

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF MAY 1, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

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

STAFF: Mark Leonard (Director, Economic and Community Development); Carmela Campbell (Senior Planner); Mike Rodriquez (City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of April 3, 2008 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. CITYWIDE, ZONING TEXT AMENDMENT AT-02-08; the City is proposing to amend the Union City Municipal Code for the purposes of clarifying language, rectifying minor inconsistencies, and adding provisions where necessary to implement the Code more effectively. Proposed modifications to Title 7, *Health and Sanitation*, address citywide issues related to visible debris on private property and smoking in public and place of employment. Modifications to Title 12, *Public Improvements*, would disallow basketball hoops in the public right-of-way. Title 18, *Zoning*, is proposed to be modified as follows:**

- Add definitions for housing types;
- Allow significant additions to historic homes and homes built as part of a planned unit development with existing nonconforming setbacks;
- Allow reduced front yard setback for porches in the Decoto neighborhood;
- Regulate freestanding sign locations;
- Limit auto repair and the use of storage containers in residential districts;
- Clarify design requirements for modular and mobilehomes;
- Modify setback requirements for one-story homes and bulk regulations for two-story homes;
- Establish a rear setback standard for through-lots;
- Clarify requirements for density bonuses;
- Allow outdoor flower display for floral shops;

- Provide development standards for mixed-use projects in the Old Alvarado area and along Mission Boulevard;
- Clarify parking requirements and types of parking lots allowed in industrial areas;
- Reduce the minimum site area for planned units developments; and
- Add provisions for accessory structures in the Private Institutional (PI) zoning district

This project is considered exempt under Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines.

Carmela Campbell, Senior Planner, presented the staff report.

Commissioner Panlilio referred to the changes regarding auto repairs and spoke of his concerns that it might be too restrictive and that there might be legal repercussions.

Ms. Campbell suggested that staff would keep records of whether there were any problems with this provision and provide that data to the Planning Commission. Ms. Campbell stated that the intent of this provision was to prohibit residents from operating auto repair businesses out of their homes.

Commissioner Panlilio asked if this provision would prevent the do-it-yourself person from doing repairs or service on their own vehicles.

Mark Leonard, Director, Economic and Community Development, stated that the Zoning Code attempts to prevent uses that would devalue an area. Mr. Leonard stated that in residential districts staff tries to identify things that might hurt property values and/or cause a neighborhood nuisance. Mr. Leonard agreed that it does impinge upon the concept of being to do anything you want because you own the home, however, certain things should be limited or regulated for the sake of the neighborhood. Mr. Leonard stated that banning heavy automobile repair in residential areas would fall into the category of an activity that might cause a nuisance in a neighborhood. Mr. Leonard stated that there are also potential hazardous materials exposures that can occur with this type of auto repair and from an environmental standpoint it would not be appropriate in a residential area which doesn't have the protections that would be found in a commercial area. Mr. Leonard stated that if the auto repair took place in the garage and not in view of the public streets it probably would not be complained about. Mr. Leonard stated that it is up to the commission to determine if this change should be recommended to the City Council.

Commissioner Singh referred to the sign criteria and asked if a monument sign and a neon sign in the window would be allowed at the same time.

Ms. Campbell stated that this provision is limited to monument signs and their size and location.

Commissioner Singh noted that Manila Dental Center has three different sign types and asked if those had all been permitted.

Ms. Campbell replied that staff is evaluating whether all of those signs are allowed.

Mr. Leonard stated that often times all of the different signs are allowed.

Commissioner Singh asked if there are any size limitations for neon signs.

Mr. Leonard replied that there is a sign program for Union Landing, which encourages neon signs. Mr. Leonard stated that in other parts of the community neon signs are not encouraged.

Ms. Campbell asked if the neon sign was a window sign or a building sign.

Commissioner Singh replied that it is a window sign.

Ms. Campbell replied that the size of the sign would be limited to 25% of the window area

Commissioner Singh stated that the sign looks over the size limit.

Commissioner Singh referred to page 12 of 27 and asked if that would allow work on the fuel delivery system. Commissioner Singh stated his concerns about that type of work would be dangerous and a safety hazard and suggested that the words "delivery system" be removed from the section.

Mr. Leonard agreed with his suggestion.

Commissioner Sweeney referred to section 7.16.020 and stated that the sentence "Overgrown vegetation likely to harbor rats vermin diseased or hazardous trees". Commissioner Sweeney suggested changing it to read "rats or vermin, dead, decayed diseased or hazardous trees". Commissioner Sweeney suggested changing it also in section 7.16.030 e.

Commissioner Sweeney referred to the new definitions for modular homes, mobile homes and site built homes and stated that she had received a mailing from the California Manufactured Housing Institute that included wording of SB 538 approved by the Governor in October 2007 and stated that it contains very detailed definitions of mobile homes, manufactured homes and multi-family manufactured homes and suggested that this language should be used in the zoning code.

Ms. Campbell stated that staff will discuss it with the City Attorney.

Commissioner Sweeney referred to the industrial district sections and noted that her previous suggestions had not been incorporated and asked if they would be.

Ms. Campbell stated that staff is currently working on an update to the industrial sections of the zoning code to address the commission's previous comments and it will be brought to the commission in a separate hearing.

Commissioner Sweeney stated that she would hold her comments until that time.

Commissioner Lew referred to the no smoking area provision and asked how the additional signage required will be looked at in the sign ordinance. Commissioner Lew stated that she believes that this signage should be exempt and not counted towards a buildings permitted sign area and it should be referenced. Commissioner Lew asked if this applies to City owned property.

Ms. Campbell stated that it will apply to City property and that there may already be a state law in regards to this issue.

Commissioner Lew referred to the section on through lots and asked if having a minimum 20-foot setback in the rear yard is consistent with the front yard.

Ms. Campbell stated that is correct.

Commissioner Lew referred to the new language for second story additions and thinks there is some conflicting language that needs to be changed depending on whether this is going to be applied literally or if there will be some leeway when the City reviews the projects. Commissioner Lew stated that she lives in an area where there are many completed new two-story remodeling projects and they look out of place. Commissioner Lew stated that she is unsure whether the owners added the decorative trims or the City required them. Commissioner Lew suggested adding #4 and give the applicant or the City a choice as to whether or not the new project should blend into the neighborhood or have a lot of variation.

Mr. Leonard replied that staff needs some further input on how to handle this point.

Commissioner Sweeney asked if Commissioner Lew wanted to the two sections separated because they are in conflict.

Commissioner Lew replied that if they are interpreted literally then there would be conflict between the original language and the new additional language; particularly where it says consistent with the original two-story homes in the neighborhood. Commissioner Lew stated that the new language asks for additional variation. Commissioner Lew stated that in the past the commission has asked for banding, foam trims and pushing or pulling second stories back.

Commissioner Sweeney asked if they don't fit because of the extra things that were added to the building or because of the wall plane they chose.

Commissioner Lew stated that it was more the decorative add-ons.

Commissioner Sweeney stated that she believes that this is addressing the massing rather than the decorative trims.

Commissioner Lew stated that staff has said that plans lose floor space in a second story addition when you pull it in.

Commissioner Lew stated that she disagrees that this language should be interpreted literally for second story projects and that there should be choices. Commissioner Lew stated that if the owner wishes to add decorative trim that should be his choice and if he wants the addition to blend into the neighborhood that should be an option also.

Commissioner Lew stated that she is referring to projects that the Planning Commission does not need to review.

Chairperson Anderson asked if Commissioner Lew just wanted the new language to be added in its own section so that it becomes an option. Chairperson Anderson felt that this was a reasonable suggestion.

Commissioner Sweeney asked if it would be worded so that the two sections would be mutually exclusive.

Chairperson Anderson replied that the way that the design criteria is written it is a list of things that can happen so basically the whole list is a choice.

Ms. Campbell stated that Mr. Leonard suggested adding the words “may be required” at the end of the new language which would give the applicant an option to design a house that would better blend with the neighborhood.

Mr. Leonard stated that it would be similar to the way that paragraph 3 ends.

Commissioner Lew agreed with that suggestion.

Commissioner Sweeney stated that it would retain the “shall provide a high degree of variation” which was what the Planning Commission wanted.

Chairperson Anderson agreed that it was a good solution.

Commissioner Lew asked that the section be renumbered.

Commissioner Panlilio asked what happens if the whole building is being torn down.

Commissioner Sweeney stated that is not an addition.

Ms. Campbell stated that this provision only applies to second story additions.

Commissioner Lew referred to the new language on accessory structures in the Private Institutional district and asked if that includes living areas.

Ms. Campbell replied that it typically would not include living area.

Commissioner Lew asked if a church wanted to add an accessory structure for the pastor to live in would it be excluded.

Ms. Campbell stated that there have been no applications proposing that.

Mr. Leonard stated that there are provisions in the code in various sections that allow “watchman’s quarters” but it has not been addressed in this particular district.

Commissioner Lew stated that she believes that state law prohibits cities from denying permits for accessory structures, such as in-law apartments.

Ms. Campbell stated that those type of facilities are listed as a conditional use in the Private Institutional district, which includes parsonages, parish houses, monasteries and convents.

Commissioner Lew asked if that includes accessory structures.

Mr. Leonard stated that a definition of accessory structure should be added to the master definition list of the zoning code, which excludes living quarters. Mr. Leonard stated that generally living structures are not considered accessory structures.

Ms. Campbell stated that accessory structures are allowed to be placed closer to property lines when living structures are not due to privacy issues.

Commissioner Lew asked what the term is for in-law type quarters.

Chairperson Anderson replied they are called secondary units.

Commissioner Lew referred to section 18.88 and asked if enclosing the porch with screening would make it an enclosed porch that would not be allowed.

Ms. Campbell stated that it refers to structural improvements that would make it enclosed, essentially converting the porch to habitable space where someone could live. Ms. Campbell stated that netting or screens would not make it enclosed.

Commissioner Lew asked what is the term for porches that are enclosed by screening or netting.

Commissioner Sweeney replied that in the old days they were called screened porches.

Commissioner Lew suggested including language to exclude screen porches from this section.

Commissioner Sweeney suggested it read "unenclosed (except screened)".

Commissioner Lew asked if that would be attractive in the front of the house.

Commissioner Sweeney stated that it depends on how it is done.

Commissioner Sweeney stated that it should be allowed on a case-by-case basis.

Commissioner Lew stated that if it is allowed then they would not need a permit.

Chairperson Anderson asked if we are going to try to regulate cute and ugly and he doesn't think they should.

Commissioner Sweeney stated that there are many things that people are able to do to their homes that she may or may not like and that is not her job.

Commissioner Lew asked what are accessory parking lots.

Ms. Campbell replied that she does not know of any at this time. Ms. Campbell stated that the intent was to control businesses that might try to develop nearby lots for parking when they need more parking. Ms. Campbell stated that there have been applicants that wanted to just park cars randomly and the City does not want to see that.

Commissioner Lew asked if there had been any applications for an accessory parking lot.

Ms. Campbell replied that we have not.

Commissioner Sweeney stated that it is better to make it clear that parking lots need to be tied to an existing business and not be just freestanding parking area to sell cars or park trucks.

Commissioner Lew stated that she thought that in a Site Development Review, if the applicant did not have enough parking they had to decrease the size of the building.

Ms. Campbell stated that is correct but there is nothing that precludes them from adding more parking. Ms. Campbell noted that there is a minimum parking but not a maximum parking.

Commissioner Lew stated that the provision should be kept.

Chairperson Anderson opened the public hearing.

Barry Ferrier, 32212 Allison Way, Union City, CA, referred to the design criteria and stated his concerns that the whole section should cover new construction as well as remodels.

Commissioner Sweeney replied that everything is covered unless it specifies second story addition.

Mr. Ferrier stated that he is glad to see that the proposed ordinance wording provides articulation on all the walls. Mr. Ferrier asked if a single-story home could end up with no articulation due to the placement of the new provision within the Ordinance. Mr. Ferrier wants to make sure that there is articulation on the sidewalls for single story homes and it does not look like it is required in this section. Mr. Ferrier asked where duplexes fall in these guidelines.

Commissioner Sweeney noted that at the bottom of the page it states semi-detached single family dwelling and that should cover duplexes.

Mr. Ferrier asked if this would also cover tri-plexes and other multi-family homes.

Commissioner Sweeney replied that she believes it would.

Chairperson Anderson closed the public hearing.

Commissioner Sweeney stated that it should call out in the design criteria that there should be articulation on all sides of the building.

Chairperson Anderson referred to section d of the design criteria and asked why single-family was added to the wording.

Mr. Leonard suggested revising section d to include “multi-family dwelling”. Mr. Leonard stated that staff would like time to check and make sure that it would fit into these provisions as stated.

Mr. Leonard suggested continuing this to the next meeting for formal adoption so that the commission can see the changed language.

Commissioner Sweeney suggested just pulling section 18.32.105 and bringing it forward with a future change to the code.

Mr. Leonard stated that there is enough that has come up tonight that staff would be more comfortable bringing this item back to the next meeting.

Commissioner Sweeney made a motion to continue Municipal Text Amendment AT-02-08 to May 15, 2008 Planning Commission meeting.

Commissioner Lew seconded.

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

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS: None.

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 for May 15, 2008.

IX. GOOD OF THE ORDER:

Commissioner Lew stated that she attended the ACTIA Citizen's Advisory Committee public presentation and found it very interesting and helpful. Commissioner Lew recommended attendance at the South Alameda County presentation that would cover transportation projects in Fremont, Newark and Union City. Commissioner Lew suggested canceling the second Union City Planning Commission meeting in July so that the Planning Commissioners can attend.

Commissioner Lew noted that there are a lot more bicycle riders in the area and she is shocked to see the risks that they take riding in the street, going against traffic and taking chances with their lives and bodies. Commissioner Lew stated that the East Bay Bicycle Coalition canceled their presentation in Hayward and perhaps a family bicycle training class could be held in Union City supported by the City. Commissioner Lew stated that it is funded by ACTIA.

Commissioner Sweeney stated that she received a notice about the MTC Transportation 2035 workshop on May 14th to be held in Oakland from 6:00 p.m. to 8:00 p.m. and will cover transportation planning in Alameda County for the next 25 years. Commissioner Sweeney stated that these workshops are very informative and interesting and she has the email address to RSVP (info@mtc.ca.gov)

Commissioner Singh stated that the lot at the corner of Central Avenue and Atlantic Street has very tall weeds and needs to be cut down.

Commissioner Singh mentioned that the Macy's parking lot still appears to have a lot of garbage and debris.

Mr. Leonard stated that staff has been monitoring the area and will check on it more frequently.

Commissioner Singh stated that there are still trucks parking on the dirt area at the Chronicle building and bringing the dirt out onto the street.

Commissioner Sweeney stated that she attended the neighborhood reception held by the Masonic Home to explain the changes to the project.

X. **ADJOURNMENT**: 8:18 p.m.

APPROVED:

TIKISA ANDERSON, CHAIRPERSON

ATTEST:

MARK LEONARD, SECRETARY