

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF JUNE 1, 2006, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

**STAFF:** Mark Leonard (Director Economic and Community Development), Joan Malloy (Planning Manager); Carmela Campbell (Senior Planner); Janice Lum (Assistant Planner); John Bakker (City Attorney); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

**II. ORAL COMMUNICATIONS: None.**

**III. WRITTEN COMMUNICATIONS: None.**

**IV. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

1. **SIMARDEEP KAUR, 33724 5<sup>TH</sup> STREET, Site Development Review SD-03-06;** Simardeep Kaur, as applicant and property owner, is requesting Site Development Review approval to construct two (2) 2,847 square foot single-family residences, each having an attached secondary dwelling unit. The project site is located at 33724 5<sup>th</sup> St. (APN: 486-0009-052) and zoned R5000 (Decoto Residential). This project is considered categorically exempt per Section 15303, Class 3(a) (New Construction) of the California Environmental Quality Act (CEQA) guidelines.

Janice Lum, Assistant Planner, presented the staff report

Commissioner Sweeney asked for different window styles on the two homes.

Commissioner Sison asked if the property next to the covered patio area has windows on that side.

Ms. Lum replied that she was not sure.

Chairperson Lew referred to condition #16 and asked if this is applicable to residential development.

Mark Leonard, Director, Economic and Community Development, replied that sometimes in the residential areas there are meters and other ground equipment that should be screened. Mr. Leonard stated that generally there is no roof equipment that needs to be screened on a home. Mr. Leonard stated that he would suggest leaving the condition in.

Chairperson Lew referred to condition #20 and asked how the fee is calculated.

Ms. Lum replied that Vern Smith, Housing Coordinator, calculated the fees and has the formula.

Mr. Leonard stated that the formula is applied in the case of housing developments under seven units. Mr. Leonard stated that the formula is in the Affordable Housing Ordinance that the commission will be reviewing at an upcoming meeting.

Commissioner Sweeney clarified that this project will use the current formula.

Mr. Leonard stated that is correct.

Chairperson Lew asked if there was an owner occupied exemption.

Mr. Leonard replied that if you are not comfortable with a number then it can be taken out and replaced with “the applicant shall pay the appropriate in lieu fee for affordable housing as required by the Affordable Housing Ordinance”.

Chairperson Lew thinks that is more appropriate.

Chairperson Lew asked if there was an owner occupied exemption.

Commissioner Sweeney stated that she does not believe that the ordinance contains an exemption because it is based on a subdivision.

Chairperson Lew referred to condition #34 and suggested adding “developer and or owner”.

Chairperson Lew referred to condition #47 and asked why it is being applied to this project.

Carlos Jocson, City Engineer, stated that in this neighborhood we are requiring them to underground from the nearest pole to the home.

Chairperson Lew opened the public hearing.

Jitender Makker, Newark, Ca, thanked staff for their help in preparing this project. Mr. Makker stated that they are in agreement with most of the conditions of approval.

Commissioner Sweeney stated that when we approve new construction we ask that the power be brought down from the pole and underground from the pole to the structure.

Mr. Makker stated that currently the service is from a pole that is on the property. Mr. Makker asked if he would be responsible for undergrounding the service from the pole that is across the street from the property.

Mr. Jocson replied that it would.

Commissioner Sweeney thanked the applicant for making the changes to the design to make it more suitable to the neighborhood.

Commissioner Anderson commented that the new design is very well done.

Chairperson Lew asked what he thinks about removing the roof from the porch area.

Mr. Makker replied that the covered porch is a beautiful feature to have and he would prefer that it be maintained as it is but would not object if the commission wants to remove it.

Commissioner Sweeney agreed with him and stated that the line of the roof will be maintained and will be more attractive as seen by the neighboring structures.

Chairperson Lew asked what was the City's concern about the covered porch area.

Ms. Lum replied the whole structure is not being set back and there is a void being created but if the commission feels that the overall shell or envelope of the structure is the same.

Chairperson Lew asked if there is a problem with it overhanging into the neighboring property.

Ms. Lum stated that is not the case.

Chairperson Lew asked if it is still meeting the setback requirements.

Ms. Lum stated that it is and the stair provides an additional setback from the side property line.

Chairperson Lew asked if there is a privacy issue created by the patio areas of the secondary unit.

Ms. Lum replied that even though it has been pulled back the space is habitable space and could create a privacy issue.

Chairperson Lew asked if there are ordinances or codes that cover this issue.

Ms. Lum replied that for two story homes additional screening where an end wall along the side property line of a second story balcony may be required to ensure the privacy of the adjacent residents.

Chairperson Lew asked if there are any exceptions to that ordinance.

Ms. Lum stated that it is not mandated and staff does not believe that there will be an issue here.

Chairperson Lew stated her concerns for child safety on the second story covered porches.

Chairperson Lew would like to see a decorative finish to prevent children from climbing up and over the wall from a second story balcony area.

Ms. Lum replied that it will have to be constructed to the Building Code.

Mr. Makker stated that it will be built to the Building Code.

Chairperson Lew asked about the void under the secondary unit stairwell.

Mr. Makker stated that it could be enclosed to create a storage space.

Hugh McNamara, Union City, stated that if the undergrounding is from the other side will they be required to pay a trenching fee or how would it be handled. Mr. McNamara stated his concerns that the street will be torn up. Mr. McNamara stated that he didn't think they had made a lot of change to the design but they had done some.

Chairperson Lew closed the public hearing.

Commissioner Anderson asked if the underground is necessary since there is not a pole close by providing service to this property.

Mr. Jocson stated that this is a standard condition of approval and has been used for quite some time. Mr. Jocson stated that they are trying to reduce the amount of aerial lines.

Commissioner Anderson asked if the pole would still be there.

Mr. Jocson replied that it will be because it will be a riser pole and the main lines will still be on the pole.

Chairperson Lew asked if that was something that the developer coordinates with PG &E.

Mr. Jocson replied that is correct.

Mr. Leonard read the changes to the conditions of approval:

- Add a condition specifying two different window styles on the homes.
- Change condition #20 to remove the fee figure and generalize it.
- Change condition #34 to add “and/or owner”

Commissioner Anderson made a motion to approve Site Development Review SD-03-06, making findings 1 – 6, with amended conditions of approval and adopting a resolution confirming this action.

Commissioner Sweeney seconded

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

**C. NEW HEARINGS:**

1. **ARMANDO & MABEL BORJAL, 4235 HORNER ST., Extension of time for Tentative Parcel Map 8348;** Armando & Mabel Borjal, the property owners, are requesting an 18 month extension of time associated with Tentative Parcel Map TPM 8438 for subdivision of property located at 4235 Horner Street (APN: 482-0010-023-00) into three (3) parcels. This project is considered categorically exempt per Section 15315, Class 15 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines.

Carmela Campbell, Senior Planner, presented the staff report

Chairperson Lew asked why the applicant needs the extension.

Ms. Campbell replied that according to correspondence received from the applicant they had purchased another lot that they plan on developing and were unable financially to finish the improvements required for the final map. Ms. Campbell stated that the applicant is here this evening.

Commissioner Sison clarified that the only issue the commission may act on is the extension of time and no changes may be made to the conditions or findings.

Mr. Leonard replied that is correct.

Chairperson Lew stated that she is confused as to whether the Planning Commission is approving this or recommending approval to the City Council.

Ms. Campbell stated that the Planning Commission is the approval body; however, the City Council will also consider the application and grant approval.

Chairperson Lew stated that the resolution is inconsistent with the recommendations in the staff report.

Mr. Leonard stated that it will go on the consent calendar for the City Council and they will pass their own resolution extending the map by 18 months.

Ms. Campbell stated that the staff report incorrectly referenced the Planning Commission as being the recommending body on page 9 only.

Chairperson Lew opened the public hearing.

Chairperson Lew asked if 18 months enough will be enough time and if the time limit was a recommendation by the City.

Matt Santo, Union City, stated that was the recommendation by the city.

Chairperson Lew asked if it will be enough time.

Mr. Santo stated that it would be.

Sarah Borjal, Union City, stated that another reason for the delay was due to her father's illness.

Jia Shi, Union City, stated that he lives next to this parcel and he thinks that any new houses will be to close to his property. Mr. Shi stated that he was told when he bought his house that they were not going to develop that property.

Chairperson Lew stated that this is not an application to build; it is only an application to extend time.

Mr. Shi stated that he came to the first meeting but no one will give him information. Mr. Shi stated that any new houses will be to close to his property.

Commissioner Sweeney asked if his house is only 8 or 9 feet from the property line.

Mr. Shi stated that his house is 15 feet from the property line; it is his neighbor's homes that are 8 or 9 feet from the property line.

Commissioner Sweeney asked which lots he was referring to.

Mr. Shi pointed out that he is in lot #26 and his neighbors are in lot's #27 and #28. Mr. Shi stated that the setback is supposed to be 15 feet but if it is measured it is only 8 or 9 feet from the property line. Mr. Shi stated that a new house will affect their privacy.

Commissioner Sweeney stated that it will depend on what kind of house they build.

Mr. Shi wants to make his point that he thinks that he doesn't agree with the layout because it will affect his house value and his privacy.

Chairperson Lew stated that it will be taken into account when any Site Development Review for a new house comes forward.

Carmen Lind, Union City, stated that she is concerned that her fruit trees will be affected by the applicants building a two story home.

Chairperson Lew closed the public hearing.

Commissioner Sison made a motion to approve 18 month extension of time for Tentative Parcel Map 8348, making findings 1 – 5, with amended conditions of approval and adopting a resolution confirming this action.

Commissioner Sweeney seconded

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

**V. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:** None.

**VI. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:**

**A.**

- 1. TRANSIT ORIENTED DEVELOPMENT INVESTMENT OPPORTUNITY;** the Redevelopment Agency Board will describe the Draft Proposed Package that will be used for the sale of portions of the former P G & E pipeyard.

Joan Malloy, Planning Manager, presented the staff report.

The commission made various suggestions to clarify terms of the proposed package.

**VII. COMMISSION MATTERS:**

**A.** Follow-up on Planning Commission referrals to the City Council.

**B.** Upcoming applications for the Regular Planning Commission meeting of June 15, 2006.

**VIII. GOOD OF THE ORDER:**

Commissioner Sweeney thanked the City for fixing the traffic situation in front of Borders.

Commissioner Sweeney asked that some one check into the storm drain maintenance, in particular the ones in front of Lowe's.

Chairperson Lew stated there was an article in the May 31<sup>st</sup> edition of the Wall Street Journal regarding on "New Urbanism" and offered to get a copy to anyone who is interested.

**IX. ADJOURNMENT:** 9:15 p.m.

**APPROVED:**

\_\_\_\_\_  
**JO ANN LEW, CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**MARK LEONARD, SECRETARY**