

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF OCTOBER 16, 2008, 7:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

I. ROLL CALL: Commissioners Raymond Gonzales Jr., Jo Ann Lew, Froilan (Roy) Panlilio, Gurnam (Gary) Singh, and Chairperson Tikisa Anderson

STAFF: Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Mike Rodriguez (Assistant City Attorney); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES: The regular Planning Commission Minutes of October 2, 2008 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. KB HOME INC., 35001 11TH STREET, Variance V-04-08 – the applicant is seeking a Variance for a side yard setback to allow 7.3 feet where 10 feet is required. The building under consideration for the Variance is a 3 unit townhouse building where the front porch encroaches into the side yard setback adjacent to the Line M easement. The project site is located at 35001 11th Street (APN: 087-0336-043) in the RM 2500 (DIPSA) zoning district. This project is considered categorically exempt under Section 15305, Class 5, Minor Alterations in Land Use Limitations, of the California Environmental Quality Act (CEQA).**

Joan Malloy, Planning Manager, presented the staff report.

Commissioner Lew asked if these are rentals or for-sale units.

Ms. Malloy replied that they are for-sale units.

Commissioner Lew asked if the Variance is approved will it be recorded with the title and the owner.

Ms. Malloy replied that it will only be kept in the City files and recorded on the plot plan in the building file.

Commissioner Lew asked if a future owner wants to remodel the unit will there be any consequences to having the Variance recorded with the title.

Mark Leonard, Director, Economic and Community Development, it would not make a difference either way.

Commissioner Lew asked if a future owner wished to do exterior remodeling would the City ask that it be brought into compliance with the Zoning Code.

Ms. Malloy replied that this is a three unit townhouse with a homeowners association and the homeowners association has standards and requirements for maintaining the development.

Commissioner Lew stated that then most likely they would not be allowed to make exterior modifications.

Ms. Malloy replied that is correct.

Commissioner Lew stated that the City Council approved the project but staff is asking the Planning Commission to approve the Variance and asked if that will have any impact on the City Council decision on this project because in this case the Variance does not go to the City Council.

Ms. Malloy replied that the applicant is seeking a Variance just for this corner of the porch and the Planning Commission has the authority to grant that Variance.

Commissioner Gonzales asked what the M Line is.

Ms. Malloy replied that it is a man made flood control channel that runs through the district collecting stormwater and discharges it into Alameda Creek.

Commissioner Gonzales noted that this application was caused by turnovers and asked how the City can mitigate this type of problem in the future.

Ms. Malloy replied that Variances are evaluated on a case by case basis and the applicant did not initially intend to apply for a Variance even though the corner has been a known problem.

Commissioner Singh asked if this is a townhouse.

Ms. Malloy replied that it is a three unit townhouse.

Commissioner Singh asked if the Variance will hurt the landscaping.

Ms. Malloy replied that it will not affect the landscaping.

Chairperson Anderson opened the public hearing.

Ray Panek, Senior Vice-President, KB Home Inc., 6700 Koll Center Pkwy, Pleasanton, CA 94566 thanked staff. Mr. Panek stated that these homes are mapped as condominiums and the building exteriors are maintained by the homeowner's association so they cannot be modified. Mr. Panek stated that this was an error made in the field with no malice.

Chairperson Anderson closed the public hearing.

Commissioner Lew made a motion to approve Variance V-04-08, making findings 1 - 7, with the conditions of approval included and adopt a resolution confirming this action.

Commissioner Panlilio seconded.

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

2. **CITY OF UNION CITY, CITYWIDE, Zoning Text Amendment AT-05-08** – the City is proposing to amend several provisions of Chapter 18.40 of the Union City Municipal Code to be more consistent with the goals and policies of the current Union City General Plan that include:

- a. Increasing the allowed height from 50’ to 75’ subject to Use Permit approval in ML (Light Industrial) zoning districts;
- b. Allowing for up to a 25 percent reduction in required off-street parking in ML (Light Industrial) Zoning Districts if transit demand programs are instituted including installation of showers and lockers, employee shuttles to and from BART, etc.;
- c. Including a provision that allows the Planning Commission to determine off-street parking requirement for uses not specifically listed.

The 2002 General Plan EIR (certified February 2002) evaluated an increase in the intensity of development associated with the anticipated redevelopment of the City’s industrial area from more land-intensive uses to more job-intensive uses. As such, it has been determined that the impacts of the proposed Zoning Text Amendments have been adequately analyzed in the certified General Plan EIR.

Commissioner Panlilio made a motion to continue this item November 6, 2008.

Commissioner Lew seconded.

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

3. **SOUTHERN WINE & SPIRITS, 1555 ATLANTIC ST., Site Development Review SD-03-08, Use Permit UP-10-08** – Southern Wine and Spirits is requesting approval of a Site Development Review application, SD-03-08, to demolish an existing 180,000 square foot warehouse building and construct an approximately 402,000 square foot building, that will serve as their main warehouse and distribution facility, located at 1555 Atlantic Street (APNs: 475-0130-023, 475-0121-011, 475-0121-012). The applicant is also requesting Use Permit approval, UP-10-08, for establishment of a warehouse/distribution use, to increase the allowed height from 50 feet to 75 feet, to decrease required parking demand by 25 percent by instituting

Transit Demand Management strategies and allow for an averaging of setbacks as a Planned Unit Development. The City has prepared a Mitigated Negative Declaration for this project and has determined that, with the incorporation of mitigation measures, the project will not have a significant effect on the environment.

On a request by the applicant Commissioner Singh made a motion continue this item to November 6, 2008.

Commissioner Panlilio seconded.

AYES	5 (Anderson, Gonzales, Lew, Panlilio, 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:

VIII. COMMISSION MATTERS:

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

B. Upcoming applications for the Regular Planning Commission meeting for November 6, 2008.

IX. GOOD OF THE ORDER:

Commissioner Gonzales stated that there are some first-time homebuyer homes in the area of 2nd & D Street & E Street's that have metal barriers on the windows. Commissioner Gonzales stated that he understands that the barriers are there to keep people from breaking into the empty homes but surrounding residents feel that the barriers send a negative message about the area concerning crime. Commissioner Gonzales asked when these homes will be sold and occupied.

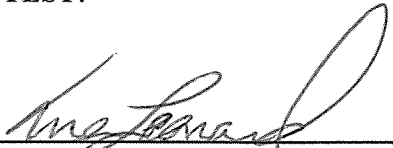
Mr. Leonard replied that these homes were formerly managed by the Housing Authority for the City but there were some problems and the City has decided to sell them. Mr. Leonard stated that the City will hold a lottery and hopes to have them occupied after the first of the year.

X. ADJOURNMENT:



TIKISA ANDERSON, CHAIRPERSON

ATTEST:



MARK LEONARD, SECRETARY