe.

Ms. Schwabe stated that she has raised the fence height and her employees are instructed to call the police if necessary.

Rosemary Obeid, Community Childcare of Coordinating Council Alameda County, Hayward, CA, spoke in support of the application.

Michelle Mancha, Fremont, CA, spoke in support of the application.

Jan Green, Fremont, CA, spoke in support of the application.

Beverly Reliford, Union City, CA, spoke in support of the application.

Ellen Daktar spoke in support of the application.

Dhaya Seshasayee, Union City, spoke in support of the application.

Sarah Ratra, Union City, spoke in support of the application.

Janice Vivian, Fremont, CA, spoke in support of the application.

Farzaneh Sharifi, Fremont, CA, spoke in support of the application.

Leon Cisek, Union City, asked if the Builder's Covenant carried any weight.

Ms. Malloy asked if he was referring to the CCR's.

Mr. Cisek stated that it was a document that he received when he moved into his home. Mr. Cisek stated that it said that these would all be single family homes and there would be no businesses in this development.

Ms. Faubion stated that it appears to be a CCR type document and as to the City ability to regulate this it does not carry any weight. Ms. Faubion explained that CCR's are private promises between the builder and the homeowners and does not keep the City from regulating in a different way.

Rosemarie Arenas, Union City, stated that she believes that the Builder's Covenant is still in effect. Ms. Arenas spoke against the group home on Nevada Street. Ms. Arenas stated that traffic has become very bad in the area.

Chairperson Lew closed the public hearing.

Commissioner Sweeney stated that the concern with this application has to do with something that is outside the applicant's control, which is the bad reputation of a business on a neighboring street that is no longer in business. Commissioner Sweeney stated that she feels that the City policy establishing the 300 foot separation is arbitrary since the traffic flows for each business impact the neighbors differently. Commissioner Sweeney stated that the two facilities do not serve children of the same age and therefore the noise issue seems a bit remote. Commissioner Sweeney stated that it seems wrong to penalize an existing business that wishes to expand in a rather modest way due to worries about a future neighbor's use. Commissioner Sweeney stated that she can support this application.

Commissioner Savage stated that she agrees with Commissioner Sweeney. Commissioner Savage stated that it did not seem fair to penalize the applicant for the group home problems. Commissioner Savage pointed out that she has operated for a long time and had many glowing recommendations. Commissioner Savage would support this application.

Commissioner Anderson stated that he would like to see the application given back to the committee with the instruction to find a way to say yes. Commissioner Anderson stated that should include specific findings that are in support of the application and also adding conditions from the Police Department and Fire Department. Commissioner Anderson stated that this application had no conditions of approval.

Ms. Malloy pointed out that included in the packet is a Planning Commission Resolution for approving the project with conditions of approval.

Commissioner Sweeney asked to change condition #1 to read "Planning Commission" approval.

Commissioner Sweeney asked to add to condition #3 at the end "as it applies to the applicant's business".

Commissioner Sison stated his support for the application.

Chairperson Lew stated her support for the application based on the favorable comments from the public.

Commissioner Sweeney made a motion to approve Administrative Use Permit AUP-03-06, making findings 1 – 4, with amended conditions of approval and adopting a resolution confirming this action.

Commissioner Anderson seconded

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

3. **JIMMY DONES, 31841 ALVARADO BLVD., Site Development Review SD-04-06, Variance V-02-06;** the applicant, Jimmy Dones, is requesting Site Development Review approval to construct a new 1,905 square foot building on a 5,002 square foot lot. This application also requires a Variance from the front yard setback requirements so that the building will be aligned with the adjacent shopping center. The property is located at 31841 Alvarado Boulevard and is zoned CC (Community Commercial) and identified as APN: 483-0076-003-02. This project is exempt under Section 15303(c), New Construction or Conversion of Small Structures of the California Environmental Quality (CEQA) Guidelines.

Avalon Evans, Assistant Planner, presented the staff report

Commissioner Sweeney asked why the left side of the building does not have any architectural detailing.

Ms. Evans replied that side is right up against the property line wall which would eliminate the need for the stone wainscoting and the windows. Ms. Evans stated that there is a trim along the top of the building. Ms. Evans stated that there may be additional fire and building code considerations due to this being right on the property line.

Commissioner Sweeney pointed out that this side would be visible from the street.

Ms. Evans stated that there is not a lot of room between the proposed building and the existing shopping center.

Ms. Evans stated that the side of the building will be finished to match the building.

Commissioner Sweeney asked why the existing concrete wall isn't being removed so that the side of the building creates the wall and then the side could have enhancements.

Commissioner Sison stated that the wall belongs to the shopping center.

Ms. Evans stated that it is on the other property but at the property line.

Ms. Evans stated that if there is a fascia along the parapet then it would overhang the property line if this is built as shown. Ms. Evans stated that it has been suggested to the applicant to shift it over a little and shrink the size of the building to accommodate all setbacks.

Commissioner Sweeney stated that she does not want to see that corner of the building look awkward because it is a visible side of the building.

Commissioner Anderson stated that he thinks it would be a problem as there is not enough space between the existing concrete wall and the side of the building to add the enhancements.

Ms. Malloy stated that it looks like the wall maybe on the applicant's property and if the commission would like to explore having that concrete wall removed or rebuilt that it would be in their purview.

Commissioner Sweeney asked if the building is converted to office/retail in the future would the new users have to apply for a variance for the parking.

Ms. Evans stated that if an office or retail establishment wanted to use this building, they would have to apply for a variance for the parking standards.

Commissioner Sweeney referred to condition #8, regarding signage, and asked why this condition was written so specifically.

Ms. Evans replied that staff wanted to ensure that the signage would match the quality of the building.

Commissioner Sweeney stated she has a problem with this as it is eliminating variety by putting the same exact type of signage in many locations in Union City.

Commissioner Sweeney stated that she is concerned that by being so strict we are eliminating variety.

Commissioner Sweeney asked if there is any landscaping proposed for the rear of the site.

Ms. Evans replied it was staff's intention to carry those vines the entire length of the wall and recommend adding that to the landscaping condition.

Commissioner Sweeney asked if the area in the back that is not a parking space will be a trash enclosure.

Ms. Evans replied that it is not.

Commissioner Sweeney stated that it is a very stark and barren area in the back. Commissioner Sweeney stated that it would be visible from the street and that she would like at a minimum to have the vines wrap all of the interior walls.

Ms. Evans stated that it could be added to the landscape condition of approval.

Commissioner Sweeney asked if this project would be required to have Bay Friendly landscaping.

Ms. Malloy replied that it would.

Chairperson Lew referred to condition #16 and asked whether it should include lightly tinted windows.

Ms. Evans stated that the condition does not require tinted if the applicant prefers clear.

Chairperson Lew referred to condition #17 and asked what the applicant thinks about it.

Ms. Evans stated that it had not been discussed with the applicant.

Chairperson Lew opened the public hearing.

Jimmy G. Dones, Hayward, CA, thanked staff for their help with this project.

Commissioner Sison asked that since this will be a two-story building in a one story area would the applicant be willing to do something to keep the left wall from looking very plain.

Mr. Dones replied that the wall will have a stucco finish.

Commissioner Sweeney asked if the property has been surveyed and whose property is the fence on.

Mr. Dones stated that he had a survey done and the fence is on his property.

Commissioner Sweeney asked if he would remove the existing fence and then wrap the stone wainscoting around that side of the building.

Mr. Dones would be willing to do it.

Commissioner Sweeney asked if he could duplicate the small little squares from the tower element into the other side.

Mr. Dones would be willing to do that.

Chairperson Lew commented it is a very nice building.

Chairperson Lew asked the applicant if he is in agreement with the conditions of approval.

Mr. Dones stated that he is.

Chairperson Lew asked if he is willing to remove parts of the wall and add the details to the other side of the clock tower.

Ms. Evans suggested “the applicant shall wrap the stone wainscoting along the left elevation and shall utilize architectural details to enhance that elevation without compromising the integrity of the firewall”.

Chairperson Lew asked to have the landscaping enhanced.

Ms. Malloy asked for specific locations.

Chairperson Lew replied in the corner where there might be bicycle or motorcycle parking.

Ms. Malloy suggested planting pockets around the wall to support vines.

Chairperson Lew asked if the space was big enough to have bicycle or motorcycle parking and if it would have to be striped differently.

Ms. Malloy stated that the area looks large enough and could be striped for bicycle or motorcycle parking.

Commissioner Savage suggested that young children coming to the studio might come on bikes.

Chairperson Lew stated she would like to see the right corner paved and used for bicycle and motorcycle parking.

Chairperson Lew would also like to add a condition to provide a bicycle rack.

Ms. Evans stated that a condition could be added.

Commissioner Anderson suggested letting the applicant work with staff on these issues.

Mr. Dones stated that he would accommodate the bicycle parking.

Chairperson Lew closed the public hearing.

Commissioner Anderson made a motion to approve Site Development Review SD-04-06 and Variance V-02-06, making findings 1 - 10, with the modified conditions of approval and adopting resolutions confirming this action.

Commissioner Sison seconded the motion.

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

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- KRISHLANI MULIA, 33351 AND 33359 6TH ST., Administrative Site Development Review ASD-13-06 and ASD-14-06;** the applicant is requesting Administrative Site Development Review approval to construct two new approximately 3,500 square foot two-story single-family homes on two separate parcels located at 33351 and 33359 6th St. (APN: 486-0015-073). This project is categorically exempt under Section 15332, in-fill development projects, of the California Environmental Quality Act (CEQA) Guidelines.

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Sweeney asked which property are the screening plants on.

Ms. Evans stated that they are on the property line between 33351 and the neighboring property.

Commissioner Sweeney stated that the usual tree removal condition was not in this report and she would like to see these plants retained if possible.

Commissioner Sweeney referred to condition #15 and asked if the fees are adjusted for inflation.

Ms. Malloy stated that the original resolution was adopted in 2002, establishing the fee and that an escalation factor was included so every time the City adjusts its fees it is done automatically.

Commissioner Sweeney referred to condition #16 and asked that the two driveways not match.

Commissioner Sweeney referred to condition #37 and asked to strike “all” and “within the project” as this is only for two doors.

Chairperson Lew asked why this wasn’t presented as two separate projects.

Ms. Evans stated that it is because the parcel was subdivided and the new parcels deeded to separate owners. Ms. Evans stated that the Zoning Code requires Site Development Review only if the contiguous parcels are under the same ownership.

Chairperson Lew stated that there were numerous errors in the conditions mostly referring to the number of structures.

Chairperson Lew asked if the conditions should read “applicant/owners” instead of just applicants.

Ms. Evans stated that if you approve the application then two resolutions will be created and these set of conditions will be applied to each house.

Chairperson Lew referred to page 5, condition 1 and asked if it should also refer to “Exhibit B”.

Ms. Evans agreed that change should be made.

Ms. Malloy stated that typically when a resolution is written it has its own Exhibit A attached to it. Ms. Malloy stated that when the final resolution is prepared the exhibits will be marked appropriately.

Chairperson Lew referred to condition #10 and feels that portions of the condition refer to a commercial project.

Ms. Malloy stated that the condition could be deleted.

Chairperson Lew referred to condition #13 and asked to change the second sentence that the top window bands be different.

Ms. Evans stated that normally we require different garage door designs.

Chairperson Lew referred to condition #14 and asked if that is the current amount for the fees.

Ms. Evans stated that it correct.

Chairperson Lew opened the public hearing.

Krishlani Mulia, South San Francisco, stated that she is representing the owner. Ms. Mulia stated that there were multi family units on the lots and they have been removed as conditioned. Ms. Mulia stated that the owners are proposing to build two two-story homes.

Chairperson Lew asked why there is no access from the garage to the interior of the house on the plans for 33351 6th Street.

Ms. Mulia stated that there is access from the garage to the living room via a 20 minute fire rated door near the stairwell.

Chairperson Lew closed the public hearing.

Ms. Evans reviewed the changes to the conditions of approval:

- Delete condition #10
- Change condition #4 to read “Planning Commission” vice “City Council”.
- Change condition #12 that the existing trees on 33351 6th Street will be retained. Ms. Evans stated that the applicant indicated that the trees are on the neighboring property.
- Change condition #16 to add a sentence that “the two driveways shall not match one another”.
- Change condition #37 to add the words “the front entry door shall be of a design that does not include. . .”

Commissioner Sison moved to approve Administrative Site Development Review ASD-13-06 and ASD-14-06, making findings 1 – 5, subject to modified conditions of approval and adopting resolutions confirming this action.

Commissioner Anderson seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	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 June 1, 2006.

IX. GOOD OF THE ORDER:

Commissioner Savage asked who is responsible for removal of the graffiti on the BART side of the wall behind Innovations as it is very bright and unsightly.

- X. **ADJOURNMENT:** 11:00 p.m.

APPROVED:

JO ANN LEW, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY