

**-CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF JULY 19, 2007, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF: Mark Leonard (Director, Economic and Community Development); Janice Lum (Assistant Planner); Farooq Azim (Principal Civil Engineer); Michael Rodriguez (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. ELECTION OF VICE CHAIRPERSON:

Commissioner Lew nominated Commissioner Anderson for Vice-chairperson of the Planning Commission.

Commissioner Singh seconded the motion.

The motion passed by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAINED:	0

III. APPROVAL OF MINUTES: The regular Planning Commission Minutes of June 21, 2007 were approved as submitted.

IV. ORAL COMMUNICATIONS: None.

V. WRITTEN COMMUNICATIONS: None.

VI. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS: None.

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

- 1. MINXI LIU, 4191 HORNER STREET, Administrative Site Development Review ASD-08-07;** the applicant is requesting approval to construct a new one-story, 2,587 square foot single-family residence located at 4191 Horner Street (APN: 482-0010-019-00). This project is 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 Singh asked if the property has been recorded with the county.

Ms. Lum replied that they have not recorded the final map and they have two years from the approval to do so. Ms. Lum stated that they will be required to record the final map prior to development of the property.

Commissioner Anderson asked why there are no findings in the staff report.

Ms. Lum replied that it looks like the copier did not copy that page of the staff report.

Commissioner Anderson referred to condition #29 and noted that it does not specify to what standards or specifications the sprinkler system should be installed to. Commissioner Anderson asked to have the condition amended to include the appropriate standard or specification.

Ms. Lum stated that the Fire Department does review the plans.

Chairperson Sweeney suggested that condition #30 might cover that problem.

Commissioner Anderson stated that then condition #29 does not need to be amended.

Commissioner Saini referred to the pictures in the staff report and asked if anything could be done about the landscaping on the adjoining property.

Mark Leonard, Director, Economic and Community Development, replied that we do not have any discretionary applications before us to impose conditions; however, the Neighborhood Preservation department can contact the property owners to ask them to clean up the property.

Commissioner Saini referred to page 5 and asked what is meant by the minimum lot width for the Variance.

Ms. Lum stated that as part of the original subdivision approval the applicant received a Variance for all three lot widths to be substandard and that was based on the fact that there are already two residences in place so in order to accommodate the third lot all of the lots had to have a substandard or narrower lot width than what is required by the zoning code.

Commissioner Lew referred to condition #6 and stated that she prefers to have a three color paint scheme as we usually require.

Commissioner Lew referred to condition #13 and asked why a five foot landscape strip is being required along Maiden Lane when there is not much room there.

Ms. Lum stated that the condition was added to make this project consistent with a previously approved subdivision that is located just west of the project and that would connect Coventry Lane with Maiden Lane. Ms. Lum stated that there is an approved street section with the standard sidewalk width and five foot landscaping strip.

Commissioner Lew stated that she thought it only applied to the other application.

Ms. Lum replied that it was a condition for the other application but it was added again in this project to maintain a consistent streetscape through both projects.

Commissioner Lew questioned why since the other property is not being built is it being added to this project.

Ms. Lum stated that as part of the subdivision for this property they were required to make the street improvements along Maiden Lane and for the frontage of all three houses.

Commissioner Lew asked how it will look because there is not much space back there. Commissioner Lew asked if there was going to be a sidewalk on Maiden Lane.

Ms. Lum replied that there will be a sidewalk.

Ms. Lum stated that the applicant is dedicating nine feet to the City for the right of way and street improvements.

Commissioner Lew asked when you have the same condition in two different applications who is ultimately responsible.

Mr. Leonard stated that this applicant is conditioned to provide the sidewalk on their property and the other applicant is conditioned to provide the sidewalk on their property. Mr. Leonard stated that no one actually has an off-site requirement.

Commissioner Lew asked if the five foot landscape section extends along all three lots.

Ms. Lum stated that it does.

Commissioner Lew stated that there are no curb cuts for the garages specified.

Mr. Leonard stated that they can be specified.

Commissioner Lew stated that she believes this application is only for the new home and would not apply to the existing two homes.

Commissioner Lew asked who owns the other two existing homes.

Ms. Lum replied that they are owned by the same owner.

Commissioner Lew asked about the plans to sell the lots.

Ms. Lum stated that it was mentioned previously but the applicant has decided to develop the new parcel and she does not know what their future plans are.

Commissioner Lew asked this should be treated as an application that includes all three parcels because of the landscape strip.

Chairperson Sweeney replied this application can only apply to this parcel.

Commissioner Lew stated that the landscape condition applies to all three lots.

Chairperson Sweeney stated that this is just a repeat of the condition that was required on the Tentative Parcel Map.

Chairperson Sweeney noted that in regards to the curb cuts there is an encroachment permit required in condition #36.

Commissioner Saini asked if we are addressing the two garages.

Chairperson Sweeney stated that the two garages are separate. Chairperson Sweeney noted that the two garages are mentioned in the staff report because they were required on the Tentative Parcel Map for the other two properties. Chairperson Sweeney stated that we normally require two enclosed parking places for each house and they did not have them because of their historic situation.

Mr. Leonard apologized for the two missing pages from the staff report and they were shown on the screen.

Chairperson Sweeney stated that the staff report states that the footprint of the new home mimics or is similar to those of the buildings on either side and looking at the site plan that does not seem to be true at all. Chairperson Sweeney stated that the proposed building is humongous compared to those.

Ms. Lum stated that what she meant was more in the terms of the boundaries, like the envelope. Ms. Lum stated that if you look at the massing from the street that it would be similar to the surrounding buildings.

Chairperson Sweeney stated that it is more than twice the size even including the garage.

Chairperson Sweeney stated her concerns that this building is out of scale with its neighbors.

Chairperson Sweeney stated that she appreciates that architecturally there has been a huge effort made to try to blend what is really an outsized building into the neighborhood.

Chairperson Sweeney referred to conditions #12 and #13 and asked for clarification of the requirements for a ten foot landscaped area in the back yard and for a five foot landscape strip along Maiden Lane.

Ms. Lum stated the zoning ordinance requires a minimum of ten feet of landscaped area and that is against the rear property towards the proposed sidewalk and then the five foot landscaped area.

Chairperson Sweeney asked if it would be a three foot sidewalk.

Ms. Lum stated it would be a four foot wide sidewalk.

Chairperson Sweeney asked where the back fence would be located.

Mr. Leonard stated that there is a fence proposed in from the rear property line.

Ms. Lum stated that they are proposing within the 20 foot setback to the building from Maiden Lane there will be a three foot high picket fence that will jump up to six feet high fence which will be the same thing that is planned from the Horner Street frontage. Ms. Lum stated that both the front and rear yards will have a three foot fence and once out of the required front and rear yard setbacks the fence will go to six feet.

Chairperson Sweeney asked where the fence is located.

Minxi Liu, 812 5th Ave #3, Oakland, Ca, 94606, stated that he is the architect for the project. Mr. Liu stated that there is no rear fence because the area is broken up by the driveway. Mr. Liu stated that there is side fence which is three feet high within the setback area.

Chairperson Sweeney asked if there is a fence that encloses the side yards.

Mr. Liu replied it would be at the property line.

Chairperson Sweeney asked if the fence would go across at any point to join the house.

Mr. Liu replied that it does not in the rear but in the front it will.

Chairperson Sweeney stated her concern that there is no enclosed rear yard.

Mr. Liu showed on the plan where the fences are planned.

Chairperson Sweeney asked if there is going to be a six foot high fence to join the side fences to the house to enclose the side yards.

Mr. Liu replied no.

Chairperson Sweeney asked if it would be open straight through from Horner Street to Maiden Lane on both sides of the house.

Mr. Liu replied yes.

Chairperson Sweeney stated her concerns about the size of this house on the lot and the available private living area for the residents.

Commissioner Singh asked if there are going to be driveway doors on Maiden Lane.

Mr. Liu replied that what they don't want that.

Commissioner Singh stated his concern that it might be a safety issue.

Mr. Liu stated that this site is surrounded by all new development.

Commissioner Saini asked why they did not propose a fence to join the side fence to the house.

Mr. Liu replied that the two existing homes do not have the fence that goes across and he was just matching their plans.

Commissioner Saini noted that there is a difference between the existing homes and the proposed new home, the new home will have a side entrance into the main bedroom and it might be a safety issue. Commissioner Saini proposed adding a fence to enclose that area on that side only.

Mr. Liu agreed that it could be done but also pointed out the existing homes also have a side entrance as well.

Mr. Liu noted that the two existing houses are less than 1,000 square feet. Mr. Liu stated that they were planning to remodel the two existing homes but because they have to do the improvements to Maiden Lane there is no money to do that now.

Chairperson Sweeney suggested that the commission ask for a fence across the rear of the property. Chairperson Sweeney is not as concerned about the front but would like to see a fence connecting the rear corners of the building to the side fence. Chairperson Sweeney stated that it could have a gate if needed. Chairperson Sweeney stated her concern for safety at the side entrance.

Mr. Liu asked if the proposed fence could be six feet high.

Chairperson Sweeney stated that in that area it could be six feet high.

Commissioner Saini asked why ask for a fence just in the back.

Chairperson Sweeney stated that she would leave the front fence to the applicant. Chairperson Sweeney stated that the spacing of the houses along the street and the existing condition of the houses on the street as seen from the Horner Street side is very open. Chairperson Sweeney stated that traditionally there was a low chain link fence between the homes not even a six foot high wood fence. Chairperson Sweeney stated that to preserve that kind of historical view she would suggest having a three foot fence along the front. Chairperson Sweeney noted that generally there are more eyes on the front of the house along that street than along the Maiden Lane side because there are mostly rear yards.

Commissioner Lew stated that she does not have a problem with the fence in the back, particularly where the bathroom is facing Maiden Lane. Commissioner Lew asked if the window in the master bathroom will be facing the fence or the street. Commissioner Lew stated her concern for having a bathroom facing the street.

Chairperson Sweeney stated that there would be a requirement for obscure glass for that window.

Commissioner Lew noted that it is not in the conditions of approval.

Chairperson Sweeney asked if that is a requirement that bathroom windows have obscure glass.

Mr. Leonard stated that it is not a requirement. Mr. Leonard stated that usually windows are higher up in a bathroom not down lower.

Commissioner Lew stated that this is a regular window and suggested that the six foot fence be situated so that the window is enclosed.

Chairperson Sweeney noted that would limit the light available for that window.

Commissioner Lew stated that it would be better than having someone creep up while you are in the bathroom.

Mr. Leonard stated that the window could be made smaller and wider.

Chairperson Sweeney stated that the look of the window is what makes it match with the historical look that the applicant is trying to do.

Mr. Liu asked if they have a problem with the size of the window or the privacy.

Commissioner Lew stated that she is concerned about the safety of having a master bathroom window facing the street.

Mr. Liu stated that the window is proposed to be obscure glass.

Chairperson Sweeney stated that a condition should be added to require obscure glass in that window.

Mr. Liu asked for clarification on the side fence location.

Chairperson Sweeney stated that he is free to put it where you feel that it is appropriate but she would like to see that yard enclosed from that end only because there are no houses overlooking the back of the property and so it would be for security.

Mr. Liu asked if he could place the fence where it could go across where the master bath window is located.

Chairperson Sweeney stated that she is not sure that a bathroom window is different from any other window in this setting. Chairperson Sweeney stated that with the obscure glass and using a more modern window technology would make it more secure.

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

- Change condition #6 to require a three color paint scheme.
- Add a condition “The applicant shall install a six foot high fence connecting the garage and the house on the Maiden Lane side to the side property line fence.”
- Add a condition “The applicant shall use obscure glass in the master bathroom window.”

Commissioner Anderson made a motion to approval Administrative Site Development Review ASD-08-07, making findings 1 – 4, with amended conditions of approval and adopt a resolution confirming this action.

Commissioner Lew seconded.

AYES	5 (Anderson, Lew, Saini, Singh, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

VIII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

IX. COMMISSION MATTERS:

- A.** Follow-up on Planning Commission referrals to the City Council.
- B.** Upcoming applications for the next Regular Planning Commission meeting for August 2, 2007.

The Planning Commission meeting of August 2, 2007 was canceled.

X. GOOD OF THE ORDER: None.

Chairperson Sweeney stated that she had a postcard from the Metropolitan Transportation Commission announcing a meeting in Oakland on Tuesday, July 24, 2007 from 5:00 p.m. to 8:00 p.m. Chairperson Sweeney stated that this is a public listening session having to do with the Bay Area transportation planning process.

Chairperson Sweeney noted that on the City website it is very difficult to access information about ordinances regarding trees and fences. Chairperson Sweeney thinks that it should be more prominent on the website or more easily findable.

Mr. Leonard stated that we could add an introductory paragraph to the ordinance for commonly researched sections.

Chairperson Sweeney suggested adding a FAQ (frequently asked questions) with hot links that would go directly to those sections.

Chairperson Sweeney noted that on certain applications there is an exemption from certain City fees for owner occupied homes over a five year period. Chairperson Sweeney asked how does the City make sure that that happens. Chairperson Sweeney gave an example of a home that is not yet occupied at the corner of 13th Street and H Street that is now on the market for a rather substantial amount of money and she remembers at the hearing for the project that the applicant stated that the home would be owner occupied. Chairperson Sweeney asked about the ones that have been occupied for a year or two how do we monitor that.

Mr. Leonard replied that it is difficult. Mr. Leonard stated that he has considered different ways of dealing with the problem. Mr. Leonard stated that it would have to be a task added to staff to their monthly or bi-monthly workload.

Chairperson Sweeney stated that she does not want to add more work but this is a situation where we are foregoing some rather substantial fees. Chairperson Sweeney suggested doing it on an annual basis so they don't all come up at once. Chairperson Sweeney thinks this is worth pursuing because five years is a long time.

Commissioner Singh suggested adding a condition to see the PG & E bill or the telephone bill.

Chairperson Sweeney stated that she would leave it to staff to come up with a mechanism for it. Chairperson Sweeney stated that this exemption was put in by the City Council because they wanted housing to be owner occupied. Chairperson Sweeney stated that if the property is sold the City would be notified but not if it is rented.

Mr. Leonard replied that usually when property is rented out the tax bills go to a different address. Mr. Leonard stated that we could tell by the address of the owner of record as to whether they are occupying the home or not.

XI. ADJOURNMENT: 8:05 p. m.

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY