

**CITY OF UNION CITY
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING
OF OCTOBER 18, 2007, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. SWEARING IN OF NEW PLANNING COMMISSIONERS: Alternate Commissioners Philip Crosby & Roy Panlilio were sworn in by Mark Leonard

**II. ROLL CALL: Commissioners Anderson, Lew, Singh, Alternate Crosby and Chairperson Sweeney
ABSENT: Commissioner Saini**

STAFF: Mark Leonard (Director, Economic and Community Development); Avalon Schultz (Assistant Planner); Farooq Azim (Principle Civil Engineer); Mike Rodriquez (City Attorney); Kris Fitzgerald (Administrative Assistant).

III. APPROVAL OF MINUTES: The regular Planning Commission Minutes of October 4, 2007 were approved as submitted.

IV. ORAL COMMUNICATIONS: None.

V. WRITTEN COMMUNICATIONS: None.

VI. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

1. PETER AND ZOE BANCHIERI, 713 A STREET, Tentative Parcel Map TPM 9674 and Administrative Site Development Review ASD-18-07; the applicants are requesting approval to subdivide a 14,473 square foot property located at 713 A Street (APN: 486-0018-008-02) into two (2) parcels. Lot A will be approximately 9,472 square feet and Lot B will be approximately 5,001 square feet. The Administrative Site Development Review (ASD-18-07) request is for a new two-car garage to be located on Lot A. This project is considered categorically exempt per Section 15315, Class 15, Minor Land Divisions, of the California Environmental Quality Act (CEQA) guidelines.

Avalon Schultz, Assistant Planner, presented the staff report.

Commissioner Singh asked if there are going to be precautions taken in regards to asbestos because the garage was built in 1925.

Ms. Schultz replied that prior to issuing a demolition permit, the Bay Area Air Quality Management District will issue a "J" number that looks at whether there is asbestos and takes the necessary precautions.

Commissioner Singh asked is the fence going to be setback 10 feet or reduced to three feet in height.

Ms. Schultz replied that staff is recommending that the condition be worded as recommend in the report to give the applicant flexibility to bring the fence into compliance.

Commissioner Singh stated that he visited the area and he noted that there are no other six foot fences along the A street side and he would recommend the fence be three feet high.

Ms. Schultz replied that is consistent with what the applicant would like to do.

Commissioner Singh referred to the fence on the back side of the house along the creek and noted that there are a lot of bushes and the visibility is impaired.

Ms. Schultz stated that the fence in the rear appears to be a wood fence and complies with the requirements of the code. Ms. Schultz stated that it may not be the applicant's responsibility to do anything behind the fence because the property belongs to the Alameda County Flood Control District.

Commissioner Lew referred to condition #26 and 29 and asked why the applicant is not being required to underground the utilities.

Ms. Schultz replied that undergrounding of utilities will apply to the new residence when that application is brought to the commission. Ms Schultz stated it is her understanding that since the applicant is not proposing any changes to the existing home undergrounding would not be required.

Commissioner Lew asked if the traffic signalization fee is standard for this type of application.

Ms. Schultz replied that is correct. Ms. Schultz noted that if a map is brought up before a site development application, the fee is charged at the time of the subdivision.

Chairperson Sweeney asked if the garage to be demolished was built contemporaneously with the house. Chairperson Sweeney asked if the garage was built in 1925.

Ms. Schultz replied that the applicant might have more information on that matter. Ms. Schultz noted that the garage is built from different materials than the house and appears to have been built at a different time.

Chairperson Sweeney asked if this house is listed on the City Historic Register.

Ms. Schultz replied that it is not and it may be because it is tucked away and was missed during the survey. Ms. Schultz stated that the house has a lot of unique characteristics and that would be taken into account if they were proposing any modifications to the structure. Ms. Schultz noted that it is a very charming house and the applicant has taken good care of the property.

Chairperson Sweeney opened the public hearing.

Peter Banchieri, 713 A Street, Union City, CA thanked Ms. Schultz for her help with the application process.

Chairperson Sweeney asked when the garage that is proposed to be demolished was built.

Mr. Banchieri replied that they have photographs that show the garage there in the 1950's and the garage floor was put in 1963 because they dated the cement pad but they don't know the actual build date of the

garage. Mr. Banchieri stated that because the garage structure is of a very open design, there may not be much asbestos except for the asphalt shingle roof.

Chairperson Sweeney asked what his preference is for the fence.

Mr. Banchieri stated that the original chain link fence was built in the 1960's after the house had been broken into a couple of times. Mr. Banchieri stated that because of the way the house is oriented there is concern that it provides an area for people to go out of sight of the neighbors. Mr. Banchieri stated that he had removed the original chain link fence and replaced it with the existing tubular steel fence in the last few years. Mr. Banchieri stated that the new fence provides some security but that he is willing to reduce it in height to three feet. Mr. Banchieri noted that the neighbor across the street has a six foot fence on their property line.

Chairperson Sweeney noted that it is an existing non-conforming fence that doesn't meet current code and because of this application it needs to be brought into conformance with the exiting Municipal Code. Chairperson Sweeney noted that if the neighbor comes forward with an application their fence would also have to be brought into compliance.

Mr. Banchieri stated that he understands that they are looking at how the area will look in the future.

Chairperson Sweeney noted that when the new parcel is developed things might be different at that time.

Mr. Banchieri noted that there are four potential lot splits on his street and he hopes that his success in the project will spur his neighbors to do the same and enhance the neighborhood.

Commissioner Lew asked if he is planning to sell the second lot.

Mr. Banchieri replied that is the plan.

Commissioner Lew asked if they considered putting the new garage in the front of the house rather than in the rear of the lot.

Mr. Banchieri replied that they looked at but preferred the back of the lot because of the existing driveway and to move it to the front of the lot would place the garage in a way that would obstruct the front of the house.

Chairperson Sweeney closed the public hearing.

Mark Leonard, Director, Economic and Community Development, stated that there is a concern that the undergrounding of utilities condition is not being applied consistently and would recommend continuing this item so that staff can clarify the requirements after consulting with the Public Works Department.

Chairperson Sweeney asked the applicant if continuing the application would be a problem.

Mr. Banchieri replied no.

Chairperson Sweeney stated that a two week continuance would be appropriate.

Commissioner Anderson stated that he opposes the continuance because the application has been reviewed and he doesn't see why it should be continued.

Commissioner Anderson asked why this is coming up now.

Mr. Leonard replied that it would be an inconsistent application of the City policy regarding the requirement for undergrounding.

Chairperson Sweeney stated that it appears that staff feels that the review was not adequate and they need additional time to clarify the issue.

Commissioner Anderson stated that there have been applications that have required undergrounding and some that have not and in each instance it was justified by some rule or statement. Commissioner Anderson asked what has changed to make this an issue.

Chairperson Sweeney noted that this continuance will allow staff to clarify the requirements for undergrounding.

Chairperson Sweeney noted that in the past when undergrounding was required it has been either because of a major remodel or because of a subdivision. Chairperson Sweeney is not sure why it was not applied to this project and it might have just been missed.

Commissioner Anderson asked if it is required when a subdivision is done to have improvements made as part of the map.

Ms. Schultz replied that the utilities need to be separated unless there are easements that allow them to cross other property lines.

Commissioner Anderson asked if driveway cuts are required.

Ms. Schultz replied that a driveway cut would be required at the time that Lot B is developed.

Commissioner Lew made a motion to continue Tentative Parcel Map TPM 9674 and Administrative Site Development Review ASD-18-07 be continued to the November 1, 2007 meeting.

Commissioner Singh seconded.

AYES	5 (Anderson, Crosby, Lew, Singh, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	1(Saini)

VII. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS: None.

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 November 1, 2007.

X. GOOD OF THE ORDER:

Commissioner Singh noted that there was a street sweeping truck blocking traffic along Alvarado-Niles Road and creating a traffic jam. Commissioner Singh suggested not having the trucks out sweeping during commute hours.

Commissioner Lew stated that the 11th Street access to and from the rear BART station dead ends going away from Decoto Road and suggesting posting a sign so that drivers are aware that they cannot get through that way.

Commissioner Lew noted that on November 3rd, the Northern California Chapter of the American Planning Association and the Greenbelt Alliance will be hosting a walking tour and interactive panel discussion from 10:00 a.m. to 2:00 p.m. in Redwood City meeting at the Redwood City Hall on Middlefield Road.

Commissioner Lew noted that on November 9th, there will be a workshop on climate change and transportation to be held in San Francisco at 100 Van Ness given by BART. Commissioner Lew noted that lunch will be provided at both events.

Chairperson Sweeney noted that there will be an open house scoping meeting for the East West Connector, formally known as Route 84 Option 2, at Kitayama Elementary School on Sunsprite Drive in Union City on October 24th from 5:30 p.m. to 8:30 p.m.

- XI. ADJOURNMENT: 7:40 p. m.**

APPROVED:

CATHI SWEENEY, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY